

TOWN OF OLDS BYLAW 2022-04

BEING A BYLAW OF THE TOWN OF OLDS, TO ESTABLISH AND DEFINE THE POWER AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER.

WHEREAS Section 205 of the Municipal Government Act requires that Council establish a position of Chief Administrative Officer by bylaw;

AND WHEREAS Council wishes to delegate certain powers to the Chief Administrative Officer.

The Council of the Town of Olds, duly assembled, hereby ENACTS AS FOLLOWS:

1. Title

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

2. Definitions

In this Bylaw:

"Act" means the Municipal Government Act., R.S.A. 2000, c. M-26, and associated regulations, as amended.

"Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the Chief Administrative Officer.

"Municipality" means the municipal corporation of Town of Olds.

"Municipal Assessor" means the designated officer position created under The Municipal Assessor Bylaw and the individual appointed to that position.

"Chief Administrative Officer" means the Chief Administrative Officer (CAO) of the Town of Olds or their delegate, who as per the Municipal Government Act, is the only employee of council.

"Council" means the municipal council of the Town of Olds.

"Executive Team" means the group Directors employed by the municipality so designated by the Chief Administrative Officer.

3. Office

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

4. Appointment

4.1 Council must, by resolution, appoint an individual to the position of Chief Administrative Officer Including:

- a) the term of the appointment; and
- 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.



5. Accountability

- 5.1 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 Chief Administrative Officer personally, or by someone to whom the Chief Administrative Officer has delegated that power, duty or function.
- 5.2 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.

6. General Powers and Duties

- 6.1 The Chief Administrative Officer has:
- a) all of the powers, duties, and functions that are given to a Chief Administrative Officer under the Act or any other enactment;
 - b) all of the powers, duties and functions that are given to a designated officer under the Act, or any other enactment, except for the designated officer powers, duties and functions expressly given to the Municipal Assessor; and
 - c) all the powers, duties and functions delegated to the Chief Administrative Officer by Council in this or any other bylaw, resolution, policy or procedure.
- 6.2 The Chief Administrative Officer shall:
- a) be the contact between the Administration of the Municipality and Council and communication from the Administration to Council shall flow through the Chief Administrative Officer;
 - b) be responsible for advising on and communicating with Council with respect to:
 - (i) the operations of the Municipality,
 - (ii) the financial state of the Municipality,
 - (iii) Council policies and procedures, and
 - (iv) Administrative policies and procedures;
 - c) prepare and submit to Council such reports, including recommendations where appropriate, and answer such inquiries, as required by Council; and
 - d) attend all Council meetings and the meetings of such other boards, authorities or other bodies as might be required by Council; and
- 6.3 The Chief Administrative Officer must either personally carry out all of the powers, duties and functions that are given to the Chief Administrative Officer or delegate such powers, duties and functions to a designated officer of the Municipality or to a Municipal employee.
- 6.4 The Chief Administrative Officer has the authority to delegate any of the powers, duties and functions given to the Chief Administrative Officer and can authorize the recipients of such delegations to further delegate their powers, duties and functions to other Municipal employees.



6.5 Any information requested by an elected official about the operation or administration of the municipality must be shared with all elected officials, at the same time. All of the elected officials must hear/be provided the same information.

7. FOIP Head

7.1 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 and any amendments thereto.

8. Royal Canadian Mounted Police

8.1 The Chief Administrative Officer shall provide a liaison between the Municipality and the Commanding Officer of the R.C.M.P. Detachment for Town of Olds.

9. Administration

9.1 The Chief Administrative Officer shall be responsible for directing the Administration.

9.2 The Chief Administrative Officer has the authority to:

- a) establish Administrative policies and procedures and in particular employment policies and procedures including policies and procedures to govern the actions of employees;
- b) hire, appoint, suspend, remove or terminate any employee from any position in the Municipality;
- c) direct, supervise and review the performance of the Administration; and
- d) establish the structure of the Administration including creating, eliminating, merging or dividing departments provided that any such reorganization does not result in a decreased level of services to the community.

9.3 The Chief Administrative Officer shall report to Council on any changes to the structure of the Administration.

9.4 The Chief Administrative Officer shall, subject to the directions and approval of Council, negotiate all collective agreements with Municipal employees.

9.5 The Chief Administrative Officer shall be responsible for ensuring that members of the Executive Team are familiar with the duties and responsibilities of the Chief Administrative Officer, Council processes and procedures, issues being addressed by Council and issues of concern to the Municipality.

10. Financial Powers and Functions

10.1 The Chief Administrative Officer shall:

- a) annually, or as required or directed by Council, prepare and submit budgets to Council for operating and capital programs in accordance with the Act; and
- b) monitor and report to Council as required or directed by Council, on the operating and capital budgets approved by Council and in particular report on variances between budgeted and actual expenditures.

10.2 The Chief Administrative Officer may authorize over-expenditures within the operating or capital budgets subject to the limits imposed by Council policy.

10.3 Notwithstanding Section 10(2), at no time may the Chief Administrative Officer authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets.

- 10.4 The Chief Administrative Officer shall designate the financial institution(s) to be used by the Municipality and shall open and close accounts that hold the Municipality's money as per Council motion.
- 10.5 The Chief Administrative Officer is authorized to invest funds on behalf of the Municipality in accordance with the provisions of the Act.
- 10.6 The Chief Administrative Officer may pay any amounts the Municipality is legally required to pay pursuant to an Order or Judgement of a Court, board or other tribunal having jurisdiction over an action, claim or demand against or by the Municipality, provided that all rights to appeal the Order or Judgement have expired.

11. Miscellaneous Powers

- 11.1 The Chief Administrative Officer is authorized to:
 - a) retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Municipality including, without limiting the foregoing:
 - (i) providing legal services to Council and the Administration, and
 - (ii) appearing in all legal and administrative proceedings including commencing, defending, and intervening in such proceedings to define, enforce and defend the Municipality's (and such other boards, authorities agencies and other entities as may be required by Council) legal and equitable rights;
 - (b) compromise all actions, claims or demands against or by the Municipality and complete all related documentation;
 - (c) accept service of all notices and other documents on behalf of the Municipality;
 - (d) provide any and all certificates or statutory declarations on behalf of the Municipality;
 - (e) temporarily close, in whole or in part, any road at any time where construction or maintenance activity adjacent to the road may cause a hazard;
 - (f) 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;
 - (g) carry out inspections, remedies, enforcement or other actions pursuant to the Act, any other enactment, or any bylaw where the Act or any other enactment or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Municipality;
 - (h) make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the Municipality is authorized to enforce including without limitation, matters related to dangerous or unsightly property;
 - (i) provide administrative support to the Municipal Planning Commission of the Municipality;
 - (j) extend the time for endorsement of subdivision plans and for the registration of the subdivision plans in accordance with the Act;
 - (k) 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 any other person authorized by Council, agreements and cheques and other negotiable instruments;
 - (l) revise bylaws in accordance with the Act;
 - (m) consolidate bylaws, including the preparation of administrative consolidations; and
 - (n) ensure the sufficiency of any petitions that may be submitted to the Municipality in accordance with the requirements of the Act.

12. Indemnification

12.1 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.

13. Interpretation

13.1 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.

14. Conflict

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

Repeal

Chief Administrative Officer Bylaw 2019-05 and all amendments thereto are hereby repealed.

Read for a first time this 14th day of February, 2022.

Read for a second time this 14th day of February 2022.

Received Unanimous Consent for presentation of third reading this 14th day of February, 2022.

Read for a third and final time this 14th day of February, 2022.



Judy Dahl, Mayor



Michael Merritt, Chief Administrative Officer

Signed by the Chief Elected Officer and the Chief Administrative Officer this 15th day of February, 2022.

