

COUNCIL ATTACHMENT 4



STATUS

Council Approved	Y	N
CAO Approved:	Y	N

TITLE: Delegation of Powers and Duties of Regional Council	NO.: Approval Date: Last Updated:
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POLICY STATEMENT:

A policy to set out the principles and procedures governing the delegation of certain powers and duties of Regional Council, as required by the *Municipal Act, 2001*.

APPLICATION:

This policy applies to Regional Council, Committees of Council and Regional staff.

PURPOSE:

The *Municipal Act, 2001* (the “Act”) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council’s powers and duties. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate and to establish principles governing such delegation.

DEFINITIONS:

In this policy, the terms “legislative powers” and “administrative powers” shall have the following meanings:

Legislative Powers - Includes all matters where Regional Council acts in a legislative or quasi-judicial function, including enacting by-laws, setting policies, and exercising decision making authority affecting rights or interests of individuals

Administrative Powers - Includes all matters required for the effective management of the Regional Corporation and its staff

DESCRIPTION:

Regional Council, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision making and policies, and its administrative functions. Council’s decisions are generally expressed by by-law or resolution of Council carried by a majority vote. 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 maintaining accountability.

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

1. All delegations of Council powers, duties or functions shall be effected by by-law.
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 shall remain with Council.
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.
4. Subject to section 3, a person to whom a power, duty or function has been delegated 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.
5. Regional Council may delegate Legislative Powers to staff 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 shall take into account the limitations set out in the Act.
6. Regional Council may delegate Administrative Powers to staff, subject to this policy and any conditions set out in the delegation, and subject to the limitations set out in the Act.
7. Council has expressly authorized the delegation of those matters to those entities and individuals listed in Schedule "A" subject to the terms set out in the applicable authorizing report or by-law.