

DISTRICT OF BARRIERE

BYLAW NO. 201 – OFFICERS & DELEGATION OF AUTHORITY

A BYLAW TO ESTABLISH OFFICER POSITIONS AND TO PRESCRIBE THE POWERS, DUTIES & RESPONSIBILITIES OF SUCH OFFICERS, INCLUDING THE DELEGATION OF AUTHORITY

WHEREAS Council, by bylaw under section 146 of the Community Charter, is required to establish officer positions in relation to the powers duties and functions under section 148 (Corporate Officer) and 149 (Financial Officer) and may, by bylaw, establish other officer positions and assign powers, duties and functions to its officer positions;

AND WHEREAS Council, by bylaw under section 154 of the Community Charter may delegate its powers, duties and functions to an officer or employee of the municipality;

AND WHEREAS Council, by bylaw under section 77 of the Land Title Act must appoint a person as an Approving Officer;

AND WHEREAS Council, by bylaw under Section 264 of the Community Charter has the authority to establish a position of Bylaw Officer for the purposes of issuing Municipal Ticket Informations and Bylaw Notices.

AND WHEREAS Council of the District of Barriere wishes to establish officer positions, assign powers, duties and functions to these positions and furthermore delegate certain powers, duties and responsibilities of its own authority to these same positions;

NOW THEREFORE, the Council of the District of Barriere, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This Bylaw may be cited for all purposes as the “*District of Barriere Officers and Delegation of Authority Bylaw No. 201.*”.

2. DEFINITIONS

2.1 In this bylaw:

“CAO” means the Chief Administrative Officer;

“Council” means the Council of the District of Barriere;

“District” means the District of Barriere; and

“Officer” means a person holding an office established under this bylaw.

2.2 Unless otherwise provided in this bylaw, words and phrases used herein have the same meanings as in the Community Charter and the Interpretation Act as the context and circumstances may require. A reference to an Act refers to a statute of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. Heads are for convenience only. If any part of this bylaw is held to be District of Barriere Bylaw No. 201 invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

3. OFFICERS

3.1 The following positions are hereby established as officer positions of the District of Barriere:

a) *Chief Administrative Officer (CAO);*

- (b) *Corporate Officer*;
- (c) *Financial Officer*;
- (d) *Approving Officer*; and
- (e) *Bylaw Enforcement Officer*.

- 3.2 The powers, duties and functions of the CAO are as set out in Schedule "A".
- 3.3 The powers, duties and functions of the Corporate Officer are as set out in Schedule "B".
- 3.4 The powers, duties and functions of the Financial Officer are as set out in Schedule "C".
- 3.5 The powers, duties and functions of the Approving Officer are as set out in Schedule "D".
- 3.6 The powers, duties and functions of the position of Bylaw Officer are set out in Schedule "E".
- 3.7 Additional delegated powers and functions of Officer positions may be prescribed under separate Bylaws and their amendments formally adopted by Council.
- 3.8 Additional duties of Corporate Officer, Financial Officer, Approving Officer and Bylaw Enforcement Officer positions, may be prescribed by the Chief Administrative Officer as part of an official job description and/or employment agreement.

4. APPOINTMENT

- 4.1 Nothing in this bylaw shall be construed as preventing the appointment of the same person to two or more positions.

5. DELEGATION TO DISTRICT'S APPROVING OFFICER

- 5.1 Council hereby delegates to the District's Approving Officer the authority in Section 944 of the Local Government Act to exempt a parcel from the minimum parcel frontage requirements as a condition of subdivision approval.

6. PROHIBITION AGAINST INTERFERING WITH MUNICIPAL OFFICERS AND EMPLOYEES

- 6.1 As per *Section 153 of the Community Charter*, a person must not interfere with, hinder or obstruct a municipal officer or employee in the exercise of performance of his or her powers, duties or functions.

7. SCHEDULES

- 7.1 Schedules "A", "B", "C" "D" and "E" are attached to and form part of this bylaw.

8. REPEAL

- 8.1 The "*District of Barriere Officers Bylaw No. 025, 2008*" is hereby repealed.

READ A FIRST TIME THIS **6th day of April, 2021.**

READ A SECOND TIME THIS **6th day of April, 2021.**

READ A THIRD TIME THIS **6th day of April, 2021.**

ADOPTED THIS day of , 2021.

Mayor Ward Stamer

Tasha Buchanan, Corporate Officer

SCHEDULE "A" Powers, Duties and Functions of the Chief Administrative Officer (CAO)

The following powers, duties and functions are delegated to the Chief Administrative Officer:

I. HUMAN RESOURCES

- 1) appoint, promote, discipline and dismiss any department heads, supervisors and employees of the District;
- 2) recommend to Council the appointment, promotion, demotion, suspension or termination of officers of the District;
- 3) monitor officers, and supervise all department heads, supervisors and employees of the District;
- 4) set the terms and conditions for benefits and remuneration for the employment of all department heads, supervisors, administrative assistants and all other employees other than those covered by a collective agreement, in accordance with the Council approved budgets and financial plans;
- 5) appoint acting department heads to administer departments in case of illness or absence;
- 6) supervise, implement and recommend to Council the ratification of all labour relations and contract negotiations with employees, unions or associations of the District;
- 7) represent the District in any dispute, mediation, or arbitration between any employee and the District, subject to the terms of any applicable legislation, collective agreement or contract of employment;
- 8) recommend to Council personnel requirements and labour relations for any third-party operations or organizations managed by the District, and for any Provincially appointed Boards delivering District services;

II. GENERAL ADMINISTRATION

- 10) overall management of the operations of the District;
- 11) ensure that the policies, programs and other directions of the Council are implemented;
- 12) advise and inform the Council on the operation and affairs of the District;
- 13) act as the principal intermediary between the District and representatives of other government bodies or agencies, and any other entities dealing with the District;
- 14) from time to time re-organize the administrative structure to improve the efficient and effective operation of the District;
- 15) in the temporary absence of the CAO, an Officer will be designated in charge by the Chief Administrative Officer as deemed necessary by the Chief Administrative Officer;

III. LEGAL ADVICE AND PROCEEDINGS

- 16) obtain legal advice;
- 17) at Council's direction, authorize lawyers to defend, or conduct any action or proceeding in any court of law or before any tribunal, arbitrator, board, or any person, for or on behalf of the District;
- 18) at Council's direction, authorize settlements of claims against the District.
- 19) prepare, process and approve statutory right of ways on behalf of the District; and
- 20) at Council's direction, prepare, process, approve and execute licenses of occupation, use or access, encroachment agreements and dispositions of land and improvements of the District; and for acquisition of rights, licenses and real property by the District.

IV. COUNCIL

- 21) supervise preparation of Council agendas;
- 22) attend all meetings of Council, Committees of Council and other entities created by Council and relating to the District;
- 23) provide advice and recommendations to Council on any matter within Council's jurisdiction;
- 24) report to the Council on any matter of importance to the District;

V. CONTRACTS

- 25) authorize the use or budgeted purchase land, facilities, equipment and services of the District and the awarding of contracts, in accordance with Council approved policies, budgets and financial plans;
- 26) supervise the calling and awarding of tenders for the supply of materials, equipment, services or construction, in accordance with Council approved policies, budgets and financial plans.

SCHEDULE "B" Powers, Duties and Functions of the Corporate Officer

The following powers, duties and functions are delegated to the Corporate Officer:

I. STATUTORY (CORPORATE OFFICER)

- 1) ensure that the accurate minutes of the meetings of the Council and Council Committees are prepared and that the minutes, bylaws and other records of the business of the Council and Council Committees are maintained and kept safe;
- 2) ensure that access is provided to records of the Council and Council Committees, as required by law or authorized by the Council;
- 3) administer oaths and taking affirmations, affidavits and declarations required to be taken under the Community Charter, Local Government Act, or any other Act relating to municipalities;
- 4) certify copies of bylaws and other documents, as required or requested;
- 5) accept, on behalf of the Council or the District, notices and documents that are required or permitted to be given to, served on, filed with or otherwise provided to the Council or the District;
- 6) keep the corporate seal and having it affixed to documents as required.

II. HUMAN RESOURCES

- 7) recommend to the CAO, appointment, promotion, discipline and dismissal of any employees within any department or services designated to the Corporate Officer by the CAO, as these may arise from time to time within the District;
- 8) supervise employees as designated by the CAO;
- 9) as directed by the CAO, be a member of bargaining committees dealing with labour relations and contract negotiations with employees, unions or associations for the District and other District related or appointed Boards delivering District services.

III. GENERAL ADMINISTRATION

- 10) supervise the operation of the Corporate Administration of the District and any other department designated by the CAO, and implement directives as assigned by the CAO;

11) act as a contact between Corporate Administration and other departments, under the supervision of the CAO.

IV. COUNCIL

12) attend or ensure a Deputy or other employee attends all meetings of the Council, its committees, boards, commission or other entities appointed by Council or Provincial statute that pertain to the District for the purposes of minute taking;

13) organize efficient and effective record-keeping for all corporate documents.

14) provide advise and general direction to Council and/or Committee as to parliamentary procedure and meeting protocol as per the District's Council Procedure Bylaw and its amendments.

V. DEPUTY APPOINTMENT

15) a Deputy Corporate Officer appointment must be made by resolution of Council.

SCHEDULE "C" Powers, Duties and Functions of the Financial Officer

I. STATUTORY (FINANCIAL OFFICER)

1) receive all money paid to the District;

2) ensure the keeping of all funds and securities of the District;

3) invest District funds, until required, in authorized investments;

4) expend District money in the manner authorized by the Council;

5) ensure that accurate records and full accounts of the financial affairs of the District are prepared, maintained and kept safe;

6) exercise control and supervision over all other financial affairs of the District.

II. HUMAN RESOURCES

7) recommend to the CAO, appointment, promotion, discipline and dismissal of any employees within a department or service designated to the Financial Officer, as these may arise from time to time within the District;

8) supervise all employees as designated by the CAO;

9) at the direction of the CAO, be a member of bargaining committees dealing with union or association, contract or employee negotiations for the District and other District related or appointed Boards delivering District services.

III. GENERAL ADMINISTRATION

10) responsible for Financial Administration of the District;

11) responsible for compiling and supplying information on the financial affairs of the District required by the inspector of municipalities;

12) implementation of directives as assigned by the CAO;

13) act as a contact between the Financial Administration and other departments, under the supervision of the CAO.

IV. RISK MANAGEMENT

- 14) provide copies of any documents served on the District to the CAO and to any insurers, as appropriate;
- 15) at the direction of the CAO, receive, process and prepare all insurance claims against the District;

V. LEGAL ADVICE AND PROCEEDINGS

- 16) supervise the obtaining of insurance as deemed necessary;
- 17) supervise the provision of insurance matters;
- 18) prepare and arrange for filing of any documentation necessary, under the Financial Disclosure Act or otherwise;

VI. COUNCIL

- 19) attend meetings, as required by the CAO;
- 20) provide advice to CAO regarding any matter of a financial nature;
- 21) prepare budgets and financial plans of the District and any other department or organization of the District;
and
- 22) liaise with the District's auditor in connection with the financial audit.

VII. DEPUTY APPOINTMENT

- 23) a Deputy Financial Officer appointment must be made by resolution of Council.

SCHEDULE "D" Powers, Duties and Functions of the Approving Officer

I. Statutory (Approving Officer)

- 1) Prepare preliminary layout approval (PLA) letters for new subdivision applications;
- 2) Develop new policies and procedures for the Municipality, as requested by the CAO;
- 3) Handle inquiries and process new applications for subdivision development.

SCHEDULE "E" Powers, Duties and Functions of the Bylaw Enforcement Officer

I. Bylaw Enforcement Officer

- 1) The appointment of individual bylaw enforcement officers to the position is delegated to the CAO;
- 2) The appointment of Bylaw Enforcement Officer, or employee acting in the capacity of Bylaw Enforcement Officer as directed by the CAO for the purposes of *Section 16 of the Community Charter* and authority is hereby conferred upon the person or persons appointed to those offices from time to time, to enter at all reasonable times, on any property, to ascertain whether the regulations as prescribed by District Bylaws and any subsequent amendments are being observed;
- 3) Bylaw Enforcement Officers acting in the course of their duties are Peace Officers as that term is defined in section 2 of the *Criminal Code of Canada*.