



CITY OF YELLOWKNIFE

BY-LAW NO. 5035

BP 116

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to repeal and replace By-law No. 3580, a By-law to establish the position of the Senior Administrative Officer and define the duties and responsibilities of that office;

PURSUANT TO Sections 13, 41, 42, and 45 of the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c.22, as amended;

WHEREAS the Senior Administrative Officer is the only employee of Council of the Municipal Corporation of Yellowknife;

AND WHEREAS the Council of the Municipal Corporation of the City of Yellowknife wishes to authorize the Senior Administrative Officer to perform certain duties;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Senior Administrative Officer By-law".

INTERPRETATION

2. In this By-law:

"Act" means the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, as amended;

"Acting Senior Administrative Officer" means the office established by section 42(2) of the Act;

"City" means the Municipal Corporation of the City of Yellowknife, in the Northwest Territories;

“Council”	means the council of the City;
“Director”	means a senior manager responsible for an administrative department of the City who reports directly to the Senior Administrative Officer;
“Senior Administrative Officer”	means the position established by section 41 of the Act.

ESTABLISHMENT

3. With this by-law Council establishes the position of Senior Administrative Officer.
4. The Senior Administrative Officer shall be known as, and referred to as, the “City Manager”.
5. Council shall by by-law, in accordance with the Act, appoint a person to fill the position of City Manager.
6. The City Manager shall carry out:
 - a. all administrative duties and powers delegated to the City Manager by Council that Council has authority to delegate;
 - b. all duties set out in the Act or imposed on the City Manager by any other Territorial legislation; and
 - c. all administrative and related duties as set out in this by-law.
7. The terms and conditions of employment for the City Manager not included in this by-law shall be established by written agreement between Council and the City Manager . Nothing in the written agreement shall substitute or supersede the terms of this by-law. In the event a conflict arises between the terms of this by-law and the written agreement, the terms of this by-law shall govern.
8. The Mayor, in conjunction with Council, shall provide the City Manager with an annual performance appraisal.
9. The City Manager shall serve a one-year probation period, which may, at the option of Council, and prior to the expiration of the initial probation period, be extended for an additional six months.
10. The City Manager may designate an Acting City Manager in the event of a scheduled absence. If the City Manager is unable to designate an Acting City Manager, Council shall by resolution appoint an Acting City Manager in the event of incapacity, long-term illness, or unscheduled absence. The

Acting City Manager, during the absence of the City Manager, will perform and exercise the powers and duties of the City Manager.

QUALIFICATIONS

11. Council shall select and appoint the City Manager based on the applicant's:
 - a. formal education;
 - b. general experience;
 - c. training and experience in public administration; and
 - d. communication and leadership skills.
12. The City Manager shall have a thorough knowledge of the role, functions and principles of municipal government and have acquired significant senior management skills in financial matters, employee relations and policy development and implementation.

DUTIES AND RESPONSIBILITIES

13. In addition to those matters prescribed by the Act and the powers and duties that may from time to time be delegated to the City Manager by by-law or resolution of Council, the City Manager shall be responsible to Council for the overall administration of municipal objectives, policies and plans approved by Council.
14. In carrying out these responsibilities the City Manager shall report directly to and receive direction from Council through its bylaws and resolutions.
15. The City Manager will ensure the Mayor is briefed on all administrative matters going forward to Council for its decision(s).
16. In addition to the responsibilities and duties stated in this by-law, the City Manager's responsibilities include the following:
 - a. (i) coordinating, directing and making recommendations on presentations by administrative staff to Council on policy proposals and ongoing municipal operations;
 - (ii) providing information, advice and recommendations to Council on all matters:
 - (A) considered by management as likely to be of significance to Council and, in particular, any matters on which Council has yet to establish a policy or bylaw or approve a new or revised service or program; or
 - (B) which exceed the permission granted to the City Manager with respect to the budget expenditures, operational matters and the financial condition of the City;

- (iii) ensuring the implementation of all policies and programs of Council, reporting to Council on their effectiveness, and recommending any necessary changes to achieve Council's objectives;
 - (v) ensuring Council-approved policies are codified and the information concerning these policies is distributed to and implemented by appropriate Directors and other senior managers;
 - (vi) developing, implementing and approving administrative procedures and practices in support of Council-approved policies;
- b.
- (i) attending or being represented at all Council, committee and board meetings unless excused by Council, and assisting in the decision-making process by providing technical advice, guidance and consultation as required or requested;
 - (ii) ensuring Council receives such information and reports as it requires to:
 - (A) make effective policy decisions; and
 - (B) monitor the effectiveness of administrative operations;
 - (iii) ensuring the Mayor is regularly informed of the implementation of all approved policies and projects and any other matters deemed to be relevant by the Mayor and City Manager;
 - (iv) providing high level policy and program advice as well as appropriate advice and guidance to the Mayor and Council in dealing with other orders of government;
 - (v) keeping informed of governmental and community affairs and ensuring Council and City employees are advised of significant trends and new developments in this field. As appropriate, advising Council on the impact of such trends and developments on existing Council policies;
- c.
- (i) exercising control of the finances of the City in accordance with the provisions of the Act, the City's Financial Administration By-law, as amended, and as otherwise directed by Council;
 - (ii) ensuring the development of satisfactory and timely procedures and controls relating to budget preparation and financial reporting of the City's revenues and expenditures, including:
 - (A) preparation and submission to Council of annual budgets with appropriate explanations and substantiating information;

- (B) reporting regularly to Council on the City's actual revenues and expenditures as contrasted to those budgeted with explanations of significant variances;
 - (C) reporting to Council on any other matter of a financial nature which in the City Manager's opinion should be reported to Council or which is requested by Council;
- (iii) ensuring the efficient procurement and safekeeping of goods and services for which funds are provided within the budget;
- d. (i) determining salaries, benefits, hours of work, and other working conditions of City employees in accordance with any applicable collective agreement and other established administrative policies;
- (ii) appointing, promoting, demoting, transferring, suspending or dismissing City employees pursuant to the provisions of the Act and any other applicable legislation and in accordance with personnel policies, collective agreements and budgetary guidelines;
- (iii) supervising all Directors, officers, employees and agents of the City to the extent allowed by the Act and this by-law and as expected of a City Manager;
- (iv) ensuring the development of comprehensive personnel policies and programs governing the selection, compensation, development, retention, appraisal, and placement and dismissal of City employees;
- (v) providing advice to any committee appointed by Council to:
- (A) negotiate a collective agreement or any renewal of a collective agreement;
 - (B) negotiate any other employment contract with any City employee;
- and
- if requested by Council, to lead such negotiations;
- (vi) maintaining all personnel records and files, and ensuring the confidentiality of those records and files;
- (vii) reviewing the structure of the administration of the City, including establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy below the level of direct reports to the City Manager and administrative and reporting policies and procedures. Updating Council on the City Manager's approved organization structure policy;

- e. conducting audits, investigations and studies of the administration as permitted and/or planned for within the current operating budget;
- f. providing any requested input and assistance to Council in its review of its governance or the senior management functions of the City;
- g. instructing legal counsel on any matters involving any potential legal and administrative proceedings involving the City within the policies and resolutions of Council; and
- h. carrying out such additional duties and exercising such additional responsibilities as Council may assign to the City Manager.

DELEGATION

- 17. Subject to the approval of Council, the City Manager may delegate any of the City Manager's duties and responsibilities as is necessary and permitted by the Act for the purpose of establishing an efficient administrative operation capable of fulfilling the obligations and goals of Council.
- 18. The City Manager may establish such administrative committees as the City Manager deems necessary to provide for the proper and efficient administration of City business. In addition, a committee so established may be used for the furnishing of information to Council as required. Members of these committees may be employed by the City or they may be recruited from the wider community.
- 19. The City Manager shall keep informed of the business transacted by all committees established by this by-law and, where necessary, report to Council on the business transacted by such committees.
- 20. The City Manager, where appropriate, shall communicate and cooperate with committees, boards, commissions and agencies outside the jurisdiction of Council and report to Council when the operations of such bodies affect the policies and objectives of the City or affect the normal day-to-day business of the City.
- 21. Except for purposes otherwise authorized by Territorial or Federal statute, Council shall deal with and control the administrative service of the City through the City Manager subject to the overall supervision of the Mayor.

REPEALS

- 22. By-law No. 3580 is repealed.
- 23. Motion #0243-03 dated July 28, 2003 is rescinded.

EFFECT

24. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 22 day of February, A.D. 2021.

Raley
Mayor

Banknett
City Manager

Read a Second Time this 22 day of February, A.D. 2021.

Raley
Mayor

Banknett
City Manager

The unanimous consent of all members voting in attendance having been obtained

Read a Third Time and Finally Passed this 22 day of February, A.D., 2021.

Raley
Mayor

Banknett
City Manager

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



Banknett
City Manager