

REPORT

Council Meeting

Meeting Date: September 18, 2023

FROM: Legal Department

DATE: September 5, 2023

SUBJECT: Delegation of Municipal Powers and Duties, By-law 2023-083

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

That By-law 2023-083, a by-law to amend By-law 2023-021, a by-law to delegate certain powers and duties under the *Municipal Act*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, and to repeal By-law 2021-077, as amended, and to repeal By-law 2012-013, be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The *Municipal Act, 2001*, as amended, provides municipalities with flexibility in governing their affairs, including authority to delegate powers and duties to individuals or bodies.
- In April 2023, the Municipal Powers and Duties By-law 2023-021, a by-law to delegate certain powers and duties under the *Municipal Act, 2001*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, and to repeal By-law 2021-077, as amended, and to repeal By-law 2023-013, was passed, expanding delegated authority and revising existing delegated authority to either align with current operational practices or legislative updates, and to reinforce appropriate levels of accountability and transparency.
- This report addresses recommended amendments to the Municipal Powers and Duties By-law.

BACKGROUND:

Sections 23.1- 23.5 of the *Municipal Act* provides municipalities with options for delegating powers and duties to individuals or bodies. Subject to certain limits, Council may decide which matters require Council's direct attention, which matters

require Council's input and direction, and which matters require limited or no direct Council involvement.

In April 2023, the Municipal Powers and Duties By-law 2023-021, a by-law to delegate certain powers and duties under the *Municipal Act, 2001*, S.O. 2001 c.25, the *Planning Act*, R.S.O. 1990 c. P. 13, and other Acts, and to repeal By-law 2021-077, as amended, and to repeal By-law 2023-013, was passed, expanding delegated authority and revising existing delegated authority to either align with current operational practices or legislative updates, and to reinforce appropriate levels of accountability and transparency.

Appropriate delegated authority by Council has proven to streamline municipal decision-making and provide efficient operations, ensuring clear lines of accountability and communication.

COMMENT/OPTIONS:

This report addresses two amendments to the Municipal Powers and Duties By-law.

Holding Provision

In the April 2023 amendment, the delegated authority to the Commissioner of Community Developments to remove a holding symbol was removed in error. All by-laws approved to remove a holding symbol, subject to the limitations of the applicable Official Plan(s) and s. 39.2 of the *Planning Act*, are brought to Council's attention through this delegated authority. Staff recommend this delegation be put back in to the Municipal Powers and Duties By-law. Paragraph 55 (a) of Schedule A to By-law 2023-083 will affect this change.

Ministry of Environmental Compliance (MECP)

In September 2018, the town entered into an agreement with the Ministry of Environmental Compliance (MECP) under the Transfer of Review (TOR) Program.

The 2018 TOR agreement documented the delegation of authority from the MECP to the town to review and submit applications for municipal stormwater infrastructure projects. The agreement also allows for the review and approval of some private stormwater infrastructure projects, but excludes works on sites that are zoned for industrial use. The TOR agreement does not apply to stormwater infrastructure sized for the Regional Storm event and those applications had remained direct submissions to the MECP. The 2018 TOR agreement remains in place and may continue to be used in the case of review and approval of private stormwater infrastructure.

In September 2022, the MECP provided the town with the first draft of the new Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA)

agreement. Subsequent to the town providing comments and input into the new agreement, as well as having several discussions with Provincial staff regarding the changes relative to the TOR agreement, the MECP advised in February 2023, that the CLI ECA agreement was in effect. The CLI ECA agreement is an expanded delegation of authority by the Province for review and approval of all municipal stormwater infrastructure applications without circulation to the MECP.

The CLI ECA includes approvals for municipal stormwater infrastructure, through either development or the town's capital program. The review of applications related to development are reviewed by staff within Development Services section while applications related to the town's capital program are reviewed by staff within the Asset management Department. Staff reviewing the application must not have been involved with the design of the infrastructure.

As part of the approval process, the MECP provided template checklists and infrastructure forms. These forms cover approvals for storm sewers, ditches, culverts, stormwater ponds (including infrastructure sized for the Regional Storm event previously not included in the TOR agreement) and third pipe systems, that will become town owned. In the past under the TOR agreement, the town had a list of delegates that could sign off on approved applications. All delegates included in the TOR agreement are professional engineers. A change noted within the new process, as documented with the CLI ECA forms provided by the MECP, the staff signing the forms are to individuals that can bind the Corporation of the Town of Oakville.

Staff recommend the town's Municipal Powers and Duties By-law be amended to include the new CLI ECA approvals. The Director of Transportation and Engineering or their designate would be the appropriate delegation. Any designate under the delegated authority must be a professional engineer that has not been involved with the design of the subject infrastructure. The new paragraph listed under Transportation & Engineering on Schedule A to By-law 2023-083 will affect this change.

CONSIDERATIONS:

(A) PUBLIC

Delegation of individual powers and duties will take place through public reports providing an opportunity for public input. The changes implemented through this report impact decisions which are considered minor, and of limited public interest. Improvements to service delivery through a more efficient process are considered in the public interest.

(B) FINANCIAL

Efficiencies in decision making and service delivery through increased delegation should result in cost savings.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Members of the Senior Leadership Team from affected departments were consulted.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Accountable Government

(E) CLIMATE CHANGE/ACTION

This matter does not impact climate change.

APPENDICES:

Appendix A – Tracked changes to By-law 2023-083

Appendix B – By-law 2023-083

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