

**Authority:** Item 10, Audit & Administration  
Committee Report 07-015  
(CL07009)  
CM: December 12, 2007

**Bill No. 352**

## **CITY OF HAMILTON**

### **BY-LAW NO. 07-352**

#### **A BY-LAW TO ADOPT AND MAINTAIN A POLICY WITH RESPECT TO THE DELEGATION OF THE CITY OF HAMILTON'S POWERS AND DUTIES**

**WHEREAS** paragraph 270(1)6 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.

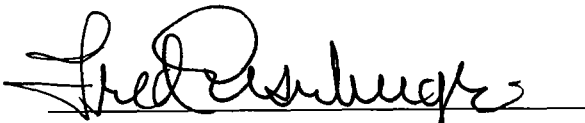
- c) All delegations of powers and duties that are made by Council on or after the date this By-law comes into force shall be made:
  - (i) in accordance with sections 23.1 to 23.5 of the *Municipal Act, 2001*, inclusive, or with any other applicable legal requirement;
  - (ii) by resolution confirmed 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 12<sup>th</sup> day of December, 2007

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk