



The Corporation of the Town of Milton

Report To: Council

From: Glen Cowan, Chief Financial Officer / Treasurer

Date: October 23, 2023

Report No: CORS-049-23

Subject: Delegated Authorities Updates

Recommendation: THAT Council approves the recommended amendments to the Delegation of Authority By-law 071-2016 and Bank Signing Authority By-law 052-2021 as set out in this report;

AND THAT the necessary by-laws, included on the October 23, 2023 Council meeting agenda, be considered for adoption.

EXECUTIVE SUMMARY

- Delegation of authority allows for efficient within certain processes while appropriately managing any risks within the organization.
- The Town has an existing delegated authority by-law and a bank signing authority by-law that are subject to periodic reviews and updates as new opportunities are identified.
- Through this report, amendments are proposed to update the authorities related to the execution of certain agreements (example - data and licensing agreements that create no direct financial obligations, agreements with MPAC, extension agreements related to tax arrears).
- The addition of the Supervisor, Payroll to the list of positions that are authorized to release payroll and payroll related remittances to the bank is also recommended in order to create efficiencies and create sufficient depth in the related processes.

REPORT

Background

The Municipal Act, 2001, allows Council to delegate certain powers and duties to staff or other bodies. Such delegation can allow for efficiency in Town's operations, and timeliness in the execution of certain processes or agreements. The Town of Milton's current delegated

Background

authority by-law (By-law 071-2016) serves that purpose, as it outlines various authorities that has been provided to specific roles such as the Town Clerk, the CAO, the CFO, the Commissioners, etc. Similarly, the Town maintains a banking signing authority by-law (By-law 052-2021) that establishes the authorities required to provide instruction to the various financial institutions with which the Town engages.

Several revisions to the by-laws have been identified and are presented through this report and the related by-laws that are being presented on the same agenda. These updates pertain to the ability to execute agreements with the Municipal Property Assessment Corporation (MPAC) as well as data and licencing agreements with various software providers, the ability of staff to offer tax sale extension agreements, and to the individual staff roles that are authorized to approve the Town's payroll submission.

Discussion

Delegated Authority for MPAC Agreements

MPAC manages various agreements that require signature from the Town of Milton.

Effective January 01 2024, the Municipal License Agreement, Product Use Sheets, MPAC Terms and Conditions, Municipal Connect Terms and Conditions of Use, the Ontario Parcel Master Agreement General Municipal License Agreement and the Service Level Agreement will be consolidated into MPAC's new Data Sharing and Services Agreement (DSSA).

The modernized DSSA will better reflect how data sharing is governed between the Town of Milton and MPAC. One single document identifies the permitted uses of MPAC data by municipalities, how MPAC will protect municipal data, and outlines service level performance obligations.

The term of the DSSA is four (4) years with auto-renewal each year thereafter. Failure to sign the DSSA would not affect MPAC's statutory services, however, could result in eventual restrictions to Municipal Connect and other MPAC products.

The DSSA contains the following areas of focus:

1. The Service Level Agreement establishes service levels for a comprehensive set of MPAC services and dependencies that the Municipality will make reasonable efforts to fulfill. These are the same service levels established by MPAC in 2018 with all municipalities. Dependencies include the Municipality's timely delivery of building permits and building plans to MPAC. Notification of missed service levels has been reduced to 10 days and escalation procedures have been clarified.

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2. The MPAC Permitted Uses of Municipality Documents clarify how MPAC will use information supplied by the Municipality to fulfill its legislated mandate. In addition to meeting service levels, performing property assessment activities and fulfilling other statutory duties, MPAC will also use the Municipality's information to update its databases to provide assessment data to the Municipality, other municipalities, taxpayers and stakeholders, and commercialize data and insights to offset the Municipality's levy payments. The Municipality's information will be protected from disclosure to, and unauthorized access by, third parties.
3. The Municipality Permitted Uses of MPAC Data Products provide the Municipality and its consultants with expanded uses of MPAC data for internal planning, internal operational and external distribution uses. It also provides easier access to license custom products and for Municipality-owned and funded entities to access MPAC data.
4. Finally, the Data Terms and Conditions of Use provide a reciprocal set of terms and conditions that govern all information licensed under this DSSA. The terms and conditions acknowledge the intellectual property rights of licensed information and require that both MPAC and the Municipality protect information (including third party information) in accordance with their respective obligations under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Assessment Act and this DSSA. Remedies are provided in the event of unauthorized use or disclosure of the information.

In order to facilitate the future approvals with MPAC, the proposed by-law revises Section 3 of By-law No. 071-2016 by adding the following:

(d) The Chief Financial Officer & Treasurer and/or the Manager, Tax & Assessment are delegated authority to approve agreements with the Municipal Property Assessment Corporation's (MPAC), including but not limited to the Data Sharing and Services Agreement, and the Mayor and Clerk be authorized to execute such agreements.

Delegated Authority for Tax Extension Agreements

Effective Jan 01 2018, Tax Sale Extension Agreements no longer required Council authority to execute; these powers now reside with the Treasurer.

The rationale of extension agreements, which are at the discretion of the municipality, is to provide eligible applicants an extended period to repay the property tax debt, possibly avoiding an impending tax sale. Such extensions must be authorized after the registration

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of the tax arrears certificate but prior to the expiry of the 365 day redemption period. These agreements are crafted by the municipality and signed by both the applicant(s) and the municipal official(s) that have the authority to bind the corporation.

The one-year period that is in effect as a result of the registration of a tax arrears certificate is extended by the period in which the agreement is in effect. If the person entering into the agreement defaults on the terms and conditions, the agreement is terminated and the tax registration process continues from the point at which the extension agreement was executed.

There hasn't been a need to bring an extension by-law forward since the time that the legislative change took effect at the beginning of 2018, but with other updates happening to the Town's 2016 delegated authorities by-law a revision in relation to tax sale extensions at this time is appropriate.

In order to facilitate the future extensions, the proposed by-law revises Section 3 of By-law No. 071-2016 by adding the following:

- (e) The Manager, Tax & Assessment is delegated authority to approve extension agreements for tax arrears pursuant to Section 378 (1) of the Municipal Act, 2001.

Hosting, Professional Services, Service Level, Data and Software Licensing Agreements

The Town utilizes the services of a number of technology companies and software providers to support and enhance the services offered to the community. Although many of the terms of the agreements with these providers are incorporated into the contracts that are executed through the Town's purchasing and supply chain management business unit, there can be supplemental agreements required by these firms through the term of the engagement. These supplemental agreements take the form of hosting services agreements, professional services agreements, service level agreements (SLAs) or data-specific and/or software licensing agreements between the Town and one or more third party organizations. As these additional agreements often incorporate no direct financial commitment of obligation, the delegation to review and authorize is best positioned with the Town's Director, Information Technology. Through this, the Town can ensure that third party services, software and data management practices align to the organization's standard technology stack and are attended to with the same level of professional rigour, support and security as internally-managed technology platforms.



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As such, a new Section (Section 14) is recommended to be added to By-law No. 071-2016 as follows:

The Director, Information Technology is delegated the authority to approve hosting, professional services, service level and data and software licensing and related agreements with software or technology companies where no direct financial obligations are created, and the Mayor and Clerk be authorized to execute such agreements.

Banking Signing Authority Update

As it pertains to payroll approval, the current by-law allows the CFO/Treasurer, the Manager of Financial Planning and Policy/Deputy Treasurer and the Manager of Accounting and Payroll to authorize and release payroll and payroll related transfers and remittances to the financial institutions. Through the recommended amendment, authority will also now be provided to the Supervisor, Payroll. The supervisor role oversees the payroll business unit including the processes used prepare the transfers and remittances, and the supervisor is responsible for reviewing and validating the amounts included in the transfers. As such this role is ideally positioned to approve the transfers, and this change will ensure that sufficient depth of authorized coverage exists within the corporation to manage the volume of activity in this area.

In order to facilitate this update, it is recommended that Section 6 of By-law No. 052-2021 be amended by adding the Supervisor, Payroll to the list of positions that can authorize and release payroll and payroll related transfers and remittances to the Bank.

Financial Impact

There are no financial implications from the recommendations included in this report. Several of the authorities provided relate to the ability to execute data licensing or related agreements that have no direct financial commitment included within them. Other authorities are being extended to new roles in order to create efficiencies in the approval process.

Respectfully submitted,

Glen Cowan
Chief Financial Officer / Treasurer



For questions, please contact: Glen Cowan, Chief Financial Officer / Treasurer Phone: Ext. 2151

Attachments

1. Draft by-law to amend by-law number 071-2016
2. Draft by-law to amend by-law number 052-2021

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2023

BEING A BY-LAW TO AMEND BY-LAW NUMBER 052-2021 APPOINT BANKING SIGNING AUTHORITIES

WHEREAS section 11(2) of the *Municipal Act*, 2001, c. 25, as amended, provides a municipality with authority to pass by-laws regarding the financial management of the municipality;

AND WHEREAS Section 286 of the *Municipal Act*, S.O. 2001 authorizes the municipality to appoint a treasurer who is responsible for handling the financial affairs of the municipality, and to appoint deputy treasurers; and

AND WHEREAS Section 287 of the *Municipal Act*, S.O. 2001 authorizes the municipality to provide that the signatures may be mechanically or electronically reproduced; and

AND WHEREAS all cheques of the Corporation of the Town of Milton (the "Corporation") be drawn in the name of the Corporation;

AND WHEREAS Section 23 of the *Municipal Act*, S.O. 2001 authorizes the municipality to delegate its powers and duties under the *Municipal Act*, 2001, subject to certain requirements.

NOW THEREFORE the Council of the Corporation hereby enacts as follows:

1. **THAT** Section 6 of by-law 052-2021 be amended to read as follows:

THAT the Town designate any one of the individuals holding the following positions to authorize and release payroll and payroll related transfers and remittances to the Bank:

- the Chief Financial Officer & Treasurer,
- the Deputy Treasurer,
- the Manager, Accounting & Payroll,
- the Manager, Financial Planning and Policy,
- the Supervisor, Payroll

2. **THAT** all other provisions of By-law No. 052-2021 remain in full force and effect.

3. **THAT** this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON OCTOBER 23, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2023

BEING A BY-LAW TO AMEND BY-LAW NUMBER 071-2016, BEING A BY-LAW TO DELEGATE VARIOUS AUTHORITIES TO STAFF

WHEREAS Section 23.1 and 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain powers and duties to a person;

AND WHEREAS Council approved the Delegation of Powers and Duties policy on November 26, 2007;

AND WHEREAS Council approved by-law number 071-2016 on August 22, 2016, being a by-law to delegate various authorities to staff and Council is desirous of amending by-law number 071-2016;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Section 3 of By-law No. 071-2016 be amended by adding the following:
 - d) The Chief Financial Officer & Treasurer and/or the Manager, Tax & Assessment are delegated authority to approve agreements with the Municipal Property Assessment Corporation's (MPAC), including but not limited to the Data Sharing and Services Agreement.
 - e) The Manager, Tax & Assessment is delegated authority to approve extension agreements for tax arrears pursuant to Section 378 (1) of the Municipal Act, 2001.
2. **THAT** a new Section (Section 14) be added to By-law No. 071-2016 as follows:

The Director, Information Technology is delegated authority to approve data, licensing and related agreements with software companies where no direct financial obligations are created, and the Mayor and Clerk be authorized to execute such agreements.
3. **THAT** all other provisions of By-law No. 071-2016 remain in full force and effect.

4. **THAT** this By-law shall come into full force and effect on the day it is passed.

PASSED IN OPEN COUNCIL ON OCTOBER 23, 2023.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk