

BY-LAW No. 2022-073
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



Being a by-law to establish the duties, roles and responsibilities of the chief administrative officer for the corporation of the town of Collingwood.

WHEREAS Section 229 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, provides for the appointment of a Chief Administrative Officer who shall be responsible for,

- a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;
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- b) performing such other duties as are assigned by the municipality;

AND WHEREAS successful municipal governance requires a collaborative approach between Council and its CAO;

AND WHEREAS in the Offer of Employment, the duties and responsibilities, remuneration, and other terms of employment for the Chief Administrative Officer of the Town of Collingwood are clearly set out;

AND WHEREAS the Report of the Collingwood Judicial Inquiry "Transparency and the Public Trust" recommended that the Town of Collingwood establish in a bylaw the position of chief administrative officer (CAO) and define and describe the role and responsibilities of the CAO for the Town of Collingwood.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

1.THAT Council shall appoint a CAO who is not an elected member of Collingwood's Town Council forthwith in the event that the position becomes vacant. Council shall appoint an Interim CAO in the event of:

- a. The CAO's inability to delegate their powers, duties and functions; or,
- b. An unscheduled absence, long-term illness, or other incapacity of the CAO.

2.THAT Council has authority to hire, direct, suspend, and terminate the employment of only one employee of the Corporation of the Town of Collingwood: the CAO. Those actions are subject to compliance with any statutory requirements or contractual agreements, as well as subject to the right of the CAO to a hearing before Council prior to a decision being made about whether to suspend or terminate them. Such a hearing ensures transparency and accountability by providing all members of Council an opportunity to directly engage with the CAO prior to any decision being made that would impact their employment status. The CAO shall not be dismissed or terminated except by bylaw passed by a special two-thirds majority of Council. For greater clarity, the requirement for an appointment of a statutory officer by bylaw (e.g. Chief Building Official) does not create authority for Council to promote, demote, suspend or dismiss any such statutory officer.

3.THAT the Duties, Roles and Responsibilities of the Chief Administrative Officer (CAO) for the Corporation of the Town of Collingwood be approved as attached hereto as Schedule A;

4.THAT Council shall annually review the performance of the CAO, which shall include a 360 degree evaluation process (including feedback from direct reports, indirect reports, and Council Members), and provide that feedback to the CAO in a timely manner. The CAO has the right to respond to Council's feedback. Council shall also provide performance criteria/goals (based on that which is reasonably within the CAO's control and influence) to the CAO at the start of the performance cycle.

5.THAT Council shall approve the terms and conditions (e.g. salary) of the confidential CAO employment agreement.

6.THAT any by-laws, including Delegated Authority By-law 2020-059 or policies inconsistent with this by-law be updated to reflect the contents of Schedule A, attached hereto.

7.THAT this By-law shall come into full force and effect on the effective date at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

ENACTED AND PASSED this 26th day of September, 2022.

Mayor's Signature

Clerk's Signature

By-law 2022-073 - Schedule A

Duties, Roles and Responsibilities of the Chief Administrative Officer

Part 1 - Introduction

- 1.1. The Chief Administrative Officer (CAO) shall carry out the roles, responsibilities and duties specified within this Schedule in accordance with any relevant and applicable Town By-laws, resolutions, policies and guidelines that may be enacted or adopted and pursuant to any other applicable direction or decisions from the Council of the Corporation of the Town of Collingwood.
- 1.2. Nothing contained in this Schedule shall be deemed to empower the CAO to perform, do or direct any act or omission thereof that shall in any manner or extent whatsoever encroach upon the legislative powers of Council.
- 1.3. In the event of any organizational changes, a reference within this Schedule to the Senior Management Team, a specific position, department or division shall apply respectively to any future successor or equivalent management body, role or branch of the organization.
- 1.4. As head of the administrative public service, the chief administrative officer shall maintain the clear responsibilities and accountability for managing the administration of the Town and ensure that staff respect the separation between elected members on Council and staff.
- 1.5. The CAO is responsible for leading and fostering a culture rooted in the highest ethical standards for staff at the Town of Collingwood.

Part 2 - General Roles, Responsibilities and Duties

- 2.1. To fulfil their general roles, responsibilities and duties, the CAO shall:
 1. report to, be accountable to and receive their direction from Council;
 2. lead, coordinate and direct the Senior Management Team and all other levels of management as necessary in the administration of the affairs of the corporation;
 3. explicitly delegate and assign appropriate duties and responsibilities to the Senior Management Team for the purpose of establishing an efficient and effective administrative structure and to carry out specific projects;

4. attend and participate in meetings of Council and Committees of Council and, subject to recognition by the Chair, to speak but not to vote, as required with the exception of matters specific to the CAO apart from a hearing to dismiss or terminate the CAO;
5. in collaboration with the Senior Management Team, provide to Council impartial advice and information as required for the purposes of decision making, and present reports and information on the progress and accomplishments of programs and projects, the status of revenue and expenditures and the general administrative management of the corporation;
6. with ultimate responsibility for the accuracy of information presented to Council, review all staff recommendations and reports prior to their submission to Council or a Committee and, when deemed necessary, to submit comments on the said reports;
7. to ensure that all resolutions and by-laws submitted to Council or a Committee accurately reflect the goals and objectives of the Town;
8. to assist the Council to discharge its responsibilities and provide information and advice equitably to all members of Council, in a non-partisan manner, to aid Council Members to carry out their duties;
9. direct the implementation of all decisions of Council, manage matters arising from those decisions and exercise discretion to report to Council regarding the actions taken;
10. ensure and oversee the effective implementation and administration of all programs, projects and policies adopted by Council and those initiated under the direction of the CAO which shall be pursuant to the strategic policy framework adopted by Council;
11. guide the implementation of strategies and resolutions for the corporation as established by Council which may include the development of corporate implementation plans;
12. attend to the interests of the corporation on intergovernmental issues by engaging at the administrative level with federal, provincial, regional or local municipal governments, boards, agencies, commissions, community groups

or similar organizations thereof or any other governmental body as necessary;

13. perform any additional responsibilities and exercise the powers incidental thereto which may from time to time be assigned to the CAO by Council;
14. appoint an Acting CAO to act during their absences. The acting CAO has all of the powers, duties, and functions of the CAO for the duration of the appointment;
15. advise Council of potential conflicts of interest the CAO may have as they arise, including the addition of paid or unpaid roles with other organizations or entities.

Part 3 - Human Resource and Organizational Management and Administration

3.1. In respect of human resources and organizational management and administration the CAO shall:

1. be solely responsible for the hiring, promotion, demotion, suspension, dismissal or rearrangement of Senior Management Team members reporting directly to the CAO;
2. have the authority to promote, demote, suspend or dismiss any employees of the corporation and rearrange the duties of existing positions;
3. complete annual performance evaluations for each member of the Senior Management Team to recognize achievements, correct deficiencies and improve overall individual and departmental performance and carry out all performance reviews of other employees who are subject to the direct supervision of the CAO;
4. oversee the collective bargaining process with all unionized employees of the corporation, recommend collective agreements concerning wages, benefits and terms of service to Council and, upon approval thereby, the CAO shall direct the administration of such collective agreements, and the equivalent actions for non-union employees;
5. oversee and approve any changes to job classifications and salary administration;

6. establish or amend, and implement administrative policies and procedures including the administration of employees including the dates to be observed as public holidays and holiday closures;
7. establish the structure of the municipality, including the creation, merger, elimination and reorganization of divisions and departments and establishing a managerial hierarchy;
8. coordinate administrative amendments to all active Town Policies to reflect any organizational changes that impact delegated authority;
9. ensure staff policies are kept up-to-date and training is provided for all staff, including the CAO; and,
10. ensure that the Mayor and Council members are provided with the opportunity to attend training on the roles and responsibilities of the CAO.

Part 4 - Financial Management

- 4.1. In respect of financial management the CAO shall:
 1. direct the preparation and presentation of operating and capital budgets on an annual basis in collaboration with the Town Treasurer and members of the Senior Management Team;
 2. exercise financial control over corporate operations in collaboration with the Town Treasurer to ensure adherence to the annual estimates of revenue and expenditure approved by Council;
 3. have the authority to approve over-expenditures within the operating or capital budgets but at no time may the CAO authorize cumulative operating and capital expenditures in excess of the approved total operating and capital budgets
 4. during the periods of nomination day through election day, election day through to the start of the subsequent term of Council, and during an extended break in the Council meeting schedule, have the power and authority to:
 - a. dispose of any real or personal property of the municipal corporation which has a value exceeding \$50,000 at the time of disposal where the disposition has not been the subject of an agreement previously approved by Council;

- b. award contracts to acquire goods and services valued in excess of \$2,000,000;
- c. incur liabilities in excess of \$50,000 where these liabilities have not been included in the approved annual budget; and,
- d. report action taken, or decisions in accordance with the delegated authority given in Section 4.1 (4) to Council, either at its next regularly scheduled meeting or at an additional meeting convened by Council.

Part 5 - Complaints regarding the Chief Administrative Officer

- 5.1. Complaints regarding the Chief Administrative Officer from Staff shall be addressed through approved current and future processes, including but not limited to the Whistle Blower Policy (that requires an independent investigation), Safety and Harassment in the Workplace Policy, Council Staff Relations Policy, and the Code of Ethical Conduct.
- 5.2. Complaints regarding the Chief Administrative Officer from Council or the Public shall be addressed by Council as a whole, and if warranted an independent investigation through the Town or the Ontario Ombudsman's Office.