

THE TOWN OF SACKVILLE

BY-LAW NO. 217

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 THE TOWN

Council of the Town of Sackville, 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

- 1 In this By-Law, unless the context otherwise requires, the words hereinafter defined shall have such meaning:

“Act” means the *Municipalities Act*, R.S.N.B. 1973, Chapter M-22.

“Chief Administrative Officer” means the Chief Administrative Officer appointed by Council pursuant to subsection 74(1) of the Act.

“Council” means the Mayor and councillors of The Town of Sackville.

“Directors” means the Directors of the Town of Sackville including the Treasurer and the Fire Chief appointed by Council.

“Employee” means anyone employed by the town of Sackville, and includes Directors.

“Mayor” means the Mayor of The Town of Sackville and is the chief elected officer of the Town.

“Town” means The Town of Sackville.

Appointment of the Chief Administrative Officer

2(1) Council shall appoint a Chief Administrative Officer for the Town and the duties and powers of the Chief Administrative Officer 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(2) The Chief Administrative Officer is appointed under subsection 74(1) of the Act and is employed on a full-time basis.

2(3) Pursuant to subsection 74(5) of the Act, the Chief Administrative Officer 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 council.

Full time appointment of the Chief Administrative Officer

3(1) Unless prevented by ill health or other sufficient cause, all of the Chief Administrative Officer's time and attention shall be devoted to the business of the Town as required by this by-law and Council.

3(2) The Chief Administrative Officer 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 Chief Administrative Officer shall be allowed, to the extent that such activities do not materially interfere with the performance of his duties and responsibilities, to manage his passive personal investments and to serve on civic, charitable or professional boards or committees;

Relationship between Council, the Chief Administrative Officer and the employees of the Town

4(1) The Chief Administrative Officer is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with applicable legislation, the by-laws of the Town and the policies and resolutions adopted by Council.

4(2) The Chief Administrative Officer shall keep Council informed concerning the affairs of the Town, and shall recommend to Council such actions as may be necessary or expedient for the welfare of the Town, or as required by the *Municipalities Act* and other applicable legislation.

4(3) Except as provided by the Act, all Directors including the office of 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) Council shall provide direction on the administration, plans, policies and programs of the Town to the Chief Administrative Officer.

4(5) The Chief Administrative Officer is the Chief of Staff of the Town. With the exception of general information inquiries and sharing, and defined Liaison Councillor roles, Council shall communicate with the employees of the Town solely through the Chief Administrative Officer. The Chief Administrative Officer shall communicate on behalf of staff to Council or the Mayor.

4(6) Unless previously authorized in writing by Council, the Chief Administrative Officer, or a Director 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(7) Only Council as a whole can direct the Chief Administrative Officer and 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 Chief Administrative Officer or any employee of the Town.

4(8) Notwithstanding Article 4(7), members of Council may have a discussion and provide suggestions and advise, individually or as a whole, to the Chief Administrative Officer. The Chief Administrative Officer may also consult with members of Council or Council as a whole.

4(9) The Chief Administrative Officer shall obtain permission from the Mayor for absences from the Town in excess of three (3) days.

4(10) Council, through the Personnel Committee, will conduct, unless excused by Council, an evaluation of the Chief Administrative Officer, by December of the second year of Council's term and again in December of Council's third and fourth year according to an evaluation process and content agreed to by Council and the Chief Administrative Officer by the start of that year.

Responsibilities of the Chief Administrative Officer

5(1) The Chief Administrative Officer shall

(a) coordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all Town property and facilities;

(b) ensure that the annual budget and according work plan are prepared and submitted to Council;

- (c) be responsible for the administration of the budget and the monitoring of the work plan after adoption;
- (d) review the drafts of all proposed by-laws and policies and make recommendations to Council with respect to them;
- (e) oversee the publication of all notices, ordinances or other documents required by law to be published and prepare, or approve, all reports which the Town or any of the officers thereof are required by law to prepare;
- (f) present to Council for its consideration, recommendations from the Directors, along with appropriate commentary from the Chief Administrative Officer, concerning any aspect of internal operations, along with the proposed By-laws or Resolutions to give effect to such recommendations as may be adopted by Council;
- (g) meet with Directors regularly for discussion of matters of policy, co-ordination and collaboration amongst all departments;
- (h) make written recommendations to Council, when the Chief Administrative Officer or Council deems it necessary, with respect to a chosen topic;
- (i) attend all meetings of Council, is ex-officio on all the committees of the Town and obtain information regarding all boards, committees and commissions, which affect the interest of the Town and report to Council regarding it when, in the opinion of the Chief Administrative Officer or Council, such reports are deemed necessary;
- (j) recommend to Council the appointment, employment, suspension or dismissal of Directors;
- (k) appoint and employ, or suspend, and dismiss for cause all other employees of the Town, other than Directors;
- (l) act as head of the bargaining team for the Town in the negotiation of collective agreements between the Town and Trade Unions and employee association and recommend such contracts to Council and, in general, be responsible for wages and salary recommendation to Council concerning all Town employees;
- (m) when appropriate, but not exclusively, communicate and liaise with senior government departments and employees on behalf of the Town;
- (n) make or authorize expenditures, and, subject to subsection 5(2) of the Municipalities Act, enter into contracts on behalf of the Town, for anything required for the Town where the amount of the expenditure is budgeted or within the amount determined by Council by policy, and may delegate this authority to employees of the

Town;

(o) make recommendations to Council on the establishment or modifications of the departments of the Town;

(p) authorize, in the name of the Town, and subject to applicable legislation and the common law, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the Town but Council may by resolution limit this authority to the extent deemed appropriate from time to time;

(q) supervise the performance of all contracts or agreements entered into by the Town and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements;

(r) carry out annual performance appraisals of all Directors and the Town Clerk and ensure that annual performance appraisals of all other personnel are carried out by their Supervisors;

(s) investigate all complaints regarding the services provided by the Town, and take necessary measures to rectify any situation when warranted; and

(t) where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.

5(2) In the event of temporary absence or disability, the Chief Administrative Officer may designate a senior employee of the Town to perform the duties of the Chief Administrative Officer during that absence, and shall file a letter with the Mayor indicating that such action has been taken.

Other positions held by the Chief Administrative Officer

6(1) The Chief Administrative Officer is hereby appointed Communication Officer.

6(2) The Chief Administrative Officer shall be Emergency Measures Co-Ordinator for the Town and oversee the coordination and implementation of the Town's emergency plan.

6(3) The Chief Administrative Officer shall be the primary liaison with the municipal detachment of the Royal Canadian Mounted Police.

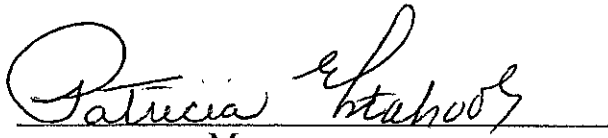
7 Council by resolution may rescind, amend or vary the appointments authorized in sections 6 hereof.

8. This By-Law comes into effect on the date of final passing thereof.

Read a first time this 12th day of July, 2010.

Read a second time this 9th day of August, 2010.

Read a third and passed Council this 9th day of August, 2010.



Mayor



Clerk