



Subject: *CAO Authority Policy Review*
To: Corporate & Residential Services Committee
Date Prepared: July 10, 2024
Related Motions: n/a
Prepared by: Nathan Hoffmann, Policy Analyst
Approved by: Kim Ramsay, Chief Administrative Officer

Summary

The CAO Authority Policy (the 'Policy') is being updated as part of the Policy Review Program. The five (5) proposed changes are: template updates, addition of power to discharge completed development agreements, clarification on the Chief Administrative Officer's (the 'CAO') authority of easement agreements, the appointment of officers to enforce Municipal Bylaws, and authority over operations at the Sportsplex.

Financial Impact Statement

There is no financial impact associated with this report.

Recommendation

That the Corporate and Residential Services Committee recommend to Council to adopt the updated 'CAO Authority Policy'.

Recommended Motion

Regular Meeting of Council (Policy & In-Camera) - July 16, 2024

Move that the Corporate & Residential Services Committee recommends to Council that Council give notice of intent to approve the CAO Authority Policy as attached to the Executive Committee agenda dated July 16, 2024.

Regular Meeting of Council - July 24, 2024

Move that the Corporate & Residential Services Committee recommends to Council that Council approve the CAO Authority Policy as attached to the Executive Committee agenda dated July 16, 2024.

Background

The CAO Authority Policy describes the authority of the CAO as required in the Municipal Government Act (the 'MGA') and Municipal policies. This Policy was last updated in 2021.

This Policy is being updated to improve the clarity around the CAO's authority as part of the Policy Review Program. As part of this review, the Policy Analyst conducted meetings with the following staff members:

- The Manager of Real Estate & Corporate Projects;
 - The Manager of Economic & Business Development;
 - The Manager of Development Services; and
 - The CAO.
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Discussion

The draft version of the Policy contains five (5) proposed kinds of edits:

Template Changes

This Policy required minor housekeeping edits to align with current Municipal policy templates. Other than these template changes, no other major housekeeping edits were identified.

Discharging of Development Agreements

Recent amendments to the *Municipal Government Act* provide the CAO with the authority to discharge a completed development agreement in part or in whole. Section 1.1.8 has been added to the Policy to reflect this ability. Development agreements are usually discharged by the request of the property owner or by the recommendation of Planning staff. Reasons for discharging an agreement include: the development was never actioned, the term of the development agreement term expired, or the zoning changed to no longer make the development agreement necessary. Planning staff typically see one (1) or two (2) requests to discharge development agreements a year.

Clarification on Signing Authority and Easements

Sections 1.2.8 through 1.2.10 of this Policy have been edited and expanded to clarify the CAO's authority to sign Easement Agreements. The amended sections of the Policy are included below:

- 1.2 The CAO has authority to sign all documents... ..this includes but is not limited to:
 - 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;

These amendments empower the CAO to sign all easement agreements, but will require the CAO to seek Council's direction when granting easements that may impact the Municipality's future use of its property. This clarification better represents current Municipal practice while also providing the CAO with clarification on their powers over easement agreements.

Power to Appoint Officers

Section 3.1.2 has been added to the Policy to empower the CAO to appoint officers to enforce Municipal Bylaws. In addition to the Municipal Compliance Officer, other officers would include members of the SPCA to enforce the Municipality's 'Dog Bylaw'. This change is being recommended after the Department of Justice sought clarification on the appointment of officers.

Sportsplex Authority

Following the Municipality's acquisition of the East Hants Sportsplex, staff recommend the additions of Sections 4.5 and 4.6 of the Policy. These sections give the CAO authority to set prices for services at the Sportsplex, including room rentals, food prices, and programming prices. Ice Pad and Field House rates will continue to be set by Council. The amendments to the Policy would enable to the CAO to negotiate rates for large or special events in the spirit of rates set by Council.

STRATEGIC ALIGNMENT

The draft Policy aligns with the Municipal Key Strategy of Corporate Excellence.

LEGISLATIVE AUTHORITY

Section 31 of the MGA outlines the various roles and responsibilities of the CAO and delineates other responsibilities Council may grant the CAO.

Alternatives

Committee may recommend any other policy amendments as appropriate.

Attachments

DRAFT CAO Authority Policy - with markup

DRAFT CAO Authority Policy - without markup