



Staff Report

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Report To: General Government Committee

Date of Meeting: January 15, 2024

Report Number:

CAO-001-24

Submitted By: Mary-Anne Dempster, CAO

Reviewed By:

Resolution#:

Authored By: Mary-Anne Dempster, CAO

File Number:

By-law Number:

Report Subject: Define and Determine the Duties and Responsibilities of the CAO

Recommendations:

1. That Report CAO-001-24, and any related delegations or communication items, be received;
2. That the By-law attached to Report CAO-001-24, as attachment 1, be approved; and
3. That all interested parties listed in Report CAO-001-24, and any delegations be advised of Council's decision.

Report Overview

The purpose of this report is to update By-law 98-171, which defines and determines the duties and responsibilities of the Chief Administrative Officer (CAO) under the Municipal Act. As a growing and modernizing Municipality, the enhanced By-law articulates the scope of responsibilities of the CAO in the context of recent legislative changes and the Municipality's new organizational structure.

1. Background

- 1.1 [By-law 98-171](#) covers the duties and responsibilities of the Chief Administrative Officer (CAO). It was passed on November 27, 1998.
- 1.2 Over the last 25 years, the Municipality has grown from a small organization to a large organization that requires empowerment with clear expectations to deliver, consistent with the duties afforded to the CAO under the Municipal Act.
- 1.3 Recent legislation changes have provided the need to review and update By-law 98-171.
- 1.4 By-law 98-171 has been reviewed in the context of the legislative changes and new organizational structure – with a focus on ensuring clarity and completeness.
- 1.5 Clarington's By-law 98-171 has been compared to those from the other Durham Lakeshore municipalities for consistency and completeness.

2. Review and Identified Changes

- 2.1 The proposed By-law has been updated and modernized, and also includes expectations – all of which are in line with the duties assigned to the CAO under the Municipal Act.
- 2.2 The enhanced structure of the By-law provides for the establishment of the By-law and the scope of responsibility.
- 2.3 By-law 98-171 identifies expectations within the body of the By-law under Section 4 and encompasses sub-sections 4.a) to 4.cc). Under the proposed By-law, the expected duties of the position are now housed in "Schedule A" and broken into three distinct sections: General Duties and Responsibilities of the CAO; Human Resource Management and Administration; and Financial Management to clearly understand in what aspect duties are assigned.

- 2.4 The new structure is consistent with that of the other Lakeshore Municipalities in Durham, including the duties assigned. It provides the necessary flexibility to manage operations effectively and efficiently, as assigned under the Municipal Act.
- 2.5 With the format change, it was not possible to provide a red-lined version. Instead, tables have been developed to provide the roadmap to where to find the existing authority in the proposed By-law. The sections that were not included and those which have been added have been identified.
- 2.6 Sub-Sections 4.j), 4.l), 4.r), 4.y) and 4.cc) of By-law 98-171 have been removed as they are operational in nature and too specific to how duties are to be performed. They are inherent in the duties provided for.
- 2.7 The following table illustrates the comparison between the proposed By-law Schedule A duties under Section 1 and those provided for in By-law 98-171 Section 4. Sub-sections a), c), n) and o) have been added to the proposed By-law to provide clarity and completeness. The duties identified are not new, they are consistent with current practice, but are now clearly articulated.

Proposed By-Law-Schedule A	Existing By-Law-Section 4
1. General Duties and Responsibilities of the CAO	
Subject to the provisions of the <i>Municipal Act, 2001</i> , as amended from time to time, be responsible for the general duties, authorities and responsibilities as follows:	
a) To protect the interests of the Corporation, financial and otherwise;	
b) Develop short and long-term goals, strategies, and operating plans to implement Council's strategic plans and priorities and provide recommendations to Council in collaboration with Senior Leadership Team (SLT), where appropriate;	b) Collaborate with Municipal Council and the Administrative Branch in the development and administration of the Municipality's objectives and major policies.

Proposed By-Law-Schedule A	Existing By-Law-Section 4
c) Provide for the supervision, care, control, and management of all assets and services under the ownership or control of the municipality;	
d) Ensure the Organization, in consultation with the Mayor, is appropriately structured to deliver services and programs as established by Council;	w) Ensure that the Civic administration has and functions under an appropriate organization structure.
e) Manage and administer the business of the Corporation in accordance with the by-laws, policies, resolutions, and plans approved by Council and in some instances the Mayor, specific to the Strong Mayors Act powers;	c) Provide advice and expertise to Municipal Council on the Corporation's general policies. Inform Council on the condition of the Municipality's administrative affairs and factors that may affect them. f) Act upon Council requests, resolutions and directives.
f) Lead, direct, and coordinate the SLT in the administration of the business affairs of the corporation;	a) Maintain total responsibility to the Municipal Council for the operations of the Corporation, while liaising closely with the Administrative Branch.
g) Attend, or be represented at, all Council and Standing Committee meetings to provide advice, answer questions, and make recommendations to Council;	d) Attend Council and Committee meetings with the right, with the consent of the Chair, to speak, but not to vote.
h) Provide information, recommendations, advice, and expertise to the Mayor, Council and Standing Committees of Council, as required, in collaboration with SLT, including the preparation of Council Reports, Council	g) Develop and recommend to Council, plans and programs for the attainment of organization objectives. h) Review drafts of all by-laws, staff reports, contracts and agreements and

Proposed By-Law-Schedule A	Existing By-Law-Section 4
<p>Memos, and Council Briefing Notes to support decision-making and by-law approvals;</p>	<p>submit to Council and/ or committee of Council his/her recommendations thereon.</p>
<p>i) Lead, direct, and coordinate the Corporation's Departments in the pursuit of continuous improvement, innovation and cost-effective delivery of services and management of the Corporation to enhance service levels at the lowest possible cost to the taxpayer;</p>	<p>v) Provide for the continual improvement of the Municipality' s management techniques and operating efficiency.</p>
<p>j) Delegate duties and responsibilities to SLT, as deemed appropriate, for the effective and efficient management and administration of the Corporation;</p>	<p>u) Prescribe the specific limitation of authority of subordinates regarding policies, contractual commitments, expenditures and personnel action.</p>
<p>k) Represent the interests of the Corporation as it pertains to federal, provincial, regional, and local municipal intergovernmental issues and with boards, agencies, and commissions at the administrative level;</p>	<p>e) Maintain communications with all levels of government, as necessary for the conduct of Municipal business. Provide resource information for members of Council in consultation with Department Heads, on relevant matters with the various levels of government.</p>
<p>l) Enhance the Corporation's public relations and communications functions;</p>	<p>z) Conduct such dealings with individuals or groups outside the Corporation as are necessary to carry out responsibilities and promote the interests of the Municipality.</p> <p>bb) Give thought and action to all phases of the maintenance of sound public relations as it pertains to the</p>

Proposed By-Law-Schedule A	Existing By-Law-Section 4
	municipal staff, the general public and the taxpayer.
m) Be involved in the ongoing maintenance of the Emergency Plan and play a leadership role in carrying out the plan in the event of an emergency;	t) Be involved in the on-going maintenance of a nuclear and non-nuclear emergency plan and play a leadership role in carrying out the plan in the event of an emergency.
n) Foster a positive working relationship between Members of Council and Municipal Staff and maintain a courteous, considerate, and respectful workplace environment;	
o) Where service level changes are contemplated, secure Mayor and/or Council approval, whichever is appropriate through authorities provided in the applicable legislation; and	
p) Oversee and coordinate the execution of approved plans and programs;	k) Oversee and co-ordinate the execution of approved plans and programs.
q) Perform any additional responsibilities and exercise the powers incidental thereto which, from time to time, may lawfully be assigned to, or vested by, the Council.	cc) Generally and in addition to the foregoing, to perform the duties and exercise the powers which, from time to time, may lawfully be assigned to or vested in him/ her by the CAO.

2.8 The following table illustrates the comparison between the proposed By-Law Schedule A duties under Section 2 and those provided for in By-Law 98-171 Section 4. Sub-

section f) has been added to clearly articulate the expectations with non-bargaining employees, which is consistent with current practice.

Proposed By-Law-Schedule A	Existing By-Law-Section 4
2. Human Resource Management and Administration	
<p>Subject to the provisions of the <i>Municipal Act, 2001</i>, as amended from time to time, be responsible for the human resource management and administration, authorities and responsibilities as follows:</p>	
<p>a) Responsible for personnel administration with the Municipality including appointment, promotion, demotion, suspension, discipline, and/or dismissal of all employees including Department Heads, with the Mayor to be consulted for positions of interest (Department Heads, Statutory Officers, and other applicable roles);</p>	<p>m) Co-ordinate, direct and supervise the Heads of Department, and through them, all other employees of the Corporation except those officials as are appointed under statute in respect to their statutory duties and responsibilities.</p> <p>n) Advise Council on the appointment, suspension, or dismissal of Department Heads.</p> <p>o) Appoint, suspend or dismiss for cause, other management and Non - Union employees.</p> <p>p) Appoint and employ all other employees of the Corporation in accordance with procedures laid down in collective bargaining agreements, and to dismiss or suspend such employees for cause, after consultation with the Department Head.</p> <p>x) Ensure that officials carry out statutory duties in a proper manner.</p>

Proposed By-Law-Schedule A	Existing By-Law-Section 4
<p>b) Recommend statutory appointments to Council after a recruitment process has been undertaken, which the Mayor may, at their discretion, have been included;</p>	<p>m) Co-ordinate, direct and supervise the Heads of Department, and through them, all other employees of the Corporation except those officials as are appointed under statute in respect to their statutory duties and responsibilities.</p>
<p>c) The CAO shall not act in a manner that conflicts with the statutory duties of the employees who are appointed under any statute, inclusive of the Chief Building Official, Municipal Clerk, Fire Chief, and Treasurer;</p>	<p>m) Co-ordinate, direct and supervise the Heads of Department, and through them, all other employees of the Corporation except those officials as are appointed under statute in respect to their statutory duties and responsibilities.</p>
<p>d) Direct the Collective Bargaining Process and contract negotiations with all unionized employees and recommend to Council the terms of the collective agreements concerning wages, benefits, and terms of service and, upon approval of Council, direct the administration of the collective agreements with the assistance of human resources staff;</p>	<p>q) Perform the duties of personnel administrator and co-ordinate and supervise, through the Committee or Council, the negotiation and settlement of the terms of the collective bargaining agreements between the municipality and its employees and generally supervise and administer such agreements and make recommendations to the Council or its committee with respect to the salaries, wages and working conditions of its employees, subject to normal grievance procedure.</p>
<p>e) Be authorized to resolve any employee/labour relations or personnel-related matters involving the Municipality, including the authority to enter into terms of</p>	<p>q) Perform the duties of personnel administrator and co-ordinate and supervise, through the Committee or Council, the negotiation and settlement of the terms of the collective bargaining agreements between the municipality</p>

Proposed By-Law-Schedule A	Existing By-Law-Section 4
settlement as required and in consultation with the Mayor; and	and its employees and generally supervise and administer such agreements and make recommendations to the Council or its committee with respect to the salaries, wages and working conditions of its employees, subject to normal grievance procedure.
f) Administer the terms and conditions of employment of the Non-union Employee group including all wage, salary, benefits, and leave administration in accordance with applicable human resources policies and procedures and contracts of employment.	

2.9 The following table illustrates the comparison between the proposed By-Law Schedule A duties under Section 3 and those provided for in By-Law 98-171 Section 4. Sub-section c), d), e) and f) have been added to clearly articulate financial expectations. The duties identified are not new, they are consistent with current practice, but are now clearly articulated.

Proposed By-Law-Schedule A	Existing By-Law-Section 4
3. Financial Management	
Subject to the provisions of the <i>Municipal Act, 2001</i> , as amended from time to time, be responsible for the financial management, authorities and responsibilities as follows:	

Proposed By-Law-Schedule A	Existing By-Law-Section 4
<p>a) With the assistance of the Treasurer and Senior Management Team, ensure the preparation of the Operating and Capital Budgets necessary for the financial and operational management of the Corporation for the Mayor's consideration and to present these budgets to Council, which have been agreed to by the Mayor;</p>	<p>s) Supervise and direct the preparation of the annual estimates of revenue and expenditures for the consideration of Council and the administration of the budget, subject to the approval of Council.</p>
<p>b) Review, with the Senior Leadership Team, the performance of contracts or agreements entered into by the Corporation and ensure conditions have been fulfilled in accordance with the provisions of such contracts or agreements as approved by Council;</p>	<p>i) Review the performance of all contracts or agreements entered into by the Municipality and satisfy himself/herself that all conditions have been fulfilled in accordance with the provisions of such contracts or agreements and he/she may report therein to Council.</p>
<p>c) Exercise and maintain sound financial management of the Corporation inclusive of effective monitoring, control, and compliance with the annual estimates of revenues and expenditures, as deemed by the Mayor and supported by Council;</p>	
<p>d) Ensure, with the assistance of the Treasurer, all statutory financial actions comply with the <i>Municipal Act 2001</i>, as amended from time to time, and applicable accounting standards;</p>	
<p>e) Ensure the establishment and enforcement of policies and procedures for the procurement of goods and services of the Corporation; and</p>	

Proposed By-Law-Schedule A	Existing By-Law-Section 4
f) Exercise effective financial control of all departments, with the assistance of the Treasurer and members of the Senior Leadership Team.	

3. Financial Considerations

Not Applicable

4. Strategic Plan

This Report supports Strategic Plan Priority L.1.2: Promote a culture of corporate excellence, by bringing strategic alignment across the organization and better defining the roles and responsibilities and the ability to delegate to the Senior Leadership Team.

5. Concurrence

The proposed By-Law has been reviewed by the Clerk, the Solicitor, and the Mayor.

6. Conclusion

It is respectfully recommended that the proposed By-law be approved and By-law 98-171 be repealed.

Staff Contact: Mary-Anne Dempster, CAO, mdempster@clarington.net

Attachments:

Attachment 1 – Draft By-law 2024-XXX CAO Duties and Responsibilities

Interested Parties:

There are no interested parties to be notified of Council's decision.