THE CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NO. 3485-2015

BEING a by-law to authorize the adoption of the delegation of powers and duties policy for the Corporation of the Township of Montague;

WHEREAS Section 270(1) of the Municipal Act, S.O. 2001, c. 25, as amended, required municipalities to adopt certain policies including the delegation of its power and duties;

AND WHEREAS the Corporation of the Township of Montague deems it necessary and desirable to adopt a Delegation of Powers & Duties Policy pursuant to the Municipal Act;

NOW THEREFORE, the Council of the Corporation of the Township of Montague enacts as follows:

1. That the Township of Montague "Delegation of Powers and Duties Policy" attached hereto as "Schedule A" to this bylaw and forming part of this bylaw is hereby adopted.

2. That Bylaw 2981-2007 "Delegation of Powers Policy" be hereby repealed.

3. Where any by-law, passed prior to this by-law, conflicts with the terms of this by-law, this by-law shall prevail.

4. That this by-law comes into force on the day it is passed.

READ A FIRST, SECOND & THIRD TIME & PASSED, SIGNED & SEALED THIS 1st DAY OF SEPTEMBER 2015.

_____
REEVE

_____
CLERK

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

<u>DELEGATION OF POWER & DUTIES POLICY</u>

1.0   PURPOSE

1.1   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 *Municipal Act* in order to comply with its other applicable sections, including Section 270. This policy applies to all committees of Council, departments and staff.

2.0   LEGISLATIVE AUTHORITY

2.1   The *Municipal Act, S.O. 2001, c. 25* (the *Act*) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority.

3.0   DEFINITIONS

For the purpose of this policy:

"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.

"Administrative Powers" - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

4.0   SCOPE

4.1   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.

5.0   ACCOUNTABILITY FRAMEWORK

5.1   The Council of the Township of Montague, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions.

6.0   RESPONSIBILITY & AUTHORIZATION

6.1   Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. Council authority will be delegated within the context set out in the *Act* and will respect the applicable restrictions outlined in the *Act.*

7.0   GENERAL PROVISIONS

7.1   All delegations of Council powers, duties or functions shall be effected by bylaw.

7.2   A delegation of a power, duty or function under any bylaw 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.

7.3   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.*

7.4   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.*

8.0   SPECIFIC DELEGATION

8.1   Council has authorized those specific legislative matters listed in Schedule "A" to be delegated to the individual designated subject to the terms set out therein.

9.0   RESTRICTIONS

9.1   Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.

9.2   Subject to Section 7.2, a person to whom a power, duty or function has been delegated by bylaw 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.

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

9.3.1 Any expenditure related to the matter shall have been provided for in the current year's budget or authorized by the purchasing by-law.

9.3.2 The scope of the delegated authority shall not be exceeded by the delegate.

9.3.3 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.

9.4 All policies regarding insurance and risk management shall be complied with.

9.5 Delegates shall ensure the consistent and equitable application of council policies and guidelines.

9.6 Any undertaking or contract with a third party shall be subject to the approval of legal services.

10.0 POLICY REVIEW

10.1 Council shall review the Delegation of Powers and Duties Policy during each term of Council.

10.2 This policy may be amended from time to time as deemed necessary.

Schedule "A"
Delegation of Powers & Duties Policy

Officer, Employee or Agent of the Municipality	Legislative Authority	Conditions and/or Limits of Delegation	Rationale/Comments
Road Superintendent Fire Chief Chief of Police/OPP	Power to close a highway temporarily	Reasons of health & safety Emergency situations Purposes of maintenance / repair	Regular administrative matter
Chief Administrative Officer	Execution of Applications, Agreements and Contracts Examples include but are not limited to: • IT software and licenses • municipal election • office supplies and equipment vehicle licenses	The application, agreement or contract is: • for the provision or acquisition of goods and services or other Township activities, works or services that are ordinary to the business of all Township service areas; and • within the limits of the Procurement Policy Excludes ongoing services and contracts as defined in the Procurement Policy. Agreements are to be reviewed by legal counsel, if required.	Regular administrative matters

Reeve and Clerk	Lame Duck – Execution of Contracts/Agreements • for expenditures or incurring any liability exceeding $50,000, not included in the most recent budget, adopted by Council before Nomination Day	Authority is granted from Nomination through to the inauguration of the new Council when the Restricted Acts Section in the *Municipal Act, 2001* applies after Nomination Day. Authority is limited to the execution of grant applications and grant agreements, and natural disasters or emergency situations that are not declared emergencies. Must be within the limits of the Procurement Policy. Agreements are to be reviewed by legal counsel, if required.	Restricted acts: • the disposition of any real or personal property of the municipality which had a value exceeding $50,000 when it was acquired by the municipality • making any expenditures or incurring any other liability which exceeds $50,000 Obtaining legal advice on whether any proposed actions would be restricted is highly recommended.
Reeve and Clerk	Lame Duck – Execution of an Extension to any existing Contracts/Agreements • provided that the extension does not exceed the inaugural meeting of Council and no additional	Authority is granted from Nomination through to the inauguration of the new Council when the Restricted Acts Section in the *Municipal Act, 2001* applies after Nomination Day. Agreements are to be	Regular administrative matter

	costs are incurred by the municipality	reviewed by legal counsel, if required.	
Clerk	Authority for the issuance, administration and enforcement of lottery licenses to the Clerk or persons designated by the Clerk	Ontario Lottery Licensing legislation.	Regular administrative matter
Clerk	Authority for the issuance of licenses and regulation of Chip Wagons	Authority is granted through By-law 1537-86	Regular administrative matter
Planner and CAO	Execution of Site Plan Control Agreements	Authority is limited to those site plan control agreements which comply with the Zoning By-Law. Agreements are to be reviewed by legal counsel, if required.	Regular Administrative mater Restricted to Site Plan agreements which are considered 'Minor" in nature, which is defined as an application that has little to no impact on existing stormwater, traffic, parking, natural environment, and/or conformity to the character of the surrounding neighbourhood. Determination of a Minor Site Plan Application will be at the discretion of Township staff.
Chief Building Official	Authority to issue building permits	Appointed by Council to enforce the provisions of the Building Code Act, R.S.O 1992	Regular operational and administrative matter
Municipal Law	Authority to enforce	Authority is granted through	Regular operational and

Enforcement Officer	municipal By-laws	various municipal By-laws	administrative matter
Municipal Law Enforcement Officer	Authority to enforce the animal control by-law	Animal Control Bylaw 3183-2011	Regular operational and administrative matter
Municipal Law Enforcement Officer	Authority to enforce the keeping and running of dogs at large	Dog Control Bylaw 2751-2003	Regular operational and administrative matter
Treasury Department	Authority to license dogs within the Township	Dog Control Bylaw 2751-2003	Regular operational and administrative matter
Treasury Department	Authority to license and renew kennel license	Dog Control Bylaw 2751-2003	Regular operational and administrative matter