

A BY-LAW OF THE VILLAGE OF INNISFREE IN THE PROVINCE OF ALBERTA 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, the 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 function;

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

1. SHORT TITLE

1.1. This Bylaw may be cited as the "CAO Bylaw."

2. 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 Village 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 the Village 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. 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 the powers, duties and functions that are given to a CAO under the *Act* or any other enactment.

3.2. The CAO has authority under Sections 203 and 553, 553.1 and 553.2 of the *Act*.

3.3. CAO Administrative Management Duties:

- 3.3.1. Hire, dismiss, promote, demote, reward, or discipline any municipal employee;
 - 3.3.2. Direct, supervise, and review the performance of all departments and employees of the Municipality;
 - 3.3.3. Implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the Municipality;
 - 3.3.4. 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 Village;
 - 3.3.5. Bring to Council for approval, any change to the structure of the Administration of the Village which requires an increase in the approved budget; and,
 - 3.3.6. Implement all Programs and Policies of the Municipality.
- 3.4. CAO Council-Related Duties:
- 3.4.1. 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;

 - 3.4.2. 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 Village 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;

 - 3.4.3. 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 may 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 3.3.4 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.

3.4.4 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 identified, available options and implications in the Requests for Decision reports required for decision-making.

3.4.5 CAO Bylaw & Policy Development Duties:

- a. 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,
- b. Develop, approve, and implement Policies, Procedures and Practices dealing strictly with Administrative matters.

3.4.6 CAO Third Party Relations Duties:

- a. 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 would impact the budget;
 1. Should the contract, agreement, or transaction result in a budgetary impact as outline in Section 3.4.6.a., the CAO is to bring a Report and recommend the approval of such to Council.
- b. Conclude contract negotiations on behalf of the Municipality to a financial limit established by Policy or resolution; and
- c. Sign any order, agreement, cheque, negotiation instrument, or document made or executes on behalf of the Municipality.

3.4.7 CAO Other Duties:

- a. Hire or retain legal counsel on behalf of the Municipality;
- b. In the case of an emergency, while still following the Municipality's Policies, authorize any expenditure not previously approved by council provided a detailed Report on such expenditures and its need is presented at the next meeting of Council;
- c. Maintain a current understanding of applicable Municipal legislation and leadership, as well as relevant Programs, Polices and Initiatives of the provincial and federal governments; and,
- d. Take such other actions as necessary to carry out the responsibilities and duties assigned by Council.

4.0 CONDUCT OF THE CAO

4.1 In his/her relationship with Council, the CAO must:

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- 4.1.1 Conduct himself/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 Village 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 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, 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 INDEMINIFICATION

The Village 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 Village, 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

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 sections 8.2 to 8.12.
- 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 of the CAO.
- 8.5 **Chief Administrative Officer/CAO:** the person appointed by Council to the position of Chief Administrative Officer of the Village of Innisfree, or his/her designate.
- 8.6 **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.
- 8.7 **Council:** the municipal council of the Village of Innisfree, including the Mayor and Councillors.
- 8.8 **Mayor:** the chief elected official as appointed by Council.
- 8.9 **Member of Council:** a member of Council including Councillors and the Mayor.
- 8.10 **Municipality/Village:** the municipal corporation of the Village of Innisfree.
- 8.11 **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.
- 8.12 **Organizational Chart:** a graphic representation of the structure of an organization showing the relationships of the positions or jobs within it.

9.0 REPEAL

- 7.1 CAO Bylaw 634-18 and all former CAO Bylaw versions are hereby repealed.

10.0 ENACTMENT

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

Read a First Time this 14th day of December 2021.

Read a Second Time this 14th day of December 2021.

Read a Third Time by unanimous consent of Council, and finally passed this 14th day of December 2021.

Mayor

Chief Administrative Officer