

**THE CORPORATION OF THE  
MUNICIPALITY OF ARRAN-ELDERSLIE**

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**BY-LAW NO. 66 - 2021**

BEING A BY-LAW TO ADOPT A DELEGATION OF POWERS AND DUTIES POLICY  
AND TO DELEGATE POWERS AND DUTIES

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law; and

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 9 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, grants municipalities the rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS Section 270 (6) of the Municipal Act. 2001, S.O 2001, c25, as amended, requires that a municipality adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority; and

WHEREAS Council of the Corporation of the Municipality of Arran-Elderslie deems it expedient to establish policies;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the Municipality of Arran-Elderslie hereby adopts the Delegation of Powers and Duties Policy as contained in the attached Schedule "A" to this by-law.
2. THAT Schedule "A", the Council Remuneration and Expense Policy, forms part of this by-law.
3. THAT this by-law may be cited as the "Delegation of Powers and Duties Policy"
4. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

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READ a FIRST and SECOND time this 12<sup>th</sup> day of October, 2021.

READ a THIRD time and finally passed this 12<sup>th</sup> day of October, 2021.

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Steve Hammell, Mayor

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Christine Fraser-McDonald  
Clerk



## THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

<b>Policy Name:</b>	Delegation of Powers and Duties	<b>Policy No:</b>	CLK04-2021
<b>Department:</b>	Municipality Wide		
<b>Effective Date:</b>	October 12, 2021		
<b>Date Revised:</b>			
<b>Authority:</b>	By-Law No. 66-2021	<b>Repealed Authority:</b>	

### 1. Coverage

This policy provides direction to Council in the delegation of its powers and duties to a person or body as described in Section 23.1 of the Municipal Act, 2001.

### 2. Purpose

To provide compliance with Section 270 of the Municipal Act, 2001.

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the Municipal Act, 2001, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public. The Municipal Act, 2001 requires a municipality to adopt a Policy with respect to the delegation and the carrying out of delegated powers and duties of Council as described in the Municipal Act, 2001, the Planning Act, the Building Code Act and any other Act so as to increase the accountability and transparency of the municipal decision-making process.

In order to ensure the efficient management of the municipality and an ability to respond to issues in a timely manner, Council has the ability to delegate certain powers and duties to municipal officers, employees or agents, while maintaining accountability through this Policy document.

The powers and duties delegated by Council are not considered to be legislative or quasi-judicial and are considered to be administrative or minor in nature and may be subject to such conditions and limits as Council considers appropriate. The persons to whom Council may delegate certain powers and duties shall be officers, employees or agents of the municipality.

All delegation of powers and duties by Council shall be confirmed by By-law and



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may be revoked by Council at any time.

Municipal Staff shall prepare regular reports for Council providing detail on any delegated approvals granted.

Council, at their sole discretion, retains the right to hear any appeal made by a person or body of a delegated approval decision and to determine the process by which an appeal hearing shall proceed. Council may delegate the right to hear any appeal in a manner to be determined by Council.

### 3. Definitions

“Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

“Approval” includes authority to sign for approval and execute an agreement, contract, release, waiver, application or document intended to bind the Corporation and includes any renewal, amendment or termination thereof, and “Approve” has a corresponding meaning;

“CAO” means the Chief Administrative Officer for the Municipality of Arran-Elderslie;

“Chief Building Official” or “CBO” means the Chief Building Official, as duly appointed by by-law;

“Chief Fire Official” means the Fire Chief for the Municipality of Arran-Elderslie, as duly appointed by by-law;

“Clerk” means the Municipal Clerk as duly appointed by by-law;

“Corporation” means The Corporation of the Municipality of Arran-Elderslie;

“Council” means the elected Council of The Corporation of the Municipality of Arran-Elderslie;

“Department” means a Department with a Department Head;

“Delegation of Powers Policy” means a policy that has been approved by Council in accordance with section 270(1)6 of The Act;

“Treasurer” means the Treasurer of the Municipality of Arran-Elderslie, as duly appointed by by-law.

### 4. Exclusions:

Unless specifically delegated in this or any subsequent Policy, all the powers and



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duties of Council as described in the Municipal Act, 2001 shall remain with Council.

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 the Municipal Act, 2001.
- b) The power to pass By-laws for municipal taxation or tax collection.
- c) The power to incorporate corporations.
- d) The power to adopt an Official Plan or Official Plan Amendment or pass a Zoning By-law under the Planning Act.
- e) The power to pass a By-law for the establishment of a counselling service to small businesses operating in the municipality or for the provision of municipal capital facilities.
- f) The power to adopt a Community Improvement Plan.
- g) The power to adopt or amend the budget of the municipality.
- h) Any other power or duty that may be prescribed.



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Delegate Authority	Delegated To	Rationale
Authority for the execution of Municipal minutes, by-laws, agreements, etc.	Mayor and Clerk, or designates	The Mayor and Clerk are the designate signing authorities for the Municipality of Arran-Elderslie with the exclusion of bank financial
Hire/Dismiss all employees, save and except Directors/Officers, Provincial Statutes, and the annual Budget.	Chief Administrative Officer or Clerk	Officers appointed under the Authority of Provincial Statutes.
When the Restricted Acts Section in the <i>Municipal Act</i> 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 appoint or remove from office any officer/manager of the municipality.	Chief Administrative Officer or Designate	The new longer lame duck period could limit the duration of the Municipality being without legislated officers and/or managers thereby affecting operations.
When the Restricted Acts Section in the <i>Municipal Act</i> 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 be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.	Chief Administrative Officer or Designate	Section 275(6) of the <i>Municipal Act</i> provides that the authority of a municipality can be delegated to a person or body prior to Nomination Day for the election of the new Council. It is customary to delegate this authority to the Chief Administrative Officer (CAO).



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Delegate Authority	Delegated To	Rationale
When the Restricted Acts Council of the <i>Municipal Act</i> 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 extend beyond <b>January 1<sup>st</sup></b> after the inaugural meeting of Council and no additional costs are incurred by the Town.	Chief Administrative Officer or Designate	Considered an administrative matter
Authorize the Chief Administrative Officer to issue grant applications in favour of the Municipality.	Chief Administrative Officer or Designate	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 approve pay equity adjustment, grid movement approvals and performance evaluations	Chief Administrative Officer or Designate	Considered an administrative matter. CAO grid movement will still be administered by Council.
Execute partial release from the conditions of a Subdivision Agreement	Chief Administrative Officer or Clerk	A partial release shall not be executed until the various services have been completed in accordance with the Subdivision Agreement
Settlement of Small Insurance Claims and Third-Party Claims	Chief Administrative Officer	Authority to handle claims for less than \$5,000 and authority to pursue and settle with third parties for the recovery of Municipal property damage claims.
Site Plan Control	Chief Administrative Officer or Clerk	Authority to approve Site Plan Control applications



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Authority be granted to approve Facility Rental Agreements.	Recreation Manager	Considered an administrative matter
Authority be granted to execute/approve Special Event Applications on Municipal properties.	Clerk or Designate	Considered an administrative matter
Real Estate Related Activities	Clerk or Chief Administrative Officer	Authorized to sign documents associated with real estate transactions as follows: * negotiate, enter into, sign agreements related to the acquisition or disposal of real estate. Each agreement shall contain a condition that the acquisition or disposal is subject to Council approval * authority to execute encroachment or private road agreements that do not result in financial obligations on the municipality
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	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	Authority granted to ensure all future highway construction projects, festivals, emergencies, and events in the Town are appropriately designated and managed.
Authority to approve Community Improvement applications for the Downtown Area for the Community Improvement Plan.	Treasurer, Community Development Coordinator or Designates	To expedite the administrative functions of the Community Improvement Plan By-law as amended.



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Authority to Mayor and Clerk to execute extensions on approved agreements concerning grants that the Municipality has received from other agencies (Province etc.).	Mayor and Clerk, or Designates	Extension on funding agreements are to the Municipality's advantage. Generally initiated by other agencies when grant or loan program timelines are being extended.
Authority to the Mayor and Clerk to execute tax sale extension agreements upon the recommendation of the Treasurer.	Mayor and Clerk, or Designates	Tax sale extension agreements are to the Municipality's advantage.
Authority to grant to the Treasurer vesting after a failed tax sale.	Treasurer	Expedite the administrative functions and to protect owner confidentiality.