



BY-LAW 21-26

THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE

**Being a by-law to Establish a Delegation of Council Authority Policy
For the Township of The North Shore.**

WHEREAS Council, pursuant to Section 23.1 (1) of the *Municipal Act*, 2001, as amended, authorizes a Municipality to delegate, its powers and duties subject to certain restrictions;

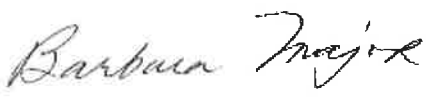
AND WHEREAS Council of the Township of The North Shore has deemed it expedient that certain routine administrative and legislative powers are of a minor nature, and the delegation of these powers would contribute to the efficient management of the Municipality while adhering to the principles of accountability and transparency;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE HEREBY ENACTS AS FOLLOWS:

1. That the "Delegation of Powers and Duties" policy identified as D-1, as attached, forms part of this By-Law.
2. This by-law shall come into effect on the date of its final passing.
3. That any by-law or policy found to be inconsistent with this By-Law is hereby rescinded.

**READ A FIRST, SECOND AND THIRD TIME ENACTED AND FINALLY PASSED
THIS 19th DAY OF MAY, 2021**


Tony Moor, Mayor


Barbara Major, Interim Clerk

THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE

POLICY MANUAL

POLICY TITLE:	SUBJECT:
Delegation of Powers and Duties Policy	Delegation of council's legislative and administrative authority
POLICY SECTION:	POLICY NO:
D	1
EFFECTIVE DATE:	ENACTED BY:
November 2, 2009 May 19, 2021	Resolution By-Law No. 21-26

I. 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 that 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.

In accordance with Section 270 (1) (6) of the *Municipal Act 2001*, the Delegation Policy is intended to formalize the manner in which the Council of the Township of The North Shore authorizes Municipal staff to exercise Council's authority for minor and/or day-to-day administrative purposes while also providing clarity on what is and is not appropriate and with whom the said authority is vested and in what circumstance.

II. Definitions(s)

Legislative & Quasi-Judicial 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.

Administrative Powers - includes all matters for the management of the corporation that do not involve discretionary decision-making.

III. 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.

IV. Policy Requirements

1. All delegations of Council powers, duties or functions shall be effected by by-law or resolution.
2. 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.
3. 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 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 III, 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.

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 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.
7. Council has authorized those specific legislative and administrative matters listed in Schedule "A" to be delegated to the individual positions designed subject to the terms set out therein.
8. All relevant by-laws and resolutions of the Municipality shall apply to the exercise of delegated authority authorized by this By-Law/policy.
9. In exercising any delegated power, the delegate shall 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.
10. Council is not authorizing any delegate to:
 - Appoint or remove Statutory Officers of the Municipality unless specifically provided for by By-Law;
 - Exercise Council's ability to impose taxation;
 - Adopt or amend the Official Plan under the Planning Act or/and a site plan under the Planning Act;
 - Adopt or amend the Zoning By-Law;
 - Adopt or amend a duly enacted By-Law;
 - Adopt or amend the municipal budget.
11. This By-Law/Policy will be reviewed by Council in July 2022 and from time-to-time by the Clerk.

**Schedule “A” to By-Law # 21-26
Delegation of Powers and Duties**

The following is a list of delegations of authority made by this By-Law:

Delegated Powers & Authority	Delegate	Condition/Criteria
Hiring and procurement of goods and services shall be authorized within limits established by the hiring and procurement policies adopted by Council	Clerk Office Administrator Treasurer/Bookkeeper Public Works Head Fire Chief	Comply with Hiring and Procurement policies. Report to Council
Authority to conduct, execute and undertake contracts, transactions and duties falling within the responsibility of the Clerk and/or involving day-to-day administration of the Municipality and the formal and informal directives of Council, including funding submissions for grant applications for Council approved Programs	Clerk	Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed. Grant applications submitted by the Municipality must have Council approval prior to submission. Report to Council
Authority to undertake statutory responsibilities assigned to the Clerk.	Clerk	
Execute/submit non-financial reporting requirements associated with the receipt of grant funds	Clerk	In consultation with Treasurer/Bookkeeper. Report to Council
Authority to bind the Municipality on all matters that are sufficiently minor in nature so as to be viewed as day-to-day administrative matters required for the efficient and timely functioning of the Municipality	Clerk	Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed.
Authority to execute/amend or terminate software and office equipment licensing, purchase or service agreements	Clerk	Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed. Agreements must be administrative and minor in nature. Report to Council
Signing authority to execute the agreement of purchase and sale, pertaining to the disposition of municipal surplus land	Clerk	Upon approval of sale of municipal surplus land by Council Report to Council
“Head” for the purposes of the Municipal Freedom of Information and Protection of Privacy Act	Clerk	Respond to Request(s). Annual reporting to the Information and Privacy Commissioner (effective May 5, 2021) Annual report to Council
Execution of planning development applications for consideration by Council and/or the Committee of Adjustment	Clerk	Authority to sign applications, notices for public meetings, notices and decisions of Council and/or the Committee of Adjustment.
To schedule and convene public meetings in accordance with the Planning Act, RSO 1990, as amended	Clerk	Copy of public meeting notice to Council and Committee of Adjustment
Giving of consent under Section 53 of the Planning Act	Committee of Adjustment	Copy to Council and Committee of Adjustment
Signing of Contracts associated with the purchase of budgeted items or service	Clerk	Execution of contracts to be undertaken by means of Resolution/By-law for services. Report to Council
Authority to issue animal control tags and fire permits	Clerk	Quarterly Reports statistics to Council
Authority to undertake agreements relating to the administration, management, care, etc.. of the Municipal Cemeteries	Clerk	Quarterly Reports statistics to Council
Appointment of Commissioner of Oaths	Clerk	
Authority to amend Emergency Response Plan and Emergency Management Plan	Clerk	Minor revisions and amendments that are relevant to the operation of the Plan or that are required by the Ministry. Copies to Emergency Control Group.

Authority to bind the Municipality and/or enact agreements relating to the day-to-day administration of the municipal budget, debt and reserves as generally understood and approved by Council.	Treasurer	Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed.
Authority to enact agreements or commitments relating to audit services required by the Municipality.	Treasurer	Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed.
Authority to undertake statutory responsibilities assigned to the Treasurer/Bookkeeper	Treasurer	
Execute/submit any financial reporting requirements associated with the receipt of grant funds	Treasurer	In consultation with Clerk. Funding for expenditure shall be included in the approved budget and requirements of procurement policy shall be followed.
Sign and administer all payments issued by the Municipality either by manual or by electronic signature	Treasurer	Included with Quarterly report to Council by means of budget variance report
Authority to implement ARB decisions	Treasurer	Review and sign-off settlements and participate in hearing process where appropriate, implementation of decisions by ARB Include with Quarterly report to Council
Authority to approve tax write-offs and increases under Section 357, 358 and 359 of The Municipal Act	Treasurer	Authority to write-off taxes or increase taxes based on assessment changes approved by MPAC resulting from assessment classification changes, value changes and/or errors. Include with quarterly report to Council
Authority to write-off penalty/interest	Treasurer	Authority to write-off minor penalty/interest only when gross error occurred. Include with Quarterly Report to Council
Authority to undertake statutory duties assigned to the Fire Chief.	Fire Chief	
Authority to take all proper measures for the prevention, control and extinguishment of fires and protection of life and property and exercise powers mandated by the FPPA and Fire Department By-laws	Fire Chief	Quarterly statistical report to Council

* Delegation of Powers and Duties may be delegated by the Clerk or the Treasurer/Bookkeeper to another municipal staff person from time to time to act in capacity of the delegate in the delegate's absence. (IV - Policy Requirement #3)