

**THE MUNICIPALITY OF SOUTHWEST
MIDDLESEX BY-LAW NO. 2022/023**

Being a by-law to establish policies for the sale and other disposition of land, hiring of employees, Council and staff relationships, procurement of goods and services, public notice, accountability and transparency, delegation of powers and duties, protecting the tree canopy and natural vegetation and parental/pregnancy leaves of members of Council, as required under section 270(1) of the Municipal Act.

WHEREAS section 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 270(1) of the Municipal Act, 2001 requires that a municipality adopt and maintain policies with respect to the sale and other disposition of land; hiring of employees; Council and staff relations; procurement of goods and services; circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, in a manner and times shall be given; the manner in which the municipality will try to ensure that it is accountable to the public for its actions and the manner in which the municipality will ensure that its actions are transparent to the public; the delegation of its powers and duties; the manner in which the municipality will protect and enhance the tree canopy and natural vegetation; and, pregnancy and parental leaves for members of Council.

BE IT THEREFORE ENACTED by the Municipality of Southwest Middlesex as follows:

- (1) The following policies, as required under section 270(1) of the *Municipal Act, 2001* are hereby implemented, by by-law:

Section	Date Passed
Sale and Disposition of Lands	September 20, 2017
Hiring of Employees	May 8, 2019
Council and Staff Relations	February 6, 2019
Procurement Policy	July 7, 2021
Notice Policy	August 9, 2017
Accountability & Transparency	June 28, 2017
Delegation Policy	February 4, 2022
Natural Environment & Tree Canopy Policy	February 6, 2019
Pregnancy and Parental Leave for Council Members Policy	February 6, 2019

- (2) This by-law shall come into force and effect immediately.

Read a first, second, third and final time this 9th day of March, 2022.


Allan Mayhew, Mayor


Jill Bellchamber-Glazier, CAO/Clerk

Sale and Other Disposition of Land Policy

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Policy Statement

The Municipality of Southwest Middlesex shall dispose of surplus real property in an open and transparent manner that maximizes its social, economic and environmental return to the municipality.

Definitions

“Abutting owner” in the case of the disposal of a closed road or highway, an abutting owner refers to an owner, the front, rear or side of whose property is immediately beside the closed road or highway, but does not include an owner whose property touches either end of the road or the highway. With respect to any other real property disposal, an abutting owner is any owner whose real property touches the municipality’s real property;

“Act” means the *Municipal Act, 2001*, as amended;

“Appraisal” means a written estimate of current market valuation of the land that is satisfactory to the Chief Administrative Officer-Clerk of the Corporation of the Municipality of Southwest Middlesex;

“Chief Administrative Officer-Clerk” means the Chief Administrative Officer-Clerk of the Corporation of the Municipality of Southwest Middlesex;

“Council” means the Council of the Corporation of the Municipality of Southwest Middlesex;

“Disposition” means the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease for a term of twenty-one (21) years or longer, but does not include the granting of an easement or right of way, and “disposal” shall have a similar meaning;

“Land” means any real property owned by the municipality;

“Market value” means the highest price a willing buyer would pay and a willing seller would accept, both parties being fully informed, and the real property being marketed for a reasonable period of time;

“Meeting” has the same meaning as defined in the *Municipal Act, 2001*;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Newspaper” shall mean a document that:

- (a) Is printed in sheet form, published at regular intervals of a week or less and is available through general circulation; and
- (b) Consists primarily of news of current events of general interest

“Non-viable real property” means real property for which a building permit cannot be granted because it is either landlocked, or it is of insufficient size and shape to permit development unless developed in conjunction with abutting land;

“Notice” means an announcement containing information about a future event;

“Real property” means land and/or buildings and all improvements thereon;

“Southwest Middlesex” means the Corporation of the Municipality of Southwest Middlesex;

“Surplus real property” means real property that the municipality no longer requires to meet its current or future program or operational needs and that has been declared surplus by Southwest Middlesex Council or its delegated authority;

“Treasurer” means the Treasurer of the Corporation of the Municipality of Southwest Middlesex;

“Value” means the valuation of the fair market value of land, and includes the value assigned by the Municipal Property Assessment Corporation, the opinion of value by a licensed real estate agent, or such other means as may be specifically determined as appropriate by Council or the Chief Administrative Officer-Clerk;

“Valuation” means an independent appraisal or written opinion of the market value of the land by an appraiser or qualified professional;

“Viable real property” means real property for which a building permit can be granted;

“Website” means the Municipality of Southwest official website at www.southwestmiddlesex.ca

Purpose

To ensure that transparent and accountable processes are followed in the disposal of all real property and to ensure that returns are fair, reasonable and in the best interest of the municipality.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to the sale or other disposition of real property by the Municipality of Southwest Middlesex.

This policy applies to all Southwest Middlesex employees and any agents or assigns authorized to dispose of real property on behalf of the municipality.

Policy Requirements

1. General

- 1.1 Where real property is proposed to be disposed of, it shall first be determined to be viable or non-viable by the Chief Administrative Officer-Clerk.
- 1.2 Subject to Section 1.3, real property shall be disposed of at market value.
- 1.3 Notwithstanding Section 1.2, Council may, unless prohibited by the *Municipal Act, 2001*, authorize the disposal of real property at less than market value if, in its opinion, it is in the best interests of the municipality to do so.
- 1.4 All municipally-owned real property is a corporate asset and not an asset of any individual department. Monies received from the disposal of any real property shall be deposited to the municipality's respective asset reserve account, unless otherwise directed by Council.
- 1.5 This Policy shall not apply to the disposal of real property which is the subject of an agreement entered into by the municipality for the provision of municipal capital facilities pursuant to section 110 of the *Municipal Act, 2001*.

2. Conditions for the Disposal of Real Property

Unless otherwise stated in this Policy, the following conditions must be met before the disposal of any real property:

- 2.1 The real property shall be declared surplus to current or future program or operational requirements of the municipality; and
- 2.2 At least one (1) appraisal of the real property shall be obtained; and
- 2.3 Notice of the proposed disposal shall be provided to the public.

3. Authority to Declare Surplus

- 3.1 All real property shall be declared surplus by Council by passing a resolution in an open meeting to declare any such real property surplus to the needs of the municipality.
- 3.2 Once the real property has been declared surplus the Chief Administrative Officer-Clerk shall forward a copy of the council resolution to the Treasurer.

4. Appraisals

- 4.1 At least one (1) appraisal estimating current market value of the property shall be obtained. Appraisal reports shall remain confidential until the disposal is completed.
- 4.2 The appraised report shall come to Council for approval to proceed.
- 4.3 Notwithstanding Section 4.1, the requirement to obtain an appraisal shall not apply to the disposal of real property for the following classes of land:
- i. land 0.3 metres or less in width, acquired in connection with an approval or decision under the *Planning Act*;
 - ii. closed highways, road and road allowances;
 - iii. land formerly used for railway branch lines if sold to an owner of land abutting the former railway land;
 - iv. land that does not have direct access to a highway if sold to the owner of land abutting that land;
 - v. land re-purchased by an owner in accordance with Section 42 of the *Expropriations Act*;
 - vi. disposal to a municipality as defined by the *Municipal Act*;
 - vii. disposal to a local board as defined in the *Municipal Affairs Act*;
 - viii. disposal to an authority under the *Conservation Authorities Act*; and
 - ix. disposal to the Crown in Right of Ontario or of Canada and their agencies

5. Notice of Proposed Disposal

- 5.1 Prior to the disposal of any real property the Chief Administrative Officer-Clerk shall give notice of the proposed disposal to the public by one or more of the following methods:
- Posting of a “For Sale” sign on the real property in question for a period of not less than ten (10) days;
 - Advertising the real property for disposal in one newspaper or other appropriate media;
 - Posting a notice on the municipal website at www.southwestmiddlesex.ca.
- 5.2 No notice shall be required for real property that is re-purchased by an owner in accordance with Section 42 of the *Expropriations Act*.
- 5.3 Notice of the proposed disposal of non-viable real estate is provided to all abutting owners.

6. Methods of Sale

Depending on the nature of the land, various methods may be employed for the disposal of land, including: public auction; electronic auction; tender process; listing through the Multiple Listing Service; listing with real estate firm or broker; direct advertising; direct negotiations with an abutting property owner; other direct negotiations when authorized by Council.

Council shall determine by resolution the method of sale of the surplus real property. Appendix "A" of this policy sets out the procedures for the specific methods of sale.

Responsibilities

Council approval is required for the disposal of real property where the total amount exceeds the maximum amount pursuant to any delegated authority. Staff are responsible for adhering to the parameters of this policy and for ensuring the processes outlined within are followed.

Monitoring

The Chief Administrative Officer-Clerk for Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt a policy with respect to the sale and other disposition of land

Conservation Authorities Act

Expropriations Act

Heritage Act

Municipal Act, 2001

Municipal Affairs Act

Planning Act

Enquiries

Chief Administrative Officer-Clerk
Municipality of Southwest Middlesex
Telephone: 519-287-2015 ext. 109

Appendix "A"

Sale and Disposition of Land Policy - Procedures for Disposal and Agreements of Purchase and Sale

I. Procedures for Disposal by Public Auction

Should the Council determine to dispose of the surplus land by public auction, the following shall apply:

- a) The Chief Administrative Officer-Clerk shall be authorized to retain a licensed real estate auctioneer to conduct the auction;
- b) All costs of advertising being borne by the municipality on the understanding that the method and format of advertising will be agreed to by the auctioneer and approved by the Chief Administrative Officer-Clerk prior to publication;
- c) Southwest Middlesex shall maintain the right to establish a reserve bid based on the results of an appraisal and on the understanding that the reserve bid will remain confidential until the conclusion of the auction;
- d) The conditions of sale being established, in each case, by Southwest Middlesex;
- e) The Treasurer shall report the results of the auction to Council.

II. Procedures for Disposal by Electronic Auction (E-auction)

Should the Council determine to dispose of the surplus land by electronic auction, the following shall apply:

- a) All costs of advertising being borne by Southwest Middlesex on the understanding that the method and format of advertising will be agreed to by the Chief Administrative Officer-Clerk prior to publication and/or web posting;
- b) Southwest Middlesex shall maintain the right to establish a reserve bid based on the results of an appraisal;
- c) The conditions of sale being established, in each case, by Southwest Middlesex;
- d) The Treasurer shall report the results of the auction to Council.

III. Procedures for Disposal by Public Tender

Should the Council determine to dispose of the surplus land by tender, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land, such as legal fees, survey fees, appraisal fees, encumbrances, advertising, and improvements, shall be established;
- b) An estimated bid price shall be established which shall not be less than the appraised value or valuation plus the additional costs referred to in Clause III a)

above. Notwithstanding the foregoing, Council may accept an amount less than the estimated bid amount;

- c) An advertisement shall be published, as per the notice requirements for the policy, including within a Newspaper or appropriate media and posted on the municipal website at www.southwestmiddlesex.ca. The advertisement shall include a brief description of the property including a small location sketch and shall specify the final date that offers will be accepted and shall include the following statement “the highest or any offer may not necessarily be accepted”;
- d) The tender documents shall be delivered in person to the Chief Administrative Officer-Clerk by the date specified therein; and
- e) Any tender otherwise acceptable to Southwest Middlesex shall be submitted to the Council for approval of the sale price.

IV. Procedures for Disposal by Real Estate Firm or Broker

Should the Council determine to engage a real estate firm or broker to dispose of the surplus land, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land such as legal fees, survey fees, appraisal fees, encumbrances, advertising, commissions and improvements shall be established;
- b) A listing price shall be established which shall not be less than the appraised value plus the additional costs referred to in Clause III a) above;
- c) The Chief Administrative Officer-Clerk, or designate, shall be authorized to sign the listing agreement or agreement of purchase and sale once approved by Council;
- d) The offers to purchase the surplus land shall be submitted to the Chief Administrative Officer-Clerk, or designate, on a standard offer to purchase form or form drafted by a lawyer and shall provide for an irrevocable period of at least twenty one (21) days;
- e) Southwest Middlesex may make a counter offer subject to the Council approving the sale price; and
- f) All offers otherwise acceptable to the Council shall be submitted to the Council for approval of the sale price.

V. Procedures for Disposal by Direct Negotiation

Should the Council determine to negotiate directly with a landowner to dispose of the surplus land, (other than a mortgagee or chargee) who abuts the surplus land or an owner of other land in close proximity (other than a mortgagee or chargee) who claims legal interest in the property such as, but not limited to: an easement, a right-of-way, possessory title or a restrictive covenant. The following shall apply:

- a) Costs incurred or anticipated for disposal of the Surplus Land such as legal fees, survey fees, Appraisal fees, encumbrances, advertising and improvements shall be established;

- b) An estimated sale price shall be established which shall not be less than the appraised Value plus the additional costs referred to in Clause V a) above. Notwithstanding the foregoing, the Council may accept an amount less or higher than the estimated sale price;
- c) In the event that no appraisal is obtained, as per the policy, the estimated sale price shall not be less than that referred to in Clause V a) above; and
- d) All agreements otherwise acceptable to Southwest Middlesex shall be submitted to the Council for approval of the sale price.


VI. Direct Sale to the Public

Should the Council determine to dispose of the surplus land directly to the public, the following shall apply:

- a) Costs incurred or anticipated for disposal of the surplus land such as legal fees, survey fees, appraisal fees, encumbrances, advertising and improvements shall be established;
- b) An estimated sale price shall be established which shall not be less than the appraised value plus the additional costs referred to in Clause V a) above. Notwithstanding the foregoing, the Council may accept an amount less or higher than the estimated sale price;
- c) An advertisement shall be published, as per the notice requirements for the policy, including within a Newspaper or appropriate media and posted on Southwest Middlesex's website at www.southwestmiddlesex.ca. The advertisement shall include a brief description of the property including a small location sketch and shall specify the final date that offers will be accepted and shall include the following statement "the highest or any offer may not necessarily be accepted";
- d) The Chief Administrative Officer-Clerk, or designate, shall be authorized to sign the agreement of purchase and sale once approved by Council.
- e) Southwest Middlesex may make a counter offer subject to the Council approving the sale price; and
- f) All offers otherwise acceptable to Southwest Middlesex shall be submitted to the Council for approval of the sale price.

Agreements of Purchase and Sale

In Agreements of Purchase and Sale (the "APS") or e-auction posting for the sale of Surplus Land, the municipality shall include a provision which states that the Surplus Land in question is being sold strictly on an "as is, where is" basis and that, except as expressly set out in the APS, no representations or warranties of any nature or kind have been made or will be made by the municipality, or anyone acting on behalf of the municipality, whether before or after execution of the APS or closing, to or for the benefit of the purchaser with respect to the Surplus Land including, without limitation, any representation or warranty relating to soil or ground water quality in, on or under the Surplus Land.

TITLE: HR – 008 - HIRING POLICY		
REVIEWED BY: Council	APPROVED BY: Council	
EFFECTIVE DATE: May 8, 2019	REVISION DATE:	
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Policy Statement

The Municipality of Southwest Middlesex promotes accountability and transparency through the establishment of a hiring policy that is committed to the recruitment, hiring and maintenance of a competent, qualified, and diverse workforce.

Definitions

“Employee” means any person who supplies services to the Corporation of Southwest Middlesex, including union, non-union, regular, temporary, full-time, part-time, seasonal, or monthly staff, including permanent staff, temporary staff, student, and contract employee.

“Municipality” means the Corporation of the Municipality of Southwest Middlesex.

“Student” means any person attending school, high school, college, or university on a full-time basis and who has indicated their intent to return to school, or any person engaged by the Municipality under a co-operative student program with a high school, college or university.

Purpose

The Municipality of Southwest Middlesex practices equal opportunity and fair hiring processes when filling positions, and hires the most qualified individuals to ensure the success of our operations. The Municipality of Southwest Middlesex has adopted this policy to ensure that all employees and potential candidates are considered for employment opportunities in a fair and consistent manner. The selection process for choosing the best qualified applicant will be based on various factors, including qualifications, education, experience, skill, training, suitability, and ability to perform the work.

Application

This policy is required by Section 270 of the *Municipal Act, 2001*, and applies to all employees for the Municipality of Southwest Middlesex and outlines the Municipality’s employment goals and objectives, other than volunteer firefighters.

Exception

For the hiring of the Chief Administrative Officer position, Council shall establish a committee for the purpose of recruitment and interview process and to make recommendation to Council. For the position of Department Heads, the Mayor and/or Deputy Mayor shall serve on the hiring panel led by the Chief Administrative Officer, and the Chief Administrative Officer shall make recommendation to Council.

Policy Requirements

The process for hiring applies to union and non-union, permanent, temporary, part-time, and student hiring for which there has been a job posting or expression of interest.

Personnel Requests

The Municipality requires that requests for new or additional personnel be included in department budgets for council review. Personnel requests shall include the position title, essential job functions, necessary qualifications, and the hours required.

Job Postings

Postings for jobs within the union will follow the collective agreement.

Permanent non-union positions will be internally and externally posted simultaneously.

Internal

- For non-unionized positions, qualified applicants under the employ of the Municipality of Southwest Middlesex shall remain subject to the normal hiring processes, including interviews, etc.

External

- The Municipality shall make public any new employment opportunities, subject to the Collective Agreement.
- External job postings shall be based on necessity and budget requirements.
- The hiring manager shall be responsible for the placement of all recruitment advertisements.

Application Process

- Applicants must submit a resume and letters of reference.
- Where there is an application form, all applicants must complete the application form for consideration of employment.
- The Municipality will review all properly completed applications, and interview the most qualified candidates.
- Candidates that for any reason do not meet the requirements for employment shall remain classified as applicants.

Interviews

- Interviews shall be scheduled and conducted by the hiring manager.
- An interview panel may be comprised of individuals as determined by the hiring manager.
- Interview questions shall be compiled and reviewed by the hiring manager to ensure their efficacy.
- Upon completion of all scheduled interviews, the results shall be reviewed by the hiring manager.
- The hiring manager shall make hiring decisions at their discretion.
- The deputy treasurer must be notified of all interviews conducted.
- Applications and resumes of applicants that were not selected for employment shall be maintained by the Municipality for the appropriate retention schedule.
- The hiring manager shall notify applicants who were interviewed and not selected for employment regarding the filling of the position.
- The Municipality is an equal opportunity employer, and as such, the employer shall accommodate requests as per approved accessibility policies.

Assessments

- An assessment may include a practical test, written test and/or interview. The following qualifications may be assessed: skills, knowledge, ability, aptitude, experience, and equivalent experience and education as identified in the job description or posting.
- Interview panels are conducted by the hiring manager.

Internal Transfers

- Employees are encouraged to apply for internal job openings, and will have their applications considered on the basis of their qualifications and potential for success at the position.

- Internal applicants who are not selected for the position shall be notified by the hiring manager.
- In the event that an employee is selected for employment pertaining to an internal job posting, following their transfer to the new position they will begin a new probationary period, which may be waived at the discretion of the hiring manager.

References and Background Checks

- The hiring manager shall conduct reference and background checks on all potential candidates for employment at the Municipality.
- Background checks are designed to protect the safety of our employees and those that we serve.
- Police checks will be required for certain positions.
- References shall be checked to ensure a candidate's qualification for the position.

Offer of Employment

- The Municipality shall give a conditional offer of employment to applicants that have been selected through the application and interview process.
- Job offers shall be contingent on the applicant's agreement to corporate policies, successful reference and background checks, including police checks where required, and any other condition applicable to the position that are required of the employee.
- Should the applicant accept an offer of employment from the Municipality, he/she shall be considered an employee and provided with a start date and required location to report for duty. Employee orientation shall be provided and will include workplace policies, rules and procedures and any other specific information designed to assist the employee in his/her duties. Authorization forms and policies shall be signed by the employee during this period of orientation.

Potential Hiring Conflicts

Family Members

- The Municipality shall accept applications from, and consider a member of an employee's immediate family for employment if the candidate has all the requisite qualifications.
- An immediate family member shall not be considered for employment if by doing so, it might create a direct or indirect managerial/subordinate relationship with the family member, or if his/her employment could create a conflict of interest.
- For the purpose of this policy, immediate family members are defined as follows: wife, husband, mother, father, brother, sister, son, daughter.

Employee Relationships

- Employees engaging in romantic relationships and employees that become married or live in the same household may continue their employment with the Municipality provided that there is neither a direct or indirect managerial/subordinate relationship between the employees, or a conflict of interest created as a result of the relationship.
- In the event that either a managerial/subordinate, or conflict of interest issue arise, Southwest Middlesex will work with the employees to accommodate them in a reasonable fashion. Possible resolution may require one of the employees to transfer to another position within the Municipality. If this is not possible, one of the employees must resign.

Former Employees

- A former employee who left the Municipality on amicable terms may be eligible for re-employment.
- Former employees who left the Municipality without proper notice, or whose employment was terminated for disciplinary reasons, shall not be eligible for re-employment.
- For seasonal or part-time positions, the hiring manager may re-hire previous employees without a competition.
- In emergency situations where no staff are currently available, part-time or seasonal employees may be retained to ensure the continued operations of facilities.

Responsibilities

The Council of the Municipality of Southwest Middlesex is responsible for supporting the policy and providing the necessary financial and human resources to carry out the intent of the policy.

The CAO-Clerk and Senior Management Team for the Municipality are responsible for supporting the policy and recommending adequate budgetary resources to meet the obligations under this policy, and are responsible for ensuring that the human resources policies related to hiring, recruitment, screening, assessment, feedback, employment reference checks, offers, and documentation, are followed.

Monitoring

The CAO-Clerk for the Municipality of Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaints and/or concern, the Chief Administrative Officer-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt and maintain a policy with respect to hiring. Other authorities related to hiring include:

Canadian Human Rights Act

Ontario Human Rights Code

Municipal Act, 2001

Employment Standards Act

Ontarians with Disabilities Act

Accessibility for Ontarians with Disabilities Act

Municipal Conflict of Interest Act


Municipal Freedom of Information and Protection of Privacy Act

Collective Agreements between the Corporation of the Municipality of Southwest Middlesex and its union(s)

Applicable Municipality of Southwest Middlesex by-laws, policies and procedures, including but not limited to human resources policies related to staffing, recruitment, compensation, benefits, employment conditions, health and safety, training and development, and employee relations.

Enquiries

Chief Administrative Officer-Clerk, Municipality of Southwest Middlesex, cao@southwestmiddlesex.ca

TITLE: EMPLOYEE COUNCIL RELATIONSHIP POLICY		
REVIEWED BY: Jill Bellchamber-Glazier	APPROVED BY: Council	
EFFECTIVE DATE: February 6, 2019	REVISION DATE:	
REVISION #: 001	DOC ID#: COUNCIL-001	

1.0 POLICY STATEMENT

The Municipality of Southwest Middlesex supports effective relationships between council members and the officers and employees of the municipality in an effort to provide excellent services to its citizens.

Council, officers and employees conduct business with integrity, honesty and fairness and comply with all relevant policies, codes, statutes, regulation and orders.

In order to promote the public good and support the system of good local government, council members, municipal officers, and municipal employees, will be guided by the following principles:

- Integrity and impartiality
- Respect
- Honesty and Trust
- Openness, Accountability, and Transparency

2.0 DEFINITIONS

“CAO-Clerk” means the Chief Administrative Officer-Clerk of the Municipality;

“Council” means the Council of the Corporation of the Municipality of Southwest Middlesex

“Mayor” means the Head of Council;

“Member” means a Member of Council;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Policy” means this Council and Staff Relationship Policy; and

“Staff” means the CAO-Clerk and all other officers, managers, supervisors and all non-union and union employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Municipality’s business and interests.


3.0 PURPOSE

The purpose of this Policy is set out a general standard to ensure that Council and Staff share a common understanding of their respective roles and responsibilities as well as a common basis of their relationship, and to set out acceptable standards to govern their relationship and to which all Members and Staff are expected to adhere to and comply with.

The purpose of this Policy is to establish a policy to govern the relationship between Members of Council and Staff of the Municipality in accordance with paragraph 2.1 of subsection 270(1) of the Municipal Act, 2001.

4.0 APPLICATION

This Council and Staff Relationship Policy applies to all Members of the Council of the Municipality of Southwest Middlesex, including the Mayor, Deputy Mayor, and all members of Staff of the Municipality of Southwest Middlesex, including the CAO-Clerk.

TITLE: EMPLOYEE COUNCIL RELATIONSHIP POLICY		
REVIEWED BY: Jill Bellchamber-Glazier	APPROVED BY: Council	
EFFECTIVE DATE: February 6, 2019	REVISION DATE:	
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5.0 GENERAL OBLIGATIONS


In all respects, Members and Staff shall:

- a) relate to one another in a courteous, respectful and professional manner;
- b) maintain formal working relationships in order to promote equality and discourage favouritism, which includes but is not limited to using proper titles and avoiding first names during public meetings or formal business dealings;
- c) understand their respective roles and responsibilities, and appreciate and respect the roles and responsibilities of the other;
- d) work together to produce the best results and outcomes for the Municipality and always for the collective public interest of the Municipality; and
- e) act in a manner that enhances public confidence in local government.

6.0 ROLES AND RESPONSIBILITIES OF MEMBERS

Members acknowledge and agree that:

- a) Council as a whole is the governing body of the Municipality and that it comprises a collective decision-making body;
- b) they are representatives of the entire Municipality;
- c) Staff serve the whole of Council rather than any individual Member;
- d) they govern, provide political direction and make decisions as Municipality;
- e) they will respect the administrative and managerial chain of command by:
- f) directing any questions or concerns in relation to the administration or management of the Municipality to the Mayor or the CAO-Clerk for their consideration;
- g) giving direction to Staff only as Council and through the CAO-Clerk; and
- h) refraining from becoming involved in the management of Staff.
- i) they shall use Staff time effectively, which includes but is not limited to only referring essential matters to Staff for reports;
- j) they ensure any requests for information to Staff that were not received at a meeting of Council are made in writing and circulated in writing to all Members;
- k) they understand that Staff will undertake significant projects only if they have been directed to do so by Council through the CAO-Clerk;
- l) whenever possible, they shall notify Staff if an action or position of Staff is to be questioned or criticized at a public meeting to ensure Staff has sufficient time to formulate an intelligent, informed and helpful response for the consideration of Council and that any such questioning or criticism shall be undertaken with courtesy, respect and professionalism, and in no event shall there be any attempt to humiliate, berate, disparage or denigrate Staff and that they shall refrain from publicly criticizing members of Staff in relation to their intelligence, integrity, competence or otherwise;
- m) they shall request advice from the CAO-Clerk about the appropriate wording of motions, amendments, and formal directions of Staff;


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- n) they shall request information regarding meeting agendas or minutes from the CAO-Clerk;
- o) as individual Members, they have no greater access to records or information held by the Municipality than any member of the public and that they cannot access records or information otherwise protected from disclosure by the *Municipal Freedom of Information and Protection of Privacy Act* or in accordance with the process set out in that statute;
- p) they shall recognize Staff are not expected to provide information or take action in outside of regular administrative business hours, except in extenuating circumstances;
- q) certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from;
- r) they shall at all times comply with the Municipality's Code of Conduct for Members of Council; and
- s) they shall at all times comply with any policies relating to Council that the Council may implement from time to time.

7.0 ROLES AND RESPONSIBILITIES OF STAFF

Staff acknowledge and agree that:

- a) Council is the collective decision-making and governing body of the Municipality and is ultimately responsible to the electorate for the good governance of the Municipality;
- b) they shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions and any duties specifically assigned to them by Council;
- c) they shall assist Council in their decision-making process with respect to its decision, policies and programs by providing Council with information based on professional expertise, research and good judgment in a professional and timely manner;
- d) they shall serve the whole of Council rather than any individual Member;
- e) that all Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- f) they shall respond to inquiries from Council and provide appropriate and timely follow-up to such inquiries as necessary;
- g) they shall ensure any responses to requests for information by a Member that were not received at a meeting of Council are circulated to all Members;
- h) they shall refrain from becoming involved in the policy and decision-making process of Council, outside of ensuring that Council is provided with the information necessary in order to make their decisions and that Council is aware of any issues that may impact such decisions;
- i) they shall diligently and impartially implement Council's decisions;

TITLE: EMPLOYEE COUNCIL RELATIONSHIP POLICY		
REVIEWED BY: Jill Bellchamber-Glazier	APPROVED BY: Council	
EFFECTIVE DATE: February 6, 2019	REVISION DATE:	
REVISION #: 001	DOC ID#: COUNCIL-001	

- j) they shall notify management or the CAO-Clerk, as appropriate, of any issues that may impact the Municipality and of ongoing activities in each department;
- k) they shall not speak publicly on any matter respecting any Council decisions or policies without authorization to do so, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- l) they shall refrain from publicly criticizing decisions of Council or Members in relation to their intelligence, integrity, competence or otherwise; and
- m) they shall at all times comply with any policies relating to Staff that the Council may implement from time to time.

8.0 LEGISLATIVE AND ADMINISTRATIVE AUTHORITIES

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt and maintain a policy with respect to the relationship between council members and officers and employees of the municipality.

9.0 ENQUIRIES

Chief Administrative Officer, Southwest Middlesex, cao@southwestmiddlesex.ca

PROCUREMENT OF GOODS AND SERVICES POLICY

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Policy Statement

1. The purposes, goals and objectives of this policy and of each of the methods of purchasing authorized herein are:
 - a. to maintain trust and confidence in the stewardship of public funds through objective, fair, transparent and efficient procurement processes;
 - b. to promote effective use of funds allocated by Council through procurement methods and decisions that achieve best value for money;
 - c. to promote procurement processes and decisions that are in compliance with applicable legislation and are consistent with the strategic objectives established for the Municipality of Southwest Middlesex; and
 - d. to promote procurement practices that preserve the natural environment, encourage the use of sustainable goods and services and have regard for the accessibility of persons with disabilities.

Definitions

2. The words and phrases listed hereunder when used in this policy and the appendices hereto shall have the following meanings ascribed to them:

“Accessibility” is a general term used to describe the degree of ease that something (e.g., device, service, and environment) can be used and enjoyed by persons with a disability. The term implies conscious planning, design and/or effort to ensure it is barrier-free to persons with a disability, and by extension, highly usable and practical for the general population as well;

“Accessible” is that which can be easily reached or obtained; a facility that can be easily entered; posing no obstacles to persons with a disability;

“Award” means authorization to proceed with the Purchase from a chosen Supplier;

“Barrier-free” refers to a quality or characteristic of environments, policies, processes or practices that enables the full participation by all members of society;

“Bid” means an offer or submission from a Supplier in response to a Bid Solicitation which is subject to acceptance or rejection by the Corporation;

“Bid Approval Report” means a completed Purchase Requisition, Expenditure Authorization, or Council Resolution which authorizes the purchase of Goods and/or Services and is executed by the Purchasing & Document Execution Authorities as set out in Appendix “B”;

“Bid Deposit” means the form of security required by the terms and conditions of Bid Solicitations to guarantee that the successful Supplier enters into a Contract with the Corporation, as required by this policy;

“Bid Solicitation” means a formal request for Bids including a Request for Expression of Interest; Request for Information; Request for Pre-Qualification; Informal Request for Quotation; Request for Quotation; Request for Proposal or Request for Tender;

“Budget” means the budget or portion of the budget approved by Council;

“Chief Administrative Officer-Clerk” or **“CAO-Clerk”** means the Chief Administrative Officer-Clerk of the Corporation, their Designate, or any successor position thereto;

“Compliant Bid” means a Bid that meets the terms and conditions of the Bid Solicitation and this policy;

“Conflict of Interest” means a situation where a personal, business or other interest of an employee of the Corporation is in conflict with the interests of the Corporation, and includes, but is not limited to:

- a. the giving or receiving of a direct personal gain or benefit, or a direct advantage or privilege, by any person or business that offers Goods and/or Services to the Corporation;
- b. a direct interest in any business that provides Goods and/or Services to the Corporation;

“Construction” means a construction, reconstruction, demolition, repair or renovation of a building, structure or other engineering or architectural work and includes site preparation, excavation, drilling, soil or seismic investigation, the supply of products and materials and the supply of equipment and machinery incidental to the construction, and the installation and repair of fixtures of a building, structure or other engineering or architectural work;

“Contract” means a binding agreement between two or more parties that creates an obligation to provide or sell Goods or perform Services;

“Corporation” means The Corporation of the Municipality of Southwest Middlesex;

“Council” means the Council of The Corporation of the Municipality of Southwest Middlesex;

“Department” means any Department of the Corporation including any division within a Department;

“Department Head” means a position in charge of a Department making the Purchase, authorized in writing by the CAO-Clerk for the Purchase of Goods and/or Services up to the value of their prescribed signing authority and which written authorization must be filed with the Treasurer;

“Department Representative” means a position respective of a department or division, authorized in writing by the CAO-Clerk and Department Head for the Purchase of Goods and/or Services up to the value of their prescribed signing authority and which written authorization must be filed with the Treasurer;

“Designate” means a person authorized in writing to act on behalf of another during his or her absence, which written authorization has been filed with the Treasurer; only a person holding a position no lower than one level below in the Corporation’s reporting structure may be authorized to act as a Designate;

“Direct Negotiation” means a non-competitive purchasing method and refers to the negotiation of an agreement for the purchase of goods and services where there is no open competition among or between Vendors;

“Disability” or **“Disabilities”** shall have the same meaning as set out in the *Ontarians with Disabilities Act, 2001*, or any successor legislation thereto;

“Fair Market Value” means the price that would be agreed to in an open and unrestricted market between knowledgeable and willing parties dealing at arm’s length who are fully informed and not under any compulsion to transact;

“Formal Bid Process” means the process for receipt of Bids, as outlined in Section 21;

“Goods” means, in relation to procurement, moveable property (including the costs of installing, operating, maintaining or manufacturing such moveable property), including raw materials, products, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract;

“Irregular Result” means the occurrence or likely occurrence in connection with any method of purchase where competitive bids or proposals are submitted, of any of the following:

- a. Two or more identical Compliant low bids or proposals have been received;
- b. The lowest Compliant bid or proposal exceeds the estimated cost or budget allocation;
- c. All bids or proposals received are not Compliant; or

- d. For any reason the award of the contract to or the purchase from the lowest Compliant bidder or proponent is procedurally inappropriate or not in the best interests of the County.

“Lobbying” means the advocacy of an interest that is affected, actually or potentially by the Bid Solicitation process or individuals involved in the Bid Solicitation process including seeking to influence the outcome of the Bid Solicitation process or subsequent Award.

“Lowest Compliant Bid” means the Compliant Bid that would provide the Corporation with the desired Goods and/or Services at the lowest cost;

“Mayor” means the Head of Council of the Corporation or his or her designate;

“Negotiation” means a purchasing method whereby the Corporation may negotiate directly with one or more Suppliers with the intent to award a Contract or extend an existing Contract;

“Professional Services” means those services requiring the skills of professionals for a defined service requirement, including but not limited to:

- a. architects, engineers, designers, surveyors, geoscientists, project managers, consultants, auditors, accountants, medical professionals and legal counsel/advisors;
- b. firms or individuals having specialized competence in environmental, planning or similar disciplines; and,
- c. software, graphic design and web-design consultants and any other persons providing similar services;

“Purchase” means to acquire Goods and Services by purchase, rental, lease or trade, including Construction;

“Purchase Order” means a written confirmation of the Purchase of Goods and/or Services at a specific cost;

“Purchasing” means the process for obtaining Goods and/or Services;

“Quotation” means a binding statement of price, terms of sale and description of Goods and/or Services offered by a Supplier;

“Request for Expression of Interest” means a request by the Municipality seeking responses from potential Vendors for the purpose of determining the interest of the marketplace in providing goods or services contemplated to be procured by the Municipality.

"Request for Information" means a request by the Municipality seeking responses from potential Vendors for the purpose of gathering information from the marketplace to provide a scope of work or services contemplated to be procured by the Municipality.

"Request for Prequalification" means a request by the Municipality preceding a Request for Proposal, Request for Quotation or a Request for Tender seeking submissions from potential Vendors where it is deemed that the nature and complexity of the work involved warrants the time and effort required to pre-select the most experienced and qualified Vendors.

"Informal Request for Quotation" means a request by the Municipality seeking submissions from potential Vendors to obtain goods and services of a certain value as defined in Appendix "B" in order to obtain low dollar value of goods and services expeditiously and cost effectively. The informal process may be used by authorized employees in accordance Appendix "B" of this policy.

"Request for Quotation" means a request by the Municipality seeking submissions from potential Vendors to obtain goods and services of a certain value as defined in Appendix "B", and whenever the requirements can be precisely defined and the expectation is that the lowest Bid meeting the requirements specified in the Request for Quotation, would be accepted, subject to any other provisions of the contract documents and this policy.

"Request for Proposal" means a request by the Municipality seeking submissions from potential Vendors to obtain goods and services of a unique or complex nature where all or part of the requirements cannot be precisely defined and the expectation is that the proposal offered by the highest ranked proponent resulting from an evaluation and meeting the requirements specified in the Request for Proposal, would be accepted, subject to any other provisions of the contract documents and this policy.

"Request for Tender" means a request by the Municipality seeking submissions from potential Vendors to obtain goods and services of a certain value as defined in Appendix "B", whenever the requirements can be precisely defined and the expectation is that the lowest Bid meeting the requirements specified in the Request for Tender, would be accepted, subject to any other provisions of the contract documents and this policy.

"Requisition" includes both any document, whether electronic or printed, prescribed for use in initiating the purchase of required goods and services and the activity of initiating the purchase of required goods and services; and "requisitioning" and "requisitioned" shall have similar meanings.

"Services" means intangible products that do not have a physical presence and includes Professional Services. No transfer of possession or ownership takes place

when services are sold, and they: (1) cannot be stored or transported; (2) are instantly perishable; and (3) come into existence at the time they are bought and consumed;

“Single Source” means the non-competitive procurement process to acquire Goods and/or Services from a specific supplier even though there may be more than one Supplier capable of delivery of the same Goods and/or Services;

“Sole Source” means there is only one source of the Goods and/or Services that meets the requirements of the Corporation;

“Special Circumstance” means:

- a. an event that is exceptional or could not be foreseen and is likely to pose a threat to the health, safety or welfare of the public;
- b. an event that, unless immediately addressed, is likely to cause significant loss or damage to property and/or the environment;
- c. an event that has disrupted any essential service that needs to be re-established without delay; or
- d. an emergency as defined in the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.8, as amended, or any successor legislation thereto;

“Specialized Services” means those services requiring the skills of trades including, but not limited to electrical, mechanical, drywall, painting, HVAC, roofing, plumbing, electronics, and insulation;

“Supplier” means any individual or organization offering Goods and/or Services including but not limited to contractors, consultants, vendors and service organizations;

“Tender” means a written detailed offer from a Supplier to supply Goods and/or Services to the Corporation;

“Treasurer” means the Treasurer of the Corporation or his or her designate;

“Vendor” means an individual or organization offering goods and services including but not limited to contractors, consultants, suppliers and service organizations;

Application

3. All goods and services required for the purposes of the Municipality, save and except only those goods and services set out in Appendix "A" to this policy, shall be purchased by the Corporation or any of its officers, agents and employees in accordance with the provisions of this policy:
 - a. Appendices "A", "B", "C" and "D" attached hereto form part of this policy.
 - b. The policies and procedures outlined in this policy shall be followed for the purchase of all Goods and/or Services by the Corporation or any of its officers, agents and employees.
 - c. The methods of Purchasing and the reporting procedures set out in this policy shall not apply to the Purchase and of those Goods and Services outlined in Appendix "A".
 - d. Authority for the Purchase of Goods and Services outlined in Appendix "A" is provided as long as the funding is available in the Budget.
 - e. Any contracts necessary to complete the Purchase of Goods and/or Services outlined in Appendix "A" shall be signed by the appropriate Document Execution Authority as set out in Appendix "B".
 - f. Where an applicable trade agreement supersedes and is in conflict with this policy, the trade agreement shall take precedence.
 - g. CAO-Clerk and/or Department Head shall advise the appropriate Department Representative when a Purchase may not conform to an applicable act, statute, or trade agreement as early as possible in the Bid Solicitation process.
 - h. No contract or purchase shall be divided to avoid any requirements of this policy.

General

4. Section 270(1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, requires a municipality to adopt policies with respect to its procurement of purchasing services. Purchasing by the Corporation is also subject to contract law, various statutes, and provisions of trade agreements (see Appendix 'D'). Such requirements are addressed throughout this policy and as follows:

- a. Unsolicited Offers - In the event that the Municipality wishes to receive an unsolicited formal offer, the acceptance of such offer can only be done with Council approval. A report to Council shall include comments from the CAO-Clerk.
- b. Official Point of Contact - An official point of contact shall be named in all Bid Solicitations, to respond to all communications in respect of the Bid Solicitation from the time of issuance, during the competitive process, and up to and including the announcement of award. The official point of contact shall be the CAO-Clerk or Department Head or their designate of the department undertaking the purchase.
 - i. A Bid Solicitation may provide for the disqualification of any Vendor for failure to limit communications to the official point of contact.
- c. Public Openings - Any Request for Quotation or Request for Tender that is publicly advertised shall be opened in public at the time and place stated in the Bid Solicitation. No other bids need to be opened in public.
- d. Tender/Proposal Irregularities - The Department Head or the CAO-Clerk shall exercise judgement in determining Compliant Bids and consult with legal counsel where necessary. Where an Irregularity occurs, the Department Head or CAO-Clerk shall respond as follows:
 - i. Late submission - Automatic rejection and not read publicly.
 - ii. Insufficient Financial Security or uncertified cheques - Automatic rejection.
 - iii. Incomplete submission - Automatic rejection unless, in the opinion of the Department Head, the incomplete nature is deemed to be minor.
 - iv. Qualified submission (qualified or restricted by an attached statement, unless allowed for) - Automatic rejection unless, in the opinion of the Department Head, the qualification or restriction is deemed to be minor.
 - v. Submission received on documents other than those provided by the Municipality - Automatic rejection unless, in the opinion of the Department Head, the matter is deemed to be minor.
 - vi. Minor Irregularities - The Department Head or CAO-Clerk shall have the authority to waive irregularities deemed to be minor.

- e. Mathematical errors - Terms and conditions for unit price contracts shall include a statement indicating that where there is a discrepancy between the total price and the unit price, the unit price shall prevail. During the evaluation process, where any discrepancy exists between the total price and the unit price, the unit price shall prevail and the total bid price shall be adjusted accordingly.
- f. Tied Bids - In the event of a tied Bid, resulting from a Request for Quotations, a Request for Tenders or a Request for Proposals the result will be deemed to be an Irregular Result and the award shall be reported in accordance with the requirements of this policy. In order to minimize the risk of tied Bids, relevant Bid Solicitations shall include terms and conditions that promote the best overall value to the Municipality and allow for Bids to be evaluated accordingly. This includes but is not limited to such considerations as price (including discounts and prompt payment terms), quality, delivery (including response time), service, and past performance of the Vendor.
- g. Evaluation of Proposals - All Bid Solicitations shall include clear specifications and evaluation criteria, and terms and conditions that can be applied in a fair and consistent manner to all Bids. An evaluation committee shall be established for all Requests for Proposals. The size of the evaluation committee shall be reflective of the complexity and dollar value of the Request for Proposal. Committee members must have the relevant experience to evaluate Bids.
 - i. The Corporation shall disqualify a Supplier, unless otherwise approved by Council, from bidding on any Bid Solicitation or reject a Bid if a Supplier:
 - 1. is presently engaged in, litigation against the Corporation;
 - 2. is involved in a claim or litigation initiated by the Corporation;
 - ii. The Corporation may, at its discretion, disqualify a Supplier from bidding on any Bid Solicitation or reject a Bid if a Supplier:
 - 1. has failed to satisfy an outstanding debt to the Corporation;
 - 2. has a history of illegitimate, frivolous, unreasonable or invalid claims, as determined by a court;
 - 3. provides incomplete, unrepresentative references, or receives unsatisfactory external and/or internal references in a reference check undertaken by Municipal Staff;
 - 4. has received an unsatisfactory vendor performance review from the Corporation within the last 3 years;

5. has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the Bid.
 - h. Vendor Debriefings - All requests for a formal or informal Vendor debriefing to obtain feedback on why a Bid was not successful must be received by the Municipality in writing and directed to the Department Head undertaking the purchasing. A request for a Vendor debriefing will not alter an Award decision.
 - i. Vendor Complaints - All Vendor complaints, whether addressed to members of council or employees shall be referred to the CAO-Clerk for resolution. Objections to a recommendation for Award must be in writing. The CAO-Clerk shall review the objection and determine, in consultation with legal counsel where necessary, whether the objection is material. Where the objection is determined not to be material, the making of the Award shall proceed in accordance with this policy. Where the objection is determined to be material and cannot be resolved, the Award shall be made by Council. In such case, the CAO-Clerk and the Department Head on whose behalf the Bid Solicitation was issued, and legal counsel if necessary, shall report to Council with respect to the recommendations for Award. The CAO-Clerk shall inform the Vendor of his/her right and the process to make a delegation to Council.
 - j. Environmental Purchasing - In accordance with Section 1, reasonable efforts shall be used to review and amend all specifications wherever possible with regard to the preservation of the natural environment.
 - k. Ethics - In administering this policy, the CAO-Clerk shall have regard to the code of purchasing ethics established by the National Institute of Governmental Purchasing and the Purchasing Management Association of Canada and shall ensure such codes are communicated to employees involved in the procurement process, particularly those with delegated authority.
5. On an as-needed basis, the CAO-Clerk and Department Heads shall report to Council providing a summary of purchasing activities. The report may include, but is not limited to, information on the following activities:
 - a. Contract Awards;
 - b. Emergency Purchases;
 - c. Awards during Council recesses;
 - d. Non-compliance with this policy;
 - e. Unforeseen circumstances; and

- f. Final contract payments related to the original purchase contract.
- 6. In interpreting this policy, a reference to the singular number shall be deemed to refer to the plural and vice versa, as the context may require.
- 7. If any Section or Sections of this policy or parts thereof are found by an adjudicator or court of competent jurisdiction to be invalid or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the policy shall be deemed to be separate and independent there from and shall continue in full force and effect unless and until similarly found invalid or beyond the power of Council to enact.
- 8. The CAO-Clerk shall review the effectiveness of this policy at least every five (5) years and report to Council as necessary.

Responsibilities and Authorities

- 9. Unless otherwise provided in accordance with this policy, the purchase of all goods and services shall be authorized in accordance with the provisions of Appendix "B" to this policy.
 - a. The CAO-Clerk shall have all the necessary authority to administer this policy and may establish purchasing procedures consistent with this policy and the objectives set out in Part I relating to:
 - i. The form, content and use of forms, whether electronic or printed including Requisitions, Purchase Orders, bonds, letters of credit and other forms of guarantee or surety, the Bid Solicitation, and other contract documents;
 - ii. The identification of those goods and services, which, notwithstanding their individual price or value and having regard to the frequency of purchase and nature of those goods and services, are more effectively acquired by a method applicable to goods and services of a higher price or value or through co-operative purchasing;
 - iii. Implementation of financial controls meeting the audit requirements of the Municipality to ensure that those responsible for requisitioning and purchasing goods and services are held accountable for their decisions;
 - iv. Methods of acquisition which will more effectively achieve the objectives of this policy where alternative methods are permitted hereunder and the

process to be followed in the issuing of Bid Solicitations, receipt and evaluation of Bids and the process to be followed in relation thereto; and

- v. Any other aspect of process or procedure not specifically provided for in this policy.
- b. Department Heads are responsible for and shall have the authority to:
- i. acquire or dispose of Goods and/or Services;
 - ii. call, receive, open and review Bids;
 - iii. establish administrative procedures and policies for the implementation of this policy;
 - iv. establish, through consultation with the CAO-Clerk, standards for Bid Solicitations, Purchase Orders, Contracts and other documents;
 - v. prepare and/or approve the terms and conditions of Bid Solicitations;
 - vi. identify Accessibility requirements which should be part of the procurement process, as noted in AODA Accessibility Requirements – Purchasing, if applicable;
 - vii. review proposed Bid Solicitations to ensure clarity, reasonableness and quality and advise staff of suggested improvements;
 - viii. act on behalf of the Corporation, and from time to time, other boards, agencies and municipalities, for the purposes of the joint Purchase of Goods and/or Services;
 - ix. ensure open, fair and impartial Purchasing processes for Goods and/or Services;
 - x. ensure compliance with this policy and advise the CAO-Clerk when there has been non-compliance;
 - xi. develop co-operative purchasing plans with other units of government or their agencies or public authorities, where deemed beneficial to the Corporation; and
 - xii. promote the standardization of Goods and/or Services, where such standardization demonstrates and supports the purposes, goals and objectives of this policy.
- c. The Department Head, with the written approval of the CAO-Clerk, may delegate to an employee or employees, all or part of the authority in Subsection 9(b) above, which authority may be limited to a particular type of Goods and/or Services.
- d. The CAO-Clerk, in consultation with Department Heads, shall appoint in writing Department Representatives who shall be responsible for the Purchasing of Goods and/or Services and oversight up to the value of their prescribed authority, and shall have the following specific responsibilities:

- i. ensuring that all Contract terms and conditions comply with the Bid Solicitation;
 - ii. preparing all terms and conditions and specifications of Bid Solicitations;
 - iii. managing Contracts to ensure Goods and/or Services are received by the Corporation and comply with Contract terms and conditions;
 - iv. monitoring all Contract expenditures and ensuring that all financial limitations have been complied with and that all accounts are paid within the times set out in the Contract;
 - v. monitoring the performance of Suppliers (see Appendix “C”);
 - vi. standardizing the use of Goods and/or Services, where such standardization demonstrates and supports the purposes, goals and objectives of this Policy; and
 - vii. ensuring that all Goods and/or Services Purchased have been received and invoices coded in a timely fashion.
- e. Each employee granted prescribed authority in accordance with Section 9 (a) to (d) has the responsibility and therefore the accountability when authorizing a purchase in the name of the Corporation, which constitutes a commitment by the Corporation to honor the purchase of goods and services from vendors.
- f. Notwithstanding any other provision of this policy, the following Awards require Council approval:
 - i. the recommended Award exceeds the amount budgeted for the Purchase;
 - ii. the authority to Award has not been expressly delegated to staff of the Corporation;
 - iii. the recommended Award is not the Lowest Compliant Bid.
- g. Employees or officers of the Corporation identified in Appendix “B” (Purchasing and Document Execution Authorities) shall have the authority to execute Contracts and all other documents necessary to effect the Award or Purchase of Goods and/or Services, up to the prescribed limits, provided that the Award or Purchase and related documents have been prepared in a form that complies with this policy.

Requirement for Approved Funds

10. The exercise of authority to award a Contract is subject to the identification and availability of sufficient funds in appropriate accounts within the Budget.
 - a. Where Goods and/or Services are routinely purchased or leased on a multi-year basis, the exercise of authority to award a Contract is subject to the following:

- i. the identification and availability of sufficient funds in appropriate accounts for the current year within the Budget;
- ii. the Goods and/or Services will continue to be required in subsequent years and, in the opinion of the Department Head, or delegate, the required funding can reasonably be expected to be made available; and
- iii. the Contract includes a provision that the supply of Goods and/or Services in subsequent years is subject to the approval by Council of the Budget estimates to meet the proposed expenditures.

Advertising of Bid Solicitations

11. Advertising of bid solicitations is subject to the following conditions and thresholds:

- a. Purchases exceeding \$25,000 for Goods and/or Services and \$100,000 for Construction shall, as a minimum, be advertised and a Notice of Intended Procurement shall be published:
 - i. on the website for the Corporation and/or a website authorized by the CAO-Clerk for posting bid calls, from the date that the Bid Solicitation is issued up to and including the date on which the Bid Solicitation closes, but a minimum of 10 calendar days; and/or
 - ii. one time, at least forty (40) calendar days for open tendering, twenty-five (25) calendar days for limited tendering, or ten (10) calendar days if Notice of Planned Procurement is published upon budget approval, before the Bid Solicitation closes, in a local newspaper that has a weekly circulation within the majority area of the geographic Municipality of Southwest Middlesex.
- b. Purchases less than \$25,000 for Goods and/or Services and \$100,000 for Construction may be advertised:
 - i. on the website for the Corporation and/or a website authorized by the CAO-Clerk for posting bid calls, from the date that the Bid Solicitation is issued up to and including the date on which the Bid Solicitation closes; and/or;
 - ii. one time, at least seven (7) calendar days before the Bid Solicitation closes, in a local newspaper that has a weekly circulation within the majority area of the geographic Municipality of Southwest Middlesex.
- c. No additional advertising is required for Purchases where bidders have been previously pre-qualified in accordance with this policy.

Purchasing Documentation

12. The documentation for all purchases shall comply with the following:
 - a. Municipal-issued standard bid documents shall be approved by the CAO-Clerk, and are required to be used in all purchasing instances. Where the use of standard bid documents is not practical, changes to standard bid documents and/or vendor-supplied contracts may be reviewed by legal counsel, as determined by the CAO-Clerk.
 - b. Subject to maintaining the goal of an objective and fair procurement practices, a Bid Solicitation may specify a specific product or brand name to ensure consistency, to minimize risk to the Corporation, or for other valid purposes.
 - c. Before issuance, Bid Solicitations shall be reviewed by the respective Department Head or the CAO-Clerk.

Pre-Qualifications and Expressions of Interest

13. a. Request for Pre-Qualification

Department Heads or Representatives may conduct a request which precedes a Request for Proposal, Request for Quotation, or a Request for Tender, in order to seek submissions from potential Vendors where it is deemed that the nature and complexity of the work involved warrants the time and effort required to pre-select the most experienced and qualified Vendors.

b. Request for Expressions of Interest

Department Heads or Representatives may conduct a Request for Expressions of Interest for the purpose of determining the availability of Suppliers, compiling a list of Suppliers, determining potential scope of work and may be used as a specific pre-condition of any method of Purchasing utilized by the Corporation. The receipt of an expression of interest by the Corporation does not create any obligation between the potential Supplier and the Corporation.

Methods of Purchasing

14. Any person purchasing Goods and/or Services on behalf of the Corporation shall do so with the following provisions:

- a. The methods may be utilized individually or in combination with one another, as may be appropriate in the circumstances.
- b. All methods of Purchasing, except for the exemptions in Appendix "A" and Low Value Purchases, shall be conducted through or reviewed by the respective Department Head.
- c. All methods of Purchasing, where applicable, shall use international technical specifications.
- d. Unless otherwise provided in accordance with this policy, the purchase of all goods and services shall be authorized in accordance with the provisions of Appendix "B" to this policy.

15. Any person purchasing Goods and/or Services on behalf of the Corporation shall do so using one of the following methods of purchasing:

a. Low Value Purchases

(UP TO \$10,000 EXCLUDING TAXES)

- i. Only purchases that can be demonstrated to have been made at Fair Market Value shall be made through the following means:
 - 1. Purchasing/VISA card in accordance with the Corporate VISA Usage Policy; or
 - 2. Purchase Order to the Supplier; or
 - 3. Direct invoice from the Supplier approved and signed by the purchasing authority.

b. Informal Quotations

(PURCHASES GREATER THAN \$10,000 AND NOT EXCEEDING \$25,000 EXCLUDING TAXES)

- i. Three (3) written quotations, at a minimum, shall be solicited, analyzed and evaluated on price and the criteria outlined in the informal quotation request.
- ii. A purchase requisition shall be prepared for signature and approval in accordance with the Purchasing Authorities set out in Appendix "B".
- iii. The Department Representative shall forward the purchase requisition complete with copies of the informal quotation request and the submitted

quotations to the Department Head to review for compliance and approval, and if required, issue a purchase requisition/order to the selected Supplier.

c. Request For Quotations (RFQ)

(PURCHASES GREATER THAN \$25,000 AND NOT EXCEEDING \$100,000 EXCLUDING TAXES)

- i. The Department Representative shall provide to the Department Head the relevant information such as specifications, provisions, plans and supplemental general conditions for the purchase.
- ii. Department Head shall conduct the Bid Solicitation using a list of Suppliers compiled by the Department Representative.
- iii. If possible, at least three (3) Quotations shall be solicited, analyzed and the results tabulated.
- iv. All RFQs shall be received in accordance with the instructions in the Bid Solicitation, and opened in public at the time and place stated in the Bid Solicitation.
 1. Bids received shall be opened and the Suppliers name and the Bid amount(s) shall be read aloud and recorded unless the contents of a Bid envelope require validation, in which case the Bid will be reserved. If the reserved Bid is determined to be valid, a continuation of the Bid opening will be scheduled. If the reserved Bid is determined to be deficient, a continuation of the Bid opening will not be scheduled and the results of the Bid opening will be posted. When the Bid Solicitation is for registration purposes, only the Supplier's name will be read aloud and recorded.
 2. When only one (1) Bid is received, only the Supplier's name shall be read aloud. The Bid amount shall not be read aloud.
- v. Bids received shall be analyzed and evaluated by the Department Representative and Department Head using the criteria outlined in the Bid Solicitation.

- vi. Where an award is recommended, the Bid Approval Report will be prepared by the Department Representative, for signature and approval in accordance with the Purchasing Authorities set out in Appendix "B".

d. Request For Tender (RFT)

(PURCHASES GREATER THAN \$100,000 EXCLUDING TAXES)

- i. For purchases with a total value greater than \$100,000, excluding taxes, a Request for Tender shall be issued, provided that all of the following conditions apply:
 - 1. two (2) or more sources are considered capable of supplying the Goods and/or Services;
 - 2. the Goods and/or Services are adequately defined to permit the evaluation of Tenders against clearly defined criteria; and
 - 3. it is intended that the Lowest Compliant Bid will be accepted.
- ii. The Department Representative shall provide to the Department Head such specifications, provisions, plans and relevant information and supplemental general conditions for the Purchase.
- iii. All RFTs shall be received in accordance with the instructions in the Bid Solicitation, and opened in public at the time and place stated in the Bid Solicitation.
 - 1. Bids received shall be opened and the Suppliers name and the Bid amount(s) shall be read aloud and recorded unless the contents of a Bid envelope require validation, in which case the Bid will be reserved. If the reserved Bid is determined to be valid, a continuation of the Bid opening will be scheduled. If the reserved Bid is determined to be deficient, a continuation of the Bid opening will not be scheduled and the results of the Bid opening will be posted. When the Bid Solicitation is for registration purposes, only the Supplier's name will be read aloud and recorded.
 - 2. When only one (1) Bid is received, only the Supplier's name shall be read aloud. The Bid amount shall not be read aloud.

- iv. All RFTs shall be advertised in accordance with this policy, except where an RFPQ has previously been conducted, only pre-qualified Suppliers shall be notified and Bids shall only be accepted from pre-qualified Suppliers.
- v. All Purchases shall be authorized and executed in accordance with the Purchasing Authorities and Document Execution Authorities, respectively, as set out in Appendix "B".

e. Request For Proposal (RFP)

(PURCHASES GREATER THAN \$50,000 EXCLUDING TAXES)

- i. A Request for Proposal shall be issued when one or more of the following criteria applies:
 - 1. the Purchase is required as a result of a particular problem, requirement or objective;
 - 2. the selection of the Supplier depends more upon the effectiveness of the proposed solution, rather than the price alone;
 - 3. the precise Goods and/or Services, or the specifications thereof, are not known or are not definable and it is expected that Suppliers will further define them.
- ii. The Department Representative shall provide to the Department Head the relevant information such as specifications, provisions, plans and supplemental general conditions for the Purchase.
- iii. A Request for Proposal shall be reviewed by Council before it is issued where, at the determination of the CAO-Clerk and Department Director, the goods and/or services to be acquired meet one or more of the following criteria:
 - 1. Significant value, exceeding \$500,000;
 - 2. Significant public importance;
 - 3. Significant complexity or specialization;
- iv. Department Representative and the Department Director shall conduct the Bid Solicitation.

- v. RFPs may require Suppliers to submit a Bid electronically (preferred) or in sealed separate envelopes which shall contain technical, financial and other information as prescribed in the Bid Solicitation.
- vi. All RFPs will be evaluated based on the evaluation criteria and process outlined in the Bid Solicitation.
- vii. RFPs shall be advertised in accordance with this policy, except where a list of pre-qualified Suppliers has been compiled in accordance with this policy.
- viii. All Purchases shall be authorized and executed in accordance with the Purchasing Authorities and Document Execution Authorities, respectively, as set out in Appendix "B".

f. Special Circumstance Purchases

- i. Purchases that are required to respond to a Special Circumstance shall be authorized in accordance with Appendix "B". All such purchases are exempt from the processes outlined under the Methods of Purchasing, but such processes may be followed where practical to do so, and in all instances must be reported to the CAO-Clerk on the following business day.
- ii. Contracts required to effect Special Circumstance purchases shall be signed in accordance with the Document Execution Authorities set out in Appendix "B".

g. Single Source Purchases

- i. Bid Solicitations are not required for Single Source Purchases, provided any of the following conditions apply:
 - 1. there is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (e.g. contract extension or renewal);
 - 2. the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;

3. there is an absence of competition for technical reasons or market conditions and the Goods and/or Services can only be supplied by a particular Supplier and Sole Source is being recommended;
4. an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures;
5. the Corporation has a rental contract with a purchase option and such purchase option is beneficial to the Corporation;
6. for matters involving security, police matters or confidential issues, in which case a Purchase may be made in a manner that protects the confidentiality of the Supplier or the Corporation;
7. there are no compliant bids in response to a Bid Solicitation, or an attempt to acquire the required goods and/or services by soliciting competitive bids has been made in good faith, but has failed to identify more than one willing and compliant supplier;
8. the required goods and/or services are to be supplied by a particular supplier(s) having special knowledge, skills, expertise or experience;
9. another organization is funding or substantially funding the acquisition and has determined the supplier, and the terms and conditions of the commitment into which the Municipality will enter are acceptable to the Municipality;
10. the acquisition is for a particular brand of goods or services that are intended solely for resale to the public and no other brand is desirable and the brand is not available from any other source;
11. it is advantageous to the Municipality to acquire the goods or services from a supplier pursuant to the procurement process conducted by another public body;
12. it is advantageous to the Municipality to acquire the goods or services directly from another public body or public service body;
13. the Supplier is selected from a roster for Professional Services that has been developed in accordance with this policy.

- ii. All Purchases and related contracts shall be authorized in accordance with the Purchasing and Document Execution Authorities set out in Appendix "B".

h. Direct Negotiation

- i. Notwithstanding that Direct Negotiation may be a component of another procurement process, Direct Negotiation may be used for Purchases of Goods and/or Services when any of the following criteria apply:
 - 1. the required Goods and/or Services are in short supply;
 - 2. competition is precluded due to the existence of any patent right, copyright, technical secret or control of raw material;
 - 3. a Sole Source is being recommended;
 - 4. two (2) or more identical Bids are received;
 - 5. the Lowest Compliant Bid received meeting all mandatory specifications exceeds the Budget amount;
 - 6. the extension of an existing Contract would be more effective;
 - 7. only one (1) Bid is received in response to a Bid Solicitation;
 - 8. the Bid Solicitation process has been cancelled without Award;
 - 9. a roster for Professional Services has been developed in accordance with this Policy;
 - 10. there is Council authorization to do so.
- ii. All Purchases and related contracts shall be authorized in accordance with the Purchasing and Document Execution Authorities set out in Appendix "B".

i. Co-Operative Purchasing

- i. The CAO-Clerk and/or Treasurer may enter into arrangements with any government body, ministry, agency, board, corporation or authority on a

co-operative or joint basis for purchases of goods and/or services where there are economic advantages in so doing and such purchases comply with this policy.

Roster for Professional or Specialized Services

16. A Request for Pre-Qualification (RFPQ) or a Request for Expression of Interest (RFEOI) may be conducted for the purpose of developing a roster of qualified Suppliers of Professional or Specialized Services for groups of projects requiring similar and particular expertise. While the use of a roster is strictly optional, the associated RFPQ or RFEOI shall be conducted in accordance with the provisions of this policy:
 - a. The Department Representative shall provide to Department Head the relevant information regarding the Professional Services and required expertise.
 - b. Department Representative and Department Head will prepare the RFPQ or RFEOI, inviting interested Suppliers to submit Bids outlining, among other things, their qualifications, availability, recent project experience, key personnel and roles and sufficient references satisfactory to the Department Head for work of a similar nature.
 - c. An evaluation team, consisting of members of the requesting Department and of any other Department deemed beneficial, shall analyze and evaluate the responses received using the criteria outlined in the RFPQ or RFEOI to select a number of qualified Suppliers of Professional or Specialized Services which shall be placed on a roster.
 - d. On subsequent projects, Suppliers of Professional or Specialized Services may be selected from the roster to submit detailed proposals in response to a Bid Solicitation, in accordance with this Policy. The requesting Department shall invite Suppliers on the roster to provide Services, using best efforts to equally distribute opportunities amongst the Suppliers on the roster.
 - e. Alternatively, a Supplier may be selected from the roster to submit a Bid for Professional or Specialized Services in accordance with this Policy.
 - f. Rosters may be updated once every two (2) years.

Reporting Procedures

17. Prior to any Award, a Bid Approval Report shall be prepared by the Department Representative, signed and authorized in accordance with the Purchasing Authorities set out in Appendix "B".
18. Records of each Award shall be maintained for a minimum of 3 years, and shall be reported to any public body or agency in the required frequency, as required by applicable law.
19. Notice of Award Decision shall be published on the Municipality's website within 72 days.

Financial Securities and Insurance

20. Successful suppliers entering into a contract with the Corporation may be required to provide:
 - a. that a Bid be accompanied by a Bid Deposit or other similar security;
 - b. a Performance Bond to guarantee the performance of the Contract;
 - c. a Labour and Materials Bond to guarantee the payment for labour and materials to be supplied in connection with a Contract
21. Prior to the commencement of work, the Supplier shall provide to the Corporation, proof of insurance in accordance with the Bid Solicitation.
 - a. Failure to comply with all terms and conditions of a Bid Solicitation, including failure to provide proof of insurance as required, shall be just cause for cancellation of the Award.
 - b. Prior to the Corporation issuing payment to a Supplier, the Supplier shall provide a Certificate of Clearance from the Workplace Safety and Insurance Board (WSIB), if applicable pursuant to the Corporation's Health & Safety Policy, confirming that the account is in good standing with WSIB.

Vendor Performance

22. The Department Representative or Department Head shall monitor and document the performance of suppliers providing goods and/or services with a value greater than \$50,000 annually to that Department, in a form outlined as Appendix "C", and shall advise the CAO-Clerk in writing when the performance of a Supplier has been

unsatisfactory (overall rating of less than 3.5), and advise the vendor.

Such records will be maintained by Treasury for a three-year period and shall be reviewed by all Department Heads or Representatives prior to the acceptance of any Bid Solicitation. A Bid received from a vendor whose vendor performance form rating is less than 3.5 will not be accepted, unless otherwise approved by Council.

Prohibitions and Compliance

23. All persons involved in the acquisition of goods and services provided for in this policy, shall act in a manner consistent with the requirements and objectives of this policy, and as follows:
 - a. No purchase of goods and services or any arrangements with respect to the purchase shall be made where quantity or delivery is divided or in any other manner arranged so that the price or value of goods and services to be acquired is artificially reduced. Without limiting the foregoing, where goods and services of the same kind or type are required in connection with one project, all of those goods and services shall be included in determining the price or value for the purposes of this policy.
 - b. No goods and services shall be requisitioned under this policy by any person unless:
 - i. The goods and services are legitimately required for the purposes of the Municipality, or for any other local board or other agency on whose behalf the purchase is being undertaken; and
 - ii. To the best of that person's knowledge and belief, the funds for the purchase of the goods and services are available within an approved budget or the Requisition is expressly made subject to funding approval and, to the extent that they may be required, funds are available from any other local board, municipality or other agency on whose behalf the purchase of goods and services is also being made.
 - c. No goods and services shall be purchased from a member of Council, or an appointed officer, employee of the Municipality or any spouse (including common law spouse), parent, grandparent, sibling, child, grandchild, of a member of Council, or an appointed officer, employee or member, other than those services normally required under terms of employment where that person is an employee of the Municipality unless, in addition to compliance with all other provisions of this policy, the purchase has been approved by the CAO-Clerk.

- d. Members of Council, appointed officers and employees of the Municipality shall not knowingly cause or permit anything to be done or communicated to anyone which is likely to cause any potential Vendor or contractor to have an unfair advantage or disadvantage in obtaining a contract for the supply of goods and services to the Municipality, or any other municipality, local board or public body involved in the purchase of goods and services either jointly or in co-operation with the Municipality.
- e. No member of Council, appointed officer, or employee of Municipality shall knowingly cause or permit anything to be done which will jeopardize the legal validity or fairness of any purchase of goods and services under this policy or which is likely to subject the Municipality to any claim, demand, action or proceeding as a result of such act or omission.

24. Lobbying restrictions:

- a. Vendors, their staff members, or anyone involved in the acquisition of goods and services provided for in this policy, shall not, during the Bid Solicitation process or any subsequent award, engage in any form of political or other lobbying whatsoever or seek to influence the outcome of the purchasing process or subsequent Award. This restriction extends to all of the employees or appointed officers of the Municipality and members of Council.
- b. The Municipality may reject any Bid by a Vendor that engages in such lobbying, without further consideration, and may terminate that Vendor's right to continue in the purchasing process
- c. During a Bid Solicitation process or any subsequent award, all communications shall be made to the Municipality's designated official point of contact as specified in the Bid Solicitation. No Vendor or person acting on behalf of a Vendor or group of Vendors, shall contact any member of Council, or an appointed officer, consultant or any employee of the Municipality to attempt to seek information or to influence the Award.
- d. Members of Council, appointed officers and employees of the County, shall refer any inquiries about a Bid Solicitation process to the CAO-Clerk.

25. In accordance with applicable law, no goods and services shall be requisitioned under this policy based on location or origin of goods and services.

Conflict of Interest

26. Expectations surrounding the principles of behavior for purchasing shall refer to the Employee Code of Conduct, as may be amended.
27. Every employee of the Corporation is expressly prohibited from accepting, directly or indirectly, from any third party any rebate, gift or money, except:
 - a. gifts of a very small intrinsic value; or
 - b. moderate hospitality during the normal course of business that would not significantly exceed what the Corporation, through the employee's expense account, would likely provide in return and would not be perceived by others as influencing the making of a business decision.
28. All employees of the Corporation shall declare any Conflicts of Interest to the CAO-Clerk and shall have no involvement in a Bid Solicitation process where a Conflict of Interest exists, including, but not limited to:
 - a. requesting the Goods and/or Services, setting the parameters of the Purchase, evaluating Bids or recommending, deciding or making Awards;
 - b. direct contact with those making the purchasing decisions.

Access to Information

29. The disclosure of information received relevant to Bid Solicitations or Awards shall be made by the appropriate officers in accordance with the provisions of all relevant privacy legislation including primarily the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.
30. All Suppliers who contract with the Corporation shall adhere to or exceed the standards set in the Municipal Freedom of Information and Protection of Privacy Act or the Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A, or other relevant Ontario or federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the Corporation as it relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal and personal health information, other confidential information of the Corporation, and all records thereof which they come into contact with in the course of performing services or providing goods to the Corporation.

Enquiries

31. Any enquiries related to this policy may be addressed to:

Chief Administrative Officer-Clerk

Municipality of Southwest Middlesex
Telephone: 519-287-2015 ext.109

APPENDIX A – EXCEPTIONS

The purchasing and reporting methods described in this policy do not apply to the following items whose purchase shall be made in accordance with any applicable municipal policies and procedures:

1. Petty cash items
2. Expenditures for Training and Education including:
 - 2.1. Accommodation including meeting rooms and set-up.
 - 2.2. Catering and catered functions.
 - 2.3. Conferences, conventions, courses, workshops and seminars.
 - 2.4. Magazines, books and periodicals.
 - 2.5. Memberships in professional and vocational associations.
 - 2.6. Offsite training.
 - 2.7. Municipal hosted conferences, workshops and meetings
3. Refundable expenses including:
 - 3.1. Travel, meals, accommodation and any related expenses.
4. Employer's General Expenses including:
 - 4.1. Advertising
 - 4.2. Contracts with Federal, Provincial or Municipal governments, Agencies, Boards, Commissions, Authorities, Utilities, and Railways including but not limited to requirements for goods and services incidental to an approved capital project and/or maintenance.
 - 4.3. Credit rating agencies.
 - 4.4. Licenses (e.g., vehicle, elevator, radio, software and hardware, HVAC, etc.), certificates and other approvals required.
 - 4.5. Postage.
 - 4.6. Professional association surveys.
 - 4.7. Promotional display expenses.
 - 4.8. Charges to and from area municipalities or other government bodies.
 - 4.9. Short-term car/vehicle rentals.
 - 4.10. Toll road payments.
5. Professional and Special Services including:
 - 5.1. Accommodations, payments, fees provided to individuals, cooperatives, corporations and governments under Council approved Programs.
 - 5.2. Insurance coverage and bonds when purchased through the Municipality's insurance broker of record.

- 5.3. Legal counsel, including that provided under the direction of the Municipality's insurance broker of record or to represent the County for third party insurable claims as well as the purchase of any goods or services in the settlement of any claims.
 - 5.4. Professional and skilled services provided to individuals as part of approved programs of the Municipality, including but not limited to: medical services, dental services, laboratory services, counselling services, interpreter and translation services, music and entertainment services.
 - 5.5. Provision of Employee and Member Assistance Programs.
 - 5.6. Professional services provided in support of collective agreement negotiations, external legal services and consulting services related to municipal partner cost shared services.
 - 5.7. Other special fees and services including but not limited to witness fees, arbitrators, mediators, court reporters, investigators and other like services.
6. Utility charges including:
 - 6.1. Communications infrastructure services, such as telephone, internet, cable, cellular
 - 6.2. Electricity
 - 6.3. Natural Gas
 - 6.4. Water and Sewer
7. Real Property including lease, rent, purchase, sale, land, buildings, leasehold interest, easements, encroachments, appraisals and payment of real estate commissions.
 8. Vendor of Record ("VOR") - The Ontario Government, through the Ministry of Government and Consumer Services, has contracted with vendors to supply a variety of goods and services which are accessible to public sector entities, and through which, has undertaken the competitive process on behalf of public sector entities. VOR purchases shall still be subject to the responsibilities for the purchasing of goods and/or services and oversight up to the value of their prescribed authority and any contracts necessary to complete the purchase of goods and/or services shall be signed by the appropriate Document Execution Authority as set out in Appendix "B", up to the prescribed limits.
 9. Payments required to be paid by the Municipality under statutory authority (i.e. payroll deductions, tax remittances, etc.).

APPENDIX B – PURCHASING & DOCUMENT EXECUTION AUTHORITIES

Method of Purchasing	Dollar Range	Purchasing Authority*	Document Execution Authority
Low Value Purchase	Up to \$10,000	Department Representative	Department Head
Informal Request For Quotation (3 quotes)	Greater than \$10,000 to \$25,000	Department Representative	Department Head
Request for Quotation (formal Bid Solicitation)	Greater than \$25,000 to \$50,000	Department Head	CAO-Clerk
Request for Tender	Greater than \$50,000 up to \$75,000	CAO-Clerk	CAO-Clerk
	Greater than \$75,000	Council	Mayor and CAO-Clerk
Request for Proposal	Greater than \$10,000 to \$25,000	Department Representative	Department Head
	Greater than \$25,000 to \$50,000	Department Head	Department Head
	Greater than \$50,000 to \$75,000	CAO-Clerk	CAO-Clerk
	\$75,000 or greater	Council	Mayor and CAO-Clerk
Direct Negotiation/Irregular Result	Greater than \$10,000 to \$25,000	Department Head	Department Head
	Greater than \$25,000 to \$50,000	CAO-Clerk	CAO-Clerk
	Greater than \$50,000	Council	Mayor and CAO-Clerk

* “Purchasing Authority” means those positions listed, and includes any position which is higher in the Corporation’s reporting structure.

APPENDIX C – VENDOR PERFORMANCE FORM

Complete this form when the Vendor has completed or fulfilled their deliverables to the Corporation.

Vendor Name:			
Vendor No.:		Date Work Completed:	
Project Name:			

Department:		Division:	
Date:		Form Completed by:	

Using the rated legend provided, provide a score for each question from 0-5.

- 0 - Did not meet expectations
- 1 - Consistently fell far below expectations
- 2 - Frequently missed expectations
- 3 - Mostly met expectations but sometimes missed expectations
- 4 - Consistently met expectations
- 5 - Exceeded expectations

1.0 Quality

1.1 Deliverables

Rate the Vendor's performance in accordance with the Bid Specification's Scope of Services and Deliverables and compliance with any applicable standards.

Question	Score
Did the Vendor demonstrate a good understanding of the Assignment requirements (e.g. scope of Services, Deliverables, appropriate resource allocation and required timelines?)	
Did the Vendor provide the Deliverables as and when described in the Bid Specification and comply with any applicable standards as defined in the Bid Specification?	
Did the Vendor follow up to ensure deficiencies identified in the Deliverables were addressed?	

1.2 Competency

Rate the competency (knowledge/expertise) of the Vendor's Personnel that provided the Services

Question	Score
Did the Vendor's Personnel have the appropriate knowledge/expertise to provide the Services/Deliverables required in the Bid Specification?	
Was the Vendor's Personnel effective in managing and delivering the Assignment deliverables?	
Did the Vendor's Personnel advise you of any required adjustments to budget and/or schedule as a result of changes requested by you, in a timely manner?	
Did the Vendor's Personnel demonstrate the appropriate skills and knowledge to have a positive impact on the success of the Assignment?	

1.3 Schedule

Rate the Vendor's ability to meet the delivery commitments based on the approved assignment/ deliverable schedule.

Question	Score
Did the Vendor perform the Services and deliver the Deliverables as set out in the Bid Specification within the timelines set out in the Bid Specification?	
Did the Vendor provide findings within a reasonable time on claims, disputes and other matters relating to execution or performance for the Services/Deliverables provided?	
Did the Vendor's Personnel provide regular Assignment status updates (e.g. weekly meetings, timesheets) as per the requirements of the Bid Specification?	
Did the Vendor provide qualified Personnel on time to begin the Assignment?	

1.4 Knowledge Transfer

Rate the Vendor's ability to facilitate knowledge transfer to you or your staff.

Question	Score
Did the Vendor's Personnel provide successful knowledge transfer (e.g. reports, training, user manual/documents, mentoring) to you or your staff?	

2.0 Relationship Management

2.1 Management Capabilities

Rate the Vendor's management capability in terms of issue identification, solution development and issue resolution.

Question	Score
Was the Vendor proactive at identifying, addressing and resolving any Assignment issues per the Bid Specification Deliverables?	
Did the Vendor work together with you to resolve issues?	
Did the Vendor leverage lessons learned throughout the term of the Bid Specification to enable more effective and efficient delivery?	

2.2 Continuity of Personnel

Rate the Vendor's ability to provide continuity of qualified Vendor's Personnel assigned for the duration of the Assignment.

Question	Score
Did the Vendor provide a continuity of Personnel for the duration of Assignment?	
Did the Vendor provide adequate notice to you, with reasonable promptness, if there was an interruption in the continuous availability of Vendor Personnel?	
If applicable, did the Vendor ensure successful knowledge transfer to any replacement Personnel?	

2.3 Vendor Relations

Rate the Vendor's ability to work well with your staff, management and stakeholders.

Question	Score
Did the Vendor maintain communication and foster collaboration with you and your team member/staff/stakeholders?	
Did the Vendor communicate any issues along with a proposed action plan for mitigating delays?	
Did the Vendor maintain ongoing/two-way communication with the Vendor Personnel and you and your staff?	
If performance issues were identified, did the Vendor demonstrate measurable continuous improvement over the term of the Bid Specification?	

3.0 Value for Money

3.1 Cost for Service Received

Rate the performance of the Vendor relative to the Bid Specification cost for the Services/Deliverables received.

Question	Score
Did the Vendor deliver the Services within your established budget and service standards?	

Did the Vendor produce complete, accurate deliverables as defined in the Bid Specification, resulting in no or minimal change orders initiated by the Vendor?	
Did the Vendor identify and implement any innovative ideas and advice that resulted in greater value for money?	
Did the Vendor propose any cost saving measures that were implemented on the Assignment?	

4.0 Overall Satisfaction

The average of all the above scores will result in an overall satisfaction of this Vendor's Performance from 0 to 5.	Score

Comments

APPENDIX D – APPLICABLE LEGISLATION

Procurement processes are subject to legislation, court decisions and international trade agreements. From these, a number of provisions specified must be followed and have been incorporated into this policy to the extent possible. The procedures to be followed are generally consistent for all of the agreements. When there are inconsistencies, the purchasing authority must select the provisions that demonstrate the highest example of openness, fairness and transparency.

Provisions for procurement are described in each of the following (a representative and not an exhaustive list):

Legislation

- Municipal Act, 2001, S.O. 2001, Chapter 25, Section 270(1)
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- O. Reg. 213/07: FIRE CODE, Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4
- Building Code Act, 1992, S.O. 1992, c. 23
- Regulations under the Ambulance Act, R.S.O. 1990, c. A.19
- Accessibility for Ontarians with Disabilities Act, 2005. S.O. 2005, CHAPTER 11
- Occupational Health and Safety Act. R.S.O. 1990, CHAPTER O.1
- Environmental Protection Act. R.S.O. 1990, CHAPTER E.19
- Discriminatory Business Practices Act, R.S.O. 1990, Chapter D.12,
- Decisions of the Office of the Information and Privacy Commissioner of Ontario.
- Canada - Criminal Code, R.S.C., 1985, c. C-46
- Canada - Competition Act, R.S.C., 1985, c. C-34

Case Law (only those that established the legal basis for procurement in Canada)

- *The Queen (Ont.) v. Ron Engineering & Construction (Eastern) Ltd.* (“Ron Engineering”) [1981] – Supreme Court established Contract ‘A’ and Contract ‘B’ legal construct
- *M.J.B. Enterprises Ltd. v. Defence Construction (1951) Ltd.* [1999] – established the duty to only accept compliant bids (and not necessarily the lowest)
- *Martel Building Ltd. v. Canada* [2000] – established the duty of fairness

Trade Agreements

- Agreement on Internal Trade (AIT)
- Ontario-Quebec Trade and Cooperation Agreement (OQTCA)
- Canada-European Union Comprehensive Economic and Trade Agreement (CETA)
- Canada-UK Trade Continuity Agreement (Canada-UK TCA)

Schedule “X”

Notice to the Public Policy

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Policy Statement

Southwest Middlesex promotes accountability and transparency through the establishment of a notice policy that promotes public participation in the democratic process.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“Council” means the Council of the Municipality of Southwest Middlesex;

“Legislative Powers” includes all matters where Council acts in a legislative or quasi-judicial function, including enacting by-laws, setting policies and exercising decision-making authority;

“Meeting” has the same meaning as defined in the *Municipal Act, 2001*;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Newspaper” shall mean a document that:

- a) Is printed in sheet form or electronic form, published at regular intervals of a week or less and is available through general circulation; and
- b) Consists primarily of news of current events of general interest;

“Notice” means an announcement containing information about a future event;

“Website” means the Municipality of Southwest Middlesex’s official website at www.southwestmiddlesex.ca

Purpose

This policy provides guidance with respect to the circumstances in which the Municipality shall provide notice to the public and the form, manner and times notice shall be given. If notice is required by legislation or regulation, the Municipality shall adhere to those requirements.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the Municipality of Southwest Middlesex.

- 1) Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:
 - a) All circumstances set out and in the form, manner, and times as set out in Appendix “A”, attached;
 - b) If required by any Act or Regulation, in the form, manner, and times as prescribed by the Act or Regulation;
 - c) If required by another by-law, in the form, manner, and times as set out in said by-law;
 - d) If directed by Council, in the form, manner, and times as specified by Council; or
 - e) In the circumstances where, in the opinion of the CAO-Clerk, notice is reasonable and necessary, in the form, manner, and times as determined by the CAO-Clerk.

No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by the Council or a committee of the Council, unless additional notice is required by any Act or Regulation.

The notice requirements under this policy are a minimum requirement and the CAO-Clerk may give notice in an extended manner if, in the opinion of the CAO-Clerk, the extended manner is reasonable and necessary in the circumstances.

Where any of the form, manner, or times of notice are not specified in Appendix “A”, an Act, Regulation, or by-law, or where Council directs that notice be given, or the CAO-Clerk determines that notice shall be given, the form, manner, and times of the public notice shall be determined by the CAO-Clerk.

Policy Requirements

Council supports accessible public notice for municipal matters which may not otherwise be prescribe in order to encourage public participation and ensure that the public has the opportunity to make submissions, attend and/or request to appear as a delegate before Council and/or committees of Council. Notice provisions for such matters shall provide clear details related to the matter for which notice is being given.

Nothing in the policy shall prevent the Municipality from exceeding the notice provisions as set out in this policy.

Responsibilities

Staff of the Municipality of Southwest Middlesex are responsible for adhering to the parameters of this policy and for ensuring the appropriate notice is provided to the public.

Monitoring

The CAO-Clerk for the Municipality shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern the CAO-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001* requires that the Municipality adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public, and if notice is to be provided, the form, manner, and times notice shall be given.

Municipal Act, 2001

Procedure By-law

Accessibility Policies

Enquiries

CAO-Clerk, Municipality of Southwest Middlesex, cao@southwestmiddlesex.ca

SCHEDULE “F”

Accountability and Transparency to the Public Policy

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Policy Statement

The Municipality of Southwest Middlesex will promote accountable and transparent municipal governance as guided by the following principles:

- Decision-making will be open and transparent
- Municipal operations will be conducted in an ethical and accountable manner
- Municipal resources will be managed efficiently and effectively
- Inquiries, concerns and complaints about accountability and transparency of the municipality will be responded to in a timely manner
- Reports on service standards, financial information, and municipal performance will be made available to the public to encourage public involvement in municipal government
- Delegations of powers and duties will have appropriate corresponding accountability mechanisms

Definitions

“Accountability” means that Southwest Middlesex is responsible to the public for demonstrating and taking responsibility for its actions, decisions, and policies implemented;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Transparency” means that Southwest Middlesex will conduct its business in a manner that is open to the public in order to encourage public participation and so that accountability is possible.

Purpose

This policy provides guidance on how the Municipality of Southwest Middlesex is accountable for the actions and decisions it undertakes, and ensuring that those actions are transparent to the public in order to allow that accountability to take place.

Application

This policy is required by Section 270 of the *Municipal Act, 2001*, and applies to all operations for the Municipality of Southwest Middlesex.

Policy Requirements

Requirements for municipal accountability and transparency policies, procedures and practices in the Municipality of Southwest Middlesex include:

- Legislated Accountability and Transparency Requirements
- Financial Accountability and Transparency Framework
- Open Government
- Administrative Accountability Framework
- Council Accountability Framework

Legislated Accountability and Transparency Requirements

Various pieces of legislation govern how the Municipality of Southwest Middlesex conducts its business to ensure that it is being accountable and transparent to the public, including:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ombudsman Act*
- *Provincial Offences Act*
- *Public Sector Salary Disclosure Act*

Financial Accountability and Transparency Framework

The Municipality of Southwest Middlesex provides information about taxation and how municipal funds are used to provide services to the public, including future financial projections. Tools for reporting financial information include:

- External Auditing and Reporting
- Annual Financial Statements
- Quarterly Variance Reports and Forecasting
- Long-Range Capital and Operating Budgeting
- Procurement Policy
- Delegation of Powers and Duties
- Asset Management Plan
- Long-Term Financial Plan

Open Government

The Municipality of Southwest Middlesex has developed policies, procedures and practices in order to promote local democracy, including:

- Procedure By-law
- Public Notice Policy
- Delegation of Powers and Duties Policy
- Accessible Formats of Documents
- Website and Social Media Use

Administrative Accountability Framework

Municipal Staff follow approved policies, procedures and practices that support accountability and ethical behaviour, including:

- Respect in the Workplace (Violence and Sexual Harassment Prevention)
- Progressive Discipline
- Performance Standards
- Corporate Financial Policies
- Employee Code of Conduct
- Hiring Policy

Southwest Middlesex Council's Accountability Framework

Council members follow established policies, procedures and practices that support accountability and ethical behaviour, including:

- Procedure By-law
- Council Code of Conduct
- Delegation of Powers and Duties Policy
- Respect in the Workplace (Violence and Sexual Harassment Prevention)

Responsibilities

Southwest Middlesex Council and staff are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and the transparency of municipal decision-making and operations.

Monitoring

The Chief Administrative Officer-Clerk for the Municipality of Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaints and/or concern, the Chief Administrative Officer-Clerk shall notify:

- For staff, the Chief Administrative Officer-Clerk shall notify the appropriate Department Head or Supervisor responsible
- In relation to complaints related to improperly closed meetings, the municipality's Meeting Investigator
- For council members, the Mayor, Deputy Mayor, council, and/or the Integrity Commissioner, as appropriate

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt and maintain a policy with respect to ensuring that the municipality is accountable and transparent for its actions and decisions.

The Accountability and Transparency Policy for Southwest Middlesex identifies various legislative, policy, procedural, and practices that council and staff are to comply with to promote accountability and transparency.

Enquiries

Chief Administrative Officer, Southwest Middlesex, cao@southwestmiddlesex.ca



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Policy Statement

The Municipality of Southwest Middlesex will delegate its powers and duties to support efficient management of the operations of the municipality, while ensuring that appropriate accountability mechanisms are assigned to each delegation.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“Administrative Powers” includes all matters required for the management of the corporation that do not involve discretionary decision-making;

“Council” means the Council of the Corporation of the Municipality of Southwest Middlesex;

“Municipality” means the Corporation of the Municipality of Southwest Middlesex;

“Legislative Powers” includes all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies and exercising decision-making authority.

Purpose

This policy provides guidance regarding the scope of powers and duties that Council may delegate under its legislative and administrative authority and establishes the scope and principles pursuant to which such delegation may occur.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the Municipality of Southwest Middlesex.

Policy Requirements

Council is directly responsible to its constituents in the exercise of its legislative and administrative powers. In order to manage the Municipality efficiently, and in order to respond to matters within its jurisdiction in a timely fashion, Council supports the delegation of its powers and duties in accordance with the following principles:

- All delegation of powers and duties shall be carried out in compliance with the Act, and respecting the restrictions set for in the Act.
- All delegation of powers and duties shall be set out by By-law.
- Unless expressly delegated by Council through By-law, all powers and duties of Council rest with Council.
- All delegated powers and duties may be revoked at any time without notice.
- Delegation of a power or duty should be accompanied by a corresponding accountability and transparency mechanism.
- A delegation of a power or duty under any by-law to any staff member is also a delegation to the Chief Administrative Officer for the Municipality to act in the capacity of the delegate in their absence.

In exercising a delegated authority, the delegate shall ensure that:

- Any expenditure related to a delegated matter shall have been provided for in the current year’s budget, or otherwise authorized by the purchasing by-law;
- The scope of a delegated authority shall not be exceeded by the delegate;

- The consistent and equitable application of Council policies and procedures; and
- Where required, reports shall be prepared and submitted to Council for information.

Responsibilities

Staff of the Municipality of Southwest Middlesex is responsible for adhering to the parameters of this policy and for ensuring the appropriate application of the delegated authority.

Monitoring

The Chief Administrative Officer-Clerk for the Municipality of Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the Municipality adopt and maintain a policy with respect to the delegation of its powers and duties.

Sections 23.1 - 23.5 of the *Municipal Act, 2001* provides restrictions related to the delegation of legislative and quasi-judicial functions.

By-laws and Resolutions delating powers and duties as summarized in Appendix “A”
Table of Delegated Powers and Duties

Procurement of Goods and Services Policy

Enquiries

Chief Administrative Officer-Clerk
Municipality of Southwest Middlesex
Telephone: 519-287-2015 ext. 109

Appendix “A”

List of Delegated Powers and Duties in Southwest Middlesex Municipality

General Conditions

Council delegates to the Administration and appointed staff the authority to process, decide upon, and execute agreements for the following matters:

- Tile Drainage Loan Applications/Shoreline Assistance Loan Applications.
- Street Closures or temporary street closures and/or detours due to construction or special events, in accordance with the Public Events Committee’s Public Events Manual.
- Signing releases or waivers required for short term use of facilities.
- Accounts Receivable – write-off of interest in accordance with Council approved annual Operating Budget.
- Pursue and settle with third parties for the recovery of Municipal property damage claims.
- Additions or deletions of local taxation for any MPAC driven assessment and classification changes.
- Execution of pension, benefits, and insurance contract renewals and amendments, in accordance with the Procurement Policy.
- Minor maintenance/rental agreements relative to daily operations of the Municipality, provided the agreements may have fixed terms of no less than four years and are acquired in accordance with the Procurement Policy.
- Erection of intersection traffic control signing.
- Erection of temporary mobile signs on the public right-of-way in accordance with the provisions of the Municipality’s Sign By-law.
- Changes to Letters of Credit, Performance Bonds.
- Building Department approvals in accordance with the *Building Code Act*.
- Agreements with Registered Code Agencies to perform specified functions with regard to the *Building Code Act*, S.O. 1992 be delegated for execution to the Chief Building Official.
- Conditional Building Permit Agreements made under the *Building Code Act*, S.O. 1992 be delegated for execution to the Chief Building Official.

- Chief Building Official be delegated authority for Issuance of a Statement of Concurrence for transmission tower siting.
- Execution of applications to rezone Municipal property as Owner's representatives.
- Execution of applications to amend the Official Plan as the Owner's representatives.
- Approval of use of municipal facilities including events to which alcohol may be served.
- Railway encroachment agreements.
- Implementation of Assessment Review Board decisions.
- Signing of contracts or agreements associated with the purchase of budgeted items or services.
- Approving all Sponsorship and Advertisements agreements.
- Over the Road Banner Applications, Lottery Licence Requests from Associations.
- Certificates of Exemption from registration as a non-gaming related supplier.
- Signing letters of non-objection and deeming events as municipally significant for ACGO Liquor Licence Application Requirements.
- Sewer Use Agreements
- West Nile Virus Larviciding Requirements, as determined by the Medical Officer of Health.
- Parking enforcement – cancellation of fines.
- Franchise Agreements addressing use of public highway allowances by public corporations and utility and service providers, be delegated for execution to the Director of Operations.
- Settlement of small insurance claims up to the Municipality's deductible of \$50,000
- Updating of Municipality's Emergency Plan.
- Open burn permits.
- Joint use agreements.
- Dog Licenses.
- Ministry of Transportation Agreements (I.e. license renewals, fleet ownerships, etc.)
- Servicing agreements and signing authorities associated with all existing Municipal bank accounts.

Operations

Delegated Power or Duty	Authority	Council Reporting Requirements
<p>Director of Operations or their designate be delegated the authority to approve:</p> <ul style="list-style-type: none"> • advertising signs adjacent to municipal roads • entrance/access Permits • to acquire land for road widening • to close a municipal road for special events, weather, emergencies, road construction • municipal consents and work permits associated with placing utilities within the municipal road allowance • to offer the replacement of trees to affected property owners for trees removed by the Public Works Department during municipal road construction projects • approval authority for residents requesting engine brake signs • travel permits • mailbox replacements • construction zones designations and setting of speed limits within certain construction zones • to process, decide upon, and execute agreements related to erection of temporary mobile signs on the public right-of-way in accordance with the municipal sign by-law 	<p><i>Municipal Act, 2001;</i> <i>Highway Traffic Act</i></p>	<p>The Director or their designate may identify controversial or significant applications to Council for information</p>
<p>Director of Operations or their designate together with the CAO-Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project</p>	<p><i>Municipal Act, 2001</i></p>	<p>The Director or their designate may identify controversial or significant issues to Council for information</p>
<p>For the purposes of section 275 of the <i>Municipal Act, 2001</i>, if the conditions restricting Council's actions have been met</p>	<p><i>Municipal Act, 2001</i></p>	<p>The Chief Administrative Officer-Clerk must provide, at the first meeting of Council after</p>

<p>the Chief Administrative Officer-Clerk or their designate together with the Director of Operations are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council (See Chief Administrative Officer-Clerk)</p>		<p>the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation</p>
<p>Director of Operations or their designate be delegated the authority to enter into agreements associated with providing services, so long as the value associated with such agreements are within the signing authority defined in the procurement policy.</p>	<p><i>Municipal Act, 2001</i></p>	
<p>Director of Operations, Chief Administrative Officer-Clerk, and Fire Chief are delegated the authority to enter into negotiations on behalf of the municipality with land developers relating to subdivision agreements and site plan control.</p>	<p><i>Municipal Act, 2001</i></p>	
<p>Director of Operations or their designate be delegated the authority to approve, amend, or terminate the execution of facilities rental agreements for the purposes of Municipal events, such as staff meetings, public meetings, special events and open houses</p>	<p>Municipal Act, 2001</p>	<p>The Director of Facilities and Recreation or their designate may identify controversial or significant issues to Council for information</p>
<p>Director of Operations or their designate be delegated the authority to approve, and administer the subsidies for recreation programming.</p>		

Chief Administrative Officer-Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
Chief Administrative Officer-Clerk or their designate be delegated the authority to negotiate and administer Collective Agreements, compensation and employee relations for non-union employees and performance management for all departments with Council to provide bargaining mandate and human resources policy.	<i>Municipal Act, 2001</i> Hiring Policy	The Chief Administrative Officer-Clerk or their designate to report to Council on negotiations and controversial or significant human resources issues for information
Chief Administrative Officer-Clerk or their designate, with the Department Head, be delegated the authority to hire, manage performance and discipline all staff up to the Department Head level; make recommendations to council on the hiring and discipline of Department Heads; manage the performance of Department Heads	<i>Municipal Act, 2001</i> Hiring Policy	The Chief Administrative Officer-Clerk or their designate to report to council on controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to execute any document required for the completion of any transaction involving the purchase, sale, exchange or lease of land, as authorized by the Council of the Municipality of Southwest Middlesex by by-law, including approval authority to execute agreements to extend the closing date of purchase, sale, exchange or lease agreement	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to approve, amend, or terminate the execution of mutual disclosure (confidentiality) agreements	<i>Municipal Act, 2001</i>	The Chief Administrative Officer or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to enforce by-laws	<i>Municipal Act, 2001</i>	The Chief Administrative Officer or their designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council authority have been met, then the Chief Administrative Officer-Clerk or their designate is authorized to hire or dismiss any employee in accordance	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation

with the Municipality's practice, the authority is extended only and until the inaugural meeting of Council		
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council's actions have been met the Chief Administrative Officer-Clerk or their designate together with the Director of Operations are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation
For the purposes of section 275 of the <i>Municipal Act, 2001</i> the Chief Administrative Officer-Clerk and/or their designate together with the Treasurer are delegated the authority to authorize expenditures or liability in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation
Chief Administrative Officer-Clerk is designated as the head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i>	<i>Municipal Freedom of Information and Protection of Privacy Act</i>	Chief Administrative Officer-Clerk may identify controversial or significant issues to Council for information
Director of Operations or their designate with the CAO-Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project (See Public Works Delegated Power or Duty)	<i>Municipal Act, 2001</i>	The Director or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk and/or their designate is delegated the authority for staff to provide comments to the Alcohol and Gaming Commission of Ontario with respect to any Cannabis licence applications.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information

Chief Administrative Officer-Clerk or their designate be delegated the authority to enter into agreements associated with providing services, so long as the value associated with such agreements are within the signing authority defined in the procurement policy.		The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to process, decide upon, and execute agreements related to requests as determined by the medical officer of health.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to process, decide upon, and execute agreements related to parking enforcement – cancellation of fines.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information
Chief Administrative Officer-Clerk or their designate be delegated the authority to process, decide upon, and execute agreements related to the appointment of Commissioners of Oaths.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information
Authority for the duties of the Chief Administrative Officer-Clerk as established by by-law which confirms the position and describes the authority held.	<i>Municipal Act, 2001, appointment by-law</i>	
Chief Administrative Officer-Clerk or their designate be delegated the authority to defend, settle, and abandon the following legal matters: The conduct of all litigation before courts and administrative tribunals, subject to such instruction as may be issued by Council from time to time and in the conduct of such litigation, the Chief Administrative Officer-Clerk shall use the most efficient combination of staff and external legal services as required to represent and defend the interests of the Municipality in the issue at hand. Authority to defend, settle, and abandon all matters within the jurisdiction of the Small Claims Court provided that the	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or their designate may identify controversial or significant issues to Council for information

authority to settle or abandon a matter is limited to an amount not to exceed \$50,000.		
<p>With respect to matters within the jurisdiction of the Superior Court of Justice, the Chief Administrative Officer-Clerk shall have the authority to:</p> <p>Direct the defense of all actions against the Municipality and to take such steps, including all interim proceedings, as may be considered necessary and proper;</p> <p>To carry out the decision of Council to initiate an action or abandon an action;</p> <p>Recommend a settlement to Council in conjunction with legal advice.</p> <p>In exercising authority granted in the aforementioned sections, the Chief Administrative Officer-Clerk shall have the authority to:</p> <p>Authorize the payment of all expenses related to the conduct of any action or matter and the payment of any costs awarded against the Municipality;</p> <p>Execute all documents required to conduct any action or conclude the settlement of any action or matter; and</p> <p>Take all steps required to enforce orders, decision, awards and judgements.</p>	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information
Authority, on the direction of Council, to make applications and take objection to all matters brought before administrative tribunals including the Ontario Land Use Planning Tribunal and other administrative tribunals.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information
Authority to respond to all matters brought before administrative tribunals including the Ontario Land Use Planning Tribunal and other administrative tribunals.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information
Authority, on direction of Council, to initiate all matters brought before the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission including arbitrations.	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information

<p>For those matters for which the Chief Administrative Officer-Clerk does not have delegated authority as noted in this By-law, the matter shall be brought before Council for direction at an In-Camera meeting in accordance with Section 239 of the <i>Municipal Act, 2001</i>.</p>	<p><i>Municipal Act, 2001</i></p>	<p>The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information</p>
<p>Where time constraints or other circumstances will not allow for the required authority granting procedures to be followed with respect to any legal matter, the Chief Administrative Officer-Clerk shall have the authority to take appropriate action and report such actions to Council and the earliest opportunity</p>	<p><i>Municipal Act, 2001</i></p>	<p>The Chief Administrative Officer-Clerk or may identify controversial or significant issues to Council for information</p>

Finance

Delegated Power or Duty	Authority	Council Reporting Requirements
Treasurer has the the authority to direct to prosecution of, to defend, settle and abandon all matters within the jurisdiction of the Ontario Court of Justice or Provincial Offences Court provided that the authority to settle or abandon is a matter limited to an amount not to exceed an aggregate penalty of \$5,000.	<i>Provincial Offences Act</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to act as the Appeals Representative of the Assessment Review Board, including initiation and filing of notices of assessment appeal for any property within the boundaries of the Municipality of Southwest Middlesex, and withdrawing any appeal filed by the municipality, should it be determined that it is not in the municipality's best interest to proceed.	<i>Municipal Act, 2001; Assessment Act</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to bind the Corporation of the Municipality of Southwest Middlesex for the purposes of the Assessment Review Board, including may negotiate and make a settlement deal on the municipality's behalf at any mediation or settlement conferences on property tax or assessment matter as a party to all appeals whether filed by the municipality or another person, entity or agent.	<i>Municipal Act, 2001; Assessment Act</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to place and maintain adequate insurance on all municipal property, and to negotiate for the purchase and sale of all real property on behalf of the municipality.	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to approve, amend and/or terminate the execution of software licensing agreements	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to approve the execution of agreements to facilitate the exchange or release of electronic data	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information

Treasurer or their designate is delegated the authority to execute, on behalf of the Municipality, any and all forms by which the Corporation's claims for damages against other parties and their insurers are released, up to \$25,000	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate is delegated the authority to settle claims within the existing insurance deductible limits	<i>Municipal Act, 2001</i>	An annual report to Council on insurance claims
Treasurer or their designate be delegated the authority to approve, amend or terminate the execution of agreements with telephone service providers for 9-1-1 service	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the Municipal Act, 2001 the Chief Administrative Officer and/or their designate together with the Treasurer are delegated the authority to authorize expenditures or liability in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council	<i>Municipal Act, 2001</i>	The Chief Administrative Officer-Clerk and Treasurer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation
Treasurer or their designate be delegated the authority to enter into agreements associated with providing services, so long as the value associated with such agreements are within the signing authority defined in the procurement policy.	<i>Municipal Act, 2001</i> Procurement Policy	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to process, decide upon, and execute agreements for tile drainage loan applications.	<i>Tile Drains Act</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to process, decide upon, and execute agreements related to accounts receivable, in accordance with set amount of \$5000 as established by by-law.	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to process, decide upon, and execute agreements related to pursuance and settlement with third parties for the recovery of municipality property damage claims.	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information

Treasurer or their designate be delegated the authority to process, decide upon, and execute agreements related to future banked vacation carry-over requests for non-union employees.	<i>Municipal Act, 2001</i> Hiring Policy	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer or their designate be delegated the authority to process, decide upon, and execute agreements related to the execution of pension, benefits, and insurance contract renewals and amendments, in accordance with procurement policy.	<i>Municipal Act, 2001</i>	The Treasurer or their designate may identify controversial or significant issues to Council for information
Treasurer delegated the authority to process, decide upon, and execute agreements related to disposal and/or sale of surplus and obsolete equipment in accordance with the Policy.	Disposal of Surplus Goods Policy	The Treasurer or their designate may identify controversial or significant issues to Council for information

Fire Chief

Delegated Power or Duty	Authority	Council Reporting Requirements
Fire Chief or their designate be delegated the authority to hire and dismiss members of the Southwest Middlesex Volunteer Fire Department	Establishing and Regulating By-law	
Director of Operations, Chief Administrative Officer-Clerk, and Fire Chief are delegated the authority to enter into negotiations on behalf of the municipality with land developers relating to subdivision agreements and site plan control.	<i>Municipal Act, 2001</i>	

Mayor and Chief Administrative Officer-Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
The Mayor and Chief Administrative Officer-Clerk be delegated the authority to execute applications to and agreements with a Federal or Provincial department, ministry, agency or fund for compensation, funding or other forms of subsidy related to any Municipality programs, operations or approved capital project and subsequent submissions, declarations or representations required for processing the application or the receipt of funds	<i>Municipal Act, 2001</i>	Chief Administrative Officer-Clerk and/or Mayor may identify controversial or significant issues to Council for information
The Mayor and Chief Administrative Officer-Clerk or their designate be delegated the authority to process, decide upon closure of non-essential municipal departments in the event of inclement weather.	<i>Emergency Management and Civil Protection Act</i>	Chief Administrative Officer-Clerk and/or Mayor will advise Council for information

Committee of Adjustment

Delegated Power or Duty	Authority	Council Reporting Requirements
Empowered to grant minor variances from any by-law of the corporation that impoments the Official Plan for the municipality.	<i>Planning Act; Municipal Act, 2001</i>	

SCHEDULE “X”

Protection and Enhancement of Tree Canopy and Natural Vegetation Policy

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Policy Statement

The Municipality of Southwest Middlesex promotes the protection and enhancement of tree canopy and natural vegetation throughout the municipality.

Southwest Middlesex council understands that trees reduce CO₂, ozone levels, erosion, and can reduce heating and air conditioning costs. Trees and vegetation can trap dust and debris, providing for cleaner air for people and animals to breathe, which contributes to quality of life in both urban and agricultural areas. Trees and natural vegetation also provide an ecosystem for animals, insects, and other life.

Purpose

This policy provides the framework for the Municipality of Southwest Middlesex to protect and enhance the tree canopy and natural vegetation within the municipality.

Definitions

“Municipality” means the Corporation of the Municipality of Southwest Middlesex.

Application

Section 270 of the *Municipal Act, 2001* requires that the municipality adopt and maintain policies with respect to the “manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality”.

Policy Procedure

The Municipality has undertaken a number of initiatives that, cumulatively, protect and enhance the tree canopy and natural vegetation with the Municipality.

Southwest Middlesex Official Plan

The Southwest Middlesex Official Plan guides the Municipality in land use policy and physical planning for decisions within the Municipality. The Southwest Middlesex Official Plan reinforces the value of integrating land use issues and enabling development on an environmentally sustainable basis so that the needs of today do not compromise the ability of future generations to meet their own needs.

Responsibilities

The Council of the Municipality of Southwest Middlesex is responsible for supporting the policy and providing the necessary financial and human resources to carry out the intent of the policy.

The CAO-Clerk and Senior Management Team for the Municipality are responsible for supporting the policy and recommending adequate budgetary resources to meet the obligations under this policy. Council and the Senior Management Team are both responsible for considering this policy when considering various applications, projects, and initiatives.

Monitoring

The CAO-Clerk for the Municipality of Southwest Middlesex shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaints and/or concern, the Chief Administrative Officer-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the municipality adopt and maintain a policy with respect to protecting and enhancing the tree canopy and natural vegetation within the municipality. Other references which impact tree canopy and natural vegetation within Southwest Middlesex include:

Southwest Middlesex Official Plan

Middlesex County Official Plan

Middlesex Natural Heritage Systems Study

Decisions under the *Planning Act*, such as development agreements

Decisions under the *Drainage Act*, such as new drains and improvements and maintenance to existing drains

Middlesex County Woodlands Conservation By-law

County Forest Management

Enquiries

Chief Administrative Officer-Clerk, Municipality of Southwest Middlesex, cao@southwestmiddlesex.ca

Schedule “X”

Pregnancy and Parental Leave for Members of Council

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Policy Statement

Southwest Middlesex recognizes a Member of Council’s right to take leave for the Member’s pregnancy, the birth of the Member’s child or the adoption of a child.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“Council” means the Council of the Municipality of Southwest Middlesex;

“Pregnancy” and “Parental Leave” means the absence of twenty consecutive weeks or less as a result of a Member’s pregnancy, the birth of a Member’s child, or the adoption of a child in accordance with Section 259 (1.1) of the Act.

Purpose

This policy provides guidance with respect to how the Municipality of Southwest Middlesex addresses a Member’s pregnancy and/or parental leave in a manner that respects a Member’s statutory role as an elected representative.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all Members of Council for the Municipality of Southwest Middlesex.

Policy Requirements

The Municipal Council supports a Member of Council's right to pregnancy and/or parental leave in keeping with the following principles:

1. A Member of Council is elected to represent the interests of his or her constituents.
2. A Member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
3. Legislative and administrative matters requiring action during a Member's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Member's wishes.
4. A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.

Process

1. Where a Member of Council will be absent as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member, the Member of Council shall provide the CAO/Clerk with written notice of being absent twenty (20) consecutive weeks or less. Once the notice has been provided, the following process shall be followed and the resulting information brought forward for Council consideration at the Council meeting immediately following the CAO/Clerk's receipt of the written notice:
 - a. In the written notice, the Member of Council, shall indicate which Member of Council whom he/she wishes to delegate temporary authority on matters within the Councillor's Ward during the Councillor's absence; and
 - b. In the written notice, the Member of Council shall indicate the Member(s) of Council whom he/she recommends to be appointed as a representative on the Board and/or Committee that the Councillor represents for the duration of the Councillor's leave.
2. After receiving the Member's written notice, Council shall enact a resolution as follows:
 - a. to appoint a Member of Council to provide temporary coverage for matters within the Councillor's Ward;
 - b. to appoint a Council Representative to act in place of the Member on a Board and/or Committee on an interim basis;
 - c. to authorize the continuance of remuneration of the Member of Council while absent as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member; and

- d. to authorize the CAO/Clerk the interim authority to approve payment of costs for the Member of Council(s) acting on behalf of the Member of Council on a pregnancy and/or parental leave for items only arising from routine invoices/expense submissions.

Notwithstanding the above, at any point in time during a Member's pregnancy and/or parental leave, the Member reserves the right to exercise his/her delegated authority on matters within the Ward. The Member shall provide written notice to the CAO/Clerk of their intent to lift any of the Council-approved, temporary delegations and exercise their statutory role or delegated authority.

Responsibilities

Members of Council and staff of the Municipality of Southwest Middlesex are responsible for adhering to the parameters of this policy.

Monitoring

The CAO-Clerk for the Municipality shall be responsible for monitoring the application of this policy and for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern the CAO-Clerk shall notify Council.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001* requires that the Municipality adopt and maintain a policy with respect to the pregnancy and/or parental leaves of Members of Council.

Municipal Act, 2001

Procedure By-law

Enquiries

CAO-Clerk, Municipality of Southwest Middlesex, cao@southwestmiddlesex.ca