

BYLAW 44-2016

A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA RESPECTING THE ESTABLISHMENT OF THE POSITION OF CHIEF ADMINISTRATIVE OFFICER AND DESIGNATED OFFICERS FOR THE TOWN.

WHEREAS the Municipal Government Act, RSA 2000, c. M-26, as amended, (hereinafter referred to as “the Act”), provides that a municipal council must establish by bylaw a position of chief administrative officer to carry out the responsibilities enumerated under the Act; and

WHEREAS the Council of the Town of Bruderheim deems it expedient and advisable to delegate to the chief administrative officer certain powers, duties and functions;

WHEREAS pursuant to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25 a Municipal council must designate a person as Head of a local government body and may set the fees required to be paid for services;

NOW THEREFORE the Council of the Town of Bruderheim, duly assembled, enacts as follows:

**1. SHORT TITLE:**

- 1.1 This Bylaw may be referred to as the “Chief Administrative Officer (CAO) Bylaw”.

**2. DEFINITIONS:**

- 2.1 “Administration” means the general operations of the Municipality, including all personnel, financial and other related resources, as permitted by the Municipal Government Act, and any successor legislation.
- 2.2 “Administration Policy” means policies that are approved by the Chief Administrative Officer (CAO), focus on the internal workings of the Municipality and primarily impact and address employees and contractors of the Municipality.
- 2.3 “Chief Administrative Officer” means the Chief Administrative Officer of the Town of Bruderheim.
- 2.4 “Council” means the Council of the Town of Bruderheim;
- 2.5 “Council Policy” means policies that are approved by Council, provide strategic direction on programs and services delivered by the Municipality, primarily impact and address residents of the Municipality, provide an official position on plan to govern
- 2.6 “Mayor” means the chief elected official or his designate and includes a deputy chief elected official and acting chief elected official;
- 2.7 “Municipal Government Act (MGA)” means the, RSA 2000, c. M-26, as amended, or replaced from time to time;

2.8 “Municipality” means the municipal corporation of the Town of Bruderheim.

2.9 “Town” means the Town of Bruderheim;

**3. CHIEF ADMINISTRATIVE OFFICER:**

3.1 The position of Chief Administrative Officer is hereby established and the individual appointed to that position may determine an alternate title.

3.2 Council shall, by resolution, appoint an individual to the position of CAO and establish the terms and conditions of the CAO’s employment.

3.3 The Municipality will indemnify the CAO, provided that the CAO acts in the course and scope of his/her employment and acts in good faith to comply with an applicable resolution, bylaw, statute, regulation or enactment.

3.4 The CAO shall have all the powers, duties, and functions given to the CAO under the MGA or any other statute, except for the powers, duties and functions of an assessor under the MGA. Without limiting the generality of the foregoing, the CAO is the principal administration link between Administration and Council and; shall have and exercise the following powers, duties and functions:

**Administration & Operational Matters**

3.4.1 Establish the structure of the Administration of the Municipality, including establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy and administrative and reporting policies and procedures.

3.4.2 Advise, inform and make recommendations to Council about:

3.4.2.1 The operations of the Municipality;

3.4.2.2 The financial condition of the Municipality; and

3.4.2.3 Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties, and functions of the Municipality

3.4.3 Direct, supervise and review the proposals of all departments of the Municipality.

3.4.4 Appoint a designated officer or an employee of the Municipality as Acting CAO to act during the absences of the CAO and to exercise all the powers, duties, and functions of the CAO as required under the MGA, this bylaw, or any other Act.

3.4.5 Ensure the Minister is sent a list of the Councillors and any other information the Minister requires within five (5) days after the term of the Councillors begins.

3.4.6 Act as the Head of the Municipality within the meaning of the Freedom of Information and Protection of Privacy Act, and shall be responsible for the overall management of access to information and protection of privacy functions and responsibilities.

- 3.4.7 Ensure that the sufficiency of all petitions to Council be determined as set out in the MGA.
- 3.4.8 Accept service of all notices and documents on behalf of the Municipality.
- 3.4.9 Provide certification of notices, decisions, documents and any other certificates of statutory declarations as provided for or required by the MGA.
- 3.4.10 Establish and implement all Administrative Policies, procedures, standards and guidelines for all matters within the powers of the CAO.
- 3.4.11 Conduct audits, investigations and studies of the Administration, as deemed necessary, subject to the right of Council to direct audits, investigations and studies.
- 3.4.12 Provide corporate leadership in ensuring that all Council Policies and programs of the Municipalities are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Municipality as defined by Council.
- 3.4.13 Instruct legal counsel on any matters involving any potential legal and administrative proceedings involving the Municipality, and without limiting the foregoing:
  - 3.4.13.1 Provide legal services to Council, Committees and departments of the Municipality;
  - 3.4.13.2 Appear in all legal and administrative proceedings including commencing, defending and intervening in them to define, enforce and defend the Municipalities (and such other Boards, Authorities, agencies and other entities as may be required by Council) legal and equitable rights; and
  - 3.4.13.3 Grant and revoke all powers of attorney allowing staff of the Municipality to execute all required documents including without limitation discharges, postponements, and affidavits pertaining to land, or an interest therein including those granted prior to the date of this Bylaw.
- 3.4.14 Sign:
  - 3.4.14.1 Along with the person presiding at the meeting all minutes of Council and Council Committee meetings;
  - 3.4.14.2 Along with the Mayor, all bylaws;
  - 3.4.14.3 Along with the Mayor, or any other person authorized by council, cheques and other negotiable instruments; and
  - 3.4.14.4 Acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any financial agreement, contract, statute or enactment.
- 3.4.15 Prepare and issue distress warrants, seize and sell goods pursuant to distress warrants on behalf of the Municipality for the recovery of tax arrears pursuant to the MGA.

- 3.4.16 Carry out inspections, remedies, enforcement or actions pursuant to the MGA, where that Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Municipality.
- 3.4.17 Make determinations and issue orders pursuant to the MGA or any other statute, enactment or bylaw which the Municipality is authorized to enforce, including, without limitation, matters related to dangerous or unsightly premises.
- 3.4.18 Authorize a temporary closure, in whole or part of any road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
- 3.4.19 Extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with the MGA.

#### **Contracts and Agreements**

- 3.4.20 Retain the services of any individual or corporation for purposes related to the operations of the municipality and enter into all agreements and contracts and complete all necessary documents required for the provision of such services, provided the expenditure does not exceed the amount approved by Council in its annual budget.
- 3.4.21 Approve and enter into agreements with and make payments or grants, or both, to persons, organizations or governments for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.
- 3.4.22 Approve and enter into agreements with external agencies, including municipalities, for the provision of municipal goods and services on, at minimum, a full cost-recovery basis.
- 3.4.23 Approve and enter into all agreements and contracts necessary to provide insurance coverage for the Municipality.
- 3.4.24 Negotiate on behalf of the Municipality, in conjunction with council, the terms and conditions of Development Agreements, subject to the conditions of the subdivision or development permit approval, with third parties desirous of developing lands within the Municipality, and execute such Development Agreements for and on behalf of the Municipality.
- 3.4.25 Negotiate and execute on behalf of the Municipality all encroachment, easement and right-of-way agreements whereby the Municipality grants to third parties and interest in Municipal lands by way of a right-of-way, easement or encroachment right provided that the CAO shall not be authorized in conjunction with the power to authorize the expenditure of any Municipal funds to accommodate such right-of-way, easement or encroachment right. The CAO shall impose a charge in relation to the grant and administration of the right-of-way, easement or encroachment right and the CAO shall ensure that such administrative fee is paid.

- 3.4.26 Provided funds are included in an approved budget, negotiate and execute on behalf of the Municipality all encroachment, easement, licenses of occupation and right of way agreements whereby the Municipality obtains from a third party an interest in lands by way of an encroachment, easement, license of occupation or right-of-way.
- 3.4.27 Enter into all agreements and contracts related to the development and subdivision of land within the Municipality pursuant to the planning provisions of the MGA and complete any and all documents required for such a development or subdivision.
- 3.4.28 Award all tenders and enter into all agreements and contracts required for the completion of such tenders in accordance with approved policies subject to the:
- 3.4.28.1 Expenditure being included in an approved budget; and
  - 3.4.28.2 Tender being subject to a competitive process
- 3.4.29 Approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment.
- 3.4.30 Approve and enter into all agreements and contracts involving the lease of land and/or building at current fair market value where the Municipality is lessee or lessor, provided that the term shall not exceed five (5) years, exclusive of renewals.
- 3.4.31 Make application for and enter into provincial, federal and other grant funding agreements.
- 3.4.32 Register on behalf of the Municipality and pursuant to any statute or enactments, all forms of intellectual property, including, without limitation Trademarks, official marks, copyright, design and patents.

### **Financial Matters**

- 3.4.33 Prepare and submit to Council estimates of revenue and expenditures and capital programs annually, or as required by Council.
- 3.4.34 Monitor and control expenditures within the budgets approved by Council.
- 3.4.35 Authorize budget reallocations permitting the transfer of expenses and incomes for the same or similar purposes.
- 3.4.36 Advise Council and make recommendations about the financial condition of the Municipality and the policies and programs as may be necessary or desirable to carry out the powers, duties and functions of the Municipality.
- 3.4.37 Ensure that revenues of the Municipality are collected and controlled and receipts are issued in the manner directed by Council.

- 3.4.38 Ensure all money belonging to or held by the Municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation.
- 3.4.39 Ensure the accounts for authorized expenditures referred to in the MGA are paid.
- 3.4.40 Ensure accurate record and accounts are kept of the financial affairs of the Municipality, including items on which a Municipality's debt limit is based and the things included in the definition of debt for the Municipality.
- 3.4.41 Ensure that actual revenues and expenditures of the Municipality compared with the estimates in the operating or capital budget approved by Council are reported to Council as often as Council directs.
- 3.4.42 Ensure money invested by the Municipality is invested in accordance with the MGA.
- 3.4.43 Ensure assessments, assessment rolls and tax rolls required by the MGA are prepared.
- 3.4.44 Ensure public auctions to recover taxes are carried out in accordance with provisions of the MGA.
- 3.4.45 The CAO is authorized to:
  - 3.4.45.1 open and close accounts that hold the Municipality's money;
  - 3.4.45.2 prepare and submit to Council annual operating and capital budget;
  - 3.4.45.3 pay any amounts which the Municipality is legally required to pay pursuant to an Order or Judgment of a Court, Board or other tribunal of competent jurisdiction relating to an action, claim or demand against the Municipality; and
  - 3.4.45.4 approve the settlement of all actions, claims, or demands by or against the Municipality, including prejudgment interest and court costs up to a maximum of \$50,000.
- 3.4.46 Exercise all of the powers, duties and functions of the Municipality with respect to taxation, except those powers and duties for which a bylaw is required under the provisions of the MGA.
- 3.4.47 Expend monies, in cases where a local state of emergency has been declared, that are not an approved budget and subsequently report to Council on the implications of these expenditures.

#### **Legislative Matters**

- 3.4.48 Attend all meetings of Council meetings.
- 3.4.49 Prepare and submit to Council such reports and recommendations as may be required by Council.

- 3.4.50 Ensure all minutes of Council meetings are recorded in the English language without note or comment. Ensure that all minutes are signed.
- 3.4.51 Ensure the bylaws and minutes of Council meetings and all other records and documents of the Municipality are kept safe.
- 3.4.52 Ensure that all bylaws are signed in conjunction with the Mayor.

#### **Personnel Matters**

- 3.4.53 Establish Administrative Policies for all employees of the Municipality so that they can carry out the powers, duties and functions delegated to those employees.
- 3.4.54 Approve any application for leave of absence without pay by an employee seeking to be nominated as a candidate in a municipal election.
- 3.4.55 Supervise, evaluate, direct, hire, fire, discipline, terminate, demote and promote all employees of the Municipality.

#### **4. ACCOUNTABILITY:**

- 4.1 The CAO is accountable to the majority of the whole Council for the exercise of all powers, duties and functions.

#### **5. DELEGATION:**

- 5.1 The CAO is authorized to delegate and to authorize further delegations of any of the CAO's powers, duties or functions under the MGA and under this or any other bylaw to any employee of the Municipality.

#### **6. SIGNING AUTHORITY**

- 6.1 The CAO is authorized to enter into and sign agreements and contract if the expenditure or revenue contemplated in the agreement or contract is included in an operating budget, interim operating budget, capital budget or is otherwise authorized by Town Bylaw or policy, or by any Federal or Provincial statute or enactment.
- 6.2 The Mayor's authority to sign agreements, cheques and other negotiable instruments is delegated to the CAO where:
  - (a) the total value of the agreement, cheque, or other negotiable instrument is included in an operating budget, interim operating budget, or capital budget; and
  - (b) the CAO's signing authority has been delegated to another employee or a designated officer of the Town.
- 6.3 The CAO is authorized to delegate the Mayor's signing authority provided:
  - (a) The Mayor's signing authority is delegated to an employee or a designated officer of the Town;

- (b) The Mayor's signing authority is delegated to the same person that the CAO signing authority has been delegated to; and
- (c) the delegation of the Mayor's signing authority is made in writing.

6.4 If, at any time, the Mayor's signing authority and the CAO signing authority are both vested in the same person, the Mayor's signing authority should revert back to the Mayor.

6.5 The CAO's signature, and the signatures of any other employee or designated officer to whom the CAO delegates signing authority, may be printed, lithographed, or otherwise reproduced.

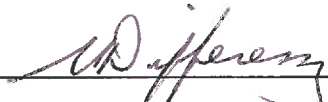

**7. REPEAL OF BYLAWS:**

7.1 Bylaws 92-627, 93-649, 93-652, 95-671, 97-694 and 732-2002 are hereby repealed.

Read a first time this 15 day of June, 2016

Read a second time this 06 day of July, 2016

Read a third time and finally passed this 06 day of July, 2016.

  
 \_\_\_\_\_ MAYOR  
  
 \_\_\_\_\_ ADMINISTRATION

Date signed: July 6/16