



TOWN OF COCHRANE

Bylaw 26/2014

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada 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 the Town of Cochrane, 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 when capitalized shall have the following meanings:

- a) "Bylaw" means this Designated Officer Bylaw;
- b) "CAO" means the chief administrative officer for the Town appointed pursuant to this Bylaw and as defined in the *Municipal Government Act*;
- c) "Council" means the municipal council of the Town;
- d) "FOIP" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000 c F-25 and the regulations thereunder;
- e) "*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, c M-26 and the regulations thereunder; and

- f) "Town" means the municipal corporation of the Town of Cochrane.
- 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 so 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 have the all of the powers, duties and functions of a chief administrative officer as set out in the *Municipal Government Act*.
- 3.4 Without limiting the generality of section 3.3 of this Bylaw, the CAO is the head of the Town within the meaning of *FOIP*.
- 3.5 The CAO is the designated officer to act as the Clerk of the assessment review boards having jurisdiction in the Town of Cochrane.
- 3.6 Unless a designated officer is expressly appointed in this Bylaw or another bylaw of the Town, 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 CAO 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 a provision of a bylaw that is of a transitional nature or that 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 material contained in a bylaw that can more conveniently be contained in a resolution, and adding authority for the forms or other material to be prescribed 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.
- 3.8 The CAO is authorized to temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.
- 3.9 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 or to any other Town employee.

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 of the Town.
- 4.2 Without limiting the generality of section 4.1 of this Bylaw, the CAO is authorized to appoint a deputy CAO and delegate the CAO's powers, duties and functions to that deputy CAO and to authorize that deputy CAO to act as the CAO during absences of the CAO.

5. MUNICIPAL ASSESSOR

- 5.1 The position of assessor is hereby established as a designated officer of the Town.
- 5.2 The assessor shall be given the title "Municipal Assessor".
- 5.3 The Municipal Assessor is the designated officer for purposes of carrying out the duties and responsibility of an "assessor" under the *Municipal Government Act*.
- 5.4 The Municipal Assessor is the designated officer for the following sections of the *Municipal Government Act*:
- a) Section 482: Admissible evidence at hearing; and

- b) Section 525(2): Admissible evidence at hearing.
- 5.5 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 CAO to the Municipal Assessor.
- 5.6 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.

6. GENERAL

- 6.1 Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 6.2 This Bylaw comes into full force and effect upon the date of third and final reading.
- 6.3 This bylaw repeals the Town of Cochrane Bylaw 28/95 and the Town of Cochrane Bylaw 08/2011 in their entirety, including any amendments thereto.

This Bylaw shall come into full force and effect upon the date of third and final reading.

Read a first time December 8, 2014
Read a second time December 8, 2014
Unanimous consent December 8, 2014
Read a third time December 8, 2014



Mayor



Manager, Legislative Services