Being a by-law to establish a policy for the delegation of the powers and duties of the municipality.

WHEREAS Section 270(1)(6) of the Municipal Act, S.O. 2001, c. 25, as amended, requires municipalities to adopt and maintain policies with respect to the delegation of the powers and duties of the municipality;

AND WHEREAS Sections 23.1 through 23.6 of the Municipal Act , S.O. 2001, c. 25 authorize a municipality to delegate its powers and duties under that or any other act to a person or body subject to certain restrictions;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. DEFINITIONS

1.1. Legislative Powers: all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

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

2. PURPOSE

2.1. Council is directly accountable to its constituents in the exercise of its legislative and administrative powers. In order to manage the Municipality of Morris-Turnberry efficiently, and to respond to issues in a timely fashion, it is appropriate to entrust certain powers and duties to committees and staff, while maintaining accountability and transparency in government.

3. REQUIREMENTS

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

3.1.1. All delegations of Council powers, duties or functions shall be enacted by by-law.

3.1.2. 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.

3.1.3. 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.

3.1.4. Subject to section 3.1.3, 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.
3.1.5. 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.

3.1.6. 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.

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

3.1.7.1. Any expenditure related to the matter shall have been provided for in the current year's budget and in accordance with the municipality's (authorized) Purchasing Policy.

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

3.1.7.3. 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.

3.1.7.4. Delegates shall ensure the consistent and equitable application of council policies and procedures.

4. RESTRICTIONS OF DELEGATION OF LEGISLATIVE AND QUASI-JUDICIAL POWERS:

4.1. Pursuant to s.23.3(1) of the Municipal Act, 2001, Powers not to be delegated, Council is not authorized to delegate any of the following powers and duties:

4.1.1. To appoint or remove from office statutory officers of the municipality;

4.1.2. To pass a by-law dealing with issues regarding taxes;

4.1.3. To incorporate corporations;

4.1.4. To adopt an Official Plan or an amendment to an Official Plan under the Planning Act;

4.1.5. To pass a zoning by-law under the Planning Act;

4.1.6. To pass a by-law related to small business counseling and municipal capital facilities;

4.1.7. To adopt a community improvement plan;

4.1.8. To adopt or amend the municipal budget;

4.1.9. Any other power that may be prescribed.

5. APPEAL BODY

5.1. Subject to section 284.1 of the Municipal Act, 2001, Council may provide for the review or appeal of a decision made by a person or a body exercising a delegated authority, and may establish and appeal body to conduct the reviews or hear such appeals if it deems necessary.

6. POLICY MANAGEMENT

6.1. Staff are authorized and directed to take the necessary action to give effect to this policy.

6.2. The Clerk, Deputy Clerk or designates are delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of both of them, the amendments do not change the intent of the policy.
7. **REPEAL PREVIOUS BY-LAWS**

7.1. By-law 85-2007 and all previous by-laws, resolutions and policies and parts of by-laws, resolutions and policies inconsistent with the provisions of this by-law regarding the delegation of powers and duties of the municipality.

8. **COMING INTO FORCE**

8.1. This by-law shall come into force and take effect on the date of final passing thereof.

Read a FIRST and SECOND time this 5th day of November 2019

Read a THIRD time and FINALLY PASSED this 5th day of November 2019

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Mayor, Jamie Heffer

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Clerk, Trevor Hallam