

# The Corporation of the Township of North Kawartha

## By-law 2020-0004

**Being a by-law of the Corporation of the Township of North Kawartha to Delegate Municipal Powers and Duties and to repeal By-Laws 2007-0122, 2008-0057, 2011-0005 and 2015-0011.**

WHEREAS Section 270 (1) of the Municipal Act, 2001, S.O. 2001, c.25, makes provision in part that Municipalities shall 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 Council deems it appropriate to determine measures to enhance the efficiency of its decision making and administrative processes;

NOW THEREFORE the Council of the Corporation of the Township of North Kawartha enacts as follows:

1. That the Township of North Kawartha adopts the Delegation of Powers and Duties Policy attached hereto and forming part of this by-law.
2. That those duties and powers outlined in the Delegation of Powers and Duties Policy are hereby delegated to the respective staff members as detailed in the Policy.
3. That this By-Law shall come into force and take effect upon final passing.
4. That By-Laws 2007-0122, 2008-0057, 2011-0005 and 2015-0011 or any by-laws or provisions in other by-laws found to be inconsistent with this By-Law are hereby repealed.

Read and Adopted in open Council on the 14<sup>th</sup> day of January, 2020.

  
Carolyn Amyotte, Mayor

  
Connie Parent, Clerk

# The Corporation of the Township of North Kawartha

## Corporate Policies and Procedures

### Subject: Delegation of Powers and Duties Policy

Effective: January 14, 2020	Revised: 2008; 2011; 2015	Revision No.: 4	Page 1 of 6	Policy No.: A09 – C6
Review Date / Associated Documents / Legislation (if applicable)				
Review each new term of Council				
<ul style="list-style-type: none"><li>• 2018-0020 – being a by-law to authorize the delegation of authority to the Chief Administrative Officer, or designate, for certain acts during any “Lame Duck” period between Nomination Day to the swearing in of the newly appointed Council</li><li>• 2017-081 - being a by-law to delegate Administrative Matters to staff, to authorize the Treasurer or his / her designate, to file complaints to the Assessment Review Board relating to requests for reconsideration of assessment, and to settle assessment appeals and requests for reconsideration of assessment, where appropriate</li><li>• 2015-142 – being a by-law to designate the Mayor as Head and to delegate to the Clerk the powers and duties of the Head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</li><li>• 2015-012 – being a by-law to delegate the authority to determine Complete Applications under the Planning Act</li></ul>				
Section 23.1 (1) and 270 (1) of the Municipal Act and Section 5 (1) of the Planning Act				

#### 1. 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.

#### 2. 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 which do not involve discretionary decision making.
- c) **Routine** – Includes matters and services that are consistent with the operation of the Corporation and fall within the Department Manager’s authorized expenditure amounts as set out in the in-effect Procurement By-Law, for example entering into contracts for supply of heat, communications, office equipment etc...

### **3. Policy Statement:**

The Council of the Municipality of North Kawartha, 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.

### **4. Strategic Plan:**

We will be consistent with our core values in everything we do as set out in our Strategic Plan.

### **5. Policy Requirements:**

- a) All delegations of Council powers, duties or functions shall be effected by bylaw.
  - i. Notwithstanding Section 1, if the delegate and/or Council deems it appropriate, a matter may be brought forward for Council's consideration.
- b) Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
- c) A delegation of a power, duty or function under any bylaw 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.
- d) Subject to Section 3, a person to whom a power, duty or function has been delegated by bylaw 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.
- e) 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.
- f) 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.

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

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by Council through an Amendment).
- The scope of the delegated authority shall not be exceeded by the delegate.
- 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.

- All policies regarding insurance and risk management shall be complied with.
- Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- Any undertaking or contract with a third party shall be subject to approval of Council with the exception of minor or routine documents, contracts, agreements or leases respecting general administrative matters. (see table for further clarification).

Matter	Delegate	Delegated Authority; Terms & Reporting Mechanism
<b>Property Assessment and Collection of Taxes</b>	<b>Treasurer or Designate</b>	Authority to: <ol style="list-style-type: none"> <li>1. Initiate and file notices of assessment appeals and applications for assessment reconsideration, for any property in the Municipality of North Kawartha, with the Assessment Review Board (ARB) and The Municipal Property Assessment Corporation (MPAC).</li> <li>2. Withdraw any appeal or assessment reconsiderations filed by the Municipality of North Kawartha, should it be determined that it is not in the Municipality's best interest to proceed.</li> <li>3. Attend before the ARB on property tax or assessment matters as a party to all appeals whether filed by Municipality of North Kawartha or another person, entity or agent.</li> <li>4. Execute settlement agreements and approve requests for reconsideration, on behalf of Municipality of North Kawartha, reached in the course of a taxation or property assessment appeal or request.</li> </ol>
<b>Applications for Grants and Reporting</b>	<b>Treasurer</b>	Authority to bind the Corporation to accommodate timely and electronic submission of applications for grants and reports. In most cases submission of applications will be authorized in advance by Council resolution. Where deadlines require timely submissions a report will be provided at the next meeting of Council.
<b>Investment of the Municipality's Surplus Funds</b> From time to time there may be surplus cash, Trust	<b>Treasurer</b>	Authority to invest the funds of the Corporation according to the Investments and Goals Policy. Reports provided in accordance with legislation.

<p>Funds, Reserve and Reserve Funds that should be invested.</p>		
<p><b>Routine Contracts, Agreements and / or Leases</b></p>	<p><b>Director of Parks &amp; Recreation</b></p> <p><b>Any one of or combination of the CAO, Clerk, Treasurer or Mayor</b></p>	<p>Authority to enter into rental contracts and / or agreements for Community Centres in accordance with the fees set by Council.</p> <p>Authority to enter into routine contracts, agreements and / or leases for general administration and operation of the Corporation following approved legislation, policies and goals and objectives set by Council. Authority to bind the Corporation when required.</p> <p>Examples: for use or purchase of office equipment; website products; computer software, data sharing as related to the County GIS System; routine matters related to the Municipal Property Assessment Corporation (MPAC) or Ontario Property Tax Agreement (OPTA) cut-off and CD ordering etc... Note: expenditure must fall within the amount authorized by Council in the in-effect Procurement By-Law.</p>
<p><b>Use of North Kawartha Community Centres without charge or at a reduced rate.</b></p>	<p><b>Director of Parks &amp; Recreation</b></p>	<p>Authority to waive fees or reduce charges for use of the Community Centres in accordance with in-effect Policy.</p> <p>A report shall be provided to Council monthly.</p>
<p><b>Temporary Road Closures</b> (except emergencies)</p> <ul style="list-style-type: none"> <li>• Road construction</li> <li>• Parades / Special Events</li> </ul> <p>Notwithstanding Clause: In the event of an emergency, Public Works, Fire, EMS, Police, Utility Services, etc. will</p>	<p><b>Road Supervisor</b> Road Construction</p> <p><b>Clerk</b> Parades/Special Events</p>	<p>Authority to temporarily close a road during periods of construction. Pertinent stakeholders will be consulted, including Police, Fire, EMS, and affected ratepayers will be advised when deemed appropriate. Council shall be notified of temporary road closures.</p> <p>Authority to temporarily close a road for a parade or special event upon receipt of an application detailing the nature of the event (date, road section to be closed, emergency protocols, insurance etc.) Pertinent stakeholders will be consulted, including Police, Fire,</p>

have the authority to temporarily close roads for the purposes of safety and risk management.		EMS, and affected ratepayers will be advised when deemed appropriate. Council shall be notified of temporary road closures.
<b>Agreements to satisfy conditions of Consents</b>	<b>Mayor or Deputy Mayor and Clerk or Deputy Clerk</b>	Authority to enter into agreements to bind the Corporation. All agreements shall be reviewed by the Building and Planning Department prior to being signed. Reports shall be provided to Council monthly.
<b>Encroachment Agreements for Shoreline Allowance Purchases (Note: Excludes Road Allowances)</b>	<b>Mayor or Deputy Mayor and Clerk or Deputy Clerk</b>	Authority to enter into / sign routine encroachment agreements for Shoreline Allowance Purchases (note: excludes Road Allowances) All agreements shall be reviewed by the Building and Planning Department prior to being signed. A report shall be provided to Council monthly.
<b>Easements for Shore / Road Allowance Purchases</b>	<b>Mayor or Deputy Mayor And Clerk or Deputy Clerk</b>	Authority to enter into / sign routine easements for Shore / Road Allowance Purchases. All agreements shall be reviewed by the Building and Planning Department prior to being signed. A report shall be provided to Council monthly.
<b>Lottery Licences</b> Requests to sell tickets in the Township under Lottery Licences issued by other municipalities or the Province.	<b>Clerk / Lottery Licencing Officer</b>	Authority to approve requests provided ticket sales will not negatively impact fundraising efforts of North Kawartha organizations.
<b>Administrative Matters related to the Assessment Review Board</b>	<b>Treasurer or Designate</b>	Set out in By-Law 2017-0081
<b>Powers and Duties respecting Freedom of Information and Protection of</b>	<b>Clerk</b>	Set out in By-Law 2015-0142

<b>Privacy</b>		
<b>Determine Complete Planning Applications</b>	<b>Chief Building Official or Designate</b>	Set out in By-Law 2015-0012
<b>Restricted Acts during Lame Duck Period</b>	<b>Chief Administrative Officer or Designate</b>	Set out in By-Law 2018-0020