

BY-LAW NO. 6505

BEING A BY-LAW of the City of Brandon for the purpose of establishing a chief administrative officer position, and defining the duties, responsibilities, and powers of said position.

WHEREAS subsection 125(i) of The Municipal Act, R.S.M. 1996, c.M225, directs City Council to establish by by-law the position of chief administrative officer and to appoint a person to this position;

AND WHEREAS it is deemed necessary and expedient to pass a by-law for the purpose of establishing the position of chief administrative officer, setting out the responsibilities and duties of the position, and appointing a person thereto; NOW THEREFORE the Council of the City of Brandon enacts as follows:

1. This By-law may be cited as the 'City Manager By-law'.
2. The City of Brandon hereby establishes a chief administrative officer position and the person appointed to that position will have all the responsibilities and duties as outlined in this bylaw and in the Act.
3. The City of Brandon shall appoint a person to the position of City Manager and enter into a contract of employment with that person who, when appointed and upon entering into the contract of employment, shall be the chief administrative officer for the affairs of the corporation of The City of Brandon.
4. The position of City Manager is a full time position and the person appointed thereto shall devote full business time and attention to this position.
5. Pursuant to the Act, the following statutory responsibilities are assigned to the city Manager:
 - a) to be the administrative head of the City and to administer its business affairs in accordance with the Act and with the policies and programs approved and established by Council and to carry out and enforce all orders, resolutions, and by-laws of Council;
 - b) to advise and inform Council on the operations and affairs of the City;
 - c) to give general supervision to and exercise overall control with respect to the operations of all departments of the City;
 - d) to appoint, promote, demote, and/or suspend employees of the City, except those employees appointed directly by Council or whose appointment, promotion, demotion and/or suspension is required under any legislative authority to be done by Council;
 - e) to suspend and dismiss employees pursuant to any collective agreements of employment between the City and its bargaining agents or set out in any enabling legislation;
 - f) to carry out the powers, duties and functions assigned to the chief administrative officer, including those assigned to a designated officer, by Council or the Act or any other Act; and
 - g) to notify Council if money of the City is spent or invested by Council contrary to a by-law or resolution or the Act or any other Act and if Council does not rectify the

matter within a reasonable time to give the Minister of Intergovernmental Affairs (Minister) written notice of the matter as soon as is reasonably possible.

6. Pursuant to the Act, the following statutory duties are hereby assigned to the City Manager:
 - (a) to ensure that the minutes of every Council meeting are made without note or comment;
 - (b) to ensure that the by-laws and minutes of Council meetings and all other records and books of account of the City are kept safe and in accordance with the retention and disposition provisions of the Act;
 - (c) to ensure the revenues of the City are collected;
 - (d) to ensure that all money belonging to or held by the City is deposited in the bank, credit union, caisse populaire, or trust corporation designated by Council;
 - (e) to ensure the accounts for authorized expenditures of the City are paid;
 - (f) to ensure accurate records and books of account are kept of the financial affairs of the City;
 - (g) to ensure any Information required of the City by the Minister is provided within a reasonable time; and
 - (h) to carry out, with necessary modifications, the duties referred to in subsections (a) through (g), in respect of council committees, except as Council may otherwise direct.
7. The following responsibilities, duties, and powers are hereby assigned and granted to the City Manager:
 - (a) to attend all meetings of Council and Committee of the Whole and such other meetings as are required by Council;
 - (b) to direct the preparation of long range plans for the development, operation and maintenance of all City activities for ratification by Council;
 - (c) to direct the preparation and completion of the financial plan for submission to and adoption by Council and to be responsible for the administration of the budgets contained therein;
 - (d) subject to any legislative authority to the contrary, to sign on behalf of Council all agreements, cheques, and other negotiable instruments approved or delegated by Council, and to ensure all such documents are co-signed by a designated officer when required,
 - (e) to be responsible for the implementation, operation and maintenance of a City of Brandon pay plan;
 - (f) to carry out such additional duties and to exercise such additional responsibilities as Council may, from time to time, require.
8. The City Manager may delegate to a designated officer or other employee of the City a power, duty or function given to the City Manager under this or any by-law or the Act or any other Act, unless such by-law or Act prohibits the delegation.
9. In the event that any conflict arises between the provisions of this by-law and any other by-law of the City, the provisions of this by-law shall prevail.
10. By-law No. 5895/52/91 and amending By law No. 6205/54/94 are hereby repealed.
11. This by-law shall come into full force and effect on the date following its final passage.

DONE AND PASSED by the Council of the City of Brandon in regular session assembled,
this day of

Read a first time this 23rd day of February, AD. 1998.

Read a second time this 9th day of March, AD. 1998.

Read a third time this 9th day of March, A.D. 1998.

I _____, City Clerk of the Municipality of the City of Brandon, DO HEREBY
CERTIFY the within to be a true and correct copy of By-law No. 6505.