

**THE CORPORATION OF THE UNITED COUNTIES  
OF PRESCOTT AND RUSSELL**

**BY-LAW NO. 2008-51**

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**A BY-LAW TO ADOPT A POLICY REGARDING DELEGATION OF AUTHORITY FOR THE COUNCIL OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL**

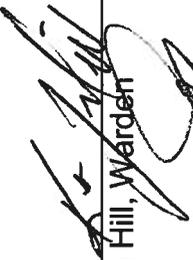
**WHEREAS** Section 270 of the *Municipal Act, 2001*, requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority;

**AND WHEREAS** the Council of the Corporation of the United Counties of Prescott and Russell deems it advisable to adopt a Policy regarding Delegation of Powers and Duties for the United Counties of Prescott and Russell.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

1. That Council deems it desirable to delegate administrative duties to ensure effective and efficient municipal operation of the United Counties of Prescott and Russell.
2. That Council does not intend to delegate any municipal powers.
3. That Council deems it desirable to delegate administrative and quasi-judicial powers to staff such as:
  - Temporary Road Closure
  - Speed limits in construction zones
  - Land Severance Consent
  - Part Lot Control
  - Plan of subdivision (minor changes and signature approval)
  - All delegated authority and powers as defined under the By-law to appoint a Chief Administrative Officer and to define the duties thereof.
  - Standing Committees Terms of Reference
  - Purchasing Policy
  - Hiring Policy
4. The Policy C/004 regarding Delegation of Powers and Duties attached hereto as Schedule "A" is hereby adopted.
5. This by-law shall come into force and take effect immediately upon final passing of same.

**DONE AND PASSED** in open Council this 19<sup>th</sup> day of August, 2008.

  
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Ken Hill, Warden

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Stéphane P. Parisien, Clerk

**SUBJECT**

Delegation of Powers and Duties of Council

**PURPOSE**

The *Municipal Act, 2001*, 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 and to establish principles governing such delegation. This policy has been developed in accordance with the Act in order to comply with its other applicable sections, including section 270

**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**

The Council of the UCPR, 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.

**POLICY REQUIREMENTS**

County 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 sub-delegation is expressly permitted.
6. Legislative matters may be delegated by Council 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.

8. Council has authorized the delegation of specific administrative matters as set out in the Delegation By-law subject to the terms set out therein.

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;
- All practices regarding insurance and risk management shall be complied with.

**EFFECTIVE DATE**

This policy comes into effect on August 19, 2008