

DELEGATION OF POWERS AND DUTIES POLICY

1. Purpose

The *Municipal Act, 2001* 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 by which Council may delegate its legislative and administrative authority and establish principles governing such delegation. This policy has been developed in accordance with the *Municipal Act, 2001* in order to comply with its other applicable sections, including section 270.(1)6. This policy applies to all Committees of Council, Departments and Staff.

2. Definitions

"Administrative Powers" Includes all actions required for the management of the Town which do not involve discretionary decision making.

"Delegation" Shall mean the transfer of approval authority of certain powers and duties from Council to a designated Town officer, employee or agent (under certain terms and conditions).

"Legislative Powers" Includes all actions where Council acts in a legislative or quasi judicial manner including enacting by-laws, setting policies and exercising decision making authority.

3. Policy Statement

The Council of the Town of Kingsville, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision making, policies and administrative actions. 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 actions. Council authority will be delegated within the context set out in the *Municipal Act* and will respect the applicable restrictions outlined therein:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our citizens; and
- Promoting the efficient use of public resources.

4. Implementation Procedure

Council may delegate its powers and duties under the *Municipal Act*, *Planning Act*, a Private Act relating to the municipality and such other Acts as may be prescribed to a person or body subject to the restrictions set out in this policy in the legislative requirements of the *Municipal Act*.

(i) Legislative and quasi-judicial powers can only be delegated to the following:

- One or more members of municipal Council;
- A body (committee) that has at least two members of which 50% are Council members, Council appointees or combination; or

- An Officer, employee or agent of the Municipality (if the power delegated is of a minor nature).
- (ii) Council shall approve the conditions and limitations for the delegation of any of its legislative and quasi-judicial powers by the adoption of a by-law.
 - (iii) Council shall approve policy and procedure for the delegation which includes measures for the monitoring and accountability of the delegation and the transparency of the delegated action and decision.
 - (iv) Council shall only delegate legislative and quasi-judicial powers to an officer, employee or agent of the Municipality that are minor in nature, which is clearly defined within the policy and procedures authorizing the said delegation. Council, in determining whether or not a power is of a minor nature, should consider a number factors as well as the number of people, the size of the geographic area and the time period affected by an exercise of the power.
 - (v) The delegation of legislative and quasi-judicial 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.
 - (vi) Any delegation of legislative or quasi-judicial powers may be subject to any regulations made by the Minister

5. Scope of Power

- (i) A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the Municipality's power to revoke the delegation.
- (ii) A delegation shall not limit the right to revoke the delegation beyond the term of the Council which made the delegation.
- (iii) A delegation may provide that only the delegate can exercise the delegated power or that both the Municipality and the delegate can exercise the power.
- (iv) A delegation may be made subject to such conditions and limits as the Council considers appropriate. Council shall outline the procedure that the delegate is required to follow, specific measures for accountability of the delegate and the transparency of the delegates' action.
- (v) Council may establish an appeal body to hear appeals or review decisions made under any delegated power, if it deems necessary.

6. Council Limitations To Delegate

Council is not authorized to delegate any of the following powers and duties:

- To adopt or amend the municipal budget;
- To pass a by-law and deal with issues regarding taxes, user fees, tax rates and ratios;
- To adopt a community improvement plan,;
- 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 appoint or remove statutory officers of the Municipality from office;

- To incorporate corporations;
- To hold a hearing or provide an opportunity to be heard before making a decision or taking a step required by an Act or other source of law;
- Any other power that may be prescribed.

Schedule A**Delegation of Routine Approvals**

Approval	Limits
Appointment of Drainage Engineers	The appointment of engineering firms to prepare drainage reports may be limited to those firms approved by Council. This is a formality required under the Drainage Act and avoids the need to pass a resolution for each drainage report.
Tile Drainage Loan Applications/Shoreline Assistance Loan Applications	Approvals are limited by established provincial legislation. Implementation is through by-laws passed by Council.
Street closures or temporary street closures, detours due to construction.	Director of Municipal Services should be directed by policy.
In connection with a Special Event, as it is defined in the Special Event Policy: <ul style="list-style-type: none"> the terms of such Special Event; any street closures or temporary street closures required for such Special Event; and the agreement incorporating the terms of such Special Event 	By resolution of the Kingsville Parks, Recreation and Arts and Culture Committee.
In connection with a Special Event, as it is defined in the Special Event Policy, the signing of relevant agreement with the Special Event organizer.	Manager of Parks and Recreation following the approval of the agreement by resolution of the Kingsville Parks, Recreation and Arts and Culture Committee.
Amendments to the Special Event Procedure Guide	By resolution of the Parks and Recreation, Arts and Culture Committee.
Signing of financial statements and agreements, loans and cheques on behalf of the Corporation.	Two officers, being the Director of Financial Services/Treasurer or in the absence of the Director of Financial Services/Treasurer, the Manager of Financial Services/Deputy Treasurer - and - The CAO or in the absence of the CAO, the Director of Corporate Services/Clerk or the Mayor
Agreements binding the Corporation	Shall be executed by the Head of Council and the Clerk or Chief Administrative Officer.
Minor maintenance/rental agreements relative to daily operations of the Municipality.	Can be signed by the Director in charge of the Department requesting the agreement.
The Mayor, Chief Administrative Officer and Director of Financial Services are provided with municipal credit cards.	Use of the credit card for the purchase of goods and services from an approved supplier is authorized for under \$2000 and shall not include capital assets. This method of procurement used for low value goods where other methods of purchase are deemed impractical or inefficient.

Approval	Limits
Use of petty cash funds by the Director of Financial Services	Petty cash fund not to exceed \$300 shall be maintained to facilitate small purchases and acquire goods and services where immediate payment is required.
Emergency Procurement Requirements	Where an emergency situation occurs requiring immediate purchase of goods and services essential to the prevention of safety hazards, serious delays and further damage or to restore minimum services. If the purchase is greater than \$5,000, a report to the CAO outlining the emergency and noted goods will be required as soon after the emergency situation as practical.
Hiring Part Time and Temporary employees	In the event of a short-term or long-term illness or an employee absence from work, the CAO shall be permitted to replace the employee until their return. The CAO must obtain Council Approval prior to making any hiring decisions with respect to employees that report directly to him/her.
Erection of intersection traffic control signing.	Approval has been provided through the Traffic and Parking By-law.
Changes to Letters of Credit, Performance Bonds	The Director of Municipal Services and Director of Financial Services are authorized to accept changes based on the development.
Building Department Approvals	Agreements with registered code agencies to perform specified functions with regards to the Building Code Act and Conditional Building Permit agreements made under the Building Code Act.
The Director of Municipal Services authorizing pre-service in agreements	Allows developers to install certain works at their own risk, prior to finalization of Subdivision or Development Agreement.
Approval of use of municipal facilities including events to which alcohol may be served	Approval by Manager of Parks and Recreation is subject to meeting all conditions with respect to insurance, public health, fire safety and security and being consistent with the Municipal Alcohol Risk Policy.
Exemption from Site Plan Control	The Chief Building Official will finalize the exemption of site plan control during the Managers' Planning Review Group Meeting.
Sale of surplus and obsolete equipment	Administration shall dispose of such equipment in accordance with the Procurement of Goods and Services Policy.
Implementation of Assessment Review Board decisions	The Director of Financial Services and Tax Collector will continue processing decisions of the Assessment Review Board. Council

Approval	Limits
	will continue to be provided with copies of decisions.
Approval to operate a refreshment cart	The Clerk's Department is authorized to grant approvals that meet the requirements of the by-law.
Signing of labour relations issues	The CAO is authorized to signing union grievances, settlements, letters of understanding and is limited to signing contracts approved by Council and the respective union.
Signing of agreements for purchase and sale of municipal property and easement agreements Signing of contracts or agreements associated with the purchase of budgeted items or services	The CAO and/or Clerk will be limited to signing offers accepted by Council. Administration will be limited to the Procurement of Goods and Services Policy and approved budget amounts.
Over the Road Banner Applications, Noise Permits, Fireworks Permits, Lottery Licence Requests from Associations	Clerk and/or Deputy Clerk is authorized to approve
Culverts on Roadside Ditches	The Director of Municipal Services will process and supervise installation
Settlement of small insurance Claims	Administration will be consulted prior to a settlement