

CITY OF HUMBOLDT

BYLAW NO. 01/2003

A BYLAW OF THE CITY OF HUMBOLDT TO PROVIDE FOR THE ADMINISTRATION OF THE MUNICIPAL CORPORATION AND TO SET FORTH THE DUTIES AND POWERS OF DESIGNATED OFFICERS

The Council of the City of Humboldt enacts:

Title

1. This Bylaw may be cited as **The City Administration Bylaw.**

Part I Purpose and Definitions

Purpose

2. The purpose of this Bylaw is to establish the powers, duties and functions of the municipal officials and employees of the Municipal Corporation of the City of Humboldt, 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 Municipal Corporation of the City of Humboldt;
 - (c) *Council* means the elected officials of the City of Humboldt;
 - (d) *Department Head* means the City Clerk/Director of Administration, the Director of Works & Utilities, and the Director of Leisure Services, and includes any other Department Head appointed by the City Commissioner and includes any duly authorized representative or designate.

Part II City Commissioner

Establishment of Position

4. (1) The position of City Commissioner is continued.
- (2) Council shall by resolution appoint an individual to the position of City Commissioner and shall establish the terms and conditions of the City Commissioner's employment.

Chief Administrative Officer

5. (1) The City Commissioner 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 *Act*, any other acts, this Bylaw, any other bylaw or by resolution of Council.

Powers, Duties and Functions of City Commissioner

6. (1) Without limiting the generality of Section 5, the City Commissioner 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,
 - (d) restructure civic departments and, with the approval of Council, create, merge or eliminate civic departments;
 - (e) have the authority to appoint, discipline, and dismiss all civic staff except as provided in the *Act* and this Bylaw;
 - (f) notwithstanding Clause (e) the City Commissioner shall submit Department Head appointments or dismissals to City Council for approval;

- (g) be responsible for the preparation and submission of budget estimates for the operating and capital budgets annually, or as required by Council;
- (h) monitor and control civic spending within the program budgets established by Council;
- (i) have the authority to write off;
 - (1) accounts receivable which are disputed or of doubtful value in the amount of \$500.00 or less; and
 - (2) interest accrued on accounts receivable in the amount of \$500.00 or less;
- (j) transfer funds between program budgets with the approval of Council;
- (k) advise Council and make recommendations concerning the financial condition of the City;
- (l) advise Council and make recommendations concerning policies or programs that may be necessary to carry out the powers, duties and functions of the City;
- (m) attend all regular, special, and committee meetings of Council in an advisory capacity;
- (n) prepare and submit such reports and recommendations to Council as Council or a Committee of Council may require;
- (o) keep the public informed, through reports to Council, regarding the operations of the City;
- p) when necessary, hold meetings with Department Heads to discuss the administration of matters approved by Council, or to develop recommendations for consideration by Council;
- (q) execute contracts and agreements, together with the City Clerk, as authorized by Council;
- (r) be responsible for the labour relations of the City within the mandate established by Council and submit collective bargaining agreements to Council for approval;
- (s) declare a lockout of civic employees with the approval of Council; and

- (t) exercise such other powers and perform such other duties and functions as required by Council.
- (2) The power, duties and functions of the City Commissioner shall be exercised in accordance with, and subject to, any limitations set forth in *The Cities Act* and any other applicable statute or law, including applicable bylaws of the City of Humboldt.

Claims and Lawsuits

- 7. The City Commissioner shall have the authority to:
 - (a) instruct the City's Solicitor to commence, defend or conduct any action or proceeding in any court or before any board or tribunal; and
 - (b) in consultation with the City's Solicitor, settle any claims, grievances or lawsuits not exceeding \$1,000.00.

Award of Contracts

- 8. The City Commissioner shall have the authority to:
 - (a) call for tenders and arrange for contracts for the supply to the City of goods, services and work as authorized by the budget;
 - (b) in the case of public 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; and

- (d) in the case of public tenders when the City is receiving revenue from the sale of goods, services and work award contracts where:
 - (j) the contract is being awarded to the highest qualified bidder meeting specifications;
 - (ii) the award of the contract is not of a controversial nature;

Reporting to Council

9. Where the City Commissioner awards contracts under Section 8 which exceed \$25,000.00, the award of the contract must be reported to Council.

Land Transactions

10. The City Commissioner shall have the authority to:
- (a) conduct negotiations on behalf of the City for the purchase, sale or exchange of land;
 - (b) approve agreements respecting the sale or disposal of land for residential and commercial development where the terms and conditions of such agreements are consistent with the applicable section in the City of Humboldt Purchasing Policy;
 - (c) secure options to purchase land provided that the option has received approval of City Council; and
 - (d) approve agreements for use of surplus space at city-owned and operated facilities provided that the term of the agreements does not extend beyond one year.

Routine Expenditures

11. The City Commissioner shall have the authority to make routine expenditures as required for the City to operate on a daily basis, until the operating budget is adopted by Council each year.

Delegation

12. The City Commissioner 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

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

Part III City Clerk

Continuation of Position

14. (1) The position of City Clerk is continued.
- (2) Subject to the approval of Council, the City Commissioner shall appoint a person as the City Clerk and in doing so, shall establish the terms and conditions of that person's employment with the City.

Duties - *The Cities Act*

15. (1) The City Clerk shall be responsible for performing 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 as required by the *Cities Act* or any other Act; and
 - (h) provide the Minister with any statements, reports or other information that the Minister may require pursuant to the *Act*.
- (3) The City Clerk shall be responsible to City Council for ensuring compliance with the Public Notice Policy of the City of Humboldt and may, in his or her absolute discretion:
- (a) refuse to place any item on the agenda of City Council where there has been substantive non-compliance with the notice requirements of the public notice bylaw;
 - (b) where there have been deficiencies in meeting the notice requirements provided for in this Bylaw, place any item on the agenda of City Council with a caution to Council members that the matter should be tabled pending full compliance with the notice requirements set forth in the public notice policy.

Duties - *The Local Government Elections Act*

16. The City Clerk or the City Clerk's delegated representative 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

17. The City Clerk shall:
- (a) provide administrative support services to the Mayor;
 - (b) perform such other duties as required by statute or bylaw;

- (c) provide research, information and advice on procedural matters, bylaws and resolutions to the City Commissioner and civic administration and for such purpose shall report to and be accountable to the City Commissioner;
- (d) carry out such other duties as may be assigned by the City Commissioner, and for such purposes, shall report to and be accountable to the City Commissioner.
- (e) If the City Commissioner is incapable through illness, absence, or other cause of performing the duties of the office, the City Clerk shall during such illness, absence, or other incapacity, assume and exercise all the powers and duties of the City Commissioner.
- (f) Notwithstanding Clause (e), City Council may temporarily appoint an Acting City Commissioner and may establish the terms and conditions of such appointment.

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.

Part IV City Solicitor

Appointment

20. Council shall by resolution appoint an individual to the position of City Solicitor.

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; and

- (b) the City Commissioner and the civic administration, and for that purpose shall report to and be accountable to the City Commissioner.

Part V City Treasurer

Continuation of Position

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

Duties

- 23. (1) The City Treasurer shall be responsible for carrying out the duties assigned by the City Commissioner.
- (2) Without limiting the generality of subsection (1), the City Treasurer shall:
 - (a) sign, exchange or transfer securities on behalf of the City;
 - (b) invest the available funds on behalf of the City of Humboldt in accordance with, and subject to the limitations set forth in the Investment Policy of the City of Humboldt, and prescribed by or pursuant to *The Cities Act* or any other applicable law;
 - (c) maintain a securities registrar;
 - (d) certify as a true copy the tax roll, if required;
 - (e) provide a statement of account to the school boards;
 - (f) distrain and seize goods to satisfy the amount of the outstanding taxes; and
 - (g) provide written notice to any person regarding outstanding license fees owed by a contractor as allowed by the *Act*.

Bank Accounts

24. The City Treasurer is authorized by Council to establish bank accounts on behalf of the City of Humboldt for the proper conduct of the financial affairs of the City.

Part VI City Assessor

Continuation of Position

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

Duties

26. The City Assessor shall be responsible for carrying out the duties required by the City Commissioner, including, but without limiting the generality of the forgoing:
- (a) maintain the assessment roll and the tax roll for the City of Humboldt;
 - (b) certify the date tax notices are sent;
 - (c) send an amended tax notice to a taxpayer if required;
 - (d) provide receipts for the payment of taxes;
 - (e) apply a tax payment in accordance with the *Act*;
 - (f) forward to the registrar of the land titles office a withdrawal of a tax lien, if required;
 - (g) issue tax certificates;

Assessor

27. Any reference to Assessor in the *Act* shall mean the Assessor of the City of Humboldt.

Part VII
Oath of Office - Designated Officers

28. Every person appointed to the position of City Commissioner, City Clerk, and City Treasurer, before entering the duties of his or her office, shall, in addition to any requirements set forth in *The Cities Act*, make and subscribe a declaration of office, in the form set forth in Schedule "A".

Part VIII
Municipal Documents

Signing Agreements

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

Cheque Signing

30. The City Commissioner or in the City Commissioner's absence the City Clerk, and the Mayor or in the Mayor's absence the Deputy Mayor, shall sign cheques on behalf of the City.

Reproduction of Signatures

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

Part VIII
Repeal

Bylaw No. 25/2000 Repealed

32. Bylaw No. 25/2000 is repealed.

Part IX
Transitional and Coming into Force

Transitional

33. Notwithstanding anything contained in this Bylaw, the individuals 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 Commissioner, City Clerk, City Solicitor, City Treasurer and City Assessor, respectively.

Coming into Force

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

Mayor: Dennis Korte

City Clerk: Sandra Pauli

Read a first time this 14th day of January, 2003.
Read a second time this 14th day of January, 2003.
Read a third time and passed this 14th day of January, 2003.

SCHEDULE "A"
Declaration of Designated Officer

I, _____, having been appointed to the Office of
_____ for the Municipal Corporation of the City of Humboldt,

DO SOLEMNLY PROMISE AND DECLARE:

- 1. That I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
- 2. That I will be vigilant and active in causing the laws governing the City of Humboldt to be duly executed and obeyed;
- 3. That I will promote the peace, order and good government of the City and the health, safety, and welfare of its inhabitants;
- 4. That I have, and will continue to, faithfully observe all requirements of *The Cities Act* or any other statute or law, including the bylaws of the City of Humboldt, regarding disclosure of holdings, pecuniary interest, and conflict of interest.

DECLARED before me at the City
of Humboldt in the Province
of Saskatchewan, this day
of , A.D. 200

Signature of Declarant

A Commissioner for Oaths in and
for the Province of Saskatchewan.
Being a Solicitor or
My Commission expires: _____