



Corporate Report

NO: R049

COUNCIL DATE: March 31, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: March 26, 2008
FROM: City Solicitor FILE: 3900-01/#9
General Manager, Human Resources
SUBJECT: By-law Amendments to include Officer Positions

RECOMMENDATION

The General Manager, Human Resources and the City Solicitor recommend that Council:

1. Adopt amendments to Surrey Officer and Indemnification By-law, 2006, No. 15912 (the "Officer By-law") as set out in Schedule "A" to this report;
2. Adopt amendments to Delegation By-law, 2006, No. 15913 (the "Delegation By-law") as set out in Schedule "B" to this report; and
3. Adopt amendments to Purchase and Expenditure Authorization By-law, 2007, No. 16535 (the "Purchase and Expenditure By-law") as set out in Schedule "C" to this report.

INTENT

The purpose of this report is to make changes to the Officer By-law, Delegation and Purchase By-law and Expenditure By-law to recognize the new position of Deputy City Manager in the City's organizational structure and other house-keeping amendments.

BACKGROUND

Section 146 of the *Community Charter*, S.B.C. 2003, c. 26 allows (the "*Community Charter*") Council to establish officer positions and to assign powers, duties and functions to its officer positions in a by-law. The Officer By-law was last revised in 2006 to comply with the *Community Charter* and to include the General Manager, Human Resources and Acting City Manager positions.

DISCUSSION

Officer By-law

To recognize the new Deputy City Manager position, the Officer By-law needs to be amended as documented in Schedule "A". These amendments have the effect of the City indemnifying the incumbent against actions, prosecutions or claims brought against this position in connection with the performance of his or her duties. The Deputy City Manager has the powers and duties prescribed by the City Manager in addition to those responsibilities, which may be assigned to the officer by Council. The appointment of the Deputy City Manager is subject to Council approval.

Delegation By-law

The Delegation By-law needs to be amended, as documented in Schedule "B", by adding the Deputy City Manager and the General Manager, Human Resources officer positions. The City Manager may under this by-law name an "authorized designate" who may act on the City Manager's behalf. The Deputy City Manager may be given written delegated authority by the City Manager of part or all of his or her authority. Alternatively, the Deputy City Manager can be made the Acting City Manager under the Officer By-law thereby assuming all of the responsibilities and duties of the City Manager.

Purchase and Expenditure By-law

The Purchase and Expenditure By-law needs to be amended, as documented in Schedule "C", by changing the definition of "officer" to that in the 2006 version of the Officer By-law, as amended. With this amendment in place, the City Manager may delegate his or her authority under the Purchase and Expenditure By-law to the Deputy City Manager.

CRAIG MacFARLANE
City Solicitor

NICOLA WEBB
General Manager, Human Resources

CM:mlg

SCHEDULE "A"

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of "Surrey Officer and Indemnification By-law, 2006, No. 15912"

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The Council of the City of Surrey, in open meeting assembled, ENACT AS FOLLOWS:

1. "Surrey Officer and Indemnification By-law, 2006, No. 15912" is amended as follows:
 - a. Section 2 is amended by adding the following new provision immediately after existing subsection (f):
 - (g) "Deputy City Manager" means the Officer position of deputy city manager;
 - b. Existing Sections 2(g) to 2(q) are renumbered 2(h) to 2(r).
 - c. Section 3.1 is amended by adding the following after "City Manager (Chief Administrative Officer)":
 - Deputy City Manager,
 - d. Section 4 is amended by adding the following new section immediately after existing Section 4.1:

Deputy City Manager:

4.1A The Deputy City Manager shall have those powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.

2. This By-law shall be cited for all purposes as "Surrey Officer and Indemnification By-law, 2006, No. 15912, Amendment By-law, 2008, No. _____".

PASSED THREE READINGS by the City Council on the ____ day of _____, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2008.

_____MAYOR

_____CLERK

SCHEDULE "B"

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of
"Delegation By-law, 2006, No. 15913"

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The Council of the City of Surrey, in open meeting assembled, ENACT AS FOLLOWS:

1. "Delegation By-law, 2006, No. 15913" is amended as follows:
 - a. Section 2 is amended by adding the following new provision immediately after existing subsection (f):
 - (g) "Deputy City Manager" means the Officer position of deputy city manager;
 - b. Existing Sections 2(g), (h) and (i) are renumbered 2(h), (i) and (j).
 - c. Section 2 is further amended by adding the following new provision immediately after renumbered subsection (j):
 - (k) "General Manager, Human Resources" means the Officer position of the human resources department;
 - d. Existing Sections 2(j) – (m) are renumbered 2(l) – (o).
 - e. Section 2 is further amended by deleting renumbered subsection (o) and inserting in its place:
 - (o) "Officer" means the persons defined as officers in the Surrey Officer and Indemnification By-law, 2006, No. 15912, as amended.
2. This By-law shall be cited for all purposes as "Delegation By-law, 2006, No. 15913, Amendment By-law, 2008, No. _____".

PASSED THREE READINGS by the City Council on the ____ day of _____, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2008.

_____MAYOR

_____CLERK

SCHEDULE "C"

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of "Purchase and Expenditure
Authorization By-law, 2007, No. 16535"

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The Council of the City of Surrey, in open meeting assembled, ENACT AS FOLLOWS:

1. "Purchase and Expenditure Authorization By-law, 2007, No. 16535" is amended as follows:
 - a. Section 2 is amended by deleting paragraph (r) and inserting in its place:
 - (r) "Officer" means the persons defined as officers in Surrey Officer and Indemnification By-law, 2006, No. 15912, as amended;
2. This By-law shall be cited for all purposes as "Purchase and Expenditure By-law, 2006, No. 16535, Amendment By-law, 2008, No. _____".

PASSED THREE READINGS by the City Council on the ____ day of _____, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2008.

_____MAYOR

_____CLERK