

RE: AUTHORITY FOR THE EXECUTION OF ROUTINE TRANSACTIONS & DOCUMENTS IN 1990

PURPOSE: To obtain authority from Council to permit staff to execute a number of routine administrative transactions in 1990.

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Council in past years has given blanket authority to staff to transact and execute certain routine transactions and documents that frequently arise during the normal course of conducting business with the public. This has proved to be extremely efficient because it precludes the need for a report to be submitted to Council 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.

For 1989, Council delegated authority to staff to acquire truncations when compensation did not exceed \$1,500, and gave the Municipal Manager authority to approve requests for attendance at conferences when the estimated cost in each instance did not exceed \$1,100. This report recommends that for 1990, the new limits for truncations and conferences be \$3,500 and \$1,500, respectively, it being understood that any transactions exceeding this amount would be referred to Council for approval.

Council's adoption of the following recommendation would allow the exercise of authority on the staff level for each of the seventeen resolutions listed for the year 1990 only. Background information for each resolution is contained in the attachment.

MUNICIPAL MANAGER'S RECOMMENDATION:

THAT Council approve each of the following seventeen resolutions:

1. Acquisition of Easements and Rights-of-Way
"The Municipal Council does hereby authorize the staff in 1990 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 1990 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 Encroachments and Pole Anchor Agreements
"The Municipal Council does hereby authorize the Municipal Clerk in 1990 to execute documents on behalf of the Corporation, and the Director Engineering to sign letters, without referral to Council, on:
 - a) Encroachment on easements and road allowances
 - b) Reduction of easement width
 - c) Granting of pole anchor easements to public utilities companies";

4. Covenants

"The Municipal Council does hereby authorize the Municipal Clerk in 1990 to execute, 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) Yard setbacks";

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

"The Municipal Council does hereby authorize the Municipal Clerk in 1990 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";

6. Servicing Agreements

"The Municipal Council does hereby authorize the Municipal Clerk in 1990 to execute Servicing Agreements on behalf of the Corporation pursuant to Section 991 of the Municipal Act, without referral to Council";

7. Truncations

"The Municipal Council does hereby authorize the staff in 1990 to acquire, without referral to Council, all truncations required for municipal purposes when the compensation does not exceed \$3,500 in each case, with the understanding that compensation in each case may include the restoration and/or relocation of plant material";

8. Discharge of Redundant Rights-of-Way

"The Municipal Council does hereby authorize the Municipal Clerk in 1990 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";

9. Claims

"The Municipal Council does hereby authorize the Municipal Solicitor in 1990 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";

10. Conferences

"The Municipal Council does hereby authorize the Municipal Manager in 1990 to approve, without referral to Council, all requests for

attendance at conferences when the estimated cost related to a single conference does not exceed \$1,500";

11. Walk-a-Thons, Fun Runs and Bike-a-Thons

"The Municipal Council does hereby authorize the Director Engineering in 1990 to approve all requests for walk-a-thons, fun runs 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 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, fun runs 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";

12. Fee for the Recovery of Unlicensed Bicycles

"The Municipal Council does hereby authorize the Municipal Manager in 1990, without referral to Council, to set the recovery fee for the return of unlicensed bicycles";

13. Sale of Printed Material, Microfilmed Information and Information from Computerized Data Bases to the Public

"The Municipal Council does hereby authorize the Municipal Manager in 1990, without referral to Council, to set and adjust prices for printed material, microfilmed information and information from computerized data bases that are produced by the Municipality and sold to the public";

14. Expenses - Council Members' Attendance on Executive Committees: LMMA, UBCM & FCM

"The Municipal Council does hereby authorize the Director Finance in 1990 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) and (c) the Federation of Canadian Municipalities (FCM)";

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

"The Municipal Council does hereby authorize the Director Finance in 1990 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";

16. Business Trip Expenses for the Mayor and Acting Mayors

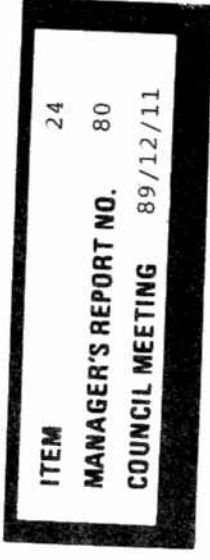
"The Municipal Council does hereby authorize the Director Finance in 1990 to reimburse the Mayor or Acting Mayor for out-of-pocket expenses that are incurred when they represent the Municipality on municipal business beyond the boundaries of the Municipality";

17. Short Term Lease Agreements

"The Municipal Council does hereby authorize the Municipal Clerk and the affected Director, in 1990, to execute on behalf of the Corporation and without referral to Council, lease agreements that do not extend beyond one year nor exceed a rent of \$5,000 per year."

NOTE:

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



ATTACHMENT

Following is background information on each of the seventeen 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 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 past fourteen 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 1990.

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 fifteen 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 1990.



4. Covenants

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

Council first gave blanket authority to staff in 1975 to execute the following types 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 abut 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 high traffic volume streets, a covenant is applied to protect a landscape buffer 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) Yard Setbacks

When lots are created under subdivision, there may be a need to require greater yard setbacks for separation purposes than provided for under the Zoning Bylaw (i.e. lots backing onto arterial routes, lots adjacent to ravines, residential lots adjacent to industrial lots, etc.). There may also be a need to ensure compliance with the minimum yard setbacks prescribed in the Zoning Bylaw when lots are created which may be irregular in shape or which may have a lesser width due to the available frontage being subdivided.

NOTE:

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

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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 fouplexing 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.

6. Servicing Agreements

Section 991 of the Municipal Act states that all works and services required to be constructed and installed at the expense of the owner of the land being subdivided or developed shall be constructed and installed to the standards prescribed in the bylaw before the Approving Officer approves of the subdivision or the Building Inspector issues the building permit, unless the owner of the land:

(a) deposits with the Municipality a security in the form and amount prescribed in the bylaw or, if there is no bylaw in a form and amount satisfactory to the Approving Officer or Building Inspector having regard to the cost of installing and paying for all works and services required under the bylaw, and

(b) enters into an agreement with the Municipality to construct and install the required works and services by a specified date or forfeit to the Municipality the amount secured under paragraph (a).

Staff observes the practice of reporting to Council on those rezonings, subdivisions and building permit applications requiring servicing agreements. These reports follow a set pattern and include the Director Engineering's technical requirements for items such as roads, watermains, storm and sanitary sewers, lanes, sidewalks, boulevard landscaping, underground wiring and ornamental lighting for the servicing of the sites. Council's adoption of the sixth resolution in this report would obviate the need for each of these routine transactions to be referred to Council and would, alternatively, allow them to be executed more efficiently and at minimal administrative expense.

7. 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 last thirteen 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. It is recommended that this amount be increased to \$3,500 in 1990 to reflect increasing costs, and to provide staff with a level of approval that will preclude Council from having to become involved in a number of routine transaction on matters of this nature.

8. 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 eleventh year that Council has provided blanket authority to staff for execution of such discharges.

9. Claims

Council in the past has authorized staff to approve all claims that do not exceed a stipulated amount. The Municipal Solicitor's current limit of approving authority for claims is \$5,000. All claims that exceed \$5,000 are referred to Council for approval.

10. Conferences

A policy requiring Council to approve requests for Municipal employees' attendance at conferences was established in 1966. The 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 does not exceed \$1,100; and
- b) The Municipal Manager requests authorization for attendance from Council when an estimated cost related to a single conference exceeds \$1,100.

The amount that the Municipal Manager is authorized to approve was last amended in 1987 when it was increased from \$900 to \$1,100.

In that costs associated with attendance at conferences are continually increasing (hotel, meals, transportation, etc.), it is recommended that Council authorize the Municipal Manager in the future to approve each request when the estimated cost does not exceed \$1,500. Any request exceeding this amount would be referred to Council for approval.

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 referral 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.

11. Walk-a-Thons, Fun Runs 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 associated with a particular event (such as the closure of a major road or participation by an inordinately large number of people). The authority was extended in 1987 to include fun runs.

Organized walking, running and bicycling events have been held in Burnaby over the years 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 organized walking, running and bicycling events.

12. 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. **185**

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 in 1989 is \$18.00.

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

13. Sale of Printed Material, Microfilmed Information and Information from Computerized Data Bases 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, items such as microfiche duplicates have been added.

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 addition, some of our computerized information is made available to outside organizations in the form of computer generated lists.

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

Council initially gave blanket authority to staff to set and adjust prices for printed material in 1977.

14. 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 beyond the borders of the Municipality. 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.

15. 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 has chosen to give blanket authority for reimbursement of these expenses for an entire year. Council gave this authority for the first time in 1985.

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

16. Business Trip Expenses for the Mayor and Acting Mayors

The Mayor and Acting Mayors may periodically travel outside the community on Municipal business and incur 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 relatively modest amounts that are incurred in this regard, it is recommended that Council give blanket approval for the payment of all such expenses in 1990.

17. Short Term Lease Agreements

This blanket authority applies only to lease agreements with terms involving a duration of one year or less, and a rental that does not exceed \$5,000. If both of these conditions are not met, a report on the lease agreement would be submitted to Council for consideration. Also, a procedure would be followed wherein the execution of each lease agreement would require the signature of both the Municipal Clerk and the Director who is responsible for the administration of the lease.

Staff is mindful of the fact that this authority would have to be carefully exercised, especially if routine leases also happen to be sensitive in nature. In such cases staff would, whenever appropriate, submit a report to Council even though the two conditions (term not exceeding one year with the rental of \$5,000 or less) are met.

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ITEM 24
MANAGER'S REPORT NO. 80
COUNCIL MEETING 89/12/11

