

(amended B/L 149-2011, Aug. 29/11)
(amended B/L 188-2011, Nov. 7/11)
(amended B/L 11-2012, Jan. 23/12)
(amended B/L 138-2012, Oct. 1/12)
(amended B/L 36-2013, Mar. 4/13)
(amended B/L 142-2013, Sept. 9/13)
(amended B/L 176-2013, Nov. 4/13)
(amended B/L 53-2014, Apr. 7/14)
(amended B/L 156-2014, Sept. 8/14)
(amended B/L 22-2015, Feb. 17/15)

BY - LAW NUMBER 208-2008

A BY-LAW TO DELEGATE TO
ADMINISTRATION THE AUTHORITY TO
PROCESS, MAKE DECISIONS ON, AND TO
EXECUTE AGREEMENTS FOR CERTAIN
MATTERS

Passed the 1st day of December, 2008.

WHEREAS Section 23.1 of the *Municipal Act, 2001* permits the delegation of municipal powers and duties to any person or body subject to the restrictions set out in that legislation;

AND WHEREAS Council has previously approved the delegation of certain administrative matters to the Administration of the City of Windsor;

AND WHEREAS it is expedient to pass a by-law incorporating all previously approved delegations of authority;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. Council delegates to the Administration of the City of Windsor authority to process, decide upon and execute agreements for the following matters:
 - 1.1 Request for the installation of an all-way stop;
 - 1.2 Updating of City's Emergency Plan;
 - 1.3** Joint Use Agreements; original use is to be maintained in accordance with City standards and conditions; consideration will be given to any corporate concerns/requirements/issues related to the facility prior to renewal; a Lease and/or License Agreement with a third-party may, at times include a „Joint Use Agreement; (deleted and substituted B/L 156-2014, Sept. 8/14)
 - 1.4 Noise By-law Exemption;
 - 1.5 Amendments to the Parking By-law;
 - 1.6 Short-Term Road Closures;
 - 1.7 Special Events Road Closures;
 - 1.8 Sidewalk Café Agreements;
 - 1.9 Sidewalk Sales;
 - 1.10 Special Events at City Facilities and Parks;
 - 1.11 Traffic By-law Amendments;
 - 1.12 Allocation of Vending Site;
 - 1.13** Non-collectible Accounts Receivable Write-off up to \$150,000.00 plus any related interest or penalties on a per account basis and approve the initiation of legal proceedings for the purposes of collection for accounts receivable up to \$150,000.00 where considered appropriate; (deleted and substituted B/L 156-2014, Sept. 8/14)
 - 1.14 Local Taxation Minutes of Settlement;

- 1.15 Property Transactions as per Schedule “A1”;
- 1.16 Appointment of City nominees to sit on Labour Boards of Arbitration;
- 1.17 Committees, Executives & Boards of Directors;
- 1.18 Emergency Plan (Memoranda of Understanding);
- 1.19 EnWin Hydro Connection Agreements;
- 1.20 (Temporary) Mobile Sign (on public right-of-way);
- 1.21 Eligible Moving Expenses with a minimum relocation distance of more than 200 kilometres from Windsor (for recruited employees in the position of Managers, Supervisors and others in extenuating circumstances) as eligible for moving expenses to a maximum reimbursement allowance of \$7,500.00 per instance for the CAO to consider and approve for select recruitments; **(deleted and substituted B/L 156-2014, Sept. 8/14)**
- 1.22 Parking Fee (Flat Rate) for BIA Special Events;
- 1.23 Railway Encroachment Agreements;
- 1.24 *Retail Business Holidays Act*;
- 1.25 Vending Zone (Renewal of Existing Agreements only);
- 1.26 Pet Licenses (Designation of Vendor as Issuer);
- 1.27 Work Placement Program Initiatives including agencies that serve disadvantaged, underemployed or disabled populations; **(deleted and substituted B/L 156-2014, Sept. 8/14)**
- 1.28 Ministry of Transportation Agreements (for Drivers Abstracts);
- 1.29 Municipal Staff Leave of Absences (for charitable undertakings);
- 1.30 (a)“City as Lessor” Leases and/or Assignments;
(b)“City as Grantor” Licenses, Easements (permanent and temporary) and Consents to Enter;
(c)“City as Grantee” Temporary Easements and Consents to Enter;
(Section 1.30 deleted and replaced, B/L 53-2014, Apr. 7/14)
- 1.31 Future banked vacation carryover requests for non-union employees;
- 1.32 *Day Nurseries Act*;
- 1.33 Sewer Agreements;
- 1.34 Electricity Procurement – Master Purchase/Sales Agreements;
- 1.35 Annual Emergency Manual Program;
- 1.36 Joint Emergency Planning Program Funding Applications;
- 1.37 Student and Youth Employment Opportunities Programs;
- 1.38 Execution of applications to rezone City Property as Owner’s Representative;
- 1.39 Execution of applications to amend the Official Plan as the Owner’s Representative;
- 1.40 Closure of non-essential City departments in the event of inclement weather;
- 1.41 Certificate of Exemption from Registration as a Non Gaming Related Supplier; **(added B/L 138-2012, Oct. 1/12)**
- 1.42 Servicing Agreements and Signing Authorities associated with all existing City Bank Accounts; **(added B/L 138-2012, Oct. 1/12) (deleted and substituted B/L 36-2013, Mar. 4/13)**
- 1.43 Vendor Discounts available to all staff, that do not contravene the City’s Purchasing By-law or place the City of Windsor in any type of financial risk; **(added B/L 138-2012, Oct. 1/12)**
- 1.44 Updates to DOA Report Templates; **(added B/L 138-2012, Oct. 1/12)**
- 1.45 Execution of Contract Renewals/ Amendments with Benefit Carriers/ Providers; **(added B/L 138-2012, Oct. 1/12) (deleted and substituted B/L 156-2014, Sept. 8/14)**
- 1.46 Sign a Release or Waiver required for Short Term Use of Facilities; **(added B/L 138-2012, Oct. 1/12)**
- 1.47 Execution of Prescribed Burn Agreements satisfactory in Technical Content to the Executive Director, in Financial Content to the City Treasurer, and in Legal Form to the City Solicitor; **(added B/L 138- 2012, Oct. 1/12)**
- 1.48 Signing Letter of Non-Objection – AGCO Liquor Licence Application Requirements; **(added B/L 138-2012, Oct. 1/12)**
- 1.49 WFCU Centre Arena Events and Operating Bank Accounts; **(added B/L 138-2012, Oct. 1/12)**
- 1.50 West Nile Larviciding Requirements as determined by the Medical Officer of Health; **(added B/L 138-2012, Oct. 1/12)**

- 1.51 Fire & Rescue Training Involving City-owned or Third Party Properties and Equipment:** Execution of Releases and Indemnities by the City Solicitor including the use of property and other types of equipment owned or donated by the City or third parties in all types of training conducted by Windsor Fire & Rescue Services; (added B/L 138-2012, Oct. 1/12) (deleted & substituted B/L 22-2015, Feb. 17/15)
- 1.52 Appointment of Chief Building Official and Inspectors By-law amendments; (added B/L 176-2013, Nov. 4/13)
2. Council further delegates to the Chief Administrative Officer the authority to approve amendments of a general administrative or housekeeping nature to the matters set out in paragraph 1.
3. Council further delegates to the Administration of the City of Windsor the authority to process, decide upon and execute agreements for the following matters subject to the favourable recommendation of the responsible executive director:
- 3.1 Permission to park trailers temporarily on parking lots when the purpose is in the public interest and a non-commercial use;
- 3.2 Approval of legal encroachments within the terms of Council's established policy;
- 3.3 Emergency repairs of vehicles and equipment and/or rental of replacement equipment when it is in the public interest to maintain service provided, however, that where the cost of such repairs or rental exceeds \$10,000.00 the matter shall be ratified by City Council;
- 3.4 Approval of the use of the West End Inert landfill site subject to conditions approved by the General Manager of Public Works and the Executive Director of Parks and Facility Operations;
- 3.5 Approval of fire routes subject to favourable recommendations from the Chief Building Official and Fire Chief;
- 3.6 Approval of the use of the word "Windsor" in an application for incorporation subject to the favourable recommendation of the City Solicitor;
- 3.7 Approval for the issuance of correcting or quit claim deeds to clear defects in the title of property;
- 3.8 Appointment of meter attendants;
- 3.9 Appointment of Commissioners of Oaths;
- 3.10 Letters of support from the City Clerk for Community Festivals and/or Outdoor Events, subject to the City Clerk submitting the request to Council's attention as a communication for Council's information coincidental to the submission of the letter of support;
- 3.11 Changes in building inspection staff subject to a favourable recommendation of the Building department;
- 3.12 Approval of requests for the temporary closing of Riverside Drive East from Walker to Devonshire by Hiram Walker and Sons Limited for the purposes of spraying for Dutch Elm Disease;

- 3.13 Letters of Support for applications by outside groups or agencies where there is no financial commitment on the City, subject to a favourable recommendation in support of the letter of request from the responsible Executive Director;
- 3.14 Requests for the rental of ice in municipal arenas and requests for the lease of advertising on Zamboni ice resurfacing machines where written agreements are necessary;
- 3.15 Approval of the execution of administrative service agreements at Huron Lodge;
- 3.16 Approval of the execution of agreements for Attending Physicians at Huron Lodge as required by the Standards and Criteria for Medical Services of the Ministry of Health, upon a favourable recommendation of the Administrator, Huron Lodge;
- 3.17 Authority to bind the Corporation in Standard Crossing Reconstruction Agreements where the General Manager of Public Works gives a favourable recommendation for the cost-sharing of construction and maintenance of the railroad crossing;
- 3.18 Applications for Injunction – Unlicensed Tow Truck Companies, and for the City Solicitor to amend the By-law as necessary; (added B/L 138-2012, Oct. 1/12)**
- 3.19 Authority to sign Maintenance Agreements with ERCA for Future Maintenance repairs and related Engineering Studies, for both the Grand Marais Drain concrete channel and Reaume Park/Coventry Gardens shoreline protection; (added B/L 138-2012, Oct. 1/12)**
- 3.20 Authority granted to the Chief Administrative Officer to consider and approve of requests for Waiver of Fees below \$3,000.00, consistent with the Criteria and Governing Rules and Regulations approved within the Waiver of Fees Policy; (added B/L 138-2012, Oct. 1/12)**
- 3.21 Execution of agreements permitting the installation of jump harnesses (used for figure skating) in City Arenas which are at the sole risk and cost of the requesting party, subject to approval as to form by the City Solicitor, and in technical content by the Executive Director of Recreation; (added B/L 138- 2012, Oct. 1/12)**
- 3.22 Intentionally deleted; (added B/L 138-2012, Oct.1/12) (deleted & substituted - B/L 22-2015, Feb. 17/15)**
- 3.23 Approval to terminate, or approve the termination of, contracts for default, poor or non-performance, subject to the favourable recommendation of the City Solicitor and the responsible member of the Corporate Leadership Team; (added B/L 138-2012, Oct. 1/12)(deleted and substituted B/L 142-2013, Sept. 9/13)**
- 3.24 Approval of the execution of onetime or infrequent processes or agreements that are of an administrative nature and comply with approved operating or capital budgets; (added B/L 138-2012, Oct. 1/12)**
- 3.25 Grant applications submitted by the City for existing approved programs where City funding is either not required or is available within existing budgets, and authority for the Chief Administrative Officer to sign grant applications for new programs, subject to providing subsequent City Council notification prior to a point when no withdrawal from the program is possible; (added B/L 138-2012, Oct. 1/12) (Section after budgets added B/L 22-2015, Feb. 17/15)**

(Sections 3.26 through 3.30 added B/L 142-2013, Sept. 9/13)

- 3.26 Authority for the Chief Administrative Officer to waive the provisions of Schedule H1 to Business Licensing By-law 395-2004 for special events, upon approval of the License Commissioner;
- 3.27 Authority for the Chief Administrative Officer and City Clerk to execute agreements resulting from conditions imposed by decisions of the Committee of Adjustment in connection with severance and/or minor variance applications, where such conditions have been recommended by administration, save and except for conditions which are related to policy or precedent issues or require the expenditure of funds by the City;
- 3.28 Authority for the Chief Administrative Officer to approve, subject to support by City Planner amendments to:
- (a) By-laws closing alleys or right of ways adopted by former municipalities annexed or amalgamated to The Corporation of the City of Windsor;
 - (b) Such by-law amendments to include easements in favour of utility companies as required to enter upon the unclaimed closed alleys for installation, repairs and maintenance of their facilities therein, and to convey unclaimed parcels in accordance with applicable street and alley policy in effect from time to time;
- 3.29 Authority for the Chief Administrative Officer and City Clerk to execute service contracts agreements for Fire Fighter recruitments, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Human Resources, and in financial content to the Chief Financial Officer and City Treasurer;
- 3.30 Authority for the Chief Administrative Officer and City Clerk to sign amendment acceptance pages for contract renewals or amendments with the City of Windsor employee benefit carriers/ providers for all employee groups as a result of annual renewals, collective bargaining or arbitration awards, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Human Resources, and financial content to the Chief Financial Officer and City Treasurer;
- 3.31** Authority for the Chief Administrative Officer and City Clerk to approve the execution of preventative maintenance and upgrade contracts satisfactory in form and content to the City Solicitor or designate, technical content to the Fire Chief or designate and financial content to the Chief Financial Officer and City Treasurer or designate, for equipment such as defibrillators, air monitors or other specialized equipment used by the Windsor Fire & Rescue Services; **(added B/L 22-2015, Feb. 17/15)**
- 3.32** Authority for the Chief Administrative Officer and City Clerk to execute any future agreements with the Province of Ontario represented by the Ministry of Community Safety and Correctional Services which may be necessary in conjunction with participation in the Court Security and Prisoner Transportation (CSPT) Program satisfactory in technical content to the Police Chief or designate, in form to the City Solicitor or designate and in financial content to the Chief Financial Officer and City Treasurer or designate. **(added B/L 22-2105, Feb. 17/15)**

(All of Section 4 deleted and remaining paragraphs renumbered - B/L 142-2013, Sept. 9/13)

- 4. By-law 389/2004 and all amendments thereto are hereby repealed. (previously Section 4 - renumbered to 5- B/L 149-2011, Aug. 29/11) (previously Section 5 - renumbered to 4 - B/L 142-2013, Sept. 9/13)**

- 5. This by-law shall come into force and take effect on the day of the final passing thereof. (previously Section 5 - renumbered to 6 - B/L 149-2011, Aug. 29/11) (previously Section 6 - renumbered to 5 - B/L 142-2013, Sept. 9/13)**

EDDIE FRANCIS, MAYOR

CLERK

First Reading - December 1, 2008
Second Reading - December 1, 2008
Third Reading - December 1, 2008

SCHEDULE “A1”

PROPERTY TRANSACTIONS

I. Property Acquisition and Interest:

1. The Chief Administrative Officer is authorized to approve fee simple land acquisitions, acquisition of easements and consent to enter/temporary working easements up to and including a limit of \$100,000 (exclusive of any taxes, registration and legal fees, real estate commissions and survey costs), subject to the following:
 - a. Transactions over \$50,000 must be supported by an independent appraisal;
 - b. The transaction must be in accordance with either a council resolution or a council approved budget; or in the case of a donation, the acquisition must be in the best interests of the City and must be in compliance with the Donations Policy;
 - c. The land is not being acquired by means of expropriation;
 - d. The owner has acknowledged in writing that he/she/it is NOT:
 - i. A City employee, the Mayor or a Member of Council;
 - ii. A family member of a City employee, the Mayor or a Member of Council where family member includes a parent, spouse, child, sibling, grandparent, grandchild, step and common-law relationships and in-law relationships; or,
 - iii. A corporation or partnership of which an employee is a shareholder or partner.

II. Property Sale and Property Interest:

2. The Chief Administrative Officer may approve fee simple land sales (including vacant or improved properties and closed rights-of-way if not sold to an abutting property owner and is permitted under the applicable closing or conveying bylaw) or other conveyances of an interest in land up to and including \$100,000 (exclusive of any taxes, registration and legal fees, rehabilitation costs, real estate commission and survey costs), subject to the following conditions:
 - a. For a fee simple sale, the land has been declared surplus by council resolution and Council has granted the authority to offer the land for sale;
 - b. The land was not acquired by the municipality by means of expropriation;
 - c. Transactions over \$50,000 must be supported by an independent appraisal;
 - d. In the opinion of the City Solicitor, the fee simple sale of land is not contrary to Bylaw XX-2014 (Disposal of Land policy) as amended from time to time. Other conveyances of an interest in land up to and including \$100,000 (exclusive of any taxes, registration and legal fees, rehabilitation costs, real estate commission and survey costs) are not subject to By-Law XX-2014 (Disposal of Land policy);
 - e. The Purchaser has acknowledged in writing that he/she/it is NOT:
 - i. A City employee, the Mayor or a Member of Council;
 - ii. A family member of a City employee, the Mayor or a Member of Council where family member includes a parent, spouse, child, sibling, grandparent, grandchild, step and common-law relationships and in-law relationships; or,
 - iii. A corporation or partnership of which an employee is a shareholder or partner.

III. General:

3. The Chief Administrative Officer may refer any matter arising under this Schedule “A” to Council for its consideration.
4. Notwithstanding any delegated authority contained in this Schedule “A”, Council must approve any sale or acquisition where, in the opinion of the Chief Administrative Officer, there is a perceived or apparent conflict of interest.