

**THE CORPORATION OF
THE TOWNSHIP OF BONNECHERE VALLEY
BY-LAW NO. 2019-070**

**BEING A BY-LAW TO APPOINT A
CHIEF ADMINISTRATIVE OFFICER/
CLERK / TREASURER**

WHEREAS the *Municipal Act, S.O. 2001, c.25*, Section 229 provides that a Council may by by-law appoint a Chief Administrative Officer who shall have such general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality;

AND WHEREAS the *Municipal Act, 2001 S.O. 2001* Section 228(1) provides that the Council shall appoint a Clerk.

AND WHEREAS the *Municipal Act, 2001 S.O. 2001* Section 286(1) provides that the Council shall appoint a Treasurer.

AND WHEREAS the Council of the Corporation of the Township of Bonnechere Valley deems it desirable to appoint a Chief Administrative Officer and to define their duties and responsibilities;

NOW THEREFORE the Council of the Corporation of the Township of Bonnechere Valley hereby enacts as follows:

1. That Annette Gilchrist is hereby appointed the Chief Administrative Officer/ Clerk / Treasurer of the Corporation of the Township of Bonnechere Valley, herein after referred to as Chief Administrative Officer, or CAO.
2. The duties and responsibilities of the Chief Administrative Officer shall be as follows:

A. General

- i. THAT the Chief Administrative Officer shall have general control and management of the administration of the government and affairs of the Corporation of the Township of Bonnechere Valley and perform such duties as are hereinafter prescribed.
- ii. THAT the Chief Administrative Officer shall be responsible for the efficient administration of all the departments of the Corporation of the Township of Bonnechere Valley and shall be responsible to the Council and all standing or special committees for such responsibilities.
- iii. THAT the duties, responsibilities and obligations imposed on the Chief Administrative Officer shall in no way be deemed to empower him to perform, do or direct any act or matter or to exercise any authority that would to any extent whatsoever encroach upon the legislative powers of the Council.
- iv. THAT the Chief Administrative Officer shall take direction from and be responsible to the Council of the Corporation of the Township of Bonnechere Valley and to its standing and special committees, but he shall not be instructed or directed by or be responsible to any individual member of the Council. Notwithstanding the above, the Chief Administrative Officer shall consult with the Head of Council or any member of Council with respect to any matter of concern to the municipality or to any of its local boards or committees.

B. Human Resources Administration

- i. Subject to Sub-clause 2.(c)(i), the Chief Administrative Officer shall have the authority to recommend to Council the appointment, employment, suspension or dismissal of Department Heads, including the granting of leave and reinstatement after leave or suspension. Notwithstanding the above, the Chief Administrative Officer may suspend a Department Head pending Committee and Council review and action.
- ii. The Chief Administrative Officer shall have the authority to appoint, employ, suspend or dismiss employees, excluding employees under sub-clause 2.(b)(ii) and 2.(b)(iii) not covered by collective bargaining agreements, and, without limiting the foregoing, he shall have the authority to grant leave, to reinstate after leave or suspension, and to initiate disciplinary procedures.
- iii. The Chief Administrative Officer shall have the authority to appoint and employ and cease to employ all other employees, excepting employees under sub-classes 2.(b)(ii) and 2.(b)(iii), in accordance with the procedures specified in any collective bargaining agreements in force, and to dismiss or suspend such employees for cause.
- iv. The Chief Administrative Officer, may make recommendations to Council or Committees regarding the classifications, duties, responsibilities, evaluation, remuneration and benefits of any employees of the municipality, but in doing so, shall have due regard for the provisions of law and any collective agreement in force.
- v. The Chief Administrative Officer shall have the ultimate responsibility for the administration of any collective agreements entered into between Council and its employees, so long as those agreements remain in force and, in general, be responsible for wage and salary administration.
- vi. The Chief Administrative Officer shall have the right to participate in meetings pertaining to negotiations on collective agreements or meetings on any dispute or discussion arising therefrom.
- vii. The Chief Administrative Officer shall have full control and direction of all employees of the Corporation. And in so doing the Chief Administrative Officer shall observe all laws and legal agreements, and without limiting the foregoing,
 - a. shall observe all collective agreements, contracts and by-laws of employment as may be in force;
 - b. shall not act in violation of any statute or regulation of the Province of Ontario or Dominion of Canada.

C. Financial Administration

- i. The Chief Administrative Officer shall exercise general financial control over all departments of the municipality.
- ii. The Chief Administrative Officer shall ensure that the system of accounting in use by the Corporation will promote:
 - a. the accurate recording of all money received and disbursed by the Corporation, including its dependent local boards;
 - b. the accurate recording of all assets and liabilities and of all other accounting and financial transactions of the Corporation and its dependent local boards, in accordance with accounting principles generally accepted for Ontario municipalities;
 - c. the maintenance of sound financial controls over the assets of the Corporation; and,
 - d. the effective monitoring of revenues and expenditures of the Corporation in accordance with the approved estimates.

The Chief Administrative Officer shall:

- a. direct the preparation and compilation of the annual estimates of revenues and expenditures, in accordance with the requirements of legislation and the instructions of Committees and Council;
- b. direct the presentation to Committees and Council of the annual estimates, consisting of an operating budget for the current year, and a capital budget for the current year;
- c. ensure that Department Heads and other staff are responsible for the administration of the estimates as adopted by Council;
- d. ensure that reports are regularly presented to Council or a Committee of Council on the current status of the finances of the municipality and propose any necessary or advisable amendments to the approved estimates; and
- e. have prepared and submitted to Council at the end of the fiscal year a complete report on the finances of the Corporation for the preceding year.

The Chief Administrative Officer shall put into place sound procedures for purchasing, for tendering and for entering into contracts involving the expenditure of funds or the acquisition or disposition of assets, and all departments shall observe such procedures.

The Chief Administrative Officer shall have authority without reference to Council to enter into expenditures of money not exceeding \$25,000.00 providing that such expenditure shall be reported to the appropriate Committee or Council at the next meeting of same, or in compliance with the Procurement of Goods and Services Policy.

The Chief Administrative Officer shall be responsible to ensure that all accounts for payment are submitted to Council and to the appropriate Committee thereof, provided that all accounts proposed for payment after the adoption of the annual estimates shall be authorized in the estimates.

The Chief Administrative Officer shall ensure that all real property and other property owned by or vested in the name of the Corporation or any of its dependent local boards are adequately insured.

The Chief Administrative Officer shall be responsible to participate in the negotiation for the purchase, acquisition and sale of real property on behalf of the Corporation, provided that final authority for making or accepting offers shall rest with Council.

The Chief Administrative Officer shall have the authority to:

- a. make recommendations to Council or a Committee or Committees thereof, with respect to the administration of any department of the Corporation or any dependent local board thereof;
- b. obtain from any Department Head or any Committee of Council such information or reports with respect to their activities as the Chief Administrative Officer may consider advisable for maintaining or improving the standard of administration within the municipality;
- c. present to Council or a Committee or Committees thereof, recommendations arising from departmental operations that require Council or Committee approval and to propose

legislation or resolutions arising from such recommendations;
and,

- d. give effect to any decisions approved by Council or a Committee or Committees thereof concerning the organization or functioning of any department of the civic administration or of the administration as a whole.

The Chief Administrative Officer shall meet when necessary, but generally once a month, with such Department Heads of the Township as he shall deem appropriate, at which time they may give consideration to any of the following matters:

- a. coordination of departmental activities;
- b. recommendations concerning policies, plans, budgets, programs, and legislation being submitted to Council or one or more of its Committees;
- c. implementation of decisions made by Council or one or more of its Committees;
- d. implementation of procedures, plans, programs, policies and organization arrangements that are within the competence of the Chief Administrative Officer to determine without reference to Council; and
- e. proposals made by the Chief Administrative Officer or any member of the staff of the Township that will tend to improvement of the administration of the Corporation or that will contribute to more effective and efficient governing of the Township; and
- f. such other matters as may be deemed appropriate.

The Chief Administrative Officer shall receive a copy of correspondence of concern to the Council or the general administration of the Township.

In exercising their right under Sub-clause 2.(c){xi} the Chief Administrative Officer may:

- a. consult with Department Heads of the Township and direct that appropriate reports be prepared for his consideration and for Council's consideration;
- b. consult with any person or firm retained by the municipality, provided that funds for the purpose have been authorized in the estimates;
- c. determine, in consultation with the Mayor, whether a matter is properly addressed to Council or may be disposed of by the administration in accordance with the standing procedures and policies of Council, provided that the Chief Administrative Officer shall in no way inhibit the rights of inhabitants and ratepayers to petition Council nor the duty of Council to oversee the administration of the Corporation.

D. Policy Development, Implementation and Administration

- (i) For policy development, implementation and administration, the Chief Administrative Officer may convene and shall be the Chairman of a Staff Administration Committee, consisting of the Chief Administrative Officer and the Deputy CAO and the appropriate Department Head(s). The function of this Committee shall be to overview, at the staff level, departmental organizational structure, reporting and communications structures, staff complements, requests for new classifications, recruiting procedures and policy changes. Any recommendation pertaining to the above functions shall be reviewed firstly by the Staff Administration Committee and their written recommendations shall

be forwarded to the appropriate Committee(s) or Department Head(s). Such request and/or recommendation, along with the written response of the Staff Administration Committee shall be referred by the Committee(s) to the Council's Committee of the whole.

- (ii) The Chief Administrative Officer shall coordinate and direct the preparation of plans and programs to be submitted through Committees to Council for the development, reduction or improvement of services provided by the Township, its dependent local boards and any other local body and for the construction, maintenance, rehabilitation or disposition of the properties and facilities of the Township.
- (iii) The Chief Administrative Officer may present to Council, or to any of its Committees or dependent local boards, reports and information regarding progress and accomplishments in programs and projects undertaken by the Township.
- (iv) The Chief Administrative Officer shall receive communications, including communications from any local board, and forward to Council or Committees such communications as are of concern to Council together with his recommendations, if any.
- (v) The Chief Administrative Officer shall ensure that efficient, effective and democratic procedures for administering the affairs of Council or Committees are established, maintained and enhanced, and he shall seek Council's or Committee's approval for such measures as he may deem appropriate.
 - a. In discharging his duties the Chief Administrative Officer shall give particular attention to the following:
 - b. the processing of correspondence and other communications of concern to Council or its Committees prior to their presentation to Council or its Committees;
 - c. the content and format of agendas, reports and minutes;
 - d. the codifying of any Council, Committee, local boards or administration procedures and policy, ensuring convenient access to such policies and procedures;
 - e. the presentation to Council, its Committees and local boards, of staff recommendations concurred in by the Chief Administrative Officer; and
 - f. the indexing and retention of all records, documents, correspondence, books of account, and legislation, and their legal disposition when of no further use in connection with regular administration.
- (vi) The Chief Administrative Officer may be assigned such other duties, responsibilities, privileges and authorities as Council may legally assign, provided that the Chief Administrative Officer shall have the right to request Council's reconsideration of any such additional assignment and to propose alternative courses of action.
- (viii) The Chief Administrative Officer shall have the right and duty to address Council, or its Committees, with the consent of the Mayor or Chairperson, on any matter where his advice will assist Council or its Committees in its deliberations, subject to the following provisions:
 - a. where a member of the public, the press or a local board requests the Chief Administrative Officer to state an opinion on a matter that, in the view of the Chief Administrative Officer is a matter of legislative policy, the Chief Administrative Officer shall refer the request to an elected member of Council;
 - b. where he feels he is adequately prepared to provide advice or information, the Chief Administrative Officer shall respond to a request from a member of Council for information or for an opinion concerning any matter before Council or its

- Committees; and
- c. the Chief Administrative Officer shall neither vote nor attempt to influence the outcome of a vote by Council or any of its Committees, except insofar as he is requested or provides his opinion pursuant to this clause.

E. Chief Administrative Officer Contract and Performance Review

The salary, fringe benefits and working conditions of the Chief Administrative Officer, Annette Gilchrist, appointed under this by-law shall be as established by individual contract and may be amended upon request by either party to the agreement from time to time by resolution or by-law of the Council of the Township.

The CAO shall be responsible for the annual development of specific goals and objectives beyond the requirements of the position within this by-law.

The goals and objectives shall be reviewed by the Mayor and Committee of the whole and may be amended as deemed appropriate by the parties.

Annually in October, the Mayor shall review the general performance and goals and objectives for the year with the CAO. Emanating out of the review the Mayor will apprise Township Council of the performance review outcomes.

THAT By-Law Number 2019-040 of the Township of Bonnechere Valley be and is hereby repealed, as of January 6, 2020.

This by-law shall come into force as of January 6, 2020.

READ A FIRST & SECOND TIME THIS 17TH DAY OF DECEMBER 2019

READ A THIRD TIME AND PASSED THIS 17TH DAY OF DECEMBER 2019

Jennifer Murphy, Mayor

Sandra Barr, Acting CAO