

REPEALED BY B/L 42M99

OFFICE CONSOLIDATION

BYLAW NUMBER 9017

Being a Bylaw of the City of Calgary
to Define the Duties and Powers of the
Commissioners of the City of Calgary

(Amended by B/L Number 9238, 66/78, 138/78,
31M79, 35M79, 9M81, 31M81, 10M82, 58M82,
41M83, 51M83, 46M84, 12M86, 26M86, 61M88,
36M89, 47M90, 26M91, 51M92, 46M94, 72M94
26M95, 68M95, 6M96, 36M96, 40M97)

WHEREAS pursuant to the Municipal Government Act, S A 1994 ch M-26 1
Council must establish a position of chief administrative officer,

AND WHEREAS Council wishes to appoint more than one person to carry out the
powers, duties and functions of this position,

AND WHEREAS Council must determine how the power, duties and functions of the
position of chief administrative officer are to be carried out by the persons appointed to
this position,

(B/L 72M94, 1994 December 19)

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS
FOLLOWS

- 1 This Bylaw may be cited as the "City Commissioners Bylaw"

DEFINITIONS AND INTERPRETATION

- 2 In this Bylaw, including this Section, unless the context otherwise requires

- (a) "Act" means the Municipal Government Act, being Chapter 246 of the Revised Statutes of Alberta, 1970 as amended from time to time and as the circumstances may require any Act substituted therefor,
- (b) "Appointed Commissioner" means a member of the Board of Commissioners other than the Mayor,
- (c) "Board of Commissioners" means the Board of Commissioners of the City of Calgary including the Mayor of the City, acting as such Board,
- (d) "City" means the Corporation of the City of Calgary, and where the

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context so requires, means the land included in the boundaries of the City,

- (e) "Council" means the Mayor and Aldermen of the City acting as a City Council at duly assembled meetings thereof
- (f) "Senior Commissioner" means the Commissioner designated by Council to be the Acting Chief Commissioner in the absence of the Chief Commissioner.

(B/L 51M92, 1992 December 14)

BOARD OF COMMISSIONERS

- 3 (1) There shall be in and for the City a Board of Commissioners which shall carry out the executive and administrative duties of Council as set out in the Act and such other executive and administrative duties as may from time to time be vested, conferred or delegated in, upon and to the Board of Commissioners by bylaw or resolution of the Council
- (2) The Board of Commissioners shall be formally known as the "Commissioners of the City of Calgary"
- (3) The Board of City Commissioners shall be composed of
 - (a) The Chief Commissioner,
 - (b) Commissioner of Planning and Operations,
 - (c) Commissioner of Finance and Administration,
 - (d) Commissioner of Community Services,
 - (e) As may from time to time be appointed pursuant to this Bylaw an Assistant Commissioner or Assistant Commissioners, and
 - (f) As may from time to time be appointed by Council pursuant to this Bylaw an Interim Commissioner or Interim Commissioners who shall have all the powers, duties and responsibilities of a Commissioner as described in this Bylaw and shall occupy such position pursuant to the terms and conditions of such appointments as approved by Council

(B/L 40M97, 1997 October 27)

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- (4) The Mayor shall be ex-officio a member of the Board
(B/L 61M88, 1988 December 19)
(B/L 26M91, 1991 June 24)

PERFORMANCE REVIEW

- 3 1 (1) The Mayor and the Personnel Committee of Council with the Chief Commissioner present shall make an assessment of the performance of each Commissioner and Assistant Commissioner, except the Chief Commissioner, annually not later than April 30th in each year
- (2) The Mayor and the Personnel Committee of Council shall make an assessment of the performance of the Chief Commissioner annually not later than April 30th in each year
- (3) The Personnel Committee shall record its Performance Review of the Chief Commissioner, each Commissioner, and Assistant Commissioner, if any, and place the review in a private and confidential Personnel file not later than June 30th of each year
- (4) The Personnel Committee shall after completing the Performance Review submit to Members of Council annual recommendations relative to each Commissioner's salary for that calendar year, no later than June 30th of each year
- (5) Council shall meet in-camera as a Committee-of-the-Whole when considering the report submitted by the Personnel Committee pursuant to Subsection (4) hereof
- (6) The City Clerk shall place on the Agenda for the Nominating, Agenda and Personnel Committee's first meeting in the month of March the matter of the annual evaluation of the Commissioners' performance
(B/L 41M83, 1983 October 31)
(B/L 12M86, 1986 March 03)

3 2 REPEALED BY B/L 46M84, 1984 DECEMBER 31

CONSTITUTION OF QUORUM

4. (1) Any two Commissioners shall constitute a quorum at any meeting of the Board of Commissioners.

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- (2) When the Chief Commissioner is present at a meeting of the Commissioners, he shall act as Chairman of the Board, and in his absence the Senior Commissioner present as appointed by Council shall act as Chairman
- (3) In the absence of both the Chief Commissioner and the Senior Commissioner, the next senior appointed Commissioner shall act as Chairman

(B/L 26M91, 1991 June 24)

DUTIES AND POWERS OF COMMISSIONERS

- 5 (1) In addition to the powers and duties prescribed by the Act and powers and duties as may be from time to time delegated to it by bylaw or resolution of Council, the Board of Commissioners shall
 - (a) Consider and make recommendations to Council on all matters concerning the carrying out of the executive and administrative government in the City,
 - (b) Cause to be carried out and enforced within a reasonable time all orders, resolutions and bylaws of the Council,
 - (c) Investigate and report to Council in writing from time to time upon all matters referred by Council to the Board of Commissioners for such report,
 - (d) Cause the annual Operating Current and Capital Budgets to be prepared,
 - (e) Review and present to Council the annual Operating Current and Capital Budgets,
 - (f) Attend all general and special meetings of Council, including public hearings in connection with zoning matters, with the right and obligation to advise Council during the debate on matters relevant to the action, but the Commissioners shall not have a right to vote in a matter decided by Council,
 - (g) Attend all meetings of Council and, when required, all meetings of boards, committees or commissions appointed by Council, with full right to participate in the discussions before such boards, committees or commissions, but unless the bylaw or resolution appointing a particular board, committee or commission otherwise

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provides, a Commissioner shall not have the right to vote on such board, committee or commission,

- (h) Generally, and subject to the specific powers and duties hereinafter assigned to the several members of the Board of Commissioners, be responsible for
 - (i) the supervision of all departments of the City,
 - (ii) the care, control and maintenance of all property, improvements and works owned or controlled by the City,
 - (iii) the care, control and maintenance of all public thoroughfares and public places owned or controlled by the City,
 - (iv) the supervision, care, control and maintenance of the City Fire Department and other public services and utilities paid for by the City (other than the Calgary Police Force, the municipal hospitals, the public libraries and the public and separate schools),
 - (v) the initiation, commencement, prosecution, maintenance or defence of every action at law or in equity which may be undertaken by or brought against the City except where the Board of Commissioners has delegated to the City Solicitor the authority to undertake the foregoing actions on behalf of the City subject to such limitations as the Board of Commissioners may set from time to time,
 - (vi) the adjustment of all Claims against the City except where the Board of Commissioners has delegated to the City Solicitor or the Manager of the Claims Division of the Law Department authority to adjust and settle Claims made against the City subject to such limitations as the Board may set from time to time,
 - (vii) the imposition and levying of all rates, charges, levies and taxes and the collection thereof and of all revenues and money due and payable to the City,
- (i) Subject to the provisions of Section 6 at the discretion of the said Board of Commissioners or any one of the appointed Commissioners either directly or through any City official or employee designated by Council or by the Board of Commissioners

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or by any two appointed Commissioners call for and award tenders for services to be rendered, construction to be done, projects to be carried out and goods and materials to be supplied to the City and on behalf of the City to enter into contracts or to direct contracts to be entered into for these purposes,

- (j) Submit to the Council
 - (i) after the passage of the Current Operating Budget quarterly or at such more frequent intervals as the Council may require, a statement of the City's revenues and expenditures in relation to the Current Operating Budget, and a progress report on the projects included in the Budget with relevant explanation, and
 - (ii) after the passage of the Capital Budget quarterly or at such more frequent intervals as the Council may require, a progress report on the projects included in the Capital Budget,
- (k)
 - (i) recommend to Council for approval the appointment of Directors of various departments, and
 - (ii) REPEALED BY B/L 138/78, 1978 SEPT 25
 - (iii) have the authority to determine salaries, working conditions, benefits, hours of employment and all circumstances of employment with all City personnel for whom a collective bargaining agent has not been certified by the Board of Industrial Relations of the Province of Alberta and subject only to such budget limitations as are established by Council the Commissioners may enter into agreements with one or more employees affected by such determination embodying the terms and conditions which have been so determined,
- (l) Have the authority to suspend or dismiss any employee of the City excepting members of the Police Department,
- (m) Have the authority to suspend any Head of Department or official and to report such suspension to the next regular meeting of the Council,
- (n)
 - (i) be responsible for negotiating collective agreements, by the Labour Relations and Safety Division of the City's Personnel Services, with the negotiating committee of each Union

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representing or acting on behalf of City employees,

- (ii) seek the advice and guidance of members of City Council at a meeting of Council sitting as a Committee of the Whole, to be called by the Mayor, in respect of general guidelines on critical issues being negotiated, as and when the Board of Commissioners believe such a meeting is required,
 - (iii) circulate to all members of Council for their consideration a synopsis of any memorandum of agreement embodying the terms and costs of implementation of a proposed collective agreement, which has been signed by the representatives of the City's and the Union's negotiators and approved by the members of the Union, and, thereafter, if no objection is received from any Alderman within seven (7) days of the date the memorandum of agreement is sent to all Aldermen, the appropriate signing officers of the City are then authorized to execute the collective agreement
- (2) Council may either dismiss or reinstate a head of Department or official suspended by the Commissioners pursuant to Clause (m) of Subsection (1)
- (3) Where the acquisition or disposal of land or of an interest in land is necessary or desirable in connection with the implementation of any project approved specifically by Council or necessarily implied from any other approval given by Council or contained in or arising out of any matter contained in a capital, current or supplementary budget approved by Council, the Board of Commissioners without receiving further authorization may enter into the following agreements on behalf of the City
- (a) Leases of land and buildings thereof the term of which does not in any case exceed one year and the rental does not exceed the sum of \$12,000 00 annually and the area of any building leased does not exceed 10,000 square feet in area,
 - (b) Licenses of occupation for a period in any case not exceeding five years and the license fee does not exceed \$1,000 00 per year and the area under lease does not exceed three acres in area,
 - (c) Sale of land pursuant to a tender called by direction or with approval of Council where the sale is to the tender submitting the highest tender and where the tender equals or exceeds the reserve bid,

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- (d) Sale of land or parcels or land in a designated area or subdivision at prices approved by Council,
 - (e) Acquisition of land for easements or for corner cuts or other street improvements where
 - (i) the consideration payable therefor does not exceed ten thousand dollars, and
 - (ii) the appropriation has been approved by Council
 - (f) REPEALED BY B/L 47M90, 1990 OCTOBER 15
- 3 1
- (a) In addition to the other powers and duties described in this Bylaw, the Board of Commissioners shall have the authority to approve, on behalf of The City of Calgary, all industrial land sales within industrial land subdivisions developed by the City where the minimum sale prices for such sales have been pre-approved
 - (b) For the purposes of Subsection (a) of this Subsection (3 1), the pre-approved minimum price per hectare and a full cost proforma for new industrial subdivisions shall be approved by Council at the time that the capital budget for the subdivision is before Committee and Council and, for existing industrial subdivisions, the minimum proposed market price per hectare shall be pre-approved by the Land Committee and any changes to the price per hectare thereafter also be forwarded for approval
 - (c) For the purposes of Subsection (a) of this Subsection (3 1), "industrial land" shall mean land designated for industrial use under City of Calgary Land Use Bylaw 2P80 and amendments thereto
 - (d) for the purpose of Subsection (a), the Board of Commissioners shall have the power to execute or authorize the execution or preparation of such documents as may be necessary to complete any sale of industrial land described in Subsection (a)
- (4) Where the Board of Commissioners enter into agreements as provided in Subsection (3) and Subsection (3 1) it shall be done at meetings of the Board and recorded in the minutes kept by the Secretary of the Board
 - (5) The Commissioners shall carry out their duties and powers set in Clauses (a), (d) and (j) of Subsection (1) as a Board and no one City

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Commissioner shall act independently of the others except in areas which have been assigned to him specifically by this Bylaw

- (6) Where Council has authorized any municipal undertaking or public work whereby acquisition of land by the City may be required the Commissioners, or any two of them, shall have the authority to direct and manage negotiations with the owners and occupiers of such land or other persons interested therein for the acquisition of the land by agreement, but any agreement made shall be subject to the ratification of Council
- (B/L 9238, 1974 November 25)
 - (B/L 66/78, 1978 March 27)
 - (B/L 138/78, 1978 September 25)
 - (B/L 31M81, 1981 August 31)
 - (B/L 26M91, 1991 June 24)
 - (B/L 51M92, 1992 December 14)
 - (B/L 36M96, 1996 July 29)

CALLING AND AWARD OF TENDERS AND MAKING OF CONTRACTS

- 6 (1) REPEALED BY B/L 6M96, 1996 FEBRUARY 26
- (2) REPEALED BY B/L 6M96, 1996 FEBRUARY 26
- (3) Where Council authorizes an agreement with another party whereby the City provides or receives a continuing service the Commissioners or the Commissioner responsible for the City Department which supplies or receives the service may authorize the extension of the agreement with such variations as the circumstances require including any change or increase of amounts received or paid by the City with respect thereto if in the case of a payment by the City the amount can be accommodated in an Operating or Capital Budget approved by Council
- (3 1) Where pursuant to this Bylaw or to another Bylaw of the City or to a resolution of Council the City is presently a party to a contract or agreement or has undertaken a project for which in each case funds are approved
- (a) The Board of Commissioners, or
 - (b) Two of the appointed Commissioners, or
 - (c) The Commissioner responsible for the performance of the present agreement or the implementation of the project

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may make or authorize the making of a further agreement or agreements necessary or desirable to enable the proper performance of the agreement or contract or the proper completion of the project as the case may be

(3 2) Where it is necessary or expedient to extend a City road or utility line over, under or across a railway right-of-way or other railway property or both and the extension of the utility is or has been approved by Council explicitly or by necessary information:

- (a) The Board of Commissioners, or
- (b) Two of the appointed Commissioners, or
- (c) The Commissioner responsible for the utility

may on behalf of the City enter into or direct the entering into of a crossing agreement with the railway company owning or controlling the right-of-way or other railway property

(4) REPEALED BY B/L 6M96, 1996 FEBRUARY 26

(5) REPEALED BY B/L 6M96, 1996 FEBRUARY 26

(6) REPEALED BY B/L 6M96, 1996 FEBRUARY 26

(7) REPEALED BY B/L 6M96, 1996 FEBRUARY 26

(8) In the absence or inability of the Purchasing Manager or the Manager of the Materials Management Division to perform the duties or exercise the powers of the Director of Supply Management Services under this Section, a Purchasing Agent may perform the duties or exercise the powers of the Director of Supply Management Services pursuant to the provisions of this Section

(B/L 31M79, 1979 July 23)

(B/L 35M79, 1979 September 10)

(B/L 26M86, 1986 May 20)

(B/L 36M89, 1989 September 5)

(B/L 26M91, 1991 June 24)

(B/L 40M97, 1997 October 27)

CONSTRUCTION MANAGEMENT CONTRACTS

6 1 REPEALED BY B/L 6M96, 1996 FEBRUARY 26

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JOINT RESPONSIBILITY FOR CITY DEPARTMENTS

- 7 The members of the Board of Commissioners shall be jointly responsible for the general administration of the City but for the purposes of supervision and internal administration within departments each Commissioner shall have the responsibility for the organization and operation of the departments hereinafter specifically assigned to him in addition to the general joint powers hereinafter set out

MEETINGS OF BOARD OF COMMISSIONERS

- 8 (1) The Board of Commissioners shall meet for the transaction of business when directed by the Chairman
- (2) The Board of Commissioners shall appoint a Secretary who shall keep accurate minutes of all formal meetings and proceedings of the Board
- (3) A direction, act or decision of the Board of Commissioners which is recorded in the minutes of a meeting at which a quorum was present or which is signed by two Commissioners shall be deemed to be an act, direction or decision of the whole Board
- (4) The Board of Commissioners shall report all matters to Council as a recommendation of the Board if all the members are in agreement, but if any disagreement exists a minority report may be forwarded by the Commissioners in disagreement

DUTIES AND POWERS OF THE CHIEF COMMISSIONER

- 9 (1) The Chief Commissioner shall act as Chairman of the Board of Commissioners and shall be responsible for the overall coordination, direction and administration of all executive policies of City Council and the other appointed Commissioners shall be responsible to his direction in all matters of administration
- (2) Subject to the prior approval of Council the Chief Commissioner may
- (a) Transfer a department or division thereof from one Commissioner to whom it is assigned by this Bylaw to another Commissioner,
- (b) Direct any Assistant Commissioner as to which Commissioner he shall assist and in the administration of which departments or divisions thereof the Assistant Commissioner shall assist
- 10 (1) In addition to the duties contained in Section 9 of this Bylaw the Chief

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Commissioner shall be responsible for and have control over the supervision and internal administration of the following Departments of the City organization

- (a) City Solicitor's Department (Law Department),
 - (b) City Clerk's Department,
 - (c) Personnel Services Department,
 - (d) Calgary Economic Development Authority,
 - (e) Calgary Electric System, and
 - (f) Corporate Consulting,
 - (g) Calgary Police Service
- (2) The Secretary of the Board of Commissioners shall be responsible or and under the control of the Chief Commissioner and such other Commissioner or Commissioners as the Chief Commissioner shall designate
- (B/L 31M81, 1981 August 31)
 - (B/L 58M82, 1982 December 13)
 - (B/L 61M88, 1988 December 19)
 - (B/L 26M91, 1991 June 24)
 - (B/L 46M94, 1994 July 4)
 - (B/L 26M95, 1995 March 20)
 - (B/L 40M97, 1997 October 27)

11 The Chief Commissioner may attend all meetings of Special or Standing Committees of Council except when specifically excluded

11.1 The Chief Commissioner is authorized to act as the chief administrative officer for the purposes of Sections 153, 161, 283, 571 and 574 of the Municipal Government Act, S A 1994 ch M-26 1

(B/L 72M94, 1994 December 19)

DUTIES AND POWERS OF THE COMMISSIONER OF FINANCE AND ADMINISTRATION

12 (1) The Commissioner of Finance and Administration shall be responsible for and have control over the supervision and internal administration of the following Departments of the City organization

- (a) Finance Department,

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- (b) Assessment Department,
 - (c) Data Processing Services Department,
 - (d) Management Audit Department,
 - (e) Supply Management Services Department, and
 - (f) Fleet Services
- (2) REPEALED BY B/L 51M92, 1992 DECEMBER 14
- (3) The Commissioner of Finance and Administration shall cause to be prepared for the Board of Commissioners submission to Council after the passage of the Operating and Capital Budgets, Quarterly or oftener, as may be required by Council, a statement of the City's revenues and expenditures in relation to such Operating and Capital Budgets including a progress report with relevant explanation
- (4) The Commissioner of Finance and Administration shall have in all departments of the City, including the Police Department, control and authority in respect of all matters of accounting and finance
- (5) The Commissioner of Finance and Administration may sign debentures of the City and the interest coupons attached thereto in place of the Treasurer of the City
- (6) The Commissioner of Finance and Administration shall be responsible for, and have regulation and control over, the management of the City's investment portfolios including its Operating and Capital Reserves, pension funds, and other excess funds held or administered by the City in accordance with policy established by the Board of Commissioners
- (B/L 31M81, 1981 August 31)
 - (B/L 10M82, 1982 February 22)
 - (B/L 58M82, 1982 December 13)
 - (B/L 61M88, 1988 December 19)
 - (B/L 26M91, 1991 June 24)
 - (B/L 51M92, 1992 December 14)
 - (B/L 26M95, 1995 March 20)
 - (B/L 40M97, 1997 October 27)

13 The Commissioner of Planning and Operations or his representative as appointed

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by the Committee shall attend all meetings of the Standing Policy Committee on Finance and Budget, the Standing Policy Committee on Transportation, Transit and Parking and all sub-committees thereof

(B/L 61M88, 1988 December 19)
(B/L 26M91, 1991 June 24)
(B/L 51M92, 1992 December 14)
(B/L 40M97, 1997 October 27)

DUTIES AND POWERS OF THE COMMISSIONER OF PLANNING AND OPERATIONS

14 The Commissioner of Planning and Operations shall be responsible for and have regulation and control over the supervision and internal administration of

- (1) the following Departments of the City organization,
 - (a) Planning and Building Department,
 - (b) Engineering and Environmental Services , and
 - (c) Transportation Department

2 REPEALED BY B/L 40M97, 1997 OCTOBER 27

B/L 31M81, 1981 August 31)
(B/L 51M83, 1983 November 14)
(B/L 61M88, 1988 December 19)
(B/L 26M91, 1991 June 24)
(B/L 51M92, 1992 December 14)
(B/L 46M94, 1994 July 4)
(B/L 26M95, 1995 March 20)
(B/L 40M97, 1997 October 27)

- 15 (1) The Commissioner of Planning and Operations, or his representative as approved by the Committee, shall attend all meetings of the Standing Policy Committee on Operations and Environment and all subcommittees thereof
- (2) The Commissioner of Planning and Operations, or his representative as approved by the Committee, shall attend all meetings of the Standing Policy Committee on Transportation, Transit and Parking and all subcommittees thereof
- (3) The Commissioner of Planning and Operations shall be responsible for the coordination of all outside work in the departments under his control whether public utilities or public works and between the City and owners of

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other utilities and services directly related to the City so as to assure as much as possible the achievement of economy and efficiency of public relations in a properly indicated program of works and utilities development

- (4) The Commissioner of Planning and Operations shall have jurisdiction over all City work yards, depots and similar stores located in the City
(B/L 61M88, 1988 December 19)
(B/L 26M91, 1991 June 24)
(B/L 51M92, 1992 December 14)
(B/L 40M97, 1997 October 27)

- 15 1 (1) The Commissioner of Planning and Operations is authorized to act for the City by taking actions or measures authorized pursuant to Sections 549, 550 and 657 (6) of the Municipal Government Act, S A 1994 ch M-26 1
- (2) The Commissioner of Planning and Operations is authorized to further delegate the matters referred to in sub-section (1)
(B/L 72M94, 1994 December 19)
(B/L 68M95, 1995 November 6)
(B/L 40M97, 1997 October 27)

DUTIES AND POWERS OF THE COMMISSIONER OF COMMUNITY SERVICES

- 16 (1) The Commissioner of Community Services shall be responsible for and have regulation and control over the supervision and internal administration of the following departments of the City organization
- (a) Corporate Properties Group,
 - (b) Community and Social Development,
 - (c) Emergency Medical Services Department,
 - (d) Calgary Parks and Recreation Department, and
 - (e) Fire Department
- (2) The Commissioner of Community Services, or his representative as approved by the Committee, shall attend all meetings of the Standing Policy Committee on Community and Protective Services
- (3) The Commissioner of Community Services shall be Chairperson for all meetings of the Disaster Services Committee

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- (4) The Commissioner of Community Services is authorized to act for the City by taking any actions or measures authorized pursuant to Section 551 of the Municipal Government Act, S A 1994 Ch M-26 1
- (B/L 31M81, 1981 August 31)
 - (B/L 61M88, 1988 December 19)
 - (B/L 26M91, 1991 June 24)
 - (B/L 51M92, 1992 December 14)
 - (B/L 46M94, 1994 July 4)
 - (B/L 40M97, 1997 October 27)

ASSISTANT COMMISSIONER OR ASSISTANT COMMISSIONERS

- 17 (1) There shall be such Assistant Commissioner or Assistant Commissioners as Council may by bylaw appoint and each such Assistant Commissioner shall attend the meetings of the Board of Commissioners and participate in the discussions thereof but shall not have a vote thereon except in circumstances where the Municipal Government Act provides that he may vote
- (2) An Assistant Commissioner shall be directly responsible to the Commissioner which pursuant to Section 9 he is designated to assist for carrying out such duties as may be delegated to him pursuant to Section 9

REPEAL OF EXISTING BYLAWS

18 Bylaw Number 7224 as amended is hereby repealed

DONE AND PASSED IN COUNCIL THIS 27TH DAY OF MAY, A D 1974

(Sgd) R. Sykes
MAYOR

(Sgd) H. S. Sales
CITY CLERK