

TOWN OF ARCOLA

Bylaw 2024-01

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

The Council of the Town of Arcola 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. The purpose of this Bylaw is:
 - a) To establish the powers, duties and functions of municipal officials and/or employees of the municipality; and
 - b) To establish who may sign specified municipal documents on behalf of the municipality; and
 - c) To establish the position of Administrator, Assistant Administrator, Treasurer or any other municipal position that Council considers necessary.

Definitions

- 3. In this Bylaw:
 - a) “Act” means *The Municipalities Act*.
 - b) “Municipality” means the Town of Arcola.
 - c) “Administrator” means the Administrator of the Town of Arcola appointed pursuant to Section 110 of *The Municipalities Act*.

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*.

Assignment of Responsibility

- 5. The Administrator shall perform the duties and exercise the powers and functions that are assigned by *The Municipalities 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 Chief Administrative Officer 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) Produce, when called for by the Council, Auditor, Minister or other competent authority, all books, vouchers, papers and moneys belonging to the municipality; (*MA 111*)
 - c) On ceasing to hold office, deliver all books, vouchers, papers and moneys belonging to the municipality to their successor in office or to any other person that the council may designate; (*MA 111*)
 - d) Ensure all minutes of Council Meetings are recorded; (*MA 111*)
 - e) Record the names of all Council members present at Council Meetings; (*MA 111*)
 - f) Ensure the minutes of each Council Meeting are given to the Council for approval at the next regular Council Meeting; (*MA 111*)

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- g) Ensure the safe keeping of the corporate seal, bylaws, minutes, funds, securities and any other records or documents of the municipality; (MA 111)
- h) Advise the Council of its legislative responsibilities pursuant to *The Municipalities Act* or any other act; (MA 111)
- i) Provide the Minister with any statements, reports or other information that may be required by *The Municipalities Act* of any other act; (MA 111)
- j) Ensure that the official correspondence of Council is carried out in accordance with Council's directions; (MA 111)
- k) Maintain an indexed register containing certified copies of all bylaws of the municipality; (MA 111)
- l) Deposit cash collections that have accumulated to \$5,000 at least once a week, but not more than once a day, in the Credit Union designated by Council; (MA 111)
- m) Disburse the funds of the municipality in the manner and to those directed by law or by the bylaws or resolutions of Council; (MA 111)
- n) 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)
- o) Ensure that the financial statements and information requested by resolution are submitted to council; (MA 111)
- p) 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 chartered Professional Accountants of Canada by June 15 of each year; (MA 111, 185)
- q) Be responsible for the hiring, suspension and dismissal of all employees of the Municipality; (MA 111)
- r) Witness any oaths or affirmations required pursuant to *The Municipalities Act*; (MA 111)
- s) Send copies of bylaws for closing roads and closing and leasing roads to the Minister of Highways; (MA 13)
- t) Bring to Councils attention any resignation(s) of elected officials; (MA 96)
- u) Record each abstention in the meeting minutes that may occur at the time of voting; (MA 99)
- v) At the first meeting in January of each year, provide all bond or equivalent insurance on employees to Council; (MA 113)
- w) Sign minutes of Council and Committee meetings; (MA 115)
- x) Sign Bylaws; (MA 115)
- y) Sign cheques and other negotiable instruments; (MA 115)
- z) Provide Copies of public documents upon request or payment of fee; (MA 117)
- aa) Provide notice of first meeting of Council; (MA 121)
- bb) Call a Special Meeting when lawfully requested to do so; (MA 123)
- cc) Determine the sufficiency of a petition for a public meeting of voters; (MA 129)
- dd) Determine the sufficiency of a petition for a referendum; (MA 135)
- ee) Note any change reported on a Council member's annual declaration to the member's public disclosure statement, including the date that change was noted; (MA 142)
- ff) Make each public disclosure statement and declaration available for public inspection during regular business hours; (MA 142)
- gg) Provide copies of public disclosure statements to any designated officials when directed to do so by council; (MA 142)
- hh) Record in the minutes every declaration of conflict of interest, including the general nature and material details of the disclosure and any abstention or withdrawal; (MA 144)
- ii) Provide information to the Auditor; (MA 190)
- jj) Send amended tax notices when required and make necessary adjustments to the tax roll; (MA 264)
- kk) Provide for payment of writ of execution against the municipality; and (MA 353)
- ll) Produce certain records upon request of inspector appointed by the 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, 2015*;
- b) Ensure that Public Notice is given as required 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, maintained and enforced;
- 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, ensuring appropriate internal controls are in place and followed;
- f) Be responsible for the preparation and submission of the annual budget;
- g) Monitor and control spending within the budget established by Council;
- h) Make routine expenditures until the annual budget is adopted by Council;
- i) Call for tenders;
- j) Purchase goods, services or work;
- k) Award contracts;
- l) Conduct negotiations for land purchases, annexations, etc;
- m) Attend meetings of Council and other meetings as Council directs;
- n) Give written notice for the unpaid license fees of a building contractor;

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- o) Sign the securities register;
- p) Maintain the debenture register and other duties relating to debenture transactions;
- q) Certify the date on which tax notices are sent;
- r) Prepare and amend tax notices when required;
- s) Provide receipt for tax payment on request of taxpayer or agent;
- t) Apply partial payments on arrears first and if undesignated determine to which taxable property of properties a payment(s) is to be applied;
- u) Remove a tax lien if all arrears are compromised, abated or paid;
- v) Issue Tax Certificates;
- w) Certify a true copy of the proof of taxes payable;
- x) Transfer special assessment to the tax roll;
- y) Collect amusement tax.
- z) Council may delegate the authority for other matters excepting those listed in Section 127 of the Act which must be dealt with by Council.

PART III OTHER POSITIONS

Acting Administrator

8. If the Administrator is unable to act for any reason, Council will appoint a person within 30 days to fill the position of Administrator in an acting capacity. This appointment will be for a period of no longer than three months. Should council require to extend the appointment of the acting administrator beyond three months, they will obtain permission from the Board of Examiners. (MA 110.1)
9. The Acting Administrator shall have all the powers and duties of the administrator while acting in the capacity of the Administrator.

Other Municipal Employees

10. Establishment of Positions

The Administrator, along with the HR Committee, is permitted to hire employees necessary for the operations of the Municipality, subject to the approved Municipal Budget.

11. Duties

The Administrator, will determine the job description and list of duties for each position established. Council and/or Council Committees may provide suggestions regarding municipal operations and duties to the Administrator.

PART IV DELEGATION OF AUTHORITY

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

PART V MUNICIPAL DOCUMENTS

Signing Agreements

13. The Mayor and the Administrator shall sign all agreements to which the Municipality is party. In the absence of the Mayor, the Deputy Mayor shall sign. In the absence of the Administrator, the Assistant Administrator shall sign.

Cheques and Negotiable Instruments

14. The Administrator, or if the Administrator is unavailable, the Assistant Administrator and the Mayor, or if the Mayor is unavailable, the Deputy Mayor shall sign all cheques on behalf of the Municipality.

PART VI DESIGNATED OFFICERS

15. Other Designated Officers

- a) The Foreman is designated to temporarily close a road/street; (MA 14)
- b) The Public Works Staff is designated to enter a building for the purpose of providing a public utility service; (MA 26{5})

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- c) The Administrator shall be the designated officer to inspect, remedy, or enforce any bylaw of The Municipalities Act. The Administrator may delegate any bylaw enforcement powers to another employee, company, individual or organization hired for such a purpose as per the Municipal Budget. Designated officers:
- i. May be responsible for service for seizure of Goods.
 - ii. Shall present identification upon request if undertaking an inspection of property.
 - iii. May enter and search a premise for dangerous animals under consent of the owner or occupant, or where a warrant authorizing entry has been issued.

PART VII

COMING INTO FORCE

16. This bylaw shall come into force on the day of its final passing.

17. Bylaw No.2017-05 is hereby repealed.



Mayor

Administrator

First Reading: March 12th, 2024

Second Reading: May 14th, 2024

Third Reading & Adoption: May 14th, 2024



Certified a true copy of
Bylaw No. 2024-01 passed on the
14th day of May, 2024

Administrator