



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

**Town of Bowden – Province of Alberta
CHIEF ADMINISTRATIVE OFFICER BYLAW
08 / 2022**

Whereas section 205(1) of the Municipal Government Act, RSA2000, Chapter M-26 requires that every Council must establish by bylaw the position of Chief Administrative Officer (CAO),

And whereas section 205(2) of the Municipal Government Act requires that every Council must appoint a person to carry out the powers, duties, and functions of the Chief Administrative Officer,

And whereas it is deemed desirable for the Town of Bowden to set out and define the responsibilities and administrative duties of the Chief Administrative Officer,

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows:

1 SHORT TITLE

This bylaw may be known as, and cited as, the “CAO Bylaw”.

2 PURPOSE

To establish the position of Chief Administrative Officer and define the powers, duties, and functions of the position as defined by this bylaw.

3 DEFINITIONS

In this bylaw the following definitions apply:

Acting Chief Administrative Officer

Means the person appointed by the Chief Administrative Officer to act in their absence under a delegation of authority,

or

is the person appointed by Council in the absence, suspension, or revocation of the CAO.

Administration

Means the personnel, financial and other resources that provide for the day-to-day operation and control of the municipality and who have responsibility to ensure that the policies and programs of the municipality are implemented.

Agreement

Means a written record (or contract) in which parties to the agreement exchange mutually enforceable promises for consideration, with the intention to create legally binding obligations.

Chief Administrative Officer (CAO)

Is the person appointed by Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the provisions of this bylaw and the MGA and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Designated Officer

Means a person to whom the CAO has delegated powers, duties or functions as permitted under the authority of the MGA or any other person with powers enabled under any other order, bylaw, or enactment or agreement.

Employee

Means a person who reports to the CAO and provides services to the Town under an employment or contractual agreement and includes full time, part time, agency, student, and volunteer workers.

Mayor

Means the chief elected official of the Town.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26.

Municipality

Means the Town of Bowden.

Person

Means:

- a) an individual (resident / non-resident or visitor),
- b) all Town employees, Town Council, customers, suppliers, agents, and contractors,
- c) a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation.

Pursuant to

Means to execute, carry out or investigate an activity in accordance with the requirements of a statute, ruling, policy, order, or request.

Town

Means the Municipal corporation of the Town of Bowden.

Words (interpretation)

- a) "may" is to be construed as permissive and empowering,
- b) "must" is to be construed as imperative,
- c) "shall" is to be construed as imperative (mandatory),
- d) "should" is to be construed as recommended,
- e) "including but not limited to" means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

4 OFFICE

4.1

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

4.2

Notwithstanding the provisions of section 4.1 Council may appoint more than one Chief Administrative Officer, pursuant to the provisions of the MGA.

5 APPOINTMENT

5.1

Council shall, by resolution, appoint a person(s) to the position of Chief Administrative Officer.

5.2

Council shall establish an agreement (terms and conditions of employment), including but not limited to:

- i. the term of the appointment,
- ii. any probationary period,
- iii. remuneration, vacation, and benefits,
- iv. performance evaluation and review (section 205.1 of the MGA applies),
- v. termination and notice period,
- vi. confidentiality clauses.

5.3

The responsibilities, authority, powers, and accountability of the Chief Administrative Officer are set out both in the MGA and within the provisions of this bylaw.

6 ACCOUNTABILITY

6.1

The Chief Administrative Officer shall be accountable to Council for exercising all the powers, duties and functions of the Chief Administrative Officer as required by:

- i. the MGA,
- ii. any other enactment or order,
- iii. this bylaw any other bylaw,
- iv. any resolutions, policies or procedures adopted by Council,
- v. any contract or agreement binding on the municipality,

whether exercised by the CAO personally, or by a Designated Officer, or by a person who has delegated authority.

6.2

The Chief Administrative Officer is the principal link for communication and representation between Administration and Council.

Council will direct and implement their policies and programs through the CAO and obtain information about the operation or administration of the municipality from the CAO.

Other than the CAO, Council shall not give directions or instructions to any member of Administration or designated officer or contractor either publicly or privately unless authorized to do so by enactment or by resolution, or with the express given consent of the CAO.

7 AUTHORITY

7.1

The CAO is authorized by Council to:

- i. to conduct all actions necessary in order to fulfill the responsibilities and duties legislated under any statutory enactment, regulation, order, bylaw, policy, agreement, or resolution,
- ii. establish and implement policies, procedures, standards, and guidelines for all matters within the powers or authority of the CAO,
- iii. appoint an Acting CAO during periods of absence,
- iv. establish the structure of Administration,
- v. coordinate, direct, supervise and review the performance of Administration,
- vi. subject to any applicable legislation or existing contracts or agreements,
 - a) hire, appoint, transfer, or promote any Town employee,
 - b) evaluate, discipline, suspend, demote, or remove any Town employee,
 - c) determine salaries, benefits, hours and working conditions of Town employees subject to budgeted constraints or limits,
- vii. conduct audits, investigations or reviews of the operation and practices of Administration,
- viii. appoint contractors, consultants or other professionals as deemed necessary subject to policy, budget, or Council direction.

7.2

The CAO may delegate powers to a Designated Officer (pursuant to the Town's Designated Officer Bylaw), or to a Deputy or to a competent person as deemed appropriate or necessary.

7.3

Pursuant to the Towns' bylaws the CAO is empowered to:

- i. administer and enforce the provisions of any bylaw,
- ii. grant licenses, approvals and permissions as set out in any bylaw,
- iii. impose penalties or waive penalties where appropriate or necessary,
- iv. approve exemptions or impose additional restrictions to the provisions of a bylaw as deemed necessary or appropriate, in order to fulfill the provisions of a bylaw or to act responsibility in the best public interest or in the interests of the community as a whole.

8 RESPONSIBILITIES

In addition to the responsibilities and duties legislated under the MGA, and any other statutory enactment, regulation, order, bylaw, policy, agreement, or Council resolution, the CAO is responsible to provide or undertake the following duties, including but not limited to:

Meetings & Reporting

The CAO will:

8.1

Attend all meetings of Council and other Council Committee meetings, conferences, open houses etc as required by Council,
and / or,
maintain a position of being kept fully informed and updated on the actions and discussions of all Council Committees, Boards, Commissions, and societies.

8.2

Be informed and updated on developments in government, municipal and community affairs and to communicate information to Council as required or requested in order for Council to maintain an awareness of such matters.

8.3

Be informed and updated on Town affairs and operations and provide information, recommendations and reports to Council as required or requested in order for Council to make effective and timely policy decisions.

8.4

Assist Council in the decision-making process by providing advice, guidance and consultation as required.

8.5

As soon as reasonably practicable (and generally by the date of the next Regular Council Meeting) report to Council on any significant matter or material information that affects the Town's financial position, liability, legislative compliance, or reputation.

8.6

Report as soon as reasonably practicable (and generally by the date of the next Regular Council Meeting) to Council any insurance claim, grievance or legal action made against the Town.

8.7

Meet with and liaise with other municipalities in order to promote and develop regional cooperation as required or directed by Council.

8.8

Respond to inquiries and requests for information on behalf of the Town, in accordance with and subject to any approved Town policy, standard, viewpoint, or guideline or as directed by Council.

8.9

Meet with Town employees to keep them informed of:

- i. Council decisions and issues of concern,
- ii. operational developments,
- iii. proposed or new administrative policies, procedures, and working practices.

Legislative, Contracts & Record Keeping

The CAO:

8.10

Is the legal representative of the Town on behalf of members of Council, Council Committees, Town employees and Designated Officers.

8.11

Will hire or retain professional legal services on behalf of the Town to provide for defense of claims made against the Town or to provide for claims or actions made by the Town to enforce the Towns' bylaws, the MGA or to protect the best interests of the Town.

8.12

Will ensure that the Town is in compliance with legislation, audit findings, orders, agreements and any contracts that bind the Town.

8.13

Will direct the execution of all legal instruments, agreements or contracts approved by Council.

8.14

Approve all necessary ancillary or incidental legal instruments or contracts reasonably required for a legal instrument, agreement or contract previously approved by Council.

8.15

Perform other duties as necessary for the effective administration of the Town including entering into contracts, agreements and transactions required for the ongoing operation of the Town, and its policies, programs, and commitments.

8.16

Will ensure that written and digital records are kept of all Council and Council Committee meetings in accordance with the MGA, and any other statutory enactment or best practice.

8.17

Will be the liaison between:

- i. any Inspector appointed by a Minister with responsibilities defined or authorized under enactment,
- ii. any Designated Officer of the Town,
- iii. any person by virtue of appointment to another office, including but not limited to: RCMP Officers, a Fire Department Officer, a Peace Officer, (contracted or otherwise), a Sheriff, a Fish & Wildlife Officer, an Animal Control Officer, a Safety Codes Inspector.

Development

The CAO will:

8.18

Develop, approve, and implement administrative directives, procedures and best practices and ensure that Administration deliver and conduct operations in accordance with such programs in a responsive and effective manner.

8.19

Develop, approve, and implement strategic policies, as directed by Council.

8.20

Develop a positive and proactive service level culture between Administration and Town residents.

8.21

Conduct supplier delivery and performance evaluations in order to promote and encourage continuous improvement in service delivery standards.

Financial Management

The CAO will:

8.22

Prepare and submit to Council an annual Operating and Capital Budget within the first quarter of each calendar year, or as required or directed, and in accordance with section 283.1(1) of the MGA.

8.23

Prepare and submit to Council an annual 5 Year Capital Plan as per the requirements of section 283.1(1) of the MGA.

8.24

Prepare and submit to Council an Asset Management Plan.

8.25

Maintain accurate records of the financial affairs of the Town and provide financial reports to the Town of a type and at a frequency as directed by Council.

8.26

Monitor, review, control, and regularly report to Council on expenditures within the approved operating and capital budgets and on any anticipated or actual material changes to operating or capital expenditures.

8.27

Sign agreements, cheques, and other negotiable instruments for expenditures within approved budgets, or policy or as otherwise authorized by Council.

The CAO may not delegate this responsibility.

8.28

Ensure that adequate processes and controls are implemented to ensure that procurement practices and actual expenditures are made in accordance with the Town's Procurement Policy and in accordance with sound financial practices.

8.29

Ensure that expenditures are made pursuant to:

- i. section 248 of the MGA,
- ii. limits imposed by the Town's approved operating and capital budgets,
- iii. the provisions of the Town's Procurement Policy.

8.30

Authorize and approve the transfer of expenditure limits between operational cost centres or budgeted projects or programs if necessary to maintain the effective operation of the affairs of the Town provided that:

- i. the action shall not alter the total amount of the budget,
- ii. the adjustment does result in an increase in the net requirement from the tax levy,
- iii. the procurement procedures and authority limits remain within the requirements of the Town's Procurement Policy.

Personnel Management

The CAO:

8.31

Is responsible for the management of human resources and personnel matters.

8.32

Will establish, promote, and maintain human resources and personnel policies and programs covering the hiring, compensation, development, retention, appraisal, and discipline of Town employees pursuant to any applicable legislation, the Towns' HR Policy, employment contracts and accepted working practices.

8.33

Will annually in December conduct evaluations and performance appraisals for all employees.

The CAO may not delegate this responsibility.

8.34

Will determine salary, benefits, hours of work and other working conditions for all Town employees subject to budgetary constraints and the Towns' Human Resources Policy.

8.35

Will ensure that a two-way exchange of information is facilitated to review and receive input and feedback from Town employees on current affairs, projects, and other forthcoming matters within the workplace.

Planning & Development

The CAO will:

8.36

Attend all meetings of the Municipal Planning Commission, and other planning and development meetings as required by Council.

8.37

Keep informed and updated on all land use, development, and planning matters, and on the actions and decisions made by Red Deer County as the delegated:

- i. Development Authority,
- ii. Subdivision Development Authority,
- iii. Subdivision & Development Appeal Board.

8.38

Have the authority to extend the time for endorsement and approval of development plans.

8.39

Have the authority to approve legal instruments or contracts relating to, or incidental to, land use, property or planning and development matters.

Other

8.40

Notwithstanding those duties specified above the exercise of power, duty, function, or responsibility of the CAO is subject to any specific Council direction.

9 OBLIGATIONS & ETHICS

9.1

As the principal steward of the municipality, the Chief Administrative Officer must demonstrate and act with a high standard of personal ethics and behaviour.

9.2

The CAO shall:

- i. respect and abide by Council decisions and direction,
- ii. serve Council impartially with no special privileges to any individual member,
- iii. provide Council with timely, open, forthright, accurate and impartial information, analysis, and advice,
- iv. present viable options to assist Council in decision making,
- v. work objectively in accordance with all relevant and applicable federal, provincial, and municipal legislation, regulation, code, and in accordance with any agreement that the Town is party to,
- vi. maintain high standards of integrity and avoid actual or perceived situations that could give rise to conflicts of interest,
- vii. act and make decisions in the best public interest, free of personal financial gain, personal interest, gifts, or benefits,
- viii. act in good faith, free from any undue influence,
- ix. treat all persons fairly, respectfully and with dignity,
- x. ensure the workplace is safe and free from harassment and discrimination,
- xi. maintain confidentiality regarding the affairs of the Town and the decisions of Council,

- xii. effectively and efficiently manage the use of public money, assets, property, and resources,
- xiii. fully cooperate with any audit, inspection, investigation, hearing, or inquiries.

9.3

The CAO must disclose to Council any contravention of these obligations.

10 INTERPRETATION RULES

The following interpretation rules apply to this bylaw:

10.1

If a power, duty, function, or responsibility under this bylaw could also be exercised under another bylaw, enactment, regulation, order, policy, or agreement the exercise of power, duty, function, or responsibility is subject to the more specific, relevant, appropriate, or stringent conditions wherever found / applicable.

10.2

If a power, duty, function, or responsibility may be exercised pursuant to multiple provisions of this bylaw the exercise of power, duty, function, or responsibility is subject to the more specific, relevant, appropriate, or stringent conditions wherever found / applicable.

10.3

All references in this bylaw (either specific or general in nature) to an enactment, regulation, order, bylaw, policy, or agreement shall be subject to, and include all amendments, successor or replacement versions and the subsequent obligations established within.

11 SEVERABILITY

Every provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by Council, all other provisions of this bylaw shall remain valid and effective.

12 REVIEW

This bylaw should be reviewed at any other time that Council considers it appropriate to do so, to ensure that it remains current and accurately reflects statutory enactment or material changes to the roles and responsibilities of the CAO.

12 BYLAW PRECEDENCE

This Bylaw supersedes and takes precedence over all previously passed bylaws that make reference to the appointment, duties and responsibilities of a Chief Administrative Officer.

Bylaw **02-2016** and all amendments thereto are hereby repealed.

This bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 12th day of September 2022.

Read a second time in open council this 11th day of October 2022,

and finally passed by unanimous consent of the Councillor's present.

Read a third time in open council this 11th day of October 2022.



Robb Stuart, Mayor



Rudy Friesen, Chief Administrative Officer