

Authority: Item 9, General Issues
Committee 20-008
Report (CM20004)
CM: March 20, 2020
Ward: City Wide

Bill No. 044

**CITY OF HAMILTON
BY-LAW NO. 20-044**

COVID-19 Emergency Delegated Authority

WHEREAS the Province has declared a state of emergency pursuant to s. 7.0.1 the *Emergency Management and Civil Protection Act* and ordered a number of establishments to close immediately, including indoor recreation programs, libraries, schools, childcare centres, bars and restaurants, theatres and concert venues and has prohibited all organized public events of over 50 people;

WHEREAS the City of Hamilton has taken a number of steps order to protect the health and safety of the people in the community the City of Hamilton, including closing municipal facilities to the public and suspending City programs; and,

WHEREAS Council of the City of Hamilton is generally required to hold meetings that are open to the public; and,

WHEREAS Council considers it to be in the City's interests to delegate its authority to senior staff, subject to the restrictions prescribed by the Municipal Act, 2001 and by this By-law.

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

1. Unless otherwise stated:
 - (a) a reference to a statute or regulation refers to a statute or regulation of the Province of Ontario;
 - (b) a reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time; and
 - (c) a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
2. The headings in this By-law are for convenience only and do not form part of this By-law.
3. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

4. The delegations of authority outlined in this By-law are in addition to and other delegations of authority established by other City by-laws, resolutions and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
5. In this By-law:
 - (a) "Approval Authority" means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in By-law 17-064, Policy # 2 - Approval Authority.
 - (b) "By-law" means this By-law.
 - (c) "City" means The City of Hamilton or the geographic area of the City of Hamilton as the context requires.
 - (d) "Council" means the City's Council.
 - (e) "Fair Market Value" means the monetary consideration that, in an open and unrestricted market, a reasonably prudent and informed buyer would pay to a reasonably prudent and informed seller, when acting at arm's length from one another.

Delegation

6. The City Manager be delegated authority to exercise the following actions:
 - (a) to exercise authority under all provincial statutes and regulations and all City By-laws, subject to the restrictions established by Part II of the Municipal Act, 2001.
 - (b) Approval Authority to the City Manager to incur any expenditures or liabilities over \$250,000
 - (c) to approve and enter into funding agreements with other levels of government or other entities pursuant to City funding programs and to distribute funds in accordance with the agreements or funding programs.
 - (d) to exercise any discretionary corporate actions in response to unforeseen circumstances that arise due to the COVID-19 (Novel Coronavirus) pandemic and to exercise delegated authority where such authority has not already been provided by Council until the end of the COVID-19 (Novel Coronavirus) pandemic, only when Committee or Council is unable to meet.
7. Council delegates its authority to approve amendments to tax policies and to draw from reserve accounts for the purposes of ensuring business continuity and delivery of critical services to the Treasurer or Deputy Treasurer.

8. Council delegates its authority to approve any legal settlements, to the City Solicitor and the City Manager and to approve settlement of matters currently before the Local Planning Appeal Tribunal to the City Solicitor and Chief Planner.
9. Real estate transactions, including expropriations requiring council approval to the General Manager of Planning Economic Development and Treasurer, and the authority to determine Fair Market Value to the Manager of Real Estate.
10. The delegated authority in this By-law includes the authority to enter into and execute all necessary agreements and to take all necessary steps to exercise the delegated authority and applies until the end of the COVID-19 (Novel Coronavirus) Pandemic, as declared by Health Canada or as revoked by council, whichever is earlier.
11. All reference to staff positions include Acting staff designated in writing from time to time.

PASSED this 20th day of March, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk