

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2017-072

BEING a by-law to adopt a revised Delegation of Powers and Duties Policy and a revised Accountability and Transparency Policy.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS section 32.1 of the *Municipal Act, 2001*, c. 25, provides that sections 9, 10 and 11 authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to restrictions;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 270 requires the establishment of a Delegation of Powers and Duties Policy and an Accountability and Transparency Policy;

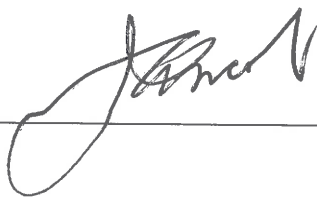
AND WHEREAS Council did, on January 8, 2008, adopt a Delegation of Authority Policy and an Accountability and Transparency Policy, and further, it is advisable that revisions be made.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That the Delegation of Powers and Duties Policy, attached hereto as Schedule "A", is hereby adopted.
2. That the Accountability and Transparency Policy attached hereto as Schedule "B", is hereby adopted.
3. That any by-law inconsistent with this by-law is hereby repealed.


READ AND PASSED in open Council, signed and sealed this 6th day of September, 2017.

Mayor



Clerk



	TOWNSHIP OF SOUTH STORMONT	Schedule "A" By-law No. 2017-072
	Section : Corporate Services	
	Subject: Delegation of Powers and Duties Policy	Date of Origin: January 9, 2008 Revision Date: September 6, 2017

Purpose/Application:

The *Municipal Act, 2001* (the Act) requires that all municipalities 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 that Council may delegate its legislative and administrative authority and to establish principals governing such delegation. This policy applies to Council, Committees of Council and employees.

Definitions:

- 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 that do not involve discretionary decision making.

Policy Statement:

The Council of the Corporation of the Township of South Stormont, as 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 delegate certain powers and duties to committees and employees while concurrently maintaining accountability that can be effectively accomplished through the 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.

Policy Requirements

1. All delegation of Council powers, duties or functions shall be effected by by-law and reviewed every term of Council.
2. Unless a power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions shall remain with Council.
3. A delegation of power, a duty or function under any by-law to any employee includes a delegation to a person who is appointed by the Chief Administrative Officer (CAO) or to a person selected from time to time by the delegate to act in the capacity of the delegate's absence. Authority delegated to a designate shall be done in writing and signed.
4. Subject to section 4, a person to whom power, a 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 power shall be exercised and must take into account the limitations set out in the Act.
6. Administrative matters may generally be delegated to employees 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.
7. In exercising any delegated power, the delegate shall ensure the following:
 - any expenditure related to the matter shall comply with the procurement policy and budget approvals;
 - 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 Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy; and
 - delegates shall ensure the consistent and equitable application of Township policies and guidelines.

Policy Limitations:

In accordance with the Municipal Act, Council is not authorized to delegate any of the following powers and duties:

1. Appointing and removing statutory officers;
2. Adopting and amending by-laws with respect to taxation matters pursuant to Parts VII, IX and X of the Municipal Act;
3. Incorporating corporations;
4. Adopting or amending official plans and zoning by-laws pursuant to the Planning Act;
5. Adopting and amending by-laws with respect to small business counselling and the relief and assistance to persons for the municipal capital facilities;
6. Adopting community improvement plans; and
7. Other specific prescribed power.