

BYLAW NO 2006-21

OF THE

CITY OF WETASKIWIN

IN THE PROVINCE OF ALBERTA

WHEREAS pursuant to the Municipal Government Act, RSA 2000 Chapter M-26 a municipality shall, and amendments thereto requires, that every Council must establish, by Bylaw, the position of Chief Administrative Officer and appoint a person to carry out the powers, duties and functions of such position;

NOW THEREFORE under the authority of the Municipal Government Act, the Council of the City of Wetaskiwin, in the Province of Alberta, duly assembles hereby enacts as follows:

TITLE:

1. This Bylaw may be cited as the "City Manager's Bylaw".

DEFINITIONS

2. In this Bylaw:
 - a. "Act" means the Municipal Government Act of the Province of Alberta;
 - b. "City" means the Municipal Corporate of the City of Wetaskiwin;
 - c. "City Manager" means the person appointed by the Council under the Act;
 - d. "Claim" means any demand, suit, action, or proceeding or part thereof that has or could be advanced, regardless of whether legal process was formally commenced, whereby damages, compensation, or other relief may be sought.
 - e. "Contract" means any agreement establishing legal rights and obligations between the Municipality and one or more other parties, whether involving receipt or payment of money or not, and includes an amendment to an agreement;
 - f. "Council" shall mean the Municipal Council of the City of Wetaskiwin, consisting of seven (7) members including the Mayor, each of whom except the Mayor has the title "Councilor";
 - g. "Designated Officer" means a Designated Officer as defined in the Act
 - h. "Enactment" means:

- i. An Act of the Legislature of Alberta and a Regulation made under an Act of the Legislature of Alberta, and
 - ii. An Act of Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.
- i. "Emergency" means a situation in which there is imminent danger to public safety or of serious harm to property as described in the Act.
 - j. "Freedom of Information and Protection of Privacy Act (FOIP)" means the *Freedom of Information and Protection of Privacy Act, RSA 2000, Chapter F-25* as amended from time to time.
 - k. "Local Authorities Election Act (LAEA)" means the *Local Authorities Election Act, RSA 2000, Chapter L-21* as amended from time to time.

GENERAL

3. The position of Chief Administrative Officer is established, and the individual appointed to that position will have the title City Manager.
4. Council shall by resolution appoint an individual to the position of City Manager, and establish the terms and conditions of the City Manager's employment.
5. The City Manager shall appoint each General Manager on an equal rotational basis to perform the duties of the Deputy City Manager.

POWERS AND DUTIES

6. The City Manager is the administrative head of the City and shall:
 - a. Ensure that the policies and programs of the City are implemented;
 - b. Advise and inform Council on the operation and affairs of the City, and;
 - c. Perform the duties and functions and exercise the powers assigned to a Chief Administrative Officer by the Act and other Enactments or assigned by Council.
7. Council by way of policy direction, shall guide the affairs of the City through the City Manager
8. Without limiting the general administrative powers, duties and functions of the City Manager, and subject to the Act and any other Enactment, the City Manager shall:

- a. hire, appoint, promote, transfer, discipline, demote, suspend, evaluate, suspend, or remove any City employee in accordance with established administrative policy;
- b. determine salaries, benefits, hours of work, and other working conditions of City employees in accordance with established administrative directives and council policies;
- c. direct, supervise and review the performance of the administration of all City departments and City employees if and when needed;
- d. establish organizational structures within the City below the divisional level;
- e. develop, approve, and implement administrative directives, procedures, and practices;
- f. develop and recommend for Council approval policies dealing with matters within Council's authority as directed by Council, or at the initiation of the City Manager;
- g. prepare and submit to Council for approval capital and operating budgets annually or more often as required or as Council may direct.
- h. monitor, report on, and control expenditures within the budgets approved by Council which shall include the power to authorize and approve the transfer of funds between departments or between budgeted projects or programs to maintain the operations and affairs of the City within approved budget limits provided that:
 - i. any funds to be transferred are to be used for a purpose similar to the purpose for which the funds were budgeted for in the budget approved by Council, and;
 - ii. any action taken by the City Manager shall not have the effect of altering the total amount of a budget approved by Council;
 - iii. report on all internal transfers in the previous reporting period.
- i. designate the financial institution(s) to be used by the City in accordance with the Act, and open and close accounts on behalf of the City;
- j. invest money on behalf of the City in accordance with the Act;
- k. recommend an external auditor(s) for appointment by Council pursuant to section 280(1) of the Act, and procure the services of the auditor(s) appointed by Council;

11. The City Manager is authorized to allow the use of city facilities or services as in kind for non-profit, not for profit, and designated charities up to the amount of \$250. Requests over this amount must be approved by Council.
12. For the purposes of empowering the organization to carry out the programs and services of the City and policies of Council, the City Manager may delegate any power, duty or functions given to the City Manager under the Act, an Enactment or this or any other bylaw to a City employee, including:
 - a. any power, duty or function delegated by Council to the City Manager under section 203 of the Act;
 - b. the Chief Administrative Officer's duties referred to in section 208(1) of the Act;
 - c. and the power to further delegate any power, duty or function
13. For the duration of the City Manager's temporary or short term absence, the deputy City Manager for that specified time will be subject to this Bylaw and has all of the powers, duties, and functions of the City Manager for the duration of the appointment.
14. Council may choose an Interim City Manager from any of the deputy City Managers to be Acting in the event of:
 - a. The City Manager is unable to delegate their powers, duties, and functions as set out in this Bylaw, or:
 - b. An unscheduled absence, long-term illness or other incapacity of the City Manager
15. The City Manager shall ensure that all General Managers are familiar with the powers, duties, and responsibilities of the City Manager as set out in the Act, any other Enactments, and this and any other Bylaw so that they may successfully execute those duties of the City Manager when needed.
16. The City Manager may exercise all of the powers, duties and functions of a designated officer under the Act, and other Enactment, and this and any other bylaw pursuant to section 210(5) of the Act.
17. The City Manager is authorized to take any actions or measures on behalf of the City that the City Manager determines to be necessary when there is an unforeseen and unbudgeted Emergency that requires immediate action. The City Manager is authorized to make expenditures of no more than \$250,000 per Emergency. Such expenditures shall be reported to Council as soon as reasonably practicable and no

later than the next regular Council Meeting following the conclusion of the Emergency.

18. The City Manager may approve the settlement of:
 - a. any insured claim advanced by or against the City;
 - b. uninsured claims against the City where the amount payable by the City does not exceed \$100,000 in addition to judgment interest and legal costs; and
 - c. uninsured claims advanced by the City where the difference between the amount claimed and the amount recovered does not exceed \$100,000 in addition to judgment interest and legal costs.
19. The City Manager shall report to Council for its information on an annual basis any other claims, grievances or lawsuits the settlement of which is in excess of \$50,000.

CODE OF CONDUCT

20. The City Manager, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the City.
21. Without limiting the generality of the Powers and Duties section, the City Manager shall:
 - a. provide timely and reliable advice that is in the best interest of the City to Council, and propose viable options for decision making;
 - b. respect and abide by Council decisions and direction;
 - c. serve all members of Council impartially, provide no special privilege to any individual member;
 - d. promptly bring to Council's attention any material information that affects the City's financial position, legislative compliance, or reputation;
 - e. be compliant, and ensure the City is compliant, with all applicable federal, provincial and municipal legislation and regulations, and any agreement or contracts the City is a party to;
 - f. always act in good faith in their relationships with other people, and deal fairly and respectfully with Council, the City's residents, customers, suppliers, stakeholders, and employees;

- g. avoid actual or perceived conflicts of interest or preferential treatment, placing public interest above personal gain or interest;
- h. be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise
- i. not accept gifts, hospitality or other benefits valued over \$100 that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved, and not related to any particular transaction or activity or decision of the City;
- j. maintain confidentiality regarding those affairs and decisions of the City that are protected by legislative, contractual or other requirements of confidentiality;
- k. foster a work environment where the interaction among Council and City administration, residents and other stakeholders is conducted fairly, without discrimination, harassment or abuse;
- l. effectively and efficiently manage the use of public money, assets, property and resources;
- m. fully cooperate with audits and other investigations or inquiries;
- n. ensure a code of ethics and conduct for employees is in place and in practice;
and
- o. disclose any contravention of this Code of Conduct to Council forthwith.

SUBDELEGATION

- 22. The City Manager is authorized to delegate, and to authorize further delegation of, any matter delegated to the City Manager by Council under this Bylaw, to any Designated Officer or employee of the City.
- 23. Designated Officers are authorized to delegate, and to authorize further delegation of, any matter delegated to them by Council under this Bylaw, to any employee of the City.

SEVERABILITY

- 24. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

TRANSITION

25. This Bylaw shall repeal Bylaw No. 1977-20 and any amendments thereto on the date of final passing.
26. This bylaw shall come into full force and effect on third and final reading.

READ a first time this 25th day of October, 2021.

READ a second time this 25th day of October, 2021.

READ a third time this 8th day of November, 2021.

ORIGINAL SIGNED

MAYOR, TYLER GANDAM

ORIGINAL SIGNED

CITY MANAGER, SUE HOWARD