



THE MUNICIPAL DISTRICT OF OPPORTUNITY NO.17, ALBERTA

BYLAW 2020-07 TO AMEND

CHIEF ADMINISTRATIVE OFFICER and REPEAL BYLAW 2018- 07

A Bylaw of the Municipal District of Opportunity No.17, in the Province of Alberta to establish the position of Chief Administrative Officer.

WHEREAS Section 205(1) of the *Municipal Government Act* requires Council to establish by bylaw the position of Chief Administrative Officer;

AND WHEREAS Section 205(2) of the *Municipal Government Act* every council must appoint one or more persons to carry out the powers, duties and functions of the position of Chief Administrative Officer;

AND WHEREAS Section 203 of the *Municipal Government Act* authorizes Council to delegate by bylaw its powers, duties and functions to the Chief Administrative Officer, subject to prescribed limits;

NOW THEREFORE PURSUANT to the provisions of the *Municipal Government Act* the Council of the Municipal District of Opportunity No.17, Alberta, in regular session duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the “Chief Administrative Officer Bylaw”.

SECTION 2 – DEFINITIONS

2.1 “Administration” means the general operational body of the Municipal District of Opportunity No. 17, including without limiting the generality of the foregoing, persons engaged in administering the personnel, financial and other affairs and matters of the municipal organization;

2.2 “Council” means the Council of the Municipal District of Opportunity No. 17 duly elected;

2.3 “CAO” means the Chief Administrative Officer of the Municipal District of Opportunity No. 17 duly appointed;

2.4 “M.D.” means the Municipal District of Opportunity No. 17;

2.5 “MGA” means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended or repealed and replaced from time to time.

SECTION 3 – APPOINTMENT, TERMS AND CONDITIONS

- 3.1 Council hereby establishes the position of Chief Administrative Officer.
- 3.2 Until such a time as all bylaws, policies, regulations or procedures can be reviewed and revised, wherever the terms “M.D. Manager”, “Administrator” or other similar titles occur, the authorities and powers identified shall rest with the CAO.
- 3.3 Council shall, by Resolution, appoint an individual to the position of Chief Administrative Officer and establish the term and conditions of the CAO’s employment.
- 3.4 The Chief Administrative Officer is authorized to further delegate, and to authorize further delegation of any matter delegated to the CAO by Council under this bylaw or any other bylaw.

SECTION 4 – RESPONSIBILITIES

- 4.1 The Chief Administrative Officer’s responsibilities are those listed in Section 207 of the MGA and those in “Schedule “A” attached hereto.

SECTION 5 – ADMINISTRATIVE DUTIES

- 5.1 The Chief Administrative Officer must ensure that all powers, duties and functions are performed in accordance with Section 208 of the MGA.
- 5.2 The Chief Administrative Officer must carry out all the powers, duties and functions that are given to the Development Authority under the MGA, the M.D. Land Use Bylaw, and any related enactment that confers authority and responsibility to the position.
- 5.3 The Chief Administrative Officer must carry out all the powers, duties and functions that are given to the Subdivision Development Authority Board under the MGA, the Subdivision Authority Bylaw, and any related enactment that confers authority and responsibility to the position.
- 5.4 The Chief Administrative Officer must ensure that all the duties and functions contained in “Schedule A” to this Bylaw are performed.

SECTION 6 – ACCOUNTABILITY

- 6.1 The Chief Administrative Officer is accountable to Council for the exercise of all powers, duties and functions granted to the position by the MGA or any other enactment, or assigned or delegated to the CAO by this bylaw, 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 to whom the CAO has delegated the power, duty or function.

SECTION 7 – REPEAL

- 7.1 This Bylaw hereby repeals Bylaw No. 2018-07 and terminates current Chief Administrative Officer’s Contract effective July 9, 2020.

SECTION 8 – SEVERABILITY

- 8.1 If any provision of this bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this bylaw or any documents which form part of this bylaw or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 9 – EFFECTIVE DATE

- 9.1 This Bylaw shall come into effect the date upon third and final reading.

READ A FIRST TIME this 22nd day of July, 2020.

READ A SECOND TIME this 22nd day of July, 2020.

Moved and passed unanimously that the “Chief Administrative Officer Bylaw”, be presented for third and final reading.

READ A THIRD AND FINAL TIME this 22nd day of July 2020.



Marshall D. Auger
Reeve



Chad Tullis
Chief Administrative Officer

SCHEDULE A

- (a) establish the structure of the Administration of the M.D., including but not limited to, establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy and an administrative and reporting policy and procedures;
- (b) establish policy and procedures for hiring all employees of the M.D. required to carry out the powers, duties and functions assigned to those employees;
- (c) ensure that the policies and procedures of the M.D. are implemented and complied with;
- (d) advise and inform Council in the operations and affairs of the M.D.;
- (e) hire, fire, discipline, promote, demote or transfer any M.D. employee except when such authority is otherwise delegated;
- (f) direct, supervise and review department heads;
- (g) prepare and submit to Council budget estimates of revenue and expenditures and capital programs annually or at all times required by Council;
- (h) monitor and control municipal spending within the confines of the budgets established by Council;
- (i) advise Council and make recommendations about the financial condition of the M.D. and the policies and programs that may be necessary or desirable to carry out the powers, duties and functions of the M.D.;
- (j) attend all meetings of Council and Council committees and meetings of such boards, authorities and other bodies as required by Council;
- (k) prepare and submit to Council such reports and recommendations as may be required by Council or Council committees;
- (l) ensure the corporate seal, if any, of the M.D. is kept secure and in the custody of the CAO;
- (m) ensure the revenues of the M.D. are collected and controlled and receipts are issued in the manner directed by Council;
- (n) ensure all money belonging to or held by the M.D. is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by Council;

- (o) ensure the accounts for authorized expenditures referred to in the MGA are paid;
- (p) ensure accurate records and accounts are kept of the financial affairs of the M.D., including the things on which the M.D.'s debt limit is based and the things included in the definition of debt for the M.D.;
- (q) ensure the actual revenues and expenditures of the M.D. compared with the estimates in the operating or capital budget approved by Council are reported to Council as often as Council directs;
- (r) ensure money invested by the M.D. is invested in accordance with the MGA;
- (s) ensure assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 of the MGA are prepared;
- (t) ensure public auctions held to recover taxes are carried out in accordance with Part 10 of the MGA;
- (u) review all requests of any person to obtain information in possession of the M.D. and to provide such information in accordance with the Act and the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, as amended or repealed and replaced from time to time;
- (v) authorize the entering into contracts and/or expenditure of funds where such contract or expenditure has been approved by Council, either in the budget or otherwise;
- (w) ensure all contracts and agreements are signed by a person authorized by Council to sign them;
- (x) conduct a census when required by Council in accordance with the MGA;
- (y) ensure that all petitions to Council are sufficient and in accordance with the requirements under the MGA;
- (z) accept service of all notices and documents on behalf of the M.D.;
- (aa) provide certification of notices, decisions, documents and any other certificates or statutory declarations as provided for or required under the Act;
- (bb) ensure that all minutes of Council meetings are signed in conjunction with the person presiding at the meeting;
- (cc) ensure that all bylaws are signed in conjunction with the Chief Elected Official;

- (dd) ensure that bylaws of the M.D. are consolidated as authorized by Council;
- (ee) authorize a temporary closure of whole or part of any road for a special event or at any time that a construction or maintenance project on or adjacent to the road may create a hazard, in the CAO's sole determination, and cause such road to be so marked;
- (ff) authorize the placement, from time to time, of traffic control devices, including traffic control devices restricting the speed of vehicles, at any locations considered necessary, in the sole discretion of the CAO, for controlling highways subject to the direction, management and control of the M.D. and provide for a record of all locations to be kept, which shall be open to public inspection during normal business hours;
- (gg) exercise such other powers, duties and functions as may be required by Council from time to time;
- (hh) authorize and instruct designated officers to take bylaw enforcement measures as required to enforce the various bylaws of the M.D.;
- (ii) authorize and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the M.D., including without limiting the generality of the foregoing:
 - a. provide legal services to Council and the Administration; and
 - b. appearing in all legal and administrative proceedings including commencing, defending and intervening in such proceedings to define, enforce and defend the legal and equitable rights of the M.D. and such other boards, authorities, agencies, and other entities as may be required by Council
- (jj) provide corporate leadership in ensuring that all the Municipality's policies 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;
- (kk) prepare and issue distress warrants, and seize and sell goods pursuant to distress warrants on behalf of the M.D. for the recovery of tax arrears pursuant to the MGA;
- (ll) carry out inspections, remedies, enforcement or actions pursuant to section 542 of the MGA where the MGA or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the M.D.;
- (mm) make determinations and issue orders pursuant to the MGA or any other statute, enactment or bylaw which the M.D. is authorized to enforce, in accordance with sections 545 and 546 of the Act;
- (nn) add amounts to the tax roll of a parcel of land in accordance with sections 553 and 553.1 of the MGA;
- (oo) grant an application for a leave of absence without pay to an employee seeking to be nominated as a candidate in a municipal election, pursuant to the *Local Authorities Election Act*;