

CHAPTER 7

WARDEN, DEPUTY WARDEN AND MUNICIPAL OFFICERS

Definitions

1. In these by-laws, unless the context otherwise requires,
 - (a) "Clerk" means the Municipal Clerk of the Municipality of the County of Colchester;
 - (b) "Council" means the Council of the Municipality of the County of Colchester;
 - (c) "District" means a polling district of the Municipality as designated from time to time in accordance with the Municipal Boundaries and Representation Act;

Election

2.
 - (1) At the first meeting after the election of a Council and whenever the office becomes vacant, the Council shall elect a Warden. The Clerk shall call for nominations and the voting shall be by ballot, provided that where only one person is nominated, the Clerk may be by resolution instructed to cast a ballot for such person, whereupon the Clerk shall declare such person elected Warden.
 - (2) A Deputy Warden shall be elected in a similar manner excepting that the Warden shall call for nominations instead of the Clerk.
 - (3) Any other officer required to be appointed by the Council shall be selected in a similar manner, provided that in the event that more than two candidates are nominated, on each ballot, the candidate receiving the lowest number of ballots shall be dropped, until one candidate has received a majority of the votes of the Councillors present.
 - (4) The oath of office to be taken by any officer shall be transmitted to the Clerk who shall file the same.

Duties of Warden

3.
 - (1) It shall be the duty of the Warden to perform, enforce and carry out all acts, obligations and duties required of him by the Municipal Act, the Assessment Act and any other Act of the Province of Nova Scotia, and also to perform any duties imposed on him by the by-laws or by resolution of Council.
 - (2) In the absence through illness or otherwise of the

Deputy
Warden

Warden, or in the case of the death of the Warden, the Deputy Warden shall act in the place of the Warden and shall be required to perform all the duties and obligations of the Warden, until a Warden is elected.

Clerk/Chief
Administrative Officer

4. (1) The Clerk shall be the Chief Administrative Officer of the Municipality and the Clerk/CAO shall carry out such duties as may be prescribed from time to time for a Municipal Clerk or a Municipal Chief Administrative Officer by the Municipal Act, the Assessment Act, the Planning Act and by any other law of the Province or by any By-law or resolution of the County.

Security by

(2) Before entering upon or continuing in office, the Clerk shall give security in the form required by law in the amount of \$10,000.00 which security shall be kept by the Warden.

(3) The Clerk/CAO may attend all meetings of the Council and any board, committee, commission or corporation of the Municipality and at the leave of the Chair, make observations and suggestions on any subject under discussion.

Treasurer

5. (1) The Treasurer shall perform all the duties prescribed by Section 109 of the Municipal Act, the Assessment Act and by any other law, by-law or resolution of the Council.

Security by

(2) The Treasurer shall before entering upon or continuing to perform the duties of his office, give security for the faithful performance of the duties required of him as Treasurer, and in the performance of any other office held by him under the Council.

(3) The security referred to in the preceding by-law shall be in the amount of \$10,000.00.

6. The premium on the bond of the Clerk and the Treasurer shall be paid by the Municipality.

Deputy
Clerk

7. (1) The Council may appoint a Deputy Clerk or Deputy Treasurer who shall perform such duties as may be assigned to them by Council.

(2) The office of Clerk and Treasurer may be held by the same person, and the office of Deputy Clerk and Deputy Treasurer may also be held by the same person.

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| Auditors | <p>8. (1) At every annual meeting the Council shall appoint a person or firm authorized to perform municipal audits to be the auditor or auditors of the Municipality and of the municipal boards;</p> <p>(2) The auditors so appointed shall report in manner required by law to the next annual meeting of Council;</p> <p>(3) The auditors shall be paid for their services such compensation as the Council from time to time determines.</p> |
| Collector | <p>9. (1) There shall be one collector of municipal rates for the Municipality who shall be elected by the Council, and shall hold office until his successor is elected and shall be paid such amount as the Council by resolution may from time to time determine;</p> <p>(2) The collector shall perform all duties imposed on him by the Assessment Act and by any other Act or by-law;</p> <p>(3) The collector in making his final return shall deliver his roll to the Treasurer and furnish explanation for any amounts not collected and shall proceed in like manner in respect of other rates and taxes.</p> |
| Security | <p>(4) The collector, before entering upon or performing his duties shall give bond to the Municipality for faithful performance of his duties and for accounting for and payment over of all monies received by him as collector. The amount of the bond shall be \$10,000.00.</p> |
| Firewards | <p>10. (1) The Council shall annually appoint such number of firewards as it considers necessary, and shall specify the district or districts for which they are appointed.</p> |
| Fire Constables | <p>(2) The Council may appoint as many fire constables as it deems necessary.</p> |
| Duties | <p>(3) The firewards and fire constables shall have the powers and duties set forth in the <u>Municipal Act</u> and any other Act, by-law or resolution.</p> |
| Solicitor | <p>11. (1) The Council shall annually appoint a barrister of the Supreme Court of Nova Scotia of not less than two years' standing, to be the Solicitor for the Municipality.</p> |

(2) The Solicitor shall:

(a) advise the Warden, Clerk and Treasurer in connection with the duties of their respective offices;

(b) attend all meetings of the Council and of any committee or board when required to do so;

(c) draft and revise all legal documents required by the Municipality;

(d) act as solicitor and counsel for the Municipality in all actions in which the Municipality is a party;

(e) draft all proposed legislation on behalf of the Municipality and all necessary documents in connection therewith;

(3) The salary and other remuneration of the solicitor shall be from time to time fixed by the Council.

Other
Officers

12. The Council shall annually appoint such other officers as are required for carrying into effect the provisions of any Act, by-law or resolution of Council.

Vacancy

13. The Council shall at any meeting appoint officers to fill any vacancies existing at that time.