

TOWN OF MARKHAM

ONTARIO



BY-LAW 4-2000

A BY-LAW TO APPOINT A CHIEF ADMINISTRATIVE OFFICER

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to September 10, 2014)

(Schedule/Attachment Included)

AMENDED BY:

By-law 2005-187 – June 28 & 29 2005
By-law 2006-277 – September 26, 2006
By-law 2007-144 – June 26, 2007
By-law 2010-111 – June 8, 2010
By-law 2011-180 – July 18, 2011
By-law 2012-81 – April 3, 2012
By-law 2012-163 – June 26, 2012
By-law 2012-254 – December 18, 2012
By-law 2013-112 – June 17, 2013
By-law 2014-94 – June 24, 2014
By-law 2014-126 – September 10, 2014



4-2000

A by-law to appoint a Chief Administrative Officer

1. THERE shall be a Chief Administrative Officer of the Corporation of the Town of Markham, who, in addition to such duties as Council may by by-law assign to him from time to time, shall be responsible for:
 - (a) The general control and management of the administrative aspects of the operations of the departments of the Corporation of the Town of Markham as further defined in Schedule “A” hereto attached; and
 - (b) The coordination of the operations of all departments and the work of all officers and employees of the Corporation of the Town of Markham.
2. Andy Taylor is hereby appointed as Chief Administrative Officer for the Corporation of the Town of Markham.

(Amended by By-law 2011-180)
3. Town of Markham By-law No. 129-94 is hereby revoked in its entirety.
4. For the purpose of this By-law “summer recess” shall mean the days between the last regular Council meeting in June or July, as the case may be, and the next regular Council meeting, regular meetings not being special meetings as provided for in the Town of Markham Procedural By-law.

(Amended by By-law No. 2005-187)
- 4.1 For the purpose of this By-law, the “restricted election period” shall mean the period of time from and after the date determined by subsection 275(1), until the newly elected Council takes office, during which the Council is restricted from taking certain actions pursuant to Section 275.

(Amended by By-law No. 2006-277)
- 4.2 For the purpose of this By-law, “election recess” shall mean the days between the last regular Council meeting before voting day in a municipal election, as defined by the **Municipal Elections Act 1996, S.O. 1996, c.32**, and the next regular

Council meeting after voting day. For clarity, a municipal election shall not include a by-election as defined in the said Act.

(Amended by By-law 2014-126)

5. The Chief Administrative Officer, or his designate, shall have the authority to call public meetings, grant site plan approval, grant draft plan approvals and extensions to draft plan approvals, initiate special advertising and be authorized to act on any general administrative issues that may be necessary in the absence of Council during the summer recess and election recess.

(Amended by By-law Nos. 2005-187 and 2014-126)

6. The Chief Administrative Officer shall have the authority to award any required contracts greater than \$350,000.00, which are in compliance with the Town's Purchasing By-law and which are within budget as approved by Council, during the summer recess and election recess.

(Amended by By-law Nos. 2005-187 and 2014-126)

- 6.1 During the restricted election period, where, in the opinion of the Chief Administrative Officer, such action is in the best interests of the Town, the Chief Administrative Officer shall have both the authority set out in Section 6 above and the authority to:

- a) make any expenditure or incur any liability exceeding \$50,000.00; and
- b) dispose of any real or personal property of the Town's which had a value exceeding \$50,000 when it was acquired by the Town.

(Amended by By-law No. 2006-277)

- 6.2 During the summer recess period and election recess, where, in the opinion of the Chief Administrative Officer, such action is in the best interests of the Town, the Chief Administrative Officer shall have the authority to:

- a) make any expenditure or incur any liability exceeding \$50,000.00;
- b) dispose of any real or personal property of the Town's which had a value exceeding \$50,000 when it was acquired by the Town;
- c) enter into Agreements of Purchase and Sale for the acquisition of lands, including temporary and permanent easements, and leases of lands, provided that the agreement is in a form and content satisfactory to the Chief Administrative Officer and Town Solicitor, and the agreement is subject to final approval of Council;
- d) execute any other agreements or documents that would otherwise require the express approval and authorization of Council, where the Chief Administrative Officer, in his sole discretion, deems the matter either to be of a minor nature or determines that waiting until the expiry of the summer

recess period would have adverse consequences, including but not limited to execution Minutes of Settlement in respect of litigation, including administrative tribunals;

- e) do any other thing or execute any other document, that, in the sole discretion of the Chief Administrative Officer, is necessary or appropriate to be done during the summer recess.

(Amended by By-law Nos. 2014-94 and 2014-126)

- 7. The Chief Administrative Officer shall advise Council at its next regular meeting of any actions taken pursuant to this delegation.

(Amended by By-law No. 2006-277)

- 8. (Deleted by By-law 2013-112)

- 9. Pursuant to Section 8 and notwithstanding the Purchasing By-law, By-law 2004-341, as amended, the Mayor and Clerk are authorized to execute Agreements of Purchase and Sale or any other agreements referred to in this By-law, upon the approval of the said agreement by the Chief Administrative Officer or his or her designate.

(Amended by By-law No. 2007-144)

- 10. Notwithstanding Section 7 of this By-law, the Chief Administrative Officer shall report to Council any transactions completed pursuant to Sections 8 and 9 on a bi-annual basis.

(Amended by By-law No. 2007-144)

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
25TH DAY OF JANUARY, 2000.

“Gordon Whicher”

GORDON WHICHER
ACTING CLERK

“Don Cousens”

DON COUSENS
MAYOR

SCHEDULE "A" TO BY-LAW 4-2000

1. Definitions

In this By-law

"Act" means the *Municipal Act*, R.S.O., 1990, Chapter M. 45, as amended, and any act substituted therefor;

"Town" means The Corporation of the Town of Markham;

"Commissioner" means all Commissioners and any other officer appointed by Council to the senior management group.

2. Appointment and Remuneration

- (1) Council shall appoint a Chief Administrative Officer for the Town of Markham who shall carry out all administrative duties and responsibilities as set out herein.
- (2) Council shall, at least once each calendar year, meet with the Chief Administrative Officer to review his performance and salary and benefit provisions.
- (3) The Chief Administrative Officer is hereby authorized to designate in writing an Acting Chief Administrative Officer to act during periods of his temporary absence, not to exceed six consecutive weeks in one calendar year. In cases of emergency, Council may appoint in Acting Chief Administrative Officer.
- (4) The Chief Administrative Officer shall not be dismissed from office except after a hearing by Council.

3. General Duties and Responsibilities

Subject to the provisions of the Act and as hereinafter provided, the duties and responsibilities of the Chief Administrative Officer shall be as follows:

(1) General

- (a) To coordinate, lead, and direct the municipal employees in the administration of the business affairs of the Town of Markham in accordance with the by-laws, policies, and plans established and approved by Council.

- (b) To be responsible for the overall efficient operation of the Town's Administration, and to be responsible for motivating and developing the skills of the Commissioners and all municipal employees so as to foster productivity, professionalism, and high morale.
- (c) To coordinate and facilitate the flow of information between the Administration and Council, and Committees and Council.
- (d) To coordinate, lead and direct the Commissioners in the preparation of plans and programs to be submitted to Council for the construction, maintenance and rehabilitation of municipal property and facilities and for the development and improvement of municipal services, and for the development and redevelopment of land in the municipality.
- (e) To coordinate, lead and direct the Commissioners in the implementation, management, enforcement, and evaluation of all by-laws and programs approved by Council.
- (f) To direct periodic review of the corporate organization, its structure, management, and communications systems.
- (g) To direct the activities of all municipal employees except where such direction would contradict the statutory duties of such officers.
- (h) To develop and maintain for reference purposes a comprehensive manual of policies approved by Council.
- (i) To attend to the interest of the municipality on intergovernmental issues at the administrative level.
- (j) To organize, coordinate, and present to Council recommendations arising from administrative operations which require the approval of Council and to propose by-laws and resolutions arising from such recommendations.
- (k) Without limiting the generality of the foregoing, to perform any additional responsibilities and to exercise the powers incidental thereto which may, from time to time, be assigned to the Chief Administrative Officer by Council or that the Chief Administrative Officer deems necessary to properly perform his duties.

4. Human Resource Administration

- (a) To have authority to recommend to Council the appointment, promotion, demotion, suspension or dismissal of Commissioners.
- (b) To approve any action by a Commissioner to employ, promote, demote suspend and dismiss any Director.
- (c) To direct the collective bargaining with all unionized municipal employees and to recommend to Council collective agreements concerning wages, benefits, and terms of service, and upon approval by Council to direct the administration of such collective agreements.
- (d) To administer all salaries and performance agreements of employees who are subject to the Chief Administrative Officer's supervision within the limitation of any salary plan or salary contract agreements, after such plan or agreement has first been adopted by Council.

5. Financial Administration

- (a) To oversee the preparation of, and presentation to Council the annual budgets for operating and capital programs.
- (b) To exercise financial control over all corporate operations by exercising administrative control of the directions of Council, approval programs and budget expenditures in each year.

6. Administrative Organization Management and Policy Development

- (a) To create and reorganize such departments of the Town as may be considered necessary to fulfill the functional obligations of the Town, subject to final approval of Council for proposed major changes.
- (b) To carry out long range administration planning.
- (c) To develop, approve, and implement policies and procedures that are considered administrative in nature.