



REGISTER OF OFFICIAL DOCUMENTS

By-law 6: Delegation of Powers to the Executive Committee

Category and code: BL – 6

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Operator and Storage Site: Legal Department

History:
Adopted by Resolution 00-05-#18
Amended by Resolution 04-01-#08
Amended by Resolution 2012-01-#04
Amended by Resolution 2016-11-#07
Amended by Resolution 2019-03-#06



LEGAL BASIS

1. Sections 174 and 181 of the Education Act allow the Council of Commissioners to delegate powers to the Executive Committee, the Director General, an Assistant Director General, a School Principal or Center Director, any member of the Executive Staff as well as to a Governing Board or to the Resource Allocation Committee.
2. Any power which is not delegated by by-law in accordance with these sections of the Education Act remains with the Council of Commissioners.
3. The Council of Commissioners cannot delegate the powers where the Council is specifically referred to as the authority to take action or make a decision. In the Education Act, these powers appear at sections 9 to 12, 155, 162, 168, 170, 172, 174, 175, 175.1, 176.1, 179, 186, 193.1 and 200.
4. When a person or entity is delegated a power by the Council of Commissioners, the person or entity has the discretion to make the final and complete decision on the delegated matter. The request to someone to execute a decision does not constitute a delegation of power.
5. Delegated powers cannot be further delegated to another person or entity.
6. As per sections 201 and 202 of the Education Act, the Director General has the power to make decisions regarding the day-to-day management of the activities and resources of the school board. The Council of Commissioners has also delegated to the Director General the powers specified in By-law #2.
7. At all times, the delegated powers must be exercised by the person or entity in conformity with the law and the School Board policies, by-laws, procedures or other official documents applicable.

GENERAL PROVISIONS

1. The present by-law defines the powers and functions delegated by the Council of Commissioners of the Lester B. Pearson School Board to its Executive Committee.
2. The Executive Committee is accountable for the decisions taken in conformity with the present by-law and must render account to Council when requested.
3. No decision taken under the present by-law may result in expenditures exceeding the adopted budget.



4. The Executive Committee may ask the schools or centres and their Governing Boards for any information or documents necessary to exercise the delegated authority (s. 81 and 218.1 EA).
5. The Executive Committee may establish committees, organize consultations and request recommendations or reports in the exercise of the delegated authority.
6. Wherever a monetary limit is established under the present by-law, the approval must be provided for any total amount excluding taxes.



Rule Number	Applicable legislation	Function or Power	Delegated To DG
		EDUCATION	
1.	15 EA	To exempt students from compulsory attendance for the reasons indicated at s. 15 EA. (exceptional)	
2.	43, 44, 103 EA	To approve the composition of schools and centres Governing Boards. In the case of centres, and to also appoint the members of the Industry and the members of Socio-Economic and Community Groups.	
3.	62 and 108 EA	To order that a Governing Board functions and powers be suspended for lack of quorum, and that the Principal or Centre Director exercise these functions and powers, after three consecutive notices sent at intervals of at least seven days.	
4.	181 EA	To approve the Commissioners' expense accounts.	
5.	181 EA	To approve the allocation of funds for Commissioners' attendance to a conference, a symposium or to specific events as official LBPSB representative(s), and to determine a maximal flat fee for mileage when commissioners use their own vehicle.	
6.	213 EA	To approve agreements with other educational institutions for instructional services at the preschool, elementary, or secondary level for the provision of student services and special educational services (ententes with hors réseau schools).	
7.	275.1 para 3 EA	To approve the allocation of funds to Governing Boards, the Parents' Committee, the Special Needs Advisory Committee and the Central Students Committee.	
8.	284 EA	To appoint the external auditors for the School Board.	
9.		To launch the following annual consultations required by law: the Budget, the 3-Year Plan and By-laws 1 & 1E.	
10.		To approve agreements with other School Boards to offer vocational programs or to authorize the School Board to obtain authorization from the MEES to offer a vocational program.	



FINANCIAL RESOURCES			
11.	266 EA	To approve contracts where the total cost is over \$100 000 up to a maximum of \$ 500,000 for: - The supply of goods or services (including expenses resulting from group purchasing) - Professional services for construction projects - Professional services in engineering and architecture - Construction works	By-law 2, art. 29, 34: 100K or less Also refer to By-law 10
12.	266 EA	To authorize lease agreements for amounts over \$100 000.	By-law 2, art. 30, 31, 32, 33: 100K or less.
13.	257 EA 16 LGCE	To define the price lists of cafeterias in schools, centres and head office.	
14.	297 EA	To grant student transportation contracts after negotiating an agreement or following a call for public tenders.	