

**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW NO. 2506

**BY-LAW CONCERNING THE
DELEGATION OF AUTHORITY TO
THE OFFICERS AND EMPLOYEES
OF THE CITY**

At the Regular Council Meeting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on July 9, 2018 at 8:00 p.m. at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Ruth Kovac, B.A.

Councillor Mitch Kujavsky, B. Comm.

Councillor Oren Sebag

Councillor David Tordjman, Eng.

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager

Ms. Nadia Di Furia, Associate City Manager

M^e Jonathan Shecter, Associate City Manager and City Clerk

M^e Frédérique Bacal, Assistant City Clerk, acted as Secretary of the meeting

WHEREAS the Municipal Council has the power to delegate certain powers to municipal officers and employees;

WHEREAS, in a spirit of responsibility and accountability, certain non-monetary value Council powers should be delegated to municipal officers and employees in order to improve administrative efficiency and the quality of service to citizens;

WHEREAS these delegations are subject to accountability mechanisms and administrative control measures;

WHEREAS article 477.2 of the Cities and Towns Act allows a municipal council to delegate by by-law to any officer or employee of the municipality the power to authorize the spending of money and make contracts in the name of the municipality;

WHEREAS article 73.2 of the Cities and Towns Act allows a municipal council, on the conditions it determines, to delegate to any officer or employee of the municipality the power to hire officers and employees, and consequently, the power to authorize expenditure for that purpose;

WHEREAS for efficiency and expediency purposes, the Council wishes to make use of these article of the Cities and Towns Act;

WHEREAS a notice of motion for the presentation of this by-law was given at the regular Council meeting duly called and held on June 11, 2018;

THAT it be enacted and ordained as By-Law 2506 entitled "By-Law Concerning the Delegation of Authority to the Officers and Employees of the City" as follows:

CHAPTER 1

GENERAL PROVISIONS

1. In this by-law, the following expressions:

- 1° "Associate City Manager" is a person reporting to the City Manager holding the office of Associate City Manager as appointed by the Council by resolution;
- 2° "City" refers to the City of Côte Saint-Luc;

- 3° “City Manager” or any related title is a person reporting to the Mayor and Council and holding the office of City Manager as appointed by the Council by resolution;
 - 4° “Council” refers to the City Council;
 - 5° “Director” refers to a person reporting to the City Manager and Associate City Manager and who has been appointed by the Council by resolution;
 - 6° “Manager” refers to a person who reports directly to a Director and who has been appointed by the Council by resolution;
 - 7° “Mayor” is the elected Mayor of the City of Côte Saint-Luc;
2. The Council reserves the right to exercise any power delegated hereunder directly and reserves the right to repeal any delegated powers granted hereunder to any individual or group of individuals.
 3. The City Manager, Associate City Manager and Directors must file with the Council each month a report on the exercise of powers delegated to them under this by-law.
 4. A power delegated under this by-law must be exercised in accordance with the law, and in accordance with administrative support measures. A person who is appointed by the Council as “acting” in a position referred to in this by-law has the same delegation powers as if he or she held the position on a permanent basis.
 5. The City Manager, Associate City Manager, City Clerk, General Counsel or Mayor may sign all duly authorized contracts, acts or other documents under the Council’s jurisdiction, including those whose conclusion or execution were delegated to anyone else under the provisions of this by-law.

CHAPTER II

DELEGATION OF POWERS AND MONETARY LIMITS

Section I – General Rules

6. Council hereby delegates to the City Manager, to the Associate City Manager, to the Treasurer, to each Department Director and to each Manager the power to authorize the spending of money and make contracts for the purchase or the

rental of goods and services, including professional services, or for the realization of works that are not contemplated by the Municipal Works Act (CQLR, chapter T-14) in accordance with the conditions, requirements and under limitations that are set forth in the present chapter.

7. The officers contemplated in this Section 1 are empowered to authorize the spending of money before applicable taxes and make contracts, without exceeding the following limits:

Acquisition of goods and services:

City Manager	\$25,000.00
Associate City Manager	\$25,000.00
Treasurer	\$25,000.00
General Counsel Director of Public Works Director of Parks and Recreation	\$10,000.00
<i>Books and audiovisual material:</i> Director of the Library	\$10,000.00
Director of Communications, Public Affairs and Information Technology Director of Human Resources Director of Public Safety Director of Urban Development Director of the Library	\$7,500.00
Managers	\$3,000.00

Mandates to an outside law firm or other legal representation:

Director of Human Resources	\$5,000.00
Director of Legal Services	
City Clerk	
General Counsel	

Settlement of Claims:

City Clerk	\$3,000.00
Director of Legal Services	
Director of Human Resources	

8. In case of disaster or major equipment or infrastructure failure servicing the population, and/or the City employees, or for purposes of civil or public security, the Mayor is authorized to carry out any expenses deemed useful in order to preserve life or health, to protect public or private property.

The expenses that are carried out pursuant to the first paragraph are not subject to the otherwise provided for expense limitations pursuant to the present by-law. These expenses must be reported to Council at the following council meeting.

9. The delegation of powers contemplated in the present chapter shall be subject to the following conditions :

- 1° That the expenditure is necessary for the sound operation of the City;
- 2° That the provisions of the City's By-Law concerning Contract Management, as well as the rules respecting the awarding of contracts contemplated in the City's Purchasing policy are respected;
- 3° That the expenditure has been planned in the current fiscal year's budget, except if the authorization comes from the City Manager or the Council;

4° That the authorization to spend is confirmed by either City Manager, Associate City Manager or Treasurer's signature on the purchase order that is related to said expenditure.

5° That reporting of the exercise of said spending powers resulting in expenditures between \$7,500.00 and \$25,000.00, as reflected by the City's purchase orders, shall be presented to Council on a monthly basis.

10. Notwithstanding any other provision to the contrary included in the present chapter, the power to authorize any modification to an already awarded contract may be carried if the amount of the change order is within the contingency amount related to the contract and said contingency was approved by Council when awarding the contract.

The authorization may be related to one or more minor modifications that do not substantially affect the nature of the contract as awarded and, as a consequence and as the case may be, authorize the payment of additional amounts for that purpose.

The modifications may be related to the amount to be paid, with technical modifications or with a delay extension.

The expenditure resulting from such modification must be paid with funds coming from the same source as the one contemplated at the time of awarding the original contract.

Section II – Powers of the Treasurer

11. Notwithstanding the limits provided under other provisions of the present by-law, the Treasurer shall be authorized to initiate spending and to automatically pay:

1° Any and all expenditures related to remuneration and other benefits payable to employees pursuant to collective agreements, staff managers work conditions, individual work contracts and any other document establishing work conditions for any and all employees;

2° Any and all expenditures related to the remuneration and other benefits payable to municipal elected officials;

3° Interest charges, capital repayments and management costs on any borrowing;

- 4° Any and all expenditures, stipulated in a law, by-law or government order in council or when the obligation to pay is provided in such law, by-law or order in council and is payable in any respect whatsoever to the government (federal or provincial), to any of its bodies or to any of its crown corporations;
- 5° Any and all amounts payable to public utility companies;
- 6° Any and all contributions payable by the City to:
 - i. The Communauté métropolitaine de Montréal;
 - ii. The City of Montreal;
 - iii. The Union des municipalités du Québec;
 - iv. The Federation of Canadian Municipalities;
- 7° The refund of any amount that has been deposited on a temporary basis and of any excess payment, whatever the nature of the original payment made to the City.

Furthermore, the Treasurer shall be authorized to:

- 12.** Negotiate and accept the interest rate and repayment terms on the City's short-term borrowings.

The Treasurer must report to Council any action taken pursuant to the provisions of the first paragraph no later than at the first meeting held after the expiry of a 30 day period following such negotiation.

- 13.** Whenever immovables situated on the territory of the municipality are sold for non-payment of municipal or school taxes, to bid upon and acquire such immovable. The bid shall not however, in any case, exceed the amount of the taxes, in capital, interests and costs, with an amount sufficient to satisfy any prior or hypothecary claim of a rank prior or equal to that of municipal taxes.

- 14.** Strike off any amount due to the City, with the exception of real estate taxes and interest on real estate taxes, whenever the amount, including interests and penalties, is equal to or less than \$100.00.

- 15.** Withdraw an immovable from the list of immovables to be sold for non-payment of taxes. The delegation can only be exercised when the property owner is untraceable following the death of the property owner on file and prescription is not affected.

16. Award contracts to sell City bonds to the person entitled thereto in accordance with section 554 of the *Cities and Towns Act* subject to the following:

- 1° The City shall sell the bonds it is authorized to issue, by adjudication, on written tenders, after a notice, published in accordance with the prescribed means and time limit, to the person who has made the most advantageous tender within the time fixed, unless it has obtained the prior authorization of the Minister of Finance to award the contract to any person other than the one who has made the most advantageous tender within the time fixed;
- 2° The Minister of Finance may authorize the City to sell its bond by mutual agreement without the formalities prescribed by the previous section, on the conditions that he may deem expedient to impose. If so, the borrowing conditions shall be approved by the Minister of Finance before the transaction can be closed.

Section III – Powers of the City Clerk and the Director of Legal Services

The City Clerk and the Director of Legal Services shall be authorized to:

- 17.** Accept an out-of-court settlement and to incur any expenditure related to a civil liability claim whenever the amount entailed is less than \$3,000.00.
- 18.** Accept an out-of-court settlement in respect of a claim other than a civil liability claim, as well as the ability to renounce prescription, whenever the value entailed is less than \$3,000.00.
- 19.** Recover any amount due to the City, to make the decision to institute legal proceedings as well as to settle such proceedings and to strike off any amount due to the City, with the exception of real estate taxes, whenever the amount entailed is less than \$3,000.00.
- 20.** Make the decision to appeal or not about a ruling involving the City whenever the City is condemned to pay an amount less than \$3,000.00.
- 21.** Pay any judiciary expenses account of expert costs whenever it entails an amount of less than \$5,000.00.
- 22.** Consent to the release of a real right or to give a quittance further to a duly authorized settlement or to the striking off of an amount due to the City. The General Counsel also is delegated this power.

23. Establish and modify a classification list contemplated in section 16 of the Act respecting Access to documents held by public bodies and the protection of personal information (CQLR, chapter A-2.1).
24. Establish and modify a calendar respecting preservation delays contemplated in section 7 of the Archives Act (CQLR, chapter A-21.1).
25. Make the decision to consent to any attorney replacement, in accordance with the provisions of the Code of Civil Procedure (CQLR, chapter C-25).

Section IV – Powers of the Director of Human Resources

26. The Director of Human Resources shall be authorized to:
 - 1- Hire non-management employees;
 - 2- Hire an employee to fill an existing position within the City's organizational structure;
 - 3- Create a new temporary position in the City's organizational structure.

Permanent employee status may only be granted by Council.

27. Enter into a contract with any educational establishment with respect to the supervision of a trainee who would carry out training in the City.

The contract contemplated in the first paragraph shall:

- 1° Be in writing;
 - 2° Include a liability exoneration clause in favour of the City.
28. Settle a litigation claim before the Commission des normes, de l'équité, de la santé et de la sécurité du Travail (C.N.E.S.S.T.) and before the Commission des lésions professionnelles (C.L.P.) up to an amount of \$3,000.00.
 29. Settle a grievance or of a litigation related to Labour relations before an Administrative tribunal as related to incurring expenditures for professional fees related to services provided by a grievance arbitrator provided that the estimated value of such services is less than \$3,000.00.

The Director of Human Resources must carry out said power in accordance with Council's directions, as they may be indicated.
 30. Prepare the City declaration, when the City is summoned as garnishee.

Section V – Powers of the City Manager and Associate City Manager

The City Manager shall be authorized to:

31. Sign any contract relating to the purchasing of goods, the supply of labour or services, a contract for professional services provided by a member of an exclusive profession and a rental or leasing of an immovable agreement is delegated to the City Manager, when the contract value is no more than \$25,000.00 before applicable taxes.
32. Modify any contract awarded by the City, through its Council or a delegation granted by the present by-law, provided that, in conformity with Section 573.3.0.4 of the Cities and Towns Act (CQLR, c. C-19), said modification constitutes an accessory and does not change the nature of the contract.
- This delegation is however limited to the lesser of the following two amounts:
- 1° An amount not exceeding ten percent (10%) of the initial value of the contract (including taxes); or
 - 2° An amount within the delegated authority of the City Manager.
33. Alienate in return for valuable consideration any movable property that is in excess of City needs or obsolete, whenever its actual merchant value is equal to or less than \$1,500.00.

Section VI – Powers of the General Counsel and Director of Urban Development

The General Counsel and Director of Urban Development shall be authorized to:

34. Subject to approval by Council, intervene in a contract, deed and/or to consent and sign a contract, deed in regards to:
- 1° Lane sales;
 - 2° A servitude;
 - 3° A consent to a cadastral modification;
 - 4° An encroachment on a City property or a property over which the City has a servitude.
35. Abandon a servitude established to the benefit of the City.

Section VII – Powers of the General Counsel

The General Counsel shall be authorized to:

36. Establish any selection committee that must be established in accordance with sections 573.1.0.1, 573.1.0.1.1 and 573.1.0.13 of the Cities and Towns Act (CQLR, chapter C-19).

The City's General Counsel shall designate in writing at least three persons other than council members to be part of this committee as well as its secretary.

The identity of the members of a selection committee shall remain confidential until the contract has been awarded, all tenders have been rejected or their validity period has come to its end, as the case may be.

Section VIII – Other Delegations

37. The Director of the Public Works shall be authorized to sign the documents that are necessary to license a City vehicle with the Société de l'Assurance Automobile du Québec (S.A.A.Q.).
38. The Director of Parks and Recreation shall be authorized to hold, for the benefit of the City, a permit for the sale of alcoholic beverages in any recreation centres or in any public place of which the City is the owner or tenant.
39. All Directors are responsible for applying for available grants that may benefit the City; they must prepare the request and transmit it to the City Manager. The City Manager, the Associate City Manager, the City Treasurer, General Counsel, and the Director of Legal Services shall be authorized to sign a grant application on behalf of the City.
40. The Coordinator of Urban Planning shall be authorized to sign the document entitled "Approbation du propriétaire" ("Owner's approval") for the City's lane sales.

This By-Law will replace By-Law 2370 as well as all its amendments.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Frédérique Bacal

FRÉDÉRIQUE BACAL
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



FRÉDÉRIQUE BACAL
ASSISTANT CITY CLERK

PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC

BY-LAW No. 2506

BY-LAW CONCERNING THE DELEGATION OF
AUTHORITY TO THE OFFICERS AND
EMPLOYEES OF THE CITY

ADOPTED ON: July 9, 2018

IN FORCE ON: July 18, 2018

CERTIFIED TRUE COPY