

**R.M. OF LUMSDEN NO. 189
BYLAW NO. 04-2017**

**A BYLAW TO ESTABLISH THE DUTIES AND POWERS OF THE ADMINISTRATOR AND
DESIGNATED OFFICERS FOR THE R.M. OF LUMSDEN NO. 189**

The Council of the Rural Municipality of Lumsden No. 189 of the Province of Saskatchewan, enacts as follows:

Title

1. This Bylaw may be referred to 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, Chief Administrative Officer, Finance Officer, Assistant Administrator, Manager of Public Works 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. In this bylaw:
 - a) "Act" means *The Municipalities Act*
 - b) "Municipality" means the Rural Municipality of Lumsden No. 189
 - c) "Chief Administrative Officer" means the Administrator of the Rural Municipality of Lumsden No. 189 appointed pursuant to Section 110 of *The Municipalities Act*;
 - d) "Finance Officer" means the person appointed as Finance Officer for the municipality.
 - e) "Assistant Administrator" means the person appointed as Assistant Administrator for the municipality.
 - f) "Manager of Public Works" means the person appointed as Manager of Public Works for the municipality.

**PART 11
CHIEF ADMINISTRATIVE OFFICER**

Establishment of Position

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

Duties of the Chief Administrative Officer

5. The Chief Administrative Officer 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 Chief Administrative Officer – 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) 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*)

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- (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) Ensure the completion of 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 Chief Administrative Officer

7. The Chief Administrative Officer 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
 - iii. the financial position of the Municipality
- (e) Supervise all operations of the Municipality
- (f) Be responsible to oversee 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 projects approved by Council which have not been assigned to an engineering firm;

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- (j) Purchase goods, services or work subject to the adopted budget or purchase resolution of Council;
- (k) Award contracts on projects approved by Council which have not been assigned to an engineering firm;
- (l) Conduct negotiations for land purchases, annexations etc.
- (m) Attend meetings of Council and other meetings as Council directs

Acting Chief Administrative Officer

Establishment of Position

8. If the Chief Administrative Officer 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 Chief Administrative Officer for a period of not longer than three months or any longer period that the board of examiners may allow.

Duties

9. The Acting Chief Administrative Officer shall have all the powers and duties of the Chief Administrative Officer while acting in the capacity of the Chief Administrative Officer.

PART III OTHER POSITIONS

Finance Officer

Establishment of Position

10. Council shall by resolution hire an individual to the position of Finance Officer.

Duties / Qualifications

11. The Finance Officer shall perform the duties and exercise the powers and functions that are assigned by the Chief Administrative Officer, this Bylaw, or any other bylaw or resolution of Council. The Finance Officer shall hold or be encouraged to obtain a professional accounting designation (CA, CMA, CGA) and have a post-secondary education, with a preference to a business degree (bachelor or applied).

A full list of duties and qualifications are described in the job description for the position.

12. Without limiting the generality of section 11, the Finance Officer shall:
- a) Perform all activities and services associated with accounting, budgeting, auditing, general ledger, GST reporting and development and application of internal controls;
 - b) Work with departments heads, prepare annual operating and capital budgets for presentation to both Councils and act as a source of financial information throughout the year;
 - c) Prepare five year capital plans; develop and maintain Asset Management plans;
 - d) Prepare a variety of financial reports including monthly financial statements, year-end statements, periodic variance analysis and long range financial planning;
 - e) Act as a primary liaison with external auditors and prepare all worksheets required for the annual audit;
 - f) Prepare annual tax and assessment rolls, assessment maintenance list, assessment and tax notices, abatements and cancellations;
 - g) Maintain local improvement register, debenture register, annual school liability statement and annual assessment return;
 - h) Activities associated with the application of the Tax Enforcement Act and other legal remedies to recover outstanding taxes; ensure maintenance of Tax title property registry;
 - i) Research and prepare grant applications for funding capital projects;
 - j) Oversee and coordinate Office Service Clerks performing routine financial activities and provide training where required;
 - k) Deal effectively with council and other staff members relating to financial inquiries.

Assistant Administrator

Establishment of Position

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

Duties / Qualifications

14. The Assistant Administrator shall perform the duties and exercise the powers and functions that are assigned by the Chief Administrative Officer, this Bylaw, or any other bylaw or resolution of Council. The Assistant Administrator shall hold or be encouraged to obtain the Local Government Administration Certificate or its considered equivalent.
15. Without limiting the generality of Section 14, the Assistant Administrator, shall:

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- a) Be responsible for providing support to the Chief Administrative Officer;
- b) Attend meetings and take minutes where required by the Chief Administrative Officer and/or Council;
- c) Be familiar with municipal processes, applicable legislation and municipal bylaws to assist the public and administrative staff.

Manager of Public Works

Establishment of Position

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

Duties

17. The Manager of Public Works shall perform the duties and exercise the powers and functions that are assigned by the Chief Administrative Officer, this Bylaw, or any other bylaw or resolution of Council. The Manager of Public Works primary role involves the planning and implementation of activities pertaining to the construction, repair and maintenance of the RM's road network.

A full list of duties and qualifications are outlined in the job description for the Public Works Foreman position.

18. Without limiting the generality of Section 18, the Manager of Public Works, shall:
- a) Be responsible for the planning, organizing and directing of all Public Works maintenance programs and construction projects relating to roads, culverts, bridges and maintenance projects and regular maintenance of municipal equipment and property;
 - b) Assist in the development of annual budgets and five year capital projects for Transportation and related departments;
 - c) Provide current year budget monitoring and fiscal control for Transportation and related departments;
 - d) Ensures scheduled maintenance of all RM equipment to warranty standards and ensures all equipment is in safe operating condition;
 - e) Supervise public works employees, provide leadership and direction as well as complete staff evaluations;
 - f) Provide reports and presentations to Council and/or Committees with respect to Transportation planning and activities;
 - g) Liaise with suppliers, vendors, contractors, government agents and engineers;
 - h) Ensure operational compliance with relevant regulations, such as Occupational Health and Safety and environmental;
 - i) Ensure risk management documentation is completed, such as building, equipment and park maintenance and inspections, to reduce the municipality's liability risk;
 - j) Ensure policies and directives of council are implemented.

PART IV DELEGATION OF AUTHORITY

19. The Council hereby authorizes the Chief Administrative Officer to delegate any of his/her powers, duties or functions to another employee.

PART V MUNICIPAL DOCUMENTS

Signing Agreements

20. The Reeve and the Chief Administrative Officer shall sign all agreements to which the municipality is party. In the absence of the Reeve, the Deputy Reeve shall sign.

Cheques

21. The Chief Administrative Officer and the Finance Officer may sign cheques and electronic payments on behalf of the municipality.
22. Notwithstanding, Section 21, in the absence of the Chief Administrative Officer and/or the Finance Officer the Reeve and/or the Deputy Reeve may sign cheques and electronic payments.

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Negotiable Instruments

- 23. The Chief Administrative Officer and the Finance Officer shall sign all other negotiable instruments on behalf of the municipality.
- 24. Notwithstanding, Section 23, in the absence of the Chief Administrative Officer and/or the Finance Officer, the Reeve and/or the Deputy Reeve shall sign all other negotiable instruments on behalf of the municipality.

**PART VI
DESIGNATED OFFICERS**

Temporary Road Closure

- 25. The Chief Administrative Officer and/or the Manager of Public Works shall be the designated officer for the purpose of temporary road closures. (MA 14)

**PART VII
REPEAL**

- 26. That Bylaw No. 6-2005 is hereby repealed.

**PART VIII
COMING INTO FORCE**

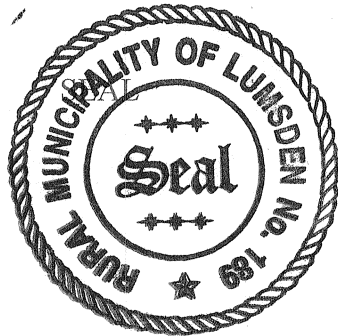
- 27. This bylaw shall come into effect on the day of its final passing.

READINGS

Read a first time this 26th day of January, 2017

Read a second time this 9th day of February, 2017

Read a third time 9th day of February, 2017



Kent Farago
Reeve

Darrie Cooper
Chief Administrative Officer

Certified to be a true copy of Bylaw No. 04-2017
adopted by the Council of the R.M. of Lumsden
on the 9th day of February, 2017

Darrie Cooper
Chief Administrative Officer