
Subject: Chief Administrative Officer Draft Roles and Responsibilities By-law

Report to: Regional Council

Report date: Thursday, January 23, 2020

Recommendations

1. That the draft by-law respecting the Chief Administrative Officer Roles and Responsibilities attached as Appendix 1 to Report CLK 1-2020, **BE APPROVED**;
2. That the final by-law **BE PREPARED** and **PRESENTED** to Council for consideration.

Key Facts

- The purpose of this report is to seek Council's approval of a draft by-law outlining the roles and responsibilities of the Chief Administrative Officer (CAO).
- At its special meeting held on December 5, 2019, Regional Council considered Report CAO 17-2019 that directed staff to prepare a by-law setting the parameters of the relationship between Council and the CAO.
- Recommendation 11 of the Ontario Ombudsman Report "Inside Job", recommended a by-law that would clearly set out the relationship between the CAO and Council including the role of Council with respect to amending the CAO's contract and salary.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

In November 2019, the Ontario Ombudsman released the report "Inside Job" which were the results of his investigation into the 2016 CAO hiring process. The report provided 16 recommendations, one of which was to pass a by-law that would set out the parameters of the relationship between Council and the CAO including the role of Council with respect to amending the CAO's contract and salary.

Staff undertook research of other Regions, including Peel, Durham, York, Halton and Waterloo as well as other municipalities to gain an understanding of the provisions included in their CAO by-laws. In addition, staff reviewed the reference material that was included in the Ontario Ombudsman Report to ensure an understanding of best practices. In some cases, the municipality only had an appointment by-law in place

without any specific provisions related to the CAO's role or their relationship with Council. Other municipalities had extensive by-laws that were written in a manner that laid out the specific duties of a CAO in a similar fashion to a job description.

The draft by-law ensures a clear relationship between Regional Council and the CAO through provisions that provide that the CAO is directly responsible to Regional Council for ensuring administration of all programs and policies initiated and adopted by Council.

The draft by-law contains specific provisions that provide Regional Council authority to establish the terms and conditions of the appointment of the CAO including salary and benefits and that salary and benefit changes require Council approval. These provisions satisfy the Ombudsman's recommendation related to the role of Council with respect to the CAO's contract and salary.

Further, the draft by-law includes provisions that are used in other municipal CAO by-laws that would be considered best practices with respect to the role of the CAO and were not included in our current CAO appointment by-law or within the CAO job description. One such example is that the CAO shall attend all meetings of Council.

Staff have included specific provisions within the draft by-law respecting the performance appraisal of the CAO. This provision provides that the CAO shall meet annually with Council to review and assess the CAO's performance during the past year. Recommendation 13 of the Ombudsman's report requested that a policy be prepared governing the process for CAO performance appraisals. This provision ensures that Council is provided with the authority to review and assess CAO performance.

The draft by-law strikes a balance between setting the parameters of the relationship between Council and the CAO and not being as specific as to restrict Council or CAO authority or to provide overlapping responsibilities between the by-law and the CAO job description.

Alternatives Reviewed

Staff did not review any alternatives with respect to preparing a draft by-law as the direction to prepare this by-law was provided through Council approval of Report CAO 17-2019. Council could consider other formats to provide for the roles and responsibilities of the CAO such as including them as a schedule to the appointment by-law of the CAO. This format is not recommended as it combines an appointment by-law with the roles and responsibilities of the CAO which should stand alone.

Relationship to Council Strategic Priorities

This report is based on specific recommendations of the Ontario Ombudsman; however, the implementation of a by-law outlining the roles and responsibilities of the CAO aligns with Council's Strategic Priority of Sustainable and Engaging Government.

Other Pertinent Reports

CAO 17-2019 Recommendations from the Ontario Ombudsman Report "Inside Job" November 2019

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This report was prepared in consultation with F. Meffe, Director, Human Resources, D. Gibbs, Director, Legal and Court Services, and D. Barnhart, Executive Officer to the Regional Chair.

Appendices

Appendix 1 DRAFT – A by-law to provide for the duties and responsibilities
of the Chief Administrative Officer

Page 4