



VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1041

A bylaw to provide for the delegation of powers, duties and functions of Council

WHEREAS the *Community Charter* empowers Council, by bylaw, to delegate its powers, duties and functions, to the extent provided in section 154 and elsewhere, to its Council Members, Council Committee, officers, employees, or another body established by Council;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs "*Delegation of Powers, Duties and Functions Bylaw No. 1041, 2013*".

INTERPRETATION

2. In this Bylaw

"Agreement" means any agreement, contract or letter of understanding;

"Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer or pursuant to s. 147 of the *Community Charter*, or in his or her absence, the person appointed as deputy chief administrative officer;

"Council" means the Council of the Village;

"Corporate Officer" means the person assigned the responsibility of corporate administration for the Village pursuant to s. 148 of the *Community Charter*;

"Financial Officer" means the person assigned the responsibility of financial administration for the Village pursuant to s. 149 of the *Community Charter*;

"Manager" means an employee of the Village who has been appointed by the Chief Administrative Officer to be responsible for an operation or program of the Village;

"Officer" means a person holding any of the Officer positions established under "*Officer Establishment Bylaw No. 929, 2009*"; and

“Village” means the Village of Harrison Hot Springs.

- 2.2 A reference to a statute in this bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

PURCHASING DECISIONS

- 3.1 Council hereby delegates the authority to Officers to acquire and purchase goods and services on behalf of the Village and to enter and execute agreements to do so, subject to:
- (a) the provisions and limits pursuant to the Purchasing and Procurement Policy as adopted by Council and amended from time to time; and
 - (b) the Village’s annual financial plan, as adopted by Council and amended from time to time; and
 - (c) any restrictions or conditions in the *Community Charter, Local Government Act*, and in this or another Village bylaw or other applicable enactment.
- 3.2 Subject to subsection 3.1(b), Officers may acquire and purchase goods and services of up to 50% of the budget prior to adoption of the annual financial plan each year.
4. As a general limit on the powers exercisable under Section 3 of this Bylaw, any transaction that could incur a liability for more than 5 years, or that could exceed a period of 5 years by exercising rights of renewal or extension must be approved in advance by Council.

MUNICIPAL HIGHWAY DECISIONS

5. In relation to highways within the Village’s jurisdiction Operations Manager may approve or refuse, and impose conditions and requirements for public safety and convenience as to the following,:
- (a) applications for temporary uses;
 - (b) temporary restrictions or prohibitions of any type of traffic; and,
 - (c) the placing of traffic and information signs
- in accordance with the *Highway and Traffic Bylaw* and any other applicable bylaws of the Village.

DECISION TO GRANT, REFUSE, SUSPEND OR REVOKE A BUSINESS LICENCE

6. The Manager of Revenue Services may grant, refuse, suspend or revoke a business licence for reasonable cause.

CHIEF ADMINISTRATIVE OFFICER

- 7.1 The Chief Administrative Officer may:

- (a) hire employees and appoint persons to fill Officer positions;
- (b) suspend and terminate an employee of the Village other than the Corporate Officer or Financial Officer;
- (c) suspend any Officer.

- 7.2 In consultation with the Financial Officer, the Chief Administrative Officer may conclude and execute agreements for the use or occupation of the Village's property for up to 5 years, except where the instrument:

- (a) would result in a disposal of real property of the Village, unless Council has approved of the disposition; or
- (b) is required by an enactment to be adopted by Council.

DISPOSAL OF VILLAGE PROPERTY

8. Subject to any conditions or restrictions of the *Community Charter*, the *Local Government Act*, or any other applicable enactment:

- (a) the Chief Administrative Officer and Financial Officer may negotiate agreements for the disposition of real property owned or held by the Village; and
- (b) provided that Council has approved the proposed disposition, including, without limitation, the proposed price and any other consideration, the following persons may execute such agreements:
 - i. the Mayor and Corporate Officer; or
 - ii. the Chief Administrative Officer and Financial Officer.

GRANTS AND FUNDING APPLICATIONS, MEMORANDA OF UNDERSTANDING AND OTHER AGREEMENTS

9. The Chief Administrative Officer or Corporate Officer may prepare, negotiate, enter into and execute, on behalf of the Village, any of the following:

- (a) grant applications and grant funding agreements;

- (b) Memoranda of Agreement and Memoranda of Understanding between the Municipality and
 - (i) a union of employees;
 - (ii) the Province of British Columbia;
 - (iii) the Federal Government;
 - (iv) another Municipality; or
 - (v) a School District;
- (c) mutual aid agreements and agreements relating to Emergency Services; and
- (d) servicing agreements and consulting contracts; agreements or other instruments relating to the specific functions and responsibilities of the Chief Administrative Officer or Corporate Officer, as applicable

FINANCIAL OFFICER

- 10. The Financial Officer may negotiate, prepare, enter into and execute the following kinds of agreements or other instruments on behalf of the Village:
 - (a) agreements or other documents related to borrowing, raising money, banking, grants, taxation, assessment, damage claims and the Municipal Finance Authority;
 - (b) acquisition of vehicles and equipment;
 - (c) agreements or other instruments relating to the specific functions and responsibilities of the Financial Officer;
 - (d) Memoranda of Agreement and Memoranda of Understanding between the Municipality and an employees' union, employment or personnel agreements other than a collective agreement, and other agreements or instruments relating to the specific functions and responsibilities of the Human Resources Officer

OPERATIONS MANAGER

- 11. The Operations Manager may enter into and sign the following agreements or other on behalf of the Village in relation to Village utility services:
 - (a) agreements for providing water or sewer services;
 - (b) prepare, sign and submit grant applications,
 - (c) grant funding agreements,

- (d) consulting contracts; and,
- (e) applications and agreements for water licences and other water rights.

EXECUTION BY AUTHORIZED SIGNATORIES

- 12. Subject to compliance with any applicable requirements of the *Community Charter, Local Government Act*, or any other applicable enactment, any agreements or other instrument which the Village has the authority to make or enter into shall be deemed to be properly executed if:
 - (a) the instrument is signed by one of the Officers or Managers authorized by this Bylaw to sign such agreements or other documents: or
 - (b) the instrument is signed by the Mayor and Corporate Officer.

DELEGATION TO PERSONS HOLDING POSITIONS

- 13. Where this Bylaw delegates a power, duty or function to a named position, the delegation of a power, duty or function is to the person who, from time to time, holds the position and to any person who, in their absence, is authorized to act on their behalf.

SCOPE OF BYLAW

- 14. The delegation of powers, duties and functions of Council in this Bylaw does not limit the authority of Council to make decisions within the scope of Council's authority in the absence or stead of the delegate or where a decision is subject to reconsideration by Council under an enactment or as otherwise lawfully authorized.

SEVERABILITY

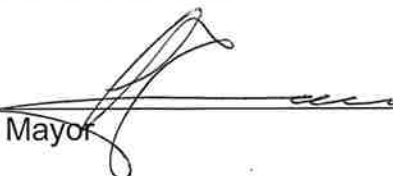
- 15. If any section, subsection, paragraph, subparagraph or clause of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS 19th DAY OF JUNE, 2013

READ A SECOND TIME THIS 19th DAY OF JUNE, 2013

READ A THIRD TIME THIS 19th DAY OF JUNE, 2013

ADOPTED THIS 8th DAY OF JULY, 2013



Mayor



Corporate Officer