

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

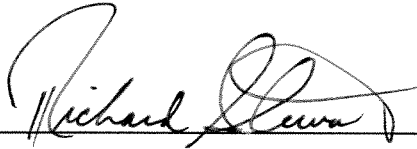
11.1 If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

READ A FIRST TIME this 16th day of April, 2012.

READ A SECOND TIME this 16th day of April, 2012.

READ A THIRD TIME this 16th day of April, 2012.

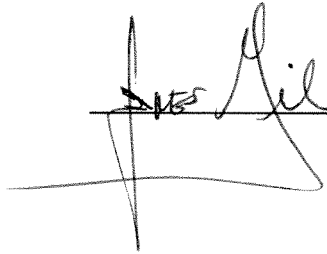
GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 23rd day of April, 2012.



MAYOR



CLERK



SCHEDULE "A"

Column 1 Enactment	Column 2 Powers, Duties, and Functions	Column 3 Delegated Position(s)
<i>Community Charter, section 17</i>	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
<i>Community Charter, section 32(3)</i>	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
<i>Community Charter, section 35(11)</i>	Granting licences of occupation, easements, or encroachment agreements in respect of highways vested in the <i>City</i> .	City Manager, General Manager of Engineering and Public Works
<i>Community Charter, Section 43</i>	Requiring a person permitted to erect poles on highways to provide reasonable accommodation on the poles for wires and equipment of the <i>City</i> .	City Manager, General Manager of Engineering and Public Works
<i>Community Charter, section 46</i>	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
<i>Community Charter, section 67</i>	Disposal of property in police possession.	City Manager, City Solicitor
<i>Community Charter, section 114(4)</i>	All necessary power to do anything incidental or conducive to the exercise or performance of the powers, duties and functions of <i>Council</i> .	City Manager

<i>Community Charter</i> , sections 231, 250, and 251	Commencement of legal proceedings to collect unpaid taxes.	City Manager, Manager Financial Service, City Solicitor
<i>Community Charter</i> , section 252	Recovery of taxes by the legal remedy of distress	City Manager, Manager Financial Service, City Solicitor
<i>Community Charter</i> , section 258	Collection of municipal fees as taxes.	City Manager, Manager Financial Service, City Solicitor
<i>Community Charter</i> , Sections 260-262	Prosecution of bylaw contraventions.	City Manager, Manager Financial Service, City Solicitor, Manager of Bylaw and Animal Control Services , Bylaw Enforcement Officers
<i>Community Charter</i> , section 269(1)	Referral of disputed ticket to Provincial Court for hearing.	City Manager, City Solicitor, Manager of Bylaw and Animal Control Services
<i>Community Charter</i> , section 274	Commencement of civil proceedings to enforce, or to prevent or restrain the contravention of a bylaw or resolution of <i>Council</i> , or a provision of the <i>Community Charter</i> , the <i>Local Government Act</i> , or relating to any damage to or interference with a highway in the <i>City</i> .	City Manager, City Solicitor
<i>Community Charter</i> , section 275	Application to justice for an entry warrant.	City Manager, City Solicitor, Manager of Bylaw and Animal Control Services
<i>Local Government Act</i> , 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