



**Subject: Delegation of Powers and Duties**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-201

Meeting Date: November 14, 2023

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**Recommendation:**

That Chief Administrative Office Report 2023-201 be received; and

That Council consider the Draft Delegation of Powers and Duties By-law and associated schedules outlining the administrative powers and duties delegated to various municipal staff positions as detailed therein; and

That Staff be directed to present the By-law for Council approval at the next regular meeting.

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**Purpose:**

The purpose of this report is to propose certain municipal Council powers and duties that can be delegated to City staff or committees to promote efficiency, improved customer service, and streamline administrative processes.

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**Background:**

The *Municipal Act*, 2001 S.O. 2001, c. 25, as amended (the Act) requires that a municipality adopt and maintain policies with respect to the delegation of its powers and duties (S. 270(1)6).

The efficient management of the Corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to staff or committees, while concurrently maintaining accountability. This can be effectively achieved through the delegation of legislative and administrative functions.

In the exercise of any delegated power or duty, it is the responsibility of the delegate to ensure expenditures are provided in the current year's budget or otherwise authorized

by Council and the delegate shall not exceed the authority delegated. Legal counsel will play a key role in reviewing such matters as the undertaking of contracts or agreements with third parties and ensuring the legislative powers are respected and are exercised in accordance with any conditions or limitations for delegation through the adoption of the delegation by-law.

The delegation of powers and duties serves to enhance the efficiencies of the City by removing day-to-day transactions from the need to await Council deliberation and decision. The delegation of certain administrative functions also contributes to efficient Council meetings wherein routine matters can be facilitated without delay. Councils generally delegate certain powers and duties to administrative staff where there is no need for public involvement or political input, which serves to streamline the administrative process and enhance customer service. An important factor in any such delegation is that Council will maintain the ability to revoke any delegated power at any time. Approval of a delegation by-law succinctly sets out the tools necessary to ensure the ability to respond to issues in a timely manner, thus enhancing service levels to the community.

The proposed by-law sets out which municipal officers, employees, or agents are responsible for undertaking the delegated actions, all of whom are professionals with accountability for the duties that are delegated.

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## **Discussion:**

The delegation of power and duties is a tool broadly utilized throughout Ontario. During the preparation and analysis of the Delegation of Powers and Duties By-law for Council consideration, no fewer than twenty various municipal by-laws and policies were reviewed in order to analyze what options might be best suited to the City. Each member of the Senior Management Team reviewed samples and best practice criteria and together reviewed the by-law presented for Council's consideration through this report. Consideration was given to each item listed in the by-law with the lens to identify if the function is:

- routine or minor in nature;
- generally would not prompt Council debate;
- provision of more efficient customer service through delegation.

For example, if a charitable event wants a fee waived for the use of a City facility, the request would have to be approved by Council. If the request is received too close to the date of the Council meeting, it may take several weeks before the request is considered by Council. This may result in the Council approval being sought after the intended date of the event. By using delegation of power and duties, the appropriate staff member could better assist a community group in obtaining the approval and reaching the intended outcome in a timely manner.

The draft by-law represents previous delegations that were made by resolution or adopted by by-law, policy, or common practice, and consolidates them into one by-law document.

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### **Internal Consultations:**

Staff from the City's Senior Management Team have worked together to develop the proposed list of delegated powers and duties.

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### **Financial Implications:**

There are no direct financial costs to the municipality.

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### **Public Engagement:**

This section is not applicable.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
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### **Conclusion:**

Staff recommend the adoption of a Delegation of Power and Duties By-law to promote efficiency, improve customer service, and streamline administrative processes by delegating certain administrative tasks to City staff and committees.

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### **Appendices:**

- a. Draft Delegation of Power and Duties By-law

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.