

District of Barriere

REPORT TO COUNCIL

Date: April 6, 2021	File: 530.20/Rpts
To: Council	From: T. Buchanan, Corporate Officer
Re: Bylaw Update	

Background: The *Community Charter* requires that local governments establish Officer positions by bylaw. Shortly after incorporation, the District of Barriere met this requirement by adopting *District of Barriere Officers Bylaw No. 025, 2008*.

Discussion: Bylaw No. 025 is over a dozen years old, references the Municipal Act (which has been replaced by the Community Charter), excludes current Officer positions of the District and includes a position that has never been established, nor occupied. Therefore, as a matter of housekeeping, an updated draft is being presented to Council that includes a repeal of the outdated document.

It should be noted that the bylaw for Officer position establishment by a local government is not an appointment of specific individuals as Officers. It merely establishes legislated positions as required.

Recommendation: That Council give 1st, 2nd and 3rd readings to Bylaw No. 201 as presented.

Prepared by: Tasha Buchanan, Corporate Officer

Reviewed by: Bob Payette, Chief Administrative Officer

DISTRICT OF BARRIERE

DRAFT 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 day of , 2021.

READ A SECOND TIME THIS day of , 2021.

READ A THIRD TIME THIS day of , 2021.

ADOPTED THIS day of , 2021.

Mayor Ward Stamer

Tasha Buchanan, Corporate Officer

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

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

I. HUMAN RESOURCES

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

II. GENERAL ADMINISTRATION

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

III. LEGAL ADVICE AND PROCEEDINGS

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

IV. COUNCIL

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

V. CONTRACTS

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

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

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

I. STATUTORY (CORPORATE OFFICER)

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

II. HUMAN RESOURCES

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

III. GENERAL ADMINISTRATION

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

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

IV. COUNCIL

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

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

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

V. DEPUTY APPOINTMENT

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

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

I. STATUTORY (FINANCIAL OFFICER)

1) receive all money paid to the District;

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

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

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

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

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

II. HUMAN RESOURCES

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

8) supervise all employees as designated by the CAO;

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

III. GENERAL ADMINISTRATION

10) responsible for Financial Administration of the District;

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

12) implementation of directives as assigned by the CAO;

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

IV. RISK MANAGEMENT

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

V. LEGAL ADVICE AND PROCEEDINGS

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

VI. COUNCIL

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

VII. DEPUTY APPOINTMENT

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

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

I. Statutory (Approving Officer)

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

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

I. Bylaw Enforcement Officer

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

DISTRICT OF BARRIERE

BYLAW NO. 0025

A BYLAW TO ESTABLISH THE OFFICER POSITIONS OF THE DISTRICT OF BARRIERE AND TO ASSIGN THE POWERS, DUTIES AND FUNCTIONS OF THOSE OFFICER POSITIONS.

WHEREAS the Community Charter requires Council, by bylaw, under section 146 to establish officer positions in relation to the duties under Sections 148 and 149 with titles it considers appropriate and to assign the powers, duties and functions of those officer positions;

AND WHEREAS the Council may, by bylaw, establish other officer positions with titles it considers appropriate and to assign the powers, duties and functions of those officer positions;

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

1. This bylaw may be cited for all purposes as “District of Barriere Officers Bylaw No. 0025, 2008.”

2. **OFFICER POSITIONS**

The following positions are hereby established as officer positions of the municipality:

- a) Chief Administrative Officer;
- b) Corporate Officer;
- c) Director of Finance;
- d) Director of Engineering and Operations.

3. **POWERS, DUTIES AND RESPONSIBILITIES**

- a) The powers, duties and responsibilities of the Chief Administrative Officer are as set out in Schedule “A”.
- b) The powers, duties and responsibilities of the Corporate Officer are as set out in Schedule “B”.
- c) The powers, duties and responsibilities of the Director of Finance are as set out in Schedule “C”.

- d) The powers, duties and responsibilities of the Director of Engineering and Operations are as set out in Schedule “D”.

4. METHOD OF APPOINTING OFFICERS

The appointment of any officer position identified in Sections 1(a) to 1(d) inclusive, must be by resolution of Council.

5. FINANCIAL DISCLOSURE

All person employed in the positions identified in Sections 1(a) to 1(d) inclusive, are designated to be “municipal employees” for the purpose of the *Financial Disclosure Act*.

6. ACTING/DEPUTY CAPACITY

Words in this bylaw referring to municipal officer, by name of office or otherwise, also apply to the officer’s deputy or the person designated to act in the officer’s place.

7. OATH OF OFFICE

The Oath of Office as set out in Schedule “E” to this bylaw is hereby adopted as the Oath of Office for officers of the municipality.

8. CITATION

This bylaw may be cited for all purposes as the “District of Barriere Officers Bylaw No. 0025, 2008”.

READ FOR A FIRST TIME this 6th day of October, 2008

READ FOR A SECOND TIME this 6th day of October, 2008

READ FOR A THIRD TIME this 6th day of October, 2008

ADOPTED this 20th day of October, 2008

Original Signed by Mayor Mike Fennell
Mayor

Original Signed by Wayne Vollrath
Chief Administrative Officer

SCHEDULE “A”

POWERS, DUTIES AND FUNCTIONS OF THE CHIEF ADMINISTRATIVE OFFICER

Human Resources

1. Appoint, promote, discipline and dismiss all employees of the municipality.
2. Recommend to Council the appointment, promotion, demotion, suspension or termination of Officers of the municipality being those employees who are designated Officers by bylaw.
3. Supervise all officers and employees of the municipality subject to the powers of the Mayor under Section 116(d) of the *Community Charter*.
4. Appoint acting department heads to administer departments in case of illness or absence.
5. Supervise contract negotiations with employee unions of the municipality and recommend contract settlements with the Unions to Council.
6. Act as arbitrator between an employee and that employee's director subject to the terms of any applicable collective agreement with an employee Union.

General Administration

7. Supervise the operation of the departments of the municipality.
8. Supervise implementation of Council directives.
9. Act as the principal intermediary between the municipality and the administration of other governments and all other entities dealing with the municipality.
10. From time to time reorganize the administrative structure to improve the efficient and effective operation of the municipality.

Legal Advice and Proceedings

11. Obtain legal advice.
12. 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 municipality.
13. Authorize settlements of claims against the municipality in accordance with approved budgets.

Schedule “A” cont’d.

Council

14. Supervise preparation of Council agendas.
15. Have the right to participate in all meetings of Council, Committees of Council and other entities created by Council, except in those portions of meetings where employment matters relating to the Chief Administrative Officer position are under discussion.
16. Provide advice and recommendations to Council on any matter within Council’s jurisdiction.
17. Report to Council on any matter of importance to the municipality.

Contracts

18. Authorize the use or budgeted purchase or sale of municipality facilities, equipment and services and authorize the awarding of contracts for budgeted items.
19. Supervise the calling and awarding of tenders for the supply of materials, equipment services or construction approved by Council.

Additional Powers, Duties and Responsibilities

20. Exercise whatever additional powers and discharge whatever additional duties and responsibilities Council from time to time may assign.

SCHEDULE “B”

POWERS, DUTIES AND FUNCTIONS OF THE CORPORATE OFFICER

The title of the Officer holding this position may be cited in any municipal documents as “Corporate Officer”.

Statutory

1. Ensuring that the accurate minutes of the meetings of the municipality and its committees are prepared and the minutes, bylaws and other records of the business of the municipality and its committees are maintained and kept safe.
2. Ensuring that access is provided to records of the municipality and its committees as required by law or authorized by Council.
3. Certifying copies of bylaws and other documents as required or requested.
4. Administering oaths and taking affidavits, declarations and affidavits required to be taken under the Municipal Act in relation to municipal matters.
5. Accepting on behalf of the municipality, notices and documents that are required or permitted to be given, served on, filed with or otherwise provided to the municipality.
6. Keeping the corporate seal and having it affixed to documents as required.

Human Resources

7. Recommend to the Chief Administrative Officer, appointment, promotion, discipline and dismissal of all employees within the Corporate Administrative Services Department.
8. Supervise all employees in the Corporate Administrative Services Department.

General Administration

9. Supervise the operation of the Corporate Administrative Services Department of the municipality.
10. Supervise implementation of Council directives and directives of the Chief Administrative Officer.
11. Act as contact between the Corporate Administrative Services Department and other departments under the supervision of the Chief Administrative Officer.

Schedule "B" cont'd.

Council

12. Attend or ensure a Staff Member attends all meetings of Council and its committees for purpose of minute taking.
13. Organize efficient and effective record keeping for all corporate documents.
14. Provide copies of any documents served on the municipality to the Chief Administrative Officer and to any insurers as appropriate.

SCHEDULE “C”

POWERS, DUTIES AND FUNCTIONS OF THE DIRECTOR OF FINANCE

Statutory

1. Receiving all money paid to the municipality.
2. Ensuring the keeping of all funds and securities of the municipality.
3. Expending and disbursing money in the manner authorized by Council.
4. Investing revenue funds, until required, in investments as permitted under the *Municipal Act*.
5. Ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe.
6. Compiling and supplying information on the financial affairs of the municipality required by the Inspector.

Human Resources

7. Recommend to the Chief Administrative Officer, appointment, promotion, discipline and dismissal of all employees within the Financial Services Department.
8. Supervise all employees in the Financial Services Department.

General Administration

9. Supervise the operation of the Financial Services Department of the municipality.
10. Supervise implementation of Council directives and directives of the Chief Administrative Officer.
11. Act as a contact between the Financial Services Department and other departments under the supervision of the Chief Administrative Officer.

Legal Advice and Proceedings

12. Supervise the obtaining of insurance as deemed necessary.
13. Supervise the provision of or management of insurance matters.
14. Prepare and arrange for filing of any documentation necessary under the Financial Disclosure Act or otherwise.

Schedule “C” cont’d.

Council

15. Attend meetings of Council and the Finance Committee as required by the Chief Administrative Officer or Council.
16. Provide advice to the Chief Administrative Officer and Council regarding any matter of a financial nature.
17. Prepare fiscal plans as required under the Community Charter and as requested by Council and the Chief Administrative Officer.
18. Liaise with the municipal auditor in connection with the financial audit.

Additional Powers, Duties and Responsibilities

19. Shall act as Collector of taxes for the municipality.

SCHEDULE “D”

POWERS, DUTIES AND FUNCTIONS OF THE DIRECTOR OF ENGINEERING AND OPERATIONS

Human Resources

1. Recommend to the Chief Administrative Officer, appointment, promotion, discipline and dismissal of all employees within the Engineering and Operations Department.
2. Supervise all employees in the Engineering and Operations Department.

General Administration

3. Supervise the operation of the Engineering and Operations Department of the municipality.
4. Supervise implementation of Council directives and directives of the Chief Administrative Officer.
5. Act as a contact between the Engineering and Operations Department and other departments under the supervision of the Chief Administrative Officer.

Operations Matters

6. Develop and recommend to the Chief Administrative Officer, policies and procedures for all operational matters.
7. Supervise equipment and other operational matters, repair, renewal and replacement programs in accordance with Council budgets and policies.
8. Inspect all public service works in accordance with Council policies and procedures.

Development Application Matters

9. Liaise with staff in connection with applications for development approvals and provide advice and recommendations in accordance with all servicing matters connected with development applications.

SCHEDULE “F”

OATH OF OFFICE

I, _____ having been appointed to the Office of _____

For the District of Barriere do hereby swear/solemnly affirm that:

1. I will truly, faithfully, honestly and impartially, to the best of my knowledge, skills and ability, execute the powers, duties and functions of my Office to which I have been appointed.
2. I will treat all matters and information that comes to my attention as a result of my Office in confidence.
3. I have not received, nor will I receive or accept any payment or reward, or promise of either, in return for the exercise of my powers, duties and functions, other than as permitted by the municipality.
4. I will not allow my personal interest to conflict with the duties of my Office.
5. I will comply with all policies and directives of the municipality and comply with all laws.

SWORN/ARRIRMED by me at

Barriere, BC, on _____

(Signature of person swearing/affirming oath)

(Signature of person administering oath)