

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NUMBER 2016-122

BEING A BY-LAW TO DELEGATE MUNICIPAL POWERS AND DUTIES.

WHEREAS Section 270 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, makes provision in part that Municipalities shall adopt and maintain policies with respect to the delegation of municipal powers and duties.

AND WHEREAS Section 23.1 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, authorizes a municipality to delegate some of those powers and duties to a person or body subject to the restrictions of the Act;

AND WHEREAS Council deems it appropriate to determine measures to enhance the efficiency of its decision making and administrative processes;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

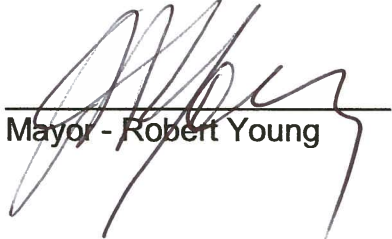
1. THAT the Corporation of the Township of Lake of Bays adopts the following policy attached hereto, and forming a part hereof:

Schedule 'A' – Delegation of Municipal Powers & Duties Policy AD-8.3

Schedule 'B' - Delegation of Municipal Powers & Duties

2. THAT this By-law shall come into force and take effect upon final passing.
3. THAT By-laws 12-067, 2013-044 and 2014-110 or any by-laws or provisions in other by-laws found to be inconsistent with this new by-law are hereby deemed to be repealed.

READ a FIRST, SECOND and THIRD time and finally passed this 18th, day of October, 2016.



Mayor - Robert Young



Clerk – Carrie Sykes



TOWNSHIP OF LAKE OF BAYS PROCEDURE MANUAL			
Chapter:	Administration	Index No.	AD-8.3
Section:	Accountability & Transparency	Effective Date:	Oct 18/16
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1 PURPOSE

- 1.01 The purpose of this policy is to set out the scope of the powers and duties which Council may delegate under its legislative and administrative authority and establish principles governing such delegation.

2 POLICY

- 2.01 The Council of the Corporation of the Township of Lake of Bays will delegate its powers and duties in order to support efficient management of municipal operations, utilize a particular expertise or enhance citizen engagement and shall abide by the legislative restrictions and shall ensure that such delegation will be accomplished maintaining the principles of accountability and transparency.

2.02 Definitions

- (a) **“Legislative Powers”** includes all matters were council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies and exercising decision making authority.
- (b) **“Administrative Powers”** includes all matters required for the management of the corporation that do not involve discretionary decision making.

3 PROCEDURES

- 3.01 Council supports the delegation of powers and duties to provide efficient management of municipal operations and respond to matters in a timely fashion according to the following principles:
- a) All delegation of powers and duties shall be set out in the Delegation of Authority By-law and reviewed every term of Council;
 - b) Unless expressly delegated by Council through the Delegation of Authority By-law, all powers and duties of Council remain with Council;
 - c) All delegation of powers and duties may be revoked at any time without notice;
 - d) A delegation of a power or duty under any by-law to any member of staff is also a delegation to another staff member delegated to act in the capacity of the delegate in their absence.

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3.02 In exercising any delegated authority, the delegate shall ensure the following:

- a) Any expenditure related to the matter shall have been provided for in the current year's budget;
- b) The scope of the delegated authority shall not be exceeded by the delegate;
- c) The consistent and equitable application of Council policies and procedures; and
- d) Delegates shall provide ongoing reports to Council advising of the exercise of a delegated authority and confirming compliance with the delegated authority and this policy.

3.03 Council is not authorized to delegate any of the following powers:

- a) The power to appoint or remove from office, statutory officers of the municipality;
- b) The power to pass a by-law and deal with issues relating to taxes;
- c) The power to incorporate municipal corporations;
- d) The power to adopt an Official Plan or an amendment to the Official Plan;
- e) The power to pass a zoning by-law;
- f) The power to pass a by-law related to small business counselling and municipal capital facilities;
- g) The power to adopt a community improvement plan;
- h) The power to adopt or amend the budget of the municipality; and
- i) Any other power or duty that may be prescribed.

3.04 **Monitoring/Contraventions**

The Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern the Clerk shall notify the Chief Administrative Officer and Council members.

3.05 **Responsibilities**

Township staff is responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

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4. REVISION CONTROL

Revision Date	Revision	Effective Date

5. ATTACHMENTS

Delegation of Authority By-law 2016-122

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DELEGATED STAFF OR DESIGNATE	POWERS/DUTIES
Superintendent of Public Works	<ul style="list-style-type: none"> a) Impose conditions on the use of highways b) Unassumed Road Improvement Agreements (URIA) for road work c) Temporary road closures for construction and/or maintenance in an emergency situation or a hazard to public safety exists d) Authority to deny requests for waiver of fees ≤ \$1,000 as set out in the “User Fee By-law”
Clerk	<ul style="list-style-type: none"> a) Temporary road closures for sidewalk sales, fireworks displays, charity walks or runs, street parties and festivals, etc b) Licence of Occupation applications for proposed or existing structures on township land adjacent to the applicants property c) Requests for proposed continuation of a Licence of Occupation with respect to a potential change in ownership, provided no issues exist or unforeseen issues arise between the approval, in principle, being given and the actual transfer in ownership d) Original Shore Road Allowance Closure applications, unless otherwise setout in Policy AD-2.9 e) Authority to deny requests for waiver of fees ≤ \$1,000 as set out in the “User Fee By-law” f) Special Events Permits g) Special Events Insurance Program

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DELEGATED STAFF OR DESIGNATE	POWERS/DUTIES
By-law Enforcement Officer	<ul style="list-style-type: none"> a) Signage, unless otherwise setout in the “Sign By-law” b) Municipal Access Users Agreements (MAUA) c) Removal and/or disposal of vehicles and boats parked in contravention of the regulations as set out in the “Parks By-law” d) Authority to deny requests for waiver of fees ≤ \$1,000 as set out in the “User Fee By-law” e) Collection and sale of private chattels f) Noise By-law exemption requests
Treasurer	<ul style="list-style-type: none"> a) Municipal Accounts for payment b) Procurement bids received in or under budget
Chief Building Official	<ul style="list-style-type: none"> a) Requests for occupancy in an existing residence for the duration of the construction of new residence on the same lot. b) Authority to deny requests for waiver of fees ≤ \$1,000 as set out in the “User Fee By-law”

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DELEGATED STAFF OR DESIGNATE	POWERS/DUTIES
Planner	<ul style="list-style-type: none"> a) Section 51(26) Agreements to be registered on title. The Mayor and Clerk are hereby authorized to sign these agreements as approved by the Planner. b) Release Agreements to remove an existing agreement on title or a portion of the property. The Mayor and Clerk are hereby authorized to sign these agreements as approved by the Planner. c) Merger Agreements to define two or more conveyable parcels as one lot for the purpose of development. The Mayor and Clerk are hereby authorized to sign these agreements as approved by the Planner. d) Amending Existing Agreements registered on title. The Mayor and Clerk are hereby authorized to sign these agreements as approved by the Planner. e) Deeming By-law applications to remove a lot from a plan of subdivision.