

PROVINCE OF QUEBEC  
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2816

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BY-LAW        RESPECTING        BUDGET  
CONTROL AND DELEGATION OF POWER

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*In force on July 9, 2014*

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE,  
HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC,  
ON JULY 2, 2014, AT 7:30 P.M.

PRESENT:                      Councillors K. Thorstad-Cullen, J. Beaumont, P. Bissonnette,  
C. Cousineau, J.-P. Grenier, A. Iermieri and D. Smith chaired by  
His Worship Mayor Morris Trudeau forming a quorum of council.

ABSENT:                      Councillor C. Homan.

AMONGST OTHER BUSINESS TRANSACTED AT SAID  
MEETING WAS THE FOLLOWING:

**BY-LAW NUMBER: PC-2816**

RESOLUTION NUMBER: 2014-311

PROPOSED BY COUNCILLOR IERMIERI

SECONDED BY COUNCILLOR COUSINEAU

AND RESOLVED:

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**WHEREAS** the second paragraph of section 477 of the Cities and Towns Act (CQLR, chapter C-19) states that council must, to ensure sound administration of city finances, adopt a budget control and monitoring by-law that provides in particular for a means to guarantee the availability of funds before any decision authorizing an expenditure is made; the means may vary depending on the authority authorizing the expenditures or on the type of expenditures proposed;

**WHEREAS** section 477.2 of the Cities and Towns Act (CQLR, chapter C-19) allows council, by by-law, to delegate to any officer of the municipality the power to authorize spending of money and make contracts therefore in the name of the municipality;

## **THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:**

### **CHAPITRE I**

#### **GENERAL PROVISIONS**

1. In the present by-law, the following words mean:

“Council”: The City of Pointe-Claire municipal council;

“Fiscal year”: Period included between January 1st and December 31st of any given calendar year;

“Officer”: Any officer or employee within the meaning of the Cities and Towns Act (CQLR, chapter C-19);

“Municipality (Town)”: The City of Pointe-Claire;

“Policy respecting budget variations”: Policy setting up limits for permitted budget variations as well as the terms and conditions for any budget fund transfer;

“Person accountable for a budget activity”: City officer who is responsible to manage the budget allocation that has been entrusted to him, including the responsibility of any budget allocation that has been entrusted to a subordinate;

“Responsibility centre”: Group of budget activities put under the responsibility of an officer who is entrusted to prepare its annual budget and to ensure its property control and follow-up.

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PC-2816-3, a. 1

### **CHAPTER II**

#### **OBJECTS OF THE BY-LAW**

2. The present by-law does establish budget control and monitoring rules that must be complied with by all concerned city officers.

More specifically, it sets the required responsibility and operation rules for any expenses to be committed or carried out by any officer, including the hiring of employees, so that. Such commitment or expense be proceed with only after due verification that necessary budget funds are available.

The present by-law shall apply to each allocation of funds that is chargeable to the current fiscal year operation or capital investment activities that may be authorized, from time to time, pursuant to any council resolution or by-law.

This by law also provides the budget monitoring and accountability rule that must be respected by the Treasurer and by any other person accountable for a budget activity.

Finally, this by-law also provides for the applicable rules determined by council pursuant to the first two paragraphs of section 477.2 of the Cities and Towns Act (CQLR, chapter C-19).

### **CHAPTER III**

#### **PRINCIPLES APPLICABLE TO BUDGET CONTROL AND MONITORING.**

3. The funds that are necessary for the city financial and capital activities must be approved by the council prior to their allocation to carry out the related expenditures, such approval of funds will be expressed through a vote by council through any of the following means:
  - 1° The adoption, by council, of the annual budget or of a supplementary budget;
  - 2° The adoption, by council, of a borrowing by-law;
  - 3° The adoption, by council, of a resolution or of a by-law under which funds are allocated from extra income, from the accumulated surplus, from financial reserves or from reserved funds.
4. To be carried or committed, any expenditure must be duly authorized either by council, by an authorized municipal officer or by the person accountable for a budget activity, in accordance with the provisions of this by-law respecting the delegation of power and provided that due verification of the availability of the necessary funds has been made.
5. Any and all city officers shall be responsible to apply and comply with the present by-law as far they are concerned.
6. Any and all persons who are accountable for a budget activity must observe the present by-law when they authorize and expenditure that comes under their responsibility, prior to such expenditure being actually committed or carried out.

Any such person can only authorize the expenditures coming under his jurisdiction and can commit budget funds only for the purposes for which they have been allocated.

7. The City Manager shall be responsible for updating the present by-law. He must submit to council, for adoption if necessary, any draft modification by-law that would become necessary to adapt it in reason of new circumstances or in reason of a legal modification.
8. The City Manager, together with the Treasurer, shall be responsible to see to it that adequate internal controls be put in place and maintained to ensure the by-law is applied and observed by all city officers.

## **CHAPTER IV**

### **GENERAL CONTROL AND BUDGETARY MONITORING**

9. To verify the availability of funds prior to authorizing an expenditure, the concerned person who is accountable for a budget activity must rely on the accounting system that is in place within the municipality.

The same shall apply for the Treasurer and the City Manager, as the case may arise, when any of them must authorize an expenditure or confirm to council that funds are available for any expenditure that is submitted to council for its authorization.

10. Should the verification of available funds show that they are not sufficient, the person accountable for a budget activity, the Treasurer or the City Manager, as the case may arise, must comply with the provisions related to budget variations.
11. Any officer who is not accountable for a budget activity cannot authorize any expenditure whatsoever.

However, he may commit to or carry out an expenditure that has been duly authorized, provided that he is specially mandated to that effect or if he benefits of such authorisation pursuant to his job description.

12. If, in an emergency situation, an officer must incur an expenditure without proper prior authorization, he must inform the person accountable for this particular budget activity as soon as possible and provide him with any and all statement, invoice or receipts justifying said expenditure.

An "emergency situation" is a situation of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality.

## **CHAPTER V**

### **PARTICULAR CONDITIONS APPLICABLE TO BUDGET CONTROL AND MONITORING.**

- 13.** Any decision by council to authorize an expenditure must, prior to the decision, be the object of a Treasurer's certificate that identifies the source of the appropriated funds as well as their availability.

- 14.** Such authorization is not required at the time of creating a new position

However, it is required upon confirmation of the hiring of a person who will occupy any existing position within the municipality.

- 15.** Any authorization of expenditure given by an officer, in accordance with the provisions related to the delegation of power to authorize expenditures and to make contracts, shall not require any other particular measure.

- 16.** Any authorization to hire given by an officer, in accordance with the provisions of the by-law respecting the delegation to certain officers of the power to hire staff must, prior to such authorization, be the object of an attestation, from the Department Director to whom the new employee will report and from the Planner – Human Resources and the Treasurer to the effect that necessary funds for such hiring are available.

Any authorization to extend such hiring must be the object of an attestation to the same effect.

## **CHAPTER VI**

### **COMMITMENTS GOING BEYOND THE CURRENT FISCAL YEAR.**

- 17.** Any authorization to commit expenditures beyond the current fiscal year must first be the object of a verification with respect to available funds for this part that is accountable in the current fiscal year.

- 18.** During the preparation of the budget for the following fiscal year, each person accountable for budget activities must make sure that the budget will cover the expenditures that have been committed for in the past and that must be accounted to the following fiscal year financial activities for which he is responsible of.

The Treasurer must also make sure that the necessary funds for such expenditures be correctly appropriated within the budget.



## **CHAPTER VII**

### **PARTICULAR EXPENDITURES**

- 19.** Are considered as “particular expenditures”, those expenditures that can hardly be reduced and that, due to their object, do not lend themselves much to prior control.
- 20.** The following expenditures shall, among others, be considered as “particular expenditures”:
- 1° Electricity, heating and telecommunications expenditures which shall be paid upon reception of an invoice;
  - 2° Expenditures related to the application of collective agreements, work contracts or other work conditions;
  - 3° Commitments that are related to future social benefits;
  - 4° Quote-parts payable to the agglomeration of Montréal and to the Communauté Métropolitaine de Montréal;
  - 5° Accounting provisions and allocations.
- 21.** At the time of preparing the budget for each fiscal year, the concerned Department Director must make sure that his budget will cover the particular expenditures he is responsible for.

The Treasurer must make sure that the necessary funds to cover these particular expenditures are properly allocated in the budget.

- 22.** Despite the fact that the particular expenditures contemplated under section 20 do not lend themselves much to prior control, they remain submitted, as any other expenditure, to the budget monitoring and accountability rules that are prescribed pursuant to the provisions of chapter IX of this by-law.
- 23.** When an unforeseen situation occurs, such as a decision by a judiciary or quasi-judiciary body, an out-of-court settlement, the conclusion of a new collective agreement or of a letter of agreement, or an emergency situation, the Treasurer must make sure to provide for required additional funds.

She can proceed, as the case maybe, to make the appropriate budget transfers along with the agreement of the City Manager or further to the authorization of council.

## **CHAPTER VIII**

### **RULES APPLICABLE TO BUDGET VARIATIONS**

- 24.** No budget activity or expenditure item can present a negative balance.

- 25.** Before committing for an expenditure that will result in a negative budget gap, any person accountable for a budget activity must proceed with any budget transfer that will ensure that a positive balance will be maintained in any all affected budget items.

To do so, he must appropriate the necessary funds while respecting his jurisdiction and the following order of priority:

- 1° From any expenditure item of the same budget activity than the item which necessitates an increase of its budget funds;
- 2° From any expenditure item of any activity included in the “responsibility centre” of the concerned administrative unit.

- 26.** Notwithstanding the procedure contemplated in section 25, and subject to the powers of the Administrative Services Department, to the Treasurer and to the City Manager, no person accountable for a budget activity can proceed to budget transfers that are related to employee remuneration or benefits or that are related to operational expenditures pertaining to more than one responsibility centre.

Except in the case of activities which depend on climate, a person accountable for a budget activity cannot, without the approval of her/his direct superior and, as the case may be, of the City Manager, in accordance with sub-paragraph 30 (1<sup>st</sup>) (2), initiate a budget transfer for an amount of \$10,000 or more.

The approval contemplated in the preceding paragraph is required as soon as the cumulation of transfers carried out during the same fiscal year and impacting the same budget item, exceeds \$10,000.

It is strictly forbidden to initiate numerous budget transfers pertaining to the same budget activity in the purpose of avoiding a required approval pursuant to any of the preceding paragraphs.

PC-2816-3, a. 2

- 27.** In order to determine if an expenditure will result in a negative budget gap, a person accountable for a budget activity must consider all expenditure commitments already charged to the concerned budget item.
- 28.** Any budget transfer to be carried out in accordance with the provisions of sections 25 and 26 must be the object of a written request through the prescribed form which is afterward transmitted to the administrative services department to be processed.
- 29.** This request shall identify the budget item for which an increase of funds is requested, the amount required as well as the expenditures item(s) that would be reduced as a result of the transfer.

The reasons justifying such increase of funds must also be included in the request.

- 30.** Any request for a budget transfer shall be subject to the following approvals:

- 1° From the administrative services department for any and all fund transfers of less than \$10,000;
- 2° From the administrative services department and from the City Manager for any and all fund transfers of \$10,000 or more;
- 3° The cumulation of budget transfers affecting, positively or negatively, any budget item contemplated by the request but carried out prior to said request, must be considered in order to establish the required level of approval pursuant to sub-paragraphs 30 (1<sup>st</sup>) (1) and 30 (1<sup>st</sup>) (2).

PC-2816-3, a. 3

- 31.** Any and all funds transfer, when necessary, must be approved before the contemplated expenditure is carried out.
- 32.** Any and all previous expenditure commitments must be taken into account when establishing the actual balance of an expenditure budget item.
- 33.** After verification as its conformity by the administrative services department, the request is:
  - 1° Either approved and then, integrated to the concerned budget items;
  - 2° Either approved and, as the case may be, transferred to the City Manager for is approval and then integrated to the concerned budget items;
  - 3° Either deemed as non-conforming and/or rejected and the person accountable for the budget activity is informed accordingly.
- 34.** Whenever a person accountable for a budget activity acknowledges that he cannot proceed with a fund transfer in accordance with the provisions of sections 25 and 26, he may forward an e-mail to the administrative services department asking for supplementary funds.
- 35.** Such request shall identify the budget item that requires additional funds, the amount needed and the reasons that justify such request.

It shall also indicate whether funds are not available within budget items he is responsible for or, as the case may be, the budget item he is responsible for and where funds are available in the case where the limits he can avail pursuant to sections 25 and 26 are to be exceeded.

- 36.** Notwithstanding the provisions of sections 25 and 26, the administrative services department may proceed with any budget transfer affecting any expenditure item.

Within the framework of the power granted in the present section, the administrative services department shall be limited to carry out budget transfers that do not exceed \$10,000.

37. Notwithstanding the provisions of sections 25 and 26, the Treasurer may proceed with any budget transfer related to any expenditure contemplated in a an expenditure item for which she benefits of a delegation pursuant to any provision of section 52 without limitation as to the value of the concerned amount.
38. Notwithstanding the provisions of sections 25 and 26, the City Manager may proceed with budget transfers affecting any expenditure budget item, without limitation as to the value of the concerned amount.
39. The Treasurer shall indicate in a report to be transmitted monthly to council any and all budget transfers carried pursuant to any of the provisions on the present chapter.
40. Council may, by resolution, appropriate, any surplus income that is realized during the current fiscal year.

He may so authorize an expenditure that was not projected in the budget or transfer the available funds in any expenditure budget item under the responsibility of the City Manager.

41. Without limiting the scope of section 40, the City Manager, any Department Director and the Treasurer all have, within the monetary limits and other conditions set forth in chapter IX, the power to appropriate any surplus income coming from an activity organized by the city so as to an expenditure that is directly related with such income surplus but that has not been projected for in the budget.

The power delegated pursuant to the first paragraph does not permit to authorize an activity for which no amount was already provided for in the current fiscal year budget.

## **CHAPTER IX**

### **DELEGATIONS OF POWERS AND MONETARY LIMITS**

#### **Section 1 – General rules**

42. Council hereby delegates to the City Manager, to the Treasurer, to each Department Director, to each Planner or Division Manager, to each Coordinator or Section Manager and to certain other members of the management staff 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.
43. The officers contemplated in section 42 are empowered to authorize the spending of money and make contracts, without exceeding the following limits:

1°	The City Manager	\$50,000
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2°	The Assistant City Manager	\$35,000
3°	The Department Heads and the Commander of the Inspection/Public Security Department	\$25,000
4°	The Planners, as well as the Communications Coordinator, the Public Works Superintendant, the Assistant City Clerk and the Assistant Treasurer	\$15,000
5°	Any other coordinator	\$10,000
6°	The Administrative Assistant – City Manager's Office and the Administrative Assistant – Mayor's Office	\$5,000
7°	Any other staff manager	\$2,500

PC-2816-3, a. 4

- 43.1** In the case of disaster or major equipment or infrastructure failure servicing the population or for the purposes of civil or public security, the City Manager is authorized to carry out any expenses deemed useful in order to preserve life or health, to protect public or private property, as well as for any action intended to fight against crime or any other public mischief.

The expenses that are carried out pursuant to the first paragraph, as well as any payment to be made to the Canadian Red Cross, further to an intervention of the latter within the framework of any event for which emergency measures were decreed or not, are not subject to the otherwise provided expense limitations pursuant to the present by-law.

PC-2816-2, a. 1

- 44.** The delegation of power to an officer shall include the delegation of said power to his immediate superior, to the latter's immediate superior and so on up to the City Manager.
- 45.** The City Manager, as well as any Department Director, may in any and all cases reserve the right to exercise a power delegated to another officer coming under their direct responsibility.
- 46.** The delegation of powers contemplated in the present chapter shall be subject to the following conditions :
- 1° The expenditures is necessary for the city sound operation;
  - 2° The provisions of the contract management policy as well as the rules respecting the awarding of contracts contemplated in the city purchasing policy are respected;
  - 3° The projected expenditure does not financially commit the city for a period going beyond the current fiscal year;

- 4° The expenditure has been projected pursuant to the current fiscal year budget, except if the authorization comes from the City Manager;
  - 5° The authorization to spend is confirmed by the officer's signature or initials affixed on the purchase order or on the invoice that is related with said expenditure.
- 47.** 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 out up to the lesser of the following amounts: when such modification does not result in a total increase of more than 10% of the contract original cost, without exceeding \$50,000. Said power may be carried out by the persons who benefit of a delegation pursuant to the paragraphs 1° to 4° of section 43 and up to the amounts indicated to these paragraphs respectively provided that funds are available for this purpose.

The authorization may be related with 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 with 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.

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PC-2816-3, a. 5

- 48.** The power to enter into a contract related to a lease, where the city is the lessee, shall be delegated to the City Manager, provided that the value of the contract is less than \$50,000.
- 49.** The power to enter into a contract related to the lease of a city immovable shall be delegated to:
- 1° Any Division Manager, Planner, Assistant City Clerk, Assistant Treasurer, Section Manager and Coordinator, when its duration does not exceed a year and provided that the value of the contract does not exceed \$10,000;
  - 2° The City Manager, when its duration does not exceed a year and provided that the value of the contract is less than \$25,000;
- 50.** The awarding of contracts pertaining to the following matters and, as the case may be, the authority to spend in relation with such contracts, shall be delegated to the City Clerk and Director of the Legal Affairs Department, within the same prerogatives and the same powers as those attributed to the City Manager pursuant to the present chapter:

- 1° The organization of an election;
- 2° The organization of any registration and referendum processes contemplated by the title II of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2) in the Cities and Towns Act (CQLR, chapter C-19), in the Act respecting land use planning and development (CQLR, chapter A-19-1) or in any other law.

Section 2 – Powers of the Treasurer

- 51.** Notwithstanding the limits provided under section 42 or under any other provision 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 on any borrowing as well as any and all city finances management costs;
  - 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:
    - a) The Communauté métropolitaine de Montréal;
    - b) The City of Montreal;
    - c) The West Island Local Development Corporation (CLD);
    - d) The Union des municipalités du Québec;
    - e) 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.
- 52.** The power to authorize an expenditure to constitute a stock of equipment or supplies shall be delegated:

- 1° To the Coordinator – Material and Contractual Resources, when the amount involved is less than \$10,000;
- 2° To the Treasurer, when the amount involved is less than \$25,000;
- 3° To the City Manager, when the amount involved is less than \$50,000.

**53.** The following powers shall be delegated to the Treasurer:

- 1° To set the interest rate on city borrowings as well as their term;
- 2° To determine the other terms and conditions of bonds or other financial titles to be issued by the city;
- 3° To designate any location, inside or outside Canada, where a register can be held for the registration and the transfer of financial titles contemplated in sub-paragraph 2°, as well as the persons who are authorized to keep them;
- 4° To determine the conditions for issuing bonds as well as selling titles contemplated in sub-paragraph 2°;
- 5° To award any contract to sell city bonds in accordance with section 554 of the Cities and Towns Act (CQLR, chapter C-19).

The Treasurer must report to council any action taken pursuant any of the provisions of the first paragraph no later than at the first meeting held after the expiry of a 15 day period following such authorization.

**54.** The Treasurer as well as the Coordinator – Taxation, Invoicing and Collection shall be authorized, 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.

**55.** The power to alienate any movable property that is in excess of City needs or obsolete, is delegated:

- 1° To the Treasurer and Director of the administrative services department whenever its actual merchant value is equal or less than \$1,500;
- 2° To the City Manager whenever its actual merchant value is equal or less than \$5,000.

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PC-2816-2, a. 2

**56.** The authorization to with draw an immovable from the list of immovable to be sold for non-payment of taxes shall be delegated to the Treasurer when the amount, included interests and penalties, is equal or less than \$1,000.



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PC-2816-2, a. 3

**57.** The authorization to with draw an immovable from the list of immovables to be sold for non-payment of taxes shall be delegated to the Treasurer.

**58.** *Repealed.*

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PC-2816-2, a. 4

### Section III – Legal matters

**59.** The authority to accept an out-of court settlement and to incur any expenditure related to a civil liability claim shall be delegated to:

- 1° The City Clerk and Director of the Legal Affairs Department when the amount en entailed is less than \$25,000;
- 2° The City Clerk and Director of the Legal Affairs Department, with the approval of the City Manager, when the amount entailed is between \$25,000 to \$49,999.99.

**60.** The authority to accept an out-of-court settlement in respect of a claim other than a civil liability claim shall be delegated to the City Clerk and Director of the Legal Affairs Department whenever the value entailed is less than \$25,000.

**61.** The recovery of any amount due to the city, the decision to institute legal proceedings as well as to settle such proceedings and the authorization to strike off any amount due to the city, with the exception of real estate taxes, shall be delegated to the City Clerk and Director of the Legal Affairs Department, whenever the amount entailed is less than \$25,000.

**62.** The decision to appeal or not about a ruling involving the city shall be delegated to the City Clerk and Director of the Legal Affairs Department whenever the city is condemned to pay an amount less than \$25,000.

**63.** The authorization to incur an expenditure towards the acquisition of a servitude or of an immovable shall be delegated to City Clerk and Director of the Legal Affairs Department provided that it entails an amount of less than \$25,000.

Report of the exercise of said delegated power shall be forwarded to the City Manager and council on a quarterly basis said report shall include the following information:

- 1° The nature of the transaction;
- 2° Persons who are part to such transaction;
- 3° The amount it enlances;

- 4° Cadastral lot numbers;
- 5° Civic address, street of the concerned immovable;
- 6° Date of transaction;
- 7° Justification for the transaction;

- 64.** The authorization to abandon a servitude established to the benefit of the city shall be delegated to the City Clerk and Director of the Legal Affairs Department jointly with the Director of the Public Works, Engineering and Buildings Department, whenever the value of such servitude is less than \$10,000

Report of the exercise of said delegated power shall be forwarded to the City Manager and to council on a quarterly basis. In addition to the information contemplated in the second paragraph of section 63, said report shall include a value attestation from an external assessor.

- 65.** The authorization to compensate damages suffered by a city officer shall be delegated jointly to the City Manager and to the City Clerk and Director of the Legal Affairs Department, provided that it implies an amount less than \$1,000.
- 66.** In matters related to expropriation, the payment of the provisional indemnity shall be delegated to the City Clerk and Director of the Legal Affairs Department.
- 67.** In matters related to expropriation, the payment of the final indemnity or the acquisition of an immovable on mutual consent shall be delegated to the City Clerk and Director of the Legal Affairs Department whenever the amount it entails is less than \$25,000.
- 68.** In matters related to expropriation, the execution of a deed of servitude to the benefit of public utilities companies shall be delegated to the City Clerk and Director of the Legal Affairs Department.
- 69.** The City Clerk and Director of the Legal Affairs Department shall be authorized to forward, to the Commission municipale du Québec, any opinion that is asked from the city in accordance with section 243.23 of the Act respecting Municipal Taxation (CQLR, chapter F-21).

A report shall be submitted to the City Manager and to council with respect to the delegated power contemplated in the first paragraph no later than at the first council meeting following the expiry of a 3 month period after the exercise of such power.

- 70.** The council hereby delegates to the City Clerk and Director of the Legal Affairs Department the power to express a notice of conformity or non-conformity to the municipal by-laws whenever such notice is requested pursuant any of the following laws:

- 1° The Highway Safety Code (CQLR, chapter C-24.2);

2° The Environment Quality Act (CQLR, chapter Q-2).

To carry out the power contemplated in sub-paragraph 1°, the City Clerk and Director of the Legal Affairs Department shall first require the opinion of the Planner – Municipal Inspection Bureau and of the Director of the Public Works, Engineering and Buildings Department.

To carry out the power contemplated in sub-paragraph 2°, the City Clerk and Director of the Legal Affairs Department shall first require the opinion of the Director of the Public Works, Engineering and Buildings Department and of the Planning Department.

71. The payment of any judiciary expenses account of expert costs shall be delegated to the City Clerk and Director of the Legal Affairs Department when it entails an amount of less than \$25,000.
72. The authorization to consent to the release of a real right or to give an a quittance further to a duly authorized settlement or to the striking off of an amount due to the city shall be delegated to the City Clerk and Director of the Legal Affairs Department.
73. The following powers shall be delegated to the City Clerk and Director of the Legal Affairs Department:
  - 1° To require the entry of a legal hypothec for any debt due to the city;
  - 2° To require the entry of a notice related to the exercise of a city hypothecary right;
  - 3° To require the striking off of an hypothec affecting city property, as per the provisions of sections 3059 or 3061 of the Québec civil Code;
  - 4° To launch legal proceedings with purpose of executing a city hypothecary right or to cancel an hypothec affecting city property.
74. The council hereby delegates to the City Clerk and Director of the Legal Affairs Department, the power to intervene in a deed, to consent and sign a deed, as mortgage creditor with respect to:
  - 1° A declaration of co-ownership;
  - 2° A servitude;
  - 3° A consent to a cadastral modification;
  - 4° A cession of rank and/or of other rights;
  - 5° An immovable transfer.
75. The authorization to issue a release of a seizure carried out by the city shall be delegated to the City Clerk and Director of the Legal Affairs Department.

- 76.** The council hereby delegates to the City Clerk and Director of the Legal Affairs Department the power to 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).
- 77.** The council hereby delegates to the City Clerk and Director of the Legal Affairs Department the power to establish and modify a calendar respecting preservation delays contemplated in section 7 of the Archives Act (CQLR, chapter A-21.1).
- 78.** To decision to consent to any attorney replacement, in accordance with the provisions of the Code of Civil Procedure (CQLR, chapter C-25) is delegated to the City Clerk and Director of the Legal Affairs Department.
- 79.** Shall be delegated to the City Clerk and Director of the Legal Affairs Department:
- 1° The payment of a fine and costs resulting from the commission, with a city vehicle, of an infraction related to the vehicle condition or use or to traffic when the issuance of a statement of offence results from a city action or omission to act;
  - 2° The payment of a fine and related costs resulting from the commission, with a city vehicle, of a parking infraction when the driver of said vehicle unduly refuses or neglects to pay such fine and costs, as well as the recovery of such amounts from said driver.
- 80.** Notwithstanding section 62, the decision to appeal from a ruling made by the Tribunal administratif du Québec shall be delegated to the City Clerk and Director of the Legal Affairs Department.
- 81.** Notwithstanding section 59, any decision related to the retention of professional services as well as any decision related to the payment of fees for such services, in as much as they are related to an internal administrative audit, shall be delegated to the City Manager.
- Despite section 61, shall also be delegated to the City Manager the decisive to launch or not and to settle, regardless of the amount involved, any proceeding related to such internal administrative audit.
- 82.** The decision to release a lawyer from his obligation related to professional secrecy, within the framework of a police investigation, shall be delegated to the City Manager.
- 83.** The power to accept a donation of private archives as well as the signature of an agreement respecting the donation of archives to the city or the cession of any copyright related to the donation of private archives to the city shall be delegated to the City Clerk and Director of the Legal Affairs Department whenever the value of such donation is less than \$25,000.

Section IV – Human resources

- 84.** Council shall hereby delegate, to the Planner – Human Resources, the power to hire, appoint and to grant promotions to city employees and officers, with the exception of those who are part of staff management.
- 85.** Subject, as the case maybe, to provisions of applicable collective agreements, the imposition of any disciplinary measure to any city officer, with the exception of a dismissal or a suspension, shall be delegated to:
- 1° The City Manager, for any officer coming under his direct responsibility;
  - 2° The Department Directors, for any officer coming under their direct responsibility;
  - 3° The Division Managers, the Planners, the Assistant City Clerk and the Assistant Treasurer for any officer coming under their direct responsibility.

Notwithstanding the first paragraph, the City Manager is authorized to suspend, with pay, any officer or employee from his duties. In such case, he shall immediately make a report of the suspension to the Council. The Council shall decide the case of the suspended officer or employee, after inquiry.

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- 86.** Shall be delegated to the Planner – Human Resources:
- 1° The power to establish rules related to the determination of the hiring wage of any officer being part of the staff management;
  - 2° The power to establish rules related to termination agreements.
- 87.** The power to authorize overtime shall be delegated to:
- 1° A person so authorized pursuant to a collective agreement;
  - 2° The Administrative Assistant – City Manager's Office and the Administrative Assistant – Mayor's Office for any officer coming under their direct responsibility;
  - 3° Any Section Manager or Coordinator;
  - 4° Any Division Manager or Planner, Assistant City Clerk and Assistant Treasurer;
  - 5° Any Department Director;
  - 6° The City Manager.

The authorization must respect the terms and conditions that are set under the concerned collective agreement or work agreement.

Said authorization shall be subject to the existence of sufficient funds pursuant to the concerned administrative unit budget.

- 88.** The Planner – Human Resources shall be authorized to incur expenditures for professional fees related to services provided by a grievance arbitrator provided that the estimated value of such services is less than \$25,000.
- 89.** Council shall hereby delegate, to any Department Director, to power to enter into a contract with any educational establishment with respect to the supervision of a trainee who would carry out training in his department.

The contract contemplated in the first paragraph shall:

- 1° Be in writing;
  - 2° Not result in an expenditure that would exceed \$25,000;
  - 3° Include a liability exoneration clause in favour of the city.
- 90.** The power to undertake legal action with respect to an event that occurred on or after January 1st, 2006, and pertaining to a city officer shall be delegated to the Planner – Human Resources when it concerns one of the following areas:
- 1° Litigation before the Commission de la santé et de la sécurité au travail (C.S.S.T.);
  - 2° Litigation before the Commission des lésions professionnelles (C.L.P.);
  - 3° Arbitration of grievances;
  - 4° Any other litigation related to labour relations before an administrative tribunal.

The Planner must carry out said power in accordance with council's directions, as they may be indicated.

Notwithstanding the first 2 paragraphs, council shall exercise this power whenever it is in the city general interest to do so.

- 91.** The settlement of a litigation before the Commission de la santé et de la sécurité au Travail (C.S.S.T.) and before the Commission des lésions professionnelles (C.L.P.) up to an amount of \$15,000 shall be delegated to the Planner – Human Resources.
- 92.** Subject to section 91, the settlement of a grievance or of a litigation related to labour relations before an administrative tribunal shall be delegated to the Planner – Human Resources, up to an amount of \$25,000.
- 93.** The power to prepare the city declaration, when the city is summoned as garnishee, shall be delegated, as the case may be to :

- 1° The Coordinator – Compensation and Benefits;
- 2° The City Clerk and Director of the Legal Affairs Department.

#### Section V – Other delegation

**94.** The power 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.) shall be delegated to the following persons: the Director of the Public Works, Engineering and Buildings Department, the Planner – Network and Public Facilities, the Supervisor – Mechanical Workshop, the Coordinator – Material and Contractual Resources and the Senior Clerk – Material Resources.

**94.1** The power to grant financial assistance, up to an amount of \$1,000 in favour of any non-profit organization dedicated to the undertaking or furtherance, on the territory of the City of Pointe-Claire or of the Montreal West Island area, of education, culture activities, leisure, youth training and any action for the general welfare, is delegated to the City manager.

The financial assistance contemplated in the first paragraph may be granted under the form of a subsidy or through the purchase of advertisement or tickets related with the event or an activity to be held to the benefit of such organization.

Notwithstanding the first and second paragraphs, the purchase of tickets, when intended to be used by councillors, must be first authorized by resolution of council.

The exercise of the delegated power pursuant to the first paragraph may be carried out only after consultation with the City Mayor.

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PC-2816-2, a. 5

**94.2** Is delegated to the City Manager or, in his absence, to the employee he or Council, as the case may be, has designated for his replacement, the power to establish a selection committee pursuant to the sub-division 33 of division XI of the *Act respecting Cities and Towns* (CQLR, Chapter C-19) or pursuant to a regulation adopted under section 573.3.0.1 of the same Act.

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PC-2816-3, a. 6

## CHAPTER X

### FINAL PROVISIONS

**95.** The By-law respecting the delegation of powers to city officers and employees PC-2713 and all its amendments as well as By-law respecting budget control and follow-up rules PC-2761 are and shall be, hereby repealed.

The resolution 2011-121, pertaining to the adoption of a policy respecting trips at the employer's request shall be and is hereby repealed.

96. The present by-law shall come into force according to law.

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Morris Trudeau, Mayor

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Jean-Denis Jacob, City Clerk