

THE CITY OF SPRUCE GROVE

BYLAW C-1094-19

CITY MANAGER'S BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-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, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1 This bylaw is called the "City Manager's Bylaw".

2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto.

2.2 "City" means the City of Spruce Grove.

2.3 "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.

2.4 "Council" means the Mayor and Councillors duly elected pursuant to the provisions of the *Local Authorities Election Act*, RSA 2000 cL-21.

2.5 "Enactment" means:

(a) An Act of the Legislature of Alberta and a Regulation made under an Act of the Legislature of Alberta, and

(b) An Act of Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.

2.6 "Event" means an occurrence, incident, risk or issue that poses an imminent risk to the City, may be of a mandatory nature, or may be of a nature that the City Manager deems to be in the best interest of the City to resolve without delay.

3. GENERAL

- 3.1 Pursuant to the Act, Council hereby establishes the position of Chief Administrative Officer, which position shall be given the title “City Manager”.
- 3.2 Council shall by resolution appoint a person to carry out the powers, duties and functions of the position of City Manager.

4. POWERS AND DUTIES

- 4.1 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.
- 4.2 Council by way of policy direction, shall guide the affairs of the City through the City Manager.
- 4.3 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 subject to any applicable Collective Agreement and 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 policy;
 - (c) direct, supervise and review the performance of the administration of all City departments and City employees;
 - (d) establish organizational structures within the City below the divisional level;
 - (e) develop, approve, and implement administrative policies, 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. In the event Council does not adopt an operating budget for a new calendar year by the 31st of December in the previous year, the City Manager during the period between 1st of January in the new calendar year and the date on which Council adopts an operating budget for the new calendar year is hereby empowered to authorize operating expenditures based on the previous year's budget for the corresponding period;
- (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 pursuant to subsection 4.3(i) shall not have the effect of altering the total amount of a budget approved by Council;
- (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 for appointment by Council pursuant to s. 280(1) of the Act, and procure the services of the auditor appointed by Council;
- (l) prepare and submit such reports and recommendations as may be required by Council or Council Committees;

- (m) regularly, and in any event at least semi-annually, report to Council and to Council Committees as directed by Council on:
 - (i) matters and issues affecting the City;
 - (ii) progress on Council's directions, plans, policies and strategic goals;
 - (iii) the City's financial status compared to the approved budgets and financial sustainability measures; and
- (n) provide a liaison between the City and the Commanding Officer of the R.C.M.P. Detachment, monitor the agreement between the City and the R.C.M.P. detachment and report to Council on community policing priorities established by the agreement;
- (o) hire or retain the services of legal counsel on behalf of the City;
- (p) authorize the commencement or defence by the City of any claim or action to enforce or protect the City's interests and responsibilities, or to enforce the City's Bylaws, the Act, or any other Enactment the City is authorized to enforce; and
- (q) attend meetings of Council and Council Committees, and attend meetings of such other boards, committees, authorities or bodies as requested by Council.

4.4 Without limitation to Section 4.3 of this Bylaw, the City Manager shall perform such other duties and functions and exercise such powers as may be required for the effective administration of the City including but not limited to entering into all contracts, agreements, and transactions required for the effective administration and operation of the City and its policies and programs, provided that no action requires an expenditure of money that has not been included in an approved budget or otherwise authorized by Council.

4.5 The City Manager is authorized to sign agreements, cheques and other negotiable instruments for expenditures within approved budgets or otherwise authorized by Council. The City Manager may delegate signing authority, with controls, to City employees. Expenditures requiring Council approval shall be co-signed by the Mayor.

4.6 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 s. 203 of the Act;
- (b) the Chief Administrative Officer's duties referred to in s. 208(1) of the Act;

and the power to further delegate any power, duty or function.

- 4.7 For the duration of the City Manager's temporary and short-term absence, the City Manager may appoint an employee of the City as the Acting City Manager. The Acting City Manager is subject to this Bylaw and has all of the powers, duties, and functions of the City Manager for the duration of the appointment.
- 4.8 Council may appoint an Interim City Manager in the event of:
- (a) the City Manager's inability to delegate his or her powers, duties, and functions pursuant to Section 4.7, or;
 - (b) an unscheduled absence, long-term illness or other incapacity of the City Manager.
- 4.9 An Interim City Manager appointed in accordance to Section 4.8 Interim City Manager is subject to this Bylaw and has all of the powers, duties, and functions of the City Manager for the duration of the appointment.
- 4.10 The City Manager shall ensure that there are an appropriate number of employees that are familiar with the powers, duties and responsibilities of the City Manager set out in the Act, any other Enactment, and this and any other bylaw, and are capable of acting in the City Manager's absence as contemplated in Sections 4.8 and 4.9 of this Bylaw.
- 4.11 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 s. 210(5) of the Act.
- 4.12 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 Event that requires immediate action. The City Manager is authorized to make expenditures of no more than \$500,000 per Event. 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 Event.
- 4.13 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 \$500,000 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 \$500,000 in addition to judgment interest and legal costs.
- 4.14 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 \$100,000.

5. CODE OF CONDUCT

- 5.1 The City Manager, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the City.
- 5.2 Without limiting the generality of Section 5.1, 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 his/her 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 \$300 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.

6. EVALUATION AND COMPENSATION

- 6.1 The appointment of a person to the position of City Manager shall not be suspended or revoked except as outlined in s. 206 of the Act.
- 6.2 The Mayor, after consultation with Council, shall fix the salary and determine the benefits to be paid or provided to the City Manager, and the Mayor on behalf of the City shall be authorized to sign and execute any employment contract or other agreement or amendments thereto between the City and the City Manager.
- 6.3 Council shall review the performance of the City Manager and the annual salary and benefits provided to the City Manager not less than once in a twelve month period.

7. SEVERABILITY

- 7.1 If any provision of this Bylaw is for any reason declared invalid in whole or in part by any court of competent jurisdiction, such declaration of invalidity

shall not affect the validity of the remaining portions which shall remain in full force and effect.

8. **EFFECTIVE DATE**

8.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

9. **REPEAL OF BYLAW C-1075-19**

9.1 Bylaw C-1075-19 is hereby repealed.

First Reading Carried 13 January 2020

Second Reading Carried 27 January 2020

Third Reading Carried 27 January 2020

Date Signed 31 January 2020

Mayor

City Clerk