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**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, 4 JUNE 2008**

SUBJECT **BYLAW NO. 3511 ESTABLISHING A COMMISSION TO OVERSEE ADMINISTRATION
OF THE WILDERNESS MOUNTAIN WATER SERVICE IN THE JUAN DE FUCA
ELECTORAL AREA**

PURPOSE

To establish a Commission to oversee administration of the Wilderness Mountain Water Service in the Juan de Fuca Electoral Area and recommend to the Board adoption of Wilderness Mountain Water Service Commission Bylaw No. 3511.

BACKGROUND

The Board established the Wilderness Mountain water service by Bylaw No. 3503 and the owner of the water system is in the processes of completing the transfer the assets of the water district to the CRD. CRD Water Services department staff will be responsible for day to day operation of the new water service and will be making significant improvements to the system to bring it up to an acceptable operating standard based on the maximum amount that can be requisitioned. It is now desirable to establish a new service commission with responsibility to oversee the day to day administration of the new water service. Under Section 176(1)g of the *Local Government Act*, the Board may establish a Commission and delegate to the Commission any or all of the administrative powers of the regional district. The Commission, comprised of qualified persons from the water service area and the Juan de Fuca Electoral Area director, will work with staff to develop policy for the new water service, review and recommend approval of the five-year capital and operating plan for the service and recommend annual fee rates and taxes to be charged for the service. Commissioners are nominated at an annual general meeting which is planned to be held this summer and for formal appointment by the Board by the end of this summer.

The attached Bylaw No. 3511 establishes the new Commission and sets out the powers of the Board to be delegated to the Commission. The bylaw has been drafted to be consistent with Commission bylaws recently amended for other CRD services.

ALTERNATIVES

1. That Bylaw No. 3511 "Wilderness Mountain Water Service Commission Bylaw No. 1, 2008", be introduced and read a first time, read a second time, read a third time and adopted.
2. That the Board elect not to create a commission or to amend the powers to be conveyed to the new commission.

FINANCIAL IMPLICATIONS

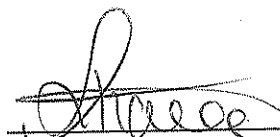
The new Commission is a recommending body only and has no direct authority for expenditures. The Commission is responsible for review of the five-year capital and operating plan on behalf of the water service area property owners and may recommend to the Board changes to the plan.

SUMMARY/CONCLUSIONS

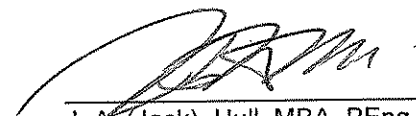
The Board has established, by Bylaw No. 3503, a new Wilderness Mountain water service to be operated by the CRD Water Services department. To provide a link to the community, a Commission to oversee the day to day administration of the water system is desirable and the Board may, by bylaw, establish such a Commission and delegate to the new Commission some or all of the powers of the regional district respecting the service. Bylaw No. 3511, attached, establishes the Commission and defines the powers to be conveyed to the new Commission.

RECOMMENDATIONS

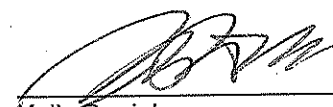
That Bylaw No. 3511, "Wilderness Mountain Water Service Commission Bylaw No. 1, 2008", be introduced and read a first time, read a second time, read a third time and adopted.




Shanney Thaver, CMA
Senior Business Analyst, Water Services



J.A. (Jack) Hull, MBA, PEng
General Manager, Water Services



Kelly Daniels
C.A.O Concurrence



COMMENTS

Attachment: Bylaw 3511

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 Board
- (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 or other member representing the Service Area;
- (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 Established

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 persons to be appointed by resolution of the Regional Board under this Bylaw.

3. Commission Member Qualifications

The three (3) persons appointed under section 8 shall all be Qualified Persons.

4. Term of Office

The term of office for a commission member appointed under section 8 shall be two (2) years, except that the initial appointment shall be as set out in section 5.

5. Initial Appointments

Of the persons appointed under section 8, one (1) shall hold office from the date of appointment until the 31st December, 2009, and the remaining two (2) from the date of appointment until the 31st day of December, 2010.

6. Annual General Meeting

The commission shall hold an annual general meeting on or before the last day of November in each year, to which the owners or occupiers of real property within the Service Area shall be invited to attend by written notice posted at least 30 days prior to the date of the annual general meeting.

7. Nominations

The commission shall accept nominations for the members of the commission to be appointed effective the 1st day of January following the calendar year, from Qualified Persons present at the Annual General Meeting, and if more nominations are received than there are positions to fill, the commission shall poll those present at the Annual General Meeting.

8. Appointments

- (a) The commission shall cause the names of the persons nominated, or the results of the poll under Section 7, to be forwarded immediately after the Annual General Meeting to the Corporate Secretary of the Regional District and, in any event, before the date when the agenda for the first meeting of the Regional Board in December of that year is distributed to Regional Directors.
- (b) The Regional Board shall, from time to time, appoint and reappoint members of the commission to fill the term of office of those members of the commission whose terms expire as of the 31st of December in each year.
- (c) The Board is guided by but not bound by the commission's recommendation.
- (d) Upon the enactment of this Bylaw, the Regional Board shall appoint persons to act as members of the commission, despite the fact that such persons have not been nominated at an Annual General Meeting.
- (e) In the event of the death, resignation or disqualification of a member of the commission, the Regional Board shall appoint its successor for the remainder of the term, despite the fact that such person was not nominated under Section 7.
- (f) A member who fails to attend three (3) consecutive regular meetings without permission of the commission may have their appointment to the commission terminated.
- (g) 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.
- (h) 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.

9. Effective Date of Term of Office

Appointments to the commission, other than appointments under section 5 and section 8 (d), 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 appointment or until their successors are appointed.

10. 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 are 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.

11. Delegation of Authority

- (a) The Regional Board hereby delegates to the commission the administrative powers of the Regional Board with respect to the provision of the service established under Bylaw No. 3503, "Wilderness Mountain Water Service Establishment Bylaw No. 1, 2008".
- (b) The commission is administratively responsible for supply, conveyance, treatment, storage and distribution of water within the service area.
- (c) The commission shall recommend levels of user charges to be established by bylaw of the Regional Board and extent of requisition to be collected by way of parcel taxes.
- (d) 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.
- (e) 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.

12. Budget

In the fall of each year, the commission shall recommend 5-year operating and capital budgets 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, 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.

13. 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.

14. 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.

15. Disposal of Property

Property acquired under Section 15 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.

16. This Bylaw may be cited as the "Wilderness Mountain Water Service Commission Bylaw No. 1, 2008".

READ A FIRST TIME THIS	DAY OF	2008
READ A SECOND TIME THIS	DAY OF	2008
READ A THIRD TIME THIS	DAY OF	2008
ADOPTED THIS	DAY OF	2008

CHAIR

SECRETARY