



Subject: *Delegation of Powers and Duties Policy*

Policy No.: *CO-08-2007-del*

Approval Date: *November 27 2007*

By-Law No.: 2007-842

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1. POLICY STATEMENT

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 section 270. This policy applies to all committees of Council, departments and staff.

2. SCOPE

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.

3. PROCEDURE

3.1 DEFINITIONS

For the purpose of this policy:

“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.

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

3.2 ACCOUNTABILITY FRAMEWORK

The Council of the Township of Lanark Highlands, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies and administrative functions.

3.3 RESPONSIBILITY & AUTHORIZATION

Council’s decisions are generally expressed by by-law or resolution of Council carried by a majority vote. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.



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3.3 GENERAL PROVISIONS

- 3.3.1 All delegations of Council powers, duties or functions shall be effected by by-law.
- 3.3.2 A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person selected from time to time by the delegate or CAO to act in the capacity of the delegate in the delegate's absence.
- 3.3.3 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.

3.4 RESTRICTIONS

- 3.4.1 Unless a specific 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.
- 3.4.2 Subject to section 3.3.2, 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.
- 3.4.3 In exercising any delegated power, the delegate shall ensure the following:
- i) Any expenditure related to the matter shall have been provided for in the current year's budget or authorized by the Procurement By-law in effect from time to time.
 - ii) The scope of the delegated authority shall not be exceeded by the delegate.
 - iii) Where required, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.
- 3.4.4 All policies regarding insurance and risk management shall be complied with.



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3.4.5 Delegates shall ensure the consistent and equitable application of Council policies and guidelines.

3.4.6 Any undertaking or contract with a third party shall be subject to the approval of the Township's legal counsel.

4 RESPONSIBILITY

The Council and Chief Administrative Officer are responsible for ensuring compliance with this policy.