

POLICY NUMBER: 2022-04

DATE OF ISSUE: April 27, 2022

POLICY TITLE: Signing Authority Policy

REFERENCE: Municipal Government Act, Section 213



POLICY STATEMENT: 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.

Repeal Policy 2021-01 SIGNING AUTHORITY issued November 24, 2021 and instating this Policy in its place to improve the expression of the law and comprehension of internal processes regarding the authority of signatures on official documents.

1. OBJECTIVE

- i. Section 209 of the Municipal Government Act (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 Village of Andrew employee. A delegate may not sub-delegate their duties.
- ii. Unless otherwise noted in this policy, signing authorities may be further delegated to Village of Andrew 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.
- iii. Section 213 of the MGA 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.

2. POLICY STATEMENTS

- i. Corporate Seal – The presence of the Village of Andrew 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, etc.)

First Signature Required	Second Signature Required	Corporate Seal Required	Location of Original
Mayor	CAO	Yes	Vault

- ii. Bylaws – Section 213 (3) of the MGA requires bylaws to be signed as follows:

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.

- iii. Policies – Signing authority for Council and Administrative Policies is delegated as follows, to ensure an authentic, authorized copy of all policies are preserved:

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

First Signature Required	Second Signature Required	Corporate Seal Required	Location of Original
Mayor	CAO	No	Municipal Safe

- ii. Administrative Policies: The Chief Administrative Officer's authority may be delegated at the discretion of the CAO. A delegate may not sub-delegate their duties.

First Signature Required	Second Signature Required	Corporate Seal Required	Location of Original
CAO	No	No	Municipal Safe

- iv. Minutes – Section 213 (1) and (2) of the MGA require the minutes of Council meetings and of Council Committee meetings be signed by the person presiding at the meeting. The signing authority delegated as follows:

First Signature Required	Second Signature Required	Corporate Seal Required	Location of Original
Chair of Meeting	CAO or delegate	Yes	Municipal Safe and 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 resented during the regular Council Meeting following the Organization Meeting of the newly elected Council for acceptance. The chair or delegate are authorized to sign the minutes.

- v. Negotiable Instruments - Section 213 (4) of the MGA requires that agreements, cheques, and other negotiable instruments be signed by the Mayor, or 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.
- vi. Cheques - The Chief Administrative Officer Bylaw authorizes the CAO to sign cheques made or executed on behalf of the Village of Andrew. 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.
- Before each cheque can be signed, it must be reviewed by the Mayor or Deputy Mayor.*

Cheques must be signed as follows:

**First
Signature
Required**
Mayor or Deputy Mayor

**Second
Signature
Required**
CAO or Delegate

- vii. 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 the Village of Andrew. 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 documents 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 1st signature:

	1 st Signature Required	2 nd 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)	CAO or CAO Delegate	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	CAO or Mayor (as requested)	CAO or CAO Delegate	Yes	General Records and Municipal Safe
Applications Grant				
Funding Agreements				
Leases Memorandum of Agreement/Memorandum of Understanding				
Partnership Agreements				
Purchase/Provision of Products or Services				

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

	1 st Signature Required	2 nd 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 Files
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	CAO	No	Yes	General Files/Land Titles
Construction/Service Contracts and Agreements	CAO	No	Yes	Municipal Safe
Tax Certificates	Municipal Clerk	No	Yes	Landowner/Property File

- viii. 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.
- ix. Commissioner of Oaths - Under the Commissioner for Oath Act, members of a municipal Council in Alberta is by virtue of the membership a Commissioner empowered to administer oaths, take and receive affidavits, declarations, and affirmations in or outside Alberta for use in Alberta.
- x. Municipal Employees - The Village of Andrew shall ensure appropriate municipal employees are appointed as Commissioners of Oaths for Alberta, and as such as authorized to administer Oaths, take and receive affidavits, declarations, and affirmations within the Province of Alberta for Village of Andrew related business only.

Mayor

Chief Administrative Officer

Date