

CITY OF PRINCE ALBERT BYLAW NO. OF 42 OF 2003

A Bylaw of The City of Prince Albert to establish and define the powers and duties of the Designated Officers of The City of Prince Albert

WHEREAS City Council, in accordance with The Cities Act, has established the Office of City Manager; and

WHEREAS it is deemed desirable to redefine and consolidate the duties and responsibilities of the City Manager; and

WHEREAS it is deemed desirable to repeal the existing Bylaw No. 1 of 2003 and No. 21 of 2003;

AND WHEREAS it is deemed expedient and in the public interest to provide for the administration of the Municipal Corporation of The City of Prince Albert and to set forth the powers and duties of designated officers;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as "The City Administration Bylaw", Bylaw No. 42 of 2003.

Part I Purpose and Definitions

2. The purpose of this Bylaw is to establish the powers, duties and functions of the municipal officials and employees of the City, and to establish who may sign specified municipal documents on behalf of the City.

3. In this Bylaw:
- a) **Act** means *The Cities Act*;
 - b) **City** means The City of Prince Albert;
 - c) **City Clerk** means the City Clerk and Director of Legislative Services;
 - d) **Council** means the City Council of The City of Prince Albert;
 - e) **Treasurer** means the Director of Financial Services;
 - f) **Treasurer's Alternate** means an individual appointed to one of the following positions:
 - i. Assistant Director of Financial Services;
 - ii. Finance Manager;
 - iii. City Comptroller.

Part II City Manager

Establishment of Position

4. Council shall by resolution, upon the recommendation of a special committee of Council comprised of members of Council, appoint an individual to the position of City Manager and shall establish the terms and conditions of the City Manager's employment.

Chief Administrative Officer

5. The City Manager shall:
- (a) be the Chief Administrative Officer of the City;
 - (b) perform the duties and exercise the powers and functions assigned to a chief administrative officer by the *Act*, any other acts, this Bylaw, any other bylaw or by resolution of Council.

Powers, Duties and Functions of City Manager

6. Without limiting the generality of Section 5, the City Manager shall:
- (a) ensure that the Bylaws, policies, resolutions and programs of the City are implemented and enforced;

- (b) advise and inform Council on the operations and affairs of the City;
- (c) supervise all operations of the City and, in particular, direct, supervise and review the performance of all departments of the City, subject to the Act;
- (d) restructure civic departments and, with the approval of Council, create, merge or eliminate civic departments;
- (e) have the authority to recruit, appoint, discipline, suspend and dismiss all civic staff except the City Solicitor and City Clerk as provided in the Act and in this Bylaw;
- (f) be responsible for the preparation and submission of budget estimates for the operating and capital budgets annually, or as required by Council;
- (g) monitor and control civic spending within the program budget established by Council, pursuant to the authorities granted under this Bylaw;
- (h) transfer funds between program budgets with the approval of Council;
- (i) advise Council and make recommendations concerning the financial condition of the City;
- (j) advise Council and make recommendations concerning policies or programs which may be necessary to carry out the powers, duties and functions of the City;
- (k) attend, when able, all meetings of Council and such other meetings as Council may direct, with the right to engage in discussions concerning any motion or report for action by Council;
- (l) prepare and submit such reports and recommendations to Council as Council or Committee of Council may require;
- (m) keep the public informed, through reports to Council, regarding the operations of the City;

- (n) execute contracts and agreements, together with the City Clerk, as authorized by Council;
- (o) be responsible for the labour relations of the City within the mandate established by Council and submit collective bargaining agreements to Council for approval;
- (p) declare a lockout of civic employees with the approval of the Committee of the Whole Council;
- (q) appoint an Acting City Manager in the temporary absence (maximum one month) of the City Manager; and
- (r) exercise such other powers and perform such other duties and functions as required by Council.

Investigations on Behalf of the City Manager

7. The City Manager shall have the authority, upon approval of His Worship the Mayor to request the internal auditor to investigate any matter within the City Manager's jurisdiction as chief administrative officer of the City. In such case, the internal auditor shall report to the City Manager.

Claims and Lawsuits

8. (1) The City Manager shall have the authority to:
- (a) instruct the City Solicitor to commence, defend or conduct any action or proceeding in any court or before any board or tribunal; and to
 - (b) settle any claims, grievances or lawsuits.
- (2) The settlement of claims, grievances or lawsuits in excess of \$50,000.00 must be approved by Committee of the Whole Council.

Award of Contracts

9. The City Manager shall have the authority to:
- (a) call for tenders and arrange for contracts for the supply to the City of goods, services and work as authorized by the budget;

- (b) in the case of public tenders when the City is purchasing goods, services or work, award contracts where:
 - i. the contract has been provided for in the approved project budget;
 - ii. the contract is being awarded to the lowest qualified bidder meeting specifications providing the amount of the contract does not exceed \$50,000.00.
- (c) call for tenders and arrange for contracts for the purchase from the City of goods, services or work of any kind; and
- (d) in the case of public tenders when the City is receiving revenue from the sale of goods, services or work where the contract is being awarded to the highest qualified bidder meeting the specifications providing the amount of the contract does not exceed \$50,000.00.

Land Transactions

10. The City Manager shall have the authority to:
- (a) conduct negotiations on behalf of the City for the purchase, sale or exchange of land;
 - (b) secure options to purchase land provided that the consideration for any option does not exceed \$50,000.00.
 - (c) approve Plans of Survey for the subdivision of no more than two lots and authorize the Mayor and City Clerk to place official signatures on same.

Routine Expenditures

11. The City Manager shall have the authority to make routine expenditures as required for the City to operate on a daily basis, until the operating budget is adopted by Council each year.

Reporting and Accountability

12. City Council shall provide an annual written performance evaluation for the position of City Manager in respect to fulfilling his/her roles and responsibilities.

Delegation

13. The City Manager is authorized to delegate, and to authorize the further delegation, of any authority, function or responsibility granted under this Bylaw or any other bylaw to any City employee.

Dismissal

14. The City Manager may only be dismissed by an affirmative vote of a majority of all Council members.

**Part III
City Clerk**

Continuation of Position

15. (1) The position of City Clerk is continued.
(2) Council shall by resolution, upon the recommendation of a special committee of Council comprised of members of Council and the City Manager, appoint an individual to the position of City Clerk and shall establish the terms and conditions of the City Clerk's employment.

Duties – *The Cities Act*

16. (1) The City Clerk shall be responsible for carrying out the duties required by the *Act*.
(2) Without limiting the generality of subsection (1), the City Clerk shall:
(a) attend, when able, all meetings of Council and truly record in the minutes all resolutions and proceedings of Council;
(b) take charge of and safely keep all books, documents and records of the City committed to the charge of the City Clerk;
(c) summon all meetings of Council, prepare and distribute agendas as appropriate, communicate the resolutions and instructions of Council to the appropriate parties and conduct the official correspondence of Council;

- (d) maintain an index register containing copies of all bylaws of the City;
 - (e) have custody of the seal of the City;
 - (f) ensure that Council is advised in writing of its legislative responsibilities pursuant to the Act or when required by any other Act;
 - (g) ensure that public notice is given by the Act or any other Act;
 - (h) provide the Minister with any statements, reports or other information that the Minister may require pursuant to the Act; and
 - (i) appoint an Acting City Clerk in the absence of the City Clerk.
- (3) The City Clerk shall ensure that the duties described in subsections (1) and (2) are provided to any Council Committee that is carrying out powers, duties or functions delegated to them by Council.

Duties – *The Local Government Election Act*

17. The City Clerk shall be responsible for carrying out the duties required by *The Local Government Election Act*, including acting as returning officer for all elections under that Act.

Other Duties

18. The City Clerk shall:
- (a) provide administrative support services to Members of Council;
 - (b) perform such other duties as required by statute, bylaw or otherwise assigned by the City Manager or by Council;
 - (c) provide research, information and advice upon procedural matters, bylaws and resolutions to the City Manager and civic administration;
 - (d) carry out such other duties as may be assigned by the City Manager;

Duties – Boards and Agencies

19. The City Clerk shall provide administrative support to such boards, agencies and other organizations as the City Manager or the Council may approve, and for such purposes, shall report and be accountable to the City Manager.

Reporting and Accountability

20. The City Clerk shall report to and be accountable to the City Manager.

Dismissal

21. The City Clerk may only be dismissed by an affirmative vote of a majority of all Council members.

Part IV City Solicitor

Continuation of Position

22. (1) The position of City Solicitor is continued.
- (2) Council shall by resolution, upon the recommendation of a special committee of Council comprised of members of Council and the City Manager, appoint an individual to the position of City Solicitor and shall establish the terms and conditions of the City Solicitor's employment.

Duties, Reporting and Accountability

23. (1) The City Solicitor shall be responsible for the provision of legal services to:
 - (a) Council and Committees, and for that purpose shall report to and be accountable to the City Manager;
 - (b) the City Manager and the civic administration, and for that purpose shall report to and be accountable to the City Manager;
 - (c) such Boards, agencies and other organizations as may be approved by Council and for that purpose shall report to the City Manager provided that, in the event of any conflict between

Council and such Board, agency or other organization, the City Solicitor shall provide legal services only to Council.

- (2) The City Solicitor may, in circumstances the City Solicitor considers appropriate, submit a report or opinion directly to Council on matters relating to the public interest, the professional oath of office or budgetary considerations which may significantly affect the ability of this office to provide services for the City.
- (3) Where the City Solicitor submits a report or opinion directly to Council pursuant to subsection (2), the City Solicitor shall concurrently provide a copy of the report to the City Manager.
- (4) Except for matters described under section 23(2) and the Act, the City Solicitor shall be accountable to the City Manager.

Claims and Lawsuits

24. The City Solicitor shall have the authority to settle claims or lawsuits to an expenditure limit of \$35,000.00.

Access to Records

25. The City Solicitor shall have access to all files, documents and records of the City for the purpose of carrying out his or her duties, and is entitled to receive such information, reports and assistance from City officials and employees as may be reasonably required.

Dismissal

26. The City Solicitor may only be dismissed by an affirmative vote of a majority of all Council members.

Part V City Treasurer

Continuation of Position

27. (1) The position of City Treasurer is continued.

- (2) The City Manager shall appoint an individual to the position of City Treasurer and shall establish the terms and conditions of the City Treasurer's employment.

Duties

28. (1) The City Treasurer shall be responsible for carrying out the duties assigned by the City Manager.
 - (2) Without limiting the generality of subsection (1), the City Treasurer or Treasurer's Alternate, if the Treasurer is not available, shall:
 - (a) sign, exchange or transfer securities on behalf of the City;
 - (b) maintain a securities registrar;
 - (c) certify the date tax notices are sent;
 - (d) send an amended tax notice to a taxpayer if required;
 - (e) provide receipts for the payment of taxes;
 - (f) apply a tax payment in accordance with the Act;
 - (g) forward to the registrar of the land titles office a withdrawal of a tax lien, if required;
 - (h) issue tax certificates;
 - (i) certify as a true copy the tax roll, if required;
 - (j) provide a statement of account to the school boards;
 - (k) distain and seize goods to satisfy the amount of outstanding taxes; and
 - (l) provide written notice to any person regarding outstanding license fees owed by a contractor as allowed by the Act.
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29. The City Treasurer is authorized by Council to open or close accounts that hold money of the City.

**Part VI
City Assessor**

Continuation of Position

30. (1) The position of City Assessor is continued.

- (2) The City Manager shall appoint an individual to the position of City Assessor and shall establish the terms and conditions of the City Assessor's employment.

Duties

31. The City Assessor shall be responsible for carrying out the duties required by the City Manager.

Assessor

32. Any reference to Assessor in the Act shall mean the City Assessor of the City.

Part VII

Other Provisions – City Clerk, City Solicitor, City Treasurer and City Assessor

Budget

33. (1) The City Clerk, City Solicitor, City Treasurer and City Assessor shall participate in the administrative budget review at the direction of the City Manager.

Part VIII

Municipal Documents

Signing Agreements

34. The City Clerk and either, but not all of, the Mayor or Deputy Mayor or City Manager shall sign all agreements to which the City is a party.

Cheque Signing

35. (1) The City Treasurer or if the City Treasurer is unavailable, the Treasurer's alternate and one of the following, may sign cheques on behalf of the City.
 - i. City Manager
 - ii. Finance Manager
 - iii. City Comptroller

- (2) Notwithstanding subsection (1), cheques drawn from pension fund trust accounts must be jointly signed by the City Treasurer or the City Treasurer's Alternate and one of the following:
 - i. City Manager;
 - ii. Finance Manager;
 - iii. City Comptroller;
- (3) For the purposes of subsection (1) and (2), if a person signs a cheque as the Treasurer's Alternate, that person shall not co-sign the same cheque.

Reproduction of Signatures

36. The signatures of all people authorized to sign documents by Council may be printed, lithographed or otherwise mechanically reproduced.

Part IX Vacancy in Office

Appointment by Mayor

37. (1) When the City Manager is incapable of performing his or her duties due to extended incapacitation or when there is a vacancy in such position, the Mayor may temporarily appoint a person to act in place of the City Manager until the next meeting of Council and, during that time, the person appointed has all the powers of the office to which he or she is appointed.
(2) When the City Clerk or City Solicitor are incapable of performing their duties to extended incapacitation or when there is a vacancy in such position, the Mayor, in consultation with the City Manager, may temporarily appoint a person to act in place of the City Clerk or City Solicitor until the next meeting of Council and, during that time, the person appointed has all the powers of the office to which he or she is appointed.

Part X Repeal

Bylaw No. 6 of 1987 and Bylaw No. 27 of 1998 Repealed

38. Bylaw No. 1 of 2003 and Bylaw No. 21 of 2003 are hereby repealed.

**Part XI
Transitional and Coming into Force**

Transitional

39. Notwithstanding anything contained in this Bylaw, the individuals holding the positions of City Commissioner, City Clerk, City Solicitor, City Treasurer and City Assessor immediately prior to the coming into force of this Bylaw shall continue in the positions of City Manager, City Clerk, City Solicitor, City Treasurer and City Assessor respectively.

Coming into Force

40. The Bylaw shall come into effect on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 1st DAY OF DECEMBER ,AD 2003.
READ A SECOND TIME THIS 1st DAY OF DECEMBER ,AD 2003.
READ A THIRD TIME AND PASSED THIS 1st DAY OF DECEMBER ,AD 2003.


MAYOR


CITY CLERK