

## BYLAW NO. 4910, 2019

### A Bylaw to Delegate Powers, Duties and Functions to Officers and Employees of the City

#### WHEREAS:

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

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

#### Part 1: Interpretation

##### 1. Name of Bylaw

This Bylaw may be cited for all purposes as the “Delegation of Authority Bylaw No. 4910, 2019.”

##### 2. Definitions

In this Bylaw, the following words have the following meanings:

**AUTHORIZED DESIGNATE** means an *officer or employee* who has temporarily assumed the responsibilities of another position in an acting capacity or who has been appointed in writing to act on another person’s behalf during that person’s absence for the purposes of exercising authority under this Bylaw;

**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*;

**E-TEAM MEMBER** means the City Manager, Deputy City Manager, each General Manager of the *City*, the Fire Chief, the City Clerk, the Director of Human Resources and Corporate Planning, the City Solicitor and the Manager of Corporate Communications but for clarity does not include the Officer-in-Charge of the R.C.M.P. (Coquitlam Detachment);

**OFFICER** means a person acting in an officer position as established under the *City of Coquitlam Officers Bylaw No. 4009, 2009*, as amended or replaced from time to time; and

**PROCUREMENT GUIDELINES** means the procurement guidelines approved by *Council* by Council Resolution 220 adopted on April 18, 2016, as amended or replaced by *Council* from time to time.

## **Part 2: Terms and Conditions on All Delegation of Authority**

- 3. Conditions on Use of Delegated Authority:** Any delegation of authority pursuant to this Bylaw is subject to the condition that any requirements under the *Community Charter*, the *Local Government Act*, other applicable statutes and regulations, *City* bylaws and *City* policies, including the *Procurement Guidelines*, have been met and that the value of the contract or other document is within budget.
- 4. Position Changes:**
  - 4.1 Where this Bylaw delegates a power, duty or function to an elected official, 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.
  - 4.2 If a position referenced in this Bylaw is modified or eliminated, each authority, power, duty or function delegated to that position will be deemed to have transferred to the position that has assumed responsibility for the subject matter of the delegated authority, power, duty or function or that is most closely connected to the modified or eliminated position.
- 5. Authorized Designates:**
  - 5.1 *E-team members* are each delegated authority to appoint from time to time an *authorized designate* to act on their behalf in their absence and exercise their authority as delegated by this Bylaw.
  - 5.2 An *authorized designate* has no authority to further delegate any authority, power, duty or function that has been delegated by this Bylaw.
- 6. Required Notices:** All delegations of powers, duties and functions pursuant to this Bylaw are inclusive of a grant of authority to provide any notice required under a statute or other law in relation to an action, decision or other matter.
- 7. Calculation of Financial Values:** For the purposes of sections 12.1.1, 13.1.1, 13.2 and 14.1.1 the value of the transaction is determined as follows:
  - 7.1 for the acquisition or disposition of a fee simple interest, by the purchase price or sale price of the property;
  - 7.2 for a lease or licence, by the basic rent or fee payable for the term of the lease or licence, including any rights of renewal;

- 7.3 for a right of way, easement or covenant, by the fee payable;
- 7.4 for a transaction described in sections 7.1, 7.2 or 7.3 for which a purchase price, sale price, rent or fee is not payable, and for any other transaction not described in those sections, by the fair market value of the interest being acquired or disposed of.

**8. Annual Reporting:** Every person who exercises the authority delegated under sections 12.1.1, 13.1.1, 13.2 and 14.1.1 of this Bylaw must provide an annual report to *Council* to be received for information setting out all transactions, contracts and other documents approved during the year.

### Part 3: Delegations of Authority

**9. Delegation of Authority – Purchasing and Procurement:** *Officers and employees* are delegated authority for initiating and approving the purchase of goods and services for the *City* subject to and in accordance with the acquisition and commitment authorities and other requirements set out in the *Procurement Guidelines*.

#### 10. Delegation of Authority – City Manager and Deputy City Manager

10.1 The City Manager is delegated authority to:

10.1.1 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the *City*, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the City Manager together with one of the Deputy City Manager or General Manager Finance and Technology); and

10.1.2 **Authority Granted to other E-Team Members:** except where prohibited by statute, to exercise all of the same powers, duties and functions delegated under this Bylaw to each *E-Team member* reporting directly to the City Manager.

10.2 The Deputy City Manager is delegated authority to:

10.2.1 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the *City*, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the Deputy City Manager together with one of the City Manager or General Manager Finance and Technology); and

- 10.2.2 **Authority Granted to other E-Team Members:** except where prohibited by statute, to exercise all of the same powers, duties and functions delegated under this Bylaw to each *E-Team member* reporting directly to the Deputy City Manager.

## 11. Delegation of Authority – Finance and Technology

11.1 The General Manager Finance and Technology is delegated authority to:

11.1.1 **Fibre Optic Matters:** negotiate and approve transactions related to the *City's* fibre optic network service, or any other telecommunications services or infrastructure, and to execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such transactions, including optical fibre lease agreements, service orders, indefeasible rights of use, access agreements, leases, licences, rights of way, easements and regulatory documents;

11.1.2 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Finance and Technology department, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Finance and Technology together with one of the City Manager or Deputy City Manager); and

11.1.3 **Specific Statutory Matters:** exercise the powers, duties and functions of *Council* granted under the following sections of the *Community Charter*:

11.1.3.1 section 17 [*City action at defaulter's expense*];

11.1.3.2 section 67 [*Disposal of property in police possession*];

11.1.3.3 section 43 [*Agreements respecting municipal equipment on utility poles*];  
and

11.1.3.4 section 252 [*Recovery of taxes by the legal remedy of distress*],

which authority includes the authority to do such acts and things and execute such contracts and other documents as may be necessary or desirable to fully perform the power, duty or function.

## 12. Delegation of Authority – Engineering and Public Works

12.1 The General Manager Engineering and Public Works is delegated authority to:

12.1.1 **Land Matters:** negotiate and approve transactions for the management, acquisition or disposition of land and improvements, or interests therein, and to

execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such transactions, including contracts of purchase and sale, options to purchase, leases, licences, rights of way, easements, covenants and encroachment agreements, up to a maximum value of \$500,000 (\$1,000,000 if the contract or other document is approved and executed by the General Manager Engineering and Public Works together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology) per transaction;

12.1.2 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Engineering and Public Works department, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Engineering and Public Works together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology) ; and

12.1.3 **Specific Statutory Matters:** exercise the powers, duties and functions of *Council* granted under the following sections of the *Community Charter*:

12.1.3.1 section 17 [*City action at defaulter's expense*];

12.1.3.2 section 32 [*Authority to enter on and use property*];

12.1.3.3 section 35 [*Licences and encroachments on highways*]; and

12.1.3.4 section 43 [*Agreements respecting municipal equipment on utility poles*],

which authority includes the authority to do such acts and things and execute such contracts and other documents as may be necessary or desirable to fully perform the power, duty or function.

12.2 The Manager Design and Construction is delegated authority to exercise the powers, duties and functions of Council granted under section 35 [*Licences and encroachments on highways*] of the *Community Charter*, which authority includes the authority to do such acts and things and execute such contracts and other documents as may be necessary or desirable to fully perform the power, duty or function.

### 13. Delegation of Authority – Civic Lands and Facilities

13.1 The General Manager Civic Lands and Facilities is delegated authority to:

13.1.1 **Land Matters:** negotiate and approve transactions for the management, acquisition or disposition of land and improvements, or interests therein, and to

execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such transactions, including tenancy agreements, contracts of purchase and sale, options to purchase, leases, licences, rights of way, easements, covenants and encroachment agreements, up to a maximum value of \$500,000 (\$1,000,000 if the contract or other document is approved and executed by the General Manager Civic Lands and Facilities together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology) per transaction;

13.1.2 **Council-Approved Land Matters:** unless otherwise stated in the applicable bylaw or resolution, for transactions involving the acquisition or disposition of land or improvements, or interests therein, that have been approved by *Council* by bylaw or resolution, negotiate, approve and execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such approved transactions;

13.1.3 **Strata Matters:** exercise the powers of the *City* as a member of any strata corporation in respect of which it owns one or more strata lots, including participation and voting at any annual general meeting or special general meeting and execution of any written resolution, and to do any and all other acts or things that the *City* as the owner of a strata lot is entitled to do at or in respect of strata meetings and proceedings; and

13.1.4 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Civic Lands and Facilities department, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Civic Lands and Facilities together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology).

13.2 The Manager Real Estate and the Manager Land Development are each delegated authority to negotiate and approve transactions for the management, acquisition or disposition of land and improvements, or interests therein, and to execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such transactions, including tenancy agreements, contracts of purchase and sale, options to purchase, leases, licences, rights of way, easements, covenants and encroachment agreements, up to a maximum value of \$200,000 per transaction.

#### 14. Delegation of Authority – Parks, Recreation and Culture

14.1 The General Manager Parks, Recreation and Culture is delegated authority to:

14.1.1 **Land Matters:** negotiate and approve transactions for the management, acquisition or disposition of land and improvements, or interests therein, and to

execute on behalf of the *City* all contracts and other documents necessary or desirable to effect such transactions, including contracts of purchase and sale, options to purchase, leases, licences, rights of way, easements, covenants and encroachment agreements up to a maximum value of \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Parks, Recreation and Culture together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology) per transaction;

- 14.1.2 **Special Events:** designate an event to be held on *City* land as “municipally significant” for a special event permit cost recovery exemption pursuant to the *Liquor Control and Licensing Regulation* and *Liquor and Cannabis Regulation* Branch policy;
- 14.1.3 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Parks, Recreation and Culture department, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Parks, Recreation and Culture together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology); and
- 14.1.4 **Specific Statutory Matters:** exercise the powers, duties and functions of *Council* granted under the following sections of the *Community Charter*:

- 14.1.4.1 section 32 [*Authority to enter on and use property*],

which authority includes the authority to do such acts and things and execute such contracts and other documents as may be necessary or desirable to fully perform the power, duty or function.

## 15. Delegation of Authority – Planning and Development

- 15.1 The General Manager Planning and Development is delegated authority to:

- 15.1.1 **Development Instruments:** execute on behalf of the *City* all forms, contracts, instruments and other documents required in connection with a subdivision, rezoning, land use permit, development permit, building permit or other development application, including rights of way, covenants, easements, housing agreements and licences, and any modification or release of such documents;
  - 15.1.2 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Planning and Development department,

provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the General Manager Planning and Development together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology).

## 16. Delegation of Authority – Legal and Bylaw Enforcement Services

16.1 The City Solicitor is delegated authority to:

16.1.1 **Claims and Litigation Management:** except in respect of those matters described in section 17,

16.1.1.1 settle any legal claims or demands by or against the *City*, whether or not legal proceedings have been commenced, up to such amount and on such terms as may be established by *Council* policy from time to time; and

16.1.1.2 initiate, defend, and otherwise direct legal proceedings by or against the *City* brought before a Court, arbitrator, mediator, tribunal or other adjudicative body;

16.1.2 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Legal and Bylaw Enforcement division, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the City Solicitor together with one of the City Manager, Deputy City Manager or General Manager Finance and Technology); and

16.1.3 **Specific Statutory Matters:** exercise the powers, duties and functions of *Council* granted under the following sections or parts of the *Community Charter*:

16.1.3.1 section 17 [*City action at defaulter's expense*];

16.1.3.2 section 252 [*Recovery of taxes by the legal remedy of distress*]; and

16.1.3.3 Part 8 [*Enforcement powers*],

which authority includes the authority to do such acts and things and execute such contracts and other documents as may be necessary or desirable to fully perform the power, duty or function.

16.2 The Manager of Bylaw, Licensing and Animal Services is delegated authority to exercise the powers, duties and functions of *Council* in respect of bylaw enforcement matters granted under Part 8 of the *Community Charter*.

## 17. Delegation of Authority – Human Resources

- 17.1 The Director Human Resources and Corporate Planning is delegated authority to:
- 17.1.1 **Specified Claims and Litigation Management:** in respect of matters involving the administration of the *City's* human resources functions,
    - 17.1.1.1 settle legal claims or demands by or against the *City*, whether or not legal proceedings have been commenced, up to such amount and on such terms as may be established by *Council* policy from time to time; and
    - 17.1.1.2 initiate, defend, and otherwise direct legal proceedings by or against the *City* brought before a Court, arbitrator, mediator, tribunal or other adjudicative body;
  - 17.1.2 **Labour and Employment Matters:** approve and execute contracts and other documents related to the management of *employees* and to authorize *employees* within the Human Resources and Corporate Planning division to execute such contracts and other documents on behalf of the Director Human Resources and Corporate Planning where necessary or advisable to do so; and
- 17.2 **Corporate Administration:** except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of the Human Resources and Corporate Planning division, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by the Director Human Resources and Corporate Planning together with one of the *City* Manager, Deputy *City* Manager or General Manager Finance and Technology).

## 18. Delegation of Authority – E-Team Members and Others

- 18.1 Those *E-Team members* to whom powers, duties and functions are not otherwise delegated in sections 10 to 17 of this Bylaw are delegated the authority to, except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute such contracts and other documents related to the day-to-day business affairs and general operations of their departments or divisions, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$200,000 (\$500,000 if the contract or other document is approved and executed by an *E-Team member* together with one of the *City* Manager, Deputy *City* Manager or General Manager Finance and Technology).
- 18.2 Each exempt management *employee* that reports directly to a General Manager of the *City* is delegated authority to, except in respect of those matters for which authority is expressly delegated pursuant to another section of this Bylaw, approve and execute

such contracts and other documents related to the day-to-day business affairs and general operations of their areas of operation, provided such contracts or other documents do not require an expenditure by the *City* that exceeds \$100,000.

**19. Delegation of Signing Authority – Mayor and Clerk**

19.1 The Mayor and City Clerk, acting together, are delegated authority to execute on behalf of the *City*:

19.1.1 **Development Instruments:** all forms, contracts, instruments and other documents required in connection with a subdivision, rezoning, land use permit, development permit, building permit or other development application, including rights of way, covenants, easements, housing agreements and licences, and any modification or release of such documents; and

19.1.2 **Other Contracts:** unless the bylaw or resolution authorizing the matter specifies otherwise, all forms, contracts, instruments and other documents authorized by *Council* by bylaw or resolution.

**Part 4: General Provisions**

**20. Repeal:** Delegation of Authority Bylaw No. 4286, 2012, and all amendments thereto, are hereby repealed.

**21. Severability:** 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.

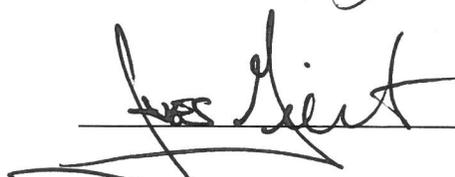
READ A FIRST TIME this 9<sup>th</sup> day of December, 2019.

READ A SECOND TIME this 9<sup>th</sup> day of December, 2019.

READ A THIRD TIME this 9<sup>th</sup> day of December, 2019.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 16<sup>th</sup> day of December, 2019.

  
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MAYOR

  
\_\_\_\_\_  
CLERK