

**TOWN OF GEORGINA – CLERK’S DEPARTMENT
POLICY No.**

Subject: DELEGATION OF POWERS AND DUTIES	Authority, Ref. & Sec. The Municipal Act, 2001			
Policy Classification:	Pages:	Year	Month	Day
		2007	12	17
Recommended/Approved by: Town Clerk	Contact Position for Inf. Town Clerk			

1. POLICY STATEMENT:

A policy to set out the principles and procedures governing the delegation of certain powers and duties of Town Council, as required by the Municipal Act, 2001.

2. APPLICATION:

This policy applies to Town Council, Committees of Council and Town staff.

3. 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 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.

4. DEFINITION(S):

In this policy, the terms “legislative powers” and “administrative powers” shall have the following meanings:

- i) Legislative Powers - includes all matters where Town Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority affecting rights or interests of individuals.
- ii) Administrative Powers – includes all matters required for the management of the Town and its staff.

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5. POLICY STATEMENT:

The Town Council, 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.

6. POLICY REQUIREMENTS:

The following principles shall govern the delegation by Council of any of its powers and duties:

1. All delegations of Council powers, duties or functions shall be effected by by-law
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 Chief Administrative Officer 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 by-law shall have 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 administrative matters listed in Appendix ‘1’ to be delegated to the individual designated subject to the terms set out therein.

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