



**DISTRICT OF SOOKE
OFFICERS AND DELEGATION OF AUTHORITY
BYLAW No. 672**

**CONSOLIDATED FOR REFERENCE
OCTOBER 13, 2021**

BYLAW NO. 672, OFFICERS AND DELEGATION OF AUTHORITY BYLAW, 2017
BYLAW NO. 810 (672-3) OFFICERS AND DELEGATION OF AUTHORITY AMENDMENT BYLAW,
2021
BYLAW NO. 821 (672-4) OFFICERS AND DELEGATION OF AUTHORITY AMENDMENT BYLAW,
2021

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AMENDMENTS MAY BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

A bylaw to establish officer positions and to delegate powers, duties and
functions to municipal officers.

WHEREAS the District of Sooke 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 Sooke may, by bylaw, confer on an officer position the chief administrative responsibility for the District 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 Council of District of Sooke, in open meeting assembled, ENACTS AS FOLLOWS: The Council of the District of Sooke, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw is cited as the *Officers and Delegation of Authority Bylaw No. 672, 2017*.

Interpretation

2. In this bylaw:

“Council” means the municipal council of the District of Sooke;

“Delegate” means a person to whom Council delegates power or authority under this Bylaw;

“Department Director” for the purposes of this bylaw includes the Chief Administrative Officer and all Directors.

“Department Manager” for the purposes of this bylaw, includes all exempt positions not included in the definition of “Department Director” and all positions designated as “Heads of”.

“District” means the District of Sooke;

“Policy” means the Purchasing and Disposal of Assets Policy as amended or replace from time to time by Council;

“Statutory Officers” means the Chief Administrative Officer, Financial Officer and Corporate Officer for the District

3. 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*, 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.
4. Words in the singular include the plural and gender specific terms include all genders. 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.
5. A reference to a statute in this Bylaw refers to a statute of British Columbia and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Headings in this Bylaw are for convenience only and do not define or limit its scope or intent. If any part of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

Officer Positions

6. The persons holding the following positions with the District are established as Statutory Officers of the District under Section 146 and the following provisions of the *Community Charter*:
- (a) Chief Administrative Officer
 - (b) Financial Officer
 - (c) Corporate Officer

Chief Administrative Officer

7. The Chief Administrative Officer is assigned the following powers, duties and functions:
- (a) responsible for the 'Chief Administrative Officer' 'powers, duties and functions' pursuant to section 147 of the *Community Charter*;
 - (b) except for specific provisions of this bylaw, all instruments, contracts, agreements and documents to be executed or approved by the District, shall be signed by the Chief Administrative Officer in accordance with the District's Purchasing Policy;
 - (c) authority to oversee all personnel and property matters of the District of Sooke and represent the District of Sooke in all negotiations related thereto in accordance with direction from Council;
 - (d) authority to suspend employees, other than statutory officers, and report such suspensions and the reason therefore to Council;
 - (e) implementing and ensuring all Council approved policies and directives are adhered to;

- (f) the authority to manage salary increases within an approved salary grid system where employees receive increases based on satisfactory performance. No change in the salary grid system will be made without Council approval;
- (g) administering all matters related to human resources for the District of Sooke, including assistance with union negotiations and recommendations for approval of all wages, salaries and working conditions; and
- (h) other related powers, duties and functions as assigned by Council.

Finance Officer

8. The Financial Officer is assigned the following powers, functions and duties:
- (a) Responsible for the 'Financial Officer', 'powers, duties and functions' pursuant section 149 of the *Community Charter* and other provisions applicable to the Financial Officer in other enactments;
 - (b) designated as a signing authority of the District of Sooke, 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 and generally all instruments or documents for the purpose of binding or obligating the District of Sooke in any way in connection with its accounts and transactions with the bank;
 - (c) designated as Deputy Chief Administrative Officer in the absence of the Chief Administrative Officer;
 - (d) preparing or directing the preparation of all financial statements, reports, or statistical reports required by government departments or agencies or Council; and
 - (e) other related powers, duties and functions as assigned by Council or the Chief Administrative Officer.

Corporate Officer

9. The Corporate Officer is assigned the following powers, duties and functions:
- (a) responsible for the 'Corporate Officer' 'powers, duties and functions' pursuant to section 148 of the *Community Charter* and other provisions applicable to the Corporate Officer in other enactments;
 - (b) signing authority for bylaws and policies enacted by the Council and certifying minutes of Council meetings;
 - (c) designated as the head of the District of Sooke for the purposes of the *Freedom of Information and Protection of Privacy Act*;
 - (d) acting as Deputy Chief Administrative Officer in the absence of both the Chief Administrative Officer and Director of Finance; and
 - (e) other related powers, duties and functions as assigned by Council or the Chief Administrative Officer.

Delegation of Purchasing Authority

10. 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 Statutory Officers, Department Directors and Managers 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 the limitations on that delegated authority set out in the District's Purchasing and Disposal of Assets Policy, as adopted by Council and amended from time to time.

Agreements Requiring Electoral Approval

11. This bylaw does not authorize the execution of any agreement that requires elector approval under section 175 of the *Community Charter*, whether as a result of the stated term of the agreement or any provision for extension of the renewal.

Limitation on Delegation

12. Unless a power, duty or function of Council has been expressly delegated by this Bylaw, all of the powers, duties and functions of Council remain with Council.
13. 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, to any person who from time to time is appointed by Council as the deputy of that person or to any person designated by Council to act in the place of the person.
14. 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.
15. Nothing in this Bylaw shall prevent the appointment of the same person to two or more offices or positions.

Repeal

16. *Officers and Employees Bylaw, 2009*, as amended, and *Delegation Bylaw, 2010*, as amended, are hereby repealed.

Read a FIRST time the 10th day of July 2017.

Read a SECOND time the 10th day of July 2017.

Read a THIRD time the 10th day of July 2017.

Rescinded THIRD reading the 14th day of August 2017.

Re-read a THIRD time the 14th day of August 2017.

Rescinded THIRD Reading the 14th day of November 2017.

Re-read a THIRD time the 14th day of November 2017.

ADOPTED on the 27th day of November 2017.

"Maja Tait"
Mayor

"Carolyn Mushata"
Corporate Officer