



## DISTRICT OF PORT HARDY

### BYLAW 02-2011

#### **A BYLAW TO ESTABLISH THE OFFICER POSITIONS OF THE DISTRICT OF PORT HARDY AND TO ESTABLISH THE POWERS, DUTIES AND RESPONSIBILITIES OF SUCH OFFICERS**

WHEREAS Council deems it expedient and desirable to establish Officer positions and to establish the powers, duties and responsibilities of Officers;

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled ENACTS as follows:

#### **1. TITLE**

- 1.1 This Bylaw may be cited for all purposes as the "District of Port Hardy Officers and Delegation Bylaw No. 02-2011."

#### **2. OFFICER POSITIONS**

- 2.1 The following positions are hereby established as Officer positions of the Municipality:

- a) Chief Administrative Officer
- b) Director of Corporate Services
- c) Director of Financial Services

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

- 3.1 The powers, duties and responsibilities of the Chief Administrative Officer are as set out in Schedule "A".
- 3.2 The powers, duties and responsibilities of the Director of Corporate Services are as set out in Schedule "B".
- 3.3 The powers, duties and responsibilities of the Director of Financial Services are as set out in Schedule "C".

#### **4. OATH OF OFFICE**

- 4.1 The Oath of Office as set out in Schedule "D" to this Bylaw is hereby adopted as the Oath of Office for Officers of the Municipality.

#### **5. SCHEDULES**

- 5.1 The schedules annexed to this bylaw shall be deemed to be an integral part of this bylaw.

**6. SEVERABILITY**

6.1 If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**7. REPEAL**

7.1 Bylaw No. 24-2000 is hereby repealed.

Read a first time the 8<sup>th</sup> day of March, 2011.

Read a second time the 8<sup>th</sup> day of March, 2011.

Read a third time the 8<sup>th</sup> day of March, 2011.

Adopted the 22<sup>nd</sup> day of March, 2011.

*Original signed by:*

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Director of Corporate Services

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Mayor

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**SCHEDULE "A"**  
**Powers, Duties and Functions**  
***Chief Administrative Officer***

**POWERS, DUTIES AND FUNCTIONS**

The Chief Administrative Officer is assigned and delegated the chief administrative responsibility for the District of Port Hardy which includes the following powers, duties and functions:

**1. General Administration**

- 1.1 Supervise the operation of the departments of the Municipality.
- 1.2 Supervise implementation of Council directives.
- 1.3 Act as the principal intermediary between the Municipality and the administration of other entities dealing with the municipality.
- 1.4 Organize the administrative structure to improve the efficient and effective operation of the Municipality.
- 1.5 Measure and report on the performance of the administration of the District.
- 1.6 Act as Corporate Officer in the absence of the corporate officer.
- 1.7 Chair all Management Team meetings and co-ordinate activities of the Management Team.

**2. Human Resources**

- 2.1 Appoint, promote, discipline and dismiss all employees of the Municipality in accordance with the *prevailing and relevant provincial legislation*.
- 2.2 Recommend to Council the appointment, promotion, demotion, suspension or termination of Officers of the Municipality, being those employees who are designated Officers by bylaw in accordance with the *Community Charter*.
- 2.3 Supervise all Officers and employees of the Municipality.
- 2.4 Appoint acting department heads to administer departments in case of illness or absence
- 2.5 Supervise contract negotiations with employee unions of the Municipality and recommend to Council contract settlements with the unions.
- 2.6 Act as arbitrator between an employee and that employee's director or supervisor, subject to the terms of any applicable collective agreement with an employee union.

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### **3. Council**

- 3.1 Provide advice and recommendation to Council on any matter within Council's jurisdiction.
- 3.2 Participate in all meetings of Council, Committees of Council and other entities created by Council.
- 3.3 Report to Council on any matter of importance to the Municipality.
- 3.4 Supervise overall preparation of Council agendas.

### **4. Contracts**

- 4.1 Supervise the calling and awarding of tenders for the supply of materials, equipment, services or construction approved by Council.
- 4.2 Authorize the use or budgeted purchase or sale of Municipal facilities, equipment and services, and authorize the awarding of contracts for budgeted items.
- 4.3 Ensure that policy and procedure manuals are prepared and updated by departments in compliance with Council adopted policy and that they reflect good management practices, as well as ensuring adherence to them.
- 4.4 Administer the contractual arrangements with EPCOR in the management and operation of the District's sanitary sewer and water systems and infrastructure, ensure conformance with all of the contractual agreements, and report to Council as required on the performance and service delivery of this contractor.

### **5. Legal Advice and Proceedings**

- 5.1 Obtain legal advice as required.
- 5.2 Authorize lawyers to defend or conduct actions or proceedings in a court of law or before a tribunal, arbitrator, board or any person, for or on behalf of the Municipality.
- 5.3 Act as Designated Municipal Officer to carry out the functions of an approving officer under the *Land Title Act*, *Strata Property Act*, *Local Government Act* and *Real Estate Development Marketing Act* and all other relevant provincial legislation.

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**SCHEDULE "B"**  
**Powers, Duties and Functions**  
***Director of Corporate Services***

**POWERS DUTIES AND FUNCTIONS**

**The Director of Corporate Services is assigned and delegated the corporate officer responsibility for the District of Port Hardy which includes the following powers, duties and functions:**

**1. Statutory**

- 1.1 Ensure that accurate minutes of the meetings of the Council and its committees are prepared by the Confidential Secretary and that the minutes, bylaws and other records of the business of the municipality and its committees are maintained and kept safe.
- 1.2 Ensure that access is provided to records of the Municipality and its committees, as required by law or authorized by Council.
- 1.3 Certify copies of bylaws and other documents as required or requested.
- 1.4 Administer oaths and take affidavits and declarations required to be taken under the *Community Charter, Local Government Act* and all relevant provincial legislation, in relation to municipal matters.
- 1.5 Accept, on behalf of the Municipality, notices and documents that are required or permitted to be given, served on, filed with or otherwise provided to the Municipality.
- 1.6 Keep the corporate seal and have it affixed to documents as required.

**2. Human Resources**

- 2.1 Supervise employees in the Corporate Services, Bylaw and Inspection Departments.
- 2.2 Recommend to the Chief Administrative Officer, appointments, promotion, discipline and dismissal of all employees within the Corporate Services Department.

**3. General Administration**

- 3.1 Supervise the operation of the Corporate Services Department, including functional areas of Clerk, Administration, Lands, and Bylaw drafting.
- 3.2 Supervise the operation of municipal inspections and bylaw enforcement.
- 3.3 Supervise implementation of Council directives and directives of the Chief Administrative Officer.
- 3.4 Act as Confidential Secretary as and when required.

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- 3.5 In the absence of, or as directed by the Chief Administrative Officer, act as Deputy Designated Municipal Officer to carry out the functions of an approving officer under the *Land Title Act*, *Strata Property Act*, *Local Government Act* and *Real Estate Development Marketing Act* and all other relevant provincial legislation.
  - 3.6 In the absence of, or as directed by the Chief Administrative Officer, act as and for the Chief Administrative Officer.
  - 3.7 Attend Management Team meetings as a member of the Team.

**4. Council**

- 4.1 Attend all meetings of the Council and its committees, together with the Confidential Secretary, except where directed otherwise by the Chief Administrative Officer.
- 4.2 Ensure the efficient and effective organization of record-keeping for all corporate documents.
- 4.3 Accept the service of all documents on the Municipality.
- 4.4 Ensure the preparation and exhibiting, according to law, of the necessary notices for all meetings and hearings as required by the Bylaws and Council.
- 4.5 Ensure that an agenda is prepared prior to Council and Committee meetings and sign off on it prior to distribution to the Mayor, Councillors, Chief Administrative Officer and department heads.
- 4.6 Sign all official correspondence on behalf of Council and as directed by Council.

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**SCHEDULE "C"**  
**Powers, Duties and Functions**  
***Director of Financial Services***

The Director of Financial Services is assigned and delegated the financial officer responsibility for the District of Port Hardy, which includes the following powers, duties and functions:

**1. Statutory Function and Duties**

- 1.1 Receive all money paid to the municipality.
- 1.2 Ensure the keeping of all funds and securities of the municipality.
- 1.3 Expend and disburse money in the manner authorized by the local government.
- 1.4 Invest funds, until required, in investments authorized by the *Community Charter* and the *Local Government Act*.
- 1.5 Ensure that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe.
- 1.6 Compile and supply information on the financial affairs of the municipality required by the Inspector.

**2. Human Resources**

- 2.1 Supervise employees in the Financial Services Department.
- 2.2 Recommend to the Chief Administrative Officer appointment, promotion, discipline and dismissal of all employees within the Financial Services Department.

**3. General Administration**

- 3.1 Administer the financial affairs of the District treasury, including the preparation, monitoring, and reporting of the annual five-year financial plan.
- 3.2 Administer the operation of the Cemetery and Insurance.
- 3.3 Act as the Collector for the District.
- 3.4 Direct and coordinate accounting and internal auditing functions according to generally accepted accounting principals and public sector accounting and auditing board recommendations.
- 3.5 Coordinate the District's purchasing system and assist operating areas through advice on purchases.
- 3.6 Assist senior staff to explore all opportunities for grants
- 3.7 Ensure efficient and effective administration of all accounts payable, accounts receivable and payroll systems.

- 3.8 Advise Council on borrowing bylaws and determine the amount of levies for Council approval.
- 3.9 Monitor, in collaboration with the Administrator, the budgets and internal controls by undertaking periodic testing of transactions.
- 3.10 Make arrangements for tax sale of properties and act as auctioneer.
- 3.11 Prepare such financial information as required by the Council and Administrator.
- 3.12 Prepare year-end audit and all financial reporting forms and information required by the Provincial Ministry.
- 3.13 Assist the Administrator to develop, administer and ensure uniformity in the implementation of policies and procedures.
- 3.14 Attend Management Team meetings as a member of the Team.



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**SCHEDULE "D"**  
**Oath of Office for Officers of the Municipality**

**OATH OF OFFICE**

I, \_\_\_\_\_, having been appointed to the Office of  
Print Name  
\_\_\_\_\_ for the District of Port Hardy,  
do hereby promise and swear:

- a) I will faithfully, honestly and impartially to the best of my knowledge and ability, execute the powers, duties and functions of my Office;
- b) I will treat all matters and information that comes to my attention, as a result of my Office, in confidence;
- c) I have not received, nor will I receive nor accept any payment or reward or promise of either, in return for the exercise of my powers, duties and functions other than as permitted by the Municipality;
- d) I will not allow my personal interests to conflict with the duties of my Office;
- e) I will comply with all policies and directives of the Municipality and comply with all laws.

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Witness Signature

**OATH OF ALLEGIANCE**

I, \_\_\_\_\_, do promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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Officer's Signature

\_\_\_\_\_  
Witness Signature