

## **BYLAW 21-2015**

### **A BYLAW OF STRATHCONA COUNTY RESPECTING THE APPOINTMENT OF, AND DELEGATION OF CERTAIN POWERS AND AUTHORITIES TO, THE CHIEF ADMINISTRATIVE OFFICER OF STRATHCONA COUNTY.**

WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26, provides that a Municipal Council must establish by bylaw a position of chief administrative officer to carry out the responsibilities enumerated under the Act; and

WHEREAS the Council of Strathcona County deems it expedient and advisable to delegate to the chief administrative officer certain powers, duties, and functions; and

WHEREAS pursuant to the provisions of the *Agricultural Pests Act*, RSA 2000, c. A-8, the *Weed Control Act*, SA 2008, c. W-5.1, the *Soil Conservation Act*, RSA 2000, c. S-15, the *Alberta Environmental Protection and Enhancement Act*, RSA 2000, c. E-12, the *Forest and Prairie Protection Act*, RSA 2000, c. F-19, and the *Emergency Management Act*, RSA 2000, c. E-6.8, a local authority must appoint sufficient municipal officers to carry out the provisions of the acts; and

WHEREAS pursuant to the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25 a Municipal Council must designate a person as Head of a local government body and may set the fees required to be paid for services; and

NOW THEREFORE THE COUNCIL OF STRATHCONA COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

#### **PART 1**

##### **TITLE**

- 1** This Bylaw may be referred to as the "Chief Commissioner's Bylaw".

#### **PART 2**

##### **DEFINITIONS**

- 2** In this Bylaw,

- (a)** "Act" means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or replaced from time to time;

- (b)** "Chief Commissioner" means the Chief Administrative Officer for the County, and whatever subsequent title may be conferred on that officer by Council or Statute;
- (c)** "Council" means the Council of Strathcona County; and
- (d)** "County" means Strathcona County;
- (e)** "Mayor" means the chief elected official for Strathcona County;
- (f)** "Tender Call" means all requests issued as part of a competitive procurement process including, but not limited to:
  - (i)** requests for quotations;
  - (ii)** requests for proposals;
  - (iii)** expressions of interest;
  - (iv)** invitations to bid; and
  - (v)** prequalification processes.

### **PART 3**

#### **THE CHIEF COMMISSIONER**

- 3** Council hereby establishes the position of Chief Commissioner who:
  - (a)** is the administrative head of the County;
  - (b)** ensures that the policies and programs of the County are implemented;
  - (c)** advises and informs Council on the operation and affairs of the County; and
  - (d)** performs the duties and exercises the powers and functions delegated to a chief administrative officer by the Act or by this or any other Bylaw or enactment, or as otherwise assigned by Council.
- 4** Council shall, by resolution, appoint an individual to the position of Chief Commissioner, and establish the terms and conditions of such employment.
- 5** The County shall indemnify the Chief Commissioner, provided that the Chief Commissioner acts in the course and scope of his or her employment, and acts in good faith to comply with any applicable bylaw, statute or enactment.

## **PART 4**

### **GENERAL POWERS OF THE CHIEF COMMISSIONER**

- 6** The Chief Commissioner has all the power, duties, functions, and responsibilities delegated to a chief administrative officer and a designated officer under the *Municipal Government Act*, RSA 2000, c. M-26, and under any other statute or enactment.
- 7** The Chief Commissioner shall exercise authority and responsibility in respect to the organization, supervision, and operation of all County departments including:
  - (a)** establishing the structure of departments, merging and eliminating departments, and establishing a managerial hierarchy;
  - (b)** supervising, directing, and reviewing the performance of all employees of the County, including the right to hire, fire, discipline, terminate, demote, and transfer all County employees; and
  - (c)** conducting audits, investigations and studies of the County's operations.
- 8** The Chief Commissioner is authorized to:
  - (a)** appoint an Acting Chief Commissioner to act in the place of, and with all the powers, duties, and functions of, the Chief Commissioner during absences of the Chief Commissioner;
  - (b)** attend all meetings of Council and Council Committees;
  - (c)** attend meetings of any boards, authorities, tribunals, and other bodies as required by Council;
  - (d)** establish and implement all policies and programs set out by Council;
  - (e)** retain, instruct, and pay for legal counsel to provide legal services to the County;
  - (f)** register, on behalf of the County, all forms of intellectual property including, but not limited to, trademarks, copyrights, and patents;
  - (g)** appoint:
    - (i)** inspectors under the *Agricultural Pests Act*, RSA 2000, c. A-8;
    - (ii)** inspectors under the *Weed Control Act*, SA 2008, c. W-5.1;

- (iii) soil conservation officers under the *Soil Conservation Act*, RSA 2000, c. S-15;
  - (iv) inspectors and investigators under the *Environmental Protection and Enhancement Act*, RSA 2000, c. E-12;
  - (v) fire guardians under the *Forest and Prairie Protection Act*, RSA 2000, c. F-19;
  - (vi) agricultural fieldmen under the *Agricultural Service Board Act*, RSA 2000, c. A-10;
  - (h) grant an application for a leave of absence without pay to an employee seeking to be run in a municipal election, pursuant to the *Local Authorities Elections Act*, RSA c. L-21; and
  - (i) prepare administrative consolidations of Bylaws.
- 9 (1) The Chief Commissioner is appointed as the Head under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25.
- (2) The Chief Commissioner is authorized to delegate in writing any duty, power, or function of the Head under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25, except the power to delegate.
- (3) Where an applicant under the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25 is required to pay a fee for services, the Chief Commissioner may set the fee payable, but the fee shall not exceed the fee payable in accordance with the *Freedom of Information and Protection of Privacy Regulation*, Alta Reg. 186/2008, or as amended.

## PART 5

### DELEGATION BY THE CHIEF COMMISSIONER

- 10 (1) The Chief Commissioner is authorized to further delegate any power, duty, or function delegated by Council to the Chief Commissioner, and is authorized to permit or prohibit further delegations of any power, duty, or function delegated by Council to the Chief Commissioner.
- (2) Notwithstanding any delegation of power by the Chief Commissioner pursuant to this section, the Chief Commissioner shall remain responsible to Council for the exercising of any powers and responsibilities conferred by this Bylaw.

- 11** The matters delegated to the Chief Commissioner by this Bylaw are in addition to any other delegations made by Council to the Chief Commissioner or a designated officer.

## **PART 6**

### **FINANCIAL POWERS OF THE CHIEF COMMISSIONER**

- 12** The Chief Commissioner is authorized to:
- (a)** prepare and submit proposed annual operating and capital budgets, and interim or special budgets as required by Council;
  - (b)** designate the County's bank, credit union, or financial institution and open and close accounts that hold the County's money;
  - (c)** invest funds on behalf of the County as permitted under the *Municipal Government Act* and any other statute, enactment, Bylaw, or County policy;
  - (d)** pay any amounts which the County is legally required to pay pursuant to an Order or Judgement of a Court, Board or other tribunal of competent jurisdiction, relating to an action against the County;
  - (e)** approve the settlement of all insured actions, claims, or demands by or against the County;
  - (f)** approve the settlement of all uninsured actions, claims, or demands by or against the County, where the expenditure or revenue is authorized by County bylaw or policy, or by any Federal or Provincial statute or enactment;
  - (g)** initiate an action, claim, or demand in the appropriate court or administrative tribunal, providing the Chief Commissioner notifies Council of the action at the next regular Council meeting;
  - (h)** approve and enter into all agreements and contracts involving the sale, lease, or purchase of an interest in land, where the expenditure or revenue is included in an approved budget;
  - (i)** prepare and award all 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 awarded projects;

- (j) act pursuant to the provisions in any County policy that directs the Chief Commissioner to review expenditures, including, but not limited to:
    - (i) the *Authorization and Verification of Unbudgeted Expenditures* Policy;
    - (ii) the *Tangible Capital Assets Financial Reporting Policy*; and
    - (iii) the *Municipal Reserves* Policy;
  - (k) exercise all the taxation powers and responsibilities assigned to a municipality under Part 10 of the *Municipal Government Act*; and
  - (l) set reserve bids and conditions of sale for a parcel of land or a manufactured home offered for sale at a public auction pursuant to Part 10, Division 8, and Part 10, Division 8.1 of the Act.
- 13** The Chief Commissioner is authorized and required to regularly report to Council on:
- (a) the operations of the County; and
  - (b) the financial condition of the County.

## **PART 7**

### **SIGNING AUTHORITY**

- 14** The Chief Commissioner is authorized to enter into and sign agreements and contracts if the expenditure or revenue contemplated in the agreement or contract is included in an operating budget, interim operating budget, capital budget, or is otherwise authorized by County bylaw or policy, or by any Federal or Provincial statute or enactment.
- 15** (1) The Mayor's authority to sign agreements, cheques, and other negotiable instruments is delegated to the Chief Commissioner where:
- (a) the total value of the agreement, cheque, or other negotiable instrument is included in an operating budget, interim operating budget, or capital budget; and
  - (b) the Chief Commissioner's signing authority has been delegated to another employee or a designated officer of the County.

**(2)** The Chief Commissioner is authorized to delegate the Mayor's signing authority provided:

- (c)** the Mayor's signing authority is delegated to an employee or a designated officer of the County;
- (d)** the Mayor's signing authority is not delegated to the same person that the Chief Commissioner's signing authority has been delegated to; and
- (e)** the delegation of the Mayor's signing authority is made in writing.

**(3)** If, at any time, the Mayor's signing authority and the Chief Commissioner's signing authority are both vested in the same person, the Mayor's signing authority shall revert back to the Mayor.

- 16** The Chief Commissioner's signature, and the signatures of any other employee or designated officer to whom the Chief Commissioner delegates signing authority, may be printed, lithographed, or otherwise reproduced.

## **PART 8**

### **GENERAL**

- 17** Should any provision of this Bylaw be invalid then such provision shall be severed and the remaining Bylaw shall be maintained.
- 18** Nothing in this Bylaw shall operate to relieve any person from complying with any Federal, Provincial, or other County law, order, regulation, or Bylaw.

- 19** Bylaw 2-95 is hereby repealed.
- 20** Bylaw 40-2001 is hereby repealed.
- 21** Bylaw 8-2008 is hereby repealed.
- 22** This Bylaw shall come into force and effect after third reading and upon being signed.

Read a first time this 3rd day of November, A.D. 2015.

Read a second time this 3rd day of November, A.D. 2015.

Read a third time this 3rd day of November, A.D. 2015 and finally passed.

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Roxanne Carr  
Mayor

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Mavis Nathoo  
Director, Legislative & Legal Services

Date Signed: November 10, 2015