

THE CITY OF MELFORT

BYLAW NO. 03-07

The City Administration Bylaw, 2003

The Council of the City of Melfort enacts:

Title

1. This Bylaw may be cited as The City Administration Bylaw, 2003.

Purpose

2. The purpose of this Bylaw is to establish the powers, duties and functions of the municipal officials and employees of the City, and to establish who may sign specified municipal documents on behalf of the City.

Definitions

3. In this Bylaw:
 - (a) ~~%Act+~~means The Cities Act;
 - (b) ~~%City+~~means The City of Melfort;
 - (c) ~~%Council+~~means the City Council of The City of Melfort;
 - (d) ~~%Treasurer+~~means the individual in charge of the finances of the City of Melfort:

I City Manager

Establishment of Position

4. (1) There shall be established the position of Chief Administrative Officer to be known as the City Manager.
 - (2) Council shall by resolution appoint an individual to the position of City Manager and shall establish the terms and conditions of the City Manager's employment.

Chief Administrative Officer

5. (1) The City Manager shall:
 - (a) be the chief administrative officer of the City;
 - (b) perform the duties and exercise the powers and functions assigned to a chief administrative officer by the Cities Act, any other acts, this Bylaw, and any other bylaw or by resolution of Council.

Powers, Duties and Functions of City Manager

6. (1) Without limiting the generality of Section 5, the City Manager shall:
- (a) ensure that the policies and programs of the City are implemented;
 - (b) advise and inform Council on the operations and affairs of the City;
 - (c) supervise all operations of the City and, in particular, direct, supervise and review the performance of all departments of the City, subject to the Act and the provisions of this Bylaw regarding the City Clerk and the City Solicitor;
 - (d) restructure civic departments and, with the approval of Council, create, merge or eliminate civic departments;
 - (e) have the authority to appoint and dismiss all civic staff except as provided in the Act and this Bylaw;
 - (f) be responsible for the preparation and submission of budget estimates for the operating and capital budgets annually, or as required by Council;
 - (g) monitor and control civic spending;
 - (h) transfer funds between specified reserve allocations with the approval of Council;
 - (i) advise Council and make recommendations concerning the financial condition of the City;
 - (j) advise Council and make recommendations concerning policies or programs which may be necessary to carry out the powers, duties and functions of the City;
 - (k) attend meetings of Council and such other meetings as Council may direct;
 - (l) prepare and submit such reports and recommendations to Council as Council or a Committee of Council may require;
 - (m) keep the public informed, through reports to Council, regarding the operations of the City;
 - (n) execute contracts and agreements, together with the City Clerk, as authorized by Council;
 - (o) be responsible for the labour relations of the City within the mandate established by Council and submit collective bargaining agreements to Council for approval;
 - (p) declare a lockout of civic employees with the approval of Council;
 - (q) appoint the City Clerk as Acting City Manager in the absence of the City Manager;

- (r) exercise such other powers and perform such other duties and functions as required by Council.

Claims and Lawsuits

- 7. (1) The City Manager shall have the authority to:
 - (a) instruct the City Solicitor to commence, defend or conduct any action or proceeding in any court or before any board or tribunal; and to
 - (b) settle any claims, grievances or lawsuits.
- (2) The settlement of claims, grievances or lawsuits must be promptly reported to Council.

Award of Contracts

- 8. The City Manager shall have the authority to:
 - (a) call for tenders and arrange for contracts for the supply of goods, services and work as authorized by the budget;
 - (b) in the case of public or invitational tenders when the City is purchasing goods, services or work, award contracts where:
 - (i) the contract has been provided for in the approved project budget;
 - (ii) the amount of the contract does not exceed the approved project budget;
 - (iii) the contract is being awarded to the lowest qualified bidder meeting specifications; and
 - (iv) the award of the contract is not of a controversial nature;
 - (c) call for tenders and arrange for contracts for the purchase from the City of goods, services and work of any kind.

Land Transactions

- 9. The City Manager shall have the authority to:
 - (a) conduct negotiations on behalf of the City for the purchase, sale or exchange of land;
 - (b) secure options to purchase land provided that the consideration for any option does not exceed the parameters established by Council.

Routine Expenditures

10. The City Manager shall have the authority to make routine expenditures as required for the City to operate on a daily basis, until Council adopts the operating budget each year.

Delegation

11. The City Manager is authorized to delegate, and to authorize the further delegation, of any authority, function or responsibility granted under this Bylaw or any other bylaw to any City employee.

Dismissal

12. The City Manager may only be dismissed by an affirmative vote of a majority of members of Council.

II City Clerk

Continuation of Position

13. (1) The position of City Clerk is continued.
 - (2) Council shall by resolution appoint an individual to the position of City Clerk and shall establish the terms and conditions of the City Clerks employment.

Duties - The Cities Act

14. (1) The City Clerk shall be responsible for carrying out the duties required by the Act.
 - (2) Without limiting the generality of subsection (1), the City Clerk shall:
 - (a) attend all meetings of Council and truly record in the minutes all resolutions and proceedings of Council;
 - (b) take charge of and safely keep all books, documents and records of the City committed to the charge of the City Clerk;
 - (c) summon all meetings of Council, prepare and distribute agendas as appropriate, communicate the resolutions and instructions of Council to the appropriate parties and conduct the official correspondence of Council;
 - (d) maintain an index register containing certified copies of all bylaws of the City;
 - (e) have custody of the seal of the City;
 - (f) ensure that Council is advised in writing of its legislative responsibilities pursuant to the Act or any other Act;

- (g) ensure that public notice is given in accordance with the Cities Act or any other Act;
 - (h) provide the Minister with any statements, reports or other information that the Minister may require pursuant to the Act;
 - (i) act in the capacity of City Manager in his/her absence; and
 - (i) appoint an Acting City Clerk in the absence of the City Clerk.
- (3) The City Clerk shall ensure that the duties described in subsections (1) and (2) are provided to any Council Committee that is carrying out powers, duties or functions delegated to them by Council.

Duties - The Local Government Elections Act

15. The City Clerk shall be responsible for carrying out the duties required by The Local Government Elections Act, including acting as returning officer for all elections under that Act.

Other Duties

16. The City Clerk shall:
- (a) provide administrative support services to Aldermen;
 - (b) perform such other duties as required by statute, bylaw or otherwise assigned by Council;
 - (c) provide research, information and advice on procedural matters, bylaws and resolutions to the City Manager and civic administration and for such purpose shall report to and be accountable to the City Manager;
 - (d) carry out such other duties as may be assigned by the City Manager, and for such purposes, shall report to and be accountable to the City Manager.

Duties - Boards and Agencies

17. The City Clerk shall provide administrative support to such boards, agencies and other organizations as Council may approve, and for such purposes, shall report to the board, agency or organization.

Reporting and Accountability

18. Except where otherwise specified in this Bylaw, the City Clerk shall report to and be accountable to Council.

Dismissal

19. The City Clerk may only be dismissed by an affirmative vote of a majority of all Council members.

III City Solicitor

Continuation of Position

20. (1) The position of City Solicitor is continued.
- (2) Council shall by resolution appoint a local firm to be retained as City Solicitor and shall establish the terms and conditions of the City Solicitor's appointment.

Duties, Reporting and Accountability

21. The City Solicitor shall be responsible for the provision of legal services to:
 - (a) Council and its Committees, and for that purpose shall report to and be accountable to Council;
 - (b) the City Manager and the civic administration, and for that purpose shall report to and be accountable to the City Manager;
 - (c) such Boards, agencies and other organizations as may be approved by Council and for that purpose shall report to such Board, agency or other organization provided that, in the event of any conflict between Council and such Board, agency or other organization, the City Solicitor shall provide legal services only to Council.

Access to Records

22. The City Solicitor shall have access to all files, documents and records of the City for the purpose of carrying out his or her duties, and is entitled to receive such information, reports and assistance from City officials and employees as may reasonably be required.

Termination

23. The City Solicitor appointment may only be terminated by an affirmative vote of a majority of all Council members.

IV City Treasurer

Continuation of Position

24. (1) The position of City Treasurer is continued.
- (2) The City Manager shall appoint an individual to the position of City Treasurer and shall establish the terms and conditions of the City Treasurer's employment.

Duties

25. (1) The City Treasurer shall be responsible for carrying out the duties assigned by the City Manager.
- (2) Without limiting the generality of subsection (1), the City Treasurer or Treasurers Alternate, if the Treasurer is not available, shall:
 - (a) sign, exchange or transfer securities on behalf of the City;
 - (b) maintain a securities registrar;
 - (c) certify the date tax notices are sent;
 - (d) send an amended tax notice to a taxpayer if required;
 - (e) provide receipts for the payment of taxes;
 - (f) apply a tax payment in accordance with the Act;
 - (g) forward to the registrar of the land titles office a withdrawal of a tax lien, if required;
 - (h) issue tax certificates;
 - (i) act as City Assessor;
 - (i) certify as a true copy the tax roll, if required;
 - (j) provide a statement of account to the school boards;
 - (k) distrain and seize goods to satisfy the amount of the outstanding taxes; and
 - (l) provide written notice to any person regarding outstanding license fees owed by a contractor as allowed by the Act.

Bank Accounts

26. The City Treasurer is authorized by Council to open or close the accounts that hold the money of the City.

V City Assessor

Continuation of Position

27. (1) The position of City Assessor is continued.
- (2) The City Manager shall appoint an individual, firm or agency to the position of City Assessor and shall establish the terms and conditions of the City Assessor's appointment.

Duties

28. The City Assessor shall be responsible for carrying out the duties required by the City Manager.

Assessor

29. Any reference to Assessor in the Act shall mean the firm or agency appointed as City Assessor by the City.

Municipal Documents

Signing Agreements

30. The City Clerk and either, but not both, the Mayor or City Manager shall sign all agreements to which the City is a party.

Cheque Signing

31. (1) The City Treasurer or if the City Treasurer is unavailable, the Treasurer's Alternate may sign cheques on behalf of the City.
- (2) The City Treasurer or the Treasurer's Alternate and one of the following must jointly sign all cheques:
 - (j) Mayor or Deputy Mayor;
 - (ii) City Manager;
 - (iii) City Clerk.

Reproduction of Signatures

- 32. The signatures of all people authorized to sign documents by Council may be printed, lithographed or otherwise mechanically reproduced.

Vacancy in Office

Temporary Appointment by Mayor

- 33. When the City Manager or City Clerk are incapable of performing their duties or when there is a vacancy in such position, the Mayor may appoint a person to act in place of the City Manager or City Clerk until the next meeting of Council and, during that time, the person appointed has all the powers of the office to which he or she is appointed.
- 34. Bylaw No. 83-2 is hereby repealed.

Transitional and Coming into Force

Transitional

- 35. Notwithstanding anything contained in this Bylaw, the individuals, firms and/or agencies holding the positions of City Commissioner, City Clerk, City Solicitor, City Treasurer and City Assessor immediately prior to the coming into force of this Bylaw shall continue in the positions of City Manager, City Clerk, City Solicitor, City Treasurer and City Assessor, respectively.

Coming into Force

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

Read a first time this 3rd day of March, 2003.

Read a second time this 3rd day of March, 2003.

Read a third time and passed this 3rd day of March, 2003.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 03-07
adopted by resolution of Council on the 3rd
day of March, 2003

City Clerk