

The Rural Municipal Administrators Act

being

Chapter R-25 (formerly *The Rural Municipal Secretary Treasurers Act*) of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.M-32.01; 1980-81, c.21; 1983, c.11 and 22; 1983-84, c.16; 1989-90, c.54; 2001, c.38; 2005, c.M-36.1; 2010, c.B-12, c.19 and 20; and 2014, c.E-13.1 and c.19.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER R-25

An Act respecting the Rural Municipal Administrators' Association of Saskatchewan

Short title

1 This Act may be cited as *The Rural Municipal Administrators Act*.

R.S.S. 1978, c.R-25, s.1; 1983, c.22, s.4.

Interpretation

2 In this Act:

(a) “**administrator**” means the administrator of a rural municipality or a municipal district appointed pursuant to section 110 of *The Municipalities Act*;

(b) “**association**” means The Rural Municipal Administrators' Association of Saskatchewan.

1983, c.22, s.5; 2001, c.38, s.43; 2005, c.M-36.1, s.466; 2014, c.19, s.52.

Association continued

2.1 The Rural Municipal Secretary Treasurers' Association of Saskatchewan is continued as a body corporate and politic under the name The Rural Municipal Administrators' Association of Saskatchewan.

1983, c.22, s.5.

Head office

3 The head office of the association shall be in Saskatchewan at any place that the Executive Board may designate.

1983, c.22, s.5.

Power to acquire, hold and dispose of property

4 The association may acquire and hold real and personal property for its corporate purposes, and may sell, alienate, exchange, lease, mortgage or otherwise charge or dispose of the same or any part thereof.

R.S.S. 1978, c.R-25, s.4.

Objects

5 The general objects of the association shall be:

(a) to promote and assist in maintaining, the efficient administration of rural municipal government in Saskatchewan, and to co-operate with The Saskatchewan Association of Rural Municipalities in all matters thereto appertaining;

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- (b) to establish and maintain the highest possible standards of proficiency, skill and knowledge among the members of the association in all matters relating to the business or profession of a rural municipal administrator;
- (c) subject to section 11, to prescribe and provide such course of studies and tests of competence, and to hold such examinations, as may be considered necessary or expedient to qualify for admission to membership;
- (d) to discipline any member guilty of misconduct or default in the performance of his duties as a rural municipal administrator;
- (e) to provide advice and assistance to and protection for members in their professional duties and relationships and to secure for them satisfactory working conditions, adequate compensation for their services and fair retirement allowances.
- (f) to operate a long-term income protection plan for members.

R.S.S. 1978, c.R-25, s.5; 1983, c.22, s.6.

Power to establish lectures and classes

6 The association may establish lectures and classes and provide other means and facilities by which its members may increase their proficiency, knowledge and skill with respect to the performance of their professional duties, or may enter into an agreement with the governing body of any college or university in Saskatchewan for the purpose of providing such lectures, classes and facilities for members of the association and persons who apply for membership therein.

R.S.S. 1978, c.R-25, s.6; 1979-80, c.M-32.01, s.57; 1983, c.11, s.76; 2001, c.38, s.43.

General meetings

7 There shall be at least one general meeting of the association in each calendar year and, subject to that requirement, meetings of the association shall be held as the bylaws of the association may provide.

R.S.S. 1978, c.R-25, s.7.

Executive Board

8(1) The association shall be governed by an Executive Board consisting of a president, vice-president, secretary treasurer and six directors, together with such members *ex officio* as may be provided by bylaw.

(2) The president and vice-president shall be elected from the membership at large and one director shall be elected from each of the six electoral divisions into which the province is divided according to a plan approved by the association at a general meeting.

(3) Subject to subsection (2), the election and appointment of officers of the association, the tenure and termination of offices and the filling of vacancies therein shall be in accordance with the bylaws of the association.

(4) The retiring members of the Executive Board shall continue to act until their successors take office.

R.S.S. 1978, c.R-25, s.8.

Power to pass bylaws

9(1) The association may pass such bylaws and rules, not inconsistent with this Act, as may be deemed expedient for any or all of the following purposes:

- (a) the government, discipline and honour of its members;
- (b) the management of its affairs and property;
- (c) prescribing a course of studies for, tests of competence of and holding examinations of, members;
- (d) subject to section 11, prescribing standards of proficiency, skill and knowledge for the admission of members to the association;
- (e) the maintenance of the association by levying contributions and fees;
- (f) the investigation of any complaint that a member has been guilty of misconduct or default, or such incompetence in the performance of his duties as to render it desirable, in the interests of the municipality served by the member or of the association, that his membership be revoked or suspended;
- (g) generally all matters necessary or incidental to the carrying out of the provisions of this Act and the bylaws and conduct of the affairs of the association;
- (h) the operation, maintenance and management of a long-term income protection plan for members.

(2) The Executive Board may exercise the powers of the association and pass bylaws and rules accordingly; provided that such bylaws, unless in the meantime confirmed by a general meeting, shall have force only until the annual general meeting held next after the passing thereof, and in default of confirmation thereof at the annual general meeting such bylaws shall at and from that time cease to have any force.

(3) The power to pass bylaws includes the power to repeal, amend, vary and re-enact them.

R.S.S. 1978, c.R-25, s.9; 1989-90, c.54, s.4.

Register of members

10(1) The Executive Board shall cause to be kept a register in which shall be entered in alphabetical order the names of all members of the association in good standing, and those members only whose names are inscribed in the register shall be entitled to the privileges of membership in the association. The register shall, at all reasonable times, be open to inspection by any person.

(2) The register, or a copy thereof or an extract therefrom duly certified by the secretary treasurer of the association, shall be *prima facie* evidence in all courts and before all persons, without proof of the signature of the secretary treasurer, that the persons whose names are inscribed therein as members of the association in good standing are members of the association in good standing and that any person whose name is not inscribed therein is not a member of the association.

R.S.S. 1978, c.R-25, s.10.

Examinations

11(1) The examinations or tests of competence required to acquire a certificate of qualification as an administrator are those prescribed and conducted by the board of examiners established pursuant to this section.

(2) The Saskatchewan Association of Rural Municipalities and the association shall enter into an agreement to establish a board of examiners consisting of:

- (a) one person appointed by the Saskatchewan Association of Rural Municipalities;
- (b) one person appointed by the association; and
- (c) one or more persons appointed jointly by the associations mentioned in clauses (a) and (b).

(3) The purposes of the board of examiners are:

- (a) to determine the qualifications for the office of administrator;
- (b) to establish and conduct examinations or tests of competence required to acquire a certificate of qualification as an administrator; and
- (c) to issue certificates of qualification to persons who qualify for the office of administrator.

(4) The agreement entered into pursuant to subsection (2) may contain:

- (a) any provision for the operation, funding or general conduct of the board of examiners that is not inconsistent with *The Municipalities Act*; and
- (b) any provision setting out the method of determining qualifications for the issuance of certificates of qualification that is not inconsistent with the bylaws or rules of the association passed pursuant to this Act.

(5) The board of examiners is not an agent of the Crown in right of Saskatchewan.

2005, c.M-36.1, s.466; 2014, c.19, s.52.

Dismissal of administrator

11.1(1) The dismissal of an administrator by the council of a rural municipality or a municipal district shall be by resolution and written notice of the dismissal shall be given to the administrator.

(2) Within 14 days after receipt of the notice mentioned in subsection (1), the administrator who is dismissed by the council may make application, to be accompanied by a fee of \$100, to the secretary of the Rural Municipalities Board of Reference established pursuant to section 11.2 for an investigation into the dismissal, and shall send a copy of the application by registered mail to the reeve and to the chairperson of the board of reference.

2005, c.M-36.1, s.466; 2014, c.19, s.52.

Rural Municipalities Board of Reference

11.2(1) The Saskatchewan Association of Rural Municipalities and the association may enter into an agreement to establish a Rural Municipalities Board of Reference consisting of:

- (a) one person appointed by the Saskatchewan Association of Rural Municipalities;
 - (b) one person appointed by the association; and
 - (c) one person appointed jointly by the associations mentioned in clauses (a) and (b) who is not a member of either association nor an employee or representative of the Government of Saskatchewan.
- (2) An agreement entered into pursuant to subsection (1) may contain any provision that is not inconsistent with this Act for the operation, funding or general conduct of the board of reference that the associations mentioned in subsection (1) may agree on.
- (3) The board of reference is a body corporate.
- (4) The members of the board of reference shall appoint one of their number as chairperson of the board.
- (5) No action or proceeding lies or shall be commenced against the Government of Saskatchewan or the minister for any action or decision of the board of reference.

2005, c.M-36.1, s.466.

Investigation into dismissal

11.3(1) Within 45 days after the receipt of an application pursuant to subsection 11.1(2), the board of reference shall hold an investigation into the dismissal of the administrator.

- (2) The secretary of the board shall serve notice of the time and place of the investigation on each party at least 10 days before the date fixed for holding the investigation.
- (3) Any party to an investigation, at his or her own expense, may be represented by counsel or by an agent.

2005, c.M-36.1, s.466.

Service of documents

11.4 Service of a notice or document required for an investigation may be effected by registered letter addressed to the last known residence or business of the person to be served, and proof that the letter was so addressed and mailed is proof of service.

2005, c.M-36.1, s.466.

Investigation procedure

11.5(1) For the purpose of procuring the attendance of a person as a witness at an investigation, the board of reference, if it considers advisable or at the request of the person whose conduct is being investigated, may:

- (a) summon any person by subpoena;
 - (b) require that person to give evidence under oath; and
 - (c) require that person to produce any documents and things that the board of reference considers necessary.
- (2) The proceedings and penalties in the case of disobedience to a subpoena issued for the purposes mentioned in subsection (1) shall be the same as in civil cases in the court.
- (3) The board shall keep any record of the proceedings of an investigation that it considers necessary.
- (4) Subject to any regulations, the board may:
- (a) determine its own procedure; and
 - (b) receive and accept any evidence and information under oath, by affidavit or otherwise that it considers advisable, whether admissible as evidence in a court of law or not.
- (5) *The Arbitration Act, 1992* does not apply to an investigation.

2005, c.M-36.1, s.466.

Scope of investigation

11.6 Unless the board otherwise determines, the scope of an investigation and the findings of the board of reference shall be limited to the reasons for dismissal set out in the notice mentioned in section 11.1.

2005, c.M-36.1, s.466.

Settlement

11.7 If the board of reference is of the opinion that the dispute between the council and the administrator may be settled, it may take any action it considers advisable to assist in the settlement of that dispute.

2005, c.M-36.1, s.466.

Findings of board

11.8 Within 75 days after receipt of an application mentioned in subsection 11.1(2), the board of reference shall send a statement with respect to its findings to:

- (a) the parties to the investigation;
- (b) The Saskatchewan Association of Rural Municipalities; and
- (c) the association.

2005, c.M-36.1, s.466.

Expenses of investigation

11.9 The board of reference may order the return to the administrator of all or part of the deposit of \$100 and, in that case, shall order the council to forward to the board an amount equal to the amount ordered to be returned.

2005, c.M-36.1, s.466.

Admission to membership

12(1) Any person shall be admitted to membership in the association and be accorded all the rights and privileges of membership and a certificate of membership and qualification shall be issued to him or her, if that person:

- (a) is at least 18 years of age;
- (b) is of good moral character;
- (c) either:
 - (i) holds a certificate, other than a provisional certificate, issued by the board of examiners mentioned in section 11 that has not been cancelled; or
 - (ii) is registered as the equivalent of a rural municipal administrator in good standing pursuant to the legislation of another jurisdiction in Canada;
- (d) has paid the prescribed fees; and
- (e) has complied with the bylaws with respect to registration as a member.

(2) Every person who holds a certificate of membership and qualification that has not been revoked shall be deemed to be a member in good standing and shall be entitled to hold himself out as qualified to serve as administrator in Saskatchewan.

R.S.S. 1978, c.R-25, s.12; 1983, c.22, s.8; 2010, c.19, s.35; 2014, c.19, s.52.

Prohibition against non-members holding out as qualified

13(1) Subject to subsection (2), no person other than a person enrolled as a member of the association and holding a certificate of membership and qualification that has not been revoked shall serve or hold himself out as qualified to serve as administrator in Saskatchewan.

(2) Subsection (1) does not prevent a person appointed under *The Municipalities Act* as acting administrator from exercising his powers and performing his duties as such acting administrator.

R.S.S. 1978, c.R-25, s.13; 1983, c.22, s.9; 2005, c.M-36.1, s.466; 2014, c.19, s.52.

Use of designation

14 Every member of the association shall be entitled to use the designation “Registered Municipal Administrator” and may also use after his name the initials “R.M.A.”, and no person shall take or use the said designation or the said initials implying that he is a registered municipal administrator unless he is a member of the association in good standing and his name is inscribed as such in the register of the association.

R.S.S. 1978, c.R-25, s.14; 1983, c.22, s.10.

Penalty for holding out, etc.

15(1) Any person not being a member of the association in good standing who pretends or holds himself out to be qualified to serve as administrator or who violates section 14 is guilty of an offence and liable on summary conviction to a fine not exceeding \$300 and in default of payment to imprisonment for a term not exceeding thirty days.

(2) In a prosecution under this Act the burden of proof as to membership in the association is upon the person accused.

(3) All fines imposed and recovered under this Act shall belong to the association and form a part of its funds.

R.S.S. 1978, c.R-25, s.15; 1983, c.22, s.11; 2014, c.19, s.52.

Funds of association

16(1) All fees and contributions payable to the association under this Act shall be the property of the association and shall be paid to the secretary treasurer thereof.

Deposit of funds

(2) The funds of the association shall be deposited by the secretary treasurer thereof to the credit of the association in a chartered bank and shall be withdrawn only by cheque signed by the secretary treasurer and countersigned by the president or vice-president or signed by the president or vice-president and countersigned by any other member of the Executive Board authorized for the purpose.

Expenditure of funds

(3) The funds of the association shall be disbursed and appropriated under the direction of the Executive Board in payment of the necessary expenses of the association.

R.S.S. 1978, c.R-25, s.16.

Investment of funds

17 The Executive Board may invest such portions of the funds of the association as are not required for the ordinary purposes thereof in securities of or guaranteed by the Government of Canada or the Province of Saskatchewan and may vary or transpose any securities into or exchange any securities for other securities of the nature authorized.

R.S.S. 1978, c.R-25, s.17.

Interpretation re discipline provisions

17.1 In sections 17.2 to 26, “**member**” includes a former member.

2010, c.20, s.51.

Proceedings against former members

17.2(1) No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the Executive Board, pursuant to subsection 19(1) either:

(a) passes a motion to inquire into and determine a complaint against a member of the association where the Executive Board has reason to believe that the member is guilty of anything for which the member is liable to be expelled, suspended or otherwise disciplined in accordance with this Act; or

(b) receives an application from any person where it is in substance alleged that the member is guilty of anything for which the member is liable to be expelled, suspended or otherwise disciplined in accordance with this Act.

2010, c.20, s.51.

Discipline

18(1) The Executive Board may expel or suspend from membership or otherwise discipline any member who has been found guilty of misconduct or default in the performance of his professional duties or of violation of the bylaws or rules of the association or of conduct unbecoming to a member of the association, and may revoke the certificate of membership of a member who has been expelled or suspended.

(2) Misconduct, default or conduct unbecoming to a member of the association shall be a question of fact for the sole and final determination of the Executive Board, and any matter or thing that, in the opinion of the Executive Board, is inimical to the best interests of the association or the public or any rural municipality or municipal district served by a member shall be misconduct, default or conduct unbecoming to a member of the association within the meaning of this section.

R.S.S. 1978, c.R-25, s.18; 1989-90, c.54, s.4;
2014, c.19, s.52.

Inquiry

19(1) The Executive Board may, either of its own motion or on the application of any person, inquire into and determine any complaint against a member of the association where it is in substance alleged or the Executive Board has reason to believe that he has been guilty of anything for which he is liable to be expelled, suspended or otherwise disciplined in accordance with this Act.

(2) At least fifteen days’ notice of the time and place appointed for holding an inquiry shall be served, by personal service or by registered mail on the member whose conduct is to be the subject of the inquiry. The notice shall be signed by the president, vice-president or secretary treasurer of the association and shall be accompanied by a copy of the charges made against the member.

(3) Where the notice is served by registered mail it shall be addressed to the member at his last known address and shall be deemed to have been served on the day following the day on which it was posted in a post office in Saskatchewan, and proof of posting may be given by the affidavit of the person having knowledge of the fact.

R.S.S. 1978, c.R-25, s.19.

Evidence

20(1) The testimony of witnesses may be taken under oath, which the president or vice-president or other person presiding at the inquiry is hereby authorized to administer, and there shall be full right to examine, cross examine and re-examine all witnesses called and to adduce evidence in defence and reply.

(2) For the purpose of procuring the attendance and evidence of witnesses before the Executive Board or any committee thereof appointed by the Executive Board to hold such inquiry and the production of books, papers and other documents, the local registrar of the Court of Queen's Bench at any judicial centre shall, upon the application of a party to the inquiry or on the application of a member of the Executive Board or such committee thereof or the secretary treasurer of the association and upon payment of the fees prescribed by the rules of court, issue writs of *subpoena ad testificandum* or *subpoena duces tecum*; and the proceedings and penalties in the case of disobedience to such writs shall be the same as obtain in civil cases in the Court of Queen's Bench.

R.S.S. 1978, c.R-25, s.20.

Non-attendance of accused

21(1) If the person whose conduct is the subject of inquiry fails to attend, the Executive Board or the committee thereof conducting the inquiry may, upon proof of service of the notice mentioned in subsection (2) of section 19 in accordance with this Act, proceed with the inquiry and, without further notice to that person, take such action as is authorized by this Act.

(2) If the person whose conduct is the subject of inquiry does not appear and the Executive Board or the committee thereof conducting the inquiry determines to proceed in his absence, and in any other case, with the consent in writing of that person, the Executive Board or the committee thereof conducting the inquiry may, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence by affidavit.

R.S.S. 1978, c.R-25, s.21.

Discipline committee

22(1) The Executive Board may provide that all or any of the disciplinary powers of the Executive Board may be exercised by a committee to be known as the "Discipline Committee", and in such case the discipline committee shall have and exercise all such powers as are conferred upon it by bylaw of the association.

(2) The discipline committee shall be constituted and appointed in such manner as may be provided by bylaw of the association.

R.S.S. 1978, c.R-25, s.22; 1983, c.22, s.12.

Conviction under *Criminal Code*

23 A member of the association who has been convicted of an indictable offence under the *Criminal Code* may be expelled from the association without further inquiry by resolution of the Executive Board.

R.S.S. 1978, c.R-25, s.23.

Appeal

24(1) A person who has been expelled, suspended or otherwise disciplined under this Act may appeal from the decision against him to a judge of the Court of Queen's Bench in chambers at any time within thirty days from the date of the decision, and the presiding judge may, upon the hearing of the appeal, make an order either confirming, amending or reversing the decision appealed against.

(2) The appeal shall be by motion, notice of which shall be served upon the secretary treasurer of the association at least fifteen days before the time fixed for hearing the appeal, and shall be determined on the evidence taken before the Executive Board or the committee thereof conducting the inquiry.

(3) A copy of such evidence and the decision appealed against shall be furnished by the secretary treasurer to any person desiring to appeal upon payment of the proper costs and charges therefor.

R.S.S. 1978, c.R-25, s.24.

Effect of expulsion or suspension

25 Upon a member of the association being expelled from membership under this Act, all his rights and privileges as a member of the association shall cease and determine; and if he is suspended he shall, during the period of his suspension, possess no rights or privileges as a member of the association.

R.S.S. 1978, c.R-25, s.25.

Reinstatement

26 The Executive Board may, on application made for the purpose, and when in its opinion the subsequent conduct of a member of the association who has been expelled or suspended under this Act and all the surrounding circumstances and the facts warrant, order that the member be reinstated on such terms as it deems fit, and on an order being made accordingly the member shall be reinstated in accordance with the terms thereof.

R.S.S. 1978, c.R-25, s.26.

No action against association, etc.

27 No action lies against the association or the Executive Board or any committee thereof or a member of the Executive Board or of any committee thereof or an officer of the association for any proceedings taken in good faith or decisions or orders made or enforced under the disciplinary provisions of this Act or under the bylaws or rules of the association.

R.S.S. 1978, c.R-25, s.27; 1989-90, c.54, s.4.

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Bylaws, etc., to be filed

28(1) The association shall file with the Director of Corporations two copies, certified by the secretary treasurer to be true copies, of:

- (a) all bylaws and rules made under this Act;
- (b) all amendments made to those bylaws and rules;

within thirty days after they are made.

(2) Where the association adopts a code of ethics governing its members, and subscription thereto or observance thereof is a condition of membership, the code of ethics shall for the purposes of this section and sections 29, 30, 31 and 32 be deemed to be a bylaw of the association.

(3) Where a bylaw or rule is amended two copies thereof shall be filed with the amendment.

R.S.S. 1978, c.R-25, s.28; 1979-80, c.M-32.01, s.57; 1980-81, c.21, s.46; 1983, c.11, s.76; 1989-90, c.54, s.4; 2001, c.38, s.43; 2010, c.B-12, s.61.

Effective date of bylaws, etc.

29 All bylaws, rules and amendments thereto shall take effect upon the making thereof or on a date specified therein for the purpose.

R.S.S. 1978, c.R-25, s.29; 1989-90, c.54, s.6.

Effect of failure to file bylaw, etc.

30 Failure to file any bylaw, rule or amendment as required by section 28 shall render the bylaw, rule or amendment ineffective as from the expiration of the time allowed for filing it and it shall be deemed to have been revoked.

R.S.S. 1978, c.R-25, s.30; 1989-90, c.54, s.6.

Review by Legislative Assembly

31(1) One copy of all bylaws, rules and amendments to those bylaws and rules filed pursuant to section 28 shall, in accordance with section 13 of *The Executive Government Administration Act*, be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act*.

(2) Where a bylaw, rule or an amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw, rule or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

R.S.S. 1978, c.R-25, s.31; 1980-81, c.21, s.46; 1989-90, c.54, s.6; 2001, c.38, s.43; 2010, c.B-12, s.61; 2014, c.E-13.1, s.62.

Record of revocation and notification to association

32(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Director of Corporations and to the minister responsible for the administration of this Act and at the same time advise them that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Director of Corporations shall file one of the copies with the bylaw, rule or amendment to which it relates and forthwith forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

R.S.S. 1978, c.R-25, s.32; 1979-80, c.M-32.01, s.57; 1980-81, c.21, s.46; 1983, c.11, s.76; 1989-90, c.54, s.6; 2001, c.38, s.43; 2010, c.B-12, s.61.

Annual filing of lists

33 The association shall, before the first day of February in each year, file with the Director of Corporations lists, certified by the secretary treasurer of the association to be true lists, showing:

- (a) the names of all members of the association in good standing as of the thirty-first day of December in the preceding year, their addresses as shown by the records of the association and the respective dates of their admission to membership in the association;
- (b) the names of all persons who were expelled or suspended or who otherwise ceased to be in good standing during the preceding year;
- (c) the names of all persons who were reinstated during that year.

R.S.S. 1978, c.R-25, s.33; 1979-80, c.M-32.01, s.57; 1980-81, c.21, s.46; 1983, c.11, s.76; 2001, c.38, s.43; 2010, c.B-12, s.61.

34 Repealed. 2001, c.38, s.43.

35 Repealed. 2001, c.38, s.43.

