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## **BYLAW NO. 3693**

# **SALT SPRING ISLAND WATER, SEWER AND LIQUID WASTE DISPOSAL COMMISSIONS BYLAW NO. 1, 2010**

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

ORIGINALLY ADOPTED APRIL 14, 2024  
(Consolidated with Amending Bylaws 4371, 4544)

For reference to original bylaws or further details, please contact the Capital Regional District  
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**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3693**

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A BYLAW TO CONVERT COMMITTEES ESTABLISHED FOR THE ADMINISTRATION OF  
WATER, SEWER AND LIQUID WASTE DISPOSAL SERVICES ON SALT SPRING ISLAND  
INTO COMMISSIONS AND TO ESTABLISH A CONSOLIDATED BYLAW FOR EXISTING  
WATER, SEWER AND LIQUID WASTE DISPOSAL SERVICE COMMISSIONS AND  
CONVERTED COMMITTEES

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**WHEREAS:**

- A. The Regional Board may establish a Commission under section 176 (1)(g) of the *Local Government Act* to operate Regional District Services, undertake operation and enforcement in relation to the Regional Board's exercise of its regulatory authority, and manage property or an interest in property held by the Regional District.
- B. The Regional Board established Committees for the administration of water, sewer and liquid waste disposal services on Salt Spring Island and wishes to convert the Committees to Commissions under section 176(1)(g) of the *Local Government Act*.
- C. The Capital Regional District wishes to establish a consolidated bylaw for the administration of Salt Spring Island water, sewer and liquid waste disposal services.

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

- 1. This bylaw includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this bylaw.
- 2. Interpretation

In this bylaw, unless context otherwise requires:

- (a) **"BUDGET"** means the 5-year financial plan (operating and capital) in respect of a service;
- (b) **"COMMISSION"** means a commission established by the Capital Regional District under this bylaw, or another bylaw of the Capital Regional District;
- (c) **"COMMITTEE"** means a committee established by the Capital Regional District under this bylaw, or another bylaw of the Capital Regional District for the operation of a service referred to in Schedules A to B of this bylaw;
- (d) **"CRD"** means the Capital Regional District;
- (e) **"DIRECTOR"** means the Electoral Area Director for Salt Spring Island;
- (f) **"FINANCIAL OFFICER"** means the person having responsibility for financial administration under section 199 of the *Local Government Act*;
- (g) **"REGIONAL BOARD"** means the Board of Directors of the Capital Regional District;
- (h) **"SCHEDULES"** means the schedules or a schedule attached to and forming part of this bylaw; and

- (i) **“SERVICE AREA”** means a service area more particularly described in the Service Establishment bylaws included in Section 9(a) below.

*(Bylaw 4371)*

3. Commissions Established

- (a) The Committees established under the “Committee Establishing Bylaws” listed below in column 1 are continued and renamed as per “New, Renamed Commissions” set out in column 2:

<b>Committee Establishing Bylaw</b>	<b>New, Renamed Commission</b>
Beddis Water Service Committee Bylaw No. 1, 2004	Beddis Water Service Commission
Cedars of Tuam Water Service Committee Bylaw No. 1, 2003	Cedars of Tuam Water Service Commission
Fernwood Water Local Service Committee Bylaw No. 1, 2005	Fernwood and Highland Water Service Commission
& Highland Water and Sewer Committee Bylaw No. 1, 1991	Maliview Sewer Local Service Commission
Fulford Water Service Committee Bylaw No. 1, 2004	Fulford Water Service Commission
Ganges Sewer Local Services Committee Bylaw, 1991	Ganges Sewer Local Services Commission

*(Bylaws 4371, 4544)*

- (b) The Water Service Commission established by Cedar Lane Water Service Commission Bylaw No. 1, 2008 is hereby continued and known as the “Cedar Lane Water Service Commission”.
- (c) The Regional Board hereby establishes a Commission in each of the Service Areas named in the Schedules to manage a water, sewer and/or liquid waste service in that Service Area.
- (d) The terms of office of the existing members of the Commissions shall continue until their expiry under Bylaw No. 3247; Bylaw No. 3505; Bylaw No. 3055; Bylaw No. 3252; Bylaw No. 3248; Bylaw No. 1906; Bylaw No. 1936; and Bylaw No. 2119 respectively.

4. Membership

- (a) Unless otherwise specified in Schedule “A”, a Commission shall consist of five (5) members as follows:
- (i) The Director representing the Salt Spring Island Electoral Area; and
  - (ii) Four (4) individuals appointed by resolution of the Regional Board and representing the Service Area.
- (b) Despite subsection 4(a) and any Schedule to this bylaw, the number of members of a Commission continues to be the number serving as of the date of the adoption of this

bylaw until such time as the appointment of members under a previous bylaw expires, at which time the Commission shall consist of five (5) members.

5. Term of Office

- (a) The term of office for a member of a Commission other than the Director shall be for a two (2) year period commencing the first day of January following each such appointment or until their successors are appointed.
- (b) In the case of the Commission established by Bylaw No. 3505 (Cedar Lane Water Service Commission), the term of office for the members with a term set to expire on April 30<sup>th</sup> is hereby extended to December 31<sup>st</sup> of the same year.

6. Nominations

- (a) A Commission shall hold an Annual General Meeting on or before the last day of November in each year, to which the owners or residents of real property within a 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) A Commission must accept nominations for the members of the Commission to be appointed effective the following 1<sup>st</sup> of January from owners and residents present at the Annual General Meeting, and if more nominations are received than there are positions to fill, the Commission must poll the owners or residents of real property within the Service Area who are present at the meeting. *(Bylaw 4544)*
- (c) The names of persons nominated or the results of the poll under subsection (b) must be forwarded immediately after the Annual General Meeting to the Electoral Area Director of the Regional District.

7. Appointment

- (a) All vacancies on a Commission must be advertised or posted locally at least thirty (30) days prior to the date of the Annual General Meeting.
- (b) The Director shall seek recommendations for all appointments from the Commission, but is not bound by a Commission's recommendation and may consult with other persons.
- (c) The Director must provide the name of a person to the Board to fill a vacancy or in the case of a person whose appointment is to expire.
- (d) Before the 1<sup>st</sup> of January every year, the Regional Board shall appoint or re-appoint members to a Commission to fill the terms of office of the members whose term expires as of the 31<sup>st</sup> of December in each year.
- (e) In the event of death, resignation or disqualification of a member of a Commission, the Regional Board shall appoint a successor for the remainder of such member's term.
- (f) The Board may terminate the appointment of a Commission member who fails to attend three (3) consecutive regular meetings without the permission of a Commission.
- (g) Without limiting paragraph (f), the Board may terminate the appointment of a Commission member who moves from the Service Area or ceases to own property in the Service Area where such person has ceased to attend at least one half of the regular meetings of the Commission.
- (h) With regard to the Cedar Lane Water Service Commission:

- (i) No appointee may serve more than three (3) consecutive terms.
- (ii) 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 commission member's term beyond the six (6) year limit.

8. Commission Procedure

- (a) A Commission must, at its first meeting in January of each year, by secret ballot, elect a Chairperson from among its members.
- (b) For the conduct of business each member of a Commission shall have one vote.  
*(Bylaw 4371)*
- (c) The rules, policies, procedures and the Delegation Bylaw which govern the Regional Board shall apply to a Commission where applicable.
- (d) Meetings are open to the public.
- (e) A quorum of a Commission is a majority of its members.
- (f) If, as a result of members of a Commission declaring a conflict of interest in relation to a matter, and as a consequence, there is no longer a quorum of members of the Commission to decide on a particular issue, the issue shall be referred to the Regional Board for a decision.

9. Delegation of Powers and Duties

- (a) The Regional Board hereby delegates to a Commission, subject to (a) the policies and procedures of the Regional Board, and (b) limitations in the CRD Delegation Bylaw, administrative powers of the Regional Board with respect to the provision of the Local Service established by the following bylaws:
  - (i) Bylaw No. 3188, "Beddis Water Service Establishment Bylaw No. 1, 2004";
  - (ii) Bylaw No. 3424, "Cedar Lane Water Service Establishment Bylaw No. 1, 2007";
  - (iii) Bylaw No. 3021, "Salt Spring Island Cedars of Tuam Water Service Establishment Bylaw No. 1, 2002";
  - (iv) Bylaw No. 1772, "Fernwood Water Supply Local Service Establishment Bylaw No. 1, 1989" as amended;
  - (v) Bylaw No. 3202, "Fulford Water Service Establishment Bylaw No. 1, 2004" as amended;
  - (vi) Bylaw No. 1923, "Salt Spring Island Ganges Sewerage Local Service Establishment Bylaw, 1991" as amended;
  - (vii) Bylaw No. 1937, "Highland Water System Local Service Establishment Bylaw No. 1, 1991" as amended and;
  - (viii) Bylaw No. 1938, "Maliview Estates Sewerage Local Service Establishment Bylaw No. 1, 1991".  
*(Bylaw 4544)*
- (b) Without limiting the generality of the foregoing, a Commission shall recommend 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. The operational functions of the local service shall be performed by the staff of the CRD or by contract through the CRD.

- (c) Despite subsection 9(a) above, or any Schedule 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. Budget

Before the end of November of each year, a Commission shall be presented with a five-year operating and capital budgets for the services provided in the 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 Financial Officer of the CRD for the approval of the Regional Board and for inclusion in the Regional Board's preliminary and annual budgets.

#### 11. Unauthorized Expenditures

A Commission shall not authorize any expenditure other than an expenditure provided for in the Budget as included in the approved financial plan of the CRD.

#### 12. Borrowing and Additional Funding

A Commission shall not accept funds advanced from any source other than the CRD without prior approval from the CRD.

#### 13. Facilities and Equipment

Any facilities or equipment acquired by a Commission in its administrative capacity shall be acquired in the name of the CRD, shall be the property of the CRD and shall not be disposed of without the approval of the CRD.

#### 14. Contracts

A Commission shall not enter into contracts on behalf of the CRD except:

- (a) Where the Commission has been granted authority to do so under the Delegation Bylaw; and
- (b) In the name of the CRD.

#### 15. Repeal

- (a) Bylaw No. 3247, cited as "Beddis Water Service Committee Bylaw No. 1, 2004" is hereby repealed;
- (b) Bylaw No. 3505, cited as "Cedar Lane Water Service Commission Bylaw No. 1, 2008" is hereby repealed;
- (c) Bylaw No. 3055, cited as "Cedars of Tuam Water Service Committee Bylaw No. 1, 2003" is hereby repealed;
- (d) Bylaw No. 3252, cited as "Fernwood Water Local Service Committee Bylaw No. 1, 2005" is hereby repealed;

- (e) Bylaw No. 3248, cited as “Fulford Water Service Committee Bylaw No. 1, 2004” is hereby repealed;
- (f) Bylaw No. 1906, cited as “Ganges Sewer Local Services Committee Bylaw, 1991” and any amendments thereto are hereby repealed;
- (g) Bylaw No. 1936, cited as “Highland Water and Sewer Committee Bylaw No. 1, 1991” is hereby repealed; and
- (h) Bylaw No. 2119, cited as “Salt Spring Island Liquid Waste Disposal Local Services Committee Bylaw No. 1, 1993” is hereby repealed.

16. Citation

This bylaw may be cited as “Salt Spring Island Water, Sewer and Liquid Waste Disposal Commissions Bylaw No. 1, 2010”.

READ A FIRST TIME THIS	14 <sup>th</sup>	day of	April	2010
READ A SECOND TIME THIS	14 <sup>th</sup>	day	April	2010
READ A THIRD TIME THIS	14 <sup>th</sup>	day of	April	2010
ADOPTED THIS	14 <sup>th</sup>	day of	April	2010

Original signed by Geoff Young  
CHAIR

Original signed by Carmen Thiel  
CORPORATE OFFICER

## Schedule "A"

### 1. Membership

In accordance with Section 4 of this bylaw, the Commission shall consist of:

- (a) In the Beddis Water Service Commission Service Area, the Commission shall consist of the Director plus four (4) other persons to be appointed by resolution of the Regional Board as follows:
  - (i) Three (3) members must be owners of real property within the Service Area; and
  - (ii) One (1) member may be a resident or an owner of real property within the Service Area or another person who is prepared to represent the Service Area.
  
- (b) In the Cedar Lane Water Service Commission Service Area, the Commission shall consist of the Director plus three (3) other persons appointed by resolution of the Regional Board who are residents or owners of real property within the Service Area or another person who is prepared to represent the Service Area.
  
- (c) In the Cedars of Tuam Water Service Commission Service Area, the Commission shall consist of the Director plus two (2) other persons appointed by resolution of the Regional Board as follows:
  - (i) One (1) member must be an owner of real property within the Service Area; and
  - (ii) One (1) member may be a resident or an owner of real property within the Service Area or another person who is prepared to represent the Service Area.
  
- (d) The Fernwood and Highland Water Service Commission, administering the Fernwood Water Local Service Area and the Highland Water Local Service Area, shall consist of the Director plus four (4) other persons appointed by resolution of the Regional Board as follows:
  - (i) Three members shall be resident electors of the Highland Water Local Service Area or the Fernwood Water Local Service Area; and
  - (ii) One member shall be a resident elector of the Sale Spring Island Electoral Area.  
*(Bylaw 4371)*
  
- (e) In the Fulford Water Service Commission Service Area, the Commission shall consist of the Director plus four (4) other persons appointed by resolution of the Regional Board as follows:
  - (i) Three (3) members must be owners of real property within the Service Area; and
  - (ii) One (1) member may be a resident or an owner of real property within the Service Area or another person who is prepared to represent the Service Area.
  
- (f) In the Ganges Sewer Local Services Commission Service Area, the Commission shall consist of the Director plus five (5) other persons to be appointed as follows:
  - (i) Four (4) members shall be resident electors or owners of a business within the Service Area; and



- (ii) One (1) member shall be a resident elector or owner of a business within the Electoral Area of Salt Spring Island.
  - (iii) Despite Subsections (i) and (ii) above, one of the five members appointed by the Regional Board may be an employee or a member of a board of a school district, a hospital or a community care facility which owns or manages property within the Service Area, provided the employee is a resident elector of the CRD.
- (g) The Maliview Sewer Local Service Commission, administering the Maliview Sewer Local Service Area, shall consist of the Director plus (three) other persons appointed by resolution of the Regional Board as follows:
- (i) Two (2) members shall be resident electors of the Maliview Sewer Local Service Area; and
  - (ii) One (1) member shall be a resident elector of the Salt Spring Island Electoral Area.
- (Bylaw 4371)*

## Schedule “B”

### 1. Description of Services

- (a) The Beddis Water Service Commission operates a service for the supply, conveyance, treatment, storage and distribution of water within the Beddis Water Service Area, as more particularly described in Bylaw No. 3188, “Beddis Water Service Establishment Bylaw No. 1, 2004”.
- (b) The Cedar Lane Water Service Commission operates a service for the supply, conveyance, treatment, storage and distribution of water within the Cedar Lane Service Area, as more particularly described in Bylaw No. 3424, “Cedar Lane Water Service Establishment Bylaw No. 1, 2007”.
- (c) The Cedars of Tuam Water Service Commission operates a service for the supply, conveyance, treatment, storage and distribution of water within the Cedars of Tuam Local Service Area, as more particularly described in Bylaw No. 3021, “Salt Spring Island Cedars of Tuam Water System Service Establishment Bylaw No. 1, 2002”.
- (d) The Fernwood and Highland Water Service Commission operates services for the supply, conveyance, treatment, storage and distribution of water within the Fernwood Water Local Service Area, more particularly described in Bylaw No. 1772, “Fernwood Water Supply Local Service Establishment Bylaw No. 1, 1989” and any amendments thereto, and in the Highland Water Local Service Area, more particularly described in Bylaw No. 1937, “Highland Water System Local Service Establishment Bylaw No. 1, 1991” and any amendments thereto;  
*(Bylaw 4371)*
- (e) The Fulford Water Service Commission operates a service for the supply, conveyance, treatment, storage and distribution of water within the Fulford Water Service Area, as more particularly described in Bylaw No. 3202, “Fulford Water Service Establishment Bylaw No. 1, 2004” and any amendments thereto.
- (f) The Ganges Sewer Local Services Commission operates a service for the collection, conveyance, treatment and disposal of sewage within the Ganges Sewer Service Area, as more particularly described in Bylaw No. 1923, “Salt Spring Island Ganges Sewerage Local Service Establishment Bylaw, 1991” and any amendments thereto.
- (g) The Malivew Sewer Local Service Commission operates a service for the collection, conveyance, treatment and disposal of sewage within the Malivew Sewer Local Service Area, as more particularly described in Bylaw No. 1938, “Malivew Estates Sewerage Local Service Establishment Bylaw No. 1, 1991”.  
*(Bylaw 4371)*