

# **TOWN OF DRUMHELLER BYLAW NUMBER 21.21**

*REPEALS 12.98*

A BYLAW TO ESTABLISH AND DEFINE THE DUTIES AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER.

WHEREAS the Municipal Government Act, Statutes of Alberta 2000 Chapter M-26 s. 205, requires that every Council must establish, by bylaw, the position of Chief Administrative Officer;

AND WHEREAS Pursuant to the provisions of Section 205 of the Act, Council hereby establishes the position of Chief Administrative Officer,

AND WHEREAS Council shall, by resolution, appoint a person to carry out the powers, duties and functions of the position of Chief Administrative Officer

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

## **1. SHORT TITLE**

This Bylaw may be known as the "CAO Bylaw".

## **2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- a) "Administration" means the general operations of the Town, including all personnel, financial and other related resources and matters as permitted by the Municipal Government Act (MGA) and any successor legislation;
- b) "Chief Administrative Officer (CAO)" means the person appointed to the position of chief administrative officer for the Town of Drumheller, by Council within the meaning of the MGA;
- c) "Council" means the municipal council of the Town of Drumheller, means the Mayor and Councillors duly elected pursuant to the provisions of the Local Authorities Election Act;
- d) "Deputy Mayor" means the person acting in the absence of the Mayor for the Town of Drumheller, within the meaning of the MGA;
- e) "Mayor" means the person elected to the position of Chief Elected Official for the Town of Drumheller, within the meaning of the MGA;
- f) "Municipal Government Act ( MGA)" means the Municipal Government Act, R. S.A. 2000, Chapter M- 26, any regulations thereunder, and any amendments or successor legislation thereto;

- g) "Policy" means policies that are approved by Council, provide strategic direction on programs and services delivered by the Town, primarily impact and address the residents of the Town, and provide an official position on plans to govern the Town.
- h) "Town" means the municipal corporation of the Town of Drumheller.

### **3. OFFICE**

- 3. 1. The position of Chief Administrative Officer is hereby created and the person appointed to that position shall have the title " CAO":
- 3. 2. Council will appoint an individual to the position of Chief Administrative Officer.
- 3. 3. Council will establish the terms and conditions of the appointment of the CAO including the salary, vacation entitlements and benefits to be paid or provided to the CAO and are to be reviewed annually. The CAO shall be entitled to participate in employee benefit plans which all other employees are entitled to participate in at the same set rate.
- 3. 4. Council as a whole must provide the CAO with an annual written performance evaluation of the results the CAO has achieved with respect to fulfilling the CAO' s responsibilities.

### **4. ACCOUNTABILITY**

- 4. 1. The CAO is accountable to Council for the exercise of all powers, duties and functions assigned to the CAO under the MGA, this Bylaw, any other enactment, or delegated to the CAO by Council.
- 4. 2. The CAO, as provided for in the MGA, is authorized to delegate (and to authorize further delegations of) any powers, duties and functions assigned to the CAO by Council under the MGA and under this or any other bylaw to an employee of the Town.
- 4. 3. The CAO is the principal administrative link between the Administration and Council. Under the MGA, the CAO:
  - a) is the administrative head of the Town;
  - b) ensures that the policies and programs of the Town are implemented;
  - c) advises and informs Council on the operation and affairs of the Town;
  - d) performs the duties and functions and exercises the powers assigned to a CAO under the MGA and other enactments or assigned or delegated by Council; and

- e) has all the powers, duties, and functions given to a designated officer under the MGA or any other statute or enactment.

4.4. Members of the Administration are accountable to the CAO. The CAO shall be the contact between the Administration of the Town and Council and communication from the Administration to Council shall flow through the CAO.

## **5. GENERAL POWERS AND DUTIES**

5. 1. The CAO is authorized to:

- a) appoint an Acting CAO to act during absences of up to 4 weeks of the CAO;
- b) coordinate, direct, supervise and review the performance of the Administration;
- c) establish the structure of the Administration;
- d) attend all meetings of Council and meetings of such Boards, Authorities and other bodies as are required by Council;
- e) conduct, audits, investigations and studies of the Administration, as the CAO deems necessary;
- f) hire, appoint, transfer or promote any Town employee;
- g) evaluate, discipline, suspend, demote, or remove any Town employee;
- h) determine salaries, benefits, hours of work and other working conditions;
- i) provide corporate leadership in ensuring that all Town policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Town as defined by Council;
- j) prepare and submit to Council such reports and recommendation as may be required by Council; and
- k) respond to inquiries and requests for information on behalf of the Town, including stating the Town's position, subject to any Council approved policy, procedure, standard or guideline, or as otherwise directed by Council.

## 6. FINANCIAL POWERS AND FUNCTIONS

6. 1. The CAO has the authority to:

- a) prepare and submit operating and capital budgets as directed by Council;
- b) pay any amounts which the Town is legally required to pay pursuant to an Order or Judgement of a Court, board or other tribunal or competent jurisdiction, relating to an action, claim or demand against the Town;
- c) monitor and control expenditures within the budgets approved by Council for the Administration and authorize budget adjustments or adjustments for programs within a division or department as long as the amount budgeted for that division does not change, and in particular report on variances on any of these adjustments over \$ 10,000 on a quarterly basis to Council;
- d) designate the financial institution(s) to be used by the Town and shall open and close accounts that hold the Town' s money;
- e) invest funds on behalf of the Town in accordance with the provisions of the MGA;
- f) to add amounts to the tax roll of a parcel of land under the MGA;
- g) except as otherwise instructed by Council, and without limitation, instruct legal counsel to provide legal services to the Town and Council and retain, instruct and pay for the services of legal counsel.

## 7. CONTRACTS AND AGREEMENTS

7. 1. The CAO is authorized to:

- a) approve and enter into all contracts and agreements, as directed and sanctioned by Council, involving:
  - i) the sale of Town owned land at a sale price which is not less than 90% of the fair market value;
  - ii) the purchase of land, for a purchase price which is not greater than 5% above the appraised market value;
- b) enter into all agreements and contracts incidental to the development and subdivision of land within the Town pursuant to the MGA and complete all documents required for or incidental to such development or subdivision;
- c) extend the time for endorsement of subdivision plans and for the registration of the subdivision plans in accordance with the MGA;

- d) negotiate and settle all actions, claims, or demands against or by the Town and complete all related documentation;
- e) enter into all agreements or contracts for leases of land at fair market value;
- f) enter into all provincial and federal grant funding agreements;
- g) enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under the MGA;
- h) approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment.
- i) sign:
  - i) along with the person presiding at the meeting, all minutes of Council meetings;
  - ii) along with the Mayor, all bylaws, and
  - iii) along with the Mayor or Councillor, agreements and cheques and other negotiable instruments;
  - iv) along with the Mayor or Councillor, one payroll cheque to cover the payroll account;
  - v) acting alone all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw or enactment; and
- j) The CAO's signature and the signatures of any other Town employees to whom Council or the CAO delegates signing authority may be printed, lithographed or otherwise reproduced.

## **8. OTHER POWERS AND DUTIES**

### **8. 1. The CAO:**

- a) is appointed as Returning Officer for the purposes of the Local Authorities Election Act;
- b) is the Head of the Town for the purposes of the Freedom of Information and Protection of Privacy Act and shall act as FOIP Coordinator responsible for the overall management of access to information and protection of privacy functions and responsibilities;
- c) is the liaison between the Town and the Commanding Officer of the RCMP detachment serving the Town;
- d) is the Director of Emergency Management for the Town

8. 2. The CAO is authorized to:

- a) accept services of all notices and other documents on behalf of the Town;
- b) provide any and all certificates or statutory declarations on behalf of the Town;
- c) temporarily close, in whole or in part, any road at any time where an activity on or adjacent to the road may cause a hazard;
- d) prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Town for the recovery of tax arrears;
- e) carry out inspections, remedies, enforcement or other actions pursuant to the MGA, any other enactment, or any bylaw where the MGA or any other enactment or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Town;
- f) make determinations and issue orders pursuant to the MGA or any other statute, enactment or bylaw which the Town is authorized to enforce;
- g) ensure administrative representation is provided to all Town Council's Boards and Committees;
- h) revise bylaws under the MGA including correction of clerical, grammatical and typographical errors and altering of the citation and title of a bylaw and the numbering and arrangement of its provisions, and to add, change or delete a note, heading, or title.
- i) consolidate bylaws, including the preparation of administrative consolidations; and
- j) ensure the sufficiency of any petition that may be submitted to the Town in accordance with the requirements of the MGA.

**9. SEVERABILITY**

- 9.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

9.2 Conflict

In the event that the provisions of this Bylaw conflict with any other bylaw, this Bylaw shall govern.

**10. TRANSITIONAL**

10.1 This Bylaw shall take effect on the day of the third and final reading .

10.2 Upon third reading of this Bylaw, Bylaw 12-98 and all amendments are repealed.

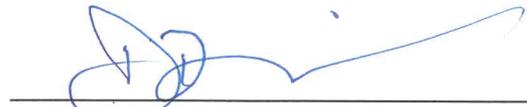
READ A FIRST TIME THIS 20<sup>th</sup> DAY OF SEPTEMBER, 2021

READ A SECOND TIME THIS 20<sup>th</sup> DAY OF SEPTEMBER, 2021

READ A THIRD TIME AND PASSED THIS 4<sup>th</sup> DAY OF OCTOBER, 2021



MAYOR



CHIEF ADMINISTRATIVE OFFICER