

To: Community Services Committee

From: Ron Diskey, Commissioner,
Community Services Department

Report Number: CS-22-24

Date of Report: March 16, 2022

Date of Meeting: March 21, 2022

Subject: Amendment to the Delegation By-law 29-2009

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this Report is to recommend to Council amendments to the Delegation By-law 29-2009, to:

1. address the requirements of O. Reg. 406/19, On-site and Excess Soil Management; and,
2. provide delegated authority to certain Operations Services staff to make applications for approvals and permits related to City projects; and,
3. reflect the change in title from Supervisor, Parks Development & Technical Services to Manager, Parks Planning & Development.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

That pursuant to Report CS-22-24, dated March 16, 2022, the City's Delegation By-law 29-2009, be amended to include the proposed amendments as shown in Section 5.4, Table 1, of Report CS-22-24, in a form that's acceptable to Legal Services, the Commissioner of Community Services and Director, Operations Services, which includes:

1. A new line item is added under Parks Services to provide delegated authority to the responsible department Commissioner or Director or Manager to provide consent for soil reuse to a source site, in accordance with O. Reg. 406/19, when soil is imported onto City property as part of a City Project; and,
2. Section 62.1, make applications for approvals and permits related to City projects, is amended to include Commissioner, Community Services, and Director Operations Services, Manager, Parks Planning & Development, and Manager, Parks and Waste Operations, as Delegated Authority; and,

3. Section 9, approve and execute agreements to permit park access for short-term use and private gate access to parks, is amended to replace the Supervisor, Parks Development & Technical Services, with the Manager, Parks Planning and Development, as a delegate and to remove the delegation restriction.

3.0 Executive Summary

N/A

4.0 Input From Other Sources

- Engineering Services
- Facility Management Services
- Legal Services
- Parks Planning & Development
- Parks and Waste Operations
- Road Operations

5.0 Analysis

Since Council enactment the Delegation By-law 29-2009, changes to governing regulations, staff organization structures, and scope of projects have necessitated further amendments to ensure continued efficiency, and minimize impacts on project schedules.

5.1 O. Reg 406/19, On-site and Excess Soil Management

The Ministry of the Environment, Conservation and Parks (MECP) has developed the On-site and Excess Soil Management Regulation (O. Reg 406/19), which provides clear rules on managing and reusing excess soil, limiting soil sent to landfill, and encouraging the environmentally responsible beneficial reuse of excess soil.

Under this Regulation, soil is defined as unconsolidated naturally occurring mineral particles that are smaller than 2mm in size. City projects often require soil material to be imported onto the site as part of the construction, which can include developing accessible access routes along slopes; need for geotechnically suitable subgrade; and backfill material, among others. The importation of excess soil (greater than 100m³) from a non-City owned site onto City property, requires the written consent of the site Owner (the City) to receive the soil material. Soil importation cannot proceed without this written consent.

Currently, there is no line item within the Delegation By-Law 29-2009 to delegate authorizing this written consent. As this Regulation applies to a broad range of City projects, including projects undertaken by Parks Operations, Parks Planning and Development, Road Operations, Engineering Services, and Facility Management Services, it is recommended that the By-law be amended to provide delegated authority to the responsible department Commissioner, Director or Manager (Table 1, proposed addition of section 9.1). In the absence of this delegated authority, project schedules and budgets will be impacted, as Council approval will need to be sought to authorize import of soil material for City projects.

5.2 Make applications for approvals and permits related to City Parks and Open Space Projects

For parks projects, a building permit is typically required for the plumbing for irrigation or a splash pad, and no City building or facility is involved.

In these circumstances, the Director, Operations Services, Manager, Parks & Waste Operations, and Manager, Parks Planning & Development provide oversight and management of City parks and associated amenities, are familiar with the proposed parks development/redevelopment plans, and would be the best positioned to make applications for approvals and permits related to City parks and open space projects. It is recommended that Section 62.1 of the Delegation By-law be amended to include delegate authority for the Commissioner, Community Services; Director, Operations Services; Manager, Parks Planning and Development; Manager, Parks & Waste Operations (Table 1, proposed amendment to Section 62.1).

5.3 Section 9: Approve and execute agreements to permit park access for short-term use and private gate access to parks

Section 9 of the Delegation By-law 29-2009 provides delegated authority to approve and execute agreements to permit park access for short-term use and private gate access to parks, for a term not exceeding one (1) year. The authority is delegated to:

- Commissioner, Community Services; or,
- Director, Operations Services; or,
- Manager, Parks Operations; or,
- Supervisor, Parks Development & Technical Support.

Through a staff re-organization, the Supervisor, Parks Development & Technical Support has been repositioned as Manager, Parks Planning and Development. It is recommended that the By-law 29-2009 be amended to replace "Supervisor, Parks Development & Technical Support" with "Manager, Parks Planning & Development" (Table 1, Section 9).

It is also proposed that the Delegation Restrictions be amended from a term of no more than one-year, to no restrictions, as the gate access agreements typically span time frames of multiple years.

5.4 Summary of Proposed Amendments

Table 1: Proposed Amendments

Section	Delegated Authority	Delegate	Source of Power or Duty	Delegation Restrictions	Communication
9	Approve and execute agreements to permit park access for short-term use and private gate access to parks	Commissioner, Community Services; or Director, Operations Services; or, Manager, Parks Operations; or, Manager, Parks Planning & Development.	Municipal Act	None	Not applicable.
9.1 (proposed new section)	Authorize written consent for a soil reuse source site to import soil onto City property, as a component of a Project.	Responsible Department Commissioner, Director or Manager	On-site and Excess Soil Management Regulation	Project is approved in current budget or multi-year budget. Project-specific consent only.	Not applicable.
62.1	Make applications for approvals and permits for City Projects.	Commissioner, Corporate Services; or, Director, Facility Management Services; or, Commissioner Community Services; or, Director, Operations; or,	Municipal Act	Project is approved in current budget or a multi-year budget	Not applicable

Section	Delegated Authority	Delegate	Source of Power or Duty	Delegation Restrictions	Communication
		Manager, Parks Planning & Development; or, Manager, Parks & Waste Operations			

6.0 Financial Implications

There are no financial implications associated with this report.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses many of the goals set in the Oshawa Strategic Plan, including the goal of “Accountable Leadership” through the theme of “Our Corporate Culture Demands Excellence and Respect;” and the goal of “Environmental Responsibility” through the themes of “Proactive Environmental Management and Combat Climate Change,” “Cleaner Air, Land and Water,” and “Less Waste Generation.”



Mike Saulnier, Director,
Operations Services



Ron Diskey, Commissioner,
Community Services Department