

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Financial Services Division

TO: Chair and Members Audit, Finance and Administration Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: January 17, 2013	
SUBJECT/REPORT NO: Appointment of Treasurer and Deputy Treasurers (FCS13006) (City Wide)	
SUBMITTED BY: Mike Zegarac Acting General Manager, Finance & Corporate Services Department	PREPARED BY: Brian McMullen (905) 546 2424 ext. 4467
SIGNATURE:	

RECOMMENDATION

- (a) That the By-Law, to provide for the appointment of the Treasurer and Deputy Treasurers, attached as Appendix "A" to Report FCS13006, be passed;
- (b) That By-Law 09-078, to appoint a Treasurer, be repealed;
- (c) That By-Law 11-139, to provide for the appointment of the Deputy Treasurers, be repealed.

EXECUTIVE SUMMARY

Council, under s. 286 of the Municipal Act, 2001, is required to appoint a Treasurer and may appoint Deputy Treasurers. The existing appointment By-laws, one appointing the Treasurer (No. 09-078) and the other appointing the Deputy Treasurers (No. 11-139), are now outdated due to organizational changes and need to be repealed and replaced.

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This will ensure continuance of the normal operations of the Finance area under the Treasurer, or under a Deputy Treasurer when the Treasurer is unable to act.

The attached By-Law (refer to Appendix "A to report FCS13006) appoints the Treasurer and Deputy Treasurers and empowers the Treasurer or, in the Treasurer's absence, the City Manager, to designate any one of the Deputy Treasurers as Acting Treasurer.

Alternatives for Consideration – Not Applicable.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: None.

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND (Chronology of events)

The Municipal Act, 2001 requires that a By-law be passed to appoint a Treasurer and Deputy Treasurers.

City Council at its meeting of April 15, 2009, approved motion 10.2 which appointed Antonio (Tony) D. Tollis as the Treasurer as per By-Law No. 09-078.

The CityHousing Hamilton Board at its Meeting of July 16, 2009, approved a motion that Tony Tollis be appointed as Treasurer.

City Council at its meeting of May 25, 2011, approved Audit, Finance and Administration Committee Report 11-007 containing report FCS11045, which provided for the appointment of Deputy Treasurers as per By-Law No. 11-139.

The CityHousing Hamilton Board at its Meeting of December 13, 2012, approved a motion that Councillor Ferguson be appointed as Treasurer.

Effective January 7, 2013, Mike Zegarac has been appointed Acting General Manager of Finance and Corporate Services with the resignation of Roberto Rossini, General Manager of Finance and Corporate Services. In addition, changes to the role of Treasurer were referenced in Report CM12016, Corporate Organizational Changes, resulting in the role of Treasurer being assigned to the General Manager of Finance and Corporate Services.

POLICY IMPLICATIONS

None.

RELEVANT CONSULTATION

Legal Services Department.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The appointment of the Treasurer and Deputy Treasurers is required by section 286 of the Municipal Act.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

None.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- A culture of excellence
- A skilled, adaptive and diverse workforce, i.e. more flexible staff
- Council and SMT are recognized for their leadership and integrity

Financial Sustainability

- Delivery of municipal services and management of capital assets/liabilities in a sustainable, innovative and cost effective manner

APPENDICES / SCHEDULES

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Appendix "A" to Report FCS13006 - By-Law to appoint the Treasurer and Deputy Treasurers.

Authority:
Bill No.

CITY OF HAMILTON

BY-LAW NO. 13-

**Being a By-law to Appoint a Treasurer and Deputy Treasurers
and to Repeal By-laws No. 09-078 and No. 11-139**

WHEREAS subsection 286(1) of the *Municipal Act, 2001* requires that Council of the City Hamilton appoint a Treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by the council of the municipality, including,

- (a) collecting money payable to the municipality and issuing receipts for those payments;
- (b) depositing all money received on behalf of the municipality in a financial institution designated by the municipality;
- (c) paying all debts of the municipality and other expenditures authorized by the municipality;
- (d) maintaining accurate records and accounts of the financial affairs of the municipality;
- (e) providing the council with such information with respect to the financial affairs of the municipality as it requires or requests;
- (f) ensuring investments of the municipality are made in compliance with the regulations made under section 418:

AND WHEREAS subsection 286(2) of the *Municipal Act, 2001* permits Council of the City of Hamilton to appoint Deputy Treasurers who have all the powers and duties of the Treasurer;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The General Manager of Finance and Corporate Services (or the individual acting in this position) is appointed as Treasurer of the City of Hamilton.
2. The Treasurer is responsible to Council of the City of Hamilton:
 - (a) to carry out all powers and duties conferred on the Treasurer by the *Municipal Act, 2001* and all other application legislation, including City of Hamilton by-laws; and
 - (b) for the proper administration of the financial affairs of the City of Hamilton.

3. The Director of Financial Planning and Policy, the Director of Financial Services and Corporate Controller, Director of Taxation and Director of Finance and Administration and Special Projects (or the individuals acting in these positions) are all appointed as Deputy Treasurers, who, during the absence or illness of the Treasurer and subject to section 4, shall have all the duties and powers of the Treasurer.
4. The Acting Treasurer shall be selected from the Deputy Treasurers in section 3 by the Treasurer or, in the Treasurer's absence, by the City Manager and the Acting Treasurer shall carry out the duties and exercise the powers of the Treasurer until the return of the Treasurer or until another such selection is made.
5. By-laws No. 09-078 and No. 11-139 are repealed.
6. This By-law is deemed to come into force on January 7, 2013.

PASSED this _____ day of _____, 2013.

R. Bratina
Mayor

R. Caterini
City Clerk