



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 18, 2019

Report Number: SRCM.19.06

Department: Office of the City Manager

Subject: **SRCM.19.06 Delegation of Authority – Summer Recess (July 10 to September 2, 2019)**

Purpose:

To approve the delegation of specific powers to the City Manager during Council's Summer Recess from July 10 to September 2, 2019.

Recommendation(s):

That from July 10 to September 2, 2019, the City Manager 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 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
- 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 declare the land surplus to the City's needs and where any offer received for such lands (which the City Manager 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;
- 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;

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- f) The giving of consent to the alteration of 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 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 City Manager deems the matter either to be of a minor nature or determines that waiting until after the Summer Recess on September 3, 2019 would have adverse consequences; and
- j) The acquisition of any land or easements by the City (provided there is a source of funding for such acquisition approved by the Treasurer) and the execution of the Mayor and Clerk of any agreements required for such acquisition;
- k) AND THAT during the Summer Recess from July 10 to September 2, 2019, the City Manager 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 2, 2019, the procedure for obtaining comments on proposed site plans for properties located on arterial roads be revised as follows:

- 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 2, 2019, the City Manager 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

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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 2, 2019, the City Manager 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 2, 2019, the City Manager be delegated the legislative authority to add street names to the City'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 City Policy for Municipal Street Naming.

AND THAT during the Summer Recess from July 10 to September 2, 2019, the City Manager be delegated the authority to facilitate the timely resolution of matters before the Local Planning Appeal Tribunal (LPAT).

- a) That the City Manager be authorized to take the following actions:
 - i) Upon the recommendation of the Commissioner of Planning and Regulatory Services having advised the Mayor and respective Ward Councillor, instruct the City Solicitor to take a position in respect of matters before the Local Planning Appeal Tribunal, including, without limitation, with respect to any *Planning Act* appeals;
 - ii) Upon the recommendation of the Commissioner of Planning and Regulatory Services, authorize the acceptance of cash-in-lieu of parkland dedication; and,
 - iii) Declare City lands surplus without public notice and authorize the disposition of such lands to an appellant in exchange for lands and/or monetary compensation of comparable value;
- b) That the City Solicitor be authorized to take any necessary actions to effect those actions authorized pursuant to paragraph (a), including the signing and registration of any electronic transfer documents; and

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- c) That the Mayor and the Clerk be authorized to execute any necessary agreements or other documentation to effect those actions authorized pursuant to paragraph (a), upon the recommendation of the City Manager.

Contact Person:

Neil Garbe, City Manager, Extension 6366

Report Approval:

Submitted by: Neil Garbe, City Manager

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. 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 10 to September 2, 2019. 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 City Manager 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, the City Manager 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 with the CBD, the Newkirk and Beaver Creek Business Park areas during the Summer Recess.

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 City Manager). 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, there could be site plan applications for residential, commercial, institutional or industrial buildings submitted to the City 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 without having to wait for the presentation of the plans to Committee of the Whole. Accordingly, we are recommending that the Council provision to bring plans to Committee on arterial roads

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be waived for plans that are ready for approval between the Summer Recess from July 10 to September 2, 2019.

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

Alectra Utilities (formerly known as Powerstream), the City's electricity supplier, has adopted a policy whereby they require two formal agreements prior to commencing any work on behalf of the City. Alectra Utilities (formerly known as PowerStream) will require that the City 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 City representative that can bind the Corporation. It is recommended that the City Manager be given the authorization to bind the corporation and to sign the appropriate agreement.

Sale of Municipal Property

It is recommended that the City Manager 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 City'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 City Manager be given the authority of Council to deal with the foregoing matters under the *Ontario Heritage Act* during the Summer Recess.

Acquisition of Lands and Easements

From time to time, properties, which the City would likely have an interest in acquiring become available. This is particularly applicable with respect to the City meeting its objectives related to parkland. While the City Manager 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 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.

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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 City 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

From time to time, agreements and documents for which there is no existing delegated authority are brought to council for approval. It is recommended that the City Manager be authorized to approve and/or execute such agreements and documents during the Summer Recess. If either (i) the City Manager considers the subject matter to be of a minor nature (e.g. nominal or no financial implications, required only to facilitate an existing Council approved program or project) or (ii) the City Manager determines that waiting until after the Summer Recess on September 2, 2019 could cause the City adverse consequences. This authority would be subject to the City Manager reporting on the use of this delegated authority to the Committee of the Whole meeting immediately following the Summer Recess on September 3, 2019.

In the event that matters other than the above require prompt attention by Council, the City Manager will, through the Office of the Mayor, seek special meetings of Council during the Summer 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. City 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 City 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, there would be draft plans of subdivision, which have had a statutory public meeting but have not been presented to the Committee of the Whole and Council. Under Section 51.2(4) of the *Planning Act*, 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

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to enhance our residential housing stock, Staff feel that where possible, approval of draft plans of subdivision should be granted during the Summer Recess without having to wait for the presentation of the plans to Committee of the Whole and Council. Accordingly, staff are recommending that Council delegate its powers of approval of draft plans of subdivision to the City Manager.

Sanitary Servicing Allocation

The City 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 City Manager. 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 City Manager be delegated the authority of Council to deal with the foregoing matters upon the recommendation of the Commissioner of Planning and Regulatory Services and in accordance with the adopted City Policy for Municipal Street Naming.

Matters before the Local Planning Appeal Tribunal

There are various matters at different stages before the LPAT. When matters have been appealed, staff typically engage in discussions with appellants with a view to resolving the matter prior to it being heard by the Tribunal.

Although resolutions are not always achieved or recommended, staff are of the view that there are currently several matters, which can be resolved. In such cases, staff

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would typically provide Council with recommendations for a settlement with details of all the actions required to effect such settlement. Where some outstanding issues remain, staff would typically advise Council of those issues to be adjudicated by LPAT.

Given the pending summer recess, Staff recommend that the City Manager, subject to the recommendations of the Commissioner of Planning and Regulatory Services, be authorized to instruct the City Solicitor as to the position of the City on any matter before the LPAT, as set out in the recommendations to this Staff Report SRCM.19.06.

Financial/Staffing/Other Implications:

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

Any LPAT settlements requiring budgets for implementation will only proceed subject to prior consultation with the Treasurer regarding the availability of funding from existing budgets.

Relationship to the Strategic Plan:

Delegation of approval of these matters will allow normal business to proceed and facilitate resolution of appeals before LPAT during Council's Summer Recess.

Conclusion:

It is recommended that during Council's Summer recess from July 10 to September 2, 2019, the City Manager be authorized to approve various matters with certain provisos as outlined above.

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Report Approval Details

Document Title:	SRCM.19.06 Delegation of Authority - Summer Recess.docx
Attachments:	
Final Approval Date:	Jun 14, 2019

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

Ilmar Simanovskis - Jun 12, 2019 - 10:57 AM

MaryAnne Dempster - Jun 12, 2019 - 2:32 PM

Italo Brutto - Jun 12, 2019 - 4:50 PM

Kelvin Kwan - Jun 14, 2019 - 10:12 AM

Task assigned to Antonio Dimilta was completed by delegate Andreea Adari

Andreea Adari - Jun 14, 2019 - 11:21 AM

Neil Garbe - Jun 14, 2019 - 11:25 AM