

## BYLAW NO 2078-24

BEING A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA,  
TO ESTABLISH THE POSITION OF THE CITY MANGER.

**WHEREAS** pursuant to section 205 of the *Municipal Government Act*, RSA 2000 Chapter M-26 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;

**AND WHEREAS** sections 207 and 208 of the *Municipal Government Act* set forth the mandatory statutory responsibilities and major administrative duties of the chief administrative officer;

**AND WHEREAS** section 203 of the *Municipal Government Act* authorizes a council to delegate by bylaw, its powers, duties and functions to the chief administrative officer subject to prescribed limits;

**NOW THEREFORE** under the authority of the *Municipal Government Act*, the Council of the City of Wetaskiwin, in the Province of Alberta, enacts as follows:

### 1. TITLE

1.1 This Bylaw may be cited as the "City Manager Bylaw".

### 2. DEFINITIONS

2.1 In this bylaw:

- a) **'Act'** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- b) **'City'** means the City of Wetaskiwin;
- c) **'City Manager'** means the chief administrative officer;
- d) **'Council'** means the Council of the City; and
- e) **'Emergency'** means a situation in which there is imminent danger to public safety or of serious harm to property as described in the Act.

### 3. GENERAL

3.1 The position of chief administrative officer is established and the individual appointed to that position will have the title of "City Manager".

3.2 Council shall by resolution appoint an individual to the position of City Manager and establish the terms and conditions of the City Manager's employment.

- 3.3 The City Manager is the administrative head of the City and shall:
- a) ensure that the policies and programs of the City are implemented;
  - b) advise and inform Council on the operation and affairs of the City;
  - c) perform the duties and functions and exercise the powers assigned to a chief administrative officer by the Act and other enactments or as assigned by Council; and
  - d) attend meetings of Council and Council Committees, and attend meetings of such other boards, committees, authorities or bodies as requested by Council.
- 3.4 The City Manager may exercise all of the powers, duties and functions of a Designated Officer under the Act.
- 3.5 The City Manager is accountable to Council for the exercise of all the City Manager's powers, duties and functions.

#### **4. DELEGATION OF AUTHORITY**

- 4.1 The City Manager may delegate any or all of the City Manager's powers, duties or functions, including the power to further delegate those powers, duties, or functions, to any employee of the City and report to Council within 48 hours.

#### **5. INTERIM CITY MANAGER**

- 5.1 If the City Manager is temporarily absent or is otherwise unable to perform the City Manager's powers, duties or functions, the City Manager or Council may designate any individual in a general manager position in the City as the Interim City Manager
- 5.2 For the duration of the City Manager's absence, the Interim City Manager shall perform the City Manager's duties and functions and exercise the City Manager's powers, duties and functions
- 5.3 The City Manager shall ensure that all individuals appointed to a general manager position in the City are familiar with the powers, duties, and responsibilities of the City Manager so that they may successfully execute those duties if needed

#### **CITY MANGER RESPONSIBILITIES**

#### **6. EMPLOYEE MANAGEMENT**

- 6.1 The City Manager is responsible for managing the City's employees, while ensuring approved service levels are maintained, and may:

- a) hire, appoint, promote, transfer, discipline, demote, suspend, evaluate, suspend, or remove any City employee in accordance with established administrative policy;
- b) determine salaries, benefits, hours of work, and other working conditions of City employees in accordance with established administrative directives and council policies;
- c) direct, supervise and review the performance of the administration of all City departments and City employees if and when needed;
- d) establish organizational structures within the City, including establishing, merging, and dividing, departments and establishing a managerial hierarchy and
- e) develop, approve, and implement administrative directives, procedures, and practices.

## 7. BYLAWS

7.1 City Manager is authorized to prepare administrative consolidations of bylaws and revise bylaws by:

- a) consolidating a bylaw by incorporating all amendments to it into one bylaw,
- b) omitting and providing for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective,
- c) omitting, without providing for its repeal, a bylaw or provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the Municipality,
- d) combining two or more bylaws into one, dividing a bylaw into two or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of another or two or more others,
- e) altering the citation and title of a bylaw and the numbering and arrangement of its provisions, and adding, changing or omitting a note, heading, title, marginal note, diagram or example to a bylaw,
- f) omitting the preamble and long title of a bylaw,
- g) omitting forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and adding authority for the forms or other materials to be prescribed by resolution,
- h) correcting clerical, grammatical and typographical errors, or
- i) making changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law;

and in all cases, shall prepare for Council's consideration, a bylaw adopting the revision and specifying the date that the revised bylaw is effective and that any repeal provisions are effective.

## 8. REPORTING

- 8.1 The City Manager shall regularly, and report to Council and to Council committees as directed by Council on:
- a) matters and issues affecting the City to be reported semi-monthly;
  - b) progress on Council's programs, policies, directions, plans, and strategic goals to be reported as needed; and
  - c) the City's financial status compared to the approved budgets and financial sustainability measures, to be reported quarterly.
- 8.2 The City Manager shall prepare and submit such other reports and recommendations as may be required by Council or Council committees

## 9. BANKING AND FINANCIAL MANAGEMENT

- 9.1 The City Manager is responsible for managing the City's finances and shall:
- a) designate the financial institution(s) to be used by the City in accordance with the Act, and open and close accounts on behalf of the City;
  - b) invest money on behalf of the City in accordance with the Act;
  - c) prepare and submit to Council for approval capital and operating budgets annually or more often as required or as Council may direct;
  - d) monitor, report on, and control expenditures within the budgets approved by Council which shall include the power to authorize and approve the transfer of funds between departments or between budgeted projects or programs to maintain the operations and affairs of the City within approved budget limits provided that:
    - i. 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; and
    - ii. any action taken by the City Manager shall not have the effect of altering the total amount of a budget approved by Council;
  - e) report on all internal transfers in the previous reporting period;
  - f) recommend an external auditor(s) for appointment by Council and procure the services of the auditor(s) appointed by Council;
  - g) award all tenders and enter into all agreements required for the completion of such tenders in accordance with approved policies, administrative directives or guidelines, and subject to:
    - i. the expenditure being included in an approved budget;
    - ii. the tender being subject to a competitive bid process; and
    - iii. the contract being awarded to the lowest qualifying/highest evaluated bidder.

## 10. COMMUNITY SAFETY AND BYLAW ENFORCEMENT

10.1. The City Manager shall:

- a) provide a liaison between the City and the Commanding Officer of the R.C.M.P. Detachment, monitor the agreement between the City and the R.C.M.P. detachment and report to Council on community policing priorities if and when they are established in the agreement; and
- b) provide for the enforcement of all Bylaws of the City.

## 11. SIGNING AUTHORITY

11.1. The City Manager is authorized to sign

- a) along with the person presiding at the meeting, all Council and Council committee meeting minutes;
- b) along with the Mayor, all bylaws;
- c) along with the Mayor or any other person authorized by Council, all agreements, cheques and other negotiable instruments for expenditures within approved.

## 12. LEGAL MATTERS

12.1. The City Manager may:

- a) hire or retain the services of legal counsel on behalf of the City;
- b) provide for the prosecution of all claims by the City of whatever nature and the defense or compromise of all claims against the City; and
- c) Authorize the commencement or defence by the City of any claim or action to enforce or protect the City's interests and responsibilities, or to enforce the City's Bylaws, the Act, or any other Enactment the City is authorized to enforce.

12.2. The City Manager may approve the settlement of:

- a) any insured claim advanced by or against the City;
- b) uninsured claims against the City where the amount payable by the City does not exceed \$100,000 in addition to judgment interest and legal costs; and
- c) uninsured claims advanced by the City where the difference between the amount claimed and the amount recovered does not exceed \$100,000 in addition to judgment interest and legal costs.

12.3. The City Manager shall report to Council about any claims, grievances, lawsuits or settlements.

### 13. EMERGENCIES

- 13.1. The City Manager is authorized to take any actions or measures on behalf of the City that the City Manager determines to be necessary when there is an unforeseen and unbudgeted Emergency that requires immediate action.
- 13.2. The City Manager is authorized to make expenditures of no more than \$250,000 per Emergency. Such expenditures shall be reported to Council as soon as reasonably practicable and no later than the next regular Council Meeting following the conclusion of the Emergency.

### 14. OTHER

- 14.1 The City Manager is authorized to exercise all of the powers, duties and functions of a council or a municipality as prescribed under Part 10 of the Act, except as are to be done by bylaw, specifically reserved for Council pursuant to section 347 of the Act or delegated to the City's Assessor under Bylaw No. 1946-20, and enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under Part 10 of the Act.
- 14.2 The City Manager is authorized to enter into all agreements and contracts incidental to the development and subdivision of land within the City's boundaries pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development or subdivision.
- 14.3 The City Manager is the head of the City, including any board, committee, commission, panel, agency, or corporation that is created or owned by the City, for the purposes of the Freedom of Information and Protection of Privacy Act, RSA 2000, c. F 25.
- 14.4 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 administration and operation of the City and its policies and programs, provided that no action requires an expenditure of money that has not been included in an approved budget or otherwise authorized by Council.
- 14.5 City Manager shall develop and recommend for Council approval policies dealing with matters within Council's authority as directed by Council, or at the initiation of the City Manager.
- 14.6 The City Manager is authorized to allow the use of City facilities or services as in kind for non-profit, not for profit, and designated charities up to the amount of \$250. Requests over this amount must be approved by Council.

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## 15. CONDUCT EXPENSES

- 15.1. The City Manager, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the City.
- 15.2. Without limiting the generality of this Bylaw, the City Manager shall:
- a) provide timely and reliable advice that is in the best interest of the City to Council, and propose viable options for decision making;
  - b) respect and abide by Council decisions and direction;
  - c) serve all members of Council impartially, provide no special privilege to any individual member;
  - d) promptly bring to Council's attention any material information that affects the City's financial position, legislative compliance, or reputation;
  - e) be compliant, and ensure the City is compliant, with all applicable federal, provincial and municipal legislation and regulations, and any agreement or contracts the City is a party to;
  - f) always act in good faith in their relationships with other people, and deal fairly and respectfully with Council, the City's residents, customers, suppliers, stakeholders, and employees;
  - g) avoid actual or perceived conflicts of interest or preferential treatment, placing public interest above personal gain or interest;
  - h) be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise;
  - i) not accept gifts, hospitality or other benefits valued over \$100 that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved, and not related to any particular transaction or activity or decision of the City;
  - j) Maintain confidentiality regarding those affairs and decisions of the City that are protected by legislative, contractual or other requirements of confidentiality;
  - k) foster a work environment where the interaction among Council and City administration, residents and other stakeholders is conducted fairly, without discrimination, harassment or abuse;
  - l) effectively and efficiently manage the use of public money, assets, property and resources;
  - m) fully cooperate with audits and other investigations or inquiries;
  - n) ensure a code of ethics and conduct for employees is in place and in practice; and
  - o) promptly disclose any contravention by this Bylaw to Council.

**16. SEVERABILITY**

16.1. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

**17. TRANSITION**

17.1. Bylaw 2025-22 is hereby repealed.

17.2. This Bylaw shall come into force upon the third and final reading of this Bylaw.

READ a first time this 25<sup>th</sup> day of November, 2024.

READ a second time this 25<sup>th</sup> day of November, 2024.

READ a third time this 9<sup>th</sup> day of December, 2024.

*Original Signed & Sealed*

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Tyler Gandam, Mayor

*Original Signed & Sealed*

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Sue Howard, City Manager