

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3281**

**A BYLAW FOR THE ESTABLISHMENT OF THE PORT RENFREW UTILITY SERVICES
COMMITTEE (JUAN DE FUCA ELECTORAL AREA)**

WHEREAS under Section 795 of the *Local Government Act* the Chair of a Regional District Board (hereinafter referred to as the "Board") may establish standing committees for matters the chair considers would be better dealt with by committee and to appoint persons to those committees;

AND WHEREAS Under sections of 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;

AND WHEREAS 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 the following bylaws:

- (a) Bylaw 1744 "Port Renfrew Sewer Local Service Establishment Bylaw No. 1, 1989", as amended;
- (b) Bylaw 1746 "Port Renfrew Street Lighting Local Service Establishment Bylaw No. 1, 1989";
- (c) Bylaw 1747 "Port Renfrew Water Local Service Establishment Bylaw No. 1, 1989; and
- (d) Bylaw 3004 "Port Renfrew Snuggery Cove Water Local Service Establishment Bylaw No. 1, 2003.

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

Membership

1. A Committee to be known as the "Port Renfrew Utility Services Committee" is hereby established and shall consist of seven (7) members as follows:
 - (a) The Director representing the Juan de Fuca Electoral Area;
 - (b) Three (3) individuals who shall represent the Port Renfrew Water Local Service Area: Port Renfrew Sewer and the Port Renfrew Street Lighting Local Service Areas;
 - (c) Two (2) individuals who shall represent the Port Renfrew Snuggery Cove

Water Local Service Area; and

- (d) One (1) representative of the Pacheedaht First Nation when a service agreement for solid waste services is in place and there have been no violations to the terms and conditions of the agreement.

2. Committee members may vote as follows:

- (a) The Electoral Area Director may vote on all matters;
- (b) Representatives appointed according to 1(b) and 1(c) may only vote on matters relating to the local Service Areas within which the member is either a resident, elector or owner of real property;
- (c) All members may vote on solid waste services provided the conditions under 1 (d) have been met.

(Bylaw 3745)

Appointment

- 3. (a) The Committee shall, at its regularly scheduled meeting in September, submit to the Electoral Area Director, its nominations for the members of the committee for the following term, and at the same meeting, shall invite residents or electors in the Local Service Area to submit additional nominations, on forms provided at the meeting, to the Electoral Area Director on or before 14 days from the date of the meeting. At the same meeting the committee shall schedule the Annual General Meeting which shall be held no sooner than 15 days from the date of the meeting but in all cases shall be before the last day of October;
 - (b) The Committee shall invite to the Annual General Meeting residents or electors in the Local Service Areas by written notice at least two weeks prior to the date of the Meeting. Nominations received by the Electoral Area Director shall be posted with the notice of AGM. The committee shall poll the residents or electors present at the Annual General Meeting to fill the positions of committee members to be appointed effective the following January 1, from nominations put forward either by the committee or through the Electoral Area Director;
- (Bylaw 3397)
- (c) The names of the persons nominated or the results of the poll under subsection 2(b) shall be forwarded forthwith after the Annual General Meeting to the Board Secretary, and in any event, before the first Wednesday in December of that year;
 - (d) The Board shall immediately upon enactment of this Bylaw appoint persons to act as members of the committee as provided above.

Terms of Office

- 4. The terms of office of those members of the Committee, other than the Director representing the Juan de Fuca Electoral Area, shall be for a two-year period, except that of the initial appointees, which shall be as follows:

- (a) Three of the appointees shall hold office from the date of appointment until the 31st day of December 2006;
- (b) Two of the appointees shall hold office from the date of appointment until the 31st day of December 2007.

(Bylaw 3397)

5. In the event of the death, resignation, or disqualification of a member of the Commission, the Board shall appoint a successor for the remainder of the term.

Procedure

6. The Committee shall endeavor to hold at least one meeting quarterly and in January of each year shall establish a schedule of quarterly meetings which shall be posted on the community notice board situated at the Transfer Station, the Post Office and on the CRD Website.
7. In voting on the Committee all members shall have one vote each.
8. The Committee shall in January of each year, by secret ballot, elect a Chair.
9. A quorum of the committee is a majority of the members.
10. The rules of procedure for the Committee shall not be inconsistent with those of the Regional District

Duties

11. The Board hereby delegates to the Committee all of the administrative powers of the Board, with respect to:
 - (a) the provision of Sewer Services under Bylaw No. 1743;
 - (b) the provision of Street Lighting Services under Bylaw No. 1746;
 - (c) the provision of Water under Bylaw No. 1747;
 - (d) the provision of Water Services under Bylaw No. 3004;
 - (e) the provision of Solid Waste Services under Bylaw No. 1745.

(Bylaw 3745)

Without limiting the generality of the above, the committee shall establish policies governing the provision and operation of the services including the recommendation of levels of user charges to be established by bylaw of the Board.

12. Notwithstanding the provisions of section 11 of this bylaw, the Board retains the right of approval of operation rules, procedures and policies and the levels of user charges to be established by bylaw of the Board.

Budget

- (a) Upon its establishment, and in November of each year, the committee shall prepare an annual budget for each of the services provided in 11(a) and 11(b) and 11(c) above 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, for the approval of the Regional Board and for inclusion in the Regional Board's Five Year Financial Plan;
- (b) No expenditures, other than those provided for in the approved financial plans of the committee as included in the approved financial plan of the Board, shall be incurred by the committee.

Facilities and Equipment

- 13. Any facilities or equipment acquired by the committee 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 Regional District.

Citation

- 14. This bylaw may be cited as "Port Renfrew Utility Services Committee Bylaw No. 1, 2005".

READ A FIRST TIME THIS	14 th	day of	September	2005
READ A SECOND TIME THIS	14 th	day of	September	2005
READ A THIRD TIME THIS	14 th	day of	September	2005
ADOPTED THIS	14 th	day of	September	2005

Original signed by Karen Watson
CHAIRPERSON

Original signed by Carmen Thiel
SECRETARY