

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

The Corporation of the Municipality of Clarington
By-law XX-XXX

Being a by-law to establish the position and to define and determine the duties and responsibilities of the Chief Administrative Officer and to repeal By-law 98-171.

Whereas it is deemed expedient and desirable to establish the position of Chief Administrative Officer and to define and determine the duties and responsibilities thereof;

Now therefore the Council of the Municipality of Clarington enacts as follows:

1. That the Chief Administrative Officer (CAO), subject to the provisions of the *Municipal Act, 2001*, is the head administrative official of the Municipality of Clarington and, through direction from Council, or the Mayor, as deemed appropriate by legislation, including the Strong Mayors Act, is appointed by and accountable to the Mayor for the effective and efficient administration of all Municipal Departments.
2. That the said duties and responsibilities contained within shall not be deemed to empower the CAO to have, perform, do, or direct any act of matter that would, to any extent whatsoever, encroach upon the statutory authority or legislative powers of the Council.
3. During an extended absence of the CAO, the Mayor may appoint an Acting Chief Administrative Officer who shall be empowered to perform all the duties, roles and responsibilities of the Chief Administrative Officer. The CAO is authorized to designate an Acting Chief Administrative Officer to act in their place during periods of temporary absence.
4. The CAO is hereby assigned the duties, authorities, and responsibilities outlined in Schedule "A" of this By-law, and Schedule "A" shall form a part of this by-law.
5. That By-law 98-71 is hereby repealed.

Schedule A

1. General Duties and Responsibilities of the CAO

Subject to the provisions of the *Municipal Act, 2001*, 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;
- 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;
- 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;
- f) Lead, direct, and coordinate the SLT in the administration of the business affairs of the corporation;
- g) Attend, or be represented at, all Council and Standing Committee meetings to provide advice, answer questions, and make recommendations to Council;
- 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 Memos, and Council Briefing Notes to support decision-making and by-law approvals;
- 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;
- j) Delegate duties and responsibilities to SLT, as deemed appropriate, for the effective and efficient management and administration of the Corporation;
- 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;
- l) Enhance the Corporation's public relations and communications functions;

- 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;
- 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;
- 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.

2. Human Resource Management and Administration

Subject to the provisions of the *Municipal Act, 2001*, as amended from time to time, be responsible for the human resource management and administration, authorities and responsibilities as follows:

- 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);
- b) Recommend statutory appointments to Council after a recruitment process has been undertaken, which the Mayor may, at their discretion, have been included;
- 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;
- 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;
- e) Be authorized to resolve any employee/labour relations or personnel-related matters involving the Municipality, including the authority to enter into terms of settlement as required and in consultation with the Mayor; and
- 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.

3. Financial Management

Subject to the provisions of the *Municipal Act, 2001*, as amended from time to time, be responsible for the financial management, authorities and responsibilities as follows:

- 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;
- 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;
- 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;
- d) Ensure, with the assistance of the Treasurer, all statutory financial actions comply with the *Municipal Act 2001*, as amended from time to time, and applicable accounting standards;
- e) Ensure the establishment and enforcement of policies and procedures for the procurement of goods and services of the Corporation; and
- f) Exercise effective financial control of all departments, with the assistance of the Treasurer and members of the Senior Leadership Team.

Passed in Open Council this ____ day of
February, 2024.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk