

NO: R146

COUNCIL DATE: **July 10, 2017**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 6, 2017**

FROM: **City Solicitor**

FILE: **3900-01/17 #1**

SUBJECT: **Amendments to Surrey Officer and Indemnification By-law, Delegation By-law and Purchase and Expenditure Authorization By-law**

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## RECOMMENDATION

The City Solicitor recommends that Council:

1. Approve amendments to Surrey Officer and Indemnification By-law, 2006, No. 15912 (the "Officer By-law") as documented in Appendix "I" and Appendix "II" of this report;
2. Approve amendments to Delegation By-law, 2006, No. 15913 (the "Delegation By-law") as documented in Appendix "III" and Appendix "IV" of this report;
3. Approve amendments to Purchase and Expenditure Authorization By-law, 2007, No. 16535 (the "Purchase and Expenditure By-law") as documented in Appendix "V" and Appendix "VI" of this report; and
4. Authorize the City Clerk to bring forward the necessary amending by-laws for the required readings.

## INTENT

In February, the City Manager introduced some organizational changes that required amendments to our existing By-laws. The purpose of this report is to make changes to the Officer By-law, the Delegation By-law and the Purchase and Expenditure By-law to recognize the new structure corporately by deleting the position of Deputy City Manager, and changing the General Manager, Human Resources to a director position under Corporate Services and to formalize the transfer of the Information Technology Division from the General Manager, Finance & Technology to the new Corporate Services Department.

## **BACKGROUND**

Section 146 of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") allows Council to establish officer positions and to assign powers, duties and functions to its officer positions in a by-law. The Delegation By-law, under the authority of Section 154(1)(b) of the *Community Charter*, delegates certain powers, duties and functions of Council to an officer or an authorized delegate. Under the same *Community Charter* authority, the Purchase and Expenditure By-law authorizes officers and designated employees to make purchases and expenditures within the prescribed amounts of this By-law and the annual budget.

## **DISCUSSION**

### **Officer By-law**

The Officer By-law needs to be amended to reflect the deletion of the officer positions of Deputy City Manager and General Manager, Human Resources as documented in Appendix "I" and Appendix "II". To recognize the transfer of the Information Technology Division from the Finance Department to the newly created Corporate Services Department, the "Technology" function is deleted from the General Manager, Finance position as documented in Appendix "I" and Appendix "II".

### **Delegation By-law**

The Delegation By-law needs to be amended, as documented in Appendix "III" and Appendix "IV", by deleting the Deputy City Manager and the General Manager, Human Resources officer positions. To recognize the transfer of the Information Technology Division from the Finance Department to the new Corporate Services Department, the Delegation By-law needs to be amended as documented in Appendix "III" and Appendix "IV".

### **Purchase and Expenditure By-law**

The Purchase and Expenditure By-law needs to be amended, as documented in Appendix "V" and Appendix "VI", by deleting "Technology" from the position of General Manager, Finance to reflect the transfer of the Information Technology Division from the Finance Department to the newly created Corporate Services Department.

The reference in this By-law to General Manager, Human Resources is also deleted.

## **CONCLUSION**

Based on the information contained in this report, it is recommended that Council:

- Approve amendments to Surrey Officer and Indemnification By-law, 2006, No. 15912 as documented in Appendix "I" and Appendix "II" of this report;
- Approve amendments to Delegation By-law, 2006, No. 15913 as documented in Appendix "III" and Appendix "IV" of this report;

- Approve amendments to Purchase and Expenditure Authorization By-law, 2007, No. 16535 as documented in Appendix "V" and Appendix "VI" of this report; and
- Authorize the City Clerk to bring forward the necessary amending by-laws for the required readings.



CRAIG MacFARLANE  
City Solicitor

CM:ke/kl

- Appendix "I" - Surrey Officer and Indemnification Bylaw, 2006, No. 15912, Amendment Bylaw, 2017, No. 19309
- Appendix "II" - Proposed Amendments to Surrey Officer and Indemnification By-law, 2006, No. 15912
- Appendix "III" - Delegation Bylaw, 2006, No. 15913, Amendment Bylaw, 2017, No. 19310
- Appendix "IV" - Proposed Amendments to Delegation By-law, 2006, No. 15913
- Appendix "V" - Purchase and Expenditure Bylaw, 2006, No. 16535, Amendment Bylaw, 2017, No. 19311
- Appendix "VI" - Proposed Amendments to Purchase and Expenditure Authorization By-law, 2007, No. 16535

CITY OF SURREY  
BYLAW NO. 19309

A bylaw to amend the provisions of "Surrey Officer  
and Indemnification By-law, 2006, No. 15912"

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The Council of the City of Surrey, ENACT AS FOLLOWS:

1. "Surrey Officer and Indemnification By-law, 2006, No. 15912" is amended as follows:
  - a. Section 2, Definitions is amended as follows:
    - i. Sub-section 2.(g) is deleted in its entirety;
    - ii. Sub-section 2.(l) is deleted in its entirety; and
    - iii. Existing sub-sections 2.(h) to 2.(r) are renumbered to 2.(g) to 2.(p)
  - b. Section 3, Officers is amended as follows:
    - i. In Sub-section 3.1 delete the following positions:
      - Deputy City Manager,
      - General Manager – Human Resources
    - ii. In Sub-section 3.1 delete the words "and Technology" after General Manager – Finance
  - c. Section 4, Powers and Duties is amended as follows:
    - i. Sub-section 4.1A Deputy City Manager is deleted in its entirety;
    - ii. In Sub-section 4.5, delete the words "and Technology" in all occurrences; and
    - iii. Sub-section 4.7 General Manager – Human Resources is deleted in its entirety.
    - iv. Existing sub-sections 4.8 to 4.10 are renumbered to 4.7 to 4.9

2. This Bylaw shall be cited for all purposes as "Surrey Officer and Indemnification Bylaw, 2006, No. 15912, Amendment Bylaw, 2017, No. 19309".

PASSED FIRST READING on the    th day of    , 2017.

PASSED SECOND READING on the    th day of    , 2017.

PASSED THIRD READING on the    th day of    , 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the    th day of    , 2017.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

CITY OF SURREY

BY-LAW NO. 15912

A by-law to establish Officer positions and to provide for the indemnification of the Officers, Employees and members of the Council of the City of Surrey.

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As amended by By-law No. 16614, 04/14/08;

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

WHEREAS the City Council, pursuant to Section 146 of the Community Charter must by by-law establish officer positions in relation to the duties prescribed under Sections 147, 148 and 149;

AND WHEREAS the City Council, pursuant to Section 187 of the Community Charter may provide for the indemnification of Municipal Officials referred to in Section 287.2 of the Local Government Act;

AND WHEREAS the City Council, pursuant to Section 287.2(2) of the Local Government Act may, by by-law, provide that the City will indemnify its officers, employees and members of Council against any claim for damages against an officer, an employee or a member of Council, arising out of the performance of their duties and, in addition, pay legal costs incurred in a court proceeding arising out of such claims;

AND WHEREAS the City Council, pursuant to Section 287.2(5) of the Local Government Act may, by by-law, provide that the City will not seek indemnity against its officers, employees and members of Council where the actions of those officers, employees, and members of Council result in a claim for damages against the City by a third party;

Under its statutory powers, including Section 146 of the Community Charter and Section 287.2 of the Local Government Act, the Council of the City of Surrey enacts the following provisions:

**CONTENTS**

1. Title
2. Definitions
3. Officers
4. Powers and Duties

5. Suspension of Officers
6. Termination
7. Indemnification
8. Effective Date
9. Repeal

**1. TITLE**

This By-law may be cited as the "Surrey Officer and Indemnification By-law, 2006, No. 15912."

**2. DEFINITIONS**

In this By-law:

- (a) "City" means the City of Surrey;
- (b) "City Manager" means the Officer position of the city manager;
- (c) "City Solicitor" means the Officer position of the city solicitor;
- (d) "Clerk" means the Officer position of the city clerk;
- (e) "Community Charter" means the *Community Charter*, S.B.C. 2003, c. 26, as amended;
- (f) "Council" means the elected Council of the City;
- ~~(g) "Deputy City Manager" means the Officer position of deputy city manager;~~
- (gh) "Employee" means an exempt or union employee of the City other than an Officer;
- (hi) "Fire Chief" means the Officer position as chief of the Surrey Fire Services Department;
- (ij) "General Manager, Engineering" means the Officer position of the engineering department;
- (jk) "General Manager, Finance and Technology" means the Officer position of the City financial administration officer;
- ~~(l) "General Manager, Human Resources" means the Officer position of the human resources department;~~

- | (km) "General Manager, Parks, Recreation and Culture" means the Officer position of the parks, recreation and culture department;
- | (ln) "General Manager, Planning & Development" means the Officer position of the planning and development department;
- | (me) "Indemnification" has the meaning set out in Section 287.2(1) of the Local Government Act;
- | (np) "Local Government Act" means the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended;
- | (oq) "Municipal Official" has the meaning set out in Section 287.2(1) of the Local Government Act and includes Employees, Officers and members of Council; and
- | (pr) "Officer" means a person holding a position set out in Section 3.1.

### 3. OFFICERS

3.1 Pursuant to Section 146 of the Community Charter, the Officers of the City of Surrey shall be those persons holding the following positions:

- City Manager (Chief Administrative Officer),
- | ~~• Deputy City Manager,~~
- Acting City Manager (Acting Chief Administrative Officer),
- City Clerk (Corporate Officer),
- General Manager – Finance and Technology (Financial Officer),
- General Manager – Engineering,
- | ~~• General Manager – Human Resources,~~
- General Manager – Parks, Recreation and Culture,
- General Manager – Planning & Development, and
- Manager - Legal Services (City Solicitor).

3.2 Selection of the City Manager may be made by Council and the selection of all other Officers of the City may be made by the City Manager, subject to Council approval.

3.3 Selection of the Acting City Manager may be made by the City Manager, subject to Council approval.

3.4 In the event of incapacitation of the City Manager or vacancy in that position, the selection of the Acting City Manager may be made by the Mayor and Council.

### 4. POWERS AND DUTIES

#### City Manager (Chief Administrative Officer):

4.1 The City Manager shall have, in addition to the powers and duties prescribed by by-law or resolution, the Community Charter, the Local Government Act or any provincial statute, the following powers, duties and functions:

- (a) To provide overall management of the operations of the municipality;



- (b) To coordinate, direct and broadly supervise the implementation of policies and programs approved by Council;
- (c) To plan, coordinate, direct, supervise and control the day-to-day business affairs of the City in accordance with the policies and plans approved and established by Council;
- (d) To develop, establish and maintain comprehensive policies to direct the activities of all departments of the municipal service;
- (e) To receive, compile, consider, and present to Council recommendations arising from departmental operations which require Council approval, and to propose by-laws or resolutions arising from such recommendations;
- (f) To direct the preparation of, and to present to Council for consideration and approval, the annual budget and five year financial plan; and
- (g) To select department heads and Officers and to coordinate, motivate, direct and supervise these key officials and prescribe their duties and responsibilities.

**Deputy City Manager:**

~~4.1A The Deputy City Manager shall have those powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by law or resolution, the Community Charter, the Local Government Act or any other provincial statute.~~

**Acting City Manager (Acting Chief Administrative Officer):**

- 4.2 In the absence of the City Manager, the Acting City Manager shall have, in addition to the powers and duties prescribed by by-law or resolution, the Community Charter, the Local Government Act or any provincial statute, the following powers, duties and functions:
- (a) To provide overall management of the operations of the municipality;
  - (b) To coordinate, direct and broadly supervise the implementation of policies and programs approved by Council;
  - (c) To plan, coordinate, direct, supervise and control the day-to-day business affairs of the City in accordance with the policies and plans approved and established by Council;
  - (d) To develop, establish and maintain comprehensive policies to direct the activities of all departments of the municipal service;
  - (e) To receive, compile, consider, and present to Council recommendations arising from departmental operations which require Council approval, and to propose by-laws or resolutions arising from such recommendations;

- (f) To direct the preparation of, and to present to Council for consideration and approval, the annual budget and five year financial plan; and
- (g) To select department heads and Officers and to coordinate, motivate, direct and supervise these key officials and prescribe their duties and responsibilities.

**City Clerk (Corporate Officer):**

- 4.3 The City Clerk (Corporate Officer) shall have, in addition to the powers and duties prescribed by the City Manager, by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute, the following powers, duties and functions:
- (a) To ensure that accurate minutes of the meetings of the City and its committees are prepared and that the minutes, by-laws and other records of the business of the City and its committees are maintained and kept safe;
  - (b) To ensure that access is provided to records of the City and its committees as required by law or authorized by the local government;
  - (c) To certify copies of by-laws and other documents, as required or requested;
  - (d) To administer oaths and take affirmations, declarations and affidavits required to be taken under the Community Charter or any other Act in relation to City matters;
  - (e) To accept, on behalf of the City, notices and documents that are required or permitted to be given, served on, filed with or otherwise provided to the City; and
  - (f) To keep the corporate seal, if any, and have it affixed to documents as required.

**Fire Chief:**

- 4.4 The Fire Chief shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.

**| General Manager – Finance ~~and Technology~~ (Financial Officer):**

- | 4.5 The General Manager – Finance ~~and Technology~~ (Financial Officer) shall have, in addition to the powers and duties prescribed by the City Manager, by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute, the following powers, duties and functions:
- (a) To receive all money paid to the City;
  - (b) To ensure the keeping of all funds and securities of the City;
  - (c) To expend and disburse money in the manner referred to in Section 173 of the Community Charter;

- (d) To invest funds, until required, in investments referred to in Section 183 of the Community Charter;
- (e) To ensure that accurate records and full accounts of the financial affairs of the City are prepared, maintained and kept; and
- (f) To exercise control and supervision over all other financial affairs of the City.

**General Manager – Engineering:**

- 4.6 The General Manager – Engineering shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.

~~General Manager – Human Resources:~~

- ~~4.7 The General Manager – Human Resources shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.~~

**General Manager – Parks, Recreation and Culture:**

- ~~4.78~~ The General Manager – Parks, Recreation and Culture shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.

**General Manager – Planning & Development:**

- ~~4.89~~ The General Manager – Planning & Development shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Community Charter, the Local Government Act or any other provincial statute.

**City Solicitor:**

- ~~4.940~~ The City Solicitor shall have powers and duties prescribed by the City Manager in addition to those powers, duties and responsibilities which may be specifically assigned to the Officer by by-law or resolution, the Local Government Act or any other provincial statute.

**5. SUSPENSION OF OFFICERS**

Suspension of an Officer shall be in accordance with Section 151 of the Community Charter.

**6. TERMINATION**

Termination of employment of any Officer shall be in accordance with Section 152 of the Community Charter.

**7. INDEMNIFICATION**

- 7.1 The City will indemnify its Municipal Officials against payment of amounts required or incurred to defend an action, prosecution or claim brought against a Municipal Official in connection with the exercise or intended exercise of the person's powers or the performance or intended performance of the person's duties or functions including satisfaction of a judgment, award or penalty imposed in relation to the foregoing. The City will indemnify its Municipal Officials against amounts required or incurred in relation to an inquiry under Part 2 of the *Inquiry Act*, R.S.B.C. 1996, c. 224 or to any other proceeding that involves the administration of the municipality or the conduct of municipal business.
- 7.2 As a limit on Indemnification under section 7.1, no fine shall be paid by the City that is imposed as a result of a Municipal Official's conviction for an offence that is not a strict or absolute liability offence.
- 7.3 The City will not seek indemnity against its Municipal Officials where the actions or conduct of those Municipal Officials result in a claim for damages against the City by a third party, unless the Municipal Official has been guilty of dishonesty, gross negligence, or malicious or wilful misconduct.

**8. EFFECTIVE DATE**

This by-law shall come in force on the date of final adoption thereof.

**9. REPEAL**

The following By-law is hereby repealed:

"Surrey Establishment of Officer Positions and Officer and Employee Indemnification By-law, 2001, No. 14381".

PASSED 1ST AND 2ND READING on the 16th day of January, 2006.

PASSED THIRD READING, AS AMENDED on the 13th day of February, 2006.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 20th day of February, 2006.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

CITY OF SURREY  
BYLAW NO. 19310

A bylaw to amend the provisions of  
"Delegation By-law, 2006, No. 15913"

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The Council of the City of Surrey, ENACT AS FOLLOWS:

1. "Delegation By-law, 2006, No. 15913" is amended as follows:
  - a. Section 2 Definitions is amended as follows:
    - i. Sub-section 2.(g) is deleted in its entirety;
    - ii. Sub-section 2.(k) is deleted in its entirety; and
    - iii. In sub-section 2.(j), delete the words "& Technology"; and
    - iv. Existing Sections 2.(h) – (o) are renumbered to 2.(g) – (m).
  - b. Schedule "A" is amended by deleting the words "& Technology" in Column 3 in all occurrences.
2. This Bylaw shall be cited for all purposes as "Delegation Bylaw, 2006, No. 15913, Amendment Bylaw, 2017, No. 19310".

PASSED FIRST READING on the    th day of    , 2017.

PASSED SECOND READING on the    th day of    , 2017.

PASSED THIRD READING on the    th day of    , 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the    th day of    , 2017.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

CITY OF SURREY

BY-LAW NO. 15913

Delegation By-law

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As amended by By-law No. 16615, 04/14/08; 18030, 09/09/13; 18508, 09/28/15

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

- (a) WHEREAS Council may by by-law delegate its powers, duties and functions, including those specifically established by an enactment to an Officer or Authorized Designate of the City;
- (b) AND WHEREAS Council wishes to delegate to its Officers and Authorized Designates the powers, duties and functions under the Community Charter and the Local Government Act as set out in Schedule "A".

Under its statutory powers, including Section 154(1)(b) of the *Community Charter*, S.B.C. 2003, c. 26 (the "Community Charter"), the Council of the City of Surrey enacts the following provisions:

**CONTENTS**

- 1. Title
- 2. Definitions
- 3. General Description of Power being Delegated
- 4. Delegates
- 5. Scope of By-law
- 6. No Delegation by an Authorized Designate

**1. TITLE**

This By-law may be cited as the "Delegation By-law, 2006, No. 15913."

**2. DEFINITIONS**

In this By-law:

- (a) "Authorized Designate" means an Employee or an Officer provided with the written authority to act on another person's behalf in that person's absence, notice of which shall be filed with the Clerk;
- (b) "City" means the City of Surrey;
- (c) "City Manager" means the Officer position of the city manager;
- (d) "City Solicitor" means the Officer position of the city solicitor;
- (e) "Clerk" means the Officer position of the city clerk;
- (f) "Council" means the elected Council of the City;
- ~~(g) "Deputy City Manager" means the Officer position of deputy city manager;~~
- (gh) "Employee" means an exempt or union employee of the City other than an Officer;
- (hi) "General Manager, Engineering" means the Officer position of the engineering department;
- (ij) "General Manager, Finance & Technology" means the Officer position of the City financial administration officer;
- ~~(k) "General Manager, Human Resources" means the Officer position of the human resources department;~~
- (jl) "General Manager, Parks, Recreation and Culture" means the Officer position of the parks, recreation and culture department;
- ~~(km) "General Manager, Planning & Development" means the Officer position of the planning and development department;~~
- (ln) "Local Government Act" means the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended; and
- (me) "Officer" means the persons defined as officers in the Surrey Officer and Indemnification By-law, 2006, No.15912.

**3. GENERAL DESCRIPTION OF POWER BEING DELEGATED**

- (a) Council delegates to the City's Officers set out in Column 3 of Schedule "A" all of the powers, duties and functions of Council under the Community Charter and the Local Government Act as set out in the corresponding Column 1 of Schedule "A".
- (b) A general description of the powers, duties and functions of the Council delegated under the By-law is set out in Column 2 of Schedule "A" in relation to each of the powers, duties and functions delegated under Column 1 of Schedule "A".
- (c) For certainty, the general description set out in Column 2 of Schedule "A" is not to be interpreted as limiting the corresponding power, duty or function set out in Column 1 of Schedule "A".

**4. DELEGATEES**

- (a) In the absence of an Officer listed in Column 3 of Schedule "A", the power, duty or function delegated under the corresponding Column 1 of Schedule "A" may be carried out by:
  - (i) the City Manager,
  - (ii) the Authorized Designate.
- (b) Where this By-law delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is a person described in paragraph (a).

**5. SCOPE OF BY-LAW**

- (a) Unless a power, duty or function of Council has been expressly delegated by this By-law or another City by-law, all the powers, duties and functions of Council remain with Council.
- (b) Where any person is authorized to take any action pursuant to this By-law, such action may be taken by that person's Authorized Designate except where specified otherwise in this By-law.

**6. NO DELEGATION BY AN AUTHORIZED DESIGNATE**

- (a) An Authorized Designate to whom a power, duty or function has been delegated under this By-law has no authority to further delegate to another person any power, duty or function that has been delegated by this By-law.



PASSED 1ST AND 2ND READING on the 16th day of January, 2006.

PASSED THIRD READING, AS AMENDED on the 30th day of January, 2006.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 13th day of February, 2006.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

SCHEDULE "A"

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 114	All necessary power to do anything incidental or conducive to the exercise or performance of Council's powers, duties and functions	City Manager
Sections 260 – 262	Prosecution of by-law contraventions	City Manager, City Solicitor, Deputy City Solicitor, Assistant City Solicitor or Manager, By-laws & Licensing
Section 17	Direction that a required action, matter or thing must be done at the expense of the defaulter, with all costs and expenses recovered as debt	City Manager, General Manager, Finance & <del>Technology</del> , City Solicitor or Manager, By-laws & Licensing
Sections 264 – 273	Referral of disputed ticket to provincial court for hearing	City Manager, City Solicitor, Deputy City Solicitor, Assistant City Solicitor or Manager, By-laws & Licensing
Section 274	Commencement of civil proceedings to enforce, or to prevent or restrain the contravention of a by-law, resolution or regulation of Council or a provision of the Act or Community Charter, or relating to any damage to or interference with a highway or property of the City	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Section 274	Commencement of court proceedings to restrain the erection, alteration or use of a building or land in contravention of the Act or a City by-law	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Section 258	Recovery of utility rates by legal remedy of distress	General Manager, Finance & <del>Technology</del> or City Solicitor
Section 31(2)	Expropriation of water diversion licences and related works	General Manager, Engineering
Section 32(3)	Entry on land to mitigate damage that may be caused by the City	City Manager or General Manager, Engineering
Sections 231, 250 and 251	Commencement of proceedings to collect unpaid taxes	General Manager, Finance & <del>Technology</del> or City Solicitor
Section 252	Recovery of taxes by legal remedy of distress	General Manager, Finance & <del>Technology</del> or City Solicitor

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 8(2)	Administration and enforcement of by-laws respecting municipal services, including powers to issue, refuse to issue, suspend and cancel licenses, permits and approvals in respect of municipal services	City Manager, General Manager, Engineering, General Manager, Planning & Development, Fire Chief, City Solicitor or Manager, By-laws & Licensing
Section 67	Disposal of property in police possession	General Manager, Finance & Technology
Sections 8(2), 40(1) and 41	Temporary closing of a highway or part of it to traffic, or controlling traffic, in connection with a construction or maintenance project on or adjacent to the highway	General Manager, Engineering
Section 8(3)(b)	Entry into encroachment agreements and licenses to occupy	General Manager, Planning & Development
Sections 8(3)(b) and 46	Authorization of the removal, detention or impounding of any thing or obstruction unlawfully occupying a portion of a highway or public place; provision of a scale of fees, costs and expenses for the removal, detention or impounding; and provision for the recovery of the fees, costs and expenses	General Manager, Engineering or Manager, By-laws & Licensing
Section 43	Requiring a person permitted to erect poles on highways to provide reasonable accommodation on the poles for wires and equipment of the City on agreed terms	General Manager, Engineering
Section 8(1)	Making agreements with an adjoining municipality or with the owner of land, through, on or in which run a natural stream or watercourse, for constructing culverts and flood protection works	General Manager, Engineering
Section 8(3)	Requiring a person using a highway or right of way to provide the City with accurate plans and profiles of works and facilities using the highway or right of way	General Manager, Engineering
Section 26	Disposal of remnant lands not exceeding 0.1 of a hectare provided written appraisal has been obtained	General Manager, Planning & Development or General Manager, Engineering
Sections 8(6), 15 and 60	Issuance of business licenses	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(6), 15 and 60	Refusal of a business license in specific circumstances	City Manager, City Solicitor or Manager, By-laws & Licensing

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Community Charter Section</b>	<b>Powers, Duties and Functions</b>	<b>Delegated Position</b>
Section 15(1)(d)	Establishing or imposing terms and conditions of, or terms and conditions that must be met for obtaining, continuing to hold or renewing a business license	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(6), 15 and 60	Suspension or cancellation of a business licence for reasonable cause	City Manager, City Solicitor or Manager, By-laws & Licensing
Sections 8(3)(g) and (l), 53, 54 and 63	Requiring contractors, owners or others to obtain and hold a valid permit before starting and during construction, installation, repair or alteration respecting plumbing	General Manager, Planning & Development
Section 19	Requiring a person to provide security as a condition of issuing a permit	General Manager, Planning & Development or General Manager, Engineering
Section 55	Requiring applicants for building permit to provide the City with certification of an engineer or architect	General Manager, Planning & Development
Section 8(3)(c)	Granting, refusing or cancelling a permit to cut or remove trees and establishing terms and conditions for granting, refusing and using these permits	General Manager, Planning & Development
Sections 8(3)(c) and 17	Removal or replacement of trees at owner's expense if the owner has not complied with a tree protection by-law or a tree cutting permit	General Manager, Planning & Development
Sections 16(6)(b) and (d)	Direction that an assessment or inspection of specified trees or sites be undertaken by the City	General Manager, Planning & Development or General Manager, Parks, Recreation and Culture
Sections 8(2), 8(3)(a) and 196	Granting, refusing or cancelling a permit to operate fire and security alarm systems	City Manager, Fire Chief or Manager, By-laws & Licensing
Sections 8(3)(d)	Issuing a permit for the observance or celebration of a special event or a festival by the use of fireworks and specification of the terms and conditions of the permit	City Manager or Manager, By-laws & Licensing

Column 1	Column 2	Column 3
Local Government Act Section	Powers, Duties and Function	Delegated Position
Section 495	Investment or reinvestment of a debt retirement fund	General Manager, Finance & Technology
Sections 664 – 672	Collection of commercial vehicle licence fees and issuance of licenses and licence plates under that by-law	City Manager or Manager, By-laws & Licensing
Sections 872 – 946.2	Preparation and provision to the public of a procedures manual describing procedures by which permits and approvals under Parts 26 and 27 of the Act are obtained and amendments to by-laws under those parts are initiated	General Manager, Planning & Development
Sections 872 – 946.2	Requiring an applicant for a permit under Part 27 to provide security	General Manager, Planning & Development
Sections 872 – 946.2	Requiring that an owner of land that is being subdivided or developed provide excess or extended services	General Manager, Planning & Development or General Manager, Engineering
Sections 872 – 946.2	Negotiating and executing subdivision servicing agreements and taking security under the agreements	General Manager, Planning & Development or General Manager, Engineering
Section 929	Directing that a building permit or business licence, or both, be withheld	General Manager, Planning & Development and Manager, By-law Enforcement & Licensing Services
Sections 937.2 – 937.9	Entering into an agreement with an owner that land or payments required for school sites may be provided by a date after final approval of the proposed subdivision had been given	General Manager, Planning & Development
Section 956	Ordering a heritage inspection of the property	General Manager, Planning & Development
Section 958	Requiring an assessment of the impact of development on protected heritage property	General Manager, Planning & Development
Section 960	Withholding the issuance of any approval for any action that would alter or cause an alteration of protected heritage property, property subject to temporary heritage protection, or property in a community heritage register	General Manager, Planning & Development
Section 961	Withholding approval for demolition permit of protected heritage property identified in a community heritage register	General Manager, Planning & Development

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Local Government Act Section</b>	<b>Powers, Duties and Function</b>	<b>Delegated Position</b>
Section 962	Making an order that real property is subject to temporary protection	General Manager, Planning & Development
Section 972	Issuance or refusal of a heritage alteration permit	General Manager, Planning & Development
Section 973	Imposing terms, requirements and conditions on the issuance of a heritage alteration permit, including a requirement that the applicant provide a specified amount of security to guarantee performance of the terms, requirements and conditions of the permit	General Manager, Planning & Development
Section 979	Applying to the Supreme Court of British Columbia for civil remedies in relation to heritage property	City Manager, City Solicitor, Deputy City Solicitor or Assistant City Solicitor
Part 28	Council's powers, duties and functions in relation to replotting schemes, except the powers, duties and functions that must be carried out by Council further to Section 191(1) of the Act	General Manager, Planning & Development

CITY OF SURREY  
BYLAW NO. 19311

A bylaw to amend the provisions of "Purchase and Expenditure  
Authorization By-law, 2007, No. 16535"

.....

The Council of the City of Surrey, ENACT AS FOLLOWS:

1. "Purchase and Expenditure Authorization By-law, 2007, No. 16535" is amended as follows:
  - a. Delete the words "& Technology in all occurrences.
  - b. Sub-section 7.3 is amended by deleting the words "and General Manager, Human Resources".
  
2. This Bylaw shall be cited for all purposes as "Purchase and Expenditure Bylaw, 2006, No. 16535, Amendment Bylaw, 2017, No. 19311".

PASSED FIRST READING on the    th day of    , 2017.

PASSED SECOND READING on the    th day of    , 2017.

PASSED THIRD READING on the    th day of    , 2017.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the  
Corporate Seal on the    th day of    , 2017.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

CITY OF SURREY

BY-LAW NO. 16535

Purchase and Expenditure Authorization By-law

.....

As amended by By-law No. 16616, 04/14/08; 16947, 06/15/09; 17408, 06/13/11

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

- (a) WHEREAS Council may by by-law delegate its powers, duties and functions, including those specifically established by an enactment, to an Officer or other Authorized Designate of the City;
- (b) AND WHEREAS Council wishes to delegate to its Officers and other Authorized Designates the authority to make Purchases and Expenditures within the prescribed amounts of this By-law and the Annual Budget.

Under its statutory powers, including Section 154(1)(b) of the *Community Charter*, S.B.C. 2003, c. 26, the Council of the City of Surrey enacts the following provisions:

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12. Disposal of Obsolete, Damaged or Surplus Assets

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**Part 1**  
**Introductory Provisions**

**1. TITLE**

- 1.1 This By-law may be cited as the "Purchase and Expenditure Authorization By-law, 2007, No. 16535".

**2. DEFINITIONS**

2.1 In this By-law:

- (a) "Annual Aggregate Value" means the total amount to be spent annually by departments on particular types of Goods and Services;
- (b) "Annual Budget" means the amounts in the applicable five-year financial plan adopted by Council for Purchases and Expenditures during the year for the purposes of the City;
- (c) "Assets" includes without limitation supplies, equipment, furniture, fixtures, machinery and vehicles, but shall not include Real Property;
- (d) "Authorized Designate " means an Employee or an Officer provided with the written authority to act on another person's behalf, notice of which shall be filed with the General Manager, Finance & Technology;
- (e) "Capital Works" includes construction of roads, sewers, water mains, and general infrastructure, and includes the construction or improvement of buildings, structures or facilities;
- (f) "City" means the City of Surrey;
- (g) "City Manager" means the Officer position of the city manager;
- (h) "City Solicitor" means the Officer position of the city solicitor;
- (i) "Clerk" means the Officer position of the city clerk;
- (j) "Council" means the elected Council of the City;
- (k) "Emergency" means a situation where the immediate acquisition of Goods or Services is essential to provide community service; prevent serious delays, injury, or further damage; or restore or maintain minimum service;
- (l) "Employee" means an exempt or union employee of the City other than an Officer;
- (m) "Employment Contract" means an agreement between an Employee and the City establishing the terms and conditions of employment of an Employee other than

an Officer;

- (n) "Expenditure" means all amounts authorized to be paid in this By-law and the Annual Budget and includes the Purchase of Goods and Services within the monetary limits prescribed by this By-law;
- (o) "General Manager" means the Officer who is the head of any City department and whose department requires the Goods and Services and whose Annual Budget includes the funds from which Expenditures will be met;
- (p) "General Manager, Finance ~~& Technology~~" means the Officer position of the City financial administration officer;
- (q) "Goods and Services" includes supplies, equipment, furniture, fixtures, machinery, vehicles, insurance, employee benefits, construction, labour and materials, legal or damage claims, maintenance, Employment Contracts, service contracts and Professional and Consulting Services, but does not include Real Property;
- (r) "Manager" means the City Manager or a General Manager or their Authorized Designates;
- (s) "Officer" means the persons defined as officers in Surrey Officer and Indemnification By-law, 2006, No. 15912, as amended;
- (t) "Professional and Consulting Services" includes the services of architects, engineers, designers, surveyors, management and financial consultants, brokers, lawyers, accountants, auditors, and any other professional and consulting services required by the City;
- (u) "Proposal" means a written Submission from a supplier in response to a written request for proposals or applications to provide Goods and Services on certain terms and conditions, which may be the subject of further negotiations;
- (v) "Purchase" means the acquisition of Goods and Services, Professional and Consulting Services or Real Property or any interest therein by purchase, contract, lease, rental or otherwise;
- (w) "Purchasing Manager" means the person designated to this position by the General Manager, Finance ~~& Technology~~;
- (x) "Purchase Order" means a written-acceptance of an offer to purchase Goods and Services made on the City's numbered form approved by the City Manager and the General Manager, Finance ~~& Technology~~ to acquire Goods and Services;
- (y) "Purchase Requisition" means an internal form approved by the City Manager and the General Manager, Finance ~~& Technology~~ for the purchase of Goods and Services;
- (z) "Qualified Supplier" means a supplier of Goods and Services who has been

pre-qualified in accordance with Section 9 of this By-law;

- (aa) "Quotation" means a verbal or written Submission from a supplier in response to a request for quotations or applications to supply Goods or Services from sources of supply, not opened in public, which may be the subject of further negotiations;
- (bb) "Real Property" includes lands, buildings, tenements and any interest, estate, right or easement in lands;
- (cc) "Submission" means a person's response to a request for Proposals, a request for Quotations, an invitation to Tender, a contract to Purchase Real Property, or any other documents issued by the City to purchase Goods and Services, Professional and Consulting Services and Real Property;
- (dd) "Tender" means a formal written offer in response to an invitations to Tender for the supply of Goods or Services;
- (ee) "Term" means:
  - (a) in the case of a contract for the Purchase of Goods and Services, a lease or a rental agreement entered into by the City, the initial term of the contract, lease or rental agreement not including any optional renewal terms; and
  - (b) in the case of a renewal of a contract for the Purchase of Goods and Services, a lease or a rental agreement by the City, the renewal term of the contract, lease or rental agreement not including the initial term; and
- (ff) "Total Cost" means the sum of all costs, including all contingencies and applicable taxes, that are to be paid during the Term for the Purchase of Goods and Services, Professional and Consulting Services or Real Property; or, in the case of a contract, lease or rental agreement, the sum of all contract, lease or rental payments for the Term.

### **3. INTERPRETATION**

- 3.1 When the authority to Purchase has been delegated or assigned to a local board, either by Council or by statute, the procedures set out in this By-law shall not apply to such Purchase, provided that the financing has been approved by Council prior to the commitment of funds.
- 3.2 Where any person is authorized to take any action pursuant to this By-law, such action may be taken by that person's Authorized Designate except where specified otherwise in this By-law.

### **4. GENERAL**

- 4.1 No Purchase or Expenditure or commitment shall be incurred or made on behalf of the City, and no account shall be paid by the City, except as provided in this By-law or otherwise approved by Council.
- 4.2 No contract shall be entered into and no Purchase or Expenditure shall be authorized or incurred unless Council has provided funds in the Annual Budget,

as amended from time to time, and no Expenditure shall be authorized or incurred in excess of the funds provided.

- 4.3 No Purchase or Expenditure shall be made by the City for the personal use of elected or appointed officials or Officers or Employees except as provided in a City agreement, a City policy or otherwise approved by City Council.
- 4.4 Purchases or Expenditures are not permitted by an Officer or Employee of the City unless the extent of the interest of such Officer or Employee has been fully disclosed and the Purchase has been approved by the City Manager. Any such Purchase or Expenditure by the City Manager must be approved by Council.
- 4.5 Where Purchases or Expenditures of the same description are required in connection with one project, all of those Purchases and Expenditures shall be included in determining the Total Cost for the purposes of this By-law and no requirement for Purchases or Expenditures shall be divided to avoid any provision of this By-law.

**5. APPLICATION OF BY-LAW**

- 5.1 This By-law shall apply to all Purchases and Expenditures for the City.

**Part 2  
Purchase and Expenditure Procedures**

**6. PURCHASE AND EXPENDITURE PROCEDURES**

- 6.1 Exemptions

The Purchase and Expenditure procedures set out in this section shall not apply to the Purchases and Expenditures set out in Schedule "A", provided that the Total Cost of the Purchases or Expenditures do not exceed the amount approved in the Annual Budget.

- 6.2 Legal Action Exemption

The City may, in its absolute discretion, reject a Quotation, Tender or Proposal submitted by a person pursuant to Sections 6.4 or 9.2 of this By-law if the person, or any of its officers or directors, is or has, either directly or indirectly through another corporation or entity, been engaged in legal action against the City, its elected officials, Officers or Employees or if the City has initiated the legal action against the person or any of its officers or directors, in relation to:

- (a) any other contract for Goods or Services; or
- (b) any matter arising from the City's exercise of its powers, duties, or functions under the *Local Government Act*, *Community Charter* or another enactment.

within five years of the date of the request or invitation. In determining whether to reject a Quotation, Tender or Proposal under this Section 6.2, the City will consider whether:

- (c) the legal action has the potential to affect the person's ability to work with the City, its consultants or representatives;
- (d) the legal action relates to the person's inability or failure to comply with City by-laws, and those by-laws may be applicable to the subject matter of the contract;
- (e) the City's experience with the person indicates that the City is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the person; and,
- (f) the legal action has or may give the person access to information related to a similar Quotation, Tender or Proposal which is not available to others.

### 6.3 Authorized Purchasing Limits

- (1) Where the Total Cost of the Purchase or Expenditure does not exceed Ten Thousand (\$10,000.00), Dollars a Manager may authorize the Purchase or Expenditure.
- (2) Where the Total Cost of the Purchase or Expenditure exceeds Ten Thousand (\$10,000.00) Dollars, but does not exceed Twenty-Five Thousand (\$25,000.00), Dollars a Manager may authorize the Purchase or Expenditure or select the best valued Submission meeting the requirements of the City.
- (3) Where the Total Cost of the Purchase or Expenditure exceeds Twenty-Five Thousand (\$25,000.00) Dollars but does not exceed Five Hundred Thousand (\$500,000.00) Dollars:
  - (a) a Manager shall solicit a minimum of three written Submissions and shall select the best valued Submission meeting the requirements of the City; or
  - (b) if the Manager determines that the Purchase or Expenditure must be made from a supplier who provides a highly specialized or unique type of Goods and Services or that the supplier is the only person who is practically available to provide the Goods and Services, then the Manager may authorize the Purchase or Expenditure without meeting the requirements of clause (a) above.

- (4) If the Purchase or Expenditure is for Professional and Consulting Services:
  - (a) Where the Total Cost of the Purchase or Expenditure exceeds Ten Thousand (\$10,000.00) Dollars, but does not exceed Seventy-Five Thousand (\$75,000.00) Dollars, a Manager may authorize the Purchase or Expenditure or select the best valued Submission meeting the requirements of the City; and
  - (b) Where the Total Cost of the Purchase or Expenditure exceeds Seventy-Five Thousand (\$75,000.00) Dollars but does not exceed Five Hundred Thousand (\$500,000.00) Dollars, a Manager must solicit a minimum of three written Submissions and shall select the best valued Submission meeting the requirements of the City.
- (5) Where the Total Cost of the Purchase or Expenditure exceeds Five Hundred Thousand (\$500,000.00) Dollars, the Purchase shall be authorized as follows:
  - (a) a Manager and the General Manager, Finance & ~~Technology~~ shall prepare the request for Submissions, specifications and criteria;
  - (b) the request for Submissions may be reviewed by the City Solicitor; and
  - (c) a Manager, in consultation with the City Manager, the General Manager, Finance & ~~Technology~~ and the City Solicitor, shall evaluate all Submissions received and prepare a report summarizing the Submissions and making recommendations to Council.
- (6) Notwithstanding Section 6.3(5) of this By-law, the City Manager shall be authorized to increase a contract in respect of Capital Works by way of a change order provided that:
  - (a) the sum of all change orders does not exceed the greater of Five Hundred Thousand (\$500,000.00) Dollars or 10% of the approved contract value;
  - (b) the original contract award was made based on the best value to the City; and
  - (c) the portion of the Total Cost in any given calendar year of the contract does not exceed the funding available in the Annual Budget for that year.

#### 6.4 Submissions

- (1) The Officers and Employees of the City are authorized to Purchase Goods and Services, Professional and Consulting Services or Real Property by issuing any of the following:
  - (a) a request for Proposals (including a request for applications);
  - (b) a request for Quotations (including a request for applications);
  - (c) an invitations to Tender;
  - (d) a contract to Purchase Real Property; or
  - (e) any other documentation authorized by a Manager.
- (2) A Manager shall prepare the request for Submission specifications and criteria.
- (3) The General Manager, Finance & Technology or a Manager may request Submissions on the City's web site or in one or more publications, or may request Submissions from Qualified Suppliers.
- (4) A Manager, the Clerk or the Purchasing Manager shall receive the Submissions until the deadline, if any, specified in the request for Submissions.
- (5) Written record of all Submissions received shall be prepared by a Manager, the Clerk or the Purchasing Manager.

#### 6.5 Petty Cash Funds

- (1) Notwithstanding anything in this By-law, petty cash funds may be established for departments in amounts approved by the General Manager, Finance & Technology and not exceeding Five Thousand (\$5,000.00) Dollars in the case of any one department. Except for those departments that have multi locations, in which case the petty cash funds must not exceed \$1,000 for each location. A Manager may authorize expenditures from such funds not exceeding Two Hundred (\$200.00) Dollars with respect to any one Purchase.
- (2) Petty cash funds shall be reimbursed only upon delivery of receipts or other evidence satisfactory to a Manager of the Expenditure of monies from the person receiving the money.



**7. EMPLOYMENT CONTRACTS**

- 7.1 A Manager is given the authority of hiring, suspending or terminating Employees, other than Officers.
- 7.2 A Manager is authorized to enter into Employment Contracts with Employees, other than Officers.
- 7.3 In this Section 7, the authority of a Manager to suspend or terminate Employees shall not be exercised by an Authorized Designate and must include consultation with the City Manager, General Manager, Finance ~~& Technology~~ and General Manager, Human Resources.

**8. EMERGENCY PURCHASES**

- 8.1 In cases of Emergency, the Purchase or Expenditure may be authorized in accordance with this section.
- 8.2 Where the Total Cost of the Purchase or Expenditure does not exceed Twenty-Five Thousand (\$25,000.00) Dollars per incident, a Manager may authorize the Purchase or Expenditure.
- 8.3 Where the Total Cost of the Purchase or Expenditure exceeds Twenty-Five Thousand (\$25,000.00) Dollars, but does not exceed Five Hundred Thousand (\$500,000.00) Dollars per incident, the City Manager may authorize the Purchase or Expenditure, and a report shall be submitted by the City Manager quarterly to Council setting out the details of any Purchases or Expenditures made pursuant to this authority and the circumstances to justify the action taken.
- 8.4 Where the Total Cost of the Purchase or Expenditure exceeds Five Hundred Thousand (\$500,000.00) Dollars per incident, the City Manager may authorize the Purchase or Expenditure, and a report shall be submitted by the City Manager to Council at the next available Council Meeting setting out the details of any Purchases or Expenditures made pursuant to this authority and the circumstances to justify the action taken.

**9. QUALIFICATION OF SUPPLIERS**

- 9.1 A Manager or the General Manager, Finance ~~& Technology~~ may compile a list of Qualified Suppliers whenever it is desirable to pre-qualify suppliers according to established criteria prior to selecting a supplier.
- 9.2 In order to compile a list of Qualified Suppliers, a Manager or the General Manager, Finance ~~& Technology~~ may, from time to time, invite suppliers to apply for inclusion in such list.

**10. REPORTS TO COUNCIL**

- 10.1 Notwithstanding anything in this By-law, a report shall be submitted to Council by a Manager prior to authorizing a Purchase or Expenditure in each of the following circumstances:
- (a) the Total Cost of the Purchase or Expenditure is Five Hundred (\$500,000.00) Dollars or more; or
  - (b) the term of the proposed contract is for a period longer than five (5) years with an Annual Aggregate Value over \$500,000, or where the renewal of the contract would result in an aggregate term of longer than five (5) years; or
  - (c) the Purchase or Expenditure requires the initiation of an alternate approval process, the assent of the electors, or a partnering agreement; or
  - (d) where a Purchase is not authorized by this By-law.

**Part 3  
Contract Documents**

**11. CONTRACT DOCUMENTS**

- 11.1 Where the authorization for the Purchase or Expenditure has been given by Council and the City Solicitor has approved the form and content of the contract, and the General Manager, Finance & Technology has approved the monetary value, the Mayor and the Clerk or any other person or persons designated as a signatory by Council in its authorization, shall execute the contract approved by the City Solicitor on behalf of the City.
- 11.2 Where the authorization for the Purchase or Expenditure has been given by a Manager pursuant to this By-law, the Manager may execute the contract on behalf of the City.

**Part 4  
Disposal of Obsolete, Damaged or Surplus Assets**

**12. DISPOSAL OF OBSOLETE, DAMAGED OR SURPLUS ASSETS**

- 12.1 Each Manager shall submit to the General Manager, Finance & Technology from time to time a list of Assets which are obsolete, damaged or surplus to the department's needs.
- 12.2 All obsolete, damaged or surplus Assets shall first be offered to other departments within the City, at their net value as determined by the General Manager, Finance & Technology and the Manager.

- 12.3 Where obsolete, damaged or surplus Assets are offered to but not required by any City department they shall be disposed of by means of public auction or advertised for public tender and sold to the highest bidder.
- 12.4 If the General Manager, Finance & Technology determines that a higher return net of disposal costs can be achieved by sale or trade-in of obsolete, damaged or surplus Assets, the General Manager, Finance & Technology shall sell such Assets at the highest return.
- 12.5 Where Assets have been declared obsolete, damaged or surplus by a Manager and offered to other departments within the City, and are determined by the General Manager, Finance & Technology to have little or no value, the General Manager, Finance & Technology may dispose of such Assets in the most appropriate manner.
- 12.6 No Officer or Employee of the City shall be permitted to Purchase any goods to be disposed of by the City except by successfully bidding on the same at a public auction or where permitted by a City policy, but in no case if the duties of that Officer or Employee include making decisions regarding the disposal of such goods or activities relating to the conduct of the auction.

**Part 5  
Payment of Accounts**

**13. PAYMENT OF ACCOUNTS**

- 13.1 Except as otherwise provided, the General Manager, Finance & Technology is authorized to pay all accounts for the Purchases or Expenditures where the Purchase or Expenditure has been made in accordance with this By-law, or has been otherwise approved by Council.

**Part 6  
Reporting Requirements and Additional Provisions**

**14. REPORTING REQUIREMENTS**

- 14.1 The General Manager, Finance & Technology shall:
- (a) upon approval by Council of the Annual Budget, provide to Council a report as at March 31, June 30 and October 31 summarizing and comparing the year to date approved budget to actual year to date Expenditures under the jurisdiction of Council; and
  - (b) annually provide consolidated financial statements summarizing total capital and operating Expenditures and funding sources.

**15. ADDITIONAL PROVISIONS**

- 15.1 Between the last regular meeting of Council in any year and the provision of interim appropriations in the next year the General Manager, Finance & ~~Technology~~ is authorized to pay the accounts necessary to maintain ongoing operations of the City.
- 15.2 The General Manager, Finance & ~~Technology~~ may prepare forms of certificates and approvals and develop appropriate administrative policies and procedures necessary to enact the provisions contained herein and the same shall be adhered to by all members of Council, the City Manager, General Managers and other Officers and Employees of the City.

**16. REPEAL**

- 16.1 "Purchase and Expenditure Authorization By-law, 2005, No. 15742" and "Purchase and Expenditure Authorization Bylaw, 2005, No. 15742, Amendment Bylaw, 2006, No. 15953" are hereby repealed.

PASSED THREE READINGS on the 17th day of December, 2007.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 14th day of January, 2008.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

SCHEDULE "A"

RECURRING NON-COMPETITIVE EXPENDITURES

ITEM

1. Refundable Employee Expenses
  - (a) Advances
  - (b) Meal Allowances
  - (c) Miscellaneous – Non Travel
  - (d) Travel Expenses
  
2. Employer's General Expenses
  - (a) Wages, Salaries, Benefits and Payroll Deduction Remittances
  - (b) Training, Education, Conferences and Staff Development
  - (c) Memberships
  - (d) Medical and Group Benefits
  - (e) Licenses (vehicles etc.)
  - (f) Debenture Payments
  - (g) Insurance
  - (h) Grants to Agencies
  - (i) Economic Development and City Promotion
  - (j) Legal or Damage Claims
  - (k) Petty Cash Replenishment
  - (l) Tax Remittances
  - (m) Sinking Fund Payments
  - (n) Indefinite Software Maintenance Payments
  
3. Special Services
  - (a) Committee Fees
  - (b) Temporary Help
  - (c) Utility Relocations
  
4. Utilities
  - (a) Postage
  - (b) Water
  - (c) Hydro
  - (d) Gas
  - (e) Telephones
  - (f) Communications, Cable and Satellite Services
  
5. Library
  - (a) Audio Books
  - (b) Books
  - (c) Magazines and Periodicals
  - (d) Videos, CD's and DVD's
  
6. R.C.M.P.
  - (a) R.C.M.P. contract costs