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BYLAW NO. 3511

WILDERNESS MOUNTAIN WATER SERVICE COMMISSION BYLAW NO. 1, 2008

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

ORIGINALLY ADOPTED JULY 9, 2008
(Consolidated with Amending Bylaws 4452)

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

BYLAW NO. 3511

A BYLAW FOR ESTABLISHMENT OF THE WILDERNESS MOUNTAIN WATER SERVICE COMMISSION

WHEREAS:

- A. The Regional Board may establish a commission under section 176(1)(g) of the Local Government Act and to delegate to the commission any or all of the administrative powers of the Regional District.
B. By Bylaw No. 3503, the CRD Board has established a service for the supply, conveyance, treatment, storage and distribution of water to be known as the Wilderness Mountain Water Service.

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

1. Definitions

In this Bylaw:

- (a) "Board" means the Capital Regional District
(b) "Budget" means the 5-year financial plan (operating and capital)
(c) "Commission" means the Wilderness Mountain Water Service Commission
(d) "Director" means the Juan de Fuca Electoral Area Director
(e) "Qualified Person" means a property owner or resident representing the Service Area; (Bylaw 4452)
(f) "Regional District" or "District" means the Capital Regional District;
(g) "Service Area" means that part of the Juan de Fuca Electoral Area located within the Wilderness Mountain Water Service Area as more particularly described in Bylaw No. 3503 cited as "Wilderness Mountain Water Service Establishment Bylaw No. 1, 2008".

2. Commission Establishment

A commission to be known as the "Wilderness Mountain Water Service Commission; (the Commission) is hereby established and shall consist of the Director representing the Juan de Fuca Electoral Area plus three (3) other Qualified Persons to be appointed by resolution of the Regional Board under this Bylaw. (Bylaw 4452)

3. Commission Member Qualifications

The three (3) persons appointed under section 6 shall be Qualified Persons. (Bylaw 4452)

4. Term of Office

The term of office for a commission member appointed under section 6 shall be two (2) years, except that the initial appointment shall be as set out in section 5.

(Bylaw 4452)

5. Initial Appointments

Of the persons appointed under section 6, one (1) shall hold office from the date of appointment until the 31st of December, 2009, and the remaining two (2) from the date of appointment until the 31st day of December, 2010.

(Bylaw 4452)

6. Nominations and Appointments

- (a) Before January 1st each year, the Regional Board shall appoint or reappoint members to the commission 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 Commission, 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 commission. 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) In the event of the death, resignation, or disqualification of a member of the commission, the Regional Board shall appoint a successor for the remainder of the term, despite the fact that such person was not nominated under Section 6.
- (e) A member who fails to attend three (3) consecutive regular meetings without permission of the commission may have their appointment to the commission terminated by the Regional Board.
- (f) If there are Qualified Persons willing to serve on the commission, those members having served for three (3) consecutive terms may be requested not to seek reappointment for a fourth term.
- (g) 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 commission member's term beyond the six (6) year limit.
- (h) Qualified Persons serving as commissioners serve without remuneration.

(Bylaw 4452)

7. Effective Date of Term of Office

Appointments to the commission, other than appointments under section 5 and section 6, the term of office for all appointments after the initial appointment shall be for a two (2) year period commencing the 1st day of January following such appointments or until their successors are appointed.

(Bylaw 4452)

8. Commission Procedure

- (a) The commission shall, at its first meeting in each year, by secret ballot, elect a Chair and Vice Chair from among its members.
- (b) A quorum of the commission is a majority of all members.
- (c) The rules and procedures which govern the Regional Board shall apply to the commission where applicable.

- (d) Meetings shall be open to the public.
- (e) For the conduct of business each member of the commission shall have one vote.
- (f) If, as a result of members of the commission declaring a conflict of interest in relation to a matter there is no longer a quorum of members of the commission to decide a particular issue; the issue shall be referred to the Regional Board for decision.

9. Delegation of Authority

- (a) The Regional Board hereby delegations to the commission the administrative powers of the Regional Board with respect to the provision of supply, conveyance, treatment, storage and distribution of water within the service area established under Bylaw No. 3503, "Wilderness Mountain Water Service Establishment Bylaw No. 1, 2008".
- (b) The commission 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 wat of parcel taxes, advising on community interests, and developing a draft budget. However, the commission and individual commissioners do not direct or become involve with day-to-day administrative activities, purchasing, awarding of contracts, development of regional policies, or hands-on service delivery. *(Bylaw 4452)*
- (c) The operational, maintenance and regulatory functions of the service shall be performed by the staff of the Regional District in conformance with district policy or government regulation.
- (d) Despite the provisions of Sections above, the Regional Board retains the right of approval of operational rules, procedures and policies, and the levels of fees and other charges to be established by bylaw of the Regional Board or taxes collected by requisition to the service area.

10. Budget

Each year, according to the District budget timetable, the commission shall recommend 5-year operating and capital budgets for the service provide 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, in a form approved by the Director of Finance of the Regional Board for the approval of the Regional Board and for inclusion in the Regional Board's 5-year Financial Plan.

11. Unauthorized Expenditure

The commission shall not authorize an expenditure other than an expenditure provided for in the 5-year Financial Plan of the commission as included in the approved financial plan of the Regional District.

12. Property Acquisition

Any facilities or equipment acquired by the commission in its administrative capacity must be acquired in the name of the Regional District and shall be the property of the

Regional District.

13. Disposal of Property

Property acquired under section 12 shall not be disposed of without the prior approval of the Regional Board of the Regional District or such person to whom the authority for such decision has been delegated. *(Bylaw 4452)*

14. This Bylaw may be cited as the “Wilderness Mountain Water Service Commission Bylaw No. 1, 2008”

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|-------------------------|-----------------|--------|------|------|
| READ A FIRST TIME THIS | 9 th | DAY OF | July | 2008 |
| READ A SECOND TIME THIS | 9 th | DAY OF | July | 2008 |
| READ A THIRD TIME THIS | 9 th | DAY OF | July | 2008 |
| ADOPTED THIS | 9 th | DAY OF | July | 2008 |

CHAIR

SECRETARY