

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5727

A bylaw to provide for the delegation of powers, duties and functions.

WHEREAS Council may provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

NOW THEREFORE the Council of the City of Vernon in open meeting enacts as follows:

Citation

1. This Bylaw is cited as "**Delegation of Authority Bylaw Number 5727, 2018**".

Definitions

2. In this Bylaw, **Delegate** means a person to whom Council delegates a power or authority under this Bylaw.

Delegation to the Chief Administrative Officer

3. Council delegates to the Chief Administrative Officer the following powers, functions and duties:
 - (a) administration of exempt staff compensation within the corporate policies and budget established by Council;
 - (b) making and execution of agreements respecting the use of City held real and other property, including covenants, rights of way, easements, leases or licenses of occupation or other legal instruments, unless the transaction:
 - i. would result in a disposition of an interest in land;
 - ii. is required by an enactment to be adopted by Council; or
 - iii. requires elector approval;
 - (c) hiring, disciplining, suspending or terminating employment of a City employee;
 - (d) hiring, disciplining or suspending a City officer;
 - (e) performing the powers, duties and functions of another officer, when the officer is absent or otherwise unable to act or when the office of the officer is vacant;
 - (f) commencing or instructing the City's solicitors to commence a court application in the City's name for a civil injunction to enforce a bylaw, including to stop construction of a structure;

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- (g) making and executing a settlement agreement on behalf of the City in respect of claims or actions or threatened claims or actions if the City's settlement obligation does not exceed \$75,000.00 in value;
- (h) issuing a Temporary Change Application for a Liquor Licence.

Delegation to the Director, Corporate Services

- 4. Council delegates to the Director, Corporate Services the following powers:
 - (a) publication or posting of newspaper or other notices under applicable statutes;
 - (b) deposit and registration in the Land Title Office of a permit, bylaw or other record issued by Council or a delegate;
 - (c) administration of civic elections, by-elections or other voting as Chief Election Officer;
 - (d) fulfilling the duties, functions and powers of the Head under the *Freedom of Information and Protection of Privacy Act*.

Delegation to Director, Financial Services

- 5. Subject to the Council procurement policy and other published policies as amended or replaced from time to time, Council delegates to the Director, Financial Services the power to make agreements on behalf of the City for the:
 - (a) procurement of goods, works or services;
 - (b) disposition of property other than land or improvements;only if the agreement:
 - i. requires no elector approval; and
 - ii. is consistent with the financial plan.

Delegation to the Approving Officer

- 6. Subject to the official community plan guidelines and the use and density provisions of the zoning bylaw of the City, as amended or replaced from time to time, Council delegates to the Approving Officer the powers, duties and functions of the Council in respect of:
 - (a) issuing, amending or cancelling a development permit;

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- (b) issuing, amending or cancelling a heritage alteration permit, only if the permit does not amend a heritage revitalization agreement;
 - (c) authorizing removal of land or improvements from the volunteer heritage registry, only if the land or improvement is not subject to a heritage revitalization agreement or in receipt of a heritage restoration grant from the City;
 - (d) issuing, amending or cancelling a temporary use permit.
7. For certainty, the delegation of the power to issue a development permit within the scope of this Bylaw includes all the powers of Council in relation to the development permit, including the power to supplement a bylaw, the power to impose conditions and requirements and set standards on the issuance of a development permit and the power to vary a bylaw or a provision of a phased development agreement.
8. Council delegates to the Approving Officer the power to require security in relation to a development permit or temporary use permit issued by the Approving Officer, on the condition that the amount of the security in relation to:
- (a) irrigation and soft landscaping works is 125% of the estimated cost of the works;
 - (b) paving and hard landscaping works is 125% of the estimated cost of such works;
 - (c) unsafe conditions that may result because of contravention of a condition of the permit is the greater of \$10,000 and 125% of the estimated cost of the unsafe condition;
 - (d) damage to the natural environment from a contravention of a condition in the permit is the greater of \$10,000.00 or 125% of the estimated cost of addressing the damage;
 - (e) replacement or repair of City highways, sidewalks or other works and services damaged by the work undertaken by the holder of a permit is 125% of the estimated cost of such work,
- where the estimated cost is approved in writing by the Approving Officer at the time of permit issuance.
9. Council delegates to the **Approving Officer** the authority to determine if:
- i. a condition in a permit respecting landscaping has not been satisfied;
 - ii. an unsafe condition has resulted because of a contravention of a condition in a permit;

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- iii. damage to the natural environment has resulted because of a contravention of a condition of a permit,

and the **Approving Officer** may then undertake the work, apply the security and otherwise administer the security on behalf of the City.

- 10. Council delegates to the **Approving Officer** the powers and functions of Council in respect of:
 - i. acceptance, modification and discharge in whole or in part, on behalf of the City, of a statutory or restrictive covenant granted to the City if no obligation, liability, reciprocal covenant or indemnity is incurred, made or granted by the City;
 - ii. acceptance, modification and discharge in whole or in part, on behalf of the City, of a statutory right of way granted to the City;
 - iii. entering into and executing on behalf of the City a works and services agreement;
 - iv. entering into on behalf of the City an agreement under which persons may be bound to plan, design or construct works and services, or services on City lands or on statutory rights of way held by the City.
- 11. As a limitation to the authority delegated under section 10, the **Approving Officer** may only accept, discharge or enter into an agreement set out in section 10 if the:
 - i. agreement requires no elector approval;
 - ii. agreement is counter-signed by an officer; and
 - iii. the expenditure or revenue under the agreement is consistent with the financial plan.
- 12. Council delegates to the **Approving Officer** the authority to sign a subdivision plan on behalf of the City if the City holds a charge registered against title to the land that is the subject of the subdivision plan.
- 13. The Approving Officer must deliver or mail a notice of their decision in writing to the registered owner of the property who applied for the permit or the agent who applied for the permit on the owner's behalf.

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14. The notice referred to in section 13 will be deemed to have been received by the owner, or their agent, on the date of delivery or eight days after the notice is mailed at any post office box in the City of Vernon.

Delegation to the Fire Chief

15. Council delegates to the employee appointed as **Fire Chief** the following powers:
 - (a) enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
 - (b) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - (c) require an owner or occupier of real property to undertake any actions directed by the **Fire Chief** or other authorized person for removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire;
 - (d) exercise some or all of the powers of the fire commissioner under section 25 of the Fire Services Act, or successor legislation, and for these purposes that section applies;
 - (e) enter into and execute on behalf of the City a contract for the procurement of goods necessary for the functioning of Vernon Fire Rescue, including in relation to the operation of fire halls, fire trucks, and fire fighting equipment, if the
 - i. contract requires no elector approval;
 - ii. contract is counter-signed by an officer; and
 - iii. the expenditure or revenue under the contract is budgeted for in the Financial Plan adopted by Council,if the **Fire Chief** exercises the delegated discretion granted under this paragraph e) in compliance with the City's procurement policies or procedures adopted by Council.

Delegation to Director, Community Development AND Director, Operations

16. Council delegates to the **Director, Community Development** and the **Director, Operations** authority to enter into an agreement for the construction, repair or maintenance of a highway owned by the City, and City owned sewer, water and drainage works and utilities, if the:
 - (a) agreement requires no elector approval;
 - (b) agreement is counter-signed by an officer;

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- (c) the expenditure or revenue under the agreement is budgeted for in the financial plan; and
- (d) the **Director** exercises the delegated discretion granted under this section 16 in compliance with the City's procurement policies or procedures adopted by Council.

Delegation to the Manager, Real Estate

- 17. Council delegates to the Manager, Real Estate the power to make an agreement to lease City airport land, only if the agreement is substantially in a form and with the content previously approved by Council.

Reconsideration by Council

- 18. A decision by a delegate under this Bylaw may be reconsidered by Council under the procedures set out in this Bylaw.

Entitlement of Owner to Reconsideration

- 19. The registered owner of property or the owner or operator of a business who applied for a business license or land use approval, or on whose behalf an application was submitted, is entitled to have the decision of the delegate reconsidered by Council in accordance with this Bylaw.

Application for Reconsideration

- 20. That owner, or operator as applicable, must apply for the reconsideration by delivering to the Corporate Officer, and providing a copy to the delegate, within 30 days after the decision of the delegate is deemed to be received by the owner or their agent, a reconsideration application in writing, which must set out all of the following:
 - (a) the date of the decision of the delegate and the nature of the decision;
 - (b) reasons why the owner wishes the decision to be reconsidered by Council;
 - (c) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
 - (d) a copy of any materials of the owner which they consider to be relevant to the reconsideration by Council.

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Timing of Reconsideration

21. Reconsideration must be considered by Council at a regular meeting of Council held at least two weeks and not more than six weeks after the date on which the reconsideration application is delivered to the Corporate Officer.

Information to Council

22. Before each reconsideration by Council, each Council member is entitled to receive a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered, plus a copy of any additional materials submitted by the owner, by the delegate and by other persons.

Information to Owner

23. The person who applied for reconsideration is entitled to receive a copy of all documents which Council will consider, including any additional materials submitted to Council by the delegate and by other persons.

Information that may be Considered

24. In reconsidering a decision, the Council may consider the material that was considered by the delegate in making the decision and any further materials delivered by the owner or by the delegate or by other interested persons. Council may also view the subject property and obtain other information about the property and the proposed development.

Submissions to Council

25. At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council, either directly or through an agent.
26. At the time of reconsideration, the delegate may address Council or respond to its questions.

Adjournment

27. Council is entitled to adjourn a reconsideration of a decision.

Council Decision

28. After having reconsidered a decision, Council may either confirm the decision of the delegate, vary the decision or set aside the decision and substitute the decision of Council.

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Notice of Council's Decision

29. The Corporate Officer must deliver to the person who applied for reconsideration a written notice of Council's decision, which notice will be deemed sufficiently sent to the owner if mailed at a post office box in Vernon.

No Further Reconsideration

30. If a matter has been reconsidered and decided by Council under this Bylaw, a person may apply again to the delegate for a development permit for the same or substantially the same development, but despite any other provision of this Bylaw, no person may apply again to Council for reconsideration of the same or substantially the same matter for a minimum of six months.

Limitation on Delegation

31. Unless a power, duty or function of Council has been expressly delegated by this Bylaw, all the powers, duties and functions of Council remain with Council.

Scope of Bylaw

32. For clarity, all the powers, duties and functions of Council remain with Council, unless a power, duty or function of Council has been expressly delegated by this Bylaw.

Delegation To Persons Holding Position

33. If this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to:
 - (a) the person who from time to time holds the position,
 - (b) any person who from time to time is appointed by Council as the deputy of that person,
 - (c) any other person designated by Council to act in the place of that person.

No Delegation By A Delegate

34. A person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

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REPEAL


35. City of Vernon Officers and Delegation of Authority Bylaw Number 5229, 2009, as amended, is **repealed**.

READ A FIRST TIME this 24th day of September, 2018.

READ A SECOND TIME this 24th day of September, 2018.

READ A THIRD TIME this 24th day of September, 2018.

ADOPTED on this 9th day of October, 2018.



Mayor



Corporate Officer