

VILLAGE OF DELBURNE
BYLAW 1193/2023

A BYLAW OF THE VILLAGE OF DELBURNE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AND DEFINING THE POWERS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER IN ACCORDANCE WITH SECTION 205 OF THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, C. M-26.

WHEREAS the section 205 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 requires that every Council establish, by Bylaw, the position of Chief Administrative Officer and appoint a person to carry out the powers, duties and functions of such position;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF DELBURNE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:

Chief Administrative Officer Bylaw

1. This Bylaw may be referred to as the "CAO Bylaw."

Purpose of this Bylaw

2. The purpose of this bylaw is to establish the position of Chief Administrative Officer and appoint a person to carry out the powers, duties and functions of the position of Chief Administrative Officer and as defined by this bylaw.

Definitions

3. In this Bylaw:
 - a) "Act" means the Municipal Government Act R.S.A. 2000, c. M-26 as may be amended from time to time;
 - b) "Municipality" means the municipal corporation of the Village of Delburne;
 - c) "Village" means the Village of Delburne;
 - d) "Council" means the municipal Council of the Village of Delburne;
 - e) "Administration" means the general operation of the municipality, including personnel, financial and other related resources as permitted by the Act;
 - f) "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer as per the Municipal Government Act;
 - g) "Acting Chief Administrative Officer" means an individual appointed by the Chief Administrative Officer to act in their absence as required;
 - h) "Senior Leadership Team" means the group of senior managers employed by the municipality so designated by the Chief Administrative Officer.

Office

4. The position of Chief Administrative Officer is hereby created and the person appointed to that position shall have the title "Chief Administrative Officer".

Appointment

5. (1) Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer.
 - (2) Council shall establish the terms and conditions of the appointment of the Chief Administrative Officer including:
 - a) the term of the appointment;
 - b) the salary and benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time by Council; and
 - c) shall review the performance of the CAO and will review the annual salary and benefits provided to the CAO in accordance with the terms and conditions of the CAO's employment agreement.

Accountability

6. (1) The Chief Administrative Officer shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the Chief Administrative Officer by the Act, this Bylaw, any other enactment, any other bylaw, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the CAO personally, or by someone to whom the CAO has delegated that power, duty or function.

- (2) The Chief Administrative Officer shall carry out his or her 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 contract binding on the Municipality.

General

7. (1) Except for the purposes of general inquiry, Council and its members will deal with and control the Village's Administrative services through the Chief Administrative Officer and will not give directions to any employee or contractor of the Village either publicly or privately.
- (2) The CAO's signature, and the signatures of any other Village employees to whom Council or the CAO delegates signing authority may be printed, lithographed or otherwise reproduced.

Administration

8. (1) The Chief Administrative Officer is the principal administrative link between the Administration and Council. In accordance with the ACT, the CAO:
- a) Is the administrative head of the Village;
 - b) Ensures that the policies and programs of the Village are implemented;
 - c) Advises and informs Council on the operation and affairs of the Village;
 - d) Performs the duties and functions and exercises the powers assigned to a CAO by the Act 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 Act or any other statute or enactment except the powers, duties and functions expressly given to the Village Assessor pursuant to the Assessor Bylaw.
- (2) The Chief Administrative Officer shall also review Council agendas and provide administrative recommendations to Council.

Authority of the Chief Administrative Officer

9. The Chief Administrative Officer is authorized to:
- a) Appoint an Acting CAO to act during absences of the CAO;
 - b) Coordinate, direct, supervise and review the performance of the Administration;
 - c) Establish the structure of the Administration;
 - d) Establish and implement all policies procedures, standards and guidelines for all matters within the powers of the CAO;
 - e) Advise, inform and make recommendations to Council about:
 - i) the operations of the Village and where information is provided to a councilor the information will be provided to all other councilors;
 - ii) the financial condition of the Village; and
 - iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Village;
 - f) Attend all meetings of Council and meetings of such Boards, Authorities and other bodies as required by Council;
 - g) Ensure all minutes, bylaws and records of the Village are stored in a secure location;
 - h) Ensure that minutes of council meetings are completed in English and without comment and include the names of all Councillors present;
 - i) Conduct audits, investigations and studies of the Administration, as the CAO deems necessary, subject to the direction of Council;
 - j) Subject to any applicable legislation and any contract of agreement binding on the Village:
 - i) hire, appoint, transfer or promote any Village employee;
 - ii) evaluate, discipline, suspend, demote, or remove any Village employee;
 - iii) ensure members of the senior leadership team is familiar with the duties and responsibilities of the CAO, Council processes and procedures, issues being addressed by Council and issues of concern to the Village;
 - iv) determine salaries, benefits, hours of work and other working conditions subject to Council direction.



- k) Provide corporate leadership in ensuring that all Village policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Village as defined by Council;
- l) Prepare and submit to Council such reports and recommendations as may be required by Council; and
- m) Respond to inquiries and requests for information on behalf of the Village, including stating the Village's position, subject to any Council approved policy, procedure, standard or guideline, or as otherwise directed by Council.

Financial Powers and Functions

10. (1) The Chief Administrative Officer is authorized to:
- a) prepare and submit operating and capital budgets as directed by Council;
 - b) keep accurate records of the financial affairs of the Village and provide financial reports to Council at a frequency determined by Council;
 - c) Ensure authorized expenditures are paid in accordance with section 248 of the Act and the approved operating and capital budgets for the Village;
 - d) Ensure that revenues for the Village are collected and controlled and receipts issued in a manner directed by Council;
 - e) in cases of emergency as determined by the CAO and in the absence of a local state of emergency being declared, expend monies for the emergency that are not in an approved budget, up to a maximum of \$50,000 and subsequently report to Council on those expenditures;
 - f) establish fees, charges rates and tariffs, except as otherwise established by Council policy or bylaw;
 - g) approve over expenditures within the operating and capital budgets subject to the limits imposed by Council Policy. The CAO shall ensure financial practices comply and are executed in accordance with Council policy;
 - h) notwithstanding 10. (d) at no time may the CAO authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets;
 - i) ensure money held by the Village are deposited with a financial institution or invested in compliance with section 250 of the Act and Council policy;
 - j) pay any amounts which the Village 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 Village;
 - k) except as otherwise instructed by Council, and without limitation, instruct legal counsel to provide legal services to the Village and Council and retain, instruct and pay for the services of legal counsel;
 - l) approve the:
 - i) settlement of all insured actions, claims or demands against the Village; and
 - ii) settlement of all insured actions, claims or demands by the Village.
 - m) Enter into any agreements necessary to provide insurance coverage for the Village.
- (2) The Chief Administrative Officer is authorized to approve and enter into all agreements and contracts involving:
- a) funding agreements with the Province of Alberta 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 the *Family and Community Support Services Regulations*;
 - b) provincial and federal grant funding;
 - c) agreements and contracts incidental to the development and subdivision of land within the Village of Delburne pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development or subdivision; and
 - d) The extension of the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with section 657 of the Act.

Other Powers and Duties

11. (1) The Chief Administrative Officer is authorized to:
- a) Consolidate an amending bylaw with the bylaw which it amends in accordance with section 69 of the Act;
 - b) Alter the citation and title of a bylaw and the numbering and arrangement of its provisions, and to add, change or delete a note, heading, title, marginal note, diagram or example of a bylaw;
 - c) Correct clerical, grammatical and typographical errors;



- d) Designate any highway as one which is closed temporarily in whole or in part to traffic, as authorized by section 25 of the ACT, or any other enactment and cause such highway to be marked;
- e) Ensure tax and assessment rolls are prepared in accordance with Parts 9 and 10 of the Act;
- f) Ensure public auctions to recover taxes are carried out in accordance with Part 10 of the Act;
- g) Ensure the safe protection of the Village's corporate seal;
- h) Register on behalf of the Village and pursuant to any statute or enactment, all forms of intellectual property, including without limitations, Trademarks, official marks, copyright, industrial designs and patents; and
- i) 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 Act*.

(2) The Chief Administrative Officer shall ensure that Council is advised in writing of its legislative responsibilities under the Act.

Delegation by Chief Administrative Officer

12. As provided for in section 209 of the Act, the Chief Administrative Officer 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 designated officer or an employee of the Village.

Delegation of Other Authority

13. The matters assigned to the Chief Administrative Officer by this Bylaw are in addition to any other duties assigned or to a delegation of authority made by Council to the CAO or to any other Village employee.

FOIPP Head

14. The Chief Administrative Officer is the Head of the Municipality for the purposes of the Freedom of Information and Protection of Privacy Act, R. S. A. 2000 c. F-25.

Indemnification

15. The Municipality shall indemnify the Chief Administrative Officer provided that the Chief Administrative Officer was acting in good faith to carry out the powers, duties and functions given to the Chief Administrative Officer by this Bylaw, the Act, any other enactment, any other bylaw, resolution, policy or procedure.

Interpretation

16. Any reference in this Bylaw to the Act, any other enactment, any other bylaw, resolution, policy or procedure shall include all amendments thereto, all regulations and orders thereunder and any successor thereto.

Conflict

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

Severability

19. It is the intention of Council that, if any provision of this bylaw be declared invalid by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

Repeal

20. Village of Delburne Bylaw 1032 and all of its amendments are hereby repealed.



Effective Date

21. This bylaw shall take effect on the date of final passage.

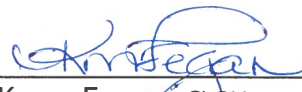
FIRST READING OF BYLAW 1193/2023 is hereby granted this 13th day of June, 2023

SECOND READING OF BYLAW 1193/2023 is hereby granted this 13th day of June, 2023

THIRD AND FINAL READING OF BYLAW 1193/2023 is hereby granted this 13th day of June, 2023



Mayor Tim Wilson



CAO Karen Fegan, CLGM