



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3628

*A Bylaw to Establish the Officer Positions of the
City of Port Coquitlam and to Delegate Certain Powers*

WHEREAS Section 146 of the Community Charter requires Council, by bylaw, to establish certain officer positions and empowers Council, by bylaw, to establish other officer positions;

AND WHEREAS Section 154 of the Community Charter empowers Council, by bylaw, to delegate its powers, duties and functions, including those specifically established by an enactment, to its Council members, Council committees, officers, employees or another body established by the Council;

NOW THEREFORE the Council of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

CITATION

- 1.*** This Bylaw may be cited for all purposes as the “Officer Establishment and Delegation of Powers Bylaw, 2008, No. 3628”.

PART ONE – OFFICER POSITIONS

- 2.*** Pursuant to Section 147 of the *Community Charter*, Council hereby establishes the officer position of Chief Administrative Officer.
- 3.*** Pursuant to Section 148 of the *Community Charter*, Council hereby establishes the officer position of Corporate Officer.
- 4.*** Pursuant to Section 149 of the *Community Charter*, Council hereby establishes the officer position of Financial Officer.
- 5.*** Pursuant to Section 146 of the *Community Charter*, Council hereby establishes the following Officer positions:
 - i.*** Director of Legislative and Administrative Services;
 - ii.*** Assistant Corporate Officer;

- iii. Director of Corporate Services;
- iv. Deputy City Treasurer;
- v. Purchasing Manager;
- vi. Budget Officer;
- vii. Financial Systems Officer;
- viii. Manager, Bylaw and Licencing Services;
- ix. Manager, Information Systems;
- x. Manager, Revenue and Collections;
- xi. Director of Development Services;
- xii. Manager, Planning;
- xiii. Manager, Building and Inspections;
- xiv. Director of Engineering and Operations;
- xv. Manager, Engineering and Land Development;
- xvi. Manager, Engineering Projects and Budgets;
- xvii. Manager, Environmental Services;
- xviii. Manager, Transportation;
- xix. Manager, Special Projects;
- xx. Customer Service Manager;
- xxi. Operations Manager;
- xxii. Section Managers;
- xxiii. Director of Parks and Recreation;
- xxiv. Deputy Director of Parks and Recreation;
- xxv. Manager, Parks, Planning and Design;
- xxvi. Manager, Parks and Services;
- xxvii. Area Recreation Managers;
- xxviii. Fire Chief;
- xxix. Deputy Fire Chiefs;
- xxx. Manager, Human Resources;
- xxxi. Labour Relations Advisor.

PART TWO – DELEGATION OF COUNCIL AUTHORITY

DELEGATION OF POWER TO HIRE OR SUSPEND OFFICERS

6. a) Council hereby delegates to the Chief Administrative Officer the power to hire or suspend an officer of the City and the power to appoint a person to fill an officer position. The Chief Administrative Officer must report the suspension to Council at its next meeting for consideration.
- b) Employees who are not officers can be hired, fired or suspended by their supervisors, Managers and/or Directors.

APPOINTMENT OF APPROVING OFFICER AND CONSERVATION OFFICER

7. a) Pursuant to Section 77 of the *Land Title Act*, Council hereby appoints the Director of Engineering and Operations as the Approving Officer for the City and hereby appoints the Manager of Engineering and Land Development as the Deputy Approving Officer for the City.
- b) Pursuant to Section 26 of the *Agricultural Land Commission Act* and Regulations, Council hereby appoints the Director of Engineering and Operations as the Conservation Officer for the City and hereby appoints the Manager of Engineering and Land Development as the Deputy Conservation Officer for the City.

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

- 8.1 Council may, by resolution, appoint a municipal officer or employee to the position of Bylaw Enforcement Officer.
- 8.2 Council may, by resolution, rescind an appointment to the position of Bylaw Enforcement Officer.
- 8.3 Council may, by resolution, appoint a municipal officer, employee, or agent to exercise a specific authority under this Bylaw, and may provide for the rescission of such appointment.
- 8.4 A municipal officer or employee who is appointed to the position of Bylaw Enforcement Officer may exercise the following powers on behalf of the City:
 - a) enforcement of the City’s regulatory bylaws and related policies;
 - b) entry onto or into private premises to verify compliance with the Council’s regulations, prohibitions or requirements pursuant to section 16 of the *Community Charter*;
 - c) the service of summons pursuant to section 28 of the *Offence Act*;
 - d) for certainty, the issuance of Municipal Ticket Information as provided by the Ticket Information Utilization Bylaw No. 2743.

8.5 Any person who hinders, delays, prevents or obstructs a Bylaw Enforcement Officer, or a person appointed pursuant to Section 8.3 of this Bylaw, in the execution of his or her duties commits an offence and is liable on summary conviction to the penalties prescribed in the *Offence Act*.

DELEGATION OF NOTICE PUBLICATIONS

9. Council hereby delegates to the Corporate Officer the power to publish newspaper notices required under the *Local Government Act* and the *Community Charter*.

DELEGATION OF PURCHASING POWER

10. Council hereby delegates the authority to enter into contracts to Department Heads subject to the City’s purchasing policy as adopted by Council and amended from time to time.

11. As a limitation on Section 10 of this Bylaw, no person listed may enter into an agreement which extends beyond 5 years (including by exercising rights of renewal or extension).

DELEGATION OF SUBDIVISION DEVELOPMENT AGREEMENTS

12. Council hereby delegates to the Director of Engineering and Operations the power to enter into and deliver on behalf of the City, the following agreements related to the development of land in circumstances where there is a related subdivision:

- a) statutory rights of way for municipal services;
- b) easement for the benefit of or burdening City property; and in the latter case pursuant to notice in accordance with Section 26 of the *Community Charter*,
- c) encroachment agreements;
- d) highway reservation agreements;
- e) *Land Title Act*, Section 219 covenants;
- f) subdivision and development servicing agreements;
- g) latecomer charge waiver agreements;
- h) releases and modifications of agreements listed above.

DELEGATION OF STRATA CONVERSION APPROVALS

13. Council hereby delegates to the Director of Development Services the exercise of all of its powers and the performance of all of its duties as the Approving Authority under Section 242 of the British Columbia *Strata Property Act* to approve the conversion into strata lots of previously occupied apartment buildings.

DELEGATION OF LAND DEVELOPMENT AGREEMENTS

- 14.** Council hereby delegates to the Director of Development Services the power to enter into and deliver on behalf of the City, *Land Title Act* Section 219 covenants relating to the development of land in circumstances where there is no related subdivision (including releases and modifications of such covenants).

DELEGATION OF LAND USE APPROVALS (Section 14 – 39)

- 15.** Council hereby delegates to the Smart Growth Committee the authority:
- a) to issue development permits under Section 920 of the *Local Government Act*; and
 - b) to issue and renew temporary commercial and industrial permits under Section 921 of the *Local Government Act* in areas of the City designated under Section 920.2 for such temporary uses.
 - c) as Signing authority for these agreements is delegated to the Director of Development Services.
- 15.1** Council hereby delegates to the Director of Development Services the authority to issue Development Permits (Small Lot) under Section 920 of the *Local Government Act* where the developments are:
- a) for new single residential buildings in the RS4 zone,
 - b) designed in accordance with the Intensive Residential Guidelines for Small Lots of the Official Community Plan, and
 - c) in compliance with the regulations of the Zoning Bylaw.
- 15.2** Council hereby delegates to the Director of Development Services the authority to require a landscape security in relation to Development Permits (Small Lot).
- 15.3** Council hereby delegates to the Director of Development Services the authority to issue Development Permits (Green Roof) under Section 920 of the *Local Government Act*.
- 15.4** Council hereby delegates to the Director of Development Services the authority to require a landscape security in relation to Development Permits (Green Roof).
- 15.5** Council hereby delegates to the Director of Development Services the authority to issue an amendment providing for a minor alteration or change which would not change the intent of the design or vary any bylaw to an approved Development Permit or Watercourse Development Permit.

- 15.6** Council hereby delegates to the Director of Development Services the authority to extend the date of expiry of an approved Development Permit or Watercourse Development Permit where, in the sole opinion of the Director of Development Services, no circumstances have arisen to require an amendment or reconsideration of the Permit.

PART THREE - OFFICIAL COMMUNITY PLAN GUIDELINES

- 16.** In exercising the powers delegated by Section 15 of this Bylaw, the Smart Growth Committee shall do so in accordance with the relevant guidelines and the Official Community Plan and Zoning Bylaw.

VARIANCES

- 17.** For clarification, the delegation to the Smart Growth Committee of the power to issue development permits within the scope of this Bylaw includes all the powers of Council in relation to those development permits, including the power to vary or supplement a bylaw under Division 7 or 11 of Part 26 of the *Local Government Act* and the power to impose conditions and requirements and set standards on the issuance of a development permit.

TEMPORARY USE CONDITIONS

- 18.** For clarification, the delegation to the Smart Growth Committee of the power to issue temporary use permits within the scope of this Bylaw includes the power to establish a permit expiry date, impose conditions, require undertakings, determine if an undertaking has been breached and enter on the land and carry out the demolition, removal or restoration at the expense of the owner, give and publish notices, and hear objections.

SECURITY

- 19.** Council hereby delegates to the Smart Growth Committee the authority to require security in relation to development permits and temporary use permits issued, provided that:
- a) Security for landscaping approved by a Development Permit shall be in the form of an irrevocable Letter of Credit or cash from a financial institution acceptable to the Financial Officer and shall be in the form prescribed and attached as Schedule J of the Development Management Bylaw.
 - b) The Letter of Credit amount shall be established at 110% of the value of the landscaping work approved as determined by a registered British Columbia Landscape Architect.
 - c) Notwithstanding Section 19 (b), where a phased strata development is the subject of the Development Permit, the landscaping security may be set at 110% of the value of Phase 1 landscaping or \$35,000.00 which ever is greater.

- d) Where landscaping security is provided phase by phase, the Letter of Credit for the completed phase may be extended to the next phase, but at no time shall the Letter of Credit represent less than 110% of the phase to be constructed or \$35,000.00 which ever is greater.

DETERMINE CONDITION

- 20. Council further delegates to the Smart Growth Committee the authority to determine if a condition in a permit respecting landscaping has not been satisfied and the Smart Growth Committee may then undertake the work, apply the security and otherwise administer the security pursuant to Section 925 of the *Local Government Act*.

PERMIT ISSUANCE, AMENDMENT AND CANCELLATION

- 21. Council hereby delegates to the Smart Growth Committee not only the authority to issue development permits and temporary use permits, but also to amend those permits and to cancel permits issued by it and to take such action as would be within the authority of Council if an owner fails to comply with a term or condition of a permit.

LAND TITLE OFFICE FILING

- 22. Council hereby delegates to the Director of Development Services filing in the Land Title Office of notices of development permits and temporary use permits issued pursuant to this Bylaw.

NOTIFICATION OF DECISION

- 23. The Smart Growth Committee must send a notice of its decision in writing to the registered owner of the property who applied for the development permit or the temporary use permit or to the agent who applied for the permit on the owner's behalf.

DEEMED RECEIPT OF NOTICE

- 24. The notice will be deemed to have been received by the owner, or their agent, six days after the notice is mailed at any post office box in Port Coquitlam.

RECONSIDERATION BY COUNCIL

- 25. Any decision by the Smart Growth Committee to issue, with conditions or to refuse to issue a development permit or a temporary use permit pursuant to this Bylaw may be reconsidered by Council pursuant to the procedures in this Bylaw.

ENTITLEMENT OF OWNER

- 26. The registered owner of property who applied for a development permit or a temporary use permit, or on whose behalf an application was submitted, is entitled to have the decision of the Smart Growth Committee reconsidered by Council in accordance with this Bylaw.

APPLICATION FOR RECONSIDERATION

27. That owner must apply for the reconsideration by delivering to the Corporate Officer, and providing a copy to the Smart Growth Committee, within 15 days after the decision of the Smart Growth Committee 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 Smart Growth Committee 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 he considers to be relevant to the reconsideration by Council.

TIMING OF RECONSIDERATION

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

NOTICE TO OTHERS

29. The Corporate Officer must give notice of each reconsideration by Council in accordance with any notice requirements applicable to the original application that are set out in the City of Port Coquitlam Development Management Bylaw No. 2242 or in an applicable statute.

INFORMATION TO COUNCIL

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

INFORMATION TO OWNER

31. The owner is entitled to receive before the reconsideration a copy of all documents, which Council will consider, including any additional materials submitted to Council by the Smart Growth Committee and by other persons.

INFORMATION THAT MAY BE CONSIDERED

32. In reconsidering a decision, the Council may consider the material that was considered by the Smart Growth Committee in making the decision and any further materials delivered by the owner or by the Smart Growth Committee 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

33. 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.
34. At reconsideration, the Smart Growth Committee may address Council or respond to its questions.
35. No person shall be permitted to address Council for more than 15 minutes with respect to the matter, unless Council otherwise permits.

ADJOURNMENT

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

COUNCIL DECISION

37. After having reconsidered a decision, Council may either confirm the decision of the Smart Growth Committee or may vary the decision or set aside the decision and substitute the decision of Council.

NOTICE OF COUNCIL'S DECISION

38. The owner who applied for reconsideration will be entitled to receive 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 Port Coquitlam.

NO FURTHER RECONSIDERATION

39. If a decision has been reconsidered by Council pursuant to Section 25 of this Bylaw, no application or reapplication for a permit for the same or substantially the same terms and conditions of development may be made for a period of six months without a two-thirds vote of Council pursuant to Development Procedures Bylaw as amended from time to time.

TRANSITION

40. This Bylaw does not apply to any development permit or temporary use permit for which an application was submitted before adoption of this Bylaw. This Bylaw applies only to development permits and temporary use permits for which an application is submitted after adoption of this Bylaw.

**DELEGATION OF AGREEMENTS
RELATING TO PARTNERSHIP AND SERVICE AGREEMENTS**

41. Council hereby delegates to the Healthy Community Committee the power to enter into, and deliver on behalf of the City, partnership and service agreements relating to recreation, parks, cultural, special events, and Library Services subject to the City's purchasing policy as amended from time to time. Signing authority for these agreements is delegated to the Director of Parks and Recreation.
42. Council hereby delegates to Finance and Intergovernmental Committee the power to enter into, and deliver on behalf of the City, partnership and service agreements relating to Animal Control. Signing authority for these agreements is delegated to the Financial Officer.

RENTAL FEE WAIVER

43. Council hereby delegates to the Finance and Intergovernmental Committee the power to waive rental fees.

DECLINING TO EXERCISE DELEGATED POWER

44. The Smart Growth Committee, the Director of Development Services and the Director of Engineering and Operations may decide, in their sole discretion, not to exercise their delegated authority under this Bylaw where they consider that, for reasons of complexity, visibility or any other circumstance, the agreement or permit ought to be considered by Council and where they make that determination, the owner must follow all applicable City procedures, including the procedures to apply to Council for issuance of permits. These decisions by the Smart Growth Committee, the Director of Development Services and the Director of Engineering and Operations are not open for reconsideration by Council.

LIMITATION ON DELEGATION

45. For clarity, unless a power, duty or function of Council has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of Council remain with Council.
46. Any delegated authority to a Committee can be referred to the Financial and Intergovernmental Committee for full Council consideration, if two members of Council provide such written request to the Corporate Officer prior to a decision being made by said committee.

DELEGATION TO PERSONS HOLDING POSITION

47. Where this Bylaw delegates a power, the delegation is to the person or Committee who from time to time holds that position (including where Council changes the title of that position or committee).

NO FURTHER DELEGATION

48. A person or Committee to whom a power, duty or function has been delegated under this Bylaw may not delegate to another person or Committee any power, duty or function that has been delegated by this Bylaw.

SIGNING AUTHORIZATION

49. Notwithstanding any provision of this Bylaw, any contract, agreement, debenture, plan or other document or instrument to be executed or approved on behalf of the City shall be executed by the Mayor and the Corporate Officer.

REPEAL

- 50. a) City of Port Coquitlam Assignment of Duties Bylaw, 1972, No. 1184, and all amendments thereto, are hereby repealed.
- b) The Corporation of the City of Port Coquitlam’s Delegation of Powers to the Public Works Committee Bylaw, 1992, No. 2696, and all amendments thereto are hereby repealed.

Read a first time for the Municipal Council this 28th day of April, 2008.

Read a second time for the Municipal Council this 28th day of April, 2008.

Read a third time for the Municipal Council this 28th day of April, 2008.

Reconsidered, finally passed and adopted by the Municipal Council of The Corporation of the City of Port Coquitlam, this 12th day of May, 2008.

S. W. YOUNG

Mayor

C. DEAKIN

Assistant to the Corporate Officer

Record of Amendments

<u>Bylaw No.</u>	<u>Amendments</u>	<u>Date</u>
3660	Changed Community Economic Development Committee to “Smart Growth Committee” and changed Parks and Recreation Committee to “Healthy Community Committee”	2008 12 15
3669	Part One – Officer Positions, Clause 5	2009 03 23
3722	Added a new Section 8 and renumbered	2010 02 08
3743	Added clauses 15.5 and 15.6, amended Sec 18	2010 10 25