

ADMINISTRATIVE BYLAW

Town of Hanley

BYLAW NO. 5/08

A BYLAW TO PROVIDE TO ESTABLISH THE DUTIES AND POWERS OF THE ADMINISTRATOR AND DESIGNATED OFFICERS FOR THE TOWN OF HANLEY

The council of the Town of Hanley 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 powers, duties and functions of the administrator of the town.

Definitions

3. “Act” means the Municipalities Act
 - (a) “Municipality” means the Town of Hanley.
 - (b) “Administrator” means the Administrator of the town appointed pursuant to Section 110 of The Municipalities Act.
 - (c) “Assistant Administrator” means the person appointed as Assistant Administrator.
 - (d) “Department Head” means Public Works Foreman, and any other person appointed as a Department Head

PART 11

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 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 if the municipality adopts this requirement; *(MA 142)*
 - (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 Town 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 (this may be up to a certain monetary limit)
- (j) Purchase goods, services or work (may have a monetary limit)
- (k) Award contracts (may have a monetary limit.)
- (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.)
 - i. Shall follow through on council meeting requests in a timely manner
 - ii. Provide a written report to council on a monthly basis
 - iii. Provide a list of taxpayers requests at monthly council meeting
 - iv. Provide information on tax and utility billings arrears and consequences report
 - v. Treat all taxpayers with respect.
 - vi. If the ratepayer chooses to use verbal or physical abuse, this will not be tolerated under any circumstance. Signs to this effect will be posted in the office.
- (o) The administrator and department heads will have an annual review coordinated by the policy/personnel task group
- (p) Grievances from staff will be dealt with by administrator except in the instance of the Public Works Foreman or with the administrator him/herself will be handled through the policy/personnel task group who will investigate grievance and report to council for resolution.

PART III OTHER POSITIONS

(Council may appoint persons to other positions as they see fit and list how persons are appointed to those positions. It may also delegate the appointment of these positions to the Administrator.

Acting Administrator

8. 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.

9. Duties

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

Public Works Foreman

12. Establishment of Position

- a. Council shall by resolution appoint an individual to the position of Public Works Foreman
- b. Council shall establish the terms and conditions of employment of the Public Works Foreman
- c. The Administrator shall be the liaison between the Public Works Foreman and council members, taxpayers etc to establish emergency or priority tasks.
- d. The Public Works foreman shall have an annual review by the policy/personnel task group who will report to council.

13. Duties

- a. Water & Sewer maintenance
- b. Road maintenance seasonal and crisis
- c. Infrastructure – i.e. - lawn maintenance and road maintenance
- d. Follow requests from taxpayers and/or council members **through** administrator.
- e. Mandatory Report to council monthly verbally if in attendance or if not in attendance by written report. Written report will be given to administrator for inclusion in minutes

14. Grievances – all grievances will be handled by policy/personnel task group and a report will be issued to council for their decision on the matter.

**PART IV
DELEGATION OF AUTHORITY**

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

(NOTE: if the council does not authorize the administrator to delegate some or all of his/her duties, he/she has no authority to delegate.)

**PART V
MUNICIPAL DOCUMENTS**

Signing Agreements

15 (Subsection 115(4) requires agreements to be signed by at least 2 persons designated by council. Council may set out the criterion as to who may sign certain types of agreements. Suggestion may be but are not limited to:

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

Cheques

16. (Subsection 115(5) stipulates that the Administrator **must sign all** cheques AND that Council must designate at least one other person. Council may stipulate the criteria as seen appropriate. **REMINDER:** Council does not have the authority to designate the alternate for the Administrator.)

The Administrator (required) AND the Mayor or Deputy Mayor shall sign all cheques on the behalf of the municipality

Negotiable Instruments

17. (Subsection 115(5) also stipulates that the Administrator **must sign all** other negotiable instruments that Council must designate at least one other person. Council may stipulate the criteria as seen appropriate.)

The Administrator (required) AND the Mayor or Deputy Mayor shall sign all other negotiable instruments on behalf of the municipality.

**PART VI
DESIGNATED OFFICERS**

(Council may use this document to appoint a designated officer to perform any duties that are specified as duties of a designated officer). (Note: if council does not appoint a designated officer the duty automatically defaults to the Administrator)

Temporary Road Closure

18. *(The Administrator (council may wish to appoint council itself or another employee) shall be the designated officer for the purpose of temporary road closures. (MA 14))*

Enforcement of Municipal Law

19. (Council may wish to appoint a bylaw enforcement officer, 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

20. (Council may wish to 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

21 (NOTE: Depending on the size of the municipality and staff, a council may wish to designate someone other than the administrator for some or all of the designated officers as listed. If the administrator is chosen as the designated officer for any or all of the duties as listed, a council may wish those items to be listed with the duties of the administrator instead of separately.)

- (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
- (f) Collection of amusement tax (Section 316)
- (g) May be responsible for service for Seizure of Goods (Section 323)
- (h) Present identification upon request if undertaking an inspection of property (Section 362, 363, 364)
- (i) May enter and search for Dangerous Animals (Section 378)

**PART VII
COMING INTO FORCE**

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

{Seal}

Mayor

Administrator

Read a third time and adopted
this 15TH day of September 2008