

CITY OF SURREY

BY-LAW NO. 14381

A by-law to establish Officer positions and to provide for the indemnification of the Officers and employees of the City of Surrey.

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WHEREAS the City Council, pursuant to Section 196 of the Local Government Act, R.S.B.C. 1996, Chapter 323, must by by-law establish officer positions in relation to the duties under Sections 197, 198 and 199.

AND WHEREAS, the City Council pursuant to Section 287.2(4) of the Local Government Act may, by by-law, provide that the City will indemnify its officers, employees and members of Council against any claim for damages against an officer, an employee and member of Council, arising out of the performance of his duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim.

AND WHEREAS, the City Council pursuant to Section 287.2(5) of the Local Government Act may, by by-law, provide that the City will not seek indemnity against its officers, employees and members of Council where the actions of those officers, employees, and members of Council result in a claim for damages against the City by a third party.

NOW THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. OFFICERS

(a) Pursuant to Section 196 of the Local Government Act, the Officers of the City of Surrey shall be those persons holding the following positions:

City Manager (Chief Administrative Officer), City Clerk (Corporate Administration Officer), General Manager – Finance, Technology and Human Resources (Financial Administration Officer), General Manager – Engineering, General Manager – Parks, Recreation and Culture, General Manager – Planning & Development and Manager - Legal Services (City Solicitor).

(b) Selection of the City Manager shall be made by Council and the selection of all other Officers of the City shall be made by the City Manager, subject to Council approval.

2. POWERS AND DUTIES

A. City Manager (Chief Administrative Officer):

The City Manager shall have, in addition to the powers and duties prescribed by by-law or resolution, the Local Government Act or any provincial statute, the following powers, duties and functions:

- (a) To coordinate, direct and broadly supervise the implementation of policies and programs approved by Council;
- (b) To plan, coordinate, direct, supervise and control the day to day business affairs of the City in accordance with the policies and plans approved and established by Council;
- (c) To develop, establish and maintain comprehensive policies to direct the activities of all departments of the municipal service;
- (d) To receive, compile, consider, and present to Council recommendations arising from departmental

operations which require Council approval, and to propose by-laws or resolutions arising from such recommendations;

- (e) To direct the preparation of, and to present to Council for consideration and approval, the annual budget and five year Financial Plan; and
- (f) To select department heads and Officers and to coordinate, motivate, direct and supervise these key officials and prescribe their duties and responsibilities.

B. City Clerk (Corporate Administration Officer):

The City Clerk (Corporate Administration Officer) shall have, in addition to the powers and duties prescribed by the City Manager, by by-law or resolution, the Local Government Act or any other provincial statute, the following powers, duties and functions:

- (a) To ensure that accurate minutes of the meetings of the City and its committees are prepared and that the minutes, by-laws and other records of the business of the City and its committees are maintained and kept safe;
- (b) To ensure that access is provided to records of the City and its committees as required by law or authorized by the local government;
- (c) To certify copies of by-laws and other documents, as required or requested;
- (d) To administer oaths and take affirmations, declarations and affidavits required to be taken under this or any other Act in relation to City matters;
- (e) To accept, on behalf of the City, notices and documents that are required or permitted to be given, served on, filed with or otherwise provided to the City; and
- (f) To keep the corporate seal, if any, and have it affixed to documents as required.

C. General Manager – Finance, Technology and Human Resources (Financial Administration Officer):

The General Manager – Finance, Technology and Human Resources (Financial Administration Officer) shall have, in addition to the powers and duties prescribed by the City Manager, by by-law or resolution, the Local Government Act or any other provincial statute, the following powers, duties and functions:

- (a) To receive all money paid to the City;
- (b) To ensure the keeping of all funds and securities of the City;
- (c) To expend and disburse money in the manner referred to in Section 336 of the Local Government Act;
- (d) To invest funds, until required, in investments referred to in Section 336 of the Local Government Act;
- (e) To ensure that accurate records and full accounts of the financial affairs of the City are prepared, maintained and kept; and
- (f) To compile and supply information on the financial affairs of the City required by the inspector.

D. General Manager – Engineering:

The General Manager – Engineering shall have 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 Local Government Act or any other provincial statute.

E. General Manager – Parks, Recreation and Culture:

The General Manager – Parks, Recreation and Culture shall have 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 Local Government Act or any other provincial statute.

F. General Manager – Planning & Development:

The General Manager – Planning & Development shall have 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 Local Government Act or any other provincial statute.

G. City Solicitor:

The City Solicitor shall have 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 Local Government Act or any other provincial statute.

3. TERMINATION

Termination of employment of any Officer shall be in accordance with Section 202 of the Local Government Act.

4. INDEMNIFICATION

The City will indemnify its Officers, employees and members of Council against a claim for damages against an Officer, employee or member of Council arising out of the performance of his duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim.

The City will not seek indemnity against its Officers, employees or members of Council where the actions of those Officers, employees or members of Council result in a claim for damages against the City by a third party, unless the Officer, employee or member of Council has been grossly negligent or has acted contrary to the terms of his employment, or to an order of a superior.

5. EFFECTIVE DATE

This by-law shall come in force on the date of final adoption thereof.

6. REPEAL

The following By-laws are hereby repealed:

"Surrey Officers and Officials By-law, 1984, No. 7801";

"Surrey Officers and Officials By-law, 1984, No. 7801, Amendment By-law, 1984, No. 7978";

"Surrey Officers and Officials By-law, 1984, No. 7801, Amendment By-law, 1988, No. 9656";

"Surrey Officers and Officials By-law, 1984, No. 7801, Amendment By-law, 1991, No. 10914";

"Surrey Officers and Officials By-law, 1984, No. 7801, Amendment By-law, 1991, No. 11122"; and

"Surrey Officers By-law, 1993, No. 11640".

7. TITLE

This By-law may be cited for all purposes as "Surrey Establishment of Officer Positions and Officer and Employee Indemnification By-law, 2001, No. 14381".

PASSED THREE READINGS on the 9th day of July, 2001.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 16th day of July, 2001.

_____MAYOR

_____CLERK

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