

TOWN OF BANFF

BYLAW 366

Chief Administrative Officer and Designated Officer Bylaw

A bylaw to establish the positions of chief administrative officer and designated officers.

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as the CAO and Designated Officers Bylaw.

2.0 DEFINITION

- 2.1 In this bylaw,
- 2.1.1 “Bylaw” means this CAO and Designated Officers Bylaw.
- 2.1.2 “CAO” means the chief administrative officer for the Town appointed pursuant to this Bylaw and as defined in the *Municipal Government Act*;
- 2.1.3 “Council” means the municipal council of the Town.
- 2.1.4 “FOIP” means the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c-F25 and the regulations thereunder;
- 2.1.5 “MGA” means the *Municipal Government Act*, RSA 2000, M-26 and the regulations thereunder; and
- 2.1.6 “Town” means the municipal corporation of the Town of Banff.

3.0 INTERPRETATION

- 3.1 Any references in this Bylaw to any statutes, regulations, bylaws or other enactments is to those statutes, regulations, bylaws or other enactments as amended or replaced from time to time and any amendments thereto.
- 3.2 The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation

4.0 Chief Administrative Officer

- 4.1 The position of the CAO is hereby established.
- 4.2 The CAO shall be given the title of “Town Manager”.
- 4.3 Council will by resolution appoint an individual to the position of Town Manager.
- 4.4 Council will establish the terms and conditions of the Town Manager’s employment.
- 4.5 The Town Manager is authorized to appoint an acting Town Manager to act in the absence of the Town Manager and to delegate the Town Manager’s powers, duties and functions to that acting Town Manager with the Mayor’s approval. The Town Manager will advise Council of any Acting Town Manager appointment.
- 4.6 Council may appoint an acting Town Manager during the illness or other incapacity of the Town Manager.
- 4.7 The Town Manager shall be responsible to Council for the overall administration of municipal operations of the Town in accordance with the objectives, policies and plans approved by Council.
- 4.8 In the case of emergency, the Town Manager is authorized to incur any expenditure not previously approved by council provided a detailed report on such expenditure and its need is presented at the next meeting of Council.
- 4.9 The Town Manager is delegated authority for the management of Town personnel.
- 4.10 The Town Manager shall notify Council of the termination of any department manager.
- 4.11 Without limiting the generality of section 4.7 of this Bylaw, the Town Manager is the head of the Town within the meaning of FOIP.
- 4.12 The Town Manager is the designated officer to act as the clerk of the assessment review boards having jurisdiction in the Town of Banff.
- 4.13 Unless a designated officer is expressly appointed in this Bylaw or another bylaw of the Town, the Town Manager has all the powers, duties and functions given to a designated officer under the *Municipal Government Act* or any other statute or enactment.

- 4.14 The Town Manager is authorized to revise any or all of the bylaws of the Town 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, without providing for its repeal, a bylaw or provision of a bylaw that is of a transitional nature or refers only to a particular place, person or thing or that has no general application throughout the municipality;
 - d) Combining 2 or more bylaws into one, dividing a bylaw into 2 or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of another or 2 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 materials contained in a bylaw that can more conveniently be contained in a resolution, and adding authority for the forms or other material to be presented by resolution;
 - h) Correcting clerical, grammatical and typographical errors; and
 - 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.

- 4.15 The Town Manager is authorized to temporarily close the whole or part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
- 4.16 The Town Manager shall perform the duties assigned by the Municipal Government Act, and the duties assigned by any bylaw or resolution of Council. The Town Manager shall direct, control, and co-ordinate the activities of the various Town departments.

- 4.17 Council will meet with and provide the Town Manager with an annual written performance appraisal.

5.0 DELEGATION BY CAO

- 5.16 The Town Manager is authorized to delegate and to authorize further delegations of any powers, duties and functions assigned to the Town Manager by Council under the *Municipal Government Act* and under this or any other bylaw to a designated officer or an employee of the Town.
- 5.17 Notwithstanding any delegation of power by the Town Manager pursuant to section 5.1, the Town Manager shall remain responsible to Council for exercising any powers and responsibilities conferred by this Bylaw.

6.0 SIGNING AUTHORITY

- 6.16 The Town Manger and the Manager of Corporate Services are established as the designated officers for the purpose of signing or authorizing municipal documents.
- 6.17 Council hereby delegates authority for signing cheques for all expenses approved with the limits of the of the Town of Banff Purchasing Policy as follows:
- a) The first signature shall be provided by the Town Manager or the Manager of Corporate Services, and
 - b) The second signature shall be provided by the Mayor or by a Councillor delegated signing authority through a council motion.
- 6.18 Council hereby delegates authority for signing agreements, contracts, and other negotiable instruments to the Town Manager and the Manager of Corporate Services. Council authorizes the designated officer to act alone.
- 6.19 Council authorizes the Town Manager to further delegate authority for signing agreements, contracts, and other negotiable instruments to other employees of the municipality.
- 6.20 Signatures may be printed, stamped, lithographed or electronically reproduced.

7.0 MUNICIPAL ASSESSOR

- 7.16 The Municipal Assessor is the designated officer for the purposes of carrying out the duties and responsibility of an “assessor” under the *Municipal Government Act*.
- 7.17 The Town Manager will appoint an individual to the position of Municipal Assessor.
- 7.18 The Municipal Assessor is the designated officer for the following section of the Municipal Government Act:
- a) Section 482: Admissible evidence at hearing; and
 - b) Section 525(2): Admissible evidence at hearing.
- 7.19 The powers, duties and functions assigned to the Municipal Assessor by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council or the Town Manager to the Municipal Assessor.
- 7.20 The Municipal Assessor is authorized to delegate and to authorize further delegations of any of the Municipal Assessor’s powers, duties or functions under an enactment or bylaw to an employee of the Town.

8.0 SEVERABILITY

- 8.16 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.

9.0 REPEAL

- 9.16 Bylaw 7-2, the Municipal Manager Bylaw, is repealed.
- 9.17 Bylaw 24, the Town of Banff FOIP Authority and Fees Bylaw, is repealed.
- 9.18 Bylaw 85-2, the Municipal Assessor Bylaw, is repealed.

10.0 ENACTMENT

- 10.16 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

READ A FIRST TIME this 22nd day of August, 2016.

READ A SECOND TIME this 22nd day of August, 2016.

READ A THIRD TIME this 22nd day of August, 2016.

SIGNED AND PASSED this 22nd day of August, 2016.

2016.08.22
Karen Sorensen
Mayor

2016.08.22
Robert Earl
Town Manager