

**TOWN OF MIDLAND**

**BY-LAW 2007-72**

A By-law to Provide for a policy for the delegation of  
routine powers and duties by Council.

**WHEREAS** Section 270 (1)6. of the Municipal Act requires that Council adopt a policy with respect to the delegation of its routine powers and duties; and

**WHEREAS** the Council of the Corporation of the Town of Midland deems it desirable to adopt a policy for the delegation of its routine powers and duties;.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:**

1. That the Delegation of Powers and Duties Policy attached hereto as Appendix "A" and forming part of this by-law shall be herein confirmed as policy for the Council of the Town of Midland.
2. That this by-law shall come into force and effect on the final passage thereof.

**BY-LAW** read a first, second and third time and finally passed at a meeting of Council on the Twenty-sixth day of November 2007.

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Mayor

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Clerk

**APPENDIX 'A' TO BY-LAW 2007-72  
TOWN OF MIDLAND**

**Delegation of Powers and Duties Policy**

**I. Purpose/Application**

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 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.

**II. Definition(s):**

- 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 corporation which do not involve discretionary decision making.

**III. Policy Statement**

The Council of the Municipality, 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 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 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.

**IV. Policy Requirements**

- 1. All delegations of Council powers, duties or functions shall be effective 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 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 CAO 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 a 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 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.
7. In exercising any delegated power, the delegate shall ensure the following:
  - i) the current year's budget (or authorized by the purchasing by-law)
  - ii) the scope of the delegated authority shall not be exceeded by the delegate.
  - iii) 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.
8. In exercising any delegated power, the delegate shall have regards to the following:
  - i) all policies regarding insurance and risk management are complied with.
  - ii) the consistent and equitable application of Council policies and guidelines.
  - iii) any undertaking or contract with a third party shall be subject to the approval of Council.

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