

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW 2007-116

**BEING A BY-LAW TO ADOPT A DELEGATION OF POWERS
AND DUTIES POLICY**

WHEREAS Section 23.1 of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a municipality to delegate its powers and duties under the Municipal Act or any other Act to a person or body subject to restrictions as laid out;

AND WHEREAS Section 270(1) subsection 6 of the Municipal Act, comes into effect on January 1, 2008;

AND WHEREAS subsection 6 of Section 270 (1) of the Municipal Act provides that a municipality shall adopt and maintain policies with respect to the delegation of its powers and duties.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:

1. That Schedule "A", attached hereto and forming part of this by-law, is hereby adopted as the policy for " Delegation of Powers and Duties".
2. This by-law shall come into force and effect on January 1, 2008.

READ A FIRST. SECOND and THIRD TIME THIS 20th DAY OF DECEMBER, 2007

"Graham Warwick"
MAYOR

"Norma Bryant"
CLERK

MUNICIPALITY OF WEST ELGIN POLICY MANUAL			
Chapter:	Council	Index No.	
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1 PURPOSE:

1.01 To outline the direction for Council procedure in the delegation of its powers and duties as described in Section 23.1 of the Municipal Act, 2001 and in compliance with Section 270 of the Municipal Act.

2 POLICY:

2.01 Definition: Delegation shall mean the transfer of approval authority of certain powers and duties from Council to designated municipal officers, staff positions, appointees or agents of the municipality.

2.02 The powers and duties delegated by Council are not legislative or quasi-judicial powers and are considered minor or routine in nature.

2.03 Notwithstanding Section 2.01, a legislative or quasi-judicial power may be delegated, in accordance with the Municipal Act, the Planning Act and such other Acts as may be prescribed, to:

- (a) One or more members of municipal council,
- (b) A body having at least two members of who at least to% are
 - i) Members of Council,
 - ii) Individuals appointed by Council,
 - iii) A combination of individuals described in subclauses i) and ii), or
- (c) An officer, employee or agent of the municipality.

2.04 The persons to whom Council may delegate certain powers and duties are municipal officers, staff positions, appointees or agents of the municipality.

2.05 Council reserves the right to hear any appeal made by a person or body of a delegation approval decision and at any such hearing shall uphold, dismiss or modify the delegated approval decision as determined by a recorded vote.

2.06 Council reserve the right to add delegated authority as it may deem appropriate unless excluded from doing so by the Municipal Act or any Act.

2.07 The following powers and duties cannot be delegated by Council:

- (a) to appoint or remove from office, an officer of the municipality whose appointment is required by the Municipal Act, 2001
- (b) to pass by-laws for municipal taxation, tax rates or tax ratios, or user fees and charges
- (c) to incorporate municipal corporations
- (d) to adopt an official plan or an amendment to an official plan under the Planning Act
- (e) to pass a zoning by-law under the Planning Act
- (f) to pass a by-law related to small business consulting and municipal capital facilities
- (g) to adopt a community improvement plan
- (h) to adopt or amend the municipal budget
- (i) any other power or duty that may be prescribed.

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3 DELEGATION:

3.01 The delegated powers and duties by Council to municipal officers, staff positions, agents, and appointees which may change from time as directed by Council, is attached as Appendix "A" to this policy.

4 ADMINISTRATION:

4.01 This policy shall apply to all municipal officers, staff, appointees and agents with respect to carrying out delegated powers and duties of Council.

5 ATTACHMENTS:

5.01 Attachment "A" – Delegation Approval

Council authorization: By-law 2007-116

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ATTACHMENT "A"
DELEGATION APPROVAL

Approvals are hereby delegated by Council to its Municipal Officers, staff positions, agents, and appointees, which may change from time to time as directed by Council, to the following:

- 1 The Road Superintendent or designate is delegated authority to approve:
 - (a) Temporary closure of highways for parades, recreational, community, or other social events in accordance with By-law 2002-42. An annual summary report shall be provided to Council.
 - (b) Temporary closure of highways for construction purposes and for lowering posted speed limits within a construction zone in accordance with By-law 2002-42. Council shall be informed of such closure at the earliest convenience.

- 2 The Administrator or designate is delegated authority to:
 - (a) execute OMERS documents. An annual report shall be provided to Council, if required.
 - (b) Enter into service agreements in accordance with the Procurement policy. An annual summary report will be provided to Council.
 - (c) Approve staff vacation carryover.

- 3 Superintendents/Administrator or designate are delegated the authority to:
 - (a) Expend funds within respective budgets, within dollar limits, and in accordance with the Procurement Policy.
 - (b) Hire part-time seasonal help, following the Hiring Policy.

- 4 The West Elgin Community Centre Board of Management is delegated authority to carry out the management of the West Elgin Arena, in accordance with agreement with the Municipality of Dutton/Dunwich authorized by By-law 2004-32.

- 5 The West Elgin Recreation Committee is delegated authority to carry out recreation matters in accordance with By-law 2007-115.

- 6 The Port Glasgow Yacht Club is delegated the authority to operate the marina, in accordance with the agreement authorized by By-law 94-56.

- 7 The West Elgin Community Parent Child Resource Centre is delegated the authority to supervise the staff and programs of the West Elgin Day Camp and West Elgin Community Pool, in accordance with the agreement authorized by By-law 2003-36.

- 8 The West Elgin Community Parent Child Resource Centre is delegated the authority to operate the MTO Licensing Office.

- 9 Gordon McFadden is delegated the authority to manage the Port Glasgow Trailer Park in accordance with the Rules and Regulations established by Council.