

**BYLAW NO. 2014-30
PARKLAND COUNTY**

**BEING A BYLAW OF THE COUNCIL OF PARKLAND COUNTY IN THE PROVINCE OF ALBERTA TO
PROVIDE FOR THE POSITION OF CHIEF ADMINISTRATIVE OFFICER, TO DEFINE THE DUTIES,
POWERS AND FUNCTIONS OF THE POSITION AND TO PROVIDE FOR DELEGATION BY THE
CHIEF ADMINISTRATIVE OFFICER**

WHEREAS the Council of Parkland County wishes to pass a Bylaw pursuant to the Municipal Government Act for the purpose of establishing the position of chief administrative officer; and

WHEREAS the Council of Parkland County may by bylaw delegate any of its powers, duties or functions under the Municipal Government Act or any other enacted or bylaw to the chief administrative officer or a designated officer, unless the Municipal Government Act or any other enactment or bylaw provides otherwise;

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

1. TITLE

This Bylaw may be called the Chief Administrative Officer (CAO) Bylaw.

2. DEFINITIONS

- (1) "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, any regulations thereunder, and any amendments of successor legislation thereto;
- (2) "Bylaw" means a bylaw of Parkland County;
- (3) "Chief Administrative Officer" or "CAO" means the person appointed to the position of chief administrative officer by Council pursuant to the Act;
- (4) "Council" means the Mayor and Councillors duly elected pursuant to the provisions of the *Local Authorities Election Act*;
- (5) "Council Committee" means a committee, board or other body established by Council under the Act;
- (6) "County" means Parkland County.
- (7) "Emergency" means a situation in which there is imminent danger to public safety or of serious harm to property;
- (8) "Enactment" means an Act of the Legislature of Alberta, a regulation made under an Act of the Legislature of Alberta, an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada;
- (9) "Mayor" means the Chief Elected Official for Parkland County as defined and described in the Act;
- (10) "Meeting" means any meeting of Council or Council Committee;
- (11) "Municipal Assessor" means the designated officer appointed pursuant to the Act to carry out the duties and responsibilities of an Assessor under the Act.

3. CONTINUATION

- (1) As pursuant to the Act, Council must appoint one or more persons to carry out the powers, duties and function of the position of CAO.
- (2) In the event of a vacancy in the position of CAO, Council may, by resolution, appoint a person or persons as CAO under this Bylaw.

4. REFERENCES

- (1) A reference to any policy, procedure, standard, guideline, bylaw, Act or regulation shall be deemed to be included all amendments thereto and any successor to such policy, procedure, standard, guideline, bylaw, Act or regulation.

5. POWERS, DUTIES AND FUNCTIONS OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)

- (1) The CAO shall have all the powers, duties and functions given to a CAO under the Act or any other enactment.
- (2) The CAO shall carry out the duties and functions of CAO as described in the Act or any other enactment.
- (3) The CAO, in addition, shall have all the powers, duties and functions delegated to the CAO by Council under the Act or any other enactment.
- (4) The CAO, in addition, shall have all the powers, duties and functions granted to the CAO by any bylaw or resolution of Council.
- (5) As pursuant to the Act, the CAO shall be at liberty to further delegate any matter delegated to the CAO by Council.
- (6) In the event of the temporary absence of the CAO, the CAO shall be at liberty to delegate to an employee or employees of the County all or any portion of the powers, duties and functions of the CAO and such employee or employees shall be entitled to carry out those powers, duties and functions of the CAO during the temporary absence.
- (7) Exercise all of the powers, duties and functions of a council of a municipality as prescribed under the Act, including delegation to the Municipal Assessor under the Municipal Assessor Bylaw in effect, as amended or replaced from time to time.

6. GENERAL ADMINISTRATION OF THE COUNTY

Without restricting the generality of the foregoing, the CAO shall:

- (1) Co-ordinate, direct, supervise and review the performance of the administration of the County;
- (2) Establish the structure of the administration of the County, including establishing, merging, dividing and consolidating positions. Council must approve the structure for the positions of Chief Administrative Officer, General Managers and Managers.
- (3) Establish and implement all policies, directives, procedures, standards and guidelines for all matters within the powers of the CAO;
- (4) Advise, inform and make recommendations to Council about:
 - a. The operations of the County;
 - b. The financial condition of the County; and
 - c. Council bylaws, policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the County.
- (5) Be entitled to attend all meetings of Council and Council Committee;
- (6) Subject to any applicable legislation, policy and contract or agreement binding on the County:
 - a. Hire, appoint, transfer or promote any County employee;
 - b. Evaluate, discipline, suspend, demote or remove any County employee;
- (7) Prepare and submit to Council or Council Committee such reports and recommendations as may be required by Council or Council Committee.
- (8) Except as otherwise instructed by Council, instruct legal counsel on any matters involving any, or any potential, legal and administrative proceedings involving the County, and without limiting the foregoing, to:
 - a. Arrange for the provision of legal services to Council, Council Committee and departments of the County; and
 - b. Arrange for legal counsel to appear in all legal and administrative proceedings including commencing, defending and intervening to define, enforce and defend the County's (and such other boards, authorities, agencies and other entities as may be required by Council) legal and equitable rights.

7. FINANCIAL DUTIES, POWERS AND FUNCTIONS

The CAO shall:

- (1) Prepare and submit annually, or as otherwise directed by Council, an annual operating and capital budget;

- (2) In cases of an emergency, as determined by the CAO, expend monies for the emergency that are not in an approved budget and subsequently report to Council on those expenditures;
- (3) Pay any amounts which the County is legally required to pay pursuant to an Order or Judgement of a Court, board or other tribunal of competent jurisdiction, relating to an action, claim or demand against the County;
- (4) Approve the:
 - a. Settlement of all actions, claims or demands against the County where the amount paid by the County does not exceed budgets;
 - b. Settlement of all actions, claims or demands by the County, where the difference between the amount recovered and the amount claimed by the County is not less than budget.
- (5) Monitor and control expenditures within budgets approved by Council for the administration of the County. The CAO shall be at liberty to approve a budget adjustment or adjustments for programs within a department as long as the amount budgeted for that department does not change.

8. CONTRACTS AND AGREEMENTS

The CAO is authorized to:

- (1) Approve and execute contracts, agreements, leases, and other required documents that are necessary in relation to the following activities and in accordance with any approved policies, procedures, standards or guidelines:
 - a. Acquisition of goods and services, where the expenditure does not exceed the approved budget;
 - b. The sale or other disposition of surplus goods which are no longer required by the County;
 - c. The sale of services by the County to generate revenue from a public or private organization;
 - d. The provision of Peace Officer services and programs for the County, in accordance with the *Peace Officer Act*, providing the expenditure can be accommodated in the approved Community and Protective Services budget;
 - e. The purchase of land and/or improvements or an estate or interest in land at fair market value or below;
 - f. The sale of land and/or improvements or an estate or interest in land at fair market value or greater;
 - g. Leases of land at fair market value, and in the case of non-profit organizations at fair market value or below, where the County is the lessor;
 - h. Leases of land at or below fair market value where the County is lessee, provided that the term shall not exceed five (5) years (including renewals);
 - i. Development and subdivision of land within the County pursuant to the Act, and complete all documents required or incidental to such development or subdivision, subject to the CAO referring proposed agreements and contracts to Council for consideration and approval at his or her discretion.
 - j. Enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under the Act.
 - k. Approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment.
 - l. 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, with the exception of manually produced cheques which may be signed by any two of the CAO, General Managers and the Manager of Finance;
 - iv. Acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw or enactment; and
 - v. Acting alone, all permits, contracts, agreements, caveats, documents and instruments that may be required pursuant to any Delegation of Signing Authority Policy adopted or amended from time to time.

- m. The CAO's signature, and the signatures of any other County employees to whom the CAO delegates signing power, may be printed, lithographed or otherwise reproduced.

9. OTHER RESPONSIBILITIES

The CAO is authorized to:

- (1) Serve as Clerk to the Assessment Review Board. Prepare and issue distress warrants, and seize and sell goods pursuant to the distress warrants on behalf of the County for the recovery of tax arrears pursuant to the Act;
- (2) Carry out inspections, remedies, enforcements or actions pursuant to the Act where that Act or any other enforcement or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the County.
- (3) Add amounts owing to the property tax roll, as provided for in the Act;
- (4) Make determinations and issue orders pursuant to the Act or any other enactment or bylaw which the County is authorized to enforce, in accordance with the Act;
- (5) Consolidate one or more of the bylaws of the County, as provided for in the Act;
- (6) Extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with the Act;
- (7) Designate any road under the control and management of Parkland County 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.

10. BYLAW PRECEDENCE

- (1) 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.

11. ENACTMENT / TRANSITION

- (1) Should any provision of this bylaw be deemed to be invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- (2) Chief Administrative Officer (CAO) Bylaw No. 41-2007 and Amending Bylaw No. 43-2007 are hereby repealed.
- (3) This bylaw shall come into force and take effect on the day of third and final reading thereof.

READ A FIRST TIME this 4th day of November, 2014.

READ A SECOND TIME this 4th day of November, 2014.

READ A THIRD TIME and finally passed this 4th day of November, 2014.


Mayor


Manager, Legislative and Administrative Services