



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	November 22, 2022
SUBJECT/REPORT NO:	Use of Delegated Authority During Any Restricted Period Following Nomination Day (CM22019) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger (905) 546-2424 Ext. 6524
SUBMITTED BY: SIGNATURE:	Janette Smith City Manager

Discussion of Confidential Appendix “B” to this report in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:

- A proposed or pending acquisition or disposition of land for City or a local board purpose
- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board

RATIONALE FOR CONFIDENTIALITY

Appendix B to Report CM22019 is being considered in Closed Sessions as it contains items regarding land acquisition and potential litigation.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Staff are recommending that Appendix B to Report CM22019 remain confidential as disclosure could affect the legal proceedings around the acquisition of lands and potential legal action.

COUNCIL DIRECTION

Not applicable. Report is coming forward as required by By-Law 22-517.

INFORMATION

Pursuant to the Municipal Act section 275, when it becomes impossible for 75% of the members of the outgoing Council to be re-elected, the Council will be subject to certain restrictions as set forth in Section 275(3) of the Act. This may occur after Nomination Day based on the nominations that have been certified, including any acclamations, or upon announcement of the results of the election after Voting Day. To ensure that the City is capable of addressing any potential impacts to operations that arise as a result of these restrictions, By-Law 22-517 – a By-Law to Delegate Authority During Any Restricted Period Following Nomination Day - was approved by Council on June 22, 2022.

The Office of the City Clerk provided notice in August 22, 2022 that following certification of nominations, the returning Council would have less than 75 percent of the membership of the current Council. This placed Council under the Restricted Acts per the *Municipal Act 2001*, and the City Manager assumed delegated authorities until the inaugural meeting the new Council on November 16th, 2022.

According to By-law 22-517, the City Manager had the authority with respect to the following matters:

- The appointment any employee on an acting basis that was not already prescribed in By-Law 19-044 – A By-Law to Appoint and to Prescribe the Duties and Responsibilities of the Chief Administrative Officer;
- The disposition of any real or personal property of the City that has a value exceeding \$250,000 at the time of disposal;
- Making any expenditure or incurring any other liability of \$250,000 or greater;
- Approving the award of contract for any capital projects where the competitively procured cost exceeds the approval capital budget for that project by \$250,000; and
- Negotiation, entrance, and execution of all necessary contracts and agreements, and any ancillary documents required to support these processes, and necessary steps to exercise delegated authority.

In accordance with By-Law 22-517 section 7, this report is being brought forward to the first General Issues Committee following the Inaugural Council Meeting to identify the instances where the City Manager exercised this delegated authority.

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In summary, it was used five times and more specific details are provided in the appendices.

- Appendix A to the Report CM22019 details the instances where delegated authority was used
- Appendix B to the Report CM22019 includes in camera items where delegated authority was exercised

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report CM22019: Use of Delegated Authority By-Law during the Restricted Period

Appendix “B” to Report CM22019: Confidential Use of Delegated Authority By-Law during the Restricted Period