



## CITY OF FORT SASKATCHEWAN

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND DEFINE THE DUTIES AND POWERS OF THE CITY MANAGER AND PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER AS A DESIGNATED OFFICER

### BYLAW NO. C8-21

**WHEREAS** the *Municipal Government Act*, RSA 2000, c. M-26, provides that a municipal Council must establish by bylaw a position of chief administrative officer to carry out the responsibilities enumerated under the MGA;

**NOW THEREFORE** the Council of the City of Fort Saskatchewan, in the Province of Alberta, enacts as follows:

#### 1. SHORT TITLE

1.1 This Bylaw shall be referred to as the "City Manager's Bylaw".

#### 2. DEFINITIONS

For the purposes of this Bylaw:

- 2.1 "Administration" means any member of staff employed by the City;
- 2.2 "City" means the municipal corporation known as the City of Fort Saskatchewan;
- 2.3 "City Manager" means the Chief Administrative Officer or their designate, appointed pursuant to the MGA;
- 2.4 "Council" means the Mayor and Councillors of the City, both together and individually;
- 2.5 "Emergency" means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people, or to limit damage to property or the environment; and
- 2.6 "MGA" means the Municipal Government Act, RSA 2000, c. M-26, as amended or replaced from time to time.

#### 3. ESTABLISHMENT OF THE POSITION OF CITY MANAGER

- 3.1 Pursuant to the provisions of Section 205 of the MGA, Council hereby establishes the position of Chief Administrative Officer, which shall be called the City Manager.
- 3.2 Council, by resolution, shall appoint a person to carry out the powers, duties, and functions of the City Manager position.

#### 4. POWERS AND DUTIES

- 4.1 The City Manager is the administrative head of the City and the Council, by way of policy direction, shall guide the affairs of the City through the City Manager.
- 4.2 The City Manager shall have all the powers, duties, responsibilities, and functions that are given to, imposed on, or described for the Chief Administrative Officer in the MGA.
- 4.3 Unless otherwise specified in a bylaw creating a position of designated officer, pursuant to the MGA, the City Manager shall be deemed to be appointed a designated officer under any statute or bylaw which permits or requires the City to appoint a designated officer.
- 4.4 Without limiting the administrative powers of the City Manager, the City Manager shall:
  - a. hire, appoint, suspend, demote, or remove any employee from any position in the City, subject to any applicable collective agreement, applicable legislation, and in accordance with established Council or administrative policy;
  - b. determine salaries, benefits, hours of work, and other working conditions of City Administration in accordance with established Council and administrative policy or applicable legislation;
  - c. direct, supervise, and review the performance and operation of both City departments and Administration;
  - d. develop and recommend, for Council's approval, policies dealing with non-administrative or operational matters as directed by Council, as recommended by Administration;
  - e. develop, approve, and implement operational and administrative policies and programs of the City;
  - f. prepare and submit operational and capital budgets annually for Council approval, or as required by Council;
  - i. in the event that Council does not adopt an annual operating or capital budget prior to December 31<sup>st</sup> for the upcoming year, the City Manager is empowered to authorize operating and capital expenditures reasonably consistent with the previous year's budget, or for previously approved expenditures;
  - g. monitor and report on the operating and capital budgets approved by Council and transfer funds between departments or between budgeted programs (operating or capital) to maintain the operations and affairs of the City within approved budget limits;
  - h. advise and inform Council on the operation and affairs of the City that are substantive in nature that affect the ability to provide services or significant budgetary impacts;
  - i. prepare and submit such reports and recommendations as may be required for Council or Committee of the Whole meetings, and in alignment with Council's Procedures Bylaw;
  - j. designate a liaison between the City and the Commanding Officer of the RCMP detachment;

- k. subject to the policy direction of Council:
    - i. create or eliminate any City departments; and
    - ii. negotiate or designate a representative on all collective agreements;
  - l. hire or retain legal counsel on behalf of the City;
  - m. authorize commencement or settlement, whether by or against the City, of any legal proceedings where the amount of money claimed or paid pursuant to the settlement does not exceed \$100,000.00;
  - n. authorize commencement or settlement of any claim, whether by or against the City, which does not involve legal proceedings, where the amount of money paid pursuant to the settlement does not exceed \$75,000.00;
  - o. waive, at their discretion, on a one-time basis to a maximum amount of \$5,000, fees, and charges for customer service-related matters, excluding property taxes or property tax penalties; and
  - p. be granted the authority to use and permit the use of electronic signatures and an electronic corporate seal for the purpose of executing City documents, as required.
- 4.5 The City Manager, or delegate, shall attend all Council and Council-related meetings, or other meetings which Council or the City Manager deem appropriate.
- 4.6 The City Manager or designate shall perform the duties and functions and exercise those powers necessary for the effective administration and operation of the City, including but not limited to entering into contracts and agreements, and for the completion of transactions, provided that no action requires an expenditure that has not been included in an operating, interim operating, or capital budget, unless authorized by Council.
- 4.7 The City Manager may delegate any of the powers, duties or functions given to the City Manager position by bylaw, the MGA, or any other enactment to a designated officer or to a member of Administration.
- a. The City Manager is responsible to ensure that any re-delegation of power, duty, or function is properly exercised and carried out.
- 4.8 The City Manager may designate an Acting City Manager in the event of a scheduled absence. If the City Manager is unable to designate an Acting City Manager, Council shall by resolution appoint an Acting City Manager in the event of incapacity, long-term illness, or unscheduled absence.
- 4.9 Pursuant to the MGA, the City's Emergency Management Bylaw, and in consultation with the Director of Emergency Management, the City Manager may take whatever actions or measures necessary to assist in responding to an Emergency.

## **5. EVALUATION AND COMPENSATION**

- 5.1 Council shall determine the salary and benefits to be paid or provided to the City Manager.
- 5.2 Council shall review the performance, salary, and benefits of the City Manager not less than once in a 12 month period.

**6. INTERPRETATION**

- 6.1 In the event that the provisions of this Bylaw conflict with any other Bylaw, this Bylaw shall prevail.
- 6.2 References to provisions of statutes, rules or regulations shall be deemed to include reference to such provisions as amended, modified, or re-enacted from time to time.
- 6.3 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, and reference shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.
- 6.4 Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.

**7. SEVERABILITY**

- 7.1 if any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the Bylaw shall be deemed valid.

**8. SIGNATURE REPRODUCTION**

- 8.1 The City Manager's signature, and the signatures of any other members of Administration to whom the City Manager delegates signing power, may be printed, lithographed, or otherwise reproduced.

**9. EFFECTIVE DATE**

- 9.1 This Bylaw shall become effective upon third and final reading.

**10. REPEAL OF BYLAWS**

- 10.1 Upon third reading of Bylaw C8-21, Bylaw C29-95 and any amendments thereto are hereby repealed.

READ a first time in Council this 26<sup>th</sup> day of January A.D. 2021

READ a second time in Council this 26<sup>th</sup> day of January A.D. 2021

READ a third time in Council this 26<sup>th</sup> day of January A.D. 2021



*Paul Hutchins*  
MAYOR

*Pompton*  
\_\_\_\_\_  
DIRECTOR, LEGISLATIVE SERVICES

Date Signed: January 26, 2021