



CITY OF EDMONTON

BYLAW 16620

CITY ADMINISTRATION BYLAW

(CONSOLIDATED ON NOVEMBER 27, 2018)

**THE CITY OF EDMONTON
BYLAW 16620
CITY ADMINISTRATION BYLAW**

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS, AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to continue the established position of the chief administrative officer of the City, titled “City Manager”, and to delegate specified powers, duties and functions to the City Manager. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Municipal Government Act.</p> <p>(2) In this bylaw:</p> <ul style="list-style-type: none">(a) “Acting City Manager” means the individual appointed by Council or acting under a delegation of authority from the City Manager;(b) “agreement” means a written accord wherein the parties to the accord exchange mutually enforceable promises for consideration with the intention to create legally binding obligations;(c) “City” means the municipal corporation of The City of Edmonton;(d) “City Manager” means the chief administrative officer of the City or delegate;(e) “City record” means recorded information in any form in the City’s custody or control;(f) “claim” means any demand, suit, action, or proceeding or part thereof that has or could be advanced, regardless of whether legal process was formally commenced, whereby damages, compensation, or other relief may be sought;(g) “competitive procurement process” means an open bidding or solicitation process such as a tender, request for proposal, pre-qualification, negotiated request for proposal or similar process, issued by the City or another government entity for the City, wherein suppliers |

compete to enter into or be pre-qualified to compete to enter into a procurement agreement with the City;

- (h) **“emergency expenditure”** means an expenditure that could not have reasonably been anticipated and must be made to address a present or imminent event that is adversely affecting, or could adversely affect, the health, safety or welfare of people, or is or may reasonably be expected to cause damage to property or the environment;
- (i) **“employee”** means a person who reports to the City Manager and provides services to the City under an employment agreement, personal services agreement, or in the capacity of agent, student or volunteer;
- (j) **“fair market value”** means the value a willing buyer would pay to a willing seller;
- (k) **“FOIP Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25;
- (l) **“FOIP head”** means the individual or group of individuals appointed as head for the purposes of the FOIP Act;
- (m) **“government entity”** has the same meaning as it does under the New West Partnership Trade Agreement;
- (n) **“grant”** means a payment of money or value in kind to or from the City for a defined purpose and conditional upon specified requirements being met;
- (o) **“intellectual property right”** includes official marks, trademarks, copyright, patents, industrial designs, domain names, and any other similar interests;
- (p) **“Mayor”** means the chief elected official of the City;
- (q) **“memorandum of understanding”** means a written record of a policy, framework, or other accord that is not intended to create enforceable legal obligations;
- (r) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26;
- (s) **“non-competitive procurement process”** means a process where suppliers do not compete to enter into or

be pre-qualified to compete to enter into a procurement agreement with the City;

- (t) “**procurement agreement**” means an agreement to acquire goods, services, construction, or intellectual property rights but does not include agreements for the acquisition or disposition of interests in land;
- (u) “**settlement**” means a negotiated compromise to resolve an actual or apprehended claim by or against the City, excluding change orders or amendments contemplated within the terms of an agreement;
- (v) “**sponsorship agreement**” means an agreement for the payment of money or value in kind to or from the City in return for promotional benefits that may include promotional recognition, advertising, or value in kind;
- (w) “**Standing Committee**” has the same meaning as defined in the Procedures and Committees Bylaw, Bylaw 12300;
- (x) “**subscription agreement**” means a procurement agreement where goods or services are provided on a recurring basis unless cancelled by the City including, but not limited to, standing orders, software as a service agreements, and software maintenance or support agreements; and
- (y) “**trade agreement**” means an intergovernmental agreement approved by the federal or provincial government that contains provisions relating to trade that are applicable to the City.

(S2, S3, S4, Bylaw 18605 November 27, 2018)

**RULES FOR
INTERPRETATION**

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The following interpretation rules apply to this bylaw:

- (a) marginal notes and headings in this bylaw are for ease of reference only;
- (b) if a power, duty, or function under this bylaw could also be exercised under another bylaw or enactment, the exercise of the power, duty, or function is subject to the more specific conditions wherever found;
- (c) if a power, duty, or function may be exercised pursuant to multiple provisions of this bylaw, the exercise of the power, duty, or function is subject to the more specific provision;
- (d) any reference to an enactment or bylaw includes all amendments or successor enactments or bylaws, and regulations, orders, codes, standards, and similar records established pursuant to the authority given in the enactment or bylaw;
- (e) the exercise of any power, duty, or function pursuant to this bylaw is subject to any specific Council direction;
- (f) if a provision in this bylaw limits the exercise of the power to approve agreements or settlements on the basis of term or monetary limits, or both:
 - (i) term limits include all options, extensions, and renewals; and
 - (ii) monetary limits are calculated as the total amount payable by or to the City in Canadian funds, including all taxes, charges and disbursements;
- (g) unless otherwise directed by Council, Standing Committee, or the City Manager or Acting City Manager, the authority to approve agreements is subject to applicable trade agreements; and
- (h) the authority to approve any expenditure is subject to approved capital and operating budgets.

(S5, Bylaw 18605 November 27, 2018)

PART II - CITY MANAGER’S ROLE AND RESPONSIBILITIES

ESTABLISHMENT/ CONTINUATION	4	The established position of chief administrative officer for the City, titled “City Manager”, is continued, and the position title will continue to be “City Manager”.
	5	Council will appoint an individual to the position of City Manager and prescribe the terms and conditions of employment for that position.
DESIGNATED OFFICERS	6	The City Manager is a designated officer of the City for all purposes unless Council establishes another designated officer position by bylaw, appoints an individual to that position, and prescribes specific powers, duties, and functions for that position.
DELEGATION OF CITY MANAGER’S AUTHORITY	7	The City Manager may delegate any or all of the City Manager’s powers, duties, or functions including the power to further delegate those powers, duties, or functions, to an employee.
ACTING CITY MANAGER	8	If the City Manager is temporarily absent or otherwise unable to perform the City Manager’s powers, duties or functions, the City Manager or Council may designate a City employee as the Acting City Manager, and when so designated, the Acting City Manager will perform the City Manager’s duties and functions and exercise the City Manager’s powers, duties, and functions.
MANAGEMENT RESPONSIBILITIES	9	The City Manager is responsible for managing the City’s employees and resources and may:
	(a)	approve the terms and conditions of employment for City employees;
	(b)	approve directives, procedures, standards, handbooks, or guidelines governing the work or conduct of City employees;
	(c)	negotiate collective agreements for Council’s approval;
	(d)	establish and change the organizational structure of the City;

- (e) allocate City resources within Council approved budgets; and
- (f) establish administrative and operational plans, goals, and performance measures.

SIGNATURES

- 10 (1) The City Manager may, acting alone, sign agreements on behalf of the City.
- (2) The City Manager may direct that the signatures of the City Manager, Mayor, designated officers, or employees with delegated signing authority be printed, lithographed, or otherwise reproduced.

REPORTING

- 11 (1) The City Manager must regularly report to Council or Standing Committee on all matters and issues affecting the City including progress on Council's directions, plans, policies, and strategic goals.
- (2) The City Manager must, at least once semi-annually, report to Standing Committee all
 - (a) procurement agreements arising from non-competitive procurement processes where the value of the agreement exceeds \$75,000; and
 - (b) settlements of insured claims where the amount payable by the City exceeds \$500,000.
- (3) The City Manager must, at least once semi-annually, report to Council or Standing Committee on anticipated or actual changes to significant City capital projects that may:
 - (a) exceed the anticipated completion date by 10%; or
 - (b) exceed the total approved budget by 10%, excluding amounts allocated for contingency.

PART III - FINANCIAL MANAGEMENT

- BANKING** 12 The City Manager must designate the City’s banking institutions.
- BUDGET ADJUSTMENT** 13 The City Manager may authorize budget adjustments between approved programs or projects that
- (a) do not exceed \$2,000,000 per adjustment; and
 - (b) do not result in an increase to the net requirement from the tax levy.
- EMERGENCY EXPENDITURES** 14 (1) The City Manager may authorize an emergency expenditure not in an approved budget that does not exceed \$2,000,000 from any source of funds.
- (2) The City Manager must report on the implications of any emergency expenditure authorized by this section to Council as soon as practicable and in any event no later than the date the next operating, capital, or supplementary budget is presented to Council.

PART IV - RECORDS MANAGEMENT

- RECORDS MANAGEMENT** 15 (1) The City Manager may:
- (c) approve City records retention schedules; and
 - (d) subject to subsections (2) and (3), destroy City records in accordance with approved City records retention schedules.
- (2) If a City record contains an individual’s personal information used to make a decision that directly affects that individual, the City Manager must retain the City record for at least one year after the decision is made.
- (3) The City Manager may destroy original bylaws and minutes of Council meetings as permitted by the Municipal Government Act.
- BYLAW REVISION AND CONSOLIDATION** 16 The City Manager may revise and consolidate any City bylaw as permitted by the Municipal Government Act.

FOIP HEAD 17 The City Manager is the City’s FOIP head.

PART V - LEGAL MATTERS AND INSURANCE

POWERS OF ATTORNEY 18 The City Manager has the City’s power of attorney for all purposes.

INTELLECTUAL PROPERTY 19 (1) The City Manager may approve and register the City’s intellectual property rights.
(2) The City Manager may register the City’s heraldic emblems.
(3) The City Manager may approve the use of the City’s intellectual property rights and heraldic emblems.

LEGAL MATTERS 20 The City Manager may initiate or respond to claims and make, in the best interests of the City, all decisions regarding admissions, strategy, and procedure.

LEGAL SETTLEMENT AUTHORITY 21 The City Manager may approve the settlement of:
(a) any insured claim advanced by or against the City;
(b) uninsured claims against the City where the amount payable by the City does not exceed \$500,000 in addition to judgment interest and legal costs; and
(c) uninsured claims advanced by the City where the difference between the amount claimed and the amount recovered does not exceed \$500,000 in addition to judgment interest and legal costs.

RELEASE AND WAIVER 22 The City Manager may approve agreements to release and waive the City from liability for claims.

INSURANCE 23 The City Manager may approve agreements for the purchase of the City’s insurance policies.

PERFORMANCE BONDS 24 The City Manager may approve agreements relating to performance bonds required by or purchased for the City.

PART VI - PERMITS, LICENCES, AND ENFORCEMENT

PERMITS AND LICENCES	25	The City Manager may issue City licences and permits, and may suspend, cancel, reinstate, and impose conditions or restrictions on any City licence or permit.
PROCEEDINGS	26	The City Manager may issue notices, orders, certificates, demands, processes, tags, tickets or other similar documents for the City as permitted by a bylaw or an enactment.
ENFORCEMENT	27	<p>The City Manager may approve and direct remedial or enforcement actions for matters within the City’s jurisdiction, including:</p> <ul style="list-style-type: none">(a) levying or imposing penalties, interest, costs, or charges; and(b) adding amounts owed to the City to tax rolls.

PART VII - ASSESSMENT AND TAXATION

APPOINTMENTS	28	The City Manager will appoint the clerk(s) of the City’s assessment review board(s).
TAX AGREEMENTS	29	<ul style="list-style-type: none">(1) The City Manager may approve tax agreements where the difference between the value of taxes as would have otherwise been levied and the value of taxes paid under the tax agreement does not exceed \$500,000 per year.(2) The City Manager must report any tax agreement authorized by this section to Council no later than the date the next operating or capital budget or supplementary budget is presented to Council.
LOCAL IMPROVEMENTS	30	The City Manager may propose and receive petitions for local improvements.

PART VIII - SUBDIVISION AND DEVELOPMENT

APPOINTMENTS	31	The City Manager will appoint the clerk of the City's subdivision and development appeal board.
SUBDIVISION AUTHORITY/ DEVELOPMENT AUTHORITY	32	The City Manager is the City's subdivision authority and the City's development authority and may exercise the City's subdivision and development powers and duties.
DIRECT CONTROL DISTRICTS	33	The City Manager has the authority to make all decisions for development permit applications in direct control districts, including decisions to approve or refuse the application, with or without conditions.
SUBDIVISION AND DEVELOPMENT POWERS	34	(1) The City Manager may approve agreements or instruments relating or incidental to carrying out the City's powers, duties, and functions in relation to subdivision, development, and planning matters. (2) The City Manager may extend the time for endorsement and registration of subdivision plans in any manner permitted by an enactment.

PART IX - LAND AND ROAD RIGHT OF WAY

FEE SIMPLE ACQUISITIONS/ DISPOSITIONS	35	The City Manager may approve: (a) agreements for acquisitions of fee simple interests in land for fair market value or less that do not exceed \$5,000,000; (b) agreements for dispositions of fee simple interests in land for fair market value or more that do not exceed \$5,000,000; and (c) reasonably necessary ancillary and incidental agreements related to subsection (a) at nominal or actual cost that does not exceed \$100,000.
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BURIAL PLOTS	36	The City Manager may approve agreements for disposition of burial plots at fair market value.
LEASING	37	<p>The City Manager may approve leases of City land for fair market value or more, or for City use at fair market value or less, provided that:</p> <ul style="list-style-type: none"> (a) the term of the lease does not exceed 25 years; and (b) the rent payable by the City to a landlord, or a tenant to the City, does not exceed \$2,000,000 per year.
NON-PROFIT LEASES	37	The City Manager may approve leases of City land for use by non-profit organizations for less than fair market value, provided that the term of the lease does not exceed 25 years.
INTERESTS IN LAND	38	<p>The City Manager may approve agreements to acquire at fair market value or less, or dispose at fair market value or more, all other interests in land, including:</p> <ul style="list-style-type: none"> (a) easements; (b) encroachments; (c) options; (d) restrictive covenants; (e) rights of first refusal; and (f) utility rights of way; <p>provided that the value of the agreement does not exceed \$1,000,000.</p>
LICENCES AND PERMITS	39	<p>(1) The City Manager may approve licences or permits for use of City land or road right of way, or for the City's use of land, provided that:</p> <ul style="list-style-type: none"> (a) the amount payable for the licence or permit does not exceed \$500,000 per year; and (b) the term of the licence or permit does not exceed 10 years. <p>(2) The City Manager may approve licence of occupation agreements for transportation utility corridors and sewer outfalls.</p>

CROSSING AGREEMENTS	40	The City Manager may approve crossing and proximity agreements for roads, railways, pipelines or public utilities.
LAND RELATED INSTRUMENTS	41	The City Manager may approve all land related instruments, including assignments, caveats, and postponements, for nominal value.
TEMPORARY ROAD CLOSURES	42	The City Manager may temporarily close all or part of a road in accordance with an enactment.
EXPROPRIATION AGREEMENTS	42.1	The City Manager may approve agreements to acquire land at fair market value from a consenting owner pursuant to the <i>Expropriation Act</i> , RSA 2000, c-13 provided that Council has approved commencement of the expropriation. (S6, Bylaw 18605, November 27, 2018)

PART X - AGREEMENT AUTHORITIES

GENERAL AGREEMENT AUTHORITY	43	The City Manager may approve any agreement that does not pertain to an interest in land, including agreements resulting from a non-competitive procurement process and sponsorship agreements, if: <ul style="list-style-type: none"> (a) the value of the agreement does not exceed \$500,000; and (b) the term of the agreement does not exceed 10 years.
REVENUE AGREEMENTS	44	The City Manager may approve any agreement where the City earns revenue by providing or disposing of a good, service, or intellectual property right.
COMPETITIVE PROCUREMENT AUTHORITY	45	The City Manager may approve any procurement agreement resulting from a competitive procurement process.
SUBSCRIPTION AGREEMENTS	46	The City Manager may approve subscription agreements if: <ul style="list-style-type: none"> (a) the expenditure under the agreement does not exceed \$500,000 per year, and (b) the agreement is reviewed at least every 10 years to ensure that there is a continued need for the good,

service, or intellectual property right, and to evaluate whether a competitive procurement process should be initiated for that good, service, or intellectual property right.

COUNCIL APPROVED AGREEMENTS	47	<p>The City Manager may approve change orders or amendments to any agreement approved by Council or Standing Committee</p> <p>(a) that are reasonably necessary for the project, program, or activity described in the agreement; and</p> <p>(b) where the total value of all change orders or amendments do not exceed 10% of the approved value of the agreement</p>
SALE OF SERVICES OUTSIDE OF THE MUNICIPALITY	48	<p>The City Manager may approve agreements to provide City services to or in another municipal authority, or in a part of a province or territory adjoining Alberta provided that at minimum, the costs for providing the service are recovered from the other municipal authority, province, or territory.</p>
CITY GRANT FUNDING	49	<p>The City Manager may approve the payment of grant funding from the City provided that:</p> <p>(a) the grant is for an approved City program, project, or activity; and</p> <p>(b) it is paid in accordance with any express terms or conditions imposed on the grant by Council or Standing Committee direction.</p>
APPLYING FOR GRANTS	50	<p>The City Manager may apply, on behalf of the City, for grant funding from any source, and approve all documents and agreements required to obtain the grant funding.</p>
FAMILY SUPPORT SERVICES	51	<p>The City Manager may approve grant agreements for the provision of family and community support services as provided for in the <i>Family and Community Support Services Regulation</i>, AR 218/1994.</p>

PART XI - POLICE

- CHIEF OF POLICE** 52 (1) The designated officer position of Chief of Police is established for the purpose of delegating authority to approve and sign procurement agreements.
- (2) The Chief of Police will be the individual appointed as chief of police in accordance with the *Police Act*, RSA 2000, c P-17.
- (3) The Chief of Police is not subject to the supervision of, or accountable to the City Manager.
- POLICE AGREEMENTS** 52.1 (1) The Chief of Police may sign, acting alone, any procurement agreement approved pursuant to the Edmonton Police Commission Bylaw, Bylaw 14040.
- (2) The Chief of Police may delegate this authority, including the power to further delegate this authority to any individual.
- REPORTING** 52.2 The Chief of Police must, at least once semi-annually, report to Standing Committee all procurement agreements arising from non-competitive procurement processes where the value of the agreement exceeds \$75,000.
- RETENTION** 52.3 The Chief of Police must retain all procurement agreements signed by the Chief of Police in accordance with approved City records retention schedule.
- (S7, Bylaw 18605, November 27, 2018)

PART XII - COUNCIL AND STANDING COMMITTEE DIRECTIONS

- COUNCIL DIRECTION FOR AGREEMENTS** 53 Notwithstanding any other provision in this bylaw, if Council expressly approves a City project, program, or activity, and the budget for that project, program, or activity, and directs the City Manager to negotiate and approve the agreements required for that approved project, program, or activity, the City Manager may approve agreements in accordance with Council's express direction.

PART XIII - ANCILLARY AND INCIDENTAL AGREEMENTS AND ACTIONS

- 54 The City Manager may approve all necessary ancillary and incidental agreements, amendments, consents,

acknowledgments, certificates, or other documents reasonably required for an agreement previously approved by Council, Standing Committee, or the City Manager.

- 55 If applications, registrations, filings, or other actions are required for the exercise of the City’s powers, duties, or functions, the City Manager may take all such related and necessary actions.

PART XIV - MEMORANDUMS OF UNDERSTANDING

- 56 The City Manager may approve memorandums of understanding with respect to operational or administrative matters falling within the scope of the City Manager’s powers, duties, and functions.
- 57 Memorandums of understanding involving policy decisions for the City that do not fall within the scope of the City Manager’s powers, duties, and functions will be signed by the Mayor on behalf of Council if approved by Council.

PART XV - GENERAL

TRANSITIONAL

- 58 City policies, administrative directives, and other records established under the authority of Bylaws 12005, 12101 and 12100 continue to be in effect, and references to the repealed bylaws are deemed to be references to this bylaw.

CONSEQUENTIAL AMENDMENTS

- 59 (1) The Enforcement Bylaw, Bylaw 16368, is amended by this section.
- (2) Section 5(e.1) is added following section 5(e):
- (e.1) exercise all the powers, duties, and functions of a development authority to issue written order pursuant to section 645 of the *Municipal Government Act*;

- (3) Section 5(e.2) is added following section 5(e.1):
 - (e.2) take whatever actions or measures are necessary to carry out an order issued pursuant to section 645 or 687 of the *Municipal Government Act*;
- (4) Section 5(j) is added following section 5(i):
 - (j) certify City records as true copies of the original.

- REPEALS**
- 60 Bylaw 12005, the City Administration Bylaw, is repealed.
 - 61 Bylaw 12101, the Corporate Records and Information Management Bylaw, is repealed.
 - 62 Bylaw 12100, the Freedom of Information and Protection of Privacy Bylaw, is repealed.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager’s authority)

Bylaw 16620, passed by Council June 28, 2016

Amendments

Bylaw 18605 November 27, 2018