

SUMMER VILLAGE OF MEWATHA BEACH

BYLAW NO. 02-24

A BYLAW OF THE SUMMER VILLAGE OF MEWATHA BEACH, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER AND TO DELEGATE SPECIFIED POWERS, DUTIES AND FUNCTIONS TO THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS Section 205 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, requires a council to establish by bylaw a position of chief administrative officer;

AND WHEREAS Sections 207 and 208 of the *Municipal Government Act* set forth the mandatory statutory responsibilities and major administrative duties of the chief administrative officer;

AND WHEREAS section 203 of the *Municipal Government Act* authorizes a council to delegate by bylaw, its powers, duties and functions to the chief administrative officer subject to prescribed limits;

NOW THEREFORE the Council of the Summer Village of Mewatha Beach, duly assembled, enacts as follows:

Short Title

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

Definitions

2. In this Bylaw, words shall have the same meanings as in the *Municipal Government Act* except as otherwise defined below:
 - (a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26;
 - (b) "Administration" means the general operations of the Village, including financial and other related resources as permitted by the Act;
 - (c) "Chief Administrative Officer" or "CAO" means the person appointed as chief administrative officer of the Summer Village of Mewatha Beach;
 - (d) "Council" means the municipal council of the Summer Village of Mewatha Beach;
 - (e) "Mayor" means the chief elected official of the Summer Village of Mewatha Beach;
 - (f) "Village" means the municipal corporation of the Summer Village of Mewatha Beach.

Establishment

3. The position of chief administrative officer is established, and the individual appointed to that position will have the title "Chief Administrative Officer" or "CAO".

Appointment

4. Council will, by resolution, appoint an individual to the position of Chief Administrative Officer and establish the terms and conditions of the CAO's employment.

Sub delegation

5. Subject to the provisions of the Act, the Chief Administrative Officer is authorized to further delegate, and to authorize further delegations of any powers, duties and functions delegated to the CAO by Council under this, or any other bylaw, to a designated officer of the Municipality.

General Authority

6. The Chief Administrative Officer:
 - (a) has all the powers and functions given to a chief administrative officer under the Act or any other enactment;
 - (b) must carry out all of the duties and functions of a chief administrative officer as required by the Act or any other enactment;
 - (c) has all the powers, duties and functions given to a designated officer, other than an assessor, under the Act or any other enactment;
 - (d) has all the powers, duties and functions as delegated to the CAO by Council by this or any other bylaw;
 - (e) may exercise such other powers, duties and functions as may be required by Council from time to time.

Accountability

7. The Chief Administrative Officer is accountable to Council for the exercise of all the CAO's powers, duties, and functions.
8. The Chief Administrative Officer is responsible for Administration in accordance with the objectives, policies and plans approved by Council.

General Powers, Duties, Functions

9. In addition to the statutory powers, duties and functions prescribed in the Act, the Chief Administrative Officer shall:
 - (a) co-ordinate, direct, supervise, and review the performance of contractors of the Village;
 - (b) provide corporate leadership in ensuring that all the Village's policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Village as defined by Council;
 - (c) advise, inform, and make recommendations to Council regarding:
 - (i) the operations of the Village,
 - (ii) the financial condition of the Village, and
 - (iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Village;
 - (d) prepare and submit, annually or as otherwise directed by Council, operating and capital budgets for Council approval;

- (e) prepare and submit to Council reports of operating and capital revenues and expenses with explanations of any material variances and account reallocations at every regular meeting;
- (f) regularly report to Council on all matters and issues affecting the Village including progress on Council's directions, plans, policies and strategic goals;
- (g) prepare and submit to Council such other reports and recommendations as may be required by Council or deemed advisable by the CAO;
- (h) attend, or be represented by a designate, at all meetings of Council except where all or part of the meeting is closed to the public to discuss the CAO's employment agreement or performance evaluation;
- (i) attend, or be represented by a designate, at all meetings of such Council committees, boards, authorities and other bodies as are required by Council;
- (j) ensure the prompt and proper handling by Administration of all requests, enquiries, and complaints by residents of the Village, including development of appropriate administrative procedures for dealing with complaints;
- (k) unless Council directs otherwise, act as the Village's liaison with external organizations and representatives;
- (l) keep informed about community and governmental affairs and advise Council on issues.

Acting CAO

- 10. Upon approval of Council, In the event of a temporary absence of the Chief Administrative Officer, the CAO may designate an Acting CAO and delegate all or any portion of the powers, duties, and functions of the CAO, and that Acting CAO shall be entitled to carry out those delegated powers, duties and functions of the CAO during the temporary absence of the CAO.
- 11. If the Chief Administrative Officer does not designate an Acting CAO prior to the CAO's temporary absence, Council may appoint an Acting CAO.

Financial Powers and Functions

- 12. The Chief Administrative Officer is authorized to:
 - (a) expend funds and arrange for the procurement of goods and services within the budget appropriations and approvals of Council as may be required for operating and capital purposes;
 - (b) invest funds on behalf of the Village in such amounts and on such terms as are permitted under the Act;
 - (c) with respect to approved expenditures where the expenditure is eligible to be funded from more than one source of grant funding, reallocating grant funding from one approved expenditure to another, provided the expenditure remains within the budgets approved by Council and consistent with the requirements of each eligible source of grant funding, and subsequently report to Council on the amounts moved and the implications of moving the amounts.

Legal Matters

13. The Chief Administrative Officer is authorized to:
- (a) retain and instruct legal counsel to provide legal services to the Village;
 - (b) initiate or respond to claims after Council has had the opportunity to discuss admissions, strategy, and procedure;
 - (c) approve agreements to release and waive the Village from liability for claims;
 - (d) approve the settlement of insured claims advanced by or against the Village, and report all settlement claims to council as soon as reasonable practical;
 - (e) pay any amounts which the Village is legally required to pay pursuant to an Order of Judgment of a court, board, or other tribunal of competent jurisdiction, relating to an action, claim or demand against the Village.
14. If, in accordance with section 16, the Chief Administrative Officer approves the settlement of a claim or pays an amount that the Village is legally required to pay the Chief Administrative Officer shall report to Council on the matter at the next Council meeting.

Contracts and Agreements

15. The Chief Administrative Officer is authorized to:
- (a) retain the services of any individual or corporation for purposes related to the operations of the Village and complete all necessary documents required for the provision of such services, provided the expenditure under the agreement is included in an approved budget;
 - (b) except as otherwise instructed by Council, award all tenders and enter into all agreements required for the completion of such tenders in accordance with approved Council policies, administrative directives, or guidelines, and subject to:
 - (i) the expenditure being included in an approved budget;
 - (ii) the tender being subject to a competitive bid process;
 - (iii) the contract being awarded to the bidder offering the overall best value;
 - (c) exercise all of the powers, duties and functions of a council or a municipality as prescribed under Part 10 - Taxation, of the Act, except as are to be done by bylaw, specifically reserved for Council pursuant to section 347 of the Act or delegated to the Village's assessor authorized under bylaw, and enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under Part 10 of the Act;
 - (d) enter into all agreements and contracts incidental to the development and subdivision of land within the Village's boundaries pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development or subdivision;
 - (e) approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment;

- (f) sign:
 - (i) along with the person presiding at the meeting, all minutes of Council and Council committee meetings,
 - (ii) along with the Mayor, all bylaws,
 - (iii) along with the Mayor or any other person authorized by Council, cheques and other negotiable instruments,
 - (iv) acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw, or statute;
- (g) enter into any agreements necessary to provide insurance coverage and performance bonds for the Village;
- (h) enter into provincial and federal grant funding agreements.

Municipal Enforcement

16. The Chief Administrative Officer is authorized to:
- (a) prepare and issue distress warrants, and seize and sell goods pursuant to distress warrants on behalf of the Village for the recovery of tax arrears pursuant to the Act;
 - (b) carry out inspections, remedies, enforcement or actions pursuant to section 542 of the Act where the Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Village;
 - (c) make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the Village is authorized to enforce, in accordance with sections 545 and 546 of the Act;
 - (d) add amounts to the tax roll of a parcel of land in accordance with sections 553 and 553.1 of the Act;
 - (e) designate any road as one which is closed temporarily in whole or in part to traffic, as authorized by the Act or any other enactment and cause such road to be marked;
 - (f) conduct a census when required by Council and submit population affidavits in accordance with the requirements of the Act.

FOIP Head

17. The Chief Administrative Officer is the head of the Village, including any board, committee, commission, panel, agency, or corporation that is created or owned by the Village, for the purposes of the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25.

Employment Agreement

18. There shall be a separate contract of employment approved by Council and executed by the Mayor on behalf of the Village and the Chief Administrative Officer on the CAO's behalf which shall contain the terms and provisions negotiated and agreed upon between Council and the CAO which shall govern the employment of the CAO with the Village unless and until amended by mutual agreement in writing signed by both parties.

Performance Evaluation

- 19. Annually during the currency of the Chief Administrative Officer's employment with the Village, Council shall provide the CAO with a written performance evaluation of the results the CAO has achieved with respect to fulfilling the CAO's responsibilities under the Act and this Bylaw.

Conflict

- 20. The provisions of this Bylaw shall prevail in any case where there is a conflict between this Bylaw and any previous resolution or bylaw of Council.
- 21. If any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions remain valid.

Coming into force

- 22. This Bylaw shall come into effect when it has received third reading and has been duly signed.

Repeal


- 23. Chief Administrative Officer Bylaw No. 2/01 is repealed.

READ a first time this 31st day of August, 2024.

READ a second time this 31st day of August, 2024.

Given Unanimous Consent to receive third reading this 31st day of August, 2024.

READ a third time and finally passed August 31, 2024.



Mayor



Chief Administrative Officer