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BYLAW NO. 4186

CAPITAL REGIONAL DISTRICT DELEGATION BYLAW NO. 1, 2017

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED MAY 10, 2017
(Consolidated with Amending Bylaws 4295, 4310, 4348, 4429 & 4668)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

**CAPITAL REGIONAL
DISTRICT BYLAW NO. 4186**

**A BYLAW TO DELEGATE POWERS, DUTIES & FUNCTIONS
OF THE CAPITAL REGIONAL DISTRICT BOARD**

WHEREAS under section 263(1)(e) and 229(1) of the *Local Government Act* the Board may, by bylaw adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees, its committees or its members, or to other bodies established by the Board;

AND WHEREAS the Board of the Capital Regional District wishes to delegate certain powers, duties and functions;

NOW THEREFORE, the Regional Board of the Capital Regional District in open meeting assembled hereby enacts as follows:

Definitions

1. In this Bylaw

- (a) "Act" means the *Local Government Act*;
- (b) "District" means the Capital Regional District, a regional district incorporated under the *Local Government Act*;
- (c) "Board" means the Board of the Capital Regional District;
- (d) "Charge" means a charge as defined in the *Land Title Act* (British Columbia);
- (e) "General Manager" means an Officer designated as a General Manager in Bylaw No. 3343;
- (f) "Land and Land Use Agreement" means an instrument, deed or other agreement affecting title to or granting a right in relation to the use of real property and improvements including:
 - i. a transfer of a fee simple interest in real property;
 - ii. the creation, modification, assignment, or release of a charge;
 - iii. a licence or permit;
- (g) "Total Purchase Price" means the total purchase price payable for goods, services, and construction under the contract over the entire term of the contract (but not including options to purchase additional goods or services during the term which may or may not be exercised and not including applicable taxes).

Delegation Includes Deputy or Acting

2. (a) A delegation of a power, duty, or function under this bylaw includes a delegation to a person who is from time to time the deputy or the delegate or is appointed by the Board to act in the capacity of the delegate in the delegate's absence.
- (b) For certainty, a delegation of authority under subsection (a) includes a delegation to a person appointed to a position held on an interim basis.

(Bylaw 4348)

Delegation of Purchasing Power

3. (a) The Board hereby delegates to the District's Chief Administrative Officer and Chief Financial Officer all of the powers, duties and functions of the Board under section 263(1)(a) and 263(1)(b) of the Act to make agreements respecting the District's activities, works or services, but subject to the approved annual financial plan.
- (b) The Board hereby delegates to the District's officers, employees, and volunteers, the authority to acquire and purchase goods and services on behalf of the District, subject to the District's purchasing policies and procedures, the approved annual financial plan, and the following Total Purchase Price limits:
 - (i) for the Chief Administrative Officer: \$5,000,000;
 - (ii) for the Chief Financial Officer: \$500,000;
 - (iii) for General Managers: \$500,000; and
 - (iv) for all other staff and volunteers, subject to the approval of the applicable General Manager and/or the Chief Financial Officer, the lesser of \$100,000 or the amount listed on their approved signing authority form held by the department of Finance & Technology.

(Bylaw 4348)

- (c) Notwithstanding section 3(b) of this Bylaw, Chief Administrative Officer has authority to increase a contract or agreement by way of a change order or amendment provided that the Total Purchase Price of the contract or agreement including all change orders or amendments in any given calendar year does not exceed the funding available in the approved annual financial plan.

(Bylaw 4348)

Delegation of Authority in Relation to Land and Land Use Agreements

4. (a) The Board hereby delegates to the District's officers and employees listed below all of the powers, duties and functions on behalf of the Board under section 263(1)(d) of the Act to acquire, hold, manage and dispose of land or improvements or any interest or right in or with respect to that property in connection with the District's activities, works or services, but subject to the approved annual financial plan, the District's purchasing policies and procedures, and the following signing authority limitations:
 - (i) for the Chief Administrative Officer: \$500,000;
 - (ii) Chief Financial Officer and General Managers: \$100,000.

- (b) The Board hereby delegates to the District's staff and volunteers, subject to the approval of the applicable General Manager, the power to approve and execute Land Use Agreements for recreation centres, community centres, and parks facilities, provided the term of the agreement is less than 30 days and the value does not exceed \$5,000.
- (c) The power delegated under section 4(a) includes the power to execute Land and Land Use Agreements on behalf of the District and all agreements, instruments and documents, including amendments.
- (d) The power delegated in section 4(a) includes the power to agree on behalf of the District to the creation of covenants registrable under s.219 of the *Land Title Act*.

Delegation to Commissions and Committees

- 5. (a) The Board hereby delegates to the Board Commissions listed below, all of the powers, duties and functions of the Board under section 263(1)(a) and 263(1)(b)(i) of the Act to make agreements respecting the District's activities, works or services relating to the service administered by the Commission to the extent that such authority is not delegated under section 3, provided that the revenue or expenditure is included in the approved annual financial plan:
 - (i) Regional Water Supply Commission
 - (ii) Juan de Fuca Water Distribution Commission
 - (iii) Saanich Peninsula Water Commission
 - (iv) Saanich Peninsula Wastewater Commission
 - (v) Peninsula Recreation Commission
- (b) The Board hereby delegates to the Board Commissions listed below, all of the powers, duties and functions of the Board on behalf of the District under section 263(1)(d) of the Act to acquire, hold, manage and dispose of land or improvements or any interest or right in or with respect to that property in connection with the operation of any service or services administered by the Commission to the extent that such authority has not been delegated under section 4 of this bylaw, provided that the revenue or expenditure is included in the approved annual financial plan and subject to the District's purchasing policies and procedures:
 - (i) Regional Water Supply Commission
 - (ii) Juan de Fuca Water Distribution Commission
 - (iii) Saanich Peninsula Water Commission
 - (iv) Saanich Peninsula Wastewater Commission
 - (v) Peninsula Recreation Commission
- (c) Where a Commission is delegated the authority under this section, the Commission Chair and the applicable General Manager are authorized to execute an agreement approved by the Commission.

Delegation of Hearings

6. The Board hereby delegates to the Electoral Area Services Committee the powers, duties, and functions of the Board:
- (a) under sections 57 and 58 of the *Community Charter*, including the power to hold a hearing in relation to the matter;
 - (b) to agree on behalf of the District to the modification, assignment or release of covenants registrable under section 219 of the *Land Title Act*.
- 6.1 The Board hereby delegates to the Juan de Fuca Land Use Committee the powers, duties, and functions of the Board pursuant to the *Liquor Control and Licensing Act*, SBC 2015, c 19 and the *Cannabis Control and Licensing Act*, SBC 2018, c 29, to give comments and recommendations as required and gather the views of residents by one or more of the methods permitted by enactment. (Bylaw 4310)

Delegation of Authority in Relation to Grant Applications

7. (a) Subject to subsection (b), the Board hereby delegates to the District's officers and employees listed below all of the Board's powers, duties and functions under section 263(1)(a) and 263(1)(b) to make grant applications and enter into agreements respecting the receipt and use of grants:
The Chief Administrative Officer, the Chief Financial Officer, and all General Managers, to a maximum of \$500,000 where this is consistent with the approved financial plan of the Capital Regional District.
- (b) The authority under subsection (a) does not include authority delegated under section 5(a) of this Bylaw.

Delegation of Electoral Area Grants-in-Aid

- 7.1 (a) The Board delegates to the officers and employees below all of its powers, duties, and functions to provide assistance under section 263(1)(c) in the form of an electoral area grant-in-aid:
the Chief Administrative Officer; and
the Chief Financial Officer.
- (b) No grant-in-aid shall be made without the applicable electoral area director's prior written approval.
- (d) The authority under this section does not include the provision of assistance to business, unless permitted by the *Local Government Act*. (Bylaw 4295)

Delegation of legal settlement authority

- 7.2 The Board delegates to the Chief Administrative Officer the ability to settle any action, claim, or demand up to a maximum value of \$2-million per claim. (Bylaw 4429)

Delegation of Authority in Relation to Community Works Fund Agreements

7.3

- (a) The Board delegates to the Chief Administrative Officer and the Chief Financial Officer the decision-making authority of the Board to allocate Community Works Fund contributions under agreement with the Union of British Columbia Municipalities. *(Bylaw 4668)*
- (b) No allocation shall be made without the applicable Electoral Area Director's prior written approval. *(Bylaw 4668)*

Delegation to Fire Chiefs

- 8. The Board hereby delegates to the District's Fire Chiefs, for fire departments operating under the authority of the Board, all of the powers, duties and functions of the Board under section 263(1)(a) of the Act to make agreements to participate as required in the Ministry of Forests' "Operating Guidelines for Wildfire Suppression with Local Governments" and with the Provincial Emergency Program for road rescue services, but subject to the approved financial plan.

Delegation of Contract Signing Authority-Electoral Areas

- 9. An Electoral Area Director is authorized to execute a contract approved by the Board in place of the Board Chair where the contract affects only the interests of the Electoral Area represented by that Director.

Delegation of Authority in Relation to Appointments of Officials under the *Environmental Management Act*

- 10. The Board hereby delegates to the Board Chair all of the Board's powers, duties and functions to appoint, and to rescind appointments of, a Deputy Sewage Control Manager and a Municipal Sewage Control Officer under Section 29 of the *Environmental Management Act*.

Scope of Bylaw

- 11. For clarity, subject to the Act, unless a power, duty or function of the Board has been expressly delegated by this Bylaw or another District bylaw, all of the powers, duties and functions of the Board remain with the Board.

No Delegation by a Delegate

- 12. For clarity, 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.

Repeal

- 13. Bylaw No. 2864, the "Capital Regional District Delegation Bylaw No. 1, 2001" is hereby repealed.

Citation

14. This Bylaw may be cited as "Capital Regional District Delegation Bylaw No. 1, 2017".

READ A FIRST TIME THIS	10th	day of	May	2017
READ A SECOND TIME THIS	10th	day of	May	2017
READ A THIRD TIME THIS	10th	day of	May	2017
ADOPTED by 2/3 of the votes cast this	10th	day of	May	2017

CHAIR

CORPORATE OFFICER