

TOWN OF GEORGINA – LEGISLATIVE SERVICES
POLICY No. LS-2025- XXXX

Subject: Delegation of Authority Policy	Authority, Ref. & Sec. The Municipal Act, 2001		
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Recommended/Approved by: Council	Contact Position for Inf. Town Clerk		

1. Policy Statement

- 1.1 Council is directly accountable for all municipal powers and duties as outlined in the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as “*the Act*”), and any other applicable legislation.
- 1.2 Recognizing the significance of efficient operations in a growing municipality, Council has identified the development and implementation of a Delegation of Authority Bylaw as a key initiative in its 2023-2027 Strategic Plan to achieve its Strategic Goal of Delivering Service Excellence. The Town’s 2024-2027 Customer Service Strategy emphasizes empowering staff to deliver exceptional customer service through effective tools and resources.
- 1.3 In delegating its powers and duties, Council will adhere to legislative requirements and uphold the principles of accountability and transparency.

2. Purpose

- 2.1 *The Act* mandates that all municipalities establish and maintain a policy regarding the delegation of municipal powers and duties.
- 2.2 The Town’s Delegation of Authority Bylaw is designed to delegate powers and duties to staff. This policy provides guidance on the following:
 - (a) the application and operation of the Delegation of Authority Bylaw;
 - (b) the scope of the powers and duties that may be delegated by Council; and,
 - (c) the principles that govern such delegation.

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3. Definitions

3.1 In this Policy:

- (a) “Administrative powers” means powers and duties related to the management of the Town that do not involve legislative or quasi-judicial authority or discretionary decision-making;
- (b) “Legislative powers” means powers and duties exercised by Council in a legislative capacity, including enacting Bylaws, setting policies, and making decisions; and,
- (c) “Quasi-judicial powers” means powers and duties relating to the hearing and adjudicating of matters in proceedings similar to those conducted by courts or Tribunals, including matters that involve a statutory power of decision as that term is defined in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22.

4. Scope

4.1 This policy applies to all operations and staff of the Town.

4.2 Council may delegate administrative powers (excluding legislative or quasi-judicial powers) to:

- (a) individuals (including Town staff);
- (b) committees of Council;
- (c) Local Boards and Municipal Service Boards; or,
- (d) Municipal Service Corporations.

4.3 Council may delegate legislative and quasi-judicial powers to:

- (a) one or more Council members or a Council committee;
- (b) a body comprising at least two members, with a minimum of fifty percent being:
 - i) Council members,
 - ii) individuals appointed by Council,
 - iii) a combination of both; or,

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- (c) an officer, employee, or agent of the municipality for legislative powers considered “minor” in nature.

4.4 Under subsection 23.3(1) of *the Act*, Council may not delegate the following powers and duties:

- (a) the power to appoint or remove any Town officer required by *the Act*;
- (b) the power to pass specific Bylaws under section 400.1 and Parts VIII, IX, IX.1 and X of *the Act*;
- (c) the power to incorporate municipal corporations;
- (d) the power to adopt or amend the Official Plan;
- (e) the power to pass zoning Bylaws, except as permitted under Section 39.2 of the *Planning Act*, R.S.O. 1990, c., P. 13;
- (f) the power to enact Bylaws regarding small business counselling under subsections 108(1) and (2) of *the Act*, or regarding municipal capital facilities under subsections 110(3), (6) and (7) of *the Act*;
- (g) the power to adopt a community improvement plan under Section 28 of the *Planning Act*, R.S.O. 1990, c. P. 13, if it includes certain provisions identified in subsection 23.3(1)7 of *the Act*;
- (h) the power to adopt or amend the Town budget; or,
- (i) any other power or duty that may be prescribed.

4.5 Council may revoke a delegation at any time or stipulate that a delegation remains in effect for the duration of its term.

5. Policy Requirements

5.1 All powers and duties of Council shall remain with Council unless explicitly delegated.

5.2 Except where deemed minor in nature, or as identified in this policy, delegations of municipal powers and duties shall be authorized by Bylaw or resolution. All delegated authority shall be in accordance with the provisions and restrictions established under *the Act*.

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- 5.3 A delegation of a municipal power or duty shall define the scope of that power as required by *the Act*.
- 5.4 Individuals or bodies to whom powers or duties have been delegated may not further delegate those powers or duties unless permitted under the Delegation of Authority Bylaw or the resolution that delegated those powers or duties.
- 5.5 Delegated authority is tied to the position named, not the individual holding that position.
- 5.6 In delegating its powers and duties, Council shall consider whether an appeal process applies, and if so, Council shall designate the appropriate authority to handle appeals.
- 5.7 When delegating a power or duty consideration will be given to establishing requirements:
- (a) to ensure transparency of the delegate's actions and decisions to the public; and,
 - (b) for the delegate to report to Council.

6. Roles and Responsibilities

- 6.1 Council's role, in accordance with *the Act*, includes:
- (a) ensuring the implementation of administrative policies, practices and procedures to carry out Council decisions; and,
 - (b) maintaining accountability and transparency in Town operations.
- 6.2 Staff are responsible for implementing Council's decisions and establishing the necessary administrative practices and procedures to do so.
- 6.3 Town staff shall adhere to this Policy and ensure appropriate application of delegated authority.