

Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	November 27, 2018
Originated By:	Leanne Walmsley, Acting Chief Administrative Officer
Title:	New Business – Establishment of Chief Administrative Officer
File:	0101

BACKGROUND/PROPOSAL:

MGA

205

- (1) Every council must establish by bylaw a position of chief administrative officer.
- (2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.
- (3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.
- (4) Council may give the position of chief administrative officer any title the council considers appropriate.
- (5) Council must ensure that the chief administrative officer appropriately performs the duties and functions and exercises the powers assigned to the chief administrative officer by this or any other enactment or by council.

Performance evaluation

205.1

A Council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities under section 207.

Chief administrative officer's responsibilities

207 The chief administrative officer

- (a) Is the administrative head of the municipality
- (b) Ensures that the policies and programs of the municipality are implemented.
- (c) Advises and informs the council on the operation and affairs of the municipality.

Performance of major administrative duties

208

- (1) The chief administrative officer must ensure that
 - (a) Minutes of each council meeting

9c

- (i) Are recorded in the English language without note or comment,
 - (ii) Include the names of the councillors present at the council meeting.
 - (iii) Are given to council for adoption at a subsequent council meeting, and
 - (iv) Are recorded in the manner and to the extent required under section 230 (6) when a public hearing is held;
- (b) All bylaws, minutes of council meetings and other records and documents of the municipality are kept safe;
- (c) The Minister is sent a list of all the councillors and any other information the Minister requires within 5 after the term of the councillors begins;
- (d) The council is advised in writing of its legislative responsibilities under this Act.

Attached is Bylaw No. 574-17

A Bylaw of the Village of Hines Creek, in the Province of Alberta for the purpose of establishing the position of Chief Administrative Officer, and outlining responsibilities and duties of the Chief Administrative Officer.

4. that, appointments shall be conducted in the following manner.
- (a) The Chief Administrative Officer shall be appointed by resolution of Council, for reason of his/her experience, qualifications and training, preferably in the field of Public Administration, and who shall be responsible to carry out any and all of the executive and administrative duties and powers of Council, or others as Council has power to delegate, as set out in the Act and such other executive and administrative duties as may be conferred prior to this Bylaw or resolution or hereafter from time to time be vested, conferred or delegated in, upon and to the Chief Administrative Officer by Bylaw or resolution of Council.
 - (b) The Council may, by resolution, appoint an Acting Chief Administrative Officer, and prescribe his duties, who shall act during illness, absence or other incapacity that may prevent the Chief Administrative Officer from performing the duties of his office.
 - (c) The Chief Administrative Officer shall be appointed without term and shall be continued in office during the pleasure of Council.

RECOMMENDED ACTION:

Initials show support- Reviewed by:	Manager:	C.A.O. <i>dw</i>
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BYLAW NO 574-17

A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING THE POSITION OF CHIEF ADMINISTRATIVE OFFICER, AND OUTLINING RESPONSIBILITIES AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER.

WHEREAS, in accordance with the provisions of Section 205, of the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta, 2000, and amendments thereto, the Council of the Village of Hines Creek must establish the position of Chief Administrative Officer; and

WHEREAS, the Council of the Village of Hines Creek must appoint a person to carry out the powers, duties and functions of the position of Chief Administrative Officer; and

WHEREAS, the Council of the Village of Hines Creek may give the position of Chief Administrative Officer any title they consider appropriate; and

WHEREAS, the Council of the Village of Hines Creek is desirous of establishing the position of Chief Administrative Officer, establishing procedures for appointing the Chief Administrative Officer and establishing an appropriate title for the Chief Administrative Officer.

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. **THAT**, in this By-law unless the context otherwise requires:

(a) "Act" means the Municipal Government Act being Chapter M-26, Revised Statutes of Alberta 2000, and amendments thereto.

(b) "Village" means the Village of Hines Creek

(c) "Council" means the Municipal Council of the Village of Hines Creek

(d) "Employees" means all other employees of the Village, excepting those employees under the direct control of the Hines Creek Municipal Library Board.

(e) "He, his, him" shall be considered synonymous with "she, hers, her" with reference to either gender as the case may be.

2. **THAT**, the position of Chief Administrative Officer of the Village, be hereby established.

3. **THAT**, all references to Municipal Manager, in any previous By-laws of the Village, now be considered references to the Chief Administrative Officer.

4. **THAT**, appointments shall be conducted in the following manner.

(a) The Chief Administrative Officer shall be appointed by resolution of Council, for reason of his experience, qualifications and training, preferably in the field of Public Administration, and who shall be responsible to carry out any and all of the executive and administrative duties and powers of Council, or others as Council has power to delegate, as set out in the Act and such other executive and administrative duties as may be conferred prior to this By-law or resolution or hereafter from time to time be vested, conferred or delegated in, upon and to the Chief Administrative Officer by By-law or resolution of Council.

(b) The Council may, by resolution, appoint an Acting Chief Administrative Officer, and prescribe his duties, who shall act during illness, absence or other incapacity that may prevent the Chief Administrative Officer from performing the duties of his office.

(c) The Chief Administrative Officer shall be appointed without term and shall be continued in office during the pleasure of the Council.

5. **THAT**, suspension and termination procedures be conducted in the following manner:

(a) After the six (6) month probationary period the Chief Administrative Officer may be suspended by the Council, upon having been given a written statement of the reason for suspension. Within one week of the date and time of suspension, the Chief Administrative Officer shall be granted a reasonable opportunity of being heard in person or through his solicitor or agent, and after such hearing, Council shall, by a two-thirds majority, pass a resolution either to reinstate the Chief Administrative Officer or make his termination final.

(b) In the case of termination of appointment of the Chief Administrative Officer, without cause, the Council shall provide to the Chief Administrative Officer a sum equal to one month's salary for each year



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of service to the Village of Hines Creek, not to be less than three months and not more than twelve months in total compensation, excluding any accumulated holiday pay which shall be paid separately.

(c) The Chief Administrative Officer shall provide the Village with 30 days written notice of termination of employment, the Village shall provide 30 days written notice of termination to the Chief Administrative Officer.

6. **THAT**, compensation be determined as follows:

(a) The Council shall fix, by resolution, the salary or wage and fringe benefits to be paid or provided to the Chief Administrative Officer and shall review the annual salary/wage and benefit provisions of the Chief Administrative Officer by July 1 of each year.

(b) Council shall, once each calendar year, and prior to salary/wage review, meet with the Chief Administrative Officer to review and critique his performance.

(c) The Chief Administrative Officer shall attend all regular and special meetings of the Council and any other meetings as requested by Council, from time to time. Absence from such meetings, due to vacation, illness or other incapacity is permissible. The Chief Administrative Officer shall be compensated by time off in lieu for overtime hours within each three (3) month period. After each three (3) month period, over time calculated at time and a half shall be paid out.

(d) The Chief Administrative Officer shall be provided with funding for professional development, within the Village's annually approved budget.

(e) Council, in recognizing the value of the Chief Administrative Officer's participation in the Local Government Administrator's Association, will reimburse or pay for the annual membership fee in the Association.

(f) Unless otherwise determined by Council, the Chief Administrative Officer shall be entitled to an annual vacation of 10 working days, not including statutory or civic holidays, for each of the first two years of service as Chief Administrative Officer. At the commencement of the third year of service, the annual vacation shall be set at 15 working days, not including statutory or civic holidays. In addition, during the first three years of service, fringe benefits shall be split accordingly 75% paid for by the Village, 25% by the Chief Administrative Officer. At the commencement of the fourth year of service, the fringe benefits will be paid 100% by the Village.

(g) If a present staff member is appointed to the position of Chief Administrative Officer, in accordance with the terms of this By-law, all employment seniority as an employee of the Village of Hines Creek, shall be retained by that employee.

7. **THAT**, responsibility/authority be determined as follows:

(a) Powers, duties and functions of the Chief Administrative Officer to include those powers duties and functions specified in the Municipal Government Act and any other enactments.

(b) The Chief Administrative Officer is responsible to the Council of the Village, for the overall administration of municipal operations of the Village, in accordance with the objectives, policies and plans approved by the Council. In carrying out these responsibilities the Chief Administrative Officer shall direct and control the activities of the various municipal functions.

(c) All other employees as defined herein, shall be subordinates of the Chief Administrative Officer.

(d) The Council authorizes the Chief Administrative Officer to delegate such responsibility as is herein assigned to his office, to any other employee of the municipality, for the purpose of establishing an efficient and workable structure. The delegation of authority shall be in keeping with any other sections of the By-law and shall not be inconsistent with any Act of the Province of Alberta.

(e) Except for the purpose of an official inquiry, or in the case of an emergency, the Council shall deal with all aspects of municipal administration and the control thereof, through the Chief Administrative Officer and shall refrain from giving orders directly to any subordinates of the Chief Administrative Officer to ensure the orderly flow of communication and direction.



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- (f) Council agrees to forward any complaint (or nature of the complaint) to the Chief Administrative Officer as soon as possible after it is received.
 - (g) The Chief Administrative Officer shall be responsible for hiring, employee performance appraisals, employee development, and termination of employees.
 - (h) The Chief Administrative Officer shall be the Chief purchasing agent of the Village and shall have authority to purchase all operating materials, supplies and services. The Chief Administrative Officer shall make recommendations to Council on the purchase of all capital items.
8. THAT, By-law No. 532-09 are hereby is repealed.

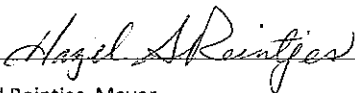
THIS Bylaw shall come into force and effect upon third reading and is duly signed.

READ a first time in Council this 24 day of October, 2017

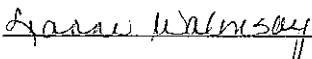
READ a second time in Council this 24 day of October, 2017.

GIVEN UNANIMOUS consent to go to third reading on this 24 day of October, 2017.

READ a third time in Council and finally passed this 24 day of October 2017.



Hazel Reintjes, Mayor



Leanne Walmsley, Acting Chief Administrative Officer