



# POLICY

## DELEGATION OF POWERS AND DUTIES

**Department:** Corporate Services      **Effective Date:** 2013-01-01  
**Division:** Clerk's Office      **Approval Level:** Council  
**Section/Facility:** N/A      **Policy #:** 0004  
**Revision #:** 1

### 1.0 PURPOSE

- 1.1 This Policy is made pursuant to sections 23.1 - 23.5 and 270 of the Municipal Act, 2001, which stipulates that a municipality is required to adopt policy and maintain policy with respect to the delegation of its powers and duties.
- 1.2 The delegation of some of its powers and duties assists Council in streamlining the decision-making process, and this Policy sets out the scope and principles pursuant to which such delegation may occur.

### 2.0 POLICY STATEMENT(S)

- 2.1 Council is directly accountable to its constituents in the exercise of its Legislative and Administrative Powers. In order to manage the City efficiently, and to respond to issues in a timely fashion, it is appropriate to entrust certain powers and duties to committees and staff, while maintaining accountability and transparency.
- 2.2 All delegation of powers and duties shall be carried out in strict compliance with the Act, and respecting restrictions set forth in the Act.
- 2.3 All delegations shall be effected by by-law.
- 2.4 A delegation of power, duty or function under any by-law to a member of staff includes, in the absence of the staff member, a delegation to a person who is appointed by the CAO, or selected from time to time by the delegate, to act in the capacity of the delegate in the delegate's absence.



# POLICY

## DELEGATION OF POWERS AND DUTIES

### 2.0 POLICY STATEMENT(S)

- 2.5 Except as provided in section 4.4, or expressly in the delegation by-law, no power, duty or function may be sub-delegated by the delegate.
- 2.6 Legislative Powers which are minor in nature may be delegated by Council, subject to the limitations in the Act.
- 2.7 Administrative Powers shall generally be delegated to staff, subject to the limitations in the Act.
- 2.8 Any expenditure related to a delegated matter shall have been provided for in the current year's budget, or otherwise authorized by the purchasing by-law.

### 3.0 APPLICATION

- 3.1 This Policy applies to the Corporation of the City of Peterborough, its agencies, boards and commissions.

### 4.0 DEFINITIONS/ACRONYMS (As Required)

**Act** - Municipal Act, 2001, and/or its regulations.

**Administrative Powers** - All matters required for the management of the City which do not involve discretionary decision-making.

**City** - The Corporation of the City of Peterborough, its agencies, boards and commissions.

**Legislative Powers** - All matters in respect of which Council acts in a legislative or quasi-judicial manner, including enacting by-laws, setting policies and exercising decision-making authority.



# POLICY

## DELEGATION OF POWERS AND DUTIES

### 5.0 APPENDIX, RELATED POLICIES, PROCEDURES & LINKS

**5.1 Pertinent Resources**

Municipal Act, 2001  
[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_01m25\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm)

Report # CSCLK08-002 Policies Respecting Delegation of Powers, Notice to the Public and Accountability and Transparency  
[http://www.peterborough.ca/City\\_Hall/City\\_Council/2008-01-14\\_Committee\\_of\\_the\\_Whole.htm?ViewMode=View&DateTime=633359268000000000&PageMode=View](http://www.peterborough.ca/City_Hall/City_Council/2008-01-14_Committee_of_the_Whole.htm?ViewMode=View&DateTime=633359268000000000&PageMode=View)

**5.2 Related Policies**

N/A

**5.3 Related Procedures**

N/A

**5.4 Related Forms**

N/A

**5.5 Miscellaneous**

N/A

**6.0 AMENDMENTS/  
REVIEWS**

<b>Next Review Date</b>	<b>September 2013</b>
-------------------------	-----------------------

Date (yyyy-mm-dd)	Section(s) Amended	Comments
2008-10-21	N/A	Policy approved by Council.
2013-01-01	N/A	Revision #1 - No changes were made to the content of the Policy. Policy was revised to move to new Policy Template (i.e. Policy Statements moved to Section 2.0, Application moved to Section 3.0, Definitions moved to Section 4.0) and to move to new protocol for showing defined terms (i.e. capitalizing the first letters).