

**CORPORATION OF THE TOWNSHIP OF GILLIES  
BY-LAW NO. 610**

**Being a by-law to adopt a policy with respect to the delegation of Council's legislative and administrative authority**

**WHEREAS** paragraph 6 of subsection 270 (1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, requires that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties.

**NOW THEREFORE** the Council for the Corporation of the Township of Gillies enacts as follows:

**1. Short Title**

This By-law may be cited as the "Delegation Policy".

**2. Definitions**

In this By-law:

- 2.1 **"Act"** shall mean the *Municipal Act, 2001* and its amendments;
- 2.2 **"Administrative Powers"** shall include all matters where council acts in a legislative or quasi judicial function including enacting by-laws, setting policies and exercising decision making authority;
- 2.3 **"Clerk-Treasurer"** shall mean the person within the Municipality's administration who fulfils the functions of the Municipal Clerk and Municipal Treasurer as required by the *Municipal Act*.
- 2.4 **"Council"** shall mean the Council of the Corporation of the Township of Gillies;
- 2.5 **"Legislative Powers"** shall include all matters required for the management of the corporation which do not involve discretionary decision making;
- 2.6 **"Municipality"** shall mean the Corporation of the Township of Gillies;
- 2.7 **"Officer, employee or agent"** shall mean a person under the employment of or acting on behalf of the municipality;

**3.0 Purpose/Application**

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 the provisions of sections 23.1 to 23.5, including section 270. This policy applies to all committees of Council, departments and staff.

**4.0 Policy Statement**

The Council of the Township, 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 Act and will respect the applicable restrictions outlined in the Act.

## **5.0 Policy Requirements**

- 5.1 All delegations of Council powers, duties or functions shall be effected by by-law.
- 5.2 Powers may only be delegated to the following parties:
  - a) one or more members of the council;
  - b) a body of at least 2 members, of which 50% are council members;
  - c) an officer, employee or agent of the municipality.
- 5.3 Unless a 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.
- 5.4 Either Council or the delegate, but not both, shall exercise a delegated power or duty at any one time.
- 5.5 A person or body 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.
- 5.6 Council may permanently revoke a delegated power or duty at any time by giving notice of the impending repeal of the enabling by-law, as provided in the Notice By-law , to:
  - a) to the person, persons or body so delegated; and
  - b) to the public.

## **6.0 Review and Appeal**

Upon any request received to review any decision made by a person, persons or body in the exercise or intended exercise of a power or the performance or intended performance of a duty delegated to the person, persons or body by the municipality, Council shall not reserve the right to appeal the decision, until such time that Council permanently revokes the delegation.

## **7.0 Delegated Authority**

Council has authorized those specific legislative and administrative matters listed in Schedule "A" to be delegated to the individual designated subject to the terms set out herein.

In exercising any delegated power, the delegate shall have regards to and 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 Council 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;

- Delegates shall ensure the consistent and equitable application of council policies and guidelines

**8.0** By-law #486 and its amendment By-law #554 are hereby repealed.

**9.0** This By-law shall come into force and effect on the date of passing thereof.

READ A FIRST AND SECOND TIME ON THIS 13<sup>th</sup> DAY OF NOVEMBER 2007.

READ A THIRD TIME AND FINALLY PASSED ON THIS 26th DAY OF NOVEMBER 2007.

**CORPORATION OF THE TOWNSHIP OF GILLIES**

**REEVE**\_\_\_\_\_

**CLERK**\_\_\_\_\_

## **Schedule 'A' to By-law Draft**

### **Delegation of Legislative and Administrative Powers**

#### **LEGISLATIVE POWERS**

1. Consent Applications

The power to approve consent applications within the Township of Gillies, as provided under the *Planning Act*, 1990, is hereby delegated to the Lakehead Rural Planning Board.

2. Road Closures

The authority to temporarily close roads for emergency purposes is hereby granted to the Roads Maintenance Coordinator.

#### **ADMINISTRATIVE POWERS**

1. Hauling Permits

The authority to issue hauling permits and to impose conditions on such permits due to road and/or weather conditions is hereby delegated to the Roads Maintenance Coordinator.

2. Entrance Permits

The authority to issue entrance permits and to impose conditions on such permits is hereby delegated to the Roads Maintenance Coordinator.

3. Burning Permits

The authority to issue burning permits is hereby delegated to the Clerk-Treasurer, Administrative Assistant and Green Acre Variety.