

# Clerk / Treasurer VS. CAO

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## Issues

- **Requirements of the Municipal Government Act (MGA)**
- **Human Resource Issues**
- **Relationship between Council and Staff**



## **Municipal Government Act**

- **Section 28(1) gives a municipality the authority to employ a Chief Administrative Officer (CAO)**
- **Section 29 says where no CAO is appointed, Council must act as the CAO and may delegate any of the responsibilities and powers of the CAO to an employee of the municipality**



## **CAO vs. Clerk / Treasurer System**

- **The majority of municipalities in Nova Scotia have opted for the CAO system.**
- **There are 47 of 51 (92%) municipalities with the CAO system.**
- **Only 4 Municipalities remain with the Council as CAO system. (Barrington, Antigonish County, Clarks Harbour, Stellarton)**



## Difference between the Clerk / Treasurer and CAO Systems

Item	Clerk / Treasurer	CAO
Policy Decisions	Council/Committees	Council/Committees
Development of policy	Council and sometimes staff	Normally staff
Administrative and operational decisions	Clerk, but Council/Committees provide direction and guidance	CAO
Hires / disciplines staff	Council. Some entry level staff may be the responsibility of managers	CAO or staff members delegated by CAO



## CAO System

### Advantages

- One person has overall operational view, coordination of operations easier
- Council only manages one staff member
- CAO manages all staff
- CAO acts as buffer between staff and Council
- Council free to focus on policy issues

### Disadvantages

- Difficult to cleanly divide policy issues from administrative issues
- CAO may become the dominant figure in municipality; sense of loss of control
- CAO may become unfairly connected with unpopular issues



## Staff Requirements of MGA

- CAO (optional)
- Clerk
- Treasurer
- Engineer
- Dangerous and Unsightly Administrator



## Responsibilities of the CAO

Section 31(1) of MGA, states the CAO shall:

- **Manage all municipal property and facilities**
- **Ensure annual budget is prepared and administered**
- **Review drafts of all proposed by-laws and policies, and make recommendations to the council with respect to them**
- **Carry out additional duties as directed by Council**

## Responsibilities of the CAO

Section 31(2) MGA, the CAO may:

- **Attend all meetings of Council**
- **Supervise staff and act as bargaining agent or delegate this authority**
- **Subject to Council policies**
  - **Make expenditures**
  - **Sell or lease municipal property**
  - **Establish departments**
  - **Set employment conditions of staff**
  - **Commence legal action**



## Other Staff Requirements

### Clerk

Section 33 - record minutes of council, record attendance at each council meeting, keep bylaws and policies of municipality, perform duties prescribed by CAO, Council or enactment.

### Treasurer

Section 37 requires the treasurer to perform duties of the treasurer of the municipality, advise council of all moneys due that cannot be collected and why.



## Other Staff Requirements

### Engineer

Section 39 requires the engineer to determine what actions are required, direct action to be done, direct work to be done pursuant to the MGA or municipal bylaws.

### Dangerous and Unsightly Administrator

Section 41 says the CAO shall designate an employee of the municipality or other person to be the administrator responsible for the dangerous and unsightly premises provisions of the Act.



## Reporting and Accountability

- **Section 32(1) requires Directors of Departments to be:**
  - **Accountable to the CAO**
  - **Submit reports to CAO**
- **Section 32(2) requires reports from the Solicitor to be presented to Council by Solicitor and CAO**
- **Section 32(3) requires that where a Director disagrees with a recommendation of the CAO, the objections may be provided to the CAO who shall present to council**



## Council and CAO Relationship

- **Section 30(1)**
  - CAO is head of the administrative branch of the government of the municipality
  - CAO is responsible to Council for the proper administration of municipality in accordance with the bylaws and policies of the municipality



## Council and CAO Relationship

- **Section 30(2)**
  - Council shall communicate with employees of the municipality solely through the CAO
  - EXCEPT, Council may communicate directly with employees to obtain information or provide information

When can  
this become  
a problem?



## Council and CAO Relationship

- **Section 30(3)**
  - Council shall provide direction on the administration, plans, policies and programs of the municipality to the CAO

Work together to develop a plan.



## Council and CAO Relationship

- **Section 30(4)**
  - No Council member, committee or member of a committee established by council shall instruct or give direction to, either publicly or privately, an employee of the municipality.

When could this occur?

How do you avoid this?



## Possible Scenarios

- Can you tell that \*\$%@ public works crew to empty the garbage cans more often! They only do it once a month.
- At a public meeting you are told that someone saw an employee sleeping in the truck. (What do you do? What do you say?)
- You get a panicked call from a citizen regarding flooding and water is running into their basement. What do you do?
- You get a great suggestion regarding a new recreational program. What do you do?



## Questions to Consider.....

- **What is the best model for your residents?**
- Which system is the most efficient?
- **Which model would you as a council member be most comfortable working within?**
- What do you like or dislike about each system?



## Questions / Discussion

