

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 124-2019

BEING A BY-LAW TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER AND REPEAL BY-LAWS 50-92, 56-92 AND 90-97

WHEREAS section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may appoint 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; and (b) performing such other duties as are assigned by the municipality;

AND WHEREAS the Council of The Corporation of the Town of Milton (the "municipality") desires to define the duties and responsibilities of the Chief Administrative Officer;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** the Chief Administrative Officer, appointed by Council, shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality, and for performing such other duties as are assigned by the municipality, in accordance with Schedule "A" attached hereto;
2. **THAT** By-laws 50-1992, 56-1992 and 90-1997 are hereby repealed.
3. **THAT** this by-law shall come into force and effect on the date of its passing.

PASSED IN OPEN COUNCIL ON DECEMBER 18, 2019.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

Schedule "A"
To By-law Number 124-2019
Duties and Responsibilities of the
Chief Administrative Officer

1. Introduction

- a) Reporting to Council, the Chief Administrative Officer (the "CAO") provides key leadership for all aspects of Town business and services. The CAO is expected to facilitate the development of a clear vision, mission, values and behaviours in line with Council directions; implement a community based strategic plan; build a strong and effective executive team; challenge the organization to be innovative and responsive; and improve the efficiency and effectiveness of programs and services delivered to the community. The CAO is expected to be a visible leader and to proactively develop critical internal and external relationships; responsible for advising the Mayor and Council on all matters relative to Town operations and implementing Council policies.
- b) The CAO shall carry out the general duties, roles and responsibilities set out herein in accordance with any and all relevant and applicable by-laws, resolutions, policies and guidelines that may be enacted or directed from time to time by the Council of The Corporation of the Town of Milton (the "Town", the "municipality", or the "corporation").
- c) Nothing contained in this document shall be deemed to empower the CAO to perform, do or direct any act that shall in any manner or extent whatsoever encroach upon the legislative powers of Council. Subject to the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and as herein provided, the duties and responsibilities of the CAO shall be set out within this by-law.

2. Definitions

- a) "Act" means the Municipal Act 2001, S.O. 2001, c. 25, as amended and any successor legislation thereto;
- b) "Council" means the elected Mayor and Councillors of the Town of Milton;
- c) "Strategic Management Team" means a collective of the senior management staff persons appointed or employed to lead the affairs of the departments of the Town of Milton and may also be called an Executive Team or renamed as it is deemed necessary by the CAO;
- d) "Town" means The Corporation of the Town of Milton.

3. Management Duties and Responsibilities

- a) Report to, be accountable to, and receive authority from Council and to perform their duties in conformity with Council decisions;
- b) Oversee the day-to-day operations and procedures of the Town under policy direction of Council in accordance with current legislation and regulations;
- c) Consolidate and review annual work plans and capital and operating budgets with recommendations to Council for approval;
- d) Ensure the establishment of procedures to monitor the performance of the Town against plan and/or budget, as well as identifying and correcting necessary variances from the plan and/or budget;
- e) Provide hands-on direction and assistance in planning and implementing difficult and complex tasks, which may cover a number of departmental disciplines and which require the co-ordination and co-operation of the various departments;
- f) Ensure that all high-risk, complex situations with potential liability for the Town are reviewed and monitored on an on-going basis;
- g) Conduct regular reviews and assessments of the programs, services and organization structure of departments, using best practice research, evaluating effectiveness of the allocation of responsibilities and authorities and ensuring adequate measurements systems are in place;
- h) Ensure the establishment of procedures to optimize financial resources, exercise financial control and conduct ongoing reviews on the Town's financial position to ensure expectations are being achieved;
- i) To delegate duties and responsibilities to Strategic Management Team members or other staff that the CAO may deem appropriate;
- j) Attend meetings of Council required or as delegated, with the right to speak, but not to vote. Notwithstanding the generality of the foregoing, the CAO is precluded from attending those meetings where matters specific to the CAO contract and Council's deliberation of the results of the CAO performance review process are to be discussed.

4. Leadership

- a) Provide leadership and direction to the organization to promote the effective, safe, and efficient delivery of Town services;
- b) Create and foster a culture where innovation is encouraged as is accountability for actions and results - evaluating outcomes and determining the most effective use of resources;
- c) Responsible for motivating and developing the skills of the Strategic Management Team members and fostering productivity, professionalism, adherence to the corporate values and open communications;
- d) Provide inspiring leadership through communication, accessibility and a shared vision - setting a positive tone for the Town by suggesting new ways for the organization to embrace and participate in change in a positive and constructive manner;
- e) Co-ordinate initiatives with the Mayor and Council to maintain a clear focus on Council vision and direction as well as priority setting for key projects;

- f) In conjunction with the Strategic Management Team, establish business plans and priorities to implement Council's vision and directions;
- g) Set a visible and positive leadership example and actively supporting a workplace that is safe, inclusive, respectful and free of any form of harassment or discrimination
- h) Promote the empowerment of employees through coaching, mentoring, two-way communications and delegation of decision making responsibility; take necessary steps to anticipate impact of changes and to identify and remove barriers;
- i) Act as the chief policy advisor to the Mayor and Council and provide Council with advice based on professional standards and best practices;
- j) Provide leadership in the on-going identification and tracking of "best practices" (including benchmarking of other municipalities) and latest technology; make recommendations for applications to support continuous improvement efforts.

5. Communications

- a) Establish regular formal and informal communication processes with the Mayor and members of Council regarding all key issues;
- b) Provide comprehensive advice and reports on Town operations and issues to Council, Council committees and community stakeholders / partners as required;
- c) Ensure that Council is informed of all high risk, complex situations that have potential liability for the Town;
- d) Ensure that Council's directions and priorities are communicated to members of the Strategic Management Team and staff throughout the organization;
- e) Be a visible, accessible, and effective leader and communicator within the organization to staff at all levels;
- f) Develop and maintain a contact network covering, but not limited to:
 - i. The general public, including citizen associations / community groups;
 - ii. Key community stakeholders and representatives of development, industry, and trade and professional associations;
 - iii. Key stakeholders at the Region;
 - iv. Counterparts in other municipalities, school boards and public agencies and institutions; and
 - v. Federal and Provincial government officials at the policy and working levels.

6. Human Resource Management and Administration

- a) Authorized to have authority and responsibility for appointing, promoting, demoting, suspending or dismissing any employees of the corporation in accordance with the lines of authority defined in the Town's organizational structure;
- b) Authorized to have authority and responsibility for appointing, promoting, demoting or dismissing any other employees of the corporation in accordance

- with procedures contained in all collective agreements and in accordance with the lines of authority that are defined in the organizational structure;
- c) Notify Council as to the appointment, promotion, demotion, suspension or dismissal of a Strategic Management Team member reporting directly to the CAO;
 - d) Oversee the collective bargaining process with all unionized corporation employees and to recommend to Council collective agreements concerning wages, benefits and terms of service and, upon approval of Council, to direct the administration of such collective agreements;
 - e) Administer all salaries and performance reviews of employees who are subject to the supervision of the CAO, within the limitation of any salary plan or salary contract agreement, in consultation with Council, as required; and
 - f) Carry out an annual performance evaluation of all Strategic Management Team members, improving overall individual or departmental performance in consultation with Council, as required.

7. Financial Management

- a) Lead, in co-operation with the Chief Financial Officer/Treasurer and the Strategic Management Team, the preparation and presentation of operating and capital budgets and long-term financial plans;
- b) Exercise financial control over all corporate operations in conjunction with the Chief Financial Officer/Treasurer;
- c) To adjust staffing levels to maintain the level of Council approved programs and services in accordance with policy;
- d) To secure Council approval where emerging priorities (e.g., provincial initiatives, changing community priorities, Council direction) give rise to the need to introduce new programs or increased/decreased service levels;
- e) Ensure the establishment of fiscal policies and their management;
- f) Approve purchasing awards in accordance with Town by-laws and policies.

8. Administrative Organization and Management

- a) Create and re-organize, in consultation with the Strategic Management Team, such departments of the Town as may be considered necessary and proper to fulfil obligations for the corporation, and notify Council of the changes;
- b) Meet annually with Council to review and assess performance of the CAO during the past year as well as priorities to be pursued during the following year; and
- c) Hold office at the pleasure of Council for the agreed upon term. Council may, in its sole discretion, suspend or dismiss the CAO, subject to compliance with any statutory requirements or contractual agreements, and subject to the right of the CAO to a hearing before Council or such committee thereof as Council may, by by-law, authorize in respect of such suspension or dismissal, if so requested by the CAO.