

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4239

*(**as amended by 4278, 4350, 4354, 4394, 4503, 4746, 4758 and 4820)*

A Bylaw to delegate authority with respect to administrative functions

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows: *(**Bylaw No. 4394, adopted January 14, 2008)*

1 In this Bylaw,

“Council” means the Municipal Council of The Corporation of the District of Oak Bay;

“District” means The Corporation of the District of Oak Bay;

“Manager” has the meaning set out in the *Labour Relations Administration Bylaw, 1997*;

“Officer” has the meaning set out in the *Labour Relations Administration Bylaw, 1997*.

2 The Mayor and Municipal Clerk are hereby together delegated the authority to execute covenants in favour of the District for registration at the Victoria Land Title Office pursuant to a condition under which a subdivision of land has been granted approval by the Subdivision Approving Officer for the District.

3 The Mayor and Municipal Clerk are hereby together delegated the authority to execute Statutory Rights of Way in favour of the District where the amount of the financial consideration does not exceed Ten Dollars (\$10.00).

4 In connection with security deposited pursuant to a development permit approved by Council, or a subdivision approved by the Subdivision Approving Officer for the District, each of the following officers is hereby delegated the authority to execute agreements confirming the obligations of the applicant or developer, and setting out the manner in which and the conditions under which such security may be drawn, expended and applied by the District:

Municipal Administrator;
Municipal Clerk.

4.1 In connection with a building permit, a development permit approved by Council, or a subdivision approved by the Subdivision Approving Officer for the District, each of the following officers is hereby delegated the authority to execute agreements confirming the terms under which the District has accepted payment from the applicant or the developer with respect to off-site servicing costs:

Municipal Administrator;

Municipal Clerk.

(**Bylaw No. 4350, adopted March 12, 2007)

- 5 To the extent allowed by the constitution, bylaws and policies of any multi-employer bargaining agent certified to represent the District in collective bargaining pursuant to labour relations legislation in the Province of British Columbia, the Municipal Administrator is hereby delegated the authority to execute letters of understanding and memoranda of agreement on behalf of the District with any union or employee association certified under such legislation to represent employees of the District.
- 6 Provided that the terms are consistent with compensation and benefits policies approved by Council, the Municipal Administrator is hereby delegated the authority to execute employment contracts with managers or officers duly appointed by the District.
- 7 Where the purchase of equipment, goods or services is consistent with the current financial plan approved by Council and subject to the requirements, conditions and limitations of the purchasing policy approved by Council,
 - (1) Each of the following officers and managers of the District are hereby delegated the authority to make purchasing decisions, and to execute agreements on behalf of the District and to bind the District contractually in respect of such purchasing decisions:

Chief Administrative Officer
Director of Financial Services
Deputy Director of Financial Services
Information Technology Project Manager
Director of Corporate Services
Deputy Director of Corporate Services
Director of Strategic Initiatives
Fire Chief
Deputy Fire Chief
Director of Engineering and Public Works
Manager of Engineering
Superintendent of Public Works
Program Manager, Facilities and Asset Management
Director of Building and Planning
Manager of Planning
Director of Parks and Recreation
Manager, Administrative Services
Manager of Parks Services
Manager, Recreation and Cultural Services
Director of Human Resources
Occupational Health and Safety Specialist

(**Bylaw No. 4394, adopted January 14, 2008,
Bylaw No. 4746, adopted December 12, 2019,
Bylaw No. 4758, adopted July 6, 2020,
Bylaw No. 4820, adopted July 18, 2022.)

8 Where the lease of equipment is consistent with the current financial plan approved by Council,

- (1) the officers and managers of the District are hereby delegated the authority to make leasing decisions in accordance with general purchasing policy approved by the Municipal Administrator; and
- (2) each of the following officers is hereby delegated the authority to execute lease agreements on behalf of the District and to incur liabilities thereunder:

Municipal Administrator;
Municipal Clerk;
Municipal Treasurer;
Director of Engineering Services;
Director of Parks and Recreation;
Fire Chief,

provided, however, that:

- (3) such authority does not extend to a lease:
 - (a) for a period longer than the reasonable life expectancy of the equipment which is the subject of the lease agreement;
 - (b) for a period longer than 5 years; or
 - (c) for a period that could exceed 5 years through the exercise of rights of renewal or extension; and

*(**Bylaw No. 4394, adopted January 14, 2008, Bylaw No. 4746, adopted December 12, 2019)*

8.1 The Director of Engineering Services is hereby delegated the authority to approve or deny applications for works on a municipal boulevard in the categories set out below, and may require that an owner of land execute a boulevard encroachment agreement setting out the terms and conditions, including specifications, under which permission is granted to the owner to:

- (1) install an underground irrigation system; or
- (2) construct a footpath complying in width and location with the *Driveway Access Bylaw* and providing pedestrian access to the owner's property from the public roadway, or from a public sidewalk.

*(**Bylaw No. 4503, adopted March 22, 2010)*

8.2 The Director of Engineering Services may on behalf of the District execute a boulevard encroachment agreement within the meaning of Section 8.1.

8.3 An applicant who is aggrieved by a decision of the Director of Engineering Services pursuant to Section 8.1 may request reconsideration by Council in

accordance with the procedure set out in Sections 10(3), 10(4) and 10(5), with the necessary changes and as applicable.

(**Bylaw No. 4354, adopted May 14, 2007)

- 9 The Municipal Treasurer is hereby delegated the authority to sell to the person submitting the highest offer by a specified deadline any municipal equipment or furniture which is surplus to the requirements of the District as confirmed by the Municipal Administrator, where offers have been invited by public notice through publication on the District's web site or in a newspaper circulating in the District, and where in the assessment of the Municipal Treasurer the highest offer represents market value. For surplus equipment or furniture which in the assessment of the Municipal Treasurer has no residual market value, the Municipal Treasurer may cause the same to be disposed of as recyclable material or solid waste, whichever is applicable.

(**Bylaw No. 4278, adopted May 25, 2005)

- 10 (1) The authority of Council to approve building plans as to siting and architectural design pursuant to the *Uplands Regulations Bylaw, 1987*, as amended (including a successor thereto), is hereby delegated to the committee of Council members known as the "Uplands Building Permits Subcommittee" for any calendar month in which no meeting of Council is scheduled to be held.
- (2) The Uplands Building Permits Subcommittee may, if it considers that the public interest so requires, refrain from exercising the authority delegated by Subsection (1) and instead refer an application to Council, or to Council's Committee of the Whole.
- (3) An applicant for the approval of plans under the *Uplands Regulations Bylaw, 1987*, as amended (including a successor thereto), who is aggrieved by a decision of the committee delegated authority by Subsection (1) may, by written notice delivered to the Municipal Clerk not later than ten (10) days after the date of such decision request reconsideration of the decision by Council.
- (4) Following receipt of an application for reconsideration, the Municipal Clerk shall notify the applicant of the time, date and place the application will be placed before Council.
- (5) Notification from the Municipal Clerk in accordance with Subsection (4) shall:
- (a) state that reconsideration by Council at the time, date and place specified in the notice will include a reasonable opportunity to be heard or make written submission on the matter either in person, or through an agent, or both; and
 - (b) be mailed or otherwise delivered to the applicant at least five (5) days before the date set for reconsideration.

(**Bylaw No. 4278, adopted May 25, 2005)

- 11 Where this Bylaw delegates a power, duty or function to a named position or class of positions, that delegation is to the person who holds the position and to any person who is the deputy of that person, or who has been duly authorized to carry out the duties and responsibilities of the position on an acting basis.

- 12 No delegation of authority made by this Bylaw shall abrogate or detract from the ability of Council to exercise the delegated authority in the first instance if it so elects.
*(**Bylaw No. 4354, adopted May 14, 2007)*
- 13 If any portion of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder shall not be affected.
- 14 This Bylaw may be cited as the *“Delegated Authority of Administrative Functions Bylaw, 2004”*.
(Bylaw No. 4746, adopted December 12, 2019)

READ a first, second and third time by the Municipal Council on August 23, 2004

FINALLY ADOPTED by the Municipal Council on September 13, 2004

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation
of the District of Oak Bay