



DELEGATION OF AUTHORITY POLICY

DEPARTMENT	CLERK	POLICY NUMBER	003-22
EFFECTIVE DATE	January 1, 2022	LEGISLATIVE AUTHORITY	Municipal Act
EFFECTIVE BY-LAWS	By-law 23-05 (Filing Complaints with the Ontario Assessment Review Board) By-law 75-15 (Temporary Road closure & toll booth delegation) By-laws 94-15 and 95-15 (MFIPPA head and delegation) By-law 027-15 (Site Plan Control delegation) By-law 051-16 (Appoint officials under the Clean Water Act delegation) By-law 086-18 (Ontario Wildlife Damage Program delegation) By-law 107-19 (Records Management delegation) By-law 046-21 (Building Permits By-law)		
APPROVED BY:	By-law 116-21	PREVIOUS VERSIONS	Policy 33.15 Resolution 2015-441 (approve the policy)

POLICY STATEMENT

The Council of the Township of Wellington North, 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.

PURPOSE

Section 23.1 and 23.2 of the Act, as amended, permits a municipality to delegation certain powers and duties to a person or body.

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 (1) 6. This policy applies to all committees of Council, departments and staff.

POLICY REQUIREMENTS

1. All delegations of Council powers, duties or functions shall be effected by by-law.
2. Unless a power, duty, or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to Section 3, a person to whom a power, duty or function has been delegated by by-law 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.
5. 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.
6. Council has authorized those specific legislative matters listed in Schedule "A" to be delegated to the individual designated, subject to the terms set out therein.
7. 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.
8. Council has authorized the delegation of specific administrative matters to those individuals listed in Schedule "A" subject to the terms set out therein.
9. 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 be authorized by the Purchasing and Procurement Policy);
 - 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; and
 - Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
10. In accordance with the Act, the following powers and duties cannot be delegated:
 - The power to appoint or remove from office an officer of the municipality whose appointment is required by this Act.
 - The power to pass a by-law under Parts VIII, IX and X.
 - The power to incorporate corporations in accordance with section 203.
 - The power to adopt an official plan or an amendment to an official plan under the *Planning Act*.
 - The power to pass a zoning by-law under the *Planning Act*.
 - The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
 - The power to adopt a community improvement plan under section 28 of the *Planning Act*, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of this Act.
 - The power to adopt or amend the budget of the municipality.
 - Any other power or duty that may be prescribed.

#	Delegation	Delegate(s)	Conditions/Restrictions
1	Approve execution of agreements for acquisition and disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000.	CAO	Terms and conditions of such agreements and related documents must be acceptable to Township Solicitor.
2	Pay Equity Adjustments, Grid Movement Approvals.	CAO; HR Manager	Consultation with HR Manager and Appropriate Department Director.
3	Appoint, employ, promote, demote, suspend, discipline and dismiss all employees below the rank of Director of the Corporation.	CAO; HR Manager	Consultation with HR Manager and Appropriate Department Director
4	Authority to delegate authority when positions identified in the By-law are changed or no longer exists.	CAO	
5	Act as the Head of the Public Sector Body of the township for the purposes of the Ombudsman Act	CAO	By-law 095-15
6	Authority to appoint a Drinking Water Source Protection Risk Management Inspector and Risk Management Official	CAO	By-law 051-16
7	Authority may exercise the Township Council's powers or authority under Section 41 (2) of the Planning Act to approve plans and drawings, to impose conditions and to require and enter into Site Plan Agreements	CAO	By-law 027-15
8	Restricted Acts after nomination day including (a) the appointment or removal from office of any officer of the municipality; (b) the hiring or dismissal of any employee of the municipality; (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and (d) making any expenditures or incurring any other liability which exceeds \$50,000.	CAO	
9	Authority to administer the Records management by-law and make modification to the Retention Schedule from time to time as may be required	Clerk	By-law 107-19
10	Authority to act as the Head of the Institution under the Municipal Freedom of Information and Protection of Privacy Act.	Clerk	By-law 094-15
11	Authority to make payments as approved by the Ontario Ministry of Agriculture Food and Rural Affairs under the Ontario Wildlife Damage Compensation Program to claimants.	Clerk	By-law 086-10
12	Signing Authority for Agreements Under By-law, resolution and/or Pursuant to Tender Awards.	CAO, Director of Operations Director Finance OR Clerk	
13	Designate an event as event of municipal significance for purposes of prescribing it as a special event occasion where an application has been made.	Clerk	
14	Issuance of "Letters of No Objection" for temporary liquor licence extensions.	Clerk	

15	Liquor Licence Municipal Clearance (Wet/Dry Status)	Clerk	
16	Records Management Oversight	Clerk	
17	Freedom of Information and MFIPPA Co-ordinator; All powers and duties under said Act	Clerk	
18	Municipal Licensing	Clerk	
19	Maintenance of Policy Manual	Clerk	
20	Provide direction relative to allocation of Disposition of Land Proceeds Where Council have not specified use of funds	Director of Finance	
21	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.	Director of Finance	Consultation with Township Solicitor for Agreement
22	Authority to approve agreements entered into pursuant to the Township of Wellington North Development Charge By-law	Director of Finance	Consultation with Chief Building Official and/or Operations
23	Authority to approve agreements entered into pursuant to the Township of Wellington North for deferred payment of development charges as set out in the Development Charge Interest Rate Policy	Director of Finance	Consultation with Chief Building Official and/or Operations
24	Oversight of Procurement of Goods and Services	All Management members identified within the Purchasing and Procurement policy	Authority to approve invoices and sign contracts/agreements as authorized by the approval levels under current procurement policies and within the annual budget
25	Authority to execute the administrative actions necessary to implement the Development Charge interest rate pursuant to the policy.	Director of Finance	Consultation with Chief Building Official and/or Operations
26	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements, subject to annual review and budget approval.	Director of Finance	Consultation with IT provider
27	Authority to enter into OEM Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability	Director of Finance	Consultation with IT provider Agreements acceptable to Township Solicitor
28	Amendments to Site Plan Agreements	CBO	
29	Approve minor amendments to Subdivision Agreements (non-financial; conditions) model home agreements	CBO	Schedules only
30	Authority for Development Agreements for temporary Second Dwelling Units	CBO	Agreements acceptable to Township Solicitor
31	Authority to enter into Limiting Distance Agreements	CBO	Agreement acceptable to Township Solicitor
32	Authority to enter into Conditional Building Permit Agreements.	CBO	Agreement acceptable to Township Solicitor
33	Authority to enter into Encroachment Agreements	CBO	Agreement acceptable to Township Solicitor
34	Enter into Fire Service Agreements for provision of fire protection services to lands located outside Wellington North or receive services from a fire department located outside Wellington North.	Fire Chief	Agreement acceptable to Township Solicitor. Report to Council
35	Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but	Fire Chief	Agreement acceptable to Township Solicitor. Report to Council.

	not limited to CBRNE, Hazmat, confined space, high angle rescue.		
36	Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation.	Fire Chief	
37	Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community.	Director of Operations and/or Recreation Services Manager	
38	May temporarily close any highway or portion of a highway: a) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of the highway. b) Social, recreational, community, athletic or cinematographic purpose or combination thereof c) For any request under emergency services. For construction purposes when public safety may be impacted.	Director of Operations; Manager of Transportation Services;	Section b) for period no longer than 72 hours Policy 33.15 In consultation with Applicable External Agencies
39	Approve deviation from the Municipal Servicing Standards	Municipal Engineer; Director of Operations or their designate	Resolution 2017-203
40	Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones.	Manager of Transportation Services	
41	Designated Sewer Officer	Director of Operations; Manager, Environmental and Development Services	By-Law 005-20
42	Approval for the erection or installation of any new traffic control signal system or traffic control signal used in conjunction with a traffic control signal system that has been authorized	Director of Operations; Manager of Transportation Services	By-Law 104-21
43	Temporary Reduction or Lifting of load Limits on Highways, including designation of alternate routes where applicable.	Director of Operations; Manager of Transportation Services;	By-Law 104-21 In consultation with Fire Chief
44	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Manager of Transportation Services	
45	Authority to act as Owner in dealing with Ministry of Environment, Conservation and Parks	Director of Operations; Manager, Environmental and Development Services; and/or CAO	
46	Authority to approve encroachment over easements with private property owners.	Director of Operations	In consultation with Township Solicitor.
47	Authority to approve placement of temporary toll booths associated with charity fundraising events	Director of Operations	Policy 33.15
48	Discretion on the commencement and termination of burials each season	Cemetery Superintendent	By-Law 077-17
49	Execution of day-to-day Agreements and documents related to usual operations of the Department.	Department Head	
50	Authority to update the Facility reopening plans from time to time as based on guidance from the Province and Public Health	Recreation Services Manager	
51	Executing contracts / agreements / leases	All Applicable Staff	Authority to sign contracts/agreements as authorized by the

			approval levels under current procurement policies and within the annual budget
52	Execute applications for federal or provincial funding or subsidy programs for operating costs or capital projects as well as subsequent submissions that may be required for the receipt of funds	Department Heads	Authority to sign subject to budget/project approval
53	Apply for permit applications through agencies and governmental authorities	Department Heads or designate	Authority to apply for regulatory permissions, subject to budget approval. Included is the completion of applications for approvals and the provision of data required to achieve and maintain legislative requirements.
54	Grant authority to approve minor fee and charges rebates	Department Head or designate	Authority to authorize rebate up to \$200.00