



THE VILLAGE OF FRUITVALE
BYLAW 848, 2013

A Bylaw to Establish the Officer Positions
of the Village of Fruitvale and to Delegate Certain Powers

WHEREAS Section 146 of the *Community Charter* requires Council, by bylaw, to establish certain officer positions and empowers Council, by bylaw, to establish other officer positions;

AND WHEREAS Section 154 of the *Community Charter* empowers Council, by bylaw, to delegate its powers, duties and functions;

NOW THEREFORE the Council of the Village of Fruitvale in open meeting assembled enacts as follows:

1. PART ONE – OFFICER POSITIONS

- 1.1. Pursuant to Section 147 of the *Community Charter*, Council hereby establishes the officer position of Chief Administrative Officer.
- 1.2. Pursuant to Section 148 of the *Community Charter*, Council hereby establishes the officer position of Corporate Officer.
- 1.3. Pursuant to Section 149 of the *Community Charter*, Council hereby establishes the officer position of Financial Officer.

2.1 PART TWO – DELEGATION OF COUNCIL AUTHORITY

- 2.2 Delegation of Power to Hire or Suspend Officers
Council hereby delegates to the Chief Administrative Officer the power to suspend an officer of the Village and the power to appoint a person to fill an officer position.
- 2.3 Appointment of Approving Officer
Pursuant to section 77 of the *Land Title Act*, Council hereby appoints the Chief Administrative Officer as the Approving Officer for the Village of Fruitvale.
- 2.4 Delegation of Notice Publications
Council hereby delegates to the Corporate Officer the power to publish newspaper notices required under the *Local Government Act* and the *Community Charter*.
- 2.5 Delegation of Purchasing Power
Council hereby delegates the purchasing power limits as delineated in the Village of Fruitvale Purchasing Policy. Village employees are delegated the power to enter into and sign and deliver on behalf of the Village.
- 2.6 Agreements Up to Spending Limits Assigned to Positions
Pursuant to section 175 of the *Community Charter*, no person listed may

enter into an agreement, which extends beyond 5 years (including by exercising rights of renewal or extension).

2.7 Delegation of Subdivision Development Agreements

Council hereby delegates to the Chief Administrative Officer the power to enter into and sign and deliver on behalf of the Village, the following agreements related to the development of land in circumstances where there is a related subdivision:

- 2.7.1 statutory rights of way for municipal services;
- 2.7.2 easement for the benefit of or burdening Village property;
- 2.7.3 encroachment agreements;
- 2.7.4 highway reservation agreements;
- 2.7.5 *Land Title Act*, section 219 covenants;
- 2.7.6 subdivision and development servicing agreements;
- 2.7.7 latecomer charge waiver agreements;
- 2.7.8 releases and modifications of agreements listed above;

provided there is no liability on the part of the Village within any agreement (or its modification) other than liabilities, which do not extend beyond 5 years (including by exercising rights of renewal or extension) and other than liabilities authorized by the Alternative Approval Process as set out in the *Community Charter*, Section 86.

2.7.9 Council hereby delegates to the Chief Administrative Officer the exercise of all of its powers and the performance of all of its duties as the Approving Authority under section 242 of the British Columbia *Strata Property Act* to approve the conversion into strata lots of previously occupied apartment buildings.

2.8 Land Title Office Filing

Council hereby delegates to the Chief Administrative Officer the filing in the Land Title Office of notices of development permits and temporary use permits issued pursuant to this Bylaw.

2.9 Declining to Exercise Delegated Power

The Chief Administrative Officer may decide in his or her sole discretion not to exercise any delegated authority under this Bylaw where he or she considers that for reasons of complexity, visibility or any other circumstance, the agreement or permit should be considered by Council and where that determination is made, the owner must follow all applicable Village of Fruitvale procedures, including the procedures to apply to Council for issuance of permits. These decisions by the Chief Administrative Officer are not open for reconsideration by Council.

2.10 Limitation on Delegation

For clarity, unless a power, duty or function of Council has been expressly

delegated by this Bylaw or another bylaw, all of the powers, duties and functions of Council remain with Council.

2.11 Delegation to Persons Holding Position

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).

2. PART 3 - CITATION AND REPEAL

3.1 Bylaw No. 733, 2005 is hereby repealed in its entirety.

3.2 This Bylaw may be cited for all purposes as the "Village of Fruitvale Officer Establishment and Delegation of Powers Bylaw 848, 2013".

READ a first time this ____ day of _____, 2013.

READ a second time this ____ day of _____, 2013.

READ a third time this ____ day of _____, 2013.

RECONSIDERED, finally passed and adopted this ____ day of _____, 2013.

Chief Administrative Officer

Mayor

CERTIFIED a true copy of Bylaw No. 848, 2013 entitled "Village of Fruitvale Officer Establishment and Delegation of Powers Bylaw 848, 2013".

DATED this ____ day of _____, 2013.

Chief Administrative Officer