

THE CORPORATION OF THE CITY OF IQALUIT, NU

BY-LAW No. 904

SIGNING AUTHORITY AND EXPENDITURE APPROVAL BY-LAW

A By-law of the Municipal Corporation of the City of Iqaluit (“City”) in Nunavut to provide for signing authorities and expenditure approvals for the City.

WHEREAS the *Cities, Towns and Villages Act*, RSNWT (Nu) 1988, c. C-8, as amended from time to time (“*Act*”):

- a) states at section 44 that Council of the City of Iqaluit (“Council”) may, by by-law, appoint employees to be officers and authorize them to perform (a) any statutory duty assigned to the senior administrative officer by the *Act*, other than those assigned under section 47; or (b) any other duties Council considers necessary;
- b) provides at section 47(1) flexibility for the Council to delegate some of its authority to the Chief Administrative Officer (CAO) other than other than (a) the power to make by-laws or resolutions; and (b) a duty that shall be performed or a power that is exercisable only by by-law;
- c) lists at section 47(2)(f) the mandatory duties of the CAO;
- d) requires at section 53.2 the City to have a corporate seal;
- e) requires section 141(1) that every City disbursement of money belonging to the City must be made by a cheque or other negotiable instrument that is (a) drawn on or made from a bank account; and (b) signed or authorized by (i) the Mayor or a Councillor designated by Council, and (ii) the CAO;
- f) section 141(2) permits Council, by by-law, to authorize the signature of any person referred to in section 141(1)(b) of the *Act* to be engraved, lithographed, printed or mechanically reproduced for the purpose of issuing cheques.

WHEREAS Iqaluit By-law 883 authorizes the Mayor’s signature to be mechanically reproduced in accordance with the *Act*;

WHEREAS the CAO or designate has the authority to sign agreements, documents, negotiable instruments as is binding on the City in accordance with the *Act*, this and other City by-laws;

NOWHEREFORE, the Council in regular session duly assembled, enacts as follows:

INTRODUCTION

SECTION 1 – PURPOSE

- 1.1 This By-law establishes the signing authorities and expenditure approvals at the City for the purpose of improving City business operation efficiencies and to maintain effective internal controls and approval processes.

SECTION 2 – DEFINITIONS

- 2.1 “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer of Iqaluit; appointed by Council, or any person designated by the CAO for the purpose of administering this by-law;
- 2.2 “Council” means the Mayor and the duly elected Iqaluit Council members;
- 2.3 “designate” means a City employee provided with the authority to act on another person's behalf;
- 2.4 “Iqaluit” means the municipal corporation established as the City of Iqaluit;
- 2.5 “Mayor” means the presiding and chief presiding Council member of Iqaluit and, the senior executive officer of Iqaluit as per section 39(a) of the *Act*;
- 2.6 “negotiable instrument” means a legal document of the City that is payable to the bearer.

PART I: SIGNING AUTHORITY

SECTION 3 – CORPORATE SEAL

- 3.1 Council hereby appoints the City Clerk to be the official custodian of the corporate seal of the City (“Corporate Seal”) and shall maintain the City Seal in a safe and secure location such as the City safe;
- 3.2 The Corporate Seal must contain the name of the City and may be in the form of a rubber stamp. Hand-written seals are not acceptable because of the absence of control over use of the Corporate Seal.
- 3.3 The Corporate Seal is used for purposes of certifying official records and instruments of the City as required by the *Act*, this By-law or as decided by the CAO in the CAO’s discretion, as prima facie evidence that the City has assented to those documents to which the Corporate Seal is affixed;
- 3.4 The City Clerk shall cause the Corporate Seal to be affixed on all City:
 - a. by-laws signed at the Council meeting at which the by-law was given third reading;
 - b. resolutions, ordinances and proclamations;
 - c. licenses, deeds, leases of a five (5) year term or more and legal instruments issued under any borrowing or sale, contracts of a value over 1 million dollars (\$1,000,000) and debentures issued by the City; and
 - d. official certificates, including tax certificates, paper documents certified by the CAO or designate as being true copies of original documents held in the City or to authenticate official documents in the conduct of official City business.
- 3.5 The Mayor, CAO or designate, and the City Clerk may cause the Corporate Seal to be affixed on official City documents or papers that warrant the Corporate Seal to be affixed including legal instruments issued under Land Titles documentation.
- 3.6 The Corporate Seal may be applied by the Mayor or designate, the CAO or designate, the Director of Corporate Services, the City Clerk or other City officer. This authority may be further delegated for specific tasks (i.e. tax certificates, business licenses, land titles documentation) and the City Clerk shall maintain a permanent record of any such delegations.
- 3.7 Certified copies of City records, which do not require the Corporate Seal as set out above, shall be certified by the CAO or a Notary designated by the CAO or designate.

SECTION 4 – SIGNING AUTHORITY OF THE MAYOR

- 4.1 As the presiding and chief presiding of Council, and the senior executive officer of the City, the Mayor has signing authority as set out in and in accordance with this By-law.
- 4.2 Subject to section 6.5.1(b), which further deals with the Mayor’s authority to sign negotiable instruments, the Mayor’s signing authority may be delegated to anyone acting in the capacity of the Mayor in the absence of the Mayor. A delegate / designate may not sub-delegate their duties.

SECTION 5 – SIGNING AUTHORITY OF THE CAO

- 5.1 Subject to section 6.6(d), for the purpose of this By-law the CAO has signing authority subject to any express limitations set out in this By-law, and, shall only have said signing authority if the expenditure or revenue contemplated is included in an operating or capital budget, interim operating budget or is otherwise authorized by City By-law or applicable statute.
- 5.2 The CAO’s signing authority may be delegated at the discretion of the CAO and in accordance with this By-law. A delegate may not sub-delegate their duties. The City Clerk shall maintain a permanent record of any such delegations.

SECTION 6 – SIGNING AUTHORITY

6.1 By-laws

The signing authority for Council By-laws is as follows:

1st Signature Required Mayor	2nd Signature Required CAO	Corporate Seal Required Yes	Location of Original By-law Registry at the Office of the City Clerk
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- a) All Council by-laws shall be signed by the Mayor and the CAO.

6.2 Council Policies

The signing authority for Council Policies is as follows:

1st Signature Required Mayor	2nd Signature Required CAO or designate (to record the resolution number (in support of each Council policy) on each Council policy)	Corporate Seal Required No	Location of Original Policy Registry at the Office of the City Clerk
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6.3 Minutes of Council, Committee of the Whole Meetings and Advisory Committees

The signing authority for Minutes of Council meetings is as follows:

Council meetings:

1st Signature Required Mayor or Chair	2nd Signature Required CAO or delegate	Corporate Seal Required No	Location of Original Office of the City Clerk
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- a) Sections 37(1) of the *Act* requires of the CAO or designate to record the minutes of the proceedings of all Council meetings and to certify them as correct.

Committee of the Whole Meetings and Advisory Committee meetings:

1st Signature Required	2nd Signature Required	Corporate Seal Required	Location of Original
Committee Chair or delegate	City Staff Resource Person allocated to said Committee.	No	Office of the City Clerk

- a) All minutes of Committee of the Whole meetings and all other meetings of Council administrative bodies shall be signed by the Committee Chairperson or presiding member. The first signature may be delegated. The second signature shall be delegated to the City staff resource person allocated to the specific Committee. The designated staff person of advisory committees shall serve as the recording secretary for the meeting as applicable.

6.4 City Administrative Policies

The signing authority of City Administrative Policies is as follows:

1st Signature Required	2nd Signature Required	Corporate Seal Required	Location
CAO or designate	No	No	Policy Registry at the Office of the City Clerk

- a) The CAO's signing authority may be delegated at the discretion of the CAO. A delegate may not sub-delegate their duties. The City Clerk shall maintain a permanent record of any such delegations.

6.5 Negotiable Instruments, Bank Accounts, Agreements, Documents and Electronic Signatures

- a) Under section 141 of the *Act* every disbursement of money belonging to the City shall be made by a cheque or other negotiable instrument that is (a) drawn on or made from a bank account referred to in section 140 of the *Act*; and (b) signed or authorized by (i) the Mayor or a Councillor designated by the Council, and (ii) the CAO.

- b) Signing Authority as per By-law 820

- i. Signing authority for City purchases, and related processes, made in accordance with City Purchasing By-law 820 ("By-law 820") shall conform to this By-law including any purchases made under By-law 820 which are greater than \$250,000;
- ii. Where Council has duly approved in the form of a Council resolution, the award of a contract to a third party in accordance with the Purchasing By-law 820, as amended from time to time, in the amount of two hundred and fifty thousand dollars (\$250,000) or more, the Mayor shall sign the service agreement duly awarded by Council pursuant to By-law 820 which sets out the terms and conditions of said duly award contract.
- iii. Council may pass a resolution granting signing authority to the CAO for a City expenditure in the amount of \$250,000 or more as long as the Council resolution number is affixed on any cheque to be signed by the CAO. In this event, a second signature shall be affixed by the City's Director of Corporate Services or designate selected by the CAO, and a second signature from the Mayor or designate is not required as long as Council has duly passed a resolution granting said signing authority to the CAO.

6.5.1 Negotiable Instruments

The signing authority for the City's negotiable instruments is as follows:

1st Signature Required	2nd Signature Required	Corporate Seal Required	Location
Mayor or designate acting as either Acting Mayor or Deputy Mayor, as the case may be, or the CAO.	CAO if Mayor or designate is first signature; Deputy Mayor, or delegate, as decided by the CAO, if the CAO is the first signatory.	No	Office of the City Clerk or as designated by the CAO

Also, for operational signatory purposes, see 6.5.1(d)(ii)below

- a) Unless otherwise expressly stated in this By-law or the subject of an express duly passed Council resolution, two duly authorized signatures are required for the signing of all negotiable instruments of the City.
- b) Unless otherwise expressly stated in this By-law, the first signing authority for negotiable instruments shall be the Mayor and in the Mayor's absence, the Acting Mayor, and in the absence of the Acting Mayor, the Deputy Mayor, or a Councillor designated by Council, or the CAO.
- c) Unless otherwise expressly stated in this By-law, the second signing authority for the City shall be the CAO if the Mayor or designate is the first signature.
- d) Unless otherwise expressly stated in this By-law,
 - i. the CAO has the authority to sign, as one of two signatories, all negotiable instruments for duly approved City expenditures;
 - ii. Council hereby grants to the CAO and two designated senior City employees, as selected by the CAO, holding a senior City management position, signing authority in accordance with the expenditure limitations set out in this By-law, without the requirement of a signature of the Mayor or designated Councillor, for the purpose of dealing with operational and administrative City matters. A designate may not sub-delegate their duties. The City Clerk shall maintain a permanent record of any such delegations.
 - iii. as long as the second required signature is recorded by the City Clerk, the CAO has the authority to direct that electronic transfers proceed in furtherance of an authorized (as per this By-law) negotiable instrument;
 - iv. the CAO may formally delegate a City employee in a senior City management position to: (1) effect an authorized payment; or (2) to effect an electronic transfer, as the CAO delegate, as a means of authorized payment by the City of monies owed to a third party by the City in accordance with the spending limitations as set out in this By-law for the said delegated senior City management employee.

6.5.2 Bank Accounts

- a) The CAO or designate is authorized to advise the City's banking institutions as to the names of those authorized City representatives or City officers who have signing authority for banking purposes including banking signing authority changes, when they may occur including the appropriate documentation being submitted to the banking institutions as required. A designate may not sub-delegate their duties.
- b) City Bank accounts and related documents (i.e. cheques, electronic fund transfers) requiring authorized signatures shall be signed by two signing authorities. Authorized signatures for the same may be signed by two of either the Mayor or designate, CAO, Senior Director of Corporate Services or the City Clerk. A designate may not sub-delegate their duties. The CAO may set limits for signatory purposes as the CAO deems appropriate in accordance with this By-law.

6.6 Signing Authority for Agreements (not negotiable instruments)

All signing authorities, as referenced below, shall be in accordance with the following:

- a) Unless otherwise expressly stated in this By-law, the delegation of this authority is illustrated in the following table, with each position listed having the authority to sign all agreements, including contracts (collectively "Agreements") appearing across from or below the position title. A delegate or designate may not sub-delegate their duties;
- b) The City Clerk shall maintain a permanent record of all such designations / delegations. Signatures are denoted in highest ranking order; however, best practice outlines the position of lowest rank shall sign off on the document first;
- c) Unless otherwise expressly stated in this By-law, all Agreements that are operational or administrative in nature are to be signed by two signing authorities, one of which shall be the CAO or designate and the second signatory as selected by the CAO. A delegate / designate may not sub-delegate their duties;
- d) Notwithstanding section 6.5(b)(iii) of this By-law, and notwithstanding the following table, the CAO is authorized to sign and execute Agreements made or executed on behalf of the City, including those which go beyond the fiscal year and which are either operating or capital, within the limits of the Council approved annual budget, to proceed, where the value of the Agreement is less than \$250,000.
- e) Any City employee holding an Acting Director or Acting senior City management position shall act in accordance with this By-law and more specifically:
 - i. only has the authority to make a material City-related purchase within their department which had been duly approved by the Director or Acting senior City management employee for whom the City employee is holding the acting position; and
 - ii. said purchase shall be in accordance with the Department approved budget and Department Plan.
 - iii. For further clarity, the CAO may, in the CAO's discretion and at any time, limit or reduce the spending authority of an Acting Director or Acting senior City management position.

- f) The following delegation of authority does not preclude the Mayor from providing a second signature on any Agreement if asked by the CAO providing the Mayor has not signed as the first (1st) signatory:

Instrument	1 st Signature Required	2 nd Signature Required	Corporate Seal Required	Location or Original
Federal and Territorial Contribution Agreements	Mayor	CAO	No	Corporate Services
All Agreements, and negotiable instruments related to sales, mortgages or other encumbrances of real property, long-term debt securities which have a value over \$250,000 and, leases over 5 years.	CAO or as otherwise noted in this By-law See ss. 6.5.1(b)(ii) and 6.5.1(b)(iii)	Mayor or as otherwise noted in this By-law See ss. 6.5.1(b)(ii) and 6.5.1(b)(iii)	Yes, except for land transfers which are not subject to the use of the seal	Corporate Services
Council-related memorandum of agreement/understanding, grant funding applications, partnership agreements – as negotiated by or on behalf of Council	Mayor	CAO	No	City Clerk
Memorandum of agreement/understanding, grant funding applications above \$30,000, partnership agreements - as negotiated by City administration for operational purposes	CAO	Department Director (or designate) as authorized by the CAO	No	City Clerk or Applicable Department
Employment contracts, and letter of employment offers	Director of Human Resources	CAO	No	Personnel files (Human Resources)
Discharges of Tax Recovery Notification	Department Director	No	Yes	Corporate Services
Contract/Service Agreements	Department Directors or CAO	CAO (if not the first signatory)	Yes	Corporate Services
Tax Certificates	City Controller or Sr. Finance Officer as applicable	No	Yes	Corporate services

The Department of Planning and Development

All documents to be registered in the Land Title Office shall be signed by the Director of Planning and Development and the City Lands Administrator.

The following instruments from the Department of Planning and Development Services shall be signed by the position indicated, or delegated to a City employee at the discretion of the authority holder with no further sub-delegation permitted:

Instrument	1st Signature Required	2nd Signature Required	Corporate Seal Required	Location or Original
Development Permit	Director	Planner or Development Officer	No	Planning
Development Agreement Council resolution approves Development Agreement, followed by signatures herein set out.	CAO or designate	The CAO shall direct the signature of City officers or employees	Yes	Planning
LTO registered leases, surrenders, transfers, consents and amendments: Council resolution approves same followed by signatures herein set out.	CAO or designate	The CAO shall direct the signature of City officers or employees	Yes	Land Administration
Rights-of-Way Access Agreements Easement Encroachment: Council resolution approves same, followed by signatures herein set out.	CAO or designate	The CAO shall direct the signature of City officers or employees	Yes	Planning / Lands Administration
Subdivision/Condo: Council resolution approves RFD which includes survey sketches; Applicable Department staff subsequently sign.	Director	Planner	Yes	LTO, NRCAN
Statutory Declaration	Notary Public or Commissioner of Oaths		No Requires corporate stamp	Planning / Lands Administration

6.7 Other Documents

Unless otherwise expressly stated in this By-law:

- a) all other City agreements and documents requiring authorized signatures, that are outside normal operational requirements shall be signed by the Mayor or designate and the CAO or designate. A designate / delegate may not sub-delegate their duties;
- b) all documents initiated, generated or processed for operational purposes within a City Department, other than those specified in this By-law and which are within the Department's annual budgeted approved spending limitations (see section 7), may be signed by the applicable Department Head or designate and the second signatory may be decided by the Department Head with no further sub-delegation permitted. A designate / delegate may not sub-delegate their duties.

6.8 Electronic Signature

- a) Council authorizes the use of a stamped or electronic signature by the Mayor, those Councillors authorized to provide their signature under this By-law and the CAO. Each use shall be authorized in writing by the signature holder;
- b) In the event electronic signatures are used, two electronic signatures shall, at all times be required.
- c) The CAO or designate is responsible to create the required electronic controls.

6.9 Removal of Signing Authority of City Employee

- a) The CAO may remove or restrict signing authority of any City employee for any reason. The employee shall be informed in writing.

6.8 Limitation of Delegation of Authority

- a) For certainty, a person to whom a power, duty or function has been delegated under this By-law has no authority to further delegate to another person any power, duty or function that has been delegated by this By-law.

PART II: EXPENDITURE APPROVAL

SECTION 7 – SPENDING AUTHORITY LIMITS

The Spending Authority Limits are as follows:

Title	Limit
CAO	Up to \$250,000 unless otherwise expressly authorized by Council
Senior Director of Corporate Services	Up to \$100,000 for the budgeted amount
Director of Engineering	Up to \$50,000 (for capital projects) for the Department budgeted amount

All other Directors	Up to \$30,000 for the Department budgeted amounts
Chief Municipal Enforcement Officer	Up to \$20,000 for the Department's budgeted amounts
Superintendents	Up to \$20,000 for the Department budgeted amounts
Manager II	Up to \$20,000 for the Department budgeted amounts
Economic Development Officer	Up to \$5,000 for the Department budgeted amount
Project Officer	Up to \$5,000 for the Department budgeted amount
Manager I	Up to \$1000 for Department budgeted amounts
Foreman	Up to \$500 for the Department budgeted amounts

SECTION 8 – PURCHASING BY-LAW 820 OR ANY OTHER CITY BY-LAW

8.1 To the extent there are any inconsistencies between this By-Law and Purchasing By-law 820, or any other City By-law, as amended from time to time, this By-law shall supersede any other City by-law to the extent of the inconsistency.

SECTION 9 – BY-LAW REVIEW

9.1 For the purposes of ensuring that this By-law is revised for ongoing relevancy, the By-law shall be brought forth before Council every five years and shall be reviewed by Council and repassed in its present or an amended form or rescinded. This By-law shall remain in effect if the review date passes prior to Council review.

SECTION 10 - SEVERABILITY

10.1 If any provision of this By-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which may form part of this By-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby but shall remain in force.

SECTION 11 - MISCELLANEOUS

11.1 This By-law hereby repeals By-law 539 and By-law 806.

This **By-law** shall come into effect upon its Third and Final Reading.

THIS BY-LAW READ a First Time this 22nd day of September 2020.



Mayor Kenny Bell



Amy Elgersma,
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 22nd day of September 2020.



Mayor Kenny Bell

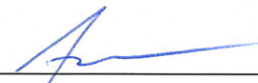


Amy Elgersma
Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this 13th day of October 2020.



Mayor Kenny Bell



Amy Elgersma
Chief Administrative Officer

