



Attachment 1

Redlined version of the consolidated

Delegation Bylaw 7176, 2015

CORPORATION OF THE CITY OF NEW WESTMINSTER



DELEGATION BYLAW NO. 7176, 2015

EFFECTIVE DATE: November 30, 2015

CONSOLIDATED FOR CONVENIENCE ONLY
(July 21, 2022)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
7820, 2016	February 29, 2016
8163, 2019	November 4, 2019
8270, 2021	August 30, 2021
8344, 2022	July 11, 2022

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7176, 2015. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

DELEGATION BYLAW NO. 7176, 2015

A bylaw to delegate certain powers, duties and functions of Council

WHEREAS:

- A. Council is enabled to delegate certain of its powers, duties and functions to its officers and employees;
- B. Council considers it desirable and convenient to delegate certain of its powers, duties and functions to its officers and employees;

NOW THEREFORE the Council of the City of New Westminster in open meeting assembled,
ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited for all purposes as the “City of New Westminster Delegation Bylaw No. 7176, 2015”.
- 2. In this Bylaw, a reference to any officer of the City includes the deputy or assistant director of such officer, and is a reference to that officer, deputy or assistant, as established by the City of New Westminster Officers Establishment and Indemnity Bylaw No. 7175, 2007.
- 3. No power, duty or function delegated by this Bylaw may be sub-delegated.
- 4. The Chief Administrative Officer may exercise all the duties, powers and functions of Council in respect of:
 - (a) entering into and executing settlement agreements on behalf of the City in respect of claims or actions where the City's settlement obligation does not exceed \$50,000.00 in value and any expenditure is budgeted for in the Financial Plan;
 - (b) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value less than \$500,000, where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$150,000 where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Chief Administrative Officer adhering to the procurement processes endorsed by Council from time to time, and
 - (c) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels where the contract requires no approval or consent of the electors and the expenditure is for an emergency and is not budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated

herein, such discretion as delegated is subject to the Chief Administrative Officer adhering to the emergency expenditure procedures set out in the City's procurement policy as endorsed by Council from time to time.

BYLAW 7820, 2016

- (d) entering into and executing contracts on behalf of the City for the loan or borrowing of art for City museums, galleries and facilities where the City's total payment obligation does not exceed \$75,000 and the expenditure is budgeted for in the Financial Plan.

BYLAW 8163, 2019

- (e) granting moneys to individuals and organizations who have applied for City money under the City's community granting programs where the expenditure is budgeted for in the Financial Plan.

BYLAW 8344, 2022

- 5. The Director of Climate Action, Planning and Development may exercise all the duties, powers and functions of Council in respect of:
 - (a) entering into and executing on behalf of the City statutory rights of way, easements and covenants under s. 219 of the *Land Title Act* in favour of the City, where no obligation, liability, reciprocal covenant or indemnity is incurred, made or granted by the City and such easement, right of way or covenant is required as a condition of rezoning or otherwise in connection with the development of land;

BYLAW 8344, 2022

- (b) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value upto and including \$75,000, where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000 where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Climate Action, Planning and Development adhering to the procurement processes endorsed by Council from time to time.

BYLAW 8344, 2022

- (c) issuing minor Development Variance Permits, upon receipt of the fees and accompanying information, as referenced in Development Approval Procedures Bylaw No. 5658, 1987 and the accompanying Schedules A, B and C.

BYLAW 8163, 2019; 8344, 2022

The Senior Manager of Climate Action, Planning and Development, ~~Manager, Climate Action, Manager, Inspections, or Manager, Integrated Services~~ may exercise the powers, duties and functions delegated to the Director of Climate Action, Planning and Development under this Bylaw ~~and the Officers and Indemnity Bylaw 7175, 2007 when the Director of Climate Action, Planning and Development~~ upon appointment as Acting Director when the Director of Climate Action, Planning and Development is absent or otherwise unable to act. ~~is absent or otherwise unable to act.~~

6. The Director of Engineering Services may exercise all of the duties, powers and functions of Council in respect of:
 - (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value upto and including \$75,000, where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000, or such greater limit as may be provided for under section 7(c) of this Bylaw, where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Engineering Services adhering to the procurement processes endorsed by Council from time to time;
 - (b) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels where the contract requires no approval or consent of the electors and the expenditure is for an emergency and is not budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Engineering Services adhering to the emergency expenditure procedures set out in the City's procurement policy as endorsed by Council from time to time;

BYLAW 8163, 2019

- (c) approving cost overruns on capital works construction projects of up to, in total, the greater of \$100,000.00 or 10% of the budget for the project, where the expenditure can be offset by other forgone projects in the Financial Plan;
- (d) entering into and executing licenses for not-for-profit organizations to use or occupy City property and facilities under the administration of the Engineering Services Department, where the term of such agreement is no more than three to five years and the cumulative value of the license over the license term does not exceed \$5,000; and
- (e) granting and executing, on behalf of the City, statutory rights of way under s. 218 of the *Land Title Act* over City land in favour of utility operators, where no obligation, liability, reciprocal covenant or indemnity is incurred, made or granted by the City.

- (f) accepting, modifying and discharging on behalf of the City as grantee statutory rights of way, easements and covenants under s. 219 of the *Land Title Act* in favour of the City, where no obligation, liability, reciprocal covenant or indemnity is incurred, made or granted by the City and such easement, right of way or covenant is required as a condition of rezoning or otherwise in connection with the development of land.

BYLAW 8163, 2019; 8270, 2021

The ~~Manager, Infrastructure Planning~~ **Senior Manager of Engineering**, Manager, Civic Buildings and Properties, Manager of Transportation or the Manager of Design & Construction, upon appointment as Acting Director may exercise the powers, duties and functions of Council delegated to the Director of Engineering Services under this Bylaw **and the Officers and Indemnity Bylaw 7175, 2007** when the Director of Engineering Services is absent or otherwise unable to act.

- 7. The Approving Officer of the City may exercise all the duties, powers and functions of Council in respect of:
 - (a) accepting, modifying and discharging, in whole or in part, on behalf of the City as grantee, all covenants granted to the City pursuant to s. 219 of the *Land Title Act*, where no obligation, liability, reciprocal covenant or indemnity is incurred, made or granted by the City, and where such s. 219 covenant is required as a condition of approval by the Approving Officer of subdivision of land, or is granted to the City to identify and secure the performance of obligations to construct and complete works and services arising as a condition of subdivision;
 - (b) accepting and modifying, on behalf of the City as grantee, all statutory rights of way granted to the City pursuant to s. 218 of the *Land Title Act* required as a condition of approval of subdivision, or in any circumstances in which an owner of land is required to grant, or has agreed to grant, a statutory right of way to the City;
 - (c) discharging statutory rights of way granted to the City pursuant to s. 218 of the *Land Title Act* where the right of way is no longer required by the City; and

BYLAW 7820, 2016

- (d) entering into and executing, on behalf of the City, works and services agreements pursuant to s. 509(2) of the *Local Government Act*.

BYLAW 8163, 2019

- 8. The Director of Finance may exercise all the duties, powers and functions of Council in respect of:
 - (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels, or for the sale of property except real property, where the contract requires no approval or consent of the electors and the expenditure, if

any, is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000 where the expenditure is budgeted for in the Financial Plan, and without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Finance and Information Technology adhering to the procurement processes endorsed by Council from time to time.

BYLAW 8270, 2021

The **Senior** Manager of Financial Services may exercise the powers, duties and functions delegated to the Director of Finance under this Bylaw **and the Officers and Indemnity Bylaw 7175, 2007** when the Director of Finance is absent or otherwise unable to act.

BYLAW 8270, 2021

9. The Purchasing Manager may exercise the duties and powers of Council in respect of:
- (a) entering into and executing settlement agreements on behalf of the City in respect of insured claims or actions where the City's payment obligation does not exceed \$75,000 in value and the expenditure is budgeted for in the Financial Plan.

BYLAW 8163, 2019

10. The Director of Parks and Recreation may exercise the duties and powers of Council in respect of:

BYLAW 8163, 2019

- (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value upto and including \$75,000, where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000, or such greater limit as may be provided for under section 12(b) of this Bylaw, where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Parks and Recreation adhering to the procurement processes endorsed by Council from time to time;

BYLAW 8163, 2019

- (b) approving cost overruns on capital works construction projects of up to, in total, the greater of \$100,000.00 or 10% of the budget for the project, where the expenditure is can be offset by other forgone projects in the Financial Plan

BYLAW 7820, 2016; 8163, 2109

- (c) entering into and executing licenses for not-for-profit organizations to use or occupy City property and facilities under the administration of the Parks &

Recreation Department, where the term of such agreement is no more than three to five years and the cumulative value of the license over the term of the license does not exceed \$5,000.

The Senior Manager of Recreation Facilities and Programs, Manager, Business Operations, Manager, Parks and Open Space Planning, Design and Construction, Manager, Parks Operations and Services or Manager, Special Projects and Community Partnerships may exercise the powers, duties and functions delegated to the Director of Parks and Recreation under this Bylaw and the Officers and Indemnity Bylaw 7175, 2007 upon appointment as Acting Director when the Director of Parks and Recreation is absent or otherwise unable to act.

11. The Purchasing Manager may exercise the duties and powers of Council in respect of:
 - (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000 where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Purchasing Manager adhering to the procurement processes endorsed by Council from time to time.

12. The Director of Human Resources and Information Technology may exercise the duties and powers of Council in respect of:
 - (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value upto and including \$75,000, where the contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000 where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Director of Human Resources and Information Technology adhering to the procurement processes endorsed by Council from time to time.

The Senior Manager of Human Resources and Information Technology may exercise the powers, duties and functions delegated to the Director of Human Resources and Information Technology under this Bylaw and the Officers and Indemnity Bylaw 7175, 2007 upon appointment as Acting Director when the Director of Human Resources and Information Technology is absent or otherwise unable to act.

13. The Fire Chief may exercise the duties and powers of Council in respect of:
 - (a) entering into and executing contracts on behalf of the City for the purchase of works, services or chattels having a value upto and including \$75,000, where the

contract requires no approval or consent of the electors and the expenditure is budgeted for in the Financial Plan, and approving cost overruns under such a contract of up to \$50,000 where the expenditure is budgeted for in the Financial Plan, and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Fire Chief adhering to the procurement processes endorsed by Council from time to time.

Each of the persons listed in Schedule A to this Bylaw may exercise the duties and powers of Council in respect of entering into and executing amendments, on behalf of the City, to contracts for the construction of capital works, where the amendment does not cause the then anticipated cost of constructing the capital work to exceed the budget established by the City for the capital work and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the delegate adhering to the procurement processes endorsed by Council from time to time.

14. Upon a declaration of a state of local emergency pursuant to Major Emergency Program Bylaw No. 6417, 1997, the Emergency Operations Centre Director may enter into and execute contracts on behalf of the City for the purchase of works, services or chattels where the contract requires no approval or consent of the electors and the expenditure is not budgeted for in the Financial Plan, but is deemed necessary by the Emergency Operations Centre Director in order to protect:

human life, safety, and health,

property;

the environment; or

the economic interests of the City.

and, without limiting the substance of the discretion delegated herein, such discretion as delegated is subject to the Emergency Operations Centre Director adhering to the emergency expenditure procedures set out in the City's procurement policy as endorsed by Council from time to time.

15. **The Assistant City Clerk may exercise the powers, duties and functions delegated to the City Clerk under the Officers Bylaw 7176, 2015 upon appointment as Acting City Clerk when the City Clerk is absent or otherwise unable to act.**

Schedule A
List of Project Managers

BYLAW 8163, 2019; 8344, 2022

Civil and Parks Infrastructure Project Coordinator
Engineering Project Technologist
Infrastructure Engineer
Manager, Business Operations
Manager, Civic Buildings and Properties
Manager, Design and Construction
Manager, Engineering Operations
Manager, Horticulture Services and Parks and Open Space Planning
Manager, Infrastructure Planning
Manager, Major Projects
Manager, Transportation
Parks / Open Space Planner
Project Engineer
Project Manager
Senior Manager of Climate Action, Planning and Development
Utilities and Special Projects Engineer