

THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL

BY-LAW NO. 2013-07

BEING A BY-LAW TO ADOPT A POLICY REGARDING DELEGATION OF AUTHORITY TO VARIOUS OFFICERS OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

WHEREAS Section 23.1 (1) of the *Municipal Act, 2001*, as amended authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act; and

AND WHEREAS Section 270 (1) of the *Municipal Act, 2001*, as amended requires that municipalities adopt and maintain policies with respect to the delegation of municipal powers and duties; and

AND WHEREAS the Council of the United Counties of Prescott and Russell has previously delegated by by-laws certain responsibilities and it is desirous of incorporating all delegations of powers and duties into one comprehensive policy; and

AND WHEREAS the Council of the United Counties of Prescott and Russell deems it appropriate to determine measures to enhance the efficiency of its decision making and administrative processes.


NOW THEREFORE BE IT RESOLVED that the Council of the United Counties enacts as follows:

1. That the delegation of powers and duties shall be governed by the provisions and regulations contained in this By-law and Schedule 'A' (Delegation of Powers and Duties Policy), attached hereto and forming part of this By-law;
2. That Council hereby delegates the powers and duties and restrictions thereto as set out in Schedule 'B' (Delegation of Powers and Duties), to those officers, employees or committees identified on the said schedule and hereby confirms that such powers and duties are minor in nature, within the meaning of subsection 23.1 of the *Municipal Act, 2001*, as amended;
3. That By-law 2008-51 is hereby rescinded;
4. This By-law shall come into force and effect upon the date of final passing thereof.

DONE AND PASSED in open Council this 23rd day of January, 2013.



René P. Berthiaume, Warden



Stéphane P. Parisien, Clerk

SUBJECT

Delegation of Powers and Duties of Council

PURPOSE

This policy provides guidance regarding the scope of powers and duties that Council may delegate under its legislative and administrative authority and establishes principles governing such delegation.

Section 270 of the *Municipal Act, 2001*, as revised by Bill 130, requires that the United Counties adopt and maintain a policy with respect to the delegation of powers and duties.

DEFINITIONS

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.

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

POLICY STATEMENT

Counties' Council will delegate its powers and duties in order to support efficient management of the upper tier municipal operations and ensuring that appropriate accountability and reporting is assigned to each delegation.

POLICY REQUIREMENTS

Counties' Council supports the delegation of powers and duties to provide efficient management of Counties operations and respond to matters in a timely fashion according to the following principles:

1. All delegation of powers and duties shall be exercised 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. All delegation of powers and duties may be revoked at any time without notice.
4. A delegation of a power or duty under any by-law to any member of staff is also a delegation to a staff member who has been selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
5. Subject to Section 4, 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 delegation is expressly permitted.
6. In exercising any delegated authority, 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 Purchasing by-law);
 - The scope of the delegated authority shall not be exceeded by the delegate;
 - The consistent and equitable application of Council policies and procedures;
 - Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated authority and confirming compliance with the delegated authority and this policy;

EFFECTIVE DATE

This amended Policy took effect on January 23rd, 2013. It replaces the former policy that went into effect on August 19, 2008.

LIST OF DELEGATED POWERS AND DUTIES

Person or body delegated	Description Powers/Duties Delegated
Warden and Clerk	All matters pertaining to Counties' Council such as the execution of all by-laws adopted by Counties' Council, execution of all committee reports and council minutes, leases and agreements authorized by Counties' Council.
Chief Administrative Officer	<p>The Chief Administrative Officer and Clerk shall exercise all powers and duties of the CAO as set out in the <i>Municipal Act, 2001</i>.</p> <p>The CAO, senior official of the Corporation, provides organizational leadership of staff and is responsible for the efficient and effective delivery of services as set out in By-law No. 2006-16. The CAO is responsible for carrying out the direction of Counties' Council. The CAO is tasked with ensuring that all agreements and documents which are required to give effect to the direction of Counties' Council are properly reviewed if required, and completed in a timely manner.</p> <p>The CAO is authorized to:</p> <ul style="list-style-type: none"> • enter into service agreements for operational matters • approve corporate administrative and financial policies • execute agreements for land sale and/or land purchase and all deeds, transfers and other documents required for the acquisition, purchase, sale or exchange of any interest in land which have been approved by Counties' Council • execute all leases or renewal of leases • approve tenders & RFP contracts up to \$100,000 (as per Policy ADM-019) • all other authorisation and responsibilities in accordance with existing Procurement Policy ADM-019 • approve payment to the Counties' Third Party Liability Insurer of any deductible limit provided under an insurance policy upon settlement of any claim in excess of the deductible limit • execution of agreements or documents relating to matters or project which been authorized by Counties' Council or specifically included in the annual budget <p>No ongoing reporting to Council or Committees anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Counties' Council. However at least annually, the CAO shall ensure that reports to Counties' Council or the relevant Committee have been made on agreements that are not solely administrative in nature.</p>
Deputy Clerk	<p>The Deputy Clerk shall exercise all powers and duties of the Clerk as set out in the <i>Municipal Act</i> and all other Act.</p> <p>In the absence of the Clerk – all matters pertaining to Council, such as the execution of by-laws, council minutes, or all matters relating to the Clerk's Department.</p> <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the Chief Administrative Officer.</p>
Treasurer	<p>The Treasurer shall exercise all powers and duties of the treasurer as set out in the <i>Municipal Act</i>.</p> <p>The Treasurer has authority to sign on financial matters and is authorized to:</p> <ul style="list-style-type: none"> • sign agreements to accept grants

	<ul style="list-style-type: none"> • enter into service agreements for operational matters (i.e. contracted services) • execute documents pertaining to the financial activities of the Corporation such as invoices, cheques requisitions, banking documents, and financial agreements • complete applications to any ministry, agency, or fund for compensation, funding or other forms of subsidy related to any programs, operations or approved capital project, and subsequent submissions, declarations or representations required for processing the application of the receipt of funds. • execute agreements relating to the usual financial operations, subject to the restrictions set out by the procurement policy and/or other ministerial policies. • authorize the writing off of general accounts receivable which the Treasurer has determined to be uncollectible which shall be reported annually to the CAO. <p>No ongoing reporting anticipated for the signing of financial reports and day to day activities.</p> <p>All such documents relating to the day to day work, in accordance with a list approved from time to time by the Chief Administrative Officer.</p>
Deputy Treasurer	<p>The Deputy Treasurer shall exercise all powers and duties of the Treasurer as set out in the <i>Municipal Act</i> and any other Act.</p> <p>In the absence of the Treasurer – all matters relating to the Treasurer.</p> <p>All such documents relating to the day to day work in accordance with a list approved from time to time by the Treasurer.</p>
Economic Development and Tourism Director	<p>The Economic Development and Tourism Director is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Economic and Development Tourism Department, provided that such agreements are within the approved department's programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements and/or documents include, but are not limited to the following:</p> <ul style="list-style-type: none"> • service contracts • tenders & RFP contracts up to \$100,000 (as per Policy ADM-019) <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p> <p>No ongoing reporting to Council or Committees anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.</p>
Emergency Services Director	<p>The Emergency Services Director has been delegated the following administrative power:</p> <ul style="list-style-type: none"> • Call for Tenders/RFP's regarding the purchase of ambulances <p>The Emergency Services Director is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Emergency Services Department, provided that such agreements are within the approved department's programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p>

	<p>These agreements and/or documents include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Emergency Deployment Plan • Service Contracts (9-1-1 services, medical equipment, medical supplies, communications, location of ambulance stations, uniform purchase, uniform cleaning, vehicle maintenance, ambulance stations maintenance, office supplies, garbage) • Non-financial Agreements with colleges, hospital base, dispatch centres • Agreements for EMS presence at fairs, events, displays, etc. • Tenders & RFP contracts up to \$100,000 (as per Policy ADM-019) <p>Ongoing reporting to the Emergency Services Committee when executing agreements such as the 9-1-1 services, medical equipment, location of ambulance stations, tenders & RFP contracts. No ongoing reporting anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.</p> <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p>
Home Administrator	<p>The Home Administrator is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Prescott and Russell Residence, provided that such agreements are within the approved programs and objectives and within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements and/or documents include, but are not limited to the following:</p> <ul style="list-style-type: none"> • agreements for the purchase of services from physicians, nurses, and other health care professionals • admission of persons to long term care facilities operated by the Corporation, including both permanent and temporary admissions • service contracts (medical equipment & services, physiotherapy services, rental equipment agreements, medical supplies, office supplies, snow removal, garbage) • non-financial agreements with colleges • tenders & RFP contracts up to \$100,000 (as per Policy ADM-019) <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p> <p>Ongoing reporting to the Home Committee when executing agreements such as the purchase of services from health care professionals, service contracts for medical equipment & services, tenders & RFP contracts. No ongoing reporting anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.</p>
Human Resources Director	<p>The Human Resources Director is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Human Resources Department, provided that such agreements are within the approved programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements and/or documents include, but are not limited to the</p>

	<p>following:</p> <ul style="list-style-type: none"> • Ratify all collective agreements on behalf of the United Counties where the terms of the agreement are within the mandate approved by Council • Authorized to make amendments to a collective agreement provided that the wording is similar in terms or nature and remains consistent with the existing collective agreement • Grievances • Labour – letters of understanding • Arbitration settlements • Human Resources issues within budget and policy • Tenders or RFP contracts up to \$100,000 – as per policy ADM-019 <p>All such documents relating to the day to day work in accordance with a list approved from time to time by the CAO.</p> <p>No ongoing reporting to Committee or Council anticipated except for collective agreements and working conditions for non-unionized staff.</p>
<p>Information Technology Manager</p>	<p>The IT Manager is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Information Technology Services, provided that such agreements are within the approved programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements and/or documents include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Lease agreements for IT equipment, postage, photocopiers, fax, printers, etc. • Tenders or RFP contracts • Service contracts • Support and maintenance of computer software and hardware • Support and maintenance of telephone and internet services <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p> <p>No ongoing reporting anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.</p>
<p>Planning & Forestry Director</p>	<p>The Planning and Forestry Director is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Planning & Forestry Department, provided that such agreements are within the approved department's programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements and/or documents include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Plans of Subdivision • Local Official Plan Amendments • Encroachment Agreement – (here no financial impact) • Letters of understanding • Development Charges Deferral • Land Severance Consent • Part Lot Control • Larose Forest Lumber sale contracts • Land Use Agreements • Lease Agreements

	<ul style="list-style-type: none"> • Service Contracts • Tender & RFP Contracts up to \$100,000 – as per policy ADM-019 <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p> <p>All decisions on local official plans, major official plan amendments, and other planning and forestry decisions are reported through Committee and documented in the Committee Report. No ongoing reporting anticipated for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.</p>
Public Works Director	<p>The Director of Public Works has been delegated administrative powers such as:</p> <ul style="list-style-type: none"> • Authorize temporary road closure for the purposes of road work or parades, street parties, etc. • Speed limits in construction zones • Authority to issue oversized load permits • Authority to purchase (as per purchasing By-law) • Authority to issue entrance permits • Authority to reduce load limits on highways • Authority to issue front yard ditch filling permits • Authority to issue road cut permits <p>The Director of Public Works is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Public Works Department, provided that such agreements are related to approved departmental programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.</p> <p>These agreements may include, but are not limited to the following services:</p> <ul style="list-style-type: none"> • Land acquisition through land severances and site plan applications and subdivision agreements • Temporary and short-term road closures for the purpose of conducting road work • Engineering services • Service agreements • Cleaning and clearing of ditches along municipal roads • Snow plowing and removal • Road grading • Machinery rental • Service contracts • Tenders & RFP Contracts up to \$100,000 - as per Policy ADM-019 • Pipe crossing agreements with landowners <p>All such documents relating to the day to day work should be in accordance with a list approved from time to time by the CAO.</p> <p>Upon executing agreements such as land acquisition through land severances and site plan applications, engineering services, service agreements, tender & RFP contracts, the Director shall inform Council accordingly by reporting to the Public Works Committee. However, no ongoing reporting is anticipated regarding temporary road closures, reducing load limits on highways, entrance permits, for issuing oversized load permits and day to day work regarding the usual operations of the Public Works Department or which are related to a project which has otherwise been authorized by Council.</p>

**Social Services
Administrator**

The Social Services Administrator is authorized to approve, amend, extend and execute agreements relating to the usual operations of the Social Services Department, provided that such agreements are related to approved departmental programs and objectives and are within approved budget limits or form part of a project which has otherwise been authorized by Council. Such agreements shall, where deemed appropriate by the CAO, be reviewed by legal counsel.

These agreements may include, but are not limited to the following services:

- Enter into agreements for the purchase of service with private home day care providers
- Enter into agreements for provision of supplies and services in emergency situations
- Signing of tenant leases on behalf of United Counties and Social Housing Corporation
- Signing of agreements to access assistance to rent bank loans administered by the Counties
- Enter into agreements for rent supplement agreements with landlords, Housing Allowance Agreements and Home Ownership Loans
- Service Contracts with MCSS, MCYS, MOE, MMAH
- Tenders & RFP Contracts up to \$100,000 – as per policy ADM-019

All such documents relating to the day to day work should be in accordance with a list approved from time to time by the Chief Administrative Officer.

New Agreements regarding delivery of Ontario Works, Affordable Housing Initiatives, Social Housing Ontario Early Years Program, domiciliary hostels, and purchase of service of day care spaces with day nurseries require recommendation of Social Services Committee and endorsement of Council. Ongoing annual renewal agreements to be executed without additional approval provided renewal is in accordance with approved budget.

No ongoing reporting anticipated regarding agreements such as social housing leases, supplement agreements, housing allowance agreements and home ownership loans, purchase of service with private home day care providers, or for agreements that are administrative in nature or which are related to a project which has otherwise been authorized by Council.

In the absence of the Administrator – all matters pertaining to the Social Services Department is delegated to the Manager as per a list approved from time to time by the Administrator.