

HALDIMAND COUNTY

POLICY No. 2007 - 06

Subject: DELEGATION OF POWERS AND DUTIES

Purpose: The *Municipal Act*, 2001, as amended, (the *Act*) requires that municipalities adopt and maintain a policy with respect to the delegation of powers and duties by Haldimand County Council (Council).

The establishment of an appropriate framework and corresponding procedures with respect to the delegation of powers and duties will serve to ensure that delegations are made in a manner that ensures accountability and transparency.

Policy:

I. Application of the Policy

This policy governs the actions of the Council, Council in Committee and municipal staff.

II. Policy Statement

- (a) Council, as a duly elected municipal government, is directly accountable to its constituents for legislative decision making, policies and administrative functions.
- (b) In order to ensure the efficient management of Haldimand County and timely response to municipal issues, it is necessary in certain circumstances for Council to delegate powers and duties to committees and staff, while concurrently ensuring that the principles of Accountability and Transparency are maintained.
- (c) Council authority may only be delegated in accordance with the *Act*.

III. Delegation of Powers and Duties

- 1. All delegation of Council powers, duties or functions shall be effected by by-law.
- 2. All delegations shall be made in accordance with the *Act* and shall respect the restrictions set out therein.
- 3. Prior to consideration by Council of any delegation of any of its powers and duties, a report shall be presented for approval to Council, in accordance with Council's procedures, respecting the following matters:
 - (a) a description of the power or duty proposed to be delegated;
 - (b) a description of the manner in which the power or duty is to be delegated;
 - (c) a description detailing to whom the power or duty is proposed to be delegated;

- (d) a description detailing the scope of the power or duty to be delegated, including any limitations on the delegated authority;
 - (e) a description of any reporting mechanism Council should consider implementing in conjunction with the delegation of power;
 - (f) a description of any appeal mechanisms associated with the delegation;
 - (g) a recommendation as to any public engagement, statutory or otherwise, that may be appropriate prior to undertaking any proposed delegation of authority;
 - (h) a description of how the delegation of power may be rescinded by Council.
4. The Clerk's office shall maintain a register listing and describing all powers and duties delegated by Council. The register shall be updated from time to time and shall be appended to, and form part of this policy.
 5. Except as may be otherwise explicitly provided for at the time of delegation, a delegation of powers and duties by Council may be withdrawn, restricted or otherwise amended at any time by Council.
 6. This policy shall be reviewed by Council through the Council in Committee process as set out in the County's Procedural by-law, at least once during the four year period corresponding with the term of office after a regular election.

Topical Index	Corporate Services
Policy Number	2007-06
Short Title	Delegation of Powers and Duties
SMT Approval Date	
Council in Committee	December 10, 2007 Recommendation # 37
Council Approval Date	December 17, 2007 Resolution 1012-07
Originating Department	CS-CL-22-2007
Revisions	