

RURAL MUNICIPALITY OF STRATHCLAIR

BY-LAW NO. 2-2008

BEING A BY-LAW of the Rural Municipality of Strathclair for the purpose of establishing a tax sale manager position, and defining the duties, responsibilities, and powers of said position.

WHEREAS subsection 85(1) of The Municipal Act, R.S.M. 1996, c.M225, provides that:

85(1) A council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the head of council, a council committee, the chief administrative officer or a designated officer, unless the by-law or Act otherwise provides.

AND WHEREAS section 130 of The Municipal Act, R.S.M. 1996, c.M225, provides that:

130 A council may by by-law establish one or more positions to carry out the powers, duties and functions of a designated officer under a by-law or this or any other Act, and may give each such position any title the council considers appropriate.

AND WHEREAS subsection 1(1) of The Municipal Act, R.S.M. 1996, c.M225, provides that:

"designated officer" means a person appointed to a position established under section 130;

AND WHEREAS it is deemed necessary and expedient to pass a by-law for the purpose of designating and establishing the position of tax sale manager, setting out the responsibilities and duties of the position, and appointing a person thereto;

NOW THEREFORE the Council of the Rural Municipality of Strathclair enacts as follows:

1. This By-law may be cited as the 'Tax Sale Manager By-law'.
2. The Rural Municipality of Strathclair hereby establishes a tax sale manager position and the person appointed to that position will have all the responsibilities and duties as outlined in this by-law.
3. The tax sale manager shall be a designated officer as defined in s. 1(1) of The Municipal Act, R.S.M. 1996, c.M225.
4. The Rural Municipality of Strathclair appoints TAXervice Inc. to conduct the municipality's annual tax sale in accordance with Division 6 of The Municipal Act, R.S.M. 1996, c.M225.
5. In furtherance thereof, the Rural Municipality of Strathclair appoints Donna Zinkiew to the position of Tax Sale Manager who shall be the tax sale manager for the corporation of The Rural Municipality of Strathclair.
6. The following responsibilities, duties, and powers are hereby assigned and granted to the Tax Sale Manager:
 - a. To execute and deliver, or to amend, correct, replace or re-execute and deliver, all documents, forms, instruments, elections, acknowledgements, consents or releases relating to tax sales including without limiting the generality of the foregoing, any Notice of Tax Sale, Request, Discharge, Transfer, Transmission or Notice;
 - b. And further, without limitation, to give evidence on behalf of the Municipality, by way of affidavit, statutory declaration or otherwise, concerning any matter relating to tax sales;

- c. To act generally as the Municipality's Tax Sale Manager in relation to tax sales and, on its behalf, to do all lawful acts which, in the opinion of the Tax Sale Manager, may be necessary or desirable.
- d. For the purposes of Tax Sale, the Tax Sale Manager shall have all powers in relation to properties in Tax Sale and any and all matters necessary or desirable for conduct of the tax sale as if the Tax Sale Manager were the Municipality, and the Tax Sale Manager is hereby authorized to do anything the Municipality can lawfully do.

7. In the event that any conflict arises between the provisions of this by-law and any other by-law of the Municipality, the provisions of this by-law shall prevail.

8. Donna Zinkiew's successor or replacement may be appointed Tax Sale Manager by ordinary resolution of council.

9. The appointment of TAXervice Inc. to conduct the Municipality's annual tax sale and the appointment of Donna Zinkiew as the Municipality's Tax Sale Manager may be revoked by ordinary resolution of council.

10. This by-law shall come into full force and effect on the date following its final passage.

DONE AND PASSED by the Council of the Rural Municipality of Strathclair in regular session assembled, this 9th day of April, 2008.

Reeve

Chief Administrative Officer

Read a first time this 8th day of April, AD. 2008.
Read a second time this 8th day of April, AD. 2008.
Read a third time this 9th day of April, AD. 2008.