

PURPOSE

To articulate the authorities of the Chief Administrative Officer (CAO) as required by the *Municipal Government Act* (MGA) and other legislation regarding decision making and signature of documents.

SCOPE

CAO and employees of the Municipality of East Hants (the ‘Municipality’).

POLICY

POLICY STATEMENT

In accordance with Section 28(1) of the MGA, the Municipality of East Hants shall employ a person to be the CAO for the Municipality (as decided by Council motion in 1999).

1. CAO Authority

1.1. The CAO has authority to:

- 1.1.1. Make or authorize expenditures, and enter into contracts on behalf of the Municipality, for anything required for the Municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the Municipality;
- 1.1.2. Sell personal property belonging to the Municipality that, in the opinion of the CAO, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the Municipality, and may delegate this authority to employees of the Municipality;
- 1.1.3. Personally, or by an agent, negotiate and execute leases of real property owned by the Municipality that are for a term not exceeding one year, including all renewal terms of the lease, and negotiate non-substantial lease amendments that do not impact the term of the lease;
- 1.1.4. 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 give;
- 1.1.5. Authorize, in the name of the Municipality, the commencement or defense of a legal action or proceedings before a board or tribunal, including reporting the commencement of the legal action, defense or proceeding to the council within 30 days and may not delegate this authority to employees of the Municipality. Council authorization is required for the commencement or defense of a legal action or proceedings before a court;
- 1.1.6. Settle a legal action or proceeding against the Municipality if the settlement is below \$100,000 and can be settled within the approved operating budget;



- 1.1.7. Issue, refuse, suspend, cancel or revoke licenses and permits, but not including building permits and development permits. Exercise of this authority by the CAO may be appealed to Council;
 - 1.1.8. Discharge completed development agreements in part or in whole;
 - 1.1.9. Establish the amount that may be accepted by the Municipality in lieu of prosecution for breach of a by-law;
 - 1.1.10. Act as the Administrator under part XV of the MGA provisions with respect to Dangerous and Unightly Premises but not the authority to order demolition; and
 - 1.1.11. Administer Human Resource issues within the spending authority extended to the position by the Procurement Policy. This includes but is not limited to authority and responsibility to:
 - 1.1.11.1. Establish departments of the Municipal administration;
 - 1.1.11.2. Adopt a system of classification of positions of Municipal officers and employees and specify offices that may not be filled by the same person;
 - 1.1.11.3. Determine the salaries, wages and emoluments to be paid to Municipal officers and employees, including payment pursuant to a classification system;
 - 1.1.11.4. Maintain an up-to-date Human Resource and Occupational Health and Safety Administrative Policy;
 - 1.1.11.5. Report to Council no less than once per year, at budget time, on Human Resource issues, changes over the past year and intended changes for the coming fiscal year with budgetary impacts clearly outlined;
 - 1.1.11.6. Offer retirement settlements or other financial payouts for loss of employment up to \$30,000;
 - 1.1.11.7. Offer salary continuance as a result of loss of employment, within established human resource budgets; and
 - 1.1.11.8. Do all things outlined in the Position Description for the CAO position that form part of the contract between the CAO and the Municipality and all things outlined in the MGA (specifically Section 31) and policies of Council as delegated to be within the authority of the CAO.
- 1.2. The CAO has authority to sign all documents arising from activities where the CAO is authorized under Section 1.1 above to act and as outlined in the MGA and by policy of Council. For greater certainty, this includes but is not limited to:
- 1.2.1. Deeds including Tax Sale Deeds, once Council approves the acquisition or disposal of real property;
 - 1.2.2. Construction Contracts in accordance with budget and procurement policies;
 - 1.2.3. Agreements;
 - 1.2.4. Service Contracts;
 - 1.2.5. Debenture Documents for Council approved debt;
 - 1.2.6. Purchase/sale agreements and related documents for business park land transactions where in accordance with Council policies;
 - 1.2.7. Expropriation Documents, once expropriation is approved by Council;
 - 1.2.8. Taking or releasing easement agreements for Municipal access to non-Municipally owned real property;

- 1.2.9. Granting or releasing easement agreements in the Municipal road right-of-way or where other easements exist, so as to not encumber future Municipal use of the Property.;
- 1.2.10. Granting easement agreements that may encumber the future use of Municipal real property, following Council's approval of the easement;
- 1.2.11. Employment Contracts;
- 1.2.12. Legal settlement documents, subject to Council approval of the amount as noted above; and
- 1.2.13. Short-term operating and capital borrowing.

2. Co-signing

- 2.1. The Warden shall not be required to sign/co-sign documents that the CAO has authority to sign, but shall sign all agreements to which the CAO is a party, including the CAO contract.

3. Appointment of Municipal Positions

- 3.1. As authorized by provincial legislation, Municipal bylaw, and this policy, the CAO is authorized to appoint people to the following positions:
 - 3.1.1. Emergency Management Coordinator and representatives of agencies or organizations to the Municipal Emergency Management Planning Committee;
 - 3.1.2. To appoint enforcement officers for Municipal Bylaws; and
 - 3.1.3. To appoint alternates as needed.
- 3.2. The CAO is authorized by the MGA to:
 - 3.2.1. MGA 37(1) designate an employee of the Municipality to perform the duties of the treasurer of the Municipality; and
 - 3.2.2. MGA 39(1) designate an employee of the Municipality to be the engineer for the Municipality.

4. Other Authorities

- 4.1. Notwithstanding subsections 33(1), 37(1), 39(1) and Section 41 of the MGA, the CAO may perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to this Act.
- 4.2. The CAO may appoint an employee of the Municipality to act in the place of the CAO when the CAO is absent or unable to act.
- 4.3. The CAO has authority to make application for external grant funding. Where a resolution of Council is required as part of the application process, the CAO is authorized to seek approval directly from Council.
- 4.4. The CAO has authority to set the pool fees under policy as directed by Motion C15(148).
- 4.5. The CAO has authority to set the prices of services offered at Municipal tourism and recreation facilities including food services, room rental fees, and recreation program fees.
- 4.6. Except where Council has directed otherwise, the CAO may negotiate special event rates at Municipal tourism and recreation facilities in the spirit of the rates for facility rental set by Council and those in Section 4.5 of this Policy.



ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Editor	<p>The Policy Editor is a person having managerial and policy-making responsibility related to the writing, compilation and revision of content and will:</p> <ul style="list-style-type: none"> • Ensure policies in their care and control are always up-to-date, reviewed annually or sooner if necessary • Draft new or edit existing policy content • Be able to interpret and explain policy content • Ensure policy documents are branded and any supporting documents, ie. applications forms are also branded and content consistent with the policy • Ensure policy content is relevant and accurate • Seek and secure approval recommendation of the policy from the Policy Owner • Seek and secure approval of the policy from the appropriate Approver; and, • Provide the final approved policy document to the Assistant Municipal Clerk
Policy Owner	<p>The Policy Owner will:</p> <ul style="list-style-type: none"> • Provide oversight to ensure policies in their care and control are always up-to-date, reviewed annually or sooner if necessary, by the assigned Policy Editor • Be able to interpret and explain policy content • Provide oversight to ensure policy documents are branded and any supporting documents, ie. application forms are also branded and content consistent with the policy • Provide oversight to ensure policy content is relevant and accurate • Review the policy and make recommendation for approval to the appropriate Approver; and, • Ensure that the final approved policy document has been provided to the Assistant Municipal Clerk
Approver	<p>The Approver will:</p> <ul style="list-style-type: none"> • Review Policy recommendations for approval consideration (approve, reject or edit); and, • Notify the Policy Editor, Policy Owner and Assistant Municipal Clerk of decision
Assistant Municipal Clerk	<p>The Assistant Municipal Clerk will:</p> <ul style="list-style-type: none"> • Facilitate an annual Policy Review; and, • Ensure final approved policies are maintained, stored and posted where appropriate
Employees	<p>The Employees will:</p> <ul style="list-style-type: none"> • Adhere to the policy



RELATED DOCUMENTATION

Document Name	Document ID	Document Type
Municipal Government Act		Legislation
Emergency Management Act		Legislation
Bylaw P-200, Emergency Management Bylaw		Bylaw

VERSION LOG

Version Number	Amendment Description	Amendment/Policy Editor	Amendment/Policy Owner	Approver	Approval Date
1.0	Creation of CAO Authority Policy	CAO	CAO	Council	March 29, 2017
2.0	Addition of Sections 3 and 4	CAO	CAO	Council	March 28, 2018
3.0	Edits to Sections 1.3; 1.10.1.7 and Other (3) & (4) and formatting updates	CAO	CAO	Council	February 24, 2021
4.0	Formatting update, addition of section 1.1.8 due to MGA changes, clarification of power over easements in Sections 1.2.8 - 1.2.10., addition of Section 3.1.2 to enable the appointment of officers, additions of Sections 4.5 and 4.6 to add authority of the Sportsplex.	Policy Analyst/CAO	CAO	Council	



EAST HANTS

Chief Administrative Officer (CAO) Authority Policy

Council Administrative

CERTIFICATION

I, Kim Ramsay, Municipal Clerk of the Municipality of East Hants, hereby certify that this policy was duly approved.

Kim Ramsay
Municipal Clerk