

**BYLAW 19-05  
TOWN OF BLACK DIAMOND**

**A BYLAW TO ESTABLISH THE POSITIONS OF DESIGNATED OFFICERS  
WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, provides that a Council may pass a bylaw to establish one or more positions to carry out the powers, duties and functions of a designated officer;

**AND WHEREAS**, the Council wishes to exercise its authority pursuant to the *Municipal Government Act* by establishing designated officer positions;

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

**1.1.** This Bylaw may be cited as the “Designated Officers Bylaw”.

**2. CONTENTS**

1. Title.....	1
2. Contents .....	1
3. Definitions .....	1
4. Signing or Authorizing of Municipal Documents .....	2
5. Designation .....	3
6. Municipal Assessor.....	3
7. Legislative Services Manager.....	3
8. Finance Manager .....	3
9. Planning & Development Officer.....	4
10. Community Peace Officer .....	4
11. Assessment Review Board Clerk.....	4
12. Intermunicipal Subdivision and Development Appeal Board Clerk .....	4
13. Delegation.....	5
14. Designation of Powers .....	5
15. Severability.....	5

**3. DEFINITIONS**

- 3.1.** “Act” means the *Municipal Government Act*, R.S.A. 2000 M-26, as amended;  
**3.2.** “Bylaw” means a bylaw of the Town;  
**3.3.** “Chief Administrative Officer” or “CAO” means the person appointed to the position of Chief Administrative Officer by Council;  
**3.4.** “Committee” means a committee, board, commission, authority, task force or any other public body established by Council, except Committee of the Whole;  
**3.5.** “Council” means the Council of the Town of Black Diamond;

**BYLAW 19-05  
TOWN OF BLACK DIAMOND**

- 3.6. “*Designated Officer*” means a person appointed to a position established in accordance with the *Municipal Government Act*;
- 3.7. “*Financial Institution*” means an establishment that conducts financial transactions such as investments, loans and deposits;
- 3.8. “*Town*” means the Corporation or the Town of Black Diamond.

**4. SIGNING OR AUTHORIZING OF MUNICIPAL DOCUMENTS**

- 4.1. Council hereby authorizes that all financial agreements, cheques and negotiable instruments must be signed by 1 member of Council and by 1 Designated Officer as follows:
  - a) three (3) Members of Council authorized to sign such agreements, cheques and negotiable instruments shall be appointed by resolution each year at the annual Organizational Meeting of Council, or at any other Council meeting, as required; and
  - b) the Financial Institution(s) used by the Town shall be authorized by resolution of Council; and
  - c) the signors are authorized for and on behalf of the Town to draw, accept, sign, exchange, promissory notes, cheques and orders for the payment of money, to transact with authorized financial institutions any business that they may think fit; and to sign the financial institution’s form of settlement and release; and
  - d) the Designated Officers authorized to sign such agreements shall be the C.A.O. or in the absence of the C.A.O., the Finance Manager.
- 4.2. Council hereby authorizes that the C.A.O. or the Finance Manager shall, on behalf of the Town;
  - a) negotiate, deposit with and transfer to any financial institution as authorized by resolution of Council (but for credit only) to the account of the Town all or any bills of exchange, promissory notes, cheques and orders for payment of money and other negotiable paper, and for the said purpose to endorse the same or any of them on behalf of the Town whether in writing or by rubber stamp or otherwise; and
  - b) from time to time arrange, settle, balance, and certify all books and accounts between the Town and any authorized financial institutions; and
  - c) receive all paid orders and vouchers; and
  - d) invest any operating surpluses of the Town or other money of the Town that is not required for immediate disbursement in accordance with the Act; and
  - e) reinvest or redeem any money that has been invested, for deposit into an authorized financial institution in the name of the Town of Black Diamond, at their discretion.

**BYLAW 19-05  
TOWN OF BLACK DIAMOND**

**5. DESIGNATION**

5.1. The following positions are Designated Officers of the Town:

- a) Municipal Assessor
- b) Legislative Services Manager
- c) Finance Manager
- d) Planning & Development Officer
- e) Community Peace Officer
- f) Assessment Review Board Clerk
- g) Intermunicipal Subdivision and Development Appeal Board Clerk

**6. MUNICIPAL ASSESSOR**

6.1. The Municipal Assessor is the Designated Officer for purposes of carrying out the duties and responsibilities of an “assessor” under the Act, and any other relevant statute, regulation or bylaw.

6.2. The Municipal Assessor is the Designated Officer for purposes of the following sections of the Act:

Section 293(1), (2) & (3)	Duties of assessors
Section 482(1) & (2)	Admissible evidence at hearings
Section 525(1), (2) & (3)	Admissible evidence at hearings

**7. LEGISLATIVE SERVICES MANAGER**

7.1. The Legislative Services Manager is the Designated Officer for the purposes of the following sections of the Act:

Section 69	Consolidating bylaws
Section 213(1)(b)	Signing minutes of Council meetings
Section 213(2)(b)	Signing minutes of Council committee meetings
Section 213(3)(b)	Signing bylaws
Section 606(7)	Requirements for proof of advertising
Section 612	Certifying copies of bylaws and records

**8. FINANCE MANAGER**

8.1. The Finance Manager is the Designated Officer for purposes of the following section of the Act:

Section 213(4)	Signing agreements, cheques and other negotiable instruments
Section 270(1) & (2)	Opening and closing all the accounts of the Town that hold money

**BYLAW 19-05  
TOWN OF BLACK DIAMOND**

**9. PLANNING & DEVELOPMENT OFFICER**

**9.1.** The Planning & Development Officer is the Designated Officer for the purposes of the following sections of the Act:

Section 25	Temporary road closure
Section 62	Acquiring land for roads
Section 69	Consolidating land use and planning bylaws
Section 213(4)(b)	Signing agreements and negotiable instruments related to land use and development planning
Section 542	Municipal inspections and enforcement
Section 545	Order to remedy contraventions
Section 606(7)	Requirements for advertising
Section 630(1) & (2)	Signature evidence

**10. COMMUNITY PEACE OFFICER**

**10.1.** The Community Peace Officer is the Designated Officer for the purposes of the following sections of the Act:

Section 542	Municipal inspections and enforcement
Section 545	Order to remedy contraventions
Section 546	Order to remedy dangers and unsightly property

and any other relevant statute, regulation or bylaw.

**11. ASSESSMENT REVIEW BOARD CLERK**

**11.1.** The Assessment Review Board Clerk is the Designated Officer for the purposes of the following sections of the Act:

Section 456(1)	Clerk of Assessment Review Board
Section 461(3)	Address to which complaint is sent
Section 462(1) & (2)	Notice of Assessment Review Board Hearings
Section 469	Notice of decision of Assessment Review Board
Section 483	Decision admissible on appeal

**12. INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD CLERK**

**12.1.** The Intermunicipal Subdivision and Development Appeal Board Clerk is the Designated Officer for the purposes of the following sections of the Act:

Section 627.1(2), (3) & (4)	Clerk of Intermunicipal Subdivision and Development Appeal Board
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**BYLAW 19-05  
TOWN OF BLACK DIAMOND**

**13. DELEGATION**

13.1. Those persons appointed to the positions noted above, have the authority to further delegate any powers, duties and functions assigned to them within this bylaw, in accordance with the Act.

**14. DESIGNATION OF POWERS**

- 14.1. A Chief Administrative Officer may exercise all of the powers, duties and functions of a designated officer under this or any other enactment or bylaw if
- a) no position of designated officer has been established by Council,
  - b) the position of designated officer is vacant, or
  - c) this or any other enactment or bylaw refers to a designated officer and the power, duty, function or other thing relating to the designated officer has not been assigned to any designated officer by Council.
- 14.2. Council may revoke the appointment of a person to the position of designated officer, in accordance with the *Municipal Government Act*.

**15. SEVERABILITY**

15.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

Bylaw 19-04 and all amendments thereto are hereby rescinded.

This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this  3rd  day of  April  A.D. 2019.

**READ A SECOND TIME** this  3rd  day of  April  A.D. 2019.

**READ A THIRD AND FINAL TIME** this  3rd  day of  April  A.D. 2019.

Original Signed  
DEPUTY MAYOR

Original Signed  
LEGISLATIVE SERVICES MANAGER

April 3, 2019  
Date signed