

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1293-18**

**A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER (CAO)**

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WHEREAS section 205 of the *Municipal Government Act* requires a council to establish by bylaw a position of Chief Administrative Officer (CAO);

AND WHEREAS sections 207 and 208 of the *Municipal Government Act* set forth the mandatory statutory responsibilities and major administrative duties of the Chief Administrative Officer (CAO);

AND WHEREAS section 203 of the *Municipal Government Act* authorizes a council to delegate, by bylaw, its powers, duties and functions to the Chief Administrative Officer (CAO) subject to prescribed limits;

NOW THEREFORE the Council of the Municipal District of Pincher Creek No. 9, duly assembled, enacts as follows:

**PART I: TITLE AND DEFINITIONS**

**Title**

1. This bylaw may be cited as the “Chief Administrative Officer (CAO) Bylaw”.

**Definitions**

2. In this bylaw, words shall have the same meanings as in the *Municipal Government Act* except as otherwise defined below:
  - a. “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
  - b. “Administration” means the general operation of the Municipality, including all personnel, financial and other related resources as permitted by the Act;
  - c. “Chief Administrative Officer (CAO)” or “CAO” means the individual appointed by Council, under section 4 and in accordance with section 205(2) of the Act, as Chief Administrative Officer (CAO) of the Municipality;
  - d. “Council” means the municipal council of the Municipal District of Pincher Creek No. 9;
  - e. “Reeve” means the chief elected official of the Municipal District of Pincher Creek No. 9; and
  - f. “Municipality” means the municipal corporation of the Municipal District of Pincher Creek No. 9.

**PART II: APPOINTMENT AND DELEGATION**

**Chief Administrative Officer (CAO)**

3. The position of Chief Administrative Officer (CAO) for the Municipality is established and the individual appointed to that position will have the title “Chief Administrative Officer (CAO)”.

**Appointment of Chief Administrative Officer (CAO)**

4. a. Council will, by resolution, appoint an individual to the position of Chief Administrative Officer (CAO). If a vacancy occurs in the position, Council may, by resolution, appoint a person to be an interim Chief Administrative Officer (CAO) and in such case the provisions of this bylaw apply equally to the interim Chief Administrative Officer (CAO), should one be appointed.

b. The remuneration and other terms of engagement of the Chief Administrative Officer (CAO) shall be set out in an agreement between the Chief Administrative Officer (CAO) and the Municipality, satisfactory to Council, which the Reeve shall execute on behalf of the Municipality.

#### **Sub-delegation**

5. The Chief Administrative Officer (CAO) is authorized to further delegate, and to authorize further delegations of any powers, duties and functions delegated to the Chief Administrative Officer (CAO) by Council under this, or any other bylaw, to a designated officer or an employee of the Municipality.

### **PART III: GENERAL POWERS**

#### **Powers of the Chief Administrative Officer (CAO)**

6. The Chief Administrative Officer (CAO):
- a. has all the powers and functions given to a Chief Administrative Officer (CAO) under the Act or any other enactment;
  - b. must carry out all of the duties and functions of a Chief Administrative Officer (CAO) as required by the Act or any other enactment;
  - c. has all the powers, duties and functions given to a designated officer under the Act or any other enactment;
  - d. has all the powers, duties and functions as delegated to the Chief Administrative Officer (CAO) by Council by this or any other bylaw; and
  - e. may exercise such other powers, duties and functions as may be required by Council or a committee of Council from time to time.

### **PART IV: COUNCIL/ADMINISTRATION RELATIONSHIP**

#### **Accountability**

7. The Chief Administrative Officer (CAO) is accountable to Council for the exercise of all of the Chief Administrative Officer (CAO)'s powers, duties and functions.

#### **Powers, Duties, Functions**

8. In addition to the statutory powers, duties and functions prescribed in the Act or any other enactment, the Chief Administrative Officer (CAO) shall:
- a. co-ordinate, direct, supervise, and review the performance of employees of the Municipality;
  - b. subject to an approved budget, ensure employees of the Municipality receive adequate training and development commensurate with the organization's needs and individual job descriptions;
  - c. provide corporate leadership in ensuring that all the Municipality's policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Municipality as defined by Council;
  - d. advise, inform, and make recommendations to Council regarding:
    - (i) the operations of the Municipality,
    - (ii) the financial condition of the Municipality, and
    - (iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Municipality;
  - e. prepare and submit, annually or as otherwise directed by Council, operating and capital budgets for Council approval;

- f. prepare and submit to Council such reports and recommendations as may be required by Council;
- g. attend all meetings of Council and meetings of such Council committees, boards, authorities and other bodies as are required by Council; and
- h. appoint an acting Chief Administrative Officer (CAO) to act as the Chief Administrative Officer (CAO) if the Chief Administrative Officer (CAO) is temporarily absent or otherwise unable to perform the duties of the Chief Administrative Officer (CAO).

**Authority**

- 9. The Chief Administrative Officer (CAO) is authorized to:
  - a. establish the structure of the Administration, including establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy;
  - b. subject to an approved budget and any applicable legislation and any contract or collective agreement binding on the Municipality:
    - (i) hire, appoint, transfer or promote any employee of the Municipality,
    - (ii) evaluate, discipline, suspend, demote, or remove any employee of the Municipality, and
    - (iii) determine salaries, benefits, hours of work and other working conditions;
  - c. establish and implement all administrative policies, procedures, standards and guidelines for all matters within the powers of the Chief Administrative Officer (CAO) and, in particular, employment policies and procedures including policies and procedures to govern the actions of employees;
  - d. conduct audits, investigations, and studies of Administration, as the Chief Administrative Officer (CAO) deems necessary, subject to the right of Council to direct audits, investigations, and studies;
  - e. prepare administrative consolidations of bylaws;
  - f. revise bylaws in any manner authorized by the Act and in all cases shall prepare for Council’s consideration, a bylaw adopting the revision and specifying the date that the revised bylaw is effective and that any repeal provisions are effective.

**PART V: FINANCIAL POWERS AND FUNCTIONS**

- 10. The Chief Administrative Officer (CAO) is authorized to:
  - a. in cases of an emergency, as determined by the Chief Administrative Officer (CAO) acting reasonably, expend monies for the emergency that are not in an approved budget, up to a maximum of \$100,000 for each expenditure, and subsequently report to Council on the implications of those expenditures;
  - b. invest funds on behalf of the Municipality in such amounts and on such terms as are permitted under the Act and the Municipality Investment Policy;
  - c. pay any amounts which the Municipality is legally required to pay pursuant to an order of judgment of a court, board, or other tribunal of competent jurisdiction, relating to an action, claim or demand against the Municipality;
  - d. monitor and control expenditures within the budgets approved by Council and authorize budget adjustments of up to \$10,000 from one budgeted program to another.

**PART VI: CONTRACTS AND AGREEMENTS**

- 11. The Chief Administrative Officer (CAO) is authorized to:
  - a. except as otherwise instructed by Council, and without limitation, retain and instruct legal counsel to provide legal services to the Municipality, Council and committees of Council;

- b. retain the services of any individual or corporation for purposes related to the operations of the Municipality and complete all necessary documents required for the provision of such services, provided the expenditure under the agreement does not exceed the amount in an approved budget;
  - c. award all tenders and enter into all agreements required for the completion of such tenders in accordance with approved policies, administrative directives or guidelines, and subject to:
    - (i) the expenditure being included in an approved budget;
    - (ii) the tender being subject to a competitive bid process; and
    - (iii) the contract being awarded to the lowest qualifying bidder.
  - d. exercise all of the powers, duties and functions of a council or a municipality as prescribed under Part 10 of the Act, except as are to be done by bylaw, specifically reserved for Council pursuant to section 347 of the Act or delegated to the Municipality's assessor by Bylaw, and enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under Part 10 of the Act;
  - e. enter into all agreements and contracts incidental to the development and subdivision of land within the Municipality's boundaries pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development or subdivision;
  - f. grant and revoke all powers of attorney allowing the Municipality's staff 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;
  - g. approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment;
  - h. sign:
    - (i) along with the person presiding at the meeting, all minutes of Council and Council committee meetings,
    - (ii) along with the Reeve, all bylaws,
    - (iii) along with the Reeve or any other person authorized by Council, cheques and other negotiable instruments, and
    - (iv) acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw, statute or enactment;
  - i. enter into funding agreements with the Alberta Government and non-profit organizations for the provision of the family and community support services program in accordance with approved budget amounts and the *Family and Community Support Services Act* and related regulations;
  - j. enter into any agreements necessary to provide insurance coverage and performance bonds for the Municipality; and
  - k. enter into provincial and federal grant funding agreements.
12. The Chief Administrative Officer (CAO)'s signature, and the signatures of any other employees of the Municipality to whom the Chief Administrative Officer (CAO) delegates signing authority, may be printed, lithographed or otherwise reproduced.

#### **PART VII: OTHER RESPONSIBILITIES**

13. The Chief Administrative Officer (CAO) is authorized to:
- a. prepare and issue distress warrants, and seize and sell goods pursuant to distress warrants on behalf of the Municipality for the recovery of tax arrears pursuant to the Act;

- b. carry out inspections, remedies, enforcement or actions pursuant to section 542 of the Act where the Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Municipality;
  - c. make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the Municipality is authorized to enforce, in accordance with sections 545 and 546 of the Act;
  - d. add amounts to the tax roll of a parcel of land in accordance with sections 553 and 553.1 of the Act;
  - e. designate any road as one which is closed temporarily in whole or in part to traffic at any time that a construction or maintenance project on or adjacent to the road may create a hazard and cause such road to be so marked;
  - f. grant an application for a leave of absence without pay to an employee seeking to be nominated as a candidate in a municipal election, pursuant to the *Local Authorities Election Act*;
  - g. conduct a census when required by Council and submit population affidavits in accordance with the requirements of the Act.
14. The Chief Administrative Officer (CAO) is the head of the Municipality, including any board, committee, commission, panel, agency, or corporation that is created or owned by the Municipality, for the purposes of the *Freedom of Information and Protection of Privacy Act*.

**PART VIII: CAO PERFORMANCE EVALUATION**

15. By no later than December 31, of each year during the currency of the Chief Administrative Officer (CAO)'s engagement with the Municipality, Council shall provide the Chief Administrative Officer (CAO) with an annual written performance evaluation of the results the Chief Administrative Officer (CAO) has achieved with respect to fulfilling the Chief Administrative Officer (CAO)'s responsibilities under the Act and this bylaw.

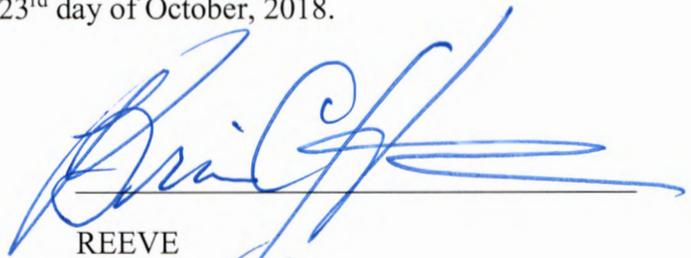
**PART IX: OTHER BYLAWS/RESOLUTIONS**

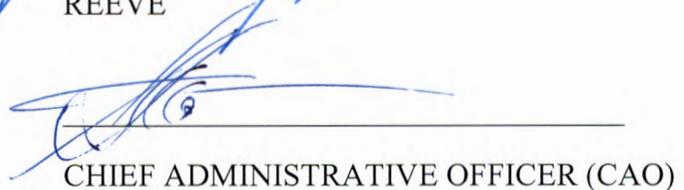
16. The provisions of this bylaw shall prevail in any case where there is a conflict between this bylaw and any previous resolution or bylaw of Council.
17. Bylaw No. 1112-06 as amended is repealed.

Read a first time in Council this 23<sup>rd</sup> day of October, 2018.

Read a second time in Council this 23<sup>rd</sup> day of October, 2018.

Read a third and final time in Council this 23<sup>rd</sup> day of October, 2018.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER (CAO)