

RE: AUTHORITY FOR THE EXECUTION OF DOCUMENTS IN 1986

The type of business that is conducted by the Municipality requires staff to conclude many routine transactions with the execution of a document. In the past, Council has given staff, in the month of December, a blanket authority to execute such documents for a period to cover, but not exceed, the entire following year. This has proved to be extremely efficient because it precludes the need for a report to be submitted each time a routine transaction occurs, i.e., 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 minimal administrative expense.

The first fourteen resolutions in this report are exactly the same as were approved by Council last year. Only resolution fifteen appears in this report for the first time.

Council's adoption of the following recommendation would allow the exercise of authority on the staff level for each type of transaction listed for the year 1986 only. Background information on each of these items is contained in the attachment.

MUNICIPAL MANAGER'S RECOMMENDATION:

THAT Council approve each of the following fifteen resolutions:

1. Acquisition of Easements and Rights-of-way

"The Municipal Council does hereby authorize the staff in 1986 to acquire without referral to Council all easements and rights-of-way that are required for municipal purposes when the compensation does not 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 1986 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 1986 to execute documents on behalf of the Corporation, and the Director Engineering to sign letters, without referral to Council, on:

- a) Encroachment of easements and road allowances
- b) Reduction of easement width
- c) Granting of pole anchor easements to public utilities companies";

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4. Covenants

The Municipal Council does hereby authorize the Municipal Clerk in 1986 to execute documents on behalf of the Corporation, without referral to Council, the following covenants pursuant to Section 215 of the Land Title Act:

- a) Limitation of building elevations due to:
  - Sewer Depth
  - Topography
  - Access
  - Land subject to flooding
- b) Vehicular access restriction
- c) Landscape buffers
- d) Rear Yard setbacks
- e) Side Yard setbacks

5. Truncations

"The Municipal Council does hereby authorize the staff in 1986 to acquire, without referral to Council, all truncations required for municipal purposes when the compensation does not exceed \$1,500 in each case, with the understanding that compensation 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

"The Municipal Council does hereby authorize the Municipal Clerk in 1986 to execute on behalf of the Corporation, without referral to Council, 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 1986 to execute on behalf of the Corporation, without referral 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 1986 to approve for payment, without referral to Council, the payment of claims that do not exceed \$5,000 subject to the receipt of appropriate releases";

9. Conferences

"The Municipal Council does hereby authorize the Municipal Manager in 1986 to approve, without referral to Council, all requests for attendance at conferences when the estimated cost 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 1986 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, Burnaby Detachment, RCMP, and in cases where it may be necessary, the Recreation and Cultural Services 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 if there are unusual circumstances, both the letter and a report will be submitted to Council for consideration";

11. Fee for the Recovery of Unlicensed Bicycles

"The Municipal Council does hereby authorize the Municipal Manager in 1986, without referral to Council, to set the recovery fee for the return of unlicensed bicycles.

12. Sale of Printed Material and Microfilmed Information to the Public

"The Municipal Council does hereby authorize the Municipal Manager in 1986, without referral to Council, to set and adjust prices for printed material and microfilmed information that is produced by the Municipality and sold to the public";

13. Expenses - Council Members' Attendance on Executive Committees (LMMA, UBCM & FCM)

"The Municipal Council does hereby authorize the Director Finance in 1986 to reimburse any member of Council for expenses incurred while representing the Municipality beyond its borders as a member of an Executive Committee of the (a) Lower Mainland Municipal Association (LMMA), (b) Union of British Columbia Municipalities (UBCM) or (c) the Federation of Canadian Municipalities (FCM);

14. Expenses - Council Members' Attendance at Lower Mainland Municipal Association (LMMA) Meetings

"The Municipal Council does hereby authorize the Director Finance in 1986 to reimburse any member of Council for expenses incurred while representing the Municipality at Lower Mainland Municipal Association meetings that are held beyond its borders";

15. Expenses - Mayor's Business Trips

"The Municipal Council does hereby authorize the Director Finance in 1986 to reimburse the Mayor for out-of-pocket expenses incurred by the Mayor when he represents the Municipality or is engaged, beyond its borders, on Municipal business. "

NOTE:

THIS IS THE END OF THE RECOMMENDATION. THE FOLLOWING SIX PAGES CONTAIN BACKGROUND INFORMATION ON EACH OF THE FIFTEEN RESOLUTIONS.

Following is background information on each of the fifteen resolutions:

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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 the cost did not exceed \$100. This was increased to \$1,000 in 1977 and to \$1,500 in 1980. This 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 ten years has delegated 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 1986.

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

Right-of-Way Encroachments:

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 overhand for a to-be-constructed house so as to maximize the side yard 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 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 eleven years.

Pole Anchor Agreements:

Council for the first time in 1979 gave staff the 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 runs at about a 45 degree angle, is connected to the anchor and the last pole in a line to provide stability). This authority was extended for each subsequent year and is now being requested for 1986.

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4. Covenants

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:

a) Limitation Of Building Elevations Due To:

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

b) 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 alternatively provided either by an abutting street with less traffic volume or by an abutting lane.

c) Landscape Buffers

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.

d) 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 27.5m (90') rear yard setback for principal buildings.

e) 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 side yard setbacks and distances between adjacent dwellings are maintained.

NOTE:

The covenants noted in Items (b), (c) and (d) above are applied only when the abutting street has been designated as an arterial route by Council.

Item (e) 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 suggest 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

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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 last nine 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 advising a potential purchaser as to 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 seventh year that Council has provided blanket authority to staff for execution of such discharges.

8. Claims

Council has, during the past eleven years, authorized the Municipal Manager to approve all claims that do not exceed a stipulated amount. The current limit of authority, which Council established in 1984, is \$5,000.

By way of further background information, when our Insurer settles a claim on behalf of the Corporation, the Insurer claims reimbursement of the deductible under the policy. There are two deductibles:  
a) \$25,000 for each and every loss except b) \$50,000 for occurrences involving water escape and sewer back-up. If and when the total reimbursed reaches an aggregate of \$100,000, then the deductibles reduce to \$10,000.

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:

- a) Departments request authorization for attendance from the Municipal Manager when the estimated cost related to a single conference in Canada or the United States does not exceed \$900; and
- b) The Municipal Manager requests authorization for attendance from Council when an estimated cost related to a single conference exceeds \$900.

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 were 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 be 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 expedites the processing of requests from the public, be continued in 1986.

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 the opinion of staff that such requests should continue to be approved by Council on an individual case-by-case basis because they generally are of a more complex nature than walking and bicycling events.

11. Fee for the Recovery of Unlicensed Bicycles

The Municipality charges a recovery fee for the return of an unlicensed bicycle to its owner. Council first established a fee for this service in 1983.

The revenue is used to offset the costs of recovery, e.g., transporting bicycles to the Municipal Hall compound, identification, storage and general administration. The fee is reviewed annually, and adjustments made if necessary. The fee for 1985 is \$16.00.

The requested authority would permit staff to make appropriate adjustments to the fee without having to report to Council each instance.

12. Sale of Printed Material and Microfilmed Information to the Public

The Municipality has for many years sold maps to the public. The size and content of maps have become quite diverse, and over time, additional items such as microfiche duplicates have been added.

The Municipality now also sells copies of "Burnaby Now" and may, from time-to-time, offer other publications for sale as well. As a public service, some departments produce informational pamphlets and similar items that serve to acquaint citizens with matters that are of interest to them.

In all cases, the sum that is charged is based solely on an item's cost and a reasonable amount to cover administration.

Although Council gave staff blanket authority to set and adjust prices for printed material in November, 1977, this policy is brought forward annually so that Council can review it on a regular basis.

13. Expenses - Council Members' Attendance on Executive Committees (LMMA, UBCM AND FCM)

Members of Council occasionally serve on Executive Committees of the Lower Mainland Association, Union of British Columbia Municipalities or the Federation of Canadian Municipalities. Some expense is almost always involved as a result of attending such meetings and carrying out various tasks that such service entails (mileage, telephone, etc.). Adoption of this resolution eliminates individual reports that would otherwise have to be written each time the Finance Department receives a claim for reimbursement of these expenses.

Blanket authority for this type of payment was given for the first time in 1981.

14. Expenses - Council Members' Attendance at Lower Mainland Municipal Association (LMMA) Meetings

Any member of Council who attends LMMA meetings generally incurs some related expense. Instead of a Council motion being passed each time that an announcement of a LMMA meeting is received, Council may wish to give blanket authority for reimbursement of these expenses for an entire year.

UBCM and FCM meetings differ from LMMA meetings in that they are held only once a year, almost always involve more travel and accommodation and may, by a motion of Council, stipulate the maximum number of Council members who may attend (as in the case of the 1985 FCM annual meeting where Council limit attendance to four of its members). These differences suggest that Council may therefore want to continue its practice of considering UBCM and FCM meetings on an individual basis each time that they come forward for consideration.

This is the second year that this particular blanket authority has been requested.



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15. Expenses - Mayor's Business Trips

The Mayor periodically travels outside the community on Municipal business and incurs related business expenses. Because of the urgency of some of these trips, primarily to Provincial Government offices in Victoria, it is not always practical to obtain Council's prior approval.

To overcome timing problems and to expedite the reimbursement of the generally modest amounts that are incurred in this regard, it is recommended that Council give blanket approval for the payment of all such expenses in 1986.

Although Council in previous years has annually given blanket approval to reimburse Mayors for these expenses, this is the first time that this year-end report has been used to obtain such approval (in the past a separate report was annually submitted for this purpose).

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