

The Corporation of the City of Burlington

City of Burlington By-law XX-2022

A by-law to temporarily provide the Corporation of the City of Burlington with the ability to conduct certain business in the event of the Council being restricted in its authority pursuant to Section 275 of the Municipal Act, 2001 S.O. 2001, c25, as amended.
File:130-2 CL-27-22

Whereas the municipal election will be held on October 24, 2022; and

Whereas Nomination Day for the election is on August 19, 2022; and

Whereas it is possible that Council may be restricted on Nomination Day or thereafter due to the operation of Section 275 of the Municipal Act 2001 S.O. 2001, c. 25, as amended (the "Municipal Act"); and

Whereas it is desirable for Council to delegate certain limited authority for the purpose of ensuring the efficient operation of the Corporation of the City of Burlington in the event that, and for so long as the Council is restricted as a result of the operation of Section 275 of the Municipal Act.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

Interpretation

1. In this by-law:

1.1. "By-law" means this By-law;

1.2. "City" means the Corporation of the City of Burlington;

1.3. "City Manager" means the City's Chief Administrative Officer or their designate;

1.4. "Council" means collectively the Council for the City;

1.5. "Effective Period" means any time between: 2:00 pm EST August 19, 2022 until the commencement of the inaugural meeting of Council;

Delegation

2. This by-law shall only apply during the Effective Period, before and after which time this By-law shall be void and of no force and/or effect.

3. During the Effective Period, if at any time it becomes mathematically impossible for three quarters of the members of the outgoing Council to be re-elected, thereby subjecting Council to the restrictions contained in section 275 of the Municipal Act, where, in the opinion of the City Manager, such action is in the best interests of the City, the City Manager shall have the following authority:

3.1. Make an expenditure or incur any liability of any value in consultation with the Chief Financial Officer

3.2. Dispose of any real or personal property of the City of any value in consultation with the City Solicitor

4. The City Manager shall report to Council during the first quarter in 2023 any exercise of this delegated authority, outlining how the actions were in the best interests of the City.

General

5. No delegation of authority in this by-law shall constrain or limit, in any manner whatsoever, any delegation of authority existing in any other City of Burlington By-law. In the event of inconsistency between this By-law and any other City By-law or Council resolution, the provision that most effectively delegates authority prevails to the extent of the inconsistency.

6. This by-law shall come into force on the date of its passing.

Passed this 12th day, of July, 2022

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____