

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~~ Council Committee, Board and Task Force Policy ~~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-140 CAO 036 – Delegation of Authority Listing



Delegation of Council
Powers and Duties Po