



By-Law # 29-2022

A By-Law Respecting The Duties And Powers Of The Chief Administrative Officer

PURPOSE: The purpose of this by-law is to establish the position of the Chief Administrative Officer of the Rural Community of Hanwell pursuant to s. 81 of the *Local Governance Act*, SNB 2017 c. 18.

1. TITLE:

This By-Law may be cited as the “CAO By-Law.”

2. DEFINITIONS

“Act” means the *Local Governance Act, SNB 2017 c.18*;

“Chief Administrative Officer (CAO)” means the CAO of the local government and has such duties and powers the council prescribes by by-law or resolution in accordance with section 71(2) of the *Act*;

“Clerk” means the clerk of the rural community of Hanwell as appointed by council in accordance with section 74(1) of the *Act*;

“Council” means the mayor and councillors of the rural community of Hanwell;

“Directors” means the department head of the fire department, the clerk, the treasurer, and any other employee deemed to hold a supervisory role.

“Employee” means any other person employed by Hanwell other than the CAO or a director.

“Hanwell” refers to the Rural Community of Hanwell

“Minister” means the Minister of Local Government and Local Governance Reform

3. APPOINTMENT OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)

- a) Council shall appoint an individual to act as the CAO as a full-time officer as per section 71(2) the *Act*.
- b) Council shall appoint the duties and powers of the CAO as prescribed in a by-law or resolution, any additions or deletions may be approved by a resolution of council from time to time.
- c) Pursuant to subsection 71(4) of the *Act*, the Chief Administrative Officer is entitled to hold office until retirement, death, resignation, or dismissal for cause by the affirmative vote of at least two thirds of the whole council.
- d) The CAO may engage in another business if the CAO has;
 - i. complied with the conflict-of-interest requirements in section 90(1) of the *Act*.
 - ii. advised council in writing, and
 - iii. received authorization from council.
- e) The CAO shall be allowed to serve on civic, charitable, or professional boards and committees if the extent of such activities do not interfere with the performance of the CAO duties and responsibilities.

4. RELATIONSHIP BETWEEN COUNCIL, THE CHIEF ADMINISTRATIVE OFFICER, AND THE EMPLOYEES OF HANWELL.

- a) The CAO works closely with the mayor and the council, as well as employees and directors to ensure council’s goals and objectives are achieved. This is realized by providing strategic leadership, managing the daily operations of service delivery and leading ongoing improvements towards greater efficiency.
- b) Council shall provide direction on the administration, plans, policies, and programs to the CAO.
- c) No member of council, or committee, or member of a committee established by council shall request an employee to do additional work unless authorized by the CAO, to ensure that assigned required duties are completed.
- d) Council shall communicate with the employees solely through the CAO, except in circumstances where the CAO is unavailable or where the CAO provides

permission, that the members of council may communicate directly with employees to obtain or provide information or ask to do additional work.

- e) All directors, employees, including the Clerk, are accountable to the CAO for the performance of their duties and shall submit reports and recommendations to the CAO.
- f) The CAO is to be evaluated at the beginning of each calendar year by the Mayor and other member(s) of council that the mayor deems necessary.

5. DUTIES AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)

The duties of CAO as outlined in section 81 of the Act “The Chief Administrative Officer of a city or town has such duties and powers as the council prescribes by by-law or resolution”.

- a) Keeps council informed on affairs concerning Hanwell and shall recommend to council, such actions as may be necessary or expedient for the welfare of Hanwell, or as required by the *Act* or any other applicable legislation.
- b) Is responsible for the proper administration of the affairs of Hanwell in accordance with applicable legislation, the by-laws, and the procedures and resolutions adopted by council.
- c) Oversees the development and implementation of by-laws, policies, and procedures.
- d) Recommends annual operating and capital budgets as part of the municipality’s financial requirements.
- e) Approves a number of administrative reports on behalf of council as per the “Delegation of Authority” section.
- f) Oversees the appointment/dismissal of all Hanwell employees.
- g) Holds an oversight role in contract negotiations and labour relations.
- h) Communicates to council on behalf of Hanwell staff.
- i) Prepares and submits such reports and recommendation as may be required by council or its committees, boards, or authorities.

- j) Attends meetings of council, when required, and acts as ex-officio member of all committees, boards, and authorities, as required by council and shall attend such meetings as necessary.
- k) Recommends and/or provides such professional development, training, and consultation for council to ensure council can function in an efficient and productive manner.
- l) Discharges other duties as council may, by resolution, direct the CAO or administration to do.

6. LEGAL RESPONSIBILITIES

- a) The CAO shall provide to council with legal advice and interpretation as attained through consultation with the rural community's designated legal counsel, of any and all matters pertaining to decisions of council.
- b) The CAO shall authorize, in the name of the rural community, and subject to applicable legislation and the common law, the commencement or defence of a legal action or proceedings before a court, board, or tribunal, including reporting the commencement of the legal action, defence or proceeding to council at the next meeting and may, if council so provides by policy, delegate this authority to employees of the rural community, but council may by resolution, limit this authority to the extent deemed appropriate from time to time.
- c) The CAO shall, where council so provides by policy, settle a legal action or proceeding in accordance with the policy.
- d) The CAO shall ensure that sufficient liability insurance is provided to council and to rural community employees.
- e) The CAO shall ensure the legality of all contracts or agreements entered into by the rural community.

7. FINANCIAL RESPONSIBILITIES

The Chief Administrative Officer is responsible for the overview of the financial requirements of Hanwell. If the CAO has a joint position of CAO/Treasurer, the following duties will be required:

- a) Shall ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to council.
- b) Shall provide resources to council so the annual budget can be completed.
- c) Shall be responsible for the administration of the budget and monitoring of revenue and expenditures once adopted.

- d) Shall provide reports to council on the status of the budget.
- e) Shall make or authorize expenditures, enter into contracts on behalf of Hanwell, for anything required where the amount of the expenditure is budgeted or is within the amount determined by council resolution or policy and delegate this authority to the directors or employees of Hanwell.
- f) Shall approve payment of all expenditures and invoices less than \$5000 for non-budgeted items and will submit to council for payment and approval all expenditures and invoices over \$5000.

8. OTHER RESPONSIBILITIES

The Chief Administrative Officer is also responsible for other duties, and council may impose additional responsibilities when deemed necessary.

- a) Shall be the head of RTIPPA.
- b) Shall be the Emergency Measures Coordinator in the case of an emergency.
- c) Shall review all grant applications before being submitted.
- d) Shall meet with the fire department at least quarterly to discuss concerns or future projects.
- e) Shall supervise, in conjunction with the Clerk, the performance of all contracts and agreements entered into by Hanwell.
- f) Shall oversee, in conjunction with the mayor, the publication of all notices, ordinances or other documents required by law.
- g) Shall assume the duties of the Assistant Clerk as defined in the Act, until at which time an Assistant Clerk is appointed.
- h) Shall upon approval from council, coordinate any plans for construction, or maintenance to any property or facility owned by Hanwell.
- i) Shall develop an organizational chart of departments, personnel, and duties and shall make recommendations to council on the establishment and modification of any such plans.
- j) Shall make recommendations to council on the appointment, employment, promotion, suspension or dismissal of employees and directors of the fire department, in conjunction with the fire chief or designate.

- k) Shall be responsible for all HR issues, in conjunction with the mayor, including performance evaluations.
- l) Shall establish and maintain positive working relationships with all pertinent personnel in the relevant local, provincial, federal government departments.
- m) Shall establish and maintain positive working relationships with the Capital Region Service Commission (CRSC).

9. Education

- a) The CAO is responsible to continually further his/her/their professional growth by attending available training, seminars, conferences, or any other professional development.
- b) The CAO shall have qualifications which enables him/her/them to effectively carry out the duties assigned, these qualifications could be through education, work experience or a combination of both.

The council, by resolution, may rescind, amend, or vary the duties and responsibilities of the Chief Administrative Officer.

First Reading by (title) _____

Second Reading by (title) _____

Third Reading (in its entirety) _____

Enacted _____

Clerk

Mayor