

BYLAW NO. 1246/17

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT OF THE POSITION OF CHIEF ADMINISTRATIVE OFFICER

THE COUNCIL of Lacombe County, duly assembled, enacts as follows:

1. PURPOSE AND TITLE

- 1.1. The purpose of this bylaw is to establish the position of the Chief Administrative Officer of the Municipality pursuant to the *Municipal Government Act* or any successor legislation and to confirm the power of delegation to the Chief Administrative Officer granted, *inter alia*, pursuant to the *Municipal Government Act*.
- 1.2. This bylaw shall be known as the "Chief Administrative Officer (CAO) bylaw".

2. DEFINITIONS

- 2.1. "Administration" means the general operations of the Municipality, including all personnel, financial and other related resources, as permitted by the *Municipal Government Act* and any successor legislation.
- 2.2. "Administrative Policy" means policies that are approved by the Chief Administrative Officer (CAO), focus on the internal workings of the Municipality and primarily impact and address employees and contractors of the Municipality.
- 2.3. "Chief Administrative Officer (CAO)" means the Chief Administrative Officer for Lacombe County
- 2.4. "Council" shall mean the Council of Lacombe County, consisting of seven (7) members including the Reeve, each of whom except the Reeve has the title "Councillor".
- 2.5. "Council Policy" means policies that are approved by Council, provide strategic direction on programs and services delivered by the Municipality, primarily impact and address residents of the Municipality; provide an official position on plans to govern the people of Lacombe County, and are within Council's jurisdiction under the *Municipal Government Act*.
- 2.6. "Environmental Requirements" means all approvals, licenses, codes of practice and regulatory requirements applicable to the County pursuant to the *Environment Protection and Enhancement Act*, R.S.A. 2000, E-12, the *Water Act*, R.S.S. 2000, C. W-3 and any other Federal or Provincial environmental statute applicable to Municipal operations.
- 2.7. "Freedom of Information and Protection of Privacy Act (FOIP)" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25 as amended from time to time.
- 2.8. "Local Authorities Election Act (LAEA)" means the *Local Authorities Election Act*, RSA 2000, Chapter L-21 as amended from time to time.
- 2.9. "Minister" means the Minister of Alberta Municipal Affairs.
- 2.10. "Municipal Government Act (MGA)" means the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended from time to time.
- 2.11. "Municipality" shall mean the Municipal Corporation of Lacombe County.
- 2.12. "Traffic Safety Act" means the *Highway Traffic Act*, RSA 1980, Chapter H-7 as amended from time to time.

3. CHIEF ADMINISTRATIVE OFFICER

- 3.1. The position of Chief Administrative Officer is hereby established and Council may by resolution determine an alternate title.

- 3.2. Council shall, by resolution, appoint an individual to the position of CAO and establish the terms and conditions of the CAO's employment.
- 3.3. The Municipality will indemnify the CAO, provided that the CAO acts in the course and scope of his or her employment and acts in good faith to comply with an applicable resolution bylaw, statute, regulation or enactment.
- 3.4. The CAO shall have all the powers, duties and functions given to the CAO under the *MGA* or any other statute, except for the powers, duties and functions of an assessor under the *MGA*. Without limiting the generality of the foregoing, the CAO is the principal administration link between Administration and Council and; shall have and exercise the following powers, duties and functions.

Administration and Operational Matters

- 3.4.1 Establish the structure of the Administration of the Municipality, including establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy and administrative and reporting policies and procedures.
- 3.4.2 Advise, inform and make recommendations to Council about:
 - 3.4.2.1 the operations of the Municipality;
 - 3.4.2.2 the financial condition of the Municipality; and
 - 3.4.2.3 Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Municipality.
- 3.4.3 Direct, supervise and review the proposals of all departments of the Municipality.
- 3.4.4 Appoint a designated officer or an employee of the Municipality as Acting CAO to act during absences of the CAO and to exercise all the powers, duties and functions of the CAO as required under the *MGA*, this bylaw or any other Act.
- 3.4.5 Ensure the Minister is sent a list of the Councillors and any other information the Minister requires within five days after the term of the Councillors begins.
- 3.4.6 Ensure that the corporate seal is kept in the custody of the CAO.
- 3.4.7 Act as the Head of the Municipality within the meaning of the *Freedom of Information and Protection of Privacy Act*, and be responsible for the overall management of access to information and protection of privacy functions and responsibilities.
- 3.4.8 Conduct a census when required by Council and submit population affidavits in accordance with requirements of the *MGA*.
- 3.4.9 Ensure that the sufficiency of all petitions to Council be determined as set out in the *MGA*.
- 3.4.10 Accept services of all notices and documents on behalf of the Municipality.
- 3.4.11 Provide certification of notices, decisions, documents and any other certificates of statutory declarations as provided for or required by the *MGA*.
- 3.4.12 Establish and implement all Administrative policies, procedures, standards and guidelines for all matters within the powers of the CAO.
- 3.4.13 Conduct audits, investigations and studies of the Administration, as deemed necessary, subject to the right of Council to direct audits, investigations and studies.
- 3.4.14 Provide corporate leadership in ensuring that all Council policies and programs of the Municipality are efficiently coordinated, are delivered in a responsive and effective manner and reflect the overall strategic priorities of the Municipality as defined by Council.
- 3.4.15 Instruct legal counsel on any matters involving any potential legal and administrative proceedings involving the Municipality, and without limiting the foregoing:

- 3.4.15.1 provide legal services to Council, committees and departments of the Municipality;
- 3.4.15.2 appear in all legal and administrative proceedings including commencing, defending and intervening in them 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; and
- 3.4.15.3 grant and revoke all powers of attorney allowing staff of the Municipality 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.

3.4.16 Sign:

- 3.4.16.1 along with the person presiding at the meeting, all minutes of Council and Council Committee meetings;
 - 3.4.16.2 along with the Reeve, all bylaws;
 - 3.4.16.3 along with the Reeve or any other person authorized by Council, cheques and other negotiable instruments; and
 - 3.4.16.4 acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw, statute or enactment.
- 3.4.17 Authorize the CAO's signature and the signatures of any other Municipal employees to whom Council or the CAO delegates signing authority, may be lithographed or otherwise produced.
- 3.4.18 Prepare and issue distress warrants, seize and sell goods pursuant to distress warrants on behalf of the Municipality for the recovery of tax arrears pursuant to the *MGA*.
- 3.4.19 Carry out inspections, remedies, enforcement or actions pursuant to the *MGA*, where that Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Municipality.
- 3.4.20 Make determinations and issue orders pursuant to the *MGA* or any other statute, enactment or bylaw which the Municipality is authorized to enforce, including, without limitations, matters related to dangerous or unsightly property.
- 3.4.21 The CAO is appointed as the returning officer to carry out the duties and responsibilities of a returning officer under the *Local Elections Act*.
- 3.4.22 Provide administrative support to the Subdivision and Development Appeal Board. The CAO is appointed as Clerk for the Board.
- 3.4.23 Provide resources and support to the Assessment Review Board and appoint the Clerk of the Assessment Review Board in accordance with the provisions of the *MGA*.
- 3.4.24 Authorize a temporary closure, in whole or part, of any road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
- 3.4.25 Pursuant to the provisions of the *Traffic Safety Act*, or any other statute, authorize the placement from time to time of traffic control devices, including traffic control devices, restricting the speed of vehicles, at any locations considered necessary for controlling highways subject to the direction, management and control of the Municipality and provide for a record of all locations to be kept, which shall be open to public inspection during normal business hours.
- 3.4.26 Extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with the *MGA*.

Contracts and Agreements

- 3.4.27 Retain the services of any individual or corporation for purposes related to the operations of the Municipality and enter into all agreements and contracts and complete all necessary documents required for the provision of such services, provided the expenditure does not exceed the amount approved by Council in its annual budget.
- 3.4.28 Approve and enter into agreements with and make payments or grants, or both, to persons, organizations or governments for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.
- 3.4.29 Approve and enter into agreements with external agencies, including municipalities, for the provision of municipal goods and services on, at minimum, a full cost-recovery basis.
- 3.4.30 Approve and enter into all agreements and contracts necessary to provide insurance coverage for the Municipality.
- 3.4.31 Negotiate on behalf of the Municipality the terms and conditions of Development Agreements, subject to the conditions of the subdivision or development permit approval, with third parties desirous of developing lands within the Municipality, and execute such Development Agreements for and on behalf of the Municipality.
- 3.4.32 Negotiate and execute on behalf of the Municipality all encroachment, easement and right-of-way agreements whereby the Municipality grants to third parties an interest in Municipal lands by way of right-of-way, easement or encroachment right provided that the CAO shall not be authorized in conjunction with the power to authorize the expenditure of any Municipal funds to accommodate such right-of-way, easement or encroachment right, and furthermore that the execution of such right-of-way, easement or encroachment agreement is not contrary to any policy or bylaw of the Municipality. The CAO shall impose a charge in relation to the grant and administration of the right-of-way, easement or encroachment right and the CAO shall ensure that such administrative fee is collected from the third party benefiting from such right-of-way, easement or encroachment right prior to the execution of such agreement.
- 3.4.33 Provided funds are included in an approved budget, negotiate and execute on behalf of the Municipality all encroachment, easement, licenses of occupation and right-of-way agreements whereby the Municipality obtains from a third party an interest in lands by way of an encroachment, easement, license of occupation or right-of-way.
- 3.4.34 Enter into all agreements and contracts related to the development and subdivision of land within the Municipality pursuant to the planning provisions of the *MGA* and complete any and all documents required for such a development or subdivision.
- 3.4.35 Award all tenders and enter into all agreements and contracts required for the completion of such tenders in accordance with approved policies subject to the:
 - 3.4.35.1 expenditure being included in an approved budget; and
 - 3.4.35.2 tender being subject to a competitive process
- 3.4.36 Approve and enter into all documents, consents, approvals, acknowledgments and certificates required for or incidental to any agreement, contract, settlement, tender or investment.
- 3.4.37 Approve and enter into agreements and contracts involving the lease of land and/or buildings at current fair market value where the Municipality is lessee or lessor, provided that the term shall not exceed five years, exclusive of renewals.
- 3.4.38 Make application for and enter into provincial, federal and other grant funding agreements.

- 3.4.39 Register on behalf of the Municipality and pursuant to any statute or enactments, all forms of intellectual property, including, without limitation trademarks, official marks, copyright, design and patents.
- 3.4.40 Approve and enter into all agreements and contracts involving the disposition or conveyance of burial plots at fair market value (*Cemeteries Act*, s. 16)

Financial Matters

- 3.4.41 Prepare and submit to Council estimates of revenue and expenditures and capital programs annually, or as required by Council.
- 3.4.42 Monitor and control expenditures within the budgets approved by Council.
- 3.4.43 Authorize budget reallocations permitting the transfer of expenses and incomes for the same or similar purposes.
- 3.4.44 Advise Council and make recommendations about the financial condition of the Municipality and the policies and programs as may be necessary or desirable to carry out the powers, duties and functions of the Municipality.
- 3.4.45 Ensure that revenues of the Municipality are collected and controlled and receipts are issued in the manner directed by Council.
- 3.4.46 Ensure all money belonging to or held by the Municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation.
- 3.4.47 Ensure the accounts for authorized expenditures referred to in the *MGA* are paid.
- 3.4.48 Ensure accurate records and accounts are kept of the financial affairs of the Municipality, including items on which the Municipality's debt limit is based and the things included in the definition of debt for the Municipality.
- 3.4.49 Ensure that actual revenues and expenditures of the Municipality compared with the estimates in the operating or capital budget approved by Council are reported to Council as often as Council directs.
- 3.4.50 Ensure money invested by the Municipality is invested in accordance with the *MGA*.
- 3.4.51 Ensure assessments, assessment rolls and tax rolls required by the *MGA* are prepared.
- 3.4.52 Establish reserve bids on parcels of land, manufactured homes and other property that is to be offered for sale at a public auction in accordance with the *MGA*.
- 3.4.53 Ensure public auctions to recover taxes are carried out in accordance with the *MGA*.
- 3.4.54 The CAO is authorized to:
- 3.4.54.1 open and close accounts that hold the Municipality's money;
 - 3.4.54.2 prepare and submit to Council annual operating and capital budgets.
 - 3.4.54.3 pay any amounts which the Municipality 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 Municipality; and
 - 3.4.54.4 approve the settlement of all actions, claims or demands by or against the Municipality, including prejudgment interest and court costs up to a maximum of \$100,000.
- 3.4.55 Exercise all of the powers, duties and functions of the Municipality with respect to taxation, except those powers and duties for which a bylaw is required under the provisions of the *MGA*.

- 3.4.56 Expend monies, in cases where a local state of emergency has been declared, that are not an approved budget and subsequently report to Council on the implication of these expenditures.

Legislative Matters

- 3.4.57 Attend all meetings of Council and Committees of Council and meetings of such boards, authorities and other bodies as are required by Council.
- 3.4.58 Prepare and submit to Council such reports and recommendations as may be required by Council or Council Committees.
- 3.4.59 Ensure all minutes of Council meetings are recorded in the English language without note or comments.
- 3.4.60 Ensure the names of Councillors present at Council meetings and members of Council Committee meetings are recorded.
- 3.4.61 Ensure the minutes of each Council meeting and Council Committee meeting are provided to Council or the Council Committee for adoption at a subsequent Council meeting or Committee meeting, as the case may be.
- 3.4.62 Ensure the bylaws and minutes of Council meetings and Council Committee meetings and all other records and documents of the Municipality are kept safe.
- 3.4.63 Ensure that all minutes of Council meetings are signed in conjunction with the person presiding at the meeting.
- 3.4.64 Ensure that all bylaws are signed in conjunction with the Reeve.
- 3.4.65 Prepare administrative consolidations of bylaws.

Personnel Matters

- 3.4.66 Establish Administrative Policies for all employees of the Municipality so that they can carry out the powers, duties and functions delegated to those employees.
- 3.4.67 Approve any application for a leave of absence without pay by an employee seeking to be nominated as a candidate in a municipal election.
- 3.4.68 Supervise, evaluate, direct, hire, fire, discipline, terminate, demote, promote and transfer all employees of the Municipality.

Environmental Compliance

- 3.4.69 Develop and maintain Administrative Policies and programs for the purpose of ensuring Municipality awareness of all Environmental Requirements, and the duties and responsibilities imposed upon the Municipality under these environmental requirements.
- 3.4.70 Establish and implement Administrative Policies and programs, including training, compliance reporting and compliance monitoring programs to ensure that the County's duties and responsibilities under the Environmental Requirements are met.
- 3.4.71 Ensure that Council is informed on a monthly basis or as otherwise required, of the status of the Municipality's compliance with Environmental Requirements, and any contraventions of these Environmental Requirements by municipality employees, officers or contractors or by any third party, including but not limited to utility franchisees.
- 3.4.72 Ensure that all breaches of Environmental Requirements are reported in accordance with applicable regulatory guidelines.
- 3.4.73 Require that all agreements with third parties respecting operations and services provided by or for the benefit of the Municipality, and respecting operations and services provided by those third parties for the benefit of consumers within the

Municipality (including without restriction, utility franchise agreements), property address compliance with all Environmental Requirements relating to those operations and services.

3.4.74 Appoint inspectors to carry out the Agricultural Pests Act and regulations within the Municipality.

3.4.75 Appoint inspectors to enforce and monitor compliance with the Weed Control Act within the Municipality.

3.4.76 Appoint fire guardians to enforce the Forest and Prairie Protection Act within the boundary of the Municipality.

3.5 The matters delegated to the CAO by this bylaw are in addition to any other delegations made by Council or a Committee of Council to the CAO and the CAO shall exercise and carry out such other powers, duties and functions as may be required by Council or a Committee of Council, from time to time.

4. ACCOUNTABILITY

4.1 The CAO is accountable to the majority of the whole Council for the exercise of all powers, duties and functions.

5. DELEGATION

5.1. The CAO is authorized to delegate and to authorize further delegations of any of the CAO's powers, duties or functions under the MGA and under this or any other bylaw to any employee of the Municipality.

6. CONFLICT

6.1. The provisions of this bylaw shall prevail in any case where there is a conflict between this bylaw and any previous bylaw or resolution of Council.

6.2. If any provision of this bylaw is declared invalid by a Court, all other provisions remain valid.

7. REPEAL OF BYLAWS

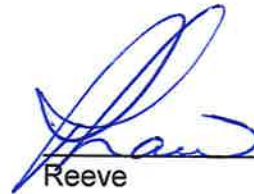
7.1. Chief Administrative Officer Bylaw 1092/09 is hereby repealed.

8. TRANSITIONAL

8.1. Bylaw 1246/17 shall come into effect on January 1, 2018.

Received first reading on this 25th day of May, 2017.

Received second and third and final reading this 22nd day of June, 2017.


Reeve
County Commissioner