

# APPENDIX A

## BYLAW NO. 1893

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPALITY HEREBY CITED AS THE CHIEF ADMINISTRATIVE OFFICER BYLAW.

**WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council must establish, by bylaw, a position of Chief Administrative Officer;

**AND WHEREAS**, the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and other provincial statutes provide for certain mandatory duties, functions and powers of a Chief Administrative Officer;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, A Council may, by bylaw, delegate any of its powers, duties or functions under this or any other enactment unless an enactment or Bylaw provides otherwise;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council, when delegating any of its powers, duties or functions to the Chief Administrative Officer, may authorize further delegation of those powers, duties or functions;

**AND WHEREAS**, the Council of the Municipal District of Bonnyville No. 87 deems it expedient and advisable to delegate certain powers, duties, and functions of Council to the Chief Administrative Officer;

**NOW THEREFORE**, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

### 1 DEFINITIONS

- 1.1 Except as otherwise provided for in this Bylaw, the terms used shall have the same meaning as defined or provided in the Act, including its regulations.
- 1.2 Words in the singular shall include the plural or vice versa, whenever the context so requires.
- 1.3 In this Bylaw:
  - (a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, and the associated regulations;
  - (b) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipal District of Bonnyville No. 87 appointed by Council;
  - (c) "Contract" means an agreement establishing legal rights and obligations between the Municipal District of Bonnyville No. 87 and a third party, and includes approved amendments to an agreement;

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- (d) "Council" means the duly elected Council of the Municipal District of Bonnyville No. 87.

### **2 ESTABLISHMENT AND APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER**

- 2.1 The position of Chief Administrative Officer for the Municipal District of Bonnyville No. 87 is hereby established.

### **3 APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER**

- 3.1 Council shall appoint an individual to the position of Chief Administrative Officer through Council Resolution.
- 3.2 The terms and conditions of employment for the Chief Administrative Officer shall be through a contract approved by Council and the individual.
- 3.3 Council may, by Resolution, appoint an interim Chief Administrative Officer. The Interim Chief Administrative Officer must act as the Chief Administrative Officer if the appointed Chief Administrative Officer will be absent for longer than one (1) month or is otherwise prevented from fulfilling the role.
- 3.4 The Interim Chief Administrative Officer shall have all the powers, duties, and functions of the Chief Administrative Officer as provided in the Act, this Bylaw, the job description for the position, and other provincial and municipal legislation.

### **4 CHIEF ADMINISTRATIVE OFFICER POWERS AND DUTIES**

- 4.1 The Chief Administrative Officer shall have and carry out all powers, duties and functions as prescribed in the Act and any other provincial and municipal legislation.
- 4.2 In addition to the powers, duties and functions given to the Chief Administrative Officer under the Act and other provincial statutes, the Chief Administrative Officer shall:

#### **ADMINISTRATION AND OPERATIONS**

- (a) Establish the structure of the administration of the Municipal District of Bonnyville No. 87 including establishing, merging, dividing, and eliminating departments and establishing a managerial hierarchy and human resource management policies and procedures.
- (b) Oversee the management of all Municipal District of Bonnyville No. 87 employees.
- (c) Appoint one (1) or more persons who meet the qualifications set out in the regulations to the position of Designated Officer to carry out the functions, duties and powers of a municipal assessor under the Act.
- (d) Ensure assessments, assessment rolls, and tax rolls for the purposes of Part 9 and Part 10 of the Act are prepared.
- (e) Ensure public auctions held to recover taxes are carried out in accordance with the Act.

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- (f) Prepare and issue distress warrants and seize and sell goods pursuant to distress warrants on behalf of the Municipal District of Bonnyville for the recovery of tax arrears.
- (g) Ensure orientation training is offered to each member of Council following election to office, in accordance with the Act.
- (h) Attend all meetings of Council and Committees of Council as well as other such board and committee meetings, as required by Council.
- (i) Prepare and submit to Council such reports and recommendations as may be required by Council or Council Committee.
- (j) Ensure the corporate seal for the Municipal District of Bonnyville No. 87 is kept safe and in the custody of the Chief Administrative Officer.
- (k) Conduct a municipal census upon request of Council and submit the resulting data as required by and in accordance with the Act.
- (l) Ensure that bylaws and minutes of Council meetings and Council Committee meetings are signed in accordance with the Act.
- (m) Consolidate Municipal District of Bonnyville No. 87 bylaws, as deemed necessary.
- (n) Authorize a temporary closure of whole or part of any road at any time if a construction or maintenance project on or adjacent to the road may create a hazard.
- (o) Authorize the placement from time to time of traffic control devices, including traffic control devices restricting the speed of vehicles, at any locations considered necessary for controlling roads under the direction, management, and control of the Municipal District of Bonnyville and provide for a record of all locations where devices have been authorized.
- (p) Retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Municipal District of Bonnyville including, without limiting the foregoing:
  - i. providing legal services to Council and the Administration; and
  - ii. appearing in legal and administrative proceedings including commencing, defending and intervening in such proceedings to define, enforce and defend the municipality's (and such other boards, authorities, agencies, and other entities as may be required by Council) legal and equitable rights.
- (q) comprise all actions, claims or demands against or by the Municipal District of Bonnyville and complete all related documentation.
- (r) Accept service of all notices and documents on behalf of the Municipal District of Bonnyville No. 87.

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- (s) Provide certification of notices, decisions, documents and any other certificates or statutory declarations as provided for or required by the Act.

### **FINANCE**

- (t) Prepare and submit to Council estimates of revenue and expenditures and capital programs annually, or as required by Council.
- (u) Monitor and control municipal spending within the budgets established by Council.
- (v) Authorize over-expenditures within the operating or capital budgets
  - i. At no time may the Chief Administrative Officer authorize cumulative operating and capital expenditures more than the approved total operating and capital budgets.
- (w) Advise Council and make recommendations about the financial condition of the Municipal District of Bonnyville No. 87 and the policies and programs as may be necessary or desirable to carry out the powers, duties and functions of the municipality.
- (x) Ensure the revenues of the Municipal District of Bonnyville No. 87 are collected and controlled and receipts are issued in a manner deemed appropriate by the Chief Administrative Officer.
- (y) Ensure all money belonging to or held by the Municipal District of Bonnyville No. 87 is deposited in a bank, credit union, loan corporation, treasury branch, or trust corporation.
- (z) Ensure the accounts for authorized expenditures are paid.
- (aa) Ensure payment of any amounts the Municipal District of Bonnyville is legally required to pay pursuant to an order or judgement of a Court, board or other tribunal having jurisdiction over an action, claim, or demand against the municipality.
- (bb) Ensure the actual revenues and expenditures of the Municipal District of Bonnyville No. 87 compared with the estimates in the operating or capital budget approved by Council are reports to Council as often as Council directs.
- (cc) Ensure money invested by the Municipal District of Bonnyville No. 87 is invested in accordance with the Act and municipal policy.

### **CONTRACTS AND AGREEMENTS**

- (dd) Negotiate contracts, agreements and transactions required for the effective operation of the Municipal District of Bonnyville No. 87.
- (ee) Authorize the execution of contracts and/or the expenditure of funds where such contracts or expenditures have been approved by Council, either in budget or through Council Resolution.

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- (ff) Authorize and sign all orders, contracts, agreements, negotiate instruments, documents, and cheques on behalf of the municipality as the sole signatory, unless otherwise required, within the Council-approved budget.
- 4.3 The Chief Administrative Officer is authorized to appoint an Acting Chief Administrative Officer to act during absences which will have all the powers, duties, and functions as authorized, in writing, for the duration of the absence.
- 4.4 The Chief Administrative Officer is authorized to further delegate, and to authorize further delegation of any matter delegated to the Chief Administrative Officer by Council under this Bylaw, Council Resolution, or municipal policy, to any employee of the Municipal District of Bonnyville No. 87.
- 4.5 The Chief Administrative Officer shall be the Head of the Municipal District of Bonnyville No. 87 for the purposes of Provincial protection of privacy and access to information legislation.

### **5 CODE OF CONDUCT**

- 5.1 The Chief Administrative Officer, holding a position of trust, must demonstrate the highest standards of ethics and behaviour as a steward of the Municipal District of Bonnyville.
- 5.2 Without limiting the authority granted through provincial and municipal legislation, including this Bylaw, the Chief Administrative Officer shall:
  - (a) Provide timely and reliable advice that is in the best interest of the Municipal District of Bonnyville to Council, and propose viable options for decision-making using professional judgement and expertise.
  - (b) Respect and abide by Council decisions and direction.
  - (c) Serve all members of Council impartially, providing no special privilege to any individual member.
  - (d) Promptly bring to Council's attention any material information that affects the Municipal District of Bonnyville's financial position, legislative compliance, or reputation.
  - (e) Be compliant, and ensure the Municipal District of Bonnyville is compliant, with all applicable federal, provincial, and municipal legislation, and any agreements or contracts the municipality is a party to.
  - (f) Always act in good faith in their relationships with other people and deal fairly and respectfully with Council and the Municipal District of Bonnyville's residents, customers, suppliers, stakeholders, and employees.
  - (g) Avoid actual or perceived conflicts of interest or preferential treatment, placing public interest above personal gain or interest.

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- (h) Be free from undue influence and not act or appear to act in a manner to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- (i) Not accept any gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise go beyond the necessary and appropriate public functions involved, and not related to any particular transaction or activity or decision of the Municipal District of Bonnyville.
- (j) Maintain confidentiality regarding those affairs and decisions of the Municipal District of Bonnyville that are protected by legislative, contractual or other requirements of confidentiality.
- (k) Foster a work environment where the interaction among Council and municipal staff, residents and other stakeholders is conducted fairly, without discrimination, harassment, or abuse.
- (l) Effectively and efficiently manage the use of public monies, assets, property, and resources.
- (m) Fully cooperate with audits, other investigations, or inquires.
- (n) Ensure a code of ethics and conduct for employees is in place and in practice.
- (o) Disclose any contravention of this Code of Conduct to Council forthwith.

### **6 ACCOUNTABILITY**

- 6.1 The Chief Administrative Officer shall be accountable to Council for the exercise of all powers, duties, and functions.

### **7 EVALUATION**

- 7.1 The appointment of a person to the position of Chief Administrative Officer shall not be suspended or revoked except as outlined in the Act.
- 7.2 Council shall review the performance of the Chief Administrative Officer not less than once in a 12-month period.

### **8 INDEMNIFICATION**

- 8.1 The Municipal District of Bonnyville 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, applicable agreements binding on the municipality, enactment or any other applicable bylaw, resolution, policy, or procedure.

### **9 CONFLICT**

- 9.1 The provisions 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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**10 REPEAL**

- 10.1 Upon third reading of Bylaw No. 1850, Bylaw No. 1120 and all amendments thereto are hereby repealed.
- 10.2 Upon third reading of Bylaw No. 1850, Bylaw No. 1212 and all amendments thereto are hereby repealed.

**11 SEVERABILITY**

- 11.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

**12 EFFECTIVE DATE**

- 12.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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REEVE

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CHIEF ADMINISTRATIVE OFFICER