

**WHEATLAND COUNTY  
BYLAW # 2019-18**

Being a Bylaw of Wheatland County, in the Province of Alberta, to establish the position of Chief Administrative Officer; to establish and define the powers and duties of the Chief Administrative Officer; to provide for the appointment of the Chief Administrative Officer as a Designated Officer; and to delegate powers, duties and functions to the Chief Administrative Officer.

**WHEREAS** Section 205(1) of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 requires Council establish a position of Chief Administrative Officer by bylaw;

**AND WHEREAS** Sections 207 and 208 of the *Municipal Government Act* prescribe the responsibilities and major administrative duties of the Chief Administrative Officer;

**AND WHEREAS** Council wishes to delegate certain powers to the Chief Administrative Officer in accordance with Section 203 of the *Municipal Government Act*;

**NOW THEREFORE** the Council of Wheatland County, duly assembled, enacts as follows:

**1. TITLE**

- 1.1 This Bylaw may be referred to as the "CAO Bylaw."

**2. PURPOSE**

- 2.1 The purposes of this Bylaw are to establish the position of Chief Administrative Officer and to delegate certain powers, duties and functions to the Chief Administrative Officer.

**3. DEFINITIONS**

- 3.1 In this Bylaw, the following words and phrases have the following meaning:

- a. "Act" means the *Municipal Government Act* R.S.A. 2000, Chapter M-26, as amended from time to time;
- b. "Administration" means the general operation of the County, including personnel, financial and other related matters as permitted by the Act;
- c. "Council" means the municipal Council of Wheatland County;
- d. "Council Committee" has the same meaning as that prescribed in the Act and includes a Standing Committee;
- e. "County" means Wheatland County;
- f. "Department" means any department of the County;
- g. "Department Head" means the Director or Manager in charge of a County Department;
- h. "Designated Officer" has the same meaning as that prescribed in the Act;
- i. "Non-profit" has the same meaning as that prescribed in the Act;
- j. "Reeve" means the Chief Elected Officer of the County, whether elected or appointed as described in the Act; and
- k. "Road" has the same meaning as that prescribed in the Act.

**4. OFFICE**

- 4.1 The position of Chief Administrative Officer is hereby created and the person appointed to that position shall have the title "Chief Administrative Officer".
- 4.2 Council will, by resolution, appoint an individual to the position of Chief Administrative Officer.
- 4.3 Council shall establish the terms and conditions for the appointment of an individual to the position of Chief Administrative Officer including the salary and

benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time by Council.

- 4.4 The appointment of a person to the position of Chief Administrative Officer may only be made, suspended or revoked if the majority of the whole Council votes to do so.

## **5. ACCOUNTABILITY**

- 5.1 The Chief Administrative Officer is

- a. the Administrative Head of the County;
- b. ensures that the Bylaws, Resolutions, policies and programs of the County are implemented;
- c. advises and informs Council on the operations and affairs of the County.

- 5.2 The Chief Administrative Officer shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the Chief Administrative Officer by the Act, this Bylaw, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the Chief Administrative Officer personally, or by someone to whom the Chief Administrative Officer has delegated that power, duty or function.

- 5.2 The Chief Administrative Officer shall carry out his or her powers, duties and functions in compliance with:

- a. the Act;
- b. this Bylaw;
- c. any other applicable enactment;
- d. any other applicable bylaw, resolutions, policy or procedure passed or adopted by Council; and
- e. any contract binding on the County.

- 5.3 The Chief Administrative Officer shall provide corporate leadership to the County and shall ensure that all County policies and programs are efficiently coordinated, delivered in a responsive and effective manner, and reflect the overall strategic priorities of the County as defined by Council.

## **6. GENERAL POWERS AND DUTIES**

- 6.1 The Chief Administrative Officer has:

- a. all of the powers, duties and functions that are given to a Chief Administrative Officer under the Act or any other enactment;
- b. all of the powers, duties and functions that are given to a Designated Officer under the Act, or any other enactment, except for the Designated Officer powers, duties and functions expressly given to the Municipal Assessor; and
- c. all the powers, duties and functions delegated to the Chief Administrative Officer by Council in this or any other bylaw, resolution, policy or procedure.

- 6.2 The Chief Administrative Officer shall:

- a. be the contact between the Administration of the County and Council, and communication from the Administration of the County to Council shall flow through the Chief Administrative Officer;
- b. be responsible for advising and communicating with Council with respect to:
  - i. the operations of the County;
  - ii. the financial state of the County;
  - iii. Council policies and procedures; and
  - iv. policies and procedures regarding the Administration of the County.

- 6.3 The Chief Administrative Officer must either personally carry out all of the powers, duties and functions that are given the Chief Administrative Officer or delegate such powers, duties and functions to a Designated Officer of the County or to a County employee. The Chief Administrative Officer can authorize the recipients of such delegations to further delegate their powers, duties and functions to other County employees.

## **7. ADMINISTRATION**

- 7.1 The Chief Administrative Officer shall be responsible for managing the Administration of the County.

- 7.2 The Chief Administrative Officer shall report to Council on any changes to the structure of the Administration.



- 7.3 The Chief Administrative Officer shall be responsible for ensuring the senior County staff members are familiar with duties and responsibilities of the Chief Administrative Officer, Council processes and procedures, issues being addressed by Council and issues of concern to the County.

## **8. FINANCIAL POWERS AND FUNCTIONS**

- 8.1 The Chief Administrative Officer 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;
  - b. at the end of each fiscal year, or as required or directed by Council, prepare and submit a complete financial report on all financial activities of the County during the preceding year; and
  - c. monitor and report to Council as required or directed by Council on the operation and capital budgets approved by Council and in particular report on variances between budgeted and actual expenditures.
- 8.2 At no time may the Chief Administrative Officer authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets unless in accordance with established policy and procedure respecting unbudgeted expenditures.
- 8.3 The Chief Administrative Officer is authorized to invest funds on behalf of the County in accordance with the provisions of the *Act*, County policy and Council direction.
- 8.4 The Chief Administrative Officer shall monitor and control expenditures within the budgets approved by Council and in accordance with applicable County policies.

## **9. MISCELLANEOUS POWERS**

- 9.1 The Chief Administrative Officer is authorized to:
- a. accept service of all notices and other documents on behalf of the County;
  - b. provide any and all certificates or statutory declarations on behalf of the County;
  - c. temporarily close, in whole or in part, any Road at any time where construction or maintenance activity adjacent to or on the Road may cause a hazard;
  - d. prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the County for recovery of tax arrears pursuant to the Act;
  - e. carry out inspections, remedies, enforcement or other actions pursuant to the Act, any other applicable enactment or bylaw;
  - f. make determinations, undertake inspections, and issue orders pursuant to the Act or any other enactment or bylaw which the County is authorized to enforce including without limitation, matters related to dangerous or unsightly property;
  - g. provide administrative support to the Subdivision and Development Appeal Board;
  - h. act as the clerk of the Assessment Appeal Boards pursuant to Sections 455 of the Act;
  - i. sign:
    - i. along with the person presiding at the meeting, all minutes of Council meetings;
    - ii. along with the Reeve, all bylaws; and
    - iii. along with the Reeve or any other person authorized by Council, agreements and cheques and other negotiable interments;
  - j. prepare bylaws and policies for the good governance of the County for presentation to Council for review and consideration;
  - k. ensure the sufficiency of any petitions that may be submitted to the County is in accordance with requirements of the Act;
  - l. exercise all the powers, duties and functions of a Designated Officer under the Act, other than the Municipal Assessor, if:
    - i. no position of Designated Officer has been established by Council;
    - ii. the position of Designated Officer is vacant;
    - iii. the Act or any other enactment or Bylaw refers to a Designated Officer and the power, duty, function or other thing relating to the Designated Officer has not otherwise been assigned to any Designated Officer by Council; or

- iv. the appointed Designated Officer is temporarily unavailable to perform his or her powers, duties and functions; and
- m. exercise such other power, duty and function as may be required by Council from time to time.

9.2 Unless otherwise directed by Council, in accordance with established procurement policies and procedures, as well as provisions of other bylaws, the *Act* and any other enactments, the Chief Administrative Officer is authorized to enter into any and all agreements and contracts on behalf of the County together with such other documentation which may be required in order to give effect to the contract or agreement.

**10. INDEMNIFICATION**

10.1 The County shall indemnify the Chief Administrative Officer provided that the Chief Administrative Officer was acting in good faith to carry out the powers, duties and functions given to the Chief Administrative Officer by this Bylaw, the *Act*, any other applicable enactment or any other applicable bylaw, resolution, policy or procedure.

**11. INTERPRETATION**

11.1 Any reference in this Bylaw to the *Act*, any other enactment or any other bylaw, resolution, policy or procedure shall include all amendments thereto, all regulations and orders thereunder and any successor thereto.

**12. CONFLICT**

12.1 The provisions of this Bylaw shall prevail in any case where there is conflict between this Bylaw and any previous resolution or bylaw of Council.

**13. REPEAL**

13.1 This Bylaw rescinds Bylaw 2013-06 and any revisions in its entirety.

**14. EFFECTIVE DATE**

14.1 This Bylaw comes into full force and effect upon receiving third reading.

**BIGGAR MOVED** first reading of Bylaw 2019-18 on May 21, 2019 and it was

Carried.

**ARMSTRONG MOVED** second reading of Bylaw 2019-18 on May 21, 2019 and it was

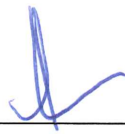
Carried.

**WILSON MOVED** permission to hold third and final reading of Bylaw 2019-18 on May 21, 2019 and it was

Carried  
Unanimously.

**KOESTER MOVED** third and final reading of Bylaw 2019-18 on May 21, 2019 and it was

Carried.

  
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Reeve

  
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Chief Administrative Officer