



## CITY OF YELLOWKNIFE

### **BY-LAW NO. 5152**

**BP 127**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to enable the Major Projects and Opportunities Secretariat by delegating certain authority for the implementation of major projects.

PURSUANT TO sections 12, 13, 45, and 52 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22 (the "Act");

AND PURSUANT TO City of Yellowknife *Senior Administrative Officer By-law No. 5035*, as amended;

WHEREAS section 12(1) of the Act provides that the powers and duties of a municipal corporation shall be exercised and performed by Council, unless otherwise provided in that Act;

AND WHEREAS section 13(2) of the Act provides that, subject to that Act, Council may, by by-law, delegate any of its powers, duties or functions under that Act or any other enactment to, among other persons, the Senior Administrative Officer;

AND WHEREAS section 13(3) of the Act restricts the powers that Council may delegate;

AND WHEREAS section 45(1) of the Act provides that, subject to the direction of Council, the Senior Administrative Officer shall supervise and direct the affairs of the municipal corporation and its employees, and ensure that all contracts of the municipal corporation are prepared and executed as required by Council;

AND WHEREAS section 52(1) of the Act provides that a municipal corporation has the power to contract for a municipal purpose, and section 52(2) provides that the procedure for the making of contracts for and on behalf of the municipal corporation must be set out in a by-law;

AND WHEREAS the Senior Administrative Officer By-law provides that the Senior Administrative Officer shall be known as, and referred to as, the "City Manager", and assigns responsibilities to the City Manager including ensuring efficient procurement and safekeeping of goods and services for which funds are provided within the budget;

WHEREAS the City is responsible for the planning, coordination, and delivery of complex municipal infrastructure, capital, and strategic projects;

AND WHEREAS Council recognizes that certain municipal projects require enhanced governance, centralized coordination, and specialized expertise;

AND WHEREAS Council wishes to delegate authority through the City Manager, to enable the efficient operation of the Major Projects Secretariat within Council-approved budgets and policies;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

### SHORT TITLE

1. This by-law may be cited as the “Major Projects and Opportunities By-law”.

### INTERPRETATION

2. In this By-law:

|                          |                                                                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “Act”                    | means the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c.22, as amended;                                                                                 |
| “Approved Budget”        | means the budget approved by Council in accordance with the Act, as amended from time to time by Council;                                                          |
| “City”                   | means the Municipal Corporation of the City of Yellowknife, in the Northwest Territories;                                                                          |
| “City Manager”           | has the meaning given in the Senior Administrative Officer By-law;                                                                                                 |
| “Contribution Agreement” | means a funding agreement between the City and the Government of Canada and/or the Government of the Northwest Territories;                                        |
| “Council”                | means the Council of the City;                                                                                                                                     |
| “Director”               | means the senior manager designated by the City Manager to lead the Secretariat and who reports directly to the City Manager;                                      |
| “Secretariat”            | means the Major Projects and Opportunities Secretariat;                                                                                                            |
| “Major Project”          | means any of the following:<br>(i) Projects, including the extension of water and sewer infrastructure, to support Department of National Defence development; and |

- (ii) any other project, program, initiative or capital work that Council has designated as a Major Project for the purposes of this by-law;

“Senior Administrative Officer By-law” means City By-law No. 5035, as amended.

### **PURPOSE**

- 3. The purpose of the Major Projects and Opportunities Secretariat By-law is to enable the efficient operation of the Major Projects and Opportunities Secretariat in delivering Major Projects.

### **DELEGATION OF AUTHORITY**

- 4. Council hereby delegates to the City Manager the powers, duties and functions described below, subject to the limitations in this by-law and the Act.
- 5. The City Manager may, for and on behalf of the City, negotiate, enter into, execute, amend and administer any contract that is required to support the implementation of a Major Project, provided that:
  - (1) The contract is for a municipal purpose;
  - (2) The contract involves a commitment of not more than \$10 million dollars, inclusive of approved amendments and change orders;
  - (3) Director, Finance (Chief Financial Officer) has confirmed that sufficient budget authority and identified funding sources exist at the time of the contract execution;
  - (4) The contract is within the scope of a Major Project;
  - (5) The contract is made in accordance with applicable City by-laws and policies respecting financial administration and procurement, including the requirements for payment authorization under the City’s Financial Administration By-law No. 4206; and
  - (6) Council approval is obtained before execution where the total contract commitment exceeds \$10 million dollars.
- 6. Without limiting the generality of section 5, the City Manager may, to the extent that they are included in, and consistent with, the Approved Budget, or funded under a Contribution Agreement:
  - (1) Authorize the incurrence of expenditures and commitment for a Major Project;
  - (2) identify and engage a supplier, contractor or strategic partner for any aspect of a Major Project according to a documented procurement process that is fair, transparent and expedient and complies with all applicable laws and policies, except as expressly permitted by Section 8; and
  - (3) without limiting the generality of subsection (2), retain such external advisors (including, but not limited to, engineers, architects, planners, project managers, environmental consultants, legal counsel and other professional advisors) as the City

Manager considers necessary or desirable to support the implementation of a Major Project.

7. The City Manager may establish conflict of interest and accountability rules for suppliers, contractors, strategic partners, external advisors and employees working on Major Projects.
8. Despite subsection 5(5), where the City Manager issues a written determination that compliance with a City policy or portion of it would be inconsistent with the purposes of this by-law, a delegated authority may be exercised without regard to the policy or portion, as the case may be, provided that the determination:
  - (1) states the policy provision, reasons, procurement or project risk, financial implications and alternative controls to be applied; and
  - (2) is reported to Council at the earliest opportunity, being no later than the next Regular Council Meeting or 30 days after the determination, whichever occurs first, through a written information report.

#### **LIMITS AND CONDITIONS**

9. The delegated authorities in sections 4 through 8 apply only to:
  - (1) Major Projects; and
  - (2) Funds included in the Approved Budget or provided under a Contribution Agreement.
10. Where Council has, by resolution or by-law, imposed a specific condition or limitation on a particular Major Project (including a requirement for Council approval of a particular contract or expenditure), that condition or limitation prevails over this by-law to the extent of any inconsistency.
11. This by-law is intended to provide clarity respecting delegated authority and does not, by itself, authorize the City to incur expenditures unless they are included in and consistent with the Approved Budget or funded under a Contribution Agreement.

#### **REPORTING TO COUNCIL**

12. The City Manager shall report to Council, at least quarterly, or more frequently at such intervals as Council may direct and Council will review the respective activities, including:
  - (1) Activities of the Secretariat;
  - (2) Any written determinations made under section 8;
  - (3) Contracts authorized pursuant to section 5 valued between \$500,000 to \$5 million dollars;
  - (4) Where cumulative amendments or change orders exceed 15% of the original contract value or \$1 million, whichever is greater;
  - (5) Uses of delegated authority under this by-law; and

(6) Material project risks, mitigation measures and matters requiring Council direction.

13. The City Manager shall report contracts authorized pursuant to Section 5 that are greater than \$5 million dollars in value as soon as reasonably possible.

#### EFFECT

14. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 16 day of September, A.D. 2026.

<Original Signed by the Mayor>

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Mayor

<Original Signed by the City Manager>

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City Manager

Read a Second Time this 16 day of September, A.D. 2026.

<Original Signed by the Mayor>

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Mayor

<Original Signed by the City Manager>

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City Manager

Read a Third Time and Finally Passed this 23 day of September, A.D. 2026.

<Original Signed by the Mayor>

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Mayor

<Original Signed by the City Manager>

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City Manager

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

<Original Signed by the City Manager>

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City Manager