

BY-LAW NO. 35

CHIEF ADMINISTRATIVE OFFICER

1. This By-Law shall be known as and may be cited as the "Chief Administrative Officer By-Law".
2. The Municipality will employ a Chief Administrative Officer.
3. The Chief Administrative Officer is the head of the administrative branch of the Municipal Government for the Municipality.
4. The Chief Administrative Officer is responsible to the Council for the proper administration of all the affairs of the Municipality in accordance with the policies and plans approved and established by the Council.
5. The Council shall, except for obtaining or providing information, deal with the administrative service of the Municipality solely through the Chief Administrative Officer.
6. The Council shall provide direction on the administration, plans, policies and programs of the Municipality to the Chief Administrative Officer. No individual member of the Council shall give orders, either publicly or privately, to any employee of the Municipality.
7. The Chief Administrative Officer shall communicate with the Warden and Executive Committee on policy issues and relevant information that arise between Council and Committee of the Whole meetings and the Chief Administrative Officer shall advise Council on a regular basis.
8. The Chief Administrative Officer shall:
 - (a) administer the day to day business affairs of all departments of the Municipality, in accordance with the policies and plans approved by Council.
 - (b) co-ordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all municipal property and facilities;
 - (c) ensure that the annual budget is prepared and submitted to Council;
 - (d) be responsible for the administration, accountability and control of the budget adopted by Council;
 - (e) present to Council for its consideration recommendations from the Department Heads or Officers, along with appropriate commentary from the Chief

Administrative Officer, concerning any aspect of internal operations, along with proposed By-Laws and Resolutions to give effect to such recommendations as may be adopted by Council;

- (f) meet with Department Heads and Officers of the municipal staff, regularly, for discussion of matters of policy and for co-ordination of all departmental activities;
- (g) attend, or be adequately represented at, all meetings of Council and any other meetings that Council may establish, and with the permission of the presiding officer make such observations and suggestions as the Chief Administrative Officer may deem expedient on the topic under discussion;
- (h) make written recommendations to Council, when the Chief Administrative Officer or the Council deems it necessary, with respect to a chosen topic and those recommendations shall be recorded as part of the minutes of the proceedings;
- (i) have power to review the Municipality's administrative organization structure and operations regularly and recommend any changes that would, in the opinion of the Chief Administrative Officer, improve the effectiveness or efficiency of the internal operations;
- (j) recommend to Council the appointment, employment, suspension or dismissal of Department Heads or Officers;
- (k) appoint, employ, suspend, or dismiss employees in accordance with procedures laid down in the Municipality's Personnel Policies, with power to further delegate this authority;
- (l) subject to policies adopted by Council, make or authorize the making of expenditures for the purchase of equipment, supplies or other items required for carrying on the business of the Municipality, and enter into contracts therefore on behalf of the Municipality where the amount of such expenditure does not exceed, in any one case, the sum of Ten Thousand Dollars (\$10,000) provided it is a budgeted item;
- (m) submit a recommendation to Council respecting any proposed expenditure, for any purpose, in excess of Ten Thousand Dollars (\$10,000), and respecting any contract involved therein, however, notwithstanding the above, the Chief Administrative Officer is empowered to make emergency expenditures up to Twenty-Five Thousand Dollars (\$25,000) and must immediately report the expenditure to Council for ratification at the next meeting;
- (n) subject to policies adopted by Council, personally or by an agent, negotiate and execute leases of real property owned by the Municipality that are for a term not exceeding one year, including renewals;

- (p) other than where it is required to be authorized by Council or a Standing Committee of Council, authorize, in the name of the Municipality, the commencement of, or the defence of any legal action, or proceedings before any court, board or tribunal and report the commencement of the legal action, defence or other proceedings to the Warden, Executive Committee and Council at the next meeting, with power to delegate this authority, if approved by Council;
 - (q) supervise the performance of all contracts or agreements entered into by the Municipality and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements and the Chief Administrative Officer shall report to the Council respecting such contracts;
 - (r) obtain information regarding all boards and commissions which affect the interests of the Municipality and report to Council regarding same when, in the opinion of the Chief Administrative Officer or Council, such reports are deemed necessary;
 - (s) carry out such additional duties and exercise such additional responsibilities as Council may assign.
9. (a) in the event of the temporary absence exceeding two days, or disability of the Chief Administrative Officer, the Chief Administrative Officer shall designate by letter/email to be filed with the Warden, a Department Head or Officer to perform the duties of Chief Administrative Officer during that absence;
- (b) If the absence or disability of the Chief Administrative Officer will be lengthy, the Council shall appoint a Department Head or Officer to perform the duties of the Chief Administrative Officer until the Chief Administrative Officer returns.
10. The Chief Administrative Officer, to assist in performing the duties of that office, may use the services of the Management Committee and the administrative staff of the Municipality.
11. The Directors of the Departments will form a Management Committee and are accountable to the Chief Administrative Officer for the performance of their duties and assignments.
12. All Directors of Departments shall submit reports and recommendations required of their Department to and through the Chief Administrative Officer.
13. A report or recommendation from the Solicitor of the Municipality shall be presented to the Council by the Solicitor, but the Chief Administrative Officer shall be informed of the contents in advance unless the report or recommendation is with respect to the Chief Administrative Officer.

14. If a Director of a Department disagrees with a recommendation of the Chief Administrative Officer, the objection may be provided to the Chief Administrative Officer who shall present it to Council.
15. The Chief Administrative Officer may attend all meetings of the Council and any board, committee, commission or corporation of the Municipality and make observations and suggestions on any object under discussion.
16. When there is a conflict between the Municipal Government Act and this municipal by-law, then the Municipal Government Act shall prevail.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the Chief Administrative Officer By-Law adopted and in full force in the Municipality of the District of Clare.

DATED at Little Brook, Nova Scotia this 16 day of December, 2016




Stéphane Cyr
Chief Administrative Officer

Chief Administrative Officer's Annotation for Official By-Law Book	
Date of First reading	December 16, 2016
Date of First Publication	January 28, 2016
Date of Hearing of Public Objections	February 17, 2016
Date of Second Reading and Enactment	February 17, 2016
Date of Final Publication Following Second Reading	December 15, 2016
Date sent to Nova Scotia Department of Municipal Affairs	December 16, 2016