

TOWN OF ESTERHAZY

BYLAW NO. 750-18

ADMINISTRATIVE BYLAW

A bylaw of the Town of Esterhazy, 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 Town of Esterhazy.

The Council of the Town of Esterhazy, in the Province of Saskatchewan, enacts as follows:

Short Title:

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

**PART I
PURPOSE AND DEFINITIONS**

Purpose and Scope:

2. (a) The purpose of this Bylaw is to establish the offices of Administrator, Assistant Administrator and Acting Administrator; 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 employees.

Definitions:

3. (a) "Act" means *The Municipalities Act*.
- (b) "Municipality" means the Town of Esterhazy.
- (c) "Administrator" means the Administrator of the Town of Esterhazy 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 person 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*.

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 of the Act, 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;
 - (b) Ensure all minutes of Council meetings are recorded;
 - (c) Record the names of all council present at council meetings;
 - (d) Ensure the minutes of each council meeting are given to the council for approval at the next council meeting;
 - (e) Advise the council of its legislative responsibilities pursuant to this Act or any other Act;
 - (f) Ensure the safe keeping of the corporate seal, bylaws, minutes, funds, securities and any other records or documents of the municipality;
 - (g) Provide the minister with any statements, reports or other information that may be required by this Act or any other act;
 - (h) Ensure that the official correspondence of Council is carried out in accordance with Council's direction;
 - (i) Maintain an index register containing certified copies of all bylaws of the municipality;
 - (j) Deposit cash collections that have accumulated to an amount of \$3,000.00 at least once a month but not more than once a day, in the bank or credit union designated by Council;
 - (k) Disburse the funds of the municipality in the manner and to those directed by law, bylaw or resolutions of Council;
 - (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;
 - (m) Ensure that the financial statements and information requested by resolution are submitted to council;
 - (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;
 - (o) Send copies of Bylaws for closing and closing and leasing to the Minister of Highways and Transportation;
 - (p) Bring forward any resignation(s) of elected officials;
 - (q) At the first meeting of Council of each year, provide bond(s) to council;
 - (r) Sign minutes of Council and Committee meetings;
 - (s) Sign bylaws;
 - (t) Provide copies of public documents upon request or payment of fees;
 - (u) Provide notice of first meeting of council;
 - (v) Call a special meeting when lawfully requested to do so;
 - (w) Determine the sufficiency of a petition requesting a public meeting of voters;
 - (x) Determine the validity of a petition for referendum (30 days to report to council);
 - (y) Administer public disclosure statements if the municipality adopts this requirement;
 - (z) Record any abstentions or pecuniary interest declarations in the minutes;
 - (aa) Provide information to the Auditor;
 - (bb) Send amended tax notices when required and make necessary adjustments to the tax roll;
 - (cc) Provide for payment of writ of execution against the municipality; and
 - (dd) Produce certain records upon request of inspector appointed by minister.

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 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; and
 - iii) the financial position of the Municipality;
 - (e) Be responsible for the preparation and submission of the annual budget estimates from departments for Council;
 - (f) Monitor and control spending within program budgets established by Council;
 - (g) Make routine expenditures on a daily basis until the annual budget is adopted by Council;
 - (h) Call for tenders upon request of Council;
 - (i) Purchase goods, services or work up to \$5000.00;
 - (j) Award contracts up to \$5000.00;
 - (k) Conduct negotiations for land purchases, annexations, etc., for Council approval;
 - (l) Attend meetings of Council and other meetings as Council directs;
 - (m) Give written notice for the unpaid fees of a building contractor, transient trader or other licence fees;
 - (n) Sign the Securities Register;
 - (o) Maintain the debenture register and other duties relating to debenture transaction;
 - (p) Certify the date on which tax notices are sent;
 - (q) Prepare and send amended tax notices, when required;
 - (r) Provide receipt for tax payment on request of tax payer or agent;
 - (s) Apply partial tax payments on arrears first and decide to which taxable property or properties the payment is to be applied;
 - (t) Remove tax lien if all arrears are compromised or abated;
 - (u) Issue tax certificates;
 - (v) Provide certified copy of portion of tax roll as proof of taxes;
 - (w) Transfer special assessments to the tax roll;
 - (x) Submit school liability in a timely manner;
 - (y) Collect amusement tax; and
 - (z) Serve documents for Seizure of Goods.

**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.

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.

**PART IV
DELEGATION OF AUTHORITY**

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

**PART V
MUNICIPAL DOCUMENTS**

Signing of Agreements:

- 13. (a) The Mayor and the Administrator shall sign all agreements to which the Municipality is party.
- (b) In the absence of the Mayor, the Deputy Mayor and the Administrator shall sign all agreements to which the Municipality is party.

Cheques

- 14. (a) The Mayor and the Administrator shall sign all cheques on behalf of the Municipality.
- (b) In the absence of the Mayor, the Deputy Mayor and the Administrator shall sign all cheques on behalf of the Municipality or in the absence of the Administrator, the Acting Administrator shall sign all cheques on behalf of the Municipality.

Negotiable Instruments


15. The Mayor and the Administrator shall sign all other negotiable instruments of the Municipality.

**PART VI
DESIGNATED OFFICERS**

Right of Entry for Public Utility Service

16. The Town Foreman or Labourers shall be the designated officers to enter a building for the purpose of a public utility service.





 Mayor



 Chief Administrative Officer

Read a third time and adopted
this 12 day of December, 2018 .