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BYLAW NO. 3131

SURFSIDE PARK ESTATES WATER SERVICE COMMITTEE BYLAW NO. 1, 2003

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

ORIGINALLY ADOPTED DECEMBER 10, 2003
(Consolidated with Amending Bylaws 4449)

For reference to original bylaws or further details, please contact the Capital Regional District,
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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3131

A BYLAW FOR THE ESTABLISHMENT OF THE SURFSIDE PARK ESTATES WATER SERVICE COMMITTEE

WHEREAS:

- A. Section 795 of the *Local Government Act* permits the Chair of the Regional Board of the Capital Regional District (hereinafter referred to as the “Board”) to establish a standing committee for matters the Chair considers would be better dealt with by committee, and to appoint persons to those committees, provided that at least one member of each standing committee must be a director.
- B. Pursuant to sections 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.
- C. 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 Bylaw No. 3087, “Surfside Park Estates Water Service Establishment Bylaw No. 1, 2003”, as defined in Schedule “A” annexed to Bylaw No. 3087 within the electoral area of Southern Gulf Islands

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

- 1. Establishment of Committee
 - (a) A standing committee to be known as the “Surfside Park Estates Water Services committee” (the “committee”) established by the Regional Board through the Chair of the Regional Board shall consist of the Director representing the Electoral Area of Southern Gulf Islands plus four other persons to be appointed by the Chair on resolution by the Regional Board.
 - (b) Three members appointed by the Regional Board through the Chair of the Regional Board under paragraph (a) must be owners of real property within the Surfside Park Estates Water Service Area and one member may be a resident or an owner of real property within the Surfside Park Estates Water Service Area or other person who is prepared to represent the Surfside Park Estates Water Service Area.
 - (c) Each member of the committee shall have one vote on matters relating to the management and operation of the water system as provided for in Bylaw No. 3987, “Surfside Park Estates Water Service Establishment Bylaw No. 1, 2003”.

2. Nominations and Appointment

- (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 4449)

3. Term of Office

The term of office of Committee members, other than the Electoral Area Director, shall be for a two-year period, ending December 31 in the second year of appointment.

(Bylaw 4449)

4. Committee Procedure

- (a) The committee must, at its first meeting in each year, elect a Chairperson from among its members.
- (b) A quorum of the committee is a majority of all members.
- (c) Rules of Procedures which govern the Regional Board apply to the committee where applicable.

5. Delegation

- (a) The Regional Board hereby delegates to the Committee all of the administrative powers of the Regional Board with respect to the provision of the local service as

authorized by Bylaw No. 3087, "Surfside Park Estates Water Service Establishment Bylaw No. 1, 2003". The Committee shall advise on the overall direction and delivery of the Service, 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 by way of parcel taxes, advising on committee 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. (Bylaw 4449)

- (b) Without limiting the generality of paragraph (a), the committee must establish 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.
- (c) The operation functions of the Water Service shall be performed by the staff of the Regional District.

6. Board Powers

Notwithstanding the provisions of section 5 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. (Bylaw 4449)

7. Budget

- (a) Each year, according to the District budget timetable, the Committee shall recommend a 5-year operating and capital budget for the service provided in the Service Area which shall cover all anticipated costs of development, maintenance, operational and other expenses, including debt charges, and shall submit such expenditure costs, together with estimates for expected revenue, for the approval of the Regional Board and for inclusion in the Regional Board's 5-year plan. (Bylaw 4449)
- (b) The committee must not make any expenditures, other than those provided for in the approved budgets of the committee as included in the approved budget of the Regional Board.

8. Regional District Assets

Any facilities or equipment acquired by the committee in its administrative capacity will be acquired in the name of the Regional District, shall be the property of the Regional District and must not be disposed of without the approval of the Board of the Regional District.

- 9. This Bylaw may be cited as the "Surfside Park Estates Water Service Committee Bylaw No. 1, 2003".

READ A FIRST TIME THIS	10 th	day of	December	2003
READ A SECOND TIME THIS	10 th	day of	December	2003
READ A THIRD TIME THIS	10 th	day of	December	2003
ADOPTED THIS	10 th	day of	December	2003

Original Signed

CHAIR

Original Signed

SECRETARY