



BYLAW NO. 916-2
OF THE TOWN OF HINTON
(hereinafter referred to as "the Municipality")
IN THE PROVINCE OF ALBERTA
A BYLAW TO ESTABLISH THE ROLE AND RESPONSIBILITIES
OF THE CHIEF ADMINISTRATIVE OFFICER

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

AND WHEREAS, Council may, in accordance with Section 203 of Act, delegate executive and administrative duties and 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 "Chief Administrative Officer 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 a Deputy CAO. The Deputy CAO must act as the CAO if the CAO becomes ill or is otherwise prevented from fulfilling the role of the CAO. The CAO may appoint an Acting CAO where such absences are for a period of less than one month.

2.5 Except for the purpose of an official inquiry, Council must deal with Administration and the control thereof solely through the CAO.

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.

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 divisions 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. If a major organizational change is effected, the CAO must report such a change to Council;
- 3.2.4 Implement all programs and policies of the Municipality; and
- 3.2.5 Subject to the approval of Council, create or eliminate any Town divisions or positions.

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) Prepare budgets for operating and capital programs annually or more often as required or directed by Council,
 - b) Monitor and report on the operating and capital budgets approved by Council;
- 3.3.3 Communication
 - a) Advise and inform Council or Council committees on the operation and affairs of the Municipality,
 - b) Provide verbal reports to Council regarding activities and sense of community issues,
 - c) Seek to ensure that Council is aware of any key 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;
- 3.3.4 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 and recommend the approval of such to Council;

3.5.2 Conclude contracts 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, 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 his/her 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 his/her 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 advice on all issues that is professionally sound, ethical, legal, and in accordance to 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 his/her 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 they are 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 SEVERABILITY

5.1 If at any time any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then that provision will not apply and the remainder of the bylaw will continue in full force and effect and must be constructed as if it had been enacted without the illegal, invalid, or ultra vires provision.

6.0 DEFINITIONS

6.1 In this Bylaw, words have the meanings set out in the Act, except as defined in section 6.2 to 6.8.

6.2 **Act:** the Municipal Government Act, R.S.A. 2000, c. M-26, and associated regulations, as amended.

6.3 **Administration:** the administrative and operational arm of the Municipality, comprised of the various divisions and business units and including all employees who operate under the leadership and supervision of the CAO.

6.4 **Chief Administrative Officer (CAO):** the person appointed by Council to the position of chief administrative officer of the Town of Hinton.

6.5 **Council:** the municipal council of the Town of Hinton.

6.6 **Mayor:** the chief elected official of the Town of Hinton.

6.7 **Members of Council:** includes all Councillors and the Mayor of the Town of Hinton.

6.8 **Municipality:** the municipal corporation of the Town of Hinton.

7.0 REPEAL

7.1 All former versions of this bylaw 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 19th day of June 2018.

READ a Second time this 17th day of July 2018.

READ a Third time this 17th day of July 2018.



Mayor



Director of Corporate Services

