

Council Policy No.:	C 149 CAO 036
Council Policy Name:	Delegation of Council Powers and Duties Policy
Date Approved by Council:	December 11, 2007 CR2007-1171
Date revision approved by Council:	March 27, 2012 CR2012-303
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The delegation of certain Council powers and duties is considered where there is an opportunity to streamline the decision-making process. Through this streamlining, benefits in simplifying process, improving responsiveness and improving efficiencies in operations is envisioned. Delegation of routine and other matters allows Council, as a collective, to focus their time on more complex and strategic initiatives.

The Municipal Act, 2001 S.O.2001, Section 23.1 provides the authority for Council to delegate routine powers and duties with some restrictions. The Municipal Act, 2001 S.O.2001, Section 270 Subsection 6 states “that a municipality shall adopt and maintain policies with respect to the following matters”, one of those matters being ‘The delegation of its powers and duties.’ This policy is to set out the parameters by which Council will consider the delegation of routine powers and duties.

Scope:

This policy applies to all Members of Council, Committees of Council, and Staff.

Policy:

1.0 Delegation of Powers and Duties

1.01 With the exception of some restrictions noted in the Municipal Act, 2001, Council may delegate its powers and duties under the Municipal Act, 2001 and other legislation to:

- One or more Councillors or a Council Committee;

- A body having at least two Councillors of whom at least 50 per cent are: Councillors, Individuals appointed by Council or a combination of Councillors or individuals appointed by Council; and
- An individual who is an officer, employee or agent of the City.

1.02 Council shall delegate its powers and duties by by-law or policy.

1.03 Council may include in the delegation by-law or policy:

- Any procedures staff with delegated authority are required to follow to complete the powers and duties assigned.
- That the delegation of power may only be exercised to the staff member appointed in the by-law or policy or that both the municipality and the delegate can exercise the power.
- Conditions and limits to the delegation power and duties.

1.04 Council shall require staff to report quarterly and/or annually, statistical information on the number of times the delegated authority was exercised to ensure accountability of the delegation. Exceptions to reporting are identified in Schedule A to this report and are considered operational in nature.

1.05 Any issues that arise with respect to the delegation of powers and duties and/or any new powers or duties which are proposed to be delegated shall be addressed to Council through separate report to the appropriate Standing Committee.

1.06 Delegation of powers and duties to Committees of Council shall be defined through the Committee appointment policy including defined responsibilities as outlined in the Terms of Reference which shall be approved by Council.

2.0 Revocation of Delegation of Powers and Duties

2.01 Council may revoke any delegation of powers and duties at any time by repeal of the delegation by-law or policy providing there are no contracts and/or other legal documents which may need to be considered in the revocation.

2.02 No delegation by-law or policy shall restrict a future Council from the ability to revoke the delegation powers and duties unless provided for in a contract and/or by legislation.

3.0 Restrictions

- 3.01 Council shall not delegate legislative and quasi-judicial powers as noted in Section 23.2 (1) of the Municipal Act, 2001, as amended, with the exception of those noted in Section 23.2 (2) dealing with Planning Act issues.
- 3.02 Council shall not delegate legislative power to an individual who is an officer, employee or agent of the municipality unless, in the opinion of the Council, the power being delegated is of a minor nature. In determining whether or not a power is of a minor nature, the Council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.
- 3.03.1 Council shall not delegate powers and duties as noted in Section 23.3 of the Municipal Act, 2001
- 3.04 Council recognizes that restrictions of powers and duties do not apply to delegation of administrative and operational matters which are identified to be within staff's realm as defined by Sections 227, 228 and 229 of the Municipal Act.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	December 11, 2007	Initial Release	

Appendix “A” to Policy C 149 CAO 036 – Delegation of Authority Listing

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
Elected Officials Records	144 CAO 032	Allows for administrative issues to be dealt with by staff	All correspondence is circulated to Council with the response and action taken	Speeds up administration and dealing with issues	More responsive to public needs
Pre-Servicing of Subdivision Lands	071 EPW 004	Director of Development Services can execute these agreements	Nothing now Operational – no reporting required.	Speeds up the development process	Assists in moving projects forward as final approvals are received
Assumption of Existing Street Lighting	063 EPW 001	Director of Public Works has authority to assume street lighting as long as it	Nothing now Operational – no reporting required.	Operational in nature	Speeds up the approval process for developers

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		meets set criteria			
Streetlight Warrant	077 EPW 005	Director of Public Works has authority to install street lights if funds are budgeted or with the approval of the CAO	Nothing now Operational – no reporting required	Cost must be in budget or CAO approval	Public are aware of the criteria which must be met
Head for the Purposes of MFIPPA	By-law 2001-05	Delegate to the Clerk duties to administer MFIPPA	Within the quarterly report, it is noted the number of requests that have been received and dealt with	This is legislated and therefore no financial considerations	The process is streamlined and easily identified to the public.
Contact Person for the Purposes of PHIPA	130 SS 027	Delegate to Directors of Health and Social Services, Emergency	Nothing now Significant or exception reporting due to volumes in Health and Social Services. Will	This is legislated and therefore no financial considerations	The process is streamlined and easily identified to the public.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		cy Services and Human Resources duties to administer PHIPA	be added to department quarterly report		
Statutory Meetings to Standing Committees	146 CAO 034	Policy sets out what statutory meetings are held at what Standing Committee	Council receives the recommendation for final decision.	Promotes more efficient public meetings.	Public have the opportunity to attend to participate.
Investment Policy	C087 FD 009	Director of Finance responsible for investing and setting up proper controls in accordance with the policy	Report to Council annually as well as the annual external audit	Ability to invest available cash on a daily basis to increase investment potential	More revenue generated by investment, less required for taxation

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
Release of Property Interests in Certain Circumstances	By-law 2012-079	Easements – The Director of Development Services or the Director of Public Works advises when an easement meets criteria set out in the by-law	Nothing now Operational – no reporting required	Speeds up process	Quicker response for public
Release of Property Interests in Certain Circumstances	By-law 2012-079	Reserves of land – The Director of Development Services or the Director of Public Works advises when a reserve of land meets	Nothing no Operational – no reporting required	Speeds up process	Quicker response for public

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		criteria set out in the by-law			
Release of Property Interests in Certain Circumstances	By-law 2012-079	Subdivision Agreements – The Director of Development Services or the Director of Public Works advises when a subdivision agreement meets criteria set out in the by-law	Nothing now Operational – no reporting required	Speeds up process	Quicker response for public
Extending Draft Approval, Changing Conditions of Draft Approval and for	By-law 2001-34	Director of Development Services can issue the notice of	Nothing now Operational – no reporting required	Speeds up process	Allows for better relations and quicker responses to developers

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
giving final approval on plans of subdivision and condominiums		decision and stamp the draft plan for approval after Council has granted draft approval; extend draft approval on plans of subdivision and condominiums; change conditions of draft approval on plans of subdivision and condominiums if the change is minor; and sign the final plans for subdivisions and			

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		condominiums prior to registration provided all the conditions have been met			
Site Plan Control Approval	By-law 2003-21	<p>Council's powers under Section 41 of the Planning Act are delegated to the Director of Development Services except for clause (a) of Subsection 41(13).</p> <p>The Director of Development Services</p>	Nothing now Operational – no reporting required	Speeds up process	Quicker response for public

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		may approve landscaping, grading, garbage enclosures, walls, fences.			
Regulate Parks and Facilities	By-law 2006-147	Delegates various issues relating to the operation and management of municipal parks and facilities to the Director of Community Services	Nothing now Operational – no reporting required	Speeds up process	Quicker response for public
Weed Control	By-law 2003-156	Delegate authority to the Clerk to add outstanding weed	Nothing now Operational – no reporting required	Puts outstanding balances on tax roll to improve collection	Public can appeal to Council.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		cutting charges to the tax roll			
Road widening lands, reserves and easements	By-law 2012-080	The Director of Public Works or the Director of Development Services may approve and provide by-law directly to Council for road widening, easements and reserves that meet criteria	By-law is passed by Council and therefore considered the final approval	Criteria established within by-law to set parameters	Quicker response to public issues
Temporarily Close a Highway	By-law 2003-05	Director of Public Works can temporarily close a highway	Nothing now Operational – no reporting required	Speeds up process	Allows for quick response for public safety or events

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		that meets the criteria established in the by-law			
Reduced Loads	By-law 2005-77	Director of Public Works can designate highways for reduced loads in accordance with established criteria and set conditions as applicable	Nothing now Operational – no reporting required	Speeds up process	Allows for quick reaction to potential safety issues and protection of corporate assets
Encroachment Agreements	By-law 2001-90	Director of Community Services is authorized to sign encroach	Nothing now Operational – no reporting required	Speeds up process	Quicker response for public

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		ment agreements on park property in accordance with criteria set in the by-law			
Business Licencing	Several by-laws	Licensing Officer has authority to issue business licences and place conditions for licensing	Number of licences issued and revenue are reported quarterly	Licensing fees are set by Council – revenue is reported to Council	Licencing is available at Municipal Service Centres
Livestock Valuators	By-law 2006-332	Clerk is delegated authority to process, approve and submit livestock valuator claims to the	Nothing now. Will be added to Clerk's Quarterly Report	Claims need to be processed quickly and consistently to ensure there is reimbursement of funds in a timely manner	The public expect quick turnaround for their cash flow.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		province and to approve reimbursement to the livestock owner upon receipt of Provincial Funding			
Fence viewer appointments	By-law 2004-70	Fence viewers are delegated the responsibility to administer the provisions of the Line Fences Act	Nothing now. Will be added to Clerk's Quarterly Report	Legislated responsibility	Public expect this Act to be administered in a fair way.
Tile Drainage Loans	Resolution Number CHR2002-118 CR2002-501	The City Clerk was delegated the responsibility for administering and	Nothing now. Will be added to Quarterly Report	Loans are approved using Provincial Funding sources so no impact on City	Public has access to the provincial funding program through the municipality

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		approvin g Tile Drainage Loan applicatio ns			
Purchasin g Policy	By-law 2004-182	Spending limits set by Council where reports are required. Reports also required for non- complian ce	Reports to Council	Ensures complete financial accountability	Public can be sure there is a fair procurement process
CAO Appointm ent By-law	By-law 2005-121 and Municipal Act Section 227and 229	Delegatio n of administr ative authority, manage ment and operation al issues	Quarterly Reports to Council	Legislated responsibility	Public has access to position to deal with administrativ e issues.
Signing Authority	By-law 2004-029 as amended	Delegatio n of certain signing authoritie	Nothing now Operational in nature providing within budgets – no	With limits set, staff can process agreements, contracts,	Public is served in a more timely manner.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
	and 2004-241	s for agreements, contracts, etc. with set limits and conditions	reports required.	leases, etc. in a timely manner which increases customer service	
Committees of Council/Task Forces/Advisory Boards/Local Boards		Various committees have been delegated responsibility through their terms of reference as established from time to time.	Minutes are to be forwarded to Council for their information.	Committees that have financial responsibilities report to the operating department	Minutes will be posted for review and the information of the public.
Other Policies	Several adopted policies	Other policies that exist that have been adopted by Council to allow	Activities are provided to Council through the departmental quarterly reports	Further the business of the municipality in a timely and efficient manner	Assists the public to complete business in a timely and efficient manner.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		staff to perform duties to further the business of the corporation			
Approval of Section 356, 357, 358 and 359 of the <i>Municipal Act, 2001</i>	Resolution Number CR2008-204	Applications are submitted in accordance with the Act and are usually rubber-stamped by Committee and Council – this provided delegation to the Director of Finance and the Manager of Revenue	Activities are provided to Council through the Finance Department's quarterly report	This eliminates the need to take up Committee time with hearings.	This process will assist the public to complete hearings in a timely and efficient manner without it having to go to committee and then Council.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		and Taxation			
Limiting Water Use on Municipal Water Systems	By-law 2003-092	Director of Public Works can limit water use within the established criteria	Water use during peak times may need to be limited to ensure an adequate water system on municipal water systems for essential use	Action is required immediately to limit water use on municipal water system upon low water levels.	Protects the public water supply.
Delegated authority to approve a 10 year repayment plan for the cost of connecting to existing infrastructure for water and/or sewage systems when the property owner submits such a	Council Resolution CR2013-010	Delegation is to the Corporate Services Manager, Revenue and Taxation. Delegated authority to approve a 10 year repayment plan for the cost of connecting to existing	By-law to be brought to Council for passage upon completion of the work.	Additional connections to water and sewer systems will increase the base for distributing costs associated with the system.	Ease the financial burden of connecting to water and/or sewer systems for those properties not connected to water and/or sewer systems in the City where the service is in front of the property.

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
request in writing		infrastructure for water and/or sewage systems when the property owner submits a request in writing.			
Delegated authority to the Director of Community Services staff to extend the period of no use on the VRTC	Council Resolution 2014-407	Protect the trail asset due to wet weather and soft conditions.	Amendment to by-law 2007-107	N/A	Protect the trail asset.
Approve 10 Year Repayment Plan	CR2013-734 (amend C149 CAO 036)	the Corporate Services Manager, Revenue and Taxation be delegated authority	the Corporate Services Manager, Revenue and Taxation forward to Council the necessary by-law for adoption to confirm the approved		

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		to approve a 10 year repayment plan for the cost of connecting to existing infrastructure for water and/or sewage systems when the property owner submits such a request in writing, and such repayment plan include all connection costs along with the associated interest to be collected with the	connection repayment plan		

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		property taxes			
Approve Capital Projects Budget	CR2013-1263 (Amend C149 CAO 036)	the delegated authority to the Victoria Manor Committee of Management to approve the Capital Projects Budget for capital projects that are fully funded using uncommitted funds in the Deferred Revenue account			
Extend Period of No Use on the	CR2014-407	delegate to staff the authority to extend			

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
Victoria Rail Trail		the period of no use on the VRTC due to wet weather and soft conditions to protect the trail asset			
Council Authority	CR2014-858	in the event that it is determined that the new Council will contain less than 75% of the outgoing Council, that City of Kawartha Lakes Council delegate its authority in			

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		accordance with Section 275 (6) of the Municipal Act, 2001, as amended, to the Chief Administrative Officer			
Extending Draft Approval	CR2010-650	the CAO be appointed as the Director of Development Services to exercise the delegated authority under By-law 2001-34, being a by-law to delegate authority for extending			

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		draft approval, changing conditions of draft approval and for giving final approval on Plans of Subdivision and Condominiums.			
Highway Dedication and Easement Administration	CR2002-165	RESOLVED THAT a by-law to delegate to the Director of Engineering and Public Works the authority for partial Highway Dedication and Easement			

Delegated Authority	Legislated Authority	Rationale	Council Communication	Financial Considerations	Public Considerations
		Administration be read a first, second and third time, passed, numbered, signed and the corporate seal attached.			