



*Town of Manning*

## **TOWN OF MANNING, ALBERTA**

### **BY-LAW 854-18**

#### **CHIEF ADMINISTRATIVE OFFICER APPOINTMENT**

A By-law of the Town of Manning for the appointment of Robert Cardwell as Chief Administrative Officer.

**WHEREAS** Section 205(1) of the Municipal Government Act, RSA 2000, Chapter M-26, as amended (hereinafter referred to as the "Act") requires a Council to establish by by-law a position of chief administrative officer;

**AND WHEREAS** Section 205(2) of the Act, every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer;

**NOW THEREFORE PURSUANT** to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Manning, Alberta, in regular session duly assembled, enacts as follows:

#### **SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### **SECTION 1 – SHORT TITLE**

This By-law may be cited as the "Appointment of Chief Administrative Officer By-law".

#### **SECTION 2 – DEFINITIONS**

- 2.1 "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;
- 2.2 "Administration" means the general operation of the Town of Manning, including without limiting the generality of the foregoing, personnel, financial and other related matters as permitted by the Act;
- 2.3 "Council" means the Council of the Town of Manning;
- 2.4 "CAO" means the Chief Administrative Officer of the Town of Manning;
- 2.5 "M.D." means the Town of Manning.

#### **SECTION 3 – APPOINTMENT, TERMS AND CONDITIONS**

- 3.1 Council hereby establishes the position of Chief Administrative Officer.

- 3.2 Until such a time as all bylaws, policies, regulations or procedures can be reviewed and revised and where the terms "Town Manager", "Administrator" or other similar title occurs, the authorities and powers identified shall rest with the Chief Administrative Officer.
- 3.3 Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer and establish the term and conditions of the CAO's employment.
- 3.4 The Chief Administrative Officer is authorized to further delegate, and to authorize further delegation of any matter delegated to the CAO by Council under this Bylaw or any other enactment.
- 3.5 Council may, by Council Resolution, appoint a Deputy Chief Administrative Officer. The Deputy CAO shall act as the Chief Administrative Officer if the CAO becomes ill or is otherwise prevented from fulfilling the role of the CAO.

#### **SECTION 4 – RESPONSIBILITIES**

- 4.1 The Chief Administrative Officer's responsibilities are in accordance with Section 207 of the Municipal Government Act, R.S.A. 2000, c. M-26.

#### **SECTION 5 – ADMINISTRATIVE DUTIES**

- 5.1 The Chief Administrative Officer must ensure that all powers, duties and functions are performed in accordance with Section 208 of the Municipal Government Act, R.S.A. 2000, c. M-26.
- 5.2 The Chief Administrative Officer must carry out all the powers, duties and functions that are given to the Development Authority under the Act, the Land Use By-law, or any other enactment.
- 5.3 The Chief Administrative Officer must carry out all the powers, duties and functions that are given to the Subdivision Development Authority Board under the Act, the Subdivision Authority By-law, or any other enactment.
- 5.4 The Chief Administrative Officer must ensure that all duties and functions are performed as contained in "Schedule A" to this By-law.

#### **SECTION 6 – ACCOUNTABILITY**

- 6.1 The Chief Administrative Officer is accountable to Council for the exercise of all powers, duties and functions delegated to the CAO by the Act, this bylaw, any other enactment, any other bylaw, and any resolutions, policies or procedures adopted by Council from time to time, whether such powers, duties and functions are exercised by the CAO personally, or by someone to whom the CAO has delegated the power, duty or function.

#### **SECTION 7 – REPEAL**

- 7.1 This By-law hereby repeals By-law #815-14.

**SECTION 8 – EFFECTIVE DATE**

8.1 This By-law shall come into effect the date upon third and final reading.

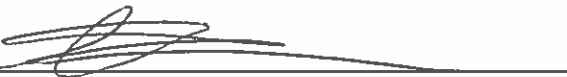
READ A FIRST TIME this 9 day of May, 2018

READ A SECOND TIME this 9 day of May, 2018

Moved and passed unanimously that the "Appointment of CAO By-law", be presented for third and final reading.

READ A THIRD AND FINAL TIME this 9 day of May, 2018

  
\_\_\_\_\_  
Greg Rycroft  
Mayor

  
\_\_\_\_\_  
Chris Melnyk  
Acting Chief Administrative Officer

## SCHEDULE A

- (a) establish the structure of the Administration of the Town, including but not limited to, establishing, merging, dividing and eliminating departments and establishing a managerial hierarchy and an administrative and reporting policy and procedure;
- (b) establish policy and procedures for hiring all employees of the Town required to carry out the powers, duties and functions delegated to those employees;
- (c) ensure that the policies and procedures of the Town are implemented;
- (d) advise and inform Council in the operations and affairs of the Town.;
- (e) hire, fire, promote, demote or transfer any Town employee except when such authority is otherwise delegated;
- (f) direct, supervise and review department heads;
- (g) prepare and submit to Council budget estimates of revenue and expenditures and capital programs annually, or as may be required by Council;
- (h) monitor and control municipal spending within the confines of the budgets established by Council;
- (i) advise Council and make recommendations about the financial condition of the Town and the policies and programs that may be necessary or desirable to carry out the powers, duties and functions of the Town;
- (j) attend all meetings of Council and Council committees and meetings of such boards, authorities and other bodies as required by Council;
- (k) prepare and submit to Council such reports and recommendations as may be required by Council or Council committees;
- (l) ensure all minutes of Council meetings are recorded in the English language, without note or comment;
- (m) ensure the names of the Councilors present at Council meetings are recorded;
- (n) ensure the minutes of each Council meeting are given to Council for adoption at a subsequent Council meeting;
- (o) ensure the bylaws and minutes of Council meetings and all other records and documents of the Town are kept safe;
- (p) ensure the Minister is sent a list of the Councilors and any other information the Minister requires within 5 days after the terms of the Councilors begin;
- (q) ensure the corporate seal, if any, of the Town is kept in the custody of the CAO;
- (r) ensure the revenues of the Town are collected and controlled and receipts are issued in the manner directed by Council;
- (s) ensure all money belonging to or held by the Town is deposited in a bank, credit union, loan corporation, treasury branch or other trust corporation designated by Council;
- (t) ensure the accounts for authorized expenditures referred to in the Act are paid;

- (u) ensure accurate records and accounts are kept of the financial affairs of the Town, including the things on which the Town's debt limit is based and the things included in the definition of debt for the Town;
- (v) ensure the actual revenues and expenditures of the Town compared with the estimates in the operating or capital budget approved by Council are reported to Council as often as Council directs;
- (w) ensure money invested by the Town is invested in accordance with the Act;
- (x) ensure assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 of the Act are prepared;
- (y) ensure public auctions held to recover taxes are carried out in accordance with Part 10 of the Act;
- (z) advise Council in writing of its legislative responsibilities;
- (aa) review all requests of any person to obtain information in possession of the Town and to provide such information in accordance with the Act and the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, as amended or repealed and replaced from time to time;
- (bb) authorize the entering into contracts and/or expenditure of funds where such contract or expenditure has been approved by Council, either in the budget or otherwise;
- (cc) ensure all contracts and agreements are signed by a person authorized by Council to sign them;
- (dd) conduct a census when required by Council in accordance with the Act;
- (ee) ensure that all petitions to Council are sufficient and in accordance with the requirements under the Act;
- (ff) accept service of all notices and documents on behalf of the Town;
- (gg) provide certification of notices, decisions, documents and any other certificates or statutory declarations as provided for or required under the Act;
- (hh) ensure that all minutes of Council meetings are signed in conjunction with the person presiding at the meeting;
- (ii) ensure that all bylaws are signed in conjunction with the Chief Elected Official;
- (jj) ensure that bylaws of the Town are consolidated as authorized by Council;
- (kk) authorize a temporary closure of whole or part of any road for a special event or at any time that a construction or maintenance project on or adjacent to the road may create a hazard in the CAO sole determination;
- (ll) authorize the placement, from time to time, of traffic control devices, including traffic control devices restricting the speed of vehicles, at any locations considered necessary, in the sole discretion of the CAO, for controlling highways subject to the direction, management and control of the Town and provide for a record of all locations to be kept, which shall be open to public inspection during normal business hours;

- (mm) exercise such other powers, duties and functions as may be required by Council from time to time;
- (nn) authorize and instruct designate officers to take bylaw enforcement measures as required to enforce the various bylaws of the Town
- (oo) authorize and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Town, including without limiting the generality of the foregoing:
  - a. provide legal services to Council and the Administration; and
  - b. appearing in all legal and administrative proceedings including commencing, defending and intervening in such proceedings to define, enforce and defend the legal and equitable rights of the Town and such other boards, authorities, agencies, and other entities as may be required by Council