

TOWN OF HIGH RIVER
ALBERTA

BYLAW 4301/2011

Being a bylaw of the Town of High River in the Province of Alberta to establish and define the duties and powers of the Chief Administrative Officer and provide for the appointment of the Chief Administrative Officer as a designated officer.

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26, Section 205 requires that every Council must establish by bylaw the position of Chief Administrative Officer and appoint a person to carry out the powers, duties, and functions of such position;

WHEREAS Sections 207 and 208 of the Municipal Government Act of the province of Alberta provides that the Chief Administrative Officer shall exercise the powers and duties set out in the Municipal Government Act, and such other powers and duties as may be confirmed or delegated by Bylaw of Council

NOW
THEREFORE the Council of the Town of High River duly assembled, hereby enacts as follows:

1) DEFINITIONS

In this Bylaw;

- (a) "Act" means the Municipal Government Act, RSA 2000, Chapter M-26 as may be amended from time to time or any legislation which replaces the Act and includes any regulation to the Act or to any replacement legislation.
- (b) "CAO" means the Chief Administrative Officer
- (c) "Council" means the Council of the Town of High River
- (d) "Director" means those positions in the second line level as set out in the current organizational chart
- (e) "Town" means the municipal corporation known as the Town of High River.

2) TITLE

This Bylaw may be referred to as the "CAO's Bylaw".

3) ESTABLISHMENT OF THE POSITION OF CAO

- a) Pursuant to the provisions of Section 205 of the Act, Council hereby establishes the position of Chief Administrative Officer.
- b) Council by Bylaw shall appoint a person to carry out the powers, duties and functions of the position of Chief Administrative Officer.

4) APPOINTMENT

- a) There shall be for the Municipality, a CAO who shall be appointed by bylaw of Council, and who shall carry out any and all of the administrative duties and other duties as Council has the power to delegate as set out in the Act and such other administrative duties as may have priority to this Bylaw or hereafter from time to time be vested, conferred, or delegated in, upon and to the CAO by Bylaw of Council.
- b) The Council may, by Bylaw, appoint an acting CAO, and prescribe the duties, who shall act during illness, absence or other incapacity that may prevent the CAO from performing the duties of his or her office.

- c) The CAO shall designate an Acting CAO in planned absences from the office for any period longer than one day.

5) RESPONSIBILITY/AUTHORITY

- a) The CAO is responsible to the Council for the overall administration of municipality in accordance with objectives, policies and plans approved by Council. In carrying out these responsibilities, the CAO shall work in close liaison with the Mayor and supervise administrative personnel in the performance of their duties. He or she shall direct, control, and coordinate the activities of the various departments.

6) PERSONNEL ADMINISTRATION

- a) The CAO shall supervise all agents and employees of the municipality to the extent allowed by this Bylaw and the Act.
- b) All employees and agents of the municipality shall be appointed or engaged for employment with the municipality on the basis of qualifications and merit.
- c) The CAO shall make recommendations on all salaries of those employees subject to his or her supervision, within the limitations of any salary plan or salary contract agreement, after which plan or agreement has been adopted by Council.

7) DELEGATION OF CAO

- a) It is expressly implied that Council authorizes the CAO to delegate such responsibility as herein assigned to his or her office for the purpose of establishing an efficient and workable administrative structure. The delegation of authority shall be Directors, Managers, and officials of the municipality provided that it is in keeping with provisions of this Bylaw, and is not inconsistent with the Act or any other Act of the Province of Alberta. In all instances, Council shall hold the CAO responsible for his or her duties.
- b) To the extent that it is necessary to bring to bear on a given subject several disciplines, the CAO is hereby authorized to establish committees of employees for the proper and efficient administration of the municipal business. Such committees may be used for coordination of daily operations as well as for the furnishing of full information to Council upon inquiry.

8) ORGANIZATION

- a) The organization chart, as approved by Council from time to time, shall indicate the reporting and responsibility structure of the municipality.
- b) Except for the purpose of official inquiry, and emergency, the Council shall deal with and control the administrative service through the CAO and the Council shall as normal practice require that its directives be carried out through the offices of the CAO.

9) POWERS AND DUTIES

- a) Without limiting the Administrative powers of the CAO, the CAO shall:
- (i) hire as per approved budget, appoint, promote, suspend, demote or remove any employee from any position in the Town with notice to Council (preferably prior notice);
 - (ii) determine salaries, benefits, hours of work and other working conditions of Town employees;
 - (iii) ensure that performance reviews are completed for all employees on an annual basis;
 - (iv) develop and recommend, for Councils' approval, policies dealing with non-administrative matters as directed by Council;
 - (v) implement all policies and programs of the Town;
 - (vi) develop, approve, and implement policies, procedures, and practices dealing with administrative matters;
 - (vii) prepare and submit to Council, draft budgets for annual operating and capital programs, after working with department heads in order to meet his or her understanding of Council guidelines;
 - (viii) monitor and report on the operating and capital budgets;
 - (ix) advise and inform Council or Council Committees on the operation and affairs of the Town, through direct communication;
 - (x) prepare and submit such reports and recommendations as may be required by Council or Council committees;
 - (xi) subject to Council approval,
 - (a) create or eliminate any Town departments;
 - (b) negotiate any collective agreements or similar documents.
 - (xiii) provide quasi or initial legal advise within areas of expertise; and/or hire or retain legal counsel on behalf of the Town;
 - (xiv) participate as a prominent member of the team for economic development within the Town
 - (xv) provide public relations and generally promote the image of the municipality with the public and industry, including but not limited to dealing with the press and ensuring a positive image is presented by all employees;
 - (xvi) Act as the Head of the Local Public Body for the purposes of the Freedom of Information and Protection of Privacy Act, RSA 2000, Chapter F-25 and amendments thereto in the absence of the Designated Head of FOIP for the Town of High River.
- b) The CAO or delegate shall attend all meetings of Council and Council Committees as required, or those that are considered advisable to attend, unless excused there from.

- c) The CAO shall perform such other duties and functions and exercise such other powers as may be required for the effective administration of the Town including but not limited to entering into all contracts, agreements and transactions required for the effective operation of the Town provided that no action requires an expenditure of money that has not been included in an approved operating or capital budget or otherwise authorized by Council. Any reallocation, reassignment or adjustment of dollars from the operating or capital budget must be taken back to Council for approval.
- d) Unless otherwise specified in a bylaw creating a position of Designated Officer, the CAO shall be deemed to be appointed a designated officer under any statute or bylaw which permits or requires the Town to appoint a designated officer. The CAO may delegate any of the powers, duties, or functions given to the CAO position by Bylaw, the Act, or any other enactment to any employee of the Town. The CAO is responsible to ensure that any re-delegation of power, duty or function is properly exercised and carried out.
- e) The CAO may take whatever actions or measures are necessary to respond to an emergency.

10 EFFECTIVE DATE

- a) It is the intention of Council, that if any provisions of this Bylaw be declared invalid by a Court of Competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.
- b) Bylaw 3837/96 is hereby repealed.
- c) This bylaw shall take effect on the date of final passage.

11 CONFLICT

- a) In the event that the provisions of this bylaw conflict with any other bylaw, this bylaw shall govern.

READ A FIRST TIME THIS _____ DAY OF _____ A.D. 2011

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES

READ A SECOND TIME THIS _____ DAY OF _____ A.D. 2011

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES

READ A THIRD AND FINAL TIME THIS _____ DAY OF _____ A.D.
2011

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES