

THE RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 4337

BEING A BY-LAW to establish the organizational structure of The Rural Municipality of St. Andrews and to define clearly the roles of Council, its committees, and the Municipality's administrative team.

WHEREAS subsection 148(1) of *The Municipal Act*, R.S.M. 1988, c. M225 provides that a Council must establish by by-law an organizational structure for the municipality, and review the by-law at least once during each term of office;

AND WHEREAS subsection 148(2) of *The Municipal Act* provides that an Organizational By-Law must provide for the following:

- (a) the establishment of Council committees, other than committees of local urban districts, and other bodies of the Council, including their duties and functions;
- (b) the appointment of a deputy head of Council to act in place of the head of Council when he or she is unable to carry out the powers, duties and functions of the head; and
- (c) the manner of appointment of persons to Council committees and other bodies.

NOW THEREFORE Council of the Rural Municipality of St. Andrews duly assembled enacts as follows:

Short Title and Purpose

- 1 This By-Law may be referred to as The Rural Municipality of St. Andrews Organizational By-Law. The purpose of this By-law is to provide for the process of open and effective government by establishing the organizational structure of the Municipality and clearly defining the roles of Council, its committees, and the Municipality's administrative team.

Definitions and Application

2(1) In this By-Law, unless the context otherwise requires:

- (a) "Act" means *The Municipal Act*, as restated or amended from time to time;
- (b) "Ad Hoc Committee" means a committee formed for a specific task or objective which is dissolved after the completion of the task or achievement of the objective;
- (c) "Chair" means the Mayor, or other person(s) appointed by resolution of Council to preside at a regular or special meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under The Municipal Act or The Planning Act;
- (d) "Chief Administrative Officer" means the person appointed as the Municipality's Chief Administrative Officer by Council pursuant to the Act;
- (e) "Committee" means a committee of Council established under this by-law including an Ad Hoc Committee and a Committee of the Whole;
- (f) "Committee of the Whole" means a committee of all Members present at a Council meeting sitting as a committee whereby discussion can occur but no decisions can be made and no resolutions can be passed;
- (g) "Council" means the council, made up of the duly elected Mayor and Councillors, of the Municipality;

- (h) "Councillor" means the elected representative of an electoral ward on the Council of the Municipality;
 - (i) "Deputy Chair" means the person presiding at a regular or Special Meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under The Municipal Act or The Planning Act in the absence or incapacity of the Chair;
 - (j) "Deputy Mayor" means the deputy head of Council;
 - (k) "Mayor" means the head of Council;
 - (l) "Members" means the Mayor and Councillors, and each is a "Member"; and
 - (m) "Member at Large" means a member of the public appointed by Council to a Committee;
 - (n) "Municipality" means the Rural Municipality of St. Andrews.
- 2(2) Council must review this By-law and any proposed amendments within the first twelve (12) months following a general election.
- 2(3) The municipal office of the Municipality shall be located at 500 Railway Avenue in Clandeboye, Manitoba.

Role of Council

- 3(1) Council is responsible for:
- (a) developing and evaluating the policies, strategic plan and programs of the Municipality;
 - (b) ensuring that the powers, duties and functions of the Municipality are appropriately carried out; and
 - (c) carrying out the powers, duties and functions expressly given to Council under Act, or any other provincial legislation.
- 3(2) The role of Council is to develop policies and does not include the development of strategies to implement those policies.
- 3(3) No Member has the authority to direct or interfere with the performance of any work being done for the Municipality by a member of the staff of the Municipality, a temporary worker, or a consultant.
- 3(4) No Committee has authority over an administrative department of the Municipality.
- 3(5) As specified in section 85 of the Act, Council may by by-law delegate any of its powers, duties or functions under the Act or any other provincial legislation to the Mayor, a Committee, the Chief Administrative Officer or a designated officer, unless the by-law or Act or provincial legislation otherwise provides.

Head of Council

- 4(1) The head of Council is to have the title of Mayor.
- 4(2) On or prior to the first regular Council meeting in each calendar year, the Mayor shall submit a recommendation to Council for appointment of a Councillor as Deputy Mayor. The appointment of a Councillor as Deputy Mayor must be approved by a resolution of Council.

- 4(3) The Deputy Mayor shall act in place of the Mayor when the Mayor is unable to carry out the powers, duties and functions of the Mayor.
- 4(4) In addition to performing the duties of a Member, the Mayor has a duty:
- (a) to preside as Chair when in attendance at a Council meeting, except where the Municipality's Procedure By-law or the Act or any other provincial legislation otherwise provides;
 - (b) to foster teamwork, provide leadership and direction to Council; and
 - (c) to perform any other duty or function assigned to the Mayor by this by-law, the Act of Manitoba, or any other provincial legislation.

General Duties of Members

- 5 Each Member has the following duties:
- (a) to consider the well-being and interests of the Municipality as a whole and to bring to Council's attention anything that would promote the well-being or interests of the Municipality or matters that may be derogative to the Municipality;
 - (b) to participate generally in developing and evaluating the policies and programs of the Municipality;
 - (c) to participate in meetings of Council and Committees and other bodies to which the Member is appointed by Council;
 - (d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of the Act or section 8 of the Municipality's Procedure By-law in accordance with the provisions of such by-law;
 - (e) to perform any other duty or function imposed on the Member by Council or the Act, or any other provincial legislation; and
 - (f) to keep themselves reasonably informed of the programs and projects relevant to the portfolio that they have been appointed to by Council.

Committee of the Whole

- 6 Council may meet as Committee of the Whole to consider budget items, strategic planning, policy issues not included in the mandate of a Committee, or any other matter.

Committees

- 7(1) Ad Hoc Committees will be established by resolution as required for a specific task or objective as determined by Council, which resolution shall set forth:
- (a) the mandate of the Ad Hoc Committee;
 - (b) the number of members;
 - (c) the composition of membership, including schedule A and members of the Municipality's staff, if applicable, provided that a majority of the membership must consist of members;
 - (d) reporting relationships;

- (e) staff and other resources to be made available; and
 - (f) a start and end date.
- 7(2) Council shall appoint all Ad Hoc Committee Members and Members at Large by resolution. The first Member named to the Committee shall serve as the Chair. An appointment to any Committee may be repealed only by a resolution of Council.
- 7(3) Ad hoc Committees will be dissolved by a resolution of Council upon completion of the Committee's assigned task or meeting of the Committee's assigned objective.

Representatives to External Organizations

- 8(1) On or prior to the first regular Council meeting in each calendar year, the Mayor shall submit a recommendation to Council for appointments to external organizations listed in Schedule "B". All appointments must be approved by a resolution of Council.
- 8(2) Subject to subsection (3), all appointees shall be Members.
- 8(3) Appointments of members of the public or staff members of the Municipality may be made to the following organizations:
- (a) Gaynor Family Regional Library;
 - (b) East Interlake Watershed District;
 - (c) Selkirk Weed Control District; and
 - (d) St. Andrews Airport Inc.
- 8(4) All Members shall automatically be deemed to be appointed as representatives of the Municipality to:
- (a) Association of Manitoba Municipalities;
 - (b) Association of Rural Municipalities; and
 - (c) Federation of Canadian Municipalities.

Notwithstanding the foregoing, Members who wish to attend meetings, conferences or events of these organizations require a Council resolution authorizing their attendance.

- 8(5) Members who wish to attend meetings or events of external organizations to which they have not been appointed require a Council resolution authorizing their attendance.
- 8(6) The responsibility of a Member appointed pursuant to subsection 8(1) shall include:
- (a) as requested by Council, to report the actions of Council to the external organization;
 - (b) to participate as a member of the external organization as set forth in the by-laws of such external organization;
 - (c) where appropriate, to report to Council on the activities of the external organization; and
 - (d) where appropriate, to provide Council with information concerning issues arising with respect to the external organization.

Board of Revision

- 9(1) Council shall by resolution appoint a Board of Revision consisting of not less than three (3) members, some or all of whom may be members of Council.
- 9(2) The Board of Revision shall have responsibility for hearing assessment appeals.
- 9(3) Council shall appoint:
- (a) a member of the Board of Revision to serve as presiding officer of the Board of Revision; and
 - (b) a person to act as Secretary of the Board of Revision.

Role of Staff

- 10(1) The organization of the staff of the Municipality shall be as set forth on Schedule "A" as amended from time to time by a resolution of Council. Senior appointed staff of the Municipality, under the direction of the Chief Administrative Officer, fulfil the role of management of the Municipality including the development of strategies to implement policies established by Council.
- 10(2) The Chief Administrative Officer is the principal administrative link between the administrative team and Council and shall:
- (a) ensure that the policies and programs of the Municipality are implemented;
 - (b) advise and inform Council on the operation and affairs of the Municipality; and
 - (c) perform the duties and functions and exercise the powers assigned to a Chief Administrative Officer under the Act and any other provincial legislation or as assigned or delegated by Council.
- 10(3) The Chief Administrative Officer is authorized to:
- (a) coordinate, direct, supervise and review the performance of the staff of the Municipality;
 - (b) establish and implement all policies, procedures, standards and guidelines for all matters within the power of the Chief Administrative Officer;
 - (c) hire, appointment, transfer or promote any staff of the Municipality;
 - (d) evaluate, discipline, suspend, demote or remove any staff of the Municipality;
 - (e) determine salaries, benefits, hours of work and other working conditions;
 - (f) prepare and submit to Council such reports and recommendations as may be required by Council;
 - (g) respond to inquiries and requests for information on behalf of the Municipality, including stating the Municipality's position, subject to any Council approved policy, procedure, standard or guideline or as otherwise directed by Council;
 - (h) prepare and submit operating and capital budgets as directed by Council; and
 - (i) enter into provincial and federal grant funding agreements.

Signing Authority

- 11(1) Agreements and cheques and other negotiable instruments in an amount of Fifteen Thousand (\$15,000.00) or greater must be signed or authorized by:
 - (a) the Mayor or Deputy Mayor, or as otherwise established by resolution of Council; and
 - (b) one of the following: Chief Administrative Officer, the Assistant Chief Administrative Officer, or the Chief Financial Officer.

- 11(2) Agreements and cheques and other negotiable instruments in an amount less than Fifteen Thousand (\$15,000.00) Dollars may be signed or authorized by two of the following:
 - (a) the Chief Administrative Officer, Assistant Chief Administrative Officer and Chief Financial Officer; and
 - (b) cheques for expenses or other claims made by any one of the three above named employees shall be signed as set out in Section 11(1) of this by-law.

Accountability

- 12(1) Council is accountable to the Municipality as a whole.
- 12(2) The Chief Administrative Officer is accountable to Council for the exercise of all powers, duties and functions assigned to the Chief Administrative Officer under the Act or delegated to the Chief Administrative Officer by Council.
- 12(3) Members of the administrative team are accountable to the Chief Administrative Officer.

Repeal of By-laws and Effective Date

- 13(1) By-Laws No. 4317 and 4325 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.
- 13(2) This By-Law shall come into force and effect on the day it receives third and final reading by Council.

DONE AND PASSED by the Council of the Rural Municipality of St. Andrews, in Council duly assembled, at Clandeboye, Manitoba, this 12th day of January, 2021.

RURAL MUNICIPALITY OF ST. ANDREWS



Mayor



Chief Administrative Officer

Read a First time this 24th day of November, 2020.

Read a Second time this 8th day of December, 2020.

Read a Third time this 12th day of January, 2021.