

District of Barriere

REPORT TO COUNCIL

Request for Decision

Date: August 10, 2026	File:
To: Council	From: Chief Administrative Officer
Re: DRAFT Officers and Delegation of Authority Bylaw No. 278	
Recommendation: THAT Council gives first three readings to the Officers and Delegation of Authority Bylaw No. 278.	

Purpose

For Council to consider giving first three readings to the Officers and Delegation of Authority Bylaw No. 278, which establishes statutory officer positions and updates delegated authorities for municipal administration, agreements, legal matters, land use, municipal land use, licensing, bylaw enforcement, and related administrative functions.

If this bylaw is established, two other bylaws and six outdated Council policies can be rescinded as they either have been included in the proposed bylaw or authority changes would allow staff to create operational policies and procedures regarding those particular topics.

Background

The current bylaw No. 201 was established in 2021 and built on the original bylaw from 2008. Since its inception in 2007/2008, the District has significantly evolved in responsibilities, budgets, and services provided to the public. Significant governance shifts have also occurred over the past few years in streamlining budget and strategic planning processes, codifying current and industry best practices, and pursuing efficiencies and excellence in service delivery at every opportunity. The proposed draft bylaw effectively would enshrine some of those past efforts of Council and consolidate several bylaws and policies under one overarching “delegation of authority” bylaw. Further, although implied in some cases, clear delegations of authority are currently not codified which creates additional and unnecessary risks for the organization.

In short, the draft bylaw is intended to modernize and merge the District’s approach to Officer appointments and delegated authority while equally reducing risks. It establishes the Chief Administrative Officer, Corporate Officer, and Chief Financial Officer as statutory officer positions under the Community Charter and clarifies how deputies, designates, and employees may exercise delegated powers, duties, and functions when authorized.

Compared with the current Bylaw No. 201, the proposed bylaw now codifies and expands the delegated authority framework from a schedule-based listing of officer powers into a more comprehensive governance tool. In the past, these schedules were used as well as quasi job descriptions for the various officers of the municipality, but, as job descriptions now exist for all officers and other exempt staff (along with Employment Agreements), the focus of this bylaw can now be solely on the various authority levels delegated by Council. Further, the bylaw clarifies

which positions are statutory officers, distinguishes statutory officer roles from deputies and designates, adds defined limits and conditions for delegated decision-making, and identifies areas where authority is new, expanded, or more specifically controlled; again, with the intent to reduce risks to the organization.

The draft bylaw also provides a consistent framework for administrative decision-making, including execution of agreements, grant applications and grant agreements, legal action and claims, Freedom of Information and Protection of Privacy Act (FOIPPA) responsibilities, bylaw enforcement appointments and powers, land use and development matters, municipal land use agreements and permits, liquor, cannabis, and business licensing matters, and general signing authority. Further, Schedule A sets out a non-exhaustive list of agreement types and the permitted authority to execute those agreements.

If adopted, the bylaw would repeal the District of Barriere Freedom of Information and Protection of Privacy Bylaw 2007, No. 0004, the District of Barriere Special Events Regulation By-law No. 0021, 2008, and the District of Barriere Officers and Delegation of Authority Bylaw No. 201, including amendments to those bylaws.

In addition, six Council policies are recommended to be rescinded because the authority or administrative responsibility addressed in those policies is now either incorporated directly into the proposed bylaw or is more appropriately administered through CAO-approved administrative and operational procedures under the proposed bylaw. Rescinding these policies will reduce duplication, clarify where authority now rests, and support a cleaner distinction between Council-level policy direction and administrative procedures.

District staff have reviewed various officers and delegation of authority frameworks utilized in other municipalities across the province. A significant portion of the language found in this bylaw has been resourced from two recent holistic reviews undertaken by other municipalities and adapted to the needs of the District.

Policies Integrated into the Bylaw

- **Policy No. 18 – Budget Transfer Authority** (from 2012)— Addressed under section 4.6.o, which delegates authority to transfer up to \$25,000 (suggested) of budgeted funds between operational and/or capital items, except transfers from a reserve or restricted surplus to the CAO. The current policy from 2012 provides authority for up to \$10,000 for the CAO to transfer between items. (2012 annual operating budget, exclusive of other taxing authorities and grant projects, was roughly \$1.4Mil compared to 2026 at \$3.0Mil.)
- **Policy No. 21 – Remote Access Policy** (from 2012) — Addressed under section 4.6.i, which delegates authority to develop, approve, and implement administrative policies, procedures, and practices dealing with technological and information security matters to the CAO. The current policy is outdated. A modern, holistic administrative Information Technology (IT) policy is needed which should be added to the CAO workplan for 2027.
- **Policy No. 26 – Accounting Software Access Policy** (from 2013) — Addressed under section 4.6.i, through delegated authority for technological and information security policies, procedures, and practices to the CAO, and under section 4.11, through the CFO's financial officer functions and responsibility for financial administration. Similar to Policy No. 21, this policy is also outdated and no longer needed. Components may be included in a modern administrative IT policy.

- **Policy No. 28 – Freedom of Information and Protection of Privacy** (from 2015) — Addressed under section 7, Freedom of Information and Protection of Privacy Act (FOIPPA), which designates the CAO and Corporate Officer as Head, authorizes the Deputy Corporate Officer to perform administrative duties and functions of the Head, and delegates authority to the CAO to develop, approve, and implement FOIPPA-related administrative policies, manuals, procedures, and practices. The current policy resembles more a manual or handbook rather than a policy and would be converted into an administrative handbook. This ensures that it can easily be updated by staff as legislation or requirements change. The current policy also contradicts Bylaw No. 4 (designation of Head), which would be repealed as part of this process as well to ensure all of the District’s FOIPPA processes are aligned.
- **Policy No. 30 – Human Resources Basics Policy** (from 2015) — Addressed under section 4.6.c & d., which assigns the CAO responsibility for coordinating, motivating, directing, and supervising Department Heads, administering exempt employee compensation in accordance with Council-approved policies and budgets, implementing Council-approved policies and directives, and developing administrative policies, procedures, and practices. Exempt employees are now governed by Employment Agreements, while a Collective Agreement exists for union employees; as such, this Policy is no longer required.
- **Policy No. 38 – Staff Training and Development Policy** (from 2019) — Addressed under section 4.6.h, which assigns responsibility for coordinating, motivating, directing, and supervising Department Heads and Employees, administering employee-related matters within Council-approved budgets, and developing administrative policies, procedures, and practices to the CAO. Training approvals and repayment procedures can therefore be managed administratively rather than maintained as a separate Council policy. Often the training approvals also need to be evaluated on a case-by-case basis as scenarios, needs of the District, and costs can be vastly different.

Bylaw Highlights

The sections below highlight key authority related items within the proposed bylaw. Most of those authorities are either already in place or the District generally operates as such. As such, the intent is primarily to codify current practices and general industry best practices to ensure that staff follows actual authorities delegated by Council.

- **Statutory officers** (Sections 4.1 to 4.5.) — Confirms the Chief Administrative Officer, Corporate Officer, and Chief Financial Officer as statutory officer positions and outlines appointment processes.
- **CAO authority** (Section 4.6) — Assigns the CAO administrative leadership responsibilities, including directing Department Heads, implementing Council-approved policies, developing administrative and technology-related procedures, responding to emergencies, assigning responsibilities to statutory officers, declaring certain surplus assets, and transferring up to \$25,000 (suggested) of budgeted funds between operational and/or capital items, subject to restrictions.
- **Corporate and financial administration** (Sections 4.7 to 4.12) — Assigns corporate functions, including notice administration, records management, election administration, and development variance permit issuance to the Corporate Officer, and assigns the CFO financial officer and collector functions.

- **Delegation continuity** (Sections 4.13 to 4.20) — Clarifies authority for deputies, designates, employees, multiple-position appointments, continuity where position titles change, and limitation of Employee powers.
- **Agreement authority** (Sections 5.1 and 5.2) — Delegates authority for the CAO and Corporate Officer to negotiate, enter into, accept, execute, amend, and terminate agreements (generally in alignment with Schedule A) in accordance with applicable District policies, with multi-year agreements and service contracts requiring CAO execution (in alignment with the Purchasing Policy).
- **Grant administration** (Sections 5.3 and 5.4) — Allows specified staff to apply for or execute grant-related agreements where criteria are met, including 100% grant-funded projects, a maximum value of \$50,000 (suggested), limited staff time, and the intent to offset capital or operating costs within the Financial Plan or Strategic Plan.
- **Legal action and FOIPPA** (Sections 6 and 7) — Delegates authority to the CAO to obtain and instruct legal counsel, settle uninsured claims up to \$25,000 (suggested) where funds are allocated and approved by Council, and designates the CAO and Corporate Officer as Head for FOIPPA purposes.
- **Bylaw enforcement** (Section 8) — Provides delegated authority for the appointment of Bylaw Enforcement Officers and other authorized persons, and confirms authority to enter onto property where permitted by statute, bylaw, permit, order, or other lawful authority for inspection, investigation, compliance, or enforcement purposes.
- **Land use** (Section 9) — Provides delegated authority for routine land use and development-related matters where Council approval is not required or where the matter is already tied to an approved project, permit, subdivision, development application, or statutory process. Additional details can be found below:
 - **Covenants, rights-of-way, and easements** — Authorizes staff to negotiate, accept, execute, amend, discharge, or release land title instruments such as covenants, statutory rights-of-way, and easements where required for development, infrastructure, servicing, access, drainage, utilities, or related municipal purposes.
 - **Works and services agreements** — Allows staff to enter into and administer works and services agreements connected to subdivision, development, servicing, or infrastructure requirements, including related security, completion, and deficiency matters where consistent with District requirements.
 - **Liens and land title matters** — Provides authority to sign and file documents needed to register, amend, postpone, discharge, or otherwise administer liens, notices, plans, and other land title documents related to District interests or statutory requirements.
 - **Land acquisition for approved projects** — Authorizes staff to complete land acquisition documentation and related administrative steps where the acquisition is required for a Council-approved project, approved budget, statutory requirement, or previously approved land transaction.

- **Strata conversions** — Delegates authority for specified strata conversion approvals or related administrative decisions where permitted by legislation and where the application satisfies applicable District requirements.
- **Parkland dedication** — Provides authority to administer parkland dedication, cash-in-lieu, or related subdivision requirements where those requirements arise under legislation, bylaw, subdivision approval, or a Council-approved land use process.
- **Minimum frontage exemptions** — Delegates authority to consider or approve minimum frontage exemptions where permitted under the Local Government Act and where the exemption is consistent with applicable District bylaws, subdivision requirements, and servicing considerations.
- **Municipal land use** (Section 10) — Delegates specified authorities related to the District's own lands, facilities, and interests in land. This includes routine facility rentals, licences of use, lease renewals, leasehold improvements, encroachments, and special event permits where the matter is administrative in nature, consistent with approved District policies or fees, and does not require a broader Council land disposition decision.
 - **Facility rentals** (Parks, Recreation, and other District Facilities) — Authorizes staff to approve and administer routine rentals of District facilities where the rental is consistent with approved fees, facility-use rules, insurance requirements, and any applicable Council-approved policy or administrative procedure.
 - **Licences of use** (District-owned Property) — Allows staff to enter into and administer short-term or routine licences of use for District property where the use is limited in scope, does not create a long-term disposition of land, and aligns with approved rates, operating requirements, and risk management conditions.
 - **Lease renewals** (District Facilities) — Delegates authority to renew or administer existing leases (where the District is the landlord) where the renewal is contemplated by the original agreement, does not materially change the approved land use or financial terms, and remains within the scope of Council-approved policies, budgets, and statutory requirements. Any new tenant leases or lease renewals longer than 1 year would require Council approval.
 - **Leasehold improvements** — Provides authority to review and approve minor (up to \$50,000 in value) leasehold improvements by the lessee on District-owned or District-managed property where the improvements are permitted by the applicable lease, do not create unapproved financial obligations for the District, and meet applicable safety, building, insurance, and operational requirements.
 - **Encroachments** — Authorizes staff to consider and administer minor encroachment agreements, permissions, or renewals affecting District land, roads, rights-of-way, or infrastructure where the encroachment is manageable, does not interfere with municipal operations, and includes appropriate indemnity, insurance, removal, and access conditions.

- **Special event permits** — Allows staff to receive, review, approve, condition, or refuse routine special event permit applications where the event can be managed administratively and where requirements for traffic, safety, emergency access, insurance, noise, public works, and use of District facilities or lands are satisfied.
- **Licensing** (Section 11) — Delegates specified authorities for liquor, cannabis, and business licensing matters. This allows staff to administer routine licence processes, provide comments or recommendations where permitted, conduct inspections, appoint or recognize business licence inspection authority, and manage licence administration in accordance with applicable legislation, District bylaws, and Council-approved policies.
- **Repeals** (Section 14) — Repeals earlier bylaws dealing with FOIPPA, special events, and officers and delegation of authority to reduce duplication and conflict.

Key Authority Changes from Current Bylaw

Below are key differences from the current Bylaw No. 201 to the proposed one. The intent with the changes is to a) reduce risk to the organization, and b) codify current and industry best practices.

- **Officer structure narrowed for statutory purposes** — Bylaw No. 201 established the CAO, Corporate Officer, Financial Officer, Approving Officer, and Bylaw Enforcement Officer as officer positions. The proposed bylaw identifies the CAO, Corporate Officer, and CFO as statutory officers for Community Charter purposes, while retaining other functional appointments through specific delegation provisions.
- **Deputies and designates clarified** — Bylaw No. 201 required Deputy Corporate Officer and Deputy Financial Officer appointments by Council resolution. The proposed bylaw allows the CAO to select and appoint deputies or temporary designates in specified circumstances, while making clear that deputies and acting designates are not statutory officers solely by virtue of acting in the role.
- **Legal authority expanded with limits** — Bylaw No. 201 allowed the CAO to obtain legal advice and, at Council's direction, authorize legal proceedings and settlements. The proposed bylaw delegates authority to obtain and instruct legal counsel to commence or defend proceedings and to settle uninsured claims up to \$25,000 (suggested) where Council has approved funds previously.
- **Agreement authority broadened and organized** — Bylaw No. 201 included general CAO contract authority and Council-directed authority for certain land-related agreements. The proposed bylaw establishes broader agreement authority for the CAO and Corporate Officer, creates Schedule A to identify execution authority by role, and requires multi-year agreements and service contracts to be executed by the CAO in alignment with the Procurement Policy.
- **Land use and municipal land authority expanded** — The proposed bylaw adds more detailed delegations for covenants, statutory rights-of-way, easements, works and services agreements, liens, land title matters, land acquisition for approved projects, strata conversion approvals, parkland dedication, facility rentals, licences of use, lease renewals, leasehold improvements, encroachments, and special event permits.

- **Licensing authority added** — The proposed bylaw adds and clarifies delegated authority for liquor and cannabis licence comments and recommendations, business licence inspection and administration, and appointment of a Business Licence Inspector.

Summary

In summary, Council is asked to consider first three readings of a bylaw that updates the District's officer structure and delegated authority framework. The proposed bylaw would repeal District of Barriere:

- Freedom of Information and Protection of Privacy Bylaw 2007, No. 0004,
- Special Events Regulation By-law No. 0021, 2008, and
- Officers and Delegation of Authority Bylaw No. 201.

It would also support rescission of six outdated or duplicative Council policies:

- Policy No. 18 – Budget Transfer Authority;
- Policy No. 21 – Remote Access Policy;
- Policy No. 26 – Accounting Software Access Policy;
- Policy No. 28 – Freedom of Information and Protection of Privacy;
- Policy No. 30 – Human Resources Basics Policy; and
- Policy No. 38 – Staff Training and Development Policy.

The key changes include clearer statutory officer designations, broader and more specific agreement authority, limited legal settlement and budget transfer authorities, consolidated FOIPPA responsibilities, expanded land use and municipal land use delegations, clarified licensing and bylaw enforcement authorities, and a shift of operational procedures into CAO-approved administrative policies or manuals where appropriate.

Benefits or Impact

General

The proposed bylaw provides a clearer and more transparent administrative framework than Bylaw No. 201 by expressly identifying key authority changes and the conditions attached to them. It also consolidates or replaces authority currently addressed through three bylaws proposed for repeal and six Council policies recommended for rescission. This supports efficient day-to-day administration while preserving Council's authority where decisions are not expressly delegated, where thresholds are exceeded, or where matters are referred back to Council.

Finances

N/A

Strategic Impact

Priority #2: Fiscally Responsible Operations

Goal 2. – Develop a Strategy to mitigate cost increases and downloading pressures.

Actions to get us there:

- b. Seek opportunities to increase Staff development, capacity, and growth, to align with the current needs of the organization, for example:
 - a. Include a full-time roads department in the 2026 draft budget for Council consideration
 - i. if approved, complete all required steps to ensure the all-year roads department is operational as soon as possible.
 - b. Organizational Structure review that enables and supports transparency, communications, community growth, and community livability, while ensuring that our statutory obligations are met.

Goal 3. – Financial Confidence and Oversight are Rebuilt

Actions to get us there:

- a. Enhancing Financial Procedures and Processes
 - a. Workflows, signoff, and other processes are evaluated and enhanced where feasible.
 - b. All Financial Policies are reviewed, and possibly new Policies are established, to align with the needs of our growing organization, including:
 - i. Budget Transfer Authority

Risk Assessment

Compliance: Community Charter, Local Government Act, Interpretation Act, Freedom of Information and Protection of Privacy Act, Financial Disclosure Act, Land Title Act, Builders Lien Act, Manufactured Home Act, Strata Property Act, Liquor Control and Licensing Act, Cannabis Control and Licensing Act, and applicable District bylaws and policies.

Risk Impact: Low-Medium – The proposed bylaw gives staff more flexibility for day-to-day administration, including agreements, grants, land use, licensing, FOIPPA, special events, budget transfers, HR, training, and technology procedures. Risk is managed through clear authority limits, statutory requirements, Council-approved budgets and policies, and the ability to refer matters to the CAO or Council when needed.

Internal Control Process: Staff is following standard processes to develop updated bylaws while equally taking an opportunity to holistically review other policies and bylaws for inclusion and efficiency purposes with the intent to reduce risk for the organization.

Next Steps / Communication

- If Council gives first three readings, staff will bring the bylaw back for adoption at the next meeting.
 - The six Council policies will also be brought forward for rescission.
 - Administrative procedures replacing rescinded policies will be developed or updated under the authority delegated in the proposed bylaw.
 - Staff will also ensure internal users are briefed on the authority changes from Bylaw No. 201, including thresholds, approval pathways, and when matters must be escalated to the CAO or Council.
 - Additional Human Resources related bylaw and/or policies of Council will be reviewed in 2027, and further amendments or rescissions would be recommended to Council if warranted.
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Attachments

1. District of Barriere Officers and Delegation of Authority Bylaw No. 278 – Draft v2
2. Current Bylaws:
 - a. Officers and Delegation of Authority Bylaw No. 201
 - b. Special Events Regulation By-law No. 0021
 - c. Freedom of Information and Protection of Privacy Bylaw No. 0004
3. Policies recommended for rescission:
 - a. Policy No. 18 – Budget Transfer Authority;
 - b. Policy No. 21 – Remote Access Policy;
 - c. Policy No. 26 – Accounting Software Access Policy;
 - d. Policy No. 28 – Freedom of Information and Protection of Privacy;
 - e. Policy No. 30 – Human Resources Basics Policy; and
 - f. Policy No. 38 – Staff Training and Development Policy.

Recommendation

THAT Council gives first three reading to District of Barriere Officers and Delegation of Authority Bylaw No. 278.

Alternative Options

1. Council could choose not to give the bylaw first three readings. This is not recommended, as Bylaw No. 201, FOIPPA Bylaw No. 0004, Special Events Regulation By-law No. 0021, and the six related Council policies would remain in place, and the District would not receive the additional clarity, transparency, threshold controls, and consolidated authority framework proposed in the new bylaw.
2. Council could amend the draft bylaw prior to readings which may include additional revisions to specific authority areas, thresholds, appointment processes, or agreement execution provisions.

Prepared by:

Chief Administrative Officer, D. Drexler

DISTRICT OF BARRIERE
DRAFT - BYLAW NO. 278

**A BYLAW TO ESTABLISH OFFICER POSITIONS AND TO DELEGATE CERTAIN POWERS,
DUTIES, AND FUNCTIONS AS PROVIDED IN LEGISLATION**

The Council for the District of Barriere, in open meeting lawfully assembled, **ENACTS** as follows:

1. Title

- 1.1 This Bylaw may be cited for all purposes as the “District of Barriere Officers and Delegation of Authority Bylaw No. 278”.

2. Definitions

- 2.1 In this bylaw, unless the context requires otherwise:

“**Approving Officer**” means the person appointed as the District’s Approving Officer pursuant to the Land Titles Act.

“**Builders Lien Act**” means the *Builders Lien Act, SBC 1997, Chapter 45* as amended, revised, consolidated, or replaced from time to time.

“**Business License and Regulations Bylaw**” means the District’s Business License and Regulations Bylaw No. 267 as amended, revised, consolidated, or replaced from time to time.

“**Bylaw Enforcement Officer**” means a person or persons appointed as a Bylaw Enforcement Officer for the District, otherwise authorized or appointed under the Offence Act, the Police Act, or the Community Charter, and every Peace Officer as defined in S.2 of the Criminal Code.

“**Bylaw Notice Enforcement Bylaw**” means the District of Barriere’s Bylaw Notice Enforcement Bylaw No. 95 as amended, revised, consolidated, or replaced from time to time.

“**Cannabis Control and Licensing Act**” means the *Cannabis Control and Licensing Act, SBC 2018, Chapter 29* as amended, revised, consolidated, or replaced from time to time.

“**Chief Administrative Officer**” or “**CAO**” means the person appointed as the Chief Administrative Officer for the District, pursuant to the Community Charter;

“**Chief Financial Officer**” or “**CFO**” means the person appointed as the Financial Officer for the District, pursuant to the Community Charter;

“**Corporate Officer**” or “**CO**” means the person appointed as the Corporate Officer for the District, pursuant to the Community Charter;

“**Community Charter**” or “**CC**” means the *Community Charter, SBC 2003, c. 26*, as amended, revised, consolidated, or replaced from time to time.

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

“Criminal Code” means the Canadian *Criminal Code*, RSC 1985, c. C-46, as amended, revised, consolidated, or replaced from time to time.

“Department Head” means an exempt Employee of the District who is responsible for managing a specific department within the District on a senior level and who supervises Employees and oversees activities under that specific department.

“Development Applications Procedures Bylaw” means the District of Barriere Development Applications Procedures Bylaw No. 269 as amended, revised, consolidated, or replaced from time to time.

“District” means the District of Barriere

“Employee” means an exempt or union employee of the District, but does not include contractors, consultants, volunteers, or other such similar individuals hired to work on behalf of the District.

“Facility Lease Agreement” means a written agreement between a lessee and the District authorizing use of a municipal facility, generally for a long-term purpose.

“Facility Rental Agreement” means a written agreement between a renter and the District authorizing use of a municipal facility, generally seasonal or for short term (under one year) use.

“Financial Disclosure Act” means the *Financial Disclosure Act*, RSBC 1996, Chapter 139 as amended, revised, consolidated, or replaced from time to time.

“Financial Plan” means the District of Barriere’s annual Financial Plan Bylaw as amended, revised, consolidated, or replaced from time to time.

“Freedom of Information and Protection of Privacy” or “FOIPPA” means the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, Chapter 165 as amended, revised, consolidated, or replaced from time to time.

“Head” means the position designated as the Head of the public body for the purposes of the Freedom of Information and Protection of Privacy Act.

“Interpretation Act” means the *Interpretation Act*, RSBC 1996, Chapter 238 as amended, revised, consolidated, or replaced from time to time.

“Land Titles Act” or “LTA” means the *Land Titles Act*, RSBC 1996 c 250, as amended, revised, consolidated, or replaced from time to time.

“Licence of Use Agreement” means a contract up to one year in duration between two parties to use land (or space inside of a building) for a specific purpose.

“Liquor Control and Licensing Act” means the *Liquor Control and Licensing Act*, SBC 2015, Chapter 19 as amended, revised, consolidated, or replaced from time to time.

“Local Government Act” or “LGA” means the *Local Government Act*, RSBC 2015, c.1, as amended, revised, consolidated, or replaced from time to time.

“Manufactured Home Act” means the *Manufactured Home Act*, SBC 2003, Chapter 75 as amended, revised, consolidated, or replaced from time to time.

“Municipal Ticketing Information Bylaw” means the District of Barriere’s Municipal Ticketing Information Bylaw No. 71 as amended, revised, consolidated, or replaced from time to time.

“Offence Act” means the *Offence Act, RSBC 1996, Chapter 338* as amended, revised, consolidated, or replaced from time to time.

“Peace Officer” shall have the same meaning as in the Interpretation Act, including Staff appointed as a Bylaw Enforcement Officer to enforce and administer this and other bylaws of the District, and any member of the Royal Canadian Mounted Police.

“Police Act” means the *Police Act, RSBC 1996, Chapter 367* as amended, revised, consolidated, or replaced from time to time.

“Procurement Policy” means the District of Barriere Procurement Policy No. 56FI as amended, revised, consolidated, or replaced from time to time.

“Statutory Officer” means a person appointed under the Community Charter and holding a position of statutory authority described in section 4 of this Bylaw, to carry out certain powers, duties, and functions as set out in this Bylaw.

“Strata Property Act” means the *Strata Property Act, SBC 1998, Chapter 43* as amended, revised, consolidated, or replaced from time to time.

“Strategic Plan” means the District of Barriere’s rolling Strategic Plan as amended, revised, consolidated, or replaced from time to time.

3. General

- 3.1. Except as otherwise defined in this Bylaw, any words or phrases herein will be construed with their respective meanings under the Community Charter, Local Government Act, and Interpretation Act, RSBC 1996, c.238, or any other applicable statutes, as the context and circumstances may require.
- 3.2. Headings in this Bylaw are for convenience only and must not be construed as defining, or in any way limiting the scope or intent of this Bylaw.
- 3.3. Any schedules attached to this Bylaw are for reference only, do not form part of this Bylaw, and do not limit the scope or intent of this Bylaw in any way.
- 3.4. A reference to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation, or bylaw refers to that enactment as amended, revised, consolidated, or replaced from time to time.
- 3.5. If any section, paragraph, or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.
- 3.6. If there is a conflict between this Bylaw and:
 - a. a statute granting delegation of authority, that statute will prevail; or
 - b. another District bylaw or policy granting specific delegations of authority where such authority is also set out in this Bylaw, this Bylaw will prevail.

- 3.7. Unless a power, duty, or function of Council has been expressly delegated by this Bylaw or another District bylaw, all the powers, duties, and functions of Council remain with Council. Nothing in this Bylaw affects Council's authority to exercise any of the powers, duties, and functions delegated by this Bylaw or another District bylaw, or Council's authority to reconsider decisions delegated by this Bylaw or another District's bylaw in accordance with the District's appeal procedures.

4. General Delegation of Authority

Statutory Officers of the District

- 4.1. The persons holding Statutory Officers positions at the District pursuant to the Community Charter and that are also designated as "municipal employees" for the purposes of the Financial Disclosure Act, are as follows:
- a. Chief Administrative Officer;
 - b. Corporate Officer; and
 - c. Chief Financial Officer.
- 4.2. The selection and appointment of the Chief Administrative Officer will be made by resolution of Council.
- 4.3. The selection of the Corporate Officer and the Chief Financial Officer will be made by the Chief Administrative Officer and appointed by resolution of Council.
- 4.4. The selection and appointment of a person as deputy to the Corporate Officer or to the Chief Financial Officer will be made by the Chief Administrative Officer.
- 4.5. Notwithstanding any other section of this Bylaw, or any other District Bylaw, only the persons holding positions set out in sections 4.1 are considered "Statutory Officers" for the purposes of section 152 of the Community Charter. A person appointed as a Statutory Officer's deputy or appointed to act in the place of a Statutory Officer from time to time, is not considered a Statutory Officer for the purposes of section 152 of the Community Charter.

Chief Administrative Officer

- 4.6. The Chief Administrative Officer is assigned the powers, duties and functions of Chief Administrative Officer under the Community Charter, including but not limited to:
- a. carrying out the powers, duties, and functions specified in the Community Charter and other provisions applicable to the Chief Administrative Officer in other enactments;
 - b. carrying out and administering any powers, duties, and functions set out under this Bylaw;
 - c. coordinating, motivating, directing, and supervising Department Heads and establishing their duties and responsibilities;
 - d. administering exempt Employees' compensation in accordance with the corporate policies and budgets established by Council;

- e. subject to Council approval, negotiating all collective agreements;
- f. developing and recommending for Council approval any policies dealing with nonadministrative matters, as directed by Council, and may initiate such policies for consideration by Council;
- g. implementing all Council approved policies and directives;
- h. developing, approving, and implementing policies, procedures, and practices dealing with administrative matters;
- i. developing, approving, and implementing policies, procedures, and practices dealing with technological and information security matters;
- j. preparing and submitting reports and recommendations as may be required by Council;
- k. taking whatever legal actions or measures are deemed necessary to respond to an emergency;
- l. during closed meetings, where the Corporate Officer or their designate are excused from the meeting or part of the meeting, acting in the Corporate Officer's place for the purposes of ensuring accurate minutes of the closed meeting are recorded, maintained, and kept secure;
- m. the authority to assign additional responsibilities to a Statutory Officer, including acting on behalf of another Statutory Officer in their absence;
- n. to declare an item other than real property as surplus for asset disposal once the useful life of the item has been reached. Further, in special circumstances where a reasonable trade value of \$1,000 or less is achievable for an item, the Chief Administrative Officer may determine to not undertake a public auction as per the Asset Disposal Policy; and
- o. the authority to transfer up to \$25,000 of budgeted funds between operational items and/or capital items, except transfers from a particular reserve or restricted surplus.

Corporate Officer

- 4.7. The Corporate Officer is assigned the powers, duties, and functions of the corporate officer under the Community Charter.
- 4.8. The Corporate Officer, is authorized by Council to:
 - a. issue any development variance permits, including Minor Development Variance Permits, as defined in the Development Applications Procedures Bylaw;
 - b. issue or acquire any legal documents or other permits on behalf of the District, as directed by Council;
 - c. give, publish, post, deliver, and administer any notice required or authorized by an enactment, bylaw, resolution, agreement or other lawful authority of the municipality; and

- d. administer a records management program for the District, which includes but is not limited to the creation of policies, procedures, and manuals to provide for the systematic control of the creation, use, maintenance, storage, security, retrieval, and disposition of records created or received by the District in the conduct of its operations.
- 4.9. The Corporate Officer is assigned the responsibility for administering civic elections and other voting procedures as the Chief Election Officer unless otherwise appointed by Council.
- 4.10. A power to give notice under this section includes the power to exercise any associated discretion conferred on Council by the relevant section in respect of the notice, including to determine the form and content of the notice and the manner and time at which it is to be given, where such matters are not otherwise prescribed by statute, bylaw, or Council.

Chief Financial Officer

- 4.11. The Chief Financial Officer is assigned the powers, duties, and functions of the financial officer under the Community Charter.
- 4.12. The Chief Financial Officer is assigned the powers, duties, and functions of the collector, as defined under the Community Charter, for the purpose of collecting taxes for the District.

Designates of the Chief Administrative Officer

- 4.13. The Chief Administrative Officer is delegated the powers, duties, and functions, at their discretion, to designate an Employee, Statutory Officer, or any other person to temporarily act in the Chief Administrative Officer's absence from which the Chief Administrative Officer intends to return, in alignment with the CAO Succession Plan.

Designates of Statutory Officers

- 4.14. In the temporary absence of a Statutory Officer who has been delegated powers, duties or functions by bylaw, the Chief Administrative Officer may temporarily assign those powers, duties, and functions to:
 - a. the deputy of the Statutory Officer;
 - b. the immediate supervisor for the position to which the authority is delegated;
 - c. the Chief Administrative Officer; or
 - d. any other Employee that the Chief Administrative Officer wishes to designate.

Appointment and Designates of Employees

- 4.15. The Chief Administrative Officer is delegated the powers, duties, and functions, at their discretion, to appoint, promote, discipline, suspend, and terminate Employees, not including Statutory Officers, subject to the terms of an employment contract or collective agreement, or both.
- 4.16. The selection of the Approving Officer will be made by the Chief Administrative Officer and appointed by resolution of Council. The Chief Administrative Officer is delegated the powers, duties, and functions under the Land Titles Act, at their discretion, to appoint a person as the Deputy Approving Officer.

- 4.17. In the absence of an Employee who is not a Statutory Officer, and who has been delegated powers, duties, or functions by bylaw, the Department Head of that Employee or the Chief Administrative Officer may assign such powers, duties, or functions to:
- a. the supervisor or manager of the Employee;
 - b. the Department Head of the Employee; or
 - c. any other Employee or any other person that the Department Head or Chief Administrative Officer wishes to designate.

Appointment to Multiple Positions

- 4.18. Nothing in this Bylaw prevents the appointment of the same Employee to two (2) or more positions or statutory offices.

Changes in Position Title

- 4.19. If the title of a position is changed, or if a position is replaced with a similar position that absorbs those same roles and responsibilities, then the delegated authority assigned under a bylaw or policy will continue to apply regardless of such change or replacement.

Limitation of Employee Powers

- 4.20. An Employee to whom powers, duties, or functions are delegated under this Bylaw may only exercise those powers, duties, or functions in accordance with any applicable requirements or restrictions established by statute, regulation, or law in relation to such powers, duties, or functions.

5. Agreements

- 5.1. The Chief Administrative Officer and the Corporate Officer are each delegated the powers, duties, and functions to:
- a. negotiate, enter into, accept, execute, amend, and terminate any agreement in accordance with Schedule A of this Bylaw, or any other type of agreement not set out in Schedule A, in accordance with applicable provisions of the Procurement Policy and other related bylaws and policies, where applicable;
 - b. permit, at their discretion, the negotiation, entering into, acceptance, execution, amendment, and termination of any agreement in accordance with Schedule A of this Bylaw, including any other type of agreement not set out in Schedule A, by any Department Head or Statutory Officer, as circumstances prescribe and in accordance with applicable provisions of the Procurement Policy and other related bylaws and policies, where applicable.
- 5.2. Any multi year agreement or service contract under Section 5.1 must be executed by the Chief Administrative Officer.
- 5.3. The Chief Administrative Officer and Chief Financial Officer are each delegated the power to enter into and execute agreements in relation to grant monies for approved projects and any previously unknown grant funded projects with the criteria listed under Section 5.4.

- 5.4. The Chief Administrative Officer and their designates are delegated the power to apply for grant funding with the following conditions:
- a. 100% grant funded and no District funds are required;
 - b. Maximum dollar value of \$50,000;
 - c. No significant amount of staff time would be required for the application, any reporting, and the implementation of the grant; and
 - d. The intent is to offset capital or operating costs for already planned items within the Financial Plan or the Strategic Plan.

All other applications must be brought to Council for consideration before submission to the grant funder.

6. Legal Action and Claims

- 6.1. The Chief Administrative Officer is delegated the authority to:
- a. obtain and instruct legal counsel to commence or defend any legal action or proceeding in any court of law, or before any tribunal, arbitrator, mediator, or any other person, for or on behalf of the District.
 - b. settle uninsured claims or causes of action, whether legal proceedings have been commenced or not, subject to the settlement being for not more than \$25,000 and sufficient funds have been allocated and approved by Council to satisfy the settlement.

7. Freedom of Information and Protection of Privacy Act (FOIPPA)

- 7.1. Definitions contained in Schedule 1 of FOIPPA shall apply to this section except where the context requires otherwise.
- 7.2. The Chief Administrative Officer and Corporate Officer are designated as the Head.
- 7.3. The Deputy Corporate Officer is authorized to perform the administrative duties and functions of the Head.
- 7.4. The Chief Administrative Officer is delegated the powers, duties, and functions to develop, approve, and implement administrative policies, manuals, procedures, and practices relating to FOIPPA.

8. Bylaw Enforcement

- 8.1. The Chief Administrative Officer and the Corporate Officer are delegated the powers, duties, and functions to appoint Bylaw Enforcement Officers.
- 8.2. By virtue of their appointment, Bylaw Enforcement Officers may exercise the following powers:
- a. enforcement of the District's bylaws and policies;
 - b. entry onto or into private premises to verify compliance with Council resolutions, bylaws, policies, prohibitions, or requirements, pursuant to the Community Charter;

- c. the service of summons under the Offence Act;
- d. the issuance and enforcement of Municipal Ticket Information under the Municipal Ticket Information Bylaw;
- e. the issuance and enforcement of bylaw notices under the Bylaw Notice Enforcement Bylaw; and
- f. any other powers delegated unto Bylaw Enforcement Officers by legislation or by other District bylaws and policies.

Power to Enter on and use Property

- 8.3. The Chief Administrative Officer, Corporate Officer, Public Works Manager, and any Bylaw Enforcement Officer may, on behalf of the District and in accordance with the Community Charter, enter onto real property and carry out construction, maintenance, repairs, or other work if they believe the property may be negatively affected by the exercise of a Council power. This authority also includes taking steps to prevent or reduce damage or to reduce compensation that may otherwise be payable.

9. Land Use and Development

Covenants, Statutory Right-of-Way's (ROW's), and Easements

- 9.1. The Chief Administrative Officer and the Corporate Officer are delegated the following powers, duties, and functions:
 - a. the power to enter into, accept, execute, amend, have registered on title, and discharge a statutory, positive, or restrictive covenant on behalf of the District under the Community Charter or Local Government Act; and
 - b. the power to enter into, accept, execute, amend, have registered on title, and discharge a statutory right-of-way or easement on behalf of the District in connection with the operation of a water, wastewater, or drainage works, or for the purpose of trails or pedestrian or vehicle access.
- 9.2. The Chief Administrative Officer and the Corporate Officer are delegated the powers, duties, and functions to register statutory rights-of-way, easements, and covenants over land, releases, partial releases, discharges, modifications, and amendments to such agreements, where required as a condition of planning or building approval.

Works and Services Agreements

- 9.3. The Approving Officer is delegated the authority to enter into an agreement with an owner of land that is being subdivided which details the works and services required to be completed or which have been completed, in connection with the subdivision.
- 9.4. The Chief Administrative Officer and the Corporate Officer are each delegated the authority to enter into an agreement with an owner of land on which a building permit is being issued, which details the works and services required to be completed or which have been completed, in connection with the building.

Liens

- 9.5. The Corporate Officer is delegated the powers, duties, and functions to file and discharge notices of interest under the Builders Lien Act.
- 9.6. The Chief Financial Officer and Corporate Officer are delegated the powers, duties, and functions to file and discharge notices of interest under the Manufactured Home Act.

Land Title

- 9.7. The Corporate Officer is delegated the powers, duties, and functions to register, amend, and discharge any charges or legal notations in relation to the title of real property.
- 9.8. The Approving Officer is delegated the powers, duties, and functions to discharge any obsolete charges and legal notations from the title of real property where such charges or notations are no longer required for the purposes of subdivision, building, planning, or engineering.

Land Acquisition

- 9.9. The Chief Administrative Officer and Corporate Officer are each delegated the powers, duties, and functions to acquire land, or interests in land, subject to the purchase being for a District project approved by Council and where sufficient funds have been allocated and approved by Council under the Financial Plan.

Strata Conversion Approvals

- 9.10. The Approving Officer is delegated the authority for approving or rejecting applications for strata conversions of previously occupied buildings, pursuant to the Strata Property Act.

Provision of Parkland through Subdivision

- 9.11. The Approving Officer is delegated the authority, under the Local Government Act, to determine whether the owner must provide land or cash in lieu of land, and to determine the amount and acceptable location of park land to be dedicated.

Minimum Lot Frontage Requirements

- 9.12. The Approving Officer is delegated the following powers, duties, and functions under the Local Government Act to exempt a parcel from minimum frontage requirements as a condition of subdivision approval provided for within the Local Government Act and any applicable District bylaws.

10. Municipal Land Use

10.1. Facility Rental Agreement (Parks and Recreation Facilities)

The Corporate Officer and Deputy Corporate Officer are each delegated the authority to enter into and execute Facility Rental Agreements for parks and municipal recreation facilities, up to one year in duration, following any District facility and exclusive use bylaws and policies.

10.2. Facility Rental Agreement (Other Facilities)

The Chief Administrative Officer and Corporate Officer are each delegated the authority to enter into and execute Facility Rental Agreements for municipal facilities, up to one year in duration, following any District facility and exclusive use bylaws and policies.

10.3. Licence of Use Agreements (District Owned Property):

The Chief Administrative Officer and Corporate Officer are each delegated the authority to enter into and execute License of Use Agreements for District owned property with a market value annual rent up to \$25,000.

10.4. Lease Agreements (District Facilities)

The Chief Administrative Officer and Corporate Officer are each delegated the authority to renew Facility Lease Agreements for municipal facilities subject to the following:

- a. Renewal of one year extension at a time only
- b. No more than 3x one-year renewals for same tenant
- c. Rate increases are included as per the Fees and Charges Bylaw
- d. No other substantial changes within the lease

Initial lease agreements, any substantial lease changes, or lease renewals over 1 year must be brought to Council for consideration.

10.5. Leasehold Improvements

The Chief Administrative Officer, or their designate, is delegated authority to approve leasehold improvements and maintenance projects by a lessee, provided the value of the work is less than \$50,000 and the lessee is responsible for all project costs.

10.6. Temporary Encroachment Agreements

The Corporate Officer and Public Works Manager are each delegated the authority to enter into and execute temporary encroachment agreements for private use on municipal land.

10.7. Special Event Permits

Council delegates its powers to issue special event permits for temporary uses of:

- a. municipal lands to the Corporate Officer and Deputy Corporate Officer
- b. municipal roads (including temporary private uses or occupation of municipal streets) to the Corporate Officer and Public Works Manager, and
- c. municipal parks and recreation areas to the Corporate Officer and Deputy Corporate Officer, subject to the permit being for a term not more than 14 days.

10.8. General

For the purpose of subsections 10.1 through 10.7 above, the Chief Administrative Officer, Corporate Officer, Deputy Corporate Officer, and Public Works Manager may set out conditions, including conditions relating to compensation, indemnification, insurance, security, machinery, equipment, times of use, and compliance with applicable laws and any restrictions on title to property to which the agreement, licence or permit relates.

11. Licencing

Liquor and Cannabis Licences

11.1. The Corporate Officer is delegated the powers, duties, and functions to:

- a. Issue comments and recommendations as outlined under section 38(3) of the Liquor Control and Licensing Act;
- b. Issue comments and recommendations as outlined under section 33 of the Cannabis Control and Licensing Act; and
- c. do any other thing relating to liquor and cannabis licences that is within the scope of their powers.

Business Licences

11.2. The Chief Administrative Officer, the Corporate Officer, and the Chief Financial Officer are each delegated the powers, duties, and functions to be a Business Licence Inspector under the District's Business License and Regulation Bylaw to:

- a. issue business licences;
- b. impose requirements or restrictions on business licences;
- c. make decisions regarding business licences;
- d. collect fees in relation to business licences;
- e. suspend or cancel business licences; and
- f. do any other thing relating to business licences that is within the scope of their powers.

11.3. The Chief Administrative Officer is delegated the powers, duties, and functions to appoint to a person the role of the Business Licence Inspector under the District's Business License and Regulation Bylaw.

12. Prohibition Against Interfering With Municipal Officers and Employees

12.1. As per the Community Charter, a person must not interfere with, hinder, or obstruct a municipal officer or Employee in the exercise of performance of the officer's or Employee's powers, duties or functions.

13. Miscellaneous:

- 13.1. The Corporate Officer is delegated the powers, duties, and functions to consolidate any of the District's bylaws to produce consolidated copies of those bylaws for ease of reference purposes.
- 13.2. The Chief Administrative Officer and the Corporate Officer are each delegated the powers, duties, and functions to act as the authorized signatory for the District and to execute any document on the District's behalf.
- 13.3. Any delegated authority may, at the sole discretion of the authorized person, be referred to the Chief Administrative Officer for review who may determine to refer the matter to Council for decision.

14. Repeal:

- 14.1. The District of Barriere Freedom of Information and Protection of Privacy Bylaw 2007, No. 0004 and all amendments hereto are thereby repealed.
- 14.2. The District of Barriere Special Events Regulation By-law No. 0021, 2008 and all amendments hereto are thereby repealed.
- 14.3. The District of Barriere Officers and Delegation of Authority Bylaw, No. 201 and all amendments hereto are thereby repealed.

Read a first, second, and third time this _____ day of _____, 20_____.

Finally adopted this _____ day of _____, 20_____.

Mayor – Rob Kerslake

Corporate Officer – Tasha Buchanan

Schedule A – Agreements

1. This table is a non-exhaustive list of the types of agreements that may be executed at the District within the scope of the purchasing authority or as delegated under District bylaws.
2. Refer to section 5.1 of the Bylaw for direction on any agreements outside the scope of this table.

Permitted Authority to Execute	Types of Agreement
Department Heads	• Operating agreements • Consultant agreements • Contractor agreements • Cost-sharing agreements • Confidentiality/Non-disclosure agreements
Chief Administrative Officer	• All agreements as set out in Section 5.1 • When signing acquisition/disposition of land agreements, a signature by the Corporate Officer and by the Chief Administrative Officer are both required • All agreements listed under the Corporate Officer • Employment and labour contracts • Union/CUPE agreements • Information Technology and Information Security related agreements • Grant application and acceptance agreements
Corporate Officer	• All agreements as set out in Section 5.1 • When signing acquisition/disposition of land agreements, a signature by the Corporate Officer and by the Chief Administrative Officer are both required • All agreements listed under the Deputy Corporate Officer • Facility rental (all facilities) • Licence of Use agreements • Lease renewals • Fee for Service agreements • Development / Planning related agreements and permits, including Covenants, Statutory Right of Way's, Easements, Works and Services agreement • Information / Data-Sharing agreements
Chief Financial Officer	• Audit and accounting related agreements • Grant acceptance agreements • Fleet and Facilities insurance agreements
Public Works Manager	• Access agreements • Construction / Repair / Maintenance agreements • Highway use and Special Event (roads related) permits
Deputy Corporate Officer	• Sponsorship / Advertising / Marketing agreements • Event agreements and Special Event (lands, parks, and recreation related) permits • Filming agreements • Facility rental (Recreation)

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 22nd day of April, 2021.

Original signed by,
Mayor Ward Stamer

Original signed by,
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*.

DISTRICT OF BARRIERE

BY-LAW NO. 0021

A BY-LAW TO REGULATE SPECIAL EVENTS IN THE DISTRICT

WHEREAS under the provisions of the Community Charter S.B.C. 2003, Chapter 26, Section 8(3) and 8(7), the Council may by by-law regulate, prohibit and impose requirements in relation to public places, the protection and enhancement of the well being of its community in relation to nuisances and disturbances, public health and protection of the natural environment.

AND WHEREAS it is deemed advisable to provide for adequate health, sanitation and protective measures for persons attending special events where large numbers of people are in attendance or may be anticipated to be in attendance;

NOW, THEREFORE, the Council of the District of Barriere, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as “District of Barriere Special Events Regulation By-law No. 0021, 2008”.
2. This By-law shall not be construed so as to apply to:
 - (a) gatherings held in public parks;
 - (b) gatherings held in community halls;
 - (c) gatherings held on land zoned PA-2 in accordance with the District of Barriere Zoning By-law No. 0008, 2008.
 - (d) gatherings held on School Board land with the permission of the Superintendent of Schools; and
 - (e) filming.
3. Subject to Section 2, no person being the owner or occupier of land shall allow the land to be used as a gathering place for:
 - (a) Two Hundred and Fifty (250) or more person where the consumption of alcoholic beverages has been banned; or
 - (b) One Hundred and Twenty-five (125) or more persons where any person, group or organization plans to sell or otherwise dispense of alcoholic beverages or the owner or occupier of the land permits persons attending at the gathering to consume alcoholic beverages,
 - (c) until a permit has been issued for the gathering.
4. Subject to Section 2, an Event Organizer wishing to organize or hold a special event or gathering must complete an event application provided by the District for that purpose. For the purposes of this By-law, “Event Organizer” means the person who has the financial responsibility for the special event or gathering including contracting with entertainers, ambulance and fire services, security firm, having use of or renting the facility or site, and advertising the special event or gathering.

5. Application, in writing, for a permit to hold such an event, congregation or gathering of people shall be made to the District Chief Administrative Officer (or his/her designate), at the District of Barriere Office located at 4936 Barriere Town Road, Barriere B.C:
- (a) where no alcoholic beverages are to be consumed, or anticipated to be consumed, not less than one month (30) days; or
 - (b) where alcoholic beverages are to be consumed or reasonably anticipated to be consumed, not less than one month (30) days,
- before the first day on which the event, congregation or gathering of people is to be held.
6. The event permit application specified in Section 5 must:
- (a) be signed by the Event Organizer; and
 - (b) be presented to the District CAO or his/her designate in accordance with Section 5.
7. Every application for a permit under this By-law shall be accompanied by the herinafter required approvals which shall be in writing and shall be signed by the appropriate persons or officials;
- (a) the approval of the registered owner and the occupier of the land upon which the event, congregation or gathering of people is to be held;
 - (b) a certificate of the Medical Health Officer/Public Health Inspector for the District of Barriere that adequate arrangements have been made for the following:
 - (i) domestic water supply;
 - (ii) toilet facilities;
 - (iii) garbage collection and removal; and
 - (iv) food and drink storage, dispensing, preparation and use;
 - (c) a statement from the Commanding Officer of the Barriere Detachment of the Royal Canadian Mounted Police, or his/her designate, to the effect that adequate arrangements have been made for the following:
 - (1) the parking of automobiles and all other means of transport;
 - (2) policing and other necessary security on and around the site;
 - (3) traffic control on and around the site (including access routes for emergency vehicles;
 - (4) provision of a police and security command post (if deemed advisable by the Commanding Officer;
 - (5) additional policing services, on the basis of:
 - (i) a minimum of two officers for the first 500 persons; and
 - (ii) a further officer for each additional 25 persons, or portion thereof,

Up to the maximum capacity of the facility or site, where applicable, and as established in the event application. Prior to the issuance of the event permit, payment for the additional policing services must be made to the District.

- (6) The Commanding Officer may:
 - (i) reduce the number of officers described in subsection 5(c)(5); and
 - (ii) approve the use of Accredited Volunteers. For the purposes of this By-law “Accredited Volunteers” means volunteers under the direction and control of the Event Organizer who have been approved by the Commanding Officer;
 - (d) a statement from the District of Barriere Chief Administrative Officer or his/her designate, that the adequate arrangements have been made for fire and life safety for the site and that all accommodation to be provided thereon will conform to the requirements of the *BC Building Code*;
 - (e) a policy of comprehensive general liability insurance with a per occurrence limit of not less than \$2,000,000 and an endorsement to add the District of Barriere as additional insured to protect the District in the event of bodily injury, including death, and property damage liability that may result from or arise out of the holding of the special event or gathering and to indemnify the District for damage to and destruction of District property that may occur by reason of the special event or gathering. The policy of insurance shall contain a cross liability clause and shall be in a form acceptable to the District of Barriere;
 - (f) approval from the District of Barriere expressing satisfaction that sufficient arrangements have been made for the following, if applicable:
 - (1) the parking of automobiles and other means of transport;
 - (2) traffic control on and around the site, including access routes for emergency vehicles;
 - (3) provision of signs, barricades, other traffic control devices, and/or traffic control personnel, as may be deemed necessary and/or appropriate by the District of Barriere, and;
 - (4) where applicable, sets out the estimated cost to provide public works services for the special event;
 - (g) a statement from the Chief Administrative Officer (CAO) or his/her designate indicating that the event is not in violation of existing by-laws (ex: noise, parking, signage etc). Any exemptions or extensions must be approved in writing by the CAO or his/her designate.
8. Where applicable, applicants for events are responsible for all costs incurred by the special event, including the cost to provide public works, fire services, additional policing, and additional administrative services, and to restore the site after the event.
- (a) the applicant shall post a performance bond, as estimated by the District to provide public works, fire services, police and additional administrative services, by cash, certified cheque or letter of credit, with the District before the issuance of a permit.

- (b) the applicant may be required. As a condition of permit issuance, to post a performance bond with the District, in an amount satisfactory to the District, to restore the site after the special event.
- 9. Once approvals are obtained from the persons and officials specified in Section 6, a special event permit will be issued by the Chief Administrative Officer or his/her designate. This permit must:
 - (a) be displayed or be available onsite for inspection by any persons or officials specified in Section 7; and
 - (b) be accompanied with all supporting approvals and permits.
- 10. Failure to comply with any requirements specified pursuant to Section 6, Section 7 and Section 8, will render invalid any permit issued pursuant to this By-law.
- 11.
 - (1) Every person who violates any of the provision of this By-law, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this By-law, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this By-law, or who does any act which violates any of the provisions of this By-law, will be guilty of an infraction and will be liable to the penalties imposed by this By-law.
 - (2) A person who violates any of the provisions of this By-law, will upon summary conviction be liable to a penalty of not less than \$100.00 and not more than \$5,000.00, plus the costs of the prosecution.

READ FOR A FIRST TIME the 20th day of October, 2008.

READ FOR A SECOND TIME the 20th day of October, 2008.

READ FOR A THIRD TIME the 20th day of October, 2008.

ADOPTED this 3rd day of November, 2008.

Original Signed by Mike Fennell
Mike Fennell – MAYOR

Original Signed by Wayne Vollarth
Wayne Vollrath - CAO

DISTRICT OF BARRIERE

BYLAW NO. 0004

A BYLAW FOR THE ADMINISTRATION OF THE FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT

WHEREAS under Section 77 of the *Freedom of Information and Protection of Privacy Act* the Council must designate a person as the head of the local public body for the purposes of administering the *Freedom of Information and Protection of Privacy Act*

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

1. Title

This bylaw may be cited as “DISTRICT OF BARRIERE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW 2007 NO. 0004”

2. Definitions

“Act” means the Freedom of Information and Protection of Privacy Act, R.S.B.C., 1996 Chapter 165 as amended from time to time

3. The definitions contained in Schedule 1 of the Act shall apply to this bylaw except where the context requires otherwise.
4. The Director of Corporate Administration is designated as the “Head” for the purposes of the Act.
5. The schedule of Maximum Fees as established as established by British Columbia Regulation 323/93, as amended from time to time, shall be the maximum fees charged by the District as permitted under the Act.

PASSED FIRST READING 2007 December 17
PASSED SECOND READING 2007 December 17
PASSED THIRD READING 2007 December 17
ADOPTED January 07, 2008

Mike Fennell
MAYOR

Wayne Vollrath
DIRECTOR,
CORPORATE ADMINISTRATION



DISTRICT OF BARRIERE COUNCIL POLICY MANUAL

Page 1 of 1
Approval Date: February 6, 2012

NO: 18
SECTION: ADMINISTRATION AND FINANCE
SUBJECT: BUDGET TRANSFER AUTHORITY

The Chief Administrative Officer is delegated the authority to transfer up to \$10,000 of budgeted expenditure authority between programs or capital items of a particular fund, except transfers from a Contingency Fund or from Grant and Special Expenditures (Section 333 of the Local Government Act) that require an authority resolution of Council.

Current Policy



DISTRICT OF BARRIERE

COUNCIL POLICY MANUAL

Page 1 of 3
Approval Date: May 22, 2012

NO: 21
DEPARTMENT: COUNCIL AND STAFF
SUBJECT: REMOTE ACCESS POLICY

1.0 Purpose

The purpose of this policy is to define standards for remotely accessing the District of Barriere's corporate network. These standards are designed to minimize the potential exposure to the District of Barriere from damages which may result from unauthorized use of the District of Barriere resources. Damages include the loss of sensitive or confidential data, intellectual property, damage to public image, damage to critical District of Barriere internal systems, etc.

2.0 Definitions

DSL Digital Subscriber Line (DSL) - a form of high-speed Internet access competing with cable modems. DSL works over standard phone lines and supports data speeds of over 2 Mbps downstream (to the user) and slower speeds upstream (to the Internet).

Elected Official means a member of Council of the District of Barriere.

Employee means any individual hired by the District of Barriere on a full-time, part-time, permanent, temporary, seasonal, hourly, salary or contract basis and includes a contractor or consultant.

Remote Access means any access to the District of Barriere's corporate network through a non-District of Barriere controlled network, device, or medium.

3.0 Scope

This policy applies to all District of Barriere elected officials, and employees, as defined in this policy, with a District of Barriere owned or personally-owned computer, workstation or other device used to connect to the District of Barriere network. This policy applies to remote access connections used to receive or send email, access server files and any other District intranet web resources.

Remote access implementations that are covered by this policy include, but are not limited to, dial-in modems, frame relay, ISDN, DSL, VPN, SSH, cable modems, etc.

4.0 Policy

1. It is the responsibility of District of Barriere elected officials, and employees, or any other person with remote access privileges to the District of Barriere's corporate network, to ensure that their remote access connection is given the same consideration as their on-site connection to the District of Barriere.
2. General access to the District of Barriere network on personal computers is permitted for elected officials and employees, unless suspended or otherwise disallowed an on-site connection.
3. Those accessing the District of Barriere's network remotely **MUST NOT**:
 - i. Violate any District of Barriere policies, perform illegal activities, or use the access for outside business interests.
 - ii. Connect to any other network at the same time, with the exception of personal networks that are under the complete control of the user.
 - iii. Leave the device used to access the server unattended while logged into the District of Barriere network at any time.
 - iv. Delete any data from the server unless authorized to do so.
 - v. Tamper with adopted bylaws, policies, resolutions, permits and correspondence previously distributed.
 - vi. Reproduce, redistribute or copy data without authorization.
 - vii. Edit, without authorization, documents that were not originally produced by the employee or elected official accessing such document remotely.
 - viii. Provide their login or email password to anyone, including family members.
 - ix. Save his or her login and password information onto a private computer or other electronic device.
 - x. Use non District of Barriere email accounts (i.e., Hotmail, Yahoo, AOL), or other external resources to conduct District of Barriere business, thereby ensuring that official business is never confused with personal business.
 - xi. Share documents containing personal identifying information, which are protected under the *Freedom of Information and Privacy Act*. They are confidential and must not be shared with any private party at any time via verbal, written, or any other means and must not be used for any matters other than for authorized District business.

4. Those accessing the District of Barriere's network remotely **MUST**;
 - i. Ensure that the connection to the network is successfully severed by fully logging out of the server after each use.
 - ii. Understand that the Freedom of Information Head may require searches of his or her private property used to remotely access the network server to fulfill legislative requirements of Freedom of Information requests.
 - iii. Sign a declaration that they have read and understand the terms of use outlined in this policy.
5. All remote access log-in attempts, either successful or failed, will be logged automatically.
6. The District of Barriere employee or elected official bears responsibility for the consequences should access be misused.

5.0 Enforcement

Any District of Barriere employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Any elected official found to have violated this policy may be subject to termination of remote access privileges at the discretion of the majority of Council.



DISTRICT OF BARRIERE

COUNCIL POLICY MANUAL

Page 1 of 1
Approval Date: December 16, 2013

NO: 26
DEPARTMENT: STAFF
SUBJECT: ACCOUNTING SOFTWARE ACCESS POLICY

1.0 Purpose

The purpose of this policy is to define standards for accessing and using the District of Barriere's accounting software. These standards are designed to minimize the potential exposure to the District of Barriere from damages which may result from unauthorized use of the District of Barriere resources.

2.0 Definitions

- "Employee"** means any individual hired by the District of Barriere on a full-time, part-time, permanent, temporary, seasonal, hourly, salary or contract basis.
- "Access"** means any access to the District of Barriere's accounting software.
- "Installation"** means the installation of accounting software.

3.0 Policy

- a) Access to the District of Barriere Accounting Software is only permitted for District employees who are required to work within the accounting software.
- b) Accounting software will only be installed on computers owned by the District and located within District premises.
- c) Access will not be permitted remotely.
- d) All access and login information will be safeguarded by the employees working within the accounting system.

4.0 Enforcement

Any District of Barriere employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.



DISTRICT OF BARRIERE
POLICY & PROCEDURES MANUAL

APPROVAL DATE: January 5, 2015

APPROVED BY: Council

NO: 28

SECTION: STAFF AND COUNCIL

SUBJECT: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Current Policy

4936 Barriere Town Road
P.O. Box 219
Barriere BC V0E 1E0
TEL 250 672-9751
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inquiry@barriere.ca

barriere.ca

Current Policy

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Introduction

This policy manual is designed to provide both staff and the public with an overview of the *Freedom of Information and Protection of Privacy Act* and its application to District of Barriere records.

Any questions regarding the *Freedom of Information and Protection of Privacy Act* or District of Barriere policies with respect to the release of information may be directed to the Corporate Officer or Deputy Corporate Officer who have been designated 'Head' by the District of Barriere Freedom of Information and Protection of Privacy Bylaw or his or her delegate who is authorized to perform the duties and functions of the Head.

The Head and Coordinator can be reached as follows:

Email:	channigan@barriere.ca
Phone:	250 672-9751
Fax:	250 672-9708

Current Policy

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Chapter 1

The *Freedom of Information and Protection of Privacy Act*

British Columbia's *Freedom of Information and Protection of Privacy Act* (the 'Act') has applied to local government since its enactment in November 1994. The Act represents the provincial government's legislative commitment to make public bodies more accountable to the public and to protect personal privacy.

The Act gives individuals the right to access information held by local government and protects privacy by placing restrictions on the collection and disclosure of personal information. The Act establishes a legislated set of rules governing what information can and cannot be released. The underlying principle is that ALL recorded information is available to the public, except for information that is subject to the specific and limited exceptions to disclosure set out in the Act.

Information that is currently released by departments should continue to be made available except if the information is personal information. The Act does not replace other procedures for public access, or limit access to information other than personal information currently available to the public. Staff is expected to incorporate the concepts and procedures of the Act into their normal service delivery.

District of Barriere Bylaw No. 0004 – A bylaw for the administration of the *Freedom of Information and Protection of Privacy Act* was adopted by Council on January 7, 2008. A copy of the bylaw is available at barriere.ca. This bylaw may be amended from time to time.

What is Freedom of Information?

The *Freedom of Information and Protection of Privacy Act* establishes a process by which any person may request access to records held by the District of Barriere. Individuals also have the right to review their own personal information held by the District.

The general right of access to information is restricted by certain *specified and limited exceptions*, necessary to protect a variety of needs of confidentiality and the right of individuals to privacy.

The Act also provides a review process whereby decisions relating to the disclosure or non-disclosure of information and other related issues, may be reviewed by the Information and Privacy Commissioner of British Columbia.

Individuals requesting answers to questions (rather than requesting copies of records) will not be treated as a formal request for information. Staff is expected to assist such individuals through routine departmental procedures.

What is Protection of Privacy?

The Act protects the personal privacy of individuals by restricting the collection, use and disclosure of personal information. Disclosure of personal information, even to other public bodies, is strictly limited under Part 3 of the Act.

The District of Barriere may only collect personal information:

- That it has clear authority to collect (i.e. expressly authorized under an Act or information is collected for the purposes of law enforcement), or
- Where collection is directly related to and is necessary for operating a program or activity of the District.

Personal information can be used only for the reasons it was originally obtained; multiple, and inconsistent uses of information are restricted by the Act.

The individual from whom the information is collected is entitled to know what the information will be used for and under what authority we are collecting it. *If personal information is not needed, do not collect it.*

The security of personal information is one of the most important privacy-related issues that the District has to deal with. In accordance with Section 30 of the Act reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

It is recommended that all staff practice good privacy protection by:

- Using passwords on their computer;
- Locking computers when away from work station or desk;
- Using locks on cabinets;
- Turning monitors away from public view;
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas; and
- Destroying all personal and/or confidential information by shredding.

What is Personal Information?

Personal information is simply defined as “recorded information about an identifiable individual.” Examples of personal information that cannot be disclosed by the District of Barriere include but are not limited to the following:

- An individual's name, home address, personal email or telephone number;
- The individual's race, national or ethnic origin, colour or religious or political beliefs or associations;
- An individual's age, sex, sexual orientation, marital status or family status;
- An identifying number, symbol or other particular assigned to the individual (i.e. Social Insurance Number, driver's license number, customer ID, etc.);
- Information about the individual's health care history, including a physical or mental disability;

- Information about the individual's education, financial, criminal or employment history;
- Anyone else's opinion about the individual (but not the identity of the opinion holder); you can know what is said about you, but not who said it.
- The individual's personal view or opinion, except if it is about someone else, belongs to the individual and is considered personal information; and
- Images of identifiable individuals captured by surveillance systems.

What is a Record?

The definition of a "record" under the *Interpretation Act* applies to the interpretation of the *Freedom of Information and Protection of Privacy Act* as follows:

"includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise."

Records, then, include memos, letters, reports, emails, maps, calendars, post-it notes, annotations, doodles, etc. Remember, if it is recorded, it is a record which may be subject to release under the Act.

The information contained in records could be produced by a public body or received from other sources, such as third parties, service providers or other public bodies.

All records created or received by employees during the course of their work duties or during the conduct of District business belong to the corporation, not the individual employee.

Chapter 2

Handling Requests for Information

Making a Request

Before a formal written request for a record is made it should be established that the record being searched for is not “routinely available”.

Routine requests – Requests for information that is easily accessible and not subject to the *Freedom of Information and Protection of Privacy Act*. A fee may be charged for this information, as set out in the “*Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109*” or other applicable District bylaw. The request can be verbal and does not require the involvement of the FOI Coordinator.

Information requests – Requests for information that is generally routinely available but requires an information review of the records, usually by a departmental supervisor or the FOI Coordinator. This can also be a request for records that are not readily to hand, such as records stored in semi-active or archived files. As with routine requests, applicable fees may be charged, as set out in “*Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109*”. These requests should be responded to within a time frame that is reasonable for the size of the request or the location of the records.

Formal requests – Requests for records that are neither routinely available, nor available through more informal procedures. Formal requests under the *Act* must be made in writing. A form for this purpose is available, but a letter, fax or email is also acceptable. Formal requests are to be directed to the FOI Coordinator as soon as received, as the *Act* stipulates a deadline for response.

Staff may direct an applicant to the FOI Coordinator for assistance with making a request. Wherever possible, staff should assist an applicant in preparing a written request. Assistance may include helping an applicant to define the request as specifically as possible.

Just because an applicant provides a request in writing, or makes a request for records “pursuant to the *Freedom of Information and Protection of Privacy Act*,” does not make it a formal request. If the information is routinely available staff should provide it to the applicant routinely.

Points to Remember...

- Any staff member, of any department, can accept a written request for information.
- Requests can be submitted in the form of a letter, email, fax or by using the form on the last page of this Manual (and available at Barriere.ca) but must be made in writing.
- It is not necessary for applicants to quote the *Act* to obtain access to records.
- It is not necessary for applicants to provide their contact information when making an FOI request. However, it enables the FOI Coordinator to better assist the applicant with their request.
- The *Act* does not apply to requests for answers to questions, only to requests for copies of, or access to, records.
- Requestors should be encouraged to be as specific as possible in wording their request to enable the District to effectively respond to the request.
- Written requests for records that are not normally routinely available must be forwarded immediately to the FOI Coordinator for response. The FOI Coordinator will be in contact with staff to receive copies of responsive records once an acknowledgement letter has been sent to the requestor.
- Section 6 of the *Act*, Duty to assist applicant states:
 - “(1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
 - (2) Moreover, the head of a public body must create a record for an applicant if
 - the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise, and
 - creating the record would not unreasonably interfere with the operations of the public body.”
- If the records require severing prior to disclosure, the request must be processed as a formal request for information.

Requests for Personal Information

The *Act* guarantees an individual the right to see his/her own personal information held by the District of Barriere. However, the *Act* restricts persons from getting access to personal information about another individual without the individual's consent.

Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

Requests for Correction of Personal Information

Incorrect personal information can have serious consequences for an individual. For example, incorrect personal information could result in the denial of benefits associated with a disability claim or the refusal of employment opportunities.

Public bodies must make every reasonable effort to ensure that personal information in their custody is accurate and complete. If someone's personal information changes, that person may make a request to the public body to correct the information in their files. A public body must provide the corrected information to any individual or company to whom recorded information was disclosed within the preceding year. This means that a careful record must be kept of individuals to whom recorded personal information is disclosed. Consequently, it is important to establish a protocol that only required personal information, information relating directly to and necessary for an operating program or activity of the District, is collected.

Applicants may request the correction of their personal information, either verbally or in writing.

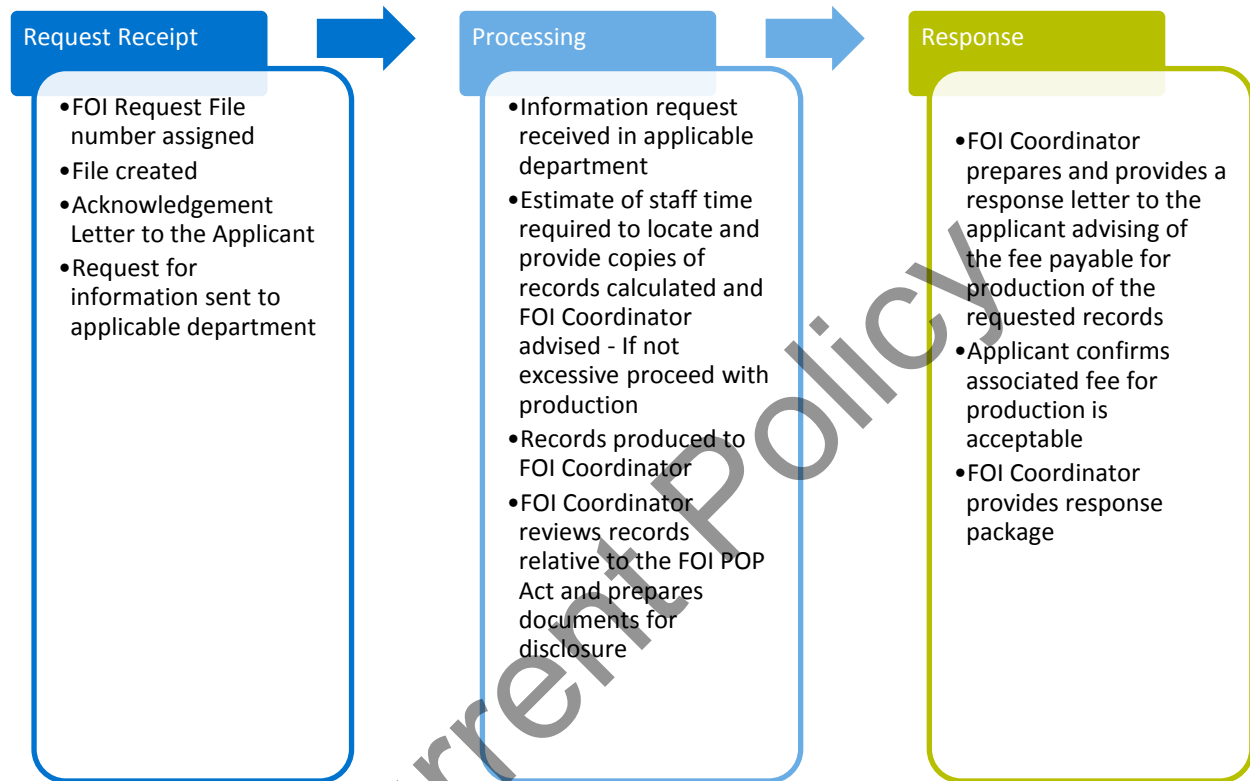
Timelines

The *Freedom of Information and Protection of Privacy Act* generally requires that a response be provided to the applicant within 30 business days of receipt of the request. The term "day" is defined in the Act as "not including a holiday or a Saturday." In the *Interpretation Act*, the definition of "holiday" includes Sundays, and statutory holidays. The combined effect of these definitions is that weekends and holidays are not included in the calculation of time limits under the *Freedom of Information and Protection of Privacy Act*.

Occasionally it might be necessary to extend the timeline by an additional 30 business days. Should this situation arise, the FOI Coordinator will advise the applicant of the time extension in advance.

Standard Request Process:

This is the standard process for a simple *Freedom of Information and Protection of Privacy Act* request where no 'Third Party Notice' is required and the number to records requested is not large. Where 'Third Party Notice' is required or the number of records requested is very large, the process and timeline to accomplishing the process will be extended as appropriate.



Chapter 3

Routinely Available Records

The following list identifies some of the most common record types that are routinely available to the public at the District of Barriere. The list should be used to help determine whether or not a particular record can be released routinely or whether a more formal review is required. It is by no means an exhaustive listing; it is meant only as a guide.

Copies of routinely available records may be provided at a cost in accordance with the *“Fees and Charges Bylaw No. 73, Amendment Bylaw No. 109”* or any other applicable bylaw.

Examples of routinely available records include:

- Annual Reports
- Brochures
- Budgets (Operating or Capital)
- Building Permits (Except personal information supplied in support of the application)
- Building Plans (Exterior views and site plans only)
- Bylaws
- Council agendas and minutes (Except from meetings closed to the public)
- Council Committee agendas and minutes (Except from meetings closed to the public)
- Licenses (Except personal information supplied in support of the application)
- Maps
- Policies/Manuals
- Official Community Plans
- Permits (Except personal information supplied in support of the application)
- Public Hearing agendas and minutes
- Records published to the District’s website
- Staff reports supporting items on Council agendas (Except from meetings closed to the public)
- Statistical Information

Reviews and FOI requests are handled by the Corporate Officer. Any requests for records not available routinely should be made in writing and directed to the Corporate Officer.

Fees may apply to the provision of records requested under the *Act* as per District of Barriere *Freedom of Information and Protection of Privacy Bylaw No. 0004*. See Chapter 5 for more information about fees.

Chapter 4

Corporate Policies and Procedures

Standardized policies and procedures apply to records requested under the *Freedom of Information and Protection of Privacy Act* as outlined in this chapter by record type. These policies reflect provisions of the Act as well as the corporate/administrative policies of the District of Barriere. Please direct any questions regarding this information to the Corporate Officer.

Aerial Photographs

Any Aerial photographs the District has in its possession are routinely available.

The Province maintains an extensive aerial photograph database that may be accessed via GeoBC: <http://geobc.gov.bc.ca/>. The North Thompson Museum and Archives is another source of historical photographs.

Agreements

See 'Contracts and Agreements'.

Appraisals

Land appraisals commissioned or received by the District are not routinely available to the public. Requests for appraisals are to be forwarded to the FOI Coordinator for response.

Assessment and Tax Rolls

The Assessment Roll is not available at the District Office public viewing, as it is not a District record. The Assessment Roll can be viewed at the BC Assessment Office in Kamloops.

Property Tax Roll information may be viewed with a request to the Finance Officer . No property owner information is included.

Individuals wishing to obtain property owner information should visit the BC Assessment Office, use the BC OnLine service or contact the Land Title Office in Kamloops for assistance.

Building Permits and Plans

Issued building permits are routinely available to any interested party. The application and supporting materials for the building permit are not routinely available and should ordinarily be subject to a formal FOI request. However, it is not uncommon for neighbours to be interested in developments within their neighbourhood and, within the limits of common sense, every effort should be made to provide them with information other than personal information.

Where a request is made to view building plans, access should be provided to plans showing site layout and any exteriors elevations. These plans may be viewed, but not copied as they are protected by copyright law. Copies of such plans will only be provided upon receipt of a written release from the owner and the professional that created the plans or as part of an FOI request. The federal Copyright Act provides for the copying of copyright materials as part of an access request. However, copyright restrictions still apply to the use of the copied plan by the applicant or by any other person. Any released plan must be stamped with the appropriate "Copyright Act Information" stamp.

For security reasons, the District will not make available those plans showing interiors of a building, unless the plans have been considered as part of a development application at an open meeting of Council or written permission from the owner has been obtained.

Business Licenses

A business is not considered an individual and therefore does not have privacy rights under the *Act*. *Most* issued business license information is routinely available to the public. Copies of current business licenses can be printed and released to the public. However, the District of Barriere does not maintain a hardcopy of business licenses from previous years.

The following business license information contained within a database containing all business license related information and may be released in the form of a Business Licence Summary Report – FOI to the public upon request:

- Business License number
- Business License type code
- Location
- Business Name
- Mailing Address
- Business Phone number
- Description of Business

Additional information regarding license details, fee payment and license restrictions can also be routinely disclosed. The release of business license information must NOT disclose any additional personal information supplied in support of the license application. Therefore, information on the 'Name and Contacts', 'Additional Mailing Address' and 'Remarks' can only be released to the license holder. Such personal information may include phone numbers and/or the applicant's home address (if different from business address) and must be severed from any information disclosed in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act*. For home-based businesses, the applicant's home address is considered public information because it is the location of the business.

Issued business license information that is routinely available may be provided in electronic or printout form for a fee.

For information relating to other types of licenses, see *Licenses* below.

Cemetery Records

The District acknowledges that personal information collected by the Barriere Memorial Cemetery is of value to relatives and to genealogical and historical researchers.

Copies of issued cemetery licenses, burial permits, and plaque permits are routinely available to the public. The following information can be routinely provided upon request:

- the name of the person to whom the license or permit was issued
- the date the license or permit was issued
- the location of the plot or grave
- the name of service provider (Funeral Home)
- the value of the license or permit

Requests for copies of cemetery licenses or permits for interments within the past twenty (20) years that contain personal information supplied in support of the application, must be forwarded to the FOI Coordinator.

For interments that occurred more than twenty (20) years ago, all other information is considered part of the cemetery archives and may be made available in accordance with Sections 35 (Disclosure for Research or Statistical Purposes) or Section 36 (Disclosure for Archival or Historical Purposes) of the *Freedom of Information and Protection of Privacy Act*. A signed research agreement may be required before access is granted.

Closed Meetings

The meetings of Council and Council Committees may be, in specific circumstances, held “in camera” or “closed” according to the *Community Charter*. Typically, matters relating to land, legal issues and human resources are held in closed meetings. Records relating to a closed meeting will not be released unless the matter has been discussed at length in an open meeting, or if the report or minutes have been in existence for more than 15 years. No other exemptions under the *Freedom of Information and Protection of Privacy Act* apply.

Comments on Planning Proposals

Notices for a planning or development proposal must be made available to the public prior to the application appearing before Council through such means as public hearings. Members of the public that object to proposals may submit their objection to the Corporate Officer before the applicable deadline.

If the planning process in question is governed by a section of the *Local Government Act* that authorizes public disclosure in relation to planning matters and liquor licensing, staff may disclose personal information as required by the *Local Government Act*. Section 33.1 of the *Freedom of Information & Protection of Privacy Act* permits a public body to disclose personal information for the purpose of complying with an enactment of BC.

Complaints

The District receives several different types of complaints from members of the public. Many of the District's bylaw enforcement issues are a direct result of complaints lodged by individuals. Complainants are advised that their names and addresses will be kept confidential unless the release is required for legal action. This confidentiality is protected by Sections 15, 19 and 22 of the *Freedom of Information and Protection of Privacy Act*.

The person the complaint is about has the right to know the substance of the complaint, but not the identity of the individual who made the complaint. The requestor should be made aware that the complainant's identity will not be revealed. In the event of a bylaw complaint, the substance of a complaint may not be released until the investigation has been concluded. Requests for copies of complaints must be directed to the FOI Coordinator.

Contracts and Agreements

Generally speaking, most contracts or agreements signed by the Mayor and Corporate Officer or staff with any other party are available to the public.

Care must be taken to examine the wording and clauses of a contract to ensure that it does not reveal trade secrets, proprietary information or information which could possibly harm the business interests of a third party. Therefore, before releasing any contractual information staff must consult with the FOI Coordinator.

Wherever possible, contracts awarded by the District must include a confidentiality clause stating the contract or agreement is subject to FOI and will be released upon request. In addition, contracts and agreements must address whether the District or the consultant/contractor has ownership of the records created while under contract. Contact the Corporate Officer for examples of appropriate wording.

Council Records

It is the policy of the Corporate Officer that all "non-confidential" Council records, such as agendas for regular Council meetings, are available to the public only **after** they have been approved by the Chief Administrative Officer.

Council Meeting Agendas (Open Meeting): Open meeting agendas and accompanying reports are generally posted to the District website by the close of day on the Friday prior to the regularly scheduled meeting date.

Council Meeting Minutes (Open Meeting/Public Hearing): Open meeting minutes are posted to the District website by the end of business on the Friday following the adoption of the minutes; adoption occurs at a regularly scheduled Monday evening meeting.

Email

Email is subject to the Freedom of Information and Protection of Privacy Act.

If the information contained in an email message is of value to the organization and is deemed to be retained by the CAO, it must be filed on the appropriate physical (paper) file and/or electronically within the records management system.

The same retention principles that apply to regular mail should apply to the disposal of email. “Junk” mail, for example, is disposed of on a regular basis. Some email is more relevant to your professional activities and may be stored in an email folder. Some email contains significant statements about strategies or decisions and must be printed and or electronically saved to be retained in the relevant file.

Please note that when you are requested by the FOI Coordinator to produce records in response to a request, it is expected that you will also include any and all relevant email records in your possession.

Current Policy

Employee Files

Employees are entitled to view their employee file. A request in advance must be made to the Human Resources Department to arrange a time to review the file. Direct supervisors may access employee files in order to review work history, education/training, discipline, etc.

Please note that as an employee, you are entitled to see any comments made about you – that is your personal information – however, the identity of the person making the comments may be withheld.

Information regarding a person's employment history is considered personal information and will not be disclosed to third parties, unless express permission of the employee is obtained first. This includes information regarding benefits paid to the employee. If a request for salary information is received, the requestor will be told of the salary range for that particular position without identifying any individual's specific salary unless express permission from the employee has been obtained first.

Verbal requests from outside agencies wanting to confirm whether a particular individual is currently employed at the District of Barriere should not be confirmed without the employee's consent.

Fire Incident Reports

The Fire Department releases information as Routinely Available Records and / or Information Releases, or as required under the *Freedom of Information and Protection of Privacy Act*.

Routinely Available Records: Although some information is available on the District website, a fee may be charged under the Miscellaneous Fees and Charges bylaw depending on the format requested and the complexity of the request for the following:

- Maps
- Hydrant location
- Annual reports
- Budgets
- Policies / Guidelines
- Bylaws
- Brochures
- Strategic Plans

Freedom of Information Requests: Any requests for information that may have corporate impact beyond the fire department shall be forwarded to the Corporate Officer for co-ordination.

Invoices from Lawyers

Requests for details of legal invoices must be forwarded to the FOI Coordinator. The details may divulge the strategy or grounds on which a legal case is being based or

disclose personal information, therefore must be treated as a formal FOI request. Individual or case specific invoices are considered privileged communication between the solicitor and District and are usually withheld.

Licenses and Permits

Copies of issued building, electrical, mechanical, plumbing, occupancy and any other permits or licenses providing a discretionary benefit are routinely available to the public, including the following information:

- Name of the person or company to whom the license or permit was issued
- Name and address of businesses connected with the license or permit, such as the name of a contractor or subcontractor
- Location that the work is being performed at
- Value of construction
- Size of building and use of property
- The permits should not disclose any additional personal information supplied in support of the permit application, such as:
 - the home or cellular phone number of the applicant
 - the permit applicant's home address if it is different from the property to which the permit applies
 - how long the owner has owned the property
- Lists of permits issued (weekly or monthly) may be made routinely available to the public, but must not contain personal information that is supplied in support of the permit application.
- Requests for copies of permits or licenses that contain personal information that was supplied in support of the application must be forwarded to the FOI Coordinator.

List of Licensed Businesses

The list of licensed businesses within the District of Barriere is considered public information and is available on the District Website of barriere.ca under the tab of "Business in Barriere". The list may contain the following:

- name and location of the company
- Business phone number and if supplied, website address.
- type of business and product(s) produced

Note: Businesses do not have privacy rights under the Act; only individuals do.

Permits

See "Licenses and Permits".

Petitions

Citizens may provide input or feedback in the form of petitions and form letters listing their names, addresses and signatures to express support or opposition to an issue and to establish their legitimate interest in the matter. Since the intent of such petitions is to demonstrate the degree of public support or opposition to the subject matter of the petition, individuals who complete them normally expect that they will be used for discussion purposes and that it will be part of the District's public record.

If the petition is discussed in an open meeting, then staff can provide copies of requested petitions under Section 33.1(1)(c) and (c.1) of the *Freedom of Information and Protection of Privacy Act*, which permits disclosure for a consistent purpose otherwise personal information will be severed. The request must be in writing and forwarded to the FOI Coordinator for response.

Note: Alternative Appeal Process (AAP) petitions are not normally available for public inspection.

Police Investigations

Section 33.2(i) of the *Freedom of Information and Protection of Privacy Act* allows public bodies such as the District to disclose information to law enforcement bodies to assist in a specific investigation of a law enforcement matter. Staff can provide the requested information directly to the RCMP, provided that sufficient identification is supplied by the officer. The District currently engages in regular exchanges of information with the RCMP on bylaw enforcement matters.

The District does not have jurisdiction over RCMP records and cannot transfer a request for RCMP records made under the BC *Freedom of Information and Protection of Privacy Act*. Requests for RCMP records must be directed to the RCMP, as they are a federal body subject to the federal *Access of Information Act* and the federal *Privacy Act*.

Property Information

Routine access to property files is granted upon request **only** to the registered owner(s) or individuals who have obtained written permission from the registered owner(s) to access property files. All other requests to access property files must be treated as a formal FOI request.

See "Building Permits and Plans" for more information.

Property Tax or Utility Billing Information

Under Section 249 of the Community Charter we must provide the following information to anyone who requests it:

- the amount of unpaid taxes and/or utilities,
- whether the property has been sold for taxes, and
- if the property has been sold for taxes, the time, if any remaining, for redemption and the amount required to redeem it.

The charter specifies a “certificate showing” the above information, but in essence it can be in any form.

As the section reads “**unpaid**” taxes, we can give out balances owing to anyone.

If more detailed information is requested, such as information about payments or releasing of access codes a reasonable affirmation that the person you are speaking to is the owner is required. A reasonable affirmation can be obtained by asking the customer various questions that allow you to determine that they are the owner of the property, such as:

- Previous payment information such as: what they paid in the past, how they paid it and who paid it
- Phone numbers submitted on previous HOG claims
- How a previous HOG was claimed (i.e. online or by paper form)
- If on the instalment plan and if so what they pay each month
- If the mortgage company pays, the name of the mortgage company and/or bank
- Adjustments to account done in the past
- Name of people on title (including middle names)
- Names of previous owners of the property

If reasonable affirmation is achieved then staff may give out the information the customer requested.

Information may be given to customers in various forms, including verbal, re-printing of bills or tax certificates. Tax certificates may be given to **any customer**, but our usual fee applies.

RFP's – Requests for Proposals

Request for proposals are available to the public on the District of Barriere website at Barriere.ca or by request to the Administration Department.

All ‘Requests for Proposals’ should contain a statement advising that “All proposals received may be made publicly available, except information relating to unit pricing, confidential third party business information, and employment history of employees.”

Surveys – of the Public

Results of surveys conducted by the District of Barriere or our agents are considered public information and should be routinely disclosed. Please note that the survey forms themselves will likely contain personal information that should not be disclosed. Therefore, it is District of Barriere policy not to release the completed forms. An FOI request must be made if an applicant wishes to see the actual completed forms.

A survey form must include a statement informing the public why the information is being collected, under what authority and for what purposes the personal information will be used. This allows the individual discretion whether or not to participate and informs them what will happen with the information collected. Contact the Corporate Officer for examples of appropriate wording to be used for public surveys.

When conducting internet-based surveys, the personal information collected must reside on a server within Canada in accordance with section 30.1 of the Act. Contact the Corporate Officer for assistance.

Surveys – Site Survey Certificates

Site surveys are submitted to the District of Barriere as part of various application processes. Site survey Certificates are protected by copyright, but may be copied as part of an FOI request. Like building plans, copyright applies to the use of the released survey by the applicant or by any other third party. Any released copy of a survey must be stamped with the appropriate “Copyright Act Information” stamp.

Tenders

Tenders submitted to the District in response to a call for bids or request for proposals are available to the public, except for information regarding unit pricing, employment histories and other confidential third party business information. Section 21 of the Act recognizes that the release of such information could potentially harm the company's business interests and provide access to personal information of their employees. Unit pricing information is considered proprietary information belonging to the third party. This information is therefore “blackened out” or severed prior to disclosure by the FOI Coordinator.

Requests for copies of tenders submitted to the District should be directed to the FOI Coordinator.

Utility Billing Information

See “Property Tax or Utility Billing Information” for more details.

Video Surveillance

The District of Barriere utilizes video surveillance to protect District assets, staff and the public. The images captured by surveillance cameras, which are stored on various media including but not limited to CD-ROM and/or hard drives, contain personal information and therefore shall not be subject to public viewing. Only authorized staff may view the recorded images.

In accordance with Section 33(2)(i) of the Act, the District of Barriere will disclose video surveillance records to the RCMP in response to a written request in relation to an active police investigation.

WorkSafeBC (Workers' Compensation Board) Investigations

WorkSafeBC administers the *Workers Compensation Act*, which provides WorkSafeBC investigators with the authority to request and obtain the records necessary to complete an investigation without the involvement of the FOI Coordinator. Staff can directly release information to the WorkSafeBC (WCB) investigator upon presentation of sufficient identification from the investigator.

Current Policy

Chapter 5

Charging Fees

Section 75 of the *Freedom of Information and Protection of Privacy Act* permits public bodies to charge applicants fees for costs associated with processing requests to access records under the Act. The maximum fees are set out in the *Freedom of Information and Protection of Privacy Regulation* (B.C. Reg. 323/93) to the Act.

For the purposes of calculating fees payable the Act and Regulation distinguish between 'commercial' and 'applicants other than commercial'. A 'commercial' applicant is defined as, "a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit" (i.e. lawyer). It follows that an 'applicant other than commercial' or a non-commercial applicant is any applicant that is not a commercial applicant (i.e. private citizen).

The Act prohibits public bodies from charging applicants for access to their own personal information. Please note that a property file, for example, may contain personal information, but the file itself is not the homeowner's personal information.

Freedom of Information and Protection of Privacy Act Section 75(1) stipulates that an applicant may be required to pay a public body for the following services:

- locating, retrieving and producing the record
- preparing the record for disclosure
- shipping and handling the record
- providing a copy of the record

Section 75(2) further states that an applicant must not be required under subsection (1) to pay a fee for the following:

- the first three hours spent locating and retrieving a record, or
- time spent severing information from a record

If an applicant is required to pay fees for services under subsection (1), subsection (4) requires that the public body give the applicant an estimate of the total fee before providing the service.

Records provided routinely to applicants by departments may charge the applicant for copies in accordance with departmental bylaws for collecting fees.

Fee Estimates

In order to prepare and provide fee estimates to applicants in a timely fashion, departments may be asked to provide the FOI Coordinator with an estimate of the number of records that respond to the request, as well as the amount of staff time that would be involved with the following:

- Locating records that respond to the request (includes time spent searching for both physical and electronic records in the Records and Information Management systems and on the computer network, email archives, etc.)
- Preparing the records for photocopying (removing staples, etc.)
- Photocopying the records
- Time spent reassembling the original files

Section 75(5) provides that the head of a public body may excuse (upon written request) “an applicant from paying all or part of a fee if, in the head’s opinion,

- the applicant cannot afford the payment, or for any other reason it is fair to excuse payment, or
- the record relates to a matter of public interest, including the environment or public health or safety.”

Note: “Public interest” is a specifically defined term and should not be confused with records that may be of interest to some members of the public or that the public may find interesting.

The District of Barriere Freedom of Information and Protection of Privacy Bylaw adopts the Schedule of Maximum Fees provided by British Columbia Regulation 323/93, as amended from time to time, to be the maximum fees charged by the District as permitted under the Act. The schedule is reproduced on the following page for convenient reference.

Schedule of Maximum Fees - **as set out in **District of Barriere Fees & Charges Bylaw No. 73 and its amendments**. Schedule here for convenience purposes only. Should a conflict of fees arise between this schedule and the Bylaw, the Bylaw presides as correct.*

General Document, Services & Misc Sales	
Black & White Photocopies	.25¢ per letter size page .50¢ per legal or ledger size page
Color Photocopies	\$1.00 per letter sized page \$2.00 per legal or ledger size page
Returned Cheque	\$25.00
Faxes (incoming/outgoing)	\$1.00 per page
Tax Certificate statement	\$25.00 per folio
Business License Application Searches (one Business License Application Search at any one time is no charge)	\$25.00 for each additional license application viewed
Composter	\$25.00
Garden Tool Kit	\$25.00
Freedom of Information Requests	
Locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
Producing a record electronically or manually	\$7.50 per ¼ hour
Preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
Shipping	Actual costs of shipping method chosen by applicant
Data copied to District provided USB Drive Non-District provided USB Drive	\$20 per drive + preparation fees \$7.50 per ¼ hour
Data copied to District provided CD or DVD Non-District provided CD or DVD	\$5 +preparation fees \$7.50 per ¼ hour
DVD or CD Duplication (excluding any reproductions prohibited by Copyright laws.	Cost of actual reproduction by third party.

Chapter 6

Managing Personal Information and Forms

The *Freedom of Information and Protection of Privacy Act* governs how public bodies are to collect, use and retain personal information. The District of Barriere has a duty to ensure that information is legitimately collected, stored securely, kept current and used only for the purposes for which it is collected.

Section 27(2) of the Act requires that individuals from whom information is being collected be advised on the purpose for collecting it (i.e. what will it be used for); the legal authority for collecting it and the contact information for a staff member who can answer questions regarding the information collection. Wherever possible, staff should only collect personal information directly from the person who the information is about.

Collection of Personal Information

The Act imposes limitations on the collection of personal information. Section 26 of the Act stipulates that public bodies may only collect personal information under the following circumstances:

- Where the collection is expressly authorized by law (e.g. Elections purposes as per the *Local Government Act*)
- Law enforcement purposes (includes bylaw enforcement)
- Where the information relates directly to, and is necessary for, an operating program or activity of the public body.

Public bodies need to collect personal information when it is essential for program delivery or operational requirements. Methods of collection include forms, questionnaires, personal interviews, surveys, etc. Even unsolicited resumes from job applicants are considered to be “collected” by the public body.

Forms and Surveys Design

Prior to designing forms or surveys, it is important to examine their purpose, use and format. Whether on-line or in traditional paper format, forms and surveys that collect personal information must be designed to provide the public with the information required under Section 27 of the Act.

A further clause should be added to application forms to indicate that as result of the application, issued permits and/or licenses will be routinely available to the public.

Use and Disclosure of Personal Information

The Act embodies the principle that individuals own their personal information and have the right to exercise control over its use and disclosure.

Public bodies are only permitted to use personal information for the following purposes:

- The purpose for which it was collected or a use consistent with that purpose;
- A purpose for which the person concerned has consented in writing; or
- A purpose for which the information may be disclosed to the public body under section 33 to 36.

Public bodies are only permitted to disclose personal information in certain circumstances; the most common of which are as follows:

- If the individual the information is about has consented in writing
- For the purpose of complying with a law of British Columbia or Canada
- For the purpose of complying with a subpoena, warrant or court order
- To a public body or a law enforcement agency in Canada to assist in a law enforcement matter
- To an officer or employee of the public body if the information is necessary for the performance of his or her duties or safety (“need-to-know” principle)
- For research, statistical, archival or historical purposes

Should you have questions regarding the use or disclosure of personal information, contact the FOI Coordinator.

Security and Retention of Personal Information

The security of personal information is one of the most important privacy-related issues that public bodies such as the District of Barriere have to deal with. Reasonable security arrangements must be established and maintained to protect personal information against unauthorized access, collection, use, disclosure or disposal.

All staff should practice good privacy protection by:

- Using passwords on their desktop computer
- Locking computers when away from work station or desk
- Using locks on cabinets
- Turning monitors away from public view
- Not leaving completed application forms and other records containing personal information in high traffic and/or public areas
- Shredding confidential/personal information rather than simply ‘recycling’

The District is required to retain personal information for one year if that information was used as a basis for a decision directly affecting the individual to allow the affected individual a reasonable opportunity to obtain access to that personal information. After one year, the information may be disposed of by a manner of shredding and/or digital deletion from the server.

Keeping Information Current

The right of an applicant who believes there is an error or omission in his or her personal information held by a public body, to request that information be corrected or amended to include new information is established by Section 29 of the *Act*.

If an individual requests a change to their personal information, it is up to the public body to ensure that the change or annotation is made to the records within its custody and control **and** to provide the change to any other body the information has been provided to within the preceding one year period. For example, for purposes of taxation the District might collect personal information in terms of name, addresses and telephone numbers and as an adjunct to taxation the information is relayed to the BC Assessment Authority. If the individual relays an update to that information to the District, it is up to the District to ensure the update is also sent to the BC Assessment Authority.

It is important to review information you are collecting as well as the forms on which you are collecting the information by asking the following questions:

- Do you need the information?
- Do you have authority to collect the information?
- What will the information be used for?
- Who else will you provide that information to?
- Is the applicant advised of what the information will be used for and under what authority?

As a rule of thumb: If you don't need the personal information, don't collect it!

Chapter 7

Personal Information Directory

The District of Barriere is required under Section 69(6) of the *Freedom of Information and Protection of Privacy Act* to make available for inspection and copying by the public a Personal Information Directory. The Directory must list each personal information bank held by the District and the following information for each:

1. **Title** and **location**;
2. A **description** of the kind of personal information and the categories of individuals whose personal information is included;
3. The **authority** for collecting the personal information;
4. The **purposes** for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;
5. The categories of persons who **use** the personal information or to whom it is disclosed; and
6. Other Information as required by the Provincial Minister responsible for the Act under specific circumstances.

The Act defines a “personal information bank” as follows:

“**Personal information bank** means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.”

Personal information banks are created and maintained on an ongoing basis. This publication is updated periodically as new information becomes available in an effort meet the legislated requirements.

Personal Information Banks:

The District of Barriere holds the following Information Banks that may contain personal information. The required information regarding each bank is provided as outlined above.

Muniware

1. **Title & Location:** MUNIWARE is an integrated information system that offers a complete solution for finance, project accounting, logistics, human resources, cemetery, accounts receivable, accounts payable, and payroll that resides on the District of Barriere computer network located at District Hall. The installation of MUNIWARE and its modules were implemented in 2008.
2. **Description:** The database contains information such as home owner names, business names, individual names, addresses, phone number(s), email addresses of a company, corporation, partnership, or individual who enters into business with the District of Barriere.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for corporate administration of financial activities throughout the District of Barriere operations.
5. **Use:** All District of Barriere staff.

DISTRICT OF BARRIERE SERVER

1. **Title & Location:** The District of Barriere server houses databases that facilitate the District of Barriere computer network located at District Hall. The system provides storage for all District software and data.
2. **Description:** The databases contain information about corporate files created and maintained. File titles or notes may contain individual's names.
3. **Authority:** Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (operating program or activity of the public body).
4. **Purposes:** The personal information is compiled and used for locating corporate records/files throughout the District of Barriere operations.
5. **Use:** All District of Barriere staff and Council.

Human Resources Employee Files

1. **Title & Location:** Human Resources employee files are secured in the CAO's Office and on the server in a folder accessible only by the CAO and Finance Officer.
2. **Description:** These files contain employment information of current and former employees of the District of Barriere.
3. **Authority:** Section 26(a) of the *Freedom of Information and Protection of Privacy Act (Income Tax Act)*; Section 26(c) of the *Freedom of Information and Protection of Privacy Act* (employment program).
4. **Purposes:** The personal information is compiled and used for employment-related purposes.
5. **Use:** Corporate Sustainability, Human Resources Department staff; supervisors and employees. Security measures are in place to ensure access is on a "need to know" basis only.

Current Policy

Chapter 8

Additional Resources

Official Website of the Information and Privacy Commissioner of British Columbia

<http://www.oipc.bc.ca/>

Freedom of Information and Protection of Privacy Act and Regulations

http://www.cio.gov.bc.ca/cio/priv_leg/index.page

Ministry of Citizens' Services and Open Government

Legislation, Privacy and Policy Services Branch

<http://www.cio.gov.bc.ca/cio/about/branches/kis.page>

Ministry of Citizens' Services and Open Government

Freedom of Information and Protection of Privacy: Policy and Procedures Manual

http://www.cio.gov.bc.ca/cio/priv_leg/manual/sec01_09/sec1.page

Ministry of Community Services

Freedom of Information and Protection of Privacy: Questions and Answers – Local Government Bodies (Updated September 2005)

http://www.cio.gov.bc.ca/local/cio/priv_leg/documents/foippa/local_govt_qa.pdf

District of Barriere Public Information

www.barriere.ca > Town Info > Public Documents > Freedom of Information and Protection of Privacy

Appendix 1

Access to Records Request Form

See separate document posted on the webpage.

Current Policy

Appendix 26

Records Release Reference Table

See separate document posted on the webpage.

Current Policy



DISTRICT OF BARRIERE COUNCIL POLICY MANUAL

Page 1 of 3
Approval Date: February 16, 2015

NO. 30

SUBJECT: HUMAN RESOURCES BASICS POLICY

Policy Statement

The District of Barriere will attract and retain competent, effective and dedicated employees and will assist employees in developing and refining skills and competence required in achieving the objects of the District.

Staff will demonstrate professional, positive attitudes in their interactions with co-workers, residents, government officials, and Council members.

1. Code of Ethics

District of Barriere employees are subject to the same rules as members of Council regarding confidentiality (See Policy No. 29) and conflict of interest (Policy No. 3).

2. Hours of Work, Overtime and Flexible Time Off

- a. Overtime is defined as any time worked greater than 8 hours per day or 40 hours per week and must be approved by a direct Supervisor or CAO whichever is applicable.
- b. Scheduling of time off in lieu of overtime or extended absences (more than 3 work days) will be done with the approval of the CAO.

3. Sick Days (Replaces Policy No. 25)

Employees are granted a maximum accumulation of 6 sick days. Employees accumulate sick days at a rate of .23 of a day each bi-weekly pay period. There will be no accumulation of more than 6 sick days at any given time.

4. Bereavement Leave

Employees requesting time off for bereavement due to the death of a person who bears a relationship to the employee (spouse, child, parent, sibling, grandparent, grandchild, including “step-”, “half-” and “in-law”) will be granted a leave of absence with pay for up to three (3) working days. An additional two (2) working days leave with pay will be allowed in the case of the death of a spouse, child or parent or, as travelling time where the burial takes place at a distance of greater than 500 km. The leave of absence granted may be less than the maximum, where the circumstances and degree of bereavement warrant it.

Additional time-off without pay may be granted at the discretion of the CAO, where the severity of the bereavement is such that more time is required by the employee to recover from the emotional loss.

5. Paid Holiday and Vacation

The following Statutory holidays are recognized as paid holidays:

New Year's Day

Family Day

Good Friday

Easter Monday

Victoria Day

Canada Day

BC Day

Labour Day

Thanksgiving Day

Remembrance Day

Christmas Day

Boxing Day

Employees will be entitled to Annual Vacation as follows:

10 - Days paid vacation after 1 year

15 - Days paid vacation after 3 years

20 - Days paid vacation after 6 years

25 - Days paid vacation after 10 years

Individual start dates are considered the anniversary date for vacation entitlement. Vacation entitlement can only be carried forward into the following anniversary year for a period of 2 months; any unused vacation after the 2 months have passed will be paid out unless otherwise approved in advance by the CAO.

All vacation time off requests must be approved by a Supervisor or CAO whichever is applicable.

6. Banked Time

With the approval of a Supervisor or the CAO an employee who works hours in addition to their regular work day may request compensatory Banked time (time intended to be taken off with pay) in lieu of overtime pay. An employee may accumulate the equivalent of 5 days of Banked time, after which all additional hours shall be paid as wages. All hours accrued as Banked time will be paid at the wage rate the Banked time was earned.

7. Safety Gear

Under WorkSafe BC regulations a worker is responsible for providing:

- a) Clothing needed for protection against the natural elements; and,
- b) General purpose work gloves and appropriate footwear including safety footwear, and safety head gear.

The District of Barriere will reimburse (with receipt) employees for the purchase of this safety gear to a maximum of \$250.00 per annum. The protective gear must be selected and used in accordance with recognized standards (CSA standards) and must provide effective protection and must not create a hazard to the wearer.

All other required safety gear such as Safety Vests, Hi-Visibility Clothing, Face Shields, Goggles, Respiratory Protection, Fall Protection, etc. will be provided by the District.

8. Performance Review

Annual performance reviews will be conducted for each staff member by their immediate supervisor.



DISTRICT OF BARRIERE

COUNCIL POLICY MANUAL

Page 1 of 1
Approval Date: April 1, 2019

NO: 38	DRAFT
DEPARTMENT:	HUMAN RESOURCES
SUBJECT:	STAFF TRAINING & DEVELOPMENT POLICY

1.0 Purpose:

The objective of this policy is to ensure that:

- Employees have the necessary skills and knowledge to perform their current jobs
- Employees will have opportunities to develop new skills & knowledge to better support their current role and any potential new responsibilities/roles based on the District's needs and succession planning.
- That current employees, as well as prospective applicants, have a clear understanding of potential employee reimbursement requirements for District paid training in specific instances as outlined in this policy.

2.0 Definitions:

- Ancillary Expenses:** Additional expenses other than tuition and books which may include lodging, travel, parking and food at rates indicated in Policy No. 17 – Per Diem Travel & Mileage Allowances.
- CAO:** The District of Barriere Chief Administrative Officer.
- Conference:** A learning opportunity that is promoted as a “Conference”, often involves a number of session options, may include overnight stays & travel.
- Courses:** Training and development which count towards accreditation, CEUs, university credit, and/or trade ticket which may be taken in a classroom, online, or a combination of both.

- v. **Long-term Employee:** A permanent employee who has been employed with the District of Barriere for at least 5 years (*including any leave permitted under the Employment Standards Act of BC*).
- vi. **Organization:** The District of Barriere
- vii. **Training Sessions:** Occupational Health & Safety (OHAS) Training specific to the District's OHAS Program (such as Occupational First Aid, Confined Space, WHIMIS, Traffic Control, etc), fire practice/instruction, one or two day Workshops, Webinars and other casual training as deemed a "training session" by the CAO.

3.0 Policy:

- a. The District of Barriere's overall training and development budgets for various departments are set annually as part of the Council budget approval process.
- b. Allocation of training budgets are managed by the CAO with all staff education being pre-approved by the CAO regardless of the type of education (Training Sessions, Conferences or Courses).
- c. Allocated training & development budgets may cover the tuition or registration fee itself and any ancillary expenses as approved by the CAO.
- d. With respect to Courses, regardless of whether or not a Course taken was employee or employer driven, an employee who voluntarily leaves the organization will follow the following repayment schedule:
 - i. During the course or within 6 months after completion – 100% of the District of Barriere's contribution must be repaid which includes tuition and any ancillary expenses.
 - ii. 6 months to 9 months after completion – 70% of the District of Barriere's contribution must be repaid which includes tuition and any ancillary expenses.
 - iii. 9 months to one year after completion – 50% of the District of Barriere's contribution must be repaid which includes tuition and any ancillary expenses.
 - iv. Greater than one year after completion – no repayment required.
- e. With respect to Courses, regardless of whether or not a course taken was employee or employer driven, a long-term employee who leaves the organization voluntarily will follow the following repayment schedule:

- i. During the program or within one year of completion – 50% of the District of Barriere's contribution which includes tuition and any ancillary expenses.
 - ii. Greater than one year after completion – no repayment required.
- f. Employees, including Long-Term Employees, are required to provide written consent for the District of Barriere to recoup any required course repayment outlined in Section by deducting the amount owing from their final paycheque, prior to taking a Course. Any funds that remain outstanding must be repaid to the District within 30 days of the employee's last day of work.
- g. Any employee may refuse to provide the written consent required under section 3f with the understanding that the CAO may not authorize expense coverage for any courses for that employee.
- h. There is no repayment requirement for Training Sessions, required Association Memberships or Conference expenses authorized by the CAO, including tuition, registration and/or ancillary expenses.

4.0 Exceptions:

In exceptional circumstances (such as severe injury or illness, family trauma, work relocation of spouse or other extenuating circumstance beyond the control of the employee) involving an employee's voluntary resignation within the timeframe where a repayment requirement would apply, the CAO *may* waive or alter the repayment requirement at his/her discretion.