

CANADA
PROVINCE DE QUÉBEC
MRC DES COLLINES-DE-L'OUTAOUAIS
MUNICIPALITÉ DE PONTIAC

BY-LAW 08-15

**DELEGATING THE AUTHORITY TO COMMIT EXPENDITURES TO
MUNICIPAL EMPLOYEES AND TO CONSEQUENTLY ENTER INTO
CONTRACTS**

WHEREAS article 961.1 of the Quebec Municipal Code provides that a municipality can adopt a by-law to delegate the authority to commit expenditures to one or several municipal employees and to consequently enter into contracts, in the name of the municipality;

WHEREAS such a by-law must indicate the areas of competence to which the delegation applies, the amounts that the employees may authorize as well as any other condition to which the said delegation is given;

WHEREAS the municipal Council deems that such a delegation is necessary for operational efficiencies and in the event of unforeseen or urgent expenses;

WHEREAS a notice of motion was duly given at the special Council meeting on September 22, 2015;

It is

Moved by: Brian Middlemiss
Seconded by: Thomas Howard

AND RESOLVED to adopt by-law 08-15. By the present by-law, the following is decreed and statued :

Article 1 – Preamble

The preamble is an integral part of the present by-law.

Article 2 – Areas of competence

2.1 Director General / Assistant Director General

Council delegates authorities to the Director General enabling him to authorize the current administrative expenditures of the municipality, and authorizing him to enter into contracts related thereto.

The present authorization concerns, without limitations, current administrative expenditures included in the “list of fixed expenses”, as adopted by resolution.

This authorization also applies to discrepancies in invoices up to a limit of 10% of the amount that was already agreed on at the time of authorizing the budgetary commitment, up to a maximum of \$500.

Also as part of the present delegation, expenses related to a call for tenders or a tender that was approved by the municipal Council, professional services and fees or other technical services related to the current municipal administration.

2.2 Other staff members

The other staff members authorized to making expenditures through the present by-law, can make use of their delegation only for expenditures of an urgent nature falling directly under their department or which are essential for the proper functioning of their department, not to say the maintenance of current operations and services offered to citizens.

2.3 Specific areas of application

The authorizations provided for in this present by-law are applicable in a limited capacity according to the department, under the responsibilities of the staff concerned. These specifications are found in the following section with the authorized amounts, according to the concerned staff member.

Article 3 – Amounts

3.1 Director General / Assistant Director General

The maximum amount of expenditures authorized under the present delegation of authority in favour of the Director General, or the Assistant Director General in his absence, is set at five thousand dollars (\$5,000) per day.

This authorization includes unforeseen expenses, urgent and essential to the proper functioning of the municipality, not to say the maintenance of current operations and services offered to citizens. It covers all of the municipality's budgetary items. It also provides the authorization to hire temporary employees, including having recourse to an employment agency, solely to fill temporary vacant positions, therefore allowing to maintain current operations.

The authorization given to the Director General, or the Assistant Director General in his absence, may exceptionally be combined to that of the Director of infrastructures and public works for a maximum of ten thousand (\$10,000) dollars, in the event of an emergency where the health and safety of personnel, citizens or the public are at risk.

3.2 Director of Infrastructures and Public works

The maximum amount of expenditures authorized through this present delegation of authority, in favour of the Director of Infrastructures and Public works is set at five thousand dollars (\$5,000) per day.

This authorization applies only to expenditures that are urgent or essential to the proper functioning of the Public Works Department and covers expenses related to the Public Works Department, that is, exclusively to "municipal roadworks", "street lighting", "traffic and parking", "public hygiene - water and sewers", "elimination of dry materials" and "other technical services".

This authorization may be exceptionally combined with that of the Director General or the Assistant Director General in his absence, for a maximum of ten thousand dollars (\$10,000) per day, in the event of an emergency where the health and safety of personnel, citizens or the public are at risk.

3.3 Director of the Fire Department

The maximum amount of expenditures authorized by the present delegation of authority, in favour of the Director of the Fire Department is set at one thousand dollars (\$1,000) per month.

This authorization applies only to expenditures that are urgent or essential to the proper functioning of the Fire Department and can be used only in a situation where it was

impossible to reach the Director General or the Assistant Director General. Furthermore, this authorization applies only to expenditures related to the Fire Department, that is, exclusively to “volunteer firefighting”, “fire prevention”.

3.4 Director of the Finance and Human Resources Department

The maximum amount of expenditures authorized by the present delegation of authority, in favour of the Director of the Finance and Human Resources Department is set at one thousand dollars (\$1,000) per month.

This authorization applies only to expenditures that are urgent or essential to the proper functioning of the Finance Department and can be used only in a situation where it was impossible to reach the Director General or the Assistant Director General. Furthermore, this authorization applies only to expenditures related to the Finance and Human Resources Department, that is, exclusively to “financial and administrative management”.

3.5 Director of the Urban Department

The maximum amount of the expenditures authorized by the present delegation of authority, in favour of the Director of the Urban Department is set at one thousand dollars (\$1,000) per month.

This authorization applies only to expenditures that are urgent or essential to the proper functioning of the Urban Department and can be used only in a situation where it was impossible to reach the Director General or the Assistant Director General. Furthermore, this authorization applies only to expenditures related to the Urban Department, that is, exclusively to “planning, zoning and development”.

Article 4 – Other conditions

4.1 Availability of funds and budgetary commitments

Notwithstanding the preceding, the present authorization does not exempt staff subject to a spending authorization, from the obligation to respect the By-law on budgetary control and monitoring of expenditures, particularly with respect to the availability of funds and the obligation to make budget forecasts pertaining to operations, and to submit them to the municipal Council for approval (budget commitments). The recourse to delegations remains exceptional and the staff authorized by the present by-law must forecast expenditures related to their department in a diligent fashion in order to inform Council and the Director General in advance, so that they may be the subject of Council’s approval.

4.2 Procurement and contract management policies

Notwithstanding what precedes, the present authorization does not exempt staff subject to a spending authorization, from the obligation to respect the Procurement Policy and the Contract management Policy.

4.3 Fiscal year

Every spending authority that extends past the current fiscal year, must previously have been the object of a verification of the availability of funds for the part attributable to the current year.

At the time of preparing the annual budget, the staff member having previously used his delegation to incur an expense that extends past the current fiscal year, must make sur that his budget for the following year will cover the expenditures in question, by attributing them to the appropriate budget items.

4.4 Taxes

All amounts specified within these regulations exclude taxes.

4.5 Deadline – report to Council

Any staff member having received spending authority under the present by-law, must submit a report to the municipal Council of each expense made, at the first regular meeting to be held 25 days following the said expense, in conformity with the present by-law.

Article 5- Authority of the Director General

For the purpose of enforcing this by-law, it is understood that the Director General, or the Assistant Director General in his absence, keeps the role of authority toward the municipal employees, including employees who have received spending authority under the present by-law. Consequently, the Director General or the Assistant Director General in his absence, may intervene at all times to cancel a spending authority given by one of the employees covered under the present by-law.

Article 6 - Restriction


Despite the delegation of authority to commit expenditures given pursuant to the present by-law, Council possesses the right to exercise their power of authority.

Article 7

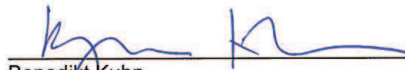
The masculine is used without discrimination and includes the feminine in this by-law, for the sole purpose of simplifying the text.

Article 8

The present by-law will come into effect according to the Law.



M. Roger Larose
Mayor


Benedikt Kuhn
Director General and Secretary-Treasurer

Notice of motion:	September 22, 2015
Adoption:	October 13, 2015
Résolution:	15-10-2536