

TOWN OF TABER  
BYLAW NO.1-2020

**BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF ESTABLISHING THE POSITION OF CHIEF ADMINISTRATIVE OFFICER WITHIN THE TOWN OF TABER.**

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WHEREAS Section 205 of the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits that a Council must by bylaw establish the position of Chief Administrative Officer;

AND WHEREAS various sections of the *Municipal Government Act* of the Province of Alberta and other statutes of the Province of Alberta delineate the duties and responsibilities of the Chief Administrative Officer;

NOW THEREFORE, the Council of the Town of Taber in the Province of Alberta, duly assembled, hereby enacts as follows:

**1.0 NAME OF BYLAW**

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

**2.0 DEFINITIONS**

In this Bylaw:

**Act** means any Act of the Legislature of Alberta, as amended from time to time;

**Bylaw** shall mean a bylaw of the Town of Taber;

**Chief Administrative Officer** means the person appointed by Council to be the Town Manager regardless of the specific title that may be conferred on the Officer by Council from time to time. This term is synonymous with "Town Manager" and "CAO" for the purposes of this bylaw;

**Council** means the Council for the Town of Taber and is inclusive of the Chief Elected Official unless otherwise noted;

**Director** means the manager responsible for those departments set out in the official Town of Taber Organizational Chart and as amended from time to time, regardless of the specific title that may be conferred on the manager from time to time;

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<b>Mayor</b>	means the Chief Elected Official of the Council of the Town of Taber;
<b>Municipality</b>	refers to the municipal corporation of the Town of Taber;
<b>Town</b>	means the Town of Taber, in the Province of Alberta;
<b>Town Councillor</b>	means a Councillor of the Town of Taber and in this instance does not include the Chief Elected Official;
<b>Secretary</b>	means the Chief Administrative Officer or their designate;

### 3.0 REFERENCES

- 3.1 All references to any policy, procedure, bylaw, protocol, practice standard, guideline, or enactment includes any and all amendments thereto.

### 4.0 APPOINTMENT

- 4.1 There shall be in and for the Town a Chief Administrative Officer who shall be appointed, by resolution of Council, for reason of their qualifications and training and who shall carry out any and all of the executive and administrative duties and powers of Council, or others as Council has the power to delegate, as set out in the *Municipal Government Act* and such other executive and administrative duties, as may have, prior to this bylaw or hereafter from time to time be vested, conferred or delegated, up onto the Chief Administrative Officer by bylaw or by resolution of Council.
- 4.2 Council shall, by ordinary resolution, appoint a person to the office of Chief Administrative Officer and the terms of that appointment including remuneration, duration of appointment, notice (if any) of termination of appointment, and any other terms that are consistent with this Bylaw or the *Municipal Government Act*, shall be included in a written agreement.
- 4.3 Council may by resolution appoint and prescribe the duties of an Acting Chief Administrative Officer who shall act during an illness, absence or other incapacity that may prevent the Chief Administrative Officer from performing the duties of their Office.

### 5.0 DELEGATION OF AUTHORITY

- 5.1 The Chief Administrative Officer may delegate any of their powers, duties, or functions under this or any other bylaw or statute to an employee of the Town.

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5.2 The Chief Administrative Officer must delegate their authority should they have a medical and/or time-off related absence longer than 3 consecutive working days (72 hours).

**6.0 CONDUCT OF THE CHIEF ADMINISTRATIVE OFFICER**

6.1 In carrying out their administrative duties, the Chief Administrative Officer must:

- a) Act upon the will of Council as a whole and not on the will of individuals members of Council;
- b) Direct Administration and the actions of the municipality in accordance with Council's strategic plan, bylaws, policies, and other directions;
- c) Forward any complaints, concerns, or feedback to the appropriate individual or department for reasonable follow up; and
- d) Address any actions or activities of Administration that may harm or seek to harm relationships with members of Council, citizens, or stakeholders.

6.2 In their relationship with Council, the Chief Administrative Officer must:

- a) Conduct themselves as the Town's chief policy advisor in an honest and ethical manner;
- b) Provide advice on all issues that is professionally sound, ethical, legal, and in accordance to the policies and objectives of Council;
- c) Share information to all members of Council when deemed appropriate in responding to a request from one Councillor;
- d) Ensure that members of Council are accorded respect in all personal and public comments;
- e) Treat members of Council and Administration with respect and integrity;
- f) Lead, establish, and maintain a positive and constructive environment for members of Council, Administration, residents, stakeholders, and businesses;
- g) Listen carefully to the concerns of Council via the Chief Administrative Officer's performance review and seek to improve any deficiencies on an ongoing basis;
- h) Admit to mistakes of substance made by the Chief Administrative Officer and/or Administration and take corrective action;

6.3 The Chief Administrative Officer shall refrain from abusive conduct, public comments on staff performance, personal charges, or verbal attacks upon the character or motive of any member of Council, Administration, committees, stakeholders, businesses, citizens, or staff.

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**7.0 RESPONSIBILITY & AUTHORITY**

- 7.1 The Chief Administrative Officer shall have all the powers, duties, and functions as set out in the *Municipal Government Act*.
- 7.2 Unless a designated officer is expressly appointed in this Bylaw or any other bylaw of the Town, the Chief Administrative Officer has all the powers, duties, responsibilities, and functions given to a designated officer under the *Municipal Government Act* or any other statute or legislation.
- 7.3 Without limiting the generality of section 7.1, the Chief Administrative Officer is the head of the Town within the meaning of the *Freedom of Information and Protection of Privacy Act*.
- 7.4 The Chief Administrative Officer shall adhere to all laws, legislation, regulations, bylaws, and policies at all times, including (but not limited to) the *Canadian Charter of Rights and Freedoms*, the *Municipal Government Act*, and the *Freedom of Information and Protection of Privacy Act*.

**COUNCIL-RELATED RESPONSIBILITIES**

- 7.5 The Chief Administrative Officer is responsible to the Council of the Town of Taber for the overall administration of municipal operations of the Town in accordance with objectives, policies and plans approved by the Council.
- 7.6 In carrying out these responsibilities the Chief Administrative Officer shall work in close liaison with the Mayor and Councillors.
- 7.7 The Chief Administrative Officer shall provide reasonable effort to make themselves available for the Mayor and Councillors to meet beyond the scope of a Council meeting to discuss questions, feedback, or address any concerns a member of Council may have.
- 7.8 The CAO shall ensure Council receives all information and reports as it requires to make effective policy decisions and monitor the effectiveness of administrative operations.
- a) Report to Council on the effectiveness of its policies and programs, and report regularly of the progress thereon to the Council; and
  - b) Keep Council informed of the day to day operations of the Town which, in the Chief Administrative Officer's opinion, should be made familiar to them.
- 7.9 Report to Council any matters, either administrative or financial, that relates to the control of the Town's affairs.
- 7.10 Attend or be represented by a designate at all meetings of Council, Committees, Boards and Commissions as appointed by Council, and assist in the decision making process by providing advice, guidance, and consultation as required.

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- 7.11 Remain fully informed of the transaction of all Committees, Boards, and Commissions authorized by Council and to further provide coordination with committees outside of the scope of Council legislative power, but pertinent to the daily operations of the Town business.

**MANAGEMENT OF ADMINISTRATION AND PERSONNEL**

- 7.12 The CAO shall supervise Town Administration personnel in the performance of their duties. They shall direct, control, and coordinate the activities of the various Town Departments, and, in addition to the powers and duties prescribed by the Act and other statutes and the powers and duties as may from time to time be delegated to him by bylaw or resolution of Council, shall also conduct the management of Administration in compliance with this and other bylaws and policies of the municipality.
- 7.13 Coordinate and direct presentations by administrative staff to Council on policy proposals and ongoing municipal operations making recommendations where appropriate.
- 7.14 Catalogue the bylaws, policies, and procedures of the Council and ensure that information concerning these documents are distributed to and understood by relevant administrative officials.
- 7.15 In compliance with any union contract that Council has adopted by resolution, ensure the development of comprehensive personnel policies and programs covering the selection, compensation, development, retention, appraisal and placement of Town employees.
- 7.16 Appoint, promote, demote, transfer, or dismiss Town employees, except as delegated through resolution or designated policies and procedures.
- 7.17 Act on the union negotiating committee representing Council to recommend to Council positions concerning wages, salaries, benefits, and working conditions.
- 7.18 Replace existing, vacant positions in the approved salary range. All positions must receive prior approval of Council.
- 7.19 Review the Town's organization and departmental structure regularly and recommend to Council any changes to improve operational effectiveness of efficiency.

**BUDGET RESPONSIBILITIES**

- 7.20 Cause the development of satisfactory procedures concerning budget preparation and financial reporting of the Town's revenues and expenditures.
- 7.21 Ensure preparation and submission to the Council of annual budgets with appropriate explanations and substantiating information, with consideration given to cost efficiencies and eliminations effected where possible without changing established programs or service levels unless otherwise deemed appropriate by Council.

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- 7.22 Ensure the efficient procurement and safekeeping of goods and services for which funds are provided within the Budget.

**THIRD-PARTY RELATIONSHIPS**

- 7.23 Perform as liaison with other local governments, and the Provincial or Federal Governments when required.
- 7.24 Ensure the prompt and proper handling by the administration of all requests, enquiries and complaints by residents of the Town, including the establishment of Town policies and procedures for dealing with complaints.
- 7.25 Keep informed about governmental and community affairs and ensure that the Council and Town employees are made aware of significant trends.
- 7.26 Make public statements where such statements do not contravene policy established by Council.

**OTHER DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER**

- 7.27 Where a matter is not covered by terms of this or any other Town Bylaw and the Chief Administrative Officer deems it proper and expedient to implement changes they may make such recommendations to Council as may be appropriate.
- 7.28 Perform other duties as may be required by the Council.
- 7.29 Unless a designated officer is expressly appointed in this Bylaw or another bylaw of the Town, the Chief Administrative Officer has all the powers, duties, and functions given to a designated officer under the *Municipal Government Act* or any other statute or enactment.

**8.0 PURCHASING AUTHORITY**

- 8.1 The Chief Administrative Officer shall have authority over procurement and purchasing of materials, supplies, services, and entering into contracts when so required by Council.
- 8.2 The Chief Administrative Officer shall ensure that the Town of Taber has a Purchasing and Procurement Policy that is endorsed by Council and provides a framework for the ethical and responsible manner of procurement for goods and services for the municipality.
- 8.3 The authorized financial levels for purchasing and procurement shall be determined by the official Procurement and Purchasing Policy as approved by resolution of Council and as amended from time to time and the corresponding Procedure as approved by the Chief Administrative Officer and as amended from time to time.

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**9.0 EMERGENCY EXPENDITURES**

- 9.1 The Chief Administrative Officer may authorize and approve any necessary agreements or purchases for an emergency expenditure not in an approved budget that does not exceed \$100,000.00 from any source of funds.
- 9.2 Should a proposed emergency expenditure cost more than the figure outlined in Section 9.1, Council shall be contacted for an emergency special meeting so they may authorize the expenditure.
- 9.3 What constitutes an emergency or extraordinary situation shall be decided on by the Chief Administrative Officer, but may include any purchase that will safeguard the processes, security, safety, or business continuity of the municipality, its services, its staff, or citizens.
- 9.4 The Chief Administrative Officer must report on the implications of any emergency expenditures authorized by this section to Council at their next available Council meeting. The Chief Administrative Officer may also choose to request a special meeting of Council to discuss the emergency expenditure.

**10.0 LEGAL MATTERS AND INSURANCE**

- 10.1 The Chief Administrative Officer has the authority to seek legal counsel on matters affecting the Town of Taber.
- 10.2 Except where otherwise instructed by Council, instruct legal counsel on any matter involving any potential legal and Administrative proceedings involving the Town, and without limiting the foregoing to:
- a) Arrange for the provision of legal services to Council, Town Committees, and departments of the Town; and
  - b) Arrange for legal counsel to serve and/or appear in any court proceedings including (but not limited to) defending, intervening, and enforcing any legal matter that the Town of Taber may choose to undertake.

**11.0 CONTRACTS AND AGREEMENTS**

- 11.1 The Chief Administrative Officer is authorized to approve and enter into any and all agreements and contracts, subject to the official Town of Taber Signing Authority Policy and any amendments therein.
- 11.2 Have prepared and award all tenders and enter into all agreements and contracts required for the completion of such tenders in accordance with the official Town Purchasing and Procurement Policy and Procedure and in accordance with the official Council-approved budget.
- 11.3 Following approval by Council, enter into all agreements and contracts involving:
- a) The sale of the fee simple interest or acquisition of the fee simple interest in land;

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- b) Leases of land where the Town is the lessor;
- c) Leases of land where the Town is the lessee;
- d) The disposition of any interest in land (not described above) or the acquisition of any interest in land (not described above); and

- 11.4 Enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under the *Municipal Government Act*;
- 11.5 Enter into all agreements and contracts incidental to the development and subdivision of land within the Town pursuant to the Municipal Government Act and the Town's statutory plans, and complete any and all documents required or incidental to such developments or subdivisions. The Chief Administrative Officer may refer proposed agreements and contracts to Council for consideration and approval at their discretion.
- 11.6 Approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment.
- 11.7 Retain the services of any individual or corporation for the purposes related to the operations of the Town and complete all necessary documents required for the provision of such services, provided that the expenditure does not exceed budget.
- 11.8 Enter into all agreements and contracts for the sale or other disposition of property and equipment which is surplus to the Town's needs.

**12.0 ROAD CLOSURE AUTHORITY**

- 12.1 The Chief Administrative Officer is authorized to temporarily close the whole or part of a municipal roadway at any time and as per the Town's official Traffic Control Bylaw and any amendments thereto.
- 12.2 All road closures shall be done in writing and shall be agreed to in writing.
- a) A written road closure may be exempted in the case of an emergency. What constitutes an emergency road closure shall be at the sole discretion of the Chief Administrative Officer.

**13.0 SIGNING AUTHORITY**

- 13.1 Council authorizes the Chief Administrative Officer to delegate authority for signing agreements, contracts, and other negotiable instruments to other employees of the municipality as deemed suitable.
- 13.2 The Chief Administrative Officer may also delegate their signing authority through a Council-endorsed Policy, and as amended from time to time.
- 13.3 Signatures may be printed, stamped, lithographed, or electronically reproduced.



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**14.0 ORGANIZATION**

14.1 Except for the purpose of official inquiry or emergency, Town Council shall deal with and control the administration of the municipality through the Chief Administrative Officer, and as normal practice require that its directives be carried out through the offices of the Chief Administrative Officer.

14.2 The Organizational structure of the municipality shall be as follows:

- a) All Administrative Staff answer directly to the Chief Administrative Officer; and
- b) The Chief Administrative Officer answers directly to the Mayor and Council.

**15.0 PERFORMANCE EVALUATION**

15.1 As per section 205.1 of the *Municipal Government Act*, Council will complete an annual written performance evaluation with the Chief Administrative Officer on or before April of each year or at such other time as agreed to by Council and the Chief Administrative Officer.

15.2 The Performance Evaluation shall evaluate the CAO's duties and responsibilities and the results achieved under Section 207 of the *Municipal Government Act*.

**16.0 SEVERABILITY**

16.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

16.2 Words in the singular include the plural and words in the plural include the singular.

**17.0 INTENTION OF TOWN COUNCIL**

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

**18.0 RESCINDED OR AMENDED BYLAWS**

Bylaw No. A-360 is hereby repealed in its entirety.

Bylaw No. 8-2005 is hereby repealed in its entirety.

**19.0 EFFECTIVE DATE**

This bylaw shall take effect on the day of the final passing and the signatures of the Chief Elected Official and duly authorized designated officer thereof.

RES. 30/2020 Read a first time this 27<sup>th</sup> day of January, 2020

RES. 31/2020 Read a second time 27<sup>th</sup> day of January, 2020

RES. 33/2020 Read a third time and finally passed 27<sup>th</sup> day of January, 2020

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TOWN OF TABER

  
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MAYOR

  
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CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

