

APPENDIX J



Making a difference...together

BYLAW NO. 3133

SKANA WATER SERVICE COMMITTEE BYLAW NO. 1, 2003

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

ORIGINALLY ADOPTED DECEMBER 10, 2003
(Consolidated with Amending Bylaw 4450)

For reference to original bylaws or further details, please contact the Capital Regional District,
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**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3133**

A BYLAW FOR THE ESTABLISHMENT OF THE SKANA WATER SERVICE COMMITTEE

WHEREAS:

- A. Section 795 of the *Local Government Act* permits the Chair of the Regional Board of the Capital Regional District (hereinafter referred to as the "Board") to establish a standing committee for matters the Chair considers would be better dealt with by committee, and to appoint persons to those committees, provided that at least one member of each standing committee must be a director.
- B. Pursuant to sections 176(1)(e) and 192(1) of the *Local Government Act*, the Board may, by bylaw adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees, its committees or its members, or to other bodies established by the Board.
- C. The Board wishes to establish a committee under this bylaw and to delegate to that committee all of the administrative powers of the Board with respect to the provision of the services as authorized in Bylaw No. 3087, "Skana Water Service Establishment Bylaw No. 1, 2003", as defined in Schedule "A" annexed to Bylaw No. 3089 within the electoral area of Southern Gulf Islands.

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

1. Establishment of Committee

(a) A standing committee to be known as the "Skana Water Service committee" ("the "committee") established by the Regional Board through the Chair of the Regional Board shall consist of the Director representing the Electoral Area of Southern Gulf Islands plus four other persons to be appointed by the Chair on resolution by the Regional Board.

(b) Three members appointed by the Regional Board through the Chair of the Regional Board under paragraph (a) must be owners of real property within the Skana Water Service Area and one member may be a resident or an owner of real property within the Skana Water Service Area or other person who is prepared to represent the Skana Water Service Area.

(c) Each member of the committee shall have one vote on matters relating to the management and operation of the water system as provided for in Bylaw No. 3089, "Skana Water Service Establishment Bylaw No. 1, 2003".

2. Term of Office Nominations and Appointment

(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.~~

~~(g) Qualified persons serving as committee members serve without remuneration.~~

~~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. To maintain staggered terms, two positions shall have two-year terms ending in odd years, while two positions shall have two-year terms ending in even years. (Bylaw 4450)~~

~~Subject to subsection 4(a), the term of office for a member of the committee, other than the Director representing the Electoral Area of Southern Gulf Islands, shall be for a two-year period except that of the initial appointees, of whom two shall hold office from the date of appointment until the 30th of June 2004, and two shall hold office from the date of appointment until the 30th of June 2005.~~

3. ~~Nominations~~ Appointment Term of Office

~~_____ 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.~~

~~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 4450)~~

~~(a) _____ The committee shall hold an Annual General Meeting on or before the last day of May in each year to which the owners and residents in the service area shall be invited to attend by written notice posted at least 30 days prior to the date of the Annual General Meeting.~~

~~(b) _____ The committee must accept nominations for the members of the committee to be appointed effective the following 1st of July from owners and residents present at the Annual General Meeting, and if more nominations are received than there are positions to fill, the committee must poll the owners and residents present at the meeting.~~

~~(c) _____ The names of the persons nominated or the results of the poll under subsection (b) must be forwarded immediately after the Annual General Meeting to the Secretary of the Regional District and in any event, before the date when the agenda for the first meeting of the Regional Board in June of that year is distributed to the regional directors.~~

44. ~~Appointment~~ Term

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~~(a) 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 maximum consecutive terms. After a one year vacancy, a Committee member is eligible for reappointment.~~

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~~(b) 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. (Bylaw 4450)~~

~~(a) The Regional Board through the Chair of the Regional Board shall immediately upon enactment of this bylaw appoint persons to act as members of the committee. The interim appointments are not required to be nominated at an Annual General Meeting.~~

~~(b) Before the 1st of July every year, the Regional Board through the Chair of the Regional Board shall appoint or re-appoint members to the committee to fill the terms of office of the members whose terms expire as of the 30th of June in each year. The term of office for all appointments after the initial appointment will be for a two-year period commencing the first day of July following each such appointment or until their successors are appointed.~~

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~~(c) 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. Committee Procedure

- (a) The committee must, at its first meeting in each year, elect a Chairperson from among its members.
- (b) A quorum of the committee is a majority of all members.
- (c) Rules of Procedure which govern the Regional Board apply to the committee where applicable.

65. Delegation

~~(a) 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 Local Service established by Bylaw No. 3089, "Skana Water Service Establishment Bylaw No. 1, 2003". 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.~~
~~(a) 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 established by Bylaw No. 3089, "Skana Water Service Establishment Bylaw No. 1, 2003"~~

(b) Without limiting the generality of paragraph (a), the committee must establish policies governing the provision and operation of the service including the recommendation of levels of user charges, frontage taxes or parcel taxes to be established by bylaw of the Regional Board.

(c) The operational functions of the Water Service shall be performed by the staff of the Regional District.

76. Board Powers

Notwithstanding the provisions of ~~section 6~~ section 5 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.

B7. Budget

~~(a) 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.~~

(Bylaw 4450)

~~(a) Upon its establishment, and in November of each year, the committee must approve an annual budget for the services provided in the Water Service Area 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.~~

(b) The committee must not make any expenditures, other than those provided for in the approved budgets of the committee as included in the approved budget of the Regional Board.

98. Regional District Assets

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

409. This Bylaw may be cited as the "Skana Water Service Committee Bylaw No. 1, 2003".

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|-------------------------|------------------|--------|----------|------|
| READ A FIRST TIME THIS | 10 th | DAY OF | December | 2003 |
| READ A SECOND TIME THIS | 10 th | DAY OF | December | 2003 |
| READ A THIRD TIME THIS | 10 th | DAY OF | December | 2003 |
| ADOPTED THIS | 10 th | DAY OF | December | 2003 |

CHAIR _____

SECRETARY _____