

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /20

Being a by-law to delegate authority on behalf of Council during a declared emergency

WHEREAS Section 5(3) of the *Municipal Act*, S.O. 2001, c.25, as amended (the Act), states that a municipality shall exercise its capacity, rights, powers and privileges by by-law;

WHEREAS Section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other act;

AND WHEREAS Council deems it expedient to delegate specific administrative powers, duties and functions during an emergency declared by the Province or by Haldimand County under the *Emergency Management and Civil Protection Act*, subject to certain conditions,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** further to Procurement Policy 2013-02, authority be delegated to the Chief Administrative Officer or designate during a declared emergency, to award any bids for goods, services and construction to an unlimited dollar value, and to reallocate approved budget funds as necessary to effect such purchases, until such time as the emergency is concluded, or the authority is rescinded.
2. **THAT** during a declared emergency, the Chief Administrative Officer, or designate, shall have the following authorities until such time as the emergency is concluded or the authority is rescinded:
 - a. The ability to extend existing contracts that are set to expire during the anticipated timeframe of the emergency.
 - b. The authority to approve budget reallocations outside of the Procurement Policy, that otherwise would have been recommended to Council to allow a tender to be awarded so a project may proceed.
 - c. The authority to approve property transactions that will allow Federal, Provincial or municipal capital projects to proceed or that will address matters required to allow essential services to continue, as per the list of essential workplaces provided by the Province.
 - d. The authority to revise, within legislative parameters, any Corporate policy related to human resources, as deemed necessary to maintain appropriate staffing levels, scheduling of essential services and pay administration during, and in response to, the declared emergency. Any additional expenditures as a result of such amendments will be reported to Council periodically and following the declared emergency.

- e. The authority to bind the Corporation for projects/new funding opportunities with the Provincial and/or Federal governments in instances where the contribution of other levels of government totals 66% or greater.
 - f. The authority to increase the County's Line of Credit limit to address temporary cash flow issues that are a result of unbudgeted incremental costs or lost revenues.
3. **THAT** during a declared emergency, authority be delegated to the Mayor or the Chief Administrative Officer acting together with the Treasurer, to authorize the issuance of any debentures and to execute any documents or take any steps necessary whatsoever to ensure, in the opinion of the Treasurer and the Mayor and/or CAO that debentures as issued, required to be issued or deemed desirable to be issued by the municipality are issued in the name of the municipality for the purpose of financing and/or re-financing capital projects within the municipality. The Clerk shall be authorized to execute and or certify any documents necessary in connection with the issuance of the debentures.
4. **THAT** any exercise of delegated authority as contemplated in this by-law will be reported to Council on a periodic basis and at the conclusion of the period to which this by-law is in effect, however, any decision or exercise of delegation under this by-law shall not be subject to retroactive review by Council.
5. **AND THAT** this by-law shall come into force and take full effect on the date of passing.

READ a first and second time this 21st day of April, 2020.

READ a third time and finally passed this 21st day of April, 2020.

MAYOR

CLERK