



**Corporation of the Town of Ingersoll
By-Law 16-4859**

Being a By-Law to Establish a Delegation of Duties and Powers Policy

WHEREAS Section 270 (1) of the Municipal Act, 2001, S. O. 2001, c. 25, makes provision in part, that Municipalities adopt and maintain policies with respect to the delegation of municipal powers and duties;

AND WHEREAS Section 23.1 (1) of the Municipal Act, 2001, S. O. 2001, c. 25 authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act;

AND WHEREAS Section 8 (1) of the Municipal Act, 2001, S. O. 2001, c. 25 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;

NOW THEREFORE the Council of The Corporation of the Town of Ingersoll enacts as follows:

- (1) That the delegation of duties and powers shall be governed by the provision and regulations contained in this By-law and as attached as Schedule 'A' and 'B'.
- (2) Schedule 'A' and 'B' attached hereto, in substantially the same form, shall form part of this By-law. This By-law may be cited and referred to as the "Ingersoll Delegation of Duties and Powers By-law."
- (3) That this By-law shall come into force and be effective on the date of the third and final reading thereof.
- (4) That by-law 11-4648 and bylaw 90-3472 or any by-law inconsistent with this by-law be hereby repealed.

READ a first and second time in Open Council this 11th day of January, 2016.

READ a third time in Open Council and passed this 11th day of January, 2016.



Edward (Ted) Comiskey, Mayor



Michael Graves, Clerk

Schedule 1

TOWN OF INGERSOLL

POLICIES AND PROCEDURES

Policy: Delegation of Duties and Powers

Approval Date: January 11, 2016

Effective Date: January 11, 2016

PURPOSE

Section 270.(1) of the *Municipal Act*, 2001, as amended ("Act"), requires that all municipalities adopt and maintain a policy with respect to the delegation of municipal powers and duties; and Section 23.1 (1) authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act.

The purpose of this policy is to provide guidance to Council when considering and undertaking the delegation of powers and duties to staff and establish guidelines for that process, which comply with the provisions of the Act, *Planning Act*, R.S.O. and *Municipal Freedom of Information & Protection of Privacy Act*.

POLICY STATEMENT

The Council of the Corporation of the Town of Ingersoll, 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. In an effort to enhance community engagement on local issues, maintain accountability and allow for council to create a stream-lined approach to its decision-making process, Council shall entrust certain powers and duties to committees and staff. The delegation of municipal powers by Council shall be made in accordance with the relevant legislated authority of the *Municipal Act*, 2001 and *Planning Act*, R.S.O., 1990 and *Municipal Freedom of Information and Protection of Privacy Act*.

DEFINITIONS

"Administrative Powers" means all matters required for the management of the corporation which do not involve discretionary decision making.

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

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 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 *Municipal Act*, 2001 as amended, and section 5.(1-3) of the *Planning Act*, R.S.O.
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.
7. 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.

SCOPE OF POWERS

Council is required under Section 23.1 (2) of the Act to apply the following rules to a by-law when delegating powers or duties:

- (a) A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
- (b) A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
- (c) A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
- (d) A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
- (e) A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate.
- (f) Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

POWERS THAT CANNOT BE DELEGATED

In accordance with the provisions of the *Municipal Act*, 2001 as amended, the following powers and duties cannot be delegated by Council:

- (a) The power to appoint or remove from office an officer of the municipality whose appointment is required by this Act.
- (b) The power to pass a by-law under Parts VIII, IX and X.
- (c) The power to incorporate corporations in accordance with section 203.
- (d) The power to adopt an official plan or an amendment to an official plan under the *Planning Act*.
- (e) The power to pass a zoning by-law under the *Planning Act*.
- (f) The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
- (g) 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 28 (6) or (7) of that Act or under section 365.1 of this Act.
- (h) The power to adopt or amend the budget of the municipality.
- (i) Any other power or duty that may be prescribed.

Delegation of Powers to Ingersoll Town Staff

Table 1

A listing of duties presently delegated by Council through by-law to municipal staff or council committees:

Department	Duty	By-Law Reference No.
Building Department	Appointed by Council to enforce provisions of the Building Code Act, R.S.O., 1992	No. 15-4824
Building Department – Chief Building Officer	Appointed by Council as Municipal Weed Inspector	No. 15-4808
By-Law Enforcement Officer	Authorized by Council to administer and enforce the animal control by-law	No. 01-3990
By-Law Enforcement Officer	Authorized by Council to enforce the keeping and running at large of dogs	No. 01-3989
By-Law Enforcement Officer/Chief Building Official	Authorized by Council to administer the Non-Permit Signs By-Law	No. 08-4432
Chief Building Official	Authorized by Council to administer fences & gates for privately owned outdoor swimming pools	No. 07-4375
Chief of Police	Delegation of authority to licence Adult Entertainment performers and body rub performers	No. 02-4014
Clerk's Department – Michael Graves & Ann Wright	Delegation of authority to perform civil marriage ceremonies	No.15-4795
Clerk's Department – Ann Wright & Kelly Smith	Appointed by Council as Division Registrar and Deputy Registrar	No. 15-4796 and 15-4847
Clerk's Department	Authorized by Council to issue taxi licences	No. 09-4502
Clerk's Department	Authorized by Council to issue Lottery Licences	No. 82-3077
Clerk's Department	Authorized by Council to issue a Mobile Lunch Wagons & Carts Licence	No. 95-3668

Department	Duty	By-Law Reference No.
Clerk's Department	Authorized by Council to issue a Transient Traders Licence	No. 99-3874
Development Committee	Delegation of authority for site plan control	No. 99-3881
Town Engineer	Delegation of authority to provide Reciprocal Emergency Assistance in an emergency situation	No.11-4602
Engineering Coordinator/Superintendent of Public Works	Delegation of authority to temporarily close a highway	No. 03-4106
Ingersoll Fire Services – Jackie Beam	Appointed by Council as the Deputy Community Emergency Management Coordinator	No. 05-4243
Ingersoll Fire Services	Authorized by Council to issue Fireworks Display permits	No. 00-3924
Treasury Department	Authorized by Council to licence dogs within the town of Ingersoll	No. 01-3989
Treasury Department	Authorized by Council to licence and renew kennel and breeding/boarding establishment licences	No. 01-3989

Table 2

A listing of duties that are hereby delegated by Council to municipal staff:

Department	Duty	Relevant Legislated Authority if applicable
Signing of Student Employment Grant Applications	CAO	Municipal Act, 2001 Section 23.1
Signing of Financial Reports for Provincial Ministries	CAO/Treasurer or Assistant Treasurer	Municipal Act, 2001 Section 23.1
Enter into Service Agreements for Operational matters	CAO	Municipal Act, 2001 Section 23.1
Authority to sign Agreements to accept Grants	CAO/Treasurer	Municipal Act, 2001 Section 23.1
Authority to convene public meetings regarding Planning Act applications	Planner in consultation with Chair of the Planning Committee	Planning Act, RSO 1990 as amended
Authority to reduce load limits on highways	Town Engineer	Highway Traffic Act
Authority to issue entrance permits	Town Engineer	Municipal Act, 2001 Section 23.1
Authority to issue oversized load permits	Town Engineer	Municipal Act, 2001 Section 23.1
Authority to purchase	All Department Heads & Committees	Municipal Act, 2001 Section 23.1
Authority to hire staff	All Department Heads in consultation with CAO	Municipal Act, 2001 Section 23.1
Authority to sign on financial matters	CAO/Treasurer, Clerk, Assistant Treasurer	Municipal Act, 2001 Section 23.1
Designate as Head of the Municipality for the purposes of the Municipal Freedom of Information & Protection of Privacy Act and delegate all powers and duties granted or vested in the head.	Clerk	Section 3 and Subsection 49 (1) – Municipal Freedom of Information and Protection of Privacy Act

Department	Duty	Relevant Legislated Authority
Delegation of authority to enter into temporary use agreements (locate trailer while building a house)	Chief Building Official/By-Law Enforcement Officer	Municipal Act, 2001 Section 23.1
Delegation of authority to enter into water service connection agreements	Public Works Manager	Municipal Act, 2001 Section 23.1
Delegation of authority to enter into agreements for signage on municipal roads	Public Works Manager	Municipal Act, 2001 Section 23.1
Delegation of authority to sign Adopt a Road Agreements	Public Works Manager	Municipal Act, 2001 Section 23.1
Delegation of authority to waive the requirement for pre-consultation	CAO/Clerk/Deputy Clerk	Planning Act, as amended by Planning & Conservation Land St Law Amendment Act
Delegation of Authority to sign easements, transfers, one foot reserves for subdivisions approved by Council if part of the approved subdivision plan	CAO/Clerk/Deputy Clerk	Municipal Act, 2001 Section 23.1
Where during an election year, Council's actions are restricted under section 273 of the <i>Municipal Act, 2001</i> , the Chief Administrative Officer and/or Chief of the applicable Department is delegated the authority to undertake such actions as may be required where such actions are in accordance with existing current practice and policy except where, by statute, a resolution or by-law of council is required.	CAO	Municipal Act, 2001 Section 23.1