

Delegation by Council of powers and
duties

Office of the CAO

PURPOSE

To provide a policy governing the powers and duties that Council may delegate and establishing the principles of these delegations.

APPLICATION

As required by Section 270 of the Municipal Act, 2001, this policy shall apply to Council, all Standing Committees and all Town staff.

DEFINITIONS

Legislative Powers

Include all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies and exercising decision making authority.

Administrative Powers

Include all matters required for the management of the Corporation which do not involve discretionary decision making.

POLICY STATEMENT

The Council of the Corporation of the Town of Hawkesbury, 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 Municipal Act, 2001 and will respect the applicable restrictions outlined in the Municipal Act, 2001.

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CORPORATE VALUES

Vision statement

Given its strategic location and bilingual status, Hawkesbury will be known as the core area for industrial, commercial, cultural, tourism and recreation activities, whose emerging synergy will characterize Hawkesbury as a place to discover in eastern Ontario.

Mission statement

The Corporation of the Town of Hawkesbury has for primary mission to deliver personalized services recognized by its community as being adapted to its requirements and its overall economic situation. The Corporation of the Town of Hawkesbury also has for mission to emphasize and develop its natural, economic, cultural assets and opportunities within the community in order to promote the continuous growth of its community.

POLICY REQUIREMENTS

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 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 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 Municipal Act, 2001 as amended.
6. Administrative matters may be generally 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 Municipal Act, 2001 as amended.

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In exercising any delegated power, the delegate shall ensure the following:

- (a) Any expenditure related to the matter shall have been provided for in the current year's budget or authorized by the purchasing by-law with the exception of an enacted Emergency under the Town's Emergency Plan.
- (b) The scope of the delegated authority shall not be exceeded by the delegate.
- (c) 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.
- (d) All policies regarding insurance and risk management shall be complied with.
- (e) Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- (f) Any undertaking or contract with a third party shall be subject to the approval of Council through a By-law or Council resolution.

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