EXECUTIVE SUMMARY:

As members of City Council are aware, the City is currently recruiting for the vacant Commissioner of Community Services position.

This Report requests that Council delegate the authority to the Chief Administrative Officer to hire a new Commissioner of Community Services and to determine the terms of employment for that position. That delegation is required by Council tonight because as of this Friday Council will no longer have the authority to approve the hiring of the Commissioner as the Municipal Act “lame duck” provisions will apply.

If Council does not delegate that authority before the “lame duck” provisions apply, the City will be in the undesirable position of being unable to complete the recruitment of a new Commissioner until such time as the new Council is able to deal with the matter. At the earliest, that would be December of this year, but more likely not until January, 2011.

RECOMMENDATION:

That Council delegate authority to the Chief Administrative Officer to hire a new Commissioner of Community Services and to determine the terms of employment for that position in accordance with existing City compensation and employment policies and procedures and that the appropriate by-law be given all three readings.
AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>N/R</th>
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<tbody>
<tr>
<td>Cynthia Beach, Sustainability &amp; Growth</td>
<td>N/R</td>
</tr>
<tr>
<td>Terry Willing, Community Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Denis Leger, Transportation, Properties &amp; Emergency Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Jim Keech, President and CEO, Utilities Kingston</td>
<td>N/R</td>
</tr>
</tbody>
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(N/R indicates consultation not required)
OPTIONS/DISCUSSION:

This report requests that Council delegate the authority to the Chief Administrative Officer to hire a new Commissioner of Community Services and to determine the terms of employment for that position in accordance with existing City compensation and employment policies and procedures and that the appropriate by-law be given all three readings. That delegation is required by Council tonight because as of this Friday Council will no longer have the authority to approve the hiring of the Commissioner as the Municipal Act "lame duck" provisions will apply. The Municipal Act provides that Council can delegate authority to a person, in this case the CAO, and if it does so prior to nomination day for the election of a new Council, that person can exercise the delegated authority.

The Chief Administrative Officer’s By-law, in both its current version as well as the proposed amended version that is before Council tonight in a separate report, delegates the authority to the CAO to hire employees, other than Commissioners and statutory officers. In the case of Commissioners and statutory officers, the CAO recommends their appointment and terms of employment to Council for its approval.

However, as of 2 pm this Friday when nominations for election to City Council close, City Council will no longer have the authority to approve the appointment of the Commissioner of Community Services. Council will not have that authority because the restricted acts provisions contained in section 275 of the Municipal Act, 2001 will apply as it will be known that due to the number of councillors who are not running for reelection and who are running for Mayor that the new Council will include less than three quarters of the outgoing Council.

EXISTING POLICY/BY LAW:

By-Law No. 2002-86 – A By-Law to Establish the Position of Chief Administrative Officer
Section 275, Municipal Act, 2001 – Restricted Acts After Nomination Day

NOTICE PROVISIONS: N/A

ACCESSIBILITY CONSIDERATIONS: N/A

FINANCIAL CONSIDERATIONS: N/A

CONTACTS:

Gerard Hunt, Chief Administrative Officer, Ext. 2205
Hal Linscott, Director of Legal Services and City Solicitor, Ext. 1296

OTHER CITY OF KINGSTON STAFF CONSULTED:

Carolyn Downs, City Clerk, Ext. 1247

EXHIBITS ATTACHED: None