

**Town of Berwick By-law**

**CHIEF ADMINISTRATIVE OFFICER BYLAW**

1. This Bylaw shall be known as, and may be cited as, the “Chief Administrative Officer Bylaw”.
2. The Chief Administrative Officer, as appointed under this bylaw, shall be the Chief Administrative Officer pursuant to S. 28 of the *Municipal Government Act*.
3. The Town shall enter into an Employment Contract with the Chief Administrative Officer which shall set out the terms and conditions of the employment relationship between the Town and Chief Administrative Officer.
4. The Chief Administrative Officer is the head of the administrative branch of the government of the Town and is responsible to Council for the proper administration of the affairs of the Town in accordance with the by-laws of the Town and the policies adopted by Council; and where no policy or by-law exists, under the direction of Council.
5. Council shall communicate with the employees of the Town solely through the Chief Administrative Officer, except that Council may communicate directly with employees of the Town to obtain or provide information.
6. Council shall provide direction on the administration, plans, policies and programs of the Town to the Chief Administrative Officer.
7. No Council member, committee or member of a committee established by Council shall instruct or give direction to, either publicly or privately, an employee of the Town.

**Responsibilities of Chief Administrative Officer**

8. The Chief Administrative Officer shall:
  - (a) Supervise all Town Departments to ensure the administration of the day to day business affairs of the Town are carried out in accordance with the policies and plans approved by Council;
  - (b) Meet with Department Heads and Officers of Town staff, regularly, for discussion on matters of policy and for co-ordination of all departmental activities;
  - (c) Coordinate 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;
  - (d) ensure that the annual budget is prepared and submitted to Council;
  - (e) be responsible for the implementation and administration of the budget after adoption;
  - (f) review the drafts of all proposed by-laws and policies and make recommendations to Council with respect to them;

- (g) carry out such additional duties and exercise such additional responsibilities as Council may, from time to time, direct;
- (h) attend, or be adequately represented at, all meetings of Council and any board, committee, commission or corporation of the Town and make observations and suggestions as the Chief Administrative Officer may deem expedient on any subject under discussion;
- (i) act, or appoint a person to act, as bargaining agent for the Town in the negotiation of contracts between the Town and any trade union or employee association and recommend to Council agreements with respect to them;
- (j) subject to policies adopted by Council;
  - i. make or authorize expenditures, and enter into contracts on behalf of the Town, for anything required for the Town where the amount of the expenditure is budgeted or within the amount determined by Council by policy, and may delegate this authority to employees of the Town,
  - ii. sell property belonging to the Town that, in the opinion of the Chief Administrative Officer, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the Town, and may delegate this authority to employees of the Town,
  - iii. personally, or by an agent, negotiate and execute leases of real property owned by the Town that are for a term not exceeding one year, including renewals,
  - iv. establish departments of the Town administration,
  - v. adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person,
  - vi. determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system,
  - vii. where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;
  - viii. authorize, in the name of the Town, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to Council at the next meeting and may, if Council so provides by policy, delegate this authority to employees of the Town;
  - ix. where Council so provides by policy, settle a legal action or proceeding in accordance with the policy.
  - x. appoint, suspend and remove all employees of the Town, with the power to further delegate this authority;

9. A lease executed by the Chief Administrative Officer is as binding on the Town as if it had been specifically authorized by Council and executed by the mayor on behalf of the Town.
10. The Chief Administrative Officer may, with the consent of council, perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to this Act.
11. The Chief Administrative Officer may from time to time appoint an employee of the Town to act in the place of the Chief Administrative Officer when the Chief Administrative Officer is absent or unable to act.

History of this By-law

Enacted – June 14, 2005

THIS IS TO CERTIFY that the foregoing is a true copy of a Bylaw passed at a duly convened meeting of the Council of the Town of Berwick duly held on the 14th day of June, 2004.

GIVEN under the hands of the Chief Administrative Officer and under the corporate seal of the Town of Berwick this 22nd day of June, 2004.

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Linda Parker, CMM  
Chief Administrative Officer