



## Council Meeting of August 19, 2013

### PUBLIC ATTACHMENT "A"

DOCUMENT STATUS: Public

REFERS TO: Item 6.5d - Current Organization Bylaw  
3457/2010  
To be repealed by New Organization  
Bylaw 3505/2013

INCLUDED IN  
SRE - ELECTRONIC  
VERSIONS OF  
AUG 19<sup>TH</sup> AGENDA.





# **ORGANIZATION BYLAW**

**NO. 3457/2010**

**OFFICE CONSOLIDATION**

**(AS AT FEBRUARY 4, 2013)**



## BYLAW NO. 3457/2010

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. The intent and purpose of this bylaw is to provide a foundation for other bylaws, and to create an organizational structure which facilitates a corporate culture of responsive leadership and service delivery, based on the involvement, voice and will of all constituents.

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 powers 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";
Designated Officer	a Designated Officer within the meaning of the <i>MGA</i> ;
Mayor	the chief elected representative of the City, whether elected or appointed as described in the <i>MGA</i> .
Municipality	a city, town, village, summer village, municipal district or specialized municipality or if the context requires, the geographical areas within the boundaries of a municipality

### 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 municipality as a whole and to bring to Council's attention anything that would promote the welfare or interests of the municipality;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (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 municipality 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 CAO 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 shall be known as the City Manager, who 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 municipality;
  - (b) ensures that the policies and programs of the municipality are implemented;
  - (c) advises and informs Council on the operation and affairs of the municipality; 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.
- (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; and

- (j) prepare and submit to Council such reports and recommendations as may be required by Council.

#### **Delegation by City Manager**

- 8. 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**

- 9. 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.

#### **Financial Powers and Functions**

- 10. 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; and
  - (c) establish fees, charges, rates and tariffs, except as otherwise established by Council policy or bylaw.

#### **Budget**

- 11. 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.

#### **City Assessor**

- 12. The City Assessor is a designated officer 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.

**<sup>1</sup>Legislative Services Manager / City Clerk**

<sup>2</sup>13. The Legislative Services Manager shall also be known as the City Clerk and is a designated officer for the following purposes:

- (a) exercising the powers set out in MGA s. 213, namely:
  - (i) signing minutes of Council meetings, minutes of Council committee meetings and bylaws; and
  - <sup>3</sup>(ii) acting alone in the signing or authorizing of agreements.
- (b) handling matters related to assessment and tax appeals under MGA s. 460 to 482 inclusive, including:
  - (i) receiving complaints in respect of assessment and tax matters under MGA s. 460;
  - (ii) setting and giving notice of the time, date and location for hearings before the assessment review board under MGA s. 461 and 462;
  - (iii) giving notice of decisions of Assessment Review Boards under MGA s. 469; and
  - (iv) certifying decisions of the Assessment Review Board under MGA s, 483;
- (c) certifying proper advertising under MGA s. 606; and
- (d) certifying copies of bylaws and records under MGA s. 612; and
- (e) <sup>4</sup>maintaining custody of the corporate seal under MGA s. 208.

<sup>5</sup>14. The Legislative Services Manager:

- (a) has the authority to consolidate an amending bylaw with the bylaw which it amends;

---

<sup>1</sup> 3457/A-2013

<sup>2</sup> 3457/A-2013

<sup>3</sup> 3457/A-2013

<sup>4</sup> 3457/A-2013

<sup>5</sup> 3457/A-2013

- <sup>1</sup>(b) has the authority to 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;
- <sup>2</sup>(c) has the authority to correct clerical, grammatical and typographical errors.
- (d) is appointed as Returning Officer for the purposes of the Local Authorities Election Act;
- (e) 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;
- (f) shall provide resources and administrative support to the Assessment Review Boards, and appoint the Clerk of the Assessment Review Board in accordance with the provisions of the Municipal Government Act;
- (g) shall provide resources and administrative support to the Subdivision and Development Appeal Board, and appoint the Clerk of the Board; and

#### **Director of Corporate Services**

15. The Director of Corporate Services is a designated officer for the following purposes:

- (a) signing cheques and other negotiable instruments under MGA s.213(4);
- (b) issuing tax notices under MGA s. 333;
- (c) contents of tax notices under MGA s. 334;
- (d) certifying date of sending tax notices under MGA s. 336;
- (e) allocating tax payments under MGA s. 343;
- (f) issuing tax certificates under MGA s. 350;
- (g) obtaining possession of lands or mobile homes sold to collect tax arrears under MGA s. 420 and 436.11;

---

<sup>1</sup> 3457/A-2013

<sup>2</sup> 3457/A-2013

- (h) issuing distress warrants related to the recovery of tax arrears under MGA s. 439;
- (i) opening and closing bank accounts to hold the City's money as provided in MGA s. 270 and for that purpose shall also have the authority to designate in which bank, credit union, loan corporation, treasury branch, or trust corporation the City shall establish accounts;

16. The Director of Corporate Services shall:

- (a) have the authority to 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.
- <sup>1</sup>(b) except as otherwise instructed by Council, and without limitation, shall instruct legal counsel to provide legal services to the City and Council and retain, instruct and pay for the services of legal counsel.

**Director of Development Services**

17. The Director of Development Services is a designated officer for the purpose of applying to court for an order re: inspection of meters under MGA s. 544.

**Director of Planning Services**

18. The Director of Planning Services is a designated officer for the following purposes:

- (a) entering on land to inspect, remedy, and enforce bylaws under MGA s. 542;
- (b) <sup>2</sup>issuing orders to remedy contraventions of any bylaw as provided in MGA s. 545; and
- (c) issuing orders to remedy dangerous or unsightly property as provided in MGA s. 546;

**Director of Community Services**

19. The Director of Community Services shall:

- (a) monitor the RCMP contract with the federal government and K Division;
- (b) provide oversight and direction to the RCMP Superintendent of the Municipal Police Service in enforcing the bylaws of the municipality;

---

<sup>1</sup> 3457/A-2013

<sup>2</sup> 3457/A-2013

- (c) 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.

#### **Additional Powers and Duties of Named Officers**

- 20. The persons holding the positions described in this Bylaw shall perform such other duties and exercise such other powers and functions assigned to them by the MGA, any other act, any other bylaw or resolution, or by the City Manager.

#### **Delegation by Designated Officer**

- 21. As provided for in MGA s. 212, a designated officer may delegate any of the officer's powers, duties or functions under an enactment or bylaw to an employee of the municipality.

#### **Accountability**

- 22.(1) Council is accountable to the municipality 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**

- 23.(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) If any provision of this bylaw is declared invalid by a Court, all other provisions remain valid.
  - (3) Bylaw 3284/2001 is repealed.

READ A FIRST TIME IN OPEN COUNCIL this 1 day of November 2010.

READ A SECOND TIME IN OPEN COUNCIL this 1 day of November 2010.

READ A THIRD TIME IN OPEN COUNCIL this 15 day of November 2010.

AND SIGNED BY THE MAYOR AND CITY CLERK this 15 day of November 2010.

"Morris Flewwelling"

"Elaine Vincent"

---

MAYOR

---

CITY CLERK