

BYLAW NO. 4311

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to establish the organizational structure of the City's administrative team.

WHEREAS every municipality is required to establish by bylaw a position of chief administrative officer;

AND WHEREAS Council wishes to appoint a chief administrative officer and designated officers for the City;

AND WHEREAS it is necessary to determine by bylaw how the powers, duties and functions of a chief administrative officer are to be carried out;

AND WHEREAS Council feels it is important to have advice and input from additional administrative advisors and wishes to appoint designated officers, as provided for under the Municipal Government Act, and to establish an Administrative Committee and to determine its powers, duties and functions;

AND WHEREAS Council wishes to repeal Bylaw No. 3857;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be referred to as the "Administrative Organization Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context requires otherwise,
 - (a) "Act" means the Municipal Government Act RSA 2000 Chapter M-26, as amended;
 - (b) "Chief Administrative Officer" means the chief administrative officer for the City;
 - (c) "City" means the Corporation of the City of Medicine Hat, and where the context so requires, means the land included in the boundaries of the City;
 - (d) "Commissioner" means an individual appointed to the position of Commissioner pursuant to section 26 of this Bylaw;
 - (e) "Corporate Services Committee Representative" means a member of the Corporate Services Committee of Council appointed to oversee matters relating to labour relations;
 - (f) "Municipal Powers and Duties" means any power or duty of the City in the Act, another enactment or a City bylaw, where the Act, enactment or bylaw does not specify who in the municipality may exercise the power or duty;

- (g) “Natural Person Powers” means the capacity, rights, powers and privileges of a natural person, except to the extent limited by the Act, any other enactment or any City bylaw.
3. Any word or group of words defined in the Act shall be given the meaning provided in the Act unless the context in which it is used requires otherwise.

COUNCIL

Amended by:
Bylaw 4486
May 8, 2018

4. Council is responsible for
- (a) developing and evaluating the policies and programs of the City;
 - (b) carrying out the powers, duties and functions expressly given to Council under the Act or any other enactment; and
 - (c) ensuring that the Chief Administrative Officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer under the Act or any other enactment or by Council.
5. Council shall appoint by resolution individuals to the positions of Chief Administrative Officer and City Solicitor.
6. Council shall determine by resolution the departments and business units in the Energy and Utilities Division, Corporate Services Division, Development and Infrastructure Division and Public Services Division, and, in addition, the departments and business units reporting directly to the Chief Administrative Officer.
7. Before passing a resolution under Section 6 Council shall obtain and consider the recommendations of the Chief Administrative Officer.
8. Council must not exercise a power or function or perform a duty that is by the Act, this Bylaw or any other enactment or City bylaw specifically assigned to the Chief Administrative Officer or designated officers.
9. Except for purposes of making inquiries, individual members of Council shall deal with the administration through the Chief Administrative Officer, Commissioners, City Clerk or City Solicitor.
10. No individual member of Council may give orders, directives or instructions to the Chief Administrative Officer, Commissioners, City Clerk, City Solicitor or any other City employee.

CHIEF ADMINISTRATIVE OFFICER

11. A position for a chief administrative officer for the City is established.
12. Council shall by resolution appoint an individual as Chief Administrative Officer.
13. The Chief Administrative Officer:
- (a) is the administrative head of the City ;
 - (b) shall ensure that City policies and programs are implemented;

- (c) shall advise and inform Council on City operations and affairs; and
 - (d) shall perform the duties and functions and exercise the powers assigned to the Chief Administrative Officer by this Bylaw, the Act and other enactments, or assigned by Council.
14. Without limiting the generality of the foregoing, the Chief Administrative Officer shall:
- (a) ensure that all matters referred to City administration are dealt with in an expeditious manner, having regard to other priorities and administrative resources;
 - (b) ensure that the operations and affairs of the City are carried out within approved budget limits;
 - (c) appoint up to 4 Commissioners in accordance with section 26;
 - (d) supervise the Commissioners;
 - (e) supervise the City departments and business units in the City that the Chief Administrative Officer is responsible to supervise directly; and
 - (f) attend all meetings of Council and all meetings of Council Committees that the Chief Administrative Officer is required to attend or considers it advisable to attend.
15. References in the Act or other enactments to a municipality's chief administrative officer apply to the Chief Administrative Officer.
16. The Chief Administrative Officer may exercise Municipal Powers and Duties with respect to the operations and affairs of the City.
17. The Chief Administrative Officer may exercise Natural Person Powers with respect to the operations and affairs of the City.
18. The powers, duties and functions of the "Chief Commissioner", "CAO Municipal Services", "COO Energy Services" or "Chief Administrative Officer" set out in City bylaws are assigned to the Chief Administrative Officer, unless expressly provided otherwise in a bylaw.
19. The powers, duties and functions of the "Chief Commissioner", "CAO Municipal Services", "COO Energy Services" or "Chief Administrative Officer" set out in City policies and procedures are assigned to the Chief Administrative Officer, unless expressly provided otherwise in the policies or procedures.
20. The Chief Administrative Officer's powers, duties and functions are subject to the following limitations and restrictions:
- (a) The Chief Administrative Officer shall comply with the provisions of the Act and all other enactments in carrying out the Chief Administrative Officer's powers, duties and functions.
 - (b) The Chief Administrative Officer shall comply with all orders, directives, judgments, decisions and rulings of courts, administrative tribunals and

- government entities in carrying out the Chief Administrative Officer's powers, duties and functions.
- (c) The Chief Administrative Officer shall comply with the provisions of City bylaws, Council resolutions, City policies and procedures and contracts binding on the City in carrying out the Chief Administrative Officer's powers, duties and functions.
 - (d) The Chief Administrative Officer shall obtain the approval of the Corporate Services Committee Representative before the negotiations for each collective agreement are finalized.
 - (e) The Chief Administrative Officer shall ensure that each collective agreement negotiated with a union or association representing City employees is presented to Council for ratification in an expeditious manner.
 - (f) The Chief Administrative Officer shall be responsible for the negotiation of collective agreements involving City employees.
 - (g) The Chief Administrative Officer may not authorize the commencement of any legal proceedings where the amount of money claimed, if any, exceeds \$50,000.00.
 - (h) The Chief Administrative Officer may not authorize settlement of legal proceedings or other claims, whether by the City or against the City, where the amount of money to be paid pursuant to the settlement, if any, exceeds \$10,000.00.
21. The Chief Administrative Officer may re-allocate City capital and operating funds on an inter-divisional or inter-departmental basis if the Chief Administrative Officer considers it advisable to do so to maintain the operations and affairs of the City within approved budget limits.
22. The Chief Administrative Officer may delegate any of the Chief Administrative Officer's powers, duties or functions to a designated officer or employee of the City.
23. The Chief Administrative Officer shall remain responsible to ensure that any power, duty or function delegated under section 22 is properly exercised or carried out.
24. Notwithstanding section 22, Council shall have the right to appoint an acting Chief Administrative Officer at any time that the Chief Administrative Officer is absent or the position of Chief Administrative Officer is vacant.

COMMISSIONERS

25. Positions are hereby established for up to 4 designated officers to be known as Commissioners.
26. A Commissioner shall be appointed by the Chief Administrative Officer.
27. The Chief Administrative Officer may revoke the appointment of a Commissioner.

28. A Commissioner may delegate any of the Commissioner's powers, duties or functions to an employee of the City.
29. A Commissioner shall remain responsible to ensure that any power, duty or function delegated under section 28 is properly exercised or carried out.
30. Notwithstanding section 28, the Chief Administrative Officer shall have the right to appoint an acting Commissioner at any time when a Commissioner is absent or a Commissioner position is vacant.
31. The Commissioners shall report directly to and be supervised by the Chief Administrative Officer.
32. Each Commissioner shall be responsible to supervise directly the City departments and business units contained within the Division that the Commissioner has been assigned to supervise.
33. In addition to the foregoing responsibilities, a Commissioner shall be responsible to carry out such other powers, duties and functions as may be assigned by the Chief Administrative Officer.
34. In carrying out their responsibilities, the Commissioners shall
 - (a) ensure that all matters referred to the Divisions that they have been assigned to supervise are dealt with in an expeditious manner, having regard to other priorities and administrative resources;
 - (b) ensure that the operations and affairs of the Divisions that they have been assigned to supervise are carried out within approved budget limits; and
 - (c) attend all meetings of Council and such meetings of Council Committees as they are required to attend.

CITY CLERK AND CITY SOLICITOR

35. Positions are hereby established for designated officers to be known as the City Clerk and City Solicitor.
36. Council shall appoint an individual by resolution to the position of City Solicitor.
37. The City Clerk shall be appointed by the City Solicitor.
38. The City Solicitor may revoke the appointment of the City Clerk.
39. The City Clerk and City Solicitor may delegate any of their powers, duties or functions to employees of the City.
40. The City Clerk and City Solicitor shall remain responsible to ensure that any power, duty or function delegated under section 39, is properly exercised or carried out.
41. Notwithstanding section 39, Council shall have the right to appoint an acting City Solicitor at any time when the City Solicitor is absent or the position of City Solicitor is vacant.

42. Notwithstanding section 39, the City Solicitor shall have the right to appoint an acting City Clerk at any time when the City Clerk is absent or the position of City Clerk is vacant.
43. The City Solicitor shall report directly to and be responsible to the Mayor and Council.
44. The City Clerk shall report directly to and be supervised by the City Solicitor.
45. The City Clerk shall exercise the following powers, duties and functions of a designated officer:

SECTION	POWER, DUTIES AND FUNCTIONS*	APPLICABLE ACT
62(2)(b)	Roadway acquisition certificate	Municipal Government Act
69	Consolidation of bylaws	Municipal Government Act
199	Electronic meetings	Municipal Government Act
213(1)(b)	Signing of minutes of Council meetings	Municipal Government Act
213(2)(b)	Signing of minutes of Committee meetings	Municipal Government Act
213(3)(b)	Signing of bylaws	Municipal Government Act
213(4)(b)	Signing of agreements other than purchase orders by chief elected official or by another person authorized by Council to sign them and by a designated officer	Municipal Government Act
455(1)	Functions of a clerk of assessment review board	Municipal Government Act
606(7)	Certificate of advertising	Municipal Government Act
612	Certified copies of bylaws, resolutions and records	Municipal Government Act
627.1	Clerk of Subdivision and Development Appeal Board	Municipal Government Act
1(1)(i)(iii)	Powers, duties and functions of municipal secretary	Agricultural Pests Act
3(2)	Duty to forward copy of bylaw	Libraries Act
13(1)	Appointment of returning officer	Local Authorities Election Act

***Note:** The description of powers, duties and functions in this column is intended for convenience of reference only. The actual sections in the *Acts* should be referred to for a complete description of the powers, duties or functions.

46. In addition to the foregoing responsibilities, the City Clerk shall
 - (a) carry out such other duties or functions as may be assigned by the City Solicitor,
 - (b) supervise the City Clerk Department, and
 - (c) carry out the powers, duties and functions of the head of the local public body for the City for the purposes of the Freedom of Information and Protection of Privacy Act, RSA 2000 c. F-25 and any regulations enacted thereunder, as amended.
47. The City Solicitor shall provide all legal services required by the City in the City Solicitor's capacity as a designated officer.
48. In addition to the foregoing responsibilities, the City Solicitor shall
 - (a) carry out such other powers, duties or functions as may be assigned by Council, and
 - (b) supervise the City Solicitor Department.
49. In carrying out their responsibilities, the City Clerk and City Solicitor shall
 - (a) ensure that all matters referred to the City Clerk Department and City Solicitor Department are dealt with in an expeditious manner, having regard to other priorities and administrative resources;
 - (b) ensure that the operations and affairs of the City Clerk Department and City Solicitor Department are carried out within approved budget limits; and
 - (c) attend all meetings of Council and all meetings of Council Committees that they are required to attend or consider it advisable to attend.

ADMINISTRATIVE COMMITTEE

50. In sections 50 to 61 "Committee" means the Administrative Committee.
51. The Administrative Committee is hereby established.
52. The members of the Administrative Committee shall be the Mayor, Chief Administrative Officer, Commissioners, City Clerk and City Solicitor.
53. If the Mayor is unable to attend a meeting of the Committee the Mayor may designate a member of Council to attend the meeting in the Mayor's place.
54. The Chief Administrative Officer shall be Chair of the Committee.
55. The Committee shall meet for the transaction of business when directed by the Chief Administrative Officer.
56. No business shall be conducted by the Committee unless a quorum of Committee members is present.

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57. A quorum of Committee members shall be five members of the Committee.
 58. The City Clerk shall act as secretary of the Committee and shall keep accurate minutes or notes of all formal meetings and proceedings of the Committee.
 59. The Committee shall carry out the powers, duties and functions assigned to it by:
 - (a) Council under this Bylaw or any other bylaw or resolution; and
 - (b) the Chief Administrative Officer
 60. Without limiting the generality of the foregoing, the Committee shall:
 - (a) ensure that all matters referred to the Committee are dealt with in an expeditious manner, having regard to other priorities and administrative resources;
 - (b) cause to be prepared and recommend to Council policies and programs requested by Council or considered advisable by the Committee or the Chief Administrative Officer;
 - (c) cause the operating and capital budgets and long range forecasts to be prepared;
 - (d) review and present to Council the operating and capital budgets and long range forecasts;
 - (e) submit to Council:
 - (i) after the passage of the operating budget, quarterly or at such other intervals as Council may direct, a statement of the City's revenues and expenditures in relation to the operating budget, and a progress report on the projects included in the budget with relevant explanations, and
 - (ii) after the passage of the capital budget, quarterly or at such other intervals as Council may direct, a progress report on the projects included in the capital budget;
 - (f) with respect to legal proceedings and claims, authorize
 - (i) commencement of any legal proceedings where the amount of money claimed exceeds \$50,000.00, and
 - (ii) settlement of legal proceedings or other claims, whether by the City or against the City, where the amount of money to be paid pursuant to the settlement exceeds \$10,000.00;
 - (g) subject to the provisions of the City's Procurement Policy, award tenders or proposals for services to be rendered, construction to be done, projects to be carried out and goods and materials to be supplied to the City, and on behalf of the City, enter into contracts or direct contracts to be entered into for such purposes.
 61. The Committee may, in any year, between January 1 and the date of adoption by Council of the operating budget for that year, approve expenditures up to ninety per centum (90%) of the amount of the appropriations for the programs approved by Council for the previous year.

GENERAL

62. It is the intention of Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
63. The appointment of an individual holding the position of Commissioner, City Clerk or City Solicitor immediately prior to the coming into force of this Bylaw shall continue under this Bylaw until the appointment is terminated. The appointment of an individual holding the position of CAO Municipal Services immediately prior to the coming into force of this Bylaw shall continue under this Bylaw as the Chief Administrative Officer until the appointment is terminated. The position of COO Energy Services is terminated upon this Bylaw coming into force.
64. Bylaw No. 3857, the Administrative Organization Bylaw, is repealed.
65. This Bylaw comes into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on June 15, 2015.

READ A SECOND TIME in open Council on July 6, 2015.

READ A THIRD TIME in open Council on July 6, 2015.

SIGNED AND PASSED on July 7, 2015.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 4311 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by the City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS ____ DAY OF _____, 20____.

ANGELA CRUICKSHANK
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT