



To: Council
From: Raymond Champagne
CAO/Clerk
Date: December 12, 2007
Subject: Delegation by Council of Powers and Duties

Recommendation:

That the draft Delegation by Council of Powers and Duties policy attached hereto be tabled for discussion and consideration by Council and to allow for public comment and input, and that the final draft policy be presented to Council for adoption at the next meeting to be held on December 27, 2007.

Background:

Bill 130 greatly expands Council's authority to delegate its powers and duties to a person or body as set out in Section 23.1 of the statute. This discretionary authority permits Council to delegate most of its various administrative legislative and quasi-judicial powers and duties subject to any limits and to any procedural requirements including conditions approvals and appeals. Delegating some of its traditional powers and duties could help streamline Council's decision making process and enable it to focus on larger issues in a more strategic manner.

Council can choose to delegate non-core powers to:

- Individuals including staff, if the power delegated is of a minor nature;
- Committees of Council;
- Local Boards;
- Municipal Service Boards; or
- Municipal Service Corporations (but not legislative or quasi-judicial powers).

Council cannot delegate the following core functions:

- The adoption or amendment of the budget;
- The setting of taxes, user fees, tax rates and ratios;
- The power to appoint or remove statutory officers;
- The power to adopt or amend its Official Plan; or
- The approval of Community Design Plans or a Zoning By-law.

At this point Council has a number of By-laws and polices delegating their authority on a number of administrative and legislative matters. These would include the appointment and duties of a CAO, hiring policies, temporary closing of a highway and posting of speed limits during construction, purchasing policies and the holding of public hearings by the Planning Advisory Committee on planning applications.

SCHEDULE “A”

DELEGATION BY COUNCIL OF POWERS AND DUTIES POLICY

1. In accordance with By-law #2187 the Municipal Engineer has been authorized to designate and mark a construction zone, to set a lower rate of speed in the construction zone and to temporarily close a highway for the purpose of maintenance, repairs and reconstruction.
2. In accordance with By-law #2121 a Chief Administrative Officer has been appointed to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and such other duties as are assigned by the municipality.
3. In accordance with By-law #2074, department managers have the responsibility for all procurement activity and decisions within their department and may delegate this responsibility. Authorization of expenditures is limited to approved budgets.
4. By-law # adopts the municipal human resources policy and procedures manual and gives authorization to the Chief Administrative Officer to initiate the recruitment process, select final candidates to fill a job vacancy, prepare all offers of employment with terms and conditions, approve an involuntary termination, pay adjustments and to be responsible for the overall administration of the Performance Measurement Program.
5. By-law # authorized the Planning Advisory Committee to hold hearings on planning applications on behalf of Council.