

 <b>COUNCIL/LEGISLATED POLICY</b> <small>Region of Waterloo</small>		Section # <b>7</b>	Policy # <b>06</b>
		Approval Date: November 27, 2007	Revision Date:
Title:	DELEGATION OF POWERS AND DUTIES		
Responsibility:	C&AS	Approval Level:	Council
Applies to:	Council, Committees of Council, Departments and Regional Staff		

## POLICY STATEMENT

The Regional Municipality of Waterloo (Region of Waterloo) will delegate its powers and duties in order to support efficient management of municipal operations while ensuring appropriate accountability and reporting is assigned to each delegation.

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

## DEFINITIONS

1. 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.
2. Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

## OPERATING PRINCIPLE

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. This can be effectively accomplished through the delegation of legislative and administrative functions. The Region of Waterloo supports the delegation of powers and duties within the context set out in the *Municipal Act, 2001, as amended (the Act)* and will respect the applicable restrictions outlined in the Act. Council will delegate its powers and duties according to the following principles:

1. All delegations of Council powers, duties or functions shall be effected by bylaw or Council resolution.
2. Unless expressly delegated by bylaw or resolution, all of the powers, duties and functions of Council remain with Council.
3. Regional council may delegate legislative powers to a committee of Council to an individual member of Council, where the power is minor in nature or limited in scope and where Council has explicitly provided for the terms and conditions under which the powers shall be exercised.
4. Regional Council may delegate administrative powers to Regional officers and employees, subject to the terms and conditions set out in the specific by-law, resolution or policy authorizing

the delegation and in accordance with this policy. A delegation of administrative power to staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence. Subject to the preceding, 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.

5. All delegation of powers and duties may be revoked by Council at any time without notice.
6. When delegating powers or duties Council shall have regard to and determine any accountability and transparency mechanism required.

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 guidelines
- 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.

## **RESPONSIBILITIES**

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

## **REVIEW PERIOD**

This policy shall be reviewed once per Council term. Notice for the review of this policy shall be given in accordance with the Region of Waterloo Notice Policy.

## **MONITORING/CONTRAVENTIONS**

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

## **SEE ALSO:**

[Accountability and Transparency Policy #7-05](#)

[Execution of Documents By-law, 06-034](#)

[Purchasing By-law, 04-093](#)

*Municipal Act, 2001, as amended*