

City of Lacombe
Bylaw 463

A Bylaw of the City of Lacombe, in the Province of Alberta (hereinafter referred to as “the Municipality”), to establish Parental Leave for Elected Officials

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c M-26, section 144.1(1) a municipality may, by bylaw, having regard to the need to balance elected officials’ roles as parents with their responsibilities as representatives of residents, establish whether elected officials are entitled to take leave prior to or after the birth or adoption of their child;

AND WHEREAS, pursuant to Section 144.1(2) of the *Municipal Government Act*, if a bylaw under Section 144.1(1) of the *Municipal Government Act* entitles elected officials to take leave, the Bylaw must contain provisions respecting the length of the leave and other terms and conditions of the leave entitlement, and addressing how the municipality will continue to be represented during the periods of leave;

AND WHEREAS, Council recognizes that municipal government is enhanced when a diverse range of individuals pursue positions as elected officials;

AND WHEREAS, establishing Parental Leave for elected officials reduces barriers to entry for Council candidates who may become parents during their term of office;

AND WHEREAS, the City is not divided into wards and all elected officials act as elected officials for the whole City;

NOW THEREFORE, the Council of the City of Lacombe, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1. The bylaw shall be referred to as “Parental Leave for Elected Officials”

2. DEFINITIONS

2.1. In this bylaw:

- a. “Act” means the *Municipal Government Act*, RSA 2000, Chapter M-26, and associated regulations, as amended;
- b. “Administration” means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer;
- c. “CAO” means the chief administrative officer of the Municipality, or their designate;
- d. “City” means the municipal corporation of the City of Lacombe;
- e. “Council” means the elected official body of council of the Municipality;
- f. “Councillor” means an elected official member of council of the Municipality;
- g. “Deputy Mayor” means the council member serving as deputy mayor of the Municipality for the assigned term;
- h. “FOIP” means Alberta’s *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- i. “Mayor” means the chief elected official of the City;

- j. "Member" means a member of Council and includes an elected official or the Mayor;
- k. "Municipality" means the municipal corporation of the City of Lacombe;
- l. "Parental Leave" means a period of time during which a member of Council is entitled, subject to the Councillor's Parental Leave Agreement providing otherwise, to:
 - (i) be absent from all Council and committee meetings, and;
 - (ii) be free of any tasks and duties associated with his or her role as a member of Council.
- m. "Parental Leave Agreement" means a written commitment described in Section 8, and;

3. PURPOSE AND APPLICATION

- 3.1. The purpose of this Bylaw is to establish a standard procedure to allow members of Council to take a parental leave of their Council position.

4. PARENTAL LEAVE

- 4.1. Subject to this bylaw, a Councillor is entitled to take Parental Leave prior to or after the birth or adoption of their child.

5. MAYORAL PARENTAL LEAVE

- 5.1. If the Mayor takes Parental Leave, any references in this bylaw to the Mayor shall be deemed to refer to the Deputy Mayor.

6. LENGTH AND PERIOD OF LEAVE

- 6.1. A Councillor will be eligible for Parental Leave after serving six (6) months on Council.
- 6.2. Parental Leave taken under this bylaw shall not exceed sixteen (16) consecutive weeks.
- 6.3. Parental Leave may commence prior to or after the birth or adoption of the Councillor's child, but must commence no earlier than twelve (12) weeks prior to the estimated date of delivery or adoption of the child, and no later than twelve (12) weeks after the day that the child is born or adopted by the Councillor.
- 6.4. At the discretion of Council and with the support of the majority of Council, an extension to the approved Parental Leave may be granted.

7. NOTICE OF PARENTAL LEAVE

- 7.1. Unless urgent circumstances exist, a Councillor must give the Mayor and Chief Administrative Officer at least six (6) weeks' written notice that the Councillor intends to take Parental Leave.
- 7.2. The written notice described in Section 7.1 must include:
 - a. the start date of Parental Leave;
 - b. the anticipated length of Parental Leave, including a date of return;
 - (i) the estimated date of delivery or adoption of the child, or, if the child has already been born or adopted at the time that written notice under Section 7.1 is given, the actual date of the child's birth or adoption; and
 - (ii) if, due to exigent circumstances, the Councillor was unable to provide six (6) weeks' written notice in accordance with Section 7.1, the general nature of the exigent circumstances.

8. TERMS OF PARENTAL LEAVE

- 8.1. After providing written notice required by Section 7.1, and before commencing Parental Leave, a Councillor must submit a signed Parental Leave Agreement to the Mayor and Chief Administrative Officer that, at a minimum:
 - a. identifies the tasks and duties, if any, that the Councillor intends to continue to perform during all or part of the Parental Leave; and
 - b. describes how tasks and duties that the Councillor does not intend to continue to perform during Parental Leave will be performed during the Parental Leave, which may involve, without limiting the generality of the foregoing, certain tasks or duties being performed by City administration or another Councillor.
- 8.2. If a Councillor's Parental Leave Agreement contemplates City administration performing certain tasks and duties during Parental Leave, the Parental Leave Agreement must also be signed by the Chief Administrative Officer to confirm that City administration is able to perform the tasks and duties in question.
- 8.3. If a Councillor's Parental Leave Agreement contemplates another Councillor performing certain tasks and duties during Parental Leave, the Parental Leave Agreement must also be signed by the Councillor providing coverage to confirm that Councillor's acceptance of the responsibilities in question.
- 8.4. A Councillor may revise their Parental Leave Agreement during Parental Leave by submitting a revised Parental Leave Agreement, including signatures of another Councillor and/or the Chief Administrative Officer, if required, to the Mayor and Chief Administrative Officer.
- 8.5. The Chief Administrative Officer will, upon request, provide the Councillor with assistance in preparing the Councillor's Parental Leave Agreement.
- 8.6. A Councillor shall comply with his or her Parental Leave Agreement.

9. REPRESENTATION OF CITY

- 9.1. During a period of Parental Leave, the Councillors not taking Parental Leave shall continue to represent the City at-large in their capacity as Councillors.
- 9.2. If a Councillor taking Parental Leave is a Council appointed member of a committee, board or other body, and the Councillor's Parental Leave Agreement does not provide that the Councillor will continue to serve as a member of the committee, board, or other body during Parental Leave, Council shall, subject to any restrictions in the governing documents of the committee, board, or other body, ensure that an alternate representative is appointed to the committee, board or other body during the Councillor's Parental Leave.

10. REMUNERATION AND BENEFITS:

- 10.1. During Parental Leave, a Councillor will receive fifty five (55%) percent of the base monthly honorarium that the Councillor would have otherwise received, and for the term described in Section 6.2.
- 10.2. During Parental Leave, a Councillor has the same entitlement to receive or participate in any benefits program or package, made available by the City, that the Councillor would otherwise be entitled to receive or participate in.

11. REVIEW

11.1. This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of Members.

12. EFFECTIVE DATE

12.1. This bylaw shall come into force and effect when it receives third reading and is duly signed.

13. SEVERABILITY

13.1. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

INTRODUCED AND GIVEN FIRST READING THIS 13th day of August 2018.

GIVEN SECOND READING THIS 10th day of September, 2018.

GIVEN THIRD AND FINAL READING THIS 10th day of September, 2018.

Original Signed

Mayor

Original Signed

Chief Administrative Officer