

## **TOWN OF ONOWAY**

### **BYLAW NO 802-23.**

BEING A BYLAW OF THE TOWN OF ONOWAY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER.

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**WHEREAS** pursuant to Section 205(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, Council must, by Bylaw, establish the position of chief administrative officer to carry out the responsibilities enumerated under the Act;

**AND WHEREAS**, the Council of the Town of Onoway deems it expedient and advisable to delegate to the chief administrative officer certain powers, duties and functions, and

**AND WHEREAS**, pursuant to the *Freedom of Information and Protection of Privacy Act*, Revised Statutes of Alberta 2000, Chapter F-25, and any amendments, Council must designate a person as Head of a local government body;

**NOW THEREFORE**, the Council of the TOWN of Onoway in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **1. TITLE**

- 1.1 This Bylaw shall be referred to as the "Chief Administrative Officer Bylaw".

#### **2. DEFINITIONS**

- 2.1 "Act" means the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto.
- 2.2 "Administration" means the administrative and operational arm of the municipality comprised of various departments and including all employees who operate under the leadership of the Chief Administrative Officer.
- 2.3 "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Onoway.
- 2.4 "Claim" means any demand, suit, action, or proceeding or part thereof that has or could be advanced, regardless of whether legal process was formally commenced, whereby damages, compensation, or other relief may be sought.
- 2.5 "Council" means the Mayor and Councillors of the Town duly elected pursuant to the provisions of the *Local Authorities Election Act*, RSA 2000 cL-21.
- 2.6 "Enactment" means:
- 2.6.1 an act of the Legislature of Alberta and a regulation made under an act of the Legislature of Alberta; and

2.6.2 an act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.

2.7 "Event" means an occurrence, incident, risk or issue that poses an imminent risk to the Town, may be of a mandatory nature, or may be of a nature that the Chief Administrative Officer deems to be in the best interest of the Town to resolve without delay.

### **3. APPOINTMENTS**

3.1 Council hereby establishes the position of Chief Administrative Officer who:

3.1.1 is the administrative head of the Town;

3.1.2 ensures the policies and programs of the Town are implemented;

3.1.3 advises and informs Council on the operation and affairs of the Town; and

3.1.4 performs the duties and exercises the powers and functions delegated to a chief administrative officer by the Act or by this or any other Bylaw or enactment, or as otherwise delegated or assigned by Council.

3.2 Council shall by resolution appoint an individual to the position of Chief Administrative Officer and establish the terms and conditions of such employment.

3.3 Council may appoint an Interim Chief Administrative Officer in the event of the Chief Administrative Officer's inability to delegate his or her powers, duties, and functions or an unscheduled absence, long-term illness, or other incapacity of the Chief Administrative Officer.

### **4. GENERAL**

4.1 Council, by way of policy direction, shall guide the affairs of the Town through the Chief Administrative Officer.

4.2 Except for purpose of official inquiry or emergency, the Council shall deal with and control the administrative service through the Chief Administrative Officer and Council shall require that its directives be carried out through the offices of the Chief Administrative Officer.

### **5. RESPONSIBILITY AND AUTHORITY**

5.1 The Chief Administrative Officer has all the powers, duties, functions and responsibilities delegated to a chief administrative officer and a designated officer under the *Municipal Government Act, RSA 2000 cM26* and under any other statute or enactment.

5.2 The Chief Administrative Officer shall exercise authority and responsibility in respect to the organization, supervision, and operation of all Town departments and shall:

5.2.1 establish the structure of departments, merge and eliminate departments, and establish a managerial hierarchy where necessary;

- 5.2.2 hire, appoint, promote, transfer, discipline, demote, suspend, evaluate, or remove any Town employee in accordance with administrative policy;
  - 5.2.3 determine salaries, benefits, hours of work, and other working conditions of Town employees in accordance with established administrative policy; and
  - 5.2.4 direct, supervise and review the performance of the administration of all Town departments and Town employees.
- 5.3 The Chief Administrative Officer is authorized to:
- 5.3.1 attend, or be represented by a delegate, all meetings of Council and any established Council Committees;
  - 5.3.2 attend meetings of any boards, authorities, tribunals, and other bodies as required by Council;
  - 5.3.3 establish and implement all policies and programs as set out by Council;
  - 5.3.4 prepare administrative consolidations of Bylaws;
  - 5.3.5 develop, approve, and implement administrative policies, procedures and practices;
  - 5.3.6 develop and recommend for Council approval policies dealing with matters within Council's authority as directed by Council, or at the initiation of the Chief Administrative Officer;
  - 5.3.7 retain, instruct, and pay for legal counsel to provide legal services to the Town; and
  - 5.3.8 grant an application for a leave of absence without pay to an employee seeking to run in a municipal election, pursuant to the Local Authorities Election Act, RSA 2000 cF25.

## **6. FINANCIAL AUTHORITY**

- 6.1 The Chief Administrative Officer is authorized to:
- 6.1.1 prepare and submit to Council for approval proposed annual operating and capital budgets, and interim or special budgets as required by Council;
  - 6.1.2 monitor, report on, and control expenditures within the budgets approved by Council, and is authorized to approve the transfer of funds between departments or between budgeted projects or programs to maintain the operations and affairs of the town within approved budgeted limits provided that:
    - (i) any funds transferred are to be used for a purpose similar to the purpose for which the funds were budgeted for in the budget approved by Council; and

- (ii) any action taken by the Chief Administrative Officer pursuant to subsection 6.1.2(i) shall not have the effect of altering the total amount of a budget approved by Council.
  - 6.1.3 designate the financial institution(s) to be used by the Town in accordance with the Act, and open and close accounts on behalf of the Town;
  - 6.1.4 invest money on behalf of the Town as permitted by the Act and any other statute, enactment, Bylaw or Town policy;
  - 6.1.5 recommend an external auditor for appointment by Council pursuant to section 280(1) of the Act, and procure the services of the auditor appointed by Council; and
  - 6.1.6 pay any amounts which the Town 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 against the Town;
  - 6.1.7 take any actions or measures on behalf of the Town that the Chief Administrative Officer determines to be necessary when there is an unforeseen and unbudgeted event that requires immediate action. The Chief Administrative Officer is authorized to make expenditures of no more than \$10,000 per event. Such expenditures shall be reported to Council as soon as reasonably practicable and no later than the next regular council meeting following the conclusion of the Event.
- 6.2 The Chief Administrative Officer is authorized to approve the settlement of:
- 6.2.1 any insured claim advanced by or against the Town;
  - 6.2.2 uninsured claims against the Town where the amount payable by the Town does not exceed \$10,000 in addition to judgment interest and legal costs;
  - 6.2.3 uninsured claims advanced by the Town where the difference between the amount claimed and recovered does not exceed \$10,000 in addition to judgment interest and legal costs.
- 6.3 The Chief Administrative Officer shall report on an annual basis to Council, for information, any other claims, grievances, or lawsuits the settlement of which is in excess of \$10,000.

## **7. SIGNING AUTHORITY**

- 7.1 The Chief Administrative Officer is authorized to sign agreements, cheques and other negotiable instruments for expenditures within approved budgets or authorized by Council resolution.
- 7.2 The Chief Administrative Officer may delegate signing authority, with controls, to Town employees. Expenditures requiring Council approval shall be co-signed by the any member of Council.
- 7.3 The Chief Administrative Officer signature, and the signatures of any other employee or designated officer with delegated signing authority may be printed, lithographed, or

otherwise reproduced, including an electronic signature as defined in the *Electronic Transactions Act SA 2001 cE5.5*.

## **8. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

- 8.1 The Chief Administrative Officer is appointed as the Head under the *Freedom of Information and Protection of Privacy Act, RSA 2000 cF25*.
- 8.2 The Chief Administrative Officer is authorized to delegate in writing any duty, power, or function of the Head under the *Freedom of Information and Protection of Privacy Act, RSA 2000 cF25*, except the power to delegate.

## **9. DELEGATION BY THE CHIEF ADMINISTRATIVE OFFICER**

- 9.1 The Chief Administrative Officer is authorized to further delegate any power, duty, or function delegated by Council to the Chief Administrative Officer and is authorized to permit or prohibit further delegations of any power, duty, or function delegated by Council to the Chief Administrative Officer.
- 9.2 Notwithstanding any delegation of power by the Chief Administrative Officer pursuant to this section, the Chief Administrative Officer shall remain responsible to Council for the exercising of any powers and responsibilities conferred by this Bylaw.

## **10. CODE OF ETHICS**

- 10.1 The Chief Administrative Officer holds a position of trust and therefore is required to demonstrate the highest standards of ethics and behaviour as a steward of the Town.
- 10.2 The Code of Ethics of the International City/County Management Association is hereby adopted as reference as Appendix "A" attached hereto, revised from time to time by the ICMA, with the intent that this shall be the code of professional behaviour expected of the CAO.
- 10.3 The Chief Administrative Officer shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Town of Onoway Council and Administration.

## **11. EVALUATION**

- 11.1 In conjunction with the finalization of the annual budget, the Council or a committee thereof shall establish with the CAO, the goals and objectives for the coming appraisal year. At the end of each year the Council or a committee thereof, may evaluate the performance of the CAO, making such recommendations as may be deemed necessary. Such review will be documented and will also consider the rate of remuneration for the CAO and the non-salary and fringe benefits received.

**12. INDEMNIFICATION**

12.1 The Town shall indemnify the Chief Administrative Officer, provided that the Chief Administrative Officer acts in the course and scope of their employment, and acts in good faith to comply with any applicable bylaw, statute or enactment.

**13. SEVERABILITY**

13.1 If any provision of this Bylaw is for any reason declared or held to be illegal, invalid or ultra vires, in whole or in part, then that provision shall not apply and the remainder of the bylaw shall continue in full force and effect and shall be constructed as if it had been enacted without the illegal, invalid or ultra vires provision.

**14. ENACTMENT**

14.1 This bylaw shall come into full force and effect when it receives third reading and is duly signed.

**15. REPEAL**

15.1 Bylaw 600-03 Chief Administrative Officer Bylaw is hereby repealed.

READ a FIRST time this 11<sup>th</sup> Day of May 2023

READ a SECOND time this 24<sup>th</sup> Day of May 2023

UNANIMOUS CONSENT to proceed to third reading this day 24<sup>th</sup> of May, 2023

READ a THIRD and FINAL time this 24<sup>th</sup> Day of May 2023.

SIGNED this 24<sup>th</sup> day of May, 2023

Signed by Mayor Lenard Kwasny

Signed by Jennifer Thompson  
Chief Administrative Officer