



## BYLAW #467

### BEING A BYLAW OF THE VILLAGE OF NAMPA IN THE PROVINCE OF ALBERTA TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER

WHEREAS the *Municipal Government Act* requires a Council to establish the position of Chief Administrative Officer by bylaw:

NOW THEREFORE the Council of the Village of Nampa, duly assembled, enact as follows:

#### **Title:**

1. This Bylaw may be cited as the "Chief Administrative Officer Position Bylaw"

#### **Definitions:**

2. In this Bylaw:
  - 2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26;
  - 2.2 "Administration" Means the general operation of the Village, including all personnel, financial and other related resources as permitted by the Act;
  - 2.3 "CAO" means the Chief Administrative Officer of the Village of Nampa
  - 2.4 "Council" means the municipal council of the Village
  - 2.5 "Village" means the municipal corporation of the Village of Nampa

#### **Chief Administrative Officer:**

3. the position of Chief Administrative Officer is established, and the individual appointed to that position will have the title "Chief Administrative Officer (CAO)"

#### **Appointment:**

4. Council will, by resolution, appoint an individual to the position of CAO and establish the term and conditions of the CAO's employment
  - 4.1 The Council may, by resolution appoint an acting CAO, and prescribe the duties, who shall act during illness, absence or other incapability that may prevent the CAO from performing the duties of his or her office.

#### **Sub delegation:**

5. The CAO is authorized to further delegate and to authorize further delegations of any powers, duties and functions delegated to the CAO by Council under this, or any other bylaw, to any employee of the Village

#### **General Powers:**

6. The CAO
  - 6.1 has all the powers and functions given to the chief administrative officer under the Act or any other enactment;
  - 6.2 must carry out all of the duties and functions of a Chief Administrative Officer as required by the Act or any other enactment;
  - 6.3 has all the powers, duties and functions given to a designated officer under the Act or any other enactment;
  - 6.4 has all the powers, duties and functions as delegated to the CAO by Council by this or any other Bylaw; and
  - 6.5 may exercise such other powers, duties and functions as may be required by Council or a Council committee from time to time

**Accountability:**

7. The CAO is accountable to Council for the exercise of all powers, duties and functions delegated to the CAO

**Administrative Authority:**

8. The CAO is authorized to:
  - 8.1 appoint an acting CAO during absences of the CAO;
  - 8.2 co-ordinate, direct, supervise, and review the performance of the Administration and all staff;
  - 8.3 establish the structure of the Administration, including establishing, merging, dividing and eliminating departments, and establishing a managerial hierarchy;
  - 8.4 establish and implement all policies, procedures, standards and guidelines for all matters within the powers of the CAO
  - 8.5 advise, inform, and make recommendations to council regarding:
    - a) the operations of the Village
    - b) the financial condition of the Village, and
    - c) Council policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Village;
  - 8.6 attend all meetings of Council and meetings of such Council committee, boards, authorities and other bodies as required by Council;
  - 8.7 conduct audits, investigations, and studies of the Administration, as the CAO deems necessary, subject to the right of Council to direct audits, investigations, and studies;
  - 8.8 subject to any applicable legislation and any contract of agreement binding on the Village:
    - a) hire, appoint, transfer or promote any Village employee
    - b) evaluate, discipline, suspend, demote or remove any Village employee, and
    - c) determine salaries, benefits, hours of work and other working conditions;
  - 8.9 provide corporate leadership in ensuring that all Village policies and programs are efficiently coordinated, are delivered in a responsive and effective manner, and reflect the overall strategic priorities of the Village as defined by Council;
  - 8.10 prepare and submit to Council such reports and recommendations as may be required by Council;
  - 8.11 prepare administrative consolidations of bylaws; and
  - 8.12 revise bylaws 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, with providing for its repeal, a bylaw or provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing that has no general application throughout the Village,
    - d) combining two or more bylaws into one, dividing a bylaw into two or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of another or two 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 materials to be prescribed by resolution,
    - h) correcting clerical, grammatical and typographical errors, or

- i) making changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law;
- and in all cases, shall prepare for Council's consideration, a bylaw adopting the revision and specifying the date that the revised bylaw is effective and that any repeal provisions are effective.

**Financial Authority:**

- 9. The CAO is authorized to:
  - 9.1 designate the Village's bank, loan corporation, or trust corporation and open and close accounts that hold the Village's money;
  - 9.2 prepare and submit, annually or as otherwise directed by Council, annual operating and capital budget;
  - 9.3 in cases of an emergency as defined in the Act, expend monies for the emergency that are not in an approved budget and subsequently report to Council on the implications of those expenditures;
  - 9.4 invest funds on behalf of the Village in such amounts and on such terms as are permitted under the Act;
  - 9.5 pay any amounts which the Village is legally required to pay pursuant to an Order of Judgement of a Court, Board, or other tribunal of competent jurisdiction, relating to an action, claim or demand against the Village;
  - 9.6 approve the:
    - a) settlement of all uninsured actions, claims, or demands against the Village where the amount paid by the Village does not exceed \$25,000, including prejudgement interest and court costs,
    - b) settlement of all uninsured actions, claims or demands by the Village, where the difference between the amount recovered and the amount claimed by the Village does not exceed \$25,000, including prejudgement interest and court costs,
    - c) settlement of all insured actions, claims or demands **against** the Village, and
    - d) settlement of all insured actions, claims or demands **by** the Village;
  - 9.7 monitor and control expenditures within the budgets approved by Council for the administration, and authorize budget adjustments of up to \$10,000 from one budgeted program to another

**Contracts and Agreements:**

- 10. The CAO is authorized to:
  - 10.1 prepare and award all procurement, opportunities, including but not limited to requests for proposals and tender-calls, where the expenditure or revenue is included in an approved budget and enter into all agreements and contracts required for the completion of such procurements in accordance with approved policies, procedures, standards or guidelines;
  - 10.2 exercise all of the powers, duties and functions of a Council or a municipality as prescribed under Part 10 of the Act, except as are specifically required to be done by bylaw or delegated to the Village's Assessor, and enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under Part 10 of the Act;
  - 10.3 enter into all agreements and contracts incidental to the development and subdivision of land within the Village's boundaries pursuant to Part 17 of the Act and complete any and all documents required for or incidental to such development or subdivision;
  - 10.4 grant and revoke all powers of attorney allowing the Village staff to execute all required documents, including, without limitation, discharges, postponements, and affidavits, pertaining to land, or an interest therein including those granted prior to the date of this

- Bylaw;
- 10.5 approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment;
- 10.6 sign:
- a) along with the person presiding at the meeting, all minutes of Council and Council committee meetings,
  - b) along with the Mayor, all bylaws;
  - c) along with the Mayor or any other person authorized by Council, cheques and other negotiable instruments, and
  - d) acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, bylaw, statute or enactment;
- 10.7 enter into funding agreements with the government of Alberta and non-profit organizations for the provisions of the Family and Community Support Services Program in accordance with approved budget amounts and the *Family and Community Support Services Act*;
- 10.8 approve and enter into all agreements and contracts involving the acquisition of interest in land (excluding leases) at or below fair market value for the purpose of allowing the Village to place its public utilities or roadways across land owned by others provided that the consideration does not exceed \$25,000 per year;
- 10.9 approve and enter into all agreements and contracts involving the disposition of an interest in land (excluding leases) at or above fair market value for the purpose of allowing a utility operator or transportation provider to cross land owned by the Village provided that the consideration does not exceed \$25,000 per year;
- 10.10 enter into any agreements necessary to provide coverage and performance bonds for the Village; and
- 10.11 enter into provincial and federal grant funding agreements.
11. the CAO's signature, and the signatures of any other Village employees to whom the CAO delegates signing authority, may be printed, lithographed or otherwise reproduced

**Inspection and Enforcement:**

12. The CAO is authorized to:
- 12.1 prepare and issue distress warrants, seize and sell goods pursuant to distress warrants on behalf of the Village for the recovery of tax arrears pursuant to the Act;
  - 12.2 carry out inspections, remedies, enforcement or actions to sections 542 of the Act where the Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Village; and
  - 12.3 make determinations and issue orders pursuant to the Act or any other enactment or bylaw which the Village is authorized to enforce, in accordance with sections 545 and 546 of the Act.

**Other Authority:**

13. The CAO is authorized to:
- 13.1 temporarily close the whole or part of a road/street at any time that a construction or maintenance project on or adjacent to the road/street may create a hazard and cause such road/street to be marked;
  - 13.2 except as otherwise instructed by Council, and without limitation,
    - a) instruct legal counsel to provide legal services to the Village, Council and Committees of Council, and
    - b) retain, instruct and pay for services of outside legal counsel provided that the cost of the services does not exceed \$25,000;
  - 13.3 grant an application for a leave of absence without pay to an employee seeking to be

nominated as a candidate in a municipal election, pursuant to the *Local Authorities Election Act*; and

- 13.4 conduct a census when required by council and submit population affidavits in accordance with the requirements of the Act.

**Head of Municipality:**

14. The CAO is the head of the Village, including any board, committee, commission, panel, agency, or corporation that is created or owned by the Village, for the purposes of the *Freedom of Information and Protection of Privacy Act*.

**Conflict:**

15. The provisions of the Bylaw shall prevail in any case where there is a conflict between this Bylaw and any previous resolution or Bylaw of Council.

**Severability:**

16. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed valid.

**Repeal:**

17. Bylaw #387, as amended is repealed

This bylaw comes into force on the day it is finally passed.

Read a first time in Council this 21 day of December, 2021

Read a second time in Council this 21 day of December, 2021

Read a third and final time in Council this 18 day of January, 2022

Signed this 18 day of January, 2022

  
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Mayor

  
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Chief Administrative Officer