

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NUMBER 2018-35

Being a By-law to appoint a Chief Administrative Officer/Clerk, for the Corporation of the Township of Horton and to define the duties thereof.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, Section 229, provides that a Council may by by-law appoint a Chief Administrative Officer who shall have such general control and management of the affairs of the municipality and performing such other/him duties as are assigned by the municipality;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, Section 228 (1), provides that a municipality shall appoint a Clerk;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, Section 227 outlines the roles of officers and employees of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Horton deems it desirable to appoint a Chief Administrative Officer and to define her/him duties and responsibilities;

NOW THEREFORE the Council of the Corporation of the Township of Horton hereby enacts as follows:

1. THAT, **Hope Dillabough**, is hereby appointed as the Chief Administrative Officer/Clerk of the Corporation of the Township of Horton.
2. THAT, the duties and responsibilities of the Chief Administrative Officer/Clerk shall be as follows:

(a) General

- i. THAT the Chief Administrative Officer/Clerk shall have general control and management of the administration of the government and affairs of the Corporation of the Township of Horton and perform such duties as are hereinafter prescribed.
- ii. THAT the Chief Administrative Officer/Clerk shall be responsible for the efficient administration of all the departments of the Corporation of the Township of Horton and shall be responsible to the Council and all standing or special committees for such responsibilities.
- iii. THAT the duties, responsibilities and obligations imposed on the Chief Administrative Officer/Clerk shall in no way be deemed to empower her/him to perform, do or direct any act or matter or to exercise any authority that would to any extent whatsoever encroach upon the legislative powers of the Council.
- iv. THAT the Chief Administrative Officer/Clerk shall take direction from and be responsible to the Council of the Corporation of the Township of Horton and to its standing and special committees, but she shall not be instructed or directed by or be responsible to any individual member of the Council. Notwithstanding the above, the Chief Administrative Officer/Clerk shall consult with the Head of Council or any member of Council with respect to any matter of concern to the municipality or to any of its local boards or committees.

(b) Human Resources Administration

- i. THAT all Human Resources administration matters reflect Horton Corporate Policies AND THAT subject to Sub-clause 2.(a)(i), the Chief Administrative Officer/Clerk shall have the authority to recommend to Council the appointment, employment, suspension or dismissal of Department Heads, including the granting of leave and reinstatement after leave or suspension. Notwithstanding the above, the Chief Administrative Officer/Clerk may suspend a Department Head pending Committee and Council review the action.

- ii. THAT the Chief Administrative Officer/Clerk may make recommendations to Council regarding the classifications, duties, responsibilities, evaluation, remuneration and benefits of any employees of the municipality, but in doing so, shall have due regard for the provisions of law and municipal employees.
- iii. THAT the Chief Administrative Officer/Clerk shall have full control and direction of all employees of the Corporation. And in so doing, the Chief Administrative Officer/Clerk shall observe all laws, legal agreements, and municipal policies without limiting the foregoing:
 - a. Shall observe all agreements, contracts and by-laws of employments as may be in force;
 - b. Shall not act in violation of any statute or regulation of the Province of Ontario or Dominion of Canada.

(c) Financial Administration

- i. THAT the Chief Administrative Officer/Clerk shall exercise general financial control over all departments of the municipality.
- ii. THAT the Chief Administrative Officer/Clerk shall ensure that the system of accounting in use by the Corporation will promote:
 - a. The accurate recording of all money including funding received and disbursed by the Corporation, including its dependents local boards;
 - b. The accurate recording of all assets and liabilities and of all other/him accounting and financial transactions of the Corporation and its dependent local boards, in accordance with accounting principles generally accepted for Ontario municipalities;
 - c. The maintenance of sound financial controls over the assets of the Corporation; and,
 - d. The effective monitoring of revenues and expenditures of the Corporation in accordance with the approved estimates.
- iii. THAT the Chief Administrative Officer/Clerk shall:
 - a. Direct the preparation and compilation of the annual estimates of revenues and expenditures, in accordance with the requirements of legislation and the instructions of Committees and Council;
 - b. Direct the presentation to Committees and Council of the annual estimates, consisting of budgets, long term financial strategies and asset management plan.
 - c. Ensure that Department Heads and other/him staff are responsible for the administration of the estimates as adopted by Council;
 - d. Ensure that reports are regularly presented to Council or a Committee of Council on the current status of the finances of the municipality and propose any necessary or advisable amendments to the approved estimates; and,
 - e. Ensure preparation and submission to Council for the end of the fiscal year a complete report on the finances of the Corporation for the preceding year.
- iv. THAT the Chief Administrative Officer/Clerk with consultation of the Treasurer shall oversee sound procedures for purchasing, for tendering and for entering into contracts involving the expenditure of funds or the acquisition or disposition of assets, and all departments shall observe such procedures.
- v. THAT the Chief Administrative Officer/Clerk shall have authority without reference to Council to enter into expenditures of money not exceeding \$5,000 providing that such expenditure shall be reported to the appropriate Committee or Council at the next meeting of same, or in compliance with the Procurement of Goods and Services Policy in accordance with the Procurement By-Law.

- vi. THAT the Chief Administrative Officer/Clerk shall ensure that all real property owned by or vested in the name of the Corporation of any of its dependent local boards are adequately insured.
- vii. THAT the Chief Administrative Officer/Clerk shall be responsible to participate in the negotiation for the purchase, acquisition and sale of real property on behalf of the Corporation, provided that final authority for making or accepting offers shall rest with Council.
- viii. THAT the Chief Administrative Officer/Clerk shall have the authority to:
 - a. Make recommendations to Council or a Committee or Committees thereof, with respect to the administration of any department of the Corporation or any dependent local board thereof;
 - b. Obtain from any Department Head or any Committee of Council such information or reports with respect to their activities as the Chief Administrative Officer/Clerk may consider advisable for maintaining or improving the standard or administration with the municipality;
 - c. Present to Council or a Committee or Committees thereof, recommendations arising from departmental operations that require Council or Committee approval and to propose legislation or resolutions arising from such recommendations; and,
 - d. Give effect to any decisions approved by Council or a Committee or Committees thereof concerning the organization or functioning of any department of the civic administration or of the administration as a whole.
- ix. THAT the Chief Administrative Officer/Clerk shall meet when necessary, but generally once a month, with such Department Heads as she shall deem appropriate, at which time they may give consideration to any of the following matters:
 - a. Coordination of departmental activities;
 - b. Recommendations concerning policies, plans, budgets, programs, and legislation being submitted to Council or one or more of its Committees;
 - c. Implementation of decisions made by Council or one or more of its Committees;
 - d. Implementation of procedures, plans, programs, policies and organization arrangements that are within the competence of the Chief Administrative Officer/Clerk to determine without reference to Council; and,
 - e. Proposals made by the Chief Administrative Officer/Clerk or any member of the staff of the municipality that will tend to improvement of the administration of the Corporation or that will contribute to more effective and efficient governing of the municipality; and,
 - f. Such other/him matters as may be deemed appropriate.
- x. THAT the Chief Administrative Officer/Clerk shall receive a copy of correspondence of concern to the Council or the general administration of the municipality in accordance with the procedural by-law.
- xi. THAT in exercising her/him right under Sub-clause 2.(c)(xi) the Chief Administrative Officer/Clerk may:
 - a. Consult with Department Heads of the municipality and direct that appropriate reports be prepared for her/him consideration and for Council's consideration;
 - b. Consult with any person or firm retained by the municipality, provided that funds for the purpose have been authorized in the estimates;
 - c. Determine, in consultation with the Mayor, whether/him a matter is properly addressed to Council or may be disposed of by the administration in accordance with the standing procedures and policies of Council, provided that the Chief Administrative Officer/Clerk shall in no way inhibit the rights of inhabitants and ratepayers to petition Council nor the duty of Council to oversee the

administration of the Corporation.

(d) Policy Development, Implementation and Administration

- i. THAT the Chief Administrative Officer/Clerk shall coordinate and direct the preparation of plans and programs to be submitted through Committees to Council for the development, reduction or improvement of services provided by the municipality, its dependent local boards and any other/him local body and for the construction, maintenance, rehabilitation or disposition of the properties and facilities of the municipality.
- ii. THAT the Chief Administrative Officer/Clerk may present to Council, or to any of its Committees or dependent local boards, reports and information regarding progress and accomplishments in programs and projects undertaken by the municipality.
- iii. THAT the Chief Administrative Officer/Clerk shall receive communications, including communications from any local board, and forward to Council or Committees such communications as are of concern to Council together/him with her/him recommendations, if any.
- iv. THAT the Chief Administrative Officer/Clerk shall ensure that efficient, effective and democratic procedures for administering the affairs of Council or Committees are established, maintained and enhanced, and she shall seek Council's or Committee's approval for such measures as she may deem appropriate.
- v. THAT in discharging her/him duties the Chief Administrative Officer/Clerk shall give particular attention as per the provincial and municipal regulations to the following:
 - a. The processing of correspondence and other/him communications of concern to Council or its Committees prior to their presentation to Council or its Committees;
 - b. The content and format of agendas, reports and minutes;
 - c. The codifying of any Council, Committee, local boards or administration procedures and policy, ensuring convenient access to such policies and procedures;
 - d. The presentation to Council, its Committees and local boards, of staff recommendations concurred in by the Chief Administrative Officer/Clerk, and,
 - e. The indexing and retention of all records, documents, correspondence, books of account, and legislation, and their legal disposition when of no further/him use in connection with regular administration.
- vi. THAT the Chief Administrative Officer/Clerk may be assigned such other/him duties, responsibilities, privileges and authorities as council may legally assign, provided that the Chief Administrative Officer/Clerk shall have the right to request Council's reconsideration of any such additional assignment and to propose alternative courses of action.
- vii. THAT the Chief Administrative Officer/Clerk shall have the right and duty to address Council or its Committees, with the consent of the Mayor or Chairperson, on any matter where her/him advice will assist Council or its Committees in its deliberations, subject to the following provisions:
 - a. Where a member of the public, the press or a local board requests the Chief Administrative Officer/Clerk state an opinion on a matter that, in the view of the Chief Administrative Officer/Clerk is a matter of legislative policy, the Chief Administrative Officer/Clerk shall refer the request to an elected member of Council;
 - b. Where she feels she is adequately prepared to provide advice or information, the Chief Administrative Officer/Clerk shall respond to a request from a member of Council for information or for an opinion concerning any matter before Council or its Committees; and,
 - c. The Chief Administrative Officer/Clerk shall neither/him vote nor attempt to

influence the outcome of a vote by Council or any of its Committees, except insofar as she is requested or provides her/him opinion pursuant to this clause.

3. That By-law Number 2016-54 of the Corporation of the Township of Horton shall be repealed, effective May 25, 2018
4. This by-law shall come into force and take effect on May 25, 2018.

READ A FIRST AND SECOND TIME THIS 15th DAY OF May, 2018.

READ A THIRD TIME AND PASSED THIS 15th DAY OF May, 2018.

MAYOR -Robert Kingsbury

CAO/Clerk-Suzanne Klatt