

CORPORATE POLICY

POLICY TITLE: DELEGATION OF POWERS & DUTIES

POLICY NO.: 03.C.02

Section:	Administration & Legal		
Effective Date:	February 21, 2018	Date of Last Review:	Click or tap to enter a date.
Approval Authority:	Policy Owner:		
Council	City Clerk		

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 context set out in the Municipal Act and will respect the applicable restrictions outlined in the Municipal Act.

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. 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 to establish principles governing such delegation. This policy must be adopted in accordance with section 270 of the Act by December 31, 2007.

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

Section 270(1) of the Municipal Act, 2001 further states that a municipality shall adopt and maintain policies with respect to the following matters:

1. "Its sale and other disposition of land.
2. Its hiring of employees.
3. Its procurement of goods and services.
4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.
6. The delegation of its powers and duties".

This policy has been developed to support these legislative requirements.

DEFINITIONS

1. Administrative Powers: includes all matters required for the management of the corporation which do not involve the exercise of legislative or quasi-judicial authority.
2. 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.

POLICY

1. Corporate Values:

As part of the Vaughan Vision 2020 strategic plan the City of Vaughan has adopted the following Corporate Values: Leadership, Fairness, Respect, Inclusiveness, Integrity, Transparency, and Accountability.

2. Policy Requirements:

- 2.1. All delegations of Council powers, duties or functions shall be effect by by-law.
- 2.2. Unless a power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council shall remain with Council.

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- 2.3. A delegation of a power, duty of function under any by-law to any member of staff includes a delegation to a person who is appointed by the City Manager or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 2.4. 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.
- 2.5. 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.
- 2.6. 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.
- 2.7. In exercising any delegated power, the delegate shall ensure the following:
- 2.7.1. Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the purchasing policy).
 - 2.7.2. The scope of the delegated authority shall not be exceeded by the delegate.
 - 2.7.3. 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.
 - 2.7.4. Delegates shall ensure the consistent and equitable application of council policies and guidelines.
 - 2.7.5. Any undertaking or contract with a third part shall be subject to the approval of legal services.

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ADMINISTRATION			
<i>Administered by the Office of the City Clerk.</i>			
Review Schedule:	5 Years <small>If other, specify here</small>	Next Review Date:	February 21, 2023
Related Policy(ies):	03.C.01 – Corporate Policy Development		
Related By-Law(s):	033-2018, 012-2013		
Procedural Document:			
Revision History			
Date:	Description:		