

HALDIMAND COUNTY

POLICY No. 2001-03

Subject: AUTHORIZATION FOR SIGNING CONTRACTS

Purpose:

To establish a policy to clearly identify the authority for signing contracts.

Policy:

Under most circumstances the authority for signing contracts is provided by Council and the Mayor and Clerk are authorized to sign on behalf of Council. This authority can be, and is, delegated to the General Manager of Planning and Development for site plans. Further, article 102.1 of the Municipal Act provides Council with the power to delegate signing authority for administrative functions. The section of the Act reads as follows:

- (1) **Delegation of administrative functions.** -The Council of a municipality may, by by-law, delegate to a committee of Council or to an employee of the municipality any powers, duties, or functions that are administrative in nature.
- (2) **Conditions.** -The Council may, in the by-law, impose conditions on the exercise or performance of the delegated powers, duties and functions.
- (3) **Non-administrative matters.** -Subsection (1) does not authorize the delegation of powers, duties or functions that are legislative or otherwise non-administrative in nature, such as the power to pass by-laws, adopt estimates, levy, cancel, reduce or refund taxes, or appoint persons to and remove them from offices created by statute.
- (4) **Definition.** - In this section, “municipality” includes a regional, metropolitan or district municipality and the County of Oxford.

Under the purchasing by-law, the authority for purchases up to \$5,000. is delegated to the General Managers’s. (3.1) Given this authority the General Managers’s can therefore enter into agreements up to \$5,000. on their signature.

Further, specific authority may be delegated to staff if the report recommendations adopted by Council identifies that staff should have this responsibility. The fact that we use a confirming by-law thereby raising all resolutions to the status of by-laws, the delegation of signing authority is given by by-law.

For policy purposes, the General Managers have the authority to execute agreements for amounts up to \$5,000 so long as the amounts and expenditures are included in the budgets. For expenditures of \$5,000. to \$20,000, General Managers may execute the contracts provided authority is given in the report presented to Council. When writing the report the following wording should be included;

“AND THAT the General Manager of XXXX Services be authorized to complete and execute the agreement giving effect to these recommendations”

Article 4.5 of the purchasing by-law requires that for all purchases over \$20,000, Council approval is required and the same process and limits should be followed for the execution of agreements. The recommendation should state:

“AND THAT the Mayor and Clerk be authorized to execute the agreement giving effect to these recommendations.”

After receiving Council approval, the Mayor and Clerk may then execute these agreements.

For other procedural issues requiring execution of agreements to enact direction, consideration should be made in favour of Council (via Mayor and Clerk) executing by by-law rather than having the authority delegated to staff. This would ensure that Council has had the opportunity to review and endorse the terms of the agreement. The same procedures should be followed respecting the Mayor and Clerk being authorized by specific by-law to execute all agreements having to do with all real estate transactions.

Topical Index	Administration
Policy Number	2001-03
Short Title	Authorization for Signing Contracts
SMT Approval Date	February 8, 2001
Council in Committee	n/a
Council Approval Date	n/a
Originating Department	Chief Administrative Officer
Revisions	