



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

Report No.: 10-254

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**TO:** Mayor and Members of Council  
**FROM:** Gerard Hunt, CAO  
**RESOURCE STAFF:** n/a  
**DATE OF MEETING:** July 20, 2010  
**SUBJECT:** CAPITAL BUDGET AMENDMENT – PURCHASE OF EMPLOYMENT LAND AND DELEGATION OF AUTHORITY TO PURCHASE LANDS TO CHIEF ADMINISTRATIVE OFFICER

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**EXECUTIVE SUMMARY:**

This report is prepared to secure budget authority to acquire land to replenish the inventory of City-owned employment land.

The allocation of budget in the amount of \$3M represents an estimate to acquire up to a potential of 150 acres, which may be made up of various parcels over the course of the next few years as opportunities are investigated and negotiated.

This report is also for the purpose of requesting that Council delegate temporary authority to the City's Chief Administrative Officer during the period September 8, 2010 to December 31, 2010 to negotiate, enter into and sign binding agreements of purchase and sale on behalf of the City to purchase various parcels of lands for the purpose of replenishing the City's supply of employment lands, said purchase(s) not to exceed \$3,000,000.

**RECOMMENDATION:**

1. THAT Council authorize a capital budget amendment in the amount of \$3,000,000 from the Industrial (Employment) Land Reserve (combination of cash and debt) to purchase land to replenish the inventory of employment land.
2. That Council delegate temporary authority to the City's Chief Administrative Officer during the period September 8, 2010 to December 31, 2010 to negotiate, enter into and sign binding agreements of purchase and sale on behalf of the City to purchase various parcels of lands for the purpose of replenishing the City's supply of employment lands, said purchase(s) not to exceed \$3,000,000.

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**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer
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**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Cynthia Beach, <i>Sustainability &amp; Growth</i>	N/R
Terry Willing, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

*(N/R indicates consultation not required)*

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**OPTIONS/DISCUSSION:**

Opportunities exist to purchase various potential parcels of land. This land will be used to replenish the City's supply of employment land.

As the City was not expecting to need to acquire land when the 2010 budget was presented, a budget request was not sought at that time. Over the course of the past 15 months the City has sold over 70 acres of serviced land, thus reducing its inventory accordingly. To enable the City to be in a position to act on potential opportunities, a budget amendment is required.

Financing for employment land acquisition is from the Industrial (Employment) Land Reserve. Depending on the cash flow analysis a combination of debt and reserve fund cash will be used, subject to a cash flow update by the City Treasurer.

This report is also for the purpose of requesting that Council exercise its power pursuant to s.23.1 of the Municipal Act, 2001 to delegate temporary authority to the City's Chief Administrative Officer during the period September 8, 2010 to December 31, 2010 to negotiate, enter into and sign binding agreements of purchase and sale on behalf of the City to purchase various parcels of lands for the purpose of replenishing the City's supply of employment lands, said purchase(s) not to exceed the approved budget of \$3,000,000. The purpose of this temporary delegation of authority is to allow the City to take advantage of opportunities to acquire land during any period of time after municipal election nomination when Council may be restricted from taking such actions because of the "lame duck" provisions of s.275 of the Act.

In exercising the delegated authority the Chief Administrative Officer shall ensure that any agreement of purchase and sale is satisfactory to the Director of Legal Services. In addition, reports shall be submitted by the CAO to Council advising of the exercise of the delegated authority.

**EXISTING POLICY/BY LAW:**

There is no existing policy/by law.

**NOTICE PROVISIONS:**

In accordance with the City's Notice By-Law No. 2003-15, notice of a proposed amendment to a budget that does not affect the tax-supported net levy or property tax rates is given by the schedule of Council meetings as posted on the City's web site and other Council agenda information provided to the public.

**ACCESSIBILITY CONSIDERATIONS:**

There are no accessibility considerations with this report.

**FINANCIAL CONSIDERATIONS:**

Comments are provided in the Options/Discussion section of this report.

**CONTACTS:**

Gerard Hunt, CAO

613-546-4291, ext. 2205

**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Hal Linscott, City Solicitor

Desiree Kennedy, City Treasurer

**EXHIBITS ATTACHED:**

Exhibit A – By-Law Delegating Temporary Authority to the Chief Administrative Officer to Purchase Lands to Replenish the Supply of Employment Lands

**BY-LAW NO. 2010-**

**A BY-LAW TO TEMPORARILY DELEGATE AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICER TO PURCHASE LANDS TO REPLENISH THE SUPPLY OF EMPLOYMENT LANDS**

**PASSED:** , 2010

**WHEREAS** Subsection 23.1 of the Municipal Act, 2001 authorizes a municipality to delegate its powers and authorities under this Act to a person or body;

**AND WHEREAS** Council desires to temporarily delegate authority to the City's Chief Administrative Officer during the period September 8, 2010 to December 31, 2010 to negotiate, enter into and sign binding agreements of purchase and sale on behalf of the City to purchase various parcels of lands for the purpose of replenishing the City's supply of employment lands, said purchase(s) not to exceed the approved budget of \$3,000,000;

**NOW THEREFORE** the Council of the City of Kingston hereby enacts as follows:

1. The Chief Administrative Officer of the City of Kingston is authorized during the period September 8, 2010 to December 31, 2010 to negotiate, enter into and sign binding agreements of purchase and sale on behalf of the City to purchase various parcels of lands for the purpose of replenishing the City's supply of employment lands, said purchase(s) not to exceed the approved budget of \$3,000,000.
2. In exercising the delegated authority the Chief Administrative Officer shall ensure that any agreement of purchase and sale is satisfactory to the Director of Legal Services.
3. That regard shall be give to the consistent and equitable application of Council policies and guidelines.
4. Reports shall be submitted by the CAO to Council advising of the exercise of the delegated authority.
5. This By-Law shall come into force and take effect on the date of its passing.

**GIVEN FIRST AND SECOND READINGS**

**GIVEN THIRD READING AND FINALLY PASSED**

**CITY CLERK    MAYOR**