

CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2017-012

**BEING A BY-LAW TO APPROVE BY-LAW 2017-012 BEING A BY-LAW TO ESTABLISH A
POLICY FOR THE DELEGATION OF CERTAIN COUNCIL POWERS AND DUTIES**

WHEREAS by Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by Bylaw; and

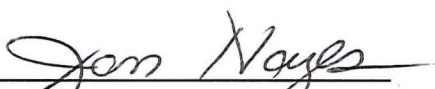
AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.

AND WHEREAS Council of the Town of Gananoque has received and adopted Committee of the Whole report CSC-2017-02 – Delegation of Powers and Duties By-law.


NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enact as follows;

1. That the Council hereby adopt the Delegation of Powers and Duties Policy 2017-02 hereto attached as schedule "A" and forming part of this By-law.
2. That any by-law inconsistent with this by-law is hereby repealed.
3. That this by-law come into force and effect on the date of passing.

READ THREE TIMES and finally passed this 21st day of February 2017.


Acting Mayor, Jan Hayes


Clerk, Kelly Shipclark

		THE CORPORATION OF THE TOWN OF GANANOQUE POLICY	
POLICY NO.	2017-02	APPROVAL DATE:	February 21, 2017
AUTHORITY	Council	EFFECTIVE DATE:	February 21, 2017
SUBJECT	DELEGATION OF COUNCIL POWERS AND DUTIES		

PURPOSE

Section 270 of the Municipal Act S.O. 2001, as amended, requires that a municipality adopt and maintain a policy with respect to the delegation of municipal powers and duties.

The Council of the Town of Gananoque recognizes that it is directly responsible for all municipal powers and duties as legislated under the Municipal Act S.O. 2001 as amended and recognizes that the delegation of powers and duties does not absolve the Council of their responsibility.

In determining the delegation of its powers and duties, Council shall abide by the legislative restrictions and obligations, and shall ensure that such delegation will be accomplished maintaining the principles of accountability and transparency.

DEFINITIONS

(a) 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.

(b) Administrative Powers – Includes all matters required for the management of the corporation that do not involve discretionary decision-making.

POLICY STATEMENT

Council, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision-making, policies, and administrative powers. Council’s decisions are generally expressed by by-law or motion of Council carried by a majority vote. The efficient management of the Town 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.

POLICY REQUIREMENTS

Town Council supports the delegation of powers and duties to provide efficient management of municipal operations and to respond to matters in a timely fashion. The following shall be the general rules and guidelines relative to the delegation of Council powers and duties:

- 1) All delegation of powers and duties that are made by Council on or after the date of this By-law comes into force shall be made:
 - a) In accordance with sections 23.1 to 23.5 of the Municipal Act S.O. 2001 inclusive, or with any other applicable legal requirement;
 - b) By resolution confirmed by by-law or by by-law alone.
- 2) Unless otherwise specified, a delegation of power or duty to any officer or employee of the Town includes a delegation to a person who is appointed by the Chief Administrative Officer or by the delegate to act in the capacity of the delegate in their absence.
- 3) Council shall not delegate any of the following powers and duties:
 - a) The power to appoint or remove from office an officer of the Town whose appointment is required by the Municipal Act, S.O. 2001.
 - b) The power to pass a by-law under Parts VIII, IX and X of the Municipal Act S.O. 2001.
 - c) The power to incorporate corporations in accordance with section 203 of the Municipal Act S.O. 2001.
 - d) The power to adopt an Official Plan, Zoning by-law, Development Permit System, or amendments to any of the aforementioned under the Planning Act.
 - e) The power to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7) of the Municipal Act S.O. 2001.
 - f) The power to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 38 (6) or (7) of that Act or under section 365.1 of the Municipal Act S.O. 2001.
 - g) The power to adopt or amend the budget of the Town.

- h) Any other power or duty that may be prescribed under paragraph 23.3 (1) 9 of the Municipal Act, 2001.

Contraventions

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Chief Administrative Officer shall notify Council.

Responsibilities

Town staff is responsible for adhering to the parameters of this policy and for ensuring appropriate application of the delegated authority.

By-law 2015-071 – ADM 06-2011 - Delegation of Powers and Duties – Schedule ‘A’

Delegate Authority	Delegated To	Relevant Legislated Authority	Rationale
Authority for the execution of Town minutes, by-laws, agreements, etc.	Mayor and Clerk, or designates	By-law 2017-012 and Municipal Act	The Mayor and Clerk are the designate signing authorities for the Town of Gananoque; with the exclusion of bank financial requirements.
Hire/Dismiss all employees, save and except Directors/Officers, in accordance with the Human Resource Policy Manual, Provincial Statutes, and the annual Budget.	Chief Administrative Officer or Designate	Directors/Officers in accordance with the Human Resources Policy Manual, the annual budget, and Provincial Statutes.	Considered to be in compliance with the Human Resources Manual; and/or Officers appointed under the Authority of Provincial Statutes.
When the Restricted Acts Section in the Municipal Act applies after Nomination Day ("Lame Duck" Council), authority shall be granted, from Nomination Day through to the Inauguration of the new Council. To the Chief Administrative Officer to sign contracts/agreements for expenditures or incurring any liability exceeding \$50,000 included in the most recent budget, as amended, adopted by Council before Nomination Day.	Chief Administrative Officer or Designate	By-law 2017-012 and Municipal Act	Restrict acts: <ul style="list-style-type: none"> - The disposition of any real or personal property of the municipality which had a value exceeding \$50,000 when it was acquired by the Town - Making any expenditures or incurring any other liability which exceeds \$50,000 Obtaining legal advice on whether any proposed actions be restricted is highly recommended
When the Restricted Acts Section in the Municipal Act applies after Nomination Day ("Lame Duck" Council), authority shall be granted, from Nomination Day through to the Inauguration of the new Council. To the Chief Administrative Officer to sign an extension to any existing contract/agreement provided that the extension does not exceed the inaugural meeting of Council and no additional costs are incurred by the Town.	Chief Administrative Officer or Designate	By-law 2017-012 and Municipal Act	Considered an administrative matter

Delegate Authority	Delegated To	Relevant Legislated Authority	Rationale
Authorize the Chief Administrative Officer to issue grant applications in favour of the Town.	Chief Administrative Officer or Designate	By-law 2017-012	Applications for grant deadlines do not always match up with Council meetings this will provide the CAO with the authority to sign grant applications.
Authorize the Chief Administrative Officer to execute development confidentiality agreements.	Chief Administrative Officer or Designate	By-law 2017-012	These are usually time sensitive requests that at times are difficult to match up with Council meeting timelines. Confidentiality agreements are required for certain types of development to protect the confidentiality of a potential development and restrict price gouging of property and protect trade secrets. They are typically used prior to the development of a site development agreement.
Authority be granted to approve Facility Rental Agreements.	Manager of Parks and Recreation or Designate	By-law 2017-012	Considered an administrative matter
Authority be granted to execute/approve Special Event Applications on Town properties.	Manager of Parks and Recreation or Designate	By-law 2017-012	Considered an administrative matter
Authority to temporarily approve road closures and establish parking bans for the purpose of conducting municipal operations and construction, reconstruction, festivals and events.	Manager of Public Works or Designate	By-law 2017-012 and By-law 2011-010	Authority granted to ensure all future highway construction projects, festivals, emergencies, and events in the Town are appropriately designated and managed.
Authority may be designated to set a lower rate of speed for motor vehicles driven in a designated "construction zone" than is otherwise prescribed; and the rate of speed shall be marked by signs in accordance with regulations.	Manager of Public Works or Designate	By-law 2017-012 and By-law 2011-010	Authority granted to ensure all future highway construction projects, festivals, emergencies, and events in the Town are appropriately designated and managed.

Delegate Authority	Delegated To	Relevant Legislated Authority	Rationale
Authority be delegated to the Mayor and Clerk to execute the agreements related to the Planning Act R.S.O. 1990 for a Class I, Class II or Class III under the Development Permit By-law, as required and approved by the appropriate authority.	Mayor and Clerk, or Designates	Planning Act and By-law 2017-012	To expedite the administrative functions of the Development Permit By-law as amended.
Authority to approve Class II applications under the Development Charges By-law.	Planning Advisory Committee	Planning Act and By-law 2017-012	Authority to approve Class II applications as defined in the Development Charges By-law as amended.
Authority to execute and approve Mobile Canteen Licences.	Manager of Community Development and Clerk or Designates	By-law 2017-012	Authority to approve Mobile Canteen Licences as per the Mobile Canteen By-law as amended.
<p>Authority to approve Community Improvement applications for the Downtown Area for the Community Improvement Plan. This excludes Brownfield applications. (See By-law 2012-034 "Schedule A")</p> <p>In addition, authority be delegated to the Mayor and Clerk to execute the agreements related to the Planning Act R.S.O. 1990 for Community Improvement Plan, as required and approved by the appropriate authority.</p>	<p>Manager of Community Development, Economic Development Manager and Treasurer or Designates</p> <p>Mayor and Clerk, or Designates</p>	By-law 2017-012, , By-law 2012-073, By-law 2014-097 and the Planning Act	To expedite the administrative functions of the Community Improvement Plan By-law as amended.
Authority to Mayor and Clerk to execute extensions on approved agreements concerning grants that the Town has received from other agencies (Province etc.).	Mayor and Clerk, or Designates	By-law 2017-012	Extension on funding agreements are to the Towns advantage. Generally initiated by other agencies when grant or loan program timelines are being extended.