



## VILLAGE OF SAYWARD

### BYLAW NO. 488

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#### A BYLAW TO PROVIDE THE APPOINTMENT OF OFFICERS AND PRESCRIBE THE POWERS, DUTIES, AND RESPONSIBILITIES OF SUCH OFFICERS

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**WHEREAS** the Village of Sayward must, by bylaw, under Section 146(a) of the *Community Charter* establish officers' positions having responsibilities under Section 148 and 149 of the *Community Charter*,

**AND WHEREAS** the Village of Sayward may, by bylaw, establish other officer positions under Section 146(b) of the *Community Charter*,

**AND WHEREAS** the Village of Sayward may, by bylaw, confer on an officer position the chief administrative responsibility for the Village under Section 147 of the *Community Charter*,

**AND WHEREAS** pursuant to *Community Charter* Section 154, Council may, by bylaw, delegate its powers, duties, and functions, including those specifically established by an enactment, to its officers and employees,

**AND WHEREAS** Council wishes to delegate to its officers and employees, certain powers, duties, and functions,

**NOW THEREFORE**, the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

#### 1. CITATION

This bylaw may be cited as "**Appointment of Officers Bylaw No. 488, 2022**"

#### 2. ESTABLISHMENT OF OFFICER POSITIONS

The following positions are hereby established as officer positions for the Village of Sayward:

- a) Chief Administrative Officer, as per Section 147 of the *Community Charter*.
- b) Corporate Officer as per section 148 of the *Community Charter*. All references in bylaws and policies of the Village which refer to the Clerk shall be deemed to refer to the Corporate Officer.
- c) Chief Financial Officer as Financial Officer as per section 149 of the *Community Charter*.

All references in bylaws and policies of the Village which refer to the Treasurer or Collector shall be deemed to refer to the Financial Officer.

### **3. ACTING/DEPUTY CAPACITY**

Words in this bylaw referring to Municipal Officer, by name of office or otherwise, also apply to the Officer's deputy of the person designated to act in the Officer's place.

### **4. METHOD OF APPOINTING OFFICERS**

The appointment of any Officer position identified in Section 2 a) to c) inclusive, must be by resolution of Council.

### **5. POWERS, DUTIES, AND RESPONSIBILITIES**

- a) The powers, duties, and responsibilities of the Chief Administrative Officer are set out in Section 147 of the *Community Charter*. Other duties assigned to the Chief Administrative Officer by Council are listed in Schedule "A".
- b) The powers, duties, and responsibilities of the Corporate Officer are set out in Section 148 of the *Community Charter*. Other duties assigned to the Corporate Officer by Council are listed in Schedule "B".
- c) The powers, duties, and responsibilities of the Financial Officer are set out in Section 149 of the *Community Charter*. Other duties assigned to the Financial Officer by Council are listed in Schedule "C".

### **6. OATH OF OFFICE**

- d) The oath of office is set in Schedule "D" to this bylaw and is hereby adopted as the oath for Officers of the Village of Sayward.

### **7. FINANCIAL DISCLOSURE**

All persons employed in the positions identified in Section 2 a) to c) inclusive, are designated to be "municipal employees" for the purposes of the *Financial Disclosure Act*.

### **8. APPOINTMENT**

Nothing in this bylaw shall prevent the appointment of the same person to two or more positions.

### **9. SUSPENSION AND TERMINATION OF OFFICERS**

Suspension of any Officer shall be in accordance with Section 151 of the *Community Charter*. Termination of employment of any Officer shall be in accordance with Section 152 of the *Community Charter* and his/her employment contract with the Village.

### **10. SEVERABILITY**

If any section, subsection sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

**11. REPEAL**

“The Appointment of Officers and Delegation of Authority Bylaw No. 387, 2010” is hereby repealed in its entirety.

Read a first time on the 19<sup>th</sup> day of July 2022.

Read a second time on the 19<sup>th</sup> day of July 2022.

Read a third time on the 19<sup>th</sup> day of July 2022.

Adopted on the 16<sup>th</sup> day of August 2022.

Certified a true copy of Bylaw No. 488  
this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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Chief Administrative Officer  
Village of Sayward

Original signed by “M. Baker”  
**Mayor**

Original signed by “L. Clark”  
**Corporate Officer**

## Schedule "A"

### **Powers, Duties and Functions of Chief Administrative Officer**

#### Human Resources

- a) To recommend to Council the appointment, promotion, demotion, suspension, or termination of officers of the municipality, being those employees who are designated officers by bylaw.
- b) Supervise all officers and employees of the municipality.
- c) Appoint acting Chief Administrative Officer in case of illness or absence.
- d) Responsible for contract negotiations with employees and recommend contract settlements to Council.

#### General Administration

- a) Act as the principal intermediary between the municipality and the administration of other governments and all other entities dealing with the municipality.
- b) From time to time, re-organize the administrative structure to improve the efficiency and effectiveness of the municipality.
- c) Responsible for the calling and awarding of tenders for the supply of materials, equipment, services, or construction approved by Council.
- d) Manage the application of the *Freedom of Information and Protection of Privacy Act*.
- d) Exercise additional duties and responsibilities Council from time to time may assign.

#### Legal Advice and Proceedings

- a) Obtain legal advice.
- b) Authorize lawyers to defend or conduct any action or proceeding in a court of law or before any tribunal, board, or any person, for or on behalf of the municipality.
- c) Authorize settlement of claims against the municipality.

#### Council

- a) Prepare Council agendas.
- b) Supervise and assist in the writing of bylaws, policies, and procedures for approval of Council.
- c) Supervise and assist the Financial Officer in the preparation of the annual budgets for Council

approval.

d) Have the right to participate in all meetings of Council, Committees of Council and other entities created by Council.

e) Provide advice and recommendations to Council on any matter within Council's jurisdiction.

f) Report on any matter of importance to the municipal Council.

## Schedule "B"

### **Powers, Duties and Functions of Corporate Officer**

#### Statutory

a) As listed in Section 148 of the *Community Charter*.

#### Human Resources

a) Recommend to the Chief Administrative Officer the appointment, promotion, discipline, and dismissal of all employees within the municipality.

b) Supervise all employees in the absence of the Chief Administrative Officer.

#### General Administration

a) Responsible for the operations of the Corporate Officer position for the municipality.

b) Implement the directives of Council and the Chief Administrative Officer.

c) Assist the CAO in the preparation of Council agendas.

d) Provide advice and recommendations to Council on any matters relating to the Corporate Officer position.

e) Attend meetings of Council.

f) Responsible for the preparation of bylaws, policies and procedures for the municipality as required by Council.

g) Act as the Chief Election Officer for all municipal elections pursuant to the appropriate sections of the *Local Government Act*.

h) Exercise additional duties and responsibilities Council or the Chief Administrative Officer from time to time may assign.

## Schedule "C"

### **Powers, Duties and Functions of the Financial Officer**

#### Statutory

a) As per Section 149 of the *Community Charter*.

#### General Administration

a) Responsible for the financial operations of the municipality.

b) Implement the directives of Council and the Chief Administrative Officer.

c) Provide advice and recommendations to Council on any matters relating to the Financial Officer position.

d) Responsible for obtaining insurance as deemed necessary.

e) Prepare budgets, as required under the *Community Charter*, and as requested by Council and the Chief Administrative Officer.

f) Shall act as the Collector of taxes for the municipality.

g) Liaise with the municipality's auditor in connection with the financial audit

h) Exercise additional duties and responsibilities Council or the Chief Administrative Officer from time to time may assign.

#### Legal Advice and Proceedings

a) Provide advice to the Chief Administrative Officer and Council regarding any matter of a financial nature.

Schedule "D"

**Oath of Office**

I, \_\_\_\_\_, having been appointed to the Office of \_\_\_\_\_

for the Village of Sayward do hereby swear/solemnly affirm that:

1. I will faithfully, honestly and impartially, to the best of my knowledge and ability, execute the powers, duties, and functions of my Office to which I have been appointed;
2. I will treat all matters and information that comes to my attention, as a result of my Office, in confidence;
3. 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;
4. I will not allow my personal interests to conflict with the duties of my Office; and
5. I will comply with all policies and directives of the municipality and comply with all laws.

Sworn/Affirmed by me, at Sayward, BC, on \_\_\_\_\_.

\_\_\_\_\_  
(Signature of person swearing/affirming oath )

\_\_\_\_\_  
(Signature of person administering oath)  
(Commissioner for Taking Affidavits for British Columbia)