



The Corporation of the Town of Pelham

By-law No. 30-2023

Being a by-law to amend By-law No. 4307(2021), as amended, being an Administrative Authority By-law to delegate certain powers and duties under the *Municipal Act, 2001*, S.O. 2001, c. 25, and other Acts as contained in the Scheduled hereto.

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS the Council of the Corporation of the Town of Pelham enacted By-law No. 4307(2021) on January 11, 2021, being an Administrative Authority By-law;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to add additional delegated authority to staff as outlined in the appended Schedules;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT the Administrative Authority By-law No. 4307(2021), be amended as shown herein Schedule A to this Bylaw, by repealing and replacing:

- a.** Schedule A - Chief Administrative Officer;
- b.** Schedule B - Town Clerk;
- c.** Schedule C - Corporate Services (Treasurer);
- d.** Schedule D - Community Planning and Development; and
- e.** Schedule F - Director of Public Works

2. Effective Date

2.1. This By-law shall come into force on the date that it is passed.

Read, enacted, signed and sealed this 03rd day of May 2023.

Marvin Junkin, Mayor

William Tigert, Town Clerk

Schedule "A" to By-law 30-2023 – Delegation of Powers and Duties
Chief Administrative Officer

| # | Delegation | Delegate(s) | Legislative Authority | Conditions/ Restrictions |
|----|--|---|--|---|
| 1. | Approve execution of agreements for acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000 | Chief Administrative Officer | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 2. | Approve execution of agreements for disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such disposition, provided the value of consideration does not exceed \$100,000 | Chief Administrative Officer | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 3. | Approve execution of agreements for acquisition of fee simple lands as required for municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000 | Chief Administrative Officer | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 4. | Approve execution of agreements for disposition of fee simple lands as required for municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000 | Chief Administrative Officer | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 5. | Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act. | Chief Administrative Officer | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 | Consultation and/or Delegation to Appropriate Department Director |
| 6. | Pay Equity Adjustments, Grid Movement Approvals | Chief Administrative Officer; HR Specialist; Director | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 | Consultation with Human Resources Specialist and Appropriate Department Director |
| 7. | Negotiate and settle claims against the municipality within insurance deductible limit | Chief Administrative Officer; Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 | Consultation with Appropriate Department Director |
| 8. | Responsible for legislative requirements under | Chief Administrative | <i>Occupational Health and</i> | |

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| | the Ontario Health and Safety Act legislation. | Officer; Director responsible for Health and Safety Committee; Human Resources; CEMC and/or Emergency Operations Committee | <i>Safety Act, R.S.O. 1990, c. O.1</i> | |
| 9. | Carry out annual performance evaluation of each Director and advise Council on performance and recommend to Council any appointment, promotion, demotion, suspension or dismissal of Directors reporting to him/her. | Chief Administrative Officer | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i> | |
| 10. | Appoint, employ, promote, demote, suspend, discipline and dismiss all employees below the rank of Director of the Corporation. | Chief Administrative Officer | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i> | |
| 11. | Authority to approve temporary staff positions (2 year duration or less) or to adapt existing part-time positions to full-time positions, or the reverse, provided that: a) Funds are available within current budgetary allocations; b) All expenditures deemed essential for purpose of achieving objectives of the Town; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position; | Chief Administrative Officer | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i> | |
| 12. | Authority to delegate authority when positions identified in the By-law are changed no longer exist. | Chief Administrative Officer | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i> | |
| 13. | Declaration of Internal Conflicts relating to Human Resources, Staff Code of Conduct, and Legal Issues | Chief Administrative Officer | | |
| 14. | Approval of all emergency expenditures deemed essential to mitigate the emergency incident. | Chief Administrative Officer; Consultation with Community Emergency Management Co-Ordinator and Treasurer. | | |
| 15. | Approve execution of leases and licenses and agreements to lease and license real property provided the value of consideration does not exceed \$100,000.00. | Chief Administrative Officer; Town Clerk | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s23.1 and 270(1)</i> | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor |
| 16. | Approve execution of Agreements and Amending | Chief Administrative | <i>Municipal Act, 2001, S.O.</i> | Terms and conditions of such |

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| | Agreements for the acquisition of goods and services or other Town activities, works or services that are ordinary to the business of the Town provided the value of consideration does not exceed \$100,000.00. | Officer; Town Clerk | 2001, C. 25, as amended, s23.1 and 270(1) | agreements and related documents must be acceptable to Town Solicitor |
| 17. | Reject bids / tenders based on criteria as stipulated in the Procurement Policy – Purchasing Goods and Services S402-00, as amended and on supplier's past performance | Chief Administrative Officer | | Pursuant and based on criteria as stipulated in the Procurement Policy – Purchasing Goods and Services S402-00, as amended and on suppliers past performance |

Schedule B – Delegation of Powers and Duties
Town Clerk

| # | Delegation | Delegate(s) | Legislative Authority | Conditions/ Restrictions |
|-----|---|---|---|---|
| 1. | Signing Authority for Agreements Under By-law and/or Pursuant to Tender Awards | Mayor Town Clerk | | All Agreements Authorized by Municipal By-law; Affix Corporate Seal; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk. |
| 2. | Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Town of Pelham | Town Clerk | <i>Municipal Elections Act</i> , 1996, S.O. 1996, c. 32 | Prepare and update forms and written procedures for all components of conducting an election. |
| 3. | Designate an event as event of municipal significance for purpose of prescribing it as a special event occasion where an application has been made. | Town Clerk | <i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19 | Compliance with all applicable AGCO Regulations; Consultation with applicable Town and/or Regional approvals for licensing. |
| 4. | Issuance of "Letters of No Objection" for temporary liquor licence extensions. | Town Clerk | <i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19 | Consultation with applicable Town Departments. |
| 5. | Liquor Licence Municipal Clearance (Wet/Dry Status) | Town Clerk | <i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19 | Issue subject to municipal clearance by all Agencies/ Departments as per AGCO Regulations |
| 6. | Issuance of "Tag Day" approvals for non-profit organizations. | Town Clerk | | Repeals Policy S203-17 |
| 7. | Issuance of Lottery Licenses | Town Clerk; Deputy Clerk | <i>Criminal Code</i> (Canada) Order-in-Council 1413/08 <i>Gaming Control Act</i> , 1992 | Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05. |
| 8. | Records Management Oversight | Town Clerk | <i>Municipal Act</i> , 2001, S.O. 2001, C. 25, as amended, s. 254 | By-law #3900(2017) or successor and associated Retention Schedule |
| 9. | Freedom of Information and MFIPPA Co-ordinator; All powers and duties under said Act | Town Clerk; Deputy Clerk; Chief Administrative Officer and Town Solicitor | <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990 as amended. | Associated Policy. |
| 10. | By Virtue of Office: Division Registrar Commissioner of Oaths Marriage Officiant* Licensing of Marriage** | Town Clerk | <i>Commissioner for Taking Affidavits Act</i> , R.S.O. 1990, c. C. 17 <i>Marriage Act</i> , R.S.O. 1990, c. M. 3 | Marriage Officiant as Authorized by By-law 14-2023 Licensing of Marriage Authorized by By-law 3577(2015) |

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| | | | <i>Vital Statistics Act, R.S.O. 1990, c. V.4</i> | |
| 11. | Municipal Licensing | Town Clerk, Deputy Clerk | Municipal By-laws Authorizing Licensing | Subject to all applicable By-laws and policies; consultation with applicable departmental authorities. |
| 12. | Approval of Proclamations | Town Clerk* | Policy S201-17 | *Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S201-17 Proclamations S203-14 – Flag Raising |
| 13. | Approval of Flag Raisings | Town Clerk* | Policy S203-14 | *Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S203-14 – Flag Raising |
| 14. | Maintenance of Policy Manual | Town Clerk | <i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s. 270</i> | Update and maintain Policy Manual upon Council adoption; maintain supporting Procedural Manual |
| 15. | Signing Authority for Transfer Payment Agreements (for grants and other funding being received by the municipality) | Mayor; Town Clerk; Treasurer | | Application of Grant and / or Funding having been approved by Council resolution; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk. |
| 16. | Appoint Non-Statutory Positions (example - By-Law Officer, Weed Inspector, AMPS and Non-AMPS Appeal Officer and AMPS and Non-AMPS Hearing Officer) | Town Clerk | | Subject to the approval of the Chief Administrative Officer Note: Deputy Clerk in Absence of Clerk. |
| 17. | Execute Consent to Release Interest in Land, Transfer Release and Abandonment of Easements and Agreements, Inhibiting Orders and associated documents related to the Inhibiting Order and other nominal and routine title documents | Town Clerk; Chief Administrative Officer; Town Solicitor; Mayor | | Subject to approval of applicable internal client department (Director of Public Works and/or Director of Community Planning and Development) |
| 18. | Approval of 'Apple Days' and other such minimal fundraising events | Town Clerk; Deputy Clerk | | |
| 19. | Apply for special occasions permit on behalf of the Town of Pelham | Town Clerk | | |
| 20. | Approval of Special Event Permit Applications | Town Clerk; Deputy Clerk | | Subject to approval of applicable internal client departments (Director of Public Works, Director of Community Planning and Development, Fire Chief |

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| | | | | and Director of By-Law Services) and applicable external agencies Note: Events expecting to receive 1,000 or more attendees requires Council approval |
| 21. | Issuance of Temporary Patio Permits | Town Clerk; Deputy Clerk | Policy 201-04 | Subject to all applicable By-laws and policies; consultation with applicable departmental authorities. |
| 22. | Issuance of Itinerant Sellers Licences | Town Clerk; Deputy Clerk | | Subject to all applicable By-laws and policies; consultation with applicable departmental authorities. |

Schedule C – Delegation of Powers and Duties
Director, Corporate Services (Treasurer)

| # | Delegation | Delegate(s) | Legislative Authority | Conditions/ Restrictions |
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| General Finance | | | | |
| 1. | Disposition of Land Proceeds Where Not Council Specified for Use of Funds | Treasurer | | |
| 2. | Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board | Treasurer; Consultation with Tax Clerk | | Mos must be in best interest of the Town, in opinion of signing officer |
| 3. | Approval of Tax and/or Water Write-Offs and Increases relating to gross manifest errors | Treasurer | | |
| 4. | Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information. | Treasurer Consultation with Town Solicitor for Agreement | | |
| 5. | Authority to approve agreements entered into pursuant to the Town of Pelham Development Charge By-law | Treasurer; Consultation with Director of Planning and/or Public Works | | |
| 6. | Transfer funds to the appropriate reserves and reserve funds above what is listed in the Reserve and Reserve Fund Policy when funds are available | Treasurer | | |
| Purchasing/Procurement | | | | |
| 1. | Oversight of Procurement of Goods and Services | Treasurer; Purchasing Co-Ordinator | Policy S402-00 | |
| Information Technology | | | | |
| 1. | Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements, subject to annual review and budget approval. | Information Technology Manager | | Review with Treasurer for budget compliance |
| 2. | Authority to enter into OEM Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review by and in a form satisfactory to Town Solicitor; and authority to review, approve and release future software source code developed and owned by the Town to the Open Source community under | Information Technology Manager | | Review with Treasurer for budget compliance |

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| | appropriate licensing terms, where there is likely to be benefit to the corporation, partners and/or the community. | | | |
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Schedule D – Delegation of Powers and Duties
Director, Community Planning and Development

| # | Delegation | Delegate(s) | Legislative Authority | Conditions/ Restrictions |
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| Planning Division | | | | |
| 1. | Condominium Approval and Part Lot Control – | Director of Community Planning & Development | By-law 4274(2020) Or successor thereto | By-law enacted August 24, 2020 |
| 2. | Approve Site Plan Control Agreements | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 41(4.0.1) | |
| 3. | Amendments to Site Plan Agreements | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 41(4.01) | |
| 4. | Final Subdivision Approval and Subdivision Agreements and amendments to Subdivision Agreements | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 51.2(4) | Technical clearances of draft plan conditions have been received from all agencies/departments |
| 5. | Extension of Draft Plan Approval | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 51.2 | Extensions required when all draft plan conditions have not been fulfilled |
| 6. | Authority for Development Agreements for Temporary Second Dwelling Units | Director of Community Planning & Development | By-law 3614(2015) | Agreements acceptable to Town Solicitor |
| 7. | Removal or Lifting of Holding Zone when conditions have been fulfilled | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1) | Subsequent By-law to Council for Adoption to Repeal Holding Provision |
| 8. | Authority to approve Heritage Permits for alternations, additions or changes to Designated heritage structure | Director of community Planning & Development | <i>Ontario Heritage Act, R.S.O.</i> 1990, c. O.18 | |
| 9. | Approve minor alternations to Designated properties without a Heritage Permit | Director of Community Planning & Development | <i>Ontario Heritage Act, R.S.O.</i> 1990, c. O.18 | |
| 10. | Authority to approve Development Agreements that are a condition of Committee of Adjustment decision | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 51.2(4) | Agreements acceptable to Town Solicitor |
| 11. | Minor Zoning By-law Amendments | Director of Community Planning & Development | <i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 39(2) and Town Official Plan Policy Part E – Plan Implementation and Administration | Subsequent By-law to Council for Adoption to Repeal Holding Provision |
| Building Division | | | | |
| 1. | Authority to enter into Limiting Distance Agreements | Chief Building Official | <i>Building Code Act, 1992, S.O. 1992, c. 23</i> | Agreements acceptable to Town Solicitor |

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| 2. | Authority to enter into Conditional Building Permit Agreements | Chief Building Official | <i>Building Code Act, 1992, S.O. 1992, c. 23</i> | Agreements acceptable to Town Solicitor |
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Schedule E – Delegation of Powers and Duties
Fire Chief/Director of Fire and By-law Services/
Community Emergency Management Co-Ordinator

| # | Delegation | Delegate | Legislative Authority | Conditions/ Restrictions |
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| Fire and Emergency Services Division | | | | |
| 1. | Enter into Fire Service Agreements for provision of fire protection services to lands located outside Pelham or receive services from a fire department located outside of Pelham | Fire Chief/Director of Fire and By-law Services | | Agreement acceptable to Town Solicitor. Provide an information report following execution of agreement to Council. |
| 2. | Activate an emergency plan and implement municipal emergency control group notification | CEMC | Emergency Management Plan By-law #4179(2019) or Successor Thereto | Decision to be made in accordance with Town Emergency Plan. Mayor and CAO advised as soon as possible. |
| 3. | Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to CBRNE, Hazmat, confined space, high angle rescue. | Fire Chief/Director of Fire and By-law Services | Emergency Management Plan By-law #4179(2019) or Successor Thereto | Agreement acceptable to Town Solicitor. Report to Council. |
| 4. | Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc. | Fire Chief/Director of Fire and By-law Services | Emergency Management Plan By-law #4179(2019) or Successor Thereto | Agreement acceptable to Town Solicitor. Report to Council. |
| 5. | Process and issue permits pertaining to fireworks displays. | Fire Chief/Director of Fire and By-law Services | By-law 2951(2008) or Successor Thereto | Refer to By-law #2951(2008)or Successor Thereto re Sale and Setting Off Fireworks |
| 6. | Designate Fire Routes once satisfied requirements have been complied with and submit By-law for approval. | Fire Chief/Director of Fire and By-law Services | By-law #97-2030, as Amended or Successor Thereto | Council to approve designation by-law. Council pre-approval not required. |
| 7. | Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation. | Fire Chief/Director of Fire and By-law Services | <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i> | |
| 8. | Approval and signing authority to execute agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients. | Fire Chief/Director of Fire and By-law Services | | |
| By-law Enforcement Division | | | | |

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| 1. | Approve minor variances to the sign by-law including, but not limited to extensions and minor technical non-compliance. | Fire Chief/Director of Fire and By-law Services; and Manager of By-law Enforcement | | Report to Council |
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Schedule F – Delegation of Powers and Duties
Director of Public Works

| # | Delegation | Delegate | Legislative Authority | Conditions/ Restrictions |
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| Beautification | | | | |
| 1. | Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community | Director of Public Works | | |
| 2. | Authorization to manage and perform maintenance, removals, and planting of trees within the Town's right-of-way and property | Manager of Public Works | Policy No. S802-01 | |
| Cemeteries | | | | |
| 1. | Authorization to control and manage each cemetery under the jurisdiction of the Town of Pelham subject to the requirements and regulations set out in the Town's cemetery by-law and the <i>Cemeteries Act</i> . | Director of Public Works /Manager of Public Works | By-law 3091 (2010) Cemeteries Act | |
| 2. | Authorization to enter into agreements for the sale of interment rights | Director of Public Works/Manager of Public Works | By-law 3091 (2010) Cemeteries Act | |
| Engineering Services | | | | |
| 1. | Authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required | Manager of Engineering or Manager of Public Works | Municipal Act, By-law and Fee Schedule | |
| 2. | Enter into Front-Ending Agreements | Director of Public Works; Consultation with Director of Community Planning and Development | | |
| 3. | Authority to enter into water and waste-water service connection agreements | Manager of Engineering or Manager of Public Works | Municipal Act, By-law and Fee Schedule | |
| 4. | Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and works within road right-of-way, and/or for Special Event Road Closures | Director of Public Works | Utility Franchise Agreements | |
| Roads/Transportation Services | | | | |
| 1. | May temporarily close any highway or portion of a highway: | Director of Public Works; Consultation with | By-law #1827(1996) or Successor Thereto | |

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| | <p>a) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of highway;</p> <p>b) Social, recreational, community, athletic or cinematographic purpose, or combination thereof;</p> <p>c) For any request under emergency services;</p> <p>d) For construction purposes when public safety may be impacted</p> | Applicable Directors and/or External Agencies. | | |
| 2. | Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones. | Director of Public Works | <i>Highway Traffic Act</i> , R.S.O 1990, c. H.8 | |
| 3. | Agreements, including cost sharing agreements between the Town of Pelham, the Niagara Region and Local Area Municipalities in Niagara Region, regarding road construction and/or road maintenance, provided the value of consideration does not exceed \$100,000. | Director of Public Works | | Agreements acceptable to Town Solicitor |
| 4. | Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable. | Director of Public Works; Consultation with Fire Chief/Director of Fire and By-law Services | By-law 1272(1989) | |
| 5. | Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards | Director of Public Works | Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways | |
| 6. | Enter into Encroachment Agreements on road allowances and over easements | Director of Public Works; Consultation with By-law and Planning | | Agreements acceptable to Town Solicitor; Conditional on conditions such as survey, covenants to protect the Town; |
| 7. | Authority to sign agreements with Railway Authorities for cost sharing of warning systems and maintenance at level railway crossings, provided the value of consideration does not exceed \$100,000. | Director of Public Works | | Agreements acceptable to Town Solicitor. |

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| 8. | Authority to negotiate with the Region of Niagara for the installation and maintenance for traffic control signal and safety systems. | Director of Public Works | | |
| 9. | Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways and speed limits on highways under the jurisdiction of the Town of Pelham. | Director of Public Works | By-law 89-2000 | |
| 10. | Authority to approve encroachment over easements with private property owners. | Director of Public Works | | In consultation with Town Solicitor |
| 11. | Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities | Director of Public Works | Mutual Aid Agreement between Local Area Municipalities in Niagara Region | |
| Water and Wastewater | | | | |
| 1. | Authority to sign applications to the Ministry of Environment and Climate Change under the Ontario Water Resources Act on behalf of the Town of Pelham | Director of Public Works | Ontario Water Resources Act | |
| 2. | Delegation of authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities | Director of Public Works | Memorandum of Understanding between the Region of Niagara and the Town of Pelham for Water and Wastewater servicing. | |
| 3. | Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the Town's Water Distribution System | Director of Public Works in consultation with the Manager of Public Works | Town of Pelham DWQMS Operational Plan <i>Safe Drinking Water Act, O.Reg. 170-03</i> | |

Schedule H – Delegation of Powers and Duties
Town Solicitor

| # | Delegation | Delegate(s) | Legislative Authority | Conditions/ Restrictions |
|-----|--|--|--|---|
| 1. | Commence any action, application or other legal proceeding on behalf of the Town where monetary value of claim is below \$100,000 excluding interest and costs. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Report to Council from time to time on all actions or other legal proceedings, including description of settlement |
| 2. | Where monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action, application or other legal proceeding on behalf of the Town to ensure no limitation period or other time restriction expires before Council instructions can be obtained. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Obtain instructions of Council as soon as practicable thereafter. |
| 3. | Take all steps necessary to defend any action, application or other legal proceeding commenced against the Town. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Report to Council from time to time on all actions or other legal proceedings, including description of settlement. |
| 4. | Commence any counterclaim, cross-claim or third party claim as part of the Town's defense to any action or other legal proceeding | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Report to Council from time to time on all actions or other legal proceedings including description of settlement. |
| 5. | Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the Town. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Cost or retainer shall fall within approved Town budget. |
| 6. | Accept service of any legal document on behalf of the Town. | Town Solicitor or Town Clerk or CAO | <i>Rules of Civil Procedure</i> ; or <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | |
| 7. | Obtain standing or participate in any administrative proceeding on behalf of the Town. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Obtain instructions of Council as soon as practicable thereafter. |
| 8. | Take all steps necessary to protect or pursue the rights of the Town in its capacity as an owner, occupier, landlord or tenant of property. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1 | Report to Council from time to time on all actions or other legal proceedings, including description of settlement. |
| 9. | Take all steps necessary to collect debts and outstanding accounts, enforce orders, decisions, awards and judgements made in favour of the Town, including commencement of claims or other legal proceedings. | Town Solicitor | Various Acts and Regulations, including <i>Courts of Justice Act, Rules of Civil Procedure</i> and <i>Small Claims Court Rules</i> . | Report to Council from time to time on all actions or other legal proceedings, including description of settlement. |
| 10. | Enter into settlement with any person or entity on | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. | Sufficient funds available within |

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| | behalf of the Town where the monetary amount of the settlement is below \$100,000 inclusive of interest or costs or below Town deductible pursuant to current Insurance policy. | | 2001, C.25, as amended, section s 9, 11 and 23.1 | approved budget. Report to Council from time to time on all actions or other legal proceedings, including description of settlement. |
| 11. | Execute any agreement or other legal document on behalf of the Town that is necessary to carry out the Town Solicitor's authority as set out herein, including releases, receipts, waivers, indemnities and minutes of settlement. | Town Solicitor or Town Clerk | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 12. | Support Committee of Adjustment approvals before Ontario Land Tribunal where Town staff have no objections or are in support of the application. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 13. | Support Committee of Adjustment refusals before the Ontario Land Tribunal where Town staff support refusal of application. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 14. | Where Committee of Adjustment decisions are contrary to Town staff position, that staff attend before the Ontario Land Tribunal to request conditions, if any, only. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 15. | Where a Committee of Adjustment decision does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners, that staff only attend before the Ontario Land Tribunal to request conditions, if any. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 16. | Where an appeal of a Committee of Adjustment matter results in a revised proposal or a settlement proposal that is supported by the parties and staff or there are no objections, that the Ontario Land Tribunal be advised that the Town supports the revised or settlement proposal. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 17. | Decision not to attend appeal hearing from a decision of the Committee of Adjustment where an appeal has been filed with the Ontario Land Tribunal. | Town Solicitor | | In consultation with Director, Community Planning and Development; where there is significant inconsistency between C of A decision and staff recommendation, staff will report to Council for direction. |
| 18. | Take all steps necessary to respond to appeals filed with the Ontario Land Tribunal in accordance | Town Solicitor and Director of Community | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, | |

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| | with Council Decisions, including retention of external lawyers and experts, as required, and filing or responding to procedural matters as deemed necessary. | Planning and Development | section 23.1 | |
| 19. | Where time does not allow for obtaining Council authority, all steps necessary to respond to appeals before the Ontario Land Tribunal prior to expiry of any time restrictions or limitations periods be taken, in accordance with recommendations of CAO and Director of community Planning and Development. | Town Solicitor, CAO and Director of Community Planning and Development | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 20. | Participate in and/or give notice of intention to use mediation, conciliation or other dispute resolution techniques to all appellants before the Ontario Land Tribunal and to invite participants to dispute resolution process as deemed necessary. | Town Solicitor and Director of Community Planning and Development. | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 | |
| 21. | Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000 | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 and 270(1) | Terms and conditions of agreements and related documents must be acceptable to Town Solicitor. |
| 22. | Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000. | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 23. | Approve execution of agreements for the amendment, extension, renewal, and/or revival of leases and licenses on substantially the same terms and conditions of the original agreements | Town Solicitor | <i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1) | Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor. |
| 24. | Commence any legal proceeding or step in a legal proceeding in Small Claims Court, on behalf of the Town | Town Solicitor | | |