

Delegation of Duties

Approved by: County Council **Date Approved:** November 26, 2013 By-law
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Policy Number: G-GEN-008

Section: Governance

Sub Section: General

References and Related Documents

[Schedule A to By-law 4824-13 As Amended by By-law 4869-14 Delegation of Duties and Policy G-GEN-008](#)

[Municipal Act](#)

[Planning Act](#)

Policy Statement

The Council of the County of Grey, 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 Municipal Act 2001, as amended (the "Municipal Act") and the Planning Act and will respect the applicable restrictions outlined in these Acts.

Legislation:

Section 270(1) of the Municipal Act requires all municipalities to adopt and maintain a policy with respect to the delegation of its powers and duties effective January 1, 2008. Section 23.1 of the Municipal Act further describes the powers and duties which may be delegated. Sections 53 and 54 of the Planning Act 1990, as amended, also establish

circumstances under which a Council may delegate certain powers and duties.

Definitions

1. **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.
2. **Administrative Powers** – Includes all matters required for the management of the corporation which do not involve discretionary decision making or which are minor or routine.

Policy Requirements

1. All delegations of Council powers, duties or functions shall generally be effected by by-law.
2. Unless a legislative power, duty or function of Council has been expressly delegated by by-law, or otherwise all of the legislative 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 a delegation to a staff member who has been 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, a person to 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 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 Municipal Act and Planning 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 Municipal Act or other legislative authority authorizing delegation.
7. Council has authorized certain matters delegated to committees and staff and are set out in Schedule "A" attached hereto subject to the terms set out therein. Any references to specific committees within Schedule "A" shall include any successor committees responsible for a certain function as determined by Council from time to time.

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 by the purchasing by-law.
- The scope of the delegated authority shall not be exceeded by the delegate.
- Where required by the specific delegated authority, reports shall be submitted to the appropriate standing committee advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
- All policies regarding insurance and risk management shall be complied with.
- Committees and staff who have authority delegated to them shall ensure the consistent and equitable application of council policies and guidelines.

Restrictions of Delegation of Legislative and Quasi-Judicial Powers:

1. Council is not authorized to delegate any of the following powers and duties:
 - To appoint or remove from office an officer of the municipality whose appointment is required by the *Municipal Act, 2001*
 - To pass a by-law dealing with issues regarding taxes
 - To incorporate corporations
 - To adopt an official plan or an amendment to an official plan under the Planning Act
 - To pass a zoning by-law under the Planning Act
 - To pass a by-law related to small business counseling and municipal capital facilities
 - To adopt a community improvement plan
 - To adopt or amend the municipal budget
 - Any other power that may be prescribed

