

## **BYLAW NO: 25/018**

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO ESTABLISH THE POSITION OF THE CHIEF ADMINISTRATIVE OFFICER**

**WHEREAS** Section 205 of the *Municipal Government Act*, RSA 2000, c. M-26 (the “MGA”) requires that a Council must establish by bylaw a position of chief administrative officer;

**AND WHEREAS** the MGA, its regulations, and other provincial statutes grant the chief administrative officer certain duties, powers, and responsibilities independently of Council;

**AND WHEREAS** the MGA allows for Council to delegate further duties, powers, and responsibilities to the chief administrative officer;

**AND WHEREAS** Section 201 (2) of the MGA states that Council must not perform any duty, power, or responsibility once delegated by a bylaw to the chief administrative officer;

**NOW THEREFORE**, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

#### **PART 1. DEFINITIONS AND INTERPRETATION**

##### **Short Title**

1. This Bylaw may be cited as the “Chief Administrative Officer Bylaw” or the “CAO Bylaw.”

##### **Definitions**

2. In this Bylaw:
  - (a) “Act” means the *Municipal Government Act*, RSA 2000, c M-25 as amended or any successor legislation;
  - (b) “Acting Chief Administrative Officer” means the person appointed by the Chief Administrative Officer to fulfill the duties, powers, and responsibilities of the position in their absence;
  - (c) “Appraised Market Value” means a report, written by an Appraisal Institute of Canada designated appraiser, of the market value of the real property as of a specified date that evaluates the real property rights, interests, or benefits involved according to accepted appraisal practices;

- (d) “Chief Administrative Officer” or “the CAO” means the person appointed by Council to fulfill the duties, powers, and responsibilities of the chief administrative officer according to the *Act* and this Bylaw;
- (e) “Claim” means any demand, action, or proceeding regardless of whether the legal process has commenced, where damages, compensation, or other remedy is sought;
- (f) “Emergency” means a situation in which there is imminent danger to public safety or of serious harm to property where a state of local emergency has not been declared;
- (g) “Interim Chief Administrative Officer” means the person appointed by Council who holds the temporary position of Chief Administrative Officer during a vacancy in the position;
- (h) “Member-in-Charge” means the commander of the RCMP detachment or other senior member in charge of the municipal police service; and
- (i) “Natural Person Powers” means the capacity, rights, powers, and privileges of a natural person as limited by the *Act*.

### **Interpretation**

- 3. Any reference in this Bylaw to any provincial legislation shall include all amendments, regulations, and any successor legislation.
- 4. In the event that this Bylaw is in conflict with any other bylaw or resolution of Council, this Bylaw shall prevail.
- 5. Where there are conditions specified to be met in order for the CAO to exercise their authority and those conditions are not met, the authority reverts to Council.

## **PART 2. ESTABLISHMENT**

### **Appointment**

- 6. The position of Chief Administrative Officer (the “CAO”) is established.
- 7. Council shall, by resolution, appoint a person to the position of CAO.
- 8. In the case of a vacancy in the position of CAO, Council shall, by resolution, appoint a person to the temporary position of Interim CAO.
- 9. The CAO may designate another employee of the Municipality as Acting CAO to act during their temporary absence, provided that absence does not exceed three (3) consecutive weeks.

10. If the CAO's absence is expected to exceed three (3) consecutive weeks, Council may, by resolution, appoint another employee of the Municipality as Acting CAO.
11. The Acting or Interim CAO has all the powers, duties, and responsibilities of the CAO under this or any other Bylaw, except where noted.

## **PART 2. RELATIONSHIP TO COUNCIL**

### **Accountability**

12. The CAO shall report and be accountable to Council for exercising all of their duties, powers, and responsibilities.
13. Where the Council has established a policy, the CAO must not take actions contrary to that policy.

### **Reporting**

14. The CAO must regularly report in writing, at a frequency determined by Council, to Council on all significant matters and issues affecting the municipality, or as requested by Council.
15. The CAO must report to Council, on a semi-annual basis, a progress report on the status of:
  - (a) projects included in the capital budget with a breakdown by ward noting which projects that will not be completed in their anticipated budget year or will exceed their planned budget;
  - (b) municipal land sales and purchases;
  - (c) agreements that generate revenue for the Municipality;
  - (d) agreements where the Municipality receives grant funding;
  - (e) collective bargaining;
  - (f) intergovernmental relations; and
  - (g) litigation involving the Municipality.
16. The CAO must report to Council, as needed, actual or anticipated changes to organizational structure where those changes will impact service delivery levels or budget.
17. Reports required by this Bylaw may be delivered to Council through email unless Council requests a presentation in a public or closed session.

### **Evaluation**

18. Council shall evaluate the performance of the CAO on an annual basis and provide the CAO with a formal written performance report.
19. In addition to section 18, Council shall conduct a semi-annual assessment of the CAO's performance in order to informally advise them on their progress on goals and priorities.

## **PART 3: ADMINISTRATION**

### **Delegation**

20. The CAO is granted the authority to use their discretion to further delegate any duty, power, or responsibility under this Bylaw, the *Act*, or any other bylaw to a designated officer or employee of the municipality.

### **Natural Person Powers**

21. The CAO is granted the authority to exercise Natural Person Powers with respect to the operations and administration of the municipality where authorized by this Bylaw or by Council.

### **General Duties, Powers, and Responsibilities**

22. The CAO is granted the authority to the following, in accordance with section 207 of the *Act*:
  - (a) recommend policies and programs to Council;
  - (b) implement policies and programs approved by Council;
  - (c) execute agreements and contracts subject to limitations in this Bylaw;
  - (d) attend all meetings of Council and Council committees, except those conducted in a closed session;
  - (e) attend all meetings of any board, tribunal, panel, or other bodies as directed by Council;

### **Administration**

23. The CAO is the administrative head of the municipality.
24. The CAO shall establish administrative and operational goals and priorities.
25. The CAO shall exercise, subject to the limitation in section 26, all authority and responsibilities in regard to:

- (a) establishing the structure of departments
  - (b) supervising, directing, and reviewing the performance of employees of the municipality
  - (c) hiring, appointing, suspending, laying off, or terminating employees with or without cause.
    - (1) the Acting CAO does not have the authority to lay off, or terminate an employee
26. The CAO shall inform Council prior to initiating significant changes to the municipality's organizational structure where that change impacts service levels or budget.
27. The CAO is granted the authority to negotiate collective agreements with each union representing municipal employees in accordance with the mandate as determined by Council.

#### **PART 4: FINANCES**

##### **Financial Matters**

28. The CAO is granted the authority to use their discretion to reallocate funds within an approved operating budget as long as service levels are not reduced or compromised.
- (a) The Acting CAO does not have the authority to reallocate funds within an approved operating budget.
29. The CAO may not reallocate funds within an approved operating budget to create new services, programs, or projects without approval of Council.
30. The CAO may not reallocate funds within an approved capital budget that will result in a cancellation of a capital project or the creation of a new capital project without approval of Council.
31. Where approval of Council is required under Part 4, the CAO will provide Council with the information needed to make the decision no less than 14 days before the meeting where the decision will be made.
32. In cases of Emergency, the CAO is granted the authority to spend up to \$1,000,000 specifically to deal with that Emergency outside of an approved budget and to report those expenditures to Council as soon as practicable.

## **Contracts and Agreements**

33. The CAO is granted the authority to use their discretion to approve any agreement to procure goods or services, including construction services, resulting from a competitive procurement process, provided that the funds for the agreement have been allocated in an approved budget.
34. The CAO is granted the authority to use their discretion to approve an agreement that is not the result of a competitive bid process subject to the following conditions:
  - (a) the funds for the agreement have been allocated in an approved budget; and
  - (b) the funds do not exceed \$75,000 for goods and services and \$200,000 for construction projects or the goods and services are exempt under a trade agreement.
35. The CAO is granted the authority to use their discretion to approve any agreement where the Municipality earns revenue by disposing of goods, by providing services, or licensing intellectual property rights.
36. The CAO is granted the authority to initiate and defend any Claim that is in the best interests of the Municipality.
37. The CAO is granted the authority to resolve or settle any Claim that is in the best interests of the Municipality, subject to the following conditions:
  - (a) all insured Claims by or against the Municipality;
  - (b) all uninsured Claims by or against the Municipality where required by Federal or Provincial statutes;
  - (c) all uninsured Claims by or against the Municipality where the expenditure was authorized by Council through bylaw or policy; and
  - (d) all uninsured Claims by or against the Municipality where the amount payable is less than \$500,000, including judgment interest.
38. The CAO is granted the authority to use their discretion to approve any agreement where the Municipality receives grant funding from a third party.
39. The CAO is granted the authority to approve of agreements between the Municipality and Indigenous governments subject to the following conditions:
  - (a) the value of the agreement is less than \$500,000; and
  - (b) the term of the agreement is less than 5 years.

## **Land Matters**

40. The CAO is granted the authority to use their discretion to approve agreements to acquire a fee simple interest in land that is zoned for residential purposes, subject to the following conditions:
  - (a) the funds for the purchase have been allocated in the approved capital budget; and
  - (b) the purchase price is not greater than 10% above Appraised Market Value.
41. The CAO is granted the authority to use their discretion to approve agreements to acquire a fee simple interest in land that is zoned as non-residential, subject to the following conditions:
  - (a) the funds for the purchase have been allocated in the approved capital budget;
  - (b) the purchase price is not greater than 10% above Appraised Market Value; and
  - (c) the purchase price is \$1,000,000 or less.
42. The CAO is granted the authority to use their discretion to approve agreements to dispose of fee simple interest in land located in the urban service area that is zoned for residential purposes where the sale price is not less than 90% of Appraised Market Value.
43. The CAO is granted the authority to use their discretion to approve agreements to dispose of fee simple interest in land located in the urban service area that is zoned as non-residential, subject to the following conditions:
  - (a) the sale price is not less than 90% of Appraised Market Value; and
  - (b) the sale price is \$1,000,000 or less.
44. The CAO is granted the authority to use their discretion to approve leases of municipal land subject to the following conditions:
  - (a) the term of the lease is less than 25 years;
  - (b) the rent is calculated at fair market value; and
  - (c) the rent payable to the municipality by the tenant is less than \$1,000,000 per year

45. The CAO is granted the authority to use their discretion to approve agreements to acquire an interest in land for the purposes of an easement, encroachment, or right-of-way subject to the following conditions:
  - (a) the funds for the purchase have been allocated in the approved capital budget;
  - (b) the purchase price is not greater than 10% above Appraised Market Value of the interest in the land; and
  - (c) the purchase price is \$500,000 or less.
46. The CAO is granted the authority to use their discretion to approve agreements to dispose of an interest in land located in the urban service area for the purposes of an easement, encroachment, or right-of-way subject to the following conditions:
  - (a) the sale price is not less than 90% below Appraised Market Value; and
  - (b) the sale price is \$500,000 or less.
47. The CAO is granted the authority to use their discretion to approve agreements to place a restrictive covenant on municipal land where the Appraised Market Value of the land is less than \$1,000,000.
48. The CAO is granted the authority to use their discretion to approve licenses of occupation for the use of municipal land or road right-of-way subject to the following conditions:
  - (a) the term of the license is less than 10 years and
  - (b) the value of the license is less than \$500,000 per year.
49. The Acting CAO does not have the authority to approve agreements to acquire or dispose of land, approves leases, place restrictive covenants, or approve licenses of occupation.
50. The CAO is granted the authority to use their discretion to temporarily close all or part of a road in accordance with the *Act*.
51. The CAO is granted the authority to use their discretion to approve or refuse development applications, with or without conditions, in direct control districts. The best interests of the community where the direct control district is located must be considered when making a decision on the development application.



## **PART 5: ADDITIONAL RESPONSIBILITIES**

### **Permits and Licenses**

- 52. The CAO may issue orders, demands, tags, tickets, permits, or licenses as permitted by the Act or a bylaw.
- 53. The CAO may suspend, cancel, modify, or impose conditions on any municipal order, license, or permit.

### **Records Management**

- 54. The CAO is appointed the head of the public body for the purposes of the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c. F-25 as amended or any successor legislation.

### **RCMP**

- 55. The CAO is granted the authority to direct the Member-in-Charge to enforce municipal bylaws.
- 56. The Member-in-Charge shall report to the CAO on all matters of law enforcement in the municipality.

### **Repeal and Coming Into Force**

- 57. Upon this Bylaw coming into effect, Bylaw No. 17/021 all amendments thereto are hereby repealed.
- 58. This Bylaw comes into effect on the day it is passed.

Read a first time this 24<sup>th</sup> day of June, 2025.

Read a second time this 3<sup>rd</sup> day of July, 2025.

Read a third and final time this 3<sup>rd</sup> day of July, 2025.

Signed and Passed this 3<sup>rd</sup> day of July 2025.