

VALLEY WATERS BY-LAW #23-06-01
A BYLAW RESPECTING THE DUTIES AND POWERS OF THE
CHIEF ADMINISTRATIVE OFFICER

WHEREAS: The Minister of Local Government and Local Governance Reform has appointed officers for the position of Chief Administrative Officer (CAO) to all entities in New Brunswick. A By-Law Respecting the Duties and Powers of the Chief Administrative Office will hereby be enacted by the Council of Valley Waters.

1. Definitions:

- “Act” means the *Local Governance Act*
- “Chief Administrative Officer (CAO)” means the person holding the position and performing the duties of the CAO, and having such duties and powers as the Council prescribes by by-law or resolution.
- “Council” means the Mayor and Councillors of Valley Waters.
- “Employee” means any other person employed by Valley Waters other than the CAO.
- “Valley Waters” refers to the village of Valley Waters
- “Minister” means the Minister of Local Government and Local Governance Reform

2. Appointment of the Chief Administrative Officer (CAO):

- Following a transparent selection process at the local level, the Minister of Local Government and Local Governance Reform shall approve an individual to act as the CAO as per section 11(2)(h) of *An Act Respecting Local Governance Reform* as a full-time officer.
- The Council shall appoint the duties and powers of the CAO as prescribed in a by-law or resolution, any additions or deletions may be approved by a resolution of Council from time to time.
- 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.
- The CAO may engage in another business if the CAO has; (a) complied with the conflict of interest requirements in section 90.1 of the *Act*; (b) advised Council in writing of any real or perceived conflicts; (c) established that any such business does not engage in the sale of, or otherwise deal in, any product or service to the village; and (d) established that any such business will not impact in any way on carrying out the duties of the Chief Administrative Officer;
- The CAO shall be allowed to serve on civic, charitable or professional boards and committees if the extent of such activities do not interfere with the performance of the CAO duties and responsibilities.

3. Full-time Appointment:

- The CAO is a full-time position as approved by the Minister of Local Government and Local Governance Reform.
- The base salary scale has been set by the Minister of Local Government and Local Governance Reform and any other increases will be subject to Council's discretion based on the annual performance evaluations.

4. Relationship between Council, the Chief Administrative Officer and the employees of Valley Waters:

- The CAO is head of the administrative activities of Council and is responsible to Council for the proper administration of the affairs and day to day operations of the village, in accordance with all applicable legislation, by-laws, budget, policies, and resolutions adopted by Council.
- The CAO works closely with the Mayor and the Valley Waters Council, as well as employees to ensure Council's goals and objectives are achieved. This is realized by providing strategic leadership, managing the daily operations of service delivery and leading ongoing improvements towards greater efficiency.
- All Valley Waters Staff report to the CAO. The Council shall communicate with the employees 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 to obtain or provide information;
- No member of Council, or committee, or member of a committee established by Council shall request an employee to do additional work unless authorized by the CAO, to ensure that assigned required duties are completed.
- The CAO shall obtain permission from the Mayor for absences from work in excess of three (3) days.

5. Duties and Responsibilities of the Chief Administrative Officer (CAO):

The Chief Administrative Officer has such duties and powers as the Council prescribes by by-law or resolution. Specifically, the CAO:

- Keeps Council informed on affairs concerning Valley Waters, so that Council can appropriately respond to constituent concerns;
- Shall recommend to Council, such actions as may be necessary or expedient for the welfare of Valley Waters, or as required by the Local Governance Act or any other applicable legislation;
- Is responsible for the proper administration of the affairs of Valley Waters in accordance with applicable legislation, the Valley Waters By-laws, and the procedures and resolutions adopted by Council;
- Oversees the development and implementation of by-laws, policies and procedures;
- Recommends annual operating and capital budgets as part of the municipality's financial requirements;

- Approves a number of administrative reports on behalf of Council as per the “Delegation of Authority” section;
- Oversees the appointment/dismissal of all Valley Waters employees;
- Holds an oversight role in contract negotiations and labour relations;
- Shall communicate to Council on behalf of Valley Waters staff;
- Shall prepare and submit such reports and recommendation as may be required by Council or its committees, boards or authorities;
- Shall attend meetings of Council, when required, and act as ex-officio member of all committees, boards, and authorities, as required by Council and shall attend such meetings as necessary;
- Shall recommend and/or provide such professional development, training and consultation for Council to ensure Council can function in an efficient and productive manner;
- The CAO shall discharge other duties as Council may, by resolution, direct the CAO to do. The Council shall provide direction on the administration, plans, policies and programs to the CAO.

6. Financial Responsibilities:

The Chief Administrative Officer is responsible for the overview of the financial requirements of Valley Waters. Specifically, the CAO:

- Shall ensure that the annual budget and appropriate capital, operational or other plans are prepared and submitted to Council;
- Shall provide resources to Council so the annual budget can be completed;
- Shall be responsible for the administration of the budget and monitoring of revenue and expenditures, once adopted;
- Shall make provide reports to Council on the status of the budget;
- Shall make or authorize expenditures, enter into contracts on behalf of Valley Waters, for anything required where the amount of the expenditure is budgeted or is within the amount determined by Council resolution or policy and delegate this authority to the directors or employees of Valley Waters;
- Shall approve payment of all expenditures and invoices less than \$5000 for non-budgeted items and will submit to Council for payment and approval all expenditures and invoices over \$5000.
- Is responsible for all aspects of asset management, and ensuring that proper systems, tools, and processes are in place to effectively manage the Valley Waters assets throughout their entire life cycle;
- Is responsible for the preparation of plans and programs related to the construction, rehabilitation, maintenance and disposal of village assets.
- Shall ensure all expenditures are approved by Council either through the approved budget or a Council resolution;
- Shall ensure that annual audits are carried out.

7. Other Responsibilities:

The Chief Administrative Officer is also responsible for other duties, and Council may impose additional responsibilities when deemed necessary. Specifically, the CAO:

- Shall supervise the performance of all contracts and agreements entered into by Valley Waters;
- Shall oversee, in conjunction with the Mayor, the publication of all notices, ordinances or other documents required by law;
- Shall be the Emergency Measures Coordinator in the case of an emergency;
- Shall review all grant applications before being submitted;
- Shall meet with the fire department at least quarterly to discuss concerns or future projects;
- Shall assume the duties of the Deputy Clerk as defined in the *Act*;
- All employees are accountable to the CAO for the performance of their duties and shall submit reports and recommendations to the CAO;
- Shall, upon approval from Council, coordinate any plans for construction, or maintenance to any property or facility owned by Valley Waters.
- Shall develop an organizational chart of departments, personnel, and duties and shall make recommendation to Council on the establishment and modification of any such plans;
- Shall be responsible for all employee HR issues, including employee performance evaluations;
- Shall establish and maintain positive working relationships with all pertinent personnel in the relevant Local, Provincial, Federal government departments and the staff of Regional Service Commission 8.
- Shall ensure that terms within the municipal police services agreement are being followed;
- Shall be responsible for representing Valley Waters in legal matters;
- Be the primary point of contact between the municipality and the public, and bring matters forward to Council which require their attention;
- Shall manage press releases and public communications and shall co-ordinate media responses with the Mayor.
- Shall oversee the administrative responsibilities of the Clerk.

8. Professional Development:

- The CAO is responsible to continually further his/her professional growth by attending available training, seminars, conferences or any other professional development that Council deems appropriate.
- The CAO shall have qualifications which enables him/her to effectively carry out the duties assigned, these qualifications could be through education, work experience or a combination of both.
- The CAO is to be evaluated at the beginning of each calendar year by the Mayor and other member(s) of Council that the Mayor deems necessary.

The Council, by resolution may rescind, amend, or vary the duties and responsibilities of the Chief Administrative Officer.

First Reading by (title)	March 07, 2023
Second Reading by (title)	March 07, 2023
Third Reading (by summary)	April 04, 2023
Enacted	April 04, 2023




Mayer


Clerk