

By-law 2016-177

A By-law of the City of Greater Sudbury to Amend By-law 2014-225 being a By-law of the City of Greater Sudbury Respecting the Delegation of Authority to Various Officials of the City

Whereas Council for the City of Greater Sudbury deems it advisable to amend By-law 2014-225 being a By-law of the City of Greater Respecting the Delegation of Authority to Various Officers of the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1.-(1) By-law 2014-225 being a By-law of the City of Greater Respecting the Delegation of Authority to Various Officers of the City of Greater Sudbury, as amended, is hereby further amended by repealing the definition of "Senior Management Team" and enacting the following definition of "Executive Leadership Team" in its place and stead:

" "Executive Leadership Team" means the Chief Administrative Officer; the General Manager of Assets, Transit and Fleet Services; the General Manager of Community Development; the General Manager of Infrastructure Services; the Chief Financial Officer / Treasurer; the Executive Director of Administrative Services/City Clerk; the Director of Human Resources and Organizational Development; and the Chief of Fire and Paramedic Services, collectively or individually."

(2) All references to "Senior Management Team" in By-law 2014-225, as amended, shall be replaced by "Executive Leadership Team".

2. By-law 2014-225 being a By-law of the City of Greater Respecting the Delegation of Authority to Various Officers of the City of Greater Sudbury, as amended, is hereby further amended by deleting section 22 and enacting the following sections 21 and 21A in its place and stead:

"Front Ending Agreements

21. In consultation with the Chief Financial Officer / Treasurer, the General Manager of Infrastructure Services and the Director of Planning Services individually are authorized to Execute front-ending agreements pursuant to the *Development Charges Act*, 1997, S.O 1997, c. 27.

Development Cost Sharing Agreements

21A.-(1) In consultation with the Chief Financial Officer / Treasurer, the General Manager of Infrastructure Services and the Director of Planning Services individually are is authorized to:

- (a) review and approve or reject applications for Development Cost Sharing Agreements, in accordance with the principles set out in the City's Development Cost Sharing Policy, provided that the City's contribution does not exceed \$250,000; and
- (b) negotiate, sign, amend and administer, an agreement for Development Cost Sharing where approved by the General Manager of Infrastructure Services under paragraph 21A(1)(a) or approved by Council for the City of Greater Sudbury.


(2) Nothing herein limits the right of the General Manager of Infrastructure Services from referring any application for Development Cost Sharing to Council for decision."

3. By-law 2014-225 being a By-law of the City of Greater Respecting the Delegation of Authority to Various Officers of the City of Greater Sudbury, as amended, is hereby further amended by:

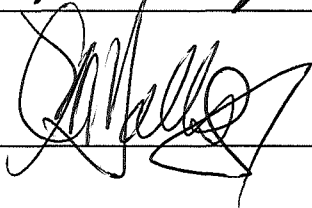
- (a) repealing Schedule "A" and enacting, in its place and stead, Schedule "A" attached hereto as Schedule "A" and forming a part of this By-law;
- (b) repealing Schedule "B" and enacting, in its place and stead, Schedule "B" attached hereto as Schedule "B" and forming a part of this By-law; and
- (c) repealing Schedule "E" and enacting, in its place and stead, Schedule "E" attached hereto as Schedule "C" and forming a part of this By-law.

4. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 13th day of September, 2016



Mayor



Clerk

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Administrative Services Department

Agreements – Administrative Services Department

1. The Executive Director of Administrative Services / City Clerk is authorized to Execute Standard Form Agreements related to the following:
 - (a) software, hardware and business applications and licences relating to information technology;
 - (b) postage and delivery services;
 - (c) printing and copying equipment or services;
 - (d) corporate security;
 - (e) *Provincial Offences Act* operations;
 - (f) disclosure agreements with other institutions, or for research purposes, relating to the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and
 - (g) other agreements related to the corporate-wide administration of the City.

Legal Services Division

General Authority

2. The City Solicitor and Assistant City Solicitors shall be responsible for providing legal services to the City, Council and Committees of Council.
3. In addition, legal services may be provided to such local boards or municipal corporations as may be approved or required by Council provided that, in the event of an actual or potential conflict of interest between the City's interests and the interests of another party, legal services shall be provided only to the City.

Litigation

4. The City Solicitor shall be responsible for the conduct of all litigation before courts and administrative tribunals as set out herein, subject to:
 - (a) the delegated authority granted to the Director of Human Resources and Organizational Development in Schedule G;
 - (b) assessment appeals before the Assessment Review Board as provided for in Schedule F; and

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Administrative Services Department

Legal Services Division

- (c) such instruction as may be issued by Council from time to time,
5. In the conduct of such litigation, the City Solicitor shall:
- (a) use the most efficient and effective combination of staff and external legal services as required to represent the interests of the City and
 - (b) consult with, and receive instructions from, the appropriate member of the Executive Leadership Team whose Department or Division is associated with such proceedings.
6. The City Solicitor shall have authority to commence, prosecute, defend, settle and abandon legal proceedings that fall within the jurisdiction of the Superior Court of Justice - Small Claims Court.
7. With respect to matters that fall within the jurisdiction of the Superior Court of Justice, the City Solicitor shall have the authority to:
- (a) conduct the defence of all actions or applications;
 - (b) commence, prosecute, settle and abandon actions or applications for damages up to Fifty Thousand (\$50,000) Dollars;
 - (c) commence, prosecute, settle and abandon legal proceedings for equitable relief where such manner of proceeding is appropriate;
 - (d) initiate or defend applications under section 3 of the *Assessment Act*, R.S.O 1990, c. A31; and
 - (e) Execute on behalf of the City all forms contemplated by the Rules of Civil Procedure.
8. The City Solicitor shall have the authority to:
- (a) authorize the payment of all expenses related to the conduct of any legal proceeding and the payment of any costs awarded against the City;
 - (b) Execute all documents required to conduct any legal proceeding or conclude the settlement thereof including, but not limited to, minutes of settlement, consents, draft orders and releases; and
 - (c) take all steps required to enforce orders, decisions, awards and judgments.

Administrative Services Department

Legal Services Division

Appeals

9. The City Solicitor shall have the authority to appeal decisions of the Superior Court of Justice - Small Claims Court and to take all necessary action in relation to the appeal.

Administrative Tribunals

10. City Solicitor shall have the authority to apply for standing to make applications and take objection to all matters before administrative tribunals.

11. In addition, the City Solicitor shall have the following authority with regard to administrative tribunals:

- (a) commence, conduct, participate in, and settle appeals, including but not limited to planning matters and appeals from decisions of the Committee of Adjustment to the Ontario Municipal Board and similar administrative tribunals;
- (b) Execute all related documentation;
- (c) appeal any decision of an administrative tribunal where the appeal lies to another administrative tribunal; and
- (d) make applications for judicial review of decisions of administrative tribunals.

Emergency or Unforeseen Exceptional Circumstances

12. Where an Emergency or unforeseen exceptional circumstances arise that will not allow for the required authority granting procedures to be followed with respect to any legal matter, the City Solicitor shall have the authority to take the appropriate action and report such action to Council at the earliest opportunity.

Release of Easements

13. The City Solicitor is delegated the authority jointly with the General Manager, Infrastructure Services to review, approve and process the release of easements for waterworks and sewage works to the holder in fee simple of the lands that are subject to the easement for nominal consideration where the utility services provided by these works at the location of the easements have been discontinued, subject to any fee imposed by Council.

Administrative Services Department

Legal Services Division

Lands under the *Land Titles Act* and Interests in Lands

14. The City Solicitor is delegated the authority to:
- (a) make applications under the *Land Titles Act*, R.S.O. 1990, c. L.5, as amended and under related legislation to bring under that Act lands of the City;
 - (b) register easements, transfers, charges, liens or other interests in land, agreements on title to land and to discharge such in whole or in part as the City Solicitor deems appropriate; and
15. Execute and register mortgages, charges, and other similar documents, and to Execute and register discharges and similar documents, given to the City under the Affordable Housing Program, or under similar programs.

Writs of Seizure and Sale

16. The City Solicitor is delegated the authority to subject lands and property to, and release lands and property from, Writs of Seizure and Sale, as the City Solicitor deems appropriate.

Recovery of Debts

17. The City Solicitor is authorized to initiate proceedings to collect funds owed to the City in accordance with the Accounts Receivable and Collections Policy.

External Counsel

18. The Chief Administrative Officer, the Executive Director of Administrative Services / City Clerk, the City Solicitor and the Director of Human Resources and Organizational Development individually are delegated the exclusive authority to retain external legal counsel required by the City, and the Chief of Police and the City Solicitor individually are assigned the exclusive authority to retain external legal counsel required by the Greater Sudbury Police Services Board.
19. The Executive Leadership Team member for the affected Department, together with the Coordinator of Risk Management, are hereby authorized jointly to Execute on behalf of the city Agreements awarded by or paid for by the City's insurer from time to time for the performance of work on City property or facilities.

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Administrative Services Department

Legal Services Division

Applications for Incorporation

20. The City Solicitor is delegated the authority to consent or object to an application for incorporation for a corporate name where consent is required because the proposed name may involve potential identification or confusion with the City.

Clerk's Services Division / Security and By-law Services Division

Use of Facilities - Tom Davies Square

21. The Executive Director of Administrative Services / City Clerk is authorized to approve the use of the interior and exterior concourse of the Tom Davies Square, meeting rooms, or Council Chambers, in accordance with related policies governing such use.

Noise By-law Exemptions

22.(1) Subject to sections 16 and 26 of Schedule "G", the Executive Director Administrative Services / City Clerk is authorized to grant exemptions from the application of, or permission under, City and Former Municipality by-laws regulating noise.

Marriages

23. The Executive Director of Administrative Services / City Clerk and Deputy Clerks are authorized to solemnize marriages in accordance with the City's civil marriage solemnization policy.

Municipal Freedom of Information and Protection of Privacy Act

24. In accordance with s.23.1 of the *Municipal Act* and s. 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended, the Executive Director of Administrative Services / City Clerk is delegated the powers and duties of the Head.

Clerk of the Court

25. All powers and duties of a clerk of the Ontario Court of Justice Provincial Offences Court have been delegated pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43 to the

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Administrative Services Department

Clerk's Services Division / Security and By-law Services Division

individuals holding the positions of, or acting as Deputy City Clerk appointed as Clerk of the Court under the Appointments By-law, POA Administration Clerk and/or Clerk/Monitor.

Fines

26. The Executive Director of Administrative Services / City Clerk and the Deputy City Clerk appointed as Clerk of the Court under the Appointments By-law, are jointly authorized to adjust or write off fines in the event of an administrative error.

Corporate Security

27. The Manager of Security and By-law Services, in consultation with the City Solicitor, is authorized to issue notices under the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended, and to take all action necessary thereto.

Appointment By-laws

28. The Executive Director of Administrative Services / City Clerk is authorized to take the necessary steps to appoint or withdraw the appointment of Persons as municipal by-law enforcement officers.

Spay and Neuter Program

29. The Executive Director of Administrative Services / City Clerk is authorized to Execute Agreements with participating Veterinarians for the City's spay and neuter program and is further authorized to amend and terminate such agreements.

Licensing

30. The Licensing Officer is authorized to process and issue lottery licences and licences under Part IV of the *Municipal Act*.

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Schedule "B"
to By-law 2014-225 of the City of Greater Sudbury

Assets, Transit and Fleet Services Department

Authority

1. The General Manager of Assets, Transit and Fleet Services and the Director of Asset Services individually are delegated the authority to Execute Standard Form Agreements, applications and/or documents related to the following:

- (a) assignments of lease;
- (b) easements over City land and the negotiation and acquisition of easements for the City;
- (c) land use permits or similar agreements;
- (d) building permits, demolition permits and other applications under the *Building Controls Act* 1992, S.O. 1992 c.23;
- (e) minor variance zoning and other applications under the *Planning Act*, R.S.O., c.P.13;
- (f) permits, connection permits and similar applications;
- (g) notices, forms agreements and releases under the *Expropriations Act*, R.S.O. 1990, c.E.26;
- (h) encroachment permits, encroachment agreements, release of encroachment agreements and consents to the assignment of existing encroachment agreements, including encroachments on City lands and easements;
- (i) underground pipe crossing agreements and crossing agreements;
- (j) agreements permitting occupation or use of City land related to approved Department programs and objectives with the approval of the responsible General Manager;
- (k) listing agreements, agreements of purchase and sale, and any schedules, notices or amendments thereto, or other similar documents in use by the Ontario Real Estate Association;
- (l) forms, notices, schedules, agreements and any other documents prescribed pursuant to any statute or regulation governing the conveyance of land in the Land Titles or Registry systems in Ontario; and
- (m) covenants to Indemnify the Land Titles Assurance Fund.

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Assets, Citizen and Leisure Services Department

Asset Services Division

Encroachments

2. The Director of Asset Services is authorized to approve encroachment permits, Execute and release encroachment agreements, release encroachment agreements and consent to the assignment of existing encroachment agreements

Energy Initiatives

3. The Manager of Energy Initiatives is authorized to Execute grant applications with other government agencies.

Parking Revenue

4. The General Manager of Assets, Transit and Fleet Services is hereby authorized to enter into parking revenue sharing agreements between the City and Laurentian University, and with all other property owners that issue over 1,000 parking tickets per year.

Transit and Fleet Services Division

5. The Recognized Authority Official for the administration of the Driver Training Program and the Driver Certification Program of the Ministry of Transportation is hereby authorized to exercise all the powers authorized under the Programs, to conduct testing for the purpose of upgrading or renewing Drivers' Licenses for City employees within the, Infrastructure Services, Transit Services, Fire and Paramedic Services, and Parks Departments and Sections, to make applications to participate in the Programs, and to Execute on behalf of the City all necessary Agreements with the Ministry of Transportation for the Programs from time to time.

6. The Director of Transit and Fleet Services and the Manager of Transit Operations are authorized to Execute agreements with third party vendors, to permit the sale and resale of ride cards and monthly transit passes, where the form of the agreement has been approved by the City Solicitor.

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Community Development Department

Authority

1. The General Manager of Community Development and the Directors of Leisure Services, Social Services and North East Centre of Excellence for Seniors Health and the Managers of Housing Services, Children Services, Citizen Services and Library and Heritage Resources are authorized to Execute standard form agreements for the Community Development Department with the provincial or federal governments, school boards, educational institutions, provincial or federal agencies, for profit companies or corporations, community groups or associations, not for profit organizations, boards and service providers, provided such entities are legally able to enter into the types of agreements set out below:
 - (a) grants, funding and contribution agreements;
 - (b) short and long term rental/lease agreements;
 - (c) purchase of service agreements;
 - (d) jointly with the Manager of Accounting / Deputy Treasurer, access to special purpose bank accounts;
 - (e) general licence agreements;
 - (f) clinical and student placements;
 - (g) licences of occupation related to booking events to be held at municipal facilities or related to the use of services or facilities within municipal facilities including special promotional activities; and
 - (h) interim increases to service agreements.

Leisure Services Section

2. The General Manager of Community Development, the Director of Leisure Services and the Managers of Recreation, Parks Services, Arenas, Community Partnerships and Cemetery Services individually are delegated the authority where applicable to such Director to Execute Standard Form Agreements related to the following:
 - (a) the use of City facilities for the use of community groups/associations and for profit companies/organizations;
 - (b) the provision of instructors for community programs;

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Community Development Department

Leisure Services Section

- (c) letters of understanding related to the short term use of City recreational land and facilities for festivals, special events and delivery of recreational programs;
 - (d) purchase of service for the operation, management and maintenance of sports and recreation programs, outdoor rinks and community centre;
 - (e) sports teams, concert promoters and entertainment events;
 - (f) advertising for recognition, acknowledgement or other promotional consideration;
 - (g) community partnerships;
 - (h) private mausoleum construction; and
 - (i) sale of interment rights.
3. The General Manager of Community Development, the Director of Leisure Services and the Manager of Arenas individually are delegated the authority to Execute Standard Form Agreements, short term rental agreements, licence agreements or licences of occupation related to booking events to be held at the Sudbury Arena, community arenas or the Grace Hartman Amphitheatre, or related to the use of services or facilities within the said locations, including special promotional activities.
4. The Manager of Arenas is authorized to deposit to or write cheques against the special purpose bank account for the Sudbury Arena provided such cheques as written are within the revenues received for any given event and related to City purposes, programs and objectives.

Citizen Services and Library and Heritage Resources Sections

5. The General Manager of Community Development and the Managers of Citizen Services and Library and Heritage Resources individually are delegated the authority to Execute Standard Form Agreements within their respective spheres of responsibility related to the following:
- (a) purchase of service and service contracts for after hours Radio Dispatch and Answering Service for the 3-1-1 Call Centre; and
 - (b) the use of City facilities for the use of community groups/associations and for profit companies/organizations.

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Community Development Department

Social Services Section

6. The General Manager of Community Development and the Director of Social Services are delegated the authority to Execute Standard Form Agreements within their respective spheres of responsibility related to the following:
 - (a) educational institutions;
 - (b) purchase of service agreements with service providers/agencies; and
 - (c) purchase of service agreements for the Community Homelessness Prevention Initiative (CHPI).
7. The Director of Social Services is delegated the authority to perform all of the duties and exercise all of the powers prescribed in the *Ontario Works Act, 1997* S.O. 1997, c. 25 with respect to the whole of the City in accordance with such conditions and restrictions as may be prescribed by Council including but not limited to the following powers:
 - (a) the provision of emergency housing;
 - (b) the provision of counseling, health care services, medical aids or personal services to or on behalf of social assistance recipients;
 - (c) the provision of research or other services by social service agencies or organizations;
 - (d) letters and/or memoranda of understanding and protocols with government agencies, social service agencies or organizations ; and
 - (e) Information Exchange Agreements with all levels of government, social service agencies and/or organizations.

Housing Services Section

8. The Manager of Housing Services is delegated the authority to perform all of the duties and exercise all of the powers of the Service Manager as prescribed by *the Housing Services Act, 2011*, S.O. 2011, c. 6 (for purposes this section "the Act"), with respect to the whole of the City in accordance with such conditions and restrictions as may be prescribed by Council including but not limited to the following powers and obligations under the Act:
 - (a) to determine eligibility of social housing applicants and perform other functions under Part V of the Act;

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Community Development Department

Housing Services Section

- (b) to exercise the remedies listed in the section 85 of the Act when a housing provider has not met one or more of his/her obligations;
- (c) to prescribe training for a director, employee or agent of a housing provider if the housing provider has not met one or more of his/her obligations under the Act;
- (d) to bill a housing provider for any costs incurred performing duties on behalf of the housing provider;
- (e) to change, extend or terminate the appointment of a receiver or receiver and manager appointed under the Act and make a new appointment of the same Person or a different Person; and
- (f) to approve additional subsidy to a housing provider or group of housing providers in the event of Emergency or fiscal difficulties provided the housing provider's request for additional subsidy is within Council approved total social housing budget.

Children Services

9. The General Manager of Community Development and the Manager of Children Services individually are delegated the authority to Execute Standard Form Agreements within their respective spheres of responsibility related to the following:
- (a) purchase of service agreements with community organizations, private home day care agencies, family resource centres, day nursery agencies, nursery schools or other similar providers of childcare services;
 - (b) to enter into agreements with school boards, post-secondary institutions and service providers relating to the allocation and advance of Early Learning and Child Care operating and minor capital funding;
 - (c) purchase of service and service contracts for childcare fee subsidies, operating grants, special purpose funding;

North East Centre of Excellence For Seniors' Health

10. The General Manager of Community Development, the Director of North East Centre of Excellence for Seniors Health and the Managers of Resident Care, Physical Services, Therapeutic Services and Administration individually are delegated the authority to Execute Standard Form Agreements within their respective spheres of responsibility related to the following:

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Community Development Department

North East Centre of Excellence For Seniors' Health

- (a) clinical and student placements;
- (b) purchase of service for agreements with physicians, health care providers and health care agencies;
- (c) service accountability agreements with ministries and agencies on a Provincial and Federal level, and
- (d) short and long term lease agreements for space with not for profit and for profit organizations, companies and individuals.

Cheques - Pioneer Manor

11. The General Manager of Community Development, Director, North East Centre of Excellence for Seniors' Health and the Manager of Administration individually are authorized, together with one of the Chief Financial Officer and Treasurer, Deputy Treasurer, or Manager of Accounting, to deposit to or write cheques on the special purpose bank account for the Pioneer Manor Trust, for the purposes of residents of Pioneer Manor only.