

VILLAGE OF HAINES JUNCTION

BYLAW 358-19

A bylaw to establish the position of Chief Administrative Officer

WHEREAS section 183 of the Municipal Act (R.S.Y. 2002) provides that the council of a municipality must establish by bylaw the position of Chief Administrative Officer and appoint a person or persons to the position; and

NOW THEREFORE the Council of the Village of Haines Junction, in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

1. Title

2. This bylaw may be cited as the "**Chief Administrative Officer Bylaw**".

3. Definitions

3.1. In this bylaw:

- 3.1.1. "Village" means the Village of Haines Junction;
- 3.1.2. "Chief Administrative Officer" means the Chief Administrative Officer of the Village.
- 3.1.3. "Council" means the duly elected council of the Village;
- 3.1.4. "designated municipal officer" means a person appointed by Council as a municipal officer under the provisions of the Municipal Act;
- 3.1.5. "Mayor" means the duly elected mayor of the Village, or in the Mayor's absence, the Deputy Mayor appointed pursuant to s. 182 of the Municipal Act; and,
- 3.1.6. Where the term "chief administrative officer", "Chief Administrative Officer", Director, Municipal Clerk, "manager", or "municipal manager" is used in any other bylaw of the Village, that term shall be deemed to refer to the position of Chief Administrative Officer manager or the person appointed to that position pursuant to Council Resolution as the context requires.

4. Gender Neutral Language

- 4.1. Use of the words "Him" and "Himself", "Her" and "Herself" are for convenience and deemed to be gender neutral language

5. Creation of Office

- 5.1. The position of Chief Administrative Officer is hereby established and shall be referred to as the Chief Administrative Officer.

6. Appointment of Chief Administrative Officer

- 6.1. The Chief Administrative Officer is appointed pursuant to Council Resolution and shall hold office at the pleasure of Council and in accordance with the terms and conditions of employment stated in this bylaw and the Conditions of Employment Bylaw.

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- 6.2. The Chief Administrative Officer will be selected by Council solely on the basis of executive and administrative qualifications with special reference to experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth.

7. Powers and Duties

- 7.1. The Chief Administrative Officer is the administrative head of the Village. The Chief Administrative Officer shall report to Council and shall be responsible for the proper administration of all affairs of the Village. To that end, the Chief Administrative Officer shall:
- 7.1.1.inform herself of Village bylaws, resolutions, policies, procedures, administrative directives, practices and programs that apply to issues she must address in her role;
 - 7.1.2.comply with all applicable Village bylaws, resolutions, policies, procedures, administrative directives, practices and programs;
 - 7.1.3.at all times act in the best interests of the Village and comply with the Employee Code of Conduct Policy adopted by resolution of Council and amended from time to time;
 - 7.1.4.ensure that the bylaws, resolutions, policies, procedures, administrative directives, practices and programs of the Village are implemented and enforced;
 - 7.1.5.advise and inform Council on Village operations and affairs;
 - 7.1.6.carry out the powers, duties, and functions assigned to the Chief Administrative Officer by Council, or by the Municipal Act, or by any other applicable legislation;
 - 7.1.7.notify Council if any action or inaction by Council or the Village administration is contrary to a bylaw or resolution of Council or a provision of the Municipal Act, or any other applicable legislation;
 - 7.1.8.exercise the powers, duties and functions of any designated municipal officer when necessary;
 - 7.1.9.be responsible for policy research and development on matters referred by Council, and on matters arising from the administration of the affairs of the Village;
 - 7.1.10. submit to Council the Village's annual estimates of revenue and expenditure (the budget), ensure the estimates reflect priorities defined by Council policies and Village administrative directives, and be responsible for the administration of the budget after adoption;
 - 7.1.11. ensure the preparation and awarding of contracts are in compliance with Council policies and Village administrative directives;
 - 7.1.12. monitor the internal and external affairs of the Village for the purpose of informing Council of anticipated policy requirements;
 - 7.1.13. work with the Mayor and Council in developing proposals for Council's review; and
 - 7.1.14. carry out any other duties as may be assigned by Council from time to time, or as are assigned by the Municipal Act or by any other applicable legislation; and,
 - 7.1.15. Subject to section 8 of this bylaw, the Chief Administrative Officer may delegate any of her duties, powers and functions to an officer or employee of the Village in a manner consistent with the best interests of the administration of the Village, but she may not delegate or relinquish overall responsibility for results, or her accountability to Council.

8. Delegation of Duties

- 8.1. Except as is specifically required by any applicable legislation, bylaw, policy, or administrative directive, the Chief Administrative Officer shall not delegate her performance of the following duties:
- 8.1.1.personally attending all meetings of Council unless absent with leave of the Mayor, in which case the Chief Administrative Officer shall appoint a delegate to attend in her stead;
 - 8.1.2.when requested by Council, attending and participating in discussions at all meetings of committees and boards appointed by Council unless absent with leave of the Mayor;

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- 8.1.3. when requested by Council, taking part in the discussion of any matter coming before any meeting of Council; and,
 - 8.1.4. receiving notice of all regular and special meetings of Council and all meetings of boards and committees appointed by Council.

9. Expenditures

- 9.1. The Chief Administrative Officer is hereby empowered to authorize the expenditure of funds up to the maximum authorized by bylaw in the annual operating and maintenance budgets and in accordance with the thresholds, limits and principles contained within Village bylaws and Council policies.
- 9.2. Council may, by resolution or bylaw, delegate to the Chief Administrative Officer the power to authorize the expenditure of funds for budgeted items in excess of those limits prescribed pursuant to section 9 of this bylaw and for specified approved projects, subject to the terms of the bylaw adopting the annual operating and maintenance budget.
- 9.3. In the case of an accident, disaster or other circumstance creating a public emergency, the Chief Administrative Officer, in consultation with the Mayor, may make such purchases, award such contracts, or make such other arrangements as are necessary to meet the emergency, but the Chief Administrative Officer shall report on her actions, with an itemized statement of all expenditures, at the next meeting of Council.

10. Management of Employees

- 10.1. The Chief Administrative Officer shall be responsible for directing, managing, and supervising the officers and employees of the Village. Subject to any bylaw or contract of employment or collective agreement, the Chief Administrative Officer has the authority to appoint, discipline, suspend, or dismiss any employee and is authorized by Council, to appoint, suspend, discipline or dismiss any designated municipal officer. In the case where a designated municipal officer of the Village is suspended for more than five working days, or where any employee or designated municipal officer is dismissed, the Chief Administrative Officer shall report the suspension or dismissal and the reasons for it to Council.
- 10.2. Except for purpose of an enquiry, the Council and its members shall not deal with any employee of the municipality, except through the Chief Administrative Officer, and neither Council nor any member thereof shall give any order to a subordinate of the Chief Administrative Officer, either publicly or privately.
 - 10.2.1. Subsection 10.2 does not apply to any situation whereby the Municipal Act or any other Act requires any officer or employee to report directly to Council.

11. Affirmation of Office and Secrecy

- 11.1. The Chief Administrative Officer shall sign and provide to the Village the Affirmation of Office and Secrecy, before commencing employment (attached as Appendix "A").

12. Effective Date


- 12.1. This Bylaw will come into effect on the date of Adoption.

13. Bylaw Repeal


- 13.1. Bylaw 142 – 00 is hereby repealed

14. Readings

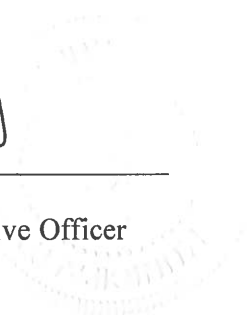
- 14.1. Read a first time this 11th day of December, 2019.
14.2. Read a second time this 11th day of December, 2019.
14.3. Read a third time and adopted this 8th day of January, 2020.



Thomas Eckervogt
Mayor



Dan Rodin
Chief Administrative Officer



APPENDIX "A"

AFFIRMATION OF OFFICE AND SECRECY

I, _____ of _____, Haines Junction, do solemnly affirm that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the Village of Haines Junction and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment.

Sworn before me at the Village of Haines Junction,
in the Yukon Territory, this _____ day
of _____, 20____.

Witness