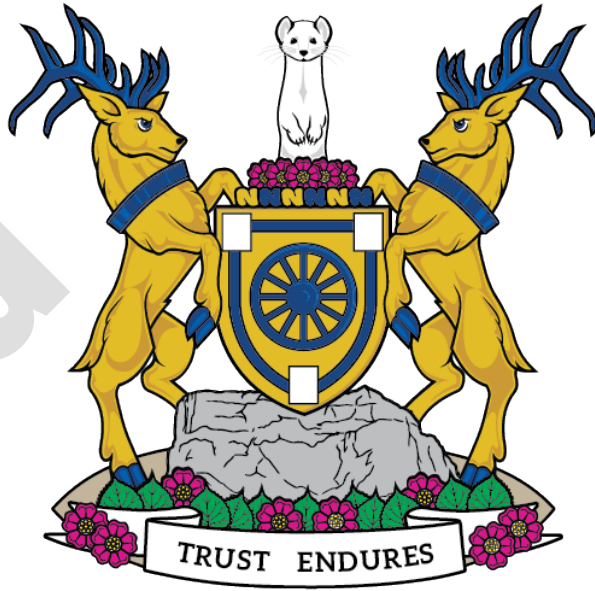


TOWN OF CARDSTON REQUEST FOR DECISION FORM

MEETING DATE: February 27, 2024
SUBMITTED BY: Shem Simmons

AGENDA ITEM #:

Subject	DRAFT Bylaw 1710 - CAO and Designated Officers Bylaw
History of the Issue Including Previous Decisions	<p>The new position of Assistant Administrator has been created, and some designated officer authority is required for this position. This provided administration an opportunity to review the designated officer bylaw, and research some best practices.</p> <p>The proposed new bylaw amalgamates the current designated officer bylaw with the CAO appointment bylaw; includes the new positions from the most recent org chart; and specifies which sections of the act each position has designated officer authority for.</p> <p>This bylaw also rescinds an old designated officer bylaw (1555) that apparently slipped through the cracks when a superseding bylaw was passed.</p>
Relevant Policy or Bylaw	Bylaw 1639 – Designated Officers Bylaw, Bylaw 1651 – CAO appointment bylaw.
Public Consultation Undertaken or Required	None
Response Options and Implications of Options	This Bylaw affects the internal operations of the Town only.
Costs and Potential Sources of Funding	
Requested Action	<p>As this is an internal bylaw with no external or community effect, administration requests that all readings be given. A motion to allow third reading will be required.</p> <p>MOVE that Bylaw 1710 be given first reading. MOVE that Bylaw 1710 be given second reading. MOVE to allow third reading of Bylaw 1710. MOVE that Bylaw 1710 be given third and final reading.</p>



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1710

CAO AND DESIGNATED OFFICERS BYLAW

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FIRST READING



TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

BYLAW 1710

CAO AND DESIGNATED OFFICERS BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER AND OTHER DESIGNATED OFFICER POSITIONS

WHEREAS, pursuant to section 210 of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta 2000, and amendments thereto (*MGA*), a council may by bylaw establish one or more designated officer positions, give each of the positions a different title and specify which powers, duties and functions of a designated officer under the MGA or any other enactment or bylaw are to be carried out by which positions, and appoint individuals to the designated officer positions;

AND WHEREAS, pursuant to section 284.2 of the MGA, a municipality must appoint a person having 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 MGA;

AND WHEREAS, pursuant to section 203 of the MGA, a council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee or any person unless an enactment or bylaw provides otherwise.

NOW THEREFORE, the Council of the Town of Cardston, duly assembled, enacts as follows:

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

- TITLE** 1) This bylaw shall be known as the “CAO and Designated Officers Bylaw” of the Town of Cardston.
- PURPOSE** 2) The Purpose of this Bylaw is to establish the position of Chief Administrative Officer and other designated officer positions within the Municipality of the Town of Cardston.
- DEFINITIONS** 3) In this bylaw:
- (a) “CAO” means the Chief Administrative Officer of the Town of Cardston.
 - (b) “designated officer” means a person appointed to a position established under section 210(1) of the MGA.



(c) “MGA”, or “the Act” means the *Municipal Government Act*.

**RULES FOR
INTERPRETATION**

- 4) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – CHIEF ADMINISTRATIVE OFFICER

**APPOINTMENT
TERMS
AND CONDITIONS**

- 5) Council hereby establishes the position of Chief Administrative Officer.
- (a) Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer.
- (b) Except for the purpose of an official inquiry, the Council shall deal with the administration and control thereof solely through the CAO.

RESPONSIBILITIES

- 6) The CAO’s responsibilities shall be in accordance with Section 207 of the Act.

**ADMINISTRATIVE
DUTIES**

- 7) The CAO must ensure that all powers, duties and functions are performed in accordance with Section 208 of the Act and any other enactment.
- 8) In order to carry out the responsibilities of the position, the CAO has the authority, subject to any bylaw or approved policy of Council, to:
- (a) hire, dismiss, promote, demote, reward or discipline any municipal employee;
- (b) implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the municipality. If a major organizational change is effected, the CAO shall report such a change to the Council for a motion of approval;
- (c) be present, or have a delegate present, at any meeting of Council or committee of Council;
- (d) in the case of an emergency, incur any expenditure not previously approved by Council, provided a detailed report on such expenditure and its need is presented to the next meeting of Council;
- (e) negotiate contracts, agreements and transactions required for the effective operation of the municipality and to



recommend the approval of such to Council where required as per the current purchasing policy;

- (f) conclude contracts on behalf of the municipality to a financial limit established by policy or resolution;
- (g) sign any order, agreement, cheque, negotiable instrument or document made or executed on behalf of the municipality;
- (h) take such other actions as necessary to carry out the responsibilities and duties assigned by Council;
- (i) carry out the powers, duties, and functions of a designated officer under the Act or any other enactments or bylaws; and
- (j) sign agreements and other negotiable instruments without a co-signature of the Chief Elected Official.

DELEGATED AUTHORITY

- 9) Pursuant to section 210(b) of the MGA the CAO may appoint individuals to the designated officer positions established by Council, with the exception of the Municipal Assessor, which must be appointed by resolution of Council.
- 10) In accordance with Section 209 of the Act, the CAO may delegate any of the CAO's powers, duties or functions under the Act, or any other enactment or bylaw to a Designated Officer or an employee of the municipality.

PART III – DESIGNATED OFFICERS

POSITIONS

- 11) The following designated officer positions are established:
 - (a) Assistant Administrator
 - (b) Finance Manager
 - (c) Development Authority
 - (d) Municipal Assessor
 - (e) Peace Officer

POWERS, DUTIES AND FUNCTIONS

- 12) The **Assistant Administrator** is the designated officer for the purposes of the following sections of the Act:
 - (a) 69 – Consolidation of Bylaws
 - (b) 213 – Signing or authorization of municipal documents
 - (c) 612 – Certified Copies



- 13)** The **Finance Manager** is the designated officer for the purposes of the following sections of the Act:
- (a)** 213 – Signing or authorization of municipal documents
 - (b)** 270 – Municipal Accounts
 - (c)** 310 – Sending assessment notices
 - (d)** 336(1) – Certification of date of sending tax notice
 - (e)** 343(2) – Application of tax payment
 - (f)** 350 – Tax certificates

- 14)** The **Development Authority** is the designated officer for the purposes of the following sections of the Act:
- (a)** 16.1 – Acquiring land or roads by agreement
 - (b)** 22 – Road closure
 - (c)** 429 – Prohibited bidding and buying (land)
 - (d)** 436.21 – Prohibited bidding and buying (manufactured home)
 - (e)** 630 – Signature evidence
 - (f)** 634 – Area redevelopment plans
 - (g)** 675 – Removal of designation

Additionally, the Development Authority is the designated officer as described in the following bylaws:

- (h)** Bylaw #1478 - *The Municipal Subdivision and Development Authority Bylaw*
- (i)** Bylaw #1647 – *The Land Use Bylaw*

- 15)** The **Municipal Assessor** is the designated officer for the purposes of carrying out the functions, duties and powers of a municipal assessor appointed under section 248.2 of the Act.

- 16)** The **Peace Officer** is the designated officer for the following sections of the Act:

- (a)** 420(2) – Right to possession (land)
- (b)** 436.11 – Right to possession (manufactured home)
- (c)** 439(2) – Right to issue distress warrant
- (d)** 542 – Municipal inspections and enforcement
- (e)** 544 – Inspecting meters (court order)
- (f)** 545 – Order to remedy contraventions (bylaw)
- (g)** 546 – Order to remedy dangers and unsightly property

EFFECTIVE DATE

- 17)** This Bylaw shall come in force upon the date of its third and



final reading.

REPEAL

18) Bylaw 1555, 1639, 1651 and any and all amendments thereto shall be rescinded.

Received First Reading this [Click here to enter a date.](#)

Received Second Reading this [Click here to enter a date.](#)

Received Third & Final Reading this [Click here to enter a date.](#)

Signed by the Mayor and the Chief Administrative Officer this [Click here to enter a date.](#)

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

FIRST READING

