



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

**“OFFICERS AND OFFICIALS BYLAW,
2013, NO. 8322”**

CONSOLIDATED FOR CONVENIENCE – APRIL 8, 2019

Amendment Bylaw, 2013, No. 8341	November 18, 2013
Amendment Bylaw, 2018, No. 8632	May 7, 2018
Amendment Bylaw, 2019, No. 8710	April 8, 2019

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 8322

A Bylaw to provide for the manner of appointment, the assignment of powers, duties and functions, conditions of employment, benefits and remuneration of the Officers and Officials of the Corporation of the City of North Vancouver.

WHEREAS Section 146(a) of the *Community Charter* (SBC 2003, Chapter 26) provides that Council must, by bylaw, establish officer positions in relation to the powers, duties and functions under section 148 [corporate officer] and 149 [financial officer] and under section 147 [chief administrative officer];

AND WHEREAS Section 146(b) of the *Community Charter* provides that Council may, by bylaw, establish other officer positions and 146(c) may assign powers, duties and functions to its officer positions;

AND WHEREAS, subject to the BC Labour Relations Code, Council may also establish the terms and conditions of its officers' employment, including terms and conditions respecting their remuneration, benefits, expenses, hours of work and manner of appointment, promotion, discipline and dismissal;

THEREFORE The Council of The Corporation of The City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as “**Officers and Officials Bylaw, 2013, No. 8322**”.
2. The following positions are designated as Statutory Officers (“Officers”) of the Corporation of the City of North Vancouver:
 - (a) Chief Administrative Officer
 - (b) Corporate Officer (City Clerk)
 - (c) Chief Financial Officer (Director of Finance)

The persons holding these positions are established as Statutory Officers of the City under Section 146 of the *Community Charter* and are also designated as “municipal employees” for the purposes of the *Financial Disclosure Act*, RSBC 1996.

[Bylaw 8710, April 8, 2019]

3. In addition to the Officers of the City listed in Section 2 above, this Bylaw shall also apply to those positions, including Department Heads designated by the Chief Administrative Officer, to be management and exempt positions within the City of North Vancouver pursuant to the terms of the BC Labour Relations Code and excluded from the CUPE and IAFF bargaining units. *[Bylaw 8710, April 8, 2019]*
4. For the purposes of this Bylaw, employees of the City, as defined in Section 3, shall be referred to as “Officials”. *[Bylaw 8710, April 8, 2019]*
5. The Chief Administrative Officer shall be assigned chief administrative responsibility for the City of North Vancouver, including the statutory powers, duties and functions specified in Section 147 of the *Community Charter*, and shall be under the supervision of Council to:

- (a) supervise, coordinate and administer the affairs of the City and its Officials;
 - (b) put into effect and carry out the policies of Council;
 - (c) advise Council on matters within the control and purview of Council;
 - (d) prepare with Department Heads estimates of revenue and expenditures annually or as required by Council and submit them to Council or the Finance Committee for consideration;
 - (e) direct the establishment of effective internal controls to safeguard municipal assets under the control of Council and the adequate provision of insurance, protection and defence against claims;
 - (f) review and approve appropriation lists for capital expenditures for new equipment and/or the replacement of existing equipment;
 - (g) report to Council any changes in the statutory responsibilities of Officers or organization changes involving departments or Department Heads;
 - (h) report to Council, for approval, any changes in regular full-time or regular part-time complement; *[Bylaw 8710, April 8, 2019]*
 - (i) participate in the recruitment of Officers appointed by Council and appoint Department Heads that are not Officers;
 - (j) provide input and assistance into collective bargaining, contract interpretation and wage/salary administration;
 - (k) serve and represent the City on various civic committees, commissions, boards or other forums appointed by Council or that are within the discretion of the position to establish;
 - (l) establish, promote and maintain extensive contact and liaison with municipal, senior government and business officials and representatives and the general public;
 - (m) carry out any other duties prescribed by bylaw or resolution of Council;
 - (n) the Chief Administrative Officer may discipline Department Heads and discharge Department Heads that are not Officers. The Chief Administrative Officer may make recommendations to Council for the termination of an Officer of the City. The Chief Administrative Officer, or designated Officer or Official, shall have the discretion to discipline or discharge any other municipal employee; it being understood that in the case of an Officer or Official, a decision to terminate will not be made without first reviewing the matter with the Director responsible for Human Resources and/or Chief Administrative Officer. *[Bylaw 8710, April 8, 2019]*
6. The Corporate Officer is assigned the responsibility of corporate administration for the City of North Vancouver, including the statutory powers, duties and functions set out in Section 148 of the *Community Charter*. The Corporate Officer is responsible for responding on behalf of the City in dealing with issues under the *Freedom of Information and Protection of Privacy Act*. *[Bylaw 8710, April 8, 2019]*

7. The Chief Financial Officer is assigned the responsibility of financial administration for the City of North Vancouver, which includes the statutory powers, duties and functions specified in Section 149 of the *Community Charter*. [Bylaw 8710, April 8, 2019]
8. The responsibilities, power and duties of Officials, other than the Officers listed in Section 2, shall be as determined by the Chief Administrative Officer or as otherwise directed by Council by resolution.
9. (a) All Officers shall be appointed to their positions by Council; such appointments may involve a Council appointed selection committee, which, except for the Chief Administrative Officer's selection, would then include the Chief Administrative Officer and Director responsible for Human Resources as facilitators. Department Heads shall be appointed to their position by the Chief Administrative Officer and may involve an advisory Committee of Council, which would then include the Chief Administrative Officer and the Director responsible for Human Resources as facilitators. Any other Officials shall be appointed to their position by their respective Department Heads. [Bylaw 8710, April 8, 2019]
- (b) The temporary position of Deputy Chief Administrative Officer may be appointed by the Chief Administrative Officer from amongst current Officers and Officials for a period to be determined at the discretion of the Chief Administrative Officer. Such appointment is renewable. For the additional responsibility of relieving the Chief Administrative Officer during absence and providing assistance on special projects and assignments, as required, the Deputy Chief Administrative Officer will receive 6%, effective May 1, 2013, of the Officer's or Official's base salary prorated in accordance with the duration of the appointment, should it be for a period of less than one year. [Bylaw 8341, November 18, 2013] [Bylaw 8710, April 8, 2019]
10. (a) The remuneration of Officers and Officials covered by this Bylaw shall be in accordance with the pay scales established for each respective position based on a market salary survey of comparable municipal employers, as determined through a third party consultant review, as authorized by the Chief Administrative Officer and subject to any necessary budget approvals. The selection of a third party consultant is to be discussed with the City of North Vancouver Managerial Association. [Bylaw 8710, April 8, 2019]

Benefits for Officers and Officials covered under this Bylaw are outlined in the Employee Benefits Summary (Exempt). Specific terms and conditions of employment for each Officer and Official are outlined in their Employment Agreement and/or Appointment Letter. [Bylaw 8710, April 8, 2019]

- (b) To compensate for overtime required, Officers and Officials covered under this Bylaw shall be eligible to receive compensation for work authorized in writing to be performed outside of their regular hours of work pursuant to City policies and as determined by the Chief Administrative Officer in consultation with the Department Head and the Director responsible for Human Resources and/or designate, as provided below: [Bylaw 8710, April 8, 2019]

For those Officials in pay bands 1 to 6, inclusive, overtime shall be paid in accordance with the current CUPE Collective Agreement.

Those Officials in pay bands 7 to 10, inclusive, are eligible to accumulate overtime beyond their regular hours of work, hour for hour at straight time rates, up to 70 hours annually, with a one-hour minimum claim. An Official who has accumulated overtime hours may take equivalent time off with pay. *[Bylaw 8710, April 8, 2019]*

Those Officers and Officials in pay bands 11 and above (and designated positions in pay bands 6 to 10, inclusive, as authorized by the Chief Administrative Officer) are eligible to accumulate overtime beyond their regular hours of work, hour for hour at straight time rates, up to 70 hours annually. For this group, there is a one-hour grace period for claiming overtime immediately preceding or following an Officer or Official's normal work schedule. An Officer or Official who has accumulated overtime hours may take equivalent time off with pay. *[Bylaw 8710, April 8, 2019]*

The foregoing represents total overtime compensation for Officers and Officials, except as may be required by law. *[Bylaw 8632, May 7, 2018]*

- (c) Officials exempted from the CUPE or IAFF bargaining unit who replace an Officer or Official with a higher salary by reason of vacation or illness shall receive a 10% premium over their current salary (unless the 10% premium results in a salary higher than the top step of the pay band. In this case, the salary for the acting assignment will be the top step of the pay band the Officer or Official is acting in), providing the term is for a minimum of one day or longer and a replacement was required. *[Bylaw 8710, April 8, 2019]*
- (d) Officers and Officials in designated positions will be required to use their personal vehicle for City business, when required. A T2200 documenting this requirement for income tax purposes will be issued. *[Bylaw 8710, April 8, 2019]*

Such Officers and Officials must maintain business-use insurance, as required by ICBC, at their own expense, and cover any other additional vehicle expenses necessitated by using their personal vehicle for City business. *[Bylaw 8710, April 8, 2019]*

Any new position will have their salary range determined by the Chief Administrative Officer and Director responsible for Human Resources, in consultation with a third party consultant, and be considered based on total market compensation criteria and may be designated as requiring a vehicle for business use based on position requirements. *[Bylaw 8710, April 8, 2019]*

Those Officers and Officials who are not designated, as required, to use their personal vehicle for business use, may claim casual mileage for business use in accordance with the City's "Vehicle Policy No. 501". *[Bylaw 8710, April 8, 2019]*

Designated Officers and Officials may claim casual mileage in accordance with the City's "Vehicle Policy No. 501" for travel outside the Metro Vancouver area only. *[Bylaw 8710, April 8, 2019]*

Any Officers and Officials required to use their personal vehicle for business use will not be eligible to use a City fleet or pool vehicle, except in exceptional circumstances with the express approval of the Chief Administrative Officer. *[Bylaw 8710, April 8, 2019]*

11. Vacation Entitlement

- (a) For Officers and Officials in pay bands 11 and below, basic vacation entitlements are as follows: *[Bylaw 8632, May 7, 2018] [Bylaw 8710, April 8, 2019]*

Up to 1 year	prorated based on 15 working days
2 – 4 years	15 working days
5 – 12 years	20 working days
13 – 20 years	25 working days
21+ years	30 working days

- (b) Officers and Officials in pay bands 11 and above will have a base vacation entitlement of 4 weeks (20 working days). This base vacation entitlement is prorated during the Officer's or Official's first year of employment with the City. Vacation entitlement beyond the 20 working days will be as outlined in paragraph 11(a) above. *[Bylaw 8632, May 7, 2018] [Bylaw 8710, April 8, 2019]*
- (c) Officers and Officials with the applicable municipal or other comparable service prior to their employment by the City may have this service calculated in determining their vacation entitlement at the discretion of the Chief Administrative Officer, in consultation with the Director responsible for Human Resources. *[Bylaw 8710, April 8, 2019]*

12. Subject to the possession of the necessary professional qualifications required by law in the discharge of the duties of certain Officers and Officials, any office(s) may be held by any other Officer or Official of the City, and the City agrees to pay the membership and annual licence fees to maintain this professional qualification. *[Bylaw 8710, April 8, 2019]*

13. (a) Compulsory Group Life Insurance coverage shall be provided by the City at no cost to the Officers and Officials covered by this Bylaw at 2 times annual salary; the terms of which are detailed in a contract administered by the Director responsible for Human Resources. *[Bylaw 8710, April 8, 2019]*

- (b) Optional Life Insurance shall be made available, at the Officer's or Official's option and at their cost, to Officers and Officials covered under this Bylaw and their spouses; the terms of which are detailed in a contract administered by the Director responsible for Human Resources. *[Bylaw 8710, April 8, 2019]*

14. A Long Term Disability Plan shall be provided at no cost to the Officer or Official; the terms of which are detailed in a contract administered by the Director responsible for Human Resources. During the period of Long Term Disability (LTD), the Officer or Official shall continue with basic Medical, Dental, Extended Health and Group Life Insurance Benefits provided under this Bylaw. No further contributions will be made to the Municipal Pension Plan and application will be made to the Municipal Pension Plan for the approval of the LTD Plan whereby the period of disability will be considered as "service" and will be approved for the purpose of an indexed pension at maximum retirement age. All other benefits provided under this Bylaw will cease during the period of disability. *[Bylaw 8710, April 8, 2019]*

15. The City shall provide, at no cost to Officers and Officials, the following health and welfare benefits: *[Bylaw 8710, April 8, 2019]*
- (a) Basic Medical
 - (b) Extended Health
 - (c) Dental Coverage
 - (d) Sick Leave Coverage
 - (e) Critical Illness Coverage

Benefits will be provided in accordance with formal plan documents and are subject to the eligibility and limitations specified in those plan documents.

16. Exempt Benefit Option (TFSA, RRSP, Vacation)

Officers and Officials will receive the value of 1.04% of regular salary, calculated at the rate in effect on January 1 of each year, to be credited into either a Tax Free Savings Account (TFSA), Registered Retirement Savings Plan (RRSP) or to purchase additional vacation. Details of these plans are as administered by the Director responsible for Human Resources. *[Bylaw 8710, April 8, 2019]*

17. The Chief Administrative Officer may appoint an Official, except for those Officers appointed by Council, for a fixed term of employment and is authorized to enter a fixed term agreement with the Official. All Officers and Officials, including internal changes in position, will be required to sign an Employment Agreement, as administered by the Chief Administrative Officer and Director responsible for Human Resources. *[Bylaw 8710, April 8, 2019]*
18. Any amalgamation and/or integration of services provided by the City and another government authority shall be preceded by the establishment of a joint committee to which at least one Officer or Official, defined in this Bylaw, shall be appointed. This committee shall meet to consider and recommend resolution of matters dealing with the integration of Officers and Officials whose positions are affected by amalgamation or integration. The appointment of the Officer or Official shall be made by the City's Managerial Association. *[Bylaw 8710, April 8, 2019]*
19. Subject to the provisions of the *Community Charter*, and all amendments thereto, and of this Bylaw, the persons now acting as holders of the respective offices as above mentioned are hereby confirmed and continued as the holders of such offices.
20. Each Officer and Official shall faithfully perform the duties usually appertaining to the office which that person holds and shall, in addition to any duties which may be assigned by statute, perform all other duties required by the bylaws, resolutions or instructions of Council that are not inconsistent with their normal duties. *[Bylaw 8710, April 8, 2019]*

21. "Officers and Officials Bylaw, 2008, No. 7980" and all amendments thereto are hereby repealed.

READ a first time by the Council on the 22nd day of July, 2013.

READ a second time by the Council on the 22nd day of July, 2013.

READ a third time and passed by the Council on the 22nd day of July, 2013.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 9th day of September, 2013.

"Darrell R. Mussatto"

MAYOR

"Karla D. Graham"

CITY CLERK