



**City of Kingston
Report to Council
Report Number 25-136**

To: Mayor and Members of Council
From: Janet Jaynes, City Clerk
Resource Staff: Derek Ochej, Deputy City Clerk
Date of Meeting: June 17, 2025
Subject: Delegation of Authority By-Law Repeal and Replace

Council Strategic Plan Alignment:

Theme: Council requests

Goal: See above

Executive Summary:

The purpose of this report is to recommend Council approval of a new Delegation of Authority By-Law and the repeal of the current delegation of authority by-law, *By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties*. Staff have reviewed By-Law Number 2016-189, as well as other City by-laws that delegate powers and duties to staff and have prepared a new comprehensive delegated authority by-law that is intended to provide greater clarity, transparency and accountability with respect to duties and powers that Council delegates to staff. As further outlined in this report, a properly structured delegated authority by-law ensures that day-to-day operational decisions are made by staff who possess the professional training and accreditation to ensure operational efficiency, while preserving the role of Council in providing strategic guidance and policy oversight.

Recommendation:

That Council approve the Delegation of Authority By-Law, attached as Exhibit A to Report Number 25-136.

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Authorizing Signatures:

ORIGINAL SIGNED BY CITY CLERK

Janet Jaynes, City Clerk

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services

Jennifer Campbell, Commissioner, Community Services

Neil Carbone, Commissioner, Corporate & Emergency Services

David Fell, President & CEO, Utilities Kingston

Desirée Kennedy, Chief Financial Officer & City Treasurer

Ian Semple, Acting Commissioner, Transportation & Infrastructure Services

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Options/Discussion:**Project Background**

In July 2024, Council approved amendments to *By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties* (the “Delegated Authority By-Law”). These amendments made administrative updates to the Delegated Authority By-Law to reflect organizational changes in the City of Kingston and Utilities Kingston and to realign existing delegated authorities within proper departments. No new delegated authorities were proposed at that time.

In addition to the by-law amendments, Council provided staff with direction to conduct a comprehensive review of the City’s approach to the delegation of powers and duties pursuant to the *Municipal Act, 2001* (the “Act”). A draft by-law was presented to the Administrative Policies Committee for feedback in April 2025 via [Report Number AP-25-012](#). No public or committee comments were received at the meeting.

Between the finalization of the report to the Administrative Policies Committee and the finalization of this report, minor changes have been proposed to the Delegation of Authority By-Law. Those changes are detailed in the Final Updates section of this report. Staff have also added a section listing any new delegations of authority that were not included in the Delegated Authority By-Law.

Legislated Background

Section 23.1 of the Act authorizes a municipality to delegate its powers and duties under the Act or any other Act to a person or body, subject to rules and restrictions set out in the Act. Those rules and restrictions include a prohibition on certain delegations, such as the power to:

- enact by-laws related to property taxes;
- adopt an official plan or official plan amendment under the *Planning Act*;
- enact a zoning by-law or zoning by-law amendment (other than a “minor” zoning by-law amendment under the *Planning Act*); and
- pass by-laws related to municipal capital facilities.

The delegation of authority from Council to staff is currently facilitated in three different ways:

1. By Council resolution;
2. By separate by-law; and
3. By an amendment to the Delegated Authority By-Law.

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Separate by-laws containing delegated authorities include: By-Law Number 2010-179, A By-Law of the City of Kingston Respecting the Delegation of Authority for Various Administrative Matters to the Director of Legal Services and City Solicitor; By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties; By-Law Number 2014-141, A By-Law to Repeal By-Law 2009-111 and to Delegate Approval of Certain Administrative Real Estate Matters; and By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority.

The Delegated Authority By-Law is guided by the City's Delegation of Powers and Duties Policy, which sets out the scope of the powers and duties that Council may delegate and establishes principles governing such delegation. A copy of the Delegation of Powers and Duties Policy is attached to this report as Exhibit B.

Background Analysis

The current process for Council delegating authority to staff has several issues. First, there is a lack of consistency in terms of approach, which leads to improper tracking and updating of the Delegated Authority By-Law. The inability to properly track authorities can lead to authorities being missed or becoming outdated. Additionally, some authorities are overly broad, while others are overly narrow. Further, from a staffing perspective, there is an inconsistency with respect to which staff positions are given delegated authority across the corporation, as some authorities lie with a commissioner, some with a director and some with a manager. This can also lead to improper sub-delegation.

There are several risks associated with the City's current approach. Missing or inadequate authorities result in staff having to create unnecessary reports to Council to seek authority to complete work that is operational in nature. This represents both an inefficient use of staff and Council time. There are also legal risks with the current approach. A lack of valid authority can void an agreement or transaction executed by staff. Also, the City may attract potential liability if operational decisions are left to Council, rather than staff that have the appropriate credentials and expertise to render a decision.

Council's delegation of certain powers and duties is critical to the efficient and effective operation of City business. As indicated above, the delegation of powers and duties also ensures that, where necessary, decisions are made based on the professional training and accreditation of subject matter experts. In 2005, Madam Justice Bellamy released a report to Toronto City Council in relation to two judicial inquiries, which contained several recommendations related to good municipal governance that are still commonly cited today. In the report, Justice Bellamy advises that "Council should delegate the administrative, day-to-day operations of the City to staff and concentrate on matters of policy." She notes that while certain powers should be retained by Council for legal, financial, strategic or risk-related reasons, all other matters should be delegated to the lowest possible level according to risk.

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Project Framework and Draft By-Law

Staff undertook the drafting of a new Delegation of Authority By-Law based on the following objectives, in order to create a single, comprehensive, City-wide by-law:

- Streamlining decision-making and improving service delivery;
- Promoting efficiency with respect to minor, routine and time-sensitive matters;
- Maximizing use of Council time while ensuring Council retains control over key policy, financial, strategic and risk matters; and
- Maintaining transparency and accountability.

A municipal scan was completed by the project team, reviewing the consolidated delegated authority by-laws of 15 municipalities: Brampton, Burlington, Caledon, Cambridge, Guelph, Halton Hills, Innisfil, Newmarket, Oakville, Oshawa, Ottawa, St. Catharines, Windsor and Waterloo.

As a general theme, staff observed that municipalities that had recently updated their delegated authority by-laws introduced broader spheres of authority, rather than including authority for specific items. For example, in updating its delegated authority by-law in 2023, staff in Oakville noted that additional opportunities and challenges related to delegated authority were identified and that “a determination was made to improve efficiencies through expanding delegations without compromising appropriate levels of accountability and transparency.” Similarly, Ottawa has updated its delegated authority by-law on several occasions in order to “streamline Council’s decision-making process and allow it to focus on larger, more strategic issues.”

In order to promote transparency and accountability, many municipalities include limitations or restrictions on the delegated authority where appropriate, as well as Council reporting obligations in some cases.

The project team conducted several workshops with staff to provide an overview of the project and direction on how individual departments were to review their current delegated authorities and draft any new authorities. Individual department leaders were provided with worksheets to complete and examples of other municipal delegated authorities. The result of this work is the updated departmental authority tables that are included in the draft by-law.

Department authorities are organized into separate schedules, arranged by Commissioner group. Organization in this manner allows for greater transparency and understanding for the reader, and for simpler and more accurate amendments to be made in the future. Department staff were also instructed to modify or create authorities with a broad sphere rather than item-specific delegations. For example, rather than naming a specific company or service provider in the authority, the service being provided is named. This allows staff the necessary flexibility to change service providers in the future depending on the results of procurement processes.

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General provisions regarding delegated authorities are being included in the draft by-law. This includes listing all ancillary actions and authorizations that are deemed to be included as part of a delegation, such as approving documents for signature. Special delegatory powers related to emergencies and special circumstances are also included in subsection 4. To ensure appropriate tracking of authorities, no sub-delegations are being permitted, except in special circumstances. Authorities will begin with the Director level, with automatic bump ups to the appropriate Commissioner or the Chief Administrative Officer. Provisions in subsection 5.4 also permit annual Consumer Price Index increases for delegations based on monetary amounts to prevent authorities from becoming outdated.

The draft by-law also formally assigns the Mayor and City Clerk as the signing officers of the corporation and formalizes the current practice of requiring sign-off from Legal Services for all agreements and contracts. These details are contained in subsection 3.

Overall, staff are of the view that the proposed Delegation of Authority By-Law adheres to best practices based on applicable legislation, comparable by-laws in other municipalities, and the recommendations of public inquiries.

New Authorities

The vast majority of the delegated authorities set out in the draft by-law are already in place and have been carried over from the existing Delegated Authority By-Law.

The following is a list of authorities that were not included in the Delegated Authority By-Law and that staff are requesting approval for as part of the proposed new Delegation of Authority By-Law attached to this report as Exhibit A:

- A delegation to the Chief Administrative Officer to perform the following actions during any restricted period pursuant to section 275 of the *Municipal Act, 2001*:
 - appoint or remove from office any officer of the municipality;
 - hire or dismiss any employee of the municipality;
 - dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
 - make any expenditures or incurring any other liability which exceeds \$50,000

This delegation streamlines the City's current practice of passing a by-law during any lame duck period to delegate certain authorities to the Chief Administrative Officer to prevent any disruption in the operation of the City during the restricted period.

- The following delegations to the City Solicitor:
 - Execute non-disclosure and confidentiality agreements in the course of normal operations. Applies only where there is no material adverse impact on the City.

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- Approve and execute undertakings, certificates, declarations, document registration agreements, and any other documents required for the completion of any transaction involving the purchase, sale or exchange of any interest in land, including any documents required to be delivered under the applicable agreement of purchase and sale. Applies only to real estate transaction properly authorized by Council or staff.
- Register any instrument or application on behalf of the City against the title to the lands in which the City has interest.
- Remove expired or inapplicable agreements, instruments or easements from title, including options to repurchase, price adjustment agreements, and restrictive covenants. Subject to departmental circulation process for any release of easement/interest in land, including approval of operational department responsible for or benefitting from easement/interest in land.
- Execute demand letters to call upon financial securities provided under a development or other agreement. In consultation with the Director of the applicable department.
- Approve and execute any document related to any estate, right or interest in land to correct or address minor issues, such as correcting title, postponement of municipal interests, financing consents, and mortgage/loan discharges
- The following delegations to the City Clerk:
 - Make editorial and other changes to by-laws, subject to and in accordance with *By-law Number 2021-41, "Council Procedural By-law"*.
 - Act as the Authorized Signatory for purposes associated with Authorized Requester Agreements for use related to human resources, Provincial Offences Act matters, and parking.
 - Approve facility agreements for the storage and management of the City's archival records.
 - Prepare amendments to the *Records Retention By-law* to reflect changes in records categories and retention periods, and place such amending by-laws on the Council agenda for all three readings.
 - Prepare administrative amendments to by-laws to reflect a third-party name change, and place such amending by-laws on the Council agenda for all three readings.
 - Prepare amendments to the *Cemeteries By-law*, and place such amending by-laws on the Council agenda for all three readings.

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- The following delegations to the Director of Arts & Culture Services:
 - Amend the Special Event Policy.
 - Deem an event to be of municipal significance for the purpose of a person applying for a Special Occasion Permit to sell, serve or consume alcohol anywhere other than a licensed establishment or private place. The request must meet all requirements of the Alcohol and Gaming Commission of Ontario.
- A delegation to the Director of Heritage Services to make housekeeping amendments to the Heritage Masonry Restoration Policy and Window Renovations in Heritage Buildings Policy.
- A delegation to the Director of Recreation & Leisure Services to execute equipment rental agreements at Slush Puppie Place.
- A delegation to the Director of Building Services to execute conditional building permit agreements under the *Building Code Act*.
- The following delegations for the Director, Water and Wastewater (Utilities Kingston):
 - Waive fees for the use of the mobile water distribution system (water buggy), restricted to not-for-profit organizations.
 - Charge a fee for the use of the mobile water distribution system (water buggy) to organizations that do not qualify for a waiver of fees, including details on fee maximums.
- A delegation to the Director of Engineering Services to determine whether City-initiated infrastructure works are designated as a municipal service vehicle for purposes of *By-law Number 2004-52, "A By-law to Regulate Noise"*.
- The following delegations for the Director of Public Works and Solid Waste Services:
 - Approve agreements and other documents related to funding and services for recycling and diversion programs.
 - Execute licence agreements to authorize encroachments upon a highway under the jurisdiction of the City subject to appropriate City by-laws.
- A delegation to the Director of Transportation and Transit Services to approve agreements for the sale of advertising on Kingston Transit infrastructure, including vehicles, shelters and benches.

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- The following delegations for the Director of Business, Real Estate and Environment:
 - Increase in approved spending from \$100,000 to \$300,000 for real estate transactions.
 - Approve and execute documents or agreements to change the closing date of a purchase and sale transaction.
 - Approve agreements permitting encroachments onto City land (other than a park or public highway), subject to internal consultation with Planning Services, Transportation Services, Engineering Services and any other affected departments or City agencies.
 - Approve agreements permitting use of unopened road allowances, subject to internal consultation with Planning Services, Transportation Services, Engineering Services and any other affected departments or City agencies.
 - Execute connection agreements and other agreements with utility providers for the supply of utilities on City-owned land.
 - Execute comfort letters in relation to Option to Repurchase/Additional Purchase Price Agreements.
 - Execute letters of intent in connection with the acquisition or disposition of land. Letter of intent must precede a binding agreement of purchase and sale or other agreement that is subject to the Delegation of Authority By-Law.
 - Approve amendments to purchase and sale agreements where the transaction was approved by Council, subject to approval of the Commissioner, Growth & Development Services. Authority applies only to minor amendments, including corrections to agreement, amendments to condition or other dates/deadlines.

Repeal of Various By-laws

The proposed Delegation of Authority By-law consolidates many existing authorities that were granted via separate by-laws. As such, those by-laws are no longer required and are being recommended for repeal. These by-laws include:

- *By-law Number 2010-179, A By-law of the City of Kingston Respecting the Delegation of Authority for Various Administrative Matters to the Director of Legal Services and City Solicitor;*
- *By-Law Number 2014-141, A By-law to Repeal By-law 2009-111 and to Delegate Approval of Certain Administrative Real Estate Matters;*

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- By-law Number 2006-75, *A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority*;
- By-law Number 2010-194, *A By-Law to Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001*; and
- By-law Number 2005-58, *A By-Law to Delegate to the Manager of Taxation & Revenue the City's Responsibility Relating to Assessment and Taxation Appeal Matters*.

Final Updates

The following list details updates that have been made to the proposed Delegation of Authority By-law since [Report Number AP-25-012](#) was presented to the Administrative Policies Committee on April 10, 2025:

- Added a delegation to the Chief Administrative Officer or the Chief Financial Officer & City Treasurer to proceed directly to the non-standard procurement method identified in *By-Law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston*, to award contracts, as necessary to renovate and operate future homeless shelter sites. This authority was approved by Council via [Report Number 25-121](#) on April 1, 2025.
- Added a delegation to the Director of Business, Real Estate and Environment to approve community licence agreements in City facilities at nominal rates subject to internal consultation with Recreation & Leisure Services and in accordance with applicable policies. Similar authority was approved by Council via [Report Number 25-085](#) on April 15, 2025.
- Added a delegation to the Director of Licensing & Enforcement Services to adjust the Transportation Network Company (TNC) fee distribution to meet and increase service delivery goals and funding sustainability in coordination with TNC trip fee revenue as received. This authority was approved by Council via [Report Number 25-090](#) on June 3, 2025.
- Deleted a delegation to the Director of Licensing & Enforcement Services to grant authority over future actions taken concerning the dispute involving the cutting of grass on the boulevard in front of 5 Gibson Avenue. This authority is being recommended for deletion as it is no longer required.
- Added a delegation to the Director of Business, Real Estate and Environment to execute letters of intent in connection with the acquisition or disposition of land, provided that the letter of intent precedes a binding agreement of purchase and sale or other agreement that is subject to the Delegation of Authority By-Law.

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- Added a delegation to the Director of Public Works & Solid Waste Services to declare and end a weather event pursuant to Subsections 6.3 and 6.3.1 of By-Law Number 2010-128, A By-Law to Regulate Parking (the Parking By-Law). This delegated authority exists as part of the Parking By-Law but was omitted from inclusion in the consolidation of existing delegated authorities.

Existing Policy/By-law

Municipal Act, 2001

By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties

By-Law Number 2010-179, A By-Law of the City of Kingston Respecting the Delegation of Authority for Various Administrative Matters to the Director of Legal Services and City Solicitor

By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority

By-Law Number 2014-141, A By-Law to Repeal By-law 2009-111 and to Delegate Approval of Certain Administrative Real Estate Matters

By-Law Number 2010-194, A By-Law to Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001

By-Law Number 2005-58, A By-Law to Delegate to the Manager of Taxation & Revenue the City's Responsibility Relating to Assessment and Taxation Appeal Matters

Financial Considerations

None

Contacts:

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Other City of Kingston Staff Consulted:

Jenna Morley, Counsel for the City of Kingston

Derek Ochej, Deputy City Clerk

Appropriate staff from each department reviewed individual position delegated authorities included in the draft by-law.

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Exhibits Attached:

Exhibit A – Delegation of Authority By-Law

Exhibit B – Delegation of Powers and Duties Policy

City of Kingston By-Law Number 2025–XX

Delegation of Authority By-law

1st Reading date

2nd Reading date

3rd Reading date

Passed date

City of Kingston By-Law Number 2025–XX

A By-law to Delegate Certain Powers and Duties of Council and to Govern the Execution of Documents

Whereas:

Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “***Municipal Act, 2001***”) authorizes a municipal council to delegate its powers and duties under the *Municipal Act, 2001* or any other Act to a person or body, subject to the restrictions set out in Part II of the *Municipal Act, 2001*;

Pursuant to subsection 224(d) of the *Municipal Act, 2001*, it is the role of council to ensure that administrative policies, practices and procedures are in place to implement the decisions of council;

Subsection 227(a) of the *Municipal Act, 2001* provides that it is the role of the officers and employees of the municipality to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;

Pursuant to subsection 270(1)(6) of the *Municipal Act, 2001*, a municipality must adopt and maintain policies with respect to the delegation of its powers and duties;

Council has enacted several by-laws delegating certain powers and duties to *City employees* and *Utilities Kingston employees* to enhance the efficiency of decision-making and administrative processes, including City of Kingston By-law Number 2016-189, *A By-law to Consolidate the Delegation of Powers and Duties*; and

Council considers it desirable and efficient to consolidate the *City’s* existing by-laws delegating powers and duties to *City employees* and *Utilities Kingston employees*, and to delegate certain additional powers and duties pursuant to the provisions of the *Municipal Act, 2001*;

Therefore, council enacts:

Delegation of Authority By-Law

1. Interpretation

1.1 This by-law may be cited as the *Delegation of Authority By-Law*.

1.2 In this by-law:

“**approve**” means to approve a matter or to approve a *document* as to form, but does not include to *execute a document*;

“**Chief Administrative Officer**” means the person appointed as chief administrative officer of the *City*;

“**City**” means The Corporation of the City of Kingston;

“**City Clerk**” means the person appointed as clerk of the *City* pursuant to the *Municipal Act, 2001*;

“**City employee(s)**” means a person(s) who performs work or supplies services directly to the *City* for monetary compensation under an employment contract and includes the *Chief Administrative Officer, commissioners, directors, and managers*;

“**City Solicitor**” means the Director, Legal Services and City Solicitor for the *City*;

“**commissioner**” means a member of the *City’s* corporate management team that is responsible for the leadership and operation of a portfolio of *City* departments, and includes the *Treasurer*;

“**council**” means the council of the *City*;

“**delegate**” means a *City employee* or a *Utilities Kingston employee* to whom a *council* power or duty has been delegated pursuant to this by-law;

“**Delegation of Powers and Duties Policy**” means the *City’s Delegation of Powers and Duties Policy* that has been approved by *council* in accordance with subsection 270(1)6 of the *Municipal Act, 2001*;

“**director**” means the director of a *City* department or a manager of a *City* department who reports directly to a *commissioner*;

“**document**” means any written instrument whether on paper or in electronic form, including any contract, agreement, deed, purchase order, memorandum,

Delegation of Authority By-Law

letter of intent, application, permit, release, waiver or acknowledgement which, when *executed*, will have or is intended to have the effect of causing the *City* to be bound in a legally enforceable relationship with any other person, but does not include:

- (a) any cheques, bank drafts, orders for payment of money, promissory notes, acceptances, bills of exchange, debentures and any similar instruments; and
- (b) correspondence, whether by letter or in electronic form, intended to convey information or confirm a position on a matter, but not intended to create a contract or agreement between the *City* and any other person, whether or not a legally enforceable right or remedy is created thereby,

and “**documents**” has a corresponding meaning;

“**execute**” means to complete the formalities intended to give effect to a *document* and may include any one or more of the following formalities as may be required in the circumstances:

- (a) signing the *document*; and
- (b) causing the seal of the *City* to be affixed to the *document*,

and “**execution**” has a corresponding meaning;

“**manager**” means a *City employee* who reports to a *director*;

“**Mayor**” means the person holding the office of mayor of the *City*;

“**Procurement By-Law**” means *City of Kingston By-law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston*;

“**Treasurer**” means the *person* appointed by the *City* as chief financial officer and city treasurer of the *City*; and

“**Utilities Kingston employee(s)**” means a person(s) who performs work or supplies services directly to the entity legally known as 1425445 Ontario Limited, and operating as Utilities Kingston, for monetary compensation under an employment contract.

1.3 For the purposes of interpreting this by-law:

Delegation of Authority By-Law

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation includes all of the regulations made thereunder; and
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.

1.4 The schedules attached to this by-law are deemed to form part of this by-law.

1.5 The *Delegation of Powers and Duties Policy* is deemed to form part of and provide guidance with respect to this by-law.

2. Delegation of Authority

2.1 *Council* delegates the powers and duties set out in Schedules “A” to “G” of this by-law to the *City employees* and *Utilities Kingston employees* listed in those schedules, subject to any conditions, limitations and *council* reporting obligations set out therein.

2.2 Despite subsection 2.1, *council* retains the right to amend, revoke or reconsider, at any time and without notice, any power or duty that has been delegated pursuant to this by-law.

2.3 Both the *delegate* and *council* may exercise a delegated power, unless the delegation expressly states an intention that only the *delegate* can exercise the delegated power.

2.4 Any delegation to a *manager* or a *director*, excluding the *City Solicitor*, is deemed to include the *manager’s* or *director’s commissioner* and the *Chief Administrative Officer*, unless prohibited by law.

2.5 Any delegation to a *commissioner* is deemed to include the *Chief Administrative Officer*, unless prohibited by law.

2.6 In accordance with the *Delegation of Powers and Duties Policy*, a delegation of a power or duty under this by-law to any *City employee* 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.

Delegation of Authority By-Law

2.7 In accordance with the *Delegation of Powers and Duties Policy*, a *delegate* has no authority to sub-delegate to any person any power or duty that has been delegated to the *delegate* pursuant to this by-law, unless such sub-delegation is expressly permitted in this by-law.

2.8 It is a condition of every delegation of a power or duty under this by-law that the *delegate* must exercise the delegated power or discharge the delegated duty honestly, in good faith and in the best interests of the *City*.

3. Appointment of Signing Officers and Execution of Documents

3.1 The *Mayor* and the *City Clerk* are the designated signing officers of the *City* and may jointly *execute* any *document* on behalf of the *City*, unless specifically provided for in this by-law, in the *Procurement By-law*, or through *council* resolution.

3.2 In addition to the designated signing officers listed in subsection 3.1, where a schedule to this by-law expressly authorizes a *delegate* to *execute a document*, or where a *City employee* is required by statute to *execute a document*, the *delegate* or *City employee*, as the case may be, is deemed to be a designated signing officer of the *City* for the limited purpose of the specified *document*.

3.3 When any designated signing officer is absent for any reason, or if the office or the position is vacant, any deputy, associate or other acting person who has been designated as having the authority of the person holding the position of designated signing officer is authorized to exercise the authority of the designated signing officer under this by-law.

3.4 The following provisions apply to the *execution of documents* by a designated signing officer:

- (a) all *documents* must be approved as to form by the *City Solicitor* prior to *execution* of the *document*;
- (b) the designated signing officer must ensure that their name and title are legibly printed beneath their signature on the *document*;
- (c) the designated signing officer must comply with the *City's Electronic Signature Policy* when *executing a document*;
- (d) the designated signing officer must maintain a record of every *document executed* under this by-law, and must file a copy of such record with the

Delegation of Authority By-Law

City Clerk; and

- (e) a designated signing officer who is authorized to *execute a document* is also authorized to *execute any documents* reasonably necessary to carry out the purposes and intent of the *document* or to amend the *document*.

4. Emergency or Special Circumstances

- 4.1 In cases of emergency or special circumstances where it is necessary to act within the normal mandate of a *City* department, but such action is not strictly within the terms of a delegated authority pursuant to this by-law, the applicable *commissioner* or the *Chief Administrative Officer* may take such action as is reasonably necessary to address the emergency or special circumstance.
- 4.2 If a *commissioner* or the *Chief Administrative Officer* takes action pursuant to section 4.1, the *commissioner* or the *Chief Administrative Officer*, as the case may be, must report the action to *council* as soon as reasonably possible following the taking of the action.

5. Miscellaneous

- 5.1 This by-law will not be construed as waiving any provision of the *Procurement By-Law*. In the event of any inconsistency between this by-law or the *Procurement By-law*, the *Procurement By-Law* will prevail to the extent of the inconsistency.
- 5.2 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of *council* in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 5.3 Any variation or rescission of a delegated authority pursuant to this by-law will have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation were varied or rescinded.
- 5.4 Dollar amounts referenced in the schedules to this by-law will be adjusted (upward, but not downward) for inflation annually on January 1 in accordance with the November year over year change in the Ontario Consumer Price Index,

Delegation of Authority By-Law

All Items.

- 5.5 For the purpose of subsection 23.2(4) of the *Municipal Act, 2001*, it is the opinion of *council* that any legislative powers delegated to a *City employee* or *Utilities Kingston employee* pursuant to this by-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of each such power.
- 5.6 If any of the delegations contained in this by-law are inconsistent with Part VI.1 of the *Municipal Act, 2001*, Special Powers and Duties of the Head of Council, including directions issued by the *Mayor*, those delegations will be read down so as not to be inconsistent with Part VI.1 of the *Municipal Act, 2001*.
- 5.7 This by-law does not diminish, restrict, or reduce any power or duty delegated to any *City employee* or *Utilities Kingston employee* by any other by-law, statute, regulation, or as otherwise provided at law.

6. Repeal, Interpretation and Enactment

- 6.1 The following *City* by-laws are repealed as of the date that this by-law comes into force and takes effect:
- (a) City of Kingston By-law Number 2016-189, *A By-law to Consolidate the Delegation of Powers and Duties*;
 - (b) City of Kingston By-law Number 2010-179, *A By-law of the City of Kingston Respecting the Delegation of Authority for Various Administrative Matters to the Director of Legal Services and City Solicitor*;
 - (c) City of Kingston By-law Number 2014-141, *A By-law to Repeal By-law 2009-111 and to Delegate Approval of Certain Administrative Real Estate Matters*;
 - (d) City of Kingston By-law Number 2006-75, *A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority*;
 - (e) City of Kingston By-law Number 2010-194, *A By-Law to Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001*; and

Delegation of Authority By-Law

(f) City of Kingston By-law Number 2005-58, *A By-Law to Delegate to the Manager of Taxation & Revenue the City's Responsibility Relating to Assessment and Taxation Appeal Matters.*

6.2 Where there is a contradiction or duplication between this by-law and any other by-law of the *City*, the provisions of this by-law will prevail, unless the by-law expressly specifically states that the *Delegation of Authority By-law* does not supersede it.

6.3 This by-law will come into force and take effect on the date it is passed.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule 'A' Chief Administrative Officer

Table 1: Chief Administrative Officer

Delegation	Conditions/Restrictions	Reporting Requirements
Develop, approve, implement, vary or rescind administrative policies, procedures and practices in the exercise of authority under section 229 of the <i>Municipal Act, 2001</i>	None	None
Perform the following actions during any restricted period pursuant to section 275 of the <i>Municipal Act, 2001</i> : a) appoint or remove from office any officer of the municipality; b) hire or dismiss any employee of the municipality; c) dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and d) make any expenditures or incurring any other liability which exceeds \$50,000	None	None
Execute agreements with any private sector organization to manage the day-to-day operations of the small business accelerator centre	None	None
Execute grant agreements that align with the criteria outlined in the City's Grant Strategy	None	None
Designate in writing an Acting Chief Administrative Officer to act during periods of temporary absence, not to exceed six consecutive weeks in one calendar year	In cases of emergency, Council may appoint an Acting Chief Administrative Officer	None

Delegation	Conditions/Restrictions	Reporting Requirements
Act as a Director of Utilities Kingston and a Director of Kingston Hydro, and as a director for such other municipal corporations as Council may determine	None	None
Have authority over, supervise and direct all City employees and other officers of the City of Kingston, except those appointed as statutory officers to the extent only of those duties and responsibilities for which such officers may by statute be responsible directly to Council	The Chief Administrative Officer shall ensure that appointed officials with statutory duties in respect of the municipal corporation carry out those duties in a proper manner	None
<p>Recommend to Council the appointment and terms of employment of the Commissioners and of officers of the City whose appointment is required by statute</p> <p>Includes the authority to suspend and recommend to City Council the termination of the employment of any Commissioner or officer whose appointment is required by statute in accordance with generally accepted human resources policies and procedures</p>	None	None
Oversee and authorize, within the terms of collective bargaining agreements and the human resources policies of the City, the exercise by Commissioners of their responsibilities in the appointment, employment, suspension or dismissal of employees and of officers whose appointment is not required by statute	None	None
Direct generally the collective bargaining process carried out by Human Resources & Organizational Development staff with all unions and associations of City employees and recommend to Council the terms of any agreements concerning wages, benefits, and terms of service, and upon approval, direct the administration of such agreements by Human Resources & Organizational Development	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
To generally guide the preparation of the annual operating budget, as directed by the Mayor, and its submission to the Mayor together with such recommendations and observations with respect to the expenditures and revenues which they deem appropriate	None	None
Proceed directly to the non-standard procurement method identified in <i>By-Law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston</i> , to award contracts, as necessary to renovate and operate future homeless shelter sites.	Based on future property acquisitions up to \$6,200,000 to be funded from the 2025 approved capital budget and Community Benefit Fund of \$280,000	As part of monthly delegation of authority information reports to Council <i>By-Law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston</i>

Table 2: City Solicitor

Delegation	Conditions/Restrictions	Reporting Requirements
Exclusive authority to retain and instruct all external legal counsel retained by the City	None	None
Execute non-disclosure and confidentiality agreements in the course of normal operations	Applies only where there is no material adverse impact on the City	None
Approve and execute undertakings, certificates, declarations, document registration agreements, and any other documents required for the completion of any transaction involving the purchase, sale or exchange of any interest in land, including any documents required to be delivered under the applicable agreement of purchase and sale	Applies only to a real estate transaction properly authorized by Council or staff	None
Register any instrument or application on behalf of the City against the title to the lands in which the City has interest	None	None
Remove expired or inapplicable agreements, instruments or easements from title, including options to repurchase, price adjustment agreements, and restrictive covenants	Subject to departmental circulation process for any release of easement/interest in land, including approval of operational department responsible for or benefitting from easement/interest in land	None
Approve and execute any document related to any estate, right or interest in land to correct or address minor issues, such as correcting title, postponement of municipal interests, financing consents, and mortgage/loan discharges	May not convey land to a third party Any approval must be of a routine nature and any acquisition must be for nominal consideration	None

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Make applications to convert City lands to land titles under the <i>Land Titles Act</i> and approve consent and waivers of notice forms under the <i>Land Titles Act</i></p>	<p>Subject to departmental circulation process related to any City interests</p>	<p>None</p>
<p>Represent the City to advance the City's interests, and to defend the City, by taking any step or action that is necessary and proper in respect of any legal or administrative proceeding affecting the City, including arbitrations, mediations, interim proceedings, and litigation before any court, tribunal, or forum. This includes the authority to:</p> <ul style="list-style-type: none"> a) Commence any application, claim, counterclaim, crossclaim or third party claim b) Settle litigation involving the dismissal of an action without costs c) Settle any proceeding before an administrative tribunal d) Authorize the payment of all expenses related to the conduct of any proceeding e) Execute all documents required to conduct any proceeding or conclude the settlement of any proceeding f) Retain expert witnesses g) Take all steps to enforce orders, decisions, awards and judgments h) Appeal decisions of any court or tribunal, including by way of judicial review 	<p>City Solicitor shall use the most efficient combination of staff and external legal services as required</p> <p>Subject to sufficient funds being available in the applicable departmental budget</p> <p>Subject to Ontario Land Tribunal provisions below</p>	<p>City Solicitor shall report from time to time on applications, actions or other legal proceedings involving the City</p>
<p>Execute comfort letters authorizing the use of a roadway for public purposes pending dedication of the roadway as a public highway by by-law</p>	<p>Subject to departmental circulation to Engineering Services</p>	<p>None</p>

Delegation	Conditions/Restrictions	Reporting Requirements
Approve the release and conveyance of one foot (0.3 metre) reserves to abutting landowners where no longer required for municipal or other purposes	Subject to departmental circulation to Engineering Services and Transportation Services	None
Execute demand letters to call upon financial securities provided under a development or other agreement	In consultation with the Director of the applicable department	None
Pay the cost of the owners in appearing at a hearing of necessity under subsection 7(7) of the <i>Expropriations Act</i>	None	None
Take all necessary steps and actions in an Ontario Land Tribunal appeal of a Committee of Adjustment (COA) decision, where the COA decision is consistent with the Planning Services staff recommendation. This includes the authority to determine the extent of the City's participation in the appeal having regard to all relevant factors	City Council provides direction on all other Ontario Land Tribunal matters	None
<p>Authorize settlement of claims where the claim settlement is less than \$100,000</p> <p>Upon the approval of the Chief Administrative Officer, authorize settlement of claims where the claim settlement is less than \$500,000</p> <p>This includes claims where no action or proceeding has been commenced</p>	City Solicitor (and Chief Administrative Officer, as applicable)	None
Approve payments to the City's insurer of any deductible limit provided under an insurance policy upon the settlement of any claim in excess of the deductible limit and approve payments to the City's claims adjuster or external legal counsel upon the settlement of any claim below the deductible limit	Subject to monetary limits on authorization of settlements, as set out above	None

Delegation	Conditions/Restrictions	Reporting Requirements
Purchase insurance to protect the City, including claims adjusting, insurance brokerage services, and related services	Subject to costs being within an approved budget	None
Authorize the write-off and abandonment of any claims of the City that are deemed to be uncollectible	None	None
Retain non-testifying experts to assist in assessing the City's potential liability in any claim or potential claim	None	None
Approve and execute any agreement or other legal document on behalf of the City that is necessary to carry out the City Solicitor's delegated authority under this Schedule	None	None
Take appropriate action with respect to any legal matter where time constraints or other circumstances will not allow for the required authority-granting procedures to be followed	None	City Solicitor shall report to Council from time to time on all actions taken under this delegated authority

Table 3: Municipal Prosecutor

Delegation	Conditions/Restrictions	Reporting Requirements
Authority to act on behalf of the City in accordance with the transfer agreement with the Ministry of the Attorney General (MAG) under Part X of the <i>Provincial Offences Act</i> (POA) and to act as agent for all by-law enforcement officers of the City as prosecutor for proceedings commenced under Parts I, II, III or VII	In the case of proceedings on behalf of the MAG, in accordance with the transfer agreement between MAG and the City of Kingston	None

Table 4: City Clerk

Delegation	Conditions/Restrictions	Reporting Requirements
All powers and duties under the <i>Municipal Freedom of Information and Protection of Privacy Act</i>	None	None
Issue letters of support for future requests of breweries and wineries located within the boundaries of the City of Kingston for "By the Glass" Manufacturer's Limited Liquor Sales Licences to sell and serve their beer or their wine to patrons for consumption at their manufacturing site	None	None
Make editorial and other changes to by-laws	Subject to and in accordance with <i>By-law Number 2021-41, "Council Procedural By-law"</i>	Annually via information report to Council
Prepare amendments to the <i>Statutory Officials By-law</i> to reflect personnel changes and to place such amending by-laws on the Council agenda for all three readings	None	None
Appoint fence viewers to arbitrate fencing disputes between adjoining owners in accordance with the provisions of the <i>Line Fences Act</i>	None	None
Authorized Signatory for purposes associated with Authorized Requester Agreements for use related to human resources, Provincial Offences Act matters, and parking.		None
Approve facility agreements for the storage and management of the City's archival records	Subject to sufficient funds being available in the departmental budget	None

Delegation	Conditions/Restrictions	Reporting Requirements
Prepare amendments to the <i>Records Retention By-law</i> to reflect changes in records categories and retention periods, and place such amending by-laws on the Council agenda for all three readings	None	None
Prepare administrative amendments to by-laws to reflect a third-party name change, and place such amending by-laws on the Council agenda for all three readings	None	None
Prepare amendments to the <i>Cemeteries By-law</i> , and place such amending by-laws on the Council agenda for all three readings	Amendments are subject to approval of the Bereavement Authority of Ontario	None

Table 5: Director, Office of Strategy, Innovation & Partnerships

Delegation	Conditions/Restrictions	Reporting Requirements
Administer and oversee all airport operations, including executing agreements, licences and contracts, and all powers and responsibilities of a Transport Canada Airport Accountable Executive.	None	None

Schedule 'B' Commissioner of Community Services

Table 1: Commissioner of Community Services

Delegation	Conditions/Restrictions	Reporting Requirements
Execute service agreements with service providers associated with municipal emergency response and reception centre operations	None	None
Submit grant applications to support existing services or enhance existing services provided to the community by departments within the Community Services portfolio	Applications must be time-sensitive and subject to sufficient funds being available in the applicable departmental budget	None
Execute budget schedules, contract addenda, service description documents, financing postponements, releases and assignments, contract amendments, amending agreements and any agreements containing personal information of individual recipients	Documents must be associated with an original Service Agreement executed by the Mayor and Clerk and related to Housing & Social Services or community services emergency management	None

Table 2: Director, Arts & Culture Services

Delegation	Conditions/Restrictions	Reporting Requirements
Apply for and execute all documentation required to obtain approval from the Alcohol and Gaming Commission of Ontario for a liquor licence application for the Grand Theatre	None	None
Amend the Public Art Policy	For housekeeping and procedural purposes only	None
Execute agreements to enable the City of Kingston to work with local artists to support the Kingston Music Strategy	None	None
Amend the Film Policy	For housekeeping and procedural purposes only	None
Amend the Special Event Policy	For housekeeping and procedural purposes only	None
Deem an event to be of municipal significance for the purpose of a person applying for a Special Occasion Permit to sell, serve or consume alcohol anywhere other than a licensed establishment or private place	Request for an event of municipal significance must meet all requirements of the Alcohol and Gaming Commission of Ontario	None

Table 3: Director, Community Development, Wellbeing & IIDEA

Delegation	Conditions/Restrictions	Reporting Requirements
Waive park booking fees as detailed in the <i>Annual Fees and Charges By-law</i>	To accommodate requests from Indigenous community organizers to access park spaces for ceremony and cultural gatherings Does not apply to special event bookings or gatherings of over 99 people	None
Execute agreements related to Engage for Change program to support community organizations advancing Phase III initiatives	Phase III initiatives include: <ul style="list-style-type: none"> • Continued community engagement and consultation • Community cultural centre / gathering space • Fostering inclusion at Kingston City Hall • Community programming, education and event support. • Resources website Internal process alignment, department liaisons, building cultural awareness	None
Execute service agreements for the implementation of provincial programs, cost shared programs and initiatives, funding and other agreements related to provincial and municipal programs and other social services essential and or beneficial to the wellbeing of the community	Includes funding for service providers such as the Kingston Seniors' Association, H'Art Centre, Kingston Community Health Centres, Kingston Native Centre and Language Nest and Bloom Skills Centre	None

Table 4: Director, Heritage Services

Delegation	Conditions/Restrictions	Reporting Requirements
Grant permits to approve minor alterations to designated properties and impacting alterations to Part IV designated properties	Subject to and in accordance with <i>By-law Number 2023-38, "Procedural By-Law for Heritage"</i>	Issued permits are reported to the Kingston Heritage Properties Committee
Request, receive, review and accept or reject plans, information, reports and any other documentation required to make a decision, when an application is made under the <i>Ontario Heritage Act</i>	Authority applies to applications: <ul style="list-style-type: none"> a) To alter, erect, demolish or remove any building or structure on a designated heritage property; and b) To repeal a by-law, or portion thereof, of a designated property 	None
Determine whether or not applications under the <i>Ontario Heritage Act</i> are deemed incomplete/complete and/or sufficient for receipt and processing	None	None
Process heritage permits and establish any policies, guidelines, practices or procedures necessary to enact the permits in accordance with the By-law or Council direction	Subject to and in accordance with <i>By-law Number 2023-38, "Procedural By-Law for Heritage"</i>	None
Implement fee adjustments for MacLachlan Woodworking Museum and the Pump House Museum	Adjustments may be made due to service interruptions, to incentivize participation or to remove economic barriers	None

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Execute contracts and agreements related to the work of the Heritage Services Department</p>	<p>Contracts and agreements subject to sufficient funds being available in the department budget</p> <p>Related to the mandate of the Heritage Services Department and recommendations in the Kingston Culture Plan</p> <p>Includes grant applications to access funding from higher levels of government and private foundations to build partnerships, secure alternative sources of revenue and raise Kingston's heritage profile</p>	<p>Report summarizing use of authority to be provided to Council annually.</p>
<p>Amend the following policies:</p> <ul style="list-style-type: none"> a) Civic Collection Policy; b) Commemorations Policy; c) Pump House Steam Museum Policy; d) MacLachlan Woodworking Museum Policy; e) City Hall National Historic Site Policy; f) Cultural Community Engagement and Education Interpretative Policy; g) Heritage Masonry Restoration Policy; and h) Window Renovations in Heritage Buildings Policy 	<p>Limited to housekeeping amendments related to clarification and formatting and updating to ensure changes to legislation, City policies and industry best practices are reflected</p>	<p>None</p>

Table 5: Director, Housing & Social Services

Delegation	Conditions/Restrictions	Reporting Requirements
Approve the allocation of funding for the creation of affordable housing additional residential units	None	None
Execute service agreements for the provision of document scanning and imaging services related to the implementation of Electronic Document Management for processing of and retention of Ontario Works and Ontario Disability Support Program records	Subject to annual review	None
Execute all documents and agreements related to the Home Ownership Program and Affordable Housing Capital Investment Program	None	None
Execute service agreements with the Province or its agents for funding and cost shared programs and initiatives related to the delivery of social assistance, social housing, homelessness, child care, EarlyON, homemaking, social services, health and long term care	None	None
Execute service agreements related to social services programs and service delivery and affiliation agreements with educational institutions and training agencies	Includes provincially selected/recognized technology, information services and data suppliers	None
Execute service agreements for the implementation of provincial programs, cost shared programs and initiatives, funding and other agreements related to provincial and municipal programs and other social services essential and or beneficial to the wellbeing of the community	Includes funding for rent supplements, eviction prevention, emergency shelter services, homeless services and residential housing supports	None

Table 6: Director, Recreation & Leisure Services

Delegation	Conditions/Restrictions	Reporting Requirements
Execute licence agreements with community groups, for the use of City-owned lands for the purpose of growing and harvesting of fruit trees, nut trees and/or shrubs	Subject to and in accordance with the Community Orchard & Edible Forest Policy	None
Make discretionary fee adjustments due to service interruptions	Applies to services offered by Recreation & Leisure Services	None
Execute equipment rental agreements at Slush Puppie Place	None	None

Table 7: Administrator, Rideaucrest

Delegation	Conditions/Restrictions	Reporting Requirements
Execute service agreements with providers of health care and health related services and programs not offered through the City of Kingston to the residents of Rideaucrest Home	For programs such as dental care, oral hygiene, physiotherapy, and pharmacy and prescription drug dispensing	None
Execute contracts and agreements that are implemented to provide health care and support services	Pursuant to regulatory requirements of the <i>Fixing Long Term Care Act, 2021</i> or any successor legislation Not to exceed \$50,000	Quarterly to the Rideaucrest Home Board of Management (Administrative Policies Committee)

Schedule 'C' Commissioner of Corporate & Emergency Services

Table 1: Commissioner of Corporate & Emergency Services

Delegation	Conditions/Restrictions	Reporting Requirements
Execute agreements with third parties for the provision of alternate locations for the municipal Emergency Operations Centre	None	None

Table 2: Director, Corporate Asset Management & Fleet

Delegation	Conditions/Restrictions	Reporting Requirements
Approve fuel hedging contracts	Subject to and in accordance with <i>By-law Number 2020-99, "A By-Law to Adopt a Fuel Price Hedging Policy"</i>	Annually as per the Fuel Price Hedging Policy

Table 3: Fire Chief

Delegation	Conditions/Restrictions	Reporting Requirements
Take all proper measures for the prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by the <i>Fire Protection and Prevention Act</i>	None	None
Execute agreements and any other documents to provide fire and public safety training, facility and equipment rentals, and other related fee for services to external clients	None	None

Table 4: Director, Human Resources & Organizational Development Services

Delegation	Conditions/Restrictions	Reporting Requirements
Approve staff positions	Applies only when: <ul style="list-style-type: none"> a) Funds are available within current budgetary allocations; b) All expenditures are deemed essential for the purpose of achieving the objectives of the City; and c) Alternate methods of achieving the objectives have been evaluated and proven more costly or less effective than staffing a position. 	

Table 5: Chief Information Officer

Delegation	Conditions/Restrictions	Reporting Requirements
Approve recurring annual agreements with respect to the continuance of technical software and data licencing, maintenance and support services for City applications	None	None
Approve release of future software source code developed and owned by the City, to the Open Source community under appropriate licensing terms, where there is likely to be benefit to the corporation, partners and/or the community	Consultation required with Legal Services prior to release of code developed and owned by the City	None
<p>Execute the following types of data license agreements:</p> <ul style="list-style-type: none"> a. agreements which license data owned by the City to a third party, and which may include the provision of services related to such data; b. agreements which sublicense data licensed or sublicensed to the City to a third party, and which may include the provision of services related to such data; c. agreements which license data owned by a third party to the City, and which may include the provision of services related to such data; d. agreements which sublicense data licensed by a third party to the City, and which may include the provision of services related to such data 	Agreement value must be less than \$5,000 and within approved budget	None

Schedule 'D' Commissioner of Growth & Development Services

Table 1: Director, Building Services

Delegation	Conditions/Restrictions	Reporting Requirements
Execute limiting distance agreements under the <i>Building Code Act</i>	None	None
Execute conditional building permit agreements under the <i>Building Code Act</i>	Subject to internal circulation to Planning Services Department Subject to requirements of <i>Building Code Act</i>	None
Appoint and remove inspectors pursuant to subsection 3(2) of the <i>Building Code Act</i>	None	None
Execute agreements with registered code agencies and appoint them to perform specified functions	None	None
Issue demolition permits pursuant to section 33 of the <i>Planning Act</i> when the number of residential units is being reduced	Subject to and in accordance with the <i>By-law Number 2020-151, "Demolition Control By-Law"</i>	None

Table 2: Director, Business, Real Estate & Environment

Delegation	Conditions/Restrictions	Reporting Requirements
Approve agreements to lease/license City-owned land and agreements to lease/license land required for City purposes (other than in a park or on a public highway)	Total consideration or a reasonable estimate thereof does not exceed \$300,000 Funding must be available in an approved budget Subject to compliance with Acquisition and Disposition of Real Property Policy and Procedure	None
Approve and execute documents or agreements to change the closing date of a purchase and sale transaction	None	None
Approve agreements permitting encroachments onto City land (other than a park or public highway)	Subject to internal consultation with Planning Services, Transportation Services, Engineering Services and any other affected departments or City agencies	None
Approve agreements permitting use of unopened road allowances	Subject to internal consultation with Planning Services, Transportation Services, Engineering Services and any other affected departments or City agencies	None
Execute connection agreements and other agreements with utility providers for the supply of utilities on City-owned land	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Execute comfort letters in relation to Option to Repurchase/Additional Purchase Price Agreements	None	None
Approve sale of City-owned industrial and employment lands and execute purchase and sale agreements and amending agreements and other documents with respect thereto	Subject to compliance with Acquisition and Disposition of Real Property Policy and Procedure	None
Approve transactions and execute agreements, offers and other documents in connection with the acquisition of land or any interest in land, including an easement	Total consideration or a reasonable estimate thereof does not exceed \$300,000 Funding must be available in an approved budget Subject to compliance with Acquisition and Disposition of Real Property Policy and Procedure	Bi-annually via an information report to Council
Approve transactions and execute agreements, offers and other documents in connection with the disposition of land or any interest in land, including an easement	Total consideration or a reasonable estimate thereof does not exceed \$300,000 Funding must be available in an approved budget Subject to compliance with Acquisition and Disposition of Real Property Policy and Procedure	Bi-annually via an information report to Council
Execute letters of intent in connection with the disposition or acquisition of land or any interest in land, including an easement	Letter of intent must precede a binding agreement, offer or other document that is subject to the terms of this By-law	None

Delegation	Conditions/Restrictions	Reporting Requirements
Approve amendments to purchase and sale agreements where transaction was approved by Council	<p>Subject to approval of Commissioner, Growth & Development Services</p> <p>Applies only to minor amendments, including corrections to agreement, amendments to condition or other dates/deadlines</p>	None
Acquire a purchase option, right of first offer or right of first refusal in favour of the City or a third party	<p>Total consideration or a reasonable estimate thereof does not exceed \$300,000</p> <p>Funding must be available in an approved budget</p>	None
Approve community licence agreements in City facilities at nominal rates	<p>Subject to internal consultation with Recreation & Leisure Services</p> <p>Subject to and in accordance with Acquisition and Disposition of Real Property Policy and Procedure</p>	

Table 3: Manager, Climate Leadership

Delegation	Conditions/Restrictions	Reporting Requirements
Execute funding agreements with participating Neighbourhood Climate Action Champions to provide project funding of up to \$2,000 per project	None	None
List special charge by-laws for the Better Homes Kingston Program on future Council agendas	Subject to internal consultation with City Solicitor and the Treasurer's certification of the local improvement roll	None

Table 4: Director, Licensing & Enforcement Services

Delegation	Conditions/Restrictions	Reporting Requirements
Appoint municipal law enforcement officers as peace officers for the purpose of enforcing City by-laws	None	None
Approve noise exemptions for amplified sound	Subject to and in accordance with <i>By-law Number 2004-52, "Noise By-Law"</i> Delegation applies to exemptions that are minor in nature. Requests that are for multiple days, have significant community effect, affect public property or have a large number of participants require Council approval	None
Execute the Authorized Requester Agreements and future agreements with the Ministry of Transportation, to enable the City to continue to obtain vehicle owner information to assist in investigations into violations of specific city by-laws		None
Appoint or rescind appointment of persons as municipal law enforcement officers for the purpose of issuing parking infraction notices on designated properties	Subject to and in accordance with <i>By-law Number 99-166</i>	None
Approve agreements for the issuance of City parking infraction notices on private property, and amend or rescind any agreement	Subject to and in accordance with <i>By-law Number 99-166</i>	
Appoint livestock valuers for purposes of determining compensation to owners of livestock or poultry under the Ontario Wildlife Damage Compensation Program	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Redistribute the Council approved yearly funding between the Spay/Neuter voucher program and the Trap, Neuter, Vaccinate, Release/Return program</p>	<p>None</p>	<p>None</p>
<p>Use all or a portion of the annual funding for the Trap, Neuter, Vaccinate, Return component of the Responsible Pet Ownership Program to execute service level agreements with animal welfare stakeholders for Trap, Neuter, Vaccinate, Return services</p>	<p>None</p>	<p>None</p>
<p>Establish and implement, and revise or remove, temporary and permanent changes pertaining to on-street parking and to parking in municipally operated parking lots and on other municipal property, including the following: parking prohibitions, stopping prohibitions, time limited parking zones, paid parking zones, accessible parking spaces, medical parking zones, university parking zones, tour bus parking zones, permit parking zones, taxi stand zones, commercial loading zones, bus stop zones, and electric vehicle charging station spaces, including placement of the amending by-laws, as required, directly on the Council Agenda</p>	<p>Subject to and in accordance with <i>By-law Number 2010-128, "Parking By-Law"</i> Director may refer any matter to Council</p>	<p>None</p>
<p>Adjust the Transportation Network Company (TNC) fee distribution</p>	<p>To meet and increase service delivery goals and funding sustainability in coordination with TNC trip fee revenue as received</p>	<p>None</p>

Table 5: Director, Planning Services

Delegation	Conditions/Restrictions	Reporting Requirements
Issue site alteration permits under the Site Alteration By-law	Subject to and in accordance with <i>By-law Number 2008-128, "Site Alteration By-law"</i>	None
Approve encroachment over easement agreements with private property owners in respect of City easements	None	None
Approve private road/unassumed lane agreements entered into as a condition of a planning approval	None	None
<p>Approve the dedication of City-owned lands for public highway, lane or walkway purposes</p> <p>Includes the authority to place associated by-laws directly on the Council agenda</p>	<p>Applies only where:</p> <ul style="list-style-type: none"> a) the lands have been acquired or accepted for a public highway, lane or walkway pursuant to a development approval; b) the reserves on registered plans or lands used as reserves are no longer needed to control access to an abutting property; c) Council's intent to open a road can be implied from one or more documents; or d) the lands are used by the public as public highway, lane or walkway 	

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Approve Final Plans of Subdivision in accordance with subsection 51(58) of the <i>Planning Act</i></p>	<p>Despite this delegation, Council retains all powers and authority under subsection 51(58) of the <i>Planning Act</i> where:</p> <ul style="list-style-type: none"> a) the Director of Planning Services or their designate, at their sole discretion, refers the request for Final Approval of the Plan of Subdivision to Council b) the owner/subdivider requests in writing that Final Approval of the Plan of Subdivision be referred to Council; or c) a Council motion is passed directing that the application for Final Approval of the Plan of Subdivision be referred to Council <p>Where a request for Final Approval of a Plan of Subdivision is referred to Council, the decision respecting Final Approval will rest with Council</p>	<p>Where Final Approval of a Plan of Subdivision is referred to Council, the Director of Planning Services or their designate will prepare a report to Council outlining:</p> <ul style="list-style-type: none"> a) the request for referral to Council; b) details on how each draft plan condition has been fulfilled; c) that the detailed engineering plans have been approved; d) that all clearance letters from municipal departments and outside agencies have been received; e) that all financial securities and certificates of insurance have been received; f) that there are no outstanding taxes or fees; g) draft conveyances for parklands, walkways, road widenings; h) draft conveyance documents for the easements required by the Subdivision Agreement together with the Draft Reference Plan illustrating the easements; and i) the required number of original paper and/or electronic copies of the Final M Plan being submitted for registration

Delegation	Conditions/Restrictions	Reporting Requirements
Issue a Preliminary Certificate of Approval of the Works and a Final Certificate of Approval of the Works to accept public works within a subdivision	Subject to and in accordance with the Subdivision Development Guidelines	None
Approve the release of easements, blocks, and/or lots taken in favour of the City for the purpose of temporary turning circles or temporary access roads, as well as temporary storm water management facilities within subdivisions	None	None
Revise, clarify, or change conditions of an approved Draft Plan of Subdivision	<p>Applies only where:</p> <ul style="list-style-type: none"> a) the change to the conditions of Draft Plan Approval imposed by Council pursuant to subsection 51(44) of the <i>Planning Act</i> is consistent with the Council recommendation respecting Draft Plan of Subdivision, as determined by the Director of Planning Services; and b) the change to a condition of Draft Plan Approval is deemed by the Director of Planning Services to be minor for the purposes of giving notice 	None
Determine and distinguish between different categories of <i>Planning Act</i> applications (e.g. major vs. minor), including to determine whether a Plan of Subdivision is required	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Approve extensions of Draft Plan of Subdivision lapsing dates	None	None
Approve exemptions from Draft Plan of Condominium approval under subsection 9(7) of the <i>Condominium Act, 1998</i>	<p>Applies only where:</p> <ul style="list-style-type: none"> a) developments have undergone site-specific <i>Planning Act</i> review and approval; b) a Site Plan Control Agreement, if required, has been registered against the title of the lands; c) the work required is substantially completed or installed as prescribed under the <i>Condominium Act, 1998</i>; d) there are no outstanding municipal or agency requirements; e) there are no provincial, municipal, or agency concerns requiring conditions of draft approval; and f) all matters under section 51 of the <i>Planning Act</i> (including O.Reg 544/06) have been addressed to the satisfaction of the Director of Planning Services <p>All Final Plans of Condominium are brought forward to Planning Committee and City Council for review and approval</p>	None

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Approve amendments to a Condominium Declaration and/or Description</p>	<p>Applies only where:</p> <ul style="list-style-type: none"> a) the condominium corporation has passed a resolution approving the proposed amendment(s) to the declaration and/or description; b) the condominium corporation has executed a Form 1 under section 107 of the <i>Condominium Act, 1998</i> confirming that the amendment(s) complies with the provisions of section 107 of the <i>Condominium Act, 1998</i>; c) the condominium corporation has submitted the amendment(s) to the declaration and/or description to the Director of Planning Services; and d) the condominium corporation has submitted the required number of originals and copies of the revised condominium plans for signing by the City and registration at the Land Registry Office 	<p>None</p>
<p>Determine whether or not applications under the <i>Planning Act</i> are deemed incomplete/complete and/or sufficient for receipt and processing</p>	<p>None</p>	<p>None</p>

Delegation	Conditions/Restrictions	Reporting Requirements
Issue Site Plan Control approval pursuant to section 41 of the <i>Planning Act</i> and approve associated agreements and documents	Subject to and in accordance with <i>By-law Number 2025-109, "Site Plan Control By-law"</i>	Where a Council resolution is passed to refer a Site Plan Control application to Planning Committee for discussion, an information report will be brought forward to Planning Committee
Approve applications to lift part lot control pursuant to subsection 50(7) of the <i>Planning Act</i> Includes authority to place associated by-laws directly on the Council agenda	If the Director of Planning Services recommends refusal of the application to lift part lot control, the application will be referred to Council for a decision, at the owner's request	None
Approve applications for deeming by-laws pursuant to subsection 50(4) of the <i>Planning Act</i> Includes authority to place associated by-laws directly on the Council agenda	If the Director of Planning Services recommends refusal of the application for a deeming by-law, the application will be referred to Council for a decision, at the owner's request	None
Administer and process requests to reduce/release financial securities submitted as a condition to the approval of a planning application	None	None
Administer Cash-in-Lieu of Parking By-law and approve agreements and documents entered into thereunder	Subject to and in accordance with the <i>Cash-in-Lieu of Parking By-law</i>	None

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Approve release of agreements registered on title as a condition to the approval of a planning application</p>	<p>Applies only where:</p> <ul style="list-style-type: none"> a) the owner, authorized agent, purchaser, or mortgagee has requested the release in writing; b) the terms of the agreement have been completed or the terms of the agreement have been satisfied or superseded by the requirements of another agreement registered on title; c) the registered owner pays all costs associated with the release of the agreement, including the City's costs to prepare and register the release; d) all financial securities have been released; e) all parties having jurisdiction over the terms and conditions of the agreement have agreed to its release; and f) there is no history of non-compliance, complaints or enforcement regarding the terms and conditions of the agreement 	<p>None</p>

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Approve and refuse consent applications pursuant to section 53 of the <i>Planning Act</i></p> <p>Includes the right to negotiate/engage in dispute resolution processes with any objector to a consent application in an effort to resolve the dispute without a hearing</p>	<p>Applies only to:</p> <ul style="list-style-type: none"> a) the grant of a provisional consent where the application is not in dispute or where any dispute is resolved without a hearing; or b) the refusal of an application which has remained inactive for more than one year, and only after the applicant has been given written notification that the application will be refused, and given 60 days to respond <p>Where a dispute cannot be resolved without a hearing, the Director of Planning Services will refer the matter to the Committee of Adjustment for decision</p> <p>Where the Director of Planning Services recommends refusal of an application (except in the circumstances described in (b) above), the matter will be referred to the Committee of Adjustment for decision, upon the owner's request</p>	<p>None</p>
<p>Approve development agreements entered into as a condition of a planning approval</p>	<p>None</p>	<p>None</p>
<p>Signing authority in absence of the Secretary-Treasurer of the Committee of Adjustment for Committee of Adjustment matters</p>	<p>None</p>	<p>None</p>

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Revise, clarify, or change conditions of a provisional consent approved by the Director of Planning Services</p> <p>Includes the authority to determine whether a change is minor for the purpose of giving notice pursuant to subsection 53(26) of the <i>Planning Act</i></p>	<p>Applies only to a change of the conditions of a provisional consent approved by the Director of Planning Services in accordance with subsection 53(23) of the <i>Planning Act</i> at any time before a consent is given</p>	<p>None</p>
<p>Issue a municipal statement of concurrence for applications to Industry Canada, or their successor, for Radiocommunication Facilities</p>	<p>Applications are processed in accordance with the Council-adopted Standard Operating Procedure. Council retains all powers and authority with respect to the issuance of a municipal statement of concurrence where the Director of Planning Services refers the matter to Council</p>	<p>None</p>
<p>Pass minor zoning by-law amendments pursuant to section 39.2 of the <i>Planning Act</i></p>	<p>Applies only to:</p> <ul style="list-style-type: none"> a) by-laws to remove areas from the holding overlay provisions of the zoning by-law, where conditions have been satisfied; b) adding holding overlay provisions to the zoning by-law where conditions are required; and c) uncontested City-initiated zoning by-law amendments to bring properties governed by the City's former zoning by-laws into the current zoning by-law 	<p>Council will receive notice of the Director of Planning Service's passage of any by-law to remove areas from the holding overlay provisions of the zoning by-law through the weekly Council update</p>

Delegation	Conditions/Restrictions	Reporting Requirements
Administer <i>Community Benefits Charges By-law</i> and approve all agreements and documents entered into thereunder	Subject to and in accordance with <i>By-law Number 2023-143, "Community Benefits Charges By-law"</i>	None
Approve model home agreements and pre-servicing agreements entered into prior to final subdivision approval	None	None
Approve offsite works agreements in relation to development applications	None	None

Schedule 'E' Commissioner of Transportation & Infrastructure Services

Table 1: Director, Engineering Services

Delegation	Conditions/Restrictions	Reporting Requirements
Execute agreements with railway authorities for cost sharing of warning systems and maintenance at level railway crossings	None	None
Apply to the Ministry of Environment, Conservation and Parks for Consolidated Linear Infrastructure Environmental Compliance Approvals for the City's Stormwater Management System, including any future renewal, extension or amendment application, and approve any documents and agreements in connection therewith	None	None
Authority to determine whether City-initiated infrastructure works are designated as a municipal service vehicle for purposes of <i>By-law Number 2004-52, "A By-law to Regulate Noise"</i>	None	None

Table 2: Director, Public Works & Solid Waste Services

Delegation	Conditions/Restrictions	Reporting Requirements
Declare and end a significant weather event pursuant to O. Reg. 239/02 under the <i>Municipal Act, 2001</i>	Subject to definition of “significant weather event” pursuant to O. Reg. 239/02 under the <i>Municipal Act, 2001</i>	None
Approve requests for non-edible community gardens on City-owned lands	Subject to and in accordance with the Community Gardens Development and Operations Policy	None
Approve agreements and other documents related to funding and services regarding Circular Materials Ontario	None	None
Approve agreements and other documents related to funding and services for recycling and diversion programs	None	None
Execute licence agreements to authorize encroachments upon a highway under the jurisdiction of the City	Subject to and in accordance with <i>By-law Number 2004-107, “A By-law to Protect the City’s Highways from Unauthorized Encroachments”</i> and <i>By-law Number 2004-190, “A By-law to Regulate the Use of City Streets”</i>	None
Approve temporary road closures for special events and for filming pursuant to an approved film permit	None	None
Approve temporary road closures necessitated by construction, routine operations, rehabilitation, maintenance, and repairs Includes authority to approve intermittent traffic control, and traffic sign alteration, removal, or control	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Approve agreements for the installation of private/utilities infrastructure in the municipal right-of-way	None	None
Administer approved loan agreements under the <i>Tile Drainage Act</i> for the purpose of constructing drainage works	Subject to Council approval of loan, unless otherwise delegated	None
Apply temporary reduced load limits on highways, as weather and road conditions may require	Subject to and in accordance with Section 122 of the <i>Highway Traffic Act</i> and <i>By-law Number 2003-209, "A By-law to Regulate Traffic"</i>	None
Declare and end a Declared Weather Event	Subject to definition of "declared weather event" under <i>By-Law Number 2010-128, "A By-Law to Regulate Parking"</i>	

Table 3: Manager, Solid Waste Services

Delegation	Conditions/Restrictions	Reporting Requirements
Operate and administer the City's waste management system, including establishing measures required for the proper operation and administration of the waste management system	Subject to and in accordance with <i>By-law Number 2014-5, "A By-Law to Regulate the Solid Waste Management System for the City of Kingston"</i>	None

Table 4: Director, Transportation & Transit Services

Delegation	Conditions/Restrictions	Reporting Requirements
Approve temporary speed restrictions and turn prohibitions in construction zones	None	None
Approve agreements with sales agencies for the sale of transit smart cards	None	None
Undertake amendments to <i>By-law Number 2003-209, "A By-Law to Regulate Traffic"</i> , to designate a highway or portions of a highway under the jurisdiction of the City as Community Safety Zones Includes authority to place amending by-laws directly on the Council agenda for all three readings	Subject to and in accordance with the <i>Highway Traffic Act</i>	None
Approve, modify or suspend any aspect of a School Street/Play Street road closure	None	None
Administer the City's Street Patio Program in accordance with the Street Patio Standards and Application Guide, including the right to make amendments to the Street Patio Standards and Application Guide to reflect updated standards from time to time, and approve patio licence agreements and other agreements required pursuant to the Street Patio Program Includes authority to modify the patio season operating dates subject to weather conditions and City operational requirements, and to temporarily close any patio	None	None
Execute Authorized Requester Agreements with the Ministry of Transportation to obtain statistical collision information.	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Place by-laws directly on the Council agenda for all three readings to amend <i>By-law Number 2003-209, "A By-Law to Regulate Traffic"</i> , to establish Designated Areas, prescribe Area Speed Limits, and prescribe lower rates of maximum speed that apply to highways or parts of highways under the jurisdiction of the City	Subject to and in accordance with the <i>Highway Traffic Act</i>	None
Approve the installation of traffic control signals/systems	Subject to available funding in an approved budget	None
Establish, implement, revise or remove temporary and permanent changes in on-street parking and stopping regulations, including the following: parking prohibitions, stopping prohibitions, time limited parking zones, bus stop zones, and school bus loading zones Includes authority to place amending by-laws directly on Council agenda for all three readings	Subject to and in accordance with <i>By-law Number 2010-128, "A By-Law to Regulate Parking"</i>	None
Establish, implement, revise or remove temporary and permanent changes to on-street traffic movements and intersection controls, including the following: speed limits, through highways, stop control, yield control and all-way control at intersections, roundabouts, one-way traffic, traffic lanes, two-way left turn lanes, turning restrictions and prohibitions including cyclist and vehicular exemptions where appropriate, designated bus lanes, designated bicycle lanes, heavy traffic Includes authority to place amending by-laws directly on Council agenda for all three readings	Subject to and in accordance with <i>By-Law Number 2003-209, "A By-Law to Regulate Traffic"</i> and the <i>Highway Traffic Act</i>	None

Delegation	Conditions/Restrictions	Reporting Requirements
Approve network-wide free transit fares, or transit fares at no cost or at a discount, for specific groups, to support City events and programs	Subject to available funding in an approved budget to offset the revenue loss	None
Approve agreements for the sale of advertising on Kingston Transit infrastructure, including vehicles, shelters and benches	None	None

Schedule 'F' Chief Financial Officer & City Treasurer

Table 1: Chief Financial Officer & City Treasurer

Delegation	Conditions/Restrictions	Reporting Requirements
Transfer funds from surplus, where a surplus exists in any given year from net assessment growth, to offset the Development Charges exemptions for that year	None	None
Approve agreements entered into pursuant to the provisions of the <i>City of Kingston Development Charges By-law</i>	None	None
Execute agreements, including transfer payment agreements, related to the Provincial Gas Tax program	None	None
Submit grant applications in accordance with the City of Kingston Grant Strategy and execute grant agreements in accordance with the City of Kingston Grant Strategy	<p>Project must have approval from Council, including approved budget</p> <p>If there is not approval from Council, including budget, the project must align with corporate or council priorities and staff resources and budget capacity must exist.</p> <p>Resources include available staff, approved envelopes of funding to meet municipal share requirements and external partners /resources to execute the project</p>	Annually via information report to Council
Reallocate funding between approved Rapid Housing Initiative projects, as required, to address project variances	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Execute all documents and agreements required to facilitate program funding from the Federation of Canadian Municipalities (FCM) for the Better Homes Kingston program, including obtaining long-term borrowing for capital works under the program through the issuance of debentures to FCM	None	None
Execute agreements with the Royal Bank of Canada in relation to the Reloadable Payment Card Program as established by the Ministry of Children, Community and Social Services	Authority includes Master Client Agreement, Delivery Agent Agreement, Statement of Work, Resolution Regarding Bank and other related documentation	None
Reallocate approved Housing Accelerator Fund related funding between programs and initiatives and replace approved municipal funding with Housing Accelerator Fund monies where required over the three-year CMHC Housing Accelerator Fund eligibility period	None	None
Proceed directly to the non-standard procurement method identified in <i>By-Law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston</i> , to award contracts, as necessary to renovate and operate future homeless shelter sites.	Based on future property acquisitions up to \$6,200,000 to be funded from the 2025 approved capital budget and Community Benefit Fund of \$280,000	As part of monthly delegation of authority information reports to Council as required by <i>By-Law Number 2022-154, A By-Law to Establish a Procurement Policy for the City of Kingston</i>

Table 2: Director, Financial Services

Delegation	Conditions/Restrictions	Reporting Requirements
Approve service agreements with any board or agency of the City for which services are provided by city administrative departments and authority to respond on behalf of the city administrative departments to appropriate competitive procurements of any boards or agencies of the City	Applies to accounting and financial reporting services, information technology support or other related support services	None
Prepare and place on a Council agenda for all three readings the draft rating by-law for loans under the <i>Tile Drainage Act</i>	Director of Public Works & Solid Waste Services to approve applications based on specified conditions	None
Rectify minor administrative oversights in respect of a fee set out in a schedule of the <i>Annual Fees and Charges By-law</i>	None	None
Waive fees for not-for-profit organizations requesting the use of municipal facilities as defined in the Waiver of Fees Policy	Decisions based on recommendations from appropriate commissioner ensuring the amount falls within the approved annual operating budget allocation for this purpose and sufficient budget remains	None
Execute all related service agreements with vendors for the provision of billing and payment services	None	None

Table 3: Manager, Taxation & Revenue

Delegation	Conditions/Restrictions	Reporting Requirements
Approve applications for the Alternative Installments (Pre-authorized) Tax Payment Program	Subject to and in accordance with <i>By-law Number 2003-368, "A By-law to Provide for an Alternate Installment (Pre-Authorized) Tax Payment Program"</i>	None
Commence and file notices of appeal on behalf of the City of Kingston with the Assessment Review Board	For properties where assessment is considered to be too high, too low, wrongly assessed or for properties that have been omitted from the assessment role Staff may refer items to Council for consideration	None
Attend before the Assessment Review Board on assessment or taxation appeals filed by the municipality and on appeals filed by another person, entity or agent	Staff may refer items to Council for consideration.	None
Execute settlement agreements reached in the course of a taxation or assessment appeal before the Assessment Review Board	Staff may refer items to Council for consideration	None
Withdraw any appeal filed by the municipality to the Assessment Review Board should it be determined that it is not in the City's best interest to proceed	Staff may refer items to Council for consideration	None
Approve agreements with the Municipal Property Assessment Corporation (MPAC) for the electronic download of property assessment information from the Municipal Connect website	None	None

Delegation	Conditions/Restrictions	Reporting Requirements
Receive applications from owners of residential property and allow such owners a deferral of up to 50% of the owner's residential tax bill up to \$1,000 per year	Subject to and in accordance with <i>By-law 98-87, "A By-Law to Allow Residential Tax Deferrals"</i>	None
Determine if a low-income senior or low-income individual with disabilities qualifies for deferral of residential tax increases and to request any information or documentation that is required in order to make such a decision	Subject to and in accordance with <i>By-law Number 98-216, "A By-Law to Allow for Deferrals of Residential Tax Increases for Low Income Seniors and Low Income Persons with Disabilities"</i>	None

Schedule 'G': President and CEO, Utilities Kingston

Table 1: President and CEO, Utilities Kingston

Delegation	Conditions/Restrictions	Reporting Requirements
Act as the authorized representative of the utility owner (The Corporation of the City of Kingston) for purposes of signing and submitting any application, document or form related to the management, operation and maintenance of City-owned utilities.	None	None
Act on behalf of the utility owner (The Corporation of the City of Kingston) to comply with the legislated requirements of the <i>Greenhouse Gas Pollution Pricing Act</i> and Federal Carbon Pricing Backstop as it relates to the natural gas utility, and to execute any required operational documents that fall within the provisions of the <i>Greenhouse Gas Pollution Pricing Act</i> and Federal Carbon Pricing Backstop	None	None

Table 2: Chief Financial Officer



Delegation	Conditions/Restrictions	Reporting Requirements
Act as the authorized representative of the utility owner (The Corporation of the City of Kingston) for purpose of signing and submitting any application, document or form related to the management, operation and maintenance of City-owned utilities	None	None
Act on behalf of the utility owner (The Corporation of the City of Kingston) to comply with the legislated requirements of the <i>Greenhouse Gas Pollution Pricing Act</i> and Federal Carbon Pricing Backstop as it relates to the natural gas utility, and to execute any required operational documents that fall within the provisions of the <i>Greenhouse Gas Pollution Pricing Act</i> and Federal Carbon Pricing Backstop	None	None
Make automatic adjustments to the natural gas commodity, and transportation and storage rates	Adjustments may only be made following any review that indicates the price is above or below the current rate by 5% or more	None
Procure natural gas	None	None
Amend the Appliance Rental Rates, to competitive market rates	Customers must be given a minimum of 30 days' notice of the change	None
Implement any utility rate or charge for municipal utilities that is mandated or imposed by any federal or provincial body	Must be mandated or imposed by upper level(s) of government	None

Table 3: Director, Water and Wastewater

Delegation	Conditions/Restrictions	Reporting Requirements
Execute annual drinking water compliance reports	Subject to and in accordance with Section 11, Ontario Regulation 170/03: Drinking Water Systems under the <i>Safe Drinking Water Act, 2002</i>	None
Act as the authorized representative of the utility owner (The Corporation of the City of Kingston) for the purpose of signing and submitting applications and approvals to the Ministry of the Environment, Conservation and Parks and other Crown agencies with regulations and standards related to water and sewage works, and associated regulations.	<p>Subject to and in accordance with <i>By-law Number 2006-122, "Water By-Law"</i></p> <p>Subject to and in accordance with sewage works as defined in <i>By-law Number 2008-192, "Sewer Use By-Law"</i></p> <p>Conditions and restrictions on pre-authorized alterations are contained in the Drinking Water Works Permit and the Consolidated Linear Infrastructure-Environmental Compliance Approval, issued by the Ministry of the Environment, Conservation and Parks</p>	None
Execute annual wastewater compliance reports	None	None
Waive fees for the use of the mobile water distribution system (water buggy)	Restricted to not-for-profit organizations	None
Charge a fee for the use of the mobile water distribution system (water buggy) to organizations that do not qualify for a waiver of fees	<p>Fees not to exceed:</p> <ul style="list-style-type: none"> • \$350.00, plus tax for initial transportation and set-up, plus first day of use • \$150.00, plus tax for use of buggy for each additional day • \$75.00, plus tax if additional towing is required 	None

Table 4: Director, Engineering

Delegation	Conditions/Restrictions	Reporting Requirements
<p>Act as the authorized representative of the utility owner (The Corporation of the City of Kingston) for the purpose of signing and submitting applications and approvals to the Ministry of the Environment, Conservation and Parks and other Crown agencies with regulations and standards related to water and sewage works, and associated regulations</p>	<p>Subject to and in accordance with <i>By-law Number 2006-122, "Water By-Law"</i></p> <p>Subject to and in accordance with sewage works as defined in <i>By-law Number 2008-192, "Sewer Use By-Law"</i></p> <p>Conditions and restrictions on pre-authorized alterations are contained in the Drinking Water Works Permit and the Consolidated Linear Infrastructure-Environmental Compliance Approval, issued by the Ministry of the Environment, Conservation and Parks</p>	<p>None</p>

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Delegation of Powers and Duties Policy

Delegation of Powers and Duties Policy

I. Purpose

The Municipal Act, 2001 (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. Unless a power, duty, or function of Council has been expressly delegated by Council pursuant to this policy, all of the powers, duties and functions of Council remain with Council. 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.

II. Definitions

1. **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.
2. **Administrative Powers** - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. Policy Statement

The Council of the City of Kingston, 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 committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of 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.

IV. Policy Requirements

1. All delegations of Council powers, duties or functions shall be effected by bylaw.
2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any bylaw to any member of staff includes a delegation to a person who is appointed by the CAO 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 bylaw 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 name 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.

V. Obligations of Delegate

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

1. That expenditures related to the matter shall have been provided for in approved budgets or shall otherwise receive specific authorization from Council.
2. That the scope of the delegated authority shall not be exceeded by the delegate.
3. That 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.
4. That all policies regarding insurance and risk management shall be honoured.
5. That regard shall be given to the consistent and equitable application of all council policies and guidelines.
6. That any undertaking or contract with a third party shall be subject to the approval of the Director of Legal Services or designate and shall in accordance with the Procurement Policy Bylaw 2022-154 as amended.