



CHESTERMERE

AGENDA

For the Special Meeting of Council to be held
Tuesday January 11, 2022 at 12:30 p.m.
at City Hall via WebEx

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. DECLARATION OF CONFLICT OF INTEREST

D. IN CAMERA

1. Personnel: as per the Freedom of Information and Protection of Privacy Act, Division 2, Section 17 – Interim City Director

E. NEW BUSINESS

1. CAO/City Director Bylaw Discussion

2

F. ADJOURNMENT

**CITY OF CHESTERMERE
PROVINCE OF ALBERTA
BYLAW NO. 002-22**

Being a bylaw of the City of Chestermere in the Province of Alberta, Canada to establish the positions of chief administrative officer and designated officers.

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

AND WHEREAS the Municipal Government Act provides that a council may by bylaw establish one or more positions to carry out the powers, duties or functions of a designated officer.

AND WHEREAS Council wishes to exercise its authority pursuant to the Municipal Government Act by establishing the positions of chief administrative officer and designated officers.

NOW THEREFORE the Municipal Council of the City of Chestermere, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the "Designated Officer Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, the following terms when capitalized shall have the following meanings:

- a) "CAO" means the chief administrative officer as defined in the Municipal Government Act,
- b) "City Directors" means those officers assigned the duties of chief administrative officer appointed pursuant to this Bylaw and as defined in the Municipal Government Act,
- c) "Council" means the municipal council of the city.
- d) "FOIP" means the Freedom of Information and Protection of Privacy Act, RSA 2000 c F-25 and the regulations thereunder.
- e) "Municipal Government Act" or "MGA" means the Municipal Government Act, RSA 2000, c M-26 and the regulations thereunder; and
- f) "City" means the municipal corporation of the City of Chestermere.

2.2. Any references in this Bylaw to any statutes, regulations, bylaws, or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaced from time to time and any amendments thereto.

2.3. Whenever a singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context so requires.

2.4. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.

3. THE CITY DIRECTORS' MANAGEMENT TEAM

3.1. The positions of the City Directors' Management Team are hereby established.

3.2. These positions shall be given the titles of.

- i. City Director – Corporate Services
- ii. City Director – Growth and Development
- iii. City Director – Community Operations

3.3. Council shall, by resolution, appoint an individual to each of the City Directors' positions.

3.4. Council will, by resolution, approve the terms and conditions of each City Director's appointment where the terms and conditions are not already established by the MGA and, upon such approval, the mayor will execute a written employment agreement with each City Director.

3.5. Council will meet with and provide each City Director with an annual written performance evaluation.

3.6. The City will defend and indemnify the City Directors against all losses, damages, claims, actions, costs, charges, and expenses for which the CAO may be liable, provided that the CAO acted in the course and scope of the CAO's employment and acted in good faith in the performance or intended performance of their appointment, function, duties or powers under any applicable resolution, Bylaw, statute, regulation, or other enactment.

3.7. The City Directors are the sole employees of the Council.

3.8. The City Directors are the City's bylaw enforcement managers and may act as a bylaw enforcement officer under the Bylaw Enforcement Bylaw and are authorized to take any reasonable measures to enforce bylaws within the city.

4. GENERAL POWERS AND DUTIES OF THE CITY DIRECTORS'

4.1. The City Directors shall have all the powers, duties and functions of a chief administrative officer as set out in the Municipal Government Act or any other 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 City Director personally, or by someone to whom the City Director has delegated that power, duty, or function.

4.2. The City Directors Management Team will operate on a consensus basis where their duties or powers overlap. In the event, that consensus is not achieved. The issue will be brought before council for resolution.

4.3. Without limiting the generality of section 4.1 of this Bylaw, the City Director – Corporate Services is the head of the city for the purposes of FOIP.

- 4.4. Unless a designated officer is expressly appointed in this Bylaw or another bylaw of the city, the City Directors' have all the powers, duties and functions given to a designated officer under the Municipal Government Act or any other enactment.
- 4.5. The City Directors are authorized to revise any or all the bylaws of the city by:
- a) consolidating a bylaw by incorporating all amendments to it into one bylaw.
 - b) omitting and providing for the repeal of a bylaw or a provision of a bylaw that is inoperative, obsolete, expired, spent or otherwise ineffective.
 - c) omitting, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person, or thing or that has no general application throughout the municipality.
 - d) combining 2 or more bylaws into one, dividing a bylaw into 2 or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of another or 2 or more others.
 - e) altering the citation and title of a bylaw and the numbering and arrangement of its provisions, and adding, changing, or omitting a note, heading, title, marginal note, diagram, or example to a bylaw.
 - f) omitting the preamble and long title of a bylaw.
 - g) omitting forms or other material contained in a bylaw that can more conveniently be contained in a resolution and adding authority for the forms or other material to be prescribed by resolution.
 - h) correcting clerical, grammatical, and typographical errors; and
 - i) making changes, without changing the substance of the bylaw, to bring out more clearly what is the meaning of a bylaw or to improve the expression of the law.
- 4.6. The City Director – Community Operations is authorized to temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
- 4.7. The City Directors are authorized to take all necessary and reasonable measures to address, abate, eliminate, or mitigate any emergency. As soon as is practicable and, in any event no later than the next regular council meeting, they shall report to Council with respect to the emergency and the measures undertaken.
- 4.8. The City Directors are authorized to establish the structure of the Administration, including establishing, merging, dividing, and eliminating departments, hiring, suspending, demoting and dismissing staff, and establishing a managerial hierarchy, provided they have informed Council of any major proposed changes to the structure of the Administration, which may affect the operation or affairs of the City.
- 4.9. The City Directors are authorized to establish and implement all administrative policies, procedures, standards, and guidelines for all matters within their powers and employment policies and procedures including policies and procedures to govern the action of employees. The City Directors must inform Council of any major proposed changes to any administrative policies, procedures, standards, and guidelines that may affect the operation or affairs of the City.

- 4.10. In addition to the statutory powers, duties and functions prescribed in the MGA or any other enactment, the City Directors shall:
- a) co-ordinate, direct, supervise, and review the performance of employees of the Municipality.
 - b) provide corporate leadership in ensuring that all the Municipality's policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Municipality as defined by Council.
 - c) advise, inform, and make recommendations to Council regarding:
 - i. the operations of the Municipality,
 - ii. the financial condition of the Municipality, and
 - iii. Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties, and functions of the Municipality.
 - d) prepare and submit, annually or as otherwise directed by Council, operating and capital budgets for Council approval.
 - e) prepare and submit to Council such reports and recommendations as may be required by Council; and
 - f) allocate City resources and make expenditures within Council approved budgets or as otherwise authorized by Council.
 - g) Conduct audits, investigation, and studies of the Administration.
 - h) Ensure that all city policies and programs are efficiently co-ordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the city as defined by council.
- 4.11. The powers, duties and functions assigned to the City Directors by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council to the City Directors or to any other City employee.

5. LIMITATIONS ON GENERAL POWERS AND DUTIES OF THE CITY DIRECTORS'

- 5.1.** The City Directors shall operate with a high degree of ethical behavior and will not operate without internal processes that require a high degree of integrity at all levels of the organization and.
- a) Operate without an internal code of conduct, of which all employees are made aware of, that clearly outlines the rule of the expected behaviors for employees.
 - b) Operate without written policies which prevent conflict of interests.
 - c) Operate without providing employees and others with a mechanism for anonymous and confidential reporting of alleged or suspected improper activities, without fear of retaliation. This includes operating without

operational policies that clearly outlines how to register a concern and provide a fair and anonymous process for reporting and investigating allegations of suspected improper activities, which include but are not limited to: Financial irregularities, dishonest, deceitful, fraudulent, or criminal acts; and other violations of legislation.

- d) Permit any employee to be adversely affected because the employee refuses to carry out a directive which would result in an improper activity.
- e) Permit employee to be uninformed regarding the performance expectations by which they will be assessed.
- f) Allow circumstances in which diversity is not respected.
- g) Allow those qualified for positions to face unreasonable barriers due to unrelated disabilities.
- h) Allow employees to be unprotected from liability.
- i) Operate without sufficient policies and procedures to clarify expectations and working conditions, provide for an effective handling of grievances and protect against wrongful conditions.
- j) Allow conditions or circumstances that prevent or hinder reasonable access and participation of the public.
- k) Permit inconsistent treatment of general public individuals or groups.

6. ACCOUNTABILITY

6.1. The City Directors shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the CAO by the MGA or any other enactment, this or any other bylaw, and any resolution, policy or procedure adopted by Council from time to time, whether such powers, duties and functions are exercised by the City Directors personally, or by a City employee to whom the City Directors have delegated that power, duty, or function.

7. DELEGATION BY CITY DIRECTORS

7.1. The City Directors are authorized to delegate and to authorize further delegations of their powers, duties and functions under the Municipal Government Act or other enactment and this or any other bylaw or assigned by Council to a designated officer or an employee of the City.

7.2. Where the City Directors are on vacation or leave or is temporarily absent for any period of up to four weeks and unavailable to perform their duties, an Acting City Director shall be appointed by the City Directors or Council. For any leave of absence that is expected to extend beyond four weeks, Council shall appoint an Interim City Director to serve in the position until the City Director returns, or a new City Director is appointed. The Acting City Director or Interim City Director shall exercise the City Director's powers and perform the City Director's duties and functions.

8. MUNICIPAL ASSESSOR

- 8.1. The position of assessor is hereby established as a designated officer of the City.
- 8.2. The assessor shall be given the title "Municipal Assessor".
- 8.3. The Municipal Assessor is the designated officer for purposes of carrying out the duties and responsibility of an "assessor" under the Municipal Government Act.
- 8.4. The City Director – Corporate Services is authorized to appoint a qualified individual as the municipal assessor. If no individual is appointed to the position of municipal assessor, the City Director – Corporate Services shall delegate the performance of any duties, powers, or obligations of an assessor under the Municipal Government Act to a person who meets the qualifications required pursuant to the Act and regulations.
- 8.5. The Municipal Assessor is the designated officer for the following sections of the Municipal Government Act:
 - a) Section 482: Admissible evidence at hearing; and
 - b) Section 535(2): Admissible evidence at hearing.
- 8.6. The powers, duties and functions assigned to the Municipal Assessor by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council or the City Director to the Municipal Assessor.
- 8.7. The Municipal Assessor is authorized to delegate and to authorize further delegations of any of the Municipal Assessor's powers, duties or functions under an enactment or bylaw to such person or corporation as the Municipal Assessor finds appropriate.

9. GENERAL

- 9.1. Except for the purposes of general inquiry, Council and its members will deal with the control of the city's administrative services through the City Directors and will not give directions to any employee or contractor of the city either publicly or privately.
- 9.2. Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 9.3. This Bylaw comes into full force and effect upon the date of third and final reading,
- 9.4. Upon passing of this Bylaw, Bylaw 025-20, being the Designated Officer Bylaw, and all amendments thereto, are hereby repealed.

10. TRANSITIONAL PROVISION

- 10.1. The current contracted position of Interim CAO appointed under Bylaw 025-20 powers and duties shall remain in effect until Council has appointed by resolution and approved the terms and conditions of at least two thirds of the City Director appointments. At this time, the Interim CAO powers and duties will be reassigned to the City Directors. For the balance of the Interim CAO's contract, the duties will be reduced to providing transitional guidance to the City Directors.

This Bylaw shall come into full force and effect upon the date of third and final reading.

READ A FIRST TIME this 10th day of January 2022.

READ A SECOND TIME this 10th day of January 2022.

READ A THIRD TIME this 10th day of January 2022.

Resolution Numbers: