

Appendix B

COUNTY OF RENFREW

BY-LAW NUMBER 30-07

**A BY-LAW TO APPOINT A CHIEF ADMINISTRATIVE OFFICER
AND TO DEFINE THE DUTIES THEREOF**

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 229 provides that a Council may by by-law appoint a Chief Administrative Officer who shall have such general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality;

AND WHEREAS the Council of the Corporation of the County of Renfrew deems it desirable to appoint a Chief Administrative Officer and to define his duties and responsibilities;

NOW THEREFORE the Council of the Corporation of the County of Renfrew hereby enacts as follows:

1. That Norm Lemke is hereby appointed the Chief Administrative Officer of the Corporation of the County of Renfrew.

2. The duties and responsibilities of the Chief Administrative Officer shall be as follows:

General

- i. THAT the Chief Administrative Officer shall have general control and management of the administration of the government and affairs of the Corporation of the County of Renfrew and perform such duties as are hereinafter prescribed.
- ii. THAT the Chief Administrative Officer shall be responsible for the efficient administration of all the departments of the Corporation of the County of Renfrew and shall be responsible to the Council and all standing or special committees for such responsibilities.
- iii. THAT the duties, responsibilities and obligations imposed on the Chief Administrative Officer shall in no way be deemed to empower him to perform, do or direct any act or matter or to exercise any authority that would to any extent whatsoever encroach upon the legislative powers of the Council.
- iv. THAT the Chief Administrative Officer shall take direction from and be responsible to the Council of the Corporation of the County of Renfrew and to its standing and special committees, but he shall not be instructed or directed by or be responsible to any individual member of the Council. Notwithstanding the above, the Chief Administrative Officer shall consult with the Head of Council or any member of Council with respect to any matter of concern to the municipality or to any of its local boards or committees.

Human Resources Administration

- v. Subject to Sub-clause (xii), the Chief Administrative Officer shall have the authority to recommend to Council the appointment, employment, suspension or dismissal of Department Heads, including the granting of leave and reinstatement after leave or suspension. Notwithstanding the above, the Chief Administrative Officer may suspend a Department Head pending Committee and Council review and action.
- vi. The Chief Administrative Officer shall have the authority to appoint, employ, suspend or dismiss employees, excluding employees under sub-clause (vi) and (viii) not covered by collective bargaining agreements, and, without limiting the foregoing, he shall have the authority to grant leave, to reinstate after leave or suspension, and to initiate disciplinary procedures.
- vii. The Chief Administrative Officer shall have the authority to appoint and employ and cease to employ all other employees, excepting employees under sub-classes (vi) and (vii), in accordance with the procedures specified in any collective bargaining agreements in force, and to dismiss or suspend such employees for cause.
- viii. The Chief Administrative Officer, upon consultation with the Human Resources Department, may make recommendations to Council or Committees regarding the classifications, duties, responsibilities, evaluation, remuneration and benefits of any employees of the municipality, but in doing so, shall have due regard for the provisions of law and any collective agreement in force.
- ix. The Chief Administrative Officer shall have the ultimate responsibility for the administration of any collective agreements entered into between Council and its employees, so long as those agreements remain in force and, in general, be responsible for wage and salary administration.
- x. The Chief Administrative Officer shall have the right to participate in meetings pertaining to negotiations on collective agreements or meetings on any dispute or discussion arising therefrom.
- xi. The Chief Administrative Officer shall have full control and direction of all employees of the Corporation. And in so doing the Chief Administrative Officer shall observe all laws and legal agreements, and without limiting the foregoing,
 - a) shall observe all collective agreements, contracts and by-laws of employment as may be in force;
 - b) shall not act in violation of any statute or regulation of the Province of Ontario or Dominion of Canada.

Financial Administration

- xii. The Chief Administrative Officer shall exercise general financial control over all departments of the municipality.
- xiii. The Chief Administrative Officer shall ensure that the system of accounting in use by the Corporation will promote:
- a) the accurate recording of all money received and disbursed by the Corporation, including its dependent local boards;
 - b) the accurate recording of all assets and liabilities and of all other accounting and financial transactions of the Corporation and its dependent local boards, in accordance with accounting principles generally accepted for Ontario municipalities;
 - c) the maintenance of sound financial controls over the assets of the Corporation; and,
 - d) the effective monitoring of revenues and expenditures of the Corporation in accordance with the approved estimates.
- xiv. The Chief Administrative Officer shall:
- e) direct the preparation and compilation of the annual estimates of revenues and expenditures, in accordance with the requirements of legislation and the instructions of Committees and Council;
 - f) direct the presentation to Committees and Council of the annual estimates, consisting of an operating budget for the current year, and a capital budget for the current year;
 - g) ensure that Department Heads and other staff are responsible for the administration of the estimates as adopted by Council;
 - h) ensure that reports are regularly presented to Council or a Committee of Council on the current status of the finances of the municipality and propose any necessary or advisable amendments to the approved estimates; and
 - i) have prepared and submitted to Council at the end of the fiscal year a complete report on the finances of the Corporation for the preceding year.
- xv. The Chief Administrative Officer shall put into place sound procedures for purchasing, for tendering and for entering into contracts involving the expenditure of funds or the acquisition or disposition of assets, and all departments shall observe such procedures.
- xvi. The Chief Administrative Officer shall have authority without reference to Council to enter into expenditures of money not exceeding \$25,000.00 providing that such expenditure shall be reported to the appropriate Committee or Council at the next meeting of same.
- xvii. The Chief Administrative Officer shall have authority without reference to Council to enter into expenditures of money not exceeding \$250,000 for extraordinary situations and/or emergency circumstances relating to a situation that constitutes a danger of major proportions to life or property, and based upon implementation of the County's Emergency Plan and associated with an official declaration of an emergency by the Corporation of the County of Renfrew.
- xviii. The Chief Administrative Officer shall be responsible to ensure that all accounts for payment are submitted to Council and to the appropriate Committee thereof, provided that all accounts proposed for payment after the adoption of the annual estimates shall be authorized in the estimates.
- xix. The Chief Administrative Officer shall ensure that all real property and other property owned by or vested in the name of the Corporation or any of its dependent local boards are adequately insured.

xx. The Chief Administrative Officer shall be responsible to participate in the negotiation for the purchase, acquisition and sale of real property on behalf of the Corporation, provided that final authority for making or accepting offers shall rest with Council.

xxi. The Chief Administrative Officer shall have the authority to:

- j) make recommendations to Council or a Committee or Committees thereof, with respect to the administration of any department of the Corporation or any dependent local board thereof;
- k) obtain from any Department Head or any Committee of Council such information or reports with respect to their activities as the Chief Administrative Officer may consider advisable for maintaining or improving the standard of administration with the municipality;
- l) present to Council or a Committee or Committees thereof, recommendations arising from departmental operations that require Council or Committee approval and to propose legislation or resolutions arising from such recommendations; and,
- m) give effect to any decisions approved by Council or a Committee or Committees thereof concerning the organization or functioning of any department of the civic administration or of the administration as a whole.

xxii. The Chief Administrative Officer shall meet when necessary, but generally once a month, with such Department Heads of the County as he shall deem appropriate, at which time they may give consideration to any of the following matters:

- n) coordination of departmental activities;
- o) recommendations concerning policies, plans, budgets, programs, and legislation being submitted to Council or one or more of its Committees;
- p) implementation of decisions made by Council or one or more of its Committees;
- q) implementation of procedures, plans, programs, policies and organization arrangements that are within the competence of the Chief Administrative Officer to determine without reference to Council; and
- r) proposals made by the Chief Administrative Officer or any member of the staff of the County that will tend to improvement of the administration of the Corporation or that will contribute to more effective and efficient governing of the County; and
- s) such other matters as may be deemed appropriate.

xxiii. The Chief Administrative Officer shall receive a copy of correspondence of concern to the Council or the general administration of the County.

xxiv. In exercising his right under Sub-clause (xxiii) the Chief Administrative Officer may:

- t) consult with Department Heads of the County and direct that appropriate reports be prepared for his consideration and for Council's consideration;
- u) consult with any person or firm retained by the municipality, provided that funds for the purpose have been authorized in the estimates;
- v) determine, in consultation with the Warden, whether a matter is properly addressed to Council or may be disposed of by the administration in accordance with the standing procedures and policies of Council, provided that the Chief Administrative Officer shall in no way inhibit the rights of inhabitants and ratepayers to petition Council nor the duty of Council to oversee the administration of the Corporation.

Policy Development, Implementation and Administration

- xxv. The Chief Administrative Officer shall be the Chairman of a Staff Administration Committee, consisting of the Chief Administrative Officer, the Human Resources Director and the Treasurer/Deputy Clerk and the appropriate Department Head(s). The function of this Committee shall be to overview, at the staff level, departmental organizational structure, reporting and communications structures, staff complements, requests for new classifications, recruiting procedures and policy changes. Any recommendation pertaining to the above functions shall be reviewed firstly by the Staff Administration Committee and their written recommendations shall be forwarded to the appropriate Committee(s) or Department Head(s). Such request and/or recommendation, along with the written response of the Staff Administration Committee shall be referred by the Committee(s) to the Finance & Administration Committee.
- xxvi. The Chief Administrative Officer shall coordinate and direct the preparation of plans and programs to be submitted through Committees to Council for the development, reduction or improvement of services provided by the County, its dependent local boards and any other local body and for the construction, maintenance, rehabilitation or disposition of the properties and facilities of the County.
- xxvii. The Chief Administrative Officer may present to Council, or to any of its Committees or dependent local boards, reports and information regarding progress and accomplishments in programs and projects undertaken by the County.
- xxviii. The Chief Administrative Officer shall receive communications, including communications from any local board, and forward to Council or Committees such communications as are of concern to Council together with his recommendations, if any.
- xxix. The Chief Administrative Officer shall ensure that efficient, effective and democratic procedures for administering the affairs of Council or Committees are established, maintained and enhanced, and he shall seek Council's or Committee's approval for such measures as he may deem appropriate.
- xxx. In discharging his duties the Chief Administrative Officer shall give particular attention to the following:
- y) the processing of correspondence and other communications of concern to Council or its Committees prior to their presentation to Council or its Committees;
 - z) the content and format of agendas, reports and minutes;
 - aa) the codifying of any Council, Committee, local boards or administration procedures and policy, ensuring convenient access to such policies and procedures;
 - bb) the presentation to Council, its Committees and local boards, of staff recommendations concurred in by the Chief Administrative Officer; and
 - cc) the indexing and retention of all records, documents, correspondence, books of account, and legislation, and their legal disposition when of no further use in connection with regular administration.

xxxi. The Chief Administrative Officer may be assigned such other duties, responsibilities, privileges and authorities as Council may legally assign, provided that the Chief Administrative Officer shall have the right to request Council's reconsideration of any such additional assignment and to propose alternative courses of action.

xxxii. The Chief Administrative Officer shall have the right and duty to address Council, or its Committees, with the consent of the Warden or Chairperson, on any matter where his advice will assist Council or its Committees in its deliberations, subject to the following provisions:

dd) where a member of the public, the press or a local board requests the Chief Administrative Officer to state an opinion on a matter that, in the view of the Chief Administrative Officer is a matter of legislative policy, the Chief Administrative Officer shall refer the request to an elected member of Council;

ee) where he feels he is adequately prepared to provide advice or information, the Chief Administrative Officer shall respond to a request from a member of Council for information or for an opinion concerning any matter before Council or its Committees; and

ff) the Chief Administrative Officer shall neither vote nor attempt to influence the outcome of a vote by Council or any of its Committees, except insofar as he is requested or provides his opinion pursuant to this clause.

3. Acting Chief Administrative Officer

During the absence or illness of the Chief Administrative Officer, James D. Kutschke, while in the employ of the County of Renfrew, shall be the Acting Chief Administrative Officer and shall execute the powers and duties of the Office of Chief Administrative Officer as set forth in this by-law or any amendments.

4. Chief Administrative Officer Contract and Performance Review

The salary, fringe benefits and working conditions of the Chief Administrative Officer, Norm Lemke, appointed under this by-law shall be as established by individual contract and may be amended upon request by either party to the agreement from time to time by resolution or by-law of the Council of the County of Renfrew.

The CAO shall be responsible for the annual development of specific goals and objectives beyond the requirements of the position within this by-law.

The goals and objectives shall be reviewed by the Warden and the Finance & Administration Committee and may be amended as deemed appropriate by the parties.

Annually in October, the Warden shall review the general performance and goals and objectives for the year with the CAO. Emanating out of the review the Warden will apprise County Council of the performance review outcomes.

5. By-law Number 14-02 of the Corporation of the County of Renfrew is hereby repealed.

6. This by-law shall come into force and take effect upon the passing thereof.

READ a first time this 25th day of April, 2007.

READ a second time this 25th day of April, 2007.

READ a third time and finally passed this 25th day of April, 2007.

JANICE VISNESKIE, WARDEN NORM LEMKE, CLERK

**COUNTY OF RENFREW
BY-LAW NUMBER 18-07**

**A BY-LAW REQUIRING AN EMERGENCY MANAGEMENT PROGRAM
FOR THE PROTECTION OF PUBLIC SAFETY, HEALTH, THE ENVIRONMENT,
THE CRITICAL INFRASTRUCTURE AND PROPERTY, AND TO PROMOTE
ECONOMIC STABILITY AND A DISASTER-RESILIENT COMMUNITY**

WHEREAS the Province of Ontario has passed The Emergency Management Act, which requires the development and implementation of an Emergency Management Program by the Council of a municipality;

AND WHEREAS this Act requires the emergency management program to conform to standards promulgated by Emergency Measures Ontario in accordance with international best practices, including the four core components of emergency management, namely: mitigation/prevention, preparedness, response and recovery; and also makes provision for the municipality and council to develop and implement an emergency management program to protect public safety, public health, the environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community;

AND WHEREAS this Act makes provision for the Head of Council to declare that an emergency exists in the community or in any part thereof, and also provides the Head of Council with authority to take such action or make such orders as he/she considers necessary and not contrary to law, to implement the emergency response plan and respond to an emergency;

AND WHEREAS the Act provides for the designation of one or more members of council who may exercise the powers and perform the duties of the Head of Council during his/her absence or his/her inability to act;

AND WHEREAS the Act authorizes employees of a community to respond to an emergency in accordance with the emergency response plan where an emergency exists but has not yet been declared to exist;

BE IT THEREFORE RESOLVED THAT:

1. The emergency response plan dated March 2007 is hereby approved, attached and made part of this by-law;
2. That By-Law 61-04 of the County of Renfrew is hereby repealed; and
3. That this By-Law shall come into force and take effect upon the passing thereof.

READ a first time this 2nd day of March, 2007.

READ a second time this 2nd day of March, 2007.

READ a third time and finally passed this 2nd day of March, 2007.

JANICE VISNESKIE, WARDEN NORM LEMKE, CLERK

**COUNTY OF RENFREW
BY-LAW NUMBER 53-05
A BY-LAW TO AMEND BY-LAW 59-02 CORPORATE
POLICIES AND PROCEDURES FOR THE COUNTY OF RENFREW**

WHEREAS on November 27, 2002 the Corporation of the County of Renfrew enacted By-Law No. 59-02, a By-Law to establish Corporate Policies and Procedures for the County of Renfrew;

AND WHEREAS it is deemed desirable and expedient to amend the said By-Law for the purpose of amending an existing policy;

NOW THEREFORE the Council of the Corporation of the County of Renfrew hereby enacts as follows:

1. That Policy GA-01, GA-02 and GA-03 as set out in Schedule "A" of the said By-Law 59-02 be repealed.

2. That the following Policy attached to this By-Law be hereby enacted as a amendment to the said By-Law 59-02:

Policy GA-01 – Procurement of Goods and Services and Disposal of Assets.

3. That this By-law shall come into force and take effect upon the passing thereof.

READ a first time this 31st day of August, 2005.

READ a second time this 31st day of August, 2005.

READ a third time and finally passed this 31st day of August, 2005.

ROBERT SWEET, WARDEN
NORM LEMKE, CLERK

COUNTY OF RENFREW

BY-LAW NUMBER 85-06

A BY-LAW TO PROVIDE FOR THE INDEMNITY AND DEFENCE OF COUNCILLORS AND EMPLOYEES OF THE COUNTY OF RENFREW AGAINST LIABILITY INCURRED WHILE ACTING ON BEHALF OF THE COUNTY OF RENFREW

WHEREAS Sections 278 and 279 of the *Municipal Act*, R.S.O. 2001, provides that the Council of a municipality may pass By-laws for the protection of its employees or former employees or members or former members of the Council against risks that may involve pecuniary loss or liability and provide for the payment of any damage or costs awarded as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees, former employees, members or former members, including while acting in the performance of any statutory duty as well as for assuming the cost of defending them in the action proceeding;

NOW THEREFORE the Council of the Corporation of the County of Renfrew hereby enacts as follows:

1. Definitions

In this By-law, unless a contrary intention appears:

- (a) “action or proceeding” means an action or proceeding referred to in Section 4-2;
- (b) “employee” means any salaried officer, or any other person in the employ of the County and persons that provide their services on behalf of the County without remuneration, exclusive of reimbursement of expenses or honoraria, if Council of the County has passed a by-law designating such persons or class of persons as employees for the purposes of this By-law;
- (c) “former employee” means a person who was formerly an employee of the County;
- (d) “former member” means a person who was formerly a member of the County Council.

2. Indemnification

The County, subject to Section 14 of the *Municipal Conflict of Interest Act*, shall indemnify an employee, former employee, member of Council and former member of Council in the manner and to the extent provided by Section 3 in respect of any civil, criminal or administrative action or proceeding by a third party for acts or omissions arising out of the scope of the employee’s, former employee’s, member of Council or former member of Council’s authority or within the course of that person’s employment or office, including acting in the performance of any statutory duty, if in the opinion of the Council:

- (a) the person acted honestly and in good faith with a view to the best interests of the County; and
- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the person had reasonable grounds for believing that his or her conduct was lawful.

3. Manner and Extent of Indemnification

The County shall indemnify a person referred to in Section 4-2 by:

- (a) assuming the cost of defending such person in an action or proceeding;
- (b) paying any damages or costs, including a monetary penalty awarded against such person as a result of an action or proceeding;
- (c) paying, either by direct payment or by reimbursement, any expenses reasonably incurred by such person as a result of an action or proceeding;
- (d) paying any sum required in connection with the settlement of an action or proceeding, to the extent that such costs, damages, expenses or sums are not assumed, paid or reimbursed under any provision of the County's insurance program for the benefit and protection of such person against any liability incurred by him.

4. Persons Served with Process

Where person referred to herein is served with any process issued out of or authorized by any court, administrative tribunal or other administrative, investigative or quasi-judicial body, other than a subpoena, in connection with any action or proceeding, the person shall:

- (a) unless he or she is the head of a department, forthwith deliver the process or a copy thereof to the head of the department for which the person works or to a person designated by the Department Head to receive such process, who shall, in turn, deliver a copy to the Chief Administrative Officer and the Director of Human Resources; or,
- (b) if he or she is the head of the department or member of Council or former member of Council, forthwith deliver the process or a copy thereof to the Chief Administrative Officer and the Director of Human Resources.

5. Lawyer Retained by County's Insurers

Notwithstanding any other provision of this By-law to the contrary, any lawyer retained by the County's insurers from time to time to defend the County in any action or proceeding shall represent the person herein with respect to that action or proceeding unless the County instructs such lawyer otherwise.

6. County's Right to Select Lawyer

Subject to Section 12 hereof, the County shall have the right to select and retain the lawyer to represent the person and the Chief Administrative Officer shall:

- (a) advise such person of the lawyer selected to represent the person;
- (b) advise the Council of the final disposition of the matter; and
- (c) the County shall have the right to approve the settlement of any action or proceeding.

7. Approval of Other Lawyer

- (a) the person who has been served with an action or proceeding, may request approval to be represented by the lawyer of his or her choice by writing to the Chief Administrative Officer;
- (b) the Chief Administrative Officer shall within 10 days from receiving the request, either approve the request or deny the request and nominate a lawyer of the County's choice and in either case, advise the person in writing;
- (c) if, after 10 days from receiving the request, the Chief Administrative Officer has not advised the person in writing of the disposition of his or her request, the person may retain his or her choice of lawyer to act on his or her behalf until the County retains another lawyer;
- (d) if the County retains another lawyer to act on behalf of the person in place of the lawyer originally retained by him or her in accordance with Subsection (c), the County shall, subject to the *Solicitors Act*, pay to the person's lawyer all of the reasonable legal fees and disbursements for services rendered and work done in connection with the action or proceeding from the time that the person retained the lawyer in accordance with Subsection (c), until replaced by the lawyer retained by the County.

8. Duty to Cooperate

The person involved in any action or proceeding shall cooperate fully with the County and a lawyer retained by the County to defend such action or proceeding, shall make available to such lawyer all information and documents relevant to the matter as are within his or her knowledge, possession or control and shall attend at all proceedings when requested to do so by such lawyer.

9. Failure to Comply with By-law

If the person fails or refuses to comply with the provisions of this By-law, the County shall not be liable to assume or pay any of the costs, damages, expenses, or sums mentioned in Section 3 or Section 7 of this By-law.

10. Conflict

The County maintains many different policies of insurance for both the County and members of Council, officers and employees and the provisions of this By-law are intended to supplement the protection provided by such policies of insurance. In the event of conflict between this By-law and the terms of any such policy of insurance in place from time to time, the terms of such policy or policies of insurance shall prevail.

11. Excluded Action or Proceeding

This By-law does not apply to an action or proceeding where the legal proceeding relates to a grievance filed under the provisions of a collective agreement or to a disciplinary action taken by the County as an employer.

12. Executive Acts Authorized

The Chief Administrative Officer is hereby authorized and directed to do all the things necessary, including executing any necessary documents under the seal of the County, to give effect to this By-law according to its true intent and meaning.

13. Reimbursement

Where the person has been indemnified by the County, the amount of the indemnification shall be reduced by the amount of any costs or damages recovered and where indemnification has been paid, prior to any recovery, any costs or damages received shall first be paid to the County up to the amount of the indemnification.

14. Title

The short title of this By-law is the "Legal Indemnification By-law".

15. Commencement

This By-law shall come into force and take effect on the passing thereof.

16. By-law 44-99 is hereby repealed.

READ a first time this 25th day of October, 2006.

READ a second time this 25th day of October, 2006.

READ a third time and finally passed this 25th day of October, 2006.

ROBERT SWEET, WARDEN NORM LEMKE, CLERK