
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1434, 2009

"A bylaw to establish officer positions of the District of Kent and to assign the powers, duties of such officers."

WHEREAS the District of Kent is empowered, by bylaw under section 146 of the *Community Charter*, to establish officer positions and to assign powers, duties and functions of such officers;

AND WHEREAS the Council of the District of Kent wishes to delegate to its officers certain powers, duties and functions;

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

1. CITATION

This bylaw may be cited for all purposes as "Officers and Employees Appointment Bylaw No. 1434, 2009".

2. OFFICER POSITIONS

- a) In accordance with section 146 of the *Community Charter*, the Council shall establish, by resolution, persons to the following offices:
 - i) "Chief Administrative Officer" to have the powers, duties and functions under section 147 of the *Community Charter*;
 - ii) "Director of Corporate Services" to have the powers, duties and functions under section 148 of the *Community Charter*;
 - iii) "Director of Financial Services" to have the powers, duties and functions under section 149 of the *Community Charter*;
 - iv) Offices which it has designated as officer positions in section 2 of this bylaw.
- b) In addition to the officer positions established under subsection a), the Council hereby designates the following positions as officers;
 - i) Director of Engineering Services;
 - ii) Director of Development Services / Approving Officer;
 - iii) Director of Community Services;
 - iv) Manager of Information Systems and Human Resources; and
 - v) Fire Chief.

3. DEPUTY POSITIONS

- a) The Deputy Director of Financial Services is appointed as the Deputy to the Director of Financial Services.
- b) The Deputy Fire Chief is appointed as the Deputy to the Fire Chief.

4. DELEGATION INCLUDES DEPUTY

A delegation of a power, duty or function under this bylaw includes a delegation to a person who is from time to time the deputy of the delegate.

5. APPOINTMENT

- a) Nothing in this bylaw shall prevent the appointment of the same person to two or more positions.
- b) The powers, duties and responsibilities of those persons appointed to the positions of the officers, which are not prescribed by statute or by bylaw, shall be determined from time to time by the Council.

6. DEFERRAL OF APPOINTMENT

Nothing in this bylaw shall be interpreted as restricting the right of the Council to defer an appointment to any position other than a position by statute.

7. 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 Director of Corporate Services are as set out in Schedule "B".
- c) The powers, duties and responsibilities of the Director of Financial Services are as set out in Schedule "C".
- d) The powers, duties and responsibilities of the Director of Engineering Services, Director of Development Services / Approving Officer, Director of Community Services, Manager of Information Services and Human Resources, and Fire Chief, are as set out respectively in Schedules "D" through "H".

8. OATH OF OFFICE

The oath of office as set out in Schedule "I" of this bylaw is hereby adopted as the oath of office for officers of the District of Kent.

9. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

10. REPEAL

"Municipality of Kent Officers and Employees Bylaw No. 1176, 1999" and amendments thereto are hereby repealed.

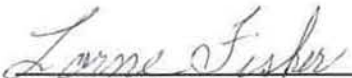
READ A FIRST TIME this 27th day of July 2009.

READ A SECOND TIME this 27th day of July 2009.

READ A THIRD TIME this 27th day of July 2009.

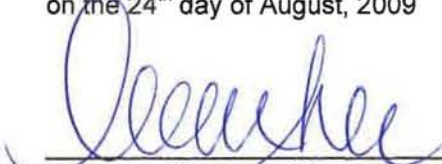
FINALLY PASSED AND ADOPTED this 24th day of August 2009.

CERTIFIED CORRECT


Lorne Fisher, Mayor


For Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE CORRECT COPY
of "Officers and Employees Appointment
Bylaw No. 1434, 2009" adopted
on the 24th day of August, 2009


Clair Lee, Director of Corporate Services

SCHEDULE "A"

Powers, Duties and Functions of the Chief Administrative Officer

Statutory

1. Administering oaths and taking affidavits, declarations and affidavits required to be taken under the *Community Charter* and *Local Government Act* in relation to municipal matters;

Human Resources

2. Appoint, promote, discipline and dismiss all employees of the municipality;
3. Recommend to Council the appointment, promotion, demotion, suspension or termination of officers of the Municipality, being those employees who are designated officers by bylaw;
4. Supervise all officers and employees of the Municipality;
5. Appoint acting department heads to administer departments in case of illness or absence;
6. Supervise contract negotiations with employee unions of the Municipality and recommend contract settlements with the unions to Council;
7. 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

8. Supervise the operation of the departments of the Municipality;
9. Supervise the implementation of Council directives;
10. Act as the principal intermediary between the Municipality and the administration of other governments and all other entities dealing with the Municipality;
11. From time to time reorganize the administrative structure to improve the efficiency and effectiveness of the Municipality's operation;

Legal Advice and Proceedings

12. Obtain legal advice;
13. 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;
14. Authorize settlements of claims against the Municipality;

Council

15. Supervise the preparation of Council agendas;
16. Have the right to participate in all meetings of Council, Committees of Council and other entities created by Council;
17. Provide advice and recommendations to Council on any matter within Council's jurisdiction;
18. Report to Council on any matter of importance to the Municipality;

Contracts

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

Additional Powers, Duties and Responsibilities

21. 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 Director of Corporate Services

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 the 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 *Community Charter* and *Local Government 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 Services Department;
8. Supervise all employees in the Corporate Services Department;

General Administration

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

Council

12. Attend or ensure a Deputy attends all meetings of the Council and its Committees for the purpose of minute taking, except where otherwise directed by the Chief Administrative Officer;
13. Organize efficient and effective record keeping for all corporate documents; and
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 Financial Services

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 *Community Charter*;
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 of Municipalities;

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;

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 budgets, as required under the *Community Charter* and as requested by Council and the Chief Administrative Officer; and
18. Liaise with the Municipality's auditor in connection with the financial audit.

SCHEDULE "D"

Powers, Duties and Functions of the Director of Engineering Services

Human Resources

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

General Administration

3. Supervise the operation of the Engineering Services Department of the Municipality;
4. Supervise the implementation of Council directives and directives of the Chief Administrative Officer;
5. Act as a contact between the Engineering Services 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 program, in accordance with Council budgets and policies;
8. Inspect all public service works, in accordance with Council policies and procedures; and

Development Application Matters

9. Liaise with the Director of Development Services in connection with the applications for development approvals and provide advice and recommendations in connection with all servicing matters connected with development applications.

SCHEDULE "E"

Powers, Duties and Functions of the Director of Development Services / Approving Officer

Human Resources

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

General Administration

3. Supervise the operation of the Development Services Department of the Municipality;
4. Supervise the implementation of Council directives and directives of the Chief Administrative Officer;
5. Act as a contact between the Development Services Department and other departments under the supervision of the Chief Administrative Officer;

Development Applications

6. Ensure that all development applications are received and processed in accordance with Council policies and bylaws; and
7. Ensure that all fees are paid in connection with development applications.

SCHEDULE "F"

Powers, Duties and Functions of the Director of Community Services

Human Resources

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

General Administration

3. Supervise the operation of the Community Services Department of the Municipality;
4. Supervise the implementation of Council directives and directives of the Chief Administrative Officer;
5. Act as a contact between the Community Services Department and other departments under the supervision of the Chief Administrative Officer;

Community Services Matters

6. Develop and recommend to the Chief Administrative Officer, policies and procedures for all community services matters;
7. Supervise equipment and other community services matters, in accordance with Council budgets and policies; and
8. Inspect all community services matters, in accordance with Council policies and procedures.

SCHEDULE "G"

Powers, Duties and Functions of the Manager of Information Services and Human Resources

Human Resources

1. Recommend to the Chief Administrative Office, the appointment, promotion, discipline, and dismissal of all employees within the Municipality;
2. Supervise all employees in the Information Services and Human Resources Department;
3. Develop and recommend to the Chief Administrative Officer, policies and procedures for all information services and human resources matters;
4. Participate in contract negotiations with employee unions of the Municipality and recommend contract settlements with the unions to the Chief Administrative Officer;
5. Attend all Labour Management meetings for the purpose of minute taking, except where otherwise directed by the Chief Administrative Officer;

General Administration

6. Supervise the operation of the departments of the Information Services and Human Resources Department of the Municipality;
7. Supervise the implementation of Council directives and directives of the Chief Administrative Officer;
8. Act as a contact between the Information Services and Human Resources Department and other departments under the supervision of the Chief Administrative Officer;

SCHEDULE "H"

Powers, Duties and Functions of the Fire Chief

Human Resources

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

General Administration

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

Fire Services Matters

6. Develop and recommend to the Chief Administrative Officer, policies and procedures for all fire services matters;
7. Supervise equipment and other fire services matters, in accordance with Council budgets and policies; and
8. Inspect all fire services matters, in accordance with Council policies and procedures.

SCHEDULE "I"

Oath of Office

I, (insert name) do swear / solemnly affirm that:

- a) I will truly, faithfully and impartially, to the best of my knowledge, skills and ability, execute the office of (insert name of office) to which I have been appointed for District of Kent;
- b) I will treat all matters and information that comes to my attention, as a result of my Office, in confidence;
- c) I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any partiality or other improper execution of my office;
- d) I will not allow my personal interests to conflict with the duties of my Office; and
- e) I will comply with all policies and directives of the Municipality and comply with all laws.

Sworn/Affirmed before me at
Agassiz, British Columbia
this ____ day of _____, _____.

Signature of Person Administering Oath

Signature of Person Swearing/Affirming Oath