



# Corporate NO: R154

# Report COUNCIL DATE: July 9, 2001

<b>REGULAR</b>			
TO:	<b>Mayor &amp; Council</b>	DATE:	<b>July 4, 2001</b>
FROM:	<b>City Solicitor</b>	FILE:	<b>0023-001</b>
SUBJECT:	<b>Surrey Officers By-law</b>		

## RECOMMENDATION

It is recommended that Council:

- (a) enact the Surrey Officers By-law (attached as Appendix A);
- (b) repeal the Municipal Manager By-law (attached as Appendix B)

## 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 as Appendix B) 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 (a copy of which is attached) 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Under the original *Municipal Manager's Act* (since repealed), which created the Municipal Manager position, adoption by 3/4 of the members of Council was required to enact the by-law in lieu of elector consent.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of the *Interpretation Act*, R.S.B.C. 1996, c. 238 the legislation is considered to be in force until the by-law is repealed.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.

Should the attached by-law be adopted and there are not 3/4 of the members of Council in favour of repealing the Municipal Manager's By-law then I would recommend that the Municipal Manager's By-law remain in place. There is no conflict between the duties and responsibilities of the Municipal Manager under the old by-law and those contained in the attached Surrey Officer's By-law. The old Municipal Manager's By-law goes into more detail regarding the duties of the City Manager than the new Officers By-law. The new By-law can co-exist with the original Municipal Manager's By-law.

## CONCLUSION

The Officers By-law (attached as Appendix A) 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*.

CRAIG MacFARLANE

City Solicitor

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