



# Corporate NO: R074

# Report COUNCIL DATE: April 9, 2001

<b>REGULAR</b>			
<b>TO:</b>	<b>Mayor &amp; Council</b>	<b>DATE:</b>	<b>April 5, 2001</b>
<b>FROM:</b>	<b>City Manager City Solicitor</b>	<b>FILE:</b>	<b>0023-001</b>
<b>SUBJECT:</b>	<b>Surrey Officers By-law</b>		

## RECOMMENDATION

That Council enact the Surrey Officers By-law.

## BACKGROUND

Section 196 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the "Act") requires the City to have the officer positions of Chief Administrative Officer (City Manager), Corporate Administration Officer (City Clerk) and Financial Administration Officer (General Manager – Finance, Technology and Human Resources). The City currently has a Municipal Manager By-law (a copy of which is attached) which sets out the powers and duties of the City Manager.

There also exists the Surrey Officers and Officials By-law that made the City's General Managers and the City Solicitor each an Officer of the City.

The attached new by-law consolidates and updates both by-laws. In the case of the City Manager, the powers and duties from the Municipal Manager By-law are updated and incorporated into the new by-law.

Under the original *Municipal Manager's Act* (since repealed), which created the Municipal Manager position, adoption by 3/4 of the members of Council was required to enact the by-law in lieu of elector consent. The City has no record of elector assent to the Municipal Manager By-law and we assume that it was adopted by a 3/4 vote of Council. By virtue of the *Interpretation Act*, R.S.B.C. 1996, c. 238 the legislation is considered to be in force until the by-law is repealed. Therefore, a vote of 3/4 of the members of Council is required under the original legislation to repeal the by-law.

## CONCLUSION

The Officers By-law combines and updates the Municipal Manager By-law and the Officers and Officials By-law. The By-law defines the powers and duties of the City Manager who is appointed by Council. The powers and duties of the other Officers are contained in the By-law. The By-law also carries forward the indemnity provisions contained in the current by-laws and the *Act*.

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City Manager

CRAIG MacFARLANE

City Solicitor