

VILLAGE OF PEMBERTON

BYLAW No. 682, 2011

Being a By-Law of the Village of Pemberton, in the Province of British Columbia to establish and define the duties, powers and functions of the Chief Administrative Officer and provide for the appointment of the Chief Administrative Officer.

WHEREAS, the *Community Charter* SBC Chapter 26 Section 147 states that a Council may establish, by Bylaw, the position of Chief Administrative Officer whose powers, duties and functions include the following:

- (a) Overall management of the operations of the municipality;
- (b) Ensuring that the policies, programs and other directions of the council are implemented;
- (c) Advising and informing the council on the operation and affairs of the municipalities.

NOW THEREFORE, The Council of the Village of Pemberton duly assembled, hereby enacts as follows:

1. This Bylaw shall be referred to as the Chief Administrative Officer's Bylaw,
2. Pursuant to Section 147 of the *Community Charter*, Council hereby establishes the position of Chief Administrative Officer (CAO).
3. Council may by Resolution appoint a person to carry out the powers, duties, and functions of the position of CAO.

DEFINITIONS

4. In this Bylaw:
 - a. "Act" means the *Community Charter* SBC Chapter 26 as may be amended from time to time, or any legislation which replaces the *Act* and includes any regulation made under the *Act* or under any replacement legislation;
 - b. "Village" means the corporation known as the Village of Pemberton;
 - c. "Council" means the Village Council of the Village;
 - d. "Enactment" means:

- i. An Act of the Legislature of British Columbia and a regulation made under an Act of the Legislature of British Columbia and,
- ii. An Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.

POWERS AND DUTIES

5. The CAO is the administrative head of the Village, and shall guide the affairs of the Village in accordance with Council policy and direction.
6. The CAO shall have all the powers, duties, responsibilities and functions that are given to, imposed upon, or described for the Chief Administrative Officer in the Act, any other enactment or in any other Bylaw and those powers, duties, responsibilities, and functions which are delegated to the CAO by Council in accordance with this Bylaw.
7. Without limiting the administrative powers of the CAO under section 6, the CAO shall:
 - a. hire, appoint, suspend, demote, or remove any employee from any position in the Village, subject to the Personnel Policy and applicable collective agreements;
 - b. determine salaries, benefits, hours of work, and other working conditions of Village employees in accordance with approved policies;
 - c. direct, supervise and review the performance of the administration of all Village departments and administrative employees of the Village;
 - d. subject to Council approval, consolidate or create any civic departments;
 - e. subject to Council approval, negotiate all collective agreements;
 - f. develop and recommend for Council approval, policies dealing with non-administrative matters as directed by Council, and may initiate such policies for consideration by Council;
 - g. implement all policies and programs of the Village;
 - h. develop, approve, and implement policies, procedures, and practices dealing with administrative matters;

- i. prepare and submit to Council budgets for capital and operating programs annually or more often as required or as Council may direct. In the event Council does not adopt an operating budget for the new calendar year by the 31st of December in the previous year, the CAO during the period between 1 January in the new calendar year and the date on which Council adopts an operating budget for the new calendar year, is hereby empowered to authorize operating expenditures based on the previous year's budget for the corresponding period;
- j. monitor and report on the operating and capital budgets approved by Council;
- k. authorize and approve the transfer of funds between departments or between budgeted programs to maintain the operations and affairs of the Village within approved budget limits, subject to the limitation that any funds to be transferred are to be used for a purpose similar to the purpose for which the funds were budgeted for in the budget approved by Council and in accordance with any limitation set out in an Enactment.
- l. advise and inform Council or Council Committees on the operation and affairs of the Village;
- m. prepare and submit such reports and recommendations as may be required by Council or Council Committees;
- n. provide a liaison between the Village and the Commanding Officer of R.C.M.P. Detachment;
- o. hire or retain legal counsel on behalf of the Village;
- p. authorize the commencement by the Village, or the defence by the Village of any claim or action to enforce or protect the Village's interests or to enforce the Village's Bylaws or responsibilities under the Act and any other enactment or Bylaw;
- q. authorize the settlement or compromise of any claim, action, or proceeding, known to and previously discussed with Council, either before or after the commencement of legal proceedings or other action where the amount of money claimed by the Village, or to be paid by the Village pursuant to the settlement or compromise does not exceed \$50,000.00;

8. The CAO or designate shall attend all meetings of Council and Council Committees as required, or those that are considered advisable to attend unless excused there from and attend meetings such as Boards; Committees, Authorities, Commissions, or other bodies as may be required by Council,
9. The CAO shall perform such other duties and functions and exercise such powers as may be required for the effective administration of the Village, including but not limited to entering into all contracts, agreements, and transactions required for the effective operation of the Village, provided that no such action requires an expenditure of money that has not been authorized in this Bylaw, included in the operating budget, interim operating budget, or capital budget, or otherwise authorized by Council,
10. The CAO may temporarily designate an employee of the Village to carry out any or all of the powers, duties, and functions of the CAO position in the event of the temporary absence of the CAO. If the CAO is absent or otherwise unavailable to make such a designation, Council, by Resolution, may appoint a person an Acting CAO to act in the place of the CAO, including, without limitation, to cover any long-term illness, unscheduled absence, or other incapacity of the CAO.
11. The CAO may take whatever legal actions or measures are necessary in response to an emergency as per the Village emergency policies and procedures.

EVALUATION AND COMPENSATION

12. The person appointed as CAO shall hold the position of Chief Administrative Officer and shall not be dismissed except as outlined in S. 152 of the *Act*.
13. The Mayor, after consultation with Council, shall fix the salary and determine the benefits to be paid or provided to the CAO, and the Mayor on behalf of the Village is authorized to sign and execute any employment contract or other agreement or amendments thereto with the CAO.
14. Council shall review the performance of the CAO and the annual salary and benefits provided to the CAO not less than once in a twelve month period.

EFFECTIVE DATE

15. It is the intention of Council that, if any provisions of this Bylaw be declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
16. This Bylaw shall take effect on the date of its Third and final reading.

REPEALED BYLAW

17. "The Corporation of the Village of Pemberton Chief Administrative Officer Bylaw No. 579, 2006," is hereby repealed.

READ A FIRST TIME this 4th day of October, 2011.

READ A SECOND TIME this 4th day of October, 2011.

READ A THIRD TIME this 18th day of October, 2011.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 25th day of October, 2011.



MAYOR



CORPORATE OFFICER

