

DISTRICT OF WEST KELOWNA

BYLAW NO. 0101

A BYLAW TO AUTHORIZE THE DELEGATION OF LOCAL GOVERNMENT
AUTHORITY

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW 0101.01, 0101.02, 0101.03

WHEREAS pursuant to Section 154 of the *Community Charter*, Council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees; and,

WHEREAS the Council desires to delegate its authority for certain matters;

NOW THEREFORE the Council of the District of West Kelowna, in open meeting assembled, enacts as follows:

Title

1. This bylaw shall be cited as the "District of West Kelowna Delegation of Council Authority Bylaw 2010 No. 0101".

Interpretation

2. In this bylaw:

'Approving Officer' means the person appointed by Council as the Approving Officer for the District of West Kelowna;

'Chief Administrative Officer' means the person appointed by Council as the Chief Administrative Officer;

Bylaw No. 0101.02 adopted February 26, 2013 removed from Section 2 – Interpretation 'Chief Financial Officer' means the person appointed by Council as the Chief Financial Officer:

'Council' means the Council of the District of West Kelowna;

Bylaw No. 0101.02 adopted February 26, 2013 amended Bylaw No. 0101 by deleting all words 'Director of Corporate Services' and replacing with 'Corporate Officer':

'Corporate Officer' means the person appointed by Council as the Corporate Officer;

Bylaw No. 0101.02 adopted February 26, 2013 amended Bylaw No. 0101 by deleting all words 'Director of Engineering' and replacing with 'Director of Engineering and Operations':

'Director of Engineering and Operations' means the person appointed by the Chief Administrative Officer as the Director of Engineering and Operations;

'Fire Chief' means the person appointed by the Chief Administrative Officer as the Fire Chief;

Bylaw No. 0101.01, adopted June 12, 2012, amended Bylaw No. 0101 by deleting under Section 2 in its entirety the definition for Manager of Planning and replacing it with the following; 'Director of Development Services' means the person appointed by the Chief Administrative Officer as the Director of Development Services:

'Director of Development Services' means the person appointed by the Chief Administrative Officer as the Director of Development Services; and,

'Mayor' means the Mayor of the District of West Kelowna.

Delegation of Authority

3. Council hereby delegates to the Mayor and to the positions set out in Schedule 'A' attached to this bylaw, the powers, duties and functions of Council as listed in Schedule 'A', subject to any limitations on that delegated authority.

Delegation Includes Deputy or Acting

4. Where this bylaw delegates a power, duty or function to a named position, the delegation is to the person who holds the position and to any person who, from time to time, is the deputy or is appointed by Council to act in the capacity of the delegate in the delegate's absence.

No Delegation by a Delegate

5. A person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this bylaw.

Reconsideration by Council

6. All of the following apply to any decision by a delegate under Schedule 'A':
 - a. Any owner of property that is subject to a decision under Schedule 'A' who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section;
 - b. An owner who wishes to have a decision reconsidered by Council must apply for reconsideration by delivering to the Corporate Officer, within 30 days after the decision is communicated in writing the following information:
 - i. The date and the nature of the decision;
 - ii. The reasons why the owner wishes the decision to be reconsidered by Council;
 - iii. The decision the owner requests be made by Council, with brief reasons in support of the requested decision; and,
 - iv. A copy of any materials considered by the owner to be relevant to the reconsideration by Council.
 - c. a reconsideration application will be considered by Council at a regular meeting of Council;
 - d. the Corporate Officer must:

- i. place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 3(c).
 - ii. give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the District of West Kelowna Procedures Bylaw; and,
 - iii. before each reconsideration by Council, deliver to each Council member a copy of the material that was considered by the delegate in making the decision that is to be reconsidered.
- e. in reconsidering a decision, Council must consider the material that was considered by the delegate in making the decision;
 - f. at a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council;
 - g. Council is entitled to postpone reconsideration of a decision; and,
 - h. After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

Scope of Bylaw

7. For clarity, subject to the *Community Charter*, unless a power, duty or function of Council has been expressly delegated by this bylaw or another Council bylaw, all of the powers, duties and functions of Council will remain with Council.

Severability

8. If any portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the severed portion.

Repeal

9. Bylaw No. 0016 is hereby repealed.

PASSED FIRST READING, February 23, 2010

PASSED SECOND READING, February 23, 2010

PASSED THIRD READING, February 23, 2010

ADOPTED, March 9, 2010

MAYOR

DIRECTOR OF CORPORATE SERVICES

SCHEDULE 'A' TO BYLAW NO. 0101

Mayor and Corporate Officer

Authority to execute the following documents on behalf of the District of West Kelowna when they are in standard form, or substantially in a standard form and under the circumstances that the District considers appropriate:

- Land Title Office Covenants under Section 219 of the *Land Title Act*;
- Statutory Rights of Way Agreements under Section 218 of the *Land Title Act*;
- Easement Agreements under Sections 181 and 182 of the *Land Title Act*;
- License of Occupation Agreements for Private Moorage on Okanagan Lake;
- Encroachment Agreements;
- Development Servicing Agreements which have been signed off by the Approving Officer and which the Approving Officer deems to be a minor subdivision;
- Renewal of Mutual Aid and Fire Protection Services agreements;
- Contracts to supply services or goods not to exceed an aggregate amount of \$75,000 per annum, subject to funding contained within an approved financial plan; and up to \$250,000 per annum, subject to funding contained within an approved financial plan and with the approval of the Chief Administrative Officer;
- Renewals of leases, land tenures, and licenses to occupy, provided there are no substantive changes;
- Land Title documents to release obsolete charges from land titles, upon the recommendation of the Chief Administrative Officer; and,
- Contracts to sell services or goods in accordance with rates determined in the approved financial plan or adopted Fees and Charges bylaw with the approval of the Chief Administrative Officer.

Fire Chief

Authority to issue the following permits subject to meeting all District requirements:

- Fireworks Permits.

Bylaw No. 0101.01, adopted June 12, 2012, amended Bylaw No. 0101 by deleting the words on Schedule A 'Manager of Planning' and replacing with 'Director of Development Services' and by adding the following to the delegated authority of the 'Director of Development Services' on Schedule A: Authority to issue Mobile Vending Permits as per the Mobile Vending Policy.

Bylaw No. 0101.03, adopted April 23, 2013, amended Bylaw No. 0101 by deleting the following delegated authority from the 'Director of Development Services' on Schedule A: Authority to issue Mobile Vending Permits as per the Mobile Vending Policy.

Director of Development Services

- Authority to comment on land use referrals of a minor scope relative to lands beyond District of West Kelowna boundaries.

Director of Engineering and Operations

Authority under Section 38 of the *Community Charter* to approve applications for temporarily restricting or prohibiting all or some types of traffic on a highway including applications for parades, walk-a-thons, fundraisers and races.

Approving Officer

Authority to approve Latecomer Agreements in accordance with the District of West Kelowna Latecomer Agreement Policy.