

BY-LAW NO. 24-01

**POWERS AND DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER
TOWN OF SAINT ANDREWS**

1. AUTHORITY

- 1.1. Pursuant to the authority granted by the *Local Governance Act*, SNB 2017, c 18, paragraph 10(2)(a), the Town Council of the Town of Saint Andrews hereby enacts the following By-Law:
- 1.2. Powers and Duties of the Chief Administrative Officer as per the *Local Governance Act*, Section 81, the Chief Administrative Officer of the Local Government has the powers and duties that the Council prescribes by By-Law or Resolution.

2. DEFINITIONS

- 2.1. "Act" means the New Brunswick *Local Governance Act* and amendments thereto.
- 2.2. "Chief Administrative Officer" means the person holding the position and performing the duties of the Chief Administrative Officer as outlined in the *Local Governance Act*, Section 81.
- 2.3. "Council" means the Mayor and Councillors of the Town of Saint Andrews.
- 2.4. "Employee" means any other person employed by the Town of Saint Andrews aside from the Chief Administrative Officer.
- 2.5. "Officer" means the Town Clerk, Asset/Operations Manager, Fire Chief, By-Law Enforcement Officer, and Treasurer.
- 2.6. "Town" means the Town of Saint Andrews.

3. APPOINTMENTS

- 3.1. As per Section 71(2) of the Act, A Council may appoint the officers, by resolution, that are necessary for the administration of local government, which includes the Chief Administrative Officer.
- 3.2. As per Section 71(4) of the Act, with the exception of auditors, an officer appointed under this Section by the Local Government for employment on a full-time basis is entitled to hold office until retirement, death, resignation, or dismissal for cause after a vote in favour of the dismissal by two-thirds of the members of Council.
- 3.3. Notwithstanding Section 3.2 hereof, the Chief Administrative Officer may be dismissed or otherwise disciplined in accordance with the Town's Human Resource Policy and with the terms of a written contract of employment in force between the Town and the Chief Administrative Officer.
- 3.4. Upon hiring, the Council and the Chief Administrative Officer may agree to a provision in the contract of employment to add or modify the provisions concerning the conditions of employment.

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

- 4.1. The Chief Administrative Officer reports directly to the Council and ensures the proper functioning of the Town's administrative activities and management. The individual has authority over all the municipality's senior officers and employees. The individual is responsible for implementing the Town Council's guidelines and decisions in compliance with By-Laws, regulations, laws, policies, and resolutions adopted by the Council or by other legislative authorities, day-to-day operations of the Town, and budgets.
- 4.2. The Chief Administrative Officer shall keep the Council informed concerning the affairs of the Town and shall recommend to the Council such actions as may be necessary or expedient for the welfare of the Town, or as required under the *Local Governance Act* and other applicable legislation.
- 4.3. Except as provided by the *Act*, all senior officers and employees, including the office of the Clerk of the Town, are accountable to the Chief Administrative Officer for the performance of their duties and shall submit the reports and recommendations required of them to and through the Chief Administrative Officer.
- 4.4. The Council shall provide direction on any new initiatives, plans, policies, and programs through By-Laws, policies, budgets, and resolutions to the Chief Administrative Officer.
- 4.5. Unless previously authorized in writing by Council, the Chief Administrative Officer, or a senior officer of the Town, no member of Council, committee, or member of a committee established by Council, shall enter into agreements, make commitments, incur expenses, or make purchases on behalf of any departments of the Town.
- 4.6. Only the Council as a whole can direct the Chief Administrative Officer and no individual member of Council, committee, or member of a committee established by the Council shall instruct or give direction to, either publicly or privately, written or oral, to the Chief Administrative Officer or any employee of the Town.
- 4.7. Members of the Council may have a discussion and provide suggestions and advice, individually or as a whole, to the Chief Administrative Officer. The Chief Administrative Officer may also consult with members of the Council or Council as a whole.
- 4.8. The Chief Administrative Officer shall foster a good working relationship with the Council, and employees, and work cooperatively for the benefit of the Town.
- 4.9. Communication with the employees of the Town shall be through the Chief Administrative Officer, except in circumstances where the Chief Administrative Officer is unavailable or where the Chief Administrative Officer provides permission to a delegated senior officer.
- 4.10. The Chief Administrative Officer shall obtain permission from the Mayor for absences from the Town in excess of three (3) days.

5. ROLES AND RESPONSIBILITIES

- 5.1. The Chief Administrative Officer:

- 5.1.1. Make recommendations to the Council and coordinate the implementation and evaluation of programs, policies, procedures, plans, works, and any other modifications necessary for the proper functioning of the municipality.
- 5.1.2. Attends all Council meetings and meetings of standing committees of Council that are appointed to and makes recommendations when necessary. The Chief Administrative Officer may delegate duties to attend standing committees to other senior officers.
- 5.1.3. The CAO is a defacto non-voting member of any Committees of Council.
- 5.1.4. Supervise the officers and employees of the Town.
- 5.1.5. Is responsible for ensuring that plans, policies, procedures, and directions of the Council are followed and implemented.
- 5.1.6. Provides advice and recommendations to the Council on By-Laws, programs, policies, and technical, administrative, and operational processes as necessary to improve efficiency and effectiveness.
- 5.1.7. Assists the Council in the preparation of the Municipal Plan and other Strategic Plans of the Town, which includes leading the senior staff and employees in the development of action plans, including measurements of success to achieve the strategic direction and objectives of the Plans.
- 5.1.8. Provide information and recommendations to the Council on the formulation of the budget and implementation of the approved budget.
- 5.1.9. Keeps Council informed of the activities taking place in the Town so that Councillors can better respond to constituent's concerns.
- 5.1.10. Is accountable for the management of leases, agreements, and contracts for goods and services. In this capacity, the Chief Administrative Officer shall:
 - 5.1.10.1. Ensure that the Procurement Act and all applicable By-Laws and policies are followed.
 - 5.1.10.2. Ascertain the legality of all leases, contracts, or agreements entered into by the Town.
 - 5.1.10.3. Supervise the performance of all leases, contracts, and agreements by the Town ensuring that all the terms and conditions relating thereto have been fulfilled in accordance with the provisions of such leases, contracts, or agreements.
- 5.1.11. The Chief Administrative Officer is responsible for the preparation of plans and programs related to the construction, rehabilitation, maintenance, and disposal of Town assets. This includes all aspects of asset management and ensuring that the proper systems, tools, and processes are in place to effectively manage Town assets through their entire lifecycle.
- 5.1.12. The Chief Administrative Officer is responsible for sound financial management. In this capacity, the Chief Administrative Officer shall:

- 5.1.12.1. Exercise financial control over all operations to ensure compliance with applicable laws, By-Laws, policies, and approved budgets.
 - 5.1.12.2. Ensure that all expenditures are approved by the Council either through the approved budget or a Council resolution.
 - 5.1.12.3. Ensure that all expenditures are within approved financial authorities.
 - 5.1.12.4. Ensure that annual audits are carried out by a third-party company and must meet the following as per the *Local Governance Act*:
 - 5.1.12.4.1. Be a Chartered Professional Accountant.
 - 5.1.12.4.2. Follow the Public Sector Accounting Standards.
 - 5.1.12.4.3. Be completed by April 1 of each year.
 - 5.1.12.4.4. Ensure the Auditor submits the Audit to the Minister within 10 days of completion.
 - 5.1.12.5. Report to Council on the status of the budget and make recommendations regarding any alterations, motions, or actions as required. This can include legislation and emergency circumstances.
- 5.1.13. The Chief Administrative Officer is responsible for the operation and administration of the Town's utility systems. In this capacity, the Chief Administrative Officer shall:
- 5.1.13.1. Ensure that all utility systems are operated within all applicable laws, regulations, By-Laws, policies, and licences to operate.
 - 5.1.13.2. Potable water meets the criteria set out in all applicable standards for drinking water.
 - 5.1.13.3. Wastewater treatment meets all applicable environmental and health criteria.
 - 5.1.13.4. Ensure there is an adequate system in place for advising residents of irregularities in the utility system such as boil water advisories and sewage discharges.
- 5.1.14. The Chief Administrative Officer is responsible for the management of Town Human Resources. In this capacity, the Chief Administrative Officer shall:
- 5.1.14.1. Develop and maintain an organizational chart of Town departments and the personnel assigned to each department and shall make recommendations to the Council on any modifications to the organizational Chart.
 - 5.1.14.2. Ensure that all positions in the organization chart have a complete and accurate job description.

- 5.1.14.3. Ensure that annual performance appraisals are done for all employees by their supervisors.
- 5.1.14.4. Recommend to Council the appointment, promotion, suspension, or dismissal of any employees or officers of the Town.
- 5.1.15. The Chief Administrative Officer is responsible for the enforcement of all Town By-Laws.
- 5.1.16. The Chief Administrative Officer is responsible for the management of the Municipal Police Services Agreement. Changes to this agreement must be done in accordance with the terms and parameters set by the Council in advance of any negotiations.
- 5.1.17. The Chief Administrative Officer is responsible, in the name of the Town, and subject to applicable legislation and the common law, for any legal action or proceedings before a court, board, or tribunal. Before initiating any legal action, the Chief Administrative Officer shall apprise the Council of the details of the legal action and make recommendations to Council.
- 5.1.18. The Chief Administrative Officer is responsible for ensuring there is sufficient liability insurance provided to Council and Town employees.
- 5.1.19. The Chief Administrative Officer is responsible for the development, management, and implementation of the Emergency Response Plan.
- 5.1.20. The Chief Administrative Officer shall act as the Deputy Town Clerk.

6. PERFORMANCE EVALUATION

6.1. The performance evaluation of the Chief Administrative Officer shall be conducted in March of each year by the Council. The performance evaluation shall include administrative duties and Council duties.

7. ENACTMENT

7.1. This By-Law becomes fully enacted upon the Third and Final Reading of Council.

Read the First Time this	5th day of	February,	2024
Read the Second Time this	5th day of	February,	2024
Read the Third and Final Time this	4th day of	March	2024



Brad Henderson, Mayor



Paul Nopper, Clerk – Senior Administrator

