

CITY OF THOROLD POLICY AND PROCEDURE MANUAL

COUNCIL		
POLICY NO: 100-28 REVISED: 06-21-2021	DELEGATION OF POWERS AND DUTIES OF COUNCIL	Page 1 of 10

AUTHORITY:

Section 270(1)6 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires all municipalities to adopt and maintain a policy with respect to the delegation of its powers and duties.

POLICY STATEMENT:

The Council of the City of Thorold, 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 expressed by by-law or resolution of Council, adopted by a majority vote. The efficient management of the Corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to 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 and in accordance with the requirements outlined in the *Municipal Act, 2001*, as amended.

POLICY:

SCOPE

This policy applies to City Council and General Committee, individual members of Council, and all City officers and staff.

DEFINITIONS

"legislative powers" – includes actions where Council acts in a legislative or quasi-legislative function including enacting by-laws, setting policies and exercising decision making authority.

“administrative powers” – includes all actions which may be taken by Council, individual members of Council, and City officers and employees, which are necessary or appropriate for the effective management of the Corporation, in the performance of its responsibilities including the procurement and disposal of goods, services and property for the purposes of the Corporation.

POLICY

City Council, as the governing body of The Corporation of the City of Thorold, is accountable for the effective, fair and prudent exercise of its legislative and administrative powers. City Council’s decisions are expressed by means of a by-law or a resolution of Council.

1. The efficient management of the City, and the need to respond to various issues in a timely fashion, makes it appropriate for Council to delegate certain administrative powers and duties to City staff, such as:
 - Procurement Policy
 - Hiring Policy
 - Human Resource Policy
 - Temporary Closure By-law
 - Various Routine Approvals
2. To ensure that Council remains accountable, the delegation of legislative and administrative powers must be carried out in accordance with the principles set out in this Policy.
3. City Council may delegate powers where the power is minor in nature, and where Council has explicitly provided for the terms and conditions under which the powers may be exercised.
4. City Council may delegate administrative powers to City officers and employees, subject to the terms and conditions set out in the specific by-law, resolution, or policy authorizing the delegation, and in accordance with this policy.
5. The City officer or employee, to whom an administrative power has been delegated, may sub-delegate the power upon terms and conditions which are consistent with the terms and conditions set out in the specific by-law, resolution or policy authorizing the delegation by Council, and in accordance with this policy.

6. In exercising a delegated, legislated or administrative power, the staff member to whom power has been delegated shall ensure that the following matters are given appropriate consideration:
- a) whether any expenditure related to the matter is provided for in an approved budget, and if appropriate, has been authorized under the Procurement Policy;
 - b) that any other applicable by-laws and policies are complied with except where otherwise expressly authorized;
 - c) that the scope of the delegated authority shall not be exceeded;
 - d) where required by a by-law, resolution or any other specific policy, that a report or memorandum shall be submitted to Council on the exercise of the delegated power, and confirming compliance with the terms and conditions of the delegated authority and this policy.

Schedule "A" to Delegation of Powers and Duties of Council Policy No. 100-28

DELEGATION OF POWER REQUIREMENTS		
Subject Matter	Delegated Authority	Reason for Delegation of Authority and Means of Accountability
Applications to any Federal and Provincial Government Department, ministry, agency or fund for compensation, funding or other forms of subsidy related to City programs, operations or approved capital project, and any subsequent submissions or documents required for processing the application or the receipt of funds	Authority for Mayor and Clerk or, where the Mayor's signature is not required, the Clerk to sign the application	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Time sensitive • Clerk to inform Council of pending application
Appointment of Signing Officers for the Corporation	<p>Unless otherwise prescribed in this Policy Schedule, the following offices or positions are designated authorized signing officers of the Corporation and these officers, in the following combinations, have the authority to execute a document on its behalf :</p> <ul style="list-style-type: none"> • Mayor and City Clerk • Mayor and Director of Finance <p>And, in the event the Mayor is absent for any reason or the position is vacant, then the following combinations have the authority to execute a document on its behalf:</p> <ul style="list-style-type: none"> • Deputy Mayor and City Clerk • Deputy Mayor and Director of Finance 	<ul style="list-style-type: none"> • Corporate efficiency
Conditional Building Permits	Authorize the Chief Building Official to execute Conditional Building Permit agreements	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • CBO has authority to issue regular Building Permits

Subject Matter	Delegated Authority	Reason for Delegation of Authority and Means of Accountability
Consulting Contract Extension	Authorize the Director of Public Works and Community Services and Community Services and the Chief Building Official Director of Development Services to approve one extension of a consulting contract deadline for services approved under their respective budgets (Note: This does not authorize the expenditure of funds beyond the approved budget amount.)	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • Only one extension permitted without Council approval • Director to inform Council that extension has been granted
Consulting Contract for Temporary Help	Authorize a Director to approve and execute a contract or service agreement with an external consultant for services normally performed by staff (temporary help) when staffing shortages exist and approved under their respective budgets (Note: This does not authorize the expenditure of funds beyond the approved budget amount.)	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • Director to inform Council of contract/service agreement approval
Contracts of Employment	Authorize the Chief Administrative Officer and/or the Manager of Human Resources to negotiate and sign employment contracts on behalf of the Corporation provided Council has directed the CAO to proceed with the hiring	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • Business continuity
Contracts and Purchases under \$5000 (exclusive of taxes)	Authorize a Director to execute the contract and any other documents necessary to effect the purchase of budgeted goods or services not exceeding \$5000	<ul style="list-style-type: none"> • Corporate efficiency • Director has the expertise to complete the procurement process in accordance with the City's Procurement Policy • Director to inform Council of contract approval
Encroachment Agreements	Authorize the Director of Public Works and Community Services to: <ul style="list-style-type: none"> (1) approve or reject applications, renewals or extensions; (2) impose terms and conditions 	<ul style="list-style-type: none"> • Corporate efficiency

Subject Matter	Delegated Authority	Reason for Delegation of Authority and Means of Accountability
MTO ARIS Requester Agreement	Authorize the Chief Building Official Director of Development Services and the Fire Chief to execute MTO ARIS Requester Agreement to permit search of MTO records	<ul style="list-style-type: none"> • Corporate efficiency • Routine agreements for which each of these positions is separately responsible
Municipal Freedom of Information and Protection of Privacy Inquiries	Designate the Clerk to be the Head for purposes of MFIPPA S.3. of MFIPPA enables a municipality to designate an individual to act as the head of the municipality for the purposes of the Act. S.49 of the Act enables the head to delegate in writing a power or duty granted or vested in the head to an officer of the institution subject to such limitations, restrictions, conditions and requirements as the head may set out in the delegation.	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Time sensitive • Replies in accordance with MFIPPA legislation • Neutrality of process • Reduces conflict of interest
Municipal and School Board Elections	Clerk is designated to make any and all decisions relating to the administration of the Municipal and School Board Elections as it relates to the Municipal Elections Act, S.42(3), S. 11.2, S. 12.1, 13, S. 42(4) and S.53	<ul style="list-style-type: none"> • Corporate efficiency • Routine documents and forms • Neutrality of the process • Delegation to the Clerk remains consistent with applicable legislation
Re-Allocation of Budgeted Funds for Emergency Purchases	Authorize a Director to re-allocate budget approved funds for the urgent purchase of goods and services under \$3000 (exclusive of taxes), provided it is within the same budget (ie. capital or operating).	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • To replace broken or damaged corporate assets • Director to inform Council <u>and</u> the Director of Finance of the re- allocation
Settlement of any legal action or other proceeding involving an insurance claim made by or against the Corporation	Authorize the City Clerk to execute such receipts, releases, indemnities, acknowledgements or similar documents necessary to effect an insurance claim settlement under \$10,000 provided such documents have been approved by the solicitor acting on the City's behalf	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive

Subject Matter	Delegated Authority	Reason for Delegation of Authority and Means of Accountability
Special Occasion Permits for Events on Municipal Property	Authorize the Director of Operations to support or deny issuance of SOP from AGCO, with or without restrictive hours of operation	<ul style="list-style-type: none"> • Routine document • Director to inform Council that approval has been granted or denied
Temporary Road Closure	Authorize the Director of Public Works and Community Services to temporarily close a municipal road for construction or a community event provided proper notice has been given to residents, NRP, public transit and emergency services	<ul style="list-style-type: none"> • Corporate efficiency • Time sensitive • Director to inform Council of the temporary road closure • Permit process proposed to be part of the new parking by-law
Use of Municipal Facilities	<p>Authorize the Director of Public Works and Community Services to approve or deny use of municipal facilities and/or parks for public events (ie. waive section 5.4 of City Policy 300-25)</p> <p>Authorize the Chief Building Official Director of Development Services to exempt organizers from sign by-law requirements to permit organizers to erect signage advertising the event, subject to applicable approvals</p>	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Determination to be made by Director in accordance with the City's Event Policy and any other requirements deemed by the Director to be necessary • Director to inform Council that permission has been granted or denied
Use of Municipal Picnic Tables, Waste Receptacles, Road Barriers for Non-Municipal Events	Authorize the Director of Operations to approve or deny use of municipal equipment for events	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Time sensitive • Determination to be made by Director in accordance with the City's Event Policy • Director to inform Council that permission has been granted or denied
Part Lot Control Applications	Authorize the Director of Planning and Building Services Development Services , or designate, to approve Part Lot Control applications	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Director has expertise to approve applications • Can be time sensitive

<p>Temporary Extension of Draft Approval of Plan of Subdivision and Plan of Condominium</p>	<p>Authorize the Director of Planning and Building Services Development Services, or designate, to approve temporary extension of draft approval to proposed Plans of Subdivision or Plans of Condominium for not more than one (1) year.</p>	<ul style="list-style-type: none"> • Corporate efficiency • Routine document • Director has expertise to approve applications • Can be time sensitive
<p>Discharge a Municipal Lien</p>	<p>Authorize the City Clerk to execute any and all documents necessary to discharge a municipal lien from a property, provided the City Clerk receives written confirmation from the Director of Finance that the municipal lien has been paid in full and may be discharged from the property title.</p>	<ul style="list-style-type: none"> • Corporate efficiency • Can be time sensitive • Routine document
<p>All Site Plan Control Applications</p>	<p>Authorize the Mayor and Clerk Director of Development Services to execute a Site Plan Agreement after the agreement is signed by the Owner, provided the Director of Planning and Building Development Services has approved, in writing, the plans and Site Plan Agreement.</p> <p>Authorize the Director of Planning and Building Services Development Services or designate the authority to approve Site Plan Control applications that are not associated with a Zoning By-law amendment.</p> <p>Authorize the Director of Planning and Building Services Development Services or designate the authority to review and make changes to Site Plan Control application forms, Site Plan Control agreements and/or Site Plan Control Guidelines.</p>	<ul style="list-style-type: none"> • Corporate Efficiency • Applications for technical aspects of implementing the Comprehensive Zoning By-law approved by Council • Director has expertise to approve applications • Can be time sensitive • Council or the Director may request that the application be approved by Council • Delegated authority under the Planning Act
<p>Operational Contract and other such Documents – for which Budget has been Approved</p>	<p>Authorize the Mayor and City Clerk to execute any and all documents related to operational contracts for which budget has been approved.</p>	<ul style="list-style-type: none"> • Corporate efficiency • Can be time sensitive • Routine documents