

The Corporation of the City of Port Colborne

By-law No. _____

Being 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 Port Colborne during any Restricted Period, it is prudent that Council delegate certain authorities to the Chief Administrative Officer;

NOW THEREFORE the Council of the City of Port Colborne enacts as follows:

1. In this By-law:

“City” means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries;

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

“Chief Administrative Officer” or **“CAO”** means the Chief Administrative Officer for the City of Port Colborne as appointed by Council;

“Council” means the Council for the City of Port Colborne;

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

“Nomination Day” means the deadline to file a nomination with the Clerk under the Municipal Election Act, 1996 as amended;

“Restricted Period” means the period commencing Nomination Day when any of the circumstances set forth in section 275(1) of the Municipal Act apply and end at the last day of the current term of Council.

2. 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.

3. During the Restricted Period, the CAO shall have the authority with respect to the following matters:

- (a) the appointment or removal from office of any officer of the municipality;
- (b) the hiring or dismissal of any employee of the municipality;
- (c) the disposition of any real or personal property of the municipality which

has a value exceeding \$50,000 at the time of disposal; and

(d) making any expenditures or incurring any other liability which exceeds \$50,000.

4. During the Restricted Period, the CAO shall be authorized to fund estimates more than 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. The authorities delegated to the CAO pursuant to this By-law include the authority to negotiate, finalize, and execute all necessary contracts and agreements and any ancillary documents required to give effect thereto in a form satisfactory to any necessary parties and to take all necessary steps and actions to exercise the delegated authorities.
6. The City Clerk shall advise Council in writing when the Restricted Period has commenced.
7. The Chief Administrative Officer shall submit a report to Council advising of any events relating to the exercising of this delegated power at the end of the Restricted Period.
8. 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.

Enacted and passed this _____ day of _____.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk