



<b>Title: Delegation Policy</b>	
<b>Policy #: G-DEL-1</b>	
<b>Approved by: Regional Council</b>	<b>Page #: 1 (of 2)</b>
<b>Issued Date: December 12, 2007</b>	<b>Revised:</b>
<b>Responsibility: CAO's Office-Legal Services</b>	<b>Section: General</b>

## **1. Policy**

- 1.01 The Municipal Act, 2001, S.O. 2001, c 25, as amended permits that the Council of the Regional Municipality of Durham may delegate certain of its powers. The Council shall continue to pursue effective governance mechanisms which maximize the resources of Council, Committees, Staff and members of the community.
- 1.02 The Council shall ensure that every delegation of authority is done so in a transparent and accountable manner and that the persons, groups, boards or other entities to whom authority is delegated shall remain accountable for their actions.

## **2. Powers which may be delegated**

- 2.01 The Council may delegate those powers which are authorized by any statute to be delegated including but not limited to those powers described in s. 23.1 of the Municipal Act.

## **3. Powers which may not be delegated**

- 3.01 The Council may not delegate those powers which are prohibited by any statute to be delegated including but not limited to those powers listed in s. 23.3 of the Municipal Act.
- 3.02 The Council may not delegate legislative or quasi-judicial functions except where this power is specifically provided for under the Planning Act, R.S.O. 1990, c. p 13, the Municipal Act, relating directly to the Region of Durham, or such other Act as may be prescribed. Where such a delegation of legislative or quasi-judicial function is made it must be done in compliance with the requirements of s. 23.2 of the Municipal Act, specifically the power may be delegated only to:
  - i) One or more members of its council or a council committee;
  - ii) A body having at least two members of whom at least 50 per cent are:
    - a) Members of Council,
    - b) Individuals appointed by its Council,
    - c) A combination of individuals described in subclauses (i) and (ii); or
  - iii) An individual who is an officer, employee or agent of the municipality.

## **4. Delegation by By-law**

- 4.01 Any delegation of the powers of the Council shall be authorized by By-law.

**5. Removal of Delegated Power**

5.01 Any removal of powers of the Council shall be carried out by By-law.

**6. Reporting Requirements**

6.01 Any person, group, board or other entity to which powers have been delegated are required to report to the Council or to the applicable Standing Committee of the Council as often as is reasonable in the circumstances and in any event no less than once every year.

**7. References**

Corporate Services–Regional Council Policy Manual.

**8. Inquiries**

For additional information regarding this policy please contact the Director of Legal Services.