

Chief Administrative Officer Bylaw No. MOG 3-23

BEING A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA TO ESTABLISH AND DEFINE THE POWERS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS Section 205 of the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, requires that Council establish by bylaw a position of Chief Administrative Officer;

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

NOW THEREFORE, the Council of the Town of Gibbons, in the Province of Alberta, duly assembled enacts as follows:

1.0.0 Title

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

2.0.0 Definitions

"Act" means the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto;

"Administration" means the general operation of the Town, including personnel, financial and other related matters as permitted by the Act;

"Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the Act and pursuant to this bylaw;

"Council" means the municipal Council of the Town of Gibbons;

"Enactment" means an Act of the Legislature of Alberta, a regulation made under an Act of the Legislature of Alberta, an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada;

"Town" means the municipal corporation of the Town of Gibbons.

3.0.0 General

Office

3.1.0 The position of Chief Administrative Officer is hereby established, and the individual appointed to that position shall have the title "CAO".

Appointment

3.2.0 Council shall, by resolution, appoint an individual to the position of CAO.

3.3.0 Council shall establish the terms and conditions of the appointment of the CAO including:

- a. the term of the appointment; and
- b. the salary and benefits to be paid or provided to the CAO, which may be varied from time to time by Council.

- 3.4.0 The CAO shall appoint an Acting CAO to act during their absences. The acting CAO is subject to this bylaw and has all of the powers, duties, and functions of the CAO for the duration of the appointment.
- 3.5.0 Council may appoint, by resolution, an interim CAO in the event of:
- a. the CAO's inability to delegate their powers, duties, and functions pursuant to Section 3.4.0, or;
 - b. an unscheduled absence, long-term illness, or other incapacity of the CAO.

Accountability

- 3.6.0 The CAO shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the CAO by the Act, 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 whom the CAO has delegated that power, duty or function.
- 3.7.0 The CAO shall carry out their powers, duties, and functions in compliance with:
- a. the Act and any other Enactment, except for the designated officer powers, duties and functions expressly given to the Town Assessor;
 - b. this bylaw;
 - c. any other bylaw, resolution, policy, or procedure passed or adopted by Council; or
 - d. any contract binding on the Town.
- 3.8.0 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. Council bylaws, policies, and procedures, and
 - iv. Administrative policies and procedures;
 - c. prepares and submit to Council such reports, including recommendations where appropriate, and answer such inquires, as required by Council; and
 - d. attends all Council meetings and be entitled to attend all meetings of Council Committees and meetings of such boards, authorities and other bodies as may be established by Council.
- 3.9.0 The CAO must either personally carry out all 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.

3.10.0 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.

FOIP Head

3.11.0 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.

Administration

3.12.0 The CAO is the administrative head of the Town.

3.13.0 The CAO has the authority to:

- a. establish and implement 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.

3.14.0 The CAO shall ensure that there are an appropriate number of employees that 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.

Financial Powers and Functions

3.15.0 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 Act; 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.

3.16.0 The CAO may authorize over-expenditures within the operating or capital budgets but at no time may the CAO authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets.

3.17.0 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 the Town.

3.18.0 The CAO shall designate the financial institution(s) to be used by the Town and shall open and close accounts on behalf of the Town.

3.19.0 The CAO is authorized to invest funds on behalf of the Town in accordance with the Act, this bylaw, any other Enactment, bylaw, or policy.

Contracts and Agreements

The CAO is authorized to:

3.20.0 Without limitation to the foregoing, the CAO shall perform such other duties and functions and exercise such powers as may be required for the effective administration of the Town including but not limited to entering into all contracts, agreements, and transactions required for the effective administration and operation of the Town and its policies and programs.

Miscellaneous Powers

3.21.0 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. comprise 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 Act, any other Enactment, or any bylaw where the Act 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 Act or any other statute, Enactment, or bylaw which the Town is authorized to enforce including without limitation, matters related to dangerous or unsightly property;

Code of Conduct

3.22.0 The CAO, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the Town.

3.23.0 Without limiting the generality of Section 3.21.0, the CAO shall:

- a. provide timely and reliable advice that is in the best interest of the Town to Council, and propose viable options for decision making using professional judgement and expertise;
- b. respect and abide by Council decision and direction;
- c. serve all members of Council impartially, provide no special privilege to any individual member;
- d. promptly bring to Council's attention any material information that affects the Town's financial position, legislative compliance, or reputation;
- e. be compliant, and ensure the Town is compliant, with all applicable federal, provincial, and municipal legislation and regulations, and any agreements or contracts the Town is a party to;
- f. always act in good faith in their relationships with other people, and deal fairly and respectfully with Council, the Town's residents, customers, suppliers, stakeholders, and employees;
- g. avoid actual or perceived conflicts of interest or preferential treatment, placing public interest above personal gain or interest;
- h. be free from undue influence and not act or appear to act to gain financial or other benefits for themselves, family, friends or associates, business or otherwise;
- i. not accept gifts, hospitality or other benefits valued over \$100 that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved, and not related to any particular transaction or activity or decision of the Town;
- j. maintain confidentiality regarding those affairs and decisions of the Town that are protected by legislative, contractual, or other requirements of confidentiality;
- k. foster a work environment where the interaction among Council and Town Administration, residents and other stakeholders is conducted fairly, without discrimination, harassment, or abuse;
- l. effectively and efficiently manage the use of public monies, assets, property, and resources;
- m. fully cooperate with audits and other investigations or inquiries;
- n. ensure a code of ethics and conduct for employees is in place and in practice; and
- o. disclose any contravention of this Code of Conduct to Council forthwith.

Evaluation

- 3.24.0 The appointment of a person to the position of CAO shall not be suspended or revoked except as outlined in s. 206 of the Act.
- 3.25.0 Council shall review the performance of the CAO not less than once in a twelve-month period.

Indemnification

- 3.26.0 The Town shall indemnify the CAO provided that the CAO was acting in good faith to carry out the powers, duties and functions given to the CAO by this bylaw, the Act, any other Enactment, any other bylaw, resolution, policy, or procedure.

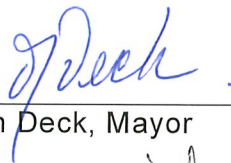
4.0.0 Effectiveness and Review

- 4.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.
- 4.2.0 Bylaw No. 3/95 and amendments thereto are hereby repealed.
- 4.3.0 This bylaw shall be reviewed within its fifth year, being 2028, or as deemed necessary.
- 4.4.0 This bylaw comes into force on the date it is passed.

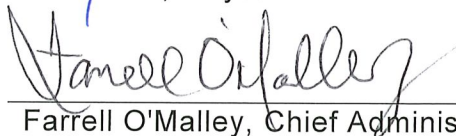
FIRST READING of BYLAW NO. MOG 2/23 granted this 25th day of October 2023 A.D. by Councillor Willis Kozak.

SECOND READING of BYLAW NO. MOG 2/23 granted this 8th day of November 2023 A.D. by Councillor Norm Sandahl

THIRD AND FINAL READING of BYLAW NO. MOG 2/23 granted this 8th day of November 2023 A.D. by Councillor Willis Kozak



Dan Deck, Mayor



Farrell O'Malley, Chief Administrative Officer