

## THE CORPORATION OF THE CITY OF VAUGHAN

### CORPORATE POLICY

**POLICY TITLE:** DELEGATION OF POWERS & DUTIES

**POLICY NO.:** 03.C.02

<b>Section:</b>	Administration & Legal		
<b>Effective Date:</b>	February 21, 2018	<b>Date of Last Review:</b>	Click or tap to enter a date.
<b>Approval Authority:</b>	<b>Policy Owner:</b>		
Council	DCM, Legal and Administrative Services & City Solicitor		

#### POLICY STATEMENT

The Council of the City of Vaughan, 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 perimeters as set out in the Municipal Act and other applicable legislation.

#### PURPOSE

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. This policy sets out the scope of the powers and duties which Council may delegate its legislative and administrative authority to establish principles governing such delegation.

#### SCOPE

This policy applies to all powers and duties delegated to committees and staff enacted through Council enacted by-law.

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### **LEGISLATIVE REQUIREMENTS**

- 1) Section 224 of the Act requires Council to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council.
- 2) Section 270(1) of the Act states that a municipality shall adopt and maintain policies with respect to certain matters, including policies with respect to the delegation of its powers and duties.

### **DEFINITIONS**

None.

### **POLICY**

#### **1) GUIDING PRINCIPLES**

- a) All delegations of Council powers, duties or functions shall be affected by by-law, which may include a Council approved policy as confirmed by the Confirmatory By-law.
- b) Unless a power, duty or function of Council has been expressly delegated in accordance with section 1(a), all of the powers, duties and functions of Council shall remain with Council.
- c) 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 selected from time to time by the delegate or their supervisor to act in the capacity of the delegate in the delegate's absence.
- d) Subject to section 1 (c), 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.
- e) Legislative matters may be delegated by Council to a specific individual where such matters are minor in nature. Council may provide terms and conditions under which the delegated powers shall be exercised. Delegation of legislative matters must take into account the limitations set out in the Act.
- f) 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.
- g) In exercising any delegated power, the delegate shall ensure the following:

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- i) Any expenditure related to the matter shall have been provided for in the current year's budget and meets other by-law or policy requirements.
- ii) The scope of the delegated authority shall not be exceeded by the delegate.
- iii) Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirm compliance with the delegated authority and this policy.
- iv) Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- v) Delegates shall ensure that Legal Services is engaged to review and provide advice with regards to any contract with a third party, prior to entering into such arrangements, unless alternative review process has previously been established with Legal Services.

**ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	5 Years If other, specify here	<b>Next Review Date:</b>	February 21, 2023
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<b>Related Policy(ies):</b>	03.C.01 – Corporate Policy Development
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<b>Related By-Law(s):</b>	033-2018, 012-2013
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<b>Procedural Document:</b>	
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**Revision History**

<b>Date:</b>	<b>Description:</b>
21-Feb-18	Approved at Council. Report No. 8 Item No. 2