

City of Mississauga  
**Corporate Report**



<p>Date: November 16, 2020</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:          CD 21, Z-A(20)</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of          Transportation and Works</p>	<p>Meeting date:          December 2, 2020</p>

## Subject

**Delegation of Authority - Amending Agreements for Servicing Agreements – Subdivision Servicing Agreements and Municipal Works Only Servicing Agreements (City-Wide)**

## Recommendation

That a by-law be enacted authorizing the Commissioner of Transportation and Works (or his or her designate) and the City Clerk to settle the terms of, and to execute and affix the Corporate Seal to, those agreements and such other documents as are necessary which may be required from time to time to amend a Servicing Agreement previously approved by Council for the Corporation of the City of Mississauga, excluding amendments which pertain to the participation of The Corporation of the City of Mississauga in the financing of municipal infrastructure works and services.

## Background

In accordance with the conditions of development-related approvals, developers can be required to enter into agreements with the City for the construction of municipal infrastructure and services. Prior to 2017, these works were dealt with in agreements that were called Subdivision Servicing Agreements and/or Municipal Works Only Servicing Agreements (herein referred to as only Servicing Agreements). These Servicing Agreements were signed by the Commissioner of Transportation and Works and the City Clerk.

The schedules for the Servicing Agreements typically include Schedule 'A' (Description of Lands), Schedule 'A-1' (List of Drawings), Schedule 'B' (List of Land Conveyances and Easements), Schedule 'C' (Developer's Obligations), Schedule 'D' (Summary of Detailed Cost Estimate), Schedule 'D-1' (Detailed Cost Estimate), Schedule 'E' (Municipal Financial Contribution), Schedule 'F' (Completion Dates) and Schedule 'G' (Statutory Declaration Example).

In 1998, a by-law was enacted (BL-375-98) that granted delegated authority to the Commissioner of Transportation and Works and the City Clerk to execute agreements and such

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other documents as are necessary which may be required from time to time to amend Schedules C, D, or F to a Servicing Agreement previously approved by Council for The Corporation of the City of Mississauga.

Further to the previously approved delegated authority, there are other circumstances, such as the developer changing its consulting engineer, which may require amendments to the other schedules of a Servicing Agreement.

To facilitate a developer's request to amend any schedule in a Servicing Agreement that is not already included in the 1998 delegation by-law, the current process requires Transportation and Works staff to prepare a Corporate Report for General Committee's consideration. If approved, the General Committee delegation recommendation is subsequently adopted by Council. Following that, the Amending Agreement is circulated for execution.

The current process to execute an amending agreement, from report preparation to Council Endorsement to agreement execution, can take 5 weeks.

## Comments

Section 23.1 (1) of the Municipal Act, 2001 as amended, provides municipalities the authority to delegate certain powers and duties that otherwise must be exercised by City Council. Council approved such delegation in 1998 as noted above, and more recently in 2018 for the acceptance of municipal infrastructure works constructed pursuant to Servicing Agreements and Development Agreements (BL-114-2018).

Amendments to any schedule in a Servicing Agreement are typically minor and administrative in nature. The purpose of the change recommended in this report is to delegate authority to the Commissioner of Transportation and Works, to be able to amend all schedules in a Servicing Agreement, excluding amendments with respect to any financial contributions from the City towards the municipal infrastructure works and services included as part of the Servicing Agreement. This change will improve organizational efficiency, eliminate unnecessary reporting processes and enable a more effective use of staff and Council time.

The Region of Peel would continue to be party to any Amending Agreement if the associated development required Regional services through the applicable Servicing Agreement.

The terms and conditions stipulated in the main body of the Servicing Agreement will remain in effect and are excluded from the proposed recommendation.

## Financial Impact

There are no financial impacts to the City.

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## Conclusion

To improve organizational efficiency and processing time, this report seeks to make administrative changes and delegate authority to the Commissioner of Transportation and Works (or his or her designate) to execute Amending Agreements to address adjustments to all schedules in a Servicing Agreement, excluding amendments which pertain to the participation of The Corporation of the City of Mississauga in the financing of municipal infrastructure works and services.



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Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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