

BYLAW 2023-07, 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 RURAL COMMUNITY.

The Council of Harvey Rural Community, under the authority vested in it by the *Local Governance Act* hereby enacts as follows:

1. Definitions

"**Act**" means the *Local Governance Act* and amendments.

"**Chief Administrative Officer (CAO)**" The Chief Administrative Officer has such duties and powers as the council prescribes by by-law or resolution. *Local Governance Act*, Section 81

"**Clerk**" means the person holding the position and performing the duties of clerk as outlined in the *Local Governance Act*, Section 74(1).

"**Treasurer**" The treasurer is the chief financial and accounting officer of the local government

"**Council**" means the Mayor and Councillors of Harvey Rural Community.

"**Employee**" means any other person employed by Harvey Rural Community other than the CAO.

"**Minister**" means the Minister of Environment and Local Government and Includes anyone designated by the Minister to act on the Minister's behalf.

"**Local Government**" means a municipality, rural community or regional municipality.

"**Rural Community**" means the Harvey Rural Community.

2. Appointment of the Chief Administrative Officer (CAO)

- a) Council shall appoint a Chief Administrative Officer for the Rural Community and the duties and powers of the CAO are prescribed by this By-Law made pursuant to Section 81 of the Act with such additions or deletions as may be approved by a resolution of Council from time to time.
- b) The CAO Is appointed under Subsection 71(2) of the Act.
- c) Pursuant to Subsection 71(4) of the 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 Council.
- d) Notwithstanding Subsection (3) hereof, and Subsection 71(4) of the Act, the CAO may be dismissed or otherwise disciplined in accordance with the terms of a written contract of employment in force between the Rural Community and the CAO.

3. Appointment

- a) The CAO may engage in another business if the CAO has:
- b) Complied with the conflict of interest requirements in PART 8, Sections 88, 89, 90 and 92 of the *Act*,
- c) Advised the Council in writing that a directorship, officer, agent or employee of any other company or that an interest in another business has been acquired, or

is held, and outlines the nature of the directorship, officer, agent, employee, or business and its name and any property or business in which that business has a pecuniary interest,

- d) Established that any such business does not engage in the sale of, or otherwise deal in, any product or service to or with the Rural Community, and
- e) Received authorization from Council.
- f) The CAO shall, to the extent that such activities do not materially interfere with the performance of the CAO duties and responsibilities, be allowed to manage his/her passive personal investments and to serve on civic, charitable or professional boards and committees.
- g) The Chief Administrative Officer shall inform Council through the Mayor for absences from the Rural Community in excess of three (3) days.

4. Relationship between Council, the Chief Administrative Officer and the Employees of the Rural Community

- a) The CAO is the head of the administrative branch of the government of the Rural Community and is responsible to Council for the proper administration of the affairs of the Rural Community in accordance with applicable legislation, the By-Laws of the Rural Community, and the procedures and resolutions adopted by Council.
- b) The CAO shall keep the Council informed concerning the affairs of the Rural Community and shall recommend to Council such actions as may be necessary or expedient for the welfare of the Rural Community, or as required by the *Local Governance Act* and other applicable legislation.
- c) The Council shall provide direction on the administration, plans, policies and programs of the Rural Community to the CAO.
- d) The Council shall communicate with the employees of the Rural Community solely through the CAO, except in circumstances where the CAO is unavailable or where the CAO provides permission, that the members of Council may communicate directly with employees of the Rural Community to obtain or provide information.
- e) No member of Council, or committee, or member of a committee established by Council shall instruct or give direction to, either publicly or privately, an employee of the Rural Community.
- f) The CAO shall communicate to Council on behalf of Rural Community staff.
- g) Except as provided by the *Local Governance Act*, all Staff of the Rural Community are accountable to the CAO for the performance of their duties and shall submit the reports and recommendations of them to and through the CAO.

5. Responsibilities of the Chief Administrative Officer

- a) In addition to those duties outlined in Section 4, the CAO shall:
 - i. attend all meetings of Rural Community Council and act as ex-officio member of all committees, boards, and authorities, as required by Council.
 - ii. prepare and submit such reports and recommendations as may be required by Council or its committees, boards or authorities.
 - iii. regularly communicate to Council, the status of policy directives as initiated by Council and providing an interface between the Administration and Council for the flow of information and directives.
 - iv. recommend and/or provide such professional development, training and consultation for Council such that Council can function in an efficient and productive manner.
 - v. discharge other duties as Council may, by resolution, direct.
- b) Financial responsibilities require that the CAO shall:
 - i. ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to Council.
 - ii. provide resources to Council such that the annual budget may be duly completed.
 - iii. be responsible for the administration of the budget and the monitoring of the work plan after adoption of the budget.
 - iv. regularly report to Council on the status of the budget and shall make recommendations to any needed alterations, motions, or actions as required by legislation or by emergency circumstances.
 - v. make or authorize expenditures and subject to section 4(3)(b) of the *Local Governance Act*, enter into contracts on behalf of the Rural Community, for anything required for the Rural Community where the amount of the expenditure is budgeted or is within the amount determined by Council resolution or policy and may delegate this authority in writing to employees of the Rural Community.
 - vi. approve payment of all expenditures and invoices less than \$3,000 for non-budgeted items and will submit to Council for payment all expenditures and invoices for payment for non-budgeted items \$3,000 or more.
 - vii. be cognizant of appropriate Municipal, Provincial and or Federal grant programs or opportunities
- c) Legal responsibilities require that the CAO shall:
 - i. provide Council with legal advice and interpretation as attained through consultation with the Rural Community's designated legal counsel, of any and all matters pertaining to decisions of Council.

- ii. authorize, in the name of the Rural Community, and subject to applicable legislation and the common law, the commencement or defense of a legal action or proceedings before a court, board, or tribunal, including reporting the commencement of the legal action, defense or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the Rural Community, but Council may by resolution, limit this authority to the extent deemed appropriate from time to time.
 - iii. where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.
 - iv. ensure that sufficient liability insurance is provided to Council and to Rural Community employees.
 - v. ensure the legality of all contracts or agreements entered into by the Rural Community.
- d) Administrative responsibilities require that the CAO shall:
- i. supervise the performance of all contracts and agreements entered into by the Rural Community and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements.
 - ii. oversee the publication of all notices, ordinances or other documents required by law to be published and prepare, or approve, all reports which the Rural Community or any officers thereof are required by law to prepare.
 - iii. on the approval of Council, assume the duties of the Clerk as defined by the Local Governance Act Section 74 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.
 - iv. on the approval of Council, the CAO shall assume the duties of the Rural Community Treasurer as defined by the *Local Governance Act* Section 76 or if not assuming the duties, will recommend to Council a suitable person whom the Council will appoint.
 - v. coordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all Rural Community property and facilities.
 - vi. be guided by the policies and objectives as outlined by the Harvey Rural Community Rural Plan.
 - vii. develop an organizational chart of departments, personnel, and duties and shall make recommendations to Council on the establishment or modification of the departments of the Rural Community.
 - viii. recommend to Council the appointment, employment, promotion, suspension or dismissal of all employees.
 - ix. carry out annual performance appraisals of all employees.
 - x. develop and recommend to Council, an Emergency Plan pertaining to the health, safety and welfare of the community and the civic employees.

- e) Professional responsibilities require that the CAO shall:
- i. establish and maintain positive working relationships with pertinent personnel in the relevant Provincial and Federal government departments.
 - ii. maintain a working relationship with the Capital Region Service Commission (CRSC) staff and shall coordinate and present all planning decisions, resolutions, or other pertinent matters between Council and the CRSC.
 - iii. liaise with the staff of the CRSC and understand all by-laws, regulations, budgets and operations as they affect the operations and budget of the Harvey Rural Community.
 - iv. be a member of the Association of New Brunswick Municipal Administrators and is encouraged to join other professional associations which furthers his/her professional growth.
 - v. together with Council, develop yearly work-related objectives and goals which will form the basis for the CAO's evaluation. These objectives and goals may include opportunities for training and professional development and would include attendance and participation at appropriate workshops, seminars, and conferences.
 - vi. have qualifications and education which enables him/her to effectively implement current infrastructure priorities and those objectives stated in the Municipal Rural Plan.
 - vii. be knowledgeable of the *Community Planning Act* and cognizant of those responsibilities and obligations outlined in the *Community Planning Act*.

6. Evaluation of the Chief Administrative Officer

The CAO is to be evaluated annually on a date either established by Council policy or on a mutually agreed upon date which coincides with the date the CAO was hired as outlined in the Human Resources Manual.

- 7.** The Council, by resolution, may rescind, amend, or vary the appointments authorized by this By-Law.

In Witness whereof the Rural Community of Harvey has caused its corporate seal to be hereunto affixed to this By-Law the 14th day of April, 2023.

FIRST READING: March 8, 2023
 SECOND READING: April 12, 2023
 THIRD READING: April 12, 2023

Clerk: _____
 Katherine Henry

Mayor: _____
 Richard Corey

Seal