

Delegation of Duties

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Sub Section: General

Section: Governance

References and Related Documents

[Schedule 'A' to Delegation of Duties By-law 5018-18 and 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 assign certain powers and duties to committees and staff while still 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 S.O. 2001,c.25 as amended (the "Municipal Act") and the Planning Act, R.S.O. 1990,c.P.13 (the "Planning Act") and will respect the applicable restrictions outlined in these Acts.

Purpose

This policy provides guidance related to the scope of the powers and duties which Council may delegate it's legislative and administrative authority and establishes principles governing such delegation.

This policy applies to all County committees, departments and staff with respect to the delegation of powers and duties.

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 sets out circumstances where a Council may delegate certain powers and duties.

1.0 Definitions

In this policy:

- 1.1 “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.
- 1.2 “CAO” means the person appointed as Chief Administrative Officer of The Corporation of the County of Grey.
- 1.3 “Clerk” means the person appointed as the Clerk of The Corporation of the County of Grey.
- 1.4 “Committee of the Whole” means all of the members present at Council sitting in committee.
- 1.5 “Council” means Council of the County of Grey.
- 1.6 “County” means The Corporation of the County of Grey.
- 1.7 “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.

2.0 Policy Requirements

- 2.1 All delegations of Council powers, duties or functions shall generally be effected by by-law.
- 2.2 Unless a power, duty or function of Council has been expressly delegated by by-law, or otherwise all of the powers, duties and functions of Council remain with Council.
- 2.3 All delegation of powers, duties and functions may be revoked at any time, without notice.

- 2.4 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 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.
- 2.5 Subject to Section 2.4, 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.
- 2.6 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.
- 2.7 The Delegation of legislative powers of Council are restricted to powers found in the Municipal Act, the Planning Act and such other acts as may be prescribed.
- 2.8 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, the Planning Act or other legislative authority authorizing delegation.
- 2.9 Council has authorized certain matters delegated to staff which is set out in Schedule "A" of the County of Grey Delegation of Duties By-law as amended from time to time. Delegations are subject to the terms set out in Schedule "A" of the Delegation of Duties By-law. 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.
- 2.10 In exercising any delegated power, the delegate shall ensure the following:
- a) Any expenditure related to the matter must have been provided for in the County's current year's budget or authorized by the County's purchasing by-law.
 - b) The scope of the delegated authority shall not be exceeded by the delegate.
 - c) Where required by the specific delegated authority, reports must be submitted to Committee of the Whole advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.

- d) All County policies regarding insurance and risk management shall be complied with.
- e) Delegates must ensure the consistent and equitable application of Council policies and guidelines.

3.0 Limitations

3.1 Council is not authorized to delegate any of the following powers, duties or functions:

- a) Appoint or remove from office an officer of the municipality whose appointment is required by the Municipal Act.
- b) Pass a by-law dealing with issues regarding taxes
- c) Incorporate corporations
- d) Adopt an official plan or an amendment to an official plan under the Planning Act
- e) Pass a zoning by-law under the Planning Act
- f) Pass a by-law related to small business counseling and municipal capital facilities
- g) Adopt a community improvement plan
- h) Adopt or amend the municipal budget
- i) Any other powers, duties or functions that may be prescribed

4.0 Responsibilities

County staff are responsible for:

- 4.1 Following the guidelines of this policy.
- 4.2 Ensuring the delegated authority is used within the scope of this policy.
- 4.3 Reporting to Committee of the Whole regarding the use of a delegated authority and confirming compliance with this policy, where required.
- 4.4 The Clerk is responsible for receiving complaints and or concerns related to this policy. Upon receipt of a complaint or concern, the Clerk will notify Council and the CAO.