

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
OFFICERS BYLAW, 2011, NO. 2777

CONSOLIDATED FOR CONVENIENCE
UPDATED FEBRUARY 2023

**In case of discrepancy, the original Bylaw or
Amending Bylaws must be consulted**

Consolidates Amendments authorized by:
Amendment Bylaw (No. 1), 2013, No. 2816
Amendment Bylaw (No. 2), 2017, No. 2910
Amendment Bylaw (No. 3), 2019, No. 2972
Amendment Bylaw, 2023, No. 3093.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2777

A Bylaw to establish the Officer positions and the powers, duties, responsibilities and terms of employment of such Officers

WHEREAS the *Community Charter* empowers a council by bylaw to establish officer positions and to establish the powers, duties, responsibilities and terms of employment of such officers;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the "Officers Bylaw, 2011, No. 2777."
2.
 - (a) This Bylaw applies to all Officers of the Township of Esquimalt, as determined by Section 3 hereof.
 - (b) In the event of a conflict between the terms and conditions of employment established pursuant to this or any other bylaw, resolution or policy of the Municipality and those established by any contract of employment, the contract shall prevail.
3. Pursuant to Section 146 of the Community Charter, the persons holding the following positions, and their successors, shall for all purposes be Officers of the Municipality:
 - (a) Chief Administrative Officer;
 - (b) Director of Financial Services/Collector of Taxes;
 - (c) Director of Parks and Recreation Services;
 - (d) Director of Development Services;
 - (e) Director of Engineering and Public Works;
 - (f) Director of Corporate Services and Human Resources;
 - (g) Director of Community Safety Services;
 - (h) Manager of Corporate Services; and
 - (i) Fire Chief.

[Amendment No. 3, 2019, No. 2972]
4.
 - (a) The position named in Sections 3(a) is hereby assigned responsibility for the powers, duties and functions set out in Section 147 of the *Community Charter*.
 - (b) In addition to the duties prescribed by Statute, the Chief Administrative Officer shall perform such duties incidental to the purpose of his or her office as may from time to time be assigned to him or her by Council or the Mayor; provided that in the event of a conflict between the instructions given by the Council and the instructions given by the Mayor, the instructions of the Council shall prevail.
5. The position named in Section 3(h) is hereby assigned the responsibility of corporate administration, including the powers, duties and functions set out in Section 148 of the Community Charter.

[Amendment No. 3, 2019, No. 2972]
6. The position named in Sections 3(b) is hereby assigned the responsibility of financial administration, including the powers, duties and functions set out in Section 149 of the *Community Charter*.

7. A delegation of a power, duty or function under this Bylaw includes a delegation to a person who is from time to time the deputy of the delegate.
8. The Manager of Development Services is hereby appointed as the Municipality's Deputy Statutory Approving Officer pursuant to the *Land Title Act*, the *Condominium Act* and the *Strata Property Act*. The Director of Engineering and Public Works is hereby appointed as the Municipality's Deputy Statutory Approving Officer.
[Amendment Bylaw, 2023, No. 3093]
9. Each Officer shall perform the duties of his or her office prescribed by Statute and by bylaw and shall, in addition, perform such duties incidental to the purpose of his or her office as may from time to time be assigned to him or her by the Chief Administrative Officer.
10. Prior to assuming any of the duties of an office, an Officer must swear or affirm an oath of office in the form as determined by the Township from time to time.
11. A reference in any bylaw, resolution or document to any of the positions named in Section 3 hereof by their former titles shall, for the purposes of that bylaw, resolution or document, be treated as a reference to one of the positions named in this Bylaw and, if the intent is unclear, the reference shall be treated as a reference to the "Chief Administrative Officer."
12. Where used in this or any other bylaw, resolution or document, the term "Director" shall mean and include the persons holding the following positions: Chief Administrative Officer, Director of Financial Services/Collector of Taxes, Director of Parks and Recreation Services, Director of Development Services, Director of Engineering and Public Works, Director of Corporate Services and Human Resources, Director of Community Safety Services and Fire Chief. **[Amendment No. 3, 2019, No. 2972]**
13. Each Officer shall serve a probationary period of one year unless otherwise provided by the terms of his or her appointment or contract or employment.
14. Upon the recommendation of the Chief Administrative Officer, the Mayor may suspend an Officer and such suspension must be reported to Council at its next meeting.
15. In the case of any Officer who is under suspension, Council may:
 - (a) confirm the suspension,
 - (b) confirm and extend the suspension,
 - (c) dismiss the officer, or
 - (d) reinstate the Officer.
16. Subject to compliance with Section 152 of the *Community Charter* and the *Employment Standards Act*, Council may:
 - (a) by the affirmative vote of two thirds of all the Council members, terminate without cause the employment of any Officer on reasonable notice or on payment of reasonable compensation in lieu of notice; or
 - (b) by the affirmative vote of a majority of Council, terminate for cause the employment of any Officer without notice or payment in lieu of notice.
17. Any Officer who has a dispute or difference of opinion in respect of the terms and conditions of his or her employment or the interpretation of the provisions of this Bylaw, shall submit the particulars thereof to the Chief Administrative Officer, and if the Chief Administrative Officer fails to resolve the matter to the Officer's satisfaction, he or she may

appeal the matter to the Council.

18. The Officers and Employees Bylaw, 1981, No. 1671, and all amendments thereto, are hereby repealed.

READ a first time by the Municipal Council on the 24th day of October, 2011.

READ a second time by the Municipal Council on the 24th day of October, 2011.

READ a third time by the Municipal Council on the 24th day of October, 2011.

ADOPTED by the Municipal Council on the 7th day of November, 2011.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER