

BYLAW NO. 3685/2022

Being a bylaw of the City of Red Deer to establish the position of the chief administrative officer and designated officer positions and to outline the powers, duties and functions of the chief administrative officer and those other designated officers.

WHEREAS the *Municipal Government Act* empowers Council by bylaws to establish a position of chief administrative officer and designated officer positions;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1 The short title of this bylaw is the “City Manager & Designated Officers Bylaw”.

Purpose

2 The purpose of this bylaw is to create the position of the chief administrative officer and designated officer positions.

Definitions

3 In this Bylaw, the following terms shall have the meanings shown:

- (a) “Administration” means the general operations of the City, including all personnel, financial and other related resources;
- (b) “City” means the Municipal Corporation of the City of Red Deer;
- (c) “City Assessor” means the person appointed to the position of City Assessor pursuant to Section 51 of this Bylaw;
- (d) “City Manager” means the chief administrative officer for the City within the meaning of the MGA;
- (e) “Council” means the Municipal Council of the City;
- (f) “Mayor” means the chief elected representative of the City, whether elected or appointed as described in the MGA; and
- (g) “MGA” means the Municipal Government Act, RSA 2000, c M-26 as amended and the regulations thereunder, and any successor legislation.

Office of City Manager

4 The position of chief administrative officer is established and the person appointed to that position will have the title “City Manager”.

Appointment

- 5 Council will, by resolution, appoint a person to the position of City Manager.
- 6 Council will establish the terms and conditions of the appointment of the City Manager including the:
 - (a) term of appointment; and
 - (b) salary and benefits to be paid or provided to the City Manager.
- 7 The terms and conditions of the appointment, salary and benefits for the City Manager shall be set out in an agreement.

Accountability

- 8 The City Manager is accountable to Council for the exercise of all powers, duties and functions assigned to the chief administrative officer under the *MGA* or delegated to the City Manager by Council.
- 9 The City Manager shall carry out the powers, duties and functions of the City Manager in compliance with:
 - (a) the *MGA*;
 - (b) this Bylaw;
 - (c) any other enactment;
 - (d) any other bylaw, resolution, policy or procedure passed or adopted by Council; or
 - (e) any contract binding on the City.

Delegation by the City Manager

- 10 Subject to any restrictions or limitations in the *MGA* or any other statute or bylaw, the City Manager is authorized to:
 - (a) delegate (and to authorize further delegations of) any functions, duties and powers delegated to the City Manager under the *MGA*, this Bylaw or any other bylaw, to a Designated Officer or an employee of the City; and
 - (b) appoint an Acting City Manager to act during absences of the City Manager.

City Manager as Administrative Head

- 11 The City Manager is the principal administrative link between the Administration and Council. In accordance with the *MGA*, the City Manager:
 - (a) is the administrative head of the City;
 - (b) ensures that the policies and programs of the City are implemented;

- (c) advises and informs Council on the operation and affairs of the City;
 - (d) advises and informs Council on the financial state of the City;
 - (e) performs the duties and functions and exercises the powers assigned to a chief administrative officer by the *MGA* and other enactments or assigned or delegated to the City Manager by Council; and
 - (f) can exercise all of the powers, duties and functions given to a designated officer under the *MGA* or any other statute or enactment except for the powers, duties and functions expressly given to the City Assessor.
- 12** The City Manager shall respond to inquiries and requests from the public for information on behalf of the City, including stating the City's position, subject to any Council approved policy, procedure, standard or guideline, or as otherwise directed by Council.
- 13** The City Manager has authority to:
- (a) establish the structure of the Administration, below the division level, including creating, eliminating, merging or dividing departments provided that any such reorganization does not result in a decreased level of services to the community or exceed approved budgets;
 - (b) coordinate, direct, supervise and review the performance of the Administration;
 - (c) establish administrative policies and procedures and in particular employment policies and procedures that govern the actions of employees;
 - (d) hire, appoint, suspend, remove or terminate any employee from any position in the City;
 - (e) determine salaries, benefits, hours of work and other working conditions; and
 - (f) conduct audits, investigations and studies of the Administration, as the City Manager deems necessary, or as may be requested by Council.

City Manager and Council

- 14** The City Manager is the link between the Administration of the City and Council. Communication from the Administration to Council shall, unless Council otherwise directs, flow through the City Manager.
- 15** The City Manager shall respond to inquiries and requests for information on the operation of the City made by members of Council in accordance with any Council approved policy, procedure, standard or guideline, or as otherwise directed by Council. Information provided to one member of Council regarding the operation and Administration of the City shall be provided to all other members of Council as soon as is practicable.

- 16** The City Manager shall prepare and submit to Council reports, including recommendations where appropriate related to Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the City.
- 17** The City Manager shall attend all Council meetings and the meetings of other such bodies as might be required by Council.
- 18** The City Manager shall arrange for training for members of Council in accordance with the requirements of the *MGA*.

Financial Powers and Functions

- 19** The City Manager shall:
 - (a) designate the financial institution(s) to be used by the City and shall open and close accounts that hold the City's money;
 - (b) prepare and submit operating and capital budgets as directed by Council;
 - (c) in cases of emergency, as determined by the City Manager, expend monies to address the emergency that are not in an approved budget from any source of funds, up to a maximum of \$1,000,000 for each emergency, and subsequently report to Council on the implications of those expenditures;
 - (d) invest funds on behalf of the City in accordance with provisions of the *MGA* and applicable policies; and
 - (e) pay any amounts the City is legally obligated to pay pursuant to an order or judgment of a Court, board or other tribunal having jurisdiction over an action, claim or demand against or by the City.

Records

- 20** The City Manager shall sign minutes of Council meetings, minutes of Council committee meetings, bylaws and cheques or other negotiable instruments.
- 21** The City Manager may:
 - (a) issue certificates pursuant to Section 606 of the *MGA*; and
 - (b) certify, as "true copies," a bylaw, resolution or record of the City.
- 22** The City Manager shall retain copies of statements of disclosure filed by a member of Council pursuant to Section 171 of the *MGA*.
- 23** The City Manager may:
 - (a) prepare revisions to bylaws and certify the proposed revisions; and
 - (b) consolidate bylaws;

in accordance with the MGA.

Heraldic Emblems and Intellectual Property

24 The City Manager may register:

- (a) on behalf of the City and pursuant to any statute or enactment, all forms of intellectual property, including without limitation trademarks, official marks, copyright, industrial designs and patents; and
- (b) the City's heraldic emblems.

Legal Matters and Insurance

25 The City Manager may accept service of all court documents, notices and other documents on behalf of the City.

26 The City Manager may enter into agreements necessary to obtain a fidelity bond, insurance coverage, and performance bonds that may be required by or be purchased by or for the City.

27 The City Manager may retain and instruct legal counsel to provide legal services to the City such services to include but not be limited to appearing before any level of Court, Boards, Authorities or other entities to enforce and defend the City's legal or equitable rights.

28 The City Manager may initiate claims on behalf of the City, respond to claims made against the City and, subject to Section 29, make all decisions regarding the conduct of such claims including decisions to settle or abandon a claim.

29 The City Manager may approve and take all reasonable steps to settle any and all legal claims involving the City.

Agreements

30 The City Manager may, acting alone, sign agreements on behalf of the City. The City Manager's signature and the signatures of any other City employees to whom the City Manager delegates signing authority may be printed or otherwise reproduced, including electronic or digital signatures.

31 Subject to any limits or restrictions set out in the MGA or in this or any other Bylaw, the City Manager may, through the exercise of the City's natural person powers, enter into any agreement on behalf of the City, provided that in the opinion of the City Manager, the terms and conditions of the agreement are in the best interests of the City.

32 The City Manager may approve any agreement to procure goods or services, including construction services, resulting from a competitive procurement process, provided that the value of the agreement is within an approved budget.

33 The City Manager may approve an agreement that is not the result of a competitive bid process provided that the amount to be paid under the agreement is included in an

approved budget and does not exceed \$75,000 for goods and services and \$200,000 for construction.

- 34** The City Manager may approve any agreement where the City earns revenue by providing or disposing of a good or service.
- 35** The City Manager may approve:
- (a) provincial and federal grant funding agreements; and
 - (b) funding agreements with the Province of Alberta and non-profit organizations for the provision of the family and community support services program in accordance with approved budget amounts and the *Family and Community Support Services, MGA* and the *Family and Community Support Services Regulations* or any successor legislation or regulations.

Subdivision and Development of Land

- 36** The City Manager may sign an order, decision, approval, notice or other thing made or given by a subdivision authority, development authority or subdivision and development appeal board.
- 37** The City Manager may enter agreements necessary for the subdivision and development of land within the City.
- 38** The City Manager may extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with Section 657(6) of the *MGA*.

Enforcement

- 39** The City Manager may initiate and direct inspection, remedial or enforcement steps to be taken by the Administration and issue orders or make applications to a court of competent jurisdiction, for enforcement of bylaws and other matters within the jurisdiction of the City.

Adding Amounts to the Tax Roll

- 40** The City Manager may direct that amounts be added to the tax roll of parcel of land in accordance with Section 553, 553.1 or 553.2 of the *MGA*.

Taxes and Tax Recovery

- 41** The City Manager shall:
- (a) prepare a tax roll annually;
 - (b) prepare and send tax notices as required by the *MGA*;
 - (c) certify the date that the tax notices are sent;
 - (d) determine how a tax payment is to be applied if the taxpayer owns multiple properties and does not indicate how the payment is to be applied;

- (e) issue tax certificates; and
- (f) prepare the tax arrears list.

42 The City Manager shall set reserve bids for land to be offered for sale at a public auction to recover unpaid taxes.

Land Agreements

43 The City Manager may:

- (a) approve all agreements, including any agreements reasonably necessary, ancillary or incidental to such agreements, involving:
 - (i) the sale of the fee simple interest in City owned land at a sale price which is not less than 90% of the appraised market value;
 - (ii) the acquisition of a fee simple interest in land, provided that the funds for the acquisition have been allocated in the current capital budget, and the purchase price is not greater than 10% above the appraised market value;
- (b) sign certificates required pursuant to Section 16.1 of the *MGA* when the City is acquiring land for a road;
- (c) approve lease agreements for land or land and buildings where the City is the tenant, provided that the term and any extension do not exceed 10 years;
- (d) approve lease agreements for the lease of City owned land at fair market value, provided that the term of the lease and any extension do not exceed 10 years;
- (e) notwithstanding subsection (d) of this Section 43 approve and enter into all contracts and agreements involving leases of land to non-profit organizations at or below market value where the fair market value of the lease does not exceed \$500,000 for the term and the term does not exceed 10 years (including renewals), subject to any approved policies, procedures, standards or guidelines;
- (f) approve all agreements involving the disposition or conveyance of burial plots;
- (g) approve all agreements involving the acquisition of an interest in land that is less than the fee simple (excluding leases) at or below fair market value for the purpose of allowing the City to place its public utilities or roadways across land owned by others provided that the consideration does not exceed \$500,000 per year;
- (h) approve all agreements involving the disposition of an interest in land that is less than the fee simple (excluding leases) at or above fair market value for the purpose of allowing a utility operator or transportation provider to cross land owned by the City;
- (i) approve encroachments onto City land; and

- (j) approve restrictive covenants whether the City is the owner of the dominant or servient lands.

Local Authorities Election

- 44** The City Manager is appointed as the Returning Officer for the purposes of the *Local Authorities Election Act*.
- 45** The City Manager shall grant an employee a leave of absence without pay if an employee notifies the City that the employee seeks to be nominated as a candidate in a municipal election pursuant to the *Local Authorities Election Act*.

RCMP

- 46** The City Manager shall:
 - (a) monitor the RCMP contract with the federal government and K Division;
 - (b) provide oversight and direction to the RCMP Superintendent and the Municipal Policing Service in enforcing the bylaws of the City; and
 - (c) ensure that the Municipal Policing Service reports as required on the implementation of the objectives, priorities and goals of the Municipal Policing Service as set by the City Manager and Council.

Miscellaneous

- 47** The City Manager may temporarily close the whole or part of a road at any time in accordance with the *MGA* or any other enactment.
- 48** The City Manager shall:
 - (a) provide resources and administrative support to the Central Alberta Regional Assessment Review Board established pursuant to Bylaw 3474/2011;
 - (b) provide resources and administrative support to the Subdivision and Development Appeal Board;

and take reasonable steps to ensure that the operations of the Central Alberta Regional Assessment Review Board and the Subdivision and Development Appeal Board are kept at arms-length from all other aspects of the City's Administration.

- 49** The City Manager is the Head of the City of Red Deer within the meaning of the *Freedom of Information and Privacy Act (FOIP)*.

City Assessor

50 The designated officer position of City Assessor is hereby established.

Appointment of City Assessor

51 The City Manager shall appoint a person having the qualifications set out in the *MGA* to the position of City Assessor.

Responsibilities of City Assessor

52 The City Assessor shall exercise the functions, duties and powers of a municipal assessor under the *MGA* including, but not limited to:

- (a) setting the notice of assessment date;
- (b) preparing assessments and any supplementary assessments;
- (c) sending assessment notices;
- (d) publishing a notice that assessments have been sent;
- (e) certifying copies of assessment rolls and assessment notices; and
- (f) representing the City before any assessment review board dealing with an appeal of an assessment of property within the City.

53 The City Assessor shall perform such other duties and exercise such other powers and functions assigned to the City Assessor by any other bylaw or resolution, or by the City Manager.

Delegation of City Assessor

54 Subject to any restrictions or limitations in the *MGA* or any other statute or bylaw, the City Assessor is authorized to:

- (a) delegate (and to authorize further delegations of) any functions, duties and powers delegated to the City Assessor under the *MGA*, this Bylaw or any other bylaw, to an employee of the City; and
- (b) appoint an Acting City Assessor to act during absences of the City Assessor.

¹Integrity Commissioner

55 The designated officer position of Integrity Commissioner is hereby established.

Appointment of Integrity Commissioner

56 Council will, by resolution, appoint an individual to the position of Integrity Commissioner and will approve the terms and conditions of the appointment.

¹ 3685/A-2023

- 57 The Integrity Commissioner will be appointed for a term of up to 5 years.
- 58 The Integrity Commissioner may be reappointed for one additional term of up to 5 years.
- 59 Council may revoke the appointment of the Integrity Commissioner, by resolution, at any time during their term.
- 60 If the Integrity Commissioner is involved in an ongoing investigation pursuant to the Council Code of Conduct Bylaw when their appointment ends or is revoked, the Integrity Commissioner may, subject to Council direction, complete the investigation.

Indemnity

- 61 The City will indemnify the Integrity Commissioner should a third party commence a civil action and it is determined that the conduct giving rise to the civil action was conducted in good faith in the course and scope of their duties.

Accountability

- 62 The Integrity Commissioner is not subject to the supervision of, or accountable to, the City Manager.

Responsibilities of the Integrity Commissioner

- 62 The Integrity Commissioner shall:
 - (a) receive complaints and carry out investigations pursuant to the Council Code of Conduct Bylaw;
 - (b) provide advice and recommendations to individual Councillors and to Council regarding the ethical behavior of Councillors, including on the Council Code of Conduct Bylaw;
 - (c) perform any other functions directed by Council.
- 63 The Integrity Commissioner may:
 - (a) approve forms and other resources related to the Integrity Commissioner's responsibilities; and
 - (b) approve complaint, investigation, and other procedures to supplement the Council Code of Conduct Bylaw.

Reporting

64 At least once annually, the Integrity Commissioner will provide a report to Council that includes:

- (a) a summary of activities undertaken by the Integrity Commissioner during the past year;
- (b) an analysis of any trends or general observations that can be drawn from the complaints received and investigations conducted in the past year; and
- (c) any other matters the Integrity Commissioner deems relevant.

City Manager Role

65 The City Manager shall:

- (a) provide administrative support to the Integrity Commissioner; and
- (b) cooperate with any investigations conducted by the Integrity Commissioner.

Repeal

66 Bylaw 3243/99 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 26 day of September 2022.
 READ A SECOND TIME IN OPEN COUNCIL this 26 day of September 2022.
 READ A THIRD TIME IN OPEN COUNCIL this 26 day of September 2022.
 AND SIGNED BY THE MAYOR AND CITY CLERK this 26 day of September 2022.

 "Mayor Ken Johnston"
 MAYOR

 "Laura Kennedy"
 CITY CLERK