



SPECIAL CITY COUNCIL MEETING A G E N D A

Friday, March 27, 2020, 4:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>REPORTS</u>	
2.1 Financial Management Committee - Re: 2020 March Engineering Capital Infrastructure Bylaw Funding Request - Environmental Rehabilitation Creeks & Culverts	3
2.2 City Manager's Report, 2020 March 27	7
3. <u>MANAGER'S REPORTS</u>	
3.1 AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW (PENALTY FOR VIOLATION OF SECTION 22 OF PARKS REGULATION BYLAW)	8
Purpose: To seek Council authorization to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.	
3.2 PROPOSED AMENDMENT TO ROUTINE TRANSACTION BYLAW TO TEMPORARILY INCREASE CITY MANAGER'S SPENDING LIMIT	11
Purpose: To obtain Council authorization to bring forward an amendment to the Routine Transaction Authority Bylaw to temporarily increase the City's Manager's spending limit.	
4. <u>BYLAWS</u>	
4.1 FIRST, SECOND AND THIRD READING, AND RECONSIDERATION	

AND FINAL ADOPTION

- 4.1.1 #14142 - Burnaby Bylaw Notice Enforcement Bylaw 2009, Amendment Bylaw No. 1, 2020** 14

A bylaw to amend the Bylaw Notice Enforcement Bylaw (penalty for violation of Section 22 of the Parks Regulation Bylaw)

(Item 3.1, Manager's Report, Special Council 2020 March 27)

Subject to approval of Item 3.1.

- 4.1.2 #14143 - Burnaby Capital Works, Machinery and Equipment Reserve Fund Expenditure Bylaw No. 12, 2020** 15

\$1,000,000 to finance the Engineering capital infrastructure improvement project - environmental rehabilitation creeks & culverts

(Item 2.1., FMC Report, Special Council 2020 March 27)

Subject to approval of Item 2.1.

- 4.1.3 #14144 - Burnaby Routine Transaction Authority Bylaw 1999, Amendment Bylaw No. 2, 2020** 17

A bylaw to amend the Routine Transaction Authority Bylaw 1999 (temporary increase City Manager's spending limit)

(Item 3.2., Manager's Report, Special Council 2020 March 27)

Subject to approval of Item 3.2.

- 5. NEW BUSINESS** 19

- 6. ADJOURNMENT**

FINANCIAL MANAGEMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: 2020 MARCH ENGINEERING CAPITAL INFRASTRUCTURE BYLAW
FUNDING REQUEST – ENVIRONMENTAL REHABILITATION CREEKS
& CULVERTS**

RECOMMENDATION:

1. THAT Council authorize the City Solicitor to bring forward a Capital Reserves Fund Bylaw in the amount of \$1,000,000 to finance the Engineering capital infrastructure improvement project, as outlined in the report.

REPORT

The Financial Management Committee, at its meeting held on 2020 March 11, received and adopted the attached report seeking Council authorization for a Capital Reserve Fund Bylaw to finance the construction of environmental rehabilitation projects related to culverts, creeks and slopes.

Respectfully submitted,

Mayor M. Hurley
Chair

Councillor S. Dhaliwal
Vice Chair

<p>Copied to: City Manager Director Engineering Director Finance Deputy Director Engineering Assistant Director Infrastructure and Development Manager, Engineering Projects City Solicitor</p>



Meeting 2020 March 11

COMMITTEE REPORT

TO: CHAIR AND MEMBERS FINANCIAL MANAGEMENT COMMITTEE **DATE:** 2020 March 04

FROM: DIRECTOR ENGINEERING **FILE:** 32000-05

SUBJECT: 2020 MARCH ENGINEERING CAPITAL INFRASTRUCTURE BYLAW FUNDING REQUEST – ENVIRONMENTAL REHABILITATION CREEKS & CULVERTS

PURPOSE: To request a Capital Reserve Fund Bylaw to finance 2020 - 2024 Engineering capital infrastructure projects.

RECOMMENDATION:

1. **THAT** the Financial Management Committee recommend Council authorize the City Solicitor to bring forward a Capital Reserves Fund Bylaw in the amount of \$1,000,000 to finance the Engineering capital infrastructure improvement project, as outlined in this report.

REPORT

INTRODUCTION

The 2020 – 2024 Provisional Financial Plan provides funding for various multi-year capital improvement projects. In order to proceed with construction, funding approval is requested for the project listed below.

POLICY SECTION

The following project is aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the Plan.

To: Chair and Members Financial Management Committee
 From: Director Engineering
 Re: 2020 MARCH ENGINEERING CAPITAL
 INFRASTRUCTURE BYLAW FUNDING REQUEST-
 ENVIRONMENTAL REHABILITATION CREEKS &
 CULVERTS

2020 March 04.....Page 2

Goal

- A Safe Community
 - Transportation safety –
Make City streets, pathways, trails and sidewalks safer.
- A Dynamic Community
 - City Facilities and infrastructure –
Build and maintain infrastructure that meets the needs of our growing community.
- A Thriving Organization
 - Reliable services, technology and information –
Protect the integrity and security of City information, services and assets.

1.0 Infrastructure

1.1 Environmental Rehabilitation – Creeks & Culverts **Estimated \$1,000,000**

This project is for the construction of environmental rehabilitation projects related to culverts, creeks and slopes.

The following locations are included in the scope of work:

- Byrne Creek at 17th Avenue – In-stream creek reconstruction work for Byrne Creek at 17th Avenue and installation of a new reinforced box culvert and concrete headwall.
- McKee Street Slope Remediation – there was a slope failure at this location which requires remediation.

Early funding is being requested to facilitate contract award.

Project Mask(s)	<u>2020</u>	<u>2021</u>	<u>Total</u>
ELA.3093		\$1,000,000	\$1,000,000

To: *Chair and Members Financial Management Committee*
 From: *Director Engineering*
 Re: *2020 MARCH ENGINEERING CAPITAL
 INFRASTRUCTURE BYLAW FUNDING REQUEST-
 ENVIRONMENTAL REHABILITATION CREEKS &
 CULVERTS*
 2020 March 04Page 3

These expenditures are included in the 2020 – 2024 Provisional Financial Plan and sufficient Capital Reserves & Reserve Funds are available to finance the capital project outlined in this report.

RECOMMENDATION

It is recommended that the Financial Management Committee recommend Council authorize the City Solicitor to bring forward a Capital Reserves Fund Bylaw in the amount of \$1,000,000 to finance the Engineering capital infrastructure improvement project, as outlined in this report.



Leon A. Gous, P.Eng., MBA
DIRECTOR ENGINEERING

SS/RS/ac

Copied to: City Manager
 Director Finance
 City Solicitor
 Deputy Director Engineering
 Assistant Director Infrastructure & Development
 Manager, Engineering Projects



MANAGER'S REPORT March 27, 2020

Unless otherwise noted, the departmental recommendations contained in this Manager's Report are approved and recommended by the City Manager to the Mayor and Council

HIS WORSHIP THE MAYOR AND MEMBERS OF COUNCIL;

The following report is submitted for your consideration:

Item

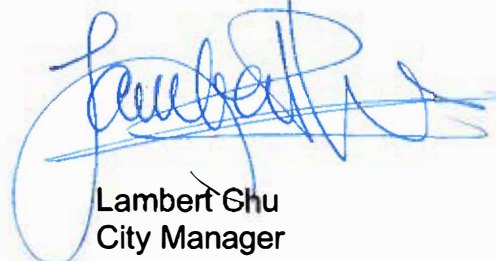
01 AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW (PENALTY FOR VIOLATION OF SECTION 22 OF PARKS REGULATION BYLAW)

PURPOSE: To seek Council authorization to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.

02 PROPOSED AMENDMENT TO ROUTINE TRANSACTION BYLAW TO TEMPORARILY INCREASE CITY MANAGER'S SPENDING LIMIT

PURPOSE: To obtain Council authorization to bring forward an amendment to the Routine Transaction Authority Bylaw to temporarily increase the City Manager's spending limit.

Yours respectfully,



Lambert Ghu
City Manager



Item
 Special Meeting 2020 March 27

SPECIAL COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 24

FROM: CITY SOLICITOR **FILE:** 42000 20
Reference: Parks Regulation Bylaw
 Bylaw Notice Enforcement Bylaw

**DIRECTOR PARKS, RECREATION
 & CULTURAL SERVICES**

**SUBJECT: AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW
 (PENALTY FOR VIOLATION OF SECTION 22 OF PARKS
 REGULATION BYLAW)**

PURPOSE: To seek Council authorization to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize the City Solicitor to bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to impose a penalty for violation of Section 22 of the Parks Regulation Bylaw.

REPORT

1.0 INTRODUCTION

As part of the City's response to the COVID-19 pandemic, the City has closed all public facilities, including recreation centres, cultural facilities and golf courses, effective 2020 March 18. Since then, the City has also made the difficult decision to close all playgrounds and sports facilities within City parks, including playing fields, tennis courts, basketball courts, baseball diamonds and lacrosse boxes, as well as public washrooms. Closure notices and signage have been placed at all of these facilities and communicated to the public through various means, including the City's website, social media and news outlets.

Despite the closures and placement of notices and signage, there remains a concern about non-compliance and the need for measures to address non-compliance. Section 22 of the City's Parks Regulation Bylaw currently prohibits persons from violating any bylaw, rule, regulation or notice of the City. However, there is currently no corresponding penalty under the Bylaw Notice Enforcement Bylaw for a violation of this provision.

The purpose of this report is to recommend an amendment to the Bylaw Notice Enforcement Bylaw in order to allow for the imposition of a \$500 penalty for violating section 22 of the Parks

To: City Manager
 From: City Solicitor
 Director Parks, Recreation & Cultural Services
 Re: AMENDMENT TO BYLAW NOTICE
 ENFORCEMENT BYLAW (PENALTY FOR
 VIOLATION OF SECTION 22 OF PARKS
 REGULATION BYLAW)

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 Special Council Meeting

Regulation Bylaw. With this amendment, the City's enforcement staff would be able to issue a Bylaw Violation Notice and \$500 penalty to those using or entering a closed City Parks facility.

2.0 POLICY CONTEXT

This report aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- **A Safe Community**
 - Community amenity safety – Maintain a high level of safety in City buildings and facilities for the public and City staff

3.0 BYLAW AMENDMENT

Currently, Section 22 of the City's Parks Regulation Bylaw provides as follows:

22. No person shall violate any bylaw, rule, regulation, or notice of the Corporation.

As a result of this provision, any person who enters or uses a Parks facility that has been closed by the City in response to the COVID-19 pandemic would be in violation of Section 22 of the Parks Regulation Bylaw.

Despite the prohibition, the City currently does not have a mechanism to impose a penalty for a violation of Section 22 to further deter non-compliance with the City's closure notices. Amending the Bylaw Notice Enforcement Bylaw to include a penalty would provide the City with an additional enforcement tool to address non-compliance. The penalty amount is proposed to be \$500, discounted to \$400 if paid within 15 days. Since this penalty provision would remain in place and, in the future, apply to various types of non-compliance, it is proposed that a 50% reduction be available for a violator who enters into a compliance agreement with the City, as is available for other penalties under the Bylaw Notice Enforcement Bylaw.

It is proposed that the following be added to Schedule "A" of Bylaw Notice Enforcement Bylaw:

Burnaby Parks Regulation Bylaw 1979				
Bylaw Section		Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
22	Violating City bylaw, rule, regulation or notice	500	400	YES

To: City Manager
 From: City Solicitor
 Director Parks, Recreation & Cultural Services
 Re: AMENDMENT TO BYLAW NOTICE
 ENFORCEMENT BYLAW (PENALTY FOR
 VIOLATION OF SECTION 22 OF PARKS
 REGULATION BYLAW)

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 Special Council Meeting

4.0 CONCLUSION

In response to the COVID-19 pandemic, the City has closed various City Parks facilities. The closure affects public facilities, playgrounds and sports facilities and have been communicated through various means, including signage at the site and public notification through the City's website, social media and news outlets.

By way of Section 22 of the Parks Regulation Bylaw, it is a violation for any person to use or enter these closed facilities. In order to provide an additional enforcement mechanism, it is recommended that the Bylaw Notice Enforcement Bylaw be amended to allow for the imposition of a \$500 penalty for a violation of Section 22.

Staff recommend that Council authorize the City Solicitor bring forward a bylaw to amend the Bylaw Notice Enforcement Bylaw to implement the penalty proposed in Section 3.0 of this report. The proposed amendment bylaw appears elsewhere on the Council agenda for consideration for 1st, 2nd and 3rd readings. The amendment bylaw would be effective upon final adoption by Council.



May Leung
 CITY SOLICITOR



Dave Ellenwood
 DIRECTOR PARKS, RECREATION
 & CULTURAL SERVICES

Copied to: Director Corporate Services
 Director Public Safety and Community Services



Item.....
Meeting..... 2020 Mar 27

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2020 March 26

FROM: DIRECTOR FINANCE **FILE:** 8900-01

SUBJECT: PROPOSED AMENDMENT TO ROUTINE TRANSACTION BYLAW TO TEMPORARILY INCREASE CITY MANAGER'S SPENDING LIMIT

PURPOSE: To obtain Council authorization to bring forward an amendment to the Routine Transaction Authority Bylaw to temporarily increase the City's Manager's spending limit.

RECOMMENDATION:

1. **THAT** Council authorize an increase to the City Manager's authority to approve an award of contract and execute legal agreements for procurement of municipal goods, services and construction where the authorized level does not exceed \$1,000,000, for a period of six months.
2. **THAT** Council authorize the City Solicitor to prepare a bylaw amendment to the Burnaby Routine Transaction Authority Bylaw 1999 to implement the proposed temporary spending limit increase.

REPORT**1.0 INTRODUCTION**

The Burnaby Routine Transaction Authority Bylaw 1999 delegates the power to authorize certain routine transactions to certain officers and employees of the City to support administrative efficiency and effectiveness. The recommendation outlined in this report represents a temporary update to the bylaw needed to provide the City Manager appropriate approval authority to address needs for goods, services and supplies necessary for the City's operations. The temporary increase in the authority limit is being requested for a period of six months from the date that the Bylaw amendment is approved.

2.0 POLICY SECTION**Goal**

- A Thriving Organization
 - Financial viability –
Maintain a financially sustainable City for the provision, renewal and enhancement of City services, facilities and assets

To: City Manager
 From: Director Finance
 Re: Proposed Amendment to Routine Transaction Bylaw to
 Temporarily Increase City Manager's Spending Limit
 2020 March 27 Page 2

3.0 CURRENT AUTHORITY TO APPROVE CONTRACTS

The Burnaby Routine Transaction Authority Bylaw 10874 Section 2(a1) delegates authority to the City Manager to approve for award of contract and execution of legal agreements for procurement of municipal goods, services and construction where the authorized level does not exceed \$500,000.

4.0 PROPOSED AUTHORITY TO APPROVE CONTRACTS

Given the requirement for the City to be responsive to the changing needs for goods, services and supplies at this time, it is proposed that the approval authorization limit of the City Manager be increased to \$1,000,000, for a period of six months from the date of the approval of the Bylaw amendment.

5.0 BYLAW AMENDMENTS

It is recommended that the City Solicitor be authorized to prepare a bylaw amendment to implement the following revision in Section 2 of the Burnaby Routine Transaction Bylaw 1999, to be effective for a period of 6 months starting from the date of adoption.

Section 2(a1) is to be amended to read as follows:

- (a1) to each of the positions listed below, the authority to approve for award of contract by the City's Purchasing Manager and execute legal agreements for procurement of municipal goods, services and construction where the authorized level does not exceed the amount shown in the table below:

Authority	Limit Thresholds (\$)
Council	> 1,000,000
City Manager	250,001 – 1,000,000
Purchasing Manager	50,001 – 250,000
Members of Management Committee (excluding OIC, RCMP)	50,001 – 200,000

To: City Manager
From: Director Finance
Re: Proposed Amendment to Routine Transaction Bylaw to
Temporarily Increase City Manager's Spending Limit
2020 March 27 Page 3

6.0 RECOMMENDATION

It is recommended that Council authorize the temporary increase to the approval authorization limit of the City Manager to \$1,000,000, for six months and authorize the City Solicitor to prepare a bylaw amendment to the Burnaby Routine Transaction Authority Bylaw 1999 to implement this proposed temporary spending limit increase.



Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

NK:BK / md

Copied to: City Manager
City Clerk
City Solicitor
Director Corporate Services

BYLAW NO. 14142

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY BYLAW NOTICE ENFORCEMENT BYLAW 2009, AMENDMENT BYLAW NO. 1, 2020.**
2. Burnaby Bylaw Notice Enforcement Bylaw, 2009, as amended, is further amended:
 - a) under the heading “**Burnaby Parks Regulation Bylaw 1979**” in Schedule A, by adding the following in chronological order:

	Burnaby Parks Regulation Bylaw1979			
Bylaw Section		Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
22	Violating City bylaw, rule, regulation or notice	500	400	YES

Read a first time this	day of	, 2020
Read a second time this	day of	, 2020
Read a third time this	day of	, 2020
Reconsidered and adopted this	day of	, 2020

MAYOR

CLERK

CITY OF BURNABY**BYLAW NO. 14143**

A BYLAW authorizing the expenditure of monies in the
Capital Works, Machinery and Equipment
Reserve Fund

WHEREAS there is an unappropriated balance in the Capital Works Financing Fund of Capital Works, Machinery and Equipment Reserve Fund (hereinafter called "the said Reserve Fund") established pursuant to Bylaw No. 7256 of \$51,827,609.95 at the 1st day of March 2020, calculated as follows:

Balance in Fund at January 1, 2020	\$98,457,351.51
Add: Additions to the fund including interest earned to date	<u>6,890,658.44</u>
	\$105,348,009.95
Less: Appropriated by expenditure bylaws for 2019 (No. 36), less GST	\$4,337,400.00
Appropriated by expenditure bylaws for 2020 (No's 1-8), less GST	\$47,441,400.00
Appropriations for 2020 Other Projects less GST	\$1,741,600.00
	<u>\$ (53,520,400.00)</u>
Uncommitted balance	\$51,827,609.95

AND WHEREAS it is deemed desirable to expend \$1,000,000 to finance the 2020 March Engineering Capital Infrastructure Bylaw Funding Request – Environmental Rehabilitation Creeks & Culverts (hereinafter called the "said works");

NOW THEREFORE the Council of the City of Burnaby ENACTS as follows:

- 1. This Bylaw may be cited as **BURNABY CAPITAL WORKS, MACHINERY AND EQUIPMENT RESERVE FUND EXPENDITURE BYLAW NO. 12, 2020.**
- 2. The sum of \$1,000,000 is hereby appropriated from the said Reserve Fund to be expended for the said works.
- 3. Should any of the said sum of \$1,000,000 remain unexpended after the expenditures hereby authorized have been made, any unexpended balance shall be returned to the credit of the said Reserve Fund.

Read a first time this	day of	, 2020
Read a second time this	day of	, 2020
Read a third time this	day of	, 2020
Reconsidered and adopted by Council this	day of	, 2020

MAYOR

CLERK

CITY OF BURNABY**BYLAW NO. 14144**

A BYLAW to amend the Routine
Transaction Authority Bylaw 1999

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY ROUTINE TRANSACTION AUTHORITY BYLAW 1999, AMENDMENT BYLAW NO. 2, 2020.**
2. Burnaby Routine Transaction Authority Bylaw 1999, as amended, is further amended:
 - (a) by deleting subsection 2(a1) in its entirety and replacing it with the following:

“(a1) to each of the positions listed below, the authority to approve for award of contract by the City’s Purchasing Manager and execute legal agreements for procurement of municipal goods, services and construction where the authorized level does not exceed the amount shown in the table below:

AUTHORITY	LIMIT THRESHOLDS (\$)
Council	> 1,000,000
City Manager	250,001 – 1,000,000
Purchasing Manager	50,001 – 250,000
Members of Management Committee (excluding OIC, RCMP)	50,001 – 200,000

”

3. This bylaw ceases to have force and effect and is deemed to be repealed six (6) months from the date of adoption.

Read a first time this day of , 2020

Read a second time this day of , 2020

Read a third time this day of , 2020

Reconsidered and adopted this day of , 2020

MAYOR

CLERK

NEW BUSINESS

(Members can introduce new items of business)