



Making a difference...together

**BYLAW NO. 2339**

**MAGIC LAKE ESTATES WATER AND SEWER COMMITTEE BYLAW,  
1995**

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

ORIGINALLY ADOPTED OCTOBER 25, 1995  
(Consolidated with Amending Bylaw 4447)

For reference to original bylaws or further details, please contact the Capital Regional District,  
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CAPITAL REGIONAL DISTRICT  
BYLAW NO. ~~XXXX~~2339

MAGIC LAKE ESTATES WATER AND SEWER COMMITTEE BYLAW

WHEREAS:

The Regional Board of the Capital Regional District has the authority to establish a committee, as a standing committee of the Board, to which it may delegate any or all of the administrative powers of the Regional Board by bylaw adopted by at least two thirds of the votes cast.

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

1. (a) A standing committee to be known as the "Magic Lake Estates Water and Sewer Committee" is hereby established and shall consist of the Director representing the Electoral Area of the Outer Gulf Islands plus six other persons to be appointed by resolution by the Regional Board. Each person shall have one vote on matters relating to the establishment and operation of the water system as provided for in Bylaw No. 1874. However, only each person resident or owning property within the sewer local service area plus the Director from the Outer Gulf Islands shall have a vote on matters relating to the establishment and operation of the sewer system as provided for in Bylaw No. 1873.  
  
(b) Of the six persons to be appointed by the Regional Board, three shall be residents or property owners of the Magic Lake Estates Water Local Service Area, and three shall be residents or property owners of the Magic Lake Estates Sewer Local Service Area.
2. (a) Before January 1 each year, the Regional Board shall appoint or reappoint members to the Committee to fill the terms of office of members whose terms expire as of December 31 in that year.  
  
(b) In order to fill a vacancy on the Committee, the Regional District shall accept nominations or application from qualified persons. All vacancies must be advertised or posted locally for at least thirty (30) days.  
  
(c) The Electoral Area Director shall recommend individuals to the Regional Board for appointment to the Committee. The Regional Board may be guided by recommendations but is not bound by them. Appointments commence January 1 of the upcoming calendar year, or for vacancies, on the date of appointment.  
  
(d) A member who fails to attend three (3) consecutive regular meetings without permission of the Committee may have their appointment to the Committee terminated by the Regional Board.  
  
(e) If there are qualified persons willing to serve on the Committee, those members having served for three (3) consecutive terms may be requested not to seek reappointment for a fourth term.  
  
(f) At the request of the Director and under unique circumstances such as a failure to attract nominations to the commission, the Regional Board may extend a Committee member's term beyond the six (6) year limit.

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~~(g) Qualified persons serving as committee members serve without remuneration. (a) The terms of office of Committee members, other than the Electoral Area Director, shall be for a two-year period, ending December 31 in the second year of appointment. The initial appointment of two members will be for one year, ending December 31 in the first year. (Bylaw 4447)~~

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~~(b) By November 1 of each year for terms ending in that calendar year or as needed to fill vacant positions, the Electoral Area Director shall recommend individuals to the Regional Board for appointment to the Committee. The Regional Board may be guided by recommendations but is not bound by them. Appointments commence on January 1 of the upcoming calendar year, or for vacancies, on the date of appointment. (Bylaw 4447)~~

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~~(c) The maximum consecutive terms, other than for the Electoral Area Director, shall be three, for a maximum of six years as a Committee member. At the request of the Electoral Area Director, under unique circumstances, the Regional Board may extend the aforementioned maximum consecutive terms. After a one year vacancy, a Committee member is eligible for reappointment.~~

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(Bylaw 4447)

~~(a) The term of office of those members of the committee, other than the Director representing the Electoral Area of the Outer Gulf Islands shall be for a two year period except that in the initial appointment, three will be for one year.~~

~~(b) The committee shall hold an Annual General meeting on or before the last day of September in each year to which the residents or property owners of the Local Service Area shall be invited to attend by written notice at least one month prior to the date of the Annual General meeting.~~

~~(c) The committee shall accept nominations for the members of the committee to be appointed effective the following November 1, from the residents or property owners present at the Annual General meeting and if more nominations are received than there are positions to fill, the committee shall poll the residents or property owners present at the meeting.~~

~~(d) The names of the persons nominated or the results of the poll under subsection (3) shall be forwarded forthwith after the Annual General meeting to the Regional Board secretary and, in any event, before the date when the agendas for the first meeting of the Regional Board in November of that year is distributed to the Regional Directors.~~

3. ~~The term of office of Committee members, other than the Electoral Area Director, shall be for a two-year period, ending December 31 in the second year of appointment. The Regional Board shall immediately, upon enactment of this bylaw, appoint persons to act as members of the committee as provided above. Such appointments to be effective the first day of November. The term of office for all appointments after the initial appointment shall be as set out in section 2.~~

(Bylaw 4447) and before the first of November every year thereafter appoint or re-appoint members to the committee to fill the term of office of those members whose terms expire as of the first day of November each year.

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4. In the event of death resignation, or disqualification of a member of the committee, the Regional Board shall appoint a successor for the remainder of the term.

5. The committee shall, at its first meeting in each year, elect a Chairperson from amongst its members.

6. A quorum of the committee is a majority of all members.

7. The rules of procedure which govern the Regional Board shall apply to the committee where applicable.

8. ~~The Regional Board hereby delegates to the Committee all of the administrative powers of the Regional Board with respect to the provision of the local service as authorized by Bylaws No. 1873 and 1874. The Committee shall advise on the overall direction and delivery of the Service, including setting priorities, recommending levels of user charges to be established by bylaw of the Regional Board, recommending the extent of requisition to be collected by way of parcel taxes, advising on community interests, and developing a draft budget. However, the Committee and individual Committee members do not direct or become involved with day-to-day administrative activities, purchasing, awarding of contracts, development of regional policies, or hands-on service delivery. The operational functions of the local service shall be performed by the staff of the Regional District.~~

~~(Bylaw 4447)The Regional Board hereby delegates to the committee all of the administrative powers of the Regional Board with respect to the provision of the local services as authorized by Bylaws No. 1873 and 1874, and without limiting the generality of the foregoing, the committee shall establish policies governing the provision and operation of the services including the recommendation of levels of user charges, frontage taxes or parcel taxes to be established by bylaw of the Regional Board. The operational functions of the local service shall be performed by the staff of the Regional District.~~

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9. Notwithstanding the provisions of Clause 8, of this bylaw, the Regional Board retains the right of approval of operational rules, procedures, and policies and the levels of taxes, fees and other charges to be established by bylaw of the Regional Board.

~~10. Each year, according to the District budget timetable, the Committee shall recommend a 5-year operating and capital budget for the service provided in the Service Area which shall cover all anticipated costs of development, maintenance, operational and other expenses, including debt charges, and shall submit such expenditure costs, together with estimates for expected revenue, for the approval of the Regional Board and for inclusion in the Regional Board's 5-year plan. Upon its establishment, and in November of each year, the committee shall approve an annual budget for the services provided in the local service areas which shall include estimates for the administrative, development, maintenance, operational and other expenses, including debt charges, and shall submit such expenditure estimates, together with estimates for expected revenue, in a form approved by the Treasurer of the Regional Board for the approval of the Regional Board and for inclusion in the Regional Board's provisional and annual budgets. \_~~

~~(Bylaw 4447)~~

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11. No expenditures, other than those provided for in the approved budgets of the committee as included in the approved budget of the Regional Board, shall be made by the committee.

12. Any facilities or equipment acquired by the committee in their administrative capacity shall be acquired in the name of the Regional District, shall be the property of the Regional District and shall not be disposed of without the approval of the Board of the Regional District.

13. Bylaw No. 2247, being the Magic Lake Estates Water and Sewer Committee bylaw is hereby repealed.

14. This Bylaw may be cited as the "Magic Lake Estates Water and Sewer Committee Bylaw, 1995".

READ A FIRST TIME THIS 25th DAY OF October 1995

READ A SECOND TIME THIS 25th DAY OF October 1995

READ A THIRD TIME THIS                    25th            DAY OF            October            1995  
ADOPTED THIS                                25th            DAY OF            October            1995

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

