



CHESTERMERE

**BYLAW #026-23, CAO & DESIGNATED
OFFICER BYLAW**

CITY OF CHESTERMERE

City of Chestermere

Province of Alberta

BYLAW #026-23

Being a bylaw of the City of Chestermere in the Province of Alberta, Canada to establish the positions of chief administrative officer and designated officers.

WHEREAS the Municipal Government Act provides that a Council must establish by bylaw a position of chief administrative officer;

AND WHEREAS the Municipal Government Act provides that a Council may by bylaw establish one or more positions to carry out the powers, duties or functions of a designated officer;

AND WHEREAS Council wishes to exercise its authority pursuant to the Municipal Government Act by establishing the positions of chief administrative officer and designated officers;

NOW, THEREFORE the Municipal Council of the City of Chestermere, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

- 1.1. This Bylaw may be cited as the "CAO & Designated Officer Bylaw"

2. DEFINITIONS

- 2.1 In this Bylaw, the following terms when capitalized shall have the following meaning:

1. "CAO" means the chief administrative officer for the City appointed pursuant to this Bylaw and as defined in the Municipal Government Act,
2. "Council" means the municipal council of the City;
3. "FOIP" means the Freedom of Information and Protection of Privacy Act, RSA 2000 c F-25 and the regulations thereunder
4. "Municipal Government Act" or "MGA" means the Municipal Government Act, RSA 2000, c M-26 and the regulations thereunder; and
5. "City" means the municipal corporation of the City of Chestermere.

- 2.2 Any references in this Bylaw to any statutes, regulations, bylaw or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaces from time to time and any amendments thereto.



2.3 Whenever a singular or masculine form of a word is used in the Bylaw, it shall include the plural, feminine or neutral form of the word as the context so requires.

2.4 The heading in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.

3. CHIEF ADMINISTRATIVE OFFICER

3.1 The position of the CAO is hereby established.

3.2 The CAO shall be given the title "Chief Administrative Officer"

3.3 Council shall, by resolution appoint an individual to the position of CAO. In the event a vacancy occurs in the position, Council must by resolution, appoint an individual to serve as Interim CAO, and in such case, the provisions of the Bylaw apply equally to the Interim CAO

3.4 Council will, by resolution, approve the terms and conditions of the CAO's appointment where the terms and conditions are not already established by the MGA and, upon such approval, the Mayor will execute a written employment agreement with the CAO.

3.5 Council will meet with and provide the CAO with an annual written performance evaluation.

3.6 The City will defend and indemnify the CAO against all losses, damages, claims, actions, costs, charges and expenses for which the CAO may be liable, provided that the CAO acted in the course and scope of the CAO's employment and acted in good faith in the performance or indented performance of the CAO's appointment, function, duties or powers under any applicable resolution, Bylaw, statue, regulation, or other enactment.

3.7 The CAO is the sole employee of the Council.

3.8 The CAO is the City's bylaw enforcement manager and may act as a bylaw enforcement officer under the Bylaw Enforcement Bylaw and is authorized to take any reasonable measures to enforce bylaws within the City.



4. GENERAL POWERS OF THE CAO

- 4.1 The CAO shall have the all of the powers, duties and functions of a chief administrative officer as set out in the Municipal Government Act or any other enactment.
- 4.2 Without limiting the generality of section 4.1 of this Bylaw, the CAO is the head of the City for the purpose of FOIP.
- 4.3 Unless a designated officer is expressly appointed in this Bylaw or another Bylaw of the City, the CAO has all the powers, duties and functions given to a designated officer under the Municipal Government Act or any other enactment.
- 4.4 The CAO is authorized to revise any or all of the bylaws of the City by:
- a) consolidating a bylaw by incorporating all amendments to it into one bylaw;
 - b) omitting and providing for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective;
 - c) omitting, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;
 - d) combining two or more bylaws into one, dividing a bylaw into two or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of another or two or more others;
 - e) altering the citation and title of a bylaw and the numbering and arranging of its provisions, and adding, changing or omitting a note, heading, title marginal note, diagram or example to a bylaw;
 - f) omitting the preamble and long title of a bylaw;
 - g) omitting forms or other material contained in a bylaw that can more conveniently be contained in a resolution, and adding authority for the forms or other material to be prescribed by resolution;
 - h) correcting clerical, grammatical and typographical errors; and
 - i) making changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law.
- 4.5 The CAO is authorized to temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.



- 4.6 The CAO is authorized to establish regulations pertaining to traffic controls and intersection safety. Speed limits shall be set by Council.
- 4.7 The CAO is authorized to take all necessary and reasonable measures to address, abate, eliminate or mitigate any emergency. As soon as is practicable and, in any event no later than the next regular council meeting, the CAO shall report to Council with respect to the emergency and the measures undertaken.
- 4.8 The CAO is authorized to establish the structure of the Administration including establishing, merging, dividing and eliminating departments, hiring and dismissing staff, and establishing a managerial hierarchy, provided the CAO has informed Council of any mayor proposed changes to the structure of the Administration, which may affect the operation or affairs of the City.
- 4.9 The CAO is authorized to establish and implement all administrative polices, procedures, standards and guidelines for all matters within the powers of the CAO and, in particular, employment policies and procedures including policies and procedures to govern the action of employees. The CAO must inform Council of any major proposed changes to any administrative polices, procedures, standards, and guidelines that may affect the operation or affairs of the City.
- 4.10 In addition to the statutory powers, duties and functions prescribed in the MGA or any other enactment, the CAO shall:
- a) co-ordinate direct, supervise, and review the performance or employees of the Municipality;
 - b) provide corporate leadership in ensuring that all the Municipality's polices and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Municipality as defined by Council;
 - c) advise, inform, and make recommendations to Council regarding; (i) the operations of the Municipality, (ii) the financial condition of the Municipality, and (iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Municipality;
 - d) prepare and submit, annually or as otherwise directed by Council, operating and capital budgets for Council approval;
 - e) prepare and submit, to Council such reports and recommendations as may be required by Council; and
 - f) allocate City resources and make expenditures within Council approved budgets or as otherwise authorized by Council
- 4.11 The powers, duties and functions assigned to the CAO by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council to the CAO or to any other City employee.



5. ACCOUNTABILITY

- 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 or any other enactment, this or any other bylaw, and any resolution, policy or procedure adopted by Council from time to time, whether such powers, duties and functions are exercised by the CAO personally, or by a City employee to whom the CAO has delegated that power, duty or function.

6. DELEGATION BY CAO

- 6.1 The CAO is authorized to delegate and to authorize further delegations of the CAO's powers, duties and function under the Municipal Government Act or other enactment and this or any other bylaw or assigned by Council to a designated officer or an employee or the City.
- 6.2 Where the CAO is on vacation or leave or is temporarily absent for any period of time of up to four weeks and unavailable to perform the duties of the CAO, an Acting CAO shall be appointed by the CAO or Council. For any leave or absence that is expected to extend beyond four weeks, Council shall appoint an Interim CAO to serve in the position of CAO until the CAO returns or a new CAO is appointed. The acting CAO and Interim CAO shall exercise the CAO's powers and perform the CAO's duties and functions.

7. MUNICIPAL ASSESSOR

- 7.1 The position of assessor is hereby established as a designated officer of the City.
- 7.2 The assessor shall be given the title "Municipal Assessor."
- 7.3 The Municipal Assessor is the designated officer for purposes of carrying out the duties and responsibility of an "assessor" under the Municipal Government Act
- 7.4 The CAO is authorized to appoint a qualified individual as the municipal assessor. If no individual is appointed to the position of municipal assessor, the CAO shall delegate the performance or any duties, power or obligations of an assessor under the Municipal Government Act to a person who meets the qualifications required pursuant to the Act and regulations.



- 7.5 The Municipal Assessor is the designated officer for the following sections of the Municipal Government Act:
- a) Section 482: Admissible evidence at hearing; and
 - b) Section 532(2): Admissible evidence at hearing.
- 7.6 The powers, duties and functions assigned to the Municipal Assessor by this Bylaw are in addition to any other power, duties or functions assigned or delegated by Council or the CAO to the Municipal Assessor.
- 7.7 The Municipal Assessor is authorized to delegate and to authorize further delegations of any of the Municipal Assessor's powers, duties or functions under an enactment or bylaw to such person or corporation as the Municipal Assessor finds appropriate.

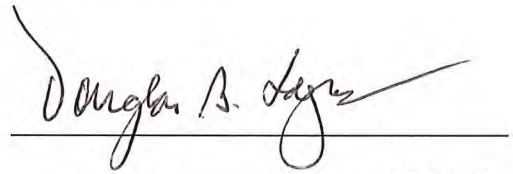
8. GENERAL

- 8.1 Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 8.2 This Bylaw comes into full force and effect upon the date of third and final reading.
- 8.3 Upon passing of this Bylaw, Bylaw 006-22, being the Designated Officer Bylaw, and all amendments thereto, are hereby repealed.

This Bylaw shall come into full force and effect upon the date of third and final reading.



Readings	Date	Resolution No.
First Reading	December 12, 2023	231212-25
Second Reading	December 12, 2023	231212-26
Third Reading	December 12, 2023	231212-28



MAYOR



CAO