

	<b>BYLAW NO. 23-03</b>	<b>Department:</b>  Administration
	<b>CHIEF ADMINISTRATIVE OFFICER (CAO)</b>	
<b>Effective Date:</b> January 1, 2023	<b>Last Reviewed Date:</b> N/A	

**A BY-LAW RESPECTING THE DUTIES AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER AND THE RELATIONSHIP BETWEEN COUNCIL, THE CHIEF ADMINISTRATIVE OFFICER AND THE EMPLOYEES OF FIVE RIVERS.**

Council of Five Rivers, under authority vested in it by the *Municipalities Act* of New Brunswick, Chapter M-22, R.S.N.B. (1973) hereby enacts as follows;

**DEFINITIONS**

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

“**Chief Administrative Officer (CAO)**” means the head of the municipal administration. The individual is the only employee who reports directly to Council.

“**Council**” means Mayor and Councillors of the municipality of Five Rivers.

“**Employee**” means any other person employed by Five Rivers aside from the CAO.

“**Clerk**” means the Clerk of the municipality as appointed by Council

“**Municipality**” means a city, town or village.

“**Village**” means the municipality of Five Rivers

**OFFICE**

1. Council shall, by resolution, appoint an individual to the position of Chief Administrative Officer (CAO) for Five Rivers and the duties and powers of the CAO are prescribed by this by-law made pursuant to section 75 of the *Act* with such additions or deletions as may be approved by a resolution of Council from time to time.
2. The Chief Administrative Officer (CAO) is appointed under subsection 74(1) of the *Act* and is employed on a full-time basis.
3. The Chief Administrative Officer (CAO) shall be responsible to and report to Council.

## **INTRODUCTION**

The Chief Administrative Officer (CAO) is the head of the administrative branch of the government of Five Rivers.

The CAO shall carry out the general duties, roles and responsibilities set out herein, in accordance with any and all relevant and applicable by-laws, resolutions, policies and guidelines that may be enacted or directed from time to time by the Council of Five Rivers.

Nothing contained in this document shall be deemed to empower the CAO to perform, do or direct any act that shall in any manner or extent whatsoever encroach upon the legislative powers of Council.

## **INDEMNIFICATION**

The Municipality shall indemnify the Chief Administrative Officer, provided that the CAO was acting in good faith to carry out the powers, duties and functions given to the CAO by this bylaw, the *Act*, any other Enactment, any other bylaw, resolution, policy or procedure.

## **Relationship between Council, the Chief Administrative Officer and the Employees of the Village**

- The Chief Administrative Officer (CAO) shall report to, be accountable to, and receive authority from Council and to perform their duties in conformity with Council decisions.
- The CAO shall be responsible for implementing Council's guidelines and decisions in compliance with the municipalities by-laws, regulations, laws, legislation, and the policies and resolutions adopted by Council or by other legislative authorities.
- The CAO shall keep Council informed concerning the affairs of Five Rivers and shall recommend to Council such actions as may be necessary to expedite for the welfare of the Village, or as required by the *Act* and any other applicable legislation.
- Council shall provide direction on the administration, plans, policies and programs of Five Rivers to the CAO.
- The CAO shall be the contact between employees of Five Rivers and Council and communication from the employees of Five Rivers to Council shall flow through the CAO.
- No member of Council or committee, or member of a committee established by Council shall instruct or give direction to, either publicly or privately, an employee of the municipality.
- The CAO shall communicate to Council on behalf of all municipal staff.

## **General Duties and Responsibilities of the Chief Administration Officer**

*Duties of CAO as outlined in Section 75 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".*

*1966, c.20, s76;2003, c27, s28 NB Municipalities Act*

- The Chief Administrative Officer (CAO) is the head of the administrative branch of the government of Five Rivers and is responsible for the overall effective fiscal management of the local government, budgeting and optimizing of resources.
- The CAO shall be responsible for directing the operations of the local government in accordance with the objectives, plans, programs, and policies approved by Council and in accordance with applicable legislation, the various provincial and/or federal statutes and municipal by-laws.
- The CAO shall keep Council informed concerning the affairs of the municipality, and shall recommend to Council such actions as may be necessary or expedient for the welfare of the municipality, or as required by the *Act* and the Community Planning Act, and other applicable legislation
- The CAO shall oversee key aspects of human resource management including recruitment, hiring, training and development, employee engagement, performance management, compensation (within approved budgets of Council), promotion, suspension and termination.
- The CAO shall be responsible for assessing staffing needs and recommending organizational structure changes to Council prior to proceeding.
- The CAO shall attend all meetings of Council, Council Planning, and Committees of Council as required or as delegated, with the right to speak, but not to vote. Notwithstanding the generality of the foregoing, the CAO is precluded from attending those meetings where matters specific to the CAO contract and Council's deliberation of the results of the CAO Performance Appraisal process are to be discussed.
- The CAO shall prepare and submit such reports and recommendations as may be required by Council or its committees.
- The CAO shall supervise the negotiation and execution of all contracts and agreements signed by the municipality.
- The CAO shall assist Council in the preparation of the Strategic Plan; which includes leading the management team in the development of action plans, including measurements of success, to achieve the strategic directions, goals and objectives of the Strategic Plan.
- The CAO shall review and monitor action plans to ensure continued relevance to the Strategic Plan and report regularly to Council on the progress to meet strategic goals.
- The CAO shall work with Council and staff in developing and implementing means of public engagement in municipal affairs.
- The CAO shall measure the satisfaction of the citizens of Five Rivers with the performance of the municipality and report results to Council.
- The CAO shall regularly communicate to Council, the status of policy directives as initiated by Council and provide an interface between the Administration and Council for the flow of information and directives.
- The CAO shall recommend and/or provide such professional development, training and consultation for Council such that Council can function in an efficient and productive manner.
- The CAO shall discharge other duties as Council may, by resolution, direct.

## **Financial Responsibilities**

- The Chief Administrative Officer (CAO) shall ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to Council.
- The CAO shall monitor and control expenditures of the municipality within the budgets established by Council and ensure Council is apprised of any requested budgetary amendments.
- The CAO shall be responsible for the administration of the budget and the monitoring of the work plan after adoption of the budget.
- The CAO shall, or cause to, regularly report to Council on the status of the budget and shall make recommendations to any needed alterations, motions, or actions as required by legislation or by emergency circumstances.
- The CAO shall make or authorize expenditures, and subject to subsection 4(3) of the *Act*, enter contracts on behalf of the municipality where the amount or the expenditure is budgeted or within the amount determined by Council and/or delegate this authority to another employee of the municipality.
- The CAO shall ensure that the municipality follows procurement best practices for goods and services in addition to relevant legislation and municipal policies.
- The CAO shall ensure the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by Council.
- The CAO shall ensure all money belonging to, or held by the municipality, is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by Council.
- The CAO shall ensure money invested by the municipality is invested in accordance with the *Act*, as amended from time to time.
- The CAO shall be cognizant of all appropriate Municipal, Provincial and/or Federal grant programs or opportunities.

## **Legal Responsibilities**

- Chief Administrative Officer (CAO) shall provide Council advice and interpretation as attained through consultation with the municipalities designated legal counsel, of any and all matters pertaining to decisions of Council.
- The CAO shall authorize, in the name of Five Rivers, and subject to applicable legislation and the common law, the commencement or defense of a legal action or proceedings before a court, board, or tribunal, including reporting the commencement of the legal action, defense or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the municipality, but Council may by resolution, limit this authority to the extent deemed appropriate from time to time.
- The CAO shall, where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.
- The CAO shall ensure that sufficient liability insurance is provided to Council and to municipal employees.

- The CAO shall ensure the legality of all contracts or agreements entered into by the municipality.

### **Administrative Organization and Management**

- The Chief Administrative Officer (CAO) shall hold office at the pleasure of Council, pursuant to Subsection 71(4) of the *Act*, until retirement, death, resignation, or dismissal for cause by the affirmative vote of at least two thirds of the whole Council.
- The CAO shall administer all salary scales and performance reviews of employees who are subject to the supervision of the CAO, within the limitations of any salary plan or salary contract agreement, in consultation with Council as required.
- The CAO shall advise and inform Council in the operations and affairs of the municipality.

### **Professional Responsibilities**

- The Chief Administrative Officer (CAO) shall, where appropriate, establish and maintain positive working relationships with all pertinent personnel in the relevant Provincial and Federal government departments.
- The CAO is encouraged to be a member of the Association of New Brunswick Municipal Administrators and any other professional association which furthers their professional growth.
- The CAO is encouraged to develop yearly work-related objectives and personal goals which will form the basis for the CAO's evaluation. These objectives and goals may include opportunities for training and professional development and would include attendance and participation at appropriate workshops, seminars and conferences.
- The CAO shall not, without the consent in writing of Council, undertake any other business or occupation or remain or become a director, officer, employee or agent of any other company, firm, or individual; provided, however that the CAO shall be allowed, to the extent that such activities do not materially interfere with the performance of their duties and responsibilities, to manage their passive personal investments and to serve on civic, charitable or professional boards or committees.

### **Other Positions**

- The Chief Administrative Officer (CAO) may assume the duties of the Clerk, on approval of Council, as defined by section 76 of the *Act*, or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.
- The CAO shall be Emergency Measures Co-Ordinator for Five Rivers and oversee the coordination and implementation of the municipality's emergency plan.
- The CAO shall perform any additional responsibilities and exercise the powers incidental thereto, which may, from time to time, be assigned to the CAO by Council.

## **Absence and/or Dismissal**

- The Chief Administrative Officer (CAO) shall obtain the permission of Council prior to taking any vacation or management leave or other time off. It is understood that in practice the Council will delegate authority to grant such permission to the Mayor.
- The CAO, in the event of temporary absence, disability or incapacity, a member of the senior management may be appointed by Council to replace the CAO on an interim basis.
- When the CAO is absent, this by-law applies to their delegate.

## **Evaluation**

- The Council, or a committee thereof, shall evaluate the performance of the Chief Administrative Officer not less than once, in a twelve (12) month period.
- The evaluation will be carried out by Council as a whole with consultation from elected officials, staff, and stakeholders as Council may deem appropriate, making such recommendations as deemed necessary. Such evaluation will also consider the rates of remuneration of the CAO and the non-salary and fringe benefits received.

## **EFFECTIVE DATE**

This By-Law shall come into effect on the date of the third and final reading.

First Reading this     day of     2023

Second Reading this     day of     2023

Third Reading and passed Council, this     day of     2023