

Bill No. 260
2018

By-law No. A.-_____

A by-law to authorize the delegation of authority to the City Manager for certain acts of Council after Nomination Day for the 2018 Municipal Election should the City Clerk declare that the incoming Council will include less than three quarters of the members of the outgoing Council.

WHEREAS Section 275 of the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended (the "*Municipal Act*"), provides for restricted acts of Council of a local municipality after Nomination Day or after Voting Day during an election for a new Council upon the City Clerk declaring that the incoming Council will include less than three quarters of the members of the outgoing Council;

AND WHEREAS Section 275(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 restricts Council's ability to act on the following matters, subject to certain exceptions as provided for in Section 275(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 and emergencies as provided for in Section 274(4.1) of the *Municipal Act, 2001*, S.O. 2001, c. 25:

- 1) the appointment or removal from office of any officer of the municipality;
- 2) the hiring or dismissal of any employee of the municipality;
- 3) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000, at the time of disposal; and,
- 4) making any expenditure or incurring any other liability which exceeds \$50,000;

AND WHEREAS Section 275(6) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that notwithstanding the restricted acts of Council, a delegation of authority with respect to those acts may be made in advance of Nomination Day;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that, subject to the limitations found in Sections 23.2 and 23.3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, the municipality may delegate its authority;

AND WHEREAS Municipal Council delegates any authority pursuant to this by-law in accordance with Schedule "G" of By-law A.-6151-17 "Council Policy By-law", as amended from time to time;

AND WHEREAS Municipal Council deems it expedient to delegate authority to the City Manager of The Corporation of the City of London for certain acts of Council after Nomination Day or after Voting Day for the 2018 Municipal Election in the event the City Clerk declares that the incoming Council will include less than three quarters of the members of the outgoing Council, and until such time as the incoming Council takes office;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

PART 1 – SHORT TITLE

1.1 This by-law may be also referred to as the Restricted Acts of Council 2018 By-law.

PART 2 – DEFINITIONS

2.1 In this by-law:

"City" means The Corporation of the City of London;

"City Manager" means the City Manager for the City;

"Council" means the Municipal Council of the City;

"Municipality" means the City;

PART 3 - THE APPOINTMENT OR REMOVAL OF ANY OFFICER OF THE MUNICIPALITY

3.1 Council hereby delegates its authority to appoint a Fire Chief to the City Manager.

PART 4 - THE DISPOSITION OF ANY REAL OR PERSONAL PROPERTY OF THE MUNICIPALITY WHICH HAS A VALUE EXCEEDING \$50,000 AT THE TIME OF DISPOSITION

4.1 Those actions identified in:

- a) Schedule A – Sale and Disposition of Land Policy, to Council Policy By-law No. A.-6151-17; or
- b) Schedule C – Procurement of Goods and Services Policy, to Council Policy By-law No. A.-6151-17;

that would otherwise be performed by Council, shall be delegated to the City Manager in those cases where the timely disposition of real or personal property which has a value exceeding \$50,000 at the time of disposition, is adjudged by the City Manager to be necessary or advantageous.

4.2 The City Manager shall be authorized to approve the execution of any agreements or other documents required to give effect to any disposition identified under the authority delegated in Part 4.1, above, and to authorize the Mayor and City Clerk to execute any agreements to effect same, in consultation with the City Solicitor's Office, where approval of Council would otherwise be required.

4.3 Without limiting the generality of the foregoing, the City Manager shall be authorized to approve the execution of the agreements listed in Schedule 1 to this By-law, where, in the absence of this By-law, approval would be required by Council.

PART - 5 MAKING ANY EXPENDITURE OR INCURRING ANY OTHER LIABILITY WHICH EXCEEDS \$50,000

5.1 Those actions identified in:

- a) Schedule C – Procurement of Goods and Services Policy, to Council Policy By-law No. A.-6151-17; or
- b) By-law No. CPOL.-188-440 being "A by-law to revoke and repeal Council policy related to Real Property Acquisition Policy and replace it with a new Council policy entitled Real Property Acquisition Policy;" or
- c) By-law No. A-1, as amended, being "A by-law for the Execution of Certain Documents," that would otherwise be performed by Council, shall be delegated to the City Manager, if:
 - i) an expenditure is being made or any other liability is being incurred which exceeds \$50,000 and was not included in the most recent budget adopted by Council prior to Nomination Day; or,
 - ii) an expenditure or liability which exceeds \$50,000 is included in the most recent budget adopted by Council and is required to exceed the budgeted amount.

5.2 The City Manager shall be authorized to approve the execution of any agreements or other documents required to give effect to any expenditure or liability incurred under the authority delegated in part 5.1 or 5.3, and to authorize the Mayor and City Clerk to execute any agreements to effect same, in consultation with the City Solicitor's Office, where approval of Council would otherwise be required.

5.3 Without limiting the generality of the foregoing, the City Manager shall be authorized to approve the execution of the agreements listed in Schedule 2 to this Bb-law, where, in the absence of this by-law, approval would be required by Council, as well as any property acquisition when the timely acquisition of real or personal property is adjudged by the City Manager to be necessary or advantageous.

PART 6 - REPORTING

6.1 The City Manager shall provide a report to Council in the first quarter of 2019 identifying all delegated actions that were taken in accordance with this by-law.

PART 7 - GENERAL

7.1 If any provision or part of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular

circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

7.2 To the extent that any provision of this by-law conflicts with any provision of any
other City by-law, this by-law shall apply.

PART 8 - EFFECTIVE DATE

- 8.1 This by-law shall immediately come into force and effect if:
- (a) after Nomination Day on July 27, 2018, but before Voting Day on October 22, 2018 the City Clerk determines, based on the nominations to the new council that have been certified and any acclamations made to the new council, that the new council will include less than three quarters of the members of the outgoing council, in accordance with subsection 275(2)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25; or,
 - (b) as soon as practicable following the election on October 22, 2018, the City Clerk determines that based on the declaration of the results of the election including declarations of election by acclamation, that the new council will include less than three quarters of the members of the outgoing council, in accordance with subsection 275(2)(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25.
- 8.2 This by-law shall cease to be in force and effect on December 1, 2018.
- PASSED in Open Council on June 12, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

**Schedule 1
Restricted Acts of Council 2018 By-law**

**THE DISPOSITION OF ANY REAL OR PERSONAL PROPERTY OF THE MUNICIPALITY
WHICH HAS A VALUE EXCEEDING \$50,000 AT THE TIME OF DISPOSITION**

Service Area	Projects	Description/ Details
Finance	Disposals of land > \$100,000	Including but not limited to industrial land sales, and BRT
Finance	Transfer of Assets to HDC	
Finance	Western Fair property agreement	Currently undergoing negotiations
Finance	Transfer Payment Agreements for funding to the City (Federal or Provincial)	Agreements similar to agreement from AMO re: "Mainstreet funding"
Finance	Promissory note for London Public Library	Share of the cost of SW Recreation Centre
Planning	Sale of Old Victoria Hospital Lands to Medallion Corporation	Sale has been approved with conditions, some of which are related to processes beyond control; may need to extend period of conditions

Schedule 2

Restricted Acts of Council 2018 By-law

MAKING ANY EXPENDITURE OR INCURRING ANY OTHER LIABILITY WHICH EXCEEDS \$50,000

Service Area	Projects	Description/ Details
Dearness	ADP Review	Service review of the Adult Day Program to be complete in Fall of 2018. The Dearness Home Adult Day Program review will include the completion of an environmental scan to better understand the programs value to citizens, and evaluate options including but not limited to opportunities for partnerships, cost containment, service level changes, outsourcing, alternative revenues, etc. It will include input from stakeholders including but limited to service recipients, families, LHIN, MOLTCH, and other community agencies that support seniors.
Dearness	Achieve	Physiotherapy and Occupational Therapy contracted services expiring on Jan 31, 2019 and there are no options for renewal so would need to do an RFP to select a vendor to provide these services.
Dearness	Dearness Home Adult Day Program & Wellness Centre Central Intake	<p>Accountability Agreements with Central Intake for the overall goal of being a one-sector experience for the clients. The Lead Agency works with the CSS (Community Support Sector) Agencies to coordinate CSS & interfaces with LHIN (CCAC) as needed. It is necessary for each partner agency to complete and sign a service agreement, a data sharing agreement & a Network Agreement. These agreements will allow us to share information back.</p> <ul style="list-style-type: none"> • The Service Agreement (or Central Intake Agreement) is between each organization and Cheshire as the Lead Agency to provide Central Intake Services on our behalf. • The Data Sharing Agreement (DSA) is between each organization and ONE Care as the IT provider. Still awaiting information on the Network Agreement. Deadlines were January 26, 2018 but not all information is active yet from the LHIN. Forecasting that these agreements will need to be in place by 2018.
Social Services	Sanctuary city/Access to Services Without Fear initiative	<p>Timeline: June – December 2018 Council resolutions: February 2, 2017 and March 28, 2018 Estimated expenditure of \$50,000 to \$100,000 in 2018</p>

Social Services	Implementation of Community Mental Health and Addiction Strategy	
Social Services	Ontario Works - Employment - Purchase of Services Agreements	RFP – Award contract
Housing	Social Housing Building inventory - RFP - Award vendor - building condition assessments	RFP – Award contract
Housing	Ontario Renovates – Home Repair Report - Agreement	It is a delegation (approval of an agreement and delegation authority to execute the agreement) related to Ontario Renovates – Home Repair.
Neighbourhood, Children & Fire Services	Tender / RFP / Single Source (still in preliminary stage) Voice Logger System	Potential of irregular bid Potential for single source to maintain consistency with Police and with existing equipment
Neighbourhood, Children & Fire Services	Indigenous-Led Family Centre	The purchase of land to build a licensed Indigenous-Led child care and family centre.
Neighbourhood, Children & Fire Services	Indigenous-Led Family Centre	The City will be soliciting a proponent through a Request for Proposal for the design, construct and operation of a licensed Indigenous led Child Care and Family Centre.
Neighbourhood, Children & Fire Services	Online Portal and Data Management Tool	The City will be soliciting a proponent through a Request for Proposal to develop an online portal and data management tool that will streamline internal process, decrease duplication for service providers, support annual planning required by the Province, and allow the Corporation to report efficiently and accurately to the Province. In addition this portal will streamline supports and service for families such as child care applications and fee subsidy requests.

Neighbourhood, Children & Fire Services	Community Homeless Prevention Initiative Purchase of Service Agreements - Centralized Services/Programs	Approval to enter into Community Homeless Prevention Initiative Purchase of Service Agreements to operate centralized intake to homeless programs and centralized housing finding services
Neighbourhood, Children & Fire Services	Community Homeless Prevention Initiative Purchase of Service Agreements - Managed Alcohol Program	Approval to enter into Community Homeless Prevention Initiative Purchase of Service Agreements to operate a Managed Alcohol Program
Finance	Museum London Foundation Trust Agreement	
Environmental & Engineering Services	Procurement	Contracts over \$3 million and consultants over \$100,000; irregular bids in approved budgets, program spending where the overall program budget is approved but specific locations, pieces of equipment, etc., are typically approved through CWC throughout the year, contracts where the low bid exceeds budget but staff are recommending award and have a source of financing
Environmental & Engineering Services	Budget Amendments	Result of budget submissions pre-dating the EA for the projects or projects changing due to growth and development ie. Dingman and Colonel Talbot Pumping Stations, servicing and transportation improvements for the IKEA/Costco development, increasing requirements or changes in timing for infrastructure to service industrial growth on Wilton Grove Road
Environmental & Engineering Services	New policies and guidelines	Complete Streets, Speed cameras, Implementation plans for provincial legislative changes
Environmental & Engineering Services	New property acquisitions	
Environmental & Engineering Services	Agreements	Western BRT, Waste to Resources, Water Innovation Partnerships, Transfer Payments with the Provincial and Federal governments, Agreements with other utilities to advance coordinated works
Planning	Brownfield Incentive Program CIP	Applicants request specific incentives, based on the potential incentives identified in the program. Applicants submit a business case along with their application and Council has to approve the grants and loans.

Planning	Standardized CIP Exceptions	The program does not allow for retroactive applications for incentives relating to work that has already been done.
Planning	Kilally Sport Fields	Awarding consultant contract
Planning	Foxfield District Park	Awarding consultant contract
Planning	SOHO Civic Space	Awarding consultant contract
Planning	Lorne Avenue Park	Awarding consultant contract
Planning	Meadowlily CMP Phase 2	Awarding consultant contract
Planning	UTRCA Contract Renewal	Management of London's Environmentally Significant Areas, expires December 31, 2018
Planning	4 party agreement	Agreement with LHSC, St. Joseph's Hospital, ReForest London and Thames Talbot Land Trust to cover easement rights over their lands for the City, replaces current agreement. A source of financing will be required which covers the City's share of capital costs and operational costs from the agreement
Planning	TVP North branch Construction	OMCC Transfer Payment for 2017 OMCC funding. SoF included specific to that project