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BYLAW NO. 3281

PORT RENFREW UTILITY SERVICES COMMITTEE BYLAW NO. 1, 2005

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

ORIGINALLY ADOPTED SEPTEMBER 14, 2005
(Consolidated with Amending Bylaws 3397, 3745, 4364, 4451)

For reference to original bylaws or further details, please contact the Capital Regional District,
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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 up to five (5) 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 Port Renfrew Street Lighting Local Service Areas (the “Local Service Representatives” and “Local Service Areas”, respectively); and
 - (c) 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.

(Bylaw 4364)
2. Committee members may vote as follows:
 - (a) The Electoral Area Director may vote on all matters;

(Bylaw 3745)
 - (b) Local Service Representatives may vote on all matters;

(Bylaw 4364)

- (c) The Pacheedaht First Nation may vote on solid waste matters when the conditions under 1(c) have been met. *(Bylaw 4364)*

Appointment

- 3.
 - (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. *(Bylaw 4451)*

Qualifications for Appointment

- 3.1 To be eligible for appointment, all Local Service Representatives must reside, be an elector, or own real property in one or more of the Local Service Areas. At least one must reside, be an elector, or own real property in the Port Renfrew Sewer Local Service Area. At least one must reside, be an elector, or own real property in the Port Renfrew Water Supply Local Service area. *(Bylaw 4364)*

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 Solid Waste Services under Bylaw No. 1745. *(Bylaw 3745 & 4364)*

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. *(Bylaw 4364)*

Budget

- (a) Upon its establishment, and each year according to the District budget timetable, the committee shall prepare an annual budget for each of the services provided in 12(a) and 12(b) and 12(c) *[typo: 11(a), 11(b), 11(c), and 11(d)]* 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; *(Bylaw 4364 & 4451)*
- (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.
- (c) The committee shall advise on the overall direction and delivery of the services set out in section 11, 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, 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 4451)*

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

CHAIRPERSON

SECRETARY