

OFFICERS AND ADMINISTRATIVE STRUCTURE BYLAW, 2017, NO. 9424

CONSOLIDATED FOR CONVENIENCE AND REFERENCE PURPOSES ONLY

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Includes Bylaw Amendments:

9696 AND 9894.

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9424

TO ESTABLISH OFFICER POSITIONS AND TO PRESCRIBE THE
POWERS, DUTIES, AND FUNCTIONS OF SUCH OFFICERS AND SET OUT THE
DEPARTMENTS AND ADMINISTRATIVE STRUCTURE UNDER WHICH THE
BUSINESS OF THE MUNICIPALITY SHALL BE CONDUCTED

WHEREAS the District of Saanich must by bylaw, under Section 146 of the *Community Charter*, establish officers' positions having responsibility under Sections 148 and 149 of the *Community Charter*;

AND WHEREAS the District of Saanich may, by bylaw, confer on an officer position the chief administrative responsibility for the Municipality under Section 147, of the *Community Charter*;

AND WHEREAS pursuant to Section 154 of the *Community Charter*, Council, may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

AND WHEREAS Council wishes to delegate to its officers and employees certain powers, duties and functions;

NOW, THEREFORE, The Municipal Council of the District of Saanich enacts as follows:

1. Definitions

In this bylaw, unless the context otherwise requires:

a) "**Act**" means the *Community Charter* of the Province of British Columbia.

"**Approving Officer**" means the Approving Officer of the Municipality and includes the Deputy Approving Officer in the absence of the Approving Officer.

"**Chief Administrative Officer**" means the Chief Administrative Officer of the Municipality.

"**Collector**" means the municipal officer assigned responsibility as collector of taxes for the Municipality.

"**Corporate Officer**" means the Corporate Officer of the Municipality and includes the Deputy Manager, Legislative Services in the absence of the Corporate Officer.

"**District**" means the District of Saanich.

"**Council**" means the Council of the District of Saanich.

"Director of Finance" means the Financial Officer of the Municipality.

"Employee" means a person who is employed by the Municipality but who is excluded from the definition of **'employee'** pursuant to the Labour Relations Code of British Columbia.

"Manager of Revenue Services" means the Collector of the Municipality.

"Municipality" means the District of Saanich.

b) Words used shall have the meaning assigned to them by the *Community Charter*.

2. Municipal Departments

The business of the Municipality under the direction of the Chief Administrative Officer with and by the authority vested by Council shall be conducted by the following departments hereby established:

- Administration
- Corporate Services
- Engineering
- Finance
- Fire
- Information Technology
- Legislative and Protective Services
- Parks, Recreation and Community Services
- Planning

3. Department Head Positions

Department Heads of the Municipality shall be:

- Chief Administrative Officer
- Chief Information Officer
- Director of Corporate Services
- Director of Engineering
- Director of Finance
- Fire Chief
- Director of Legislative and Protective Services
- Director of Parks, Recreation and Community Services
- Director of Planning

The head of each department shall be the person from time to time appointed as such and includes the person employed as such at the date of the adoption of this bylaw.

4. Deputy Department Head Positions

Deputy Department Heads shall be:

- Deputy Fire Chief.

Each deputy department head shall be the person from time to time appointed as such and includes the person employed as such at the date of the adoption of this bylaw.

5. Officer Positions

Officers of the Municipality shall be:

- Chief Administrative Officer
- Director of Finance
- Corporate Officer

Each officer of the Municipality shall be the person from time to time appointed as such and includes the person employed as such at the date of the adoption of this bylaw.

6. Appointment and Termination

- a) The recruitment, selection and appointment of the Chief Administrative Officer shall be made by resolution of Council.
- b) The recruitment and selection of other staff of the municipality shall be made by the Chief Administrative Officer in accordance with established guiding policies and Bylaws and any applicable collective agreements.
- c) The appointment of individuals as Officers of the Municipality shall be made by resolution of Council in accordance with the requirements of the *Community Charter*.
- d) The selection of the Acting Chief Administrative Officer shall be made by the Chief Administrative Officer. In the event of incapacitation of the Chief Administrative Officer, or vacancy in that position, the appointment of the Acting Chief Administrative Officer shall be made by resolution of Council.
- e) An Officer of the Municipality may be terminated by Council under the conditions provided for in the *Community Charter*.

7. Powers, Duties and Functions

- a) The Chief Administrative Officer's powers, duties and functions include those set out in section 147 of the *Community Charter* and are as further described in Schedule "A" – Powers, Duties and Functions of the Chief Administrative Officer.
- b) The Director of Finance as the Financial Officer is assigned the responsibility of financial administration which includes the powers, duties and functions set out in section 149 of the *Community Charter*. In addition the Director of Finance has any

- other powers, duties and functions assigned by the Chief Administrative Officer, or required or permitted by any other enactment.
- c) The Corporate Officer is assigned the responsibility of corporate administration which includes the powers, duties and functions set out in section 148 of the *Community Charter*. In addition, the Corporate Officer has any other powers, duties and functions assigned by the Chief Administrative Officer, or required or permitted by any other enactment.
 - d) The Manager of Inspection Services is assigned the responsibility for carrying out the functions of the Manager of Inspection Services under the Building Bylaw, 2019, No. 9529 and any successor bylaw.
 - e) The Manager of Revenue Services is assigned the responsibility as Collector of Taxes for the Municipality as set out in the *Community Charter*.
 - f) The Manager of Bylaw and Licensing Services is assigned the responsibility as Licence Inspector under the Business Licence Bylaw, 2002, No. 8213 and any successor bylaw.
 - g) The Approving Officer is assigned the responsibility for carrying out the functions of the Approving Officer under the *Land Title Act*, the Subdivision Bylaw, 1995, No. 7452 and any successor bylaw, and any other Statute or Bylaw that assigns responsibilities to the Approving Officer.
 - h) The powers, duties and responsibilities of those persons appointed to the positions of Officers, which are not prescribed by statute or by bylaw, shall be as determined from time to time by the Chief Administrative Officer.
8. The “Directors and Officers Bylaw, 2011, No. 9091” and amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.
9. This bylaw may be cited as the **“OFFICERS AND ADMINISTRATIVE STRUCTURE BYLAW, 2017, NO. 9424”**.

Includes bylaw amendments No. 9696 and 9894.

SCHEDULE "A"

Powers, Duties and Functions of the Chief Administrative Officer

The Chief Administrative Officer for the Municipality has the following duties, powers and functions:

- a. 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;
- b. selecting Officers and coordinating, motivating, directing and supervising these key officials and prescribing their duties and responsibilities;
- c. determining compensation of non-union employees in accordance with the corporate policies and budgets established by Council;
- d. appointing, promoting, disciplining, suspending or terminating any employee of the City, subject to any contract of employment or collective agreement in force, other than Officers;
- e. subject to Council approval, negotiating all collective agreements;
- f. developing and recommending for Council approval, policies dealing with 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. preparing and submitting to Council budgets for capital and operating programs annually or more frequently as directed by Council. In the event Council does not adopt an operating budget for the new calendar year by December 31st of the previous year, the CAO, during the period of January 1 of the new calendar year and the date on which Council adopts the five year financial plan for the new calendar year, is hereby empowered to authorize expenditures based on the previously approved five year financial plan bylaw;
- j. preparing and submitting such reports and recommendations as may be required by Council;
- k. hiring and retaining legal counsel on behalf of the Municipality including the power to instruct counsel to commence or defend any action or proceeding in any court of law, or before any tribunal, arbitrator or any other person, for or on behalf of the City;
- l. taking whatever legal actions or measures deemed necessary in response to an emergency;
- m. the authority to assign additional responsibilities to an officer, including acting on behalf of another officer during absence;
- n. the authority to assign to other appointed officers and employees of the Municipality any powers, duties or functions assigned to the Chief Administrative Officer under this bylaw to achieve more efficient and effective administration of the City's affairs;
- o. designating an Acting Chief Administrative Officer during any absence.