Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Marc Lemoine** City Clerk	**FROM:**	**Harold Dick** Legal Services
FILE:	G.3/2020 (12)	**DATE:**	March 6, 2020

RE: Expenditure before Budget Approval By-law

Please find enclosed a by-law amending the Expenditures before Budget Approval By-law.

Subsection 3(3) of the By-law currently incorporates by reference a definition of "Public-Private Partnership" set out in The Public-Private Partnerships Transparency and Accountability Act. However, that Act was repealed in 2017, raising questions about whether the reference is still valid.

Subsection 41(2) of The Interpretation Act provides that a reference to a repealed Act is a reference to that Act as it read immediately before the repeal.

Nevertheless, in order to avoid any doubt about the validity of the definition in the By-law, this proposed amending By-law makes clear that the definition being incorporated by reference is the one that existed in the Act immediately before its repeal.

Because this amendment does not result in any substantive change to the By-law, I am of the opinion that it can be brought to Council's attention by way of a communication.

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HAROLD DICK
Solicitor

HD/am

Enclosure