

SECTION:	SUBJECT:	Pg. 1 of 2
ADMINISTRATION	DELEGATION OF POWERS AND DUTIES	DATE: December 18, 2007

A. PURPOSE

The Municipal Act 2001 amended by Bill 130, as set out under section 270(1) requires that all municipalities shall 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 applies to all committees of Council, departments and staff.

B. DEFINITIONS

1) Legislative Powers – Includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.

2) Administrative Powers – Includes all matters required for the management of the corporation, which do not involve discretionary decision-making.

C. POLICY STATEMENT

The Council of the Town of Kirkland Lake 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.

D. POLICY REQUIREMENTS

The Council of the Corporation of the Town of Kirkland Lake when delegating its authority under the Municipal Act or any other Act will do so only under the following conditions:

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 CAO 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 Item 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. Council may revoke any delegation during its term of office without notice unless otherwise expressed by legislation.
6. Council may delegate legislative matters 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.

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.

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 authorized by the Town's purchasing by-law.
- 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.
- Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- Any undertaking or contract with a third party shall be subject to the approval of Council through by-law and where necessary shall be reviewed by the Town's contracted solicitor.

E. SUMMARY INFORMATION

Responsibilities:

Town Council and staff are responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

Monitoring/Contraventions:

The Chief Administrative Officer (CAO) shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the CAO shall initiate an investigation and if the complaint/concern is founded shall advise Council with a recommended course of action.

Legislative & Administrative Authorities:

Section 270 of the Municipal Act, 2001 as amended by Bill 130 requires that the Town adopt and maintain a policy with respect to the delegation of powers and duties. This policy meets the requirement of this legislation to delegate powers and duties.

Enquiries:

Chief Administrative Officer

Town Clerk

Approved by: Council Resolution

Date: December 18, 2007