

BYLAW NO. 4662

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

WHEREAS every municipality in Alberta 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 the 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 WHEREAS Council wishes to repeal Bylaw No. 4311;

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 or replaced from time to time;
 - (b) "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;
 - (c) "City Manager" means the chief administrative officer for the City, operating under the title of "City Manager";
 - (d) "Corporate Services Committee Representative" means a member of the Corporate Services Committee of Council appointed to oversee matters relating to labour relations;
 - (e) "Council Committee" means a council committee as defined in the *Act*, and, for greater certainty, does not include an administrative committee established by the City Manager under this Bylaw;
 - (f) "Divisions" means the Corporate Services Division, Development & Infrastructure Division, Energy, Land and Environment Division, and Public Services Division of the City;
 - (g) "Managing Director" means an individual appointed to the position of Managing Director pursuant to section 25 of this Bylaw;

- (h) "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;
 - (i) "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 or policy.
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 herein requires otherwise.

COUNCIL

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 City Manager appropriately performs the duties and functions and exercises the powers assigned to the City Manager under the *Act* or any other enactment or by Council.
5. Council shall appoint by resolution an individual to the position of City Manager.
6. Council shall determine by resolution the departments and business units in the Divisions, and, in addition, the departments and business units reporting directly to the City Manager.
7. Before passing a resolution under Section 6 Council shall obtain and consider the recommendations of the City Manager.
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 City Manager or designated officers.
9. Except for purposes of making inquiries, individual members of Council shall deal with the administration through the City Manager.
10. No individual member of Council may give orders, directives or instructions to the City Manager, Managing Directors, City Clerk, City Solicitor or any other City employee.

CITY MANAGER

11. A position for a City Manager for the City is established.
12. The City Manager:
- (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

Amended by
Bylaw 4794
Aug 21, 2023

- (d) shall perform the duties and functions and exercise the powers assigned to the City Manager by this Bylaw, the *Act* and other enactments, or assigned by Council.
13. Without limiting the generality of the foregoing and in addition to the powers, duties and functions set out in section 12 of this Bylaw, the City Manager 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) establish administrative committees as necessary for the proper and efficient administration of the City, including an administrative committee that includes the Mayor and City Clerk;
 - (c) establish procedures for meetings of administrative committees created pursuant to subsection 13(b) of this Bylaw;
 - (d) appoint up to 4 Managing Directors in accordance with section 25 and appoint the City Solicitor in accordance with section 36, and appoint the City Clerk in accordance with section 37;
 - (e) supervise the Managing Directors, City Solicitor, and City Clerk;
 - (f) supervise the City departments and business units in the City that the City Manager is responsible to supervise directly;
 - (g) attend all meetings of Council, Council Committees and other committees that the City Manager is required to attend or considers it advisable to attend;
 - (h) cause to be prepared and recommend to Council policies and programs requested by Council or considered advisable by the City Manager;
 - (i) cause the City's operating and capital budgets and long range forecasts to be prepared;
 - (j) review and present to Council the City's operating and capital budgets and long range forecasts;
 - (k) ensure that the operations and affairs of the City are carried out within approved budget limits;
 - (l) submit to Council:
 - (i) after the passage of the City's 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 City's capital budget, quarterly or at such other intervals as Council may direct, a progress report on the projects included in the capital budget;
 - (m) with respect to legal proceedings and claims, authorize
 - (i) commencement of any legal proceedings, and

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- (ii) settlement of any legal proceedings or other claims, whether by the City or against the City;
 - (n) 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 services 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.
- 14. References in the *Act* or other enactments to a municipality's chief administrative officer apply to the City Manager.
- 15. The City Manager may exercise Municipal Powers and Duties with respect to the operations and affairs of the City.
- 16. The City Manager may exercise Natural Person Powers with respect to the operations and affairs of the City.
- 17. 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 City Manager, unless expressly provided otherwise in a bylaw.
- 18. 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 City Manager, unless expressly provided otherwise in the policies or procedures.
- 19. The City Manager's powers, duties and functions are subject to the following limitations and restrictions:
 - (a) The City Manager shall comply with the provisions of the *Act* and all other enactments in carrying out the City Manager's powers, duties and functions.
 - (b) The City Manager shall comply with all orders, directives, judgments, decisions and rulings of courts, administrative tribunals and government entities in carrying out the City Manager's powers, duties and functions.
 - (c) The City Manager shall comply with the provisions of City bylaws, Council resolutions, City policies and procedures and contracts binding on the City in carrying out the City Manager's powers, duties and functions.
 - (d) The City Manager shall obtain the approval of the Corporate Services Committee Representative before the negotiations for each collective agreement are finalized.
 - (e) The City Manager 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 City Manager shall be responsible for the negotiation of collective agreements involving City employees.

20. The City Manager may re-allocate City capital and operating funds on an inter-divisional or inter-departmental basis if the City Manager considers it advisable to do so to maintain the operations and affairs of the City within approved budget limits.

Amended by:
Bylaw 4734
Mar. 21, 2023

21. Repealed
21. The City Manager may delegate any of the City Manager's powers, duties or functions to a designated officer or employee of the City.
22. The City Manager remains responsible to ensure that any power, duty or function delegated under section 21 is properly exercised or carried out.
23. Notwithstanding section 21, Council shall have the right to appoint an acting City Manager at any time that the City Manager is absent or the position of City Manager is vacant.

MANAGING DIRECTORS

Amended by
Bylaw 4794
Aug 21, 2023

24. Positions are hereby established for up to 4 designated officers to be known as Managing Directors.
25. A Managing Director shall be appointed by the City Manager.
26. The City Manager may revoke the appointment of a Managing Director.
27. A Managing Director may delegate any of the Managing Director's powers, duties or functions to any City employee within the Division that the Managing Director has been assigned to supervise.
28. A Managing Director remains responsible to ensure that any power, duty or function delegated under section 27 is properly exercised or carried out.
29. Notwithstanding section 27, the City Manager shall have the right to appoint an acting Managing Director at any time when a Managing Director is absent or a Managing Director position is vacant.
30. The Managing Directors shall report directly to and be supervised by the City Manager.
31. Each Managing Director shall be responsible to supervise directly the City departments and business units contained within the Division that the Managing Director has been assigned to supervise.
32. In addition to the foregoing responsibilities, a Managing Director shall be responsible to carry out such other powers, duties and functions as may be assigned by the City Manager.
33. In carrying out their responsibilities, each Managing Director shall
 - (a) ensure that all matters referred to the Division 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 Division that they have been assigned to supervise are carried out within approved budget limits; and
- (c) attend all meetings of Council, Council Committees and other committees as they are required to attend.

CITY CLERK AND CITY SOLICITOR

34. Positions are hereby established for designated officers to be known as the City Clerk and City Solicitor.

35. The City Manager shall appoint the City Solicitor.

36. The City Manager may revoke the appointment of the City Solicitor.

Amended by
Bylaw 4794
Aug 21, 2023

37. The City manager shall appoint the City Clerk.

Amended by
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38. The City Manager 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 within their respective departments.

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Aug 21, 2023

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 40, the City Manager 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.

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42. Notwithstanding section 40, the City Manager 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 supervised by the City Manager.

Amended by
Bylaw 4794
Aug 21, 2023

44. The City Clerk shall report directly to and be supervised by the City Manager.

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

SECTION	POWER, DUTIES AND FUNCTIONS*	APPLICABLE 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
456(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 Manager,
- (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 and responsibilities as may be assigned by the City Manager; 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, Council Committees and other committees that they are required to attend or consider it advisable to attend.

GENERAL

50. 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.
51. The appointment of an individual holding the position of Managing Director, 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 City Manager immediately prior to the coming into force of this Bylaw shall continue under this Bylaw as the City Manager until the appointment is terminated.
52. Each reference to the “Administrative Committee”, including the powers, duties and functions of the “Administrative Committee” set out in City bylaws, resolutions, policies or procedures shall be considered a reference to an administrative committee established by the City Manager, for the purpose of such reference, pursuant to this Bylaw.
53. Bylaw No. 4311, the Administrative Organization Bylaw, is repealed.
54. This Bylaw comes into force at the beginning of the day that it is passed.

READ A FIRST TIME in open Council on April 19, 2021.

READ A SECOND TIME in open Council on April 19, 2021.

READ A THIRD TIME in open Council on April 19, 2021.

SIGNED AND PASSED on April 20, 2021.