

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 4110**

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**A BYLAW TO DELEGATE POWERS, DUTIES AND FUNCTIONS OF THE CAPITAL  
REGIONAL DISTRICT BOARD TO THE CORE AREA WASTEWATER TREATMENT  
PROJECT BOARD**  
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**WHEREAS:**

- A. Under sections 263(1)(e), 229 and 230 of the *Local Government Act*, R.S.B.C. 2015, c.1, the Board of the Capital Regional District 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 another body established by the Board and in so doing may establish any terms and conditions it considers appropriate;
- B. The Board has established the Core Area Wastewater Treatment Project Board under the Core Area Wastewater Treatment Board Bylaw No. 1, 2016;
- C. The Board of the Capital Regional District wishes to delegate certain of its powers, duties and functions to the Core Area Wastewater Treatment Project Board.

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

- 1. The Board hereby delegates to the Core Area Wastewater Treatment Project Board established under the Core Area Wastewater Treatment Project Board Bylaw No. 1, all of the powers, duties and functions of the Board of the Capital Regional District under sections 263(1)(a) of the *Local Government Act*, R.S.B.C. 2015, c. 1, to make agreements respecting the:
  - (a) Regional District's services, including agreements respecting the undertaking, provision and operation of those services other than the Board's regulatory authority;
  - (b) Operation and enforcement in relation to the Board's exercise of its regulatory authority; and
  - (c) Management of property or an interest in property held by the Regional District

all in relation to the Regional District's activities, works or services of the service administered by the Core Area Wastewater Treatment Project Board and provided that any revenues or expenditures arising from the exercise of this delegated authority are included in the approved financial plan of the Capital Regional District.

2. The Board hereby delegates to the Core Area Wastewater Treatment Project Board all the powers, duties and functions of the Board of the Capital Regional District under section 263(1)(b) of the *Local Government Act*, R.S.B.C. 2015 c. 1, to make agreements with a public authority respecting:
  - (a) Activities, works or services within the powers of a party to the agreement, other than the exercise of a regulatory authority, including agreements respecting the undertaking provision and operation of activities, works and services;
  - (b) Operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement; and
  - (c) The management of property or an interest in property held by a party to the agreement

all in relation to the service administered by the Core Area Wastewater Treatment Project Board, provided that any revenues or expenditures resulting from the exercise of this delegated authority are included in the approved financial plan of the Capital Regional District.

3. The Board hereby delegates to the Core Area Wastewater Treatment Project Board all the powers, duties and functions of the Board under section 263(1)(d) of the *Local Government Act*, R.S.B.C. 2015, c.1, to acquire, hold, manage and dispose of land, improvements, personal property or other property, and any interest or right in or with respect to that property in connection with the operation of service administered by the Core Area Wastewater Treatment Project Board, provided that any revenues or expenditures arising from the exercise of this delegated authority is included in the approved financial plan of the Capital Regional District.
4. Notwithstanding sections 1 to 3 of this Bylaw, the delegation of authority under this Bylaw is subject to:
  - (a) purchasing policies and procedures of the Regional Board; and
  - (b) the Board's reservation of authority to approve the final business case in relation to the Core Area Wastewater Treatment Project to be prepared by the Core Area Wastewater Treatment Project Board for submission to the

provincial and federal governments and any alteration to the Core Area Wastewater Treatment Project's scope, schedule or budget that would result in:

- (i) the Core Area Wastewater Treatment Project not meeting provincial and federal regulations governing the Core Area Wastewater Treatment Project;
  - (ii) the Capital Regional District exceeding all approved sources of funding for the Core Area Wastewater Treatment Project; or
  - (iii) increased costs to taxpayers from those contemplated in the business case; and
- (c) does not derogate from the delegations of authority to officers and employees contained in sections 3 and 4 of the Capital Regional District Delegation Bylaw No. 1, 2001;
5. In the case of a delegation of authority to the Core Area Wastewater Treatment Project Board, the Project Board Chair and the Project Director are authorized to execute an agreement approved by the Core Area Wastewater Project Board.
6. For clarity, subject to the *Local Government Act*, R.S.B.C. 2015 c. 1, unless a power, duty or function of the Capital Regional District Board has been expressly delegated by this Bylaw or another CRD Bylaw, all the powers, duties and functions of the CRD Board remain with the CRD Board.
7. For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.
8. Severability
- 8.1 If any part of this Bylaw is found to be invalid by a court of competent jurisdiction, it must be severed without affecting the validity of the remainder of the Bylaw.
9. Citation

This Bylaw may be cited as the CRD Core Area Wastewater Treatment Project Board Delegation Bylaw No. 1, 2016.

CRD Bylaw No. 4110

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READ A FIRST TIME THIS	25 <sup>th</sup>	DAY OF	May	2016
READ A SECOND TIME THIS	25 <sup>th</sup>	DAY OF	May	2016
READ A THIRD TIME THIS	25 <sup>th</sup>	DAY OF	May	2016
ADOPTED THIS	25 <sup>th</sup>	DAY OF	May	2016

  
CHAIR

  
CORPORATE OFFICER