



BYLAW NO. 07-2022
Establish Chief Administrative Officer Position
Town of High Prairie

A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) to establish and define the powers of the Chief Administrative Officer.

WHEREAS, Section 205 of the MGA, requires that Council establish by bylaw the position of Chief Administrative Officer;

AND WHEREAS, Council wishes to define the powers and duties of the Chief Administrative Officer;

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

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

1. TITLE

1.1 This Bylaw may be cited as the "Chief Administrative Officer Bylaw".

2. DEFINITIONS

2.1 In this Bylaw:

- a) **"Administration"** shall mean the general operation of the Town, including personnel, financial and other related matters as permitted by the MGA;
- b) **"CAO"** means the Chief Administrative Officer or designate, appointed pursuant to the MGA.
- c) **"Council"** means the Council of the Town;
- d) **"Emergency"** shall mean an occurrence of a time-sensitive nature in the Town which could jeopardize the safety, health, or welfare of people, or the protection of property in the Town;
- e) **"Mayor"** means the Councillor who is appointed by Council to act as mayor or chief elected official;
- f) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*; and
- g) **"Town"** means the municipal corporation of the Town of High Prairie.

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- h) **"Unbudgeted Expenditure"** shall mean any expenditure that is not included in the interim operating budget, operating budget, or capital budget that is of an emergent matter, or is legally required to be paid, or is otherwise authorized by Council.

3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

4. APPOINTMENT

- 4.1 The Council hereby establishes the position of Chief Administrative Officer.
- 4.2 Council will, by resolution, appoint an individual to the position of CAO and establish the terms and conditions of the CAO's appointment.

5. RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER

- 5.1 The CAO shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the CAO by the MGA, 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.
- 5.2 The CAO shall carry out his or her powers, duties and functions in compliance with:

- a) the MGA;
- 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 Town.

5.3 The CAO has:

- a) all of the powers, duties, and functions that are given to a CAO under the MGA or any other enactment;
- b) all of the powers, duties and functions that are given to a designated officer under the MGA, or any other enactment, unless council establishes another designated officer position by bylaw, appoints or directs appointment of an individual to that position, and prescribes specific powers, duties and functions for that position.
- c) all the powers, duties and functions delegated to the CAO by Council in this or any other bylaw, resolution, policy or procedure.

5.4 The CAO shall:

- a) be the contact between the Administration of the Town and Council and communication from the Administration to Council shall flow through the CAO;
- b) be responsible for advising on and communicating with Council with respect to:
 - i. the operations of the Town,
 - ii. the financial state of the Town,
 - iii. the effectiveness of its policies and programs and recommend changes or new initiatives to achieve Council's objectives,
 - iv. Council policies and procedures, and Administrative policies and procedures;
 - v. prepare and submit to Council such reports, including recommendations where appropriate, and answer such inquiries, as required by Council; and
 - vi. attend all Council meetings and the meetings of such other boards, authorities or other bodies as might be required by Council.

5.5 The CAO must either personally carry out all of the powers, duties and functions that are given to the CAO or delegate such powers, duties and functions to a designated officer of the Town or to a Town employee.



5.6 The CAO has the authority to delegate any of the powers, duties and functions given to the CAO and can authorize the recipients of such delegations to further delegate their powers, duties and functions to other Town employees.

6. FOIP HEAD

6.1 The CAO is the Head of the Town for the purposes of the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000 c. F-25*.

7. ADMINISTRATION

7.1 The CAO shall be responsible for directing the Administration.

7.2 The CAO 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 Town;
- 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.

7.3 The CAO shall advise Council in advance of implementing major changes to corporate structure, including changes that involve creating new departments.

7.4 The CAO shall be responsible for ensuring that members of the Leadership Team are familiar with the duties and responsibilities of the CAO, Council processes and procedures, issues being addressed by Council and issues of concern to the Town.

8. FINANCIAL AUTHORITY

8.1 The CAO 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 MGA; 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.



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- 8.2 The CAO may authorize over-expenditures within the operating or capital budgets.
- 8.3 Notwithstanding Section 8.2, the CAO may authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets by no more than \$25,000. Any over expenditure must be reported to Council at the next Council meeting. Council shall consider and approve the unbudgeted expenditure.
- 8.4 Notwithstanding Section 8.2 and 8.3, if an unbudgeted expenditure is for an emergency as determined by the Chief Elected Official or the CAO, the CAO may approve the expenditure up to \$100,000. The unbudgeted emergency expenditure(s) must be provided to Council at the next Council meeting. Council shall consider and authorize the expenditure.
- 8.5 The CAO shall designate the financial institution(s) to be used by the Town and shall open and close accounts that hold the Town's money.
- 8.6 The CAO is authorized to invest funds on behalf of the Town in accordance with the provisions of the MGA.
- 8.7 The CAO may pay any amounts the Town 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 Town, provided that all rights to appeal the Order or Judgement have expired.
- 8.8 The CAO may apply, on behalf of the Town, for grant funding from any source, and approve all documents and agreements required to obtain grant funding.
- 8.9 The CAO may approve agreements to provide Town services to or in another municipal authority, or in a part of a province or territory adjoining Alberta provided that at minimum, the costs for providing the service are recovered from the other municipal authority, province, or territory.
- 8.10 The CAO may approve the payment of grant funding from the Town provided that:
- a) the grant is for an approved Town program, project, or activity; and
 - b) it is paid in accordance with any express terms or conditions imposed on the grant by Council or Standing Committee direction.
- 8.11 The CAO may approve grant agreements for the provision of family and community support services as provided for in the *Family and Community Support Services Regulation, AR 218/1994*.
- 8.12 The CAO may approve any agreement where the Town earns revenue by providing or disposing of a good, service, or intellectual property right.

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8.13 The CAO may approve leases of Town property for fair market value or more, or for Town use at fair market value or less, provided that:

- a) the term of the lease does not exceed 5 years; and
- b) the rent payable by the Town to a landlord, or a tenant to the Town, does not exceed \$50,000 per year.

9. MISCELLANEOUS POWERS

9.1 The CAO is authorized to:

- a) retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Town 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 Town'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 Town and complete all related documentation;
- c) accept service of all notices and other documents on behalf of the Town;
- d) provide any and all certificates or statutory declarations on behalf of the Town;
- 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 Town for the recovery of tax arrears;
- g) 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;
- h) make determinations and issue orders pursuant to the MGA or any other statute, enactment or bylaw which the Town is authorized to enforce including without limitation, matters related to dangerous or unsightly property;

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- i) provide administrative support to the Subdivision and Development Appeal Board;
- j) extend the time for endorsement of subdivision plans and for the registration of the subdivision plans in accordance with the MGA;
- 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 MGA;
- m) consolidate bylaws, including the preparation of administrative consolidations; and
- n) ensure the sufficiency of any petitions that may be submitted to the Town in accordance with the requirements of the MGA.

10. COUNCIL AND STANDING COMMITTEE DIRECTIONS

10.1 Notwithstanding any other provision in this Bylaw, if Council expressly approves a Town project, program, or activity, and the budget for that project, program, or activity, and directs the CAO to negotiate and approve the agreements required for that approved project, program, or activity, the CAO may approve agreements in accordance with Council's express direction.

11. REPEAL

11.1 This Bylaw rescinds Bylaw No. 12-2010. Bylaw No. 12-2010 is hereby repealed.

11.2 This Bylaw rescinds Bylaw No. 8/99. Bylaw No. 8/99 is hereby repealed.

12. COMING INTO FORCE

12.1 This Bylaw shall come into force and effect upon third reading.

First Reading given on this 12th day of April 2022.

Second Reading given on this 12th day of April 2022.

Third and Final Reading given on this 12th day of April 2022.



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Town of High Prairie**



Mayor Brian Panasiuk



CAO Rod Risling