

Amendment to Various Bylaws to Reflect Organization Realignment

RECOMMENDATION(S):

That Council give three readings to Proposed Bylaw 72M2021 (attachment 1) to amend various City bylaws to reflect an organization realignment.

RECOMMENDATION OF THE EXECUTIVE COMMITTEE, 2021 DECEMBER 14:

That Council:

1. Give first reading to Proposed Bylaw 72M2021 (Attachment 1);
2. Amend Proposed Bylaw 72M2021 as follows:
 1. By deleting "*Director, Development, Business & Building Services*" in section 15(b) and substituting in its place:
 "*Director, Emergency Management & Community Safety*".
 2. By deleting the word "*Services*" in "*Director, Emergency Management & Community Services*" where it appears in sections 12(c), 13(c), and 14(a), and substituting:
 "*Safety*".
 3. By deleting the words "Emergency Management &" in section 11(c).
 4. By deleting sections 11(d), 38(a) and 49 in their entireties.
 5. By adding "24(2)," after "22(2)" in section 7(b).
 6. By deleting "'Director, Water Services or the Director, Water Services'" in section 33(g) and substituting:
 "'Director, Water Resources or the Director, Water Services'".
 7. By deleting "5(2)(a), 5(2)(d)" in section 34(e) and substituting:
 "5(2)".
 8. By adding "20(1), 20(2), 20(2)(c), 20(4)," after "18(2)(g)" in section 34(a).
 9. By adding "wherever it appears including" in section 12(e) after "'Chief Bylaw Enforcement Officer'".
 10. By adding "wherever it appears including" in section 17(d), 24(c) and 25(c) after "*Chief Licence Inspector*".
3. Give second and third readings, as amended, to Proposed Bylaw 72M2021.

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Excerpt from the Minutes of the Regular Meeting of the Executive Committee, held 2021 December 14:

“Moved by Councillor Carra

That with respect to Report EC2021-1690, Attachment 1 be amended, as follows:

2. By deleting “*Director, Development, Business & Building Services*” in section 15(b) and substituting in its place:

“*Director, Emergency Management & Community Safety*”.

3. By deleting the word “*Services*” in “*Director, Emergency Management & Community Services*” where it appears in sections 12(c), 13(c), and 14(a), and substituting:

“*Safety*”.

4. By deleting the words “Emergency Management &” in section 11(c).
5. By deleting sections 11(d), 38(a) and 49 in their entireties.
6. By adding “24(2),” after “22(2)” in section 7(b).
7. By deleting ““Director, Water Services or the Director, Water Services”” in section 33(g) and substituting:

““Director, Water Resources or the Director, Water Services””.

8. By deleting “5(2)(a), 5(2)(d)” in section 34(e) and substituting:

“5(2)”.

9. By adding “20(1), 20(2), 20(2)(c), 20(4),” after “18(2)(g)” in section 34(a).

10. By adding “wherever it appears including” in section 12(e) after ““Chief Bylaw Enforcement Officer””.

10. By adding “wherever it appears including” in section 17(d), 24(c) and 25(c) after ““*Chief Licence Inspector*””.

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MOTION CARRIED”

HIGHLIGHTS

- As part of The City's "Rethink to Thrive" strategy, an Organization Realignment will go live on January 1, 2022, resulting in changes to positions and functions throughout the Corporation.
- As a result of the Realignment, various City of Calgary bylaws must be updated to ensure that the powers, duties, and functions delegated to City administration are consistent with the re-aligned structure.
- Amendments are also being made at the same time to ensure consistency and clarity in how the position of the City Manager is defined across City bylaws to support the further internal delegation of powers, duties and functions to the positions within Administration that are responsible for implementing the bylaws.
 The proposed bylaw amendments are solely technical in nature to ensure functionality from a legal perspective; no substantive changes are proposed to any of these bylaws or the powers, duties and functions delegated in them.
- Strategic Alignment to Council's Citizen Priorities: A well-run city

DISCUSSION

In October 2020, City Manager David Duckworth provided a report to Council on the plan for an Organization Realignment under the "Rethink to Thrive" strategy. The Realignment aims to better integrate The City's services to help strengthen our collaboration, coordination, and innovation efforts by moving to a function-based model based on the high-level functions of The City.

The Municipal Government Act (MGA), along with some other provincial statutes, grants authority to the municipality to do certain things. This authority is typically provided under the statute to either Council or the City Manager (or either). Where the authority is granted to Council, that authority can typically be delegated (transferred) from Council to the City Manager, a committee of Council, or other person (such as an employee of the City) through a bylaw. Depending on the wording of the bylaw, those powers, duties, and functions may then be further delegated within City administration.

The City's approach to date has been to explicitly name the position that exercises powers, duties, or functions under a bylaw (for example, the Director, Water Services), and to define that position as the City Manager in the Bylaw. The powers, duties and functions set out in the bylaw are then further delegated by the City Manager to the named position (in this example, the Director, Water Services), along with any other positions held by City employees that may exercise those powers on a day to day basis (e.g., managers working under the Director). This approach serves two purposes:

- 1) It allows Calgarians consulting the bylaw to easily determine who they need to contact; and
- 2) It allows Administration, through the City Manager, to manage who exercises the powers, duties, and functions under City bylaws as operational needs evolve, through the use of internal delegations from the City Manager.

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It is important that bylaws which detail the powers, duties, and functions that are required for The City to operate and serve Calgarians accurately reflect the way those powers, duties, and functions are exercised on the ground: people who are making decisions and exercising authority need to have the authorization to do so. The recommended bylaw amendments are a necessary precondition to ensure that The City's operations will continue seamlessly post-realignment. Legal Services has consulted with the City Manager's Office, the Program Managers for the Organization Realignment, and the individual Business Units to ensure that the correct positions are captured.

As a next step, Legal Services will work with the Business Units to ensure that all necessary delegation letters from the City Manager are in place to allow employees throughout the Corporation to continue to exercise their necessary powers, duties and functions when the Realignment becomes effective on January 1, 2022.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

IMPLICATIONS

Social

Not Applicable.

Environmental

Not Applicable.

Economic

Not Applicable.

Service and Financial Implications

No anticipated financial impact

RISK

While the proposed bylaw amendments are technical in nature, it is important to emphasize that the appropriate and accurate delegation of municipal powers, duties, and functions is legally essential. Improper delegations can make municipal decisions vulnerable to challenge. Not only does The City need to be able to enforce its bylaws and effectively operate the many services it provides, Calgary's citizens are entitled to rely on The City's decisions and actions. The recommended bylaw amendments are necessary for The City and the public at large.

Law and Legislative Services Report to
Combined Meeting of Council
2021 December 6

ISC: UNRESTRICTED
(C2021-1619) EC2021-1690
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ATTACHMENT(S)

1. Proposed Bylaw 72M2021

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law	Approve
David Duckworth	City Manager's Office	Inform