

**CORPORATION OF THE TOWNSHIP OF PELEE**

**BY-LAW NO. 1703**

**A By-Law to Adopt a Powers and Duties Policy for the Township of Pelee**

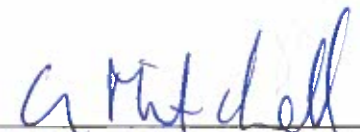
**WHEREAS the Municipal Act 2001 provides that Councils shall adopt a policy with respect to Powers and Duties**

**NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF <sup>Pelee</sup> ~~PRINCE~~ HEREBY ENACTS AS FOLLOWS:**

- 1. That any previous Township of Pelee Powers and Duties Policies are hereby rescinded.**
- 2. That the Mayor and Clerk/Treasurer are hereby authorized to sign this By-Law and to affix the corporate seal thereto.**
- 3. That this By-Law is enacted upon the reading hereof.**

**PASSED in open Council this 20th day of October 2008.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

## SCHEDULE "A" TO BY-LAW

### TOWNSHIP OF PELEE

#### DELEGATION OF POWERS AND DUTIES POLICY

##### 1. 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 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. Definition (s)

###### 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.

###### b) **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 Municipality, 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.

#### **4. Policy Requirements**

- a) All delegations of Council powers, duties or functions shall be effected by by-law.
- b) 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
- c) A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Clerk/Treasurer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- d) Subject to section 3, a person 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.
- e) 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.
- f) 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 Act.

In exercising any delegated power, the delegate shall ensure the following:

- i) any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing by-law)
- ii) the scope of the delegated authority shall not be exceeded by the delegate.
- iii) 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.
- iv) All policies regarding insurance and risk management shall be complied with
- v) Delegates shall ensure the consistent and equitable application of Council policies and guidelines

**5. Restrictions of Delegation of Legislative & Quasi-Judicial Powers:**

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

- i) to appoint or remove from office statutory officers of the municipality
- ii) To pass a by-law and deal with issues regarding taxes.
- iii) To incorporate incorporations
- iv) To adopt an official plan or an amendment to an official plan under the Planning Act
- v) To pass a zoning by-law under the Planning Act
- vi) To pass a by-law related to small business counseling & municipal capital facilities
- vii) To adopt a community improvement plan
- viii) To adopt or amend the municipal budget
- ix) Any other power that may be prescribed