

DELEGATION OF POWERS AND DUTIES POLICY

<p>Policy Statement:</p>	<p>The Council of The Corporation of the City of Barrie, 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.</p> <p>Council authority will be delegated within the context set out in the <i>Municipal Act, 2001</i> (the <i>Act</i>) and will respect the applicable restrictions outlined in the <i>Act</i>.</p>
<p>Purpose/Application:</p>	<p>The policy provides guidance related to the scope of the powers and duties which Council may delegate its legislative and administrative authority and establishes principles governing such delegation.</p> <p>This policy applies to all committees of Council, departments and staff with respect to the delegation of powers and duties.</p>
<p>Definition(s):</p>	<p>For the purpose of this policy, the following terms shall have the meaning as ascribed to them:</p> <p>a) 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.</p> <p>b) Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.</p>
<p>Specific Policy Requirements:</p>	<ol style="list-style-type: none"> 1. All delegations of Council powers, duties or functions shall be effected by by-law or Council resolution. 2. Unless a power, duty, or function of Council has been expressly delegated by by-law or resolution, all of the powers, duties and functions of Council remain with Council. 3. All delegation of powers and duties may be revoked at any time, without notice. 4. A delegation of a power, duty or function under any by-law or resolution 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.

	<p>5. Subject to section 4, a person to whom a power, duty or function has been delegated by by-law or resolution 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.</p> <p>6. 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 <i>Act</i>.</p> <p>7. The delegation of legislative powers of Council are restricted to powers found in the <i>Municipal Act</i>, the <i>Planning Act</i>, a private act relating to the municipality and "such other acts as may be prescribed".</p> <p>8. Administrative Matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the <i>Act</i>.</p> <p>9. Any delegation of legislative or administrative powers may be subject to any regulation made by the Minister.</p> <p>10. Council shall approve policies and procedures for the delegation of its powers and duties which include measures for the monitoring and accountability of the delegate and the transparency of the delegate's actions and decisions.</p> <p>11. In exercising any delegated power, the delegate shall ensure the following:</p> <ul style="list-style-type: none"> • Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the procurement 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. • Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
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<p>Limitations</p>	<p>No delegation of legislative powers to a Corporation is permitted.</p> <p>Council is not authorized to delegate any of the following powers and duties:</p> <ul style="list-style-type: none"> a) appointing/removing statutory officers; b) issues regarding taxes; c) incorporating corporations; d) adopting or amending official plans; e) zoning by-laws; f) issues related to small business counseling and municipal capital facilities; g) community improvement plans; h) approving municipal budgets; and i) other specific prescribed powers.
<p>Responsibilities</p>	<p>City staff are responsible for:</p> <ul style="list-style-type: none"> • adhering to the parameters of this policy, • ensuring appropriate application of delegated authority; and • providing any reports advising of the exercise of a delegated authority and confirming compliance with the delegated authority and policy, where required. <p>The City Clerk is responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint or concern, the City Clerk shall notify City Council and the Chief Administrative Officer.</p>
<p>Implementation</p>	<p>This policy shall become effective immediately upon approval by City Council.</p>
<p>Date Approved by City Council</p>	<p>September 21, 2015</p>
<p>Rationale and Legislative Authority</p>	<p>Section 270 of the revised Municipal Act, 2001 requires each Council to adopt and maintain a policy regarding delegation of powers and duties.</p>
<p>Related Policies</p>	
<p>Dates Updated and/or Amended</p>	<p>The City Clerk shall review the policy a minimum of once per term of Council to allow for the presentation of significant amendments for City Council's consideration.</p>