

Section: <b>Administration &amp; Governance</b>	Policy number: <b>A-8</b>
Subject: <b>Delegation of Powers and Duties Policy</b>	Effective Date: <b>January 16, 2008</b>
	Revision Date: <b>April 18, 2018</b>
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## **Corporation of the Municipality of French River Delegation of Powers and Duties Policy**

### **1. Purpose**

The *Municipal Act, 2001* (the Act), s. 270.(1) requires that all municipalities adopt and maintain a policy with respect to the delegation of municipal power and duties.

The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including Sections 23. and 270. This policy applies to all committees of Council, departments and staff.

### **2. Definition(s)**

For the purpose of this policy, the following terms shall have the meaning as ascribed to them:

- i. **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.
- ii. **Administrative Powers** - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

### **3. Policy Statement**

The Council of the Municipality of French River, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions.

Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

### **4. Policy Requirements**

1. All delegations of Council powers, duties or functions shall be effected by bylaw, except where deemed minor in nature, in which case the delegation may be authorized by resolution of Council.
2. Unless a power, duty, or function of Council has been expressly delegated by bylaw or resolution, all of the powers, duties and functions of Council remain with Council.

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3. A delegation of a power, duty or function under any bylaw or resolution to any member of staff includes a delegation to a person who is appointed as the CAO/Clerk to act in the capacity of the delegate in the delegate's absence.
4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw or resolution has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
6. Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.
7. All delegation of powers and duties can be revoked at any time without notice.
8. Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law)
9. The scope of the delegated authority shall not be exceeded by the delegate.
10. Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
11. Delegates shall ensure the consistent and equitable application of council policies and guidelines.
12. Any undertaking or contract with a third party shall be subject to the approval of Council.

## **5. Responsibilities**

Municipal staff is responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

## **6. Monitoring/Contraventions**

The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Municipal Clerk shall notify Municipal Council.

## **7. Delegation**

The delegated powers and duties by Council to municipal officers is attached as Appendix "A" to this policy.

## **8. Attachments**

Appendix "A" - Delegation of Powers and Duties

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**Appendix “A” to By-2018-00  
Delegation of Powers and Duties**

<b>Number</b>	<b>Delegate</b>	<b>Delegated Powers &amp; Duties</b>	<b>Criteria/Conditions</b>
1	Chief Administrative Officer	Authority to Settle Small Insurance Claims	<ul style="list-style-type: none"> <li>• Claims for amounts less than \$5,000.</li> <li>• Report to Council.</li> </ul>
2	Chief Administrative Officer	Authority to Settle Small Third Party Claims	<ul style="list-style-type: none"> <li>• Authority to pursue and settle with third parties for the recovery of Municipal property damage claims.</li> <li>• Report to Council.</li> </ul>
3	Chief Administrative Officer	Authority to sign and submit Grant Applications for Council Approved Programs	<ul style="list-style-type: none"> <li>• Grant applications submitted by the Municipality for existing approved programs where funding is either not required or is available within existing budgets or for budget approved programs.</li> <li>• Report to Council.</li> </ul>
4	Chief Administrative Officer	Authority to execute/amend/terminate software and office equipment licensing, leasing, purchasing or service agreements	<ul style="list-style-type: none"> <li>• Related expenses must be approved in the current year’s budget.</li> <li>• Agreements must be administrative and minor in nature.</li> <li>• Report to Council.</li> </ul>
5	Chief Administrative Officer	Signing authority for expenditures outside the current approved budget, exceeding \$50,000 <i>*subject to Restrictions in Section 275. of the Municipal Act</i>	<ul style="list-style-type: none"> <li>• Authority shall come into force and effect <u>only</u> in the event that less than 75% percent of the current Members of Council will be returning to sit on the new Council after Nomination Day of a Municipal Election as determined by the Clerk.</li> <li>• Report to Council.</li> </ul>
6	Chief Administrative Officer	Signing authority to execute the agreement of Purchase and Sale, pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal for the acquisition of property <i>*subject to Restrictions in Section 275. of the Municipal Act</i>	<ul style="list-style-type: none"> <li>• Authority shall come into force and effect <u>only</u> in the event that less than 75% percent of the current Members of Council will be returning to sit on the new Council after Nomination Day of a Municipal Election as determined by the Clerk</li> <li>• Report to Council.</li> </ul>

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<b>Number</b>	<b>Delegate</b>	<b>Delegated Powers &amp; Duties</b>	<b>Criteria/Conditions</b>
7	Clerk	“Head” for the purposes of the Municipal Freedom of Information and Protection of Privacy Act.	<ul style="list-style-type: none"> <li>• Annual reporting to the Information and Privacy Commissioner.</li> <li>• Report to Council.</li> </ul>
8	Treasurer	Authority to Sign Minutes of Settlement and represent the municipality in regards to property assessment appeals at the Assessment Review Board	<ul style="list-style-type: none"> <li>• Review and sign-off settlements and participate in the hearing process where appropriate.</li> <li>• Report to Council.</li> </ul>
9	Treasurer	Authority to approve Tax write-offs and increases under Section 357, 358 and 359 of the Municipal Act	<ul style="list-style-type: none"> <li>• Authority to write-off taxes or increase taxes based on assessment changes approved by MPAC resulting from assessment classification changes, value changes and/or errors.</li> <li>• Report to Council.</li> </ul>
10	Treasurer	Authority to write-off Penalty/Interest	<ul style="list-style-type: none"> <li>• Authority to write-off minor penalty/interest only when deemed appropriate or when a gross error occurred.</li> </ul>
11	Treasurer	Lottery Licencing Officer	<ul style="list-style-type: none"> <li>• Authority to issue Lottery Licences within the established guidelines and parameters set out in the Lottery Licencing Policy Manual established by the Alcohol and Gaming Commission of Ontario.</li> </ul>
12	Chief Administrative Officer / Director of Public Works	Temporary road closures necessary for construction, routine operations, rehabilitation, maintenance and repairs	<ul style="list-style-type: none"> <li>• For scheduled temporary road closures, reasonable advance notice is to be given through appropriate signage, advertising, posting and reported to Council.</li> <li>• For un-scheduled emergency temporary road closures, reasonable notice is to be given through appropriate signage, advertising, posting and reported to Council.</li> <li>• Ensure that closure has been coordinated with outside or emergency agencies.</li> <li>• Ensure that closures have a minimum impact to community.</li> <li>• All closures are to be consistent with the requirements set out in Book 7 of the Ontario Traffic Manual.</li> </ul>

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13	Chief Administrative Officer / Director of Public Works	Temporary Road Closures for ceremonial events, parades and community celebrations	<ul style="list-style-type: none"> <li>• Same criteria/conditions as above where appropriate.</li> <li>• Report to Council by staff or event coordinator as to the event, the affected roads and time of closure.</li> </ul>
14	Chief Administrative Officer and/or Fire Chief	Authority to amend the Emergency Response Plan and Emergency Management Program	<ul style="list-style-type: none"> <li>• Minor amendments and revisions that are relevant to the operation of the Emergency Response Plan and Emergency Management Program or that are required by the Ministry</li> </ul>