

The Corporation of the City of Richmond Hill

By-Law 86-20

A by-law to delegate certain powers and duties during a recess of Council of the Corporation of the City of Richmond Hill

Whereas Section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) authorize a municipality to delegate its powers and duties under the *Municipal Act, 2001* or any other Act, subject to those restrictions set out in such Section;

And Whereas Council deems it appropriate to delegate certain powers and duties during any period of time in which Council does not hold regular meetings, including that period of time referred to in such as during the summer, prior to an election, or the a period referred to in Section 275 of the *Municipal Act, 2001* during which the actions that Council may take are restricted;

Now Therefore the Council of the Corporation of the City of Richmond Hill (the “Corporation”) Enacts as Follows:

1. In this By-law, the following terms have the following meaning:
 - (a) “City Manager” means the individual appointed from time to time by Council to exercise those powers and duties of the chief administrative officer of the Corporation as set out in the Municipal Act, 2001 and various by-laws of the Corporation, and includes any individual who has been authorized to act as City Manager during the incumbent’s absence or on interim basis during a vacancy in the office;
 - (b) “City Solicitor” means the individual from time to time occupying the position of City Solicitor for the Corporation, or such successor position as the case may be, and includes any individual who has been authorized to temporarily act as City Solicitor during the incumbent’s absence or a vacancy;
 - (c) “Commissioner of Planning” means the individual from time to time occupying the office of Commissioner of Planning and Regulatory Services for the Corporation, or such successor office as the case may be, and includes any individual who has been authorized to temporarily act as Commissioner of Planning and Regulatory Services during the incumbent’s absence or a vacancy in the office;

- (d) “Corporation” means the Corporation of the City of Richmond Hill;
- (e) “Council” means Council of the Corporation;
- (f) “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (g) “*Ontario Heritage Act*” means the Ontario Heritage Act, R.S.O. 1990, c. 018;
- (h) “*Planning Act*” means the Planning Act, R.S.O. 1990, c. P.13; and
- (i) “Recess Period” means the following periods of time in any calendar year:
 - (i) the periods of time referred to in subsection 5.1.7 of the Corporation’s Procedural By-law 74- 12, as amended (the “Procedure By-law”), which at enactment of this by-law are the periods of time referred to as the “summer recess”, being the last two weeks of July and the full month of August and as the “winter recess”, being the last two weeks of December and the first two weeks of January;
 - (ii) that period of time in September, October and November of a regular municipal election year as set out in subsection 4(1) of the Municipal Elections Act, 1996, as amended, and ending on the date of an inaugural meeting of the new council held pursuant to Section 5.1.3 of the Procedure By-law, during which there are no scheduled regular meetings of Council, including those periods of time in which regularly scheduled meetings are rescheduled to a later date pursuant to Section 5.1.4(c) of the Procedural By-law; and
 - (iii) if applicable, that period time referred to in Section 275 of the *Municipal Act, 2001* during which the actions that Council may take are restricted;

2. Subject to the reporting requirement referred to in Section 4, during any Recess Period the City Manager is hereby authorized to approve, grant or authorize:

- (a) the carrying out 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 declared the land surplus to the Corporation'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;
- (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 Recess Period would have adverse consequences;
- (j) the acquisition of any land or easements by the Corporation (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) the duty to seek of comments pursuant to the procedure for obtaining comments on proposed site plans for properties located on arterial roads, which shall be

- revised during any Recess Period to require the City Manager to seek such comments from and through the Mayor and the appropriate ward councilor only;
- (l) the award of 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;
 - (m) to facilitate the timely resolution of matters before the Local Planning Appeal Tribunal (LPAT) and take the following actions:
 - (i) upon the recommendation of the Commissioner of Planning and Regulatory Services having advised the Mayor and respective Ward Councilor, 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 lands owned by the Corporation 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.
 - (n) the following legislative powers, which Council deems to be of a minor nature:
 - (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*;
 - (iii) to 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*;
 - (iv) to provide draft approval of plans of subdivisions under Section 51 of the *Planning Act*, upon the recommendation of the Commissioner of Planning, 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

- (v) upon the recommendation of the Commissioner of Planning, to name or change the name of a private road pursuant to Section 48 of the Municipal Act for the purpose of adding such name(s) to the Corporation's approved Street Name List and assigning street names for site plan, subject to the giving of the requisite public notice;
3. In connection with any actions authorized by the City Manager to facilitate the timely resolution of matters before the Local Planning Appeal Tribunal (LPAT) pursuant to paragraph (m) of Section 2 of this By-law:
- (a) the City Solicitor is 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
 - (b) the Mayor and the Clerk are 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.
4. The delegated authorities to the City Manager under this by-law are subject to a report being submitted by the City Manager to Council at the earliest opportunity to advise of the approval of any matters pursuant to such delegated authority.

Passed this 24th day of June, 2020.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk