



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** June 19, 2018

**Report Number:** SRCAO.18.13

**Department:** Office of the Chief Administrative Officer

**Division:** Office of the CAO

**Subject:** **Delegation of Authority – Summer Recess (July 10 to September 3, 2018); Election Recess (September 25 to November 18, 2018)**

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### **Purpose:**

To approve the delegation of specific powers to the Chief Administrative Officer during Council's Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018.

### **Recommendation(s):**

That from July 10 to September 3, 2018 (the "Summer Recess") and from September 25 to November 18, 2018 (the "Election Recess"), the Chief Administrative Officer be authorized to approve, grant or authorize:

- a) The carrying of all activities in connection with an acquisition of goods and services otherwise requiring Council approval, including authorizing;
  - i) any non-competitive acquisition over \$100,000; and
  - ii) scope of changes of any amount
- b) The execution of the Richmond Hill Office Development and Local Centre Community Improvement Plan Agreements and Cash-in-Lieu of Parking Agreements.
- c) The execution of Offers to Connect and Letters of Consent with Alectra Utilities (formerly known as PowerStream);
- d) The sale of municipal property where Council has previously considered such sale and declared the land surplus to the Town's needs and where any offer received for such lands (which the Chief Administrative Officer is prepared to accept pursuant to this delegated authority) meets or exceeds the listing price established by the Manager of Real Estate when the lands were offered for sale, or is not more than 5% below such listing price or reserve bid, and to authorize the execution of any agreement related to such sale;

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- e) The transfer or sale of any easement, right-of-way or other comparable limited right in or over any land owned by the Corporation or the release of any easement, right-of-way or other comparable limited right in favour of the Corporation in or over any land;
- f) The giving of consent to the alteration of a property and to the demolition or removal of a building or structure under Part IV and Part V of the *Ontario Heritage Act*;
- g) The determination, pursuant to Section 29 of the *Ontario Heritage Act*, of an intention to designate a property to be of cultural heritage value or interest and the authorization of the giving of notice of intention to designate the property;
- h) The determination, pursuant to Section 30.1 of the *Ontario Heritage Act*, of an intention to amend the Designation By-law of a property and the authorization of the giving of notice of intention to amend the by-law;
- i) The execution and/or extension of any other agreements or documents which would otherwise require the express approval and authorization of Council, where the CAO deems the matter either to be of a minor nature or determines that waiting until after the Summer Recess on September 4, 2018 or the Election Recess on November 19, 2018, would have adverse consequences; and
- j) The acquisition of any lands or easements by the Town (provided there is a source of funding for such acquisition approved by the Treasurer) and the execution by the Mayor and Clerk of any agreements required for such acquisition;
- k) AND THAT during the Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018, the Chief Administrative Officer be delegated the legislative power:
  - i) To enact a by-law to remove lands from part lot control pursuant to Subsection 50(7) of the *Planning Act*;
  - ii) To enact a by-law extending the time period specified in any by-law passed pursuant to Subsection 50(7) of the *Planning Act*; and/or
  - iii) Repeal or amend a by-law passed pursuant to Subsection 50(7) of the *Planning Act*, pursuant to Subsection 50(7.5) of the *Planning Act*.

AND THAT during the Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018, the procedure for obtaining comments on proposed site plans for properties located on arterial roads be revised as follows:

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- a) comments will not be sought from or through the Committee of the Whole; and
- b) comments will be sought from and through the Mayor and the appropriate Ward Councillor.

AND THAT during the Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018, the Chief Administrative Officer is hereby delegated all of Council's authority under Section 51 of the *Planning Act* in respect of the draft approval of plans of subdivisions, upon the recommendation of the Commissioner of Planning and Regulatory Services, provided that each respective application has been circulated for comments in accordance with the provisions of the *Planning Act* and procedures approved by Council, and the Regional Municipality of York and all other circulated agencies have requested routine conditions of approval, and not otherwise, and subject to the condition that Council's standard conditions of approval together with the conditions requested by the Regional Municipality of York and all other circulated agencies be imposed as conditions of approval of the respective plan.

AND THAT during the Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018, the Chief Administrative Officer is hereby delegated the authority to award sanitary servicing allocation in respect of a draft approval of a plan of subdivision or site plan approval in accordance with the Planning Act upon the satisfaction of the criteria in the Interim Growth Management Strategy and upon the recommendation of the Commissioner of Planning and Regulatory Services.

AND THAT during the Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018, the Chief Administrative Officer be delegated the legislative authority to add street names to the Town's approved Street Name List and assign street names for site plans upon the recommendation of the Commissioner of Planning and Regulatory Services and in accordance with the adopted Town Policy for Municipal Street Naming.

### **Contact Person:**

Neil Garbe, Chief Administrative Officer, Extension 6366

### **Report Approval:**

**Submitted by:** Neil Garbe, chief Administrative Officer

**Approved by:** Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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### **Background:**

Council's timetable does not envision regularly scheduled Council meetings during the Summer Recess from July 19 to September 3, 2018 and the Election Recess from September 25 to November 18, 2018. During that period of time, there are a number of matters that are normally dealt with by Council or its Committee that will be required to be finalized.

### **Procurement of Goods and Services**

It is recommended that the Chief Administrative Officer be given authorization to approve the award of contracts for goods and services and all related activities. The Financial Control By-law delegates spending and various other authorities to Staff to award any contract provided that approvals for non-competitive procurement are in place. The Procurement By-law requires that acquisitions pursuant to non-competitive procurement valued over \$100,000 be approved by Council.

It is recommended that during the Summer Recess and the Election Recess, the Chief Administrative Officer be given the authorization to award the entry into and execution of all non-competitive contracts and to approve scope changes, provided that all other requirements in the Financial Control By-law have been complied with.

### **Central Business District (CBD) and Office Development**

Staff anticipated that applications pertaining to the newly approved Richmond Hill Office Development and Downtown Local Centre Community Improvement Plan could be received. To accommodate the interior/exterior upgrading of CBD properties in a time frame that meets the business needs of the property owners, authority is required to approve Façade Improvement, Landscaping and Signage, Grant Agreements and Cash-in-lieu of Parking Agreements, as well as Building Renovation Grant Agreements within the CBD as well as the Newkirk and Beaver Creek Business Park areas during the Summer Recess or the Election Recess as well.

### **Site Plan Approvals**

The current procedure approved by Council for the approval of site plans delegates the authority to approve them to Staff (the Commissioner of Planning and Regulatory Services or the Chief Administrative Officer). For site plans located on arterial roads, Staff are directed to bring those plans to Committee of the Whole to seek comments from that Committee before approving the plans.

During the Summer Recess and the Election Recess, there could be site plan applications for residential, commercial, institutional or industrial buildings submitted to the Town for properties located on arterial roads. In our continued efforts to provide approvals for quality development projects in Richmond Hill to enhance not only our commercial and industrial tax base but also our residential housing stock, Staff feel that where possible, approval should be granted during the Summer Recess or the Election Recess without having to wait for the presentation of the plans to Committee of the

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Whole. Accordingly, we are recommending that the Council provision to bring plans to Committee on arterial roads be waived for plans that are ready for approval between the Summer Recess from July 10 to September 3, 2018 or the Election Recess from September 25 to November 18, 2018.

### **Alectra Utilities (formerly known as Powerstream) Offer to connect and Letter of Consent Agreements**

Alectra Utilities (formerly known as Powerstream), the Town's electricity supplier, has adopted a policy whereby they require two formal agreements prior to commencing any work on behalf of the Town. Alectra Utilities (formerly known as PowerStream) will require that the Town enter into Offer to Connect and letter of Consent Agreements to provide new electrical services for new and retro construction projects. The agreement is to be signed by a Town representative that can bind the Corporation. It is recommended that the Chief Administrative Officer be given the authorization to bind the corporation and to sign the appropriate agreement.

### **Sale of Municipal Property**

It is recommended that the Chief Administrative Officer be given the authority to accept such offers received for the sale of municipal property where Council has previously considered such sale and declared the land surplus to the Town's needs and where any offer received for such lands is at or below 5% of the listing price or reserve bid as established by the Manager of Real Estate and to authorize the execution of any agreement related to such sale.

### **Cultural Heritage Matter**

The *Ontario Heritage Act* grants Council a number of powers to identify, conserve, protect and steward cultural heritage buildings, properties and landscapes within a municipality. Most notable are the powers related to the designation of properties, the alteration of designated properties and the demolition of listed and designated buildings. Where property owners make application to the municipality to alter or demolish designated structures or lands, the *Ontario Heritage Act* provides time limits upon which Council may make a decision. In the absence of a decision within the stipulated time limits, Council is deemed to have granted an approval.

In light of the foregoing, it is recommended that the Chief Administrative Officer be given the authority of Council to deal with the foregoing matters under the *Ontario Heritage Act* during the Summer Recess and the Election Recess.

### **Acquisition of Lands and Easements**

From time to time, properties which the Town would likely have an interest in acquiring become available. This is particularly applicable with respect to the Town meeting its objectives related to parkland. While the Chief Administrative Officer already has delegated authority to pursue such acquisition, that is dependent upon receiving Council's prior direction. Obtaining that direction would not be possible during the period

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where there are no regularly scheduled Council meetings. Often time is of the essence in acquiring these lands once they are listed for sale or otherwise become available.

Because of the nature of some of these prospective acquisitions, it may not be possible to make an offer subject to Council's subsequent approval. While the caveat may be added to the proposed delegation power itemized in paragraph i) of the recommendations, Council should be aware that such could adversely impact the ability of the Town to secure properties without paying a premium. For this reason, Staff recommend that there be no restrictions on the delegation other than as set out in the recommendation.

While the acquisitions of easements have not proven problematic in the past, Staff believe this should be added to the delegated authority.

### **The Execution of any other Agreements or Documents**

The execution and/or extension of any other agreements or documents (i.e. grants funding from other levels of government) that need the express approval and authorization of Council could be required during the Summer Recess or the Election Recess. If the Chief Administrative Officer considers it to be of a minor nature or determines that waiting until after the Summer Recess on September 3, 2018 or the Election Recess on November 18, 2018 could cause the Town adverse consequences, approval would be given and the reporting of such approval(s) would be made to the Committee of the Whole meetings immediately following the Summer Recess on September 4, 2018 or the Election Recess on November 19, 2018.

In the event that matters other than the above require prompt attention by Council, the Chief Administrative Officer will, through the Office of the Mayor, seek special meetings of Council during the Summer Recess or the Election Recess if necessary.

### **Draft Approval of Plans of Subdivision**

Section 51 of the *Planning Act* sets out the requirements for preparing a draft plan of subdivision, including the format and information which must be provided. Town Council has the authority to approve draft plans of subdivision. Applications for approval of a draft plan of subdivision are evaluated against specific criteria which includes, amongst others, the following:

- conformity with the Town and Regional Official Plans;
- conformity with Provincial Policy Statements and other Provincial Plans;
- compatibility with adjacent land uses and compliance with zoning regulations;
- suitability of the land for the proposed use; and,
- adequacy of access and municipal services

During the Summer Recess and the Election Recess, there could be draft plans of subdivision, which have had a statutory public meeting but have not been presented to the Committee of the Whole and Town Council. Under Section 51.2(4) of the *Planning*

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Act, Town Council is authorized to delegate all or any part of the authority to approve draft plans of subdivision. In our continued efforts to provide approvals for quality development projects in Richmond Hill to enhance our residential housing stock, Staff feel that where possible, approval of draft plans of subdivision should be granted during the Summer Recess or the Election Recess without having to wait for the presentation of the plans to Committee of the Whole and Council. Accordingly, staff are recommending that the Town Council delegate its powers of approval of draft plans of subdivision to the Chief Administrative Officer.

### **Sanitary Servicing Allocation**

The Town currently has a total unused capacity assignment of 12,485 persons which equates to approximately 3550 single family attached units.

Servicing allocation has historically been granted to an individual development project by Council by way of a staff report and recommendation from PRS Staff. Typically an applicant must satisfy the criteria established in the Interim Growth Management Strategy (IGMS). Awarding of allocation usually follows the approval of a draft plan of subdivision or a site plan. The IGMS criteria have proved to be a successful performance measure in development approvals.

On the basis that Council considers it acceptable to delegate its approval authority for draft plans of subdivision and site plans, the corresponding approval for the allocation of sanitary sewer servicing capacity also be delegated to staff, the Commissioner of Planning and Regulatory Services or the Chief Administrative Officer. Such approval shall only be given upon a determination that the applicant has satisfied the IGMS criteria.

### **Street Naming**

Implementation and finalization of all site plans and draft plans of subdivision which include public or private roads requires that proper names be assigned. These processes are always ongoing and the assignment of street names is a critical piece to the completion of these projects. Staff operate within the parameters of a Council approved street naming policy. Periodic Council approvals are required to either add names to the inventory of potential street names as well as the assignment of street names to private laneways.

In order to provide seamless approvals and implementation of this component of the development approvals process, it is recommended that the CAO be delegated the authority of Council to deal with the foregoing matters upon recommendation of the Commissioner of Planning and Regulatory Services and in accordance with the adopted Town Policy for Municipal Street Naming.

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### **Financial/Staffing/Other Implications:**

There will be no financial implications which will exceed approved capital or operating budgets, or otherwise allowable adjustments within the Town's Financial Control Bylaw.

### **Relationship to the Strategic Plan:**

Delegation of approval of these matters will allow normal business to proceed during Council's Summer Recess and Election Recess.

### **Conclusion:**

It is recommended that during Council's Summer Recess from July 10 to September 3, 2018 and the Election Recess from September 25, to November 18, 2018, the Chief Administrative Officer be authorized to approve various matters with certain provisos as outlined above.

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### Report Approval Details

Document Title:	SRCAO18.13 - Delegation of Authority Summer Recess and Election Recess.docx
Attachments:	
Final Approval Date:	Jun 8, 2018

This report and all of its attachments were approved and signed as outlined below:

**Shane Baker - May 29, 2018 - 12:10 PM**

**MaryAnne Dempster - May 29, 2018 - 1:07 PM**

**Italo Brutto - May 31, 2018 - 1:18 PM**

**Kelvin Kwan - Jun 7, 2018 - 2:55 PM**

**Antonio Dimilta - Jun 7, 2018 - 3:58 PM**

**Neil Garbe - Jun 8, 2018 - 10:57 AM**