

MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW 2008-08

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

WHEREAS Part VI, Section 268 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended by Bill 130, Section 270 (1) states, “ A municipality shall adopt and maintain policies with respect to the following matter.”

6. The delegation of its powers and duties.

AND WHEREAS the Council of the Municipality of Central Manitoulin deems it expedient to adopt and maintain a policy with respect to the delegation of Council’s legislative and administrative authority.

AND WHEREAS 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.

**NOW THEREFORE the Council of the Municipality of Central Manitoulin
ENACTS AS FOLLOWS:**

1. **THAT** Council does hereby adopt the attached Policy with respect to the Delegation of Powers and Duties as set out in Schedule “A” and forming part of this by-law.
2. **AND THAT** this by-law shall come into force and take effect upon its final passing.
3. **THAT** this by-law repeals any and all previous by-laws and/or motions pertaining to same.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF JANUARY,
2008.**

Reeve-Richard Stephens

Ruth Frawley-Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that this is a true copy of By-law 2008-08 as passed in open Council the 24th day of January, 2008.

Clerk

SCHEDULE "A"
BY-LAW 2008-08

1. PURPOSE

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

The purpose of this policy is to set out the scope of the powers and duties in 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 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. DEFINITIONS

- i) **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.
- ii) **Administrative Powers** – Includes all matters required for the management of the Municipality which do not involve discretionary decision making.

3. POLICY STATEMENT

The Council of the Municipality of Central Manitoulin, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and 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 municipality 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. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

4. POLICY REQUIREMENTS

1. All delegations of Council powers, duties and 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 remain with Council.
3. A delegation of power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Clerk 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 by by-law 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.
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.
6. Administrative matters are hereby delegated to staff, subject to the limitations set out in the Act, as follows:
 - Administering the day-to-day operations of the municipality to deliver services budgeted for in the current year's budget
 - Any matter required by reason of emergency or order from an upper level of government or court of law.