

BYLAW NO. 3505/2013

Being a bylaw of The City of Red Deer to establish, in accordance with the Municipal Government Act, the organizational structure of the City's administrative team and to define clearly the roles of chief elected official, chief administrative officer and designated officers, and their respective powers, duties and functions.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. The short title of this bylaw is the "Organization Bylaw".

Definitions

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

Administration	the general operations of the City, including all personnel, financial and other related resources;
City	the Municipal Corporation of the City of Red Deer;
City Manager	the chief administrative officer for the City within the meaning of the <i>Municipal Government Act, RSA 2000, Ch. M-26 (the "MGA")</i> ;
Council	the Municipal Council of the City, consisting of nine (9) members including the Mayor, each of whom except the Mayor has the title: "Councillor";
Mayor	the chief elected representative of the City, whether elected or appointed as described in the <i>MGA</i> .
MGA	the <i>Municipal Government Act</i> RSA 2000, c M-26 as amended and the regulations thereunder.

Municipal Office

3. The municipal office of the City shall be City Hall located at 4914 - 48th Avenue in Red Deer, Alberta.

Council

4. (1) Council shall consist of 9 members including the Mayor, each of whom except the Mayor shall have the title of "Councillor".

Duties of Councillors Under the MGA

- (2) Councillors have the following duties as prescribed in MGA s. 153:

- (a) to consider the welfare and interests of the City as a whole and to bring to Council's attention anything that would promote the welfare or interests of the City;
- (b) to participate generally in developing and evaluating the policies and programs of the City;
- (c) to participate in Council meetings and Council committee meetings and meetings of other bodies to which they are appointed by Council;
- (d) to obtain information about the operation or administration of the City from the chief administrative officer or a person designated by the chief administrative officer;
- (e) to keep in confidence matters discussed in private at a Council or Council committee meeting until discussed at a meeting held in public; and
- (f) to perform any other duties or function imposed on Councillors by this or any other enactment or by the Council.

Duties of the Whole Council

(3) Council as a whole has the following duties:

- (a) as specified in MGA s. 205.1, to provide the City Manager with an annual written performance evaluation of the results the City Manager has achieved with respect to fulfilling the City Manager's responsibilities; and
- (b) to approve the structure of the organization at the division level.

Delegation By Council

(4) As specified in MGA s. 203(1), Council may by bylaw delegate any of its powers, duties or functions under the MGA or any other enactment or a bylaw to a Council committee, the chief administrative officer or a designated officer, unless the MGA or any other enactment or bylaw provides otherwise.

Mayor

5. (1) The chief elected official for the City is known as the "Mayor" and is the principal elected link between Council and the City Manager. In addition to performing the duties of a Councillor, and as specified in MGA s. 154 the Mayor shall:

- (a) preside when in attendance at a Council meeting unless a bylaw provides that another Councillor or other person is to preside; and
- (b) perform any other duty imposed on a chief elected official by the MGA or any other enactment or bylaw.

(2) The Mayor shall also:

- (a) review Council agendas with the City Manager;

- (b) represent the City at public functions and ceremonies that Council or the Mayor determines appropriate;
- (c) communicate Council policy to the public and seek public input; and
- (d) liaise with elected officials from other municipalities and other levels of government on matters of concern to the City.

City Manager

6. (1) The chief administrative officer of the City, who shall be known as 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; and
 - (d) performs the duties and functions and exercises the powers assigned to a City Manager by the MGA and other enactments or assigned or delegated by Council; and
 - (e) has all the powers, duties and functions given to a designated officer under the MGA or any other statute or enactment except the powers, duties and functions expressly given to the City Assessor pursuant to this Bylaw.
- (2) The City Manager shall also review Council agendas and provide administrative recommendations to Council.

Authority of the City Manager

7. The City Manager is authorized to:
- (a) appoint an Acting City Manager to act during absences of the City Manager;
 - (b) coordinate, direct, supervise and review the performance of the Administration;
 - (c) establish the structure of the Administration below the division level;
 - (d) establish and implement all policies, procedures, standards and guidelines for all matters within the powers of the City Manager;
 - (e) advise, inform and make recommendations to Council about:
 - (i) the operations of the City;

- (ii) the financial condition of the City; and
 - (iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the City;
- (f) attend all meetings of Council and meetings of such Boards, Authorities and other bodies as are required by Council;
- (g) conduct audits, investigations and studies of the Administration, as the City Manager deems necessary, subject to the direction of Council;
- (h) subject to any applicable legislation and any contract or agreement binding on the City:
- (i) hire, appoint, transfer or promote any City employee;
 - (ii) evaluate, discipline, suspend, demote, or remove any City employee; and
 - (iii) determine salaries, benefits, hours of work and other working conditions;
- (i) provide corporate leadership in ensuring that all City policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the City as defined by Council;
- (j) prepare and submit to Council such reports and recommendations as may be required by Council; and
- (k) respond to inquiries and requests 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.

Financial Powers and Functions

8. The City Manager is authorized to:

- (a) prepare and submit operating and capital budgets as directed by Council;
- (b) in cases of emergency as determined by the City Manager, expend monies for the emergency that are not in an approved budget, up to a maximum of \$1,000,000 for each event, and subsequently report to Council on the implications of those expenditures;
- (c) establish fees, charges, rates and tariffs, except as otherwise established by Council policy or bylaw;

- (d) monitor and control expenditures within the budgets approved by Council for the Administration, and authorize budget adjustments of up to \$10,000,000 from one budgeted program to another;
- (e) pay any amounts which the City is legally required to pay pursuant to an order or Judgment of a Court, board or other tribunal of competent jurisdiction, relating to an action, claim or demand against the City;
- (f) except as otherwise instructed by Council, and without limitation, instruct legal counsel to provide legal services to the City and Council and retain, instruct and pay for the services of legal counsel;
- (g) approve the:
 - (i) settlement of all uninsured actions, claims, or demands against the City where the amount paid by the City does not exceed \$1,000,000, including prejudgment interest and court costs;
 - (ii) settlement of all uninsured actions, claims, or demands by the City, where the difference between the amount recovered and the amount claimed by the City does not exceed \$500,000, including prejudgment interest and court costs;
 - (iii) settlement of all insured actions, claims, or demands against the City; and
 - (iv) settlement of all insured actions, claims or demands by the City; and
- (h) enter into any agreements necessary to provide insurance coverage and performance bonds for the City.

Contracts and Agreements

9. The City Manager is authorized to:

- (a) approve and enter into all agreements and contracts involving:
 - (i) the sale of City owned land at a sale price which is not less than 90% of the appraised market value, unless it can be shown that for a variety of reasons the offer reflects market value;
 - (ii) the purchase of land, which has been allocated in the City capital budget, and is for a purchase price which is not greater than 10% above the appraised market value;
- (b) notwithstanding subsection 9(a), 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;

- (c) approve and enter into all agreements and contracts involving the disposition or conveyance of burial plots at fair market value provided that the consideration does not exceed \$500,000 per year;
- (d) enter into 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 Act* and the *Family and Community Support Services Regulations*;
- (e) approve and enter into all agreements and contracts involving the acquisition of an interest in land (excluding lease) 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;
- (f) approve and enter into all agreements and contracts involving the disposition of an interest in land (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 provided that the consideration does not exceed \$500,000 per year;
- (g) enter into provincial and federal grant funding agreements;
- (h) enter into all agreements and contracts incidental to the development and subdivision of land within the City of Red Deer pursuant to Part 17 of the MGA and complete any and all documents required for or incidental to such development or subdivision; and
- (i) extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with MGA, s. 657.

Other Powers and Duties

10. (1) The City Manager is authorized to:

- (a) consolidate an amending bylaw with the bylaw which it amends;
- (b) alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and to add, change or delete a note, heading, title, marginal note, diagram or example of a bylaw;
- (c) correct clerical, grammatical and typographical errors;
- (d) designate any highway as one which is closed temporarily in whole or in part to traffic, as authorized by MGA, s. 25 or any other enactment and cause such highway to be marked;

- (e) register on behalf of the City and pursuant to any statute or enactments, all forms of intellectual property, including, without limitation, Trademarks, official marks, copyright, industrial designs and patents; and
- (f) grant an application for a leave of absence without pay to an employee seeking to be nominated as a candidate in a municipal election, pursuant to the *Local Authorities Election Act*.

(2) The City Manager:

- (a) is appointed as Returning Officer for the purposes of the *Local Authorities Election Act*;
- (b) is the head of the City of Red Deer within the meaning of the *Freedom of Information and Privacy Act* (FOIP) and shall act as FOIP Coordinator responsible for the overall management of access to information and protection of privacy functions and responsibilities;
- (c) shall provide resources and administrative support to the Assessment Review Board, and appoint the Clerk of the Assessment Review Board in accordance with the provisions of the MGA;
- (d) shall provide resources and administrative support to the Subdivision and Development Appeal Board, and appoint the Clerk of the Board;
- (e) shall monitor the RCMP contract with the federal government and K Division;
- (f) shall provide oversight and direction to the RCMP Superintendent of the Municipal Police Service in enforcing the bylaws of the City; and
- (g) shall ensure that the Municipal Police Service reports as required on the implementation of the objectives, priorities and goals of the Municipal Police Service as set by the City Manager and Council.

Delegation by City Manager

11. As provided for in MGA s. 209, the City Manager is authorized to delegate (and to authorize further delegations of) any powers, duties and functions assigned to the City Manager by Council under the MGA and under this or any other bylaw, to a designated officer or an employee of the City.

Delegation of Other Authority

12. The matters assigned to the City Manager by this Bylaw are in addition to any other duties assigned or to a delegation of authority made by Council to the City Manager or to any other City employee.

City Assessor

13. (1) The City Assessor is a designated officer under the MGA for purposes of carrying out the duties and responsibilities of an “assessor” under the MGA, and without limiting the general nature of that authority, in particular for those portions of the MGA that pertain to:
- (a) contents of assessment notices;
 - (b) admissible evidence at hearings - assessment rolls and assessment notices; and
 - (c) certifying copies of assessment rolls and assessment notices.
- (2) The City Assessor shall perform such other duties and exercise such other powers and functions assigned to the City Assessor by the MGA, any other act, any other bylaw or resolution, or by the City Manager.
- (3) As provided for in MGA s. 212, the City Assessor may delegate any of the City Assessor’s powers, duties or functions under an enactment or bylaw to an employee of the City.

Budget

14. Until an operating budget is approved for the current year, the operating budget approved by Council for the previous calendar year is considered to be the interim operating budget for the current year. The City Manager may incur obligations and make expenditures in accordance with the interim operating budget unless Council otherwise directs.

Accountability

- 15.(1) Council is accountable to the City as a whole.
- (2) 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.
- (3) Members of the Administration are accountable to the City Manager.

General

- 16.(1) Except for the purposes of general inquiry, Council and its members will deal with and control the City’s Administrative services through the City Manager and will not give directions to any employee or contractor of the City either publicly or privately.
- (2) The City Manager’s signature, and the signatures of any other City employees to whom Council or the City Manager delegates signing authority, may be printed, lithographed or otherwise reproduced.

(3) If any provision of this bylaw is declared invalid by a Court, all other provisions remain valid.

(4) Bylaw 3457/2010 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 3rd day of September 2013.

READ A SECOND TIME IN OPEN COUNCIL this 3rd day of September 2013.

READ A THIRD TIME IN OPEN COUNCIL this 3rd day of September 2013.

AND SIGNED BY THE MAYOR AND CITY CLERK this 3rd day of September 2013.

“Morris Flewwelling”

“Frieda McDougall”

MAYOR

CITY CLERK