

TOWN OF LADYSMITH



“Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905”

Consolidated Version as on July 5, 2023

(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)

August 15, 2016

Includes Amendment Bylaw Nos.: 1945, 1977, 2101, 2152.

TOWN OF LADYSMITH

BYLAW NO. 1905

A bylaw to provide for the appointment of Officers for the Town of Ladysmith and to prescribe the powers, duties and responsibilities of such officers including the delegation of authority.

WHEREAS Council must, by bylaw, establish officers' positions having responsibility under the *Community Charter*, SBC 2006 c. 26;

AND WHEREAS Council may, by bylaw, delegate certain powers, duties and functions to its officers and employees;

NOW, THEREFORE, in open meeting assembled, the Council of the Town of Ladysmith enacts as follows:

Citation

1. This bylaw may be cited for all purposes as the "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905".

Definitions

2. In this bylaw:

"Approving Officer"	Has the same meaning as "Approving Officer" in the "Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834";
"Bylaw"	Means this "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905";
"Department Director"	As defined in Schedule 'A', attached to and forming part of this bylaw;
"Department Manager"	As defined in Schedule 'A', attached to and forming part of this bylaw;
"Emergency"	Means a situation which may endanger the health and/or safety of any Town employee, member of the public or Town asset, as declared by Council;
"Employee"	Means a person employed by the Town of Ladysmith other than a Statutory Officer;
"Financial Plan"	Has the same meaning as "financial plan" as defined in the <i>Community Charter</i> ;
"Panhandle Parcel"	Has the same meaning as "Panhandle Parcel" in the "Town of Ladysmith Subdivision and Development

	Bylaw 2013, No. 1834”;
“Special Event”	Means any organized event or gathering taking place on Town-owned property for a limited or fixed duration;
“Special Occasion License”	Means a special occasion license issued pursuant to the <i>Liquor Control and Licensing Act</i> ;
“Statutory Officer”	Means a person appointed under Section 146 of the <i>Community Charter</i> ;
“Town”	Means the Town of Ladysmith;
“Zoning Bylaw”	Means the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”.

Establishment of Statutory Officer Positions

3. The person holding the position of Chief Administrative Officer is established as a Statutory Officer of the Town.
4. The person holding the position of Corporate Officer is established as a Statutory Officer of the Town.
5. The person holding the position of Director of Financial Services is established as a Statutory Officer of the Town.
6. Nothing in this Bylaw shall prevent the appointment of the same person to two or more offices or positions.
7. The selection and appointment of the Chief Administrative Officer shall be made by Council.
8. *Bylaw 1945* The selection and appointment of all Department Directors *and the Corporate Officer* is delegated to the Chief Administrative Officer.
9. The selection and appointment of the acting Chief Administrative Officer for a consecutive period of less than one month is delegated to the Chief Administrative Officer.
10. The selection and appointment of the acting Chief Administrative Officer for a consecutive period of greater than one month shall be made by Council.

Power and Duties of the Chief Administrative Officer

11. The Chief Administrative Officer has the following duties, powers and functions:
 - a. fulfilling the powers, duties and functions applicable to the Chief Administrative Officer described in Section 147 of the *Community Charter*;

- b. selecting and appointing the Statutory Officers and other Department Directors of the Town;
- c. determining the compensation of non-union employees in accordance with the corporate policies and budgets established by Council;
- d. appointing, promoting, disciplining, and suspending any employee of the Town, and terminating any employee of the Town other than Statutory Officers, subject to any contract of employment or collective agreement in force;
- e. subject to Council approval, negotiating all collective agreements;
- f. implementing all Council approved policies and directives;
- g. preparing and submitting such reports and recommendations as may be required by Council;
- h. retaining legal counsel on behalf of the Town;
- i. assigning additional responsibilities to a Statutory Officer, including acting on behalf of another Statutory Officer in his or her absence; and
- j. designating an acting Chief Administrative Officer to act in his or her absence, pursuant to section 9 hereof.

Powers and Duties of the Corporate Officer

12. The Corporate Officer has the powers, duties and functions described in Section 148 of the *Community Charter* and other provisions applicable to the Corporate Officer in the *Community Charter* or any other enactments.
13. Council hereby delegates to the Corporate Officer the following powers, duties and functions:
 - a. approving applications for temporary private uses of municipal streets, including, but not limited to, parades, walk-a-thons, fundraisers and races;
 - b. entering into leases of two years or less and the ability to set rental rates and conditions associated with these leases;
 - c. approving the location and use of fireworks in accordance with “Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970” and in consultation with the Fire Chief;
 - d. the power to accept a restrictive covenant or amendment to a restrictive covenant under section 56 of the *Community Charter* or section 219 of the *Land Title Act*;
 - e. the power to execute on behalf of the Town a discharge of a restrictive covenant referred to in subsection (d) which is no longer required or is to be replaced;
 - f. the power to acquire a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Town in connection with the operation of a sewer, water or drainage works, or for other purposes, such as trails or pedestrian or vehicular access;
 - g. the power to execute a discharge of a statutory right of way or easement referred to in subsection (f) which is no longer required by the Town or is to be replaced;
 - h. the power to enter into a lease or license of real property or a renewal or amendment of a lease or license of real property necessary or convenient for the operation and maintenance of the works or activities of the Town;
 - i. despite subsection (h), the delegation of authority under subsection (h) does not include a lease or license of real property having a term, including all extensions or rights of renewal, greater than 2 years.

Powers and Duties of the Director of Financial Services

14. The Director of Financial Services has powers, duties and functions applicable to the Financial Officer in accordance with Section 149 of the *Community Charter* and other provisions applicable to the Financial Officer in the *Community Charter* or any other enactments.
15. The Director of Financial Services is authorized to administer any system of discount, interest, penalty, payment and refund of fees established by bylaw.

Powers and Duties of the Director of Parks, Recreation and Culture

16. Council hereby delegates to the Director of Parks, Recreation & Culture the following powers, duties and functions:
 - a. approving Special Events on land reserved, dedicated, or held for park purposes, where such use is consistent with the Zoning Bylaw and any restrictions on title;
 - b. approving Special Occasion Licences pertaining to the aforementioned Special Events obtained in accordance with the *Liquor Control and Licensing Act*.
17. The Director of Parks, Recreation and Culture is hereby authorized to administer any system of discount, interest, penalty, payment, and refund of fees associated with any parks or recreation facility or program, pursuant to the “Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2015, No. 1884” in accordance with applicable policies established from time to time by Council.

Powers and Duties of the Director of Infrastructure Services

18. Council hereby delegates to the Director of Infrastructure Services the powers, duties and functions with respect to approving the location, designation and control of on-street parking and loading areas, in accordance with the conditions specified in “Streets and Traffic Bylaw No. 1309”.

Powers and Duties of the Director of Development Services

- Bylaw 2101*
19. Council hereby delegates to the Director of Development Services the powers, duties, and functions to issue:
 - a. development permits for signage and façade improvements;
 - b. riparian development permits;
 - c. hazard land development permits;
 - d. development permits for Coach House Dwellings that are not more than 5.0 metres in height; and
 - e. amendments to development permits.

Powers and Duties of Approving Officer

20. Council hereby delegates to the Approving Officer the powers, duties, and functions under section 512(2) of the *Local Government Act* to approve the subdivision of land into parcels, including Panhandle Parcels, that do not have a minimum highway frontage greater than:

- a. 10% of the perimeter of the parcel that fronts the highway; and
- b. the minimum highway frontage required by the Town of Ladysmith Subdivision and Development Servicing Bylaw 13, No. 1834.

Delegation of Purchasing Authority

21. Council hereby delegates all of the powers, duties and functions of Council to authorize the execution of contracts and purchases of goods and services on behalf of the Town to the Department Director for the department for which the goods and services are to be provided, as approved in the Financial Plan, and subject to the monetary limits set out in Schedule 'B', and the Town's Purchasing Policy as adopted by Council and amended from time to time, and any applicable enactments or the New West Partnership Trade Agreement.

Delegation to Persons Holding Position

22. Where this Bylaw delegates a power, duty or function to a Statutory Officer or other Department Director, the delegation of the power, duty or function is to the person who holds the position and to any person who is the deputy of that person, or other person appointed to act in the place of that person.

No Delegation by a Delegate

23. For clarity, 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.

Reconsideration by Council

24. A decision of a delegate may be reconsidered by Council on submission of a written request for reconsideration to the Corporate Officer, within thirty days after the decision is delivered to or made available to the applicant.
25. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by Council;
 - d. the decision which the applicant requests be made by Council;
 - e. reasons in support of the decision requested from Council; and
 - f. a copy of any documents which support the applicant's request for reconsideration by Council.
26. At the reconsideration of a decision, the applicant is entitled to be heard by Council in person or by a representative.
27. The Council 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.

28. The Council may adjourn a reconsideration under this section.

Notice of Reconsideration

29. The Corporate Officer must, upon receiving an application for reconsideration:
- a. place the request for reconsideration on the agenda for a regular meeting of Council to be held at least two weeks after the date on which the request for reconsideration is delivered to the Corporate Officer;
 - b. notify the applicant of the date for reconsideration by regular mail sent to the applicant’s address provided under Section 25.

Repeal

30. “Delegation Bylaw 2007, No. 1614” and any and all amendments are hereby repealed.

READ A FIRST TIME on the	16 th day of	May, 2016
READ A SECOND TIME on the	16 th day of	May, 2016
READ A THIRD TIME on the	18 th day of	July, 2016
ADOPTED on the	15 th day of	August, 2016

Mayor (A. Stone)

Corporate Officer (G. Ferrero)

TOWN OF LADYSMITH

OFFICERS AND DELEGATION OF AUTHORITY BYLAW 2016, No. 1905

Schedule 'A'

In this Bylaw:

Bylaw 1945

Bylaw 2152

“Department Director”

Includes the following positions:

Director of Financial Services
Director of Development Services
Director of Infrastructure Services
Director of Parks, Recreation and Culture

“Department Manager”

Includes the following positions:

Manager of Corporate Services
Manager of Operations
Manager of Accounting Services
Manager of Human Resources
Manager of Protective Services/Fire Chief

TOWN OF LADYSMITH**OFFICERS AND DELEGATION OF AUTHORITY BYLAW 2016, No. 1905****Schedule 'B'**

This schedule refers to the approvals required for various procurement levels. Other than in emergencies, budget approval is required before procurement begins.

Value of Purchase or Contract	Commitment Authority
Less than \$2,999.99	Employees designated by Department Directors.
\$3,000.00 to \$9,999.99	Department Managers.
\$10,000.00 to \$24,999.99	Department Directors.
\$25,000.00 to \$249,999.99	Approval of the Chief Administrative Officer together with the Approval of the Director of Financial Services.
Greater than \$250,000.00	Recommendation to award to be approved by Town Council.