

## BYLAW NO. 17/021

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER**

**WHEREAS** the *Municipal Government Act* provides that a council must, by bylaw, establish the position of chief administrative officer;

**AND WHEREAS** the *Municipal Government Act* and other provincial statutes provide for certain duties, functions and powers of a chief administrative officer that are independent of the council;

**AND WHEREAS** the *Municipal Government Act* further provides that a council may assign additional duties, functions and powers, within municipal jurisdiction, to a chief administrative officer;

**AND WHEREAS** the *Municipal Government Act* further provides that where an enactment or bylaw requires or authorizes a municipality to do something but does not specify who in the municipality may do it, or when a municipality wishes to exercise its natural person powers, then the thing may be done or the natural person powers may be exercised by the chief administrative officer unless the council specifies otherwise;

**NOW THEREFORE** the Regional Municipality of Wood Buffalo in Council duly assembled enacts as follows:

1. This Bylaw may be cited as the “Chief Administrative Officer Bylaw” or the “CAO Bylaw”.
2. In this Bylaw:
  - (1) “Act” means the *Municipal Government Act* of the Province of Alberta;
  - (2) “Chief Administrative Officer” or “CAO” means the person appointed by the Council under section 4 and under section 205 of the Act to be chief administrative officer for the Municipality;
  - (3) “Contract” means any agreement establishing legal rights and obligations between the Municipality and one or more other parties, whether or not involving receipt or payment of money, and includes an amendment to an agreement;
  - (4) “Contract Document” means a record, in either paper or electronic format, that sets out the terms of a Contract, and includes without limitation a purchase order, credit card or procurement card transaction, agreement for acquisition or disposition of an interest in land, lease, agreement for procurement or disposal of a good or service, employment agreement, collective agreement, development or subdivision agreement, tax agreement, or change order, and includes a record of an amendment to an agreement;
  - (5) “Council” means the council of the Municipality;

- (6) “Council Policy” means a policy applicable to the affairs, operations, or administration of the Municipality that has been adopted by bylaw or resolution of the Council;
  - (7) “Municipality” means the municipal corporation of the Regional Municipality of Wood Buffalo;
  - (8) “Municipal Powers and Duties” means a thing the Municipality is required or authorized to do under a statute or regulation of the Province of Alberta or under a bylaw of the Municipality, where the statute, regulation or bylaw does not specify who in the Municipality may do the thing;
  - (9) “Natural Person Powers” means the capacity, rights, powers and privileges of a natural person, and includes without limitation:
    - (a) the capacity to enter into Contracts, including without limitation signing or authorizing an agreement referenced in subsection 213(4) of the Act, and to perform and enforce obligations under a Contract to which the Municipality is a party;
    - (b) the capacity to initiate or defend legal proceedings;
    - (c) the power to spend money;
    - (d) the power to incorporate or control a corporation;
    - (e) the capacity to be an employer, and to exercise an employer’s rights including the right to establish terms and conditions of employment of all employees who are not covered by a collective agreement to the extent allowed by law;
  - (10) “Statutory Function” means a duty, function or power assigned to the chief administrative officer of a municipality under the Act or under any other statute or regulation of the Province, excepting Natural Person Powers, and also includes:
    - (a) the duties, functions and powers of the Council under sections 214, 333.1, 360, 419, 436.1, 553, 559, and 657(6) of the Act, and
    - (b) the powers of the Council under section 481 of the Act only with respect to fees for copies of decisions and other documents.
3. The position of Chief Administrative Officer for the Municipality is established.
4. Council shall by resolution appoint a person to the position of Chief Administrative Officer. If a vacancy occurs in the position Council may by resolution appoint a person to be an interim Chief Administrative Officer and in such case all the provisions of this bylaw that apply to the CAO apply equally to the interim CAO.
5. The remuneration and other terms of engagement of the Chief Administrative Officer shall be set out in an agreement between the CAO and the Municipality that is satisfactory to the Council and not inconsistent with any provision of the Act or this Bylaw, which the Mayor shall execute on behalf of the Municipality.

6. In addition to Municipal Powers and Duties, Natural Person Powers and Statutory Functions the Chief Administrative Officer has such additional duties, functions or powers as may from time to time be assigned to the position by the Council.
7.
  - (1) For each of sections 69, 199, 213, 270, 429, 336, 343, 436.11, 436.21, 436.24, 439, 455, 542, 545, 546, 606 and 634 of the Act a designated officer position is established, to exercise the powers, duties and functions set out in that section of the Act in addition to any additional powers, duties or functions the Council may from time to time assign to the position.
  - (2) The authority to appoint persons to the designated officer positions established under subsection 7(1) is delegated to the Chief Administrative Officer.
8.
  - (1) The Council's duty to appoint a person to the designated officer position of clerk of the Municipality's assessment review boards is delegated to the CAO.
  - (2) The CAO must not personally hold the position of clerk of the Municipality's assessment review boards and must take reasonable steps to ensure that the powers, duties and functions of clerk of the assessment review boards are kept strictly at arms-length from all other aspects of the Municipality's operations, affairs and administration.
9.
  - (1) The position of clerk of the Municipality's subdivision and development appeal board is established, and the Council's duty under the Act to appoint a person to that designated officer position is delegated to the CAO.
  - (2) The CAO must not personally hold the position of clerk of the Municipality's subdivision and development appeal board and must take reasonable steps to ensure that the powers, duties and functions of clerk of the subdivision and development appeal board are kept strictly at arms-length from all other aspects of the Municipality's operations, affairs and administration.
10. If the Act refers to powers, duties or functions of a designated officer that can only be carried out if authorized by the Municipality or by bylaw of the Municipality, the CAO or any designated officer appointed by the CAO under section 7 is authorized to carry out those powers, duties or functions to the extent that the CAO deems to be in the best interests of the Municipality.
11. Where Council has established a Council Policy the Chief Administrative Officer may issue directions not inconsistent with either the Council Policy or any collective agreement in force, to the Municipality's officers and employees, as the CAO deems advisable to implement or support the intent of the Council Policy.
12.
  - (1) The Statutory Functions referenced in subsection 2(10), clauses (a) and (b) are delegated to the Chief Administrative Officer.
  - (2) In exercising the Statutory Function of establishing a system for destruction of records of the Municipality the CAO shall implement measures to ensure that if a record contains an individual's personal information and if that information will

be used by the Municipality to make a decision that directly affects the individual, the Municipality must retain the information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

- (3) In exercising the Statutory Function of administrative head of the Municipality the CAO may implement such organizational structures and reporting relationships and give such directions to or in respect of officers, employees, contractors or agents of the Municipality, not inconsistent with any collective agreement in force, as the CAO deems appropriate to serve the needs of the Municipality.
13. The Chief Administrative Officer may exercise Natural Person Powers and Municipal Powers and Duties, for and on behalf of the Municipality, subject to the limitations set out in this Bylaw.
14. The Chief Administrative Officer must not approve or execute a collective agreement with a bargaining agent, on behalf of the Municipality, until the collective agreement has been approved or ratified by the Council.
15. The Chief Administrative Officer must not
  - (1) cause the Municipality to incorporate or become a shareholder of a for-profit corporation, or to incorporate or become a shareholder or member of a not-for-profit corporation; or
  - (2) exercise on behalf of the Municipality any power, duty or function of a shareholder or member of a corporationuntil the action is approved by the Council.
16. The CAO must not settle or compromise a claim brought against the Municipality whether by way of formal legal proceeding or otherwise, for an amount exceeding \$1 million, until the Council has been informed of the amount and the rationale for the intended settlement or compromise.
17. The CAO must not cause the Municipality to initiate a legal proceeding seeking an award of money whether as damages or otherwise in an amount exceeding \$1 million until the Council has been informed of the rationale for the intended legal proceeding and the amount claimed, unless the CAO considers it necessary to take that step prior to informing the Council in order to avoid the risk of missing a limitation period.
18. The CAO must not approve the terms of a Contract or execute on behalf of the Municipality a Contract Document that commits the Municipality to spend money unless the amount of the expenditure is included in a budget approved by the Council or has otherwise been authorized by the Council.
19. The CAO must not dispose of, or by execution of a Contract Document commit the Municipality to dispose of, an asset of the Municipality of a value greater than \$1 million until the Council has been informed of the rationale for the intended asset disposal.

20. The CAO must not approve the terms of a Contract or execute a Contract Document that commits the Municipality to acquire or dispose of a fee simple interest in land or to grant a leasehold interest for a term longer than 20 years until the Council has been informed of the essential terms of the intended transaction and the rationale for it, excepting:
- (1) an acquisition of land for the purpose of establishing a public utility lot on which utility infrastructure of the Municipality will be located;
  - (2) a disposition of a lot or parcel that the CAO considers too small or irregularly shaped to be useful for a municipal purpose, in order to assist with a third party land assembly in support of economic development.
21. If by bylaw or resolution the Council does or authorizes or directs to be done any act or thing that would otherwise be within the authority of the CAO under section 13, whether on the Council's own initiative or at the request of the CAO, then the CAO's authority in respect of that act or thing is limited in accordance with the language of the bylaw or resolution, regardless of whether it contains a specific reference to section 13.
22. Every act or thing done by the Chief Administrative Officer or by any person exercising any CAO power, duty or function under delegation from the CAO, must be done in compliance with the requirements of all applicable statutory and regulatory provisions, the common law and equity, and Council Policies, and in accordance with the provisions of any interprovincial or international trade agreement that is binding on the Municipality.
23. Nothing in this bylaw, including a reference to a duty, creates a private law duty of care.
24. Bylaw No. 01/090 is repealed.
25. This bylaw comes into effect when it is passed, with the exception of section 9 which comes into effect when section 627.1 of the Act is proclaimed in force.

READ a first time this 26<sup>th</sup> day of July, 2017

READ a second time this 22<sup>nd</sup> day of August, 2017

READ a third and final time this 22<sup>nd</sup> day of August, 2017

SIGNED and PASSED this 22<sup>nd</sup> day of August, 2017

  
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Mayor

  
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Chief Legislative Officer