

BYLAW NO. 841-06

A BYLAW OF THE TOWN OF HIGH LEVEL, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER

WHEREAS Section 205 of the *Municipal Government Act* R.S.A. 2000, c. M-26 provides that Council must by bylaw establish the position of Chief Administrative Officer,

NOW THEREFORE, THE COUNCIL OF THE TOWN OF HIGH LEVEL, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw shall be referred to as the "Chief Administrative Officer Bylaw"

DEFINITIONS

2. In this Bylaw:
 - a) "Act" shall mean the *Municipal Government Act*, R.S.A. 2000, c. M-26
 - b) "Council" shall mean the Council of the Town of High Level acting at a duly assembled meeting thereof.
 - c) "Key Personnel" shall mean Designated Officers and Directors.
 - e) "Town" shall mean the Municipal Corporation of the Town of High Level.

APPOINTMENTS

3. There shall be created the position of Chief Administrative Officer of the Town of High Level who shall carry out any and all of the executive and administrative powers, duties and functions assigned to the Chief Administrative Officer under the Act or any other enactment, and any and all powers, duties and functions so delegated by Council.
4. Council by resolution shall appoint the person who will serve as Chief Administrative Officer and prescribe the conditions and terms of employment through an employment contract duly executed by both parties.
6. The Chief Administrative Officer may in accordance with section 209 of the Act and this bylaw delegate any of the powers, duties and functions assigned to the Chief Administrative Officer to any employee of the Town.

7. The Council may, by resolution, appoint and prescribe the duties of the Acting Chief Administrative Officer where absence may prevent the CAO from performing his duties, or where there exists a vacancy in the position.

RESPONSIBILITY AND AUTHORITY

8. The Chief Administrative Officer is responsible to Council for the overall administration of municipal operations of the Town in accordance with objectives, policies and plans approved by Council. In carrying out these responsibilities the Chief Administrative Officer shall work in close liaison with the Council and supervise the Town's administrative personnel and service contracts in the performance of their duties and responsibilities.
9. In addition to the powers, duties and functions generally assigned and delegated under this bylaw, the Act or by Council, the Chief Administrative Officer shall:
 - a) Co-ordinate and direct presentations by administrative staff to Council on policy proposals and ongoing municipal operations making recommendations thereon where appropriate.
 - b) Ensure the Council receives such information and reports as it requires to make effective policy decisions and monitor the effectiveness of administrative operations.
 - c) Attend, or be represented by a delegate, at all meetings of Council and Council Committees and assist in the decision making process by providing advice, guidance and consultation as required.
 - d) Report to the Council on the effectiveness of its policies and programs and recommend changes thereto to achieve council's objectives.
 - e) Co-ordinate, direct and supervise the implementation of the policies and programs of the Council, reporting regularly of the progress thereon to Council.
 - f) Communicate with the Mayor, Councillors and the directors in preparation of agendas for Council meetings.
 - g) Enforce or cause to be enforced all bylaws and resolutions of the Town.
 - h) Catalogue the policies of the Council and ensure that information concerning these policies are distributed to and understood by affected administrative personnel.
 - i) Review the Town's organization and departmental structure prior to adoption of the budget and recommend to the Council changes to improve operation

effectiveness or efficiency.

- j) Cause the development of satisfactory procedures concerning budget preparation and financial reporting of the Town's revenues and expenditures including:
 - i) Preparation and submission to Council of annual budgets with appropriate explanations and substantiating information with potential cost reductions and eliminations identified which would not change established programs.
 - ii) Quarterly reports to the Council of operating and capital revenues and expenditures with explanations of significant variations and account re-allocations.
 - iii) Reports to Council on any other matter either administrative or financial, that relates to the Town operations as may be requested by Council or which, in the opinion of the Manager, should be reported to Council.
- k) Perform liaison with other local governments and the provincial government when required. However, the Chief Administrative Officer can not represent the Town on any committee, etc. established by any other entity without prior approval by Council.
- l) Ensure the prompt and proper handling by the administration of all requests, enquiries, and complaints by residents of the Town including development of policies and procedures for dealing with complaints.
- m) Keep fully informed of the transactions of all committees, boards and commissions authorized by Council and to further provide co-ordination with committees outside of the scope of Council legislative power pertinent to the daily operations of the Town's business.
- n) Keep informed about governmental and community affairs and ensure that the Council and the Town employees are made aware of significant trends.
- o) Perform other duties as may be required by Council or where a matter is not specifically referred to herein and where the Manager deems it proper and expedient to implement changes, he may make such recommendations to Council as may be appropriate.
- p) Whenever possible, shall represent, develop policies and programs, in line with the general philosophy of Council
- q) Exercise such natural person powers under the Act as may be consistent with or required to implement the powers, duties and functions assigned.

PERSONNEL ADMINISTRATION

10. All directors, employees and agents of the Town are subject to the supervision and control of the Chief Administrative Officer.
11. The Chief Administrative Officer shall develop for approval of Council, comprehensive employee policies and programs covering the selection, compensation, development, retention, appraisal and placement of Town employees.
12. The Chief Administrative Officer shall consult with Council prior to appointing, promoting, disciplining and dismissing key personnel. In addition the Chief Administrative Officer will advise Council of any significant costs associated with the dismissal of any employee.
13. The Chief Administrative Officer shall, have the authority to appoint, promote, discipline and dismiss any employees (subject to paragraph 11).
14. The Chief Administrative Officer shall determine the rates of remuneration for any employee within adopted salary and wage ranges and with consideration given to approved budget appropriations.

DELEGATION AND ORGANIZATION

15. The administration of the operations of the Town shall be organized as illustrated on an organization chart. Except for the purpose of official inquiry or emergency, the Council shall deal with and control the administrative service through the Chief Administrative Officer and Council shall require that its directives be carried out through the offices of the Chief Administrative Officer.

EVALUATION, SUSPENSION AND TERMINATION

16. In each year, the Council or a committee thereof, may evaluate the performance of the Chief Administrative Officer, making such recommendations as may be deemed necessary. Such review will also consider the rates of remuneration of the Chief Administrative Officer and the non-salary and fringe benefits received.

CODE OF ETHICS

17. The Code of Ethics of the International City/County Management Association is hereby adopted as reference as Schedule "A" attached hereto, with the express intent that this

shall be the code of professional behaviour expected of the Chief Administrative Officer

18. Bylaw No. 641 is hereby repealed.
19. Schedule "A" shall be attached hereto and deemed a part of this Bylaw.
20. This Bylaw shall come into force and effect upon September 1, 2006.

First Reading given this 17th. day of July, 2006

Second Reading given this 17th. day of July, 2006

Third and Final Reading given this 17th. day of July, 2006



Mayor



Municipal Secretary

**BYLAW 841-06
SCHEDULE "A"**

**ICMA Code of Ethics
With Guidelines**

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections on the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline

recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Members should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.