

## CAPITAL REGIONAL DISTRICT

### BYLAW NO. 4029

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#### A BYLAW TO CONVERT THE SOOKE ELECTORAL AREA RECREATION SPECIFIED AREA ESTABLISHMENT BYLAW (NO. 152)

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#### WHEREAS:

- A. The Capital Regional District Board may, by bylaw, under Section 341(3) of the *Local Government Act* convert a service provided by the Regional District under a specified area to a Service and by the same bylaw amend the maximum requisition to the extent that it could if the power were in fact exercised under the authority of a bylaw establishing the service, provided that the bylaw meets the requirements of Section 339 and is adopted in accordance with Section 349 of the *Local Government Act*;
- B. The Capital Regional District Board established Bylaw No. 152 cited as "Sooke Electoral Area Recreation Specified Area Establishment Bylaw No. 1, 1973" to provide recreational and related community programmes, equipment, facilities and acquisition of real property;
- C. The Capital Regional District wishes to convert Bylaw No. 152 to a service in order to provide recreational community programs, to construct, equip, operate and maintain recreation facilities including but not necessarily limited to the ice arena, the swimming pool, and multi-purpose/community use rooms, and to authorize acquisition of recreation-related real property;
- D. The consent of the participants has been obtained from the District of Sooke and the electoral participating area director in accordance with section 349(1)(b) of the *Local Government Act*;
- E. The Approval of the Inspector of Municipalities has been obtained under section 349(3) of the *Local Government Act*; and
- F. Schedule "A" attached provides accurate illustration of the service area boundary which remains unchanged.

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

#### Service

- 1. The Sooke Electoral Area Recreation specified area established by Bylaw No. 152 cited as "Sooke Electoral Area Recreation Specified Area Bylaw No. 1, 1973" is hereby converted and established as a Service to provide recreational community programs, to construct, equip, operate and maintain recreation facilities including but not necessarily limited to the ice arena, the swimming pool, and multi-purpose/community use rooms, and to authorize acquisition of recreation-related real property.

### **Boundaries**

2. The boundaries of the service area shall be coterminous with the boundaries of the District of Sooke and a portion of the Electoral Area of Juan de Fuca as shown in heavy outline on Schedule "A" attached hereto and forming part of this bylaw.

### **Participating Area**

3. The District of Sooke and the Electoral Area of Juan de Fuca are the participating areas for this service.

### **Cost Recovery**

4. In accordance with Section 378 of the *Local Government Act*, the annual costs of providing the Service may be recovered by one or more of the following:
  - a) Property value taxes imposed in accordance with Division 3 of Part 11 [*Requisition and Tax Collection*];
  - b) Parcel taxes imposed in accordance with Division 3 of Part 11 [*Requisition and Tax Collection*];
  - c) Fees and charges imposed under section 397 [*imposition of fees and charges*];
  - d) Revenues raised by other means authorized under Local Government Act or another Act;
  - e) Revenues received by agreement, enterprise, gift, grant or otherwise.

### **Cost Sharing**

5. The net annual cost attributable to this Service shall be apportioned among the participants on the basis of the population estimate determined annually by the Regional Planning Services Department of the Capital Regional District.

### **Maximum Requisition**

6. In accordance with Section 339(1)(e) of the Local Government Act, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
  - a) Five Million One Hundred Fifty-Eight Thousand Dollars (\$5,158,000); or
  - b) An amount equal to the amount that could be raised by a property value tax rate of \$1.60 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements for Regional Hospital District purposes within the Local Service Area.

### **Citation**

7. This Bylaw may be cited as the "Sooke and Electoral Area Recreation and Facilities Service Establishment Bylaw No. 1, 2016".

READ A FIRST TIME THIS 13<sup>th</sup> day of April 2016

READ A SECOND TIME THIS 13<sup>th</sup> day of April 2016

READ A THIRD TIME THIS 13<sup>th</sup> day of April 2016

CONSENTED TO by the District of Sooke.

CONSENTED TO by the Director of the Juan de Fuca Electoral Area.

APPROVED BY THE  
INSPECTOR OF MUNICIPALITIES THIS 5<sup>th</sup> day of July 2016

ADOPTED THIS 13<sup>th</sup> day of July 2016

  
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CHAIR

  
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CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 20<sup>th</sup> day of July 2016

**SCHEDULE A: Bylaw No. 4029 Service Area**