



|                  |                         |              |
|------------------|-------------------------|--------------|
| Policy No.: A-28 | Section: Administration | Page #1 of 6 |
|------------------|-------------------------|--------------|

|        |                          |
|--------|--------------------------|
| Title: | Signing Authority Policy |
|--------|--------------------------|

|                        |  |
|------------------------|--|
| Legislation Reference: | Municipal Government Act, Section 213. |
|------------------------|--|

**Purpose:** The purpose of this policy is to provide the municipality with clarity in the signing of various documents to improve the efficiency of business operations and yet maintain effective internal controls and approval processes.

|  |
|--|
| <p><b>1.0 Policy Objective</b></p> <p>1.1 Section 209 of the <i>Municipal Government Act</i> (MGA) provides some flexibility for the Chief Administrative Officer (CAO) to delegate his/her authority to sign cheques, agreements, other negotiable instruments, and other municipal documents as outlined in this policy, to a Smoky Lake employee. A delegate may not sub-delegate their duties.</p> <p>1.2 Unless otherwise noted in this policy, signing authorities may be further delegated to Smoky Lake employees at the discretion of the authority holder, either on a perpetual basis or when acting positions are held. A delegate may not sub-delegate their duties. The Assistant CAO shall maintain a permanent record of any such delegations.</p> <p>1.3 Section 213 of the <i>MGA</i> stipulates the manner in which municipal documents must be signed or authorized. In general, municipal documents must be signed by the Chief Elected Official (Mayor) and/or the CAO.</p> <p><b>2.0 Definitions</b></p> <p>2.1 "<b>Chief Administrative Officer (CAO)</b>" means the Chief Administrative Officer of Smoky Lake appointed by Council, or any person designated by the CAO for the purposes of administering this policy.</p> <p>2.2 "<b>Council</b>" means the duly elected officers of Smoky Lake and the Mayor.</p> <p>2.3 "<b>Mayor</b>" means the Chief Elected Official of Smoky Lake as voted for by the electors or anyone acting in the capacity of Mayor.</p> <p>2.4 "<b>MGA</b>" means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.</p> <p>2.5 "<b>Smoky Lake</b>" means the municipality of the Town of Smoky Lake in the Province of Alberta.</p> |
|--|

### 3.0 Policy Statements

3.1 Corporate Seal - The presence of the Smoky Lake corporate seal on any document verifies the signatories are authorized to sign on behalf of the municipality. The corporate seal must be applied by the CAO or Assistant CAO to any document signed on behalf of the corporation unless otherwise noted in this policy. This authority may be further delegated for specific tasks (i.e., tax certificates, business licenses, land titles).

3.2 Bylaws - Section 213(3) of the *MGA* requires bylaws be signed as follows:

| <b>First<br/>Signature<br/>Required</b> | <b>Second<br/>Signature<br/>Required</b> | <b>Corporate<br/>Seal Required</b> | <b>Location<br/>of Original</b> |
|---|--|------------------------------------|---------------------------------|
| Mayor                                   | CAO                                      | Yes                                | Vault                           |

The mayor's signing authority may be delegated to anyone acting in this capacity. The CAO's signing authority may be delegated at the discretion of the CAO.

3.3 Policies - Signing authority for council and administrative policies is delegated as follows, in order to ensure an authentic, authorized copy of all policies is preserved.

#### 3.3.1 Council Policies

| <b>First<br/>Signature<br/>Required</b> | <b>Second<br/>Signature<br/>Required</b> | <b>Corporate<br/>Seal Required</b> | <b>Location of<br/>Original</b> |
|---|--|------------------------------------|---------------------------------|
| Mayor                                   | CAO                                      | No                                 | Municipal Safe                  |

The Mayor's signing authority may be delegated to anyone acting in this capacity and the CAO's signing authority may be delegated at the discretion of the CAO. A delegate may not sub-delegate their duties.

#### 3.3.2 Administrative Policies

| <b>First<br/>Signature<br/>Required</b> | <b>Second<br/>Signature<br/>Required</b> | <b>Corporate<br/>Seal Required</b> | <b>Location of<br/>Original</b> |
|---|--|------------------------------------|---------------------------------|
| CAO                                     | No                                       | No                                 | Municipal Safe                  |

The CAO's signing authority may be delegated at the discretion of the CAO. A delegate may not sub-delegate their duties.

3.4 Minutes - Sections 213(1) and (2) of the *MGA* require that minutes of Council meetings and of Council Committee meetings be signed by the person presiding at the meeting. This signing authority is delegated as follows:

| <b>First<br/>Signature<br/>Required</b> | <b>Second<br/>Signature<br/>Required</b> | <b>Corporate<br/>Seal Required</b> | <b>Location<br/>of Original</b> |
|---|--|------------------------------------|---------------------------------|
| Chair of<br>Meeting                     | CAO or delegate                          | No                                 | Municipal<br>Safe and<br>Vault  |

The first signature may not be delegated unless it is impossible for the chair of the meeting to sign the document, in which case it may be delegated only to a councillor or committee member present at the meeting.

The second signature shall be delegated to the chief administrative officer or recording secretary for the meeting as applicable. The minutes themselves shall serve as a record of any such delegation.

During a general election the last formal minutes of an outgoing council shall be presented during the regular council meeting following the organizational meeting of the newly elected council for acceptance. The chair or delegate are authorized to sign the minutes.

### 3.5 Negotiable Instruments

Section 213(4) of the MGA requires that agreements, cheques, and other negotiable instruments be signed by the mayor, or by another person authorized by Council to sign them, together with a Designated Officer, or by a Designated Officer acting alone if so, authorized by Council.

#### 3.5.1 Cheques

The Chief Administrative Officer Bylaw authorizes the CAO to sign cheques made or executed on behalf of Smoky Lake. As per Section 213(4) of the MGA, Council authorizes the CAO to sign cheques for all budget approved operational and capital expenditures. The CAO's signing authority for cheques may only be delegated to a Senior Management position with no further sub-delegation permitted.

Cheques must be signed as follows:

| <b>First<br/>Signature</b>  | <b>Second Signature</b>                       |
|-----------------------------|---|
| Mayor<br>or<br>Deputy Mayor | CAO<br>or<br>Senior Manager<br>(as delegated) |

### 3.5.2 Contracts and Agreements

The Chief Administrative Officer Bylaw authorizes the CAO to sign and execute all agreements or contracts made or executed on behalf of Smoky Lake. Municipal agreements may include those which go beyond the fiscal year, are either operating or capital, are within the limits of the Council approved annual budget and have prior Council approval to proceed. The delegation of this authority is illustrated in the following table, with each position listed having the authority to sign all contracts and agreements appearing across from or below the position title. Signatures are denoted in highest ranking order; however, best practice outlines the position of lowest rank must sign off on the document first.

The following delegation of authority does not preclude the mayor from providing a second signature on any contract or agreement providing the mayor has not signed for the 1<sup>st</sup> Signature:

|   | 1 <sup>st</sup> Signature Required | 2 <sup>nd</sup> Signature Required   | Corporate Seal Required | Location of Original               |
|---|------------------------------------|--|-------------------------|------------------------------------|
| Federal-Provincial Agreements   | Mayor                              | CAO  | Yes                     | Municipal Safe                     |
| All contracts and agreements within approved operation or capital budget  | CAO or Mayor (as requested)        | Department Directors (as authorized) or CAO (unless 1 <sup>st</sup> signature) | Yes                     | Municipal Safe                     |
| All contracts, agreements and negotiable instruments related to sales. Purchases, donations, transfers, mortgages, or other encumbrances of real property   | Mayor                              | CAO  | Yes                     | Municipal Safe                     |
| Grant Funding Applications<br>Grant Funding Agreements<br>Leases<br>Memorandum of Agreement/<br>Memorandum of Understanding<br>Partnership Agreements<br>Purchase/Provision of Products or Services | CAO                                | Department Directors (as authorized)   | Yes                     | General Records and Municipal Safe |

The following specialized contracts and agreements must be signed by the position indicated, or delegated to a Smoky Lake employee at the discretion of the authority holder with no further sub-delegation permitted:

|   | 1 <sup>st</sup> Signature Required | 2 <sup>nd</sup> Signature Required | Corporate Seal Required | Location of Original                  |
|---|------------------------------------|------------------------------------|-------------------------|---------------------------------------|
| Development Agreements  | Development Officer/ CAO           | No                                 | Yes                     | General Records                       |
| Any documents for registration with Land Titles, unless otherwise noted | CAO                                | No                                 | Yes                     | Land Titles / Property File           |
| Rights of Way/ Access Agreements  | CAO                                | No                                 | Yes                     | Land Titles/ Landowner/ Property File |
| Encroachment Agreement  | CAO                                | No                                 | Yes                     | Land Titles/ Landowner/ Property File |
| Grants of Easement  | CAO                                | No                                 | Yes                     | Property File                         |
| Discharges of Tax Recovery Notification                                 | CAO                                | No                                 | Yes                     | Land Titles / Property File           |
| Subdivision Plans   | Development Officer                | No                                 | Yes                     | General Files/ Land Titles            |
| Construction / Service Contracts and Agreements                         | CAO                                | No                                 | Yes                     | Municipal Safe                        |
| Tax Certificates  | Accounting Clerk                   | No                                 | Yes                     | Property owner/ Property File         |

### 3.6 Electronic Signature

Council authorizes the use of an electronic signature by Mayor and Council. Each use must be authorized in writing by the signature holder. Types of documents for which these types of signatures may be used include, but are not limited to, letters and proclamations.

### 3.7 Commissioner of Oaths

#### Council

Under the Commissioners for Oath Act, members of a municipal council in Alberta is by virtue of the membership a commissioner empowered to administer oaths and take and receive affidavits, declarations, and affirmations in or outside Alberta for use in Alberta.

Municipal Employees

The Town of Smoky Lake shall ensure appropriate municipal employees are appointed as Commissioners for Oaths for Alberta, and as such are authorized to administer oaths and take and receive affidavits, declarations, and affirmations within the Province of Alberta for Smoky Lake related business only.

|          | DATE              | RESOLUTION NUMBER |
|----------|-------------------|-------------------|
| Approved | November 22, 2021 | 780-2021          |
| Amended  |                   |                   |
| Amended  |                   |                   |

\_\_\_\_\_  
Original Signed.

**Amy Cherniwchan**  
Mayor

\_\_\_\_\_  
Original Signed.

**Adam Kozakiewicz**  
Chief Administrative Officer