

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4508**

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**A BYLAW TO DELEGATE POWERS TO THE  
SALT SPRING ISLAND LOCAL COMMUNITY COMMISSION**

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**WHEREAS:**

- A. Salt Spring Island Electoral Area has a number of local, sub-regional, and island-wide services;
- B. Under the *Local Government Act*, RSBC 2015 c 1, a regional district may establish, by bylaw, one or more local communities to be administered by local community commission, provided the electors in the area of the local community assent to the creation of the commission and has done so under Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022";
- C. On October 15, 2022, a majority of Salt Spring Island electors assented to the creation of a Local Community Commission, to be delegated responsibility for a variety of Salt Spring Island local services, in accordance with Bylaw No. 4507;
- D. The Capital Regional District Board wishes to delegate, by bylaw adopted by at least two-thirds of the votes cast pursuant to the *Local Government Act*, certain of its powers, duties and functions to the local community commission, with the scope of authority as set out in this bylaw and such other bylaws as adopted from time to time;

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

**DELEGATION TO LOCAL COMMUNITY COMMISSION**

- 1. This bylaw describes the delegation of powers, duties and functions in relation to services within the scope of authority of the Salt Spring Island Local Community Commission, as established by Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022" (the "Commission").
- 2. For clarity, subject to the *Local Government Act*, RSBC 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, and the Commission may not further delegate powers, duties, or functions to another individual or body. Individual Commissioners have no delegated authority outside the body of the Commission in open meeting assembled, acting as a whole.

**ADMINISTRATIVE AUTHORITY**

- 3. The Regional Board hereby delegates to the Commission the powers of the Regional Board with respect to the development, maintenance and operation of the services listed as administrative in Schedule "A". Administrative authority includes the following:
  - (a) Authorize entering into agreements respecting the undertaking, provision and operation of the District's works and services;
  - (b) Identification and creation of strategic plans and priorities, and service-specific operational policies;

- (c) Recommending to the Regional Board user fees and charges to be established by bylaw;
- (d) Direction on maintenance of property or interests in property managed by the service;
- (e) Authorize acquisition and disposition of property or an interest in property subject to approved financial plans and in accordance with sections 8 and 9 of this Bylaw;
- (f) Review and provide direction on annual budgets each year by no later than September 15, or such other date as set by the District's Chief Financial Officer, for Regional Board consideration and approval; and
- (g) Consideration of matters referred to the Commission by the Regional Board.

#### **ADVISORY AUTHORITY**

- 4. The Regional Board hereby delegates to the Commission advisory authority, including recommending annual budget and scope of services, if applicable, for those services listed as advisory in Schedule "A".
- 5. The Commission may be referred other matters by the Regional Board.

#### **LIMITS ON DELEGATION**

- 6. The delegation of authority under this bylaw is subject to the following requirements:
  - (a) Agreements must comply with purchasing policies and procedures of the Regional Board;
  - (b) Revenues and expenditures must be included in the approved annual financial plan for the service;
  - (c) Delegation to the Commission does not derogate from the delegations of authority to officers and employees contained in Bylaw No. 3343, "Officers', General Managers' and Management Staff's Bylaw No. 1, 2006", Bylaw No. 4186, "Capital Regional District Delegation Bylaw No. 1, 2017", and other delegation instruments.
- 7. The delegation of authority set out in the bylaw does not include:
  - (a) The ability to commence, settle, compromise, or initiate litigation, court, arbitration, mediation, or other proceedings;
  - (b) The ability to amend, disregard, set, or alter the Board or administrative policies and procedures of the Regional Board as they relate to procurement, purchasing, financial planning, or otherwise; or
  - (c) Those matters unable to be delegated per s. 229(2) of the *Local Government Act*, including the ability to pass bylaws, regulations, or fetter the discretion of the Regional Board as it relates to items it is unable to delegate under the *Local Government Act*.

#### **ACQUISITION & DISPOSITION OF PROPERTY**

- 8. Any facilities or equipment acquired by the Commission for services must be acquired in the name of the Regional District and shall be the property of the Regional District.

9. Where a service may accept revenues from other sources, such as gift and enterprise, such revenues shall be managed, solicited, and accepted by the service in accordance with Regional District practice, policies, and bylaws, as applicable.

**CITATION**

10. This bylaw may be cited for all purposes as "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022".

READ A FIRST TIME THIS	13 <sup>th</sup>	day of	July,	2022
READ A SECOND TIME THIS	13 <sup>th</sup>	day of	July,	2022
READ A THIRD TIME THIS	13 <sup>th</sup>	day of	July,	2022
RETURNED TO SECOND READING AND AMENDED THIS	12 <sup>th</sup>	day of	April,	2023
READ AGAIN A THIRD TIME THIS	12 <sup>th</sup>	day of	April,	2023
ADOPTED THIS	14 <sup>th</sup>	day of	June,	2023

CHAIR

CORPORATE OFFICER

## SCHEDULE "A"

### Administrative Authority

- (a) Economic development as set out in Bylaw No. 1824, "Economic Development Commission Establishing Bylaw No. 1, 1990", as it relates to Salt Spring Island;
- (b) Wastewater disposal as set out in Bylaw No. 2118, "Salt Spring Island Liquid Waste Disposal Additional Local Service Establishment Bylaw No. 1, 1993";
- (c) Community parks service continued under Bylaw No. 4149, "Salt Spring Island Community Parks Services Conversion Bylaw No. 1, 2017";
- (d) Community recreation service continued under Bylaw No. 4151, "Salt Spring Island Community Recreation Services Conversion Bylaw No. 1, 2017";
- (e) Indoor swimming pool service in Bylaw No. 3206, "Salt Spring Indoor Swimming Pool Facility Service Establishment Bylaw No. 1, 2004";
- (f) Community parks and recreation facilities in Bylaw No. 2422, "Salt Spring Island Parks and Recreation Facilities Local Service Establishment Bylaw No. 1, 1996";
- (g) The Salt Spring Island Small Craft Harbour Facilities local service set out in Bylaw No. 2730, "Small Craft Harbour Facilities (Salt Spring Island) Local Service Establishment Bylaw No. 1, 1999";
- (h) Transportation service established under Bylaw No. 3438, "Salt Spring Island Community Transit and Transportation Service Establishment Bylaw No. 1, 2007";
- (i) Street lighting under Bylaw No. 3746, "Salt Spring Island Street Lighting Service Establishment Bylaw No. 1, 2011";
- (j) The issuance of grants-in-aid for Salt Spring Island initiatives under Supplementary Letters Patent Division XIX, OIC 1013/1977, subject always to the restriction on assistance to business under the *Local Government Act*;
- (k) Determination of compensation for livestock injury by dogs under Bylaw No. 4418, "Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021";

### Advisory Authority

- (a) The arts contribution service set out in Bylaw No. 3116, "Salt Spring Island Arts Contribution Service Establishing Bylaw No. 1, 2003";
- (b) The Salt Spring Island Public Library local service set out in Bylaw No. 2725, "Salt Spring Island Public Library Local Service Area Establishment Bylaw No. 1, 1999"; and
- (c) Salt Spring Island Search and Rescue contribution as set out in Bylaw No. 3494, "Salt Spring Island Search and Rescue Service Establishment Bylaw, 2007".