

Bylaw # 3120

"Chief Administrative Officer Bylaw"

Bylaw Statement:

A Bylaw of the County of Grande Prairie No. 1, in the Province of Alberta for the purpose of establishing and defining the powers, duties and functions of the chief administrative officer.

WHEREAS: pursuant to the *Municipal Government Act, RSA 2000, c. M-26* and amendments thereto, every Council must establish by Bylaw the position of Chief Administrative Officer and appoint a person to carry out the powers, duties and functions of such position; and

WHEREAS: pursuant to the *Municipal Government Act, RSA 2000, c. M-26* and amendments thereto, Council may give the position of Chief Administrative Officer any title the Council considers appropriate; and

WHEREAS: sections 207 and 208 *Municipal Government Act, RSA 2000, c. M-26* and amendments thereto, set forth the mandatory statutory responsibilities and major administrative duties of the Chief Administrative Officer; and

WHEREAS: the County of Grande Prairie No. 1 Council may by bylaw delegate any of its powers, duties or functions under the *Municipal Government Act, RSA 2000, c. M-26* or any other enactment or bylaw to the Chief Administrative Officer or a designated Officer, unless *Municipal Government Act, RSA 2000, c. M-26* or any other enactment or bylaw provides otherwise.

THEREFORE, be it resolved that the Council of the County of Grande Prairie No. 1 in the Province of Alberta, duly assembled hereby enacts as follows:

INTERPRETATION

1. This Bylaw shall be cited as the "Chief Administrative Officer Bylaw".
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender shall include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or visa versa whenever the context so requires.
5. Where an Act is referred to in the Bylaw it shall include amendments thereto.

DEFINITIONS

- a) "Act" means the *Municipal Government Act, RSA 2000, c. M-26* and amendments thereto;
- b) "Acting CAO" means the individual acting under a delegation of authority from the Chief Administrative Officer (CAO);
- c) "Administration" means the general operations of the County, including all personnel, financial and other related resources, as permitted by the *Municipal Government Act (MGA)*;
- d) "Agreement" means a written accord wherein the parties to the accord exchange mutually enforceable promises for consideration with the intention to create legally binding obligations;
- e) "Bylaw" means this Chief Administrative Officer Bylaw;
- f) "CAO" or "Interim CAO" means the Chief Administrative Officer, which is the person appointed by Council to the position of Chief Administrative Officer under the *Municipal Government Act (MGA)* for the County of Grande Prairie No.1;



- g) "Council" means the Reeve and Council Members duly elected in the County of Grande Prairie No. 1 and who continue to hold office;
- h) "Committee" means any committee, board or other body established by Council under the MGA or another enactment;
- i) "County" means the geographic area contained within the boundaries of the municipality of the County of Grande Prairie No.1;
- j) "Council Member" means a member duly elected as a Council Member under the MGA to represent a ward of the County of Grande Prairie No. 1 who continues to hold office;
- k) "Directors" means the group of senior administration employed by the County so designated by the Chief Administrative Officer;
- l) "Emergency" means a situation in which there is imminent danger to public safety or serious harm to property;
- m) "Enactment" means an Act of the Legislature of Alberta, a regulation made under an Act of the Legislature of Alberta, and Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada;
- n) "FOIPP" means *Freedom of Information and Protection of Privacy Act, RSA 2000, c. F-25*, and amendments thereto;
- o) "Meeting" means any meeting of Council or Committee.

OFFICE, APPOINTMENT AND CONTINUATION

- 6. Council hereby establishes the position of Chief Administrative Officer and the individual appointed to that position shall have the title of "Chief Administrative Officer (CAO)".
- 7. Council shall appoint an individual to the position of CAO by a resolution.
- 8. Pursuant to the Act, Council must provide the CAO with an annual written performance evaluation of the results as per the CAO's responsibilities as outlined in the Act.
- 9. The CAO is a designated officer for the County for all purposes unless Council establishes another designated officer position by bylaw, appoints an individual to that position, and prescribes specific powers, duties and functions for that position.
- 10. In the event of a vacancy in the position of CAO for any reasons, Council may, by a resolution, appoint a person or persons as a CAO or as an Interim CAO under this Bylaw.

REFERENCES

- 11. Any reference in any bylaw, resolution, policy, Agreement or regulations to the County Manager, Municipal Manager, or County Administrator which has been passed, adopted or entered into prior to this Bylaw coming into effect shall be deemed for all purposes to refer to the position of Chief Administrative Officer (CAO) established and continued under this Bylaw.

GENERAL POWERS, AUTHORITY AND DUTIES

- 12. The CAO is accountable for ensuring that all powers, duties and functions are carried out in accordance with Section 208 of the Act as well as any other pertinent legislation.
- 13. The CAO shall carry out his powers, duties and functions in compliance with:
 - a. The Act;
 - b. This Bylaw;
 - c. Any other enactment;
 - d. Any other bylaw, resolution, policy or procedure passed or adopted by Council; or
 - e. Any Agreement binding on the County.
- 14. In order to carry out the responsibilities of the position, the CAO has the authority to:

- a. Hire, dismiss, promote, reward or discipline any municipal employee, subject to applicable policies of the County;
 - b. Establish the structure of the Administration, including establishing, merging, dividing and eliminating departments, and establishing a managerial hierarchy, provided that the CAO has informed Council of any proposed changes to the structure of the Administration and that Council approves, by resolution, the said changes to the organizational structure within the operational budget;
 - c. Be present at any meeting of Council or Committee of Council;
 - d. Advise and participate in the Council's annual strategic planning sessions;
 - e. In the case of an emergency, incur any expenditure not previously approved by Council in adherence with *C19 – Unbudgeted Expenditure Policy*, as may be amended from time to time;
 - f. Sign any order, agreement, cheque, negotiable instrument or document made or executed on behalf of the municipality in adherence with *B2 – Legal Signing Authority Policy*, as may be amended from time to time;
 - g. Approve directives, procedures, standards, handbooks, or guidelines governing the work or conduct of County employees within the powers of the CAO to ensure an effective and efficient implementation of Council's directives, policies, programs, etc.
 - h. Take such other actions as necessary to carry out the responsibilities and duties assigned by Council;
15. The CAO is the Head of the County for the purposes of the FOIPP Act.
16. When one or more Councillors obtain information about the operation or administration of the municipality from the CAO or a person designated by the CAO, the information must be provided to all other Councillors as soon as practicable in accordance with Section 153.1 of the Act.

COUNCIL MEETINGS AND REPORTING

17. CAO shall:
- a. Utilize a consistent format for reporting to Council by CAO and Directors;
 - b. When requesting a decision from Council, ensure Administration is proactive in providing a full range of information, background, issues defined, available options, and implications as per *AD4 – Decision Making Framework Policy*;
 - c. Ensure all minutes of Council and Council Committee meetings are recorded in the English language without note or comment.

DELEGATION OF POWERS AND ACTING CAO

- 18. The CAO is authorized to delegate and to authorize further delegations of any powers, duties and functions assigned to the CAO by Council under the Act and under this or any other bylaw to a County employee.
- 19. Notwithstanding any delegation of power by the CAO, the CAO shall remain responsible to Council for exercising any powers and responsibilities conferred by this Bylaw.
- 20. If the CAO is going to be temporarily absent, the CAO may designate in writing a County employee as the Acting CAO, and when so designated, the Acting CAO shall perform the CAO's duties and functions and exercise the CAO's powers, duties, and functions on a temporary basis. The Acting CAO may be compensated in compliance with the policies of the County.

INDEMNIFICATION



21. The County shall indemnify the CAO, provided that the CAO was acting in good faith to carry out the powers, duties and functions given to the CAO by this Bylaw, the MGA, any other enactment, any other bylaw, resolution policy or procedure.

CONFLICT

22. If the provisions of this Bylaw conflict with any other bylaw, this Bylaw shall prevail and govern.

SEVERABILITY

23. Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

REPEAL

24. Bylaw 2476 and Bylaw 2499 and amendments thereto be hereby rescinded.

EFFECTIVE DATE

25. This Bylaw shall come into force and effect on the third and final reading.

Read a FIRST time this 26th Day of AUGUST 2019.

Read a SECOND time this 26th Day of AUGUST 2019.

Read a THIRD time this 26th Day of AUGUST 2019.


REEVE


CHIEF ADMINISTRATIVE OFFICER