

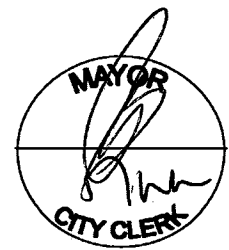
BY-LAW BEAC-082

**BY-LAW ON THE DELEGATION OF POWERS
TO OFFICERS AND EMPLOYEES**

OF THE

CITY OF BEACONSFIELD

**Adopted at a regular Council meeting
held on January 27, 2014**



At a regular meeting of the Municipal Council of the City of Beaconsfield, held in the Council Chambers at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, January 27, 2014, at 8:00 p.m.;

WERE PRESENT: His Honour the Mayor Georges Bourelle and Councillors David Pelletier, Karen Messier, Pierre Demers, Roger Moss and Peggy Alexopoulos

WAS ABSENT: Councillor Wade Staddon

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 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 the Council has a mandate to define the work assignments and responsibilities of municipal officers and employees;

WHEREAS a notice of motion for the presentation of this by-law was given at the regular Council meeting duly called and held on Monday, December 16, 2013;

CONSIDERING section 477.2 of the *Cities and Towns Act* (R.S.Q., chapter C-19);

It is proposed by Councillor P. Demers, seconded by Councillor R. Moss and unanimously resolved:

THE COUNCIL ENACTS AS FOLLOWS:

1. GENERAL PROVISIONS

- 1.1 In the present by-law, "officer" means an officer or an employee as defined in the *Cities and Towns Act* (R.S.Q., chapter C-19).
- 1.2 Delegation of power to officers includes the delegation of said powers to their immediate supervisor, to the line supervisor of the latter and so on, up to the Director General.
- 1.3 In all cases, the Director General and department directors may reserve the right to exercise the power delegated to any officer under their direct authority.
- 1.4 Each month, the Treasurer shall transmit a list of accounts payable and issued cheques to the Municipal Council.
- 1.5 An employee to whom a power has been delegated under this by-law is authorized to sign the contracts, acts or other documents related to the exercise of said power.

The City Clerk is also authorized to sign the contracts, acts or other documents under the Council's jurisdiction, including those for which the conclusion or execution was delegated to an officer under the present by-law.



2. HUMAN RESOURCES

- 2.1 The power to **hire or appoint**, on a non-permanent basis, unless permanent status has already been attained, an officer or employee, who is not a salaried employee as defined in the *Labour Code* (chapter C-27), is delegated to the Human Resources Director or, in his or her absence, to the Director General.

The Human Resources Director or, in his or her absence, the Director General shall exercise that power on the recommendation of the concerned department director or selection committee.

- 2.2 The power to **hire or appoint**, on a non-permanent basis, unless permanent status has already been attained, an officer, who is a salaried employee represented or not by a certified association as defined in the *Labour Code*, is delegated to the Human Resources Director or, in his or her absence, to the Director General.

- 2.3 A **list of the hired and appointed persons** described in sections 2.1 and 2.2 shall be deposited at a Council meeting subsequent to their hiring or appointment. That list must include the start date, the planned termination date, in a case of term employment, and the job title(s) for which each person was hired or appointed.

- 2.4 The power to **terminate the employment of or dismiss** an officer, who is not a salaried employee as defined in the *Labour Code* and who has not attained permanent status, is delegated to the Human Resources Director or, in his or her absence, to the Director General, who shall exercise that authority on the recommendation of the concerned department director, where appropriate.

- 2.5 The power to **terminate the employment** of an officer, who is a salaried employee represented or not by a certified association as defined in the *Labour Code* and who has not attained permanent status, is delegated to the Human Resources Director or, in his or her absence, to the Director General.

- 2.6 The power to **dismiss** an officer hired or appointed on a temporary basis, who is a salaried employee represented or not by a certified association as defined in the *Labour Code*, is delegated to the concerned department director who must however provide the Human Resources Director with all documents supporting such a decision prior to the dismissal date.

- 2.7 The power to take **disciplinary action**, excluding a discharge or a suspension of more than five (5) days, is delegated to the concerned department director.

- 2.8 Subject to the provisions of any applicable collective agreement, where appropriate, the power to **set out work assignments and responsibilities** is delegated to the concerned department director.

- 2.9 In all cases where department directors are unable to take action, the Human Resources Director or, in his or her absence, the Director General has the required authority to take action on their behalf.

- 2.10 Any **power related to the working conditions** of an officer that are not covered by sections 2.1 to 2.7 is delegated to the Human Resources Director or, in his or her absence, to the Director General.

- 2.11 The power to **resolve or settle a grievance or dispute** with an employee or a certified association as defined in the *Labour Code* is delegated to the Human Resources Director and the Director General.



3. EXPENDITURE AUTHORIZATION AND AWARDING OF CONTRACTS

3.1 The expenditure authorization or the power to award contracts related to the acquisition of goods, the execution of work or service delivery is delegated to:

- a) the Director General, where the expenditure or contract value is \$25,000 or less, taxes included;
- b) the concerned department director, where the expenditure or contract value is \$10,000 or less, taxes included;
- c) the officer designated by the Director General, where the expenditure or contract value is \$1,000 or less, taxes included;

3.2 The Director General may authorize an adjustment to a contract awarded by Council resolution up to an amount of \$25,000, taxes included, or up to the balance of the contingency amount prescribed in a loan by-law for the expenditures chargeable as per that by-law, where applicable.

Within a reasonable time, the Director General shall submit a report to the Council regarding any cost overrun authorization for an existing contract.

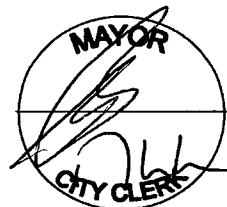
3.3 In the case of a bid solicitation subject to a weighting and assessment system, the power to create a selection committee and set out its terms and conditions, including the choice of the assessment system, is delegated to the Director General.

3.4 Budget allocations incurred by an officer cannot extend beyond the fiscal year during which the contract was awarded.

4. PAYMENT AND SPECIFIC EXPENDITURES AUTHORITY

4.1 Notwithstanding the foregoing, the Treasurer may authorize expenditures and payments related to the following elements:

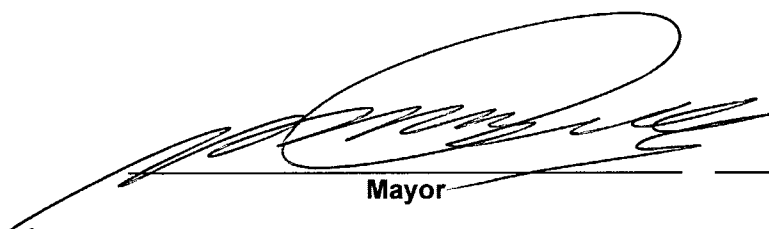
- a) Salaries, remuneration and allowances owed to employees under collective agreements as well as related source deductions and contributions of the employer;
- b) Expenditures related to the remuneration and benefits owed to elected municipal officers;
- c) Commitments related to future social benefits;
- d) The settling of an out of court agreement or of a new collective labour agreement;
- e) Telecommunication fees;
- f) Expenditures related to drinkable water, electricity, gas, petroleum, gasoline, diesel and any other fuel;
- g) Postal and message handling fees;
- h) Bank fees and interests on credit lines;
- i) Expenditures paid with the City's corporate credit card;
- j) Accounting provisions and allocations, loan repayment to the working fund;
- k) Expenditures related to the repayment of the long term debt and fees related to the financing of such a debt;
- l) Contracts pertaining to the renewal of computer software and hardware licences, maintenance and technical support services associated to softwares, software packages as well as computer and communication equipment;
- m) The amounts owed by the City to a governmental authority under a statutory or regulatory provision, such as sales taxes, fees for the consultation or supply of documents with the Office of the Land Register of Quebec, registration fees for vehicles, liquor permit fees, radiocommunication licences and royalties;
- n) The amounts owed by the City pursuant to an act, regulation or by-law, a resolution, a judgment or the enforcement of a judgment rendered by a court of competent jurisdiction in Quebec;



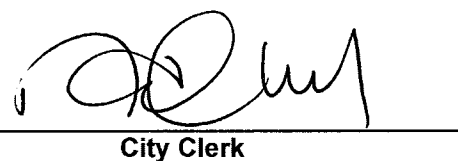
- o) Payment of shares and certain expenditures to the Agglomeration of Montreal, the Montreal Metropolitan Community, intermunicipal boards and other municipalities;
- p) Travel and hospitality expenses of municipal employees;
- q) Professional assessment, development course and convention meeting fees for municipal employees and elected officers;
- r) Expenditures and refunds from a petty cash fund;
- s) Deposits and advance payments to engage the services of individuals or businesses to perform during shows, concerts, animations or other approved activities;
- t) Professional fees of instructors who teach classes as part of a recreation program;
- u) An amount owed by the City to a citizen following a required deposit, a tax refund due to an amendment of the assessment roll or an overpayment, a registration fee refund for an activity or an adjustment related to room rental.

5. COMING INTO FORCE

- 5.1 By-laws BEAC-030 and BEAC-030-1 on the delegation of powers to officers and employees are repealed.
- 5.2 Section 19 of By-law BEAC-029 is repealed.
- 5.3 This by-law shall come into force according to law.



Mayor



City Clerk