



City of Richmond

Report to Committee

To: General Purposes Committee
From: David Weber
Director, City Clerk's Office
Re: Officer and General Manager Bylaw No. 8215

To General Purposes - Mar 19, 2007
Date: March 6, 2007
File: 12-8060-20-8215/Vol 01

Staff Recommendation

That Officer and General Manager Bylaw No. 8215, which introduces housekeeping changes and provides authority to staff to execute routine agreements and other documents necessary to implement Council decisions, be introduced and given first, second and third readings.

David Weber
Director, City Clerk's Office
(4098)

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	 Mark Cohen Acting GM	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

In order to stream-line the implementation of Council decisions, greater clarity with regard to staff signing authority is being recommended.

Analysis

Execution of agreements and other documents

In order to meet a heightened standard of due diligence with regard to the execution of agreements and other documents necessary for the implementation of Council-approved programs, services or directives, staff have been routinely seeking additional Council authority for the execution of agreements and documents anticipated by various recommendations that have been submitted to Council for consideration.

Recently, for example, with regard to the Countdown to 2010 Community Celebration, an additional resolution was adopted authorizing staff to take all necessary steps to arrange for the staging and presentation of the Countdown Celebration as well as authorizing staff to execute any necessary documents and agreements. In another recent example relating to the use of Debeck House by the Richmond Family Place Society, a resolution was adopted to authorize staff to execute agreements contemplated by the recommendations as well as such other documentation including plans as are necessary to ensure compliance with the recommendations. There are a fair number of similar examples from 2006 and 2007 and it is anticipated that the inclusion of such recommendations will need to become routine in order to meet this heightened level of due diligence.

Staff wish to ensure that proper authority has been granted to allow staff to execute routine agreements and documents in implementing Council-approved actions. One way to meet this heightened standard of due diligence is to include this type of recommendation routinely as part of each such report that goes forward to Committee and Council as has been done more recently. However, a more efficient way would be to simply amend the Officer and General Manager Bylaw to clarify that the CAO and the General Managers are indeed authorized to execute routine agreements and documents that are required in order to carry out activities approved by Council resolution.

Granting this authority generally by bylaw would have the added advantage of assisting in various instances where authority for the execution of agreements and related documents may not have been obtained at the time of Council consideration, but where it is later required or desirable in order to promptly implement Council decisions. In instances where time is of the essence, having this standing authority available by bylaw would be essential to avoid unnecessary delays or to meet critical deadlines. Such an example occurred earlier this year when the City received very short notice that an energy management program grant for over \$109,000 was approved and available to the City. Even though Council had approved the appropriate amendment to the Capital Budget, there remained an outstanding question concerning the authority to execute the necessary documentation. Fortunately, in the end, the question was resolved within the required timeframe and the grant was not jeopardized.

However, it is possible that opportunities such as this could be at risk if staff are not equipped with the appropriate tools to act quickly to implement Council decisions where circumstances require timely action.

Provision of statutory notice

Similar clarity is being sought with regard to staff authority to provide statutory notice under the Community Charter, Local Government Act and other legislation. The notice requirement usually requires a *council* to provide notice and in order for staff to provide notice with clear council authority, standard recommendations delegating this authority are also being added to various resolutions in order to meet the heightened standard of due diligence. Recently, for example, in addition to recommending bylaw readings for road closure and removal of highway dedication bylaws, staff have also sought authority to take all necessary steps as required by the Community Charter to give public notice, to provide an opportunity to make representations and to give notice to utility companies regarding the bylaws. Similar authority has been sought in relation to other Council-approved real estate transactions. Again, such notice is required by law in order to bring the bylaw duly into effect and rather than seeking authority to carry out the statutorily-required notice each and every time such a report goes forward, it would be more efficient and clear to simply delegate this authority to staff by bylaw.

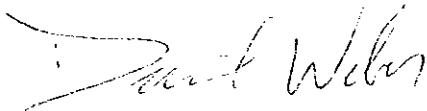
The specific proposed changes to the Officer and General Manager Bylaw are outlined in Attachment I.

Financial Impact

None.

Conclusion

The attached bylaw will provide the CAO and the General Managers with clear authority to execute necessary agreements and documents as they apply their existing delegated spending authority and as they implement Council-approved programs, services or directives. The bylaw will also provide authority to staff to issue statutorily-required notices. The overall effect of this change is that certain recommendations coming forward for Council consideration will be simplified and the implementation of Council's decisions after the fact will be stream-lined.



David Weber
Director, City Clerk's Office
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Specific Amendments to Officer and General Manager Bylaw

Powers, Duties and Functions of CAO	
<p><u>current clause</u></p> <p>1.3.1.1 (c) responsibility for authorizing the execution of agreements and licences of occupation, or other legal instruments, with regard to the use of city-owned property, but excluding those which, statutorily, must be executed by Council</p> <p><u>proposed amendment</u></p> <p>1.3.1.1 (c) <u>authority to execute agreements and licences of occupation, or other legal instruments, with regard to the use of city-owned property, except where the instrument</u></p> <p style="padding-left: 20px;">(i) <u>would result in a disposal of land or an interest in land; or</u></p> <p style="padding-left: 20px;">(ii) <u>is required by an enactment to be adopted by Council;</u></p>	<p><u>reason for amendment:</u></p> <ul style="list-style-type: none"> • A housekeeping change to update and standardize wording; • additional language is included to clarify that the delegated authority is in relation to the <i>use</i> of city-owned land as opposed to land disposition
<p><u>current clause</u></p> <p>1.3.1.1 (f) authority, together with the General Manager, Business and Financial Services, or in the absence of the General Manager, Business and Financial Services, any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the City, provided that the corporate policies and procedures with regard to the administration of bids have been followed</p> <p><u>proposed amendment</u></p> <p>1.3.1.1 (f) authority, together with the General Manager, Business and Financial Services, or in the absence of the General Manager, Business and Financial Services, any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the City, <u>and to execute agreements and legal instruments with respect thereto, in accordance with the annual budget and any applicable policies and procedures adopted by Council.</u></p>	<p><u>reason for amendment:</u></p> <ul style="list-style-type: none"> • additional language is included to authorize the CAO to execute agreements within established spending authority; • a housekeeping change to standardize bylaw language in relation to <i>due diligence limitations</i> (ie: in accordance with annual budget, policies and procedures).
<p><u>new clause</u></p> <p>1.3.1.1 (i) <u>the authority to execute any agreements or legal instruments necessary to implement Council-approved programs, services or directives</u></p> <p style="padding-left: 20px;">(i) <u>within authorized spending limits for the Chief Administrative Officer, or</u></p> <p style="padding-left: 20px;">(ii) <u>in accordance with funding limits specifically approved by Council.</u></p>	<p><u>reason for amendment:</u></p> <ul style="list-style-type: none"> • additional language is included to authorize the CAO to execute agreements in relation to Council decisions and within established spending authority.
Powers, Duties and Functions of GM, Business and Financial Services	
<p><u>current clause</u></p> <p>1.3.2.1 (c) the authority together with any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the City, provided that the corporate policies and procedures with regard to the administration of such bids have been followed</p> <p><u>proposed amendment</u></p> <p>1.3.1.1 (f) the authority together with any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the City, <u>and to execute agreements and legal instruments with respect thereto, in accordance with the annual budget and any applicable policies and procedures adopted by Council.</u></p>	<p><u>reason for amendment:</u></p> <ul style="list-style-type: none"> • additional language is included to authorize the GM, Business and Financial Services, to execute agreements within established spending authority; • a housekeeping change to standardize bylaw language in relation to <i>due diligence limitations</i> (ie: in accordance with annual budget, policies and procedures).

Powers Duties and Functions of Director, City Clerk's Office	
<u>new clause</u> 1.3.3.1 (e) <u>the authority to provide a notice required by statute or other law in relation to a bylaw or to an action, decision or other matter.</u>	<u>reason for amendment:</u> <ul style="list-style-type: none"> • additional language is included to provide clear authority in relation to required notices.
Powers Duties and Functions of General Managers	
<u>current clause</u> 2.2.1 (b) the authority to award bids or authorize spending up to \$100,000 on behalf of the City, provided that the corporate policies and procedures with regard to the administration of bids have been followed; <u>proposed amendment</u> 2.2.1 (b) the authority to award bids or authorize spending up to \$100,000 on behalf of the City, <u>and to execute agreements or legal instruments with respect thereto, in accordance with the annual budget and any applicable policies and procedures adopted by Council;</u>	<u>reason for amendment:</u> <ul style="list-style-type: none"> • additional language is included to authorize the General Managers to execute agreements within established spending authority; • a housekeeping change to standardize bylaw language in relation to <i>due diligence limitations</i> (ie: in accordance with annual budget, policies and procedures).
<u>new clause</u> 2.2.1 (g) <u>within the area of responsibility assigned to the position of the General Manager, the authority to execute any agreements or legal instruments necessary to implement Council-approved programs, services or directives</u> (i) <u>within authorized spending limits established for the General Manager, or</u> (ii) <u>in accordance with funding limits specifically approved by Council, but excluding agreements to acquire or dispose of an interest in land; and</u>	<u>reason for amendment:</u> <ul style="list-style-type: none"> • additional language is included to authorize the General Managers to execute agreements in relation to Council decisions and within established spending authority.
<u>new clause</u> 2.2.1 (h) <u>the authority to provide a notice required by statute or other law in relation to a bylaw or to an action, decision or other matter.</u>	<u>reason for amendment:</u> <ul style="list-style-type: none"> • additional language is included to provide clear authority in relation to required notices.



CITY OF RICHMOND

OFFICER AND GENERAL MANAGER

BYLAW NO. 8215

EFFECTIVE DATE – _____

CITY OF RICHMOND
OFFICER AND GENERAL MANAGER
BYLAW NO. 8215
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Officer and General Manager Bylaw No. 8215

The Council of the City of Richmond enacts as follows:

PART ONE: CITY OFFICERS

1.1 Establishment of City Officers

- 1.1.1 Council declares that the persons holding the following positions are Officers of the City, under Section 146 of the *Community Charter*;
- (a) Chief Administrative Officer;
 - (b) General Manager, Business and Financial Services; and,
 - (c) Director, City Clerk's Office.

1.2 Appointment of City Officers

- 1.2.1 On the recommendation of the Chief Administrative Officer, Council may appoint persons to the positions of (i) General Manager, Business and Financial Services, and (ii) Director, City Clerk's Office.

1.3 Powers, Duties And Functions Of City Officers

1.3.1 Chief Administrative Officer

1.3.1.1 The Chief Administrative Officer is assigned:

- (a) the chief administrative responsibility for the City and the statutory powers, duties and functions specified in Section 147 of the *Community Charter*;
- (b) responsibility for the administration of exempt staff compensation within the corporate policies and budget established by Council;
- (c) authority to execute agreements and licences of occupation, or other legal instruments, with regard to the use of city-owned property, except where the instrument
 - (i) would result in a disposal of land or an interest in land; or
 - (ii) is required by an enactment to be adopted by Council;
- (d) authority together with the General Manager Engineering and Public Works to direct City forces to undertake capital funded infrastructure installations when all the following conditions are met:

- (i) the decision is cost effective for the **City**;
 - (ii) staff have the skills to carry out the work;
 - (iii) **Council** has approved the funding for the project; and
 - (iv) the manpower capacity is available to complete the project within the time frame.
- (e) authority, together with the applicable Department General Manager to award construction contracts to the lowest qualified bidder when the following conditions are met:
 - (i) the contract has been publicly tendered;
 - (ii) the contract amount is within the budget approved by **Council** for the project.
- (f) authority, together with the **General Manager, Business and Financial Services**, or in the absence of the **General Manager, Business and Financial Services**, any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the **City**, and to execute agreements and legal instruments with respect thereto, in accordance with the annual budget and any applicable policies and procedures adopted by **Council**,
- (g) authority to terminate any employee other than the **General Manager, Business and Financial Services** or the **Director, City Clerk's Office**;
- (h) authority to perform the duties and functions of the other Officers of the **City** in their absence; and
- (i) the authority to execute any agreements or legal instruments necessary to implement **Council**-approved programs, services or directives:
 - (i) within authorized spending limits for the **Chief Administrative Officer**, or
 - (ii) in accordance with funding limits specifically approved by **Council**,

but excluding agreements to acquire or dispose of an interest in land.

1.3.2 **General Manager, Business and Financial Services**

1.3.2.1 In addition to the powers, duties and functions assigned to all General Managers in accordance with section 2.2, the **General Manager, Business and Financial Services** is assigned the following powers, duties and functions:

- (a) the responsibility of financial administration for the **City**, which includes the statutory powers, duties and functions specified in Section 149 of the *Community Charter*;
- (b) collector of taxes for the **City**; and
- (c) the authority together with any General Manager, to award bids or authorize spending between \$100,001 and \$500,000 on behalf of the **City**, and to execute agreements and legal instruments with respect

thereto, in accordance with the annual budget and any applicable policies and procedures adopted by **Council**.

1.3.3 Director, City Clerk's Office

1.3.3.1 The **Director, City Clerk's Office** is assigned the following powers, duties and functions:

- (a) responsibility of corporate administration for the **City**, which includes the statutory powers, duties and functions specified in Section 148 of the *Community Charter*;
- (b) the overall management of the operation of the City Clerk's Office;
- (c) the administration of civic elections as the Chief Election Officer;
- (d) the "head" for the purposes of the *Freedom of Information & Protection of Privacy Act*; and
- (e) the authority to provide a notice required by statute or other law in relation to a bylaw or to an action, decision or other matter.

1.4 Termination of City Officers

- 1.4.1 Unless otherwise provided in a contract of employment, the employment of an Officer may be terminated:
- (a) on reasonable notice, if the termination is approved by an affirmative vote of at least two-thirds of all members of **Council**; or
 - (b) without notice, for cause, if the termination is approved by a majority of the votes cast.

PART TWO: GENERAL MANAGERS

2.1 Appointment of General Managers

- 2.1.1 On the recommendation of the **Chief Administrative Officer**, **Council** may appoint a person to a General Manager position.

2.2 Powers, Duties and Functions of General Managers

2.2.1 Each General Manager is assigned the following powers, duties and functions:

- (a) the overall management of the operation of their respective corporate departments, including the appointment and termination of any employee, except an Officer, within their department;

- (b) the authority to award bids or authorize spending up to \$100,000 on behalf of the **City**, and to execute agreements or legal instruments with respect thereto, in accordance with the annual budget and any applicable policies and procedures adopted by **Council**;
- (c) the power to delegate spending authority and award contracts to department staff in performing their work.
- (d) the powers, duties and functions of the **Chief Administrative Officer**, where such General Manager has been appointed as the Acting Chief Administrative Officer by the **Chief Administrative Officer**, in his absence;
- (e) the authority to serve as “department heads” for the purposes of hearing grievances, as specified in the CUPE Collective Agreements, on the understanding that if another officer or employee within the same corporate department is designated as a “department head” that officer or employee may hear the grievance;
- (f) the power to appoint an Acting General Manager in the General Manager’s absence;
- (g) within the area of responsibility assigned to the position of the General Manager, the authority to execute any agreements or legal instruments necessary to implement **Council**-approved programs, services or directives:
 - (i) within authorized spending limits established for the General Manager, or
 - (ii) in accordance with funding limits specifically approved by **Council**, but excluding agreements to acquire or dispose of an interest in land; and
- (h) the authority to provide notice required by statute or other law in relation to a bylaw or to an action, decision or other matter.

PART THREE: INTERPRETATION

3.1 In this bylaw, unless the context otherwise requires:

CHIEF ADMINISTRATIVE OFFICER	means the person appointed by Council to the position of Chief Administrative Officer, who has been assigned the chief administrative responsibility of the City , which includes the powers, duties and functions specified in Section 147 of the <i>Community Charter</i> .
CITY	means the City of Richmond.
COUNCIL	means the Council of the City .

**DIRECTOR, CITY CLERK'S
OFFICE**

means:

- (a) the Corporate Officer appointed by **Council** and assigned responsibility for corporate administration of the City under Section 148 of the *Community Charter*; and
- (b) City Clerk for the purposes of all other City bylaws.

**GENERAL MANAGER,
ENGINEERING & PUBLIC
WORKS**

means the person appointed by **Council** to the position of General Manager, Engineering & Public Works.

**GENERAL MANAGER,
BUSINESS AND FINANCIAL
SERVICES**

means the person appointed by **Council** to the position of General Manager, Business and Financial Services, which includes the powers, duties and functions specified in Section 149 of the *Community Charter*.

PART FOUR: PREVIOUS BYLAW REPEAL

4.1 Officer and General Manager Bylaw No. 8062 (adopted on May 23, 2006), is repealed.

PART FIVE: SEVERABILITY AND CITATION

5.1 If any section, sub-section, paragraph, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

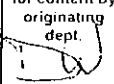

5.2 This Bylaw is cited as "**Officer And General Manager Bylaw No. 8215**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND APPROVED for content by originating dept.  APPROVED for legality by Solicitor 

MAYOR_____
CORPORATE OFFICER