



# **Bylaw #2003-70**

## **Disclaimer:**

**This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.**

BYLAW NO. 2003-70

THE CITY MANAGER'S BYLAW

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THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

**Purpose**

1. The purpose of this Bylaw is to continue the position of City Manager as the administrative head of the City of Regina and to assign the powers, duties, accountabilities and functions of the City Manager.

**Authority**

2. The authority for this Bylaw is *The Cities Act*, and in particular sections 6, 8, 84, 87 and 100 of the *Act*.

**Definitions**

3. In this Bylaw:

“**Act**” means *The Cities Act*;

“**City**” means The City of Regina;

“**City Manager**” means the person appointed to the position of City Manager by Council;

“**City official**” means any City employee appointed by Council and includes the City Manager, the City Clerk, and the City Solicitor;

“**Committee**” means a Committee established by Council under the *Act*;

“**Council**” means the Council of the City of Regina.

**Office of City Manager Continued**

4. The office and position of City Manager for the City is continued.

**Appointment of City Manager**

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

**Administrative Head of the City**

- 6. The City Manager shall:
  - (a) be the administrative head of the City;
  - (b) perform the duties and exercise the powers and functions assigned to the City Manager by the *Act*, any other Acts, or by Council;
  - (c) be directly accountable and responsible only to Council for the discharge of the powers, duties and functions assigned to the position.

**Limitation on Authority**

- 7. The powers, duties and functions conferred on the City Manager pursuant to this Bylaw shall not be interpreted to authorize the City Manager to carry out or direct any action that would encroach upon the legislative powers of Council.

**Powers, Duties and Functions of City Manager**

- 8. Without limiting the generality of section 6, the City Manager shall:
  - (a) supervise the operations of the City and in particular, direct, supervise and review the performance of departments of the City;
  - (b) implement the policies, programs and decisions of Council;
  - (c) monitor and control civic spending within the operating and capital budgets approved by Council;
  - (d) establish the organizational structure of the City and determine the scope and responsibility of departments of the City, and have the authority to restructure, create, merge, or eliminate any departments of the City, in which case the Manager shall promptly provide a report on the changes to Executive Committee for its information;
  - (e) prepare and present to Council:
    - (i) the operating budgets;
    - (ii) the capital budgets;
    - (iii) the annual audited financial statements;

- (iv) the public accounts;
- (f) advise, inform, report and make recommendations to Council and its Committees concerning policies or programs which may be necessary to administer the City;
- (g) have the right and responsibility to attend all meetings of Council and its committees, boards and commissions with the full right to engage in discussions concerning any matters on the agenda;
- (h) recruit, retain, employ, appoint, discipline, suspend and dismiss all employees of the City except as provided in the *Act*, this Bylaw and subject to the provisions of the collective bargaining agreement where applicable;
- (i) be responsible for the labour relations of the City and act as agent for Council in collective bargaining with all certified trade unions and recommend to Council agreements concerning wages, salaries, benefits, and working conditions and, upon approval of Council, direct the administration of such agreements;
- (j) recommend to Council the appointment, suspension, or dismissal of any City official;
- (k) appoint an acting City official in the event of the resignation, death or incapacity of any other City official, until the next meeting of Council, at which time Council shall confirm the temporary appointment or make another appointment;
- (l) determine the wages, salaries, benefits and working conditions of employees not covered by collective bargaining agreements under the general terms approved by Council; and
- (m) exercise such other powers and perform such other duties and functions as required by Council.

#### **Council to deal with Administration through City Manager**

9. Council and members of Council in accordance with the policies established by Council, shall, except for the purpose of general public information, deal with the City Administration solely through the City Manager.

**Claims and Legal Proceedings**

- 10. The City Manager shall have the duty and authority to:
  - (a) instruct the City Solicitor to commence, defend, or conduct any action or proceeding in any court or before any tribunal on behalf of the City; and
  - (b) settle any claim, grievance or lawsuit on the advice of the City Solicitor.

**Delegation of Power and Authority by Council**

- 11. Where by this Bylaw or otherwise, a duty is conferred on the City Manager, the power and authority required to perform the duty are also delegated to the City Manager.

**Delegation of powers, duties or functions by City Manager**

- 12. The City Manager is authorized to delegate any power, duty or function assigned to the City Manager by this Bylaw or any other bylaw or resolution to any City employee.

**Resignation, Retirement or Dismissal**

- 13. The City Manager shall continue in the position of City Manager until that person:
  - (a) resigns or retires; or
  - (b) is suspended, dismissed, or the appointment is revoked pursuant to any employment contract entered into between the City Manager and the City.

**Appointment of Acting City Manager**

- 14. (1) When the position of City Manager is vacant, or if the City Manager is unable to carry out the duties of the position due to extended illness or other reason, Council may, by resolution, appoint an Acting City Manager.
- (2) During the temporary absence of the City Manager due to vacation, short term illness or work-related absences, the City Manager may appoint a City employee as Acting City Manager during the temporary absence of the City Manager and, where practicable, shall give prior notice to Council of such absences and the name of the person so appointed;

- (3) An Acting City Manager appointed pursuant to this section shall have all the powers, duties, accountabilities and functions of the City Manager under this Bylaw.

**Appointment of City representatives to Committees**

- 15. Where a representative of the City Administration is required to be a member of any Committee, Board, Association, Commission or any other group, the City Manager shall appoint that representative.

**City Solicitor may submit report directly to Council**

- 16. (1) The City Solicitor may, in circumstances the City Solicitor considers appropriate, submit a report or opinion directly to Council or its Executive Committee.
- (2) Where the City Solicitor submits a report or opinion directly to Council pursuant to subsection (1), the City Solicitor shall concurrently provide a copy of the report to the City Manager.

**City Commissioner means City Manager**

- 17. When the words “City Commissioner” or “City Commissioners” appear in any bylaw or resolution of the City or any reference is made to them in any contract, agreement or memorandum in writing of the City, the words shall mean the City Manager.

**Conflict between Bylaws**

- 18. If there is a conflict between the provisions of this Bylaw and any other bylaw, the provisions of this Bylaw shall prevail.

**Transitional**

- 19. (1) Notwithstanding anything contained in this Bylaw, the person holding the position of City Manager immediately prior to the coming into force of this Bylaw shall continue in the position of City Manager.
- (2) The person continuing as City Manager pursuant to subsection (1) shall continue to be subject to the terms and conditions of the employment contract approved by Council pursuant to Bylaw No.10020 being *The City Manager Agreement Execution Bylaw, 1998*.

- (3) In the event of a conflict between this Bylaw and the employment contract of the person continuing as City Manager, the terms of the employment contract shall prevail to the extent of the conflict.

**Repeal of Bylaws**

- 20. The following Bylaws are repealed:
  - (a) Bylaw No. 9152 being *The City Manager's Bylaw*;
  - (b) Bylaw No. 9943 being *The Appointment of Representatives of the City Administration to Committees and Consequential Amendments Bylaw*.

**Transitional and Coming into Force**

- 21. This Bylaw comes into force on November 1, 2003.

READ A FIRST TIME THIS 25TH DAY OF AUGUST, 2003.

READ A SECOND TIME THIS 25TH DAY OF AUGUST, 2003.

READ A THIRD TIME AND PASSED THIS 25TH DAY OF AUGUST, 2003.

P. FIACCO  
Mayor

R. MARKEWICH  
City Clerk

(SEAL)

CERTIFIED A TRUE COPY

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City Clerk

ABSTRACT

BYLAW NO. 2003-70

CITY MANAGER'S BYLAW

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PURPOSE:	To continue the position of City Manager as the administrative head of the City of Regina and to assign the powers, duties, accountabilities and functions of the City Manager.
ABSTRACT:	<i>The Cities Act</i> requires review and adoption of governance, financial and administrative policies, practices and bylaws. This Bylaw will restate in a current context the authorities and accountabilities of the City Manager to City Council.
STATUTORY AUTHORITY:	Sections 6, 8, 84, 87 and 100 of <i>The Cities Act</i> .
MINISTER'S APPROVAL:	Not required
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	Executive Committee, June 18 2003, Report EX03-44 and July 23, 2003, Report EX03-49
AMENDS/REPEALS:	Repeals Bylaw No. 9152 and Bylaw No. 9943
CLASSIFICATION:	Administrative
ORIGINATING DEPARTMENT:	City Solicitor

