

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 **10th** day of **August 2026**.

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

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 approvals 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 \$40,000 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. 0084;
- 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:

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