

A BY-LAW TO ESTABLISH THE POSITION OF
THE CHIEF ADMINISTRATIVE OFFICER FOR
THE CORPORATION OF THE CITY OF
WINDSOR

Passed the 12th day of August, 2002.

WHEREAS Section 72 of the Municipal Act, R.S.O. 1990 Chapter M. 45, as amended, authorizes the Council of the Corporation of the City of Windsor to appoint, by by-law, a Chief Administrative Officer who shall have such duties and responsibilities in respect of the administration of the Government and affairs of the municipal corporation and of its departments as the Council shall prescribe by by-law;

AND WHEREAS the Council of the Corporation of the City of Windsor considers it desirable and expedient to create the office of the Chief Administrative Officer and to define and determine the duties and responsibilities thereof;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. TITLE

The most senior administrative position with the Corporation of the City of Windsor (hereinafter referred to as "the City") shall be known as the Chief Administrative Officer.

2. APPOINTMENT BY SEPARATE BY-LAW

The Chief Administrative Officer shall be appointed by Council by separate by-law, following a selection process adopted by Council.

3. RESPONSIBLE TO COUNCIL

The Chief Administrative Officer shall be responsible to Council and shall carry out the duties and responsibilities set out herein in accordance with any and all relevant and applicable by-laws and resolutions of the Council of the City of Windsor. The Chief Administrative Officer shall assist the Council to discharge its responsibilities, and in a non-partisan manner, provide guidance to Council members to carry out their duties.

Any matters related to the performance of the Chief Administrative Officer (including establishing corporate and personal objectives) shall be conducted by Council, or a Committee of Council, if so delegated. A meeting shall be scheduled at least once during each 12 month period of the Chief Administrative Officer's term of office, for the purpose of reviewing his/her performance. The meeting to review the Chief Administrative Officer's performance shall be scheduled on an annual basis for the first Monday in February and shall be the culmination of a performance review process as established by Council.

4. GENERAL DUTIES

Under the direction of Council, the Chief Administrative Officer shall have responsibility:

- a) for the management of the human, fiscal and physical resources of the City.
- b) to lead, direct, coordinate and supervise the implementation of the policies and programs approved by Council.
- c) to provide strategic guidance and advice to Council for the effective delivery of programs and services in a manner which is consistent with the well being of all of the City's residents.
- d) to provide leadership and direction to all departments, ensuring the corporate coordination of the activities of all departments and the efficient and consistent implementation of policies and decisions of Council.

- e) to encourage throughout the City's administration a continuous search for improvement in the delivery of City Services to the public and the management of the city's affairs.
- f) to foster a positive working relationship with the Members of City council, and build a positive and collegial atmosphere with all City employees and bargaining units.
- g) to foster a climate of positive community relations.
- h) to carry out such additional duties and exercise such additional responsibilities as Council may from time to time prescribe.
- i) to manage the interests of the Corporation on intergovernmental issues at the administrative level through active participation in professional associations and through lobbying efforts with applicable Provincial and Federal ministries, agencies and crown corporations, and foreign governments.
- j) to develop and maintain communication linkages with officials, groups, agencies, other jurisdictions and stakeholders as is necessary to carry out the responsibilities of the office of the Chief Administrative Officer and promote the interests of the City.

5. SPECIFIC DUTIES

The Chief Administrative Officer shall have specific responsibility for encouraging the City's administrative departments to continuously seek improvement in the delivery of City Services to the public and the management of the city's affairs, and for initiating, directing, coordinating and reporting to City Council on the following:

- a) Regular updates to the Corporate and Community Strategic Planning initiative.
- b) Regular organizational and operational reviews, ensuring effective and efficient utilization of existing resources.
- c) Regular reports on the overall efficiency of operations.
- d) The financial control of the Corporation with general assistance from the Treasurer, ensuring quarterly reporting to Council on the financial status of the municipality.
- e) The annual estimates (current and capital budgets) and subsequent implementation and monitoring of such budgets as approved by City Council, through the office of the Treasurer.
- f) The Corporation's Annual Performance Measures as required by Provincial regulations.
- g) Information and reports in a timely manner for deliberation, as requested by Council.
- h) Administrative responsibilities and duties as may be delegated by Council through resolution or by-law.
- i) Administrative and or policy/operational issues and advice as may be requested or required by Council, including attendance at all Council meetings, being entitled to speak at the meeting with the consent of the Chairman of Council.
- j) Regularly scheduled meetings with the Senior Management of the Corporation for the purpose of providing direction and discussing management issues, corporate policy and general coordination of matters of significance to the operations of the corporation.

6. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer shall have the following authority with respect to personnel matters:

- a) Department Heads:
The Chief Administrative Officer shall recommend to Council the appointment and dismissal of the senior management and statutory officers of the City. The Chief Administrative Officer shall be responsible to provide direction, supervision and annual performance appraisals with respect to all department heads in the performance of their duties and responsibilities including those individuals who are

statutory officials appointed under any statute. The Chief Administrative Officer shall have the authority to approve leaves of absence of employees at the Director level and above with pay, partial pay and without pay, for periods of time that are consistent with existing policies of the corporation and shall keep Council apprised of those decisions.

- b) **Non-Union Personnel:**
The Chief Administrative Officer shall have overall responsibility for non-union personnel including the appointment, employment, suspension or dismissal of employees.
- c) **Union Personnel:**
The Chief Administrative Officer shall have overall responsibility for the appointment and employment of all other employees of the Corporation in accordance with the collective bargaining agreements and to suspend or dismiss such employees for cause subsequent to the grievance procedures established in the respective collective agreement.
- d) **Collective Bargaining:**
The Chief Administrative Officer shall provide direction of Collective Bargaining activities for all City Employees (with the exception of the Windsor Police Services) in accordance with instructions from City Council.
- e) **Grievance Procedures:**
The Chief Administrative Officer shall be responsible to hear appeals under the grievance procedures as outlined in the respective collective bargaining agreements in effect.
- f) **Access to Personnel Records:**
The Chief Administrative Officer shall have full free and unrestricted access to all records of the City of Windsor.

7. DELEGATION OF AUTHORITY/RESPONSIBILITY

The Council of the Corporation of the City of Windsor authorizes the Chief Administrative Officer to delegate such authority as assigned to the position, for the purpose of establishing an efficient and effective administrative structure.

Council authorizes the Chief Administrative Officer to designate in writing a temporary appointment of a Department Head to act in the absence of the Chief Administrative Officer from the offices of the Corporation. Such appointment shall be communicated to Council and all Department Heads and shall specify such period for the temporary appointment.

In the event that the Chief Administrative Officer is unable to act for any reason, Council reserves the right to make such temporary appointment during the period of absence, and shall exercise that authority by way of a by-law.

8. SUSPENSION OR DISMISSAL OF CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer shall hold office at the pleasure of Council. Council may, in its sole discretion, suspend or dismiss the Chief Administrative Officer subject to compliance with any statutory requirements or contractual agreement, and subject to the right of the Chief Administrative Officer to a hearing before Council. The Chief Administrative Officer shall not be dismissed except by by-law.

9. RESIDENCY REQUIREMENT

The Chief Administrative Officer during his/her tenure shall be required to maintain primary residence within the limits of the City of Windsor.

10. SALARY AND BENEFITS

The salary, benefits and conditions for service of the Chief Administrative Officer shall be set up by Council and reviewed as required, in accordance with general employment or contractual arrangements. Salary increases will be subject to the annual review as established in accordance with this by-law.

11. LIMITATIONS/CONFLICTING PROVISIONS

Despite any provisions contained in this by-law, there is no implied authority empowering the Chief Administrative Officer to do or direct any matter or thing, which would to any extent whatsoever, encroach upon the legislative powers of Council, its Committees or upon the statutory duties of its officers.

Where any conflict with any other by-law setting out the duties and responsibilities of a municipal official exists, this by-law shall prevail to the extent of the conflict.

12. REPEAL OF BY-LAW 12056

By-law 12056 enacted on December 12, 1994 and any amendments thereto are hereby repealed upon the enactment of this by-law.

MICHAEL HURST, MAYOR

BRENDA ANDREATTA, DEPUTY CITY CLERK

First Reading - August 12, 2002
Second Reading - August 12, 2002
Third Reading - August 12, 2002