

RE: AUTHORITY FOR THE EXECUTION OF DOCUMENTS IN 1983

The Municipality is frequently involved with routine transactions which, when concluded, are finalized by the execution of a document. In years past, Council has annually given staff authority to execute these documents without the express approval of Council in each specific instance. This approach eliminates the need for a considerable number of individual reports and allows transactions of a relatively inconsequential nature to be consummated efficiently and at a minimal administrative expense.

The eleven resolutions in this report are exactly the same as the ones that Council approved last year.

Following is the recommendation that Council is now requested to adopt. (Background information on each item is attached on pages 103 to 106).

MUNICIPAL MANAGER'S RECOMMENDATION:

THAT Council approve each of the following eleven resolutions:

1. Acquisition of Easements and Rights-of-Way

"The Municipal Council does hereby authorize the acquisition in 1983 of all easements and rights-of-way required for municipal purposes, and the payment of compensation therefore not to exceed \$1,500 in each case";

2. Release, Discharge and Cancellation of Easements and Ancillary Rights

"The Municipal Council does hereby authorize the execution of all documents in 1983 that pertain to the release or discharge of easements and cancellation of ancillary rights where, in the opinion of the Director Engineering, such rights are no longer required";

3. Right-of-Way Encroachment and Pole Anchor Agreements

"The Municipal Council does hereby authorize the Municipal Clerk in 1983 to execute documents on behalf of the Corporation, and the Director Engineering to sign letters, without reference to Council, on:

- i) Encroachment of easements and road allowances
- ii) Reduction of easement width
- iii) Granting of pole anchor easements to public utilities companies";

4. Covenants

"The Municipal Council does hereby authorize the Municipal Clerk, pursuant to Section 215 of the Land Title Act, to execute documents on behalf of the Corporation without reference to Council, pertaining to the following covenants, for 1983:

i) Limitation of building elevations due to:

- Sewer Depth
- Topography
- Access
- Land subject to flooding

ii) Vehicular access restriction

iii) Landscape buffer

iv) Rear Yard setback

v) Side Yard setback"

5. Truncations

"The Municipal Council does hereby authorize the acquisition in 1983 of all truncations required for municipal purposes and the payment of compensation not exceeding \$1,500 in each case, with the understanding that such cost in each case may include the restoration and/or relocation of plant material";

6. Covenants/Limitations on the Occupancy of Single and Two-Family Dwellings 102

"The Municipal Council does hereby authorize the Municipal Clerk in 1983 to execute on behalf of the Corporation those covenants that involve limitations on the occupancy of single-family and two-family dwellings, pursuant to Section 215 of the Land Title Act";

7. Discharge of Redundant Rights-of-Way

"The Municipal Council does hereby authorize the Municipal Clerk in 1983 to execute on behalf of the Corporation, without reference to Council, discharges involving rights-of-way that become redundant as a result of the subdivision process where in the opinion of the Director Engineering such rights-of-way are redundant";

8. Claims

"The Municipal Council does hereby authorize the Municipal Manager in 1983 to approve for payment, without referral to Council, the payment of claims that do not exceed \$1,500, subject to the receipt of appropriate releases";

9. Conferences

"The Municipal Council does hereby authorize the Municipal Manager in 1983 to approve, without referral to Council, all requests for attendance at conferences when estimated costs related to a single conference does not exceed \$900";

10. Walk-a-Thons and Bike-a-Thons

"The Municipal Council does hereby authorize the Director Engineering in 1983 to approve all requests for walk-a-thons and bike-a-thons, subject to the understanding that the Engineering Department will coordinate and obtain approval from the Officer-in-Charge, RCMP, and in cases where it may be necessary, the Parks and Recreation Department and the Provincial Ministry of Transportation and Highways; and

That all letters to Council from persons who request permission to hold walk-a-thons and bike-a-thons be acknowledged directly by the Director Engineering without referral to Council, except that when there are unusual circumstances, both the letter and a report will be submitted to Council for consideration";

11. Expenses - Council Attendance on Executive Committees

The Municipal Council does hereby authorize the Municipal Treasurer in 1983 to reimburse any member of Council for costs incurred while representing the Municipality beyond its border as a member of an executive committee of the EMMA, FCM or UBCM.

THIS IS THE END OF THE RECOMMENDATION. THE FOLLOWING FOUR PAGES CONTAIN BACKGROUND INFORMATION ON EACH OF THE ELEVEN RESOLUTIONS.

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ATTACHMENT

Following is background information on each of the resolutions:

1. Acquisition of Easements and Rights-of-Way

From 1973 to 1976, Council passed a resolution authorizing staff to acquire all easements and rights-of-way for municipal purposes when such acquisitions involved compensation that did not exceed \$100. This was increased to \$1,000 in 1977 and to \$1,500 in 1980. This delegation of authority allows staff to execute negotiated settlements without having to refer each acquisition to Council when the cost is less than the stipulated allowable limit.

2. Release, Discharge and Cancellation of Easements and Ancillary Rights

Council in each of the last seven years has extended authority to cover the release or discharge of easements and cancellation of ancillary rights where in the opinion of the Engineering Department they are no longer required (ancillary rights permit the Municipality to traverse across other portions of the same property for the purpose of gaining access to that area of the property which is protected by an easement). It is recommended that authority to execute documents pertaining to such matters be extended to cover 1983.

3. Right-of-Way Encroachment and Pole Anchor Agreements

The Engineering Department occasionally receives written and verbal requests to allow encroachments onto Municipal easements and road allowances, and for reduction of easement widths. The requested encroachments take the form of: (a) asphalt pavement to make use of the easement as a driveway, (b) eave overhang for a to-be-constructed house so as to maximize the sideyard use, (c) existing encroachment permission to obtain a mortgage, and sometimes (d) as a reduction for the width of the easement for siting purposes.

When the Engineering Department receives these requests they are processed to ascertain if the encroachment would hinder maintenance or prevent access to the engineering services contained within the easement. The application is also checked to ensure that the encroachment will not in any way endanger the services.

If the Engineering Department has no objection to the encroachment and regards it as minor, the Director Engineering by letter consents to the encroachment. If the Engineering Department considers the encroachment to be more than minor, but is prepared to consent providing the municipal works are properly protected, the Legal and Lands Department drafts a modification of the original easement agreement which the applicant must sign and which is registered, subject to the approval of the Registrar, in the Land Registry Office.

Authority to execute these documents on behalf of the Municipality without referral to Council has been given to staff for each of the last eight years.

Council in 1979 gave staff, for the first time, a blanket authority to permit B.C. Hydro and B.C. Telephone to locate pole anchors on municipally owned lots (a pole anchor is driven into the ground and a cable which run at about a 45 degree angle is connected to the anchor and the last pole in a line to provide stability).

4. Covenants

104

Covenants are allowed under Section 215 of the Land Title Act.

In 1975, Council gave blanket authority to staff to execute the following type of covenants:

i) Limitation of building elevations due to:

- Sewer depth
- Topography
- Access
- Land subject to flooding

ii) Vehicular Access Restriction

Covenants are applied to new lots that are created through the subdivision process and which about high traffic volume streets. The covenant precludes vehicular access via these streets. Access is alternately provided either by an abutting street with less traffic volume or by an abutting lane.

iii) Landscape Buffer

When lots are created that back onto arterial routes, a covenant is applied to protect a landscape buffer area which the subdivider must install. Covenants are prepared subsequent to departmental review and approval of the landscape plans and the submission of the bonding monies and inspection fee.

iv) Rear Yard Setbacks

When lots are created which back onto arterial routes, a greater lot depth is required in order that a covenant can be applied to maintain a 27.5 m (90') rear yard setback for principal buildings.

v) Side Yard Setbacks

Occasionally, new lots are created which comply with the subdivision by-law in area but have a lesser width due to the available frontage being subdivided. In these instances, covenants are applied in order to ensure that required sideyard setbacks and distances between adjacent dwellings are maintained.

NOTE:

The covenants noted in Items ii), iii) and iv) above are applied only when abutting street has been designated as an arterial route by Council.

Item v) is applied to ensure compliance with the provisions of the Zoning By-Law. In other words, application is made only where policy has already been established by this by-law.

In summary, the routine nature of these covenants and the fact that they are related to policies that already have been established by Council suggests that they can be transacted without express approval of Council each time they occur. A report, on the other hand, will always be referred to Council if any such covenants are either the subject of an appeal or do not fall within the terms of a policy statement.

5. Truncations

The Municipality is occasionally required to purchase truncations from private property owners in order to accommodate the design and construction of works relative to Local Improvement Programs.

Council during each of the past six years has given staff blanket authority to execute documents pertaining to the acquisition of truncations. The current limit of authority in the amount of \$1,500 includes whatever sum may be required for relocation of landscape material.

6. Covenants/Limitations on the Occupancy of Single and Two-Family Dwellings

In 1977, a need was perceived for an improvement in the control of building permits for the finishing of lower floor accommodation in single-family and two-family dwellings. Council responded to this need by providing the Municipal Clerk with authority to execute covenants from time-to-time on behalf of the Municipality without prior approval from Council, as set forth under Section 215 of the Land Title Act.

Such covenants assist in the enforcement of the regulations of the Burnaby Zoning By-Law and provide a greater degree of control of building permits for the finishing of a lower floor accommodation (generally the basement) and thus are of considerable importance in the prevention of unauthorized conversion of single family dwellings to two-family use and in the fourplexing of duplex units. It is also considered that this is the most suitable method of providing a potential purchaser with the lawful use of property in advance of a transaction being made.

7. Discharge of Redundant Rights-of-Way

During the subdivision process, rights-of-way occasionally become redundant with respect to either their location or to their use. Consequently, they must be discharged and sometimes replaced by new rights-of-way. All discharges are registered concurrently with the items pertaining to the subdivision.

This is the fourth year that Council has provided blanket authority to staff for execution of such discharges.

8. Claims

The Municipality from time to time receives claims from persons who are of the opinion that damages which they have sustained were caused by negligence on the part of the Municipality. Although the nature of the claims vary, many are related to flooding conditions that allegedly stem from work that has been done by or on behalf of the Municipality, or some blockage or impediment that interferes with the proper functioning of storm water and sewage systems.

Council has, during the past eight years, given authority to the Municipal Manager to approve all claims that do not exceed a stipulated amount (the limit was increased from \$1,000 to \$1,500 in 1980).

Following is the procedure that is followed at this time:

- i) The Municipal Solicitor may, by authority delegated to him by the Municipal Manager, approve and authorize for payment all claims up to but not exceeding \$1,000; and
- ii) The Municipal Manager may approve and authorize for payment all claims up to but not exceeding \$1,500; and
- iii) A report recommending payment is submitted to Council whenever the amount exceeds \$1,500.

9. Conferences

A policy requiring Council to approve requests for municipal employees' attendance at conferences was established in 1966. The amended policy in effect at this time is as follows:

- i) Authorization for attendance is obtained from the Municipal Manager when estimated costs related to a single conference in Canada or the United States does not exceed \$900; and
- ii) Authorization for attendance is obtained from Council when estimated costs related to a single conference exceeds \$900.

Approximately \$11,186 will be spent for conferences in 1982. Due to fiscal constraints, it is being proposed that this be reduced to \$6,000 in the 1983 Provisional Budget.

Previous Councils have considered training courses, seminars and workshops to be administrative in nature. These have therefore always been dealt with on the staff level with referrals to Council only if there are any unusual circumstances related to a particular event. Unless Council directs to the contrary, this practice will be continued in the future.

10. Walk-a-Thons and Bike-a-Thons

In 1979, Council for the first time gave staff the authority to approve all requests for walk-a-thons and bike-a-thons subject to the understanding that care is exercised to ensure that Council is made aware of any unusual circumstances that may be connected with a particular event (such as the closure of a major road or participation by an inordinately large number of people). It is recommended that this authority, which has expedited the processing of requests from the public, be continued in 1983.

Organized walking and bicycling events are traditionally held without incident or inconvenience to the public. Organizers provide marshalls for traffic control when required, and the RCMP monitor the activities to ensure compliance with all applicable regulations.

Council is also on occasion asked to temporarily close a portion of a street for outdoor neighbourhood dances, or for activities involving roller-skates, sleds, etc. It is proposed that such requests continue to be approved by Council on a case-by-case basis because they are very infrequent, and as a rule can be expected to be somewhat more involved than walking and bicycling events.

11. Expenses - Council Attendance on Executive Committees

Members of Council occasionally serve on executive committees of the Lower Mainland Municipal Association, Federation of Canadian Municipalities or Union of British Columbia Municipalities. Some expense is almost always involved as a result of attending meetings and carrying out various tasks that such service entails (mileage, telephone, etc.). Adoption of this resolution will eliminate the reports that would otherwise have to be written to obtain Council's authority for payment of these expenses.

Blanket authority for this matter was given for the first time in 1981.

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