

**VILLAGE OF WARNER
BYLAW 625-24**

A BYLAW OF THE VILLAGE OF WARNER IN THE PROVINCE OF ALBERTA TO ESTABLISH AND DEFINE THE POWER AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER.

WHEREAS, the Municipal Government Act, being Chapter M26 of the Revised Statutes of Alberta, 2000, as amended, provides that a Council must, by Bylaw, establish the position of Chief Administrative Officer;

AND WHEREAS, Section 205 of the Municipal Government Act requires that Council establish a position of Chief Administrative Officer by bylaw;

AND WHEREAS, the Council may, in accordance with Section 203 of the Municipal Government Act, delegate any or all of its executive and administrative duties and powers;

NOW THEREFORE, the Council of the Village of Warner enacts as follows:

1. TITLE

1.1. This Bylaw shall be cited as the "Chief Administrative Officer" or "CAO" Bylaw.

2. DEFINITIONS

In this Bylaw:

"Act" means the Municipal Government Act., R.S.A. 2000, c. M-26, and associated regulations, as amended.

"Administration" means the administrative and operational arm of the Municipality, comprised of various departments, including all employees who operate under the leadership and supervision of the Chief Administrative Officer.

"Chief Administrative Officer" means the Chief Administrative Officer (CAO) of the Village of Warner or their delegate, who as per the Municipal Government Act, is the only employee of Council.

"Council" means the municipal Council of the Village of Warner.

"Municipality" means the municipal corporation of the Village of Warner.

"Municipal Assessor" means the designated officer position created under the Municipal Assessor Bylaw and the individual appointed to that position.

3. OFFICE

3.1. The position of Chief Administrative Officer is hereby created and the person appointed to that position shall have the title "Chief Administrative Officer."

4. APPOINTMENT



- 4.1. Council must, by resolution, appoint an individual to the position of Chief Administrative Officer including:
 - 4.1.1. the term of the appointment; and
 - 4.1.2. the salary and benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time by Council.
- 4.2 The Council may appoint an Acting Chief Administrative Officer (CAO) to act during an illness, absence or other incapacity of the CAO. The CAO may appoint an Acting CAO where such absences are for a period of less than a month.

5. ACCOUNTABILITY

- 5.1. 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, or another 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 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 their powers, duties, and functions in compliance with:
 - 5.2.1. The Act;
 - 5.2.2. This Bylaw
 - 5.2.3. Any other enactment
 - 5.2.4. Any other bylaws, resolution, policy or procedure passed or adopted by Council;
 - or
 - 5.2.5. Any contract binding on the Municipality.

6. GENERAL POWERS AND DUTIES

- 6.1 The Chief Administrative Officer has:
 - 6.1.1 all of the powers, duties, and functions that are given to a Chief Administrative Officer under the Act or any other enactment;
 - 6.1.2 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
 - 6.1.3 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:
 - 6.2.1 be the contact between the Administration of the Municipality and Council and communication from the Administration to Council shall flow through the Chief Administrative Officer;
 - 6.2.2 be responsible for advising on and communicating with Council with respect to:



- 6.2.2.1 the operations of the Municipality,
 - 6.2.2.2 the financial state of the Municipality,
 - 6.2.2.3 Council policies and procedures, and
 - 6.2.2.4 Administrative policies and procedures.
- 6.2.3 prepare and submit to Council such reports, including recommendations where appropriate, and answer such inquiries, as required by Council;
- 6.2.4 attend all Council meetings and the meetings of such other boards, authorities or other bodies as might be required by Council.
- 6.3 Any information requested by an elected official about the operation or administration of the municipality must be shared with all elected officials, at the same time. All of the elected officials must hear/be provided the same information.

7. RESPONSIBILITY OF THE CHIEF ADMINISTRATIVE OFFICER

The CAO shall be responsible for:

- 7.1 Directing the Administration.
- 7.2 The development and maintenance of a civic administration capable of effectively and efficiently implementing the civic policies approved by the Council.
- 7.3 The provision of information, advice, and staff recommendations required by the Council for the consideration of policy alternatives.
- 7.4 The carrying out of research and the presentation to the Council alternatives in any area requiring policy formulation or reconsideration.
- 7.5 The preparation and presentation to the Council of the annual operating and capital budgets for the Municipality and for controlling approved budgetary expenditures on an ongoing basis.
- 7.6 Keeping the Council informed of all events and data relevant to, and necessary for, the exercise of all powers, duties, and responsibilities of the Council.
- 7.7 In conjunction with the Chief Elected Official, endorsing the proposed agenda for the Council and Committee of the Whole meetings.
- 7.8 Acting as the Deputy Director of Emergency Management.
- 7.9 The purposes of the Freedom of Information and Protection of Privacy Act, R. S. A. 2000 c. F-25 and any amendments thereto, the designated officer to receive requests.
- 7.10 Performing the duties and exercising the powers and functions assigned to a Chief Administrative Officer by the Municipal Government Act and other enactments of assigned by the Council.

8. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

In order to carry out the responsibilities of the position, the CAO has the authority to:

- 8.1 Hire, dismiss, promote, demote, reward, or discipline any employee of the Municipality.
- 8.2 Implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the Municipality. If a major organizational change is affected, the CAO shall report such a change to the Council.
- 8.3 Be present at any meeting of the Council or Committee of the Council and be recognized to speak on any subject brought before Council.
- 8.4 In the case of an emergency, incur any expenditure not previously approved the Council provided a detailed report on such expenditure and its need is presented to the next meeting of the Council, subject to the limits imposed by Council policy.
- 8.5 Negotiate contracts, agreements, and transactions required for the effective operation of the Municipality and to recommend the approval of such contracts, agreements, and transactions by the Council.
- 8.6 Sign any order, agreement, and cheque, negotiable instrument of document made or executed on behalf of the Municipality as per Council policy.
- 8.7 Take such actions necessary to carry out the responsibilities assigned by the Council.
- 8.8 In accordance with Section 209 of the Municipal Government Act, delegate any of the Chief Administrative Officer's powers, duties or functions under the Municipal Government Act or any other enactment of Bylaw to a Designated Officer of an employee of the Municipality.
- 8.9 The Chief Administrative Officer shall designate the financial institution(s) to be used by the Municipality and shall open and close accounts that hold the Municipality's money as per Council motion.
- 8.10 The Chief Administrative Officer is authorized to invest funds on behalf of the Municipality in accordance with the provisions of the Act.
- 8.11 The Chief Administrative Officer may pay any amounts the Municipality 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 or by the Municipality, provided that all rights to appeal the Order or Judgement have expired.
- 8.12 Retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Municipality including, without limiting the foregoing:
 - 8.9.1 providing legal services to Council and the Administration, and
 - 8.9.2 appearing in all legal and administrative proceedings including commencing, defending, and intervening in such proceedings to



define, enforce and defend the Municipality's (and such other boards, authorities' agencies and other entities as may be required by Council) legal and equitable rights;

- 8.10 Compromise all actions, claims or demands against or by the Municipality and complete all related documentation;
- 8.11 Accept service of all notices and other documents on behalf of the Municipality;
- 8.12 Provide any and all certificates or statutory declarations on behalf of the Municipality;
- 8.13 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;
- 8.14 Prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Municipality for the recovery of tax arrears;
- 8.15 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 Municipality;
- 8.16 Make determinations and issue orders pursuant to the Act or any other statute, enactment or bylaw which the Municipality is authorized to enforce including without limitation, matters related to dangerous or unsightly property;
- 8.17 Act as the Development Authority and provide administrative support to the Municipal Planning Commission of the Municipality;
- 8.18 Extend the time for endorsement of subdivision plans and for the registration of the subdivision plans in accordance with the Act;
- 8.19 Revise bylaws in accordance with the Act;
- 8.20 Consolidate bylaws, including the preparation of administrative consolidations; and
- 8.21 Ensure the sufficiency of any petitions that may be submitted to the Municipality in accordance with the requirements of the Act.

9. INDEMNIFICATION

- 9.1 The Municipality 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 enactment, any other bylaw, resolution, policy or procedure.

10. INTERPRETATION

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

11. REPEAL

11.1 Bylaws 188, 327, 378, 517-10 and 624-24 CAO Bylaw and all amendments thereto are hereby repealed.

This Bylaw come into force on the final date of passing thereof.

Read a first time this 15th day of May 2024

Read a second time this 15th day of May 2024

Unanimous consent be given to present for third reading this 15th day of May 2024

Read for a third and final time this 15th day of May 2024



Tyler Lindsay
Mayor



Kelly Lloyd
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 15th day of May 2024.