

REGIONAL DISTRICT OF CENTRAL OKANAGAN

DELEGATION OF AUTHORITY BYLAW NO. 1424, 2018

A Bylaw to delegate powers, duties and functions of the Regional District of Central Okanagan Board of Directors to its Officers, Employees and Board Chair

WHEREAS pursuant to sections 263 (1)(e) and 230 (1) of the *Local Government Act* the Board may, by bylaw, adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to its Officers and Employees or its members or to other bodies established by the Board;

AND WHEREAS the Board of the Regional District of Central Okanagan wishes to delegate certain powers, duties and functions to its Officers, Employees and Board Chair;

NOW THEREFORE, the Board of the Regional District of Central Okanagan in open meeting assembled hereby 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 authority to conduct the business of the Regional District of Central Okanagan (the RDCO) is hereby delegated to the corporations Statutory Officers appointed under Section 234 of the *Local Government Act* and its Employees as set out in this bylaw.
- 2.2 Unless otherwise specified, the authority to execute agreements, contracts and legal documents under Section 263 of the *Local Government Act* is hereby delegated to the Regional Board Chair, Chief Administrative Officer, and Corporate Officer.

3. Delegation Includes Deputy or Acting

- 3.1 Where this bylaw delegates a power, duty or function to a named position, the delegation is to a person who holds that position and to any person who is from time to time the deputy of the delegate or is appointed by the Board to act in the capacity of the delegate in the delegate's absence.
- 3.2 For certainty, a delegation of authority under this bylaw includes a delegation to a person appointed to a position held on an interim basis.

4. Delegation of Power to Enter Into Agreements

- 4.1 The Board hereby delegates to the RDCO's Chief Administrative Officer all of the powers, duties and functions of the Board under Section 263 (1)(a) of the *Local Government Act* to make agreements respecting the RDCO's activities, works or services, subject to the approved annual financial plan, the Regional District Purchasing Policy, and as set out in Schedule "B" – Agreement and Contract Approvals, attached to and forming part of this bylaw.
- 4.2 An Officer or Employee of the RDCO must not enter into an agreement of a capital nature under which the RDCO would incur a financial liability for a term of more than five (5) years, including all rights of renewal and extension.

5. Delegation of Purchasing Power

- 5.1 The Board hereby delegates to the RDCO's Officers and Employees the authority to acquire and purchase goods and services on behalf of the RDCO, subject to the provisions and limitations set out in the RDCO Purchasing Policy.

6. Limitations on Expenditures

- 6.1 The approval limits that govern and control the commitments of RDCO funds by RDCO Officers and Employees are set out in the RDCO Purchasing Policy and the approved annual financial plan bylaw.
- 6.2 An expenditure made by an RDCO Officer or Employee to whom the Board has delegated authority under this bylaw must be within the RDCO's approved annual financial plan bylaw.

7. Delegation of Authority in Relation to Land and Land Use Agreements

- 7.1 The Board hereby delegates to the RDCO's Statutory Officers, Employees, and Board Chair the powers, duties and functions of the Board under Section 263(1)(d) of the *Local Government Act*, as amended from time to time, and as set out in Schedule "B", attached to and forming part of this bylaw.

8. No Delegation by a Delegate

- 8.1 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.

9. Scope of Bylaw

- 9.1 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.

10. Citation


- 10.1 This bylaw may be cited for all purposes as the "Regional District of Central Okanagan Delegation of Authority Bylaw No. 1424, 2018."

READ A FIRST TIME THIS 26th DAY OF NOVEMBER 2018

READ A SECOND TIME THIS 26th DAY OF NOVEMBER 2018

READ A THIRD TIME THIS 26th DAY OF NOVEMBER 2018

ADOPTED THIS 26th DAY OF NOVEMBER 2018


CHAIR


DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1424 cited as the "Regional District of Central Okanagan Delegation of Authority Bylaw No. 1424, 2018" as read a third time and adopted by the Regional Board on the 26th day of November, 2018.

Dated at Kelowna, B.C. this
26th day of November, 2018


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*.

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

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

"Department Head" for the purposes of this bylaw includes the following positions:

- Director of Corporate Services
- Director of Financial Services
- Director of Community Services
- Director of Parks Services
- Director of Economic Development
- Director of Engineering Services

"Department Manager" for the purposes of this bylaw includes the following positions:

- Manager of Corporate Services
- Manager of Corporate Communications
- Manager of Human Resources
- Manager of Information Services
- Financial Manager
- Manager of Police & Community Support Services
- Environmental Services Manager
- Manager of Fire Services
- Manager of Parks & Resource Operations
- Manager of Park Planning, Capital Projects & Visitor Services
- Supervisor Community Relations & Visitor Services
- Supervisor of Utilities Services
- Chief Bylaw Enforcement Officer
- Asset Management Analyst

"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.

SCHEDULE "B"

Delegation of Signing Authority

Authority to execute the following documents on behalf of the Regional District is hereby delegated to the positions identified in the tables below:

Execution of a Contract or Purchase Order for the Purchase of Goods or Services (excluding Real Estate):

(All purchases and contracts will be executed under the direction of the Director of Financial Services, and must meet the provisions of this Bylaw and the RDCO Purchasing Policy)

Total Commitment Value:	Up to \$1,000	\$1,001 to \$5,000	\$5,001 to \$75,000	Over \$75,000
Authority to Commit to a Purchase (either; the execution of a Contract, or signed instruction to issue a Purchase Order)	All RDCO Employees	Department Manager	Department Head	CAO

Notes:

1. Total Commitment Value means the total expenditure committed through the contract or purchase order, including multiple year values if contract is multi-year.
2. Delegation to *RDCO Employees* or *Department Managers* shall be as approved by Department Head, Director of Finance, or CAO. Commitments must relate only to the individual's own area of responsibility.
3. Any "Change Orders" or amendments to a contract that change the original contract value must be signed and approved by the CAO.
4. The signatory to a contract document shall not be the sole signatory to any invoice(s) under that same contract.

Disposal of Assets (excluding Real Estate)

Authority to Approve	CAO or Director of Financial Services
Authority to Execute Documents	CAO or Director of Financial Services

Provision of Servicing Agreements (*RDCO providing or facilitating services to others*)

	Under \$10,000 Per annum	\$10,000 to \$75,000 Per annum	Over \$75,000 Per annum
Authority to Approve	Department Head	CAO	Board of Directors
Authority to Execute Documents	CAO	Board Chair and Corporate Officer	Board Chair and Corporate Officer

Land Use Agreements (*Leases, licenses necessary for operation or maintenance*)

	Under \$1,000 Per annum	\$1,000 to \$25,000 Per annum	Over \$25,000 Per annum
Authority to Approve	Department Head	CAO	Board of Directors
Authority to Execute Documents	CAO	Board Chair and Corporate Officer	Board Chair and Corporate Officer

Covenants, Easements, Statutory Right of Ways (*acquire, amend or discharge-Land Tenure*)

	Under \$25,000	Over \$25,000
Authority to Approve	CAO	Board of Directors
Authority to Execute Documents	Board Chair and Corporate Officer	Board Chair and Corporate Officer

Real Estate Agreements (*other than easements, statutory rights of ways under \$25,000*)

	Acquisition of RDCO-owned lands
Authority to Approve	Board of Directors
Authority to Execute Documents	Board Chair and Corporate Officer

Regional Park or Community Facility Rental Agreements

Authority to Approve	Department Head
Authority to Execute Documents	Department Head

Human Resources Contracts

	Exempt Employee Agreements	Union Agreements
Authority to Approve	CAO	Board of Directors
Authority to Execute Documents	CAO	Board Chair and CAO

Non-Monetary Agreements (*Political, Protocol, Joint Use, or Reciprocal Agreements*)

Authority to Approve	Board of Directors
Authority to Execute Documents	Board Chair and CAO

Miscellaneous Agreements and Documents

	Authority to Approve	Authority to Execute Documents
License of Occupation Agreements	CAO	Board Chair and Corporate Officer
Encroachment Agreements	CAO	Board Chair and Corporate Officer
Development Servicing Agreements which have been signed off by the Approving Officer	CAO	Board Chair and Corporate Officer
Renewal of Mutual Aid and Fire Protection Service Agreements	CAO	Board Chair and Corporate Officer
Renewals of leases, land tenures, and licenses to occupy, provided there are no substantive changes	CAO	Board Chair and Corporate Officer

Any Agreements not covered in this bylaw must be approved by the Board and executed by the Board Chair and Corporate Officer.