

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2010-025


BEING A BY-LAW TO ADOPT A POLICY REGARDING DELEGATION OF POWERS AND DUTIES FOR THE MUNICIPALITY OF CALVIN.

WHEREAS the Council of the Municipality of Calvin deems it advisable to adopt a Policy regarding Delegation of Powers and Duties for the Municipality of Calvin as required pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 270 (1);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CALVIN HEREBY ENACTS AS FOLLOWS:

1. The Policy regarding Delegation of Powers and Duties attached hereto as Schedule "A" is hereby adopted.
2. This by-law shall come into full force and effect immediately upon final passing of same.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BEFORE AN OPEN COUNCIL THIS 9th DAY OF NOVEMBER, 2010.


MAYOR


CLERK- TREASURER

Schedule "A"

To By Law No 2010-025

DELEGATION OF POWERS AND DUTIES POLICY

1. Purpose/Application

The Municipal Act, 2001 (the Act) requires that all municipalities shall adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. 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 principals governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

2. Defintitons

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 Calvin, 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 manner, require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through 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 exercised by by-law.
2. Unless a power, duty or function of Council has been expressly delegated by By-law, all of the powers, duties and functions of Council remain with Council.

3. A delegation of a power, duty or function under any By-law to any member of staff includes the delegation to a person who is appointed by the Clerk-Treasurer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to Section 3 above, a person whom a power, duty or function has been delegated by By-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such delegation has been 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 this Policy, and must take into account the limitations set out in the Act.
7. In exercising any delegated power, the delegate shall ensure the following:
 - Any expenditure related to the matter shall have been provided for in the current year's budget or authorized under the Procurement By-law;
 - The scope of the delegation shall not be exceeded by the delegate;
 - Where required by the specific delegated authority, reports shall be submitted to Council in writing advising of the exercise of the delegated power and confirming compliance with the delegated authority and this policy;
 - All practices regarding insurance and risk management shall be complied with;
 - Delegates shall ensure the consistent and equitable application of Council policies and guidelines;
 - Any undertaking or contract with a third party shall be reviewed by Legal Services as appropriate.