



# Corporate Report

NO: R006

COUNCIL DATE: January 16, 2006

---

## REGULAR

TO: Mayor & Council

DATE: January 12, 2006

FROM: City Solicitor

FILE: 3900-20

SUBJECT: Delegation By-law

---

## RECOMMENDATION

That Council enact the Delegation By-law (the "By-law") attached to this report as Appendix "A".

## BACKGROUND

The statutory powers and duties of Council are delegated to City staff under the authority of Section 154(1)(b) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") to enable them to regulate and approve such matters as development, construction and business licensing. Delegated authority is also required for financial management, heritage and tree regulation and prosecutions.

## DISCUSSION

The attached By-law consolidates in one by-law delegated authority that exists in many of the City's existing by-laws. Most of these by-laws were enacted under the *Local Government Act*, R.S.B.C. 1996, c. 323 (the "*Local Government Act*"). Although the *Local Government Act* provisions were repealed, the transitional rules allow the by-laws to be valid. The new By-law updates the delegated authority to the corresponding *Community Charter* provisions.

## CONCLUSION

The By-law provides a convenient schedule for staff to reference the appropriate delegated authority.

CRAIG MacFARLANE  
City Solicitor

CM:mlg  
Attach.

**APPENDIX A**

**CITY OF SURREY**  
**BY-LAW NO. \_\_\_\_\_**

Delegation By-law

.....

- (a) WHEREAS Council may by by-law delegate its powers, duties and functions, including those specifically established by an enactment to an Officer or Authorized Designate of the City;
- (b) AND WHEREAS Council wishes to delegate to its Officers and Authorized Designates the powers, duties and functions under the Community Charter and the Local Government Act as set out in Schedule "A".

Under its statutory powers, including Section 154(1)(b) of the *Community Charter*, S.B.C. 2003, c. 26 (the "Community Charter"), the Council of the City of Surrey enacts the following provisions:

**CONTENTS**

- 1. Title
- 2. Definitions
- 3. General Description of Power being Delegated
- 4. Delegates
- 5. Scope of By-law
- 6. No Delegation by an Authorized Designate

**1. TITLE**

This By-law may be cited as the "Delegation By-law, 2006, No. \_\_\_\_\_".

## 2. DEFINITIONS

In this By-law:

- (a) "Authorized Designate" means an Employee or an Officer provided with the written authority to act on another person's behalf in that person's absence, notice of which shall be filed with the Clerk;
- (b) "City" means the City of Surrey;
- (c) "City Manager" means the Officer position of the city manager;
- (d) "City Solicitor" means the Officer position of the city solicitor;
- (e) "Clerk" means the Officer position of the city clerk;
- (f) "Council" means the elected Council of the City;
- (g) "Employee" means an exempt or union employee of the City other than an Officer;
- (h) "General Manager, Engineering" means the Officer position of the engineering department;
- (i) "General Manager, Finance, Technology & HR" means the Officer position of the City financial administration officer;
- (j) "General Manager, Parks, Recreation and Culture" means the Officer position of the parks, recreation and culture department;
- (k) "General Manager, Planning & Development" means the Officer position of the planning and development department;
- (l) "Local Government Act" means the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended; and
- (m) "Officer" means the persons defined as officers in Surrey Establishment of Officer Positions and Office and Employee Indemnification By-law, 2001, No.14381.

## 3. GENERAL DESCRIPTION OF POWER BEING DELEGATED

- (a) Council delegates to the City's Officers set out in Column 3 of Schedule "A" all of the powers, duties and functions of Council under the Community Charter and the Local Government Act as set out in the corresponding Column 1 of Schedule "A".
- (b) A general description of the powers, duties and functions of the Council delegated under the By-law 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".

- (c) For 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 Schedule "A".

**4. DELEGATEES**

- (a) In the absence of an Officer listed in Column 3 of Schedule "A", the power, duty or function delegated under the corresponding Column 1 of Schedule "A" may be carried out by:
  - (i) the City Manager,
  - (ii) the Authorized Designate.
- (b) Where this By-law delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is a person described in paragraph (a).

**5. SCOPE OF BY-LAW**

- (a) Unless a power, duty or function of Council has been expressly delegated by this By-law or another City by-law, all the powers, duties and functions of Council remain with Council.
- (b) Where any person is authorized to take any action pursuant to this By-law, such action may be taken by that person's Authorized Designate except where specified otherwise in this By-law.

**6. NO DELEGATION BY AN AUTHORIZED DESIGNATE**

- (a) An Authorized Designate to whom a power, duty or function has been delegated under this By-law has no authority to further delegate to another person any power, duty or function that has been delegated by this By-law.

PASSED THREE READINGS on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

## SCHEDULE "A"

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 114	All necessary power to do anything incidental or conducive to the exercise or performance of Council's powers, duties and functions	City Manager
Sections 260 – 262	Prosecution of by-law contraventions	City Manager, City Solicitor, Deputy City Solicitor, Assistant City Solicitor or Manager, By-laws & Licensing
Section 17	Direction that a required action, matter or thing must be done at the expense of the defaulter, with all costs and expenses recovered as debt	City Manager, General Manager, Finance & Technology, City Solicitor or Manager, By-laws & Licensing
Sections 264 – 273	Referral of disputed ticket to provincial court for hearing	City Manager, City Solicitor, Deputy City Solicitor, Assistant City Solicitor or Manager, By-laws & Licensing
Section 274	Commencement of civil proceedings to enforce, or to prevent or restrain the contravention of a by-law, resolution or regulation of Council or a provision of the Act or Community Charter, or relating to any damage to or interference with a highway or property of the City	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Section 274	Commencement of court proceedings to restrain the erection, alteration or use of a building or land in contravention of the Act or a City by-law	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Section 258	Recovery of utility rates by legal remedy of distress	General Manager, Finance & Technology or City Solicitor
Section 31(2)	Expropriation of water diversion licences and related works	General Manager, Engineering
Section 32(3)	Entry on land to mitigate damage that may be caused by the City	City Manager or General Manager, Engineering
Sections 231, 250 and 251	Commencement of proceedings to collect unpaid taxes	General Manager, Finance & Technology or City Solicitor
Section 252	Recovery of taxes by legal remedy of distress	General Manager, Finance & Technology or City Solicitor

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 8(2)	Administration and enforcement of by-laws respecting municipal services, including powers to issue, refuse to issue, suspend and cancel licenses, permits and approvals in respect of municipal services	City Manager, General Manager, Engineering, General Manager, Planning & Development, Fire Chief, City Solicitor or Manager, By-laws & Licensing
Section 67	Disposal of property in police possession	General Manager, Finance & Technology
Sections 8(2), 40(1) and 41	Temporary closing of a highway or part of it to traffic, or controlling traffic, in connection with a constructions or maintenance project on or adjacent to the highway	General Manager, Engineering
Section 8(3)(b)	Entry into encroachment agreements and licenses to occupy	General Manager, Planning & Development
Sections 8(3)(b) and 46	Authorization of the removal, detention or impounding of any thing or obstruction unlawfully occupying a portion of a highway or public place; provision of a scale of fees, costs and expenses for the removal, detention or impounding; and provision for the recovery of the fees, costs and expenses	General Manager, Engineering or Manager, By-laws & Licensing
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 on agreed terms	General Manager, Engineering
Section 8(1)	Making agreements with an adjoining municipality or with the owner of land, through, on or in which run a natural stream or watercourse, for constructing culverts and flood protection works	General Manager, Engineering
Section 8(3)	Requiring a person using a highway or right of way to provide the City with accurate plans and profiles of works and facilities using the highway or right of way	General Manager, Engineering
Section 26	Disposal of remnant lands not exceeding .1 of a hectare provided written appraisal has been obtained	General Manager, Planning & Development or General Manager, Engineering
Sections 8(6), 15 and 60	Issuance of business licenses	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(6), 15 and 60	Refusal of a business license in specific circumstances	City Manager, City Solicitor or Manager, By-laws & Licensing

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 15(1)(d)	Establishing or imposing terms and conditions of, or terms and conditions that must be met for obtaining, continuing to hold or renewing a business license	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(6), 15 and 60	Suspension or cancellation of a business licence for reasonable cause	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(3)(g) and (l), 53, 54 and 63	Requiring contractors, owners or others to obtain and hold a valid permit before starting and during construction, installation, repair or alteration respecting plumbing	General Manager, Planning & Development
Section 19	Requiring a person to provide security as a condition of issuing a permit	General Manager, Planning & Development or General Manager, Engineering
Section 55	Requiring applicants for building permit to provide the City with certification of an engineer or architect	General Manager, Planning & Development
Section 8(3)(c)	Granting, refusing or cancelling a permit to cut or remove trees and establishing terms and conditions for granting, refusing and using these permits	General Manager, Planning & Development
Sections 8(3)(c) and 17	Removal or replacement of trees at owner's expense if the owner has not complied with a tree protection by-law or a tree cutting permit	General Manager, Planning & Development
Sections 16(6)(b) and (d)	Direction that an assessment or inspection of specified trees or sites be undertaken by the City	General Manager, Planning & Development or General Manager, Parks, Recreation and Culture
Sections 8(2), 8(3)(a) and 196	Granting, refusing or cancelling a permit to operate fire and security alarm systems	City Manager, Fire Chief or Manager, By-laws & Licensing
Sections 8(3)(d)	Issuing a permit for the observance or celebration of a special event or a festival by the use of fireworks and specification of the terms and conditions of the permit	City Manager or Manager, By-laws & Licensing

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Local Government Act Section</b>	<b>Powers, Duties and Function</b>	<b>Delegated Position</b>
Section 495	Investment or reinvestment of a debt retirement fund	General Manager, Finance & Technology
Sections 664 – 672	Collection of commercial vehicle licence fees and issuance of licenses and licence plates under that by-law	City Manager or Manager, By-laws & Licensing
Sections 872 – 946.2	Preparation and provision to the public of a procedures manual describing procedures by which permits and approvals under Parts 26 and 27 of the Act are obtained and amendments to by-laws under those parts are initiated	General Manager, Planning & Development
Sections 872 – 946.2	Requiring an applicant for a permit under Part 27 to provide security	General Manager, Planning & Development
Sections 872 – 946.2	Requiring that an owner of land that is being subdivided or developed provide excess or extended services	General Manager, Planning & Development or General Manager, Engineering
Sections 872 – 946.2	Negotiating and executing subdivision servicing agreements and taking security under the agreements	General Manager, Planning & Development or General Manager, Engineering
Sections 937.2 – 937.9	Entering into an agreement with an owner that land or payments required for school sites may be provided by a date after final approval of the proposed subdivision had been given	General Manager, Planning & Development
Section 956	Ordering a heritage inspection of the property	General Manager, Planning & Development
Section 958	Requiring an assessment of the impact of development on protected heritage property	General Manager, Planning & Development
Section 960	Withholding the issuance of any approval for any action that would alter or cause an alteration of protected heritage property, property subject to temporary heritage protection, or property in a community heritage register	General Manager, Planning & Development
Section 962	Making an order that real property is subject to temporary protection	General Manager, Planning & Development
Section 972	Issuance or refusal of a heritage alteration permit	General Manager, Planning & Development



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Local Government Act Section</b>	<b>Powers, Duties and Function</b>	<b>Delegated Position</b>
Section 973	Imposing terms, requirements and conditions on the issuance of a heritage alteration permit, including a requirement that the applicant provide a specified amount of security to guarantee performance of the terms, requirements and conditions of the permit	General Manager, Planning & Development
Section 979	Applying to the Supreme Court of British Columbia for civil remedies in relation to heritage property	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Part 28	Council's powers, duties and functions in relation to replotting schemes, except the powers, duties and functions that must be carried out by Council further to Section 191(1) of the Act	General Manager, Planning & Development