THE CITY OF WINNIPEG

BY-LAW NO. 78/2015

A By-law of THE CITY OF WINNIPEG to authorize designated employees to execute certain documents on behalf of the City of Winnipeg

WHEREAS clause 500(1)(a) of *The City of Winnipeg Charter* provides as follows:

> ***Execution of documents***
> *500(1) Council, by by-law,*
>
> *(a) may authorize the execution by designated employees of*
>
> *(i) agreements entered into by the city,*
> *(ii) cheques and other negotiable instruments issued by the city, and*
> *(iii) other documents requiring execution by the city;*

AND WHEREAS subsection 500(2) of *The City of Winnipeg Charter* provides as follows:

> ***Execution of documents where no by-law in force***
>
> *500(2) If no by-law is in force under subsection (1), the mayor and the city clerk must sign all documents referred to in subsection (1).*

AND WHEREAS it is necessary for the proper and efficient functioning of the City that certain agreements, instruments and other documents requiring execution be executed by specific members of the Public Service;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short Title
1 This By-law may be cited as the Execution of Documents By-law.

Definitions and interpretation
2(1) In this By-law,

"City" means The City of Winnipeg continued by section 8 of *The City of Winnipeg Charter*;

"Council" means the Council of the City of Winnipeg;

"documents" includes only those agreements, negotiable instruments other than cheques, and other documents requiring execution by the City of Winnipeg;

"Investment Policy" means the City of Winnipeg Investment Policy approved by Council on July 21, 2010, as amended, and any successor policy respecting investment by the City;

"Materials Management Policy" means the Materials Management Policy approved by Council on March 24, 2004, as amended, and any successor policy respecting procurement by the City;

"Sponsorship Policy" means the Sponsorship Policy approved by Council on November 21, 2007, as amended, and any successor policy respecting sponsorship;

2(2) In this By-law, a reference to a position or office refers to the individual occupying that position or holding that office and includes an individual who has been appointed to act in that capacity on a temporary or acting basis.

2(3) Where this By-law refers to the execution authority of a position or office within the Public Service of the City of Winnipeg, and the name of that position or office is changed or the duties or responsibilities of that position or office are altered, a reference in this By-law to that position refers to the position or office that has assumed the duties or responsibilities associated with the execution authority.

Scope of By-law
3 This By-law does not apply to cheques to which the Cheque Signing Authority By-law No. 838/74 applies.

PART 1 – GENERAL

Sub-delegation of execution authority
4(1) An employee who is authorized by this By-law to execute a document must not sub-delegate that authority unless this By-law specifically authorizes the delegation.

4(2) Where this By-law authorizes the sub-delegation of an execution authority, the sub-delegation is not effective unless it is in writing and filed with the office of the City Clerk.

Authorization to execute subject to approval of document
5(1) The authorization to execute a document authorized in this By-law is subject to

(a) approval of the contents of the document by Council, a Committee of Council or a City employee to whom the authorization to approve the contents has been delegated;

(b) the legal review and written certification of the document as to form by the City Solicitor or delegate, unless otherwise provided for in this By-law.

5(2) For greater certainty, an individual to whom the authority to execute a document has been given by this By-law is not authorized to execute that document unless the contents and the form of the document have been approved in accordance with subsection (1).

5(3) The City Solicitor may certify a standard form document to which the Materials Management Policy applies as to legal form and, where he or she has done so, this certification remains valid for the purposes of clause (1)(b) so long as the form is not altered other than by filling in blank spaces in the document.

Seal unnecessary
6 Unless otherwise specified, any document whose execution is authorized by this By-law may be executed and is deemed to be validly executed without the need to affix the seal of the City of Winnipeg.

Only one signature needed
7 Unless otherwise specified, any document whose execution is authorized by this By-law is validly executed when the individual who is authorized by or pursuant to this By-law affixes his or her signature on the document. In particular, unless otherwise specified, it is not necessary for more than one individual to execute a document in order for the document to be validly executed.

By-law not to derogate from execution authority of Mayor and City Clerk
8 Nothing in this By-law derogates from the authority of the Mayor and City Clerk with respect to the execution of documents nor prevents the Mayor and City Clerk from executing any document on behalf of the City of Winnipeg.

PART 2 – SPECIFIC EXECUTION AUTHORITIES

Execution authority of the CAO
9(1) The Chief Administrative Officer is hereby authorized to execute the following documents on behalf of the City of Winnipeg:

(a) subject to section 16, documents arising from an award of contract approved in accordance with the Materials Management Policy;

(b) documents required to formalize terms and conditions approved by the Chief Administrative Officer or designate pursuant to authority delegated by Council with respect to

(i) advertising at City facilities, on City equipment or in City publications;

(ii) library fundraising and sponsorship agreements approved pursuant to authority granted by Council on February 21, 2007;

(iii) sponsorship agreements approved under the Sponsorship Policy;

(c) grant applications to an outside funding source;

(d) employment contracts for any City employees other than for the Chief Administrative Officer or staff employed by the Office of the Mayor;

(e) documents required to formalize terms and conditions for the acceptance of gifts to the City or the donation of gifts by the City;

(f) releases and other documents necessary to settle claims by or against the City approved by Council or Executive Policy Committee or within the Chief Administrative Officer's settlement authority;

(g) documents associated with the appointment of special constables;

(h) documents which the Chief Administrative Officer is authorized to approve pursuant to subsections 26(17), (20) and (22) of *The City Organization By-law;*

(i) applications for licences and permits necessary to carry on the operations of the City.

9(2) All of the authorizations in subsection (1) may be sub-delegated to another City employee except for the authorization in clause (d).

Execution authority of CFO

10(1) The Chief Financial Officer is hereby authorized to execute the following documents on behalf of the City of Winnipeg:

(a) documents required to formalize terms and conditions of grants or tax credits approved by Council or a Committee of Council or pursuant to a grant or tax credit program established by by-law;

(b) grant agreements setting out the terms and conditions on which an outside funding source will provide funding to the City of Winnipeg;

(c) documents required to formalize terms and conditions of loan guarantees approved by Council;

(d) documents related to tax sales, including tax sale certificates, assignments of tax sale certificates, and tax sale applications;

(e) documents necessary to carry out any action approved under the Investment Policy;

(f) discharges of deferments of local improvement taxes;

(g) tax receipts acknowledging gifts or contributions to the City that have been accepted by Council or, if they have authority to do so, a Council committee or an employee of the City;

(h) documents relating to the issue of debentures by the City pursuant to authorization from Council;

(i) releases necessary to settle a claim by or against the City within the settlement authority of the Chief Financial Officer..

10(2) All of the authorizations in subsection (1) may be sub-delegated to another City employee.

Execution authority of City Clerk

11(1) The City Clerk is hereby authorized to execute the following documents on behalf of the City of Winnipeg in support of duly authorized expropriations:

(a) notices of confirming orders;

(b) notices of expropriation;

(c) notices for possession.

11(2) All of the authorizations in subsection (1) may be sub-delegated to another City employee.

Execution authority of Director of Legal Services and City Solicitor

12(1) The Director of Legal Services and City Solicitor is hereby authorized to execute the following documents on behalf of the City of Winnipeg:

(a) documents related to the registration of documents on behalf of the City at a land titles office;

(b) documents relating to the registration and renewal of business names;

(c) documents relating to the registration of and consent to use trade-marks;

(d) documents relating to the registration and renewal of copyrights on behalf of the City;

(e) consents to use copyrights owned by the City;

(f) releases necessary to settle a claim by or against the City within the settlement authority of the Director of Legal Services and City Solicitor;

(g) documents necessary to make a claim against a bankrupt person;

(h) documents required to be filed in court with respect to legal actions by or against the City;

(i) offers of compensation in respect of duly authorized expropriations.

12(2) All of the authorizations in subsection (1) may be sub-delegated to another City employee who is entitled to practice law in the Province of Manitoba.

Execution authority of Director of Planning, Property and Development

13(1) The Director of Planning, Property and Development is hereby authorized to execute the following documents on behalf of the City of Winnipeg:

(a) documents required to formalize terms and conditions of real estate matters approved by Council or a Committee of Council, or by the Chief Administrative Officer, the Director of Planning, Property and Development or another employee of the City pursuant to authority delegated to him or her by Council or a Committee of Council;

(b) documents required to formalize terms and conditions of zoning, development and subdivision matters approved by Council or a Committee of Council or by the Director of Planning, Property and Development pursuant to authority delegated to him or her by Council or a Committee of Council:

(c) agreements for the use, reproduction and sale of City base maps approved under a policy approved by Council or a Committee of Council;

(d) deeds for cemetery plots approved under the Cemetery By-law;

(e) caveats and other documents required to be registered at the Winnipeg Land Titles Office

(i) in order for title to vacant and derelict buildings to be issued to the City

pursuant to Division 4 of Part 5 of *The City of Winnipeg Charter*;

(ii) in order to register orders referred to in subsection 184(3) of *The City of Winnipeg Charter*;

(iii) in order to register notices and discharges of notices with respect to historical buildings and resources required to be registered at the land titles office by subsection 157.1(3) of *The City of Winnipeg Charter*; and

(iv) postponements of notices required to be registered at the land titles office by subsection 157.1(3) of *The City of Winnipeg Charter*.

(f) the following documents submitted for registration at the Winnipeg Land Titles Office:

(i) approvals of plans of subdivision and plans of survey;

(ii) transfers of land;

(iii) opening and closing plans;

(iv) real property applications;

(v) requests to issue new certificates of title.

13(2) Notwithstanding clause 5(1)(b), the authority to execute documents given to the Director of Planning, Property and Development under clauses (1)(e) and (f) is not subject to the requirement for written certification as to legal form by the City Solicitor or delegate.

13(3) All of the authorizations in subsection (1) may be sub-delegated to another City employee.

Execution authority of Chief Operating Officers of SOAs

14 The Chief Operating Officer of a Special Operating Agency created pursuant to section 215 of *The City of Winnipeg Charter* (Special Service Units) is hereby authorized to execute on behalf of the City of Winnipeg any documents which he or she is authorized to approve under the Operating Charter of the Special Operating Agency of which he or she is the Chief Operating Officer.

Execution authority of Chief Operating Officer of Winnipeg Fleet Management Agency

15 In addition to the authority granted under section 14, the Chief Operating Officer of the Winnipeg Fleet Management Agency created pursuant to section 215 of *The City of Winnipeg Charter* (Special Service Units) is hereby authorized to execute the following on behalf of the City of Winnipeg

(a) agreements with one or more financial institutions to establish credit facilities, and

(b) borrowing requests on the credit facilities established under clause (a) within the limits of the Winnipeg Fleet Management Agency's borrowing authority approved by Council and subject to the Chief Financial Officer's approval as to financial details, to finance the Winnipeg Fleet Management Agency's operations on an on-going basis.

Execution authority of Manager of Materials Management

16(1) The Manager of Materials Management is hereby authorized to execute on behalf of the City of Winnipeg documents related to the solicitation, formalization and cancellation of purchases of construction, supplies and services within the approval authority of the Manager of Materials Management as set out in the Materials Management Policy. Without restricting the general nature of this authority, it includes the following:

(a) requisitions, purchase orders and bid solicitations;

(b) purchase agreements and offers to purchase;

(c) rental agreements for supplies;

(d) purchases by rental, lease or other agreements providing for time payments with an option to purchase;

(e) purchases of maintenance services for equipment and software.

16(2) Notwithstanding clause 5(1)(b), the authority to execute documents given to the Manager of Material Management under subsection (1) is not subject to the requirement for written certification as to legal form by the City Solicitor or delegate.

16(3) All of the authorizations in subsection (1) may be sub-delegated to another City employee.

Execution authority of Manager of Risk Management

17 The Manager of Risk Management is hereby authorized to execute on behalf of the City of Winnipeg releases necessary to settle claims by or against the City within the settlement authority of the Manager of Risk Management and the Supervisor of Claims of the City's Risk Management Division.

Execution authority of the Mayor's Chief of Staff

18 The Chief of Staff of the Mayor's Office is hereby authorized to execute on behalf of the City of Winnipeg all employment contracts for staff employed by the Office of the Mayor, with the exception of the employment contract for the Chief of Staff.

Execution of agreements for short-term use

19(1) Subject to this section, the Directors of Community Services, Public Works, and Planning, Property and Development are each hereby authorized to execute on behalf of the City of Winnipeg agreements not exceeding a year less a day in duration for the short term use of the following, so long as they fall within their area of responsibility:

(a) facilities;

(b) athletic fields;

(c) parks;

(d) equipment;

(e) garden plots.

19(2) All of the authorizations in subsection (1) may be sub-delegated to another City employee by a Director who has been given that power.

Execution of railway crossing agreements
20(1) The Director of Public Works is hereby authorized to execute on behalf of the City of Winnipeg railway crossing agreements with respect to a street being built across, over or under an existing railway or a railway being built across, over or under an existing street, including a bridge, overpass or underpass.

20(2) The Director of Water and Waste is hereby authorized to execute on behalf of the City of Winnipeg railway crossing agreements with respect to

(a) a main of the City's waterworks system or wastewater system being built under a railway or a railway being built over a main of the City's waterworks system or wastewater system; or

(b) a wire, conduit or other similar infrastructure being built under a railway or a railway being built over a wire, conduit or other similar infrastructure.

20(3) All of the authorizations in subsection (1) may be sub-delegated to another City employee.

Execution of confidentiality and non-disclosure agreements
21 Any City employee who has been authorized to approve an agreement is hereby authorized to execute on behalf of the City of Winnipeg confidentiality and non-disclosure agreements in the context of that agreement.

PART 3 – MISCELLANEOUS

City Organization By-law amended
22 Section 26 of *The City Organization By-law* No. 7100/97 is amended

(a) in subsection (17), by striking out *", and to execute all necessary documents"*;

(b) in subsection (20), by replacing *"and execute"* with *"and approve"*; and

(c) in subsection (22), by striking out *", and execute"*.

Execution of Documents By-law repealed
23 The Execution of Documents By-law No. 7367/99 is repealed.

Coming into force
24 This By-law comes into force on September 1, 2015.

DONE AND PASSED, this day of , 2015.

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Mayor

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City Clerk

Approved as to content:

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Chief Administrative Officer

Approved as to form:

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For Director of Legal Services/City Solicitor