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## Consolidation of Bylaw No. 872-2014

CITY OF LEDUC

CITY ADMINISTRATION BYLAW

Adoption March 9, 2015

As Amended By:

Bylaw No. 958-2017 adopted September 11, 2017

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**A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER**

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Whereas, pursuant to section 205 of the Act, R.S.A. 2000, c. M-26 every council must establish by bylaw a position of chief administrative officer;

Leduc City Council enacts:

**PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**

**PURPOSE**

1. The purpose of this bylaw is to establish the position of chief administrative officer and to outline the powers, duties and functions of that position.

**DEFINITIONS**

2. In this bylaw, unless the context otherwise requires:
  - (a) “**Act**” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
  - (b) “**Administration**” means the general operations of the City, including all personnel, financial and other related resources;
  - (c) “**City**” means the municipal corporation of the City of Leduc;
  - (d) “**City Manager**” means the chief administrative officer of the City;
  - (e) “**Council**” means the municipal council of the City;
  - (f) “**highway**” means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road; and
  - (g) “**Mayor**” means the chief elected representative of the City.

**RULES FOR INTERPRETATION**

3. The marginal notes and headings in this bylaw are for reference purposes only.

**PART II - APPOINTMENT AND DELEGATION**

**CHIEF ADMINISTRATIVE OFFICER**

4. The position of chief administrative officer is established, and the individual appointed to that position will have the title “City Manager”.

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**APPOINTMENT**

5. Council will, by resolution, appoint an individual to the position of City Manager and set out the terms and conditions of the appointment.

**INDEMNITY**

6. The City will indemnify the City Manager provided that the City Manager acts in the course and scope of his or her employment and acts in good faith to comply with any applicable legislation.

**SUBDELEGATION**

7. The City Manager is authorized to further delegate and to authorize further delegations of any powers, duties and functions delegated to the City Manager by Council pursuant to this or any other bylaw, to any employee of the City.

**PART III - POWERS**

**POWERS OF THE CITY MANAGER**

8. The City Manager:
  - (a) has all the powers and functions given to a chief administrative officer pursuant to the Act or any other statute;
  - (b) must carry out all of the duties and functions of a chief administrative officer as required by the Act or any other statute;
  - (c) has all the powers, duties and functions given to a designated officer pursuant to the Act or any other statute;
  - (d) has all the powers, duties and functions given to a subdivision authority pursuant to the Act;
  - (e) has all the powers, duties and functions given to a development authority pursuant to the Act and the Land Use Bylaw, No. 809-2013, as amended;
  - (f) has all the powers, duties and functions given to a secretary pursuant to the *Local Authorities Elections Act*, R.S.A. 2000, c. L-21;
  - (g) is designated the head of the local authority for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25;
  - (h) has all the powers, duties and functions delegated to the City Manager pursuant to this or any other bylaw; and
  - (i) may exercise such other powers, duties and functions as may be required by Council.

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**ACCOUNTABILITY**

9. The City Manager is accountable to Council for the exercise of all powers, duties and functions delegated to the City Manager.

**AUTHORITY**

10. The City Manager is authorized to:
- (a) appoint an individual as the acting City Manager during absences of the City Manager;
  - (b) designate an individual who may act as interim City Manager in the event that the City Manager is incapacitated prior to Council appointing a new City Manager;
  - (c) co-ordinate, direct, supervise and review the performance of Administration;
  - (d) establish the structure of Administration, including establishing, merging, dividing and eliminating departments, and establishing a managerial hierarchy;
  - (e) establish and implement all policies, procedures, standards and guidelines for all matters within the power of the City Manager;
  - (f) advise, inform and make recommendations to Council regarding:
    - (i) the operations of the City,
    - (ii) the financial condition of the City, and
    - (iii) council policies, procedures and programs that may be desirable to carry out the powers duties and functions of the City;
  - (g) attend all meetings of Council and the meetings of such other bodies as Council directs;
  - (h) conduct audits, investigations and studies of the Administration;
  - (i) prepare administrative consolidations of bylaws;
  - (j) revise bylaws by:
    - (i) consolidating a bylaw by incorporating all amendments to it into one bylaw,
    - (ii) omitting and providing for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective,
    - (iii) 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,

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- (iv) 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,
- (v) omitting the preamble and long title of a bylaw,
- (vi) 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 material to be prescribed by resolution,
- (vii) correcting clerical, grammatical and typographical errors, and
- (viii) 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;
- (k) prepare a bylaw for Council's consideration for any bylaws revised in accordance with clause (j);
- (l) subject to any legal limitations:
  - (i) hire, appoint, transfer or promote any City employee,
  - (ii) evaluate, discipline, suspend, demote, or remove any City employee, and
  - (iii) determine salaries, benefits, hours of work and other working conditions;
- (m) ensure that all City policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the City as defined by Council;
- (n) appoint employees of the City as inspectors pursuant to the *Weed Control Act, S.A. 2008, c. W-5.1*, the *Agricultural Pests Act, R.S.A. 2000, c. A-8* and any similar legislation;
- (o) appoint employees of the City as bylaw enforcement officers; and
- (p) prepare and submit to Council such reports or recommendations as may be required by Council.

**FINANCIAL POWERS**

11. The City Manager is authorized to:
- (a) designate the City's bank, credit union, loan corporation, treasury branch, or trust corporation and open and close accounts that hold the City's money;
  - (b) prepare and submit to Council annual operating and capital budgets;

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- (c) in the case of an emergency, as determined by the City Manager, expend up to \$500,000 that is not in an approved budget, and report the implications of any such expenditure to Council;
- (d) establish fees, charges, rates and tariffs where those have not been previously established by Council;
- (e) add items to a tax roll as authorized pursuant to sections 553 and 553.1 of the Act;
- (f) invest funds on behalf of the City, subject to the limitations set out in the Act;
- (g) pay any amounts which the City is legally obligated to pay pursuant to any judgment or order of any court or board of competent jurisdiction;
- (h) approve the settlement of all:
  - (i) uninsured actions, claims or demands against the City where the amount paid by the City does not exceed \$100,000,
  - (ii) uninsured actions, claims or demands by the City where the difference between the settlement and the amount claimed does not exceed \$100,000, and
  - (iii) insured actions, claims or demands by or against the City;
- (i) monitor and control expenditures within the operating budget approved by Council, and authorize budget adjustments of up to \$500,000 from one operating budgeted program to another operating budgeted program; and
- (j) monitor and control expenditures within the capital budget approved by Council, and authorize budget adjustments of up to \$500,000 from one capital budgeted program to another capital budgeted program.

**AGREEMENTS AND CONTRACTS**

12. The City Manager is authorized to:
- (a) approve and enter into any agreements and contracts in relation to the acquisition of goods and services;
  - (b) approve and enter into all agreements and contracts that are related to the provision of police services and programs for the City;
  - (c) approve and enter into all agreements and contracts that are related to the provision of ambulance services and programs for Alberta Health Services;
  - (d) approve and enter into all agreements and contracts involving:
    - (i) the sale of a fee simple interest in land at fair market value, or the acquisition of the fee simple interest in land at or below fair market value, provided that the price of the land does not exceed \$3,000,000,

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- (ii) leases of land at fair market value where the City is lessor, provided that the term shall not exceed ten years, including renewals, and the revenue shall not exceed \$750,000 per year,
  - (iii) leases of land at or below fair market value where the City is lessee, provided that the term shall not exceed ten years, including renewals, and the expenditure shall not exceed \$750,000 per year,
  - (iv) the disposition of any other interest in land at fair market value, or the acquisition of any other interest in land at or below fair market value, provided that the consideration for the acquisition or disposition does not exceed \$750,000 per year;
- (e) notwithstanding clause 12(d), approve and enter into agreements and contracts involving leases of land to non-profit organizations at or below market value where the fair market value does not exceed \$500,000 for the term and the term does not exceed ten years, including renewals;
- (f) exercise all of the powers, duties and functions of a council or a municipality as prescribed under Part 10 of the Act except those powers, duties and functions specifically delegated to the Municipal Assessor pursuant to the Municipal Assessor Bylaw, 464-2000, and approve and enter into all agreements and contracts and issue all documents incidental to that authority;
- (g) approve and enter into all agreements and contracts incidental to the development and subdivision of land within the City of Leduc pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development;
- (h) grant and revoke all powers of attorney allowing City staff to execute all required documents, including without limitation, discharges, postponements, and affidavits, pertaining to land, or an interest therein including those granted prior to the enactment of this bylaw;
- (i) approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment;
- (j) sign:
- (i) along with the person presiding at the meeting, all minutes of Council meetings,
  - (ii) along with the Mayor, all bylaws,
  - (iii) along with the Mayor or any other person authorized by Council, cheques and other negotiable instruments,

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- (iv) acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw, statute or enactment;
- (k) enter into funding agreements with Alberta and non-profit organizations for the provision of the family and community support services program in accordance with approved budget amounts and the *Family and Community Support Services Act*, R.S.A. 2000, c. F-3 and the *Family and Community Support Regulations*, AR 218/94;
- (l) approve and enter into all agreements and contracts involving the acquisition of an interest in land, other than leases, at or below fair market value for the purposes of allowing the City to place its public utilities or roadway across land owned by others provided that the consideration does not exceed \$500,000 per year;
- (m) approve and enter into all agreements and contracts involving the disposition of an interest in land, other than leases, at or above fair market value for the purposes of allowing a utility operator or transportation provider to cross land owned by the City provided that the consideration does not exceed \$500,000 per year;
- (n) approve and enter into any agreement or contract necessary to provide insurance coverage and performance bonds for the City;
- (o) enter into provincial and federal grant funding agreements;
- (p) approve and enter into Alberta Government licences of occupation agreements relating to the transportation utility corridor for an unlimited term provided that the expenditure or fixed revenue shall not exceed \$250 per year; and
- (q) approve and enter into all agreements and contracts involving the right to operate a utility service in accordance with section 45 of the Act.

**SIGNATURE REPRODUCTION**

13. The City Manager's signature, and the signatures of any other City employees to whom the City Manager delegates signing power, may be printed, lithographed or otherwise reproduced.

**OTHER POWERS**

14. The City Manager is authorized to:
  - (a) prepare and issue distress warrants, seize and sell goods pursuant to distress warrants on behalf of the City for the recovery of tax arrears pursuant to the Act;
  - (b) carry out inspections, remedies, enforcement or actions pursuant to section 542 of the Act;



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- (c) make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the City is authorized to enforce, in accordance with sections 545 and 546 of the Act;
- (d) provide administrative support to the Subdivision and Development Appeal Board, and is appointed as clerk of that board;
- (e) extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with the Act;
- (f) designate any highway as one which is closed temporarily in whole or in part to traffic, as authorized by the Act, or any other enactment, and cause such highway to be marked;
- (g) respond to inquiries and requests for information on behalf of the City, including stating the City's position, subject to any Council approved policy, procedure, standard or guideline, or as otherwise directed by Council;
- (h) except as otherwise directed by Council:
  - (i) instruct legal counsel to provide legal services to the City and Council, and
  - (ii) retain, instruct and pay for the services of outside legal counsel provided that the cost of the services retained does not exceed \$500,000;
- (i) register on behalf of the City and pursuant to any enactment, all forms of intellectual property, including without limitation, trademarks, official marks, copyright, industrial designs and patents;
- (j) grant an application for a leave of absence without pay to an employee seeking to be nominated as a candidate in a municipal election pursuant to the *Local Authorities Election Act*, R.S.A. 2000, c. L-21;
- (k) deal with records and other documents in different ways, divide each of them into classes and deal with each class in different ways by establishing a retention schedule; **Amended-Bylaw No. 958-2017, adopted September 11<sup>th</sup>, 2017.**
- (l) to destroy records and other documents of the municipality in accordance with the retention schedule established pursuant to clause (k.); and; **Amended-Bylaw No. 958-2017, adopted September 11<sup>th</sup>, 2017.**
- (m) ensure that any record or document containing an individual's personal information used by the municipality to make a decision that directly affects the individual, is retained for at least one year after using it so that individual has a reasonable opportunity to obtain access to the record or other document. **Amended-Bylaw No. 958-2017, adopted September 11<sup>th</sup>, 2017.**

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**PART IV - GENERAL**

**CONFLICT**

15. The provisions of this bylaw shall prevail in any case where there is a conflict between this bylaw and any previous resolution or bylaw of Council.

**REPEALS**

16. The following bylaws are repealed:
- (a) the City Manager Bylaw, No. 329-94;
  - (b) the bylaw to authorize the consolidation of bylaws, No. 389-97;
  - (c) the Subdivision Authority Bylaw, No. 761-2011;
  - (d) The Development Authority Bylaw, No. 359-95;
  - (e) Section 5.1.1 of the Land Use Bylaw, No. 809-2013; and
  - (f) Bylaw 454-99, the Freedom of Information and Protection of Privacy and Records Management Bylaw. **Amended-Bylaw No. 958-2017, adopted September 11<sup>th</sup>, 2017.**

**PART V - ENACTMENT**

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 26<sup>th</sup> DAY OF JANUARY, 2015.

READ A SECOND TIME IN COUNCIL THIS 9<sup>th</sup> DAY OF MARCH, 2015.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF MARCH, 2015.

‘original signed’

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**Greg Krischke**  
**MAYOR**

‘original signed’

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**Paul Benedetto**  
**CITY MANAGER**

March 9, 2015

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Date Signed