



# CORPORATION OF THE CITY OF SUMMERSIDE

**BYLAW NAME:** Administration Bylaw

**BYLAW #:** SS-29-A1

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A bylaw for the general administration of the City of Summerside.

Be it enacted and it is hereby enacted by the City Council of the City of Summerside, pursuant to Sections 21 and 65 of the *City of Summerside Act*, S.P.E.I. 1994, Cap. 59 and any amendments thereto:

## PART I – General

### **1. Name**

This bylaw may be referred to as the “City Administration Bylaw”.

### **2. Definitions**

In this bylaw:

- a. “Act” means the *City of Summerside Act*, S.P.E.I. 1994, Cap. 59 and any amendments thereto, and any *Successor Acts*;
- b. “Chief Administrative Officer” means the Chief Administrative Officer appointed by Council pursuant to the *Act*;
- c. “City” means the City of Summerside as established by the “Act”;
- d. “Committee” means a Council committee established under Section 19 of the *Act* other than a Standing Committee;
- e. “Council” means the City Council of the City of Summerside;
- f. “Councillor” means a City Councillor of the City of Summerside;
- g. “Department Head” means a City employee other than the Chief Administrative Officer who is responsible for the effective administration of a City Department and includes:
  - i. the Director of Communications;

- ii. the Director of Community Services;
  - iii. the Director of Economic Development;
  - iv. the Director of Finance;
  - v. the Director of Fire Services;
  - vi. the Director of Human Resources and Legal Affairs;
  - vii. the Director of Municipal Services;
  - viii. the Director of Police Services; and
  - ix. the Director of Technical Services;
  - x. and such other Directors as Council may from time to time designate; (collectively referred to as the “Department Heads”)
- h. “Mayor” means the Mayor of the City of Summerside;
- i. “Standing Committee” means a Standing Committee of City Council established under Bylaw # SS-04, the “Summerside Committee Bylaw”, and includes, but shall not be limited to:
- i. the Community Services Committee;
  - ii. the Economic Development Committee;
  - iii. the Financial Services Committee;
  - iv. the Fire Services Committee;
  - v. the Human Resources and Legal Affairs Committee;
  - vi. the Municipal Services Committee;
  - vii. the Electric Power Committee;
  - viii. the Police Services Committee
  - ix. the Technical Services Committee; and
  - x. the Committee of the Whole.

PART II – Appointment and Delegation

**3. Appointment of Chief Administrative Officer**

Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer, and shall establish the terms and conditions of the Chief Administrative Officer’s employment.

**4. Term of Chief Administrative Officer**

Council may appoint the Chief Administrative Officer for a term position, fixed at the discretion of Council by resolution at the time of the Chief Administrative Officer’s appointment and renewable for an additional term or terms by resolution of Council.

**5. Indemnification**

The City shall indemnify the Chief Administrative Officer, provided that the Chief Administrative Officer acts in the course and scope of his or her employment, and acts in good faith to comply with any applicable policy, bylaw, statute or enactment.

**6. Delegation of Functions**

Council may delegate functions to the Chief Administrative Officer, and the Chief Administrative Officer is authorized to further delegate his or her functions, powers, duties and responsibilities under Section 22(3) of the Act or any other enactment, or under this or any other bylaw, to a Department Head or other employee of the City.

**7. Designation of Alternates**

As designated in writing from time to time by the Chief Administrative Officer and the Mayor, or by resolution of Council, a Department Head is authorized to act in the place of the Chief Administrative Officer when the Chief Administrative Officer is absent from his or her duties due to travel, illness or otherwise.

PART III – Chief Administrative Officer Powers

**8. General Powers**

The Chief Administrative Officer:

- a. Shall be responsible for the day-to-day administration of the City, subject to any limitations established by the *Act* or other statute, or by the City bylaws, regulations and policies;
- b. Shall have all the powers granted to a Chief Administrative Officer by the *Act* or by other statute or enactment;
- c. Shall carry out all the duties and functions of a Chief Administrative Officer as required by the *Act* or by other statute or enactment;
- d. Shall have all the powers, duties and functions delegated to the Chief Administrative Officer by Council by this or any other bylaw;
- e. Shall manage the human, fiscal and physical resources of the City;
- f. Shall review all departmental programs, budgets and policy initiatives and make recommendations to Council with respect to same; and
- g. Shall provide corporate leadership in ensuring that all City policies and programs are efficiently coordinated, that City services are delivered consistently and effectively, and that the operations of the municipality reflect the overall strategic priorities of the City as established by Council from time to time.

**9. Specific Powers, Duties and Functions**

The Chief Administrative Officer:

- a. Shall be the Senior Policy Adviser to the Council;
- b. Shall attend all meetings of the Council and record all resolutions, decisions and proceedings of the Council, except as otherwise set out herein;
- c. Shall keep the minutes, documents and financial records of the City and maintain a register containing the originals of all bylaws adopted by the Council;
- d. Shall be the custodian of the Corporate Seal of the City;

- e. Shall notify all members of the Council of meetings of the Council;
- f. Shall collect and receive all money of the City;
- g. Shall open an account in the name of the City at a Chartered Bank or other financial institution approved by the Council and deposit in that account all money received by the Administrator on account of the City;
- h. Shall co-sign all cheques and other financial instruments of the City, with the Mayor;
- i. Shall, as soon as possible, after the end of the fiscal year, prepare a detailed statement of the finances of the City and submit it when audited, to the Council;
- j. Shall appoint, promote, demote, suspend and dismiss all employees of the City, except the officers and directors and Department Heads of the City, subject to any procedure set out in an administrative order adopted by Council, or by limitations imposed by Resolution of Council;
- k. Shall recommend to the Council the appointment and dismissal of the officers and directors and Department Heads of the City;
- l. Shall make recommendations to the Council respecting any proposed expenditure for any purpose in excess of Fifty thousand (\$50,000.00) dollars and respecting any contract involving any such expenditure, however, the Council shall not be bound to adopt such recommendations;
- m. Shall first introduce such recommendations for expenditures in excess of Fifty thousand (\$50,000.00) dollars, or respecting any contract involving any such expenditure, to the appropriate Standing Committee of Council for consideration and recommendation. The only exceptions to such prior consideration by the appropriate Standing Committee of Council shall be in the event of an emergency, or, with the unanimous approval of Council.
- n. Shall perform such other duties as Council may assign.

**10. *Limitation of Powers***

Nothing in this Part shall be deemed to empower the Chief Administrative Officer to exercise or encroach upon the powers of Council, or any Committee or Standing Committee of Council, or upon the statutory duties of an officer of the City.

PART IV – Council/Chief Administrative Officer Relationship

**11. *Accountability***

The Chief Administrative Officer is accountable to Council for the exercise of all powers, duties and functions delegated to the Chief Administrative Officer.

**12. *Policy support***

The Chief Administrative Officer is responsible for providing effective advice and support to the Mayor and Councillors in developing and implementing the policies, procedures and programs of the City.

**13. Council Meetings**

The Chief Administrative Officer shall attend all Council meetings.

**14. Committee Membership**

The Chief Administrative Officer shall be an *ex-officio* (non-voting) member of all Standing Committees and Committees of Council and shall attend all Standing Committee and Committee meetings, except as specified herein.

**15. Reporting Obligation**

Recognizing the importance of clear and open communications between the Chief Administrative Officer and Council, and the need of Council to maintain a high level of awareness of City issues and operations, the Chief Administrative Officer shall have the onus of initiating communications and reporting to Council on a proactive, timely and regular basis.

**16. Reporting Requirements**

The Chief Administrative Officer shall advise, inform, report and make recommendations to Council respecting:

- a. The operations of the City;
- b. The fiscal condition of the City;
- c. Policies, procedures and programs as may be necessary or desirable to carry out the powers, duties, functions and strategic objectives of the City;
- d. The Chief Administrative Officer’s execution of his or her powers, duties and functions established by the Act, other statutes or enactments, this or other City bylaws or City policies; and
- e. Such other matters as may be required by Council, or its Standing Committees, from time to time.

**17. Annual Performance Review**

In order to maintain an effective relationship with the Chief Administrative Officer, Council shall monitor and review the Chief Administrative Officer’s performance on an annual basis in accordance with City policy and by specific reference to The City of Summerside CAO Performance Monitoring Policy # P-CS-16 and amendments thereto.

PART V – Department Head Description of Duties

**18. Description of Duties**

The duties, requirements and responsibilities of the various Department Heads shall be as set out and described in the descriptions of duties for the Department Heads, as developed, maintained and kept up to date by the CAO, and as reviewed with the HR and Legal Affairs Committee annually. The CAO shall confirm in writing to the HR Committee, at least annually, and not less than thirty (30) days after completion of Annual Performance Reviews, that the Department Head job descriptions are current and up to date.

PART VI – Committee/Department Head Relationship

**19. Annual Performance Review – Department Heads**

In order to maintain an effective relationship with the Department Heads, the Chief Administrative Officer shall monitor and review the performance of the Department Heads on an annual basis in accordance with City policy. The Chief Administrative Officer shall confirm to Council, at least annually, that such reviews have been completed with the results of the same to be contained within the personnel files of the HR and Legal Affairs Department.

**20. Presentations by Department Heads**

Recognizing that Section 23(2) of the Act is not exclusive in its reporting requirements, Council maintains the discretion and authority to require the Department Heads, including Police and Fire, to present to Committees of Council and, when Council deems it to be appropriate and necessary, directly to Council.

PART VII – Miscellaneous

**21. The Authority of Council to Delegate**

Pursuant to the authority granted in Section 66 of the Act, Council may delegate administrative acts and the exercise of authority and discretion to:

- a. The Mayor;
- b. Any Committee constituted by Council;
- c. The Chair of any Committee constituted by Council; or
- d. Any official of the City.

**22. Right to Exclude – City Employees and Officers**

Council and the Human Resources and Legal Affairs Committee shall have the sole right and discretion to exclude any employee or officer of the City, including the Chief Administrative Officer, from any meeting or part of any meeting of Council or the Human Resources and Legal Affairs Committee where the performance of that employee or officer is in issue.

**23. Right to Exclude – Generally**

Council shall have the sole right and discretion to exclude the public, or the public and City officers or employees, from any meeting or part of any meeting in which the subject matter being considered is confidential, privileged or is of such a nature that it would customarily be addressed by Committee of the Whole, including but not limited to:

- a. The security of the property of the municipality;
- b. Personal information about an identifiable individual;

- c. The acquisition, disposition or expropriation of land or improvements;
- d. Labour relations or other employee matters;
- e. Litigation or potential litigation;
- f. A hearing or potential hearing of a tribunal constituted by or under an enactment or the laws of Canada if the municipality is a party or intervenor involved in the hearing;
- g. Law enforcement;
- h. The reception of advice that is subject to solicitor-client privilege;
- i. The consideration or negotiation of an agreement if, prior to executing, Council gives the public notice as to the parties, nature of the agreement, and places where the agreement may be inspected;
- j. A matter that is debated in a meeting where no decision is made, if the decision is made on some subsequent day and if the matter relates to new policy or a draft bylaw;
- k. A document that would otherwise be exempt under a statute;
- l. Consideration of a request by a person to attend the Council meeting or obtain a document pursuant to applicable “inspection of records” provisions;
- m. A matter prescribed by the Lieutenant Governor in Council
- n. A matter that, under another enactment, is such that the public may or must be excluded;
- o. The consideration of whether Council will exclude the public on one of these grounds;
- p. Matters on an agenda for a retreat, if held not more than twice a year; and
- q. Consideration of confidential information related to negotiations with another government.