

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW # 803

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO ESTABLISH THE POSITION OF SENIOR ADMINISTRATIVE OFFICER AND TO DEFINE THE DUTIES AND RESPONSIBILITIES OF THAT OFFICE, PASSED PURSUANT TO SECTION 41 OF THE *CITIES, TOWNS AND VILLAGES ACT*, S.N.W.T. 2003, c.C-22

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WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories wishes to establish the position of Senior Administrative Officer and to authorize the Senior Administrative Officer to perform certain duties;

NOW THEREFORE, the Council of the Municipal Corporation of the Town of Fort Smith, at a duly assembled meeting enacts as follows:

1. SHORT TITLE

That this By-law be cited as the "Senior Administrative Officer Establishment By-law".

2. INTERPRETATION

In this By-law, unless the context otherwise requires:

- (a) "Act" means the *Cities, Towns, and Villages Act*, being Chapter C-22 of the Statutes of the Northwest Territories, 2003, as amended;
- (b) "Acting S.A.O." means the office established by Section 42(2) of the Act;
- (c) "Council" means the duly elected representative of the Town of Fort Smith;
- (d) "Director" means that senior manager responsible for an administrative department of the Town who shall report directly to the S.A.O.;
- (e) "Mayor" means the Mayor, acting pursuant to Section 38 of the Act;
- (f) "Senior Administrative Officer" or "S.A.O" means the Senior Administrative Officer position established by Section 41(1) of the Act and the term "Senior Administrative Officer" or the designation "S.A.O." may be used interchangeably herein;
- (g) "Senior Administrative Officer Employment By-law" or "S.A.O. Employment By-law" means By-law #806 or its successor by-law, which establishes the terms and conditions of employment for the Senior Administrative Officer;
- (h) "Town" means the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories.

3. ESTABLISHMENT

- (a) There is hereby established the position of Senior Administrative Officer.

- (b) Council shall by by-law, in accordance with the Act, appoint an individual to fill the position of Senior Administrative Officer who shall carry out:
  - (i) all administrative duties and powers delegated by Council that Council has authority to delegate;
  - (ii) all duties set out in the Act as being the responsibility of the Senior Administrative Officer or imposed by any other Territorial legislation; and
  - (iii) all administrative and related duties as set out herein.
- (c) The terms and conditions of employment of the Senior Administrative Officer not otherwise dealt with herein shall be established by the S.A.O. Employment By-law but nothing contained therein shall be deemed to supersede or be substituted for the provisions contained herein. In the event that a conflict arises between the terms of this By-law and the S.A.O. Employment By-law, the terms of this By-law shall govern.
- (d) The S.A.O. Employment By-law and amendments to the S.A.O. Employment By-law shall be approved by Council.
- (e) The Mayor, on behalf of and with the advice of Council, shall provide the incumbent with an annual performance appraisal.
- (f) The Senior Administrative Officer shall serve a six (6) month probationary period, which may, at the option of Council, and prior to the expiration of the initial probationary period, be extended for an additional six (6) months.
- (g) Acting Senior Administrative Officer.
  - (i) The Council may, by resolution in accordance with the Act, appoint an Acting Senior Administrative Officer who shall, during the absence of the Senior Administrative Officer, perform and exercise the powers and duties of the Senior Administrative Officer.
  - (ii) The Council, in appointing the Acting Senior Administrative Officer, may be guided by the advice of the Senior Administrative Officer.

#### 4. QUALIFICATIONS

- (a) The Senior Administrative Officer shall be selected and appointed by virtue of his:
  - (i) formal education;
  - (ii) general experience;
  - (iii) training and experience in the field of public administration; and
  - (iv) communication and leadership skills.

- (b) The Senior Administrative Officer shall have a thorough knowledge of the role, functions and principles of municipal government and shall have acquired significant senior management skills in financial matters, employee relations and policy development and implementation.

## 5. DUTIES AND RESPONSIBILITIES

- (a) In addition to those matters set out in Section 3 of this By-law, the powers and duties prescribed by the Act and the powers and duties that may from time to time be delegated to him by by-law or resolution of Council, the Senior Administrative Officer shall be responsible to Council for the overall administration of municipal objectives, policies and plans approved by Council. In carrying out these responsibilities the Senior Administrative Officer shall report directly to and receive direction from Council through the Mayor.
- (b) In addition to the responsibilities and duties stated herein and without limiting the generality of the foregoing, the Senior Administrative Officer shall be responsible for the following duties related to policies and programs:
  - (i) Co-ordinating and directing presentations by administrative staff to Council on policy proposals and ongoing municipal operations and, where appropriate, making recommendations thereon;
  - (ii) Ensuring the implementation of the policies and programs of Council, reporting to Council on their effectiveness, and recommending any necessary changes thereto to achieve Council's objectives; and
  - (iii) Codifying the policies of Council and ensuring that information concerning these policies is distributed to and implemented by appropriate Directors.
- (c) In addition to the responsibilities and duties stated herein and without limiting the generality of the foregoing, the Senior Administrative Officer shall be responsible for the following duties relating to advice provided to Council:
  - (i) Attending or being represented at all Council and Committee meetings unless excused by the Mayor and assisting in the decision making process by providing technical advice, guidance and consultation as required or requested;
  - (ii) Ensuring Council receives such information and reports as it requires to:
    - (1) make effective policy decisions; and
    - (2) monitor the effectiveness of administrative operations;
  - (iii) Advising Council of the need for by-laws and resolutions and drafting all by-laws, resolutions, agreements and contracts for submission to Council for consideration and approval;
  - (iv) Advising or obtaining legal advice for Council on procedural matters;

- (v) Ensuring that the Mayor is informed of all details concerning the operation of the Town that the Mayor and Senior Administrative Officer deem pertinent;
  - (vi) Providing technical advice and guidance to the Mayor and Council in dealing with senior levels of government;
  - (vii) Keeping informed of governmental and community affairs and ensuring that Council and Town employees are advised of significant trends and new developments in this field. If necessary or appropriate, advising Council on the impact of such trends and developments on existing Council policies.
- (d) In addition to the responsibilities and duties stated herein and without limiting the generality of the foregoing, the Senior Administrative Officer shall be responsible for the following duties related to financial administration:
- (i) Exercising control of the finances of the Town in accordance with the provisions of the Act, the Town's Financial Administration Policy and as otherwise directed by Council;
  - (ii) Ensuring the development of satisfactory procedures relating to budget preparation and financial reporting of the Town's revenues and expenditures, including:
    - (1) preparation and submission to Council of annual budgets with appropriate explanations and substantiating information;
    - (2) reporting regularly, and in any event not less than quarterly, to Council on the Town's actual revenues and expenditures as contrasted to those budgeted with explanations of significant variances;
    - (3) reporting to Council on any other matter of a financial nature which in his opinion should be reported to Council or which is requested by Council;
  - (iii) Ensuring the efficient procurement and safekeeping of goods and services for which funds are provided within the budget.
- (e) In addition to the responsibilities and duties stated herein and without limiting the generality of the foregoing, the Senior Administrative Officer shall be responsible for the following personnel duties:
- (i) Appointing, promoting, demoting, transferring, suspending or dismissing Town employees pursuant to the provisions of the Act and any other legislation bearing thereon and in accordance with personnel policies, collective agreements and budgetary guidelines;
  - (ii) Supervising all Directors, officers, employees and agents of the Town to the extent allowed by the Act and this By-law;
  - (iii) Ensuring the development of comprehensive personnel policies and programs governing the selection, compensation, development, retention, appraisal and placement of Town employees;

- (iv) Reviewing the Town's organization and departmental structure regularly and recommending to Council changes for improving operating effectiveness and efficiency;
  - (v) Providing advice to any Committee appointed by Council to:
    - (1) negotiate a collective agreement or any renewal thereof;
    - (2) negotiate any other employment contract with any Town employee; and if requested by Council, to lead such negotiations;
  - (vi) Maintaining all personnel records and files, and ensuring the confidentiality thereof;
- (f) In addition to the responsibilities and duties stated herein and without limiting the generality of the foregoing, the Senior Administrative Officer shall be responsible for carrying out such additional duties and exercising such additional responsibilities as Council may assign.

#### 6. DELEGATION

- (a) Subject to the approval of Council, the Senior Administrative Officer is hereby authorized to delegate such of his duties and responsibilities as is necessary for the purpose of establishing an efficient administrative operation capable of fulfilling the obligations and goals of Council.
- (b) The Senior Administrative Officer is hereby authorized to establish such administrative committees as he deems necessary to provide for the proper and efficient administration of Town business. In addition, a committee so established may be used for the furnishing of information to Council as required.
- (c) The Senior Administrative Officer shall keep informed of the business transacted by all committees established hereunder and, where necessary, report to Council on the business transacted therein.
- (d) The Senior Administrative Officer, where appropriate, shall communicate and cooperate with committees, boards, commissions and agencies outside the jurisdiction of Council and report to Council when the operations of such bodies affect the policies and objectives of the Town or affect the normal day-to-day business of the Town.
- (e) Except for the purposes of official inquiry, emergency or except where otherwise authorized by this By-law, Council shall deal with and control the administrative service of the Town through the Senior Administrative Officer subject to the overall supervision of the Mayor acting pursuant to the provisions of Section 38 of the Act.

7. EFFECT

- (a) This By-law shall come into full force and take effect upon Third Reading thereof.

READ A FIRST TIME THIS 15 DAY OF June, A.D., 2009.

READ A SECOND TIME THIS 30 DAY OF June, A.D., 2009.

READ A THIRD TIME THIS 30 DAY OF June, A.D., 2009.

P. Martello  
MAYOR

[Signature]  
SENIOR ADMINISTRATIVE OFFICER