

BYLAW #2017- 03

ADMINISTRATIVE BYLAW

A BYLAW TO PROVIDE TO ESTABLISH THE DUTIES AND POWERS OF THE ADMINISTRATOR AND DESIGNATED OFFICERS FOR THE RURAL MUNICIPALITY OF MERVIN No. 499.

The council of the Rural Municipality of Mervin No. 499 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. (a) *The purpose of this Bylaw is to establish the office of Administrator, Office Manager, Administrative Assistant or any other municipal office that council considers necessary; AND*
(b) *The purpose of this Bylaw is to establish who may sign specified municipal documents on behalf of the municipality; AND*
(c) *The purpose of this Bylaw is to establish the powers, duties and functions of municipal officials and/or employees of the municipality.*

Definitions

3. (a) *“Act” means the Municipalities Act*
(b) *“Municipality” means the Rural Municipality of Mervin No. 499.*
(c) *“Administrator” means the Administrator of the rural municipality appointed pursuant to Section 110 of The Municipalities Act.*
(d) *“Office Manager” means the person appointed as the Office Manager*
(e) *“Department Head” means the “Public Works Foreman”, “Fire Chief” and any other person appointed as a Department Head*
(f) *“Designate” means a person to whom power and authority is or may be delegated from time to time by the Administrator, subject to the restrictions within the Bylaw or the Act*

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 which position shall also be known as the “Chief Administrative Officer”;*

**PART 11
ADMINISTRATOR**

- (b) *Council shall establish the terms and conditions of employment of the Administrator.*
- (c) *Any person appointed to the position of Administrator must be qualified as required by 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. The position description for the Administrator is attached hereto as Schedule "A".

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 the 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; *(MA 111)*
 - (j) Deposit cash collections that have accumulated to (an amount determined by council that is equal to or less than the amount of the administrator's bond), at least once a month, but not 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 position 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 each 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
- (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 Rural Municipality 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 and make recommendations to Council to award contracts.*
- (j) *Purchase goods, services or work, in accordance with the R.M. of Mervin Purchase Policy*
- (k) *Award contracts, in accordance with the R.M. of Mervin Purchase Policy*
- (l) *Conduct negotiations for land purchases, annexations etc.*
- (m) *Authorize and approve municipal employees attending workshops directly related to their employment with the R.M. within the approved budget*
- (n) *Attend meetings of Council and other meetings as Council directs*
- (o) *Council may delegate the authority for any other matters excepting those listed in Section 127 which must be dealt with by the council.*

PART III OTHER POSITIONS

Appointment of Other Positions

8. *The Council hereby authorizes the Administrator to appoint/hire a person to each of the positions identified in the Municipalities organizational chart. The organizational chart must be approved by Council resolution, and may only be amended by Council, by resolution. Up to a two person committee representing council may be appointed to assist in hiring for any of the types of municipal employees identified in the organizational chart, if Council determines necessary.*

Acting Administrator

9. 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.

10. Duties

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

PART IV DELEGATION OF AUTHORITY

11. *The Council hereby authorizes the administrator to delegate any of his/her powers, duties or functions to another employee of the Municipality.*

**PART V
MUNICIPAL DOCUMENTS**

Signing Agreements

12. (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 Office Manager in the absence of the Administrator, shall sign all agreements to which the municipality is party.*

13. Cheques

The Administrator, or if the Administrator is unavailable the Office Manager, AND the Administrative Coordinator, shall sign cheques on behalf of the municipality that are \$8,000.00 or less. Whereby the amount is greater than \$8,000.00 the Administrative Coordinators signature is NOT VALID and the co-signer with the Administrator, or their alternate if the Administrator is not available, must be the Reeve or in the absence of the Reeve the Deputy Reeve.

Negotiable Instruments

14. The Administrator, or if the Administrator is unavailable the Office Manager, AND the Reeve, or in the absence of the Reeve, the Deputy Reeve, shall sign all other negotiable instruments on behalf of the municipality.

**PART VI
DESIGNATED OFFICERS**

Temporary Road Closure

15. The Administrator or Designate shall be the designated officer for the purpose of temporary road closures. *(MA 14)*

Enforcement of Municipal Law

16. The Administrator or Designate shall be the designated officer to inspect, remedy or enforce any bylaw of the Act.

Right of Entry for Public Utility Service

17. The Administrator or Designate may enter a building for the purpose of a public utility service.

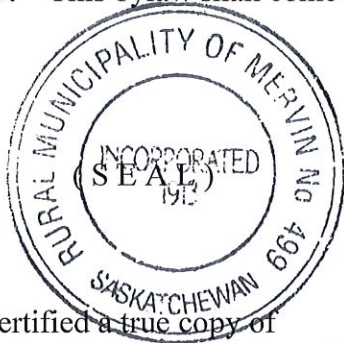
Other Designated Officers

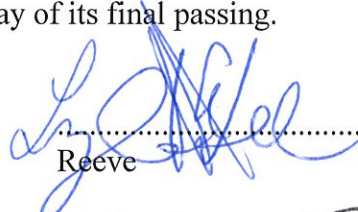
18. The Administrator or Designate may:
- (a) *Giving written notice for the unpaid fees of a building contract (i.e. transient trader or other license fees) (Section 9(5),*
 - (b) *Sign the Securities Register by designated officer requires a bylaw to be in place.(Section 174)*

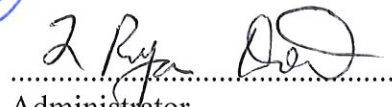
- (c) *Maintain debenture register and other duties relating to debenture transactions. (Section 175)*
- (d) *Certify the date on which tax notices are sent. (Section 269)*
- (e) *Prepare and send amended tax notices when required. (Section 271)*
- (f) *Provide receipt for tax payment on request of tax payer 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 assessments 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) *Present 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**

19. This bylaw shall come into effect on the day of its final passing.



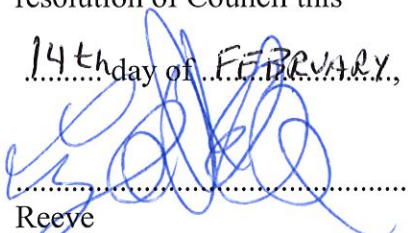


 Reeve


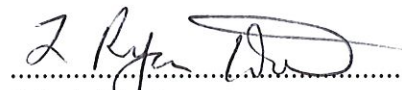
 Administrator

Certified a true copy of
Bylaw No. 2017-03 adopted by
resolution of Council this

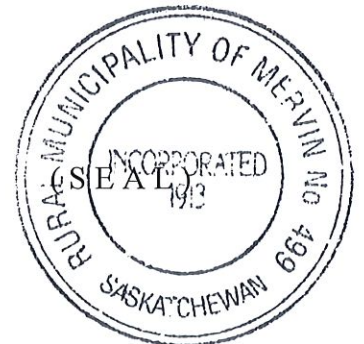
14th day of FEBRUARY, 2017



 Reeve



 Administrator



Organizational Chart – R.M. of Mervin No. 499

