

Submission to:

The Hon. Ted McMeekin, Minister of Municipal Affairs and Housing

From:

The Ontario Municipal Administrators' Association (OMAA)

Subject:

Consultation on the review of municipal legislation in Ontario

October 30th, 2015



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The Hon. Ted McMeekin, Minister of Municipal Affairs and Housing
Municipal Legislation Review
Ministry of Municipal Affairs and Housing
Local Government Policy Branch
777 Bay St., 13th Floor, Toronto, ON M5G 2E5

Dear Minister McMeekin

Subject: MMAH Consultation on the Review of Municipal Legislation in Ontario

The attached document is a Submission from the Ontario Municipal Administrators' Association (OMAA) in response to the Ministry of Municipal Affairs and Housing review of municipal legislation

Our association, and hence our Submission, is focused on good governance at the municipal government level and in particular the duty that the Chief Administrative Officers of Ontario have in supporting local Councils in meeting their legislated responsibilities.

There is an essential link between accountability, effectiveness and professionalism in Ontario's municipal government and the municipal Chief Administrative Officer profession, as evidenced in quotes such as:

"Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager's effectiveness. A detailed description of the mechanism of authority should be set out as between the City Manager, department heads, and the Mayor and Council."


The Hon. Madam Justice Denise E. Bellamy, Toronto Computer Leasing Inquiry;
Inquiry Recommendation #85

"Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative".

The Hon. Madam Justice Denise E. Bellamy, Toronto Computer Leasing Inquiry

We thank you for this opportunity to provide you with the CAO perspective and would welcome continued dialogue with MMAH as the Ministry undertakes this important update of municipal legislation.

Respectfully submitted on behalf of the Ontario Municipal Administrators' Association.


Kelley Coulter
OMAA President

SUMMARY OF OMAA'S RECOMMENDATIONS

Appointment or designation of Chief Administrative Officer required

Recommendation #1: *The Municipal Act should require every municipality to appoint or designate a chief administrative officer.*

Outline the duties of the Chief Administrative Officer more specifically in statute

Recommendation #2: *The Municipal Act should set out the responsibilities of the chief administrative officer in a reasonable level of detail, similar to Nova Scotia's Municipal Government Act.*

Council's 'sole employee'

Recommendation #3: *The CAO should be designated Council's sole employee, with responsibility to ensure that Council's lawful directions are carried out in dealings with all municipal employees and their bargaining agents.*

Recommendation #4: *Consistent with statutory recognition of the position of CAO as the administrative and managerial head of the Administration of the municipal corporation, the legislation should specify that all municipal staff, including statutory officers, report to and are accountable to the CAO for all employment-related purposes. This obligation should include the responsibility of municipal staff to carry out their duties, including their statutory obligations, in a manner that is consistent with the lawful executive and managerial authority of the CAO and with the CAO's reasonable interpretation of Council's policies and directions. There should be a corresponding statutory obligation on the CAO to ensure that statutory officers are appointed where required and that they are supported by the CAO in the lawful discharge of their statutory duties.*

Preserving an independent, professional municipal public service: the CAO as "ethics executive"

Recommendation #5: *The Municipal Act should establish the CAO as the ethics executive of the municipal corporation and for its employees and bargaining agents, in a manner similar to the designation in the Ontario Public Service Act for the Cabinet Secretary, Deputy Ministers and administrative heads of Crown Agencies. The CAO would not be the ethics executive for matters related to the head of council or other members of Council.*

Distinguishing the roles of Mayor and CAO

Recommendation #6: *The Municipal Act should recognize the head of council as the Chief Elected Official, rather than as the chief executive officer of the municipal corporation, or alternatively, the Act should designate the position of Mayor as chief executive officer of the Council, rather than of the municipal corporation.*

Introduction and Background

The Ontario Municipal Administrators' Association (OMAA) was founded in 1958 as the professional association representing the chief administrative officers of Ontario's municipalities. It began with Ontario's first dozen city managers and CAOs. (See Endnote respecting the position of municipal "chief administrative officer", whose titles may include City Manager or County Administrator).¹

From that modest beginning, the membership of OMAA is now drawn from over 200 municipalities, representing most of the population of Ontario. The members of OMAA benefit from a strong program of professional development activities, including collegial workshops on contemporary issues and best management practices, held in the spring and fall of each year.

The OMAA maintains strong professional links to its national and international counterparts, the Canadian Association of Municipal Administrators (CAMA) and the International City / County Management Association (ICMA). While there are municipal staff organizations in Ontario with a larger membership, the OMAA has one of the most influential networks. Since its membership comprises the most senior municipal professional officials, it is one of the most authoritative voices on the Ontario municipal scene.

(Unlike other professional organizations in the public sector, representing professionals and technologists in the municipal field who report directly or indirectly to the CAO, the OMAA has not established itself as a professional organization in the conventional sense. Ontario does not require membership or require subscription to OMAA's five-page Code of Ethics, in order to become a CAO. OMAA has no mechanism for defending its members from arbitrary actions, nor does it have a process to discipline CAOs who are guilty of disreputable or illegal behaviour, or violating the OMAA's Code of Ethics for CAOs.)

Most members of the OMAA became CAOs following a career in public administration in Ontario, typically with an accomplished professional background in fields such as finance, engineering, social services, land-use planning, law, human resources or economic development.

What distinguishes the OMAA and its members is that they represent both a profession and a century-old civic reform movement. As a group, CAOs are strongly committed to ensuring that Ontario has an excellent system of local government, with an emphasis on professional management of public affairs. Their goal is for municipal governments in Ontario to deliver high-quality policy advice to elected leaders and high-value services to residents and businesses, at a reasonable cost.

A few Ontario municipalities hired city managers in the early 20th century as the idea was gaining currency in the United States. However, the Council/CAO system really began to take hold in Ontario local governments in the 1970s in part because of the advocacy work of Paul Hickey, a former Assistant Deputy Minister in the Ontario Ministry of Treasury, Economics and Intergovernmental Affairs.

In the Council/CAO relationship, the CAO sits atop the administrative hierarchy of local government. The CAO is directly accountable to Council and is responsible for leading the administrative branch of local government, which involves directing and coordinating the activities of the department heads and their departments.

As governing became more complex and policy initiatives began to cross departmental boundaries, the CAO position was inserted into the organizational structure of municipal government. The aim was to provide Council with one point of contact: to ensure that its decisions were carried out appropriately, to establish administrative leadership, and to ensure policies requiring interdepartmental cooperation were developed and delivered properly. This led to the idea that Council has one employee – the CAO – who is accountable to Council for all administrative and managerial aspects of municipal operations.

Interest in the Council/CAO system started slowly, but through the 1980s and 1990s more and more municipalities adopted the system, until by the turn of this century virtually every municipality of any size had some variant of the Council/CAO system. Very few municipalities that have adopted this system have moved away from it.

On the contrary, as the system has become more entrenched, the professional corps of chief administrative officers has become larger and the individual members have become better qualified to carry out their duties. For its part, the OMAA offers extensive professional development opportunities. In addition, Western University has a graduate program geared to preparing aspirants to become senior municipal managers. A recent book by an experienced academic commentator has showcased the importance of the profession to the development of a high-quality system of municipal governance (*Leaders in the Shadows* by Professor David Siegel).

The Council/CAO system has become popular because it provides several major benefits:

- Clear accountability between Council and staff
- Efficient and effective operation of the business of government, including
 - High-quality and innovative service delivery
 - Good and balanced policy advice
- Fiscal and organizational sustainability

The CAO provides a clear line of accountability between Council and staff because the CAO is, in a symbolic sense, the one employee of Council. Council can give instructions to the CAO, and the CAO has a clear responsibility to organize the administrative corps of the municipality to carry out those instructions.

The earlier system in which a group of autonomous Councillors attempted to hold a group of siloed senior administrators accountable was a recipe for misunderstanding and muddled accountability.

The CAO is a primary source of reliable and balanced policy advice for Council. The CAO is an experienced manager who can gather the varied views of different department heads on an issue, and work with those department heads to provide unified policy advice to Council. This is absolutely essential in an era when most policy issues and challenges do not conform to neat departmental boundaries.

The CAO is responsible for the efficient operation and high-quality service delivery of the municipality. The CAO is a professional who has significant experience as a leader in the delivery of service. He or she has the responsibility to ensure that service delivery is coordinated in such a manner as to provide the best service to residents and ratepayers in keeping with the wishes of Council.

The CAO, as the permanent head of the administrative unit of government, can be focused on the fiscal sustainability of the municipality. Elected Councillors can sometimes have shorter time horizons. The CAO has the long-term vision needed to engage in debt management, asset replacement, and similar activities requiring a long-term perspective.

The position of CAO is an essential component in developing an accountable, efficient, fiscally sustainable, and policy-oriented system of municipal government. The Council/CAO system works best when the distinction between disparate responsibilities of the Mayor and the CAO is unambiguous and mutually respected. It allows the Mayor to provide leadership and strategic direction to Council and it allows the CAO to provide leadership and management direction to the municipal staff organization.

Any statutory changes to the system of governance of municipal government should continue the municipal reform tradition that supports the position of CAO.

Appointment of Chief Administrative Officer required

The overwhelming majority of municipalities of any significant size in Canada have a CAO; six of ten provinces require all or some of the municipalities in the province to appoint a CAO. The Ontario legislation currently allows, but does not require, municipalities to appoint a CAO. While most larger municipalities already appoint such an official, it would enshrine this system of governance if Ontario followed most other provinces and required the appointment of a chief administrative officer, or for smaller municipalities, the designation of a member of senior staff to discharge the functions of the CAO. (It may also be useful to give statutory recognition to the position as including a number of various titles (City Manager, County Administrator, City Administrator, Regional CAO, etc.)

Recommendation #1: *The Municipal Act should require every municipality to appoint or designate a chief administrative officer.*

Outline the duties of the Chief Administrative Officer more specifically in statute

While establishing the position of CAO is an important first step, it is equally important to make clear that the CAO has an important set of duties that makes the CAO, in a real sense, the top managerial executive of the corporation. Currently, the Ontario legislation sets out the responsibilities of the CAO in two fairly general sub-sections of the *Municipal Act (Ontario)*. The Nova Scotia legislation provides a much more extensive and clearer definition of the role of the CAO.²

Recommendation #2: *The Municipal Act should set out the responsibilities of the chief administrative officer in a reasonable level of detail, similar to Nova Scotia's Municipal Government Act.*

Council's 'sole employee'

To preserve a clear line of accountability and to establish a solid foundation for the 'public sector leadership bargain' in municipal government,³ the CAO should be considered the primary and exclusive executive / managerial employee of the municipal council. In governance literature, this is often referred to as the Board of Directors' "sole employee". It should, correspondingly, fall to the CAO to ensure that statutory officers and other senior officials of the municipality are recommended for appointment by Council and for ensuring that those officers and other senior professionals are able to discharge their responsibilities professionally, collaboratively and in compliance with their legal obligations.

As head of the civic Administration, all personnel and employment-related responsibilities should be vested in the CAO. This would include the authority to hire, direct, supervise, discipline and dismiss employees of the municipality. In the case of statutory positions or other very senior positions requiring an appointment by-law, it is standard practice in most municipalities for the CAO to identify suitable candidates and to make an authoritative recommendation for Council's approval or consent. Similarly, the responsibility for dismissing a statutory officer or other senior official would be the responsibility of the CAO, subject to consultation with Council.

(While there are existing provisions, like section 23.3 (1) of the *Municipal Act (Ontario)*, that prohibit delegation of the power to hire or dismiss statutory officers (like the Clerk or the Treasurer), it would be clearly understood that those positions report through the CAO and that the appointments are made and revoked by Council by-law on recommendation of the CAO).

The municipal government legislation in Nova Scotia clearly establishes the CAO's employment relationship with the municipal council as preeminent.⁴

Recommendation #3: *The CAO should be designated Council's sole employee, with responsibility to ensure that Council's lawful directions are carried out in dealings with all municipal employees and their bargaining agents.*

Recommendation #4: *Consistent with statutory recognition of the position of CAO as the administrative and managerial head of the Administration of the municipal corporation, the legislation should specify that all municipal staff, including statutory officers, report to and are accountable to the CAO for all employment-related purposes. This obligation should include the responsibility of municipal staff to carry out their duties, including their statutory obligations, in a manner that is consistent with the lawful executive and managerial authority of the CAO and with the CAO's reasonable interpretation of Council's policies and directions. There should be a corresponding statutory obligation on the CAO to ensure that statutory officers are appointed where required and that they are supported by the CAO in the lawful discharge of their statutory duties.*

Preserving an independent, professional municipal public service

Councils and CAOs should have the option to negotiate and to specify the terms of employment for a CAO's position, in keeping with the legislation. However, CAOs should have some obligations and responsibilities that are statutory rather than discretionary, especially in areas of accountability, ethics and probity.

The CAO as "ethics executive"

The Province should advance its public accountability objectives for its local governments by extending the concepts in *Public Service Act (Ontario)* to CAOs. Under the *Public Service Act (Ontario)*, the designated "ethics executive" provides advice and direction to public servants on matters related to conflict of interest and political activity and for dealing with disclosures of wrongdoing.

Recommendation #5: *The Municipal Act should establish the CAO as the ethics executive of the municipal corporation and for its employees and bargaining agents, in a manner similar to the designation in the Ontario Public Service Act for the Cabinet Secretary, Deputy Ministers and administrative heads of Crown Agencies. The CAO would not be the ethics executive for matters related to the head of council or other members of Council.*

Appointment and tenure of CAO

There needs to be a strong relationship of respect and trust between the municipal Council and the CAO. This important relationship requires ongoing maintenance, support and periodic review, on the part of the Council, including the head of council, and on the part of the CAO. However, in the event that the relationship breaks down, Council must have some mechanism to terminate the employment relationship with the CAO.

To be faithful to his or her duties and obligations, the CAO will sometimes have a responsibility to provide Council with advice that will be unwelcome or unpopular with Council. This is sometimes referred to as 'speaking truth to power'. It is a very important part of the relationship between a municipal Council and the CAO, but it also produces situations that can be very difficult.

Logically, a CAO needs some level of protection from punitive sanctions or dismissal when the CAO is simply performing her or his professional duties. Clearly, any CAO will be in a better position to provide Council with her or his best professional advice if the CAO has some security from arbitrary dismissal.

If the CAO could only be dismissed by Council 'for just cause', then Council would have the ability to dismiss the CAO when the relationship has broken down or where it wishes a new direction in managerial leadership, but Council would be obliged to consider this action carefully to ensure that it could be justified. This criterion does not preclude Council's unfettered right to change the CAO, which is especially important if the concept of a 'sole employee' is accepted. It does, however, engage the usual range of employment law and common law protections afforded a non-union employee dismissed for reasons that do not meet the common law tests for "cause", including pay-in-lieu of notice, damage to reputation and employability, impact on pension status, and so on.

For example, the *Municipalities Act* of PEI establishes a clear onus on the Council to act in good faith:

- 24. (2)** The council shall not dismiss the administrator except for just cause.
Municipalities Act; Chapter M-13 found at:
<http://www.gov.pe.ca/law/statutes/pdf/m-13.pdf>

The OMAA does not believe that new statutory provisions need to be enacted at this time. However, the Association does believe that a decision to end an employment relationship with a CAO carries with it an impact on the professional and personal life of the individual, on the healthy functioning of the municipal corporation both now and in the future, and on public perceptions of the institutions of local government.

Except in very rare cases of dismissal "with cause" (e.g., incapacity, substantive criminal allegations, gross neglect of duty, etc.), there should be an orderly, sober and predetermined process associated with any decision to terminate a CAO's employment relationship, involving the full Council and the CAO. This is consistent with the normal practice at the Federal and Provincial levels of government. In an era where politicians and senior civil servants endure intense public scrutiny and criticism, we should avoid apparently arbitrary dismissals of CAOs by Mayors and Councils, which bring unnecessary discredit on public institutions and those who work in public service.

Distinguishing the roles of Mayor and CAO

The Council/CAO system works best when the distinction between the disparate responsibilities of the Mayor (or other head of council) and the CAO is unambiguous and mutually respected. It allows the Mayor to provide leadership and strategic direction to Council, and it enables the CAO to provide leadership and managerial direction to the municipal staff organization.

As noted above, Madam Justice Bellamy described it as follows:

"Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager's effectiveness. A detailed description of the mechanism of authority should be set out as between the City Manager, department heads, and the Mayor and Council."

The Hon. Madam Justice Denise E. Bellamy, Toronto Computer Leasing Inquiry;
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"Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative".

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The system of governance described above is most likely to thrive when there is a clear distinction between the political role of the head of council and councillors, on the one hand, and the administrative and managerial role of the chief administrative officer, on the other. The fact that the head of council currently holds the statutory designation of chief executive officer of the municipality is unusual in the Canadian experience and it adds unnecessary ambiguity to the relationships between the CAO and with the rest of Council.

A clearer distinction between the political and administrative roles could be attained if the head of council was considered the Chief Elected Official (as in Alberta), as head of the legislative unit of government, and the CAO was clearly identified as the head of the administrative unit of government. Municipal legislation in Alberta describes the role of Mayor in those straightforward terms.⁵

Another interesting option is PEI's municipal legislation, which preserves the "chief executive officer" designation for the head of council, but describes the leadership role of the Mayor in a manner that reflects the concept of leadership to the Council, rather than an executive or managerial role in relation to the municipal Administration.⁶

Recommendation #6: *The Municipal Act should recognize the head of council as the Chief Elected Official, rather than as the chief executive officer of the municipal corporation, or alternatively, the Act should designate the position of Mayor as chief executive officer of the Council, rather than of the municipal corporation.*

Conclusions:

Councils have long recognized that the CAO plays an important role in the system of municipal governance. This is why virtually every municipality in Ontario has a CAO. The position is important because it provides several elements that are needed to ensure a sound administrative structure and organizational performance:

- Clear accountability between Council and staff
- Efficient and effective operation of the business of government, including
 - High-quality and innovative service delivery
 - Good and balanced policy advice
- Fiscal and organizational sustainability

These same elements are current and ongoing priorities for the Province, in its role as custodian and steward of the local government system in Ontario. Interestingly, they featured prominently in the summaries of recent consultations conducted by the Province.

In partnership with the Government of Ontario and in collaboration with municipal Councils and CAOs across Ontario, the OMAA recommends this slate of practical measures to promote the recognized success of the Council / CAO system of municipal government. It is consistent with the North America-wide tradition of promoting municipal reform through professional general management and public accountability.

Endnotes:

¹ The term “chief administrative officer” is used in the Ontario *Municipal Act*, but other titles are current in municipal usage, including city manager, county administrator, city administrator, and so on. Unlike in other North American jurisdictions, where the role and significance of the city manager is widely acknowledged, the CAO is not widely understood outside municipal circles in Ontario. One might suggest that until Ontario Cabinet Secretary Peter Wallace took the position of City Manager in Toronto, the position was not even widely understood within the Ontario Public Service. Somewhat confusingly, the Ontario Public Service uses the term “chief administrative officer” to designate the position of Assistant Deputy Minister responsible for the business affairs of ministries (i.e., human resources, finance, information technology, etc.). The role of the municipal CAO is much broader, typically involving overall managerial authority over all areas of policy development and coordination, financial and personnel management, and program delivery. It is the most senior position in the municipal civil service.

² *Municipal Government Act (Nova Scotia)*, chapter 18 of the Acts of 1998:

Responsibilities of chief administrative officer

31 (1) The chief administrative officer shall

- (a) coordinate and direct the preparation of plans and programs to be submitted to the council for the construction, rehabilitation and maintenance of all municipal property and facilities;
- (b) ensure that the annual budget is prepared and submitted to the council;
- (c) be responsible for the administration of the budget after adoption;
- (d) review the drafts of all proposed by-laws and policies and make recommendations to the council with respect to them;
- (e) carry out such additional duties and exercise such additional responsibilities as the council may, from time to time, direct.

(2) The chief administrative officer may

- (a) attend all meetings of the council and any board, committee, commission or corporation of the municipality and make observations and suggestions on any subject under discussion;
- (b) appoint, suspend and remove all employees of the municipality, with power to further delegate this authority;
- (c) act, or appoint a person to act, as bargaining agent for the municipality in the negotiation of contracts between the municipality and any trade union or employee association and recommend to the council agreements with respect to them;
- (d) subject to policies adopted by the council
 - (i) make or authorize expenditures, and enter into contracts on behalf of the municipality, for anything required for the municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the municipality,
 - (ii) sell personal property belonging to the municipality that, in the opinion of the chief administrative officer, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the municipality, and may delegate this authority to employees of the municipality,
 - (iii) personally, or by an agent, negotiate and execute leases of real property owned by the municipality that are for a term not exceeding one year, including renewals,
 - (iv) establish departments of the municipal administration,
 - (v) adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person,
 - (vi) determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system,
 - (vii) where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;

(e) authorize, in the name of the municipality, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to the council at the next meeting and may, if the council so provides by policy, delegate this authority to employees of the municipality;

(f) where the council so provides by policy, settle a legal action or proceeding in accordance with the policy.

(3) A lease executed by the chief administrative officer is as binding on the municipality as if it had been specifically authorized by the council and executed by the mayor or warden and clerk on behalf of the municipality.

(4) Notwithstanding subsections 33(1), 37(1), 39(1) and Section 41, the chief administrative officer may, with the consent of council, perform the duties of the clerk, treasurer, engineer and administrator, or any of them, pursuant to this Act.

(5) The chief administrative officer may from time to time appoint an employee of the municipality to act in the place of the chief administrative officer when the chief administrative officer is absent or unable to act. 1998, c. 18, s. 31.

³ This paper draws upon research undertaken by Professor David Siegel for his recent *Canadian Public Administration* journal article, notably the applicability of the political science concept of the public service bargain to municipal government, and the role of the chief administrative officer. David Siegel, "The 'Public Service Bargain' in Local Government: Examining Relations between Council and the CAO," *Canadian Public Administration*, vol. 58, no. 3 (September 2015), pp. 406-25.

⁴ *Municipal Government Act (Nova Scotia)*, chapter 18 of the Acts of 1998:

Chief administrative officer

28 (1) Subject to subsection (2), the council may employ a person to be the chief administrative officer for the municipality.

(2) The council of a regional municipality shall employ a person to be the chief administrative officer for the regional municipality. 1998, c. 18, s. 28.

Council and chief administrative officer relationship

30 (1) The chief administrative officer is the head of the administrative branch of the government of the municipality and is responsible to the council for the proper administration of the affairs of the municipality in accordance with the by-laws of the municipality and the policies adopted by the council.

(2) The council shall communicate with the employees of the municipality solely through the chief administrative officer, except that the council may communicate directly with employees of the municipality to obtain or provide information.

(3) The council shall provide direction on the administration, plans, policies and programs of the municipality to the chief administrative officer.

(4) No council member, committee or member of a committee established by the council shall instruct or give direction to, either publicly or privately, an employee of the municipality. 1998, c. 18, s. 30.

Reporting and accountability requirements

32 (1) The directors of departments of the municipality

(a) are accountable to the chief administrative officer for the performance of their duties; and
(b) shall submit the reports and recommendations required of them to, and through, the chief administrative officer.

(2) A report or recommendation from the solicitor of the municipality shall be presented to the council by the solicitor and the chief administrative officer shall be informed of the contents in

advance of the presentation to council, unless the report or recommendation is with respect to the chief administrative officer.

(3) Where a director of a department of the municipality disagrees with a recommendation of the chief administrative officer, the objections may be provided to the chief administrative officer who shall present them to the council. 1998, c. 18, s. 32.

⁵ *Municipal Government Act (Alberta)* Revised Statutes of Alberta 2000 Chapter M-26:

Election or appointment of chief elected official

150(1) The chief elected official of a city or town is to be elected by a vote of the electors of the municipality unless the council passes a bylaw

- (a) requiring council to appoint the chief elected official from among the councillors,
- (b) specifying when the appointment is to start, and
- (c) specifying the term of the appointment. 1994 cM-26.1 s150(1)

General duties of chief elected official

154(1) A chief elected official, in addition to performing the duties of a councillor, must

- (a) preside when in attendance at a council meeting unless a bylaw provides that another councillor or other person is to preside, and
- (b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official is a member of all council committees and all bodies to which council has the right to appoint members under this Act, unless the council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name. 1994 cM-26.1 s154;1995 c24 s21

Titles of chief elected official and other councillors

155 A councillor is to have the title "councillor" and a chief elected official that of "chief elected official" unless the council directs that another title appropriate to the office be used. 1994 cM-26.1 s155

⁶ 16. (1) The mayor or chairperson is the chief executive officer of the council and shall preside at meetings of the council.

(2) The mayor or chairperson may appoint a councillor as deputy mayor or vice-chairman who shall, during any absence or illness of the mayor or chairperson, exercise his functions.

1983, c.33, s.17; 1990, c.36, s.3; 2006,c.24,s.1. *Municipalities Act (Prince Edward Island)*