

**TOWN OF HIGH RIVER
ALBERTA
BYLAW 4509/2017**

Being a Bylaw of the Council of the Town of High River in the Province of Alberta to establish the position of the Chief Administrative Officer, also known as the Town Manager, to define the duties, powers, and functions of the position and to authorize delegations of authority.

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, Section 205 requires that every Council must establish, by Bylaw, the position of the Town Manager and appoint a person to carry out the powers, duties, and functions of such position; and

WHEREAS Section 205.1 requires that Council must provide the Town Manager with an annual written performance evaluation of the results that have been achieved with respect to fulfilling the responsibilities under Section 207; and

WHEREAS Sections 207, 208, and 210 of the *Municipal Government Act* of the Province of Alberta provide that the Town Manager shall exercise the powers and duties set out in the *Municipal Government Act*, and such other powers and duties as may be confirmed or delegated by Council;

**NOW
THEREFORE** the Council of the Town of High River duly assembled, hereby enacts as follows:

1) ESTABLISHMENT OF THE TOWN MANAGER POSITION

- a) There is hereby established the position of Town Manager for the Town of High River;
- b) In the event of a Vacancy, Council will by resolution appoint an individual to the position of Town Manager, and establish the terms and conditions of the Town Manager's employment;
- c) This Bylaw may be referred to as the "**Town Manager Bylaw**".

2) BYLAW REPEAL

Bylaw 4493/2016 is hereby repealed.

3) DEFINITIONS

In this Bylaw;

- a) "**Act**" shall mean the *Municipal Government Act* as amended from time to time;
- b) "**Bylaw**" shall mean a Bylaw of the Town of High River;
- c) "**Council**" shall mean the Mayor and all members of the Council of the Town of High River as duly elected, from time to time, pursuant to the provisions contained in the *Local Authorities Election Act*;
- d) "**Enactment**" shall mean any Legislation or Regulation in the Province of Alberta, or the Parliament of Canada;
- e) "**Mayor**" shall mean the Chief Elected Official for the Town of High River as defined and described in the Act;
- f) "**Meeting**" shall mean a meeting of Council or any meeting of a Committee established by Council, board, agency or Commission;
- g) "**Temporary Absence**" shall mean the Town Manager is on holidays, is ill, or is handling business away from the Town;

- h) **“Town”** shall mean the municipal corporation known as the Town of High River;
- i) **“Town Manager”** shall mean the person(s) appointed to the position of Chief Administrative Officer by Council pursuant to the Act, this Bylaw, and any employment agreement;
- j) **“Vacancy”** shall mean that no person is appointed to the position of Town Manager.

4) REFERENCES

- a) All references to any policy, procedure, protocol, practice, standard, guideline, Bylaw or Enactment, includes any and all amendments thereto;
- b) Any reference to the position of Chief Administrative Officer or CAO in any Bylaw, policy, procedure, protocol, practice, standard, or guideline of the Town shall be deemed to mean Town Manager.

5) ACCOUNTABILITY

- a) The Town Manager is accountable to Council for the exercise of all powers, duties, and functions delegated to the Town Manager.

6) POWERS, DUTIES AND FUNCTIONS OF THE TOWN MANAGER

- a) The Town Manager shall be the Chief Administrative Officer of the Town, the principal advisor to Council, and responsible for the overall administration of the operations of the Town by Council;
- b) The Town Manager shall carry out the executive and administrative duties required of him or her as set out in the Act and such other duties as may, from time to time, be vested, conferred or delegated, in upon and to the Town Manager by Bylaw or by resolution of Council;
- c) Council authorizes the Town Manager to delegate such authority as is herein assigned to his or her office for the purpose of establishing an efficient and effective administrative structure;
- d) The Town Manager shall, in addition, have the powers, duties and functions granted to the Town Manager by any Bylaw or resolution of Council;
- e) In the event of the Temporary Absence of the Town Manager, the Town Manager shall be at liberty to delegate to an employee or employees of the Town all or any portion of the powers, duties and functions of the Town Manager and such employee or employees shall be entitled to carry out those powers, duties and functions of the Town Manager during the Temporary Absence of the Town Manager;
- f) The Town Manager, Mayor, and the signatures of any other Town employees to whom the Town Manager delegates signing power, may be printed, lithographed or otherwise reproduced.

7) GENERAL ADMINISTRATION OF THE TOWN

Without restricting the generality of the foregoing, the Town Manager shall:

- a) Provide effective leadership and strategic direction over all organizational departments and programs that reflects the vision, mission and values of the Town, as set out in the current Strategic Plan;
- b) Coordinate, direct, supervise and review the performance of the administration of the Town;

- c) Establish the structure of the Administration of the Town, including establishing, merging, dividing and consolidating positions;
- d) Establish and implement all policies, procedures, protocols, practices, standards and guidelines for all matters within the powers of the Town Manager;
- e) Advise, inform and make recommendations to Council about:
 - i. The operations of the Town;
 - ii. The financial condition of the Town; and
 - iii. Council Bylaws, policies, procedures and programs as may be necessary or desirable to carry out the powers, duties and functions of the Town.
- f) Be entitled to attend all Meetings of Council and Council Committees and Meetings of such boards, authorities and other bodies as may be established by Council;
- g) Subject to any applicable legislation, policy, contract or agreement binding on the Town to:
 - i. Hire, appoint, transfer or promote any Town employee;
 - ii. Evaluate, discipline, suspend, demote or remove any Town employee.
- h) Prepare and submit to Council or a Committee of Council such reports and recommendations as may be requested from time to time by Council or the Council Committee;
- i) Have prepared and submitted annually or, as otherwise directed by Council, an annual operating and capital budget;
- j) In cases of an emergency, as determined by the Town Manager, expend monies for the emergency that are not in an approved budget and subsequently report to Council on those expenditures;
- k) Pay any amounts which the Town is legally required to pay pursuant to an Order or Judgment of a Court, board or other tribunal of competent jurisdiction, relating to an action, claim or demand against the Town;
- l) Approve the:
 - i. Settlement of all actions, claims or demands against the Town where the amount paid by the Town does not exceed budget;
 - ii. Settlement of all actions, claims or demands by the Town, where the difference between the amount recovered and the amount claimed by the Town is not less than budget.

8) CONTRACTS AND AGREEMENTS

The Town Manager is authorized to approve and enter into any and all agreements and contracts, subject to any approved policies, procedures, standards or guidelines:

- a) Have prepared and award all tenders, where the expenditure or revenue is included in an approved budget and enter into all agreements and contracts required for the completion of such tenders in accordance with approved policies, procedures, standards or guidelines;
- b) Following approval by Council, enter into all agreements and contracts involving:
 - i. The sale of the fee simple interest or acquisition of the fee simple interest in land;
 - ii. Leases of land where the Town is the lessor;
 - iii. Leases of land where the Town is the lessee;
 - iv. The disposition of any interest in land (not described above) or the acquisition of any interest in land (not described above);
 - v. Leases of land to non-profit organizations.
- c) Enter into all agreements and contracts and issue all documents incidental to the authority granted to a municipality under the Act;
- d) Enter into all agreements and contracts incidental to the development and subdivision of land within the Town pursuant to the Act and the Town's statutory plans, and complete any and all documents required or incidental to such development or subdivision. The Town Manager may refer proposed agreements and contracts to Council for consideration and approval at his or her discretion;
- e) Enter into funding agreements with the Alberta Government for the provision of the Family and Community Support Services Program in accordance with approved budget amounts and the *Family and Community Support Services Act*, R.S.A 2000, c. F-3 and the *Family and Community Support Services Regulations*, AR 218/94;
- f) Except as otherwise instructed by Council, instruct legal counsel on any matters involving any, or potential, legal and Administrative proceedings involving the Town, and without limiting the foregoing, to:
 - i. Arrange for the provision of legal services to Council, Town Committees and departments of the Town;
 - ii. Arrange for legal counsel to appear in all legal and administrative proceedings including commencing, defending and intervening to define, enforce and defend the Town's (and such other boards, authorities, agencies and other entities as may be required by Council) legal and equitable rights.
- g) Approve and enter into all documents, consents, approvals, acknowledgements and certificates required for or incidental to any agreement, contract, settlement, tender or investment;

- h) Sign:
- i. Along with the person presiding at the Meeting, all minutes of Council and Council Committee Meetings;
 - ii. Along with the Mayor, all Bylaws;
 - iii. Along with the Mayor or any other person authorized by Council, cheques;
 - iv. Acting alone, all orders, contracts, agreements, documents and certificates that may be required pursuant to any agreement, contract, Bylaw, or Enactment;
 - v. Acting alone, all permits, contracts, agreements, caveats, documents and instruments that may be required.
- i) Retain the services of any individual or corporation for the purposes related to the operations of the Town and complete all necessary documents required for the provision of such services, provided that the expenditure does not exceed budget;
- j) Enter into all agreements and contracts for the sale or other disposition of property and equipment which is surplus to the Town's needs.

9) OTHER RESPONSIBILITIES

The Town Manager is authorized to:

- a) Prepare and issue distress warrants, seize and sell goods pursuant to distress warrants on behalf of the Town for the recovery of tax arrears pursuant to the Act;
- b) Carry out inspections, remedies, enforcement or actions pursuant to the Act where that Act or any other Enactment or a Bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the Town;
- c) Make determinations and issue orders pursuant to the Act or any other Enactment or Bylaw which the Town is authorized to enforce, in accordance with the Act;
- d) Consolidate one or more of the Bylaws of the Town, as provided for in the Act;
- e) Extend the time for endorsement of subdivision plans and for registration of subdivision plans in accordance with the Act;
- f) Designate any Highway as one which is closed temporarily, in whole, or in part to traffic, as authorized by the Act, or any other Enactment and cause such Highway to be marked as such.


10) PERFORMANCE EVALUATION


Council will complete an annual written performance evaluation with the Town Manager on or before April of each year or at such other time as agreed to by Council and the Town Manager which evaluates the Town Manager's duties and responsibilities, the results achieved under Section 207 of the Act, and the overall goals and objectives of Council for the Town.

11) SEVERABILITY AND GENERAL PROVISIONS

- a) If any Section or parts of this Bylaw are found, in any court of law, to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable, and all other Sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such;
- b) Words in the singular include the plural and words in the plural include the singular;
- c) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other;
- d) The provisions of this Bylaw shall prevail in any case where there is a conflict between this Bylaw and any previous resolution or Bylaw of Council;
- e) This Bylaw comes into force on the day it is passed.


READ A FIRST TIME THIS 13 DAY OF February A.D. 2017




MAYOR/DEPUTY MAYOR


TOWN MANAGER


READ A SECOND TIME THIS 13 DAY OF February A.D. 2017




MAYOR/DEPUTY MAYOR


TOWN MANAGER

READ A THIRD AND FINAL TIME THIS 13 DAY OF February A.D. 2017



MAYOR/DEPUTY MAYOR


TOWN MANAGER



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