



## REQUEST FOR A DECISION

City Council – November 27, 2023

**To:** Her Worship Mayor Kate Rogers and Members of City Council  
**From:** Michelle Brzak, City Solicitor  
**Date:** November 21, 2023  
**Title:** By-law proceedings designation

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### **ISSUE:**

Staff request that City Council designate and authorize a person to be able to commence proceedings in their name on behalf of the local government as it relates to the enforcement of City of Fredericton by-laws and the associated legal process.

### **RECOMMENDATION(S):**

#### **A. Recommendation:**

It is recommended that the following resolution be forwarded to City Council for consideration:  
BE IT RESOLVED THAT the Council of the City of Fredericton pursuant to Section 150(1) of the Local Governance Act, hereby authorizes and designates Ashely Landry as a person authorized to commence proceedings in her name to enforce the by-laws of the City of Fredericton; and BE IT FURTHER RESOLVED THAT this authorization and designation shall continue until Ashley Landry ceases to be employed by the City of Fredericton or until her designation is rescinded by City Council, whichever comes first.

#### **B. Other options:**

1. City Council may choose to provide staff with other direction.

### **SITUATION, BACKGROUND & DISCUSSION:**

#### **SITUATION:**

- a. Current (extant) Direction. City Council adopted a resolution on August 10, 2020 designating Vicki Buchanan as a person authorized to commence proceedings in her name to enforce the by-laws of the City of Fredericton, and City Council adopted a resolution on November 14, 2022 designating Danielle Veilleux as a person authorized to commence proceedings in her name to enforce the by-laws of the City of Fredericton as an alternate to Vicki Buchanan.
- b. Alignment. This matter is routine business to support service levels.
- c. Link to CAO goal or inflight. This matter does not directly support a CAO Goal or Inflight Action.
- d. Why. This matter is coming to City Council because a designation is required for a new staff member responsible for initiating and coordinating the prosecution process for overdue municipal by-law tickets in provincial court pursuant to the *Local Governance Act*. Staff also want to ensure continuity of the related service.

#### **BACKGROUND**

City Council adopted a resolution on August 10, 2020 designating Vicki Buchanan as a person authorized to commence proceedings in her name to enforce the by-laws of the City of Fredericton. On November 14, 2022, City Council adopted a resolution designating Danielle Veilleux, Legal Assistant to commence proceedings in her name to enforce municipal by-laws as an alternate to Vicki Buchanan.

Vicki Buchanan has changed positions within the City as such, a designation is required for Ashley Landry to provide her with authorization to commence proceedings in her name as it relates to the enforcement of the by-laws of the City of Fredericton.

## **DISCUSSION**

It is important that staff be able to provide service continuity, and as such, it is necessary to provide the person who is responsible for initiating and coordinating the municipal by-law prosecution process with the appropriate authorization and designation to commence proceedings for an offence under a by-law on behalf of the local government.

- **FINANCIAL:** The Division has determined that there are no financial considerations associated with this matter. The City Treasurer was not specifically consulted with respect to this administrative report.
- **LEGAL:** Subsection 150(1) of the *Local Governance Act* requires that proceedings for municipal by-law offences “shall be commenced in the name of the clerk of the local government or any other person who is designated for that purpose by the council”.
- **COMMUNICATIONS:** The Division has determined that there are no communication considerations associated with this matter. Neither Corporate nor Strategic Communications was consulted with respect to this administrative report.

### • **CLIMATE LENS:**

**Does this proposal move the City of Fredericton closer to its greenhouse gas (GHG) emissions reduction targets of 50% reduction by 2030 and net-zero by 2050 in line with the City’s Corporate Energy & Emissions Plan and/or Community Energy Emission Plan?**

- Moves us towards GHG reduction targets
- No change in GHG emissions
- Moves us away from GHG targets but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

**Does this proposal improve the City of Fredericton’s resilience to the impacts of climate change in line with our Climate Change Adaptation Plan?**

- Moves us towards climate resilience
- No change in resilience
- Moves us away from climate resilience but there are trade-offs with other Council or Municipal Plan priorities (*identify which priorities*)

**SPOKESPERSON:** Michelle Brzak, City Solicitor

**Prepared by:** Danielle Veilleux, Legal Assistant

**Approved by:** Michelle Brzak, C.I.C.C, City Solicitor

**Approved by:** Steven Hart, Chief Administrative Officer