

**TOWN OF PENHOLD
BYLAW NO. 831/2024**

CAO BYLAW

Being a Bylaw of the Town of Penhold in the Province of Alberta, to establish and define the duties, powers, and functions of the Chief Administrative Officer and to provide for the appointment of the Chief Administrative Officer.

A Bylaw of the Town of Penhold, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M 26.1 of the Revised Statutes of Alberta, 2000 and amendments thereto, for the purpose of establishing, and defining the duties, powers and functions of the Chief Administrative Officer and to provide for the appointment of the Chief Administrative Officer.

WHEREAS the Municipal Government Act, R.S.A., 2000, c. M-26, S.205 requires that every Council must establish, by Bylaw, the position of Chief Administrative Officer and appoint a person to carry out the powers, duties and functions of such position.

NOW THEREFORE, the Municipal Council of the Town of Penhold, duly assembled hereby enacts:

PART 1 – TITLE

1.1 That this Bylaw shall be cited as the “CAO Bylaw”.

PART 2 – PURPOSE

2.1 The purpose of this Bylaw is to establish the position of Chief Administrative Officer and to confirm the power of delegation of the Chief Administrative Officer granted pursuant to the Municipal Government Act. Council shall, by resolution, appoint a person to carry out the powers, duties, and functions of the position of Chief Administrative Officer.

PART 3 – DEFINITIONS

3.1 In this Bylaw:

- (a) **“Act”** means the Municipal Government Act R.S.A., 2000, c. M-26 as may be amended from time to time.
- (b) **“Administration”** means the Chief Administrative Officer, support staff to the Chief Administrative Officer, and those Employees appointed as department heads of the Town of Penhold;
- (c) **“Chief Administrative Officer” (CAO)**, means the individual appointed by Council to the position of Chief Administrative Officer as per the Municipal Government Act.
- (d) **“Acting Chief Administrative Officer (Acting CAO)”**, means an Employee appointed by the CAO to act in the CAO’s place when required;

- (e) **"Council"** means the Municipal Council of the Town of Penhold.
- (f) **"Employee"** means as defined in s.1(e) of the FOIP Act, includes any person who performs a service for the public body as an appointee, volunteer or student or under contract or an agency relationship with the public body. Does not include the Town Auditor an employee. (checking wording in act.)
- (g) **"Enactment"** means:
- (i) An act of the Legislature of Alberta and a Regulation made under an Act of the Legislature of Alberta; and
 - (ii) An Act of Parliament of Canada and a statutory instrument made under an act of the Parliament of Canada.
- (h) **"Town"** means the municipal corporation known as the Town of Penhold.

PART 4 – POWERS AND DUTIES

- 4.1 The CAO is the administrative head of the Town and shall have all the powers, duties, responsibilities and functions that are given to, imposed upon, or described for the Chief Administrative Officer in the Act. Council, by way of policy direction, shall guide the affairs of the Town through the CAO, Council's sole employee.
- 4.2 The CAO may delegate any power, duty or function given to the CAO under the Act, any other Enactment or Bylaw, including any power, duty, or function delegated to the CAO under S.203 of the Act by Council.
- 4.2.a The CAO may temporarily delegate any or all powers, duties, and functions of the CAO to an Employee of the Town in the event of the temporary absence of the CAO. In the event that the CAO is unable to delegate such powers or duties, or in the event of an absence of the CAO, Council, by resolution, may appoint an Acting CAO in the event of long-term illness, unscheduled absence or other incapacity of the CAO.
- 4.2.b The matters delegated to the CAO by this Bylaw are in addition to any other delegations made by Council or a Committee of Council to the CAO, and the CAO shall exercise and carry out such other powers, duties and functions as may be required by Council or a Committee of Council, from time to time.
- 4.3 Unless otherwise specified in a Bylaw creating a position of designated officer, pursuant to the Act, the CAO shall be deemed to be appointed a designated officer under any statute or Bylaw which permits or requires the Town to appoint a designated officer.
- 4.4 Without limiting the administrative powers of the CAO, the CAO shall:
- 4.4.a Hire, appoint, manage, suspend, demote, or remove an Employee from any position in the Town.

- 4.4.b Establish human resources policies and procedures, including those governing the actions of Employees, determining salaries, benefits, hours of work, and other working conditions of Town Employees.
- 4.4.c Direct, supervise and review the performance of the administration of all Town departments and administrative Employees of the Town.
- 4.4.d Coordinate the organization's systems, manage organization resources, facilitate the Council/Administrative interface and establish the structure of the Administration of the Town, including establishing, merging, dividing and eliminating departments subject to Council approval.
- 4.4.e Develop and recommend for Council approval policies dealing with non-administrative matters as directed by Council, or at the initiation of the CAO.
- 4.4.f Establish and implement all administrative policies, procedures, standards and guidelines for all matters within the powers of the CAO while ensuring they are efficiently coordinated, delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Town as defined by Council.
- 4.4.g Prepare and submit such reports and recommendations as may be required by Council or Council committees.
- 4.4.h Prepare and submit to Council budgets for capital and operating programs annually or more often as required or as Council may direct.
- 4.4.i In the event that Council does not adopt an annual operating or capital budget prior to December 31st for the upcoming year, the CAO is empowered to authorize operating and capital expenditures reasonably consistent with the previous year's budget or for previously approved expenditures.
- 4.4.j Monitor and report on the operating and capital budgets approved by Council; authorize and approve the transfer of funds between departments or between budgeting programs to maintain the operations and affairs of the Town within approved budget limits and subject to the limitation that any funds to be transferred are to be used for a purpose similar to the purpose for which the funds were budgeted for in the budget approved by Council.
- 4.4.k Advise and inform Council on the operation and affairs of the Town that are substantive in nature that affect the ability to provide services or significant budgetary impacts.
- 4.4.l The CAO shall perform such other duties and functions and exercise such powers as may be required for the effective administration of the Town, including but not limited to entering into all contracts, agreements, and transactions required for the

effective operations of the Town, provided that the expenditure has been authorized by Council in the operation or capital budget.

- 4.4.m Except as otherwise instructed by Council, establish fees, charges, and rates.
- 4.4.n Authorize the commencement by the Town, or the defense by the Town of any claim or action to enforce or protect the Town's interests or to enforce the Town's Bylaws or responsibilities under the Act and any other Enactment or Bylaw except in matters where the appeal lies with Council.
- 4.4.o The CAO may take whatever legal actions or measures necessary in response to an emergency.
- 4.4.p The Town will indemnify the CAO provided that the CAO acts within the scope of his or her employment and acts in good faith to comply with any applicable resolution, Bylaw, statute, regulation or Enactment.
- 4.4.q The CAO or designate sign along with the Council member presiding at the meeting all minutes of Council and Council Committee meeting; as well as all bylaws and acting alone, all orders, contracts, agreements, documents and certificates that may be required.
- 4.4.r The CAO or designate shall attend all meetings of Council and Council Committees as required, or those that are considered advisable to attend unless excused therefrom and attend meetings such as boards, committees, authorities, commissions, or other bodies as may be required by Council.
- 4.4.s Ensure the Minister is sent a list of the Mayor and Councillors and any other information the Minister requires within five (5) days after the term of the Mayor or Councillor begins.
- 4.4.t Ensure that the corporate seal is kept in the custody of the CAO.
- 4.4.u Conduct a census when required by Council and submit population affidavits in accordance with requirements of the Municipal Government Act.
- 4.4.v Ensure that in states of emergency, the Town of Penhold Emergency Management Agency can operate in accordance with the Town of Penhold Emergency Management Bylaw.
- 4.4.w Waive at their discretion, on a one-time basis to a maximum of \$3,500 fees, and charges for customer service-related matters, excluding property taxes, property tax penalties, or building permit fees.
- 4.4.x The CAO or designate is authorized to prepare revised bylaws for Council's consideration in accordance with S.63 of the Act.

4.4.y The CAO or designate is authorized to consolidate one or more of the bylaws of the Town of Penhold in accordance with S.69 of the Act.

4.4.z The CAO or designate is authorized to make changes, without materially affecting a Policy in principle or substance to correct clerical, technical, grammatical or typographical errors in a Policy.

PART 5 - EVALUATION AND COMPENSATION

5.1 The person appointed as CAO shall hold the position of CAO and shall not be dismissed except as outlined in S.206 of the Act, or in the case of the existence of an employment contract, in accordance with said contract.

5.2 Council shall fix the salary and determine the benefits to be paid or provided to the CAO, and the mayor, on behalf of the Town, shall be authorized to sign and execute any employment contract or other agreement or amendments thereto with the CAO.

5.3 Council shall review the performance of the CAO, and the annual salary and benefits provided to the CAO not less than once every twelve (12) months unless compensation is otherwise specified in an employment contract.

PART 6 - REPEAL

6.1 If any portion of this Bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this Bylaw or any documents which form part of the Bylaw or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby but shall remain in force.

6.2 That Bylaw 719-15 is hereby repealed upon this Bylaw coming into effect.

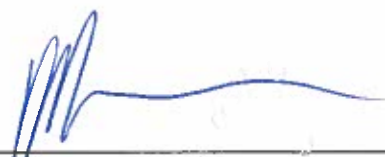
PART 7 - DATE OF FORCE

7.1 That this Bylaw shall come into effect upon the date on which it is finally read and passed.

READ for the first time this 15th day of October 2024

READ for the second time this 28th day of October 2024

READ for the third and final time this 28th day of October 2024



Mayor



Chief Administrative Officer