TO: Mayor and Members
   Committee of the Whole

WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: August 10, 2010

SUBJECT/REPORT NO:
Deputy Clerk Appointing By-law (CL10005) (City Wide)

SUBMITTED BY:
Rose Caterini, City Clerk
Corporate Services Department
Office of the City Clerk

PREPARED BY:
Rose Caterini x5409

SIGNATURE:

RECOMMENDATION

That the Deputy Clerk appointing by-law attached hereto as Appendix “A” to Report CL10005 be forwarded to Council for enactment.

EXECUTIVE SUMMARY

The Municipal Act permits a municipality to appoint Deputy Clerks who have powers and duties of the Clerk. As municipalities are required to appoint a Clerk, it is necessary that someone with the status of Clerk be available so that continuous coverage is available to execute the statutory duties of the Clerk.

The proposed by-law would confirm Deputy Clerk status on Mary Gallagher, Manager of Legislative Services.

Alternatives for Consideration – Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)
Financial: n/a

Staffing: n/a

Legal: n/a

HISTORICAL BACKGROUND (Chronology of events)

The re-organization within the City Clerk’s Division following the retirement of the former City Clerk at the end of March 2010, resulted in a vacancy in the Manager of Legislative Services/Deputy Clerk position which was filled on July 5th, 2010 by Mary Gallagher.

POLICY IMPLICATIONS

Subsection 228(2) of The Municipal Act, 2001 permits a municipality to appoint Deputy Clerks who have all the powers and duties of the Clerk under the said Act and any other Act.

RELEVANT CONSULTATION

The City’s Legal Services has been consulted in the development of the attached by-law.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Situations develop from time to time that require authorization by the City Clerk and it is necessary that someone with the status of Clerk or Deputy Clerk be available.

This by-law will help ensure that continuous office coverage is provided in order to carry out the required statutory duties of the City Clerk.
## ALTERNATIVES FOR CONSIDERATION
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

n/a

## CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)


**Skilled, Innovative & Respectful Organization**
- A culture of excellence

## APPENDICES / SCHEDULES

Appendix “A” – By-law to Appoint a Deputy Clerk for the City of Hamilton
CITY OF HAMILTON

BY-LAW NO. __________

To Appoint a Deputy City Clerk
for the City of Hamilton

WHEREAS subsection 228(2) of the Municipal Act, 2001 permits a municipality to appoint deputy clerks who have all the powers and duties of the clerk under the said Act and any other Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Mary L. Gallagher is hereby appointed as Deputy City Clerk for the City of Hamilton and shall have all the powers and duties of the City Clerk, subject to the direction of the City Clerk, with respect to the times and the manner in which the said powers and duties shall be exercised.

2. This By-law is deemed to have come into force on July 5th, 2010.

PASSED this day of , 2010.

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Fred Eisenberger Rose Caterini
Mayor City Clerk