

TOWN OF OSOYOOS



Delegation of Authority

BYLAW NO., 1292, 2019

CONSOLIDATED VERSION

**Adopted March 4th, 2023
Updated February 28th, 2023**

(CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY)

Consolidated Version should be read in conjunction with the complete document.

**TOWN OF OSOYOOS
BYLAW NO. 1292**

A Bylaw for the purpose of delegating authority.

WHEREAS Council may, pursuant to Section 154 of the *Community Charter*, delegate its powers, duties and functions to its officers, employees, committees, members or to other bodies established by the Town;

AND WHEREAS Council's authority to delegate its powers, duties and functions is limited as set out in Section 154(2) of the *Community Charter*;

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

1. This Bylaw shall be cited as the "**Delegation of Authority Bylaw No. 1292, 2019**".

INTERPRETATION

2. In this bylaw:

“CAO” means the Chief Administrative Officer for the Town of Osoyoos or his designate;

“Council” means the Council of the Town of Osoyoos;

“Officer” means a designated Municipal Officer holding a position with the Town which has been designated by bylaw as an officer position in accordance with the Community Charter;

“Signing Authorities” means two separate signatures from among the CAO, Director of Financial Services, Director of Corporate Services, Director of Operational Services, Director of Community Services, Director of Planning and Development Services, Fire Chief (only in relation to fire services),

“Town” means the Town of Osoyoos.

DELEGATION OF AUTHORITIES

3. Council hereby delegates to the Mayor and to the positions set out in Schedule “A” to this bylaw, the powers, duties and function of Council, subject to any limitations on that delegated authority.
4. No delegation shall be made in contravention of the Community Charter including (but not limited to):
 - The making of a Bylaw;
 - A power or duty exercisable only by bylaw;
 - A power or duty established by this or any other Act that the council give it's approval or consent to, recommendations on, or acceptance of an action, decision

- or other matter;
- A power or duty established by an enactment that the council hear an appeal or reconsider an action, decision or other matter;
- A power or duty to terminate the appointment of an officer;
- The power to impose a remedial action requirement under the Community Charter;
- A power to a corporation;
- A power to issue a Development Variance Permit

DELEGATION TO PERSONS HOLDING POSITION

5. Where this bylaw delegates a power, duty or function to a named position, the delegation is to the person who, from time to time, holds the position and to any person who, from time to time, is the deputy of that person so appointed by Council.
6. Where this Bylaw delegates a power, the delegation is to the person who from time to time holds that position (including where council changes the title of that position).

NO DELEGATION OF A DELEGATE

7. 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

8. All of the following apply to any decision by a delegate under Schedule "A":
 - a) Any owner of property that is subject to a decision under Schedule "A" who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section;
 - b) An owner who wishes to have a decision reconsidered by Council must apply for reconsideration by delivering to the Corporate Officer, within 30 days after the decision is communicated in writing the following information:
 - i) The date and the nature of the decision;
 - ii) The reasons why the owner wishes the decision to be reconsidered by Council;
 - iii) The decision the owner requests be made by Council, with brief reasons in support of the requested decision; and,
 - iv) A copy of any materials considered by the owner to be relevant to the reconsideration by Council.
 - c) A reconsideration application will be considered by Council at a meeting of Council.
 - d) The Corporate Officer must:
 - i) Place each reconsideration application on the agenda for a regular meeting of Council in accordance with the Council Procedure bylaw;
 - ii) Give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the Council Procedure Bylaw; and,

- iii) Before each reconsideration by Council, deliver to each council member a copy of the material that was considered by the delegate in making the decision that is to be reconsidered.
- e) In reconsidering a decision, Council must consider the material that was considered by the delegate in making the decision;
- f) At a reconsideration of the decision, the owner and any other person who is interested in the decision are entitled to be heard by Council;
- g) Council is entitled to postpone reconsideration of a decision; and,
- h) After having reconsidered a decision Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

SCOPE OF BYLAW

- 9. For clarity, subject to the *Community Charter*, unless a power, duty or function of Council has been expressly delegated by this bylaw or another Council bylaw, all of the powers, duties and functions of Council will remain with Council.
- 10. The Delegate shall prepare regular reports to Council on where they exercised their delegation.

SEVERABILITY

- 11. If any portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Read a first, second and third time of the 19th day of February, 2019.

Adopted on the 4th day of March, 2019.

Original signed by Mayor Sue McKortoff

Mayor

Original signed by Janette Van Vianen

Corporate Administration Officer

SCHEDULE “A” to Bylaw 1292

<p>Letters of support to local non-profit organizations</p> <p>(to enable organizations to seek grant funding that will enhance Town of Osoyoos Services, directly or indirectly)</p>	<p>CAO</p>
<p>Hire, terminate or suspend any employee (but for clarity not including any Officer)</p> <p>(and to make adjustments to rates of pay within the pay range for each position approved by Council, either at the time of hire or during the term of employment, subject to all Local Government Act, Labour Relations Code and Employment Standards Act requirements)</p>	<p>CAO</p>
<p>Expend funds above \$30,000 on equipment or services</p> <p>(that enable the administration to deal with emergencies or are urgently required to maintain Town works. In the event of an expenditure of this nature the CAO will inform Council at the next regularly scheduled Council meeting)</p>	<p>CAO</p>
<p>Land Title Covenants</p>	<p>CAO and Director of Planning and Development Services or Director of Financial Services</p>
<p>Statutory Rights of Way Agreements</p>	<p>CAO and Director of Planning and Development Services or Director of Operational Services</p>
<p>Easement Agreements</p>	<p>CAO and Director of Planning and Development Services or Director of Operational Services</p>
<p>Water Service Agreements within Municipal and Irrigation District Service Area</p>	<p>CAO and Director of Operational Services or Director of Financial Services</p>
<p>Sewer Service Agreements within Municipal Service Area</p>	<p>CAO and Director of Operational Services or Director of Financial Services</p>
<p>License of Occupation Agreements</p> <p>(Maximum 3 years non-land disposition agreements)</p>	<p>CAO and Director of Planning and Development Services or Director of Corporate Services or</p>

	Director of Community Services
Renewal of Employment Agreements (excluding CUPE Collective Agreement)	CAO and Director of Financial Services or Director of Corporate Services
Development Servicing Agreements (Unless budget funds are impacted)	CAO and Director of Planning and Development Services or Director of Financial Services
Contract to supply services or goods for any amount at or under funding within an approved budget. CAO to report any contract over \$30,000 to Council at the next regularly scheduled meeting. (lowest bidder on RFQ and highest ranking on RFP only, all others to come to Council)	CAO and Director of Operational Services or Director of Financial Services or Director of Community Services
Renewals of leases, land tenures, and licenses to occupy, provided there are no substantive changes	CAO and Director of Corporate Services or Director of Community Services
Existing Operating Agreements with the Province	CAO and Director of Corporate Services or Director of Financial Services or Director of Community Services
Fireworks permits	CAO and Fire Chief
Burning permits	Fire Chief
Goose Hunting Permits	CAO
Prosecution of bylaw contraventions	CAO or Director of Corporate Services
Dismissal of MTI tickets	CAO or Director of Corporate Services
Referral of disputed ticket to Provincial Court for a hearing	CAO or Director of Corporate Services
Waiving of facility or program fees (when it can be determined to be for total community benefit)	CAO and Director of Community Services or Director of Finance
Grant in Aid to sports groups (when it is of an urgent nature and within policy direction)	CAO and Director of Community Services
All grant or funding applications made by the Town for funding not requiring Council resolution to support	CAO and Department Director
All grant applications made by service groups to other organizations that do not require council resolution to support.	CAO
Approval of Administrative Policies	CAO

