

# MUNICIPALITY OF THE COUNTY OF KINGS



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## **BY-LAW # 51**

### **CHIEF ADMINISTRATIVE OFFICER BY-LAW**

1. This By-Law shall be known as and may be cited as the "Chief Administrative Officer By-Law".
2. The Municipality of the County of Kings 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 of the County of Kings.
4. The Chief Administrative Officer is responsible to the Council of the Municipality of the County of Kings 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 of the Municipality of the County of Kings 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 Mayor 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 not covered by collective bargaining agreements in accordance with procedures laid down in the Municipality's Personnel Policies, with power to further delegate this authority;
- (l) appoint, employ, suspend or dismiss all other employees of the Municipality in accordance with procedures laid down in their respective collective bargaining agreements, with power to further delegate this authority;
- (m) act, or appoint a person to act, subject to Council's approval, as bargaining agent for the Municipality in the negotiation of contracts between the Municipality and trade unions and employee associations and recommend such contracts to Council and, in general, be responsible for wages and salary recommendations to Council concerning all municipal staff;
- (n) 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 Twenty-Five Thousand Dollars (\$25,000) provided it is a budgeted item;

- (o) submit a recommendation to Council respecting any proposed expenditure, for any purpose, in excess of Twenty-Five Thousand Dollars (\$25,000), and respecting any contract involved therein, however, notwithstanding the above, the Chief Administrative Officer is empowered to make emergency expenditures in excess of Twenty-Five Thousand Dollars (\$25,000) and must immediately report the expenditure to Council for ratification at the next meeting;
  - (p) subject to policies adopted by Council, sell any personal property belonging to the Municipality not exceeding a value of Twenty-Five Thousand Dollars (\$25,000) which, in the opinion of the Chief Administrative Officer, is no longer needed by the Municipality or which is obsolete or unsuitable for use and such sales shall be reported to Council at the next session;
  - (q) 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;
  - (r) 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 Mayor, Executive Committee and Council at the next meeting, with power to delegate this authority, if approved by Council;
  - (s) 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;
  - (t) 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;
  - (u) carry out such additional duties and exercise such additional responsibilities as Council may assign.
9. (a) in the event of the temporary absence or disability of the Chief Administrative Officer, the Chief Administrative Officer may designate by letter to be filed with the Mayor, 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 them 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.

#### History of this By-Law

Enacted	December 5, 1978
Amended	June 5, 1990 May 7, 1991 December 3, 1996 August 4, 1998 August 2, 2016 (effective November 1, 2016)