

SECTION: I – COUNCIL

SUBSECTION: Accountability and Transparency

SUBJECT: Procurement of Goods and Services Policy

Approved by: Council

Venue approved: County Council

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DELEGATION OF POWERS AND DUTIES POLICY

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Policy Statement

The County of Perth will delegate its powers and duties to support efficient management of the operations of the municipality, while ensuring that appropriate accountability mechanisms are assigned to each delegation.

Definitions

“Act” means the *Municipal Act, 2001*, as amended;

“Administrative Powers” includes all matters required for the management of the corporation that do not involve discretionary decision-making;

“Council” means the Council of the Corporation of the County of Perth;

“County” means the Corporation of the County of Perth;

“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.

Purpose

This policy provides guidance regarding the scope of powers and duties that Council may delegate under its legislative and administrative authority and establishes the scope and principles pursuant to which such delegation may occur.

Application

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the County of Perth.

Policy Requirements

County Council is directly responsible to its constituents in the exercise of its legislative and administrative powers. In order to manage the County efficiently, and in order to respond to matters within its jurisdiction in a timely fashion, Council supports the delegation of its powers and duties in accordance with the following principles:

- All delegation of powers and duties shall be carried out in compliance with the Act, and respecting the restrictions set for in the Act.
- All delegation of powers and duties shall be set out by By-law.
- Unless expressly delegated by Council through By-law, all powers and duties of Council rest with Council.

- All delegated powers and duties may be revoked at any time without notice.
- Delegation of a power or duty should be accompanied by a corresponding accountability and transparency mechanism.
- A delegation of a power or duty under any by-law to any staff member is also a delegation to the Chief Administrative Officer for the County to act in the capacity of the delegate in their absence.

In exercising a delegated authority, the delegate shall ensure that:

- Any expenditure related to a delegated matter shall have been provided for in the current year's budget, or otherwise authorized by the purchasing by-law;
- The scope of a delegated authority shall not be exceeded by the delegate;
- The consistent and equitable application of Council policies and procedures; and
- Where required, reports shall be prepared and submitted to Council for information.

Responsibilities

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

Monitoring

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

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, requires that the County adopt and maintain a policy with respect to the delegation of its powers and duties.

Sections 23.1 - 23.5 of the *Municipal Act, 2001* provides restrictions related to the delegation of legislative and quasi-judicial functions.

By-laws and Resolutions delating powers and duties as summarized in Appendix "A"
Table of Delegated Powers and Duties

Procurement of Goods and Services Policy

Enquiries

Chief Administrative Officer
County of Perth Telephone: 519-271-0531, ext. 110

Appendix “A”

List of Delegated Powers and Duties in Perth County

Public Works Department

Delegated Power or Duty	Authority	Council Reporting Requirements
Director of Public Works or his/her designate be delegated the authority to approve advertising signs adjacent to county roads	Council By-law 2541; Resolution P35/97; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant applications to Council for information
County Road Manager be delegated the authority to approve Entrance/Access Permits	Council By-law 2595; Highway Traffic Act	The Director or his/her designate may identify controversial or significant applications to Council for information
Director of Public Works or his/her designate be delegated the authority to acquire land for road widening	Council Resolution 2006-05; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant applications to Council for information
Director of Public Works or his/her designate be delegated to close a county road for special events, weather, emergencies, road construction	Council By-law 2760; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant applications to Council for information
Director of Public Works or his/her designate be delegated to issue municipal consents and work permits associated with placing utilities within the municipal road allowance	Council Resolution P6/2003; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant applications to Council for information
Director of Public Works or his/her designate be delegated to offer replacements trees to affected property owners for trees removed by the County Roads Department during County road construction projects	Council Resolution P33/2000 Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated approval authority for residents requesting engine brake signs	Council Resolution 2009-328	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated approval authority for travel permits	Council Resolution P54/97; By-law 2754; Highway Traffic Act	The Director or his/her designate may identify controversial or significant issues to Council for information

Director of Public Works or his/her designate be delegated approval authority for mailbox replacements	Council Resolution P17/96 updated by Resolution 2014-112; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated to apply dust suppressant in villages, hamlets, urban fringe and infilling areas, as needed	Council Resolution P27/2000; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated authority to manage and approve the Adopt-a-Highway program	Council Resolution (March 23, 1995)	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated authority to designate construction zones and setting of speed limits within certain construction zones	Council By-law 3510-2016; Highway Traffic Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate be delegated authority to negotiate and draft agreements permitting encroachment on easements and other lands vested with the County of Perth including lands which are a public highway, and including encroachment agreements	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate together with the Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council's actions have been met the Chief Administrative Officer or his/her designate together with the Director of Public Works are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council (See Chief Administrative Officer)	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation

Planning Department

Delegated Power or Duty	Authority	Council Reporting Requirements
Director of Planning or his/her designate be delegated the authority to execute agreements imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act in connection with the development of land such as subdivisions, plans of condominium, land divisions, part lot control removal, site plans, and environmental warning clause registered on title	Council By-law 3510-2016; Planning Act; Condominium Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to approve applications to remove part lot control	Council By-law 3510-2016; Planning Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to approve Plans of Subdivision under the Planning Act and approval of descriptions under the Condominium Act to endorse the Notice of Decision of Council with respect to draft approved Plans of Subdivision and Plans of Condominium	Council By-law 3510-2016; Planning Act; Condominium Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to provide notice that a complete or incomplete application has been received and to give notice of complete applications under the Planning Act	Council By-law 3510-2016; Planning Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to execute agreements imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act in connection with the development of land such as subdivisions, plans of condominium, land divisions, part lot control removal, site plans, and environmental warning clause registered on title	Council By-law 3510-2016; Planning Act; Condominium Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Planning or his/her designate be delegated the authority to approve applications to remove part lot control	Council By-law 3510-2016; Planning Act	The Director or his/her designate may identify controversial or significant issues to Council for information

Chief Administrative Officer

Delegated Power or Duty	Authority	Council Reporting Requirements
Chief Administrative Officer or his/her designate be delegated the authority to negotiate and administer Collective Agreements, compensation and employee relations for non-union employees and performance management for all departments with Council to provide bargaining mandate and human resources policy.	Council By-law 3219-2010; Municipal Act, 2001	The Chief Administrative Officer or his/her designate to report to Council on negotiations and controversial or significant human resources issues for information
Chief Administrative Officer or his/her designate, with the Department Head, be delegated the authority to hire, manage performance and discipline all staff up to the Department Head level; make recommendations to council on the hiring and discipline of Department Heads; manage the performance of Department Heads	Council By-law 3219-2010; Municipal Act, 2001	The Chief Administrative Officer or his/her designate to report to council on controversial or significant issues to Council for information
Chief Administrative Officer or his/her designate be delegated the authority to execute any document required for the completion of any transaction involving the purchase, sale, exchange or lease of land, as authorized by the Council of the County of Perth by by-law, including approval authority to execute agreements to extend the closing date of purchase, sale, exchange or lease agreement	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
Chief Administrative Officer or his/her designate be delegated the authority to approve, amend, or terminate the execution of facilities rental agreements for the purposes of County events, such as staff meetings, public meetings, special events and open houses	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
Chief Administrative Officer or his/her designate be delegated the authority to approve, amend, or terminate the execution of mutual disclosure (confidentiality) agreements	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council authority have been met,	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after

<p>then the Chief Administrative Officer or his/her designate is authorized to hire or dismiss any employee in accordance with the County's practice, the authority is extended only and until the inaugural meeting of Council</p>		<p>the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation</p>
<p>For the purposes of section 275 of the <i>Municipal Act, 2001</i>, if the conditions restricting Council's actions have been met the Chief Administrative Officer or his/her designate together with the Director of Public Works are delegated the authority to dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, where such actions are in accordance with current projects approved by council and are in keeping with existing practice and policy, the authority is extended only and until the inaugural meeting of Council</p>	<p>Council By-law 3510-2016; Municipal Act, 2001</p>	<p>The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation</p>
<p>For the purposes of section 275 of the <i>Municipal Act, 2001</i> the Chief Administrative Officer and/or his designate together with the Director of Corporate Services are delegated the authority to authorize expenditures or liability in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council</p>	<p>Council By-law 3510-2016; Municipal Act, 2001</p>	<p>The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to this delegation</p>

Corporate Services

Delegated Power or Duty	Authority	Council Reporting Requirements
The Provincial Offences Coordinator, the Deputy Treasurer, Director of Corporate Services and the Chief Administrative Officer or his/her designate be delegated the authority to write-off Provincial Offences Administration (POA) accounts receivable which have been deemed uncollectable and the authority to execute a Letter of Legal Authority granting permission to take legal action on accounts receivable up to amounts established in policy POA-1.02	Council Resolution 2011-127; Provincial Offences Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate be delegated the authority to approve, amend and/or terminate the execution of software licensing agreements	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate be delegated the authority to approve the execution of agreements to facilitate the exchange or release of electronic data	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate is delegated the authority to execute, on behalf of the County, any and all forms by which the Corporation's claims for damages against other parties and their insurers are released, up to \$25,000	Council By-law 3510-2016; Municipal Act	The Director or his/her designate may identify controversial or significant issues to Council for information
Director of Corporate Services or his/her designate is delegated the authority to settle claims within the existing insurance deductible limits	Council By-law 3510-2016; Municipal Act, 2001	An annual report to Council on insurance claims
Director of Corporate Services or his/her designate be delegated the authority to approve, amend or terminate the execution of agreements with telephone service providers for 9-1-1 service	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information
For the purposes of section 275 of the Municipal Act, 2001 the Chief Administrative Officer and/or his designate together with the Director of Corporate Services are delegated the authority to authorize expenditures or liability	Council By-law 3510-2016; Municipal Act, 2001	The Chief Administrative Officer must provide, at the first meeting of Council after the inaugural Council meeting, a written report detailing all actions taken pursuant to

in respect of active capital and current projects approved in the budget adopted by council for that election year, the authority is extended only and until the inaugural meeting of Council		this delegation
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Warden and Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
The Warden and Clerk be delegated the authority to execute applications to and agreements with a Federal or Provincial department, ministry, agency or fund for compensation, funding or other forms of subsidy related to any County programs, operations or approved capital project and subsequent submissions, declarations or representations required for processing the application or the receipt of funds	Council By-law 3510-2016; Municipal Act, 2001	Clerk and/or Warden may identify controversial or significant issues to Council for information

Clerk

Delegated Power or Duty	Authority	Council Reporting Requirements
The Clerk is designated as the head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i>	Council By-law 3510-2016; Municipal Freedom of Information and Protection of Privacy Act	Clerk may identify controversial or significant issues to Council for information
Director of Public Works or his/her designate with the Clerk be delegated authority to execute any permit, licence, variance application and agreements required to implement a council approved capital project (See Public Works Delegated Power or Duty)	Council By-law 3510-2016; Municipal Act, 2001	The Director or his/her designate may identify controversial or significant issues to Council for information