BY-LAW RESPECTING THE DELEGATION OF POWERS TO OFFICERS AND EMPLOYEES TO AUTHORIZE THE SPENDING OF MONEY AND TO MAKE CONTRACTS IN THE NAME OF THE MUNICIPALITY

NUMBER 741-9

(741-9, sec. 5.1, 2024/06/03)

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Version 1.11

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NUMBER 741

Notice of motion: November 28, 2005.
Coming into force: December 12, 2005.

NUMBER 741-9

Notice of motion: March18 2024.
Coming into force: June 3, 2024.

AMENDED AND CONSOLIDATED VERSION

NOTICE

The consolidation of By-laws and annexes is not official. It has been compiled on November 5, 2024, by the Town Clerk's office to facilitate the reading of the text. The official text is to be found in the original by-law and in each of its amendments.

Amendments included in this version

Number	Purpose	Notice of motion	Coming into force
741	Original By-law	November 28 2005	December 12 2005
741-1	Repeal and replacement of By-law 741.	December 6 2010	December 13 2010
741-2	Amendment to sections: 2, 4 and 16.	May 7 2012	June 11 2012
741-3	Amendment to section: 4.	April 8 2013	May 6 2013
741-4	Amendment to section: 2.	November 3 2014	December 1 2014
741-5	Amendment to section: 2.	February 2 2015	March 2 2015
741-6	Amendment to section: 2.	May 2 2016	May 16 2016
741-7	Amendment to section: 2.	September 16 2019	October 7 2019
741-8	Amendment to section: 2.	May 11 2020	June 1 2020
741-9	Repeal and replacement of By-law 741-1 and its amendments.	March18 2024	June 3 2024
741-10	Amendment to section: 2.1.	October 8 2024	November 4 2024

SECTION 1 - INTERPRETATION

ARTICLE 1.1

The powers, privileges, and attributions conferred by the present By-law to different municipal officers do not have the effect of increasing, reducing, or limiting the duties and powers assigned to them by laws and By-laws.

SECTION 2 - DELEGATION OF POWER TO AUTHORIZE EXPENDITURES

ARTICLE 2.1 AUTHORIZED AMOUNTS

The municipal council delegates to the municipal officers, hereinafter mentioned, the power to approve expenditures and enter into contracts accordingly on behalf of the Town in their respective fields of competence and in the best interest of the Town, up to the following amounts:

Director *General*	$50,000
Director of Public Works	$20,000
Treasurer	$15,000
Division Chief-Purchasing	$ 5,000

(741-10, sec. 1, 2024/11/04)

Director of Urban Planning and Building Inspection	
Director of Information and Security	
Director of Community Services and Recreation	
Director of Human Resources	
Town Clerk	
Assistant-Treasurer	
Manager of Community Services and Recreation	$ 3,500
Chief Operations Officer of Public Works	

In the absence of the department head, sick leave, or vacation, their replacement is authorized to act on their behalf.

The amount of an expense or the value of a contract related to a delegation includes all applicable fees, disbursements, and taxes.

The amounts indicated in the first paragraph apply to articles 2.2 to 2.8 unless another specific amount is indicated therein.

ARTICLE 2.2 COMPETENCE AREAS

Unless specifically delegated, the authority to authorize expenses and enter into contracts applies only to operational expenses of the department for which each officer mentioned in Article 2.1 is responsible.

The fields of competence are as follows, to the extent that they fall within the purview of the relevant department:

1. The rental or purchase of services, goods, property, equipment, or various supplies useful for the proper functioning of the service;
2. Expenses related to the execution of repair or maintenance work on all categories of Town assets;
3. Expenses or contracts for operations that are of a periodic nature, such as public notices and newspapers;
4. Travel, parking, accommodation, and meal expenses;

• These expenses must comply with the current internal reimbursement procedure.

5. Congress, seminar, conference, training, and other similar expenses;

   • These expenses must comply with the current internal reimbursement procedure.

6. The awarding of a mandate for professional, technical, engineering services, and other experts;
7. The awarding of a mandate for legal services;

   • All expenses incurred for obtaining legal services must be authorized in advance by the treasurer.

8. The conclusion, on behalf of the Town, of contracts or agreements to give effect to the present article.

Notwithstanding the preceding paragraph, no delegation may apply if it concerns the ratification:

- Of a contract with a government;
- Of an inter-municipal agreement;
- Of the signing of a collective agreement and a letter of agreement;
- Of the hiring of permanent staff;
- Of the signing of an insurance contract.

ARTICLE 2.3 SPECIFIC DELEGATIONS TO THE DIRECTOR GENERAL

Personnel Hiring

The council delegates to the Director general the authority to hire any municipal officer or employee who is an employee within the meaning of the Labour Code (CQLR, c. C-27) for a position lasting less than six months, non- renewable, provided that the funds are available for this purpose.

Hiring any municipal official or employee for a term of less than six months, non-renewable, provided that the funds are available for this purpose.

Disposition of Assets

The council delegates to the Director General the power to dispose of Town assets with a market value of less than $10,000 when they are no longer of use, in accordance with the law. They are authorized to sign all documents required to dispose of these assets.

Capital Project within Operating Budget

The council concurrently delegates to the Director General and the Treasurer the power to authorize capital expenditures up to $50,000. Only investments within the operating budget may be authorized. All other investments must be approved by the municipal council.

Grants

The council delegates to the Director General the power to authorize grant applications and financial assistance agreements when a resolution is not specifically required by the organization providing financial assistance.

ARTICLE 2.4 SPECIFIC DELEGATIONS TO THE TREASURER

Expenses Exclusive to the Treasurer

The council delegates to the Treasurer the power to pay from the Town’s funds the following expenses regardless of the amount, provided that sufficient funds have been budgeted:

Expenses authorized by the council or by those with delegation under Article 2.1 of this By-law

and specific delegations elsewhere provided;
Refunds of municipal taxes, fines, and other overcharged fees;

Refunds for leisure activity registrations, summer vacation programs, rentals;

Salaries, compensations, overtime due to Town employees and council members;

Overtime must be authorized by department heads for employees under their responsibility.

Settlement of accounts for any employee upon their departure, including all banks and departure allowances for elected officials:

a. Departure allowances for elected officials as provided by law must be deposited at a council meeting;

Deductions from various salary withholdings including federal and provincial taxes, Quebec Pension Plan, Quebec Parental Insurance Plan, employment insurance, group insurance, CNESST, union dues, pension funds, social clubs, etc.;

Quebec Sales Tax (QST) and Goods and Services Tax (GST) remittances;

Current expenses for electricity and natural gas;
Bank fees, interest on temporary loans, repayment of temporary loans, and other interest;

Repayment of principal and interest on debt service;

Any other amounts owed by the Town to a government authority or third party under legislative or regulatory provisions, court judgment, or court order;

Bid deposits and submission of bidder deductions;

Payments made under a council-authorized agreement that does not specifically mention payment;

Rebates on proceeds from the sale of artworks;

Any other exceptions provided by law under Article 573 of the Cities and Towns Act.

Crediting Amounts Due

The municipal council delegates to the Treasurer the power to credit amounts due to the Town in the following circumstances:

Accounts under $100 except for tax accounts;

Prescribed right to recover the debt;

Debt amount lower than the costs to recover it;

Claim, in whole or in part, unfounded or unjustified.

Grants

The council delegates to the Treasurer the power to authorize grant applications and financial assistance agreements when a resolution is not specifically required by the organization providing financial assistance.

ARTICLE 2.5 SPECIFIC DELEGATIONS TO THE DIRECTOR OF PUBLIC WORKS

Snow Removal

The municipal council authorizes the Director of Public Works to incur expenses for snowplows truck rentals up to the initially adopted budget for the current fiscal year.

Rebillable Services

The Director of Public Works is authorized to incur expenses for rebillable services, such as water and sewer service connections, upon receipt of payment from the beneficiary of the services.

Document Signing

The municipal council delegates to the Director of Public Works the power to sign any required documents:

For the registration of vehicles or equipment required from the Société de l'assurance automobile du Québec;

For obtaining permits required from a government authority for Town vehicles;

For obtaining radio communication licenses.

Purchase of Parts

The municipal council authorizes the Director of Public Works to incur expenses for the purchase of vehicle and machinery parts, as well as water and sewer parts, up to $20,000 per year.

ARTICLE 2.6 SPECIFIC DELEGATIONS TO THE DIRECTOR OF RECREATION SERVICES

Signing of Non-Expense Engaging Agreements

The council delegates to the Director of Recreation Services the power to sign any agreement or contract, with a maximum duration of one year, which, although not involving any expenses, commits the Town’s responsibility within the scope of the files managed by the Recreation Services.

Signing of Revenue-Generating Agreements

The council delegates to the Director of Recreation Services the power to sign any agreement and contract:

With individuals, corporations, organizations, or other establishments for the use of spaces managed by the Recreation Services;

For the purposes of this article, the term "space" shall include, without limiting its usual meaning, all premises, sports fields, or equipment.

With a cultural, sports, or community organization for the delegation of a Town activity program within the scope of that organization's activities;

Such an agreement or contract must comply with any applicable policies or By-laws, including the By-law imposing property tax and tariffs as well as their method of payment in force.

Signing of Expense-Incurring Agreements

The municipal council delegates to the Director of Recreation Services the power to sign

agreements up to the established budget:

- For liquor permit applications during events;
- For hiring artists during festivals upon written authorization of the expense by the Director General.

The municipal council delegates the power to sign service agreements for self-financed activities, up to $5,000. It should be noted that the Director of Recreation Services is authorized to incur expenses exceeding those budgeted when there are excess revenues related to these self-financed activities.

ARTICLE 2.7 SPECIFIC DELEGATION TO THE DIRECTOR OF HUMAN RESOURCES

Personnel Hiring

The municipal council authorizes the Director of Human Resources to hire personnel for a term of less than 520 hours provided that funds are available for this purpose.

ARTICLE 2.8 SPECIFIC DELEGATIONS TO THE TOWN CLERK

Claims

The council authorizes the Town Clerk to settle any claims against the Town up to $5,000.

Town Insurances

The council delegates to the Town Clerk the power to obtain and sign any endorsements that may be issued by an insurer regarding any Town insurance policy or any renewal, termination, replacement, or modification to these insurance policies.

SECTION 3 OTHER APPLICATIONS

ARTICLE 3.1 CONTRACTS

When a weighting and evaluation system for bids is used, the selection committee shall be constituted before commencement of the call for tender process. The Council delegates to the Director General the responsibility to appoint the members of the committee. The Director general or his or her delegate shall sit ex officio on all selection committees as secretary. He or she shall assist, supervise, and ensure the proper conduct of the committee's work but may not participate in committee deliberations and/or voting.

No expenditure related to construction or renovation works (except for repair and maintenance) may be incurred by a municipal officer unless the construction or renovation works have been previously approved by resolution of the council or by By-law.

All municipal officers incurring an expense within this regulation must comply with the rules on contractual management and the procedures in force in the municipality.

When a bank guarantee is available, the responsible party shall ensure that such guarantee, in favor of the Town, is made in writing.

An original copy of any contract or agreement concluded under a delegation granted by the present By-law must be filed in the archives of the Town Clerk's Office.

ARTICLE 3.2 INTERNAL CONTROL

Under this chapter, for an expenditure approval to be valid, it requires the Treasurer's certificate indicating that the Town has the necessary funds to cover the projected expenditure. A purchase order generated by the computer system does not constitute the Treasurer's certificate.

Any expenditure approved by a municipal officer must be mentioned in a monthly report sent to the Treasurer. All such expenditures will be included in the Treasurer's monthly report at the first regular meeting held after a period of 25 days following the authorization.

Notwithstanding the foregoing, the inclusion of an expenditure (incurred within the context of a delegation of authority) in the monthly check register submitted for approval to the council is equivalent to the report mentioned in the preceding paragraph.

The Director General, in conjunction with the Treasurer, is responsible for ensuring that adequate internal controls are implemented and maintained to ensure compliance with and adherence to the regulation by all Town officials and employees.

SECTION 4 – CITIES AND TOWNS ACT

ARTICLE 4.1

Nothing in this By-law may be construed as derogating from the rules established in the Cities and Towns Act governing the awarding of contracts.

The rules for the contract awarding procedure by the Town apply, with necessary adaptations, to a contract awarded under this By-law.

Where authorization from the Minister of Municipal Affairs, Regions and Housing is required to award a contract to a person other than the lowest bidder, only the council may make such a request for authorization to the minister.

SECTION 5 FINAL PROVISIONS

ARTICLE 5.1

This By-law number 741-9 replaces By-law number 741-1 and its amendments.

This By-law comes into force in accordance with the law.

(s) Jeremy Levi	(s) Poovadee Permal-Vardin
Jeremy Levi, Mayor	Poovadee Permal-Vardin, Town Clerk