

**ALBERTA BEACH
BYLAW NO. 276-20
Municipal Government Act RSA 2000 Chapter M-26
Part 6 Sections 205-212**

**A BYLAW OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA TO
ESTABLISH THE POSITIONS OF CHIEF ADMINISTRATIVE OFFICER AND
DESIGNATED OFFICERS.**

WHEREAS the *Municipal Government Act* provides that a Council must establish by bylaw a position of Chief Administrative Officer;

AND WHEREAS the *Municipal Government Act* provides that a Council may by bylaw establish one or more positions to carry out the powers, duties or functions of a Designated Officer;

AND WHEREAS Council wishes to exercise its authority pursuant to the *Municipal Government Act* by establishing the positions of Chief Administrative Officer and Designated Officers;

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

1. TITLE

- 1.1. This Bylaw may be cited as the "Designated Officer Bylaw".

2. INTERPRETATION

- 2.1. In this Bylaw, the following terms shall have the following meanings:

- a) "Bylaw" means this Designated Officer Bylaw;
- b) "CAO" means the Chief Administrative Officer for the Village appointed pursuant to this Bylaw and as defined in the *Municipal Government Act*;
- c) "Council" means the municipal Council of the Village;
- d) "Designated Officer" has the same meaning as defined in the *Municipal Government Act*;
- e) "FOIP" means the *Freedom of Information and Protection of Privacy Act*, RSA2000cF-25 and the regulations thereunder;
- f) "*Municipal Government Act*" or the "Act" means the *Municipal Government Act*, RSA 2000,cM-26 and the regulations thereunder;
- g) "Qualified Person" means a person who holds the credentials required, if any, to perform the powers, duties and functions of a Designated Officer; and
- h) "Village" means the municipal corporation of Alberta Beach.

- 2.2. 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.

- 2.3. Whenever a singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context requires.

- 2.4. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.

3. CHIEF ADMINISTRATIVE OFFICER

- 3.1. The position of the CAO is hereby established.

- 3.2. The CAO shall be given the title "Chief Administrative Officer".

- 3.3. The CAO shall be appointed by resolution of Council and may be engaged by an employment or other contract. If applicable, all aspects of employment not addressed in the employment contract shall be addressed by the Village personnel policies.

- 3.4. The CAO shall have all the powers, duties and functions of a Chief Administrative Officer as set out in the *Municipal Government Act*.

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- 3.5. Without limiting the generality of section 3.4 of this Bylaw, the CAO is the head of the local public body for the Village within the meaning of *FOIP*.
- 3.6. Unless a Designated Officer is expressly appointed in this Bylaw or another bylaw of the Village, the CAO has all the powers, duties and functions given to a Designated Officer under the *Municipal Government Act* or any other statute or enactment.
- 3.7. The powers, duties and functions assigned to the CAO by this Bylaw are in addition to any other powers, duties or functions assigned or delegated by Council to the CAO.

4. DELEGATION BY CAO

- 4.1. The CAO is authorized to delegate and to authorize further delegations of any powers, duties and functions assigned to the CAO by Council under the *Municipal Government Act* and under this or any other bylaw to a Designated Officer or an employee or agent of, or contractor for, the Village.
- 4.2. Without limiting the generality of section 4.1 of this Bylaw, the CAO is authorized to appoint an Assistant CAO and delegate the CAO's powers, duties and functions to that Assistant CAO and to authorize that Assistant CAO to act as the CAO during absences of the CAO.
- 4.3. Without limiting the generality of section 4.1 of this bylaw, the CAO is authorized to appoint an acting Designated Officer during an illness, scheduled absence or other incapacity of a Designated Officer.

5. DEVELOPMENT AUTHORITY

- 5.1. The Designated Officer position of Development Authority is established.
- 5.2. Council shall by resolution appoint a Qualified Person to the Designated Officer position of Development Authority and such Designated Officer may be engaged by a contract, including a contract as an independent contractor.
- 5.3. In addition to any additional powers given to the Development Authority by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, the Development Authority shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 624	Development Authority
Section 545	Order to remedy contraventions
Section 546	Order to remedy dangers and unsightly property
Section 645	Stop order

6. SUBDIVISION AUTHORITY

- 6.1. The Designated Officer position of Subdivision Authority is established.
- 6.2. Subject to the restrictions outlined in section 7.4 below, Council shall by resolution appoint a Qualified Person to the Designated Officer position of Subdivision Authority and such Designated Officer may be engaged by a contract, including a contract as an independent contractor.
- 6.3. In addition to any additional powers given to the Subdivision Authority by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, and subject to the express restriction outlined below, the Subdivision Authority shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:

Section 623	Subdivision Authority
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- 6.4. The authority of the Subdivision Authority is restricted in that the decision to grant approval, with or without conditions, or to refuse subdivision approval, shall be retained by the Village and shall be delegated expressly to Council.

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7. BYLAW ENFORCEMENT OFFICER

- 7.1. The Designated Officer position of Bylaw Enforcement Officer is established.
- 7.2. Council shall by resolution appoint one or more Qualified Persons to the Designated Officer position of Bylaw Enforcement Officer and such Designated Officer may be engaged by an employment or other contract.
- 7.3. In addition to any additional powers given to the Bylaw Enforcement Officer(s) by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, the Bylaw Enforcement Officer(s) shall exercise the powers, duties, and functions, and is(are) a Designated Officer for the following sections of the Act:
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| Section 542 | Municipal Inspections and enforcement |
| Section 544 | Inspecting Meters |
| Section 545 | Order to remedy contraventions |
| Section 546 | Order to remedy dangers and unsightly property |

8. ASSESSMENT REVIEW BOARD CLERK

- 8.1. The Designated Officer position of Assessment Review Board Clerk is established.
- 8.2. Council shall by resolution appoint a Qualified Person to the Designated Officer position of Assessment Review Board Clerk and such Designated Officer may be engaged by a contract, including a contract as an independent contractor.
- 8.3. In addition to any additional powers assigned to the Assessment Review Board Clerk by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, the Assessment Review Board Clerk shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:
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| Section 456(1) | Duties of the clerk of Assessment Review Board |
| Section 461 and 462 | Assessment Complaints |
| Section 469(1) | Notice of decision of Assessment Review Board |
| Section 483 | Decision admissible on judicial review |

9. MUNICIPAL ASSESSOR

- 9.1. The Designated Officer position of Municipal Assessor is established.
- 9.2. Council shall by resolution appoint a Qualified Person to the Designated Officer position of Municipal Assessor and such Designated Officer may be engaged by a contract, including a contract as an independent contractor.
- 9.3. In addition to any additional powers given to the Municipal Assessor by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, the Municipal Assessor shall exercise the powers, duties, and functions, and is the Designated Officer for the following sections of the Act:
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| Section 284.2 | Carry out duties and responsibilities of a municipal Assessor |
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10. SUBDIVISION AND DEVELOPMENT APPEAL BOARD CLERK

- 10.1. The Designated Officer position of Subdivision Development and Appeal Board Clerk is established.
- 10.2. Council shall by resolution appoint one or more Qualified Persons to the Designated Officer position of Subdivision and Development Appeal Board Clerk and such Designated Officer may be engaged by a contract, including a contract as an independent contractor.
- 10.3. In addition to any additional powers given to the Subdivision and Development Appeal Board Clerk by the *Municipal Government Act*, by the CAO or Council, or through other bylaws, the Subdivision and Development Appeal Board Clerk shall exercise the powers, duties, and functions, and is a Designated Officer for the following sections of the Act:

