



The CITY COUNCIL of the Corporation of the City of White Rock, in an open meeting assembled, ENACTS as follows:

### **1. TITLE**

- (1) This bylaw shall be cited as the "*City of White Rock Officer and Indemnification Bylaw 2012, No. 1994*".

### **2. DEFINITIONS**

In this bylaw:

- (1) "City means the City of White Rock
- (2) "Chief Administrative Officer (CAO)" means the Officer position of the Chief Administrative Officer
- (3) "Director of Corporate Administration" means the position Corporate Officer as defined in the Community Charter. *Updated by Bylaw 2222*  
~~"City Clerk" means the Officer position of the City Clerk and Corporate Officer~~
- (4) "Council" means the elected Council of the City of White Rock
- (5) "Director of Financial Services" means the Officer position of the Director of Financial Services and Financial Officer
- (6) "Employee" means an exempt or union employee of the City other than an Officer
- (7) "Indemnification" has the meaning set out in Section 287.2(1) of the *Local Government Act*
- (8) "Municipal Official" has the meaning set out in Section 287.2(1) of the *Local Government Act* and includes Employees, Officers and members of Council
- (9) "Officer" means a person holding a position set out in Section 4.1 of this bylaw

### **3. DELEGATION INCLUDING DEPUTY OR ACTING**

- (1) A reference to a Municipal Official under this bylaw includes a person who is from time to time the Deputy of the Officer or Employee or is appointed to act in the capacity of the Officer or Employee in their absence.

#### **4. ESTABLISHMENT OF OFFICERS**

- (1) Council declares that the persons holding the following positions are Officers of the City, under Section 146 of the *Community Charter*:
  - (a) Chief Administrative Officer (CAO);
  - (b) Director of Corporate Administration; and
  - (c) Director of Financial Services.
- (2) The Chief Administrative Officer appoints the Director of Corporate Administration and the Director of Financial Services as Officers and may establish additional officer positions as deemed necessary from time to time.
- (3) Selection of the Acting CAO will be made by the CAO, with notification to be given to Mayor and Council and staff.
- (4) In the event of incapacitation of the CAO or vacancy in that position, the selection of an Acting CAO will be made by the Mayor and Council.

#### **5. POWERS, DUTIES AND FUNCTION OF CITY OFFICERS**

- (1) The Chief Administrative Officer shall have in addition to the powers and duties prescribed by bylaw or resolution, the *Community Charter*, the *Local Government Act* or any provincial statutes the following powers, duties and functions:
  - (a) to provide overall management of the operations of the City;
  - (b) advising and informing the council on the operation and affairs of the City;
  - (c) to plan, coordinate, direct, supervise and control the day-to-day business affairs of the City in accordance with the policies and plans approved and established by Council;
  - (d) to develop, establish and maintain comprehensive policies to direct the activities of all departments of the municipal service;
  - (e) to receive, compile, consider and present to Council recommendations arising from departmental operations which require Council approval, and to propose by-laws or resolution arising from such recommendations;
  - (f) to direct the preparation of and presentation to Council for consideration and approval, the annual budget and five year financial plan;

- (g) to select Senior Management Team members and Officers and to coordinate, motivate, direct and supervise these key officials and prescribe their duties and responsibilities;
- (h) is responsible for the administration of exempt staff compensation within the corporate policies and budget established by Council;
- (i) authorize the use or budgeted purchase or sale of municipal facilities, equipment and services and authorize the awarding of contracts for budgeted items;
- (j) supervise the calling and awarding of tenders for the supply of materials, equipment, services or construction approved by Council;
- (k) award contracts up to \$250,000 in value;
- (l) have the authority to delegate and designate authority limits, not in excess of the value above the CAO contract award limit.
- (m) authorize lawyers to defend, or conduct any action or proceeding in any court of law or before any tribunal, arbitrator, board, or any person, for or on behalf of the Municipality;
- (n) authorize settlements of claims against the Municipality, individual claim amounts are to be capped at \$250,000; and
- (o) Authority to negotiate and enter into contracts, agreements and other legal instruments with regard to the acquisition, disposition, leasing, licencing or otherwise encumbering City property or acquire interests, rights or otherwise obtain benefits in favour of City property which shall include the authority to enter into easements, rights of way, licenses, options, rights of first refusal, other forms of encumbrances including financial charges or covenants that encumber City property or that provide rights and benefits in favour of City property.
- (p) authority to execute on behalf of the City all agreements and other legal instruments, with regard to the acquisition, disposition or use of City-owned property, but no instrument disposing of land or an interest in land shall be executed until all statutory requirements applicable to such disposition have been met. Without limitation, this section applies to transfers, mortgages, leases, easements, common law restrictive covenants, statutory rights of way, statutory building schemes, subdivision plans and other land title office plans requiring the execution of the owner, encroachment agreements and other licenses of occupation, and to modifications, discharges and amendments of such instruments.

Added by Bylaw  
2171 (and the rest  
renumbered  
accordingly)

(2) The Director of Corporate Administration is assigned:

- (a) the responsibility of corporate administration for the City, which includes the statutory powers, duties and functions specified in Section 148 of the *Community Charter*;
  - (b) the administration of civic elections as the Chief Election Officer;
  - (c) the duties of the "head" for the purposes of the *Freedom of Information and Protection of Privacy Act*;
  - (d) the authority to provide a notice required by statute or other laws in relation to a bylaw or to an action, decision or other matter; and
  - (e) authority to execute on behalf of the City all agreements and other legal instruments, with regard to the acquisition, disposition or use of City-owned property, but no instrument disposing of land or an interest in land shall be executed until all statutory requirements applicable to such disposition have been met. Without limitation, this section applies to transfers, mortgages, leases, easements, common law restrictive covenants, statutory rights of way, statutory building schemes, subdivision plans and other land title office plans requiring the execution of the owner, encroachment agreements and other licenses of occupation, and to modifications, discharges and amendments of such instruments.
- (3) Director of Financial Services is assigned:
- (a) the responsibility of financial administration for the City, which includes the statutory powers, duties and functions specified in Section 149 of the *Community Charter*; and
  - (b) the responsibility as the collector of taxes for the City.

## 6. APPOINTMENT OF APPROVING OFFICER

- (1) Pursuant to Section 77 of the *Land Title Act*, Council hereby appoints the Director of Planning and Development Services as the Approving Officer and hereby appoints the Director of Engineering and Municipal Operations and the Manager of Planning as the Deputy Approving Officers of the City. *Updated by Bylaw 2222*
- ~~(1) Pursuant to Section 77 of the *Land Title Act*, Council hereby appoints the Director of Planning and Development Services as the Approving Officer for the City and hereby appoints the Director of Engineering and Municipal Operations as the Deputy Approving Officer of the City.~~

## 7. INDEMNIFICATION

- (1) The City shall indemnify and continue to indemnify its municipal officials and pay legal costs incurred in a court proceeding arising out of any such claim provided that and so long as the municipal official is to be indemnified:
  - (a) does not admit or assume liability, enter into a settlement, or enter into any plea of guilt without the consent of the CAO if the claim is less than \$250,000 **or** if the claim is greater than \$250,000 with the approval of Council given by resolution;
  - (b) has promptly after being served with a document initiating an action or prosecution delivered a copy of the same to the Director of Corporate Administration;
  - (c) consents in writing to the City having the sole discretion to appoint and instruct legal counsel, conduct all necessary investigations, to have full conduct of the defence of the claim, to enter into settlement negotiations and, where appropriate, settle the claim, action or prosecution;
  - (d) assists the defence, the City and the defence counsel, including by giving truthful evidence, securing information, evidence and witnesses and by cooperating with the City and the defence counsel in the defence of the action or prosecution.
- (2) The City will not indemnify a municipal official where the municipal official has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct.
- (3) For the purpose of this bylaw and subject to the conditions herein the terms officer, employee, municipal official include former officers, employees and officials of the City provided that they were acting in that capacity at the time the cause of action arose.

## **8. SUSPENSION OF OFFICERS**

- (1) Suspension of an Officer shall be in accordance with Section 151 of the *Community Charter*.

## **9. TERMINATION OF OFFICERS**

- (1) Termination of employment of any Officer shall be in accordance with Section 152 of the *Community Charter*.

## **10. SEVERABILITY**

- (1) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

## **11. REPEAL**

- (1) The "City of White Rock Officers and Employers Bylaw, 2008, No. 1829" and all amendments thereto are hereby repealed.
- (2) The "City of White Rock Officers, Employees, and Council Members Indemnification Authorization Bylaw, 1996 No. 1480" and all amendments thereto are hereby repealed.

## 12. CITING

- (1) This Bylaw may be cited for all purposes as the "City of White Rock Officer and Indemnification Bylaw, 2012, No. 1994".

RECEIVED FIRST READING on the	29 <sup>th</sup>	day of	October, 2012
RECEIVED SECOND READING on the	29 <sup>th</sup>	day of	October, 2012
RECEIVED THIRD READING on the	29 <sup>th</sup>	day of	October, 2012
RECONSIDERED AND FINALLY ADOPTED on the	26 <sup>th</sup>	day of	November 2012

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MAYOR

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DIRECTOR OF CORPORATE  
ADMINISTRATION