

**City Manager's Office Report to
Executive Committee
2022 October 18**

**ISC: UNRESTRICTED
EC2022-1024
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Amendments to Reflect Organizational Changes and Consolidate Historic bylaws into one City Manager Bylaw – EC2022-1024

RECOMMENDATION(S):

That the Executive Committee recommend that Council:

1. Give three readings to the proposed amending bylaw in Attachment 1, that amends numerous bylaws to further reflect the organization realignment; and
2. Give three readings to the proposed bylaw in Attachment 2, to repeal and replace City Manager Bylaw 8M2001.

HIGHLIGHTS

- Administration is recommending bylaw changes due to recent modifications to The City's organizational structure.
- **Why does this matter?** Regular bylaw reviews help ensure the powers, duties, and functions delegated to City Administration are consistent, transparent, and modern, and reflect current organization structure.
- Attachment 1 contains a proposed bylaw with minor technical and housekeeping amendments to further reflect the organization realignment and to ensure consistencies in the City's delegation framework.
- Attachment 2 will repeal and replace the existing City Manager Bylaw 8M2001. This new bylaw combines two historic bylaws and updates the language to reflect the current role of the City Manager. Proposed language that is carried forward from the two historic bylaws has been updated to be clearer, and to remove out-of-date references to the powers and procedures of the old Board of Commissioners.

The content of the new proposed bylaw does not change the substance of the authorities granted to the City Manager, or the current role of the City Manager, with two exceptions: first, the proposed bylaw restores an authority recently changed by provincial legislation; and second, it allows for administrative efficiencies by permitting further delegation within administration of the adjustment and settlement of claims against the City.

- Strategic Alignment to Council's Citizen Priorities: A well-run city

DISCUSSION

This Report recommends that Council adopt two proposed bylaws to advance organizational focus and good governance.

A Further Bylaw to Reflect the Organization Realignment – (Attachment 1)

Various City of Calgary bylaws were updated in December 2021, by way of amending Bylaw 72M2021, to ensure that the powers, duties, and functions delegated to City administration are consistent with the re-aligned structure. The proposed bylaw in Attachment 1 addresses some gaps that remain from that work and makes changes to support a consistent delegation

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framework under the Municipal Government Act being implemented at the City. The amendments are technical in nature and substantive changes are not proposed to the bylaws or to the powers, duties, and functions previously delegated by Council to administration. It is important to note that although the proposed bylaw deletes references to certain positions, there will not be a gap in authority, as Council previously delegated that authority to other positions.

A Bylaw to Replace Bylaw 8M2001, Establishing the Position of Chief Administrative Officer – (Attachment 2)

The MGA requires a municipal Council to establish the City Manager position by Bylaw. Administration is recommending an updated City Manager Bylaw as the current bylaw (8M2001) is a patchwork of historic bylaws that refer to an organization structure (Board of Commissioners) that no longer exists. This is confusing and difficult to administer. The realignment presents an opportunity to update existing authorities and structures into a single easy-to-use bylaw.

Bylaw 8M2001 currently defines the powers, duties, and functions of the City Manager by incorporating by reference the repealed City Commissioners Bylaw 9017. Administration recommends that Council adopt the proposed bylaw (Attachment 2), which will repeal and replace the existing City Manager Bylaw 8M2001 (Attachment 3), and remove references to the historic Bylaw 9017 (Attachment 4).

The provisions in the former City Commissioners Bylaw 9017 have largely been subsumed by further bylaws since 2001 and by changing corporate practices. The proposed new City Manager bylaw carries forward two provisions from 9017. It includes a provision on labour relations but updates it with the current process. It also carries forward a provision that granted authority to the City Manager to adjust and settle claims against the City above the amount that has been delegated to the City Solicitor and General Counsel.

On May 31, 2022 The Red Tape Reduction Statutes Amendment Act, 2022 SA 2022 c 16 (Bill 21) came into force and amended the Municipal Government Act ("MGA"). It altered a provision relating to the appointment of designated officers. It removed the City Manager's default power to appoint designated officers. The proposed bylaw delegates this power back to the City Manager to maintain the status quo within The City. This delegation will not impact designated officers that Council has explicitly specified will be appointed by Council (e.g., The City Auditor is appointed by Council by virtue of a specific provision in the City Auditor Bylaw).

The timing of Bill 21 coming into force, as compared with this proposed bylaw coming to Council, does not affect currently serving designated officers within the City as there have been no vacant positions since May that would necessitate new appointments being made.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

☒ Public Communication or Engagement was not required

IMPLICATIONS

Social / Environmental / Economic

Not Applicable

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Service and Financial Implications

No anticipated financial impact

RISK

While the proposed bylaws are mostly technical/ housekeeping in nature, it is important to review bylaws periodically for clarity, ease of use, and appropriate and accurate delegation of municipal powers, duties, and functions. Out-of-date delegations in bylaws can make municipal decisions vulnerable to legal challenge.

ATTACHMENT(S)

1. Proposed wording for a further Bylaw to reflect the Organization Realignment
2. Proposed wording for a Bylaw to repeal and replace the current City Manager Bylaw 8M2001
3. For reference - current City Manager Bylaw 8M2001 (proposed to be repealed)
4. For reference - City Commissioners Bylaw 9017 (repealed but incorporated by reference into 8M2001)

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	Law, Legislative Services & Security	Approve
David Duckworth	City Manager's Office	Consult