

Bylaw 19613

City Administration Bylaw Amendment

Purpose

To amend the City Administration Bylaw to allow the City Manager to approve the indemnification and legal representation of members of Council and Council committees and City employees and agents.

Readings

Bylaw 19613 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 19613 be considered for third reading."

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the February 23, 2021, Agenda Review Committee meeting, Bylaw 19613 was re-rerouted from the March 15, 2021, City Council meeting to the March 4, 2021, City Council Non-Regular meeting.

At the February 19, 2021, Executive Committee meeting, Bylaw 19613 was forwarded to City Council for the appropriate readings.

Report

In January 2021, the Court of Queen's Bench issued a decision regarding the validity of a Council Policy from another Alberta municipality dealing with the City Solicitor's authority to approve the indemnification and legal representation of members of Council. The Court determined that the Policy was not valid because it had been approved by resolution, and authority can only be validly delegated by Council by bylaw.

The City of Edmonton's current Legal Representation and Indemnification Policy (C482) was approved by Council in 2002, and states that the City Solicitor will approve requests for indemnification made by members of Council and City employees or agents. Bylaw 19613 proposes an amendment to the City Administration Bylaw to fully delegate this authority to the City Manager so that it can be delegated to the City Solicitor. This amendment will not affect the principles contained in the current Policy, which provides criteria to guide whether or not requests for indemnification will be granted.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Conditions of success			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Legal costs and risks are appropriately managed	Less costs spent on judicial review of indemnification decisions	Future savings related to judicial review	Zero judicial reviews on basis of City Solicitor authority to approve indemnification

Public Engagement

Public engagement was not completed regarding this amendment as it relates to the City's internal delegations of authority.

Attachment

1. Bylaw 19613

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement