

CITY OF SPRUCE GROVE

BY-LAW NO. C-539-04

CITY MANAGER'S BYLAW

Being a By-Law of the City of Spruce Grove, in the Province of Alberta to establish and define the duties, powers and functions of the Chief Administrative Officer and provide for the appointment of the Chief Administrative Officer.

WHEREAS, The Municipal Government Act, R.S.A., 2000, c. M-26, S. 205 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 Municipal Council of the City of Spruce Grove duly assembled, hereby enacts as follows:

1. This Bylaw shall be referred to as the City Manager's Bylaw,
2. Pursuant to S. 205 of the Municipal Government Act, Council hereby establishes the position of Chief Administrative Officer, which position shall be given the title "City Manager".
3. Council shall by Resolution appoint a person to carry out the powers, duties, and functions of the position of City Manager.

DEFINITIONS

4. In this Bylaw:
 - a. "Act" means the Municipal Government Act R.S.A., 2000, c. M-26 as may be amended from time to time, or any legislation which replaces the Act and includes any regulation made under the Act or under any replacement legislation;
 - b. "City" means the corporation known as the City of Spruce Grove;
 - c. "Council" means the Municipal Council of the City of Spruce Grove;
 - d. "Enactment" means:
 - i. An Act of the Legislature of Alberta and a Regulation made under an Act of the Legislature of Alberta; and,
 - ii. An Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.

POWERS AND DUTIES

5. The City Manager is the Administrative head of the City, and Council by way of policy direction, shall guide the affairs of the City through the City Manager.
6. The City Manager shall have all the powers, duties, responsibilities and functions that are given to, imposed upon, or described for the Chief Administrative Officer in the Act, any other enactment or in any other Bylaw and those powers, duties, responsibilities, and functions which are delegated to the City Manager by Council in accordance with the Act, other Enactment or in any Bylaw.

CITY OF SPRUCE GROVE

BY-LAW NO. C-539-04

CITY MANAGER'S BYLAW

7. The City Manager may delegate any power, duty, or function given to the City Manager under the Act, any other Enactment or Bylaw, including any power, duty, or function delegated to the City Manager under S. 203 of the Act by Council.
8. 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 the Personnel Policy and Collective Agreements;
 - b. determine salaries, benefits, hours of work, and other working conditions of City employees in accordance with approved Policies;
 - c. direct, supervise and review the performance of the administration of all City departments and administrative employees of the City;
 - d. Subject to Council approval consolidate or create any civic departments;
 - e. subject to Council approval, negotiate all collective agreements;
 - f. develop and recommend for Council approval, policies dealing with non-administrative matters as directed by Council, or at the initiation of the City Manager;
 - g. implement all policies and programs of the City;
 - h. develop, approve, and implement policies, procedures, and practices dealing strictly with administrative matters;
 - i. prepare and submit to Council budgets for capital and operating programs annually or more often as required or as Council may direct. In the event Council does not adopt an operating budget for the new calendar year by the 31st of December in the previous year, the City Manager during the period between 1 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 years budget for the corresponding period.
 - j. monitor and report on the operating and capital budgets approved by Council; authorize and approve the transfer of funds between departments or between budgeted programs to maintain the operations and affairs of the City within approved

CITY OF SPRUCE GROVE

BY-LAW NO. C-539-04

CITY MANAGER'S BYLAW

budget limits and subject to the limitation that 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.

- k. advise and inform Council or Council Committees on the operation and affairs of the City;
 - l. prepare and submit such reports and recommendations as may be required by Council or Council Committees;
 - m. provide a liaison between the City and the Commanding Officer of R.C.M.P. Detachment;
 - n. hire or retain legal counsel on behalf of the City;
 - o. authorize the commencement by the City, or the defence by the City of any claim or action to enforce or protect the City's interests or to enforce the City's Bylaws or responsibilities under the Act and any other enactment or Bylaw;
 - p. authorize the settlement or compromise of any claim, action, or proceeding either before or after the commencement of legal proceedings or other action where the amount of money claimed by the City, or to be paid by the City pursuant to the settlement or compromise does not exceed \$50,000.00;
9. The City Manager or designate shall attend all meetings of Council and Council Committees as required, or those that are considered advisable to attend unless excused therefrom and attend meetings such as Boards; Committees, Authorities, Commissions, or other bodies as may be required by Council,
10. 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 operation of the City, provided that no action requires an expenditure of money that has not been included in the operating budget, interim operating budget, or capital budget, or otherwise authorized by Council,
11. The City Manager may temporarily delegate any or all of the powers, duties, and functions of the City Manager to an employee of the City in the event of the temporary absence of the City Manager. In the event that the City Manager is unable to delegate such powers, duties, and functions in the event of an absence of the City Manager, Council, by Resolution, may appoint an Acting City Manager in the event of long-term illness, unscheduled absence, or other incapacity of the City Manager.

CITY OF SPRUCE GROVE

BY-LAW NO. C-539-04

CITY MANAGER'S BYLAW

12. The City Manager may take whatever legal actions or measures are necessary in response to an emergency.

EVALUATION AND COMPENSATION

13. The person appointed as City Manager shall hold the position of City Manager and shall not be dismissed except as outlined in S. 206 of the Act.
14. 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 with the City Manager.
15. 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.

EFFECTIVE DATE

16. It is the intention of Council that, if any provisions of this Bylaw be declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
17. Bylaw C-320-98 is repealed upon this Bylaw receiving Third Reading and coming into effect.
18. This Bylaw shall take effect on the date of its Third and final reading.

First Reading Carried 27 September 2004

Second Reading Carried 27 September 2004

Third Reading Unanimously
Consented to and Carried 27 September 2004

MAYOR

MANAGER OF ADMINISTRATIVE SERVICES