

TOWN OF KYLE

BYLAW NO. 05-2020

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF THE DUTIES AND POWERS OF THE ADMINISTRATOR AND DESIGNATED OFFICERS

The council of the Town of Kyle 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, Assistant Administrator and Town Clerk or any other municipal office that council considers necessary; AND/OR
 - (b) The purpose of this Bylaw is to establish who may sign specified municipal documents on behalf of the municipality; AND/OR
 - (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.
 - (a) “Act” means the Municipalities Act
 - (b) “Municipality” means the Town of Kyle.
 - (c) “Administrator” means the Administrator of the Town of appointed pursuant to Section 110 of The Municipalities Act.
 - (d) “Assistant Administrator” means the person appointed as Assistant Administrator.
 - (e) “Town Clerk” means the person appointed as Town Clerk.
 - (f) “Department Head” means the person appointed as Public Works Foreman.

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

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 III*)
 - (b) Ensure all minutes of council meetings are recorded; (*MA III*)
 - (c) Record the names of all council present at council meetings; (*MA III*)
 - (d) Ensure the minutes of each council meeting are given to the council for approval at the next council meeting; (*MA III*)
 - (e) Advise the council of its legislative responsibilities pursuant to this or any other act; (*MA III*)

- (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 Municipality (town, village, resort village, rural 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 (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.)

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.

Town Clerk

10. Establishment of Position

Council shall by resolution appoint an individual to the position of Town Clerk

11. Duties

The Town Clerk 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

12. 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.

13. 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

14. Establishment of Position

Council shall appoint by resolution a Public Works Foreman.

15. Duties

Duties shall be to carry out all instructions of Council and act on behalf of Council.

**PART IV
DELEGATION OF AUTHORITY**

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

**PART V
MUNICIPAL DOCUMENTS**

Signing Agreements

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- (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.
AND/OR
- (b) The Mayor and the Assistant Administrator in the absence of the Administrator shall sign all agreements to which the municipality is party.

16. The Administrator or if the Administrator is unavailable, the Assistant Administrator or the Town Clerk AND the Mayor or if the Mayor is unavailable any other member of Council shall sign all cheques on the behalf of the municipality.

Negotiable Instruments

17. 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 other negotiable instruments on behalf of the municipality.

**PART VI
DESIGNATED OFFICERS**

Temporary Road Closure

18. The Public Works Foreman or The Administrator or the Assistant Administrator or any Councillor shall be the designated officer for the purpose of temporary road closures. (MA 14)

Enforcement of Municipal Law

19. The Administrator or Public Works Foreman or each Councillor or any other employee of the Town of Kyle are authorized to enforce any bylaw or *The Municipalities Act (MA 362-367)*

Right of Entry for Public Utility Service

20. Council shall appoint the Public Works Foreman and Assistant Public Works Foreman to enter a building for the purpose of a public utility service. (MA 26(5))

**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 ____ day of _____

Administrator