

Bylaw No. 8-2011

ADMINISTRATIVE BYLAW

A **BYLAW** of the RM of Dufferin #190 in the Province of Saskatchewan, to Provide for the Administration of the Municipal Corporation and to Set Forth the Duties and Powers of the Designated Officers for the RM of Dufferin #190.

THE COUNCIL FOR THE RM OF DUFFERIN #190 IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

Short title

1. This bylaw may be cited as the Administration Bylaw.

PART 1

PURPOSE AND DEFINITIONS

Purpose and Scope

2. The purpose of this bylaw is to:
 - (a) Establish the office of Manger, Administrator, Treasurer, Assistant Administrator or any other municipal office that council considers necessary; and
 - (b) Establish who may sign specified municipal documents on behalf of the municipality; and
 - (c) Establish the powers, duties and functions of municipal officials and/or employees of the municipality.

Definitions

3. For the purpose of this bylaw, the following terms and words shall have the following meanings:
 - (a) “**Act**” means *The Municipalities Act*.
 - (b) “**Municipality**” means the RM of Dufferin #190.
 - (c) “**Administrator**” means the Administrator of the RM of Dufferin #190 appointed pursuant to section 110 of *The Municipalities Act*.
 - (d) “**Assistant Administrator**” means the person appointed as Assistant Administrator.
 - (e) “**Department Head**” means the Recreation Director, the Treasurer, Public Works foreman, Fire Chief and any other persons appointed as a Department Head.

PART II ADMINISTRATOR

Establishment of Position

4. The position of Administrator is established pursuant to section 110 of the Act.
 - (a) Council shall by resolution appoint an individual to the position of Administrator.
 - (b) Council shall establish the terms and conditions of employment of the Administrator.
 - (c) The Administrator shall be the Chief Administrative Officer of the municipality.
 - (d) Any person appointed to the position of Administrator must be qualified as required by *The Urban Municipal Administrators Act* or *The Rural Municipal Administrators Act*.

Duties of the Administrator

5. The Administrator shall perform the duties and exercise the powers and functions that are assigned by the *Act*, any other acts, this Bylaw, or any other bylaw or resolution of Council.

Duties of the Administrator – The Municipalities Act

6. Without limiting the generality of section 5 the Administrator shall:
 - (a) Take charge of and safely keep all books, documents and records of the municipality that are committed to his/her charge; (MA 111)
 - (b) Ensure all minutes of council meetings are recorded; (MA 111)
 - (c) Record all names of all council present at council meetings; (MA 111)
 - (d) Ensure the minutes of each council meeting are given to the council for approval at the next council meeting; (MA 111)
 - (e) Advise the council of its legislative responsibilities pursuant to this or any other act; (MA 111)
 - (f) Ensure the safe keeping of the corporate seal, bylaws, minutes, funds, securities and any other records or documents of the municipality; (MA 111)
 - (g) Provide the minister with any statements, reports or other information that may be required by this Act or any other act; (MA 111)
 - (h) Ensure that the official correspondence of Council is carried out in accordance with Council's direction; (MA 111)
 - (i) Maintain an index register containing certified copies of all bylaws of the municipality; (MA111)
 - (j) Deposit cash collections that have accumulated to Fifteen Thousand Dollars (\$15,000.00), at least once a month, but no more than once a day, in the bank or credit union designated by council; (MA 111)
 - (k) Disburse the funds of the municipality in the manner and to those directed by law, bylaw or resolutions of council; (MA 111)

- (l) Maintain an accurate account of assets and liabilities and all transactions affecting the financial positions of the municipality in accordance with generally accepted accounting principles; (MA 111)
- (m) Ensure that the financial statements and information requested by resolution are submitted to council; (MA 111)
- (n) Complete a financial statement for the preceding financial year in accordance with the generally accepted accounting principles for municipal governments recommended from time to time by the Canadian Chartered Accountants by June 1st of each year; (MA 111, 185)
- (o) Send copies of bylaws for closing and closing and leasing to the Minister of Highways and Transportation; (MA 13)
- (p) Bring forward any resignation(s) of elected officials; (MA 96)
- (q) At the first meeting in January of every year provide bond(s) to council; (MA 113)
- (r) Sign minutes of Council and Committee meetings; (MA 115)
- (s) Sign bylaws; (MA 115)
- (t) Provide copies of public documents upon request or payment of fee; (MA 117)
- (u) Provide notice of first meeting of council; (MA 121)
- (v) Call a special meeting when lawfully requested to do so; (MA 123)
- (w) Determine the sufficiency of a petition requesting a public meeting of voters; (MA 129)
- (x) Determine the validity of a petition for referendum (30 days to report to council); (MA 135)
- (y) Administer public disclosure statements if the municipality adopts this requirement; (MA142)
- (z) Record any abstentions or pecuniary interest declarations in the minutes; (MA 144)
- (aa) Provide information to the Auditor; (MA 190)
- (bb) Send amended tax notices when required and make necessary adjustments to the tax roll; (MA 264)
- (cc) Provide for payment of writ of execution against the municipality; (MA 353)
- (dd) Produce certain records upon request of inspector appointed by Minister; (MA 396)

Additional Duties of the Administrator

7. The Administrator shall:

- (a) Act as the returning officer for all elections under The Local Government Elections Act.
- (b) Ensure that Public Notice is given as provided in the Act, or any other act and/or as required by council in this bylaw, any other bylaw or resolution.
- (c) Ensure that the policies and programs of the RM of Dufferin #190 are implemented.
- (d) Advise inform and make recommendations to council on the:
 - i. Operations and affairs of the Municipality
 - ii. Policies and programs of the Municipality
 - iii. The financial position of the Municipality

- (e) Supervise all operations of the Municipality.
- (f) Be responsible for the preparation and submission of the annual budget estimates from departments for Council.
- (g) Monitor and control spending within program budgets established by Council.
- (h) Make routine expenditures on a daily basis until the annual budget is adopted by council.
- (i) Call for tenders on behalf of the municipality.
- (j) Purchase goods, services or work on matters under Five Thousand Dollars (\$5,000.00).
- (k) Award contracts on matters under Five Thousand Dollars (\$5,000.00).
- (l) Conduct negotiations for land purchases, annexations, etc.
- (m) Attend meetings of Council and other meetings as Council directs.
- (n) Council may delegate the authority for other matters excepting those listed in Section 127 which must be dealt with by the council.

PART III OTHER POSITIONS

Assistant Administrator

8. Establishment of Position

Council shall by resolution appoint an individual to the position of Assistant Administrator.

9. Duties

The Assistant Administrator shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council. The Assistant Administrator shall also:

- (a) Maintain an index register containing certified copies of all bylaws of the municipality; (MA111)
- (b) Deposit cash collections that have accumulated to Fifteen Thousand Dollars (\$15,000.00), at least once a month, but no more than once a day, in the bank or credit union designated by council; (MA 111)
- (c) Provide copies of public documents upon request or payment of fee; (MA 117)
- (d) Send amended tax notices when required and make necessary adjustments to the tax roll; (MA 264)

Acting Administrator

10. Establishment of Position

If the Administrator is incapable of performing his or her duties or if there is a vacancy in such position, the council may appoint a person as Acting Administrator for a period of not longer than three months or any longer period that the board of examiners may allow.

11. Duties

The Acting Administrator shall have all the powers and duties of the administrator while acting in the capacity of the Administrator.

Treasurer

12. Establishment of Position

Council shall by resolution appoint an individual to the position of Treasurer.

13. Duties

The Treasurer shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council.

Public Works Foreman

14. Establishment of Position

Council shall by resolution appoint an individual to the position of Public Works Foreman.

15. Duties

The Public Works Foreman shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council.

Water Plant Operator

16. Establishment of Position

Council shall by resolution appoint an individual to the position of Water Plant Operator.

17. Duties

The Water Plant Operator shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council

Public Works Labourer

18. Establishment of Position

Council shall by resolution appoint an individual to the position of Public Works Labourer.

19. Duties

The Public Works Labourer shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council

Recreation Director

20. Establishment of Position

Council shall by resolution appoint an individual to the position of Recreation Director.

21. Duties

The Recreation Director shall perform the duties and exercise the powers and functions that are assigned by the Administrator, this Bylaw, or any other bylaw or resolution of Council

**PART IV
DELEGATION OF AUTHORITY**

22. The council hereby authorizes the administrator to delegate any of his/her powers, duties or functions to another employee.

**PART V
MUNICIPAL DOCUMENTS**

Signing Agreements

23. For the purpose of this bylaw, the following persons are permitted to sign agreements:

- (a) The Reeve and the Administrator shall sign all agreements to which the municipality is party. In the absence of the Reeve, the Deputy Reeve; and/or
- (b) The Reeve and the Assistant Administrator in the absence of the Administrator, shall sign all agreements to which the municipality is party; or
- (c) The Administrator and Treasurer, when established by council, shall sign all agreements to which the municipality is party.

Cheques

24. For the purpose of this bylaw, the following persons are permitted to sign cheques:

- (a) The Administrator (or if the Administrator is unavailable, the Administrator's delegate) AND the Reeve or Deputy Reeve.

Negotiable Instruments

25. For the purpose of this bylaw, the following persons are permitted to sign negotiable instruments:

- (a) The Administrator (or if the Administrator is unavailable, the Administrator's delegate) AND the Reeve or Deputy Reeve shall sign all other negotiable instruments on behalf of the municipality.

**PART VI
DESIGNATED OFFICERS**

Temporary Road Closure

26. The Administrator or any member of the council shall be the designated officer for the purpose of temporary road closures. (MA 14))

Enforcement of Municipal Law

27. Council may appoint a bylaw enforcement officer by resolution, other than the administrator to inspect, remedy or enforce any bylaw or the Municipalities Act, depending on Council's desired process to be applied to the enforcement of municipal law. (MA 362-367)

Right of Entry for Public Utility Service

28. Council may appoint a person other than the Administrator to enter a building for the purpose of a public utility service. (MA 26(5))

Other Designated Officers

29. The Administrator, or Assistant Administrator are responsible for the following:

- (a) Giving written notice for the unpaid fees of a building contract (i.e. transient trader or other licence fees) (Section 9 (5),
- (b) Sign the Securities Register by designated officers requires a bylaw to be in place. (Section 174)
- (c) Maintain debenture register and other duties relating to debenture transactions. (Section 175)
- (d) Certify the date on which tax notices are sent. (Section 269)
- (e) Prepare and send amended tax notices when required. (Section 271)
- (f) Provide receipt for tax payment on request of taxpayer or agent. (Section 272)
- (g) Apply partial tax payments on arrears first and if undesignated decide to which taxable property or properties the payment is to be applied. (Section 273)
- (h) Removal of tax lien if all arrears are compromised or abated. (Section 274)
- (i) Issue tax certificates. (Section 276)
- (j) Proof of taxes signed by a designated officer. (Section 277)
- (k) Transfer special assessment to the tax roll. (Section 310)
- (l) Submit school liability in a timely manner. (Section 311)
- (m) Collection of amusement tax. (Section 316)
- (n) May be responsible for service for Seizure of Goods. (Section 323)
- (o) Presents identification upon request if undertaking an inspection of property. (Section 362, 363, 364)
- (p) May enter and search for Dangerous Animals. (Section 378)

**PART VII
COMING INTO FORCE**

30. This bylaw shall come into effect upon final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 16th DAY OF NOVEMBER, 2011.

READ A SECOND TIME THIS 16th DAY OF NOVEMBER, 2011.

READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT THIS 16TH DAY OF NOVEMBER, 2011.

Reeve

(SEAL)

Administrator

Certified a true copy of the original
Bylaw passed by the Council present
At their regular meeting held on 16TH
Of November, 2011.

Rodney E. Audette, RMA
Administrator