

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* 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 majority basis where their duties or powers overlap. When a majority 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.