

CITY OF MERRITT

BYLAW NO. 2246

A Bylaw to provide for the appointment of Officers and the delegation of authority

WHEREAS the Council of the City of Merritt may, by bylaw, delegate certain of its powers, duties and functions, including those specifically established by an enactment, to Statutory Officers and Employees of the City of Merritt on terms and conditions it considers appropriate;

AND WHEREAS the Council wishes to delegate to its Statutory Officers and Employees certain powers, duties and functions;

NOW THEREFORE, the Council of the City of Merritt, in open meeting assembled, enacts as follows:

1. Citation

1.1 This Bylaw may be cited as the "Officer Designation and Delegation of Authority Bylaw No. 2246, 2019".

2. Repeal

2.1 "City of Merritt Officers Bylaw No. 1896, 2005" and all amendments thereto are hereby repealed.

3. Definitions

"**Authorized Designate**" means a person provided with the written authority to act on an Employee's or Statutory Officer's behalf during his or her absence.

"**City**" means the City of Merritt.

"**Council**" means the Council for the City.

"**Employee**" means an exempt or union employee of the City, other than a Statutory Officer.

"**Head**" means the position designated as the head of the public body for the purposes of Section 77 of the *Freedom of Information and Protection of Privacy Act*, as amended from time to time.

"**Statutory Officer**" means a person appointed under Section 146 of the *Community Charter* and holding a position described in Section 5.1 of this Bylaw, and includes the Statutory Officer's deputy and any Authorized Designate.

4. Scope

- 4.1 Unless a power, duty or function of Council has been expressly delegated by this or another bylaw, all the powers, duties and functions of Council remain with Council.

5. Establishment of Officers

- 5.1 Pursuant to section 146 of the *Community Charter*, the Statutory Officers of the City of Merritt shall be those persons holding the following positions:
- 5.1.1 Chief Administrative Officer
 - 5.1.2 Director of Corporate Services (Corporate Officer)
 - 5.1.3 Director of Finance and IT (Financial Officer)
- 5.2 The selection of the Chief Administrative Officer shall be made by Council.
- 5.3 The selection of the Director of Corporate Services and the Director of Finance and IT shall be made by the Chief Administrative Officer, subject to Council approval.

6. Powers, Duties and Functions of City Officers

- 6.1 The Chief Administrative Officer is assigned the following duties, powers and functions:
- 6.1.1 carrying out the powers, duties and functions specified in Section 147 of the *Community Charter*, and other provisions applicable to the Chief Administrative Officer in other enactments;
 - 6.1.2 appointing and/or suspending Statutory Officer's in accordance with Section 154(3) of the *Community Charter*;
 - 6.1.3 designating a person to act as Chief Administrative Officer in his or her absence.
- 6.2 The Director of Corporate Services is assigned responsibility for the corporate administration of the City of Merritt, including:
- 6.2.1 carrying out the powers, duties and functions of the Corporate Officer as set out in Section 148 of the *Community Charter*, and other provisions applicable to the Corporate Officer in other enactments;
 - 6.2.2 administering civic elections and other voting procedures as the Chief Election Officer, pursuant to Part 3, Division 3 of the *Local Government Act*;
 - 6.2.3 serving as the "Head" for the purposes of the *Freedom of Information and Protection of Privacy Act*, subject to written designation to another person, and conditions or restrictions contained therein, of any duty, power or function of the "Head", except the power to delegate, made in accordance with Section 66 of that Act;

- 6.2.4 providing any notice required by statute or other law in relation to a bylaw or to an action, decision or other matter.
- 6.3 The Director of Finance and IT is assigned the responsibility of financial administration for the City of Merritt, and carrying out the powers, duties and functions specified in Section 149 of the *Community Charter*, and other provisions applicable to the Financial Officer in other enactments.

7. Land and Land Use Delegation

- 7.1 The Director of Engineering and Development, or their Authorized Designate, is delegated the following powers, duties and functions:
 - 7.1.1 The authority to issue or amend development permits that are consistent with City bylaws, where no variance of any bylaws is required, and where no public information meeting is deemed necessary.
 - 7.1.2 For clarity, the authority under Section 7.1.1 includes the authority to require development information as per the *Local Government Act* and the ability to require security for a permit consistent with City bylaws.
 - 7.1.3 The authority to issue sign permits in accordance with the City of Merritt Sign Bylaw, as amended or replaced from time to time.
 - 7.1.4 The ability to require, where circumstances warrant, the applicant to host a public information meeting to be held prior to:
 - a) council consideration of an OCP or Zoning Bylaw amendment;
 - b) council consideration of a development permit, development variance permit or temporary use permit;
 - c) an Agricultural Land Commission application to include or exclude land in the Agricultural Land Reserve (ALR), subdivide land in the ALR, or conduct a non-farm use in the ALR;
 - d) council consideration of a phased development agreement.
- 7.2 If a public information meeting is required pursuant to section 7.1.4, it is the applicant's responsibility to arrange and conduct the meeting to the satisfaction of the City of Merritt, and according to the following standards:
 - 7.2.1 The location, time, duration and advertising of the public information meeting shall be set in accordance with the intent to provide a reasonable opportunity for the public to access information and to inquire thoroughly about the proposal.

7.2.2 Prior to initial consideration by Council, the applicant shall submit to the City a report summarizing the public information meeting and providing, at a minimum, responses to the following information:

- a) The time, date, location and duration of the meeting;
- b) The number of people that attended the meeting;
- c) How was the meeting advertised and how surrounding property owners were notified of the meeting;
- d) A detailed summary of the information provided at the meeting and any support or concerns raised by attendees.

8. Financial Delegation

8.1 Council delegates staff the authority to purchase and commit the City to contracts in accordance with the City of Merritt Purchasing Policy, as amended or replaced from time to time.

9. Committees

9.1 Council delegates to City committees the authority, powers and functions expressly stated in that committee's terms of reference.

10. No Delegation by a Delegate

10.1 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.

11. Reconsideration by Council

11.1 An applicant may have a decision of a Statutory Officer or Employee, in relation to a permit or licence, reconsidered by Council, by submitting a written request for reconsideration to the Director of Corporate Services, within thirty (30) days after the decision is delivered to or made available to the applicant.

11.2 The request for reconsideration must include the following:

11.2.1 the applicant's address for receiving correspondence related to the request for reconsideration;

11.2.2 a copy of the written decision;

11.2.3 reasons why the applicant wishes the decision to be reconsidered by Council;

11.2.4 the decision that the applicant requests be made by Council;

11.2.5 reasons in support of the decision requested from Council; and

- 11.2.6 a copy of any documents which support the applicant's request for reconsideration by Council.
- 11.3 Council may, following completion of its reconsideration, do one or more of the following:
 - 11.3.1 confirm all or part of the delegate's decision;
 - 11.3.2 set aside all or part of the delegate's decision;
 - 11.3.3 amend the delegate's decision or make a new decision.
- 11.4 The Director of Corporate Services must, upon receiving an application in writing for reconsideration:
 - 11.4.1 place the request for reconsideration on the agenda for a regular meeting to be held at least two weeks after the date on which the request for reconsideration is delivered to the Corporate Officer;
 - 11.4.2 notify the applicant of the date for reconsideration by regular mail or e-mail sent to the address provided under Section 10.2.1.

READ A FIRST TIME THIS	09th day of April, 2019
READ A SECOND TIME THIS	09th day of April, 2019
READ A THIRD TIME THIS	09th day of April, 2019
ADOPTED THIS	23rd day of April, 2019

**Original signed by
Linda Brown,
Mayor**

**Original signed by
Sean Smith,
Corporate Officer**