



DISTRICT OF HIGHLANDS

BYLAW NO. 427

A BYLAW TO PROVIDE FOR THE APPOINTMENT OF OFFICERS AND TO PRESCRIBE THE POWERS, DUTIES AND RESPONSIBILITIES OF SUCH OFFICERS INCLUDING THE DELEGATION OF AUTHORITY

WHEREAS the *Community Charter* requires Council, by bylaw, to establish officer positions and to establish the powers, duties and responsibilities of officers and employees;

AND WHEREAS the *Community Charter* empowers Council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees, its committees or its members, or to other bodies established by Council.

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

1. Interpretation

- 1.1 Except as otherwise defined in this Bylaw, words or phrases herein shall be construed in accordance with their meanings under the *Community Charter*, *Local Government Act*, and *Interpretation Act*, and other legislation as the context and circumstances may require. 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 or replaced from time to time.
- 1.2 Words in the singular include the plural and gender specific terms include both genders and corporations. 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.

2. Definitions

"Chief Administrative Officer" means the chief administrative officer of the District under the *Community Charter*, section 147;

"Corporate Officer" means the person responsible for corporate administration of the District under the *Community Charter*, section 148;

"Council" means Council for the District of Highlands;

"District" means the District of Highlands;

"Employee" means a person other than an Officer;

“Financial Officer” means the person responsible for financial administration of the District under the *Community Charter*, section 149; and

“Officer” means a person appointed under section 146 of the *Community Charter*.

3. Establishment of Officer Positions

3.1 The persons holding the following positions are established as Officers of the District under section 146 and the following provisions of the *Community Charter*:

- a. Chief Administrative Officer, pursuant to section 147 and as set out in Schedule “A”;
- b. Corporate Officer, pursuant to section 148 and as set out in Schedule “B”;
- c. Financial Officer, pursuant to section 149 and as set out in Schedule “C”.

3.2 The appointment of the Officers listed in section 3.1 shall be made by Council;

3.3 Nothing in this Bylaw shall prevent the appointment of the same person to two or more offices or positions.

4. Signing Authorization

4.1 Except for specific provisions in this Bylaw, any contract, agreement, debenture, plan or other document or instrument to be executed or approved, or terminated by the District shall be executed by the Mayor and Corporate Officer.

5. Authorized Signatories for Real and Specified Real Property Transactions

5.1 The Chief Administrative Officer is assigned the authority to negotiate, approve and execute on behalf of the District all transactions involving the acquisition or disposal of land or improvements which have been approved by Council resolution or bylaw.

6. Delegation of Purchasing Authority

6.1 Council hereby delegates all of the powers, duties and functions of Council to authorize the execution of contracts and/or purchases of goods and services on behalf of the District to the Chief Administrative Officer for the provision of goods and services or other District activities, works or services that are ordinary to the business of the District, that are:

- a) Approved within the Financial Plan;
- b) Awarded in accordance with applicable enactments, and policies of the District; and
- c) Subject to limitations on that delegated authority set out in the District’s Purchasing of Goods and Services Policy, as adopted by Council and amended from time to time.

6.2 This section does not authorize the execution of any agreement that requires elector approval under the *Community Charter*, whether as a result of the stated term of the agreement or any provision for extension or renewal.

7. Limitations on Delegation

- 7.1 Unless a power, duty or function of Council has been expressly delegated by this Bylaw, all the powers, duties and functions of Council remain with Council.
- 7.2 If this Bylaw delegates a power, duty or function to an officer position, the delegation of the power, duty or function is to the person who from time to time holds the position, or to any person designated by Council to act in the place of the person.
- 7.3 For certainty, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

8. Amendments to Titles

- 8.1 For the purposes of this Bylaw, where a staff position is identified by title within this Bylaw, and should the name of that position or details of the duties of that position change, the rights, duties and obligations of the former position under the Bylaw will transfer to the new position if the role of that staff position is similar in authority and responsibility.

9. Severability

- 9.1 If any section, subsection or paragraph of this Bylaw is found invalid by a decision of a Court or competent jurisdiction, the invalid section, subsection or paragraph shall be severed without effect on the remainder of the Bylaw.

10. Repeal

- 10.1 Bylaw No. 244, "District of Highlands Officers Bylaw No. 244, 2004" is hereby repealed.

11. Name of Bylaw

- 11.1 This Bylaw may be cited for all purposes as the "Officer and Delegation of Authority Bylaw No. 427, 2020".

READ A FIRST TIME THIS 16th day of November, 2020

READ A SECOND TIME THIS 16th day of November, 2020

READ A THIRD TIME THIS 16th day of November, 2020

ADOPTED THIS 7th day of December, 2020

MAYOR

CORPORATE OFFICER

SCHEDULE “A”

POWERS, DUTIES AND FUNCTIONS OF THE CHIEF ADMINISTRATIVE OFFICER

General Accountability

The Chief Administrative Officer has responsibility for carrying out the powers, duties and functions specified in Section 147 of the *Community Charter* and other provisions applicable to the Chief Administrative Officer in other enactments.

Duties of the Chief Administrative Officer include:

1. The overall management of the operations and resources of the District;
2. The implementation of Council approved policies, programs and directives;
3. The initiation and recommendation of policy changes;
4. Advising and informing the Council on the operation and affairs of the District;
5. Selecting Officers subject to Council appointment; and
6. Appointing, disciplining, suspending or terminating any employee of the District; subject to any contract of employment in force, other than an Officer.

Nature and Scope of the Position

The Chief Administrative Officer plans, directs, supervises, coordinates and controls the business affairs of the District in accordance with plans, policies and financial limitations that are established by Council and in accordance with the provisions and limitations of applicable legislation by:

1. Coordinating interdepartmental matters;
2. Directing the preparation and revision of plans and budgets;
3. Interpreting regulations;
4. Investigating and settling disputes with respect to personnel matters;
5. Relieving Council of details associated with the day-to-day management of municipal activities;
6. Providing leadership with respect to staff morale and motivation;
7. Establishing and maintaining effective communication systems both internally among departments and with external organizations;
8. Establishing, promoting and maintaining extensive contact with representatives of private firms and with other senior officials in other local governments;
9. Acting as official spokesperson on all non-political issues.

Management Direction

The Chief Administrative Officer is directly responsible for ensuring that municipal employees provide the services required by the District and is responsible for overseeing:

1. Preparation of annual operating and capital budgets;
2. Preparation of plans and programs for the establishment, development, expansion, improvement, reduction or discontinuance of municipal services;
3. Recommendations for approval of all wages, salaries and working conditions;
4. The preparation of all contracts and specifications for the contracts;
5. Changes to the organizational structure of the municipality.

SCHEDULE “B”

POWERS, DUTIES AND FUNCTIONS OF THE CORPORATE OFFICER

General Accountability

The Corporate Officer has responsibility for carrying out the powers, duties and functions of the Corporate Officer as set out in the *Community Charter* and other provisions applicable to the Corporate Officer in other enactments.

Duties of the Corporate Officer also include:

1. Assuming the role of Chief Administrative Officer in his/her absence;
2. Supervision of office staff;
3. Keeping Council informed on all important matters affecting District affairs;
4. Advising Council on matters within the control and purview of the Council;
5. Attending meetings of Council, Committee of the Whole and other meetings as may be required;
6. Preparing reports, bylaws, public notices and policies within applicable legal requirements for Council consideration;
7. Acting as Signing Officer for the purposes of executing, together with the Mayor or Acting Mayor, all instruments, contracts, agreements and documents on behalf of the District;
8. Establishing and maintaining adequate relationships with the public, government officers, local agencies and with the media so that policies of the Council may be properly reflected;
9. Accepting, 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 District;
10. Administer oaths and taking affirmations, affidavits and declarations required to be taken under the *Community Charter* or any other enactment relating to municipalities;
11. Certifying copies of bylaws and other documents, as required or requested;
12. Preparing Council agendas, including any follow-up from same.
13. Performing the duties of Chief Election Officer and administering general local elections, by-elections and elector assent opportunities including training and supervision of election staff.
14. Assisting with all matters related to human resources, including assistance with recommendations for approval of all wages, salaries and working conditions and investigating and settling disputes respecting all personnel matters;
15. Working with the public, elected officials and appointed bodies on a regular basis in a cooperative capacity including liaising with provincial ministries regarding bylaw approval and media representatives regarding advertising of legal notices;
16. Performing the tasks of other employees as required by the Chief Administrative Officer when those employees are absent from work for any reason;
17. Providing information and assistance to the public and others regarding policies, bylaws, regulations, official records, Council and Committee actions and election matters and procedures;
18. Conducting research assignments and special projects;
19. Maintaining the records management system;
20. Administering the FOIPPA program including processing of FOI requests; and
21. Performing other related duties as may be required by the Chief Administrative Officer.

SCHEDULE “C”**POWERS AND DUTIES OF THE FINANCIAL OFFICER****General Accountability**

The Financial Officer is responsible for undertaking the statutory duties of the Financial Officer pursuant to the *Community Charter* and other provisions applicable to the Financial Officer in other enactments.

Duties of the Financial Officer include:

1. Receiving all money paid to the District;
2. Ensuring the keeping of all funds and securities of the District;
3. Investing municipal funds, until required, in authorized investments;
4. Expending municipal money in the manner authorized by Council;
5. Ensuring that accurate records and full accounts of the financial affairs of the District are prepared, maintained and kept safe;
6. Exercising control and supervision over all of the financial affairs of the District.

Nature and Scope of the Position

The Financial Officer organizes, directs and supervises the Finance Department including:

1. Preparing, in consultation with any other Department Heads, the necessary Provisional, Annual and Capital Budgets for presentation to the Council, or the appropriate committees.
2. Administering financial operations in accordance with the Financial Plan approved by Council.
3. Investigating and recommending extraordinary expenditures not included in the approved budgets, and subject to required approvals, make such expenditures when directed by Council.
4. Planning and administering the financial affairs of the District in accordance with Council policy, and attending to the investment and borrowing of funds as required, subject to the limitations established by Provincial legislation.
5. Ensuring the establishment of appropriate safeguards over all funds, physical assets, insurance and other property of the District.
6. Acting as a Signing Officer of the District, together with the Mayor or Acting Mayor, to sign, make draw and/or accept any cheques, promissory notes, bills of exchange or other negotiable instruments, any order for the payment of money, contracts for letters or forward exchange and generally all instruments or documents for the purpose of binding or obligating the District in any way in connection with its accounts and transactions with the bank.
7. Establishing procedures in accordance with Council policy for all purchases and payment thereof.
8. Preparing or directing the preparation of all financial statements, reports, or statistical reports required by Government Departments or Agencies or Council.
9. Developing improved systems and forms as deemed necessary and giving functional advice and guidance to other municipal departments as required.

10. Having input into hiring of employees in the Finance Department for whom provisions are made by the Council, and who are required.
11. Having input into the dismissal of employees of the Finance Department for cause, or when they are no longer required.
12. Performing the tasks of other employees as required when those employees are absent from work for any reason.
13. Performing other related duties as required.