

# 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 July 5, 2007)

#### **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



## 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. John Livey is hereby appointed as Chief Administrative Officer for the Corporation of the Town of Markham.
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)
5. The Chief Administrative Officer, or his designate, shall have the authority to call public meetings, grant site 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.

(Amended by By-law No. 2005-187)

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.

(Amended by By-law No. 2005-187)

- 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)

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. The Chief Administrative Officer, or his or her designate, is hereby delegated authority to:

- a) enter into Agreements of Purchase and Sale for the acquisition of lands, including temporary and permanent easements, provided that:
  - i) sufficient funds are available within the departmental operating or capital budgets as approved by Council;
  - ii) the value is at or below fair market value as determined by an appraiser and approved by the Manager, Real Property;
  - iii) the value does not exceed \$50,000 plus G.S.T; and
  - iv) the agreement is in a form and content satisfactory to the Chief Administrative Officer and the Town Solicitor;
- b) enter into Lease Agreements and Licences, including "permission to enter" agreements, provided that:
  - i) the lease value over its term does not exceed \$50,000 plus G.S.T;
  - ii) sufficient funds are available within the departmental operating or capital budgets as approved by Council;

- iii) the rent is at or below market value as determined by an appraiser or the Manager, Real Property;
  - iv) the term of the lease, including any renewal, does not exceed 10 years; and
  - v) the agreement is in a form and content satisfactory to the Chief Administrative Officer and the Town Solicitor;
- c) enter into Agreements of Purchase and Sale for the disposition of real property provided that:
- i) the value of the real property does not exceed \$50,000;
  - ii) the real property has been declared surplus by the Council for the Town of Markham in accordance with By-law 178-96, as may be amended from time to time;
  - iii) the disposition is at or above fair market value as determined by an appraisal and approved by the Manager, Real Property; and
  - iv) the agreement is in a form and content satisfactory to the Chief Administrative Officer and Town Solicitor;  
(Amended by By-law No. 2007-144)
- d) execute releases of permanent and temporary easements.  
(Amended by By-law No. 2010-111)
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.