

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3427**

**A BYLAW FOR THE CONTINUATION OF THE SAANICH PENINSULA LIQUID WASTE MANAGEMENT
LOCAL SERVICE COMMITTEE AS THE SAANICH PENINSULA WASTEWATER COMMISSION**

(Amended by 4133)

WHEREAS:

- A: Supplementary Letters Patent, Division VII, dated December 28, 1967, as amended by further Supplementary Letters Patent, the Capital Regional District (CRD) was granted the function of acquisition, design, construction, operation, maintenance, renewal and administration of trunk sewers and sewage disposal facilities within all member municipalities of the CRD, except the electoral areas of Juan de Fuca and the Southern Gulf Islands; and
- B. Bylaw No. 2388, "Liquid Waste Management Saanich Peninsula Local Service Establishment Bylaw No. 1, 1996," converted the authority for liquid waste management to a service for the Saanich Peninsula; and
- B. The CRD, under Section 176 (1) of the *Local Government Act* is authorized to establish a commission and to delegate to the commission any or all of the administrative powers of the Regional Board;

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

MEMBERSHIP AND TERMS OF OFFICE

- 1. (a) A Commission to be known as the "Saanich Peninsula Wastewater Commission" (the "Commission") is hereby established and shall consist of:
 - (i) those members of the Councils of the Corporations of the District of Central Saanich, the District of North Saanich and the Town of Sidney who are Directors of the Regional Board of the CRD;
 - (ii) three members, one each nominated from and by the Councils of the Corporations of the District of Central Saanich, the District of North Saanich and the Town of Sidney on or before December 31 to serve for a two-year term;
 - (iii) three members, one each nominated by the Councils of the Corporations of the District of Central Saanich, the District of North Saanich and the Town of Sidney on or before December 31 to serve for a two-year term;
 - (iv) one representative nominated from each service recipient that has concluded a written service agreement with the CRD for the use of capacity in the Peninsula Treatment Plant on or before December 31 each year to serve for a two-year term;
 - (v) one representative nominated from the Peninsula Agricultural Commission on or before December 31 each year to serve for a two-year term;

(Bylaw 4133)

to be accepted and appointed by resolution of the Regional Board.

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- (b) The Regional Board shall appoint individuals to act as members of the Commission as provided above, and appoint or re-appoint members to the Commission to fill the term of office of those members whose terms expire as of December 31 in each year.
 - (c)
 - (i) No appointee may serve more than six consecutive years after adoption of this bylaw.
 - (ii) At the request of the CRD municipal directors, under unique circumstances, the Regional Board may extend the aforementioned terms.
 - (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.
 - (e) Each of the persons or organizations with a power to nominate a member under any of sections 1 (a) (ii), (iii), (iv) or (v) may nominate an alternate member, to be accepted and appointed by the Regional Board, to attend the Commission in the absence of that person's or organization's appointed representative.
 - (f) Sections 1(a)(ii) and (iii) come into effect for members appointed for a term starting on or after January 1, 2017.

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PROCEDURE

- 2.
 - (a) A quorum shall be a majority of all members of the Commission appointed under sections 1 (a) (i) to (iii), except that where a meeting of the Commission includes a matter which affects costs to a service recipient, a quorum shall be a majority of all members appointed under 1 (a).
 - (b) A member appointed under 1 (a) (i) to (iii) may vote on all matters related to the provision of the service established by Bylaw No. 2388, "Liquid Waste Management Saanich Peninsula Local Service Establishment Bylaw No. 1, 1996."
 - (c) A member appointed under 1 (a) (iv) and (v) may vote on all matters related to the provision of the service established by Bylaw No. 2388, "Liquid Waste Management Saanich Peninsula Local Service Establishment Bylaw No. 1, 1996", which will affect costs to the service recipient or organization that the member represents.
 - (d) The rules of procedure for the Commission shall not be inconsistent with those of the Regional District.
 - (e) The Commission shall, at its first meeting of each year, elect a Chairperson and Vice-chairperson from amongst its members.

DUTIES

- 3.
 - (a) The Regional Board hereby delegates to the Commission all of the administrative powers of the Regional Board with respect to the provision of the service established by Bylaw No. 2388, "Liquid Waste Management Saanich Peninsula Local Service Establishment Bylaw No. 1, 1996", and without limiting the generality of the foregoing, the Commission shall establish policies governing the provision and operation of the service including the recommendation of levels of requisition, fees and other charges and capital and operating expenditures. The operational and administrative functions of the Service shall be performed by the staff of the Regional District.

- (b) The Commission shall:
 - (i) advise the Regional Board on liquid waste matters on its own initiative or where such matters are referred to it by the Regional Board, or the Council of a participating municipality or a service recipient; and
 - (ii) act as liaison between the Regional Board and member municipalities, service recipients and the public.
- (c) Notwithstanding the provisions of section 3 (a) of this bylaw, the Regional Board retains the right of approval of operational rules, procedures and policies and the levels of requisitions, fees, other charges and capital and operating expenditures to be established by bylaw of the Regional Board.
- (d) The minutes and reports of the Commission shall be submitted to the Councils of participating municipalities and service recipients.

BUDGET

- 4. (a) In November and January of each year, the Commission shall approve an annual budget for the services provided in the Service area, which shall include estimates for the administrative, development, maintenance, operational and other expenses, including debt charges, and shall submit such expenditure estimates, together with estimates for expected revenue, in a form approved by the Financial Officer of the Regional Board for the approval of the Regional Board and for inclusion in the Regional Board's financial plan.
- (b) No expenditures, other than those provided for in the approved budgets of the Commission as included in the approved budget of the Regional Board, shall be made by the Commission.
- (c) Any facilities or equipment acquired by the Commission in its administrative capacity shall be acquired in the name of the Regional District, shall be the property of the Regional District and shall not be disposed of without the approval of the Regional Board.

REPEAL

- 5. Bylaw No. 2519, cited as "Saanich Peninsula Liquid Waste Management Local Service Committee, Bylaw No. 1, 1997", as amended, is repealed upon adoption of this bylaw.

CITATION

- 6. This bylaw may be cited as "Saanich Peninsula Wastewater Commission Bylaw, 2007, Amendment Bylaw No. 1, 2016".

READ A FIRST TIME THIS	5 th	day of	December	2007
READ A SECOND TIME THIS	5 th	day of	December	2007
READ A THIRD TIME THIS	5 th	day of	December	2007
ADOPTED THIS	5 th	day of	December	2007

Original signed by Denise Blackwell
CHAIR

Original signed by Carmen Thiel
SECRETARY