

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3753**

**A BYLAW TO ESTABLISH A SERVICE AREA WITHIN THE SALT SPRING ISLAND
ELECTORAL AREA FOR CONSTRUCTION OF A COMBINED
HIGHLAND AND FERNWOOD WATER SUPPLY SYSTEM**

WHEREAS:

- A. The Capital Regional District may, under Section 796 of the *Local Government Act*, establish and provide any service that the Board considers necessary or desirable for all or part of the Capital Regional District;
- B. Under Bylaw No. 1937, "Highland Water System Local Service Establishment Bylaw No. 1, 1991", as amended, the Capital Regional District established a local service for the provision, operation, supply, treatment, conveyance, storage and distribution of water for the Highland Water System Local Service;
- C. Under Bylaw No. 3580, "Highland Water system Loan Authorization Bylaw No. 1, 2008", the debt servicing is funded from the Highland Water Service area;
- D. Under Bylaw No. 1772, "Fernwood Water Supply Local Service Establishment Bylaw No. 1, 1989", as amended, the Capital Regional District established a local service for the provision, operation, supply, treatment, conveyance, storage and distribution of water for the Fernwood Water Supply Local Service;
- E. Under Bylaw No. 3581, "Fernwood Water Supply Loan Authorization Bylaw No. 1, 2008", the debt servicing is funded from the Fernwood Water Supply Local Service area;
- F. The capital works to combine the Highland Water System Local Service and the Fernwood Water Supply Local Service are underway, and the Capital Regional District Board wishes to establish a service for the construction of works for the provision, supply, treatment, conveyance, storage and distribution of water for the combined area of the Highland and Fernwood Water Service;
- G. Debt servicing under subsequent loan authorizations will be funded from the combined area of the Highland and Fernwood Water Service;
- H. Participating area approval is required and shall be obtained by assent of the electors under Section 801.2 of the *Local Government Act*; and
- I. The approval of the Inspector of Municipalities is required under Section 801(1)(a) of the *Local Government Act*.

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

Service

1. The Service established by this Bylaw is for the purposes of construction of works for the provision, supply, treatment, conveyance, storage and distribution of water for the area of the Highland and Fernwood Water Service.

Boundaries

2. The boundaries of the combined area of the Highland and Fernwood Water Service are shown in heavy outline on Schedule "A" attached hereto.

Participating Area

3. Only the Salt Spring Island Electoral Area includes the participating area for this service.

Cost Recovery

4. As provided in Section 803 of the *Local Government Act*, the annual costs of providing the Service may be recovered by one or more of the following:
 - a) the requisition of money under Section 806 of the *Local Government Act* to be collected by a property value tax, based on land and improvements levied and collected under Section 806.1 of the *Local Government Act*;
 - b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*
 - c) fees and charges imposed under Section 363 of the *Local Government Act*;
 - d) revenues raised by other means authorized under this or another Act;
 - e) revenues received by agreement, enterprise, gift, grant or otherwise.

Maximum Requisition

5. In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
 - a) Sixty-Four Thousand Dollars (\$64,000); or
 - b) A property value tax rate of \$0.4508 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Citation

6. This Bylaw may be cited as the "Highland and Fernwood Water Service Establishment Bylaw No.1, 2010".

READ A FIRST TIME THIS 8th day of December 2010

READ A SECOND TIME THIS 8th day of December 2010

READ A THIRD TIME THIS 8th day of December 2010

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS 6th day of January 2011

RECEIVED ASSENT OF THE ELECTORS UNDER SECTION 801.2 OF THE *LOCAL GOVERNMENT ACT* THIS 19th day of March 2011

ADOPTED THIS 13th day of April 2011

Original signed by Geoff Young
CHAIR

Original signed by Sonia Santarossa
CORPORATE OFFICER

SCHEDULE A: Highland and Fernwood Water Service Area (Bylaw No. 3753)

