

# TEMPLATE 1.1C: MUNICIPAL MANAGER DELEGATIONS BYLAW

## **Purpose**

To delegate specific authorities and matters to the Municipal Manager, and to establish limits on those delegations where necessary. This Policy provides additional delegations to the Municipal Manager to supplement the Municipal Manager Bylaw.

## **Policy**

As authorized by provincial legislation, Council may delegate certain responsibilities and authorities to the Municipal Manager, in the spirit of maintaining Council's ability to govern the municipality and maximizing the Municipal Manager's ability to administer the municipality effectively and efficiently.

Therefore, in addition to the responsibilities and authorities provided to the Municipal Manager within the [name of Municipality] Municipal Manager Bylaw, or other policies or bylaws duly authorized by Council, the Municipal Manager shall be delegated certain authorities.

## **Standards**

### 1. Organizational Responsibility

- a) The Municipal Manager shall promptly address any practice, activity, decision, or organizational circumstance that is discovered to be either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

### 2. Resident, Client, Customer and Supplier Relations

- a) With respect to interactions with residents, clients, customers and suppliers, the Municipal Manager shall address any known conditions, procedures, or decisions that are unsafe, undignified, unnecessarily intrusive, or that fail to provide appropriate confidentiality or privacy.
- b) The Municipal Manager shall:
  - i. Use methods of collecting, reviewing, transmitting, or storing information that protect against improper access to or disclosure of the material elicited.
  - ii. Provide a reasonable level of privacy for residents, clients, customers, suppliers, and employees.
  - iii. Make available information on the bylaws, policies and processes regarding the delivery of municipal services, including the grievance procedures.
  - iv. Provide advice which is beneficial to the community and the Corporation.
  - v. Respond to inquiries and requests for information on behalf of the Municipality, including stating the Municipality's position, subject to any Council policy, procedure, standard or guideline, or as otherwise directed by Council.
  - vi. Address matters of public interest upon being made aware of such by a member of the public, Administration, or Council.

### 3. Human Resources

- a) With respect to the treatment of paid and volunteer staff, the Municipal Manager shall ensure that organizational conditions support a rewarding, enriching and learning work environment for employees, and that conditions are as safe, fair and dignified as possible.
- b) The Municipal Manager shall:
  - i. ensure that written personnel policies exist in areas that include but are not limited to:
    - employment hiring and separation;
    - harassment;
    - nepotism;
    - preferential treatment in the workplace;
    - safety;
    - training and development;
    - expression of ethical dissent (i.e., where employees refuse to carry out an action due to personal ethics or beliefs);
    - conflict resolution;
    - celebration of success and recognition of performance.
  - ii. inform staff about their rights under this policy.

#### 4. Financial Planning and Budgeting

- a) Financial planning for any fiscal year or the remaining part of any fiscal year shall be materially consistent with Council's policies, priorities and strategic plan, minimize fiscal jeopardy, and be consistent with multi-year business/financial plans.
- b) The Municipal Manager shall ensure recommended budgeting:
  - i. contains sufficient information to enable:
    - credible projection of revenues and expenses;
    - separation of operational, capital and utility items;
    - adequate cash flow projections;
    - disclosure of key planning assumptions or to carry out critical impact analysis.
  - ii. does not negatively impact future budget years without informing Council prior to budget approval;
  - iii. does not provide for the incurrence of debt that places the corporation beyond provincial and/or corporation debt guidelines without Council approval.

#### 5. Financial Conditions and Activities

- a) The Municipal Manager shall protect the Municipality from fiscal jeopardy and shall make certain that actual expenditures do not deviate materially from Council's priorities established in the Municipality's Business Plan and the budget.

- b) The Municipal Manager shall:
- i. settle and properly account for payroll and debts in a timely manner;
  - ii. pursue receivables responsibly;
  - iii. provide quarterly financial reports to Council;
  - iv. file all tax payments or other government-ordered payments or filings accurately and in a timely manner.
- c. The Municipal Manager may:
- i. Approve and enter into revenue contracts provided that the anticipated annual revenue to the Municipality does not exceed \$100,000.
  - ii. Approve and enter into contracts for the supply of goods or services provided that the total value of the contract does not exceed \$100,000 in value. If the total value of the contract exceeds \$100,000 the contract may only be approved by the Municipal Manager if:
    - funds for the deliverable goods or services are in an approved budget for the first fiscal year during which the contract is in effect;
    - the contract has been subject to a competitive bid process;
    - the contract is to be awarded to the lowest qualifying bid or best evaluated bid;
    - the contract approval is in accordance with legislation and trade agreements, and approved policies, procedures, standards or guidelines.
  - iii. Approve and enter into contracts for professional services provided that the total value of the contract does not exceed \$100,000. If the total value of the contract for the professional services exceeds \$100,000 , but is less than \$1,000,000, the contract may only be approved by the Municipal Manager if:
    - the professional services are required as part of a larger capital project approved by Council;
    - the contract has been subject to a competitive bid process;
    - the contract is to be awarded to the lowest qualifying bid or highest evaluated bid;
    - funds for the deliverable professional services are in an approved budget for the first fiscal year during which the professional services contract is in effect;
    - the contract approval is in accordance with legislation and trade agreements, and approved policies, procedures, standards or guidelines.
  - iv. Approve and execute sole-source contracts, not related to the acquisition or disposition of land or an estate or interest in land, provided that the expenditure or fixed revenue of each sole source contract does not exceed \$100,000.
  - v. Prepare and award all tenders where the expenditure is included in and does not exceed an approved budget, and approve and execute contracts required for the completion of such tenders in accordance with legislation and trade agreements and approved policies, procedures, standards or guidelines.
  - vi. Approve change orders related to budgeted projects, within the original project scope, provided that the adjusted cost of the project remains within the approved budget amount.

vii. At times, throughout the budget period, opportunities arise to change the original scope of a project due to:

- i. lower tender results from budget;
- ii. additional funding from unexpected revenues such as grants or contributions from agencies;
- iii. unexpected circumstances impacting completion of a project.

If the original scope or budget of an approved project changes, and the change is greater than \$20,000 and 10% of the original budget, then formal approval from Council is required. The project department will be responsible to obtain Council approval.

viii. Approve and enter into licenses, easements or encroachment agreements for use of Municipality-owned land or facilities, or for Municipal use of non-owned land or facilities, provided the term of any such agreement does not exceed five (5) years.

ix. Approve and enter into leases of Municipality-owned land and buildings if:

- selection of the tenant was based on a competitive process, or the result of a renewal of a longstanding lease with a community partner;
- the rent to be charged is at fair market value, or a rate that can be justified as being of fair value considering the intended use of the space or the offering of additional subsidies;
- the term of the lease does not exceed ten (10) years (including renewals); and
- the rent to be paid to the Municipality, excluding any amounts paid to the Municipality as a sharing of revenue earned by the lessee, does not exceed \$100,000 per year.

x. Approve and enter into leases of land and buildings for Municipal use if:

- the term of the lease does not exceed ten (10) years (including renewals); and
- funds for the payment of rent are in an approved budget for the first fiscal year during which the lease is in effect.

xi. Approve and enter into agreements required as a result of, or proposed in conjunction with, the development or subdivision of land within the Municipality including development/servicing agreements and developer contribution agreements, provided that the standard forms for such agreements, approved by Council, are utilized.

xii. Approve and enter into an agreement on behalf of the Municipality to sell real property provided that:

- the amount to be paid for the property is the highest amount offered up to the time of approval;
- the amount to be paid is equivalent to or greater than the market value of the property, which market value shall be determined on an annual basis and expressed as the range that is +/-5% of a Municipality-commissioned appraised value, which appraised value shall be reviewed as conditions warrant, consistent with [name of land transactions policy];
- the proposed use of the property is consistent with the Municipality's applicable land use bylaws and policies; and
- the amount offered does not exceed \$499,999.

xiii. Approve and execute agreements to acquire land at or below fair market value, provided that the value of the acquisition does not exceed \$499,999.

xiv. Approve emergency expenditures and advise Council as to the appropriate next steps when possible.

#### 6. Emergency Succession

a. To protect Council from sudden loss of Municipal Manager services, the Municipal Manager shall ensure that at least two members of the Senior Leadership Team are familiar with Council and Municipal Manager issues and processes.

b. The Municipal Manager may appoint an Acting Municipal Manager to act on his or her behalf, during temporary absences.

#### 7. Asset Protection

a. The Municipal Manager shall not knowingly allow the Municipality's assets to be unprotected, inadequately maintained, or subject to unnecessary risk.

b) The Municipal Manager shall:

i. Operate with written financial policies that include but are not limited to:

- purchasing policy;
- investment policy;
- reserves policy;
- debt policy.

ii. Adequately insure against theft and casualty losses.

iii. Adequately insure against liability of Council members, staff, and the corporation itself in an amount comparable to similar municipalities.

iv. Establish policies about the handling of cash, including bonding of personnel where appropriate.

v. Limit exposure of the corporation, its Council, or staff to claims of liability.

vi. Develop policies to protect the Municipality's interest in its intellectual property.

vii. Protect information and files from loss or significant damage.

viii. Receive, process, or disburse funds under controls that are sufficient to meet the generally accepted auditing standards.

ix. Engage in activities that maintain or enhance the corporation's public image or credibility.

c) The Municipal Manager may enter into agreements necessary to provide insurance coverage and performance bonds for the Municipality.

#### 8. Compensation and Benefits

a) With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the Municipal Manager shall maintain the Municipality's fiscal integrity, reputation, and/or public image.

- b) The Municipal Manager shall not:
  - i. change his or her own compensation and benefits;
  - ii. promise or imply permanent or guaranteed employment;
  - iii. establish current compensation and benefits that deviate materially from the geographic or professional market for skills employed.
- c) The Municipal Manager may set hours of work and other working conditions for Municipal employees, within approved budgets and Council policy / service level parameters where applicable.

#### 9. Communication and Support to Council

- a) The Municipal Manager shall provide information required to enable Council to fulfill its obligations.
- b) The Municipal Manager shall:
  - i. Submit information required by Council in a timely, accurate, and understandable fashion, directly addressing Council policies being monitored.
  - ii. Inform Council of trends, anticipated adverse media coverage, and material external and internal changes, particularly changes in the assumptions upon which any Council policy has previously been established.
  - iii. Advise Council, if in the Municipal Manager's opinion, Council is not in compliance with its own policies, particularly in the case of Council behaviour that is detrimental to the working relationship between Council and the Municipal Manager.
  - iv. Assemble such staff and external points of view, issues, and options as may reasonably be considered necessary for fully informed Council choices.
  - v. Provide a mechanism for official Council and/or committee communications.
  - vi. Deal with Council as a whole except when:
    - fulfilling individual requests for information; or
    - responding to committees duly charged by Council.
  - vii. Report in a timely manner on actual or anticipated non-compliance with any policy of Council.
  - viii. Inform Council of an immediate need to expend funds in unforeseen and unbudgeted circumstances.

#### 10. Global Council / Municipal Manager Relationship

- a) Council's primary role is to set policy whereas the Municipal Manager ensures the implementation of and adherence to Council policy.
- b) Council's sole official connection to the operation of the corporation will be through the Municipal Manager, unless the Municipal Manager provides written authorization for certain communications to flow directly to or from other persons reporting directly or indirectly to the Municipal Manager.

#### 11. Unity of Control

- a) Only decisions of Council are binding on the Municipal Manager, subject to the following:

i. If authorized by Council, decisions or instructions of individual Council members or committees are binding on the Municipal Manager.

ii. In the case of Council members or committees requesting information or assistance with Council authorization, the Municipal Manager shall comply with such requests.

12. Accountability of the Municipal Manager

a) The Municipal Manager is accountable to Council for the conduct and performance of all staff.

13. Policy Review

a) Council shall review this policy, at minimum, every four years from the date of its last revision.

Legal References: Municipal Government Act; Freedom of Information and Protection of Privacy Act ; Charter of Rights and Freedoms; Employment Standards Code; Labour Relations Code; Municipal Manager Bylaw 13/2002