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**REPORT TO THE ELECTORAL AREA SERVICES COMMITTEE
MEETING OF TUESDAY, MARCH 3, 2010**

SUBJECT **AMENDMENT TO BYLAW NO. 3064, A BYLAW TO ESTABLISH AN ECONOMIC DEVELOPMENT COMMISSION FOR THE JUAN DE FUCA ELECTORAL AREA (AMENDING BYLAW NO. 3637)**

PURPOSE

To consider amending the bylaw establishing the Juan de Fuca Economic Development Commission (EDC) to reflect commission activities and scope and to clarify the membership tenure.

HISTORY/BACKGROUND

In September 2008, the members considered proposed changes to the establishing bylaw focusing on the Commission's objectives and membership terms. Staff has prepared proposed amendments to the bylaw for the EDC members to consider and at their August 27, 2009 meeting the Commission passed a motion to have Bylaw 3637 forwarded to the Electoral Area Services Committee.

ALTERNATIVES

1. To approve Bylaw No. 3637, "Juan de Fuca Economic Development Commission Bylaw, 2003, Amendment Bylaw No. 1, 2009" to amend Bylaw 3064.
2. To not amend Bylaw 3064.

PUBLIC CONSULTATION IMPLICATIONS

This is an administrative bylaw and therefore does not require public consultation. However, staff has consulted with the Electoral Area Director and discussed the implications of the amendment.

SUMMARY/CONCLUSIONS

The EDC members have reviewed Bylaw 3064 and are requesting amendments to the objectives to clarify the membership terms and other minor housekeeping changes. The amendments would not change the activities of the EDC but would result in the bylaw more accurately reflecting their actual activities and scope. The sections pertaining to membership would bring this bylaw into conformity with other Commission Bylaws. Therefore, staff recommends that Bylaw No. 3064 be amended to revise membership qualifications as set out in the attached bylaw.

RECOMMENDATION

That the Electoral Area Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 3637, “Juan de Fuca Economic Development Commission Bylaw, 2003, Amendment Bylaw No. 1, 2009” be introduced and read a first time, read a second time, read a third time and adopted.

June Klassen, MCIP
Manager, Local Area Planning

Robert Lapham, MCIP
General Manager, Planning & Protective Services

Kelly Daniels
Chief Administrative Officer
Concurrence

Attachment 1: Proposed Bylaw No. 3637

Attachment 2: Existing Bylaw No. 3064 with tracked changes



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3637**

**A BYLAW TO AMEND BYLAW NO. 3064, "A BYLAW TO ESTABLISH AN ECONOMIC
DEVELOPMENT COMMISSION FOR THE JUAN DE FUCA ELECTORAL AREA"**

- A. WHEREAS** the Capital Regional District Board wishes to amend "A Bylaw to Establish an Economic Development Commission for the Juan de Fuca Electoral Area";
- B. NOW THEREFORE** the Capital Regional District Board in open meeting assembled, hereby enacts as follows:

1. Bylaw No. 3064 being the "Juan de Fuca Economic Development Commission Bylaw, 2003" is hereby amended as follows:

1) RECITALS

a) Insert the letters A. to E. before each paragraph

2) 1. COMMISSION OBJECTIVES

- a) Delete item (a) and replace with the words "The Commission will assist the Capital Regional District Board to develop and promote an economic strategy for the Juan de Fuca Electoral Area."
- b) Delete item (b)
- c) Renumber item (c) as new item (b) and correct spelling of "Pachadeeht" to "Pacheedaht"
- d) Renumber item (d) as new item (c) and replace the word "coordinating" with the word "supporting"
- e) Delete item (e) and replace with a new item (d) which states "The Capital Regional District Board may enter into contracts on behalf of the Commission with a local community group or community groups to carry out its objectives."
- f) Delete item (f)

3) 2. COMPOSITION

- a) Delete item (d)
- b) Renumber item (e) as new item (d)

4) 4. TERM OF OFFICE

- a) Delete item (a) and replace with the words "The term of office of the members of the Commission other than the Director shall be for a two year period commencing the 1st day of January in the first year of appointment and expiring on the 31st day of December of the second year of their appointment."
- b) Add a new item (b) which states "Appointments made after the 1st day of January shall expire on the 31st day of December of the second year of their appointment."
- c) Add a new item (c) which states "A member of the Commission may be appointed for more than one term."

5) 5. NEW APPOINTMENTS

- a) Delete item (a) and replace with the words “On the recommendation of the Juan de Fuca Electoral Area Director, the Capital Regional District Board may appoint members to the Commission to fill any vacant position but must on or before the 31st day of December reappoint a member whose term is to expire.”

6) 6. COMMENCEMENT OF TERM

- a) Delete this section in its entirety

7) 7. DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

- a) Insert in items (a), (b) and (c) the word “District” between the words “Regional” and “Board”
- b) Renumber as section 6. DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

8) 8. QUORUM

- a) Renumber as section 7. QUORUM

9) 9. MEETINGS SCHEDULE AND PROCEDURES

- a) Delete from item (a) the words “one meeting per month” and replace with the words “six meetings per year”
- b) Delete item (b)
- c) Renumber item (c) as new item (b)
- d) Renumber as section 8. MEETINGS SCHEDULE AND PROCEDURES

10) 10. BUDGET

- a) Replace in item (a) the words “September 30th” with the words “September 1st”
- b) Insert in item (b) the word “District” between the words “Regional” and “Board”
- c) Renumber as section 9. BUDGET

11) 11. ADMINISTRATIVE AND/OR TECHNICAL ASSISTANCE

- a) Insert in item (a) the word “District” between the words “Regional” and “Board”
- b) Renumber as section 10. ADMINISTRATIVE AND/OR TECHNICAL ASSISTANCE

12) 12. ANNUAL GENERAL MEETING

- a) Delete this section in its entirety

13) 13. ELECTION OF CHAIR AND VICE CHAIR

- a) Replace in item (a) the words “annual general meeting” with the words “first meeting of the year”
- b) Renumber as section 11. ELECTION OF CHAIR AND VICE CHAIR

14) 14. REPEAL

- a) Renumber as section 12. REPEAL

15) 15. CITATION

a) Renumber as section 13. CITATION

2. This bylaw may be cited as Bylaw No. 3637, “Juan de Fuca Economic Development Commission Bylaw, 2003, Amendment Bylaw No. 1, 2009”.

READ A FIRST TIME this day of 2010

READ A SECOND TIME this day of 2010

READ A THIRD TIME this day of 2010

ADOPTED this day of 2010

CHAIR

CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3064

A BYLAW TO ESTABLISH AN ECONOMIC DEVELOPMENT COMMISSION FOR
THE
JUAN DE FUCA ELECTORAL AREA

- A. WHEREAS Supplementary Letters Patent dated the 7th day of June 1979 and Bylaw No. 1824 cited as the Economic Development Commission Establishing Bylaw No. 1, 1990 provides that the Regional Board, may, by bylaw, establish an economic development commission;
- B. AND WHEREAS portions of the former Sooke Electoral Area and Langford Electoral Area have since been incorporated and the Juan de Fuca Electoral Area Director wishes to continue with the economic development function for the remainder of the Juan de Fuca Electoral Area;
- C. AND WHEREAS the commission may wish to work cooperatively with adjacent local governments on economic development projects;
- D. AND WHEREAS Section 774(2) of the Local Government Act provides the Capital Regional District with the authority to continue to offer an economic development function;
- E. NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. COMMISSION OBJECTIVES

- (a) The Commission will ~~be responsible for developing and assisting in carrying out an overall economic development strategy plan for the Juan de Fuca Electoral area—assist the Capital Regional District Board to develop and promote an economic strategy for the Juan de Fuca Electoral Area.~~
- ~~(b)(a) The Commission will develop, maintain and update a community resource list for: Port Renfrew, Jordan River, Shirley, Otter Point, East Sooke, the Malahat and Willis Point.~~
- ~~(e)(b)~~ The Commission will work with the Esquimalt, Pacheedaht, Becher Bay and T'Souke First Nations as directed by the Capital Regional Board or the Juan de Fuca Electoral Area Director.
- ~~(4)(c)~~ The Commission will assist in preserving and strengthening existing business, attracting new business and ~~coordinating supporting~~ local economic development initiatives.
- ~~(e)(d)~~ ~~The Commission, with approval of the Capital Regional Board, may enter into contracts with a local community group or community groups to carry out the various aspects of the work identified in either Sections 1(a), 1(b) or 1 (e) of this bylaw.—The Capital Regional District Board may enter into contracts on behalf of the Commission with a local community group or community groups to carry out its objectives.~~

~~(f)(a) The Commission must hold at least one open house meeting per year to explain their role and function to the members of the public.~~

2. COMPOSITION

- (a) The composition of the Commission must consist of:
 - (i) Not less than five (5) nor more than eleven (11) members.
- (b) The names of the individuals to be appointed will be submitted by the Juan de Fuca Electoral Area Director to the Capital Regional Board.
- (c) The majority of the nominees must come from a local community/business groups within Port Renfrew, Jordan River, Shirley, Otter Point, East Sooke, the Malahat and Willis Point and the balance will be from the community at large.
- ~~(d) The Capital Regional Board, with input from the Juan de Fuca Electoral Area Director, may from time to time appoint ex-officio members.~~
- ~~(ed)~~ The Juan de Fuca Electoral Area Director is also a member of this Commission.

3. ELIGIBILITY FOR APPOINTMENT

- (a) All persons appointed to the Commission must be electors of the Juan de Fuca Electoral Area.
- (b) A person who has ceased to be an elector of the Juan de Fuca Electoral Area may continue to hold office until the appointment is terminated by the Capital Regional Board or the end of that member's term, whichever is sooner.

4. TERM OF OFFICE

- (a) ~~A person appointed as a member of the Commission shall hold office for a term of two (2) years, except that in 2003, the terms of office shall be as follows: The term of office of the members of the Commission other than the Director shall be for a two year period commencing the 1st day of January in the first year of appointment and expiring on the 31st day of December of the second year of their appointment:~~
 - ~~(i) Sixty percent (60%) of the persons appointed shall hold office from the date of appointment until the 1st day of July 2004, and~~
 - ~~(ii) Forty percent (40%) of the persons appointed shall hold office from the date of appointment until the 1st day of July 2005.~~
- ~~(b) Appointments made after the 1st day of January shall expire on the 31st day of December of the second year of their appointment.~~
- ~~(c) A member of the Commission may be appointed for more than one term.~~

5. NEW APPOINTMENTS

- (a) ~~On the recommendation of the Juan de Fuca Electoral Area Director, the Capital Regional Board must on or before the 1st day of June in each year, appoint or reappoint members to the Commission to fill the position of those members whose terms expire as of the 1st day of July of that year. On the recommendation of the Juan de Fuca Electoral Area Director, the Capital Regional District Board~~

may appoint members to the Commission to fill any vacant position but must on or before the 31st day of December reappoint a member whose term is to expire.

~~6.~~ COMMENCEMENT OF TERM

- ~~(a)~~ The term of office for each member, other than those members appointed in the year 2003, will commence on the 1st day of July following the member's appointment.

~~67.~~ DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

- (a) In the event of the death, resignation, termination or disqualification of a member of the Commission, the Capital Regional District Board will appoint a successor for the remainder of the term as outlined in Section 5 of this bylaw.
- (b) The Capital Regional District Board may, upon the recommendation of the Director for the Juan de Fuca Electoral Area, terminate the appointment of any member of the Commission.
- (c) Without limiting the intent of Section 7 of this bylaw, if any member of the Commission is absent from three (3) consecutive meetings of the Commission without the Commission's approval, the Capital Regional District Board may, upon the recommendation of the Director for the Juan de Fuca Electoral Area terminate the appointment of such member and, upon such termination, the office of the member terminated shall be considered vacant.

~~78.~~ QUORUM

- (a) A majority of members of the Commission constitutes a quorum.

~~89.~~ MEETINGS SCHEDULE AND PROCEDURES

- (a) The Commission must hold at least ~~one meeting per month~~ six meetings per year to conduct their business, which must be open to the public.
- ~~(b)(a)~~ The Commission must meet at least twice per year in one of the areas of the Juan de Fuca Electoral Area, outside of the District of Sooke offices.
- ~~(b)~~ The Commission Chair, or in their absence the Vice Chair, must follow the CRD Procedural Bylaw No. 1, 1999, when conducting a Commission meeting.

~~940.~~ BUDGET

- (a) The Commission budget must be submitted to the Director of the Juan de Fuca Electoral Area and to the Capital Regional District's Director of Finance by September ~~30th~~ 1st of each year.
- (b) This budget may be amended, modified or adopted as the Capital Regional District Board requires, based upon input received from the Juan de Fuca Electoral Area Director.

~~104.~~ ADMINISTRATIVE AND/OR TECHNICAL ASSISTANCE

- (a) The Capital Regional District Board may appoint one or more persons to assist and advise the Commission.

