

**BY-LAW # CAO 1- 2009**  
**A BY-LAW OF THE VILLAGE OF BELLEDUNE**  
**RESPECTING THE ESTABLISHMENT OF CHIEF ADMINISTRATIVE OFFICER**  
**(CAO) AND THE DUTIES & POWERS THEREOF**

WHEAREAS Section 74(1) and 75 of the New Brunswick Municipalities Act, M-22 provides that, the Council of a municipality may appoint a Chief Administrative Officer for the municipality and the Chief Administrative Officer has such duties and powers as the council prescribes by by-law;

The Council of the Village of Belledune under authority vested in it by Section 74 (1) and 75 of the Municipalities Act M-22 of the Province of New Brunswick duly establishes the position of Chief Administrative Office and prescribes the duties and powers as follows;

1. This By-law shall be known and cited as “The Chief Administrative Officer Bylaw.
2. The position of Chief Administrative Officer, hereinafter referred to as the “CAO” is the Chief Officer and head of the administrative branch of government for the Village of Belledune. The “CAO” is responsible to Council for the proper administration of all affairs of the Village in accordance with the policies, plans, by-laws and resolutions approved and established by Council and by any Act or Regulation of the Legislature of the Province of New Brunswick.
3. All rights, powers and responsibilities assigned by any Act or Regulation of the Legislature of the Province of New Brunswick to the position of “CAO” are given and assigned to this position in the Village of Belledune.
4. The “CAO” of the Village of Belledune shall carry out the duties and responsibilities set out in this By-law. In addition, under authority vested in it by Section 74(3) of the Municipalities Act M-22 of the Province of New Brunswick the “CAO” is appointed as Assistant Clerk and Assistant Treasurer and will assume the duties of Village Clerk and Treasurer as described in the Municipalities Act of the Province of New Brunswick during an extended, temporary absence or other incapacity of the designated Village Clerk and Treasurer. Where it is legally permissible, the “CAO” may delegate certain powers and responsibilities to other employees of the Village government and likewise may assume responsibilities of any such employee during a period of temporary absence.
5. Under normal situations, the Council of the Village of Belledune, except for obtaining or providing information, will deal with the management/administrative operations of the Village through the office of “CAO” and through the office of Village Clerk and Treasurer.

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6. The Council shall provide direction on the plans, policies, by-laws, programs and other initiatives of the Village to, and through, the “CAO”.
7. No Council member or member of a Committee established by the Council shall instruct or give direction to an employee of the municipality.
8. The “CAO” shall have regular, ongoing communication with the Mayor on policy issues and on day-to-day operations and shall, to the best of his/her professional ability, provide advice and information that will assist Council in its policy making function.
9. The “CAO”, or his/her designate, will attend all meetings of the Council and of any board, committee, commission or corporation established by the Village and, with permission of the presiding officer, make observations and suggestions on any object under discussion.
10. Authority and responsibility vested in the position of “CAO” includes, but is not limited to, the following:
  - a) Coordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of municipal property and facilities;
  - b) Be responsible for implementation of Belledune’s Strategic Plan;
  - c) Ensure that the annual budget is prepared and submitted to Council and, after adoption, manage and be accountable for control of the annual budget;
  - d) Manage and be accountable for the effective supervision, either directly or indirectly, of all municipal employees;
  - e) Implement and ensure adherence to Provincial or Federal policies, statutes and/or regulations that apply to the Village government;
  - f) Ensure the recruitment of competent staff in accordance with any policy approved by Council;
  - g) Negotiate, in accordance with Council direction, collective agreements (if any) and any personnel arrangements with employees;
  - h) Provide management and administrative leadership;
  - i) Be familiar with all statutory duties and responsibilities affecting or concerned with municipal government in New Brunswick and ensure the effective performance of all duties and responsibilities that are assigned to the Clerk, Treasurer, Administrator or

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Chief Administrative Officer by any general or special act of the New Brunswick Legislature;

- j) Coordinate the dissemination of Council's communications to the general public, to other departments or agencies of government and to the media;
- k) Present recommendations from Village staff to Council for its consideration, and provide appropriate commentary concerning any aspect of internal operations;
- l) Provide Council with draft wording of By-laws and Resolutions that will give effect to staff recommendations and/or to recommendations brought forward by members of Council and endorsed for action;
- m) Make written recommendations to Council, when considered appropriate, with respect to a chosen topic and ensure that such recommendations shall be recorded as part of the minutes of the meeting's proceedings;
- n) Regularly review Belledune's administrative structure and operations and recommend any changes that will, in the opinion of the "CAO", improve the effectiveness or efficiency of the internal operations;
- o) Recommend to Council the appointment, employment, suspension or dismissal of any Village employee(s) and, in situations when considered necessary in the view of the "CAO", take actions necessary to employ, suspend or dismiss an employee without seeking prior approval of Council;
- p) Make or authorize the making of expenditures for the purchase of equipment, supplies or other items required for carrying on the business of the municipality and enter into contracts therefore on behalf of the municipality where the amount of such expenditure does not exceed, in any one case, the sum of two thousand dollars (\$2000);
- q) Submit a recommendation to Council respecting any proposed expenditure for any purpose in excess of two thousand dollars (\$2,000) and respecting any contract involved therein; notwithstanding the aforementioned, the "CAO" is empowered to make emergency expenditures in excess of two thousand dollars (\$2,000) provided that a report is made on the expenditure at the next scheduled Council meeting;
- r) Subject to policies adopted by Council, sell any personal property belonging to the municipality not exceeding an individual value of two thousand dollars (\$2,000) that, in the opinion of the "CAO", is no longer needed by the municipality or that is obsolete or unsuitable for use;
- s) Subject to policies adopted by Council, personally or through an agent, negotiate and execute leases of real property owned by the Village provided that any such lease is not

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for a term exceeding one year. Leases entered into may be renewed for periods of one year intervals;

- t) Supervise the performance of all contracts or agreements entered into by the Village and ensure that all conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements and report on such contracts or agreements to Council;
  - u) Obtain information regarding all boards, commissions and other bodies that affect the interests of the Village and report to Council regarding same when, in the opinion of the “CAO”, Mayor or Council, such reports are deemed necessary;
  - v) Perform the role of Human Resource Manager, ensuring that adequate policies are established for the effective operation of the Village, including policies to do with ongoing employee training, performance evaluation and succession planning.
  - w) Carry out such additional duties and exercise such additional responsibilities as from time to time may be assigned by Council or by an Act of the Province;
11. The “CAO”, so as to assist in performing the duties of that office, may use the services of any Village employee as and when considered appropriate;
12. In the event of temporary absence or disability, the “CAO” may designate by letter filed with the Mayor a member of senior staff or some other person the “CAO” deems appropriate as acting Chief Administrator Officer during that absence or disability and such designation shall be ratified by Council at a special meeting but in the event that the Administrator is unable to do so, the Mayor, Deputy Mayor, and one Councilor shall designate a member of senior staff or some other person deemed appropriate as Acting Chief Administrative Officer and such designation shall be ratified by Council at a special meeting.
13. If the absence or disability of the “CAO” is judged to be of long-term duration, the Council may appoint a qualified member of staff, or other qualified person employed under special contract, to perform the required duties until the “CAO” is able to reassume responsibilities of the position or until a replacement for the “CAO” is approved by Council.

First Reading in its Entirety                                        April 6, 2009  
Second Reading by Title:                                            April 6, 2009  
Third Reading by Title and Enactment:                        April 20, 2009

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IN WITNESS WHEREOF the Village of Belledune has caused the Seal of the said Village to be affixed to this by-law the 20<sup>th</sup> day of April, 2009 and signed by:

Nick Duivenvoorden

Brenda Cormier

Mayor/ Nick Duivenvoorden

Clerk/ Brenda Cormier

THIS IS TO CERTIFY that the foregoing is a true copy of a By-law duly passed at a duly called meeting of the Village Council of the Village of Belledune duly held on the day of April 20<sup>th</sup>, 2009. Given under the hand of the Village Clerk and under the seal of the Village of Belledune this 20<sup>th</sup> day of April, 2009.

