

# THE TOWN OF ST. STEPHEN

## By-Law No. A-12

### A BY-LAW RESPECTING THE DUTIES AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

The Council for the Town of St. Stephen, duly assembled, hereby ENACTS AS FOLLOWS:

#### 1. Definitions

In this By-law:

- (a) "Act" means the *Local Governance Act*, S.N.B. (2017) Chapter C-19;
- (b) "Administration" means the general operation of the municipality, including personnel, financial and other related matters as permitted by the Act;
- (c) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of St. Stephen;
- (d) "Council" means the duly elected Council for the Town of St. Stephen.
- (e) "Mayor" means the Mayor of the Town of St. Stephen and is the chief elected officer of the Town.

#### 2. Office

- (a) There is hereby established the position of Chief Administrative Officer, who shall be responsible to and report to Council.
- (b) Council will, by resolution, appoint an individual to the position of Chief Administrative Officer.
- (c) Council will, on not less than an annual basis, conduct a review of the performance of the Chief Administrative Officer and will consider appropriate performance incentives.
- (d) Council will establish the terms and conditions of the appointment of the Chief Administrative Officer including:
  - (i) the term of the appointment; and,
  - (ii) the salary and benefits to be paid or provided to the Chief Administrative Officer, which may be varied from time to time by Council.

- (e) Pursuant to Section 71(4) 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.
- (f) Notwithstanding Section 2(e) of this By-law, and Section 71(4) of the *Act*, the Chief Administrative Officer may be dismissed or otherwise disciplined in accordance with the terms of a written contract of employment in force between the Town and the Chief Administrative Officer.
- (g) Upon hiring, the Council and the Chief Administrative Officer may agree to a limited duration of the term and other conditions of employment.

**3. General Authority and Duties**

The Chief Administrative Officer shall:

- (a) be responsible to Town Council for the general control, management and administration of the government and affairs of the Town;
- (b) be responsible for the efficient administration of all Town Departments in accordance with the provisions of this by-law;
- (c) administer and supervise the management of the business and affairs of the Town in accordance with policies, plans and programs approved and established by Council;
- (d) evaluate the effectiveness and efficiency of services provided by the Town and to recommend to Council any changes or improvements therein;
- (e) co-ordinate and direct the preparation of policies, plans and programs to be submitted to Council for development and improvement of Town services;
- (f) co-ordinate, direct and broadly supervise the implementation of all programs approved by Council;
- (g) be responsible for the performance of duties and the exercise of powers which, from time to time, may be lawfully assigned to or vested in the position by Council;
- (h) be an ex-officio member of all committees of Council;
- (i) personally carry out all of the powers, duties and functions that are given to the Chief Administrative Officer or delegate such powers, duties and functions to a designated officer of the Municipality or to a Municipal employee; and,
- (j) the Chief Administrative Officer shall be accountable to Council for the exercise of all the powers, duties and functions delegated to the Chief Administrative Officer by the *Act*, this By-law, any other enactment, any

other by-law, and any resolutions, policies or procedures adopted by Council from time to time whether such powers, duties and functions are exercised by the Chief Administrative Officer personally, or by someone to whom the Chief Administrative Officer has delegated that power, duty or function.

The Chief Administrative Officer shall carry out the powers, duties and functions in compliance with:

- (i) the Act;
- (ii) this By-law;
- (iii) any other enactment;
- (iv) any other by-law, resolution, policy or procedure passed or adopted by Council; or
- (v) any contract binding on the Municipality.

#### **4. Administration**

The Chief Administrative Officer:

- (a) shall be the contact between the Administration of the Municipality and Council and communication from the Administration to Council shall flow through the Chief Administrative Officer. For greater clarity, this means that all form recommendations or reports of Administration shall bear the signature of the Chief Administrative Officer;
- (b) shall compile, consider and present to Council recommendations which arise from departmental operations and which require Council's approval and propose legislation or resolutions arising from such recommendations;
- (c) shall attend or be represented at all meetings of the Town Council and Committees of Council;
- (d) may appoint an Acting Chief Administrative Officer who shall assume the duties and responsibilities in the absence of the Chief Administrative Officer; and,
- (e) has the authority, in consultation with Council, to establish the structure of the Administration, including creating, eliminating, merging or dividing departments provided that any such reorganization does not result in a decreased level of services to the community.

#### **5. Financial Powers and Functions**

The Chief Administrative Officer:

- (a) shall supervise the preparation of the Town's budget and be responsible for its implementation and reporting thereon;

**6. Human Resources**

The Chief Administrative Officer:

- (a) shall have full control, including the authority to appoint, employ, suspend or dismiss, and direction over all Town employees;
  - (i) Without limiting the authority of section (a), the Chief Administrative Officer shall confidentially inform Council prior to the dismissal of an employee holding a Director's position. In the event that the reason for dismissal is so egregious as to warrant an immediate dismissal, the Chief Administrative Officer shall inform Council immediately following the dismissal.
- (b) may increase the remuneration paid to any non-union employee, in accordance with, and not exceeding, the salary scale fixed by by-law for the job classification established for the position to which that employee was appointed;
- (c) shall conduct an annual performance review of all Directors and authorize appropriate performance incentives in accordance with the Town's compensation policy; and,
- (d) shall direct collective bargaining with all Town employees and recommend to Council agreements concerning wages, salaries and working conditions, and upon approval of Council; administer such agreements and in general, be responsible for wage and salary administration subject to normal grievance procedures.

**7. Other Duties and Authorities**

- (a) The Chief Administrative Officer has the authority to delegate any of the powers, duties and functions given to the Chief Administrative Officer and can authorize the recipients of such delegations to further delegate their powers, duties and functions to other Municipal employees.
- (b) The Chief Administrative Officer is authorized to:
  - (1) retain and instruct legal counsel on matters involving any actual or potential legal and administrative proceedings involving the Municipality including, without limiting the foregoing:
    - (i) providing legal services to Council and the Administration;  
and,

- (ii) appearing in all legal and administrative proceedings including, commencing, defending, and intervening in such proceedings to define, enforce and defend the Municipality's (and such other boards, authorities, agencies and other entities as may be required by Council) legal and equitable rights.
- (2) compromise all actions, claims or demands against or by the Municipality and complete all related documentation;
- (3) accept service of all notices and other documents on behalf of the Municipality; and,
- (4) provide any and all certificates or statutory declarations on behalf of the Municipality.

**8. Indemnification**

The Municipality shall indemnify the Chief Administrative Officer provided that the Chief Administrative Officer was acting in good faith to carry out the powers, duties and functions given to the Chief Administrative Officer by this By-law, the *Act*, any other enactment, any other by-law, resolution, policy or procedure.

**9. Interpretation**

Any reference in this By-law to the *Act*, any other enactment, any other by-law, resolution, policy or procedure, shall include all amendments thereto, all regulations and orders thereunder and any successor thereto.

**10. Conflict**

In the event that the provisions of this By-law conflict with the provisions of any other by-law, this By-law shall prevail to the extent of the conflict.

**11. Rescind Previous By-law**

Upon passing of this By-Law, By-law No. A-10 and amendments thereto, shall be repealed.

**IN WITNESS WHEREOF** the Town of St. Stephen has caused its corporate seal of the said Town to be affixed to this By-law the 23<sup>rd</sup> day of April, 2018.

First Reading: February 26, 2018

Second Reading: April 23, 2018

Third Reading and Enactment: April 23, 2018



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Allan MacEachern, Mayor



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Joan M. Flewelling, Town Clerk