

## 1. Policy Statement

The Council of the Municipality of Trent Lakes, 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 certain Officers, employees and committees 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 Municipal Act, 2001 (the Act) and will respect the applicable restrictions outlined in the Act.

## 2. Purpose

The policy provides guidance related to the scope of powers and duties which Council may delegate its legislative and administrative authority and establishes principles governing such delegation. This policy applies to all committees of Council, departments and staff with respect to the delegation of powers and duties.

## 3. Definitions

**Administrative Powers** – means all matters required for the management of the corporation which do not involve discretionary decision making.

**Legislative Powers** – means all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

## 4. Procedure

- a) All delegations of Council powers, duties or functions shall be effected by by-law or Council resolution.
- b) Unless a power, duty, or function of Council has been expressly delegated by by-law or resolution, all of the powers, duties and functions of Council remain with Council.
- c) All delegation of powers and duties may be revoked at any time, without notice.
- d) A delegation of power, duty or function under any by-law or resolution to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- e) Subject to section d, a person to whom a power, duty or function has been delegated by by-law 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.

- f) 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.
- g) The delegation of legislative powers of Council are restricted to powers found in the Municipal Act, the Planning Act, a private act relating to the municipality and such other acts as may be prescribed.
- h) 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.
- i) Any delegation of legislative or administrative powers may be subject to any regulation made by the Minister.
- j) Council shall approve policies and procedures for the delegation of its powers and duties which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.
- k) In exercising any delegated power, the delegate shall ensure the following:
  - o Any expenditure related to the matter shall have been provided for in the current year's budget or authorized by the procurement by-law/policy.
  - o The scope of the delegated authority shall not be exceeded by the delegate.
  - o 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.
  - o Delegates shall ensure the consistent and equitable application of Council policies and guidelines.

Staff are responsible for adhering to the parameters of this policy; ensuring appropriate application of delegated authority; and, providing any reports advising of the exercise of a delegated authority and confirming compliance with the delegated authority and policy, where required.

## **5. Limitations**

Council does not authorize the delegation of any powers and duties that cannot be delegated in accordance with Section 23.3 (1) of the Municipal Act, 2001.

## **6. Consequences of Non-Compliance**

Failure to adhere to this policy and procedure will result in actions being taken under the Corrective Action (Behaviour Improvement) Policy, as well as delegations possibly being revoked.

## **7. Review Cycle**

This policy will be reviewed on an as needed basis.

## 8. Repeals

This Policy repeals a previous version, and all revisions.

This Policy was previously referred to as AD-07.

## 9. Related Information

Revisions to this document may impact the following policies, procedures, and/or by-laws.

#	Document Title
Policy 2.05	Corrective Action (Behaviour Improvement) Policy

## 10. Policy Revisions

Version	Date Approved	Council Resolution
1	November 20, 2007	R2007-686
2	June 19, 2018	R2018-373