



Authority: CM: February 11, 2004

Bill No. 033

CITY OF HAMILTON

BY-LAW NO. 04-033

**TO APPOINT AND TO PRESCRIBE THE DUTIES AND RESPONSIBILITIES
OF THE ACTING CHIEF ADMINISTRATIVE OFFICER**

WHEREAS pursuant to section 72 of the Municipal Act, R.S.O. 1990, c. M.45, the Council for the City of Hamilton (the "Council") on March 19, 2002, enacted By-law No. 02-066 appointing a Chief Administrative Officer for the City of Hamilton (the "City"), and prescribing the duties and responsibilities of that office; and,

WHEREAS the Chief Administrative Officer appointed under By-law No. 02-066 has been removed from that office, effective February 11th, 2004, by resolution of Council passed on such date; and

WHEREAS, pursuant to section 229 of the Municipal Act, 2001, S.O. 1990, c. 25 the Council may by by-law appoint a Chief Administrative Officer for the City; and

WHEREAS the Chief Administrative Officer shall have such general control and management of the administration of the government and affairs of the City and shall perform such duties as Council by by-law prescribes; and

WHEREAS the Chief Administrative Officer shall be responsible for the efficient administration of all departments of the City to the extent that he is given control over them by Council; and

WHEREAS the duties and responsibilities prescribed in this By-law do not encroach upon the powers of Council or its Committees or the statutory duties of its officers; and

WHEREAS it is essential for the efficient administration of the City that the duties and responsibilities of the office of the Chief Administrative Officer continue to be exercised until such time as a Chief Administrative Officer is appointed on a permanent basis;

NOW THEREFORE, Council enacts as follows:

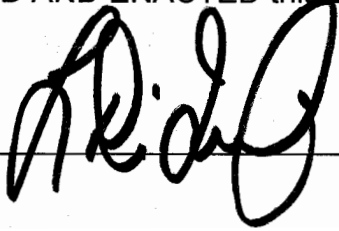
1. Glen Peace is hereby appointed as the Acting Chief Administrative Officer of the City of Hamilton (the "City").
2. The Acting Chief Administrative Officer shall be responsible to the Mayor and the Council for the general control and management of the administration of the government and affairs of the City, and shall perform such additional duties as Council may by by-law prescribe.
3. The Acting Chief Administrative Officer is the senior official of the City, provides organizational leadership to staff, and is responsible for the efficient and effective delivery of services.
4. The Acting Chief Administrative Officer is the head of the administrative and operational aspects of the government of the City and is responsible to Council for the proper administration of the affairs of the City, including organizational restructuring, in accordance with the by-laws adopted by the Council.
5. The Acting Chief Administrative Officer is responsible for providing effective advice and support to the Mayor and Council in developing and implementing the policies, plans and programs of Council.
6. The Acting Chief Administrative Officer shall supervise the management of the human, fiscal and physical resources of the City and report on the status of these semi-annually to Council.
7. The Acting Chief Administrative Officer may appoint, promote, demote, suspend and dismiss, subject to the provisions of any personnel policies adopted by Council or collective agreements applicable to employees of the City, all employees of the City, except the first level of senior management and statutory officials.
8. The Acting Chief Administrative Officer shall recommend to Council the appointment and dismissal of first level senior management and statutory officials of the City.
9. Without limiting the responsibilities set forth in sections 2 to 8 above, the Acting Chief Administrative Officer shall be generally responsible for such policies and programs of the City relating to the administration of the City and his duties shall include the following:

- (a) to supervise the management of the City, including the business and affairs of the City in accordance with the policies approved and determined by Council;
 - (b) to be responsible for the provision of all services required or deemed advisable for the City;
 - (c) to enquire continuously into the effectiveness and efficiency of the services provided by the City and to recommend to Council any changes or improvements which will enhance the quality of such services;
 - (d) to supervise the preparation of the City's budgets, and to be responsible for their implementation.
 - (e) to attend or be represented at all meetings of the Council and Committees of Council.
10. The Acting Chief Administrative Officer shall carry out such additional responsibilities as the Council, from time to time, may direct.
 11. Nothing in this By-law, shall be deemed to empower the Acting Chief Administrative Officer to exercise, or to encroach upon, the powers of Council or its Committees or upon the statutory duties of officers of the City.
 12. Nothing in this By-law shall be deemed to limit the authority of the Acting Chief Administrative Officer to exercise those statutory duties and powers set out in the Municipal Act, 2001, as amended from time to time.
 13. The Acting Chief Administrative Officer may be referred to and may use the title of "Acting City Manager" in the course of carrying out the duties and responsibilities set forth in this By-law.
 14. Where this By-law conflicts with any other by-law setting out the powers and duties of an official of the City of Hamilton, as established by the City of Hamilton Act, 1999, Statutes of Ontario, 1999, c. 14, Schedule C, or of an official of one of the old municipalities as defined in section 1 of the said Act, this By-law prevails to the extent of the conflict.
 15. The Acting Chief Administrative Officer may designate a senior staff member to act as Acting Chief Administrative Officer from time to time as may be required.
 16. By-law No. 02-066 is repealed.

17. This By-law shall be deemed to have come into force on February 11th, 2004.

PASSED AND ENACTED this 25th day of February, 2004.

Mayor

A handwritten signature in black ink, appearing to be 'R. D. G.', written over a horizontal line.

City Clerk

A handwritten signature in black ink, consisting of several overlapping strokes, written over a horizontal line.