

TOWN OF LUNENBURG
CHIEF ADMINISTRATIVE OFFICER BYLAW

1. TITLE

1.1 This Bylaw may be cited as the “Chief Administrative Officer Bylaw” or the “CAO Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

- a. “Act” means the Municipal Government Act of the Province of Nova Scotia, SNS 1998, c. 18, as amended from time to time, or successor legislation;
- b. “Chief Administrative Officer” or “CAO” means the person appointed by the Council and employed by the Town as its chief administrative officer;
- c. “Clerk” means the person employed by the Town and appointed by Council to serve as its Clerk;
- d. “In writing” includes communications sent by email;
- e. “Town” means the Town of Lunenburg;
- f. “Town Powers and Duties” means a thing the Town is required or authorized to do under a statute or regulation of the Province of Nova Scotia or under a bylaw of the Town, where the statute, regulation or bylaw does not specify who in the Town may do the thing;
- g. “Statutory Functions” means all duties, functions or powers assigned to the chief administrative officer of a municipality under the Act or under any other statute or regulation of the Province.

3. POSITION AND ESTABLISHMENT OF CAO

3.1 The position of Chief Administrative Officer for the Town is established and the Town shall at all times have a CAO or a person designated to act as interim CAO.

3.2 Council shall by resolution appoint a person to the position of Chief Administrative Officer. If a vacancy occurs in the position Council shall by resolution appoint a person to be an interim Chief Administrative Officer and in such case all the provisions of this bylaw that apply to the CAO apply equally to the interim CAO.

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Adopted by Council: January 24, 2023

- 3.3 In the event of absence from work due to illness, vacation, leave of absence or other cause, the CAO may delegate their powers to another employee in writing, and, unless Council by resolution appoints another person to serve as an interim CAO during that absence, the CAO's delegation of authority shall be deemed to be valid and to be approved by Council.
- 3.4 The remuneration and other terms of engagement of the Chief Administrative Officer shall be set out in an agreement between the CAO and the Municipality that is approved by resolution of the Council and not inconsistent with any provision of the Act or this Bylaw, which the Mayor shall execute on behalf of the Municipality.

4. POWERS AND AUTHORITY OF CAO

- 4.1 The CAO shall exercise and fulfill all Statutory Functions which are not subject to delegation and shall either personally exercise and fulfill or shall delegate the exercise and fulfillment of all Statutory Functions which are subject to delegation.
- 4.2 The CAO may exercise all Town Powers unless Council otherwise specifically directs by resolution, policy or bylaw.
- 4.3 The CAO may exercise any of the following powers, except as Council may otherwise specifically direct by resolution, policy or bylaw:
- a. 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;
 - b. sell personal property belonging to the municipality that, in the opinion of the chief administrative officer, 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;
 - c. 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 renewals;
 - d. establish departments of the municipal administration;
 - e. adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person;

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- f. determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system;
- g. 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 given;
- h. authorize, in the name of the municipality, the commencement or defence of a legal action or proceedings before a court, board or tribunal, provided that the estimated value or exposure is less than \$1 Million or provided that the CAO considers it necessary to take that step in order to avoid the risk of missing a limitation period, and may, in respect of board or tribunal proceedings, delegate this authority to employees of the municipality;
- i. settle a legal action or proceeding provided that the settlement value is less than \$1 Million;
- j. may appoint returning officers and assistant returning officers under the Municipal Elections Act; and
- k. perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to the Act, including, without limitation, the signing of contracts authorized by Council in place of the clerk.

5. REPEALS AND AMENDMENTS

5.1 The Town's Bylaw # 48, Manager/Clerk Bylaw and the Town's Bylaw # 3, Town Seal Bylaw are hereby repealed.

5.2 Bylaw # 1, Interpretation Bylaw, is amended by deleting the text of section 3.1.4 thereof and replacing it with the following:

"Clerk" or "Town Clerk" means the person designated by the CAO from time to time to perform the duties of the clerk of the Town, but the phrases "Manager/Clerk", "Town Manager/Clerk" and "Town Manager" shall mean the CAO except in relation to any matters required by statute or regulation to be carried out by the Clerk, in which case it shall mean the Clerk.

TOWN OF LUNENBURG
Clerk's Annotation for Official Bylaw Book

Bylaw: Chief Administrative Bylaw

Date of first reading: December 13, 2022

Advertisement of notice of intent: January 4, 2023

Date of second reading: January 24, 2023

Advertisement of the bylaw approval: February 1, 2023

A certified copy of the bylaw was mailed to the Minister of Municipal Affairs: February 1, 2023

This bylaw comes into effect on the day the bylaw approval was advertised unless otherwise stated in the bylaw.

I certify that this bylaw was adopted by Council and advertised as indicated above.



Municipal Clerk