



DISTRICT OF LANTZVILLE

**OFFICERS, INDEMNIFICATION AND DELEGATION
BYLAW NO. 172, 2018**

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of Bylaw No. 172 with the bylaws listed below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The Corporation does not warrant that the information contained in this consolidation is current. Certified copies of the original bylaws should be consulted to ensure accurate, current bylaw provisions.

Date of Adoption:	Amending Bylaw:	Bylaw Citation:
December 7, 2022	Bylaw No. 329	Officers, Indemnification, and Delegation Bylaw No. 172, 2018, Amendment (Parkland) Bylaw No. 329, 2022
January 25, 2023	Bylaw No. 335	Officers, Indemnification, and Delegation Bylaw No. 172, 2018, Amendment (Delegated Authority) Bylaw No. 335, 2022

The bylaw numbers bolded in brackets to the right of an item in this consolidation refer to the last bylaw that amended the item of the principal bylaw: “District of Lantzville Officers, Indemnification, and Delegation Bylaw No. 172, 2018”.

DISTRICT OF LANTZVILLE

BYLAW NO. 172

A BYLAW TO ESTABLISH OFFICER POSITIONS, PROVIDE INDEMNIFICATION FOR MEMBERS OF COUNCIL, OFFICERS AND EMPLOYEES, AND DELEGATE CERTAIN AUTHORITIES

WHEREAS the District of Lantzville must by bylaw, under section 146 of the *Community Charter*, establish Officer positions in relation to the duties under sections 148 and 149 of the *Community Charter*;

AND WHEREAS the District of Lantzville may by bylaw, under section 146 of the *Community Charter*, establish an Officer position in relation to the duties under section 147 of the *Community Charter*;

AND WHEREAS Council may, by bylaw, pursuant to section 187 of the *Community Charter* and Section 740 of the *Local Government Act*, provide that the District of Lantzville will indemnify its officers, employees, volunteer firefighters and members of Council and its former officers, employees, volunteer firefighters and members of Council against any claim for damages against an officer, an employee, a volunteer firefighter and member of Council, or former officers, employees, volunteer firefighters and members of Council arising out of the performance of their duties and in addition, pay legal costs incurred in a court proceeding arising out of the claim;

AND WHEREAS Council may by bylaw pursuant to section 154 of the *Community Charter* delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees.

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “District of Lantzville Officers, Indemnification, and Delegation Bylaw No. 172, 2018”.

2. OFFICER POSITIONS

- (1) The following positions are hereby established as officer positions of the Municipality:
 - (a) Chief Administrative Officer
 - (b) Director of Corporate Administration
 - (c) Director of Financial Services
 - (d) Director of Planning
 - (e) Director of Public Works
- (2) Nothing in this bylaw shall prevent the appointment of the same person to two or more offices.

3. OFFICER DUTIES AND RESPONSIBILITIES

- (1) The powers, duties and responsibilities of the Chief Administrative Officer are as set in section 147 of the *Community Charter* and as assigned in the Chief Administrative Officer job description.
- (2) The powers, duties and responsibilities of the Director of Financial Services are as set in section 149 of the *Community Charter* and as assigned in the Director of Financial Services job description.
- (3) The powers, duties and responsibilities of the Director of Corporate Administration are as set out in section 148 of the *Community Charter* and as assigned in the Director of Corporate Administration job description.

4. FINANCIAL DISCLOSURE

- (1) Persons holding the following positions are hereby established as Municipal Employees as per the *Financial Disclosure Act*:
 - (a) Chief Administrative Officer
 - (b) Director of Corporate Administration
 - (c) Director of Financial Services
 - (d) Director of Planning
 - (e) Director of Public Works

5. INDEMNIFICATION

- (1) “Members of Council, Officers and Employees” means and shall include present members of Council, officers, employees, volunteer firefighters and former members of Council, officers, employees and volunteer firefighters of the Municipality against whom any claim for damages is brought arising out of the performance of their duties but does not include independent contractors engaged by the Municipality from time to time or professional persons such as lawyers, accountants, architects, planners, engineers, and others who advise the Municipality from time to time on a fee-for-service basis.
- (2) The Municipality will indemnify Members of Council, Officers and Employees against any claims for damages against Members of Council, Officers and Employees arising out of the performance of their duties and in addition, pay legal costs incurred in a court proceeding arising out of the claim.
- (3) The provisions of section 5(2) above do not apply in any case where Members of Council, Officers and Employees:
 - (a) have been grossly negligent;

- (b) have wilfully acted contrary to the terms and conditions of employment;
 - (c) have acted contrary to an order given by a superior.
- (4) The Municipality will not seek indemnity against its Members of Council, Officers and Employees where the actions of those Members of Council, Officers and Employees result in a claim for damages against the Municipality by third party unless the Members of Council, Officers and Employees have been grossly negligent or have wilfully acted contrary to the terms of their employment or to an order of a superior.
- (5) Where indemnity under this bylaw is or may be claimed by any Members of Council, Officers and Employees, they shall immediately, upon receipt thereof, forward to the Chief Administrative Officer of the Municipality every statement of claim, writ, letter, document or advise relating to a claim against them in respect of which indemnity is or may be claimed under this bylaw.
- (6) Where indemnity under this bylaw is or may be claimed by Members of Council, Officers and Employees such Members of Council, Officers and Employees shall not:
- (a) voluntarily assume liability or settle any claim except at their own cost and no indemnification will be paid in relation thereto; or,
 - (b) interfere with the Municipality in any negotiation, settlement or and any legal proceedings with respect to such claim;

And that whenever requested by the Municipality such Members of Council, Officers and Employees shall:

- (c) aid in securing of information and evidence in the attendance of witnesses and shall themselves, where required by the Municipality give evidence; and,
 - (d) cooperate with the Municipality in the defence of any action or proceedings or in the prosecution of any appeal taken by the Municipality in behalf of the Members of Council, Officers and Employees.
- (7) Compliance by Members of Council, Officers and Employees with the provisions of section 5(6) of this bylaw constitutes a condition precedent to the Municipality’s obligation to indemnify Members of Council, Officers and Employees as provided in this bylaw.

6. DELEGATION OF AUTHORITY

- (1) The Chief Administrative Officer is hereby delegated the following authority:
- (a) Authority to hire, terminate, discipline and promote District employees, and to hire or suspend Officers of the District and the authority to appoint a person to fill an Officer’s position. The Chief Administrative Officer must report the suspension to Council at its next meeting for consideration and direction.
 - (b) Act as Signing Officer for the purpose of executing together with the Director of Financial Services all financial documents and transactions, subject to compliance with any applicable requirements of the *Local Government Act*, *Community Charter*, or any other enactment.

- (c) Authority to enter into agreements and contracts, subject to compliance with any applicable requirements in the District’s purchasing policy as adopted by Council and amended from time to time and the *Local Government Act*, *Community Charter*, or any other enactment.
 - (d) Act as Deputy Director of Financial Services in the absence of the Director of Financial Services and with the Director of Corporate Administration execute all financial documents and transactions, subject to compliance with any applicable requirements of the *Local Government Act*, *Community Charter*, or any other enactment.
 - (e) Act as Deputy Director of Corporate Administration in the absence of the Director of Corporate Administration and undertake the statutory duties as outlined under section 148 of the *Community Charter*.
- (2) The Director of Corporate Administration is hereby delegated the following authority:
- (a) Authority to publish newspaper notices required under the *Local Government Act* and the *Community Charter* and other notices as required.
 - (b) Authority to refer notices of dispute in respect of the Municipal Ticket Information to the Provincial Court for hearing.
 - (c) DELETED [Bylaw 335]
 - (d) Act as Signing Officer for the purpose of executing together with the Chief Administrative Officer all financial documents and transactions in the absence of the Director of Financial Services, subject to compliance with any applicable requirements of the *Local Government Act*, *Community Charter*, or any other enactment.
- (3) The Director of Financial Services is hereby delegated the following authority:
- (a) Act as Signing Authority for the purpose of executing together with the Chief Administrative Officer all financial documents and transactions, subject to compliance with any applicable requirements of the *Local Government Act*, *Community Charter*, or any other enactment.
- (4) The Approving Officer is hereby delegated the following authority:
- (a) DELETED [Bylaw 329]
 - (b) DELETED [Bylaw 335]
 - (c) DELETED [Bylaw 335]
- (5) The Director of Planning is hereby delegated the following authority:
- (a) The authority to approve development permits under section 490, where the development permit area has been established under section 488 (1) (a) or (b) of the *Local Government Act*, for natural environment and hazardous conditions development permits only and where no variance of municipal bylaws are involved.

- (b) Authority to require security under section 502 [requirement for security as a condition of land use permit] of the *Local Government Act*.
- (6) (a) An owner of land subject to a decision under section 6(5) of the bylaw that is dissatisfied with the decision made is entitled to have the decision reconsidered by Council.
- (b) An owner who wishes to have Council reconsidered decision must apply in writing to Council within 30 days after the decision has been communicated in writing to the owner, setting out;
 - (i) reasons why the owner wishes Council to reconsider the decision;
 - (ii) the new decision the owner request Council to make, with brief reasons to support the new decision, and
 - (iii) a copy of any materials that the owner considers relevant to the reconsideration.

7. OATH OF OFFICE

The oath of office as set out in Schedule “A” attached hereto and forming part of this Bylaw, is hereby adopted as the oath of office for officers of the District of Lantzville.

8. REPEAL

“Officers and Employees Bylaw No. 36, 2005” and any amendments thereto are hereby repealed and “Council, Officers and Employees Indemnification Bylaw No. 2003 – 3” and any amendments thereto are hereby repealed.

READ A FIRST TIME this 10th day of December, 2018.

READ A SECOND TIME this 10th day of December, 2018.

READ A THIRD TIME this 10th day of December, 2018.

ADOPTED this 14th day of January, 2019.

ORIGINAL SIGNED

ORIGINAL SIGNED

Mayor

Director of Corporate Administration

SCHEDULE “A”

OATH OF OFFICE

I, (insert name), having been appointed to the Office of (insert name of Office) for the District of Lantzville 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 or 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; and
- (e) I will comply with all policies and directives of the Municipality and comply with all laws.