



**TOWN OF HINTON
BYLAW NO. 1159**

**A BYLAW OF THE TOWN OF HINTON TO ESTABLISH THE ROLE
AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE
OFFICER**

WHEREAS, pursuant to section 205(1) of the *Municipal Government Act*, Council must establish by Bylaw a position of Chief Administrative Officer;

AND WHEREAS, Council may, in accordance with Section 203 of the *Municipal Government Act*, delegate executive and Administrative duties, powers, and functions;

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

1.0 SHORT TITLE

1.1 This Bylaw may be referred to as the "CAO Bylaw."

2.0 APPOINTMENT, TERMS & CONDITIONS

2.1 Council hereby establishes the position of Chief Administrative Officer (CAO).

2.2 Council must, by resolution, appoint an individual to the position of CAO.

2.3 The person appointed by Council to the position of CAO will hold the position under terms and conditions established by an employment agreement as determined by Council.

2.4 Council may, by resolution, appoint an Interim CAO. The Interim CAO must act as the CAO if the CAO will be absent for over a month or is otherwise prevented from fulfilling the role of the CAO:

2.4.1 The Interim CAO shall have all the duties, powers, and functions of the CAO as provided in the Act, this Bylaw, the job description for the CAO, and other Provincial legislation and Town Bylaws, Policies, and Procedures.

2.5 The CAO may appoint an Acting CAO where such absences are for a period of less than one month:

2.5.1 The Acting CAO shall have all the duties, powers, and functions of the CAO as provided in the Act, this Bylaw, the job description for the CAO, and other Provincial legislation and Town Bylaws, Policies and Procedures.

- 2.6 The appointment of a person to the position of Chief Administrative Officer may only be made, suspended, or revoked if the majority of the whole Council votes to do so.

3.0 RESPONSIBILITIES

- 3.1 In order to carry out the responsibilities of the position, in accordance with any Bylaw or Policy of Council, Sections 207 and 208 of the Act, and any other enactment, the CAO has the authorities and responsibilities set out in this section. The CAO also has all of the powers, duties, and functions that are given to a CAO under the Act or any other enactment.

3.2 CAO Administrative Management Duties:

- 3.2.1 Hire, dismiss, promote, demote, reward, or discipline any municipal employee;
- 3.2.2 Direct, supervise, and review the performance of all departments and employees of the Municipality;
- 3.2.3 Implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the Municipality;
- 3.2.4 Determine the structure of Administration including establishing, merging, dividing, and eliminating Departments and establishing a managerial hierarchy as required for the effective, efficient, and safe operation of the Town;
- 3.2.5 Bring to Council for approval any change to the structure of the Administration of the Town which requires an increase to the approved budget and the approved Operating Plan;
- 3.2.6 Seek approval from Council regarding the creation or elimination of a Deputy CAO position;
- 3.2.7 Implement all Programs and Policies of the Municipality; and
- 3.2.8 Present the Organizational Chart to Council on a yearly basis as an information item.

3.3 CAO Council-Related Duties:

3.3.1 Meeting Attendance:

- a) Be present at any meeting of Council unless excused therefrom,
- b) Attend meetings of such boards, committees, commissions, or other bodies as may be required;

3.3.2 Budgeting:

- a) Oversee the preparation of budgets for operating and capital programs annually or more often as required or directed by Council,
- b) At the end of each fiscal year, or as required or directed by Council, prepare and submit a complete financial report on all financial activities of the Town during the preceding year,
- c) Monitor and report on the operating and capital budgets approved by Council,
- d) At no time may the CAO authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets unless in accordance with established Policy and Procedure respecting unbudgeted expenditures;

3.3.3 Communication:

- a) Advise and inform Council or Council committees on the operation and affairs of the Municipality,
- b) Provide reports and updates to Council regarding activities and community concerns,
- c) Ensure that Council is aware of any key Administrative and Political issues as they arise,
- d) Ensure that Council is made aware of all available information for each issue, at least to the extent that Administration is aware of such information,
- e) Keep Council informed on progress, recommended changes, and new matters that relate to the strategic plan and work programs on a regular basis,
- f) Prior to the execution of Section 3.2.4 above, the CAO must consult and inform Council of any substantial impact to the function and/or focus of Administration resulting from the structural change;

3.3.4 Council and Committee Reports:

- a) Prepare and submit reports and recommendations as required by Council and Council committees,
- b) Ensure that Council has access to reasonable decision options as well as the recommendation of the CAO,
- c) Utilize a consistent format and be proactive in providing a full range of information, background, issues defined, available options, and implications in the Requests for Decision reports and Direction Requests required for decision-making.

3.4 CAO Bylaw & Policy Development Duties:

- 3.4.1 Develop and recommend, for Council approval, Bylaws and Policies dealing with non-administrative matters as directed by Council, or at the initiation of Administration; and
- 3.4.2 Develop, approve, and implement Policies, Procedures, and Practices dealing strictly with Administrative matters.

3.5 CAO Third Party Relations Duties:

- 3.5.1 Negotiate contracts, agreements, and transactions required for the effective operation of the Municipality provided the expenditure does not exceed the amount approved by Council in its annual budget or result in a decrease to anticipated revenue which will impact the budget;
 - a) Should the contract, agreement, or transaction result in a budgetary impact as outlined in Section 3.5.1, the CAO is to bring a Report and recommend the approval of such to Council,
- 3.5.2 Conclude contract negotiations on behalf of the Municipality to a financial limit established by Policy or resolution; and

- 3.5.3 Sign any order, agreement, cheque, negotiation instrument, or document made or executed on behalf of the Municipality.
- 3.6 CAO Other Duties:
 - 3.6.1 Hire or retain legal counsel on behalf of the Municipality;
 - 3.6.2 In the case of an emergency, while still following the Procurement Policy, authorize 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;
 - 3.6.3 Maintain a current understanding of applicable Municipal Legislation and leadership, as well as relevant Programs, Policies, and Initiatives of the provincial and federal governments; and
 - 3.6.4 Take such other actions as necessary to carry out the responsibilities and duties assigned by Council.
- 3.7 In accordance with Section 209 of the Act, the CAO may delegate any of their powers, duties, or functions under the Act, or any other enactment or Bylaw to a designated officer or an employee of the Municipality.

4.0 CONDUCT OF THE CAO

- 4.1 In their relationship with Council, the CAO must:
 - 4.1.1 Conduct him/herself as the Municipality's Chief Policy Advisor in an honest and ethical manner;
 - 4.1.2 Provide professionally sound, ethical, and legal advice that is in accordance with the Policies and objectives of Council;
 - 4.1.3 Share information to all Members of Council when deemed appropriate in responding to a request from one Councillor;
 - 4.1.4 Ensure that Members of Council are accorded respect in all personal and public comments;
 - 4.1.5 Treat Members of Council with respect and integrity;
 - 4.1.6 Lead, establish, and maintain a positive and constructive environment for Members of Council, residents, stakeholders, businesses, and Town employees;
 - 4.1.7 Listen carefully to the concerns of Council via the CAO's performance review and seek to improve any deficiencies on an ongoing basis; and
 - 4.1.8 Admit to mistakes of substance made by the CAO or Administration and take corrective action.
- 4.2 Through the process of carrying out their Administrative duties, the CAO must:
 - 4.2.1 Act on the will of Council as a whole only, not on the will of an individual Councillor, as established by Resolutions, Policies, and Bylaws of Council;
 - 4.2.2 Implement Council's directions and strategic plan, provide decision-making advice, and communicate customer needs;

- 4.2.3 Direct the actions of Administration so that it is in accordance with the Policies and objectives of Council;
 - 4.2.4 Forward any complaints or concerns to the appropriate area or individual so that reasonable and prompt follow up is assured; and
 - 4.2.5 Address Administration activities that harm relationships with Members of Council, citizens, or stakeholders.
- 4.3 The CAO must refrain from abusive conduct, public comments on staff performance, personal charges, or verbal attacks upon the character or motive of Members of Council, citizens, stakeholders, boards and committees, or staff.

5.0 INDEMNIFICATION

The Town shall indemnify the CAO provided that the CAO was acting in good faith to carry out the powers, duties, and functions given to the CAO by this Bylaw, the Act, any other applicable agreement binding on the Town, enactment or any other applicable Bylaw, Resolution, Policy, or Procedure.

6.0 CONFLICT

The provisions of this Bylaw shall prevail in any case where there is conflict between this Bylaw and any previous resolution or Bylaw of Council.

7.0 SEVERABILITY

- 7.1 If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder is to remain valid.

8.0 DEFINITIONS

- 8.1 In this Bylaw, words have the meanings set out in the Act, except as defined in section 8.2 to 8.14.
- 8.2 **Act:** the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.
- 8.3 **Acting CAO:** Short-term appointment to carry out the duties of CAO due to an absence of the CAO.
- 8.4 **Administration:** the administrative and operational arm of the Municipality, comprised of the various Departments and including all employees who operate under the leadership and of the CAO.
- 8.4 **Chief Administrative Officer/CAO:** the person appointed by Council to the position of Chief Administrative Officer of the Town of Hinton, or their designate.
- 8.5 **Consult:** A two-way conversation between Council and the CAO which allows the CAO to understand Council's position on a matter, when the matter is under the CAO's authority.

- 8.6 **Council:** the municipal council of the Town of Hinton, including the Mayor and six (6) Councillors.
- 8.6 **Department:** The second highest level of the Administrative structure, lead by the Director.
- 8.7 **Deputy CAO:** The person appointed by the CAO to the position of Deputy Chief Administrative Officer of the Town of Hinton, or their designate.
- 8.8 **Division:** The highest level of the Administrative structure, lead by the CAO.
- 8.9 **Mayor:** the chief elected official of the Town of Hinton.
- 8.10 **Member of Council:** a member of Council including Councillors and the Mayor.
- 8.11 **Municipality/Town:** the municipal corporation of the Town of Hinton.
- 8.12 **Interim CAO:** Appointed by Council to carry out the duties of CAO for a specific period of time beyond which an Acting CAO should cover, due to a vacancy in the CAO position.
- 8.13 **Organizational Chart:** a graphic representation of the structure of an organization showing the relationships of the positions or jobs within it.

7.0 REPEAL

- 7.1 Bylaw No. 916-2 and all former versions are hereby repealed.

8.0 ENACTMENT

- 8.1 This Bylaw will come into force and effect when it receives third reading and is duly signed.

READ a First time this 7th day of September 2021.

READ a Second time this 7th day of September 2021.

READ a Third time this 7th day of September 2021.



 MAYOR



 CHIEF ADMINISTRATIVE OFFICER