

THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 19-16

Being a Bylaw of the County of Vermilion River in the Province of Alberta to establish the position of Chief Administrative Officer and to define the powers and duties of the Chief Administrative Officer as required by the *Municipal Government Act* Section 205.

WHEREAS Section 205 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, requires that Council establish a position of Chief Administrative Officer by bylaw;

AND WHEREAS Council wishes to delegate certain powers to the Chief Administrative Officer.

NOW, THEREFORE, the Council of the County of Vermilion River, duly assembled, hereby enacts as follows:

1.0 TITLE

- 1.1 This Bylaw will be referred to as the "Chief Administrative Officer Bylaw".

2.0 DEFINITIONS

- 2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c.M-26;
- 2.2 "Administration" means the general operation of the municipality, including personnel, financial and other related matters as permitted by the Act;
- 2.3 "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under Section 205 of the *Municipal Government Act* and whatever subsequent title may be conferred on that officer by Council or Statute, pursuant to this Bylaw;
- 2.4 "Council" means the municipal Council of the County of Vermilion River in the Province of Alberta;

- 2.5 “Employee” means any person employed by the County of Vermilion River in the Province of Alberta.
- 2.6 “Leadership Team” means the group of County of Vermilion River employees holding the title of Director; and
- 2.7 “Municipality” means the County of Vermilion River in the Province of Alberta;

3.0 OFFICE

- 3.1 The position of Chief Administrative Officer is hereby created.

4.0 APPOINTMENT

- 4.1 Council, by resolution, will appoint an individual to the position of Chief Administrative Officer.
- 4.2 Council will establish the terms and conditions of the appointment of the Chief Administrative Officer including:
 - 4.2.1 The term of the appointment; and
 - 4.2.2 The salary and benefits to be paid or provided to the CAO which may be varied from time to time by Council.

5.0 ACCOUNTABILITY

- 5.1 The CAO is accountable to Council for the exercise of all the powers, duties and functions delegated to the CAO by the Act, this Bylaw, 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 the CAO personally, or by someone to whom the CAO has delegated that power, duty or function.
- 5.2 The CAO must carry out his or her powers, duties and functions in compliance with:
 - 5.2.1 the Act;

- 5.2.2 this Bylaw;
 - 5.2.3 any other enactment;
 - 5.2.4 any other bylaw, resolution, policy or procedure passed or adopted by Council; or
 - 5.2.5 any contract binding on the Municipality.
- 5.3 The Chief Administrative Officer must ensure the performance of the following major administrative duties as detailed in Section 208(1) of the Act:
- 5.3.1 the minutes of each Council meeting:
 - 5.3.1.1 are recorded in the English language without note or comment;
 - 5.3.1.2 include the names of the councillors present at the council meeting;
 - 5.3.1.3 are given to council for adoption at a subsequent council meeting; and
 - 5.3.1.4 are recorded in the manner and to the extent required under section 230(6) of the Act when a public hearing is held.
 - 5.3.2 all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
 - 5.3.3 the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins; and
 - 5.3.4 the council is advised in writing of its legislative responsibilities under the Act.
- 5.4 The major administrative duties as outlined in 5.3 apply to the Chief Administrative Officer in respect of Council committees that are carrying out the powers, duties and functions delegated to them by the Council, as per Section 208(2) of the Act.
- 5.5 The Chief Administrative Officer must carry out the powers, duties and functions set out in the Job Description referred to as Schedule "A" attached hereto.

- 5.6 Council must provide the Chief Administrative Officer with an annual written performance evaluation of the results the Chief Administrative Officer has achieved with respect to fulfilling the Chief Administrative Officer's responsibilities, as per Section 205.1 of the Act.
- 5.7 The Chief Administrative Officer may delegate any of the Chief Administrative Officer's powers, duties or functions under this bylaw, including the Chief Administrative Officer's duties detailed in Section 5 above, or under any other enactment or bylaw to a designated officer or an employee of the municipality, as per Section 209 of the Act.

6.0 FOIP HEAD

- 6.1 The Chief Administrative Officer is the Head of the Municipality for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000 c.F-25.

7.0 INDEMNIFICATION

- 7.1 The County will 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 enactment, any other County of Vermilion River bylaw, resolution, policy or procedure.

8.0 INTERPRETATION

- 8.1 Any reference in this Bylaw to the Act, any other enactment, any other County of Vermilion River bylaw, resolution, policy or procedure includes all amendments regulations and orders thereunder and any successor thereto.

9.0 CONFLICT

- 9.1 In the event that the provisions of this Bylaw conflict with the provisions of any other bylaw, this Bylaw shall prevail.

9.2 Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.

10.0 EFFECTIVE DATE

READ a first time this ____ day of August, 2019

READ a second time this ____ day of August, 2019.

READ a third time and finally passed, this ____ day of August, 2019.

SIGNED by the Reeve and Chief Administrative Officer this ____ day of _____, 2019.

Reeve

Chief Administrative Officer

SCHEDULE A – JOB DESCRIPTION

