

TOWNSHIP OF EAST GARAFRAXA POLICY & PROCEDURE	DELEGATION OF POWERS AND DUTIES
COUNCIL	Approved by Council: December 11, 2007 By-Law # 49-2007

1. PURPOSE

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 in 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. DEFINITIONS

- i) **Legislative Powers** – Includes all matters where council acts in a legislative or quasi judicial function including enacting bylaws, setting policies, and exercising decision making authority.
- ii) **Administrative Powers** – Includes all matters required for the management of the corporation which do not involve discretionary decision making.

3. POLICY STATEMENT

The Council of the Township of East Garafraxa, 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 bylaw 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.

4. POLICY REQUIREMENTS

1. All delegations of Council powers, duties and functions shall be effected by bylaw.
2. Unless a power, duty or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.

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3. A delegation of power, duty or function under any bylaw to any member of staff includes a delegation to a person 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.
4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw 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 powers shall be exercised, and must take into account the limitations set out in the Act.
6. Administrative matters are hereby delegated to staff, subject to the limitations set out in the Act, as follows:
 - Administering the day-to-day operation of the corporation to deliver services budgeted for in the current year's budget
 - Any matter required by reason of emergency or order from an upper level of government or court of law.