



TOWN OF MINTO

DATE: August 20, 2018
REPORT TO: Mayor Bridge and Members of Council
FROM: Clerk's Assistant
SUBJECT: Proposed Delegation of Powers Policy & Bylaw

STRATEGIC PLAN:

12.7 Demonstrate innovation in all aspects of municipal business acknowledging the importance of training, succession planning, transparency, communication and team-based approaches to municipal operations.

BACKGROUND:

Town of Minto Council has delegated its authority and powers to staff for a variety of purposes. These delegated authorities are found in numerous bylaws and resolutions dating back to amalgamation. Currently, there is no single document that captures a consolidated approach for documenting all of the delegated authority. The Municipal Act requires municipalities have a delegation of powers policy and by-law. This is the first time Minto has considered one consolidated document which was developed by the Clerk's Assistant, Deputy Clerk and C.A.O. Clerk based on several different models.

The bylaw generally contains the following:

- Recitals outlining the authority and need for the bylaw
- Delegation of Powers Policy Schedule "A"
 - provides guidance to staff and Council regarding delegated powers
 - confirms Council's direct accountability to constituents
 - ensures delegated authority is per approved legislation
 - defines administrative (staff) and legislative (Council) power
 - states the municipality acts by by-law including the confirmatory by-law which adopts Council minutes and motions made in Committee of the Whole
 - makes sure a delegated power is not given to a designate unless they are properly skilled to deal with it and no designated staff can further delegate
 - requires delegated staff to comply with the Code of Conduct, stay within approved budget, meet with all policies including health and safety, and comply with the law.
 - permits Council to revoke any delegated authority at any time without notice or with other conditions that Council may want to apply.
 - confirms statutory powers that cannot be delegated including hiring or firing officers (Treasurer, Clerk, C.A.O. etc.), taxation power, rezoning by-laws, community improvement plan, budget and any others that may be relevant
 - sets out specific responsibilities of the Chief Administration Officer since they Municipal Act is not specific
- Specific delegated authority Schedule "B"
 - sets out by task delegated authority to the C.A.O., senior management team or other identified staff with specific legislated authority

- sets out delegated tasks under the Building Code Act to Chief Building Official and Building Inspector
- delegates task of signing payments to Mayor, Deputy Mayor, Treasurer, Deputy Treasurer, and C.A.O.
- approve certain budgeted payments, write offs or partnerships up to \$5,000 and grant funding applications up to \$10,000
- approve corporate partnerships over \$5,000 up to \$25,000 examples include Butter Tarts and Buggies

COMMENTS:

The general principle in place in Minto and most other municipalities is that Council makes certain statutory, political and policy decisions on overall direction and staff implement these decisions. The first statement of Council's policy is its Strategic Plan, along with various other planning documents like the Official Plan, Cultural Plan, Fire Master Plan, Asset Management Plan and similar. This is the hierarchy of plan slide the C.A.O. Clerk reviews at every budget presentation.

The Council approved plans must comply with Provincial Policy and legislation including the Municipal Act, Planning Act and many others. The Municipal Act sets out many key responsibilities for the Mayor, Council and certain staff most specifically the Clerk, Treasurer and Chief Administrative Officer. All municipalities by law **must** have a Clerk and a Treasurer and their responsibilities are clearly laid out in the Act. Municipalities **may** have a C.A.O. under the Act for "exercising general control and management" of the municipalities' affairs and perform other duties assigned. Even so the Act still does not cover a wide range of tasks staff must perform to ensure the Town functions.

The efficient management of the Town, coupled with the need to respond in a timely manner to certain issues that may arise, requires the delegation of certain powers and authority to key staff. It is also very important to maintain accountability and transparency. Council would not want staff making decisions on behalf of the Town without proper delegation, and this can be made much clearer through the delegation of certain legislative and administrative functions under the Municipal Act, 2001, as amended and the Planning Act, 1990, as amended.

FINANCIAL CONSIDERATIONS:

There are no immediate financial implications related to this report.

RECOMMENDATION:

THAT The Clerk's Assistant's August 20th report regarding a proposed consolidated Delegation of Powers Bylaw with corresponding policy be received, and that Council consider passing a Delegation of Powers Bylaw in open council.