

# **SUMMER VILLAGE OF BIRCHCLIFF CAO BYLAW BY-LAW 222-19**

BEING A BYLAW OF THE SUMMER VILLAGE OF BIRCHCLIFF 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 and powers and functions;

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

## **1.0 TITLE**

1.1 This bylaw may be cited as “The Chief Administrative Officer (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 this position under the 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 CAO. The CAO may appoint an Acting CAO where such absences are for a period of less than a 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, Section 207 and 208 of the *Municipal Government 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; direct, supervise, and review the performance of all divisions and employees of the Summer Village;

3.2.2 Implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the Summer Village.  
If a major organizational change is affected, the CAO must report such a change to Council;

3.2.3 Implement all programs and policies of the Summer Village; and

3.2.4 Subject to the approval of Council, create or eliminate any Summer Village 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 Summer Village,
- 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 the 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 recommendation 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 Summer Village and recommend the approval of such to Council;

3.5.2 Conclude contracts on behalf of the Summer Village to a financial limit established by policy or resolutions; and

3.5.3 Sign any order, agreement, cheque, negotiation instrument, or document made or executed on behalf of the Summer Village.

**3.6 CAO Other Duties:**

- 3.6.1 Hire or retain legal counsel on behalf of the Summer Village;
  - 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 *Municipal Government 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 Summer Village.

**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 Summer Village'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 Summer 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 to mistakes of substance made by the CAO or Administration and take corrective action. Through the process of carrying out his/her administrative duties, the CAO must:
  - 4.1.9 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;
  - 4.1.10 Implement Council's directions and strategic plan, provide decision-making advice, and communicate customer needs;
  - 4.1.11 Direct the actions of Administration so that they are in accordance with the policies and objectives of Council;

4.1.12 Forward any complaints or concerns to the appropriate area or individual so that reasonable and prompt follow up is assured; and

4.1.13 Address Administration activities that harm relationships with Members of Council, citizens, or stakeholders.

4.2 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 *Municipal Government 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 Summer Village, comprised of the various divisions and business units and included 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 Summer Village of Birchcliff.

6.5 **Council:** The Municipal Council of the Summer Village of Birchcliff.

6.6 **Mayor:** The Chief Elected Official of the Summer Village of Birchcliff.

6.7 **Members of Council:** Includes all Councillors and the Mayor of the Summer Village of Birchcliff.

6.8 **Summer Village:** The Municipal corporation of the Summer Village of Birchcliff.

6.9 **Repeal:** All former versions of this bylaw are hereby repealed.

## **7.0 ENACTMENT**

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

READ a first time this 24<sup>th</sup> day of September 2019.

READ a second time this 24<sup>th</sup> day of September 2019.

Unanimously agreed to present this bylaw for third reading.

READ a third and final time this 24<sup>th</sup> day of September 2019.

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Roger Dufresne, Mayor

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Corinne Newman, Interim CAO