

BYLAW NO. 1004-25
OF THE
TOWN OF VAUXHALL

BEING A BYLAW OF THE TOWN OF VAUXHALL 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 AND TO DELGATE POWERS, DUTIES AND FUNCTIONS TO THE CHIEF ADMINISTRATIVE OFFICER.

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

AND WHEREAS Section 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 the Town of Vauxhall, duly assembled, enact as follows:

Bylaw Title

1. This Bylaw may be referred to as the “Chief Administrative Officer Bylaw.”

Purpose

2. 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.

Definitions

3. In this Bylaw the following words and phrases have the following meanings;
 - 3.1 “**Act**” is the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time;
 - 3.2 “**Administration**” means the general operation of the Town, including personnel, financial and other related matters as permitted by the Act;
 - 3.3 “**Chief Administrative Officer (CAO)**” means the person appointed to the position of Chief Administrative Officer by Council in accordance with the Act;
 - 3.4 “**Council**” means the municipal Council of the Town of Vauxhall;
 - 3.5 “**Council Committee**” has the same meaning as that prescribed in the Act and includes a Standing Committee;
 - 3.6 “**Department**” means any department of the Town;
 - 3.7 “**Department Head**” means the Director or Manager in charge of a Town Department;
 - 3.8 “**Designated Officer**” has the same meaning as that prescribed in the Act;

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- 3.9 **“Mayor”** means the Chief Elected Official of the Town as described in the Act;
- 3.10 **“Road”** has the same meaning as that prescribed in the Act and
- 3.11 **“Town”** means the Town of Vauxhall and the area within its jurisdictional boundaries, as text requires.

OFFICE

- 4.
- 4.1 The position of Chief Administrative Officer is hereby established, and the person appointed to that position shall have the title “Chief Administrative Officer.”
- 4.2 Council shall, by resolution appoint an individual to the position of Chief Administrative Officer.
- 4.3 Council shall establish the terms and conditions of the appointment of an individual to the position of Chief Administrative Officer including:
- a.) the salary and benefits to be paid or provided to the Chief Administrative Officer, by Council, Bylaw, Policy, or Resolution and or subject to any agreement entered into by the Chief Administrative Officer and the Town.
- 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.
- 4.5 Council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or designated officer as outlined in 201(2) of the act.
- 4.6 Any employee of the Town functioning as the Acting Chief Administrative Officer shall have all the duties, powers, and functions of the Chief Administrative Officer as provided in the Act, this Bylaw, the job description for Chief Administrative Officer and other provincial legislation and Town bylaws, policies, and procedures.
- 4.7 Council shall deal and communicate with Administration through the Chief Administrative Officer or his/her designate.

ACCOUNTABILITY

- 5.
- 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, and any bylaws or resolutions, policies or procedures adopted by council from time to time whether the Chief Administrative Officer exercises such powers, duties, and functions personally, or by someone to whom the Chief Administrative Officer has delegated that power, duty, or function.

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5.2 The Chief Administrative Officer shall conduct his or her powers, duties, and functions in accordance with:

- a.) the Act;
- b.) this Bylaw;
- c.) any other applicable enactment;
- d.) any other applicable bylaw or resolution passed by Council; and
- e.) any contract binding on the Town.

5.3 The Chief Administrative Officer is the administrative head of the Town and shall ensure that Town policies and procedures are implemented.

GENERAL POWER AND DUTIES

6.

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 the powers, duties and functions delegated to the Chief Administrative Officer by Council in this or any other bylaw, resolution, policy or procedure;
- c.) responsibility for the Administration of the Town.

6.2 The Chief Administrative Officer shall:

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

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

ADMINISTRATION

7.

7.1 The Chief Administrative Officer has authority to:

- a.) appoint a Department Head or other senior person as Acting Chief Administrative Officer to act during the absence of the Chief Administrative Officer. The Acting Chief Administrative Officer appointed by the Chief Administrative Officer shall have all the duties, powers and functions of the Chief Administrative Officer as provided in the

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- Act, this Bylaw and other Provincial legislation and Town Bylaws, policies and procedures;
- b.) establish administrative policies and procedures and in particular employment policies and procedures including policies and procedures that govern the actions of employees;
 - c.) hire, appoint, suspend, remove, transfer, promote, reward, or terminate any Town employee;
 - d.) determine salaries, benefits, hours of work and other working conditions for all Town employees;
 - e.) coordinate, direct, supervise and review the performance of Administration;
 - f.) establish the structure of the Administration including creating, eliminating, merging, or dividing Departments provided that any such reorganization does not result in a decreased level of services to the Town. If a major organizational change is contemplated, the Chief Administrative Officer shall consult with Council prior to proceeding with such organizational change;
 - g.) regularly attend Council and Council Committee meetings.
- 7.2 The Chief Administrative Officer shall report to Council on any change to the structure of the Administration.
- 7.3 The Chief Administrative Officer, subject to the directions and approval of Council if applicable, negotiate all contracts, agreements and transactions required for the effective operation of the town employees, where applicable.
- 7.4 The Chief Administrative Officer shall be responsible for ensuring that senior Town staff members are familiar with duties and responsibilities of the Chief Administrative Officer, Council processes, policies and procedures, issues being addressed by Council and issues of concern to the Town.

FINANCIAL POWERS AND FUNCTIONS

- 8.
- 8.1 The Chief Administrative Officer shall:
- a.) annually or as required or directed by Council, cause to have prepared 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 provide and submit a complete financial report on all financial activities of the Town during the preceding year and
 - c.) monitor and report to Council as required or directed by Council on the operations and capital budget 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 shall select the financial institution(s) to be used by the Town, and shall open and close accounts that hold the Town's money.

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8.4 The Chief Administrative Officer is authorized to invest funds on behalf of the Town in accordance with the provisions of the Act.

8.5 The Chief Administrative Officer may pay any amount the Town is legally required to pay pursuant to an order or judgment of a Court, board or other tribunal having authority over an action, claim or demand against the Town.

8.6 The Chief Administrative Officer may approve the:

- a.) settlement of all actions, claims or demands against the Town where the amount paid by the Town does not exceed \$50,000.00, inclusive of prejudgment interest and Court costs;
- b.) settlement of all actions, claims or demands by the Town, where the difference between the amount recovered and the amount claimed by the Town does not exceed \$50,000.00, inclusive of prejudgment interest and Court costs.

8.7 The Chief Administrative Officer shall monitor and control expenditures within the budgets approved by Council. Budget amendments must be approved by Council.

Miscellaneous Powers

9.

9.1 The Chief Administrative Officer is authorized to:

- a.) retain and instruct legal counsel on matters involving all statements of claim, legal and administrative proceedings involving the Town, and report to Council within a reasonable period the details of such matters, without limiting the foregoing:
 - i. providing legal services to Council and Administration, and
 - ii. 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 Town and such other boards, authorities, agencies, and other entities as may be required by Council;
- b.) accept service of all notices and other documents on behalf of the Town;
- 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 or for a municipal purpose or special event;
- d.) prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Town for recovery of tax arrears pursuant to the Act;
- e.) conduct 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 Town is authorized to enforce including without limitation, matters related to dangerous or unsightly property;
- g.) appoint administrative support to the Subdivision and Development Appeal Board and Assessment Review Board;
- h.) sign:
 - i. along with the person presiding at the meeting, all minutes of Council meetings;
 - ii. along with the Mayor, all bylaws and

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- iii. along with the Mayor or any other person authorized by Council, agreements (except those where the execution is delegated to the Chief Administrative Officer), cheques and other negotiable instruments;
- i.) revise or consolidate bylaws, including the preparation of administrative consolidations in accordance with the Act;
- j.) ensure the sufficiency of any petition that may be submitted to the Town in accordance with the requirements of the Act;
- k.) conduct a census;
- l.) in the case of an emergency, as determined by the Chief Administrative Officer expend monies for the emergency that are not in an approved budget, up to a maximum of \$50,000.00 for each expenditure, and subsequently report to Council on the details of those expenditures;
- m.) award all tenders and enter into all agreements and contracts required for the completion of such tenders in accordance with all Council approved bylaws, procurement policies, directives, and guidelines and subject to the expenditure being included in an approved budget;
- n.) 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 enactment, the Chief Administrative Officer is authorized to enter into any and all agreements and contracts on behalf of the Town including, but not limited to, agreements and contracts:

- a.) necessary to provide insurance coverage for the Town;
- b.) to retain the services of any individual or corporation or to acquire materials, supplies or goods for purposes related to the operations of the Town;
- c.) to acquire or dispose of interests in land;
- d.) incidental to the development and subdivision of land pursuant to Part 17 of the Municipal Government Act and the Town's land use Bylaw,

INDEMNIFICATION

10. The Town 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 agreement binding on the Town, enactment, or any other applicable bylaw, resolution, policy, or procedure.

INTERPRETATION

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

CONFLICT

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

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SEVERABILITY

13. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or ultra vires, in whole or in part, by a Court having jurisdiction, then that provision shall not apply, and the remainder of this Bylaw shall continue in full force and effect and shall be constructed as if it had been enacted without the illegal, invalid or ultra vires provision.

REPEAL

14. This Bylaw repeals Bylaw No. 829-08

ENACTMENT

15. This Bylaw shall come into force and effect when it receives a third reading and is duly signed.

Read a first time in Council this 20th day of January 2025.

Read a second time in Council this 4th day of February 2025.

Read a third time in Council and finally passed this 4th day of February 2025.

MAYOR

CHIEF ADMINISTRATIVE OFFICER