

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1661

*(Consolidated for convenience only up to and including .05)*

#### **A BYLAW TO PROVIDE FOR THE APPOINTMENT OF OFFICERS AND THE DELEGATION OF AUTHORITY**

WHEREAS the Regional District of Nanaimo may, by bylaw under section 234 of the *Local Government Act*, appoint persons to the office of Chief Administrative Officer, Manager of Administrative Services and the office of Director of Finance to any other offices that it has, by bylaw, designated as officer positions;

AND WHEREAS under sections 229(1) 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;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to delegate to its officers and employees certain powers, duties and functions;

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

#### **1. CITATION**

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1661, 2012”.

#### **2. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

“**Applicant**” means a person applying for a special event permit or a license or permit to use a community park or recreation facility;

“**Board**” means the Board of the Regional District of Nanaimo;

“**Chair**” means the Chair of the Board of the Regional District of Nanaimo.

“**Officer**” means persons holding the offices of the Regional District as set out in Sections 4 and 5 of this bylaw.

“**Regional District**” means the Regional District of Nanaimo;

### 3. OFFICER APPOINTMENTS

- (1) In accordance with Section 234 of the *Local Government Act*, the Board shall appoint, by resolution, persons to the following offices:
  - (a) “Chief Administrative Officer” to have the powers, duties and functions under s. 235 of the *Local Government Act*;
  - (b) “Manager of Administrative Services” to have the powers, duties and functions under s. 236 of the *Local Government Act*;
  - (c) “Director of Finance” ” to have the powers, duties and functions under s. 237 of the *Local Government Act*;
  - (d) Offices which it has designated as officer positions in Section 3 of this bylaw.
- (2) In addition to the officer positions established under subsection (1), the Regional Board hereby designates the following positions as officers:
  - (a) “General Manager of Strategic and Community Development”;
  - (b) “General Manager of Regional & Community Utilities”;
  - (c) “General Manager of Recreation and Parks”;
  - (d) “General Manager of Transportation & Solid Waste Services”;
  - (e) “Director of Corporate Services”.

### 4. DEPUTY POSITIONS

- (1) The following persons are appointed as Deputy Chief Administrative Officer: the General Manager of Recreation and Parks, the General Manager of Regional and Community Utilities, the General Manager of Strategic and Community Development, the General Manager of Transportation and Solid Waste, the Director of Corporate Services and the Director of Finance.
- (2) The persons appointed under subsection (1) may only exercise the authority as Deputy Chief Administrative Officer in the absence of the Chief Administrative Officer and as designated by the Chief Administrative Officer or the Chair. (For the purpose of this section, absence is defined as being absent from the Regional District of Nanaimo Administration Office in the event of illness, incapacity, annual vacation or other similar reasons.)
- (3) The Legislative Coordinator and the Director of Corporate Services are appointed as the deputy for the purposes of s. 236 of the *Local Government Act*;

- (4) The Manager of Accounting Services and the Senior Accountant are appointed as the deputy for the purposes of s. 237 of the *Local Government Act*;
- (5) 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. 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.

**6. APPOINTMENT**

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

**7. DEFERRAL OF APPOINTMENT**

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

**8. CHIEF ADMINISTRATIVE OFFICER DUTIES**

- (1) In addition to the duties, powers and functions set out in s. 235 of the *Local Government Act*, the duties of the Chief Administrative Officer shall include the supervision and direction of all officers and employees of the Regional District.
- (2) Without limiting the generality of subsection (1), the Chief Administrative Officer shall:
  - (a) appoint an Officer Select Committee consisting of himself or herself, one other appointed officer selected by the Chief Administrative Officer and two members of the Regional Board as selected by the Chairperson of the Board to interview applicants for positions as officers, and shall make recommendations to the Board regarding the engagement of such applicants by the Regional District.
  - (b) be responsible for hiring, supervising, suspending and discharging all employees of the Regional District, other than officers of the Regional District.
  - (c) administer all salaries of all officers and employees of the Regional District, within the limits of any salary plan or employment agreement.

- (d) submit annually an organizational chart and list of appointed officers and employees along with the annual budget submissions.
- (3) The Chief Administrative Officer:
- (a) must receive approval of the Board to establish or dissolve any department of the Regional District.
  - (b) is authorized to organize 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 permanent employee positions without first obtaining the approval of the Board.
  - (c) may assign to other appointed officers and employees of the Regional District any powers or duties assigned to the Chief Administrative Officer under this bylaw to achieve more efficient and effective administration of the Regional District's affairs.

#### **9. LAND AND LAND USE AGREEMENT DELEGATION**

- (1) The Board hereby delegates the following powers, duties and functions to the Chief Administrative Officer and the Manager of Administrative Services:
- (a) The power to accept a restrictive covenant under section 56 of the *Community Charter* or section 219 of the *Land Title Act*;
  - (b) The power to execute on behalf of the Regional District a discharge of a restrictive covenant referred to in subsection (a) which is no longer required or is to be replaced;
  - (c) The power to acquire a statutory right of way or easement on behalf of the Regional District in connection with the operation of sewer, water or drainage works or for the purpose of trails;
  - (d) The power to execute a discharge of a statutory right of way or easement referred to in subsection (c) which is no longer required by the Regional District or is to be replaced.
- (2) The powers set out under subsection (1) may only be exercised by the persons referred to in subsection (1) acting jointly.

#### **10. LICENSES AND PERMITS DELEGATION**

- (1) The Board hereby delegates the following powers, duties and functions to the Director of Corporate Services and the Manager of Administrative Services:

- (a) The power and function to issue a special event permit on behalf of the Regional District in accordance with the “Regional District of Nanaimo Special Events Regulatory Bylaw No. 1010, 1996”;
  - (b) The power and function to issue a license or permit to use a community park or a recreation facility.
  - (c) The power and function to issue a special occasion license.
- (2) The powers set out under subsection (1) may only be exercised by the persons referred to in subsection (1) acting jointly.

**11. RECONSIDERATION BY THE BOARD**

- (1) An applicant may have a decision of the Director of Corporate Services and the Manager of Administrative Services in relation to a permit reconsidered by the Board by submitting a written request for reconsideration, to the Manager of Administrative Services, within thirty days after the decision is delivered to or made available to the applicant.
- (2) At the reconsideration of a decision, the applicant is entitled to be heard by the Board in person or by a representative.
- (3) The Board may, following completion of its reconsideration, do one or more of the following:
  - (a) confirm all or part of the delegate’s decision;
  - (b) set aside all or part of the delegate’s decision;
  - (c) amend the delegate’s decision or make a new decision.
- (6) The Board may adjourn a reconsideration under this section.

**12. DEFEND LEGAL PROCEEDINGS DELEGATION**

The Board hereby delegates to the Chief Administrative Officer the power to instruct counsel to defend any action or proceeding in any court of law, or before any tribunal, arbitrator or any other person, for or on behalf of the Regional District.

**13. REPEAL**

“Regional District of Nanaimo Officers and Officials Appointment Bylaw No.1507, 2006” and amendments thereto are hereby repealed.

Introduced and read three times this 22nd day of May, 2012.

Adopted this 22nd day of May, 2012.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION