

TEMPLATE 1.1B: MUNICIPAL MANAGER BYLAW

BEING A BYLAW TO ESTABLISH AND DEFINE THE POWERS AND DUTIES OF THE MUNICIPAL MANAGER

WHEREAS Section X of the [Name of] Act requires that Council establish a position of chief administrative officer by bylaw; AND WHEREAS Council wishes to delegate certain powers to the chief administrative officer.

The Council of the [name of municipality], duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the "Municipal Manager Bylaw."

Definitions

2. In this Bylaw:
 - a) "Act" means the [Name of] Act;
 - b) "Administration" means the general operation of the municipality, including personnel, financial and other related matters as permitted by the Act;
 - c) "Municipality" means the municipal corporation of [name];
 - d) "Municipal Assessor" means the designated officer position created under The Municipal Assessor Bylaw and the individual appointed to that position;
 - e) "Municipal Manager" means the chief administrative officer of the [name of municipality];
 - f) "Council" means the municipal council of the [name of municipality];
 - g) "Senior Leadership Team" means the group of senior managers employed by the municipality so designated by the Municipal Manager.

Office

3. The position of Chief Administrative Officer is hereby created and the person appointed to that position shall have the title "Municipal Manager".

Appointment

4. (1) Council will, by resolution, appoint an individual to the position of Municipal Manager.
(2) Council will establish the terms and conditions of the appointment of the Municipal Manager including:
 - a) the term of the appointment; and
 - b) the salary and benefits to be paid or provided to the Municipal Manager, which may be varied from time to time by Council.

Accountability

5. (1) The Municipal Manager shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the Municipal Manager by the Act, this Bylaw, any other enactment, any other bylaw, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the Municipal Manager personally, or by someone to whom the Municipal Manager has delegated that power, duty or function.
(2) The Municipal Manager shall carry out his or her powers, duties and functions in compliance with:
 - a) the Act;
 - b) this Bylaw;

- c) any other enactment;
- d) any other bylaw, resolution, policy or procedure passed or adopted by Council; or
- e) any contract binding on the Municipality.

General Powers and Duties

6. (1) The Municipal Manager has:
- a) all of the powers, duties, and functions that are given to a Chief Administrative Officer under the Act or any other enactment;
 - b) all of the powers, duties and functions that are given to a designated officer under the Act, or any other enactment, except for the designated officer powers, duties and functions expressly given to the Municipal Assessor; and
 - c) all the powers, duties and functions delegated to the Municipal Manager by Council in this or any other bylaw, resolution, policy or procedure.
- (2) The Municipal Manager shall:
- a) be the contact between the Administration of the Municipality and Council and communication from the Administration to Council shall flow through the Municipal Manager;
 - b) be responsible for advising on and communicating with Council with respect to:
 - (i) the operations of the Municipality,
 - (ii) the financial state of the Municipality,
 - (iii) Council policies and procedures, and
 - (iv) Administrative policies and procedures;
 - c) prepare and submit to Council such reports, including recommendations where appropriate, and answer such inquiries, as required by Council; and
 - d) attend all Council meetings and the meetings of such other boards, authorities or other bodies as might be required by Council.
- (3) The Municipal Manager must either personally carry out all of the powers, duties and functions that are given to the Municipal Manager or delegate such powers, duties and functions to a designated officer of the Municipality or to a Municipal employee.
- (4) The Municipal Manager has the authority to delegate any of the powers, duties and functions given to the Municipal Manager and can authorize the recipients of such delegations to further delegate their powers, duties and functions to other Municipal employees.

FOIP Head

7. The Municipal Manager is the Head of the Municipality for the purposes of the Freedom of Information and Protection of Privacy Act, R. S. A. 2000 c. F-25.

Royal Canadian Mounted Police

8. The Municipal Manager shall provide a liaison between the Municipality and the Commanding Officer of the R.C.M.P. Detachment for [name of Municipality].

Administration

9. (1) The Municipal Manager shall be responsible for directing the Administration.

(2) The Municipal Manager has the authority to:

- a) establish Administrative policies and procedures and in particular employment policies and procedures including policies and procedures to govern the actions of employees;
- b) hire, appoint, suspend, remove or terminate any employee from any position in the Municipality;
- c) direct, supervise and review the performance of the Administration; and
- d) establish the structure of the Administration including creating, eliminating, merging or dividing departments provided that any such reorganization does not result in a decreased level of services to the community.

(3) The Municipal Manager shall report to Council on any changes to the structure of the Administration.

(4) The Municipal Manager shall, subject to the directions and approval of Council, negotiate all collective agreements with Municipal employees.

(5) The Municipal Manager shall be responsible for ensuring that members of the Senior Leadership Team are familiar with the duties and responsibilities of the Municipal Manager, Council processes and procedures, issues being addressed by Council and issues of concern to the Municipality.

Financial Powers and Functions

10. (1) The Municipal Manager shall:

- a) annually, or as required or directed by Council, prepare and submit budgets to Council for operating and capital programs in accordance with the Act; and
- b) monitor and report to Council as required or directed by Council, on the operating and capital budgets approved by Council and in particular report on variances between budgeted and actual expenditures.

(2) The Municipal Manager may authorize over-expenditures within the operating or capital budgets.

(3) Notwithstanding Section 10(2), at no time may the Municipal Manager authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets.

(4) The Municipal Manager shall designate the financial institution(s) to be used by the Municipality and shall open and close accounts that hold the Municipality's money.

(5) The Municipal Manager is authorized to invest funds on behalf of the Municipality in accordance with the provisions of the Act.

(6) The Municipal Manager may pay any amounts the Municipality is legally required to pay pursuant to an Order or Judgement of a Court, board or other tribunal having jurisdiction over an action, claim or demand against or by the Municipality, provided that all rights to appeal the Order or Judgement have expired.

Miscellaneous Powers

11. The Municipal Manager is authorized to:

- a) retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Municipality including, without limiting the foregoing:
 - (i) providing legal services to Council and the Administration, and
 - (ii) appearing in all legal and administrative proceedings including commencing, defending, and intervening in such proceedings to define, enforce and defend the Municipality's (and such other boards, authorities agencies and other entities as may be required by Council) legal and equitable rights;
- (b) compromise all actions, claims or demands against or by the Municipality and complete all related documentation;

- (c) accept service of all notices and other documents on behalf of the Municipality;
- (d) provide any and all certificates or statutory declarations on behalf of the Municipality;
- (e) temporarily close, in whole or in part, any road at any time where construction or maintenance activity adjacent to the road may cause a hazard;
- (f) prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Municipality for the recovery of tax arrears;
- (g) carry out inspections, remedies, enforcement or other actions pursuant to the Act, any other enactment, or any bylaw where the Act or any other enactment or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Municipality;
- (h) make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the Municipality is authorized to enforce including without limitation, matters related to dangerous or unsightly property;
- (i) provide administrative support to the Subdivision and Development Appeal Board and Municipal Planning Commission of the Municipality;
- (j) extend the time for endorsement of subdivision plans and for the registration of the subdivision plans in accordance with the Act;
- (k) sign:
 - (i) along with the person presiding at the meeting, all minutes of Council meetings,
 - (ii) along with the Mayor, all bylaws, and
 - (iii) along with the Mayor or any other person authorized by Council, agreements and cheques and other negotiable instruments;
- (l) revise bylaws in accordance with the Act;
- (m) consolidate bylaws, including the preparation of administrative consolidations; and
- (n) ensure the sufficiency of any petitions that may be submitted to the Municipality in accordance with the requirements of the Act.

Indemnification

12. The Municipality shall indemnify the Municipal Manager provided that the Municipal Manager was acting in good faith to carry out the powers, duties and functions given to the Municipal Manager by this Bylaw, the Act, any other enactment, any other bylaw, resolution, policy or procedure.

Interpretation

13. Any reference in this Bylaw to the Act, any other enactment, any other bylaw, resolution, policy or procedure shall include all amendments thereto, all regulations and orders thereunder and any successor thereto.

Conflict

14. In the event that the provisions of this Bylaw conflict with the provisions of any other bylaw, this Bylaw shall prevail.