

Authority: Item ,
Report: CMO22009
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**A By-law to Delegate Authority
During any Restricted Period following Nomination Day**

WHEREAS section 275(3) of the Municipal Act restricts certain actions of the Council of a local municipality once it can be determined that any of the circumstances set forth in paragraphs 1, 2 or 3 of section 275(1) of the Municipal Act will apply to the new Council of the City;

AND WHEREAS subsection 275(6) of the Municipal Act provides that nothing in section 275 prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new Council;

AND WHEREAS, pursuant to section 23.1 of the Municipal Act, a municipality is authorized to delegate its powers and duties under the Municipal Act or any other Act to a person or body, subject to the restrictions set out in Part II of the Municipal Act;

AND WHEREAS to ensure the efficient and effective management of the City of Hamilton during any Restricted Period it is prudent that Council delegate certain authorities to the City Manager;

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

1. The delegations of authority outlined in this By-law are in addition to any other delegations of authority established by other City by-laws, resolutions, policies and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that delegates the broader authority shall prevail to the extent of the inconsistency.

2. In this By-law:

“By-law” means this By-law to Delegate Authority during any Restricted Period following Nomination Day;

“City” means the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“City Clerk” means the Clerk for the City of Hamilton as appointed by Council;

“City Manager” means the Chief Administrative Officer for the City of Hamilton as appointed by Council;

“Council” means the Council for the City of Hamilton;

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Nomination Day” means the third Friday in August in the year of the election for a regular election; and

“Restricted Period” means the period commencing when any of the circumstances set forth in paragraphs 1, 2 or 3 of section 275(1) of the Municipal Act apply and ending at the conclusion of the inaugural meeting of the newly elected Council.

3. During the Restricted Period the City Manager shall have the authority with respect to the following matters:
 - (a) the appointment of any employee on an acting basis;
 - (b) the disposition of any real or personal property of the City that has a value exceeding \$250,000 at the time of disposal;
 - (c) making any expenditures or incurring any other liability of \$250,000 or greater; and
 - (d) approve the award of contract for any capital projects where the competitively procured cost exceeds the approved capital budget for that project by \$250,000.
4. During the Restricted Period, the General Manager, Finance and Corporate Services shall be authorized to fund estimates in excess of the budget for individual capital projects through budget appropriation transfers between capital projects and /or through reserves funding and/ or through debenture issue(s).
5. During the Restricted Period the General Manager, Finance and Corporate Services shall be authorized to amend the debt forecast and calculate an updated Annual Repayment Limit (ARL) related to incurring long term debt for any capital projects.
6. Prior to exercising the delegated authorities set forth in this By-law, the City Manager or the General Manager shall:
 - (a) consult with the General Manager, Finance and Corporate Services and with the General Manager, Planning and Economic Development, with respect to any acquisition or disposition of real or personal property that exceeds \$250,000;

- (b) consult with the General Manager, Finance and Corporate Services and with the appropriate General Manager with respect to the making of any expenditure, or the incurring of any liability of \$250,000 or greater; and
 - (c) consult with the General Manager, Finance and Corporate Services and with the appropriate General Manager with respect to approving the award of contract for capital projects where the cost exceeds the amount of the capital budget for that project by \$250,000.
7. The City Manager shall provide a report to the first General Issues Standing Committee meeting following the inaugural meeting of the newly elected Council identifying any exercise of the authorities delegated pursuant to this By-law.
 8. The authorities delegated to the City Manager pursuant to this By-law include the authority to negotiate, enter into and execute all necessary contracts and agreements and any ancillary documents required to give effect thereto in a form satisfactory to the City Solicitor and to take all necessary steps and actions to exercise the delegated authorities.
 9. The City Clerk shall advise Council in writing when the Restricted Period has commenced.
 10. This By-law shall come into force on the day it is passed and expire on the date of the inaugural meeting of the new term of Council.