

# *The Urban Municipal Administrators Act*

*being*

Chapter U-8.1 of the *Statutes of Saskatchewan, 1980-81* (effective May 19, 1981) as amended by the *Statutes of Saskatchewan, 1983, c.77; 1984-85-86, c.36; 1989-90, c.54; 2001, c.46; 2002, c.14; 2005, c.M-36.1; 2009, c.T-23.01; 2010, c.N-5.2, c.B-12, and c.19 and 20; and 2014, c.E-13.1.*

## **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 U-8.1

### An Act respecting the Urban Municipal Administrators' Association of Saskatchewan

#### SHORT TITLE

##### Short title

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

#### INTERPRETATION

##### Interpretation

- 2** In this Act:

- (a) “**administrator**” or “**urban municipal administrator**” means the clerk, administrator or treasurer of an urban municipality;
- (b) “**association**” means the Urban Municipal Administrators’ Association of Saskatchewan established under section 3;
- (c) “**board**” means the executive board established under section 11;
- (d) “**bylaw**” means a bylaw of the association;
- (e) “**certificate**”, except in clause 14(1)(b) and section 15, means a certificate of membership and qualification issued pursuant to subsection 14(1);
- (f) “**court**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (g) “**funds**” means the funds described in subsection 20(2) and section 21;
- (h) “**inquiry**” means an inquiry pursuant to section 26;
- (i) “**member**” means a member of the association;
- (j) “**register**” means the register provided for in section 17;
- (j.1) “**urban municipal government**” means the municipal government of an urban municipality;
- (k) “**urban municipality**” means a municipality other than a city or rural municipality.

1980-81, c.U-8.1, s.2; 1983, c.77, s.82;  
1984-85-86, c.36, s.3; 2005, c.M-36.1, s.478.

#### ASSOCIATION

##### Association established

- 3** The Urban Municipal Administrators’ Association of Saskatchewan is established as a body corporate.

1980-81, c.U-8.1, s.3.

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**4** The association consists of the persons who form the first board pursuant to subsection 11(3) and any other persons who become members in accordance with this Act.

1980-81, c.U-8.1, s.4.

**Head office**

**5** The head office of the association is to be in Regina or in any other place in Saskatchewan that the association may, by bylaw, determine.

1980-81, c.U-8.1, s.5.

**Objects and powers**

**6** The association may:

- (a) promote and assist in maintaining the efficient administration of urban municipal government in Saskatchewan and co-operate with the Saskatchewan Urban Municipalities Association in all matters related to urban municipal government;
- (b) establish and maintain the highest possible standards of proficiency, skill and knowledge among its members in all matters relating to the duties of an urban municipal administrator;
- (c) subject to section 16, prescribe and provide any courses of study and tests of competence and hold any examinations that it considers necessary or expedient to qualify a person for admission as a member; and
- (d) discipline any member who is guilty of misconduct, default or conduct unbecoming in the performance of his professional duties.

1980-81, c.U-8.1, s.6.

**Property**

**7** The association may acquire, by purchase, lease or otherwise, any property for the purpose of this Act and may sell, mortgage, lease or otherwise dispose of that property.

1980-81, c.U-8.1, s.7.

**Lectures and classes**

**8** 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 those lectures, classes and facilities for members or for persons who apply for membership.

1980-81, c.U-8.1, s.8; 2001, c.46, s.57.

**Meetings**

**9** The association shall meet at least once each year and may, by bylaw, provide for the holding of its meetings.

1980-81, c.U-8.1, s.9.

**Bylaws**

**10(1)** The association may pass any bylaws or rules, not inconsistent with this Act, that it considers necessary with respect to:

- (a) the government, discipline and integrity of its members;
  - (b) the management of its affairs and property;
  - (c) subject to section 16, prescribing courses of study for, tests of competence of and the holding of examinations for members;
  - (d) subject to section 16, prescribing standards of proficiency, skill and knowledge for the admission of members;
  - (d.1) establishing categories of membership in the association and setting different qualifications for different categories of membership;
  - (e) the maintenance of the association by levying contributions and fees;
  - (f) the investigation of any complaint that a member has been guilty of professional misconduct or default in the performance of his duties or of a degree of incompetence that renders it desirable, in the interests of the municipality served by the member or of the association, that his membership be revoked or suspended;
  - (g) any other matter necessary or incidental to the carrying out of the provisions of this Act and the bylaws and rules and conduct of the affairs of the association.
- (2) The board may exercise the powers of the association under subsection (1), but any such bylaw or rule, unless in the meantime confirmed by a general meeting, has force only until the next annual general meeting.
- (3) Where a bylaw or rule passed pursuant to subsection (2) is not confirmed at the annual general meeting, it ceases to have any effect from the date of that meeting.

1980-81, c.U-8.1, s.10; 1989-90, c.54, s.4; 2002, c.14, s.3.

**EXECUTIVE BOARD****Executive board**

**11(1)** The association shall be governed by an executive board consisting of a president, vice-president, executive director and six or more directors, together with any other members that may be provided for in the bylaws.

(2) The members shall elect from the members at large one member to be president, and another member to be the vice-president, of the association.

(3) The persons who, on the day before the date this section comes into force, comprise the executive of what is known as the Urban Municipal Administrators' Association of Saskatchewan shall constitute the first board and those persons shall hold office until the first general meeting of the members is convened and elections are held pursuant to this Act, and such meeting and elections shall be held within eight months from the date this Act comes into force.

1980-81, c.U-8.1, s.11; 1984-85-86, c.36, s.4; 2002, c.14, s.6.

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## URBAN MUNICIPAL ADMINISTRATORS

**Electoral divisions, directors**

**12(1)** The association shall approve a plan that divides Saskatchewan into at least six electoral divisions.

(2) One member shall be elected, to serve as a director on the board, from each electoral division mentioned in subsection (1) by the members of that division.

1980-81, c.U-8.1, s.12; 1984-85-86, c.36, s.5.

**Term of office**

**13(1)** Subject to subsection 11(2), the association shall, by bylaw, provide for the election, appointment and tenure of officers of the association, the termination of offices and the filling of vacancies in those offices.

(2) Each member of the board holds office until his successor is elected.

1980-81, c.U-8.1, s.13.

## MEMBERSHIP

**Admission as member**

**14(1)** The association shall issue a certificate of membership and qualifications to a person who:

- (a) is at least 18 years of age and of good moral character;
- (b) holds a valid and subsisting certificate, other than a provisional certificate, issued by the board of examiners mentioned in section 16; and
- (c) has paid the admission fee and any other fee required by the bylaws.

(1.1) Notwithstanding subsection (1), the association may issue a certificate of membership and qualifications to a person who:

- (a) is at least 18 years of age and is of good moral character;
- (b) has paid the necessary fees and complied with the bylaws with respect to registration; and
- (c) is registered as the equivalent of an urban municipal administrator in good standing pursuant to the legislation of another jurisdiction in Canada.

(2) Every person who holds a valid and subsisting certificate is a member in good standing and is entitled to hold himself out as qualified to serve as an administrator.

1980-81, c.U-8.1, s.14; 2010, c.19, s.40.

**Associate member**

**15(1)** Any person who holds the office of clerk or treasurer of an urban municipality may be admitted to the association as an associate member on payment of the dues required by the bylaws, and the association shall issue an associate member certificate to that person.

- (2) An associate member has all the rights and privileges of a member, except the right:
- (a) to hold office, other than in an *ex officio* capacity as the association may by bylaw provide; or
  - (b) to use the designations stated in section 19.
- (3) Every associate member shall abide by the bylaws and is subject to the disciplinary provisions of this Act.

1980-81, c.U-8.1, s.15; 1984-85-86, c.36, s.6;  
2002, c.14, s.4.

#### Examinations

- 16(1)** The examinations or tests of competence required for admission as a member are those prescribed and conducted by the board of examiners established pursuant to this section.
- (2) The Saskatchewan Urban Municipalities Association and the association shall enter into an agreement to establish a board of examiners consisting of:
- (a) one person appointed by the Saskatchewan Urban Municipalities Association;
  - (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 offices of clerk, administrator and treasurer of urban municipalities;
  - (b) to establish and conduct examinations or tests of competence required to acquire certificates of qualification for the offices mentioned in clause (a); and
  - (c) to issue certificates of qualification to persons who qualify for the offices mentioned in clause (a).
- (4) The board of examiners is a body corporate.
- (5) 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 this Act, *The Municipalities Act* or *The Northern Municipalities Act, 2010*; 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 section 10 of this Act.
- (6) The board of examiners is not an agent of the Crown in right of Saskatchewan.

2005, c.M-36.1, s.478; 2010, c.N-5.2, s.472.

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## URBAN MUNICIPAL ADMINISTRATORS

**Register of members**

**17(1)** The board shall ensure that a register is kept containing the names of all members, including associate members, in good standing.

(2) The register shall, at all reasonable times, be open to inspection by any person.

(3) The register, or a copy of an extract from the register duly certified by the executive director of the association, is admissible as prima facie evidence in all courts that only those persons whose names appear in the register as members in good standing are members in good standing, without proof of the signature of the executive director.

1980-81, c.U-8.1, s.17; 2002, c.14, s.6.

**Prohibition respecting unqualified persons**

**18(1)** No person shall serve or hold himself or herself out as qualified to serve as the administrative head of an urban municipality with a population of 100 or more, or call himself or herself an ‘administrator’, unless he or she holds a valid and subsisting certificate of membership and qualification issued pursuant to section 14.

(2) No person may be appointed as an administrative head of an urban municipality with a population of 100 or more unless he or she holds a valid and subsisting certificate of membership and qualification issued pursuant to this Act.

(3) Subsection (1) does not prevent a person appointed as an acting administrator pursuant to *The Northern Municipalities Act* or *The Northern Municipalities Act, 2010* from exercising the powers and performing the duties of the office.

(4) A person who is not qualified as described in subsection (1) and who is appointed as an acting administrator pursuant to *The Northern Municipalities Act* or *The Northern Municipalities Act, 2010* may use the title “clerk”.

2005, c.M-36.1, s.478; 2010, c.N-5.2, s.472.

**Use of designation**

**19** No person shall use the designation “Registered Municipal Administrator” or the initials “R.M.A.” after his name unless he is a registered member.

1980-81, c.U-8.1, s.19.

**Penalty**

**20(1)** Every person who contravenes section 18 or 19 is guilty of an offence and liable on summary conviction to a fine of not more than \$50.

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

1980-81, c.U-8.1, s.20.



## FUNDS

**Funds of association**

**21** All fees and contributions payable to the association under this Act are the property of the association and shall be paid to the executive director of the association.

1980-81, c.U-8.1, s.21; 2002, c.14, s.6.

**Deposit**

**22** The executive director of the association shall deposit the funds to the credit of the association in a chartered bank or credit union and those funds shall be withdrawn only by cheque signed by:

- (a) the executive director and countersigned by the president of or vice-president of the association; or
- (b) the president of or vice-president of the association and countersigned by any other member of the board who is authorized for the purpose by the board or by a bylaw.

1980-81, c.U-8.1, s.22; 2002, c.14, s.6.

**Expenditure**

**23** The funds shall be disbursed under the direction of the board for the purposes of payments of the necessary expenses of the association.

1980-81, c.U-8.1, s.23.

**Investment**

**24** The board may invest any part of the funds not presently required for expenditure in any investment in which trustees are authorized to invest under *The Trustee Act, 2009*.

1980-81, c.U-8.1, s.24; 2009, c.T-23.01, s.64.

## DISCIPLINE

**Interpretation re discipline provisions**

**24.1** In sections 24.2 to 34, “**member**” includes a former member.

2010, c.20, s.55.

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**Proceedings against former members**

**24.2(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 board, pursuant to section 26 either:

(a) passes a motion to inquire into and determine a complaint against a member where the board has reason to believe that the member has acted in a manner described in section 25; or

(b) receives an application from any person where it is in substance alleged that the member has acted in a manner described in section 25.

2010, c.20, s.55.

**Discipline**

**25(1)** The board may expel or suspend from the association or otherwise discipline any member whom it finds guilty of misconduct, default or conduct unbecoming to a member in the performance of his professional duties or of violation of the bylaws or rules of the association.

(2) The board may revoke the certificate of any member who has been expelled or suspended.

(3) Misconduct, default or conduct unbecoming to a member in the performance of his professional duties is a question of fact for the sole and final determination of the board, and any matter or thing that, in the opinion of the board, is inimical to the best interests of the association, the public or any urban municipality served by a member shall be misconduct, default or conduct unbecoming to a member within the meaning of this section.

1980-81, c.U-8.1, s.25; 1989-90, c.54, s.4.

**Power of inquiry**

**26** The board may, on its own motion or on the application of any person, inquire into and determine any complaint against a member where it is in substance alleged, or the board has reason to believe, that the member has acted in a manner described in section 25.

1980-81, c.U-8.1, s.26.

**Notice of inquiry**

**27(1)** The association shall give notice of the date, time and place set for the inquiry to the member whose conduct is the subject of inquiry at least 15 days prior to the date set for the inquiry.

(2) A notice pursuant to subsection (1) shall be signed by the president, vice-president or executive director of the association and shall be accompanied by a copy of the charges made against the member.

1980-81, c.U-8.1, s.27; 2002, c.14, s.6.

**Service of notice**

**28(1)** A notice of inquiry shall be served personally or mailed by registered mail to the last known address of the person being served.

(2) A notice of inquiry served by registered mail is deemed to have been received by the person being served on the fifth day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive that notice or that he received it at a later date.

1980-81, c.U-8.1, s.28.

**Evidence**

**29(1)** The testimony of witnesses at an inquiry may be taken under oath, which the president or vice-president of the association 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 board and the production of books, papers and other documents, the local registrar of the court at any judicial centre shall, on the application of a party to the inquiry, a member of the board or the executive director of the association and upon payment of the fees prescribed by The Queen's Bench Rules, issue writs of *subpoena ad testificandum* or *subpoena duces tecum*, and the proceedings and penalties in the case of disobedience to those writs shall be the same as in civil cases in that court.

1980-81, c.U-8.1, s.29; 2002, c.14, s.6.

**Non-attendance of accused**

**30(1)** If the member whose conduct is the subject of inquiry fails to attend, the board may, upon proof of service of the notice described in section 27, proceed with the inquiry and, without further notice to that member, take any action that it is authorized to take under this Act.

(2) Where the board proceeds pursuant to subsection (1) or in any other case with the written consent of the member whose conduct is the subject of inquiry, the board may, with respect to the whole case or to any particular fact, proceed and act upon evidence by affidavit.

1980-81, c.U-8.1, s.30.

**Ethics committee**

**31** The board may, by bylaw, provide that any of the disciplinary powers of the board may be exercised by an ethics committee, and the ethics committee is to be constituted and appointed in the manner specified in the bylaw.

2002, c.14, s.5

**Appeal**

**32(1)** A member who has been disciplined under this Act may appeal on a question of law from the decision to a judge of the court in chambers within 30 days from the date of the decision, and the presiding judge may, upon the hearing of the appeal, make an order confirming, amending or reversing that decision.

(2) Notice of an appeal shall be served on the executive director of the association at least 15 days before the date fixed for hearing the appeal, and the appeal shall be determined on the evidence that was taken before the board.

(3) A copy of the evidence referred to in subsection (2) and of the decision appealed against shall be furnished by the executive director of the association to every member who wishes to appeal upon payment by that member of the costs and charges that the association may, by bylaw, prescribe.

1980-81, c.U-8.1, s.32; 2002, c.14, s.6.

**Effect of expulsion suspension**

**33** Where a member is expelled from the association pursuant to this Act, all his rights and privileges as a member cease, and, where he is suspended, he shall, during the period of his suspension, possess no rights or privileges as a member.

1980-81, c.U-8.1, s.33.

**Reinstatement**

**34(1)** A member who has been expelled or suspended under this Act may apply to the board for reinstatement.

(2) Where the board receives an application pursuant to subsection (1) and where, in the opinion of the board, the facts and the subsequent conduct of the member warrant, the board may order that the member be reinstated on any terms that it considers appropriate.

(3) Upon the making of an order pursuant to subsection (2), the member who is the subject of that order is reinstated in accordance with the terms of that order.

1980-81, c.U-8.1, s.34.

**GENERAL****No action against association, etc.**

**35** No action lies against the association, the board, a member of the board 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.

1980-81, c.U-8.1, s.35; 1989-90, c.54, s.4.

**Filing of bylaws, etc.**

**36(1)** The association shall file with the Director of Corporations two copies, certified by the executive director of the association to be true copies, of:

- (a) every bylaw and rule made under this Act; and
- (b) every amendment made to that bylaw and rule;

within 30 days after it is made.

(2) Where the association adopts a code of ethics governing its members, and subscription to or observance of that code is a condition of membership, the code of ethics is, for the purposes of this section and sections 37 to 40, deemed to be a bylaw.

1980-81, c.U-8.1, s.36; 1989-90, c.54, s.4; 2001, c.46, s.57; 2002, c.14, s.6; 2010, c.B-12, s.66.

**Effective date of bylaw, etc.**

**37** Every bylaw and rule of the association and every amendment thereto takes effect upon its making or on a date specified therein for the purpose.

1980-81, c.U-8.1, s.37; 1989-90, c.54, s.4.

**Failure to file bylaw, etc.**

**38** Failure to file any bylaw, rule or amendment as required by section 36 renders the bylaw, rule or amendment ineffective on and from the expiration of the time allowed for filing it and it is deemed to have been revoked.

1980-81, c.U-8.1, s.38; 1989-90, c.54, s.6.

**Review of Legislative Assembly**

**39(1)** One copy of all bylaws, rules and amendments to those bylaws and rules filed pursuant to section 36 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 amendment 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 thereupon ceases to have any effect and is deemed to have been revoked.

1980-81, c.U-8.1, s.39; 1989-90, c.54, s.6; 2001, c.46, s.57; 2010, c.B-12, s.66; 2014, c.E-13.1, s.62.

**Record of revocation and notification to association**

**40(1)** Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or amendment has ceased to have effect, the Clerk of the Assembly shall immediately forward two copies of the 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.

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(2) Upon receipt of the copies mentioned in subsection (1), the Director of Corporations shall file one of the copies with the bylaw, rule or amendment to which it relates and shall immediately forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

1980-81, c.U-8.1, s.40; 1989-90, c.54, s.6;  
2001, c.46, s.57; 2010, c.B-12, s.66.

**Annual filing**

**41** The association shall, before February 1 in each year, file with the Director of Corporations a return, certified by the executive director of the association to be correct, stating:

- (a) the name, address and date of admission of every member in good standing as of December 31 in the preceding year;
- (b) the name of every person who was expelled or suspended or who otherwise ceased to be in good standing during that year; and
- (c) the name of every person who was reinstated during that year.

1980-81, c.U-8.1, s.41; 2001, c.46, s.57; 2002,  
c.14, s.6; 2010, c.B-12, s.66.

**42 Repealed.** 2001, c.46, s.57.

**43 Repealed.** 2001, c.46, s.57.