

Head, Clara & Maria Policies and Procedures			
DEPARTMENT: Administration			POLICY #: A-06
POLICY NAME: Delegation of Authority			
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POLICY STATEMENT

The Corporation of the United Townships of Head, Clara and Maria, as an elected Municipal government, is directly accountable to its constituents for its legislative decision making, policies and administrative actions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. They support the Municipality and its operations while ensuring that of the public and the Municipality's well-being and interests are maintained.

The efficient management of the Municipality and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative actions.

PURPOSE

Section 270(1) of the Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of its powers and duties. The purpose of this policy is to set out the scope of the powers and duties by which Council may delegate its legislative and administrative authority and establish principles governing such delegation.

DEFINITIONS

“Administrative Powers” means all matters required for the management of the Municipality which do not involve discretionary decision making.

“Accountability” means the standard to which Council, Staff, Committees and Local Boards are held accountable for their actions.

“Agent” means a person who has been legally empowered to act on behalf of another person or an entity. An agent may be employed to represent a client in negotiations and other dealings with third parties

“Chief Building Official” means the person appointed as the Chief Building Official of the Municipality with the meaning of the Building Code Act, S.O. 1992, c. 23 as amended.

“Clerk” means the Municipal Clerk for the Corporation of the United Townships of Head, Clara and Maria which includes the roles and responsibilities as established under Section 228 of the Municipal Act, 2001.

“Council” means the current elected Council for The Corporation of the United Townships of Head, Clara and Maria. This includes, as the whole, the Mayor, and Councillors.

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“Delegation” shall mean the transfer of approval authority of certain powers and duties from Council to designated Municipal officer, employee or agent positions under certain terms and conditions as identified by Policy.

“Emergency” means an operational situation or condition other than a declared emergency which, in the opinion of the Clerk, could affect the health and safety of the public, impact the welfare of public, private or municipal infrastructure, or seriously impact service delivery and where among other things the restoration of essential services to a minimum acceptable level is deemed warranted by the Clerk.

“Employee” means any employee of the Municipality who is not an elected official or municipal officer. It includes any individual employed by the Municipality other than an independent contractor, supervisor, or confidential, managerial or executive employee.

“Legislative Powers” means all matters where Council acts in a legislative or quasi-judicial function including enacting By-Laws, setting policies, and exercising decision making authority.

“Municipal Act” (the "Act") means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

“Treasurer” means the Municipal Treasurer for the Corporation of the United Township of Head, Clara and Maria who includes the roles and responsibilities established under Section 286 of the Municipal Act, 2001.

GENERAL PROVISIONS

1. All powers and duties of Council shall remain with Council unless a power or duty has been expressly delegated by by-law.
2. Council, as the delegating authority, may impose such terms and conditions upon any delegation as it sees fit, and this shall include the power to vary such terms or rescind the delegation in question.
3. The Clerk is authorized to further delegate and to authorize further delegations of any powers, duties and functions delegated under the Clerk by Council under this or any other by-law as may be required on a temporary basis to ensure ongoing efficient and effective operations of the Municipality, provided such delegations are authorized in writing.
4. Despite any provision of this by-law, a delegate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates has been approved by Council, and shall be deemed to be approved where such transaction or activity is:
included in the annual budget as adopted by Council;

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included in a program, project or activity which has been approved by Council; or reasonably incidental to the authority given to the Clerk or Treasurer, to carry out their duties and responsibilities on behalf of the Municipality.

5. Council shall not delegate the following powers or duties, in accordance with the limits set out in subsection 23.3 (1) of the Municipal Act, 2001:
 - to appoint or remove from office an officer of the Municipality whose appointment is required by the Municipal Act, 2001;
 - to pass a by-law under Parts VIII, IX and X of the Municipal Act, 2001;
 - to incorporate corporations in accordance with section 203 of the Municipal Act, 2001;
 - to adopt an official plan or an amendment to an official plan under the Planning Act;
 - to pass a zoning by-law under the Planning Act;
 - to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7) of the Municipal Act, 2001;
 - to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of the Municipal Act, 2001;
 - to adopt or amend the municipal budget; or
 - any other power or duty that may be prescribed.

DELEGATED AUTHORITY

Administration

1. The powers and duties as the senior administrative official are delegated to the Clerk and the Treasurer and are as outlined in the applicable employment agreement(s) and job description(s).
2. The authority to approve and implement administrative policies, procedures and practices in the exercise of authority under Section 229 of the Municipal Act is delegated to the Clerk.
3. The responsibility to meet legislative requirements under the Ontario Health and Safety Act legislation is delegated to the Clerk.
4. The authority of the Returning Officer, which includes the responsibility for administration of all municipal general elections for the Municipality, is delegated to the Clerk.
5. Signing Authority for agreements under by-law and/or pursuant to tenders is delegated to the Mayor and the Clerk. Two signatures are required. A Councillor is appointed to act in the absence of the Mayor and the Administrative Assistant is appointed to act in the

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absence of Clerk.

6. The authority to sign letters of non-obligation and deeming events as municipally significant for the Alcohol and Gaming Commission of Ontario (ACGO) Liquor License Application is delegated to the Clerk.
7. The authority to issue Lottery Licenses in compliance with all applicable AGCO Regulations is delegated to the Clerk.
8. The authority to approve of use of municipal facilities including events to which alcohol may be served is delegated to the Clerk.
9. Records management oversight is delegated to the Clerk.
10. Municipal Freedom of Information and Protection of Privacy Act responsibilities are delegated to the Clerk.
11. The responsibility of Commissioner of Oaths is delegated to the Clerk by virtue of office.
12. The authority to maintain the Policy Manual and supporting documents is delegated to the Clerk.
13. The authority to issue special event permits for temporary, non-exclusive uses of municipal land and roads (including temporary private uses or occupation of municipal streets) and municipal parks and recreational areas to the Clerk, subject to the permits being for a term not more than 14 days. Conditions may be set relating to compensation, indemnification, insurance, security, machinery, equipment, times of use, and compliance with applicable laws and any restrictions on title to property to which the licence or permit relates.
14. The authority to close non-essential municipal departments in the event of staff training, inclement weather and/or power outages is delegated to the Clerk.
15. The ability to authorize the Integrity Commissioner to investigate complaints is delegated to the Clerk.
16. The authority for the sale, acquisition and disposition of land is delegated to the Clerk and is governed by the Sale and Disposition of Land By-law.
17. The authority to submit grant applications for existing approved programs where municipal funding is either not required or is available within existing budgets is delegated to the Clerk.

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Human Resources

1. The authority to appoint, promote, and discipline employees (excluding the Clerk) is delegated to the Clerk.
2. The authority to approve compensation for employees (other than the Clerk), including Pay Equity Adjustments and Grid Movement Approvals is delegated to the Clerk, subject to sufficient funds having been allocated and approved by Council under the budget.
3. The authority to conduct annual performance evaluations of each employee and advise Council on performance and recommendations for appointment, promotion, demotion, suspension or dismissal of employees is delegated to the Clerk.
4. The authority to approve temporary staff positions or to adapt existing part- time positions to full-time positions, or the reverse, is delegated to the Clerk provided that:
 - funds are available within current budgetary allocations;
 - all expenditures deemed essential for purpose of achieving objectives of the Municipality;
 - alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position.
5. The authority to terminate the employment of employees for cause is delegated to the Clerk.
6. The authority to terminate the employment of employees without cause is delegated to the Clerk, subject to any severance paid to the employee being in accordance with the notice provisions of any applicable employment agreement or the common law principles applicable to payments in lieu of notice on termination of employment, and sufficient funds having been allocated and approved by Council under the budget.
7. The authority to settle labour grievances or disputes is delegated to the Clerk, subject to the settlement being in accordance with common law principles and sufficient funds having been allocated and approved by Council under the budget to satisfy the settlement.

Finance

1. The authority for approval of tax and increases relating to gross manifest errors is delegated to the Treasurer.
2. The authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information is delegated to the Treasurer.

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3. The authority to approve alternative property tax instalment plans with interest relief is delegated to the Treasurer.
4. The authority to write off accounts receivable amounts deemed uncollectable by the Treasurer is delegated to the Treasurer and is governed by Policy # F-03 - Accounts Receivable Collection Policy.
5. The authority to discharge obsolete charges and legal notations from the title to real property is delegated to the Treasurer.
6. The authority to settle small insurance claims up to the Municipality's deductible is delegated to the Treasurer.
7. The authority to approve tax write-offs and increases under Sections 357, 358 and 359 of the Municipal Act, 2001 is delegated to the Treasurer.
8. The authority to process additions or deletions of local taxation for any MPAC driven assessment and classification changes is delegated to the Treasurer.
9. The authority to execute pension, benefits, and insurance contract renewals and amendments, in accordance with the Procurement Policy, is delegated to the Treasurer.

Procurement

1. Oversight of the procurement of goods and services is delegated to the Clerk and Treasurer and is governed by the Procurement By-law.

Agreements

1. The authority to sign contracts or agreements associated with the purchase of budgeted items or services is delegated to the Clerk and Treasurer.
2. The authority to enter into minor maintenance/rental agreements relative to daily operations of the Municipality, provided the agreements may have fixed terms of no more than two (2) years and are acquired in accordance with the Procurement Policy is delegated to the Clerk.
3. The authority to enter into agreements in relation to grant monies for approved projects is delegated to the Treasurer.
4. The authority to enter into agreements for facility use or rental agreements for municipal parks and facilities is delegated to the Clerk.
5. The authority to amend, renew, extend or suspend agreements previously approved and authorized by Council or under a delegated authority under this by-law is delegated to the

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Clerk.

6. The authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data license agreements, subject to annual review and budget approval is delegated to the Clerk.
7. The authority to enter into agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review is delegated to the Clerk.
8. The authority to enter into agreements with the Provincial Ministries and Federal Agencies in order to carry out Council-approved projects is delegated to the Clerk.

Building and Planning

1. The authority for commenting on planning notices is delegated to the Clerk and will be in consultation with the Public Works Leader, Chief Building Official and other municipal employees deemed necessary by the Clerk.
2. The authority to approve Site Plan Control Agreements and/or to make amendments to Site Plan Agreements is delegated to the Chief Building Official and the Clerk as outlined in the Site Plan Control By-law. Approvals pertain where the application is in full compliance with the Zoning By-law.
3. The authority to approve minor amendments to Subdivision Agreements (non-financial; conditions) is delegated to the Chief Building Official and the Clerk.
4. The authority to remove or lift a Holding Zone when conditions have been fulfilled is delegated to the Chief Building Official and the Clerk.
5. The authority to enter into Limiting Distance Agreements is delegated to the Chief Building Official.
6. The authority to enter into Conditional Building Permit Agreements is delegated to the Chief Building Official.

Emergency Management and Community Safety

1. The authority to activate an emergency plan and implement municipal emergency control group notification is delegated to the Community Emergency Management Coordinator (CEMC).
2. The authority to execute agreements for emergency management and emergency response for services such as Red Cross is delegated to the Clerk.

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3. The authority to temporarily close Municipal Roads due to fire or emergency requirement is delegated to the Public Works Leader and the Clerk.

Public Works

1. The authority to manage and perform maintenance, removals, and planting of trees within the Municipality's right-of-way and property is delegated to the Public Works Leader.
2. The authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required is delegated to the Public Works Leader.
3. The authority to issue Road Occupancy Permits and municipal consent for utility maintenance and works within road right-of-way, and/or for special event road closures is delegated to the Public Works Leader and Clerk.
4. The authority to issue Temporary Reduction or Lifting of Load Limits on municipal roads, including designation of alternate routes where applicable, is delegated to the Public Works Leader,
5. The authority to enter into Encroachment Agreements on road allowances and over easements is delegated to the Public Works Leader and Clerk.