

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2007-228

**BEING A BY-LAW TO ADOPT THE
DELEGATION OF POWERS AND DUTIES POLICY**

WHEREAS section 270.(1)(6) of the *Municipal Act, 2001*, as amended, provides that every municipality shall adopt and maintain policies with respect to the delegation of powers and duties;

AND WHEREAS Council passed Resolution 2007-750 at its Meeting held on Monday, November 19, 2007, authorizing that the Policy for the Delegation of Powers and Duties be adopted.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
NORTH BAY HEREBY ENACTS AS FOLLOWS:**

1. That the Policy for the Delegation of Powers and Duties attached as Schedule "A" hereto is hereby adopted.
2. This by-law shall take force and effect upon being passed.

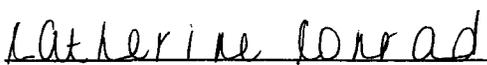
READ A FIRST TIME IN OPEN COUNCIL THIS 3RD DAY OF DECEMBER, 2007.

READ A SECOND TIME IN OPEN COUNCIL THIS 3RD DAY OF DECEMBER, 2007.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3RD DAY OF DECEMBER, 2007.



MAYOR VICTOR FEDELI



CITY CLERK CATHERINE CONRAD

The Corporation of The City of North Bay

POLICIES AND PROCEDURES	APPROVED: November 19, 2007 Council Resolution No. 2007-750
	SUBJECT: DELEGATION OF POWERS AND DUTIES POLICY

PURPOSE

Section 270 of the *Municipal Act, 2001*, as amended (the "Act") requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority.

The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

DEFINITIONS

- i) **"Legislative Powers"** - includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- ii) **"Administrative Powers"** - includes all matters required for the management of the corporation which do not involve discretionary decision making.

POLICY STATEMENT

The Council of The Corporation of the City of North Bay, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to designated staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of certain legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

POLICY REQUIREMENTS

1. All delegations of Council powers, duties or functions shall be effected by by-law.
2. Unless a power, duty, or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.

4. Subject to section 3, a person to whom a power, duty or function has been delegated by by-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
6. Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.
7. Council has authorized the delegation of specific administrative matters to those individuals listed in Schedule "A" subject to the terms set out therein.

GENERAL DELEGATION LIMITS AND RULES

In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget (or as authorized by the City's Purchasing By-law)
- The scope of the delegated authority shall not be exceeded by the delegate.
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
- All policies regarding insurance and risk management shall be complied with.
- Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- Any undertaking or contract with a third party shall be subject to the approval of legal services

THIS IS SCHEDULE "A" TO THE CORPORATION OF THE CITY OF NORTH BAY'S
DELEGATION OF POWERS AND DUTIES POLICY

1. CHIEF ADMINISTRATIVE OFFICER

- 1.1 The following duties and responsibilities are delegated to the Chief Administrative Officer:
- (a) to direct and coordinate the business of the City in all its branches and departments in accordance with the policies and plans established and approved by Council;
 - (b) to direct and coordinate the preparation of plans and programs to be submitted to the Council and to the appropriate Committees of Council for the development, construction, maintenance, improvement and rehabilitation of the City property and facilities and for the development and improvement of City services;
 - (c) to direct and coordinate the compilation, consideration and presentation to Council, and the appropriate Committees, recommendations arising from departmental operations, which require Council's approval and to propose by-laws or resolutions arising from such recommendations;
 - (d) to direct the preparation and compilation of and to present to Council, the annual estimates of revenues and expenditures and the annual review of the periodic capital forecasts;
 - (e) to exercise general financial control over all departments in terms of the approved appropriation;
 - (f) to direct the placing and maintaining of adequate insurance on all City property, and to negotiate for the purchase and sale of all real property on behalf of the City;
 - (g) to have general control over all City purchasing with authority to enter into contracts for individual purchases of material required for the normal operation of the budget not exceeding the sum of \$50,000 including purchases provided for by any approved construction by-laws, provided that such expenditures are included within the annual estimates as approved by Council;
 - (h) to direct collective bargaining with all City employees within collective bargaining units, to recommend to Council agreements concerning wages, salaries and working conditions, and, upon approval by Council, to administer such agreements and in general to be responsible for wage and salary administration subject to normal grievance procedures, and to recommend to Council and its appropriate Committee, a system of grievance procedures for such employees as are not covered by existing agreements, or included in collective bargaining units;
 - (i) to have full control and direction of all City employees, except with respect to the statutory duties of such officials as are appointed pursuant to statute, and also subject to the personnel policies approved by Council;
 - (j)
 - (i) to have authority to recommend to Council the appointment, employment, suspension or dismissal of Managing Directors or the Chief Financial Officer;
 - (ii) to have authority to appoint, employ, suspend or dismiss for cause employees below the rank of Managing Directors or the Chief Financial Officer and not covered by collective

bargaining agreements, subject to their right to appeal to Council in respect of any suspension or dismissal;

- (iii) to have authority to appoint and employ all other employees of the City in accordance with procedures contained in collective bargaining agreements, and to suspend or dismiss such employees for cause, subject to the normal grievance procedures contained in the relevant collective bargaining agreements;
- (k) to present to the Council reports and information regarding progress and accomplishments of programs and projects, the status of revenues and expenditures, and the general administration of the City;
- (l) to have cognizance of all correspondence and communications to the Corporation and to receive all communications from the several local boards and commissions and to direct the submission of the same to the Council, together with his recommendations thereon;
- (m) to meet with Senior Management regularly to discuss matters of policy which have been agreed upon by the Council and to coordinate all departmental activities;
- (n) to attend all Council meetings; and
- (o) to perform such other duties and exercise such other powers as the Council may from time to time lawfully assign to him.

2. CITY SOLICITOR

- 2.1 The City Solicitor shall be delegated the authority to sign such documentation as may be reasonably required to give effect to resolutions previously passed by Council.

3. COMMUNITY IMPROVEMENT LOANS

- 3.1 The Managing Director of Community Services and the Clerk shall be delegated the authority to sign Community Improvement Loan Agreements on behalf of the City of North Bay.

4. FACILITY RENTALS

- 4.1 That the Director of Parks, Recreation & Leisure Services or his delegate be authorized to enter into agreements associated with the rental of facilities. These activities would include such things as ice and field rental, park rentals and arena rentals for conventions, concerts and special events.

5. MODEL HOME AGREEMENTS

- 5.1 The Clerk shall be delegated the authority to sign Model Home Agreements on behalf of the City, upon the approval of the Managing Director of Community Services and the City Solicitor.

6. Municipal Freedom of Information and Protection of Privacy Act

- 6.1 The Clerk shall be delegated to act as head of the institution for the purposes of the *Municipal Freedom of Information and Protection of*

7. PROPERTY

- 7.1 The Chief Administrative Officer be delegated the authority to negotiate and authorize the acquisition of property on behalf of the municipality for values under \$50,000.00.
- 7.2 The Chief Administrative Officer, Clerk and City Solicitor be delegated the authority to execute all documents necessary to complete the real estate transaction for property acquisitions on behalf of the municipality for values under \$50,000.00.
- 7.3 The Chief Administrative Officer be delegated the authority to negotiate and authorize the lease of City-owned land for up to a 10 year term and for annual rents less than \$50,000.00.
- 7.4 The Chief Administrative Officer, Clerk and City Solicitor be delegated the authority to execute all documents necessary to complete the lease of City-owned land for up to a 10 year term and for annual rents less than \$50,000.00

8. PROVISION OF SERVICE AGREEMENTS

- 8.1 The Managing Directors be authorized to enter into agreements associated with providing services, so long as the value associated with such agreements are within the signing authority defined under the Purchasing By-law.
- 8.2 The Clerk shall, upon receipt of all required certificates and documentation, co-sign all agreements for record purposes

9. SITE PLAN CONTROL AGREEMENTS

- 9.1 The Chief Administrative Officer, or his authorized delegate, is hereby authorized to execute any site plan control agreement in a zone designated as a Site Plan Control Area by City of North Bay Zoning By-law No. 28-80 where, in the opinion of the Chief Administrative Officer, the interests of the municipality and the subject neighbourhood are adequately protected by the agreement.

10. SUBDIVISION AGREEMENTS

- 10.1 (a) The Managing Director of Engineering, Environmental Services & Works, the Managing Director of Community Services, and the Manager of Planning Services are delegated the authority to enter into negotiations on behalf of the City with land developers relating to Subdivision Agreements with the respect to the following conditions, provisions, matters and items:
 - (i) Planning:
In general, when a plan of subdivision creates more than three lots or involves the dedication of a road allowance, the developer will be required to prepare a plan and register same in the appropriate Land Titles Office.
 - (ii) Services:
Standard requirements in new subdivisions will include the following:
 - 1. Sanitary Sewers.

2. Watermains.
3. Storm Sewers (where physically possible).
4. Curbs and Gutters (where possible).
5. Paved streets.
6. Sidewalks (at least one side of collector or arterial roads).
7. Street lights.
8. Street signs.
9. Sodded boulevards.
10. Rear lot drainage (where required).
11. Underground wiring where soil conditions permit, subject to a satisfactory agreement with North Bay Hydro.

The subdivider will pay for the entire cost of the above fixtures.

(iii) Financial Arrangements:

1. The developer will pay for all internal services required for the subdivision and the developer will post security for the 10 per cent (10%) holdback required under the *Construction Lien Act* for the value of all work to be done on lands dedicated or to be dedicated as public highways by way of an irrevocable letter of credit from a bank or trust company which letter of credit shall not expire prior to the completion of the works.
2. The City will participate on a negotiated basis for oversizing of facilities. In general, the City will only pay for the cost of the oversizing required. The facility will be constructed by the developer and he will be reimbursed from the Extended Service Charges levied against the subdivision.
3. The developer will be expected to commute all Local Improvement Charges against the lands to be subdivided.
4. Where lots or blocks are provided with direct access the developer will pay one-half of the cost of boundary road improvements subject to oversizing negotiations.
5. Offsite services required by the subdivision will be paid for on a basis to be negotiated with Council.
6. The maximum amount of funds to be contributed by the City towards the participation in negotiated shared servicing costs for any one subdivision will not exceed the total sum of the funds derived from that subdivision as the Extended Service Fee.
7. Extended service charges levied on a per dwelling unit basis at a rate to be determined from time to time will be paid by the developer at the time application is made for building permits.

(iv) Note: Oversizing means in excess of the normal requirements of the subdivision or the following:

1. Watermain - over 6 inches in diameter.
2. Sanitary Sewers – over 8 inches in diameter.
3. Storm Sewers – over 27 inches in diameter.
4. Roads – over 28 feet in width.

- (b) All such Subdivision Agreements shall be subject to approval by Council prior to the execution thereof.

11. TAXI LICENSING

- 11.1 The exercise of the power under Section 156.(1) of the *Municipal Act* to license and regulate the business of taxicabs is hereby delegated to the North Bay Police Services Board.

12. TEMPORARY ROAD CLOSURES

- 12.1 The City Engineer be delegated the authority to approve temporary road closures for the purpose of special events and infrastructure construction.

13. WATERFRONT EXEMPTIONS

- 13.1 That the Director of Parks, Recreation and Leisure Services or designate, be delegate the authority to approve the following requests pertaining to events that are booked through the Parks, Recreation and Leisure Services Department and occur at park locations within the North Bay Waterfront Park:
 - (a) exemptions from Noise By-Law No. 142-76 for events occurring between 8:00 am and 11:00 pm;
 - (b) temporary exemption from Regulation 3B of the Municipal Alcohol Policy for public events wishing to serve alcohol at the Waterfront under the following conditions:
 - (i) satisfy the Director that the duration and purpose of alcohol service together with the related event activities do not present an increased risk to the participants and/or the public due to proximity to water (Lake Nipissing);
 - (ii) service of alcohol would be for no more than six (6) hours in a twenty-four (24) hour period and end no later than 10:00 p.m.;
 - (iii) consideration for the past history and experience of the person who is responsible for the service of alcohol;
 - (iv) the group reviews the details of the Municipal Alcohol Policy and meets with staff to review the policy and sign the Special Occasion Permit Agreement at least fifteen (15) days prior to the event;
 - (v) a part-time City security person is retained by the event host with costs borne by the host;
 - (vi) all other relevant sections of the Municipal Alcohol Policy are satisfied; and
 - (c) exclusivity over the permitted park area, which would allow event organizers to control the number and type of activities and vendors in the event area (this would not include events that would encompass the entire Waterfront Park).