

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW NO. 006-22**

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

**2. DEFINITIONS**

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

- (a) "Acting City Director" means an individual who has been delegated by a City Director to act in the capacity of City Director for a temporary and specified length of time;
- (b) "Chief Administrative Officer" or "CAO" means the duly appointed Chief Administrative Officer as defined in the *Municipal Government Act*;
- (c) "City" means the municipal corporation of the City of Chestermere;
- (d) "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*;

- (e) "Council" means the duly elected municipal Council of the City of Chestermere; and
- (f) "Council Meeting" means a formally scheduled meeting of Council;
- (g) "Freedom of Information and Protection of Privacy Act" means the *Freedom of Information and Protection of Privacy Act, R.S.A. 2000 c. F-25* and the regulations thereunder;
- (h) "Interim City Director" means an individual who is duly appointed by City Council through resolution to serve as City Director for a temporary and specified length of time; and
- (i) "Municipal Government Act" means the *Municipal Government Act, R.S.A. 2000, c M-26* and the regulations thereunder.

### **3. APPLICATION**

- (1) 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) 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.
- (3) The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.

### **4. THE CITY DIRECTORS' MANAGEMENT TEAM**

- (1) The positions of the City Directors' Management Team are hereby established.
- (2) These positions shall be given the titles of:
  - (a) City Director, Corporate Services;
  - (b) City Director, Growth and Development; and
  - (c) City Director, Community Operations.
- (3) Council shall, by resolution, appoint an individual to each of the City Director positions. In the event a vacancy occurs in any of these positions, Council must appoint an individual to serve as Interim City Director, and in such case, the provisions of this Bylaw shall apply equally to the Interim.

- (4) Council shall, by resolution, approve the terms and conditions of each City Directors' appointment where the terms and conditions are not already established by the *Municipal Government Act* and, upon such approval, the Mayor will execute a written employment agreement with each City Director.
- (5) Council shall meet with each City Director for the purpose of providing an annual written performance evaluation.
- (6) The City will defend and indemnify the City Directors against all losses, damages, claims, actions, costs, charges, and expenses for which the City Directors may be liable, provided that the City Directors acted in the course and scope of their 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.
- (7) The City Directors are the sole employees of Council.
- (8) The City Directors are the City's bylaw enforcement managers and may act as a bylaw enforcement officer under Bylaw 018-16, being the Bylaw Enforcement Officer Bylaw, and are authorized to take any reasonable measures to enforce bylaws within the city.

## **5. DIVISION OF CAO DUTIES**

- (1) The duties, powers, and functions of the Chief Administrative Officer as set out in the *Municipal Government Act* or any other enactment, any other bylaw, and any other resolution, policies or procedures shall be distributed in accordance with the Alberta provincial functional classifications as set out in the Municipal Financial Information Returns.
- (2) The duties of Chief Administration Officer shall be divided as follows:
  - (a) City Director, Corporate Services
    - (i) General Government
    - (ii) Public Health and Welfare Services
    - (iii) Other;
  - (b) City Director, Growth and Development
    - (i) Planning & Development; and
  - (c) City Director, Community Operations
    - (i) Protective Services
    - (ii) Transportation Services
    - (iii) Environmental Use and Protection
    - (iv) Recreation and Culture

## **6. GENERAL POWERS AND DUTIES OF THE CITY DIRECTORS**

- (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.
- (2) The City Directors Management Team will operate on a consensus basis where their duties or powers overlap. Where consensus may not be achieved on a particular matter, that matter shall be brought to Council.
- (3) Without limiting the generality of section 6(1) of this Bylaw, and for the purposes of the *Freedom of Information and Protection of Privacy Act*, the City Director, Corporate Services shall be designated as the head of the City of Chestermere.
- (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.
- (5) The City Directors are authorized to revise any or all the Bylaws of the City without Council resolution 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 two (2) or more Bylaws into one, dividing a Bylaw into two (2) or more Bylaws, moving provisions from one Bylaw to another, and creating a Bylaw from provisions of another or two (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.
- (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.
- (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 Council Meeting, they shall report to Council with respect to the emergency and the measures undertaken.
- (8) The City Directors are authorized to establish the structure of City 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.
- (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.
- (10) In addition to the statutory powers, duties and functions prescribed in the *Municipal Government Act* or any other enactment, the City Directors shall:
- (a) co-ordinate, direct, supervise, and review the performance of employees of the City;

- (b) provide corporate leadership in ensuring that all the City's policies and programs are efficiently coordinated, delivered in a responsive and effective manner, and reflect the overall strategic priorities of the City as defined by Council; and
  - (c) advise, inform, and make recommendations to Council regarding:
    - (i) the operations of the City;
    - (ii) the financial condition of the City; and
    - (iii) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties, and functions of the City.
  - (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;
  - (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; and
  - (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.
- (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.

## **7. LIMITATIONS ON GENERAL POWERS AND DUTIES OF THE CITY DIRECTORS**

- (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 shall not
  - 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 any 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, and 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.

## **8. ACCOUNTABILITY**

- (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 *Municipal Government Act* 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.

## **9. DELEGATION BY CITY DIRECTORS**

- (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.

- (2) Where the City Directors are on vacation or leave or temporarily absent for any period of up to four (4) 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.

## **10. MUNICIPAL ASSESSOR**

- (1) The position of assessor is hereby established as a designated officer of the City.
- (2) The assessor shall be given the title "Municipal Assessor".
- (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*.
- (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 *Municipal Government Act* and regulations.
- (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.
- (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.
- (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.



**11. GENERAL**

- (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.
- (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.
- (3) This Bylaw comes into full force and effect upon the date of third and final reading.
- (4) Upon passing of this Bylaw, Bylaw 025-20, being the Designated Officer Bylaw, and all amendments thereto, are hereby repealed.

**12. TRANSITIONAL PROVISION**

- (1) The powers and duties of the current contracted position of Interim Chief Administrative Officer appointed under Bylaw 025-20 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 Chief Administrative Officer powers and duties shall be reassigned to the City Directors. For the balance of the Interim Chief Administrative Officer's contract, the duties will be reduced to providing transitional guidance to the City Directors at the discretion of the Mayor.

<b>Reading</b>	<b>Date</b>	<b>Resolution No.</b>
First Reading	January 11, 2022	023-22
Second Reading	January 11, 2022	024-22
Third Reading	January 18, 2022	040-22



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Interim Chief Administrative Officer