

CITY OF YORKTON BYLAW NO. 17/2017

**THE CITY ADMINISTRATION BYLAW, A
BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN 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.**

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available for the Office of the City Clerk and must be consulted for purposed of interpretation and application of the law.

**CITY OF YORKTON
SASKATCHEWAN**

BYLAW NO. 17/2017

**THE CITY ADMINISTRATION BYLAW,
A BYLAW OF THE CITY OF YORKTON TO ESTABLISH
THE POWERS, DUTIES AND FUNCTIONS OF THE MUNICIPAL OFFICIALS
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SPECIFIED MUNICIPAL DOCUMENTS ON BEHALF OF THE CITY**

The Council of the City of Yorkton in Council assembled enacts as follows:

**PART I
Purpose and Definitions**

PURPOSE

1. 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

2. In this Bylaw:
 - (a) "Act" means *The Cities Act*;
 - (b) "City" means the City of Yorkton;
 - (c) "Council" means the City Council of the City of Yorkton; and
 - (d) "Real Property" means land and buildings.

**PART II
City Manager**

Establishment of Position

3. (1) As per the *Act*, 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

4. (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 *Act*, any other acts, this bylaw, any other bylaw or by resolution of Council.

Powers, Duties and Functions of City Manager

5. (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*;
 - (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 in conjunction with the Director of Finance, 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 within the program budgets established by Council;
 - (h) transfer funds between program budgets 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) provide approval to the City Clerk's Office and the Mayor's office for the execution of contracts and agreements identified in Sections 23 and 24;
 - (n) be responsible for the labour relations in conjunction with the Director of Human Resources of the City within the mandate established by Council and submit collective bargaining agreements to Council for approval;
 - (o) appoint an Acting City Manager in the absence of the City Manager.

- (p) exercise such other powers and perform such other duties and functions as required by Council.
- (q) be authorized to negotiate the settlement of all records of the Director of Finance's Accounts Receivable which are disputed or of doubtful value and to authorize the writing off of all such accounts receivable in an amount not exceeding \$7,500.00 which are considered non-collectable, and report such actions annually to the Council detailing the accounts dealt with under this power.

Claims and Lawsuits

- 6. (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 reported to City Council for their information.

Award of Contracts

- 7. (1) The City Manager 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) notwithstanding Section 1, 24 and 25, in the case of public tenders and request for proposals/quotations 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 City Manager spending limits and project budget;
 - (iii) the contract is being awarded to the bidder providing best value ;
 - (iv)
 - (c) call for tenders and arrange for contracts for the purchase from the City of goods, services and work of any kind.

Land Transactions

- 8. (1) 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 and purchase land under the direction of Council; and

- (c) approve agreements for use of surplus space at city-owned and operated facilities.

Routine Expenditures

- 9. The City Manager 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

- 10. 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

- 11. The City Manager may only be dismissed by an affirmative vote of a majority of all Members of Council.

PART III City Clerk

Continuation of Position

- 12. As per the *Act* Council shall, by resolution, appoint an individual to the position of City Clerk and shall establish the terms and conditions of the City Clerk's employment.

Duties – *The Cities Act*

- 13. (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 by the *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*; 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*

- 14 The City Clerk shall be responsible for carrying out the duties required by *The Local Government Elections Act (LGEA)*, and any amendments thereto, including acting as Returning Officer for all elections, unless Council chooses otherwise as per the *LGEA*.

Other Duties

15. (1) The City Clerk shall:
- (a) provide administrative support services to Councillors;
 - (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

16. 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

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

Dismissal

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

PART IV Director of Finance

Continuation of Position

19. The City Manager shall appoint an individual to the position of Director of Finance and shall establish the terms and conditions of the Director of Finance's employment.

Duties

- 20 (1) The Director of Finance shall be responsible for carrying out the duties assigned by the City Manager.
- (2) Without limiting the generality of subsection (1), the Director of Finance shall:
- (a) control city funds, investments, collections, and disbursements, as well as cash forecasting and long range financial planning;
 - (b) approve cheque requisitions and payment vouchers;
 - (c) supervise all accounting functions: Accounts Payable, Accounts Receivable, payroll, General Ledger, Utilities, taxes, parking tickets, business and dog licenses, inventory and work orders;
 - (d) prepares financial statements for all funds;
 - (e) provides assigned Auditors all information required to allow Auditors to perform annual audit duties
 - (f) prepares financial analysis on various cost centres and provides pertinent information on current issues;
 - (g) prepares and compiles the annual budget estimates in conjunction with the Department Heads and City Manager;
 - (h) responsible for information systems, internal controls, data integrity, as well as overseeing hardware purchases and software development in co-operation with the City Clerk/Director of Human Resources;
 - (i) verifies and is responsible for the Assessment/Tax collection department and balancing the Assessment Roll;

- (j) provides information to the public on various financial issues;
- (k) ensures department is customer service orientated. Handles customer complaints, ensures appropriate action is taken and decisions are made within City policy.

Bank Accounts

- 21. The Director of Finance is authorized by Council to open or close the accounts that hold the money of the City.

PART V Signing Municipal Documents

- 22. All Municipal documents are to be signed in accordance with the *Act*.

Agreements

- 23. Directors or their designate are authorized to execute agreements, providing that the expenditure and/or revenue generated does not exceed the Director's, or their designate(s), authorized spending authority as defined in the City of Yorkton Purchasing Policy No. 10.110, for the following matters:
 - i. Point of sale agreements for admission and fees;
 - ii. Facility and open space rental booking agreements;
 - iii. Tenant lease and/or long term use agreements for City-owned facilities and park spaces;
 - iv. Receipt or disbursement of Community Grants;
 - v. Advertising and sponsorship agreements, excluding facility naming rights;
 - vi. Landscape and construction agreements;
 - vii. Operational service agreements including maintenance, janitorial and material supply agreements;
 - viii. Food and Beverage provider agreements;and
 - ix. Sale of asset agreements.
- 24. The City Clerk or designate and either, the Mayor or Deputy Mayor shall sign agreements, to which the City is a party, as follows:
 - i. Sale and Aquisition of Real Property
 - ii. Leases of City Owned Land (Commercial, Agricultural, and Recreation lands)

- iii. Special Use or Right to Use City Owned Land Agreements for a specified purpose where City remains responsible for site maintenance (*Example: Reserved Parking lot spaces on City owned land*)
- iv. Utility Easements
- v. Agreements with federal, provincial or other municipal governments
- vi. Agreements with Agencies or Crown Corporations
- vii. Agreements with Unions that the City is associated with
- viii. All contracts that exceed City Director's purchasing limits as defined in the Purchasing Policy **No. 10.110**
- ix. Miscellaneous agreements that fall outside Directors authorities not previously referred to.

Cheque Signing

- 25. Cheques for payment of goods and services shall be signed on behalf of the City by:
 - i. One of either: the Mayor, Deputy Mayor or City Manager; and by
 - ii. One of either: the Director of Finance or the Assistant Director of Finance, or the City Clerk

Reproduction of Signatures

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

PART VI Vacancy in Office

Temporary appointment by Mayor

- 27. 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.

**PART VII
Repeal**

27. Bylaw No. 1/2003 is hereby repealed. Furthermore, that Council Policy No.10.115 ‘Agreements/Contracts’ be re-assigned to Administrative Policy No. 20.120 ‘Agreements/Contracts.’

**PART VIII
Coming into Force**

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

MAYOR

CITY CLERK

Introduced and read a first time this 20th day of November, A.D., 2017.

Read a second time this 20th day of November, A.D., 2017.

Read a third time and adopted this 20th day of _November, A.D., 2017.