



**City of Duncan**

**Delegation of Authority  
Bylaw No. 3115, 2014**

**(With Amendments to October 20, 2015)**

**Consolidated 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 of this subject

Bylaw No. 3115.01, 2015 – Adopted October 20, 2015

**CITY OF DUNCAN**

**BYLAW NO. 3115, 2014**

**DELEGATION OF AUTHORITY BYLAW**

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**WHEREAS** Council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to a Council member or Council Committee, an officer or employee of the municipality, or another body established by Council;

**NOW THEREFORE** the Council of the City of Duncan ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as the "Delegation of Authority Bylaw No. 3115, 2014."

2. Definitions:

"Administrative Group"	Means the Chief Administrative Officer (CAO) and the Director of Corporate Services collectively
"Charter"	Means the <i>Community Charter</i>
"City"	Means the City of Duncan
"CAO"	Means the person appointed by Council as the Chief Administrative Officer or his/her Deputy as appointed by Council
"Committee of the Whole"	Means the group of Mayor and six Councillors;
"Director of Corporate Services"	Means the person appointed by Council as the Director of Corporate Services or his/her Deputy as appointed by Council
"Director of Finance"	Means the person appointed by Council as the Director of Finance or his/her Deputy as appointed by Council.
"Director of Public Works"	Means the Director of Public Works as appointed by the CAO

3. Execution of Various Functions, Permits, Agreements and Documents:

3.1 Council hereby delegates to the *Administrative Group* all of the powers, duties, and functions of Council in respect to the approval and execution of the following:

- 3.1.1 Easement agreements
- 3.1.2 Statutory right-of-way agreements
- 3.1.3 Encroachment agreements
- 3.1.4 Covenant Agreements
- 3.1.5 Grant funding agreements that result from Council authorized grant applications

4. Release of Charges:

4.1 Council delegates to the *Director of Corporate Services* the power to release obsolete charges from land titles registered in the Land Title office, upon recommendation of the City's Approving Officer.

4.2 Notwithstanding the delegation in Sections 3 and 4 of this Bylaw, the Mayor shall continue as a City signing authority for the execution of the Land Title Office and other contractual documents referred to in Sections 3 and 4.

5. Purchasing:

5.1 Council hereby delegates to the CAO all of the powers, duties and functions of Council to make agreements respecting the City's activities, works or services, but subject to the limitations on that delegated authority as set out in the City's purchasing policy.

6. Land Use Approval:

6.1 Council hereby delegates to the CAO consideration of the extended opportunities for public consultation for Official Community Plan Bylaw amendments under Section 879 of the *Local Government Act*.

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6.2 Council hereby delegates to the CAO all of the powers, duties and functions of the Council in respect of:

6.2.1 development permits under Section 920 of the *Local Government Act* for subdivisions, changes in colour schemes, signage, and any other developments or exterior renovations that do not exceed \$50,000 in value.

6.2.2 minor revisions to all Development Permits in accordance with the intent of the Development Permit Area Guidelines of the Official Community Plan Bylaw.

6.2.3 notwithstanding Section 6.2.1, development permits for the Natural Environment (DPA 5) AND Hazard Lands (DPA 6) that exceed \$50,000 in value may be authorized by the CAO where no other category of development permit is concurrently required.

6.3 The delegation under Section 6.2 of this Bylaw does not include:

6.3.1 development permits that do not meet the established Official Community Plan Development Permit guidelines or require a variance; and

6.3.2 development permits within a development permit area where a concurrent rezoning and development permit application is required.

6.4 Council hereby delegates the CAO the power to require, under Section 924 of the *Local Government Act*, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the CAO.

6.5 Council hereby delegates to the Approving Officer the power under Section 944 of the *Local Government Act* to exempt parcels to be created by subdivision from the statutory or bylaw minimum frontage on a highway requirement.

6.6 The amount of security to be provided, under Section 925 of the *Local Government Act*, in relation to a development permit issued by the CAO, shall be determined in accordance with the following guidelines:

6.6.1 The minimum amount of security will be equal to the cost, plus a contingency of 25% of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation as determined by a professional landscape architect, a nursery person, a landscape contractor, a habitat biologist, or an acceptable person agreed upon by the CAO.

7. Legal Proceedings:

7.1 Council hereby delegates to the CAO the power to instruct legal counsel to commence or defend any action or proceeding in any court of law, or before any tribunal, arbitrator, or any other person, for or on behalf of the City.

8. Grant, Refuse, Suspend or Cancel a Business Licence:

8.1 Council hereby delegates to the *Director of Finance* the power to grant, refuse, suspend, or cancel a business licence.

9. Municipal Street Use and Traffic Control:

9.1 Council hereby delegates to the CAO or the *Director of Public Works* all of the powers, duties and functions of Council to approve applications for temporary private uses of municipal streets, including, but not limited to, car washes, bottle drives, tag days, parades, walk-a-thons, fundraisers, special events and celebrations, and races.

9.2 Council hereby delegates to the CAO or the *Director of Corporate Services* all of its powers exercisable by permission, by resolution, or by Permit, under the Streets and Parking Regulation Bylaw, as amended from time to time, except for the regulation of speed limits.

9.3. Council hereby delegates to the CAO, *Director of Corporate Services*, or the *Director of Public Works* the authority to control traffic on highways or to temporarily restrict or prohibit all or some types of traffic on a highway, in relation to matters specified in the Streets and Parking Regulation Bylaw, and to order the placing or erection of traffic control devices at such places in order to give effect to the provisions of the Streets and Parking Regulation Bylaw, as amended from time to time, and the *Motor Vehicle Act*.

10. Park Use:

10.1 Council hereby delegates to the CAO all of the powers, duties and functions of Council to approve special events on land reserved, dedicated, or held for park purposes, where such use is consistent with zoning and any restrictions on title, and this power includes that of authorizing banners of various groups to be erected for temporary purposes on the Silver Bridge banner pole.

11. Municipal Sidewalk Use:

11.1 Council hereby delegates to the *CAO* or the *Director of Public Works* all of the powers, duties and functions of Council to approve applications for temporary private uses of municipal sidewalks, including, but not limited to tag days and special events.

12. Municipal Flagpoles:

12.1 Council hereby delegates to the *CAO*, or the *Director of Corporate Services* all of the powers, duties and functions of Council to approve requests for the display of flags from the *City's* flagpoles.

13. Leases and Licences of Occupation:

13.1 Council hereby delegates to the *CAO* or the *Director of Finance* all of the powers, duties, and functions of Council in respect to the approval and execution of the following:

13.1.1 renewals of leases and licences to occupy, provided there are no substantive changes.

14. Riparian Access:

14.1 Council hereby delegates to the *CAO* all the functions and authorities for the administration of the Riparian Areas Regulation under Section 21 of the *Fish Protection Act*.

15. Committee of the Whole:

15.1 Council hereby delegates to the *Committee of the Whole* the authority to give direction to staff on matters being considered on the *Committee of the Whole* agenda.

15.2 Council hereby delegates to the *Committee of the Whole* the authority to issue notice of Council's intention to grant a Development Variance Permit under Section 922 of the *Local Government Act*.

16. Strata Conversions:

16.1 Council delegates to the *CAO* the power to approve strata subdivision conversion applications for two-family residential dwellings that meet the following conditions:

16.1.1 the property must comply with the Zoning Bylaw, or have received a variance from Council or the Board of Variance;

16.1.2 the dwelling must comply with the Building Code as determined by the Chief Building Inspector;

16.1.3 all required servicing upgrades must be completed.

17. Giving Notices:

17.1 Council delegates to the *Director of Finance* or the *Director of Corporate Services* the power to give the following Public Notices:

- i) Notice of Annual Municipal Report and invitation for public input;
- ii) Notice that Council intends to adopt a bylaw to regulate in relation to business and will provide an opportunity for public input;
- iii) Notice that Council intends to dispose of property by sale, lease or right-of-way;
- iv) Notice that Council intends to adopt a Road Closure Bylaw;
- v) Notice of Public Hearings;
- vi) Notice of local area service;
- vii) Notice of parcel tax review panel;
- viii) Community heritage register notice;
- ix) Notice that Council proposed to pass a resolution to issue a Development Variance Permit;
- x) Notice of permissive tax exemptions.

18. Outdoor Burning Ban:

18.1 Council delegates to the Local Assistant to the Fire Commissioner the power to ban some or all types of outdoor burning, in part or all of the *City*, for up to thirty (30) days, if a fire hazard exists.

19. Delegation to Persons Holding Position:

19.1 Where this bylaw 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 the Deputy of that person as designated by Council.

20. No Delegation by a Delegate:

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

21. Reconsideration by Council:

21.1 A person has the right to have the decisions under the following sections be reconsidered by Council as per Section 21.2 of this Bylaw:

Sections 3, 6, 8, 9, 10, 11, 12, 14, 16, & 18

21.2 All of the following apply to any decision that a person has a right to have reconsidered by Council should he or she be dissatisfied with the decision of the delegate:

21.2.1 a person who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the *Director of Corporate*

*Services*, within 30 days after the decision is communicated in writing. A reconsideration request must be in writing and set out the following:

- (i) The name of the delegate who made the decision, the date of the decision and the nature of the decision;
- (ii) Reasons why the reconsideration is being requested;
  
- (iii) A copy of any materials considered to be relevant to the reconsideration by Council.

21.2.2 A reconsideration application must be considered by Council at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the *Director of Corporate Services*.

21.2.3 The person who has made the reconsideration application is entitled to be heard by Council at the meeting the reconsideration is being considered.

21.2.4 After having reconsidered a decision, Council may confirm the delegate's decision, amend the delegate's decision, or may set all or part of the delegate's decision and substitute the decision of Council.

22. Personnel Administration:

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22.1 Council delegates to the Chief Administrative Officer the authority to appoint, promote, discipline and dismiss its employees, subject to a contract of employment or a collective agreement. This authority excludes dismissal of Officers, pursuant to section 152 of the *Community Charter*.

23. Severability:

23.1 If any portion of the bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion is to be severed and the remainder is to remain valid.

24. Repeal:

"Delegation Bylaw No. 2040, 2007", as amended, is repealed.

PASSED FIRST READING 2014-MAR-17  
PASSED SECOND READING 2014-MAR-17  
PASSED THIRD READING 2014-MAR-17  
ADOPTED 2014-APRIL-22

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Phil Kent, Mayor

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Karen Robertson,  
Director of Corporate Services