

Recommended amendments to the Delegation of Powers Policy

Proposed amendments are noted below using ~~striketrough~~ for deletions and **bold, underlined** for additions.

Delegation of Powers Policy

Approved By: City Council

Section: City Clerk

Approval Date: November 28, 2007

Effective Date: November 28, 2007

Revision Dates: February 13, 2013; December 9, 2020; December 7, 2022; **January XX, 2025**

Revisions Approved By: City Council

Policy statement

The City of Ottawa will delegate its powers and duties in order to support efficient management of municipal operations and ensuring appropriate accountability and reporting is assigned to each delegation.

Purpose

This policy provides guidance regarding the scope of powers and duties that Council **and the Mayor** may delegate under ~~its~~ legislative and administrative authority and establishes principles governing such delegation.

Subsection 270(1)(6) of the *Municipal Act, 2001* provides that a municipality shall adopt and maintain policies with respect to the “delegation of its powers and duties.”

Application

This policy applies to all City of Ottawa operations and its employees.

Policy requirements

Section 1 – City Council Delegation

Principles

City Council supports the delegation of powers and duties to provide efficient management of municipal operations and respond to matters in a timely fashion according to the following principles:

1. All Delegations of powers and duties shall be set out in the *Delegation of Authority By-law* and are reviewed every term of Council.
2. Unless expressly delegated by Council through the *Delegation of Authority By-law* or **Council resolution**, all powers and duties of Council remain with Council, **except for those set out under Part VI.1 (Special Powers and Duties of the Head of Council) of the *Municipal Act, 2001***.
3. All delegation of powers and duties may be revoked at any time without notice.
4. No delegation of powers and duties shall exceed the term of Council.
5. Every delegation of a power or duty of Council shall be accompanied by a corresponding accountability and transparency mechanism.
6. A delegation of a power or duty under any by-law to any member of staff is also a delegation to a person appointed by the City Manager, to act in the capacity of the delegate in their absence.

Transactional and operational items relating to wards

For those transactional and operational items that relate specifically to City of Ottawa Wards, authorities and processes associated with notification to the Ward Councillor are outlined in the *Delegation of Authority By-law*. Examples of such authorities include but are not limited to matters related to cash-in-lieu of parkland, applications to the Alcohol and Gaming Commission, some planning matters such as subdivision and condominium applications, part lot control exemptions, cemeteries, applications under the *Ontario Heritage Act*, intersection and road modifications, among others matters included in the by-law schedules.

In all instances, the *Delegation of Authority By-law* includes the appropriate reporting section for all delegations.

Site Plan Control applications

For site plan control applications that were submitted to the City prior to July 1, 2022, the following ~~process~~ **procedure** is established based on the Site Plan approval process:

- The general authority is delegated to staff, who will observe all established processes and procedures;
- Staff will work with the Ward Councillor(s), stakeholders and the public to resolve any identified issues;

- Staff will prepare a Delegated Authority Report, where all comments from the public and stakeholders are summarized and responded to in the reports;
- The Delegated Authority Report, including the conditions of approval, is sent electronically to the Ward Councillor(s) for concurrence;
- If the Ward Councillor(s) agree:
 - The Report is then signed by the General Manager/Director or their delegate.
 - Notice of decision is sent to the Ward Councillor(s) and those who submitted comments on the issue or who requested notification of the decision; and
- If the Ward Councillor(s) do not agree with staff's recommendation:
 - Delegated authority is withdrawn, and the application is sent to the appropriate Standing Committee for a public meeting and decision.

The Ward Councillor has the ability to lift delegated authority from staff where they are not satisfied with the recommendations/conditions. In addition, if a Ward Councillor does not provide concurrence and does not lift delegated authority within the recommended timelines, staff has the ability to move the report forward to Committee on their own accord.

Finally, any Member of Council has the right to ask that an item that is delegated to a Standing Committee be forwarded to Council for a decision, either at the meeting, or in writing to the Standing Committee ~~Co-~~ Coordinator at any point up until the day after the Committee disposition is posted.

For all site plan control applications received by the City from July 1, 2022, onwards, the ~~p~~Province has appointed approval authority to staff to render a decision. The ~~p~~Province's Bill 109, the More Homes for Everyone Act, 2022, removed Councillor's concurrence or/and their ability to bring a site plan application to Planning Committee.

Section 2 – Mayoral Delegation

Section 284.13 of the *Municipal Act, 2001* provides that the Mayor, as head of council, may delegate their powers and duties under specific sections of the *Municipal Act, 2001* regarding:

- **City Manager**
- **Organizational structure**
- **Local boards**
- **Committees**

Notwithstanding any City Council delegation, the above-listed matters may only be delegated by the Mayor.

Mayoral decisions pursuant to the *Municipal Act, 2001*, including Mayoral delegations, are published on ottawa.ca.

Delegated authority to standing committees

Should the Mayor delegate to Council power respecting Committees, the following principles apply, in addition to those set out in Section 1. ~~The following additional principles are to be applied when delegating authority to a Standing Committee:~~

- Standing Committees should decide those items that are consistent with a policy that City Council has adopted;
- Standing Committees should decide matters that are consistent with the application of federal and/or provincial statutes and/or regulations;
- Standing Committees should be the body that makes recommendations on all aspects related to a policy or policy implementation issue within that committee's mandate (including property acquisitions, contracts, etc.); and
- Standing Committees will have the authority to confirm by-laws for decisions under their delegated authority, as required.

Responsibilities

City staff are responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

Delegate responsibilities – City Council delegations

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;
- The scope of the delegated authority shall not be exceeded by the delegate;
- The consistent and equitable application of Council policies and procedures;
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated authority and confirming compliance with the delegated authority and this policy;
- That Members of Council and/or the Ward Councillor(s), as appropriate, are engaged early in the process, particularly in instances where the matter is high-profile or sensitive;

- That enhanced accountability and transparency mechanisms, including consultation and reporting over and above what may be required under the *Delegation of Authority By-law*, are formally considered and assessed in potentially high-profile or sensitive matters; and
- That any business decisions with respect to consultation and reporting the exercise of delegated authority will be documented in accordance with applicable information management policies and procedures.

Delegate responsibilities – by-laws

Where delegated authority is provided to staff to enact a by-law as described under Section 284.11 of the *Municipal Act, 2001*, City staff shall ensure that a Mayoral Decision is prepared.

Delegate responsibilities – Mayoral delegations

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;**
- **The scope of the delegated authority shall not be exceeded by the delegate;**
- **The consistent and equitable application of Council policies and procedures; and**
- **That any Mayoral decisions with respect to the delegation will be documented and provided to the City Clerk to be published to ottawa.ca in accordance with the requirements of the *Municipal Act, 2001*, and applicable information management policies and procedures.**

City Clerk

The City Clerk shall ensure all Mayoral delegations of powers and duties pursuant to Section 284.13 of the *Municipal Act, 2001*, are documented and published to ottawa.ca in accordance with the requirements of the *Municipal Act, 2001*, and applicable information management policies and procedures.

Monitoring/contraventions

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

References

Accountability and Transparency Policy

Delegation of Authority By-law

Procurement By-law

Engaging the Mayor and Council Regarding Situations/Events Affecting Their Wards – Protocol

Legislative and administrative authorities

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

Recordkeeping requirements

In accordance with As per the Records Management Policy, Official Business Records generated as a result of the execution of this policy must be declared as such in the appropriate SharePoint site, RMS (Records Management System) or approved business system.

Definitions

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.

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

High-profile or sensitive matters – May include, but not be limited to, the following examples:

- Significant City projects, programs or services with respect to budget, project scale, risk level or public interest where an authority has been specifically granted by Council;
- Events such as those described in the Donations to the City for Community Benefit Policy:
 - Modifications, enhancements, replacement, alterations or removal of City facilities, amenities, programs or services available to the public;
 - An introduction of new facilities, amenities, or equipment to a City owned or leased location accessed by the public;
 - A significant reconfiguration of a public property, facility or programming space within a City facility;

- A recognition benefit to a donor that has significant impact on site or facility aesthetics and/or use; and/or
- A requirement to waive all or a portion of City policies and/or standards such as accessibility, bilingualism, etc.

Enquiries

For more information on this policy, contact:

City Clerk

Office of the City Clerk

City of Ottawa

Telephone: 3-1-1 (TTY: 613-580-2401)