



Memorandum Corporate By-law Number: 370-2024-City Manager's Office-
Human Resources

TO: Office of the City Clerk **FILE:**

FROM: Karie Ortgiese, Director
Human Resources, City Manager's Office

DATE PREPARED: September 24, 2024

SUBJECT: By-law 370-2024 - A By-law of the City of Thunder Bay to define the duties of the Office of the City Manager

MEETING DATE: City Council - October 7, 2024

By-law Description: A By-law of the City of Thunder Bay to define the duties of the Office of the City Manager

Authorization: Report 365-2024 (City Manager's Office – Human Resources)
Committee of the Whole – September 23, 2024

By-law Explanation: The purpose of this by-law is to define the duties of the Office of the City Manager and to repeal By-law 84-1993 and Chapter 113 of the City of Thunder Bay Municipal Code.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 370-2024

A By-law of the City of Thunder Bay to define the duties
of the Office of the City Manager

Recitals

1. Pursuant to section 229 of the *Municipal Act, 2001*, as amended, Council for The Corporation of the City of Thunder Bay (the “Corporation”) may appoint a (CAO) City Manager and prescribe the duties and responsibilities of that office,
2. The City Manager shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality; and
3. Council considers it desirable and expedient to define and determine the duties and responsibilities of the City Manager.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

Article 1.00: Definitions

- (a) In this by-law, City Manager means the member of Administration who fulfills the role of “Chief Administrative Officer” as set out in the *Municipal Act, 2001*.

Article 2.00: Appointment

- (a) The City Manager shall be appointed by Council by separate by-law, following a selection process adopted by Council.
- (b) When the City Manager is absent and unable to perform the roles and responsibilities set out herein, they shall appoint an Acting City Manager to perform the duties of the City Manager’s office.

Article 3.00 Responsible to Council

- (a) The City Manager shall be responsible to Council and shall carry out the duties and responsibilities set out herein in accordance with any and all relevant and applicable legislation and by-laws and resolutions of Council.

- (b) The City Manager shall assist Council to discharge its responsibilities, and in a professional and a non-partisan manner, provide guidance to Council to carry out its responsibilities and inform its decision-making and approvals.
- (c) The duties and responsibilities of the City Manager as set out herein shall not empower the City Manager to have, perform, do, or direct any act or matter that would to any extent whatsoever encroach upon the legislative powers of Council or upon the statutory duties of officers of the Corporation.

Article 4.00 General Duties and Responsibilities

The general duties and responsibilities of the City Manager shall be as follows:

- (a) to coordinate, lead, and broadly supervise Administration to deliver the programs and services of the Corporation;
- (b) to delegate appropriate duties and responsibilities for the purposes of establishing an efficient and effective administrative structure;
- (c) to motivate and develop the skills of Administration while fostering productivity, professionalism, adherence to corporate values, and open and collegial communications;
- (d) to ensure effective and efficient implementation of the corporate strategies, master plans, policy statements, programs, and services established by Council;
- (e) to present reports to Council regarding the operations and financial activities of the Corporation;
- (f) to attend meetings of Council and Committees of Council, and other meetings as required by Council and, at each such meeting, be entitled to speak but not to vote;
- (g) to liaise with individuals, officials, groups, agencies, government departments, First Nations and Indigenous partners, and such other individuals and groups outside the Corporation as is necessary to carry out the responsibilities of the City Manager;
- (h) to establish and foster relations, and work collaboratively with, administrative staff of First Nations and Indigenous partners to deepen relationships and further reconciliation; and
- (i) to perform other duties as may be assigned by Council.

Article 5.00 Human Resource Management and Administration

Subject to the provisions of the *Municipal Act, 2001*, and as herein after provided, the City Manager is responsible for dealing with all employment and labour relations matters;

- (a) to appoint, promote, suspend, discipline, and dismiss employees (except statutory officers);
- (b) to recommend to Council the appointment, promotion or dismissal of any statutory officers, and to advise Council of the suspension and discipline of any statutory officers;
- (c) to direct collective bargaining with all unionized employees in accordance with approved bargaining mandates, and to recommend ratification of collective agreement settlements to Council;
- (d) to recommend general wage increases for non-union, management and non-affiliated employee groups to Council for approval; and
- (e) to develop and implement policies, procedures, and programs to enhance the City's ability to attract and retain competent, qualified staff.

Article 6.00 Financial Management

Subject to the provisions of the *Municipal Act, 2001*, and as hereinafter provided, the financial management duties and responsibilities of the City Manager shall be as follows:

- (a) to exercise general financial control of the Corporation, with the assistance of the City Treasurer, including the preparation of operating and capital budgets, presentation of budgets to Council, and have overall responsibility for implementation of such budgets as approved by Council;
- (b) to monitor, broadly supervise, and control the budget throughout each fiscal year including:
 - i. exercising financial control over all corporate operations by exercising administrative direction of Council-approved programs and budget expenditures in each year;
 - ii. directing the presentation of a financial status update to Council at least on a quarterly basis; and

- iii. the authority to approve the transfer of funds within or between approved departmental operating budgets to maintain effective operations of the Corporation, or between budgeted capital projects up to the maximum amount of \$500,000.
- (c) to approve or enter into contracts, agreements, or transactions required for the effective administration of City operations in accordance with the Supply Management By-law and other policies approved by Council;
- (d) any action taken by the City Manager pursuant to Article 6.00 shall be:
- i. in accordance with general Council intent and priorities.
 - ii. compliant with all by-laws and policies as approved by Council; and
 - iii. within the total amount of a budget approved by Council.

Article 7.00 Administrative Organization and Management

Subject to the provisions of the Act, and as hereinafter provided, the administrative organization and management duties and responsibilities of the City Manager shall be as follows:

- (a) to develop with Council, for Council's approval, corporate strategies, master plans, and policy statements;
- (b) to develop, implement, approve, and regularly review programs, services, policies, and procedures to ensure the overall effectiveness and efficiencies of administrative functions;
- (c) to review the City's organizational structure regularly and implement changes that would improve the effectiveness and efficiency of the structures, provided that:
 - i. changes do not materially impact levels of service to the public; and
 - ii. the costs of implementing the changes are met within the overall operating budget;
- (d) to create new positions, subject to funds being available in an operating budget; and
- (e) notwithstanding By-law 203-1996, A By-law to adopt a Corporate Policy Manual, the City Manager may develop, approve, and implement appropriate policies and procedures that are administrative in nature relative to the management of the organization's human resources, programs, and services.

Article 8.00 Delegation of Authority

- (a) Council authorizes the City Manager to delegate such authority as assigned to the position, for the purpose of establishing an efficient and effective administrative structure.
- (b) Council authorizes the City Manager to designate a temporary appointment of a general manager or member of the executive leadership team to act in the absence of the City Manager from the offices of the Corporation. Such appointment shall be communicated to Council and all general managers and members of the executive leadership team and shall specify such period for the temporary appointment.
- (c) If, for any reason, the City Manager is unable to act for any reason and fails to designate a temporary appointment to act in their absence, such designation shall be made by Council.

Article 9.00 City Manager Performance Review and Dismissal

- (a) At least once each calendar year, the City Manager shall meet with Council to review their performance, salary, and benefit provisions.
- (b) The City Manager shall not be dismissed from office except after a hearing by Council or Committee of the Whole, if requested by the City Manager.

Article 10.00 Strong Mayor Powers

- (a) The City Manager's authority is subject to Part VI.1 of the *Municipal Act, 2001*; and
- (b) where the Mayor exercises a strong mayor power or duty, in accordance with Part VI.1 of the *Municipal Act, 2001*, that conflicts with a provision of this by-law, this by-law shall be read and interpreted in a manner necessary to give effect to said strong mayor power or duty.

Article 11.00 Miscellaneous

- (a) By-law 84-1993, and amendments thereto, is hereby repealed.
- (b) Chapter 113 of the City of Thunder Bay Municipal Code, titled City Manager Duty is hereby repealed.
- (c) This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 7th day of October, A.D. 2024 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff

Mayor

Krista Power

City Clerk