

	THE CORPORATION OF THE COUNTY OF LAMBTON POLICY MANUAL			
	Subject:	Delegation of Powers and Duties	Section C00	Policy #11
	Effective Date:	January 1, 2008	Approved By: County Council	
	Revision Date:	January, 2017		

PURPOSE

To set out the scope of powers and duties that Council may delegate from time to time to another person and/or body, and establish general guidelines governing such delegation.

DEFINITIONS

For the purposes of this Policy:

"Act" means the *Municipal Act, 2001*, S.O. 2001, C.25 as amended.

"Administrative powers" means decisions and actions exercised in and for the administration and management of the Corporation and its affairs but does not include Legislative Powers.

"Corporation" means The Corporation of the County of Lambton.

"Council" means the duly elected council of the Corporation of the County of Lambton.

"Legislative powers" mean any and all decisions and actions of a legislative or quasi-judicial nature such as the enactment of by-laws and policies.

POLICY

Council, as a duly elected municipal government, is at all times directly accountable to those it serves for its decisions and policies which are generally adopted or taken by way of by-law or resolution.

For various reasons, such as ensuring the efficient management of the Corporation and responding to issues in a timely fashion, Council will from time to time delegate certain of its powers and associated duties to committees, officers, employees and/or agents of the Council and/or the Corporation while concurrently maintaining accountability. In doing so, Council shall adhere to, at all times, the provisions of the Act with respect to the delegation of its authorities and any restrictions and/or prohibitions contained

therein.

Delegation Policy

It is Council and the Corporation's policy that:

1. All delegations of Council powers, duties or functions, where permitted by law, shall be confirmed by written by-law and shall be subject to the terms and conditions of the delegating by-law.
2. Unless a power, duty, or function of Council has been expressly delegated by by-law, such power, duty, or function shall remain with Council.
3. A delegation of a power, duty or function under any by-law to any officer, employee or agent of the Corporation includes a delegation to a person who is appointed by the CAO of the Corporation to act in the capacity of the original delegate in the original delegate's absence.
4. Subject to paragraph number 3 above, 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 in the applicable by-law.
5. Subject to the provisions of the Act, legislative powers may be delegated by Council only where they are minor in nature (as defined under the Act) or where Council has explicitly provided the terms and conditions under which the delegated Legislative powers shall be exercised.

All by-laws of the Corporation delegating authority of the Council in effect as of the date of the adoption of this Policy remain in full force and effect.

In exercising any delegated power, the person or body to whom the power is delegated shall comply with the following:

1. Apparent or actual conflicts of interests shall be declared as soon as possible upon the earliest of accepting, receiving and/or exercising any delegated authority.
2. Any expenditure related to the delegated matter shall have been provided for in the Corporation's current year's budget (or otherwise specifically authorized by the by-law).
3. The delegate shall not exceed the scope of the delegated authority and shall at all times act in the Corporation's best interest.
4. 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.
5. Delegate(s) shall observe all of the Corporation's and Council's policies and guidelines in exercising the delegation.
6. Without limiting the generality of paragraph 5 above, all insurance and risk management policies shall be complied with in the exercise of the delegation.

No delegate shall enter into any undertaking or contract with any third party in execution of the delegate's authority without the express written approval of the Corporation's Legal Services Department.

POLICY HISTORY

REVISION	DATE	PREPARED BY
Policy reviewed and the following revisions made: <ul style="list-style-type: none">• Policy template updated and formatted for accessibility compliance.	January, 2017	Human Resources