WHEREAS paragraph 270(1)(c) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

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

1. Definitions

In this By-law:

a) “City” means the City of Hamilton;

b) “City Manager” means the City Manager of the City of Hamilton; and

c) “Council” means the municipal council of the City of Hamilton.

2. Application

a) This by-law is the City policy with respect to delegation of its powers and duties.

b) All delegations of powers and duties that were made by Council before the date this By-law comes into force are confirmed and are deemed to be delegations under this policy.
c) All delegations of powers and duties that are made by Council on or after the date this By-law comes into force shall be made:

(i) in accordance with sections 23.1 to 23.5 of the Municipal Act, 2001, inclusive, or with any other applicable legal requirement;

(ii) by resolution confirmed by by-law or by by-law alone.

3. **General**

a) Unless a power or duty of Council has been expressly delegated, the power or duty remains with Council.

b) Unless otherwise specified, a delegation of a power or duty to any officer or employee of the City includes a delegation to a person who is appointed by the City Manager or by the delegate to act in the capacity of the delegate in their absence.

c) Subject to subsection 3b) and unless otherwise specified, a delegate shall not further delegate any of their delegated powers or duties.

d) Council shall not delegate any of the following powers and duties:

i) The power to appoint or remove from office an officer of the City whose appointment is required by the Municipal Act, 2001.

ii) The power to pass a by-law under Parts VIII, IX and X of the Municipal Act, 2001.

iii) The power to incorporate corporations in accordance with section 203 of the Municipal Act, 2001.

iv) The power to adopt an official plan or an amendment to an official plan under the Planning Act.

v) The power to pass a zoning by-law under the Planning Act.

vi) The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7) of the Municipal Act, 2001.

vii) The power to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of the Municipal Act, 2001.
viii) The power to adopt or amend the budget of the City.

ix) Any other power or duty that may be prescribed under paragraph 23.3(1)9 of the Municipal Act, 2001.

4. The short title of this by-law shall be the “Delegation Policy By-law”.

5. This by-law comes into force on January 1, 2008.

PASSED this 12th day of December, 2007

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk