

REGIONAL DISTRICT OF CENTRAL OKANAGAN

OFFICER DESIGNATION AND DELEGATION OF AUTHORITY BYLAW NO. 1487, 2021

A Bylaw to provide for the establishment and appointment of Officer positions, to prescribe the powers, duties and functions associated with those Officer positions, and to delegate specific Board Authority to those Officer positions.

WHEREAS the Regional District of Central Okanagan must, by bylaw, under Section 234 [*Officer positions*] of the *Local Government Act*, establish officer positions in relation to the powers, duties and functions under Sections 236 and 237 of the *Local Government Act* with titles it considers appropriate and may, by bylaw, establish other officer positions for the regional district with titles it considers appropriate and, by bylaw, assign powers, duties and functions to those officer positions;

AND WHEREAS the Regional District of Central Okanagan may, by bylaw, confer on an officer position the chief administrative responsibility for the regional district under Section 235 of the *Local Government Act*;

AND WHEREAS pursuant to Sections 229 and 230 of the *Local Government Act*, the Regional Board, may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

AND WHEREAS the Regional Board wishes to delegate to its Officers certain powers, duties and functions;

NOW THEREFORE, the Board of the Regional District of Central Okanagan in open meeting assembled enacts as follows:

1. Interpretation

- 1.1 Definitions of terms used in this bylaw are found in Schedule "A" of this bylaw.
- 1.2 Except as otherwise defined in this bylaw, words or phrases herein shall be construed in accordance with their meanings under the *Local Government Act*, the *Community Charter*, 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 from time to time.
- 1.3 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.
- 1.4 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.

2. General

- 2.1 Under the direction of the Regional Board the business of the Regional District of Central Okanagan (the 'RDCO') shall be carried on, by and through the Officers as set out in this bylaw.
- 2.2 Notwithstanding any clause in this bylaw, one person may be appointed to two or more Officer Positions established by this bylaw.

3. Establishment of Officer Positions

- 3.1 The persons holding the following positions with the Regional District are established as Officers of the Regional District under Section 234 and the following provisions of the *Local Government Act*:
- (a) Chief Administrative Officer, pursuant to Section 235;
 - (c) Corporate Officer, pursuant to Section 236; and
 - (d) Director of Financial Services, pursuant to Section 237.
- 3.2 The selection and appointment of the Chief Administrative Officer (the 'CAO') shall be made by the Regional Board.
- 3.3 The assignment of duties and recommendation for the appointments of the Corporate Officer and Director of Financial Services, and their deputy's, shall be made by the Chief Administrative Officer. For clarity, the Regional Board has sole authority, through resolution, to appoint individuals to all Officer Positions.
- 3.4 Notwithstanding any statutory duties that stipulate a direct reporting responsibility to the Regional Board, all Officer positions' report to and receive direction from the Chief Administrative Officer.
- 3.5 In the event of incapacitation of the Chief Administrative Officer or vacancy of that position, the Regional Board shall appoint an interim Chief Administrative Officer to assume the responsibilities under *LGA Section 235* until a full time replacement is appointed by the Regional Board.

4. Powers, Duties and Functions of the Chief Administrative Officer

- 4.1 The Regional Board hereby vests all administrative responsibilities in the Chief Administrative Officer unless otherwise required by the *Local Government Act* or the *Community Charter* and has, without limitation the following duties, powers and functions:
- a. carrying out the powers, duties and functions specified in Section 235 of the *Local Government Act* and other provisions applicable to the Chief Administrative Officer in other enactments;
 - b. selecting and appointing all Regional District Managers, prescribing their duties and responsibilities, and coordinating, directing and supervising their activities and annual work plans;
 - c. determining compensation of all exempt/non-union Employees in accordance with the Corporate policies and budgets established by the Regional Board;

- d. appointing, promoting, disciplining, suspending or terminating any Employee of the Regional District, subject to the provisions of any employment contract or collective agreement in force, other than Officer positions;
- e. subject to receiving a Regional Board mandate, negotiating all collective agreements;
- f. developing and recommending for Regional Board approval, policies dealing with non-administrative matters as directed by the Regional Board, and may initiate such policies for consideration by the Regional Board;
- g. implementing all Regional Board approved policies and directives;
- h. developing, approving, and implementing policies, procedures and practices dealing with administrative matters;
- i. preparing and submitting to the Regional Board a five-year financial plan for capital and operating programs on an annual basis. In the event that the Regional Board does not adopt a five-year financial plan for the new calendar year prior to December 31st of the previous year, the Chief Administrative Officer, during the period of January 1st of the new calendar year and the date upon which the Regional Board adopts the five-year financial plan for the new calendar year, is hereby empowered to authorize operating expenditures based on the previously approved five-year financial plan bylaw;
- j. preparing and submitting such reports and recommendations as may be required by the Regional Board;
- k. hiring and retaining legal counsel on behalf of the Regional District;
- l. taking whatever legal actions or measures deemed necessary to protect and defend the Corporate interest.

5. Delegation of Authority to the Chief Administrative Officer

The Regional Board hereby delegates to the RDCO's Chief Administrative Officer all of the powers, duties and functions of the Regional Board to:

- a. sign employment agreements for all Officer and Employee positions on behalf of the Regional District subject to the requirements under the current CUPE Collective Agreement and to using the employment agreement approved by the Regional Board for exempt Employees that stipulates the general terms and conditions of employment;
- b. supervise and direct all Officers and Employees of the Regional District;
- c. organize and/or reorganize departments of the regional district as, in the opinion of the Chief Administrative Officer, may be necessary to carry out the more efficient and effective administration of the affairs of the Regional District provided that the Chief Administrative Officer shall not increase the number of regular, full time employee positions without first obtaining approval of the Regional Board through a specific resolution or budget approval; and
- d. assign to other appointed Regional District Officers and Employees any duties, powers and functions assigned to the Chief Administrative Officer, that in his or her sole discretion will achieve a more efficient and effective administration of the Regional District's business.

6. Powers and Duties of the Corporate Officer

6.1 The Corporate Officer for the Regional District is assigned responsibility for the corporate administration of the Regional District, including carrying out the powers, duties, and functions of the corporate officer as set out in Section 236 of the *Local Government Act* and other provisions applicable to the corporate officer in other enactments.

7. Powers and Duties of the Director of Financial Services

7.1 The Director of Financial Services is the financial officer for the Regional District and is assigned responsibility of financial administration for the Regional District, including carrying out the powers, duties, and functions specified in Section 237 of the *Local Government Act* and other provisions applicable to the financial officer in other enactments.

8. Delegation Includes Deputy or Acting

8.1 Where this bylaw delegates a power, duty or function to a named position, the delegation is to the person who holds that position and to any person who is from time to time the deputy or is appointed by the Regional Board to act in the capacity of the delegate in the delegate's absence.

9. No Delegation by a Delegate

9.1 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 in this bylaw.

10. Suspension and Termination of Officer Positions

10.1 Suspension of an Officer shall be handled in accordance with Section 240 of the *Local Government Act*.

10.2 Termination of employment of any Officer shall be handled in accordance with Section 241 of the *Local Government Act*.

11. Scope of Bylaw

11.1 For clarity, subject to the provisions of the *Local Government Act*, unless a power, duty or function of the Regional Board has been expressly delegated in this or another Regional Board bylaw, all of the powers, duties and functions of the Regional Board will remain with the Regional Board.

12. Oath of Office

12.1 The Oath of Office as set out in Schedule "B" to this Bylaw is hereby adopted as the Oath of Office for Officers of the Regional District.

13. Repeal

13.1 Regional District of Central Okanagan Officers and Employees Bylaw No. 1270, 2010 as adopted by the Regional Board of the Regional District of Central Okanagan on the 22nd day of February 2010 is hereby repealed.

14. Citation

14.1 This bylaw may be cited for all purposes as the “Regional District of Central Okanagan Officer Designation and Delegation of Authority Bylaw No. 1487, 2021.

READ A FIRST TIME THIS DAY OF JULY 2021.

READ A SECOND TIME THIS DAY OF JULY 2021.

READ A THIRD TIME THIS DAY OF JULY 2021.

ADOPTED THIS DAY OF JULY 2021.

CHAIR

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1487, cited as the “Regional District of Central Okanagan Officer Designation and Delegation of Authority Bylaw No. 1487, 2021” as read a third time and adopted by the Regional Board on the day of July 2021.

Dated at Kelowna, B.C. this
day of JULY 2021

DIRECTOR OF CORPORATE SERVICES

SCHEDULE "A"

Definitions

In this bylaw, the following words and phrases have the meaning set opposite them unless the context otherwise requires:

"Chief Administrative Officer" (CAO) means the chief administrative officer of the Regional District under Section 235 of the *Local Government Act*.

"Corporate Officer" means the corporate officer of the Regional District under Section 236 of the *Local Government Act*.

"Director of Financial Services" means the financial officer of the Regional District under Section 237 of the *Local Government Act*.

"Emergency" means a situation which may endanger the health and/or safety of any Regional District employee or member of the public and/or which may jeopardize Regional District property and/or assets or property and/or assets of members of the public.

"Employee" means a person who is employed by the Regional District other than a Statutory Officer.

"Regional Board" means the Board of Directors of the Regional District of Central Okanagan.

"Regional District" means the Regional District of Central Okanagan.

"Statutory Officer" means a person appointed under Section 234 of the *Local Government Act* and holding a position described in Section 3 of this bylaw, and includes the Statutory Officer's deputy and any person designated by the Regional Board to act in the Statutory Officer's place.

SCHEDULE 'B'

**OATH OF OFFICE
FOR OFFICERS OF THE**

REGIONAL DISTRICT OF CENTRAL OKANAGAN

I, _____, having been appointed to the Office of
_____ for the Regional District of Central Okanagan do hereby promise
and swear:

- a) I will faithfully, honestly and impartially, to the best of my knowledge and ability, execute the powers, duties and function of my Office;
- 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, nor will I receive or accept any payment or reward, or promise of either, in return for the exercise of my powers, duties and functions, other than as permitted by the Regional District of Central Okanagan;
- 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 Regional District of Central Okanagan and comply with all laws.

Name

Sworn by the above named)
at Kelowna, B.C. this ____)
day of _____ 20XX.)

Before me at Kelowna, B.C.)

Commissioner for Taking Affidavits