

# ADMINISTRATIVE BYLAW

## RURAL MUNICIPALITY OF SHERWOOD #159

### BYLAW NO. 16/14

#### A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF THE DUTIES AND POWERS OF THE ADMINISTRATOR AND DESIGNATED OFFICERS FOR THE RURAL MUNICIPALITY OF SHERWOOD NO. 159

The Council of the Rural Municipality of Sherwood No. 159 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 office of Administrator or any other municipal office that council considers necessary;
  - (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. Any capitalized terms not defined herein shall have the meanings assigned to them under *The Municipalities Act*, as amended from time to time; and
  - (a) "Act" or "MA" means *The Municipalities Act*;
  - (b) "Administrator" means the Administrator of the Municipality appointed pursuant to Section 110 of the Act;
  - (c) "Council" means the elected Council of the Municipality;
  - (d) "Department Head" means the "Director of Finance and Administration", "Director of Planning and Development" and "Director of Public Works and Infrastructure";
  - (e) "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 this Bylaw or the Act;
  - (f) "Municipality" means the Rural Municipality of Sherwood No. 159.

## **PART II ADMINISTRATOR**

### **Establishment of Position**

4. The position of Administrator is established pursuant to section 110 of the Act; and
  - (a) Council shall by resolution appoint an individual to the position of Administrator which position shall also be known as “Chief Administrative Officer”;
  - (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”.

### **Additional Duties of the Administrator**

6. Without limiting the generality of section 5 of this Bylaw, 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 the 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 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;
  - (k) Disburse the funds of the Municipality in the manner and to those directed by 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 as recommended from time to time by the Canadian Chartered Accountants by June 1<sup>st</sup> 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 in January of each year, provide a fidelity bond(s) or equivalent insurance to Council pursuant to section 113 of the Act;
  - (r) Sign minutes of Council and Committee meetings;
  - (s) Sign bylaws;
  - (t) Provide copies of public documents upon request or upon payment of a fee;

- (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;
- (dd) Produce certain records upon request of inspector appointed by the Minister.

**Additional Duties of the Administrator**

7. In addition to the duties outlined in sections 5 and 6 of this Bylaw, the Administrator shall:

- (a) Perform the duties of the returning officer for all elections under *The Local Government Elections Act*.
- (b) Ensure that Public Notice is given as provided in the Act, 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 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 pursuant to the Municipality's purchasing policy.
- (k) Conduct negotiations for land purchases, annexations etc.
- (l) Attend meetings of Council and other meetings as Council directs.
- (m) Perform such other duties that Council may delegate the authority for excepting those duties listed in section 127 of the Act.

**PART III  
OTHER POSITIONS**

**Appointment of Other Positions**

8. The Council hereby authorizes the Administrator to appoint a person to each of the positions identified in the Municipality's organizational chart. The organizational chart must be approved by Council by resolution, and may only be amended by Council, by resolution.

**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, as defined in the Act, 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**

14. The Council hereby authorizes the Administrator to delegate any of his/her powers, duties or functions to any other employee of the Municipality.

**PART V  
SIGNING OF MUNICIPAL DOCUMENTS**

**Agreements**

15. The Administrator or Designate and the Reeve or Deputy Reeve shall sign all agreements to which the Municipality is party.

**Cheques**

16. The Administrator or Designate and the Reeve or Deputy Reeve shall sign all cheques on the behalf of the Municipality.

**Negotiable Instruments**

17. The Administrator or Designate and the Reeve or Deputy Reeve shall sign all other negotiable instruments on behalf of the Municipality.

**PART VI  
DESIGNATED OFFICERS**

**Designated Officer May Be Appointed**

18. The Council may appoint a designated officer to perform any duties that are specified as duties for such designated officer, provided however that if Council does not appoint a designated officer, such duties shall automatically default to the Administrator or Designate.

**Temporary Road Closure**

19. The Administrator or Designate shall be the designated officer for the purpose of temporary road closures.

**Enforcement of Municipal Law**

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

**Right of Entry for Public Utility Service**

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

**Other Designated Officers**

22. The Administrator or Designate may:
- (a) Give written notice of unpaid fees; (i.e. transient trader or other license fees);
  - (b) Sign the Securities Register provided a designated officer may only sign the Securities Register if authorized by a separate bylaw;
  - (c) Maintain debenture register and other duties relating to debenture transactions;
  - (d) Certify the date on which tax notices are sent;
  - (e) Prepare and send amended tax notices when required;
  - (f) Provide receipts for tax payments on request of tax payer or agents;
  - (g) Apply partial tax payments on arrears first and if undesignated, exercise discretion as to which taxable property or properties such payment is to be applied;
  - (h) Remove tax lien(s) if all arrears are satisfied or abated;
  - (i) Issue tax certificates;
  - (j) Provide proof of taxes pursuant to section 277 of the Act;
  - (k) Transfer special assessments to the tax roll;

- (l) Provide a return in a timely manner pursuant to section 311 of the Act;
- (m) Issue and act upon a distress warrant in accordance with *The Distress Act*;
- (n) Present identification upon request if undertaking an inspection of property or premises within the Municipality; and
- (o) May enter and search premises within the Municipality, except for private dwellings, to search for dangerous animals in accordance with section 378 of the Act.

**PART VII  
COMING INTO FORCE**

23. This Bylaw shall come into effect on the day of its final passing.

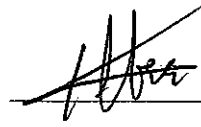
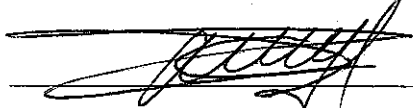
Read a first time on the 10<sup>th</sup> day of September, 2014.

Read a second time on the 10<sup>th</sup> day of September, 2014.

Read a third time and adopted the 10<sup>th</sup> day of September, 2014.

Read a third time and adopted  
this 10<sup>th</sup> day of September, 2014.



  
 \_\_\_\_\_  
 Reeve  
  
 \_\_\_\_\_  
 Administrator

**RM OF SHERWOOD**

**POSITION DESCRIPTION**

<b>POSITION TITLE:</b>	<b>CHIEF ADMINISTRATIVE OFFICER (CAO)</b>
<b>REPORTS TO:</b>	<b>REEVE &amp; COUNCIL</b>
<b>REVISION DATE:</b>	<b>AUGUST 2014</b>

**POSITION SUMMARY**

Provides professional leadership and direction to the management team of the RM of Sherwood. Responsibilities include general supervision of various departments, as well as the development of policies and programs for the approval of Council. As the administrative head of the Municipality, the CAO is responsible for the overall operation of the Municipality in accordance with the objectives, plans, programs and policies approved by Council and in accordance with the various Provincial or Federal statutes and the municipal by-laws.

**PRIMARY ACCOUNTABILITIES**

1. Leads the development of a long-range plan for the operation and continued success of the Municipality. Plans, directs and coordinates the day-to-day activities required to implement the plan and achieve the goals and objectives approved by Council. Provides Council with a quarterly "report card" communicating progress toward annual and long-term goals, as well as emerging issues or opportunities. Recommends new initiatives, programs policies and plans for Council discussion and approval.

Key Performance Measures:

- ✓ Planning Process, measured by timeliness and completeness of the plan
- ✓ Communications, measured by the timeliness and completeness of reports or information to Council.
- ✓ Operational Effectiveness, measured by service standards for each municipal department.

2. Develops and implements a process for preparation of annual capital and operating budgets. Monitors, controls and authorizes spending within the limits of the approved budget. Presents any expenditure in excess of budget or any new budget items, along with supporting documentation, for Council approval.

Key Performance Measures:

- ✓ Budget Process, measured by timeliness and completeness of budget presentation to Council.
- ✓ Budget Variance, measured in dollars and percentage over or under.

**GENERAL ACCOUNTABILITIES**

3. Chairs regularly scheduled meetings with the management team to review operations; communicate expectations; advise on policy or procedure changes; and to share information of general interest to the team.
4. Directs the preparation of, and approves, all Council meeting agenda packages, ensuring issues requiring the attention of Council are brought forward in a

timely manner and that all background information or documentation is available to facilitate informed decision-making. Makes recommendation to Council on all agenda items and reviews agenda with the Reeve, or designate prior to agenda distribution to Council.

5. Prepares and presents a monthly report to Council regarding municipal operations. Recommends appropriate action or requests ratification for action taken to deal with matters requiring Council approval.
6. Attends all meetings of Council or Committee-of-the-Whole, as well as other Committee meetings as appropriate, to provide information, advice and administrative support.
7. Establishes and maintains an effective working relationship with all agencies, boards and commissions that inter relate with the Municipality.
8. Recruits, develops and evaluates all management staff. Approves the appointment, demotion, transfer or dismissal of municipal employees, as well as all compensation administration, within established personnel policy and budget guidelines. Ensures the Municipality has a comprehensive human resource management plan to attract, develop and retain qualified staff.
9. Instructs the Municipal Solicitor to commence, defend or otherwise conduct any legal proceeding in the interest of the Municipality. Coordinates activities in support of such proceedings and advises Council on progress and costs.
10. Establishes and maintains an open and public system for contracting goods and services by the Municipality. Ensures the system complies with all legislative requirements, by-laws and policies of Council. Reviews and recommends acceptance or rejection of properly submitted tenders, quotations and proposals.
11. Responds to public enquiries, media requests for information or complaints with regard to department activities, following approved policy and procedure.
12. Establishes and maintains positive relationships with Federal or Provincial government departments and neighboring municipalities with respect to matters of interest to the Municipality.
13. Fulfills all obligations of the Municipalities Act and other relevant legislation. Performs other related duties as may be requested by Council.

#### **TECHNICAL COMPETENCIES**

- ✓ University or Community College graduation in business administration, commerce, engineering, planning or a related field.
- ✓ Post-secondary education in disciplines such as administrative management, leadership, or human resource management is desirable.
- ✓ Eight to ten years of progressively more responsible experience in a municipal environment.
- ✓ Demonstrated knowledge of the Municipalities Act and related statutes.
- ✓ Practical knowledge and experience in computer systems for business applications.

**At the discretion of Council, a combination of related course work and experience may be deemed suitable.**

**BEHAVIOURAL COMPETENCIES**

- ✓ Integrity & Trust ..... Seen as a direct, truthful individual; widely trusted and adheres to a strong set of core values.
- ✓ Command Skills ..... Demonstrated leadership and team building skills; doesn't hold back anything that needs to be said; lets people know where they stand; willing to hold others accountable for their actions and commitments.
- ✓ Interpersonal Skills ..... Relates well to all kinds of people inside and outside the organization; uses diplomacy and tact to diffuse tense situations; makes people feel important and valued.
- ✓ Action Oriented ..... Can be counted on to get things done; energetic, with a bias for action; makes good decisions in a timely manner.
- ✓ Composure ..... Cool under pressure; can handle stress; is a settling influence in a crisis.
- ✓ Planning & Organizing ..... Can marshal resources to get things done; uses resources effectively and efficiently; sets clear expectations; designs practical processes and procedures.
- ✓ Communications ..... Able to speak and write clearly; able to get the desired message across to a variety of audiences.
- ✓ Problem Solving ..... Uses rigorous logic and methods to investigate and solve problems; excellent at analysis; looks beyond the obvious; able to develop practical and innovative solutions.
- ✓ Managing Diversity ..... Deals effectively with all races, cultures, nationalities, disabilities and genders equitably. Supports equal and fair treatment/opportunity for all people.
- ✓ Political Savvy ..... Can maneuver through complex political situations effectively and quietly; anticipates sensitive issues and plans an appropriate strategy.