Coquitlam

For Council

April 10, 2012
Our File: 09-3900-20/4286/1
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To: City Manager
From: Manager Legal and Bylaw Enforcement

Subject: **Delegation of Authority Bylaw No. 4286, 2012**

For: **Council**

Recommendation:

That Council give first, second and third readings to the *Delegation of Authority Bylaw* No. 4286, 2012.

Report Purpose:

The purpose of this report is to bring forward the *Delegation of Authority Bylaw No. 4286, 2012* (See Attachment # 1) to authorize staff to undertake specific actions on behalf of the City of Coquitlam (the "City"). This will facilitate the conduct of business, streamline the completion of undertakings by the City, and allow for more efficient City operations.

Strategic Goal:

This report supports the strategic goals of achieving excellence in City governance by continually improving processes, policies and services. This bylaw also supports the corporate business improvement objective and was identified as part of the Business Improvements and Outdated Rules initiative.

Background:

As Council is aware, staff have been considering ways of facilitating operations and improving efficiencies with City processes. One of the mechanisms for advancing this objective is the Staff Committee on Business Improvements and Outdated Rules which identified that a formal delegation of certain routine activities by Council to staff, a process which is provided for in the *Community Charter,* would streamline some routine and administrative processes.

Discussion/Analysis:

In 2009, Council adopted the *City of Coquitlam Officers Bylaw No. 4009, 2009* (See Attachment # 2) which appointed certain positions as officers for the City, and generally outlined their respective roles and responsibilities. Over time, Council has also delegated other responsibilities to staff, such as the leasing of City-owned property, which would otherwise need to be brought before Council.

Section 154(1) of the *Community Charter* provides that Council may delegate certain powers, functions and duties to officers and employees of the

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municipality. This is considered desirable and appropriate for the efficient operation and functioning of the City. With the growth in residents and businesses in Coquitlam, and the increase in volume of activity, it is becoming increasingly inefficient for staff to seek Council approval to authorize what are now considered to be routine City operations that Council need not consider.

Council should note that this bylaw must be read in conjunction with the *Officers Bylaw* No. 4009, 2009 and other bylaws adopted by the City that contain delegations of authority, such as the Animal Control Bylaw, the Development Servicing Bylaw, the Building Bylaw and the Parks and Community Facilities Rules and Regulations Bylaw. The delegations of authority in those bylaws continue to be in full force and effect and complement the delegation of authority made in the attached draft bylaw.

Finally, Council should note that the bylaw does not contemplate the delegation of authority for certain actions that section 154(2) of the *Community Charter* states may not be delegated. These include for example, the making of bylaws, the exercise of a power and duty that requires Council to hear an appeal or reconsider an action, decision or matter, the power to impose remedial action etc.

Financial Implications:

There are no anticipated financial implications associated with this report.

Conclusion:

It is now in order for Council to give first, second and third readings to the *Delegation of Authority Bylaw No. 4286, 2012*.

Heather Bradfield

Attachments:

Attachment 1 – *Delegation of Authority Bylaw No. 4286, 2012*.
Attachment 2 – *City of Coquitlam Officers Bylaw No. 4009, 2009*.

This report was reviewed by John DuMont, Deputy City Manager, Sheena MacLeod, Manager of Financial Services, Bill Susak, General Manager of Engineering & Public Works, Maurice Gravelle, General Manager of Strategic Initiatives, Jay Gilbert, City Clerk, Perry Staniscia, Manager of Lands and Properties, and Lori MacKay, General Manager of Parks, Recreation & Culture.

Coquitlam

City of Coquitlam
BYLAW

Attachment 1

BYLAW NO. 4286, 2012

A Bylaw to delegate certain powers, duties and responsibilities to Officers and Employees of the City

WHEREAS:

A. Pursuant to section 154(1) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*"), Council for the City of Coquitlam ("Council") may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to officers and employees of the City of Coquitlam (the "City");

B. Council wishes to delegate to its officers and employees certain powers, duties and functions; and

C. Council wishes to specify which officers and employees may act as signatories on behalf of the City

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the "Delegation of Authority Bylaw No. 4286, 2012."

2. Interpretation

2.1 In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

AUTHORIZED DESIGNATE means an *employee* or an *officer* provided with the written authority to act on another person's behalf;

CITY means the City of Coquitlam;

COUNCIL means Council for the *City*;

EMPLOYEE means an exempt or union employee of the *City* other than an *officer*; and

OFFICER means mean a person acting in an officer position as established under the *City of Coquitlam Officers Bylaw No. 4009, 2009*.

3. Authorized Signatories for General Contracts

3.1 Save and except for contracts, agreements and documents described elsewhere in this Bylaw or other bylaws of the *City*, all contracts, agreements and documents approved by *Council* resolution between the *City* and a third party shall be signed by any one *officer* or an *authorized designate*.

3.2 The following authorizations to sign a contract in this section are granted provided that all necessary prerequisites of the *Community Charter*, the *Local Government Act*, other applicable federal and provincial enactments, *City* bylaws, and *City* policies have been met in relation to the contract.

3.3 Contracts approved by a bylaw must be signed by the Mayor or the council member presiding at the meeting at which it was adopted and the Corporate Officer.

3.4 Contracts approved by Council resolution, between the *City* and the government of Canada, the government of British Columbia, the government of another province, another local government, a first nation, or an agent of any of them, must be signed by any two of the following persons:

3.4.1 the Mayor or the council member presiding at the meeting at which it was adopted;

3.4.2 the City Manager;

3.4.3 the Deputy City Manager;

3.4.4 the City Clerk;

3.4.5 the Deputy City Clerk;

3.4.6 the Manager Financial Services;

3.4.7 the City Solicitor.

4. Authorized Signatories for Real Property Transactions

4.1 In addition to the authorizations granted in section 3, in regard to transactions involving the acquisition or disposal of land or improvements which have been approved by *Council* by resolution or bylaw, the General Manager of Strategic Initiatives is assigned the

authority to negotiate, approve and execute on behalf of the *City* all contracts and other documents necessary or desirable to complete such approved property transactions, including without limitation the following documents:

4.1.1 contracts of purchase and sale;

4.1.2 options to purchase;

4.1.3 fee simple transfers of land;

4.1.4 statements of adjustments;

4.1.5 statutory declarations;

4.1.6 tax certificates;

4.1.7 property transfer tax returns;

4.1.8 easement agreements;

4.1.9 covenants;

4.1.10 statutory rights of way;

4.1.11 lease agreements; and

4.1.12 licences of occupation

5. Authorized Signatories for Specified Real Property Transactions

5.1 Provided that all necessary prerequisites of the *Community Charter* the *Local Government Act*, other applicable federal and provincial enactments, *City* bylaws, and *City* policies have been met, the General Manager of Strategic Initiatives is assigned the authority to:

5.1.1 approve transactions for the management, acquisition or disposal of land or improvements; and

5.1.2 approve transactions for licences of occupation over lands owned or vested in the *City*.

up to a maximum fair market value of:

5.1.3 $100,000 per transaction involving the purchase or sale of land; and

5.1.4 $100,000 per year of the lease or licence of occupation, to a maximum of $300,000 over the term of the lease or licence of occupation

under the conditions that the General Manager of Strategic Initiatives considers appropriate.

5.2 For the purposes of section 5.1, the value of the transaction must be determined as follows:

5.2.1 in regard to the acquisition or disposal of a fee-simple interest in land, by the purchase price or sale price of the land;

5.2.2 in regard to a lease or licence of occupation, by the basic rent or fee payable under the lease or the licence for the term of the lease or licence including any rights of renewal.

5.3 The General Manager of Strategic Initiatives is assigned the authority to negotiate, approve and execute on behalf of the *City* all contracts and other documents necessary or desirable to complete property transactions approved under section 5.1 of this Bylaw.

5.4 The General Manager of Strategic Initiatives shall provide a report to *Council* to be received for information regarding any transactions approved pursuant to section 5.1 of this Bylaw on an annual basis.

6. Authorizations for Statutory Right of Ways, Covenants, and Easements

6.1 Provided that all necessary prerequisites of the *Community Charter* the *Local Government Act*, other applicable federal and provincial enactments, *City* bylaws, and *City* policies have been met, the General Manager of Engineering and Public Works is assigned the authority to approve transactions for the acquisition or disposal of statutory rights of way, covenants, and easements, up to a maximum fair market value of $100,000 per transaction, under the conditions that the General Manager of Engineering and Public Works considers appropriate.

6.2 The General Manager of Engineering and Public Works is assigned the authority to negotiate, approve and execute on behalf of the *City* all contracts and other documents necessary or desirable to complete transactions approved under section 6.1 of this Bylaw.

6.3 For the purposes of section 6.1, the value of the transaction must be determined by the fee payable under the applicable instrument for the term of the instrument including any rights of renewal.

6.4 The General Manager of Engineering and Public Works shall provide a report to *Council* to be received for information regarding any transactions approved pursuant to section 6.1 of this Bylaw on an annual basis.

7. Authorizations for Community Facility Leases and Licences of Occupation

7.1 Provided that all necessary prerequisites of the *Community Charter* the *Local Government Act*, other applicable federal and provincial enactments, *City* bylaws, and *City* policies have been met, the General Manager of Parks, Recreation and Cultural Services is assigned the authority to approve leases and licences of occupation for a *community facility*, as defined in the *City of Coquitlam Parks and Community Facilities Rules and Regulations Bylaw No. 3617, 2004*, up to a maximum rent or lease amount of $100,000 per year of the lease or licence of occupation, and to a maximum of $300,000 over the term of the lease or licence of occupation, including any rights of renewal, under the conditions that the General Manager of Parks, Recreation and Cultural Services considers appropriate.

7.2 For the purposes of section 7.1, the value of the lease or licence of occupation will be determined by the basic rent or fee payable under the lease or the licence for the term of the lease or licence including any rights of renewal.

7.2 The General Manager of Parks, Recreation and Cultural Services is assigned the authority to negotiate, approve and execute on behalf of the *City* all contracts and other documents necessary or desirable to complete transactions approved under section 7.1 of this Bylaw.

7.3 For the purposes of section 7.1, the value of the transaction must be determined by the fee payable under the applicable instrument for the term of the instrument including any rights of renewal.

7.4 The General Manager of Parks, Recreation and Cultural Services shall provide a report to *Council* to be received for information regarding any transactions approved pursuant to section 7.1 of this Bylaw on an annual basis.

6. Authority to Settle Claims

6.1 The City Solicitor and the Assistant City Solicitor are granted the authority to settle any legal claims against the *City*, whether or not Court proceedings have been commenced, up to an amount as may be established by Council policy from time to time.

8. Delegation of Purchasing Authority

8.1 Council hereby delegates to each *officer* and *employee* of the *City* the authority to enter into agreements respecting the activities, works, or services of the *City* as set out in the procurement policy approved by *Council* by Council Resolution 321 adopted on September 10, 2010.

9. Miscellaneous Delegation of Authority

9.1 Council delegates to the *officers* and *employees* set out in Column 3 of Schedule "A", all of the powers, duties and functions of Council as set out in the corresponding Column 1 of that Schedule.

9.2 A general description of the powers, duties, and functions of *Council* delegated under this Bylaw is set out in Column 2 of Schedule "A" in relation to each of the powers, duties, and functions delegated under Column 1 of Schedule "A".

9.3 For greater certainty, the general description set out in Column 2 of Schedule "A" is not to be interpreted as limiting the corresponding power, duty or function set out in Column 1 of that Schedule.

10. Delegates and Authorized Designates

10.1 Where this Bylaw or another *City* bylaw delegates a power, duty, or function to an *officer* or an *employee*, the assignment or delegation of that power, duty, or function is to the person who, from time to time, holds that position or any successor position in title.

10.2 Where an *officer* or *employee* is authorized to take any action pursuant to this Bylaw or another *City* bylaw, such action may be carried out by that person's *authorized designate*.

11. Severability

11.1 If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

READ A FIRST TIME this " " day of " ", **[Click here and insert current year]** .

READ A SECOND TIME this " " day of " ", **[Click here and insert current year]** .

READ A THIRD TIME this " " day of " ", **[Click here and insert current year]**

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this " " day of " ", **[Click here and insert current year]** .

_____ MAYOR

_____ CLERK

SCHEDULE "A"

Column 1 Enactment	Column 2 Powers, Duties, and Functions	Column 3 Delegated Position(s)
Community Charter, section 17	Direction that a required action, matter or thing must be done at the expense of the defaulter, with costs and expenses recovered as debt.	City Manager, City Solicitor, General Manager of Engineering and Public Works , Manager Financial Services
Community Charter, section 32(3)	Entry onto land to mitigate damage that may be caused by the City.	City Manager, General Manager of Engineering and Public Works, General Manager of Parks, Recreation and Culture
Community Charter, section 35(11)	Granting licences of occupation, easements, or encroachment agreements in respect of highways vested in the *City*.	City Manager, General Manager of Engineering and Public Works
Community Charter, Section 43	Requiring a person permitted to erect poles on highways to provide reasonable accommodation on the poles for wires and equipment of the *City*.	City Manager, General Manager of Engineering and Public Works
Community Charter, section 46	Removal and seizure of anything unlawfully occupying a highway or public space.	City Manager, General Manager of Engineering and Public Works, General Manager of Parks Recreation and Culture
Community Charter, section 67	Disposal of property in police possession.	City Manager, City Solicitor
Community Charter, section 114(4)	All necessary power to do anything incidental or conductive to the exercise or performance of the powers, duties and functions of *Council*.	City Manager

Community Charter, sections 231, 250, and 251	Commencement of legal proceedings to collect unpaid taxes.	City Manager, Manager Financial Service, City Solicitor
Community Charter, section 252	Recovery of taxes by the legal remedy of distress	City Manager, Manager Financial Service, City Solicitor
Community Charter, section 258	Collection of municipal fees as taxes.	City Manager, Manager Financial Service, City Solicitor
Community Charter, Sections 260-262	Prosecution of bylaw contraventions.	City Manager, Manager Financial Service, City Solicitor, Manager of Bylaw and Animal Control Services , Bylaw Enforcement Officers
Community Charter, section 269(1)	Referral of disputed ticket to Provincial Court for hearing.	City Manager, City Solicitor, Manager of Bylaw and Animal Control Services
Community Charter, section 274	Commencement of civil proceedings to enforce, or to prevent or restrain the contravention of a bylaw or resolution of *Council*, or a provision of the *Community Charter*, the *Local Government Act*, or relating to any damage to or interference with a highway in the *City*.	City Manager, City Solicitor
Community Charter, section 275	Application to justice for an entry warrant.	City Manager, City Solicitor, Manager of Bylaw and Animal Control Services
Local Government Act, section 938(7)	Requiring that, as a condition of a building permit, the owner provides, on the site being developed, services in accordance with the standards set out in the Subdivision and Development Bylaw.	Manager of Building Permits - Approvals

Coquitlam

City of Coquitlam
BYLAW

Attachment 2

CITY OF COQUITLAM
OFFICERS BYLAW NO. 4009, 2009

The Council of the City of Coquitlam, in meeting lawfully assembled, enacts as follows:

PART ONE: NAME OF BYLAW

1.1 This Bylaw is cited as "City of Coquitlam Officers Bylaw No. 4009, 2009."

PART TWO: REPEAL OF EXISTING BYLAWS

2.1 The following Bylaws are hereby repealed:

"City of Coquitlam Officers Bylaw No. 3303, 1999."
"City of Coquitlam Officers Amendment Bylaw No. 3438, 2001."
"City of Coquitlam Officers Amendment Bylaw No. 3625, 2004."

PART THREE: OFFICER POSITIONS

3.1 The following positions are hereby established as officer positions of the City:

(a) City Manager
(b) Deputy City Manager
(c) General Manager Planning and Development
(d) General Manager Engineering and Public Works
(e) General Manager Corporate Services
(f) General Manager Leisure and Parks Services
(g) General Manager Strategic Initiatives
(h) Manager Financial Services
(i) City Clerk
(j) Fire Chief
(k) City Solicitor
(l) Deputy City Clerk
(m) Manager Human Resources

PART FOUR: POWERS, DUTIES AND RESPONSIBILITIES OF OFFICERS

4.1 As set out in section 147 of the *Community Charter*, the powers, duties and responsibilities of the City Manager are as follows:

(a) overall management of the administrative operations of the City;
(b) ensuring that the policies and directions of Council are implemented;
(c) advising and informing Council on the operation and affairs of the City;

and as supplemented from time to time by resolution of Council.

4.2 As set out in section 148 of the *Community Charter*, the powers, duties and responsibilities of the City Clerk are as follows:

(a) ensuring that accurate minutes of the meetings of Council and its committees are prepared and that the minutes, bylaws and other records of the business of Council and its committees are maintained and kept safe;
(b) ensuring that access is provided to records of Council and its committees, as required by law or authorized by Council;
(c) certifying copies of bylaws and other documents, as required or requested;
(d) administering oaths and taking affirmations, declarations and affidavits required to be taken under this or any other Act in relation to Council matters;
(e) accepting on behalf of the City, notices and documents that are required or permitted to be given, served on, filed with or otherwise provided to the City;
(f) keeping the corporate seal, if any, and having it affixed to documents as required;

and as supplemented from time to time by resolution of Council.

4.3 As set out in section 149 of the *Community Charter*, the powers, duties and responsibilities of the Manager Financial Services are as follows:

(a) receiving all money paid to the City;
(b) ensuring the keeping of all funds and securities of the City;
(c) investing revenue funds, until required, in authorized investments;
(d) expending and disbursing money in the manner authorized by Council;
(e) ensuring that accurate records and full accounts of the financial affairs of the City are prepared, maintained and kept safe;
(f) exercising control and supervision over all other financial affairs of the City;

and as supplemented from time to time by resolution of Council

4.4 The powers, duties and responsibilities of the Deputy City Manager, General Manager Planning and Development, General Manager Engineering and Public Works, General Manager Corporate Services, General Manager Leisure and Parks Services, General Manager Strategic Initiatives, Fire Chief, Deputy City Clerk and Manager Human Resources will be as determined by their associated job descriptions.

PART FIVE: SEVERABILITY

5.1 If any part, section, subsection, clause or sub-clause, of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 2nd day of February, 2009.

READ A SECOND TIME this 2nd day of February, 2009.

READ A THIRD TIME this 2nd day of February, 2009.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 9th day of February, 2009.

MAYOR

CLERK

I hereby certify the foregoing Bylaw to be a True and Correct copy of CITY OF COQUITLAM OFFICERS BYLAW Bylaw No. 4009 2009 as adopted by by the Council for the City of Coquitlam in accordance with the applicable legislation on the 9TH day of FEB 2009

Date of Certification FEB 16/09

City Clerk, City of Coquitlam