

PART 6**MUNICIPAL ORGANIZATION AND ADMINISTRATION****Council's
principal role in
municipal
organization**

- 201(1)** A council is responsible for
- (a) developing and evaluating the policies and programs of the municipality;
 - (b) making sure that the powers, duties and functions of the municipality are appropriately carried out;
 - (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.
- (2)** A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

**Exercise of
certain powers
and duties**

- 202(1)** Where
- (a) this or any other enactment or bylaw requires or authorizes a municipality to do something, but does not specify who in the municipality may do it, or
 - (b) the municipality wishes to exercise its natural person powers the thing may be done or the natural powers may be exercised by council or by the chief administrative officer, unless council specifies otherwise.
- (2)** Only a council may pass bylaws.

**Delegation by
council**

- 203(1)** A council may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee, the chief administrative officer or a designated officer, unless this or any other enactment or bylaw provides otherwise.
- (2)** A council may not delegate
- (a) its power or duty to pass bylaws,
 - (b) its power to make, suspend or revoke the appointment of a person to the position of chief administrative officer,
 - (c) its power to adopt budgets under Part 8,
 - (d) its power with respect to taxes under section 347, and
 - (e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by bylaw.
- (3)** The council when delegating a matter to a council committee, the chief administrative officer or a designated officer may authorize the committee or officer to further delegate the matter.

Municipal office

- 204** A council must name a place as its municipal office.

1994

MUNICIPAL GOVERNMENT

Chap. M-26.1

**Establishment
of chief
administrative
officer**

205(1) Every council must establish by bylaw a position of chief administrative officer

(2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

(3) If more than one person is appointed, the council must by bylaw determine how the powers, duties and functions of the position of chief administrative officer are to be carried out.

(4) Council may give the position of chief administrative officer any title council considers appropriate.

**Performance
evaluation**

205.1 A council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer’s responsibilities under section 207.

1998 c24 s9

**Appointment,
suspension
And revocation**

206(1) The appointment of a person to the position of chief administrative officer may be made, suspended or revoked only if the majority of the whole council vote to do so.

(2) The appointment of a person to the position of chief administrative officer may not be revoked or suspended unless the council notifies the officer, in accordance with subsection (3), that it is proposing to revoke or suspend the appointment and provides the officer with its reasons.

(3) The notification and reasons must be in writing and be served personally on the officer or sent by regular mail to the last known address of the officer.

(4) If requested by the officer, council must give the officer or the officer’s representative a reasonable opportunity to be heard before council.

(5) A chief administrative officer whose appointment is revoked without cause is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.

(6) A chief administrative officer whose appointment is revoked with cause, is, subject to any written agreement between council and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s206;1995 c24 s24

**Chief
administrative
officer’s
responsibilities**

207 The chief administrative officer

(a) is the administrative head of the municipality;

(b) ensures that the policies and programs of the municipality are implemented;

(c) advises and informs the council on the operation and affairs of the municipality;

(d) performs the duties and exercises the powers and functions assigned to a chief administrative officer by this and other enactments or assigned by council.

Performance of major administrative duties

- 208(1)** The chief administrative officer must ensure that
- (a) all minutes of council minutes are recorded in the English language, without note or comment;
 - (b) the names of the councilors present at council meetings are recorded;
 - (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;
 - (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;
 - (e) the Minister is sent a list of the councilors and any other information the Minister requires within 5 days after the term of the councilors begins;
 - (f) the corporate seal, if any, is kept in the custody of the chief administrative officer;
 - (g) the revenues of the municipality are collected and controlled and receipts are issued in the manner directed by council;
 - (h) all money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury branch or trust corporation designated by council;
 - (i) the accounts for authorized expenditures referred to in section 248 are paid;
 - (j) accurate records and accounts are kept of the financial affairs of the municipality, including the things on which a municipality’s debt limit is based and the things included in the definition of debt for that municipality;
 - (k) the actual revenues and expenditures of the municipality compared with the estimates in the operating or capital budget approved by council are reported to council as often as council directs;
 - (l) money invested by the municipality is invested in accordance with section 250;
 - (m) assessments, assessment rolls and tax rolls for the purposes of Parts 9 and 10 are prepared;
 - (n) public auctions held to recover taxes are carried out in accordance with Part 10;
 - (o) the council is advised in writing of its legislative responsibilities under this Act.
- (2)** Subsection (1)(a) to (d) and (o) apply to the chief administrative officer in respect of council committees that are carrying out powers, duties or functions delegated to them by the council.

1994 cM-26.1 s208; 1998 c24 s10

Delegation by chief administrative officer

- 209** A chief administrative officer may delegate any of the chief administrative officer’s powers, duties or functions under this or any other enactment or bylaw to a designated officer or an employee of the municipality.

Designated officers

- 210(1)** A council may by bylaw establish one or more positions to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw.
- (2)** Council may give a position established under subsection (1) any title the council considers appropriate.
- (3)** The bylaw must include which of the powers, duties and functions referred to in subsection (1) are to be exercised by each position.
- (4)** Unless otherwise provided by bylaw, all designated officers are subject to the supervision of and accountable to the chief administrative officer.
- (5)** A chief administrative officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if
- (a) no position of designated officer has been established by council,
 - (b) the position of designated officer is vacant, or
 - (c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating to the designated officer has not been assigned to any designated officer by council.

Revocation

- 211(1)** A municipality may revoke with or without cause the appointment of a person to the position of a designated officer.
- (2)** A designated officer whose appointment is revoked without cause is, subject to any written agreement between the municipality and the officer, entitled to reasonable notice or to compensation instead of reasonable notice.
- (3)** A designated officer whose appointment is revoked with cause is, subject to any written agreement between the municipality and the officer, not entitled to reasonable notice or to compensation instead of reasonable notice.

1994 cM-26.1 s211;1995 c24 s25

Delegation by designated officer

- 212** A designated officer may delegate any of the officer’s powers, duties or functions under this or any other enactment or bylaw to an employee of the municipality.

Fidelity bond

- 212.1(1)** Starting with the 1998 financial year, the council of each municipality must annually obtain a fidelity bond, or equivalent insurance, in an amount the council considers appropriate.
- (2)** The fidelity bond or equivalent insurance must cover
- (a) the chief administrative officer of the municipality
 - (b) the designated officers of the municipality, and
 - (c) other employees of the municipality
- while carrying out duties relating to any money or security belonging to or held by the municipality.

1997 c19 s3

Signing or authorization of municipal documents

- 213(1)** Minutes of council meetings must be signed by
- (a) the person presiding at the meeting, and
 - (b) a designated officer.

- (2) When council has delegated a power, duty or function to a council committee, the minutes of a council committee meeting that deal with the power, duty or function must be signed by
- (a) the person presiding at the meeting, and
 - (b) a designated officer.
- (3) Bylaws must be signed by
- (a) the chief elected official, and
 - (b) a designated officer.
- (4) Agreements and cheques and other negotiable instruments must be signed or authorized
- (a) by the chief elected official or by another person authorized by council to sign them, and
 - (b) by a designated officer, or by a designated officer acting alone if so authorized by council.
- (5) A signature may be printed, lithographed or otherwise reproduced if so authorized by council.

Destruction of records

- 214(1)** A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will enable copies of the originals to be made.
- (2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.
- (3) A bylaw under subsection (2) must provide that if an individual’s personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

Prohibition of certain agreements with employees

- 215(1)** An agreement made on or after January 1, 1995 between a municipality and an employee of a municipality in which the municipality is to provide a service or commodity to the employee is void.
- (2) This section does not apply to an agreement
- (a) in which the municipality provides a service or commodity that the municipality supplies to the public generally, or
 - (b) respecting the employee’s employment.