



## Town of Hartland

### By-Law A-180

#### ROLE OF CHIEF ADMINISTRATIVE OFFICER (CAO)

1. **AUTHORITY.** The Council of the Town of Hartland, under the authority vested in it by section 81 of the *Local Governance Act*, enacts this by-law to prescribe the powers, responsibilities, and duties of the Chief Administration Officer.
2. **DEFINITIONS.**
  - A. "Chief Administrative Officer" means the person holding the position and performing the duties of Chief Administration Officer as outlined in the *Local Governance Act, Section 81*.
  - B. "Clerk" means the person holding the position and performing the duties of Town Clerk as outlined in the *Local Governance Act, Section 74*.
  - C. "Council" means the Mayor and Councilors for the Town of Hartland.
  - D. "Employee" means any person employed by the Town of Hartland other than Chief Administrative Officer (CAO).
  - E. "Department" refers to any department of the Town of Hartland, which includes Public Works, Recreation, and Fire.
  - F. "Department heads" means those officers appointed to the top position of each department.
  - G. "Federal government" refers to the Government of Canada.
  - H. "Municipality" refers to the Municipality of Hartland.
  - I. "Provincial government" refers to the Government of New Brunswick.
  - J. "Town" refers to the Town of Hartland.

3. APPOINTMENT. The CAO shall be appointed by Council and responsible only to Council. Pursuant to subsection 71(4) of the *Municipalities Act*, the CAO 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 Town Council.
4. DISMISSAL. If dismissed by Council, the CAO is entitled to one month's notice or to the payment of one month's salary from the date of dismissal.
5. RESIGNATION. The CAO shall not resign or cease to carry out the duties of the CAO without first giving notice to Council of no less than six (6) weeks.
6. ABSENCE OR DISABILITY. In the event of a temporary absence or disability, the CAO may designate an employee of the Town to perform the duties of CAO and shall file a letter with the Mayor indicating that such action has been taken.
7. APPRAISAL. Unless excused by motion of Council, Council shall appraise the performance of the CAO on an annual basis between April 1<sup>st</sup> and June 30<sup>th</sup>.
8. CONFLICT OF INTEREST. The CAO shall not, without the consent in writing of Council, undertake any other business or occupation or become a director, officer, employee, or agent of any other company, firm or individual. The CAO shall be allowed, to the extent that such activities do not materially interfere with the performance of his or her responsibilities, to manage his personal investments and to serve on civic, charitable, or professional boards or committees.
9. ADVISOR TO COUNCIL. The CAO shall be the principal advisor to Council. As such, the CAO shall collect and provide information and prepare and submit such reports and recommendations as may be required by Council or its Committees to make informed decisions on municipal policy and other matters. Such information and reports shall present options for the consideration of Council and their implications for and impacts on Council, the Town, the employees of the Town, and the community. The CAO shall take special care to inform Council about any issue of a critical and time-sensitive nature that is affecting adversely, or may affect adversely, municipal operations, departments, offices, projects or plans. In addition, the CAO shall ensure that Council is informed of its legislative responsibilities and authorities under applicable provincial statutes and that employees of the Town provide appropriate input to support Council deliberations. The CAO shall act as a liaison between Council and other professional advisors such as engineers, accountants, and lawyers.
10. ADMINISTRATIVE HEAD. The Chief Administration Officer (CAO) shall be the administrative head of the Town. As such, the CAO shall be responsible for the overall administration and affairs of the municipality in accordance with its by-laws and policies.
11. DIRECT REPORTS. The clerk, the treasurer, and all department heads are accountable to the CAO for the performance of their duties and management of their budgets and shall submit the reports and recommendations required of them to and through the CAO. The CAO shall ensure that employees of the Town understand and implement Council decisions and directives.

12. ATTENDANCE AT MEETINGS. The CAO shall attend meetings of Council, meetings of Council committees to which he or she has been assigned, and other meetings as required by Council to remain informed of issues and to participate in discussions on Town matters.
13. REPRESENTATION TO OTHER ORGANIZATIONS. The CAO shall participate in discussions and works with officials from other municipalities, provincial departments, federal departments, industry associations, and community groups on various initiatives to further the goals and objectives of the Town.
14. BY-LAWS, POLICIES, ORDERS. The CAO shall supervise the enforcement of Town by-laws and policies and any other orders or resolutions of Council. The CAO shall participate in the preparation, drafting and review of new by-laws and by-law amendments. The CAO shall prepare appropriate communications about, and take appropriate measures to enforce, newly passed by-laws and by-law amendments.
15. LIASON TO PUBLIC. The CAO shall act as the primary liaison between Council and citizens on matters pertaining to Town by-laws, policies, and programs. As primary liaison, the CAO shall investigate and address public complaints and concerns, and issue reports to Council as appropriate.
16. DEPUTY CLERK. The CAO shall act as Deputy Clerk for the Town. As such, the CAO may perform the duties of Clerk as stipulated in Section 74 of the *Local Governance Act*. In the absence of the Clerk, the CAO may delegate the duties of Clerk to another employee of the town. The CAO shall ensure that at least one person is available to serve as Clerk at each meeting of Council. The routine duties required to conduct a Council meeting include but are not limited to notifying Council of the meeting place, date and time, preparing the agenda, preparing and delivering other files, preparing minutes, and keeping a record of all motions, resolutions, and decisions to be implemented and action items to be followed up.
17. DEPUTY TREASURER. The CAO shall act as Deputy Treasurer for the Town. As such, the CAO may perform or delegate the duties of Treasurer as stipulated in the *Local Governance Act* and as designated by Council.
18. FINANCIAL MANAGEMENT. The CAO is responsible to oversee and manage the finances of the Town, including the proper preparation and administration of all operating and capital budgets and the proper maintenance of all operating, capital and reserve funds.
19. BUDGET STEWARDSHIP. Once the annual operating budget is approved by Council, the CAO shall oversee the allocation of funds, approve the transfer of budget allocations within total budget funds, and monitor revenues and expenditures to ensure financial accountability. The CAO shall manage and control the operations of all departments to ensure compliance with the budget approved by Council.
20. FINANCIAL REPORTS. The CAO shall prepare, and present to Council, monthly financial reports showing the Town's operating revenues and expenditures for the prior month and the year-to-date.

The CAO shall ensure that annual audits are carried out in compliance with applicable standards and provincial legislation.

21. **PURCHASING AND PROCUREMENT.** The CAO shall ensure that all purchasing and procurement complies with the Town's by-laws, policies and procedures.
22. **FUNDRAISING.** The CAO shall approve, oversee, and have access to a full accounting of the results of all solicitations by Town departments or employees for donations and funding to support Town operations, departments, events, or projects, including grant applications to the federal or provincial government or other organizations.
23. **BORROWING.** The CAO, on behalf of the Town, shall have the sole authority to engage and communicate with the New Brunswick Municipal Capital Borrowing Board with respect to borrowing and debentures. The CAO may delegate this authority in whole or in part to the Clerk, the Treasurer or a Department Head on a case-by-case basis.
24. **LIABILITY INSURANCE.** The CAO is responsible to ensure there is sufficient liability insurance provided to Council and Town employees.
25. **OPERATIONS.** The CAO shall be responsible for the performance and results of operations of the Town and for the availability and quality of the services provided by the Town.
26. **UTILITY SYSTEMS.** The CAO is responsible for the operation and administration of the Town's utility systems. In this capacity, the CAO shall ensure that utility systems operate within all applicable laws, by-laws, policies and licenses to operate; potable water meets the criteria set out in all applicable standards for drinking water; wastewater treatment meets all applicable environmental and health criteria; and there is an adequate system in place to advise residents of irregularities in utility systems such as boil order advisories and sewage discharges.
27. **ASSETS AND INFRASTRUCTURE.** The CAO shall be responsible for the effective use, management, repair and maintenance of municipal assets and infrastructure, including all buildings, vehicles, machinery and tools.
28. **PROGRAMS AND SERVICES.** The CAO shall ensure that the Town delivers programs and services to residents and other recipients in a manner that meets the quality standards set by Council and the fair and reasonable expectations of the residents and recipients. The CAO shall implement, effectively and efficiently, all programs and services approved by Council.
29. **EMERGENCY RESPONSE.** The CAO shall ensure that an Emergency Response Plan is in place in case of a disaster and shall direct, if necessary, operations from the Emergency Operations Center. In the event of an emergency requiring work in which time is an important factor, the CAO shall have the authority to act without first consulting the Council, but the CAO must advise the Councilors of what

is being done at first opportunity. In such emergencies, if possible, the CAO shall consult the committee concerned before acting.

30. **CONTRACTS AND AGREEMENTS.** The CAO shall be responsible for all Town contracts, agreements and other legal matters. The CAO shall negotiate various agreements and contracts on behalf of the Town in accordance with Council's policies, procedures, and directions.
31. **TENDERS AND PROPOSALS.** The CAO shall oversee the preparation of tenders, proposals, and other contracts for products and services to ensure that such documents contain appropriate terms, conditions and content, including specifications. The CAO shall oversee the administration and execution of contracts and agreements, including all leasing and maintenance agreements, to ensure that all parties comply with the terms and conditions and that all obligations are fully and properly executed.
32. **CONSULTING.** Subject to the Town's procurement policy, the CAO may sign or authorize contracts with consultants, professionals, tradesmen, or others to obtain services that require special expertise, skills or capabilities, but only if the service or work product to be provided is of a non-routine or non-standard nature and only if the work will take place on a one-time or temporary basis.
33. **LEGAL MATTERS.** The CAO shall represent Hartland in any legal action or proceedings before a court, board or tribunal. Before initiating any legal action, the CAO shall apprise Council of the details of the legal action and make recommendations to Council as appropriate. The CAO may retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Town.
34. **PLANNING.** The CAO shall participate in the development of the Town's Municipal Plan and other strategic plans and planning exercises, including regional economic planning activities.
35. **ECONOMIC DEVELOPMENT.** The CAO is responsible to lead and support planning, projects, and initiatives that further the development and interests of the Town. The CAO shall lead or support initiatives with a strong potential to significantly benefit the economic development of the Town, in cooperation with other municipalities, the provincial government, the federal government, and industry organizations.
36. **LAND USE.** The CAO shall oversee land use and planning, including the sale, transfer, acquisition or purchase of any Town property and the completion of development proposals, site plans, subdivision agreements, variances, and rezoning applications.
37. **COMMUNITY AND BUSINESS RELATIONS.** The CAO shall build strong relationships with members of the local business community, the Chamber of Commerce, Opportunities NB, and other provincial and federal departments and agencies. The CAO shall support and facilitate partnerships and

agreements between businesses, all levels of government, communities, educational institutions, and financial institutions.

38. **MARKETING AND PROMOTION.** The CAO shall lead or oversee the planning, development and implementation of activities and events that have been designed to promote Hartland.
39. **SPOKESPERSON TO PUBLIC.** The CAO shall act as a spokesperson for the Town as requested by Council. With respect to matters of Town governance and administration, the CAO shall be responsible to communicate effectively with the public, the media, Council, municipal employees, the provincial government, the federal government, and external organizations. The CAO may provide advice and recommendations to Council on communications directed to the public, including media relations and press releases.
40. **DIRECTION FROM COUNCIL.** Only Council as a whole can direct the CAO. No individual member of Council, committee or member of a committee established by Council shall instruct or give direction to, either publicly or privately, written or oral, the CAO or any employee of the Town. Council members, individually or as a whole, may have a discussion with, and provide suggestions and advice to, the CAO. The CAO may also consult with one or more members of Council or with Council as a whole.
41. **LIAISON BETWEEN TOWN AND COUNCIL.** Council shall communicate with Town employees solely through the CAO except in cases of general inquiries and information sharing. The CAO shall communication on behalf of Town employees to Council and Mayor.
42. **HUMAN RESOURCES.** The CAO will be responsible for the human resource management of the Town, including recruitment and retention, remuneration, appraisal and promotion, training and development, and performance management. As the Head of Human Resources, the CAO shall foster a positive work environment for employees, hold all employees responsible for results, ensure compliance with applicable provincial and federal legislation relating to workplace health and safety, maintain the security and privacy of all personnel files, develop and maintain an organizational chart of departments and the personnel assigned to each, ensure that all employees have a complete and accurate job description, assess staffing requirements and recommend changes to Council for approval, lead and facilitate meetings with teams and individuals to review and establish their goals, standards, teamwork, and communication, and ensure that annual performance appraisals are completed for all employees.
43. **RIGHT TO STRUCTURE ORGANIZATION.** In consultation with Council, the CAO may establish the structure of the administration, including creating, eliminating, merging or dividing departments provided that such reorganization does not decrease the level of service provided to the community.
44. **RIGHT TO HIRE AND PROMOTE.** The CAO may, without Council approval, hire or promote any employee if the decision can be supported by the funds allocated for the position in the current

budget, as approved by Council. In such cases, Council may require the CAO to explain his or her decision at the next meeting of Council.

45. RIGHT TO REPLACE. The CAO may, without Council approval, replace a full-time employee or a permanent part-time employee whose employment with the Town has ended for any reason, such as resignation, retirement, long-term illness, paternity or maternity leave, or termination.
46. RIGHT TO DELEGATE. The CAO may delegate responsibilities to department heads and direct reports with respect to human resources, financial management, property management, and operations.
47. RIGHT TO SUSPEND. The CAO may, without Council approval, suspend a department head from his or her duties and declare himself or herself the acting department head. The CAO may take this action if he or she considers it necessary to protect and preserve the effective operation of the Town from critical issues such as a by-law violation, a conflict-of-interest, the non-performance of duties, or a sudden and unplanned absence. The CAO shall, subject to the approval of Council, resolve the matter at first opportunity by reinstating the authority of the former department head or by replacing the person whose authority the CAO suspended.
48. RIGHT TO FIRE. The CAO may, without Council approval, dismiss any department head, direct report, or other employee of the Town for cause, subject to all applicable federal and provincial regulations, except for the Fire Chief. The whole of Council, and not the CAO, shall be responsible for a dismissal of the Fire Chief. Before issuing a notice of dismissal to an employee of the Town, the CAO shall notify the whole Council of his or her decision no less than one (1) week in advance. The CAO's notice to Council shall include an explanation of the decision to dismiss.
49. REPEAL OF PRIOR BY-LAW. By-Law A-180 repeals By-Law A-06 (Duties of Town Officers).

50. January 11, 2022

**MOTION: 211222-1**

FIRST READING	December 22, 2021 1 <sup>st</sup> Councilor Walton 2 <sup>nd</sup> Councilor Fairgrieve
SECOND READING	December 22, 2021 Councilor Walton 2 <sup>nd</sup> Councilor Fairgrieve
THIRD READING AND ENACTMENT	January 11, 2022 1 <sup>st</sup> Councilor Walton 2 <sup>nd</sup> Councilor Doherty

51. SIGNATURES.

MAYOR Tracey DeMerchant

*Tracey DeMerchant*

CLERK Tracey Clowater

*Tracey Clowater*

