

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2025-078

BEING a by-law to amend By-law No. 2017-072, being a by-law to adopt a Delegation of Powers and Duties Policy.

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WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 32.1 provides that sections 9, 10 and 11 authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to restrictions;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 270 requires the establishment of a Delegation of Powers and Duties Policy;

AND WHEREAS Council did, on January 8, 2008, pass Resolution No. 11/2008, adopting a Delegation of Powers and Duties Policy and further, on September 6, 2017, Council did, adopt By-law No. 2017-072 being a revised Delegation of Powers and Duties Policy;

AND WHEREAS Council deems it desirable to amend By-law No. 2017-072.


NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That Schedule "A" of By-law No. 2017-072 is hereby deleted and replaced with Schedule "A" attached hereto and forming part of this by-law.
2. That all other provisions of By-law No. 2017-072, as amended, remain in full force and effect.

READ AND PASSED in open Council, signed and sealed this 26<sup>th</sup> day of November 26, 2025.

  
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Mayor

  
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D/Clerk

	<b>TOWNSHIP OF SOUTH STORMONT</b>
	Title: Delegation of Powers and Duties Policy (Schedule "A" to By-law No. 2025-078)
	Policy Category: Corporate Services
	Date of Origin: January 9, 2008
	Revision Date: September 6, 2017 Revision Date: November 26, 2025

### **Purpose/Application:**

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties that Council may delegate its legislative and administrative authority and to establish principals governing such delegation.

### **Definitions:**

- i) **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.
- ii) **Administrative Powers** – Includes all matters required for the management of the corporation that do not involve discretionary decision making.

### **Policy Statement:**

The Council of the Corporation of the Township of South Stormont, as duly elected municipal government, is directly accountable to its constituents for its legislative decision making, policies and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to delegate certain powers and duties to committees and employees while concurrently maintaining accountability that can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

### **Scope:**

This policy applies to Council, Committees of Council and employees.

## **Policy Requirements:**

1. All delegation of Council powers, duties or functions shall be effected by by-law and reviewed every term of Council.
2. Unless a power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions shall remain with Council.
3. A delegation of power, a duty or function under any by-law to any employee includes a delegation to a person who is appointed by the Chief Administrative Officer (CAO) or to a person selected from time to time by the delegate to act in the capacity of the delegate's absence. Authority delegated to a designate shall be done in writing and signed.
4. Subject to section 3, a person to whom power, a 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. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the power shall be exercised and must take into account the limitations set out in the Act.
6. Administrative matters may generally be delegated to employees subject to the conditions set out in the delegation and in this policy and must take into account the limitations set out in the Act.
7. In exercising any delegated power, the delegate shall ensure the following:
  - any expenditure related to the matter shall comply with the procurement policy and budget approvals;
  - the scope of the delegated authority shall not be exceeded by the delegate;
  - 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; and

- delegates shall ensure the consistent and equitable application of Township policies and guidelines.
- every delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism.

### **Policy Limitations:**

In accordance with the *Municipal Act*, Council is not authorized to delegate any of the following powers and duties:

1. Appointing and removing statutory officers;
2. Adopting and amending by-laws with respect to taxation matters pursuant to Parts VII, IX and X of the Municipal Act;
3. Incorporating corporations;
4. Adopting or amending official plans pursuant to the Planning Act;
5. Adopting or amending zoning by-laws, save exceptions outlined in Sections 34, 36 and 39 of the Planning Act;
6. Adopting and amending by-laws with respect to small business counselling and the relief and assistance to persons for the municipal capital facilities;
7. Adopting community improvement plans; and
8. Other specific prescribed power.