

COMMITTEE OF THE WHOLE-DECEMBER 3, 2007

DELEGATION POLICY

Recommendation

The City Manager in consultation with the Senior Management Team recommends that the Delegation Policy be adopted.

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

Once approved, the Policy will be posted on the City's Website.

Purpose

The purpose of this report is to provide a delegation policy for Council adoption as required by the Municipal Act.

Background - Analysis and Options

The recent amendments to the Municipal Act greatly expand Council's previous authority to delegate its powers and duties under the Municipal Act, 2001, or any other Act, "to a person or body" as set out in Section 23.1 of the statute. This discretionary authority permits City Council to delegate most of its various legislative and quasi-judicial powers and duties "subject to any limits ... and to any procedural requirements, including conditions, approvals, and appeals".

Delegating some of its traditional power and duties could help streamline Council's decision-making process and enable it to focus on larger issues in a more strategic manner. It could also be used to enhance engagement with communities regarding specifically defined, local issues.

Council can choose to delegate non-core powers to:

- Individuals (including City staff if the power delegated is "of a minor nature");
- Committees of Council (including Standing, Advisory and Community Councils, if Council chooses to create them);
- Local boards (either those that currently exist or any that Council may choose to create);
- Municipal Service Boards; or
- Municipal Service Corporations (but not legislative or quasi-judicial powers).

Council can choose to delegate legislative and quasi-judicial powers to:

- One or more members of the municipal council or a council committee;
- A body that has at least 2 members, of which 50% are council members, council appointees, or combination of councilors/appointees;
- An officer, employee or agent of the municipality (if the power delegated is of a "minor nature").

Council can choose to revoke a delegation of power at anytime. Council can also delegate a power and specify that it cannot be revoked until the end of Council's term.

Administrative

There are a number of administrative matters which have been delegated to staff over the years. These include authority to execute standard site plan, subdivision, model home, development and servicing agreements (Bylaw 333-98), authority to execute documents of an administrative nature (Bylaw 332-98-Hiatus Bylaw). Authority for minor easements and capital project land acquisitions was delegated to the Manager of Real Estate pursuant to Bylaw 239-2000. In May 2007, Council delegated authority to the City Solicitor to defend and settle certain litigation matters, subject to criteria. The Director Enforcement Services has delegated authority for certain fence height and noise exemptions and animal control regarding pit bulls.

Other examples include: The Commissioner of Engineering & Public Works has delegated authority for temporary road closings for construction and the City Clerk has delegated authority for temporary road closings for special events. The Director of Purchasing has delegated authority pursuant to Purchasing Policy for various matters. Staff also have the authority to approve spending within their respective budget envelopes with the dollar limits for the approvals being assigned according to their level of responsibility in the organization.

The existing delegations are set out in various Bylaws and Policies which also provide criteria to ensure consistent and equitable application. Staff will be reviewing the existing delegation authorities to ensure compliance with all aspects of the Delegation Policy.

Legislative and Quasi-Judicial

One example of delegation to a committee was the appointment of a Hearing Committee for Licensing Matters, which was set up on May 24, 2005 to hear applications for the granting, suspension or revocation of licences pursuant to the Licensing Bylaw. The Committee consisted of the five ward councilors.

Relationship to Vaughan Vision 2007

This report is aligned with the strategic goal to *Run Our City* by demonstrating leadership and promoting effective governance.

Regional Implications

None.

Conclusion

Section 270 of the Municipal Act requires all municipalities to adopt various policies by January 1, 2008, including a Delegation Policy. Adoption of the policy attached to this report would ensure compliance with the Municipal act. The attached policy has been developed in accordance with the policy on Corporate Policy Development.

Attachments

Attachment No. 1 -Delegation of Powers and Duties Policy

Report prepared by:

Heather A. Wilson, Director of Legal Services

Respectfully submitted,

Michael DeAngelis, City Manager

**CITY OF VAUGHAN
POLICY MANUAL**

SECTION: Council	POLICY NO.: 01.33
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December 10, 2007

DEPARTMENT: Mayor & Members of Council	SUBJECT: Delegation of Powers & Duties Policy
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I. Purpose/Application

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

II. Definition(s):

- i) **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.
- ii) **Administrative Powers** - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. 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 Act and will respect the applicable restrictions outlined in the Act.

IV. Corporate Values

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

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V. Policy Requirements

1. All delegations of Council powers, duties or functions shall be effected by bylaw.
2. Unless a power, duty, or function of Council has been expressly delegated by bylaw, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any bylaw 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.
4. Subject to section 3, a person to whom a power, duty or function has been delegated by bylaw 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.
5. Legislative matters may be delegated by Council where they are minor in nature or where Council has 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.
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.

In exercising any delegated power, 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 policy)
- The scope of the delegated authority shall not be exceeded by the delegate.
- 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.
- Delegates shall ensure the consistent and equitable application of council policies and guidelines
- Any undertaking or contract with a third party shall be subject to the approval of legal services.