



STAFF REPORT

DATE: August 20, 2024 **FILE:** 0550-04 Board

TO: Chair and Directors,
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: PROPOSED ELECTORAL AREA GRANT IN AID SERVICE

PURPOSE/PROBLEM

To consider a draft bylaw for establishing a grant in aid (financial assistance) service for the electoral areas of the Regional District.

EXECUTIVE SUMMARY

The attached report was considered at the August 7, 2024 meeting of the Committee at which time the following resolution was passed:

Vonesch/Mawhinney: EASC 266/24

THAT staff prepare a draft bylaw for a grant in aid service for Electoral Areas A, B, C, and D for review by the Electoral Areas Services Committee.

The attached draft bylaw has been prepared for consideration by the Committee and is based on the assumption that all 4 electoral areas would participate in the service. In order to avoid conflict with the Board's broad statutory authority for awarding financial assistance (which would not be diminished as a result), the bylaw restricts the recipients of grants to those organizations located within the participating electoral areas. Additional notes regarding various aspects of the service proposal are shown following the relevant sections of the bylaw.

Based on discussion at the last Committee meeting, there appears to be some interest in exploring methods by which individual electoral areas would determine the level of funding to be provided by that electoral area on an annual basis. This concept requires careful consideration and may be best dealt with through policy rather than by bylaw to avoid unintended consequences. It is also worth considering whether such a provision would be supported by the Province on the basis that participants in a shared service must have well defined limits on annual requisition. It is likely that the Province will suggest that the desired flexibility desired would be best achieved by having separate grant services for each electoral area rather than a shared service.

When the Committee has better defined what it is seeking in a service establishing bylaw, a revised version can be prepared for further review.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Copy of June 27, 2024 report to EASC

Strathcona
REGIONAL DISTRICT



BYLAW NO. [REDACTED]

A BYLAW TO ESTABLISH A SERVICE FOR PROVIDING FINANCIAL ASSISTANCE TO ORGANIZATIONS WITHIN THE ELECTORAL AREAS

WHEREAS the Regional District may, pursuant to the *Local Government Act*, operate any service that it considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional Board wishes to establish a service to provide financial assistance to organizations that provide benefit to one or more electoral areas;

AND WHEREAS participating area approval has been obtained in accordance with Division 4 of Part 10 of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Service Established

1. There is hereby established a service to provide financial assistance to organizations located within the participating areas.

Definition

2. In this bylaw, unless the context otherwise requires,

“financial assistance” means the giving of funds to organizations deemed to provide benefit to the public within one or more of the participating areas. *(Other forms of financial assistance that are recognized by the *Local Government Act* such as tax breaks, fee reductions or financial guarantees are beyond the scope of this service).*

“organization” means a society, institute or other non-profit entity which has its registered address within the geographical limits of the participating areas.

Service Described

3. The service hereby established includes the provision of financial assistance to organizations for the purpose of benefiting the community or any aspect of the community in accordance with the provisions of the *Local Government Act*.

Participating Areas

4. The participating areas for the service are Electoral Area A (Kyuquot/Nootka-Sayward), Electoral Area B (Cortes Island), Electoral Area C (Discovery Islands-Mainland Inlets) and Electoral Area D (Oyster Bay-Buttle Lake). (For the purposes of this bylaw it has been assumed that all electoral areas would participate in the service).

Service Area Boundaries

5. The boundaries of the service area include the entirety of the participating areas for the service. (While it is possible to include only a part of an electoral area in a service bylaw, there has been no indication thus far that this is being considered).

Cost Recovery

6. The annual cost of operating the service shall be recovered by one or more of the following methods:
 - (a) property value taxes imposed in accordance with Division 2 of Part 11 of the *Local Government Act*; (The levying of local taxes to cover each electoral area's share of service costs will by default include land and improvements but may instead be limited within one or more electoral areas to land only or improvements only.)
 - (b) revenues received by way of agreement, enterprise, gift, grant or otherwise;
 - (c) revenues raised by other means authorized by the *Local Government Act* or another Act.

Annual Limit on Requisition

7. The maximum amount that may be requisitioned annually for the service is the equivalent of \$0.05 per \$1,000 of the net taxable value of land and improvements in the service area. (The use of \$0.05 per \$1,000 of taxable assessments as a limit on annual requisition is based on historical grant levels which have not exceeded 0.0440 collectively in the electoral areas over the last 5 years. The Board could choose a higher or lower limit keeping in mind that the electors must approve the bylaw prior to adoption.)

Apportionment of Costs

8. The annual net costs of the service shall be apportioned among the participating areas on the basis of the converted value of land and improvements for hospital district purposes. (This is the standard default for cost sharing between partner jurisdictions when operating a shared service. Other options for cost sharing formulas include population, fixed percentages or some combination of the above methods).

Service Withdrawal

9. (At this time the specific conditions under which a participating area would believe it necessary to withdraw from the service are unknown. Considerations of the withdrawal process that the Committee may believe worthy of further exploration could include:
 - a. Should there be a minimum period of time for participation in the service before a service review can be initiated?
 - b. Should a different service review process be used in lieu of the review process outlined in the *Local Government Act* (see attachment).

Citation

10. This bylaw may be cited for all purposes as Bylaw No. [REDACTED], being Electoral Area Financial Assistance Service Establishing Bylaw 2024.

READ A FIRST TIME ON THE DAY OF , 2024

READ A SECOND TIME ON THE DAY OF , 2024

READ A THIRD TIME ON THE DAY OF , 2024

APPROVED BY THE INSPECTOR OF MUNICIPALITIES ON THE DAY OF , 2024

APPROVAL OF THE ELECTORS RECEIVED ON THE DAY OF , 2024

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2024

Chair

Corporate Officer

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- (2) If a bylaw repealing an establishing bylaw is submitted to the inspector for approval and the inspector is not satisfied that all participants in a service have reached agreement respecting the termination of a service, the inspector must refer the matter to the minister, who must
 - (a) direct the participants and the board to undertake negotiations on the matters related to terminating the service, or
 - (b) if the minister is satisfied that agreement under paragraph (a) is unlikely, direct that the parties proceed to mediation or arbitration.
- (3) The minister may specify the length of time that negotiations under subsection (2) (a) must continue and may extend this time period before or after it has expired.
- (4) The participants and board must conduct negotiations under subsection (2) (a) in good faith, making reasonable efforts to reach an agreement that will permit resolution of the matters.
- (5) If the parties have not reached agreement by the end of the time period for negotiations under subsection (2) (a), the minister must direct that the parties proceed to mediation or arbitration.
- (6) For the purposes of subsections (2) (b) and (5), subject to any regulations under subsection (7),
 - (a) sections 362 to 372 [*service withdrawal*] apply as if this were a service withdrawal under Division 6 [*Dispute Resolution in Relation to Services*] of this Part, and
 - (b) section 356 [*costs of process*] applies as if this were a service review process under that Division.
- (7) The minister may make regulations respecting mediation and arbitration under this section, including regulations providing exceptions to or modifications of a provision referred to in subsection (6) or a regulation under section 372 [*regulations respecting arbitrations*].

RS2015-1-352 (B.C. Reg. 257/2015).

Part 10: Division 6 – Dispute Resolution in Relation to Services

Definitions in relation to this Division

353. For the purposes of this Division:

"final resolution" means the establishment of the terms and conditions for withdrawal from a service by an arbitrator's decision under

- (a) section 366 [*arbitration in relation to service withdrawal*], or
- (b) section 368 [*direction to further arbitration in certain cases*];

"initiating participant" means a participant who gave notice under

- (a) section 357 [*initiating a service review*], or
- (b) section 361 [*initiating service withdrawal*],

as applicable;

"notice of withdrawal" means notice under section 367 (1) (d) (i) [*initiating participant decision to proceed with withdrawal*];

"service review" means a review of participation in one or more services in accordance with the process under sections 357 to 360;

"service withdrawal" means proposed withdrawal from participation in one or more services in accordance with the process under sections 361 to 372.

RS2015-1-353 (B.C. Reg. 257/2015).

Minister may appoint facilitators

354. (1) The minister may appoint facilitators for the purposes of this Division, whose responsibilities are to monitor service reviews and service withdrawals, and to assist the parties in reaching agreement in those processes, by
- (a) facilitating negotiations,
 - (b) facilitating resolution of issues, and
 - (c) assisting in setting up and using mediation or other non-binding resolution processes.
- (2) On receiving a notice under section 357 [*initiating a service review*] or 361 [*initiating service withdrawal*], the minister may designate a person appointed under subsection (1) as the facilitator responsible to assist the parties in relation to the matter.
- (3) Subject to subsection (4), at any time during a service review or service withdrawal, the facilitator designated under subsection (2) is to provide the assistance described in subsection (1) if requested to do so by a party.
- (4) The authority for the facilitator to provide assistance in relation to a service withdrawal ends at the time an arbitration referred to in section 366 begins.
- (5) Once a facilitator becomes involved under this section, the parties must provide information as requested by the facilitator and must otherwise cooperate with the facilitator in fulfilling the facilitator's responsibilities.

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RS2015-1-354 (B.C. Reg. 257/2015); 2023-10-524.

Parties to a service review or service withdrawal

355. (1) The parties to a service review or service withdrawal are
- (a) the initiating participant,
 - (b) any other participant in the service, and
 - (c) the board.
- (2) The representatives for the parties to a service review or service withdrawal are the following:
- (a) in the case of a municipal participating area,
 - (i) a council member appointed by the council, or
 - (ii) if no appointment is made, the mayor;
 - (b) in the case of an electoral participating area, the director of the electoral area;
 - (c) in the case of the board,
 - (i) a director appointed by the board, or
 - (ii) if no appointment is made, the chair.
- (3) The board and any municipal participant may make an appointment referred to in subsection (2) and, if this is done, must notify the other parties as to the person who is to be their representative in the service review or service withdrawal.

RS2015-1-355 (B.C. Reg. 257/2015).

Costs of service review or service withdrawal

356. (1) Costs incurred by a party in respect of their own participation in a service review or service withdrawal may be recovered only as follows:

- (a) in the case of costs incurred by a municipal participant, the costs must be recovered from the municipal participating area on the same basis as other costs of the service are recovered from that participating area;
 - (b) in the case of costs incurred by an electoral area participant, the costs are deemed to be costs of the service and must be recovered from the participating area on the same basis as other costs of the service are recovered from that participating area;
 - (c) in the case of costs incurred by the board, the costs are deemed to be costs of the service and must be apportioned and recovered from the service area on the same basis as other costs of the service.
- (2) Unless otherwise agreed by the parties to a service review or service withdrawal or, in the case of arbitration, unless otherwise directed by the arbitrator, the following are deemed to be costs of the service and must be recovered in accordance with subsection (3):
- (a) the fees of any mediator or arbitrator engaged to conduct or participate in the process, other than the fees of a facilitator under section 354 [*minister may appoint facilitators*];
 - (b) the administrative costs of the process, other than costs incurred by the parties in respect of their own participation in the process;
 - (c) any other costs with respect to the service review or service withdrawal that are not costs referred to in subsection (1).
- (3) The costs to be recovered under subsection (2) must be assigned, apportioned and recovered as follows:
- (a) in the case of a service review that dealt with only one service, the costs must be apportioned between and recovered from the participating areas on the same basis as other costs of the service;
 - (b) in the case of a service review that dealt with more than one service, the costs must
 - (i) be assigned proportionally between the services under review at the time those costs were incurred, on the basis of the relative expenditures provided for the services in the previous year's financial plan, and
 - (ii) for each service, be apportioned and recovered in accordance with paragraph (a);
 - (c) in the case of a service withdrawal that dealt with only one service, subject to a regulation under subsection (4), the costs must
 - (i) be assigned proportionally between the service area and the participating area for the initiating participant, on the basis of the converted value of land and improvements in those areas,
 - (ii) for costs assigned to the service area, be apportioned and recovered in accordance with paragraph (a), and
 - (iii) for costs assigned to the initiating participant, be recovered on the same basis that other costs of the service are recovered from the participating area;
 - (d) in the case of a service withdrawal that dealt with more than one service, subject to a regulation under subsection (4), the costs must
 - (i) be assigned proportionally between the services under review at the time those costs were incurred, on the basis of the relative expenditures provided for the services in the previous year's financial plan, and
 - (ii) for each service, be assigned, apportioned and recovered in accordance with paragraph (c).
- (4) The Lieutenant Governor in Council may make regulations providing how costs are to be assigned under subsection (3) (c) and (d) in cases where there is more than one initiating participant.

RS2015-1-356 (B.C. Reg. 257/2015).

Initiating a service review

- 357.** (1) A participant may initiate a service review under this Division if all the following circumstances apply:
- (a) the participant has been a participant in the service for at least 5 years or, if applicable, the shorter time period provided in the establishing bylaw for the service;
 - (b) the service has not been subject to a service review that was initiated within the past 3 years;
 - (c) the establishing bylaw does not include provisions under section 340 (1) (e) establishing an alternative review process;
 - (d) the participant considers that the terms and conditions of participation in the service are unsatisfactory.
- (2) To initiate a service review, a participant must give written notice to the board, all other participants in the service and the minister.
- (3) The notice under subsection (2) must
- (a) describe the terms and conditions of participation in the service that the participant finds unsatisfactory,
 - (b) give reasons, relating to those terms and conditions, as to why the participant wishes to initiate the service review, and
 - (c) describe how the participant has previously attempted to resolve the issues.
- (4) A participant who wishes to initiate service reviews for more than one service must give separate notice under this section for each service.
- (5) In the case of a service review in relation to the exercise of authority under letters patent, the minister may determine what is to be considered a separate service under that authority for the purposes of this Division.

RS2015-1-357 (B.C. Reg. 257/2015).

Other issues and services may be dealt with in one service review

- 358.** (1) The following issues may be addressed by a service review:
- (a) the issues raised by the notice under section 357;
 - (b) any other issue respecting the service raised by a party at a preliminary meeting under section 359;
 - (c) if the other parties agree, an issue respecting the service raised by a party after the preliminary meeting.
- (2) In addition to the issues under subsection (1), if
- (a) at the same time or after the service review is initiated, another service review is initiated by notice under section 357 in respect of the same or another service,
 - (b) the other parties to the initial service review agree, and
 - (c) any participants in the other service who are not parties to the initial service review also agree,
- the service reviews may be combined and dealt with in the same service review.

RS2015-1-358 (B.C. Reg. 257/2015).

Preliminary meeting

- 359.** (1) Within 120 days after receiving a notice under section 357 [*initiating a service review*], the board must arrange a preliminary meeting of all party representatives for the purpose of
- (a) reviewing the terms and conditions of the service, and
 - (b) establishing a negotiation process for addressing
 - (i) the issues raised in the notice, and
 - (ii) any other issues raised by a party during the meeting,with a view to reaching an agreement on the negotiation process and the issues to be addressed in the negotiations.
- (2) If a facilitator has been designated under section 354 [*minister may appoint facilitator*], the board must give notice of the preliminary meeting to the facilitator.
- (3) The requirement for a meeting under subsection (1) does not apply to a service review that is combined under section 358 with another service review that was previously initiated.
- RS2015-1-359 (B.C. Reg. 257/2015).

Negotiations to resolve issues

- 360.** (1) Within 60 days after the preliminary meeting under section 359 was convened, or the first such meeting was convened if there is more than one, the parties must begin negotiations for the purpose of reaching agreement on the relevant issues.
- (2) All parties must negotiate in good faith, making reasonable efforts to reach an agreement respecting the issues being addressed in the service review.
- (3) At any time after receiving a notice under section 357 [*initiating a service review*], the minister may specify a time period within which the parties must conclude negotiations.
- (4) The minister may extend a time period established under subsection (3) before or after it has expired.
- RS2015-1-360 (B.C. Reg. 257/2015).

Initiating service withdrawal

- 361.** (1) A participant may initiate service withdrawal if all the following circumstances apply:
- (a) the service has been subject to
 - (i) a service review that was initiated within the past 3 years, or
 - (ii) an alternative review process, in accordance with establishing bylaw provisions under section 340 (1) (e), that was started within the past 3 years;
 - (b) the first meeting respecting the review, which in the case of a service review is the first preliminary meeting under section 359, was convened more than 8 months ago;
 - (c) the service is not
 - (i) a service referred to in section 338 (2) [*services for which no establishing bylaw required*],
 - (ii) a regulatory service, or
 - (iii) a service prescribed under subsection (6).
- (2) A participant may initiate service withdrawal under this Division even if the establishing bylaw provides terms and conditions for withdrawal under section 340 (1) (f).
- (3) To initiate service withdrawal, a participant must give written notice to the board, all other participants in the service and the minister.

- (4) The notice under subsection (3) must
 - (a) describe the terms and conditions of participation in the service that the participant finds unsatisfactory, and
 - (b) give reasons, relating to those terms and conditions, as to why the participant wishes to withdraw from the service.
- (5) Despite Divisions 3 to 5 of this Part or the establishing bylaw, at any time after receiving a notice under subsection (3) of this section, the minister may determine that a part of the service must be considered a separate service for the purposes of sections 362 to 372.
- (6) The Lieutenant Governor in Council may make regulations excluding services from withdrawal under this Division.
- (7) Regulations under subsection (6) may be different for different regional districts and different circumstances.

RS2015-1-361 (B.C. Reg. 257/2015); RS1996-323-813.08; 2000-7-106 (BC Reg 399/00); 2012-2-8.

Minister's direction on process

- 362.** (1) After receiving a notice under section 361, unless the matter is to be dealt with in another service withdrawal under section 363, the minister must do one of the following:
- (a) if the establishing bylaw provides an alternative review process and the minister considers that agreement may be reached by a service review under this Division, terminate the service withdrawal and direct the parties to engage in a service review;
 - (b) direct the parties to engage in further negotiations respecting continued participation in the service, specifying a time period within which the parties must conclude negotiations;
 - (c) direct the parties to engage in negotiations respecting the terms and conditions for withdrawal, specifying a time period within which the parties must conclude negotiations;
 - (d) direct the parties to engage in mediation under section 365 respecting the terms and conditions for withdrawal, specifying a time period within which the mediation must be concluded;
 - (e) if satisfied that agreement is unlikely under paragraph (a), (b), (c) or (d), direct that the terms and conditions for withdrawal from the service be resolved by arbitration under section 366.
- (2) The minister may extend a time period established under subsection (1) (b), (c) or (d) before or after it has expired.
- (3) If no agreement is reached from negotiations under subsection (1) (b) within the applicable time period, the minister must take one of the actions set out in subsection (1) (c) to (e).
- (4) If no agreement is reached from negotiations under subsection (1) (c) within the applicable time period, the minister must direct the parties to engage in mediation or arbitration in accordance with subsection (1) (d) or (e).

RS2015-1-362 (B.C. Reg. 257/2015).

Addition of further initiating participants or further services

- 363.** (1) If, at the same time or after a service withdrawal is initiated, the minister receives another notice under section 361 [*initiating service withdrawal*] respecting the same or any other service of the same regional district,
- (a) in the case of a service withdrawal that is in negotiation under section 362 (1) (c) or mediation under section 365, the minister may direct that the matter be dealt with as part of the initial service withdrawal, and

- (b) in the case of a service withdrawal that is in arbitration under section 366, the minister must refer the matter to the arbitrator, who may direct that it be dealt with as part of the initial service withdrawal.
- (2) Before making a direction under subsection (1), the minister or arbitrator must consult with
 - (a) the parties in the initial service withdrawal,
 - (b) if applicable, the mediator, and
 - (c) if applicable, any participants in the other service who are not parties to the initial service withdrawal.

RS2015-1-363 (B.C. Reg. 257/2015).

Early termination of process

- 364.** A service withdrawal may be ended at any stage of the process
- (a) by agreement between the parties,
 - (b) if there is only one notice under section 361 [*initiating service withdrawal*] in respect of the process, at the option of the initiating participant, or
 - (c) if there is more than one notice under section 361 in respect of the process, by agreement between the initiating participants.

RS2015-1-364 (B.C. Reg. 257/2015).

Mediation in relation to service withdrawal

- 365.** (1) If mediation is directed under section 362 (1) (d) [*minister's direction on process*], the mediator must be selected
- (a) by agreement between the parties, or
 - (b) if the minister considers that the parties will not be able to reach agreement, by the minister.
- (2) The mediation is to be a process of negotiation by the parties, undertaken with the assistance of a neutral and impartial person, for the purpose of reaching a mutually acceptable resolution of the relevant issues.
- (3) The mediator must give notice to the minister when the mediation is concluded.
- (4) Subject to subsection (5), if agreement on the terms and conditions for withdrawal is not reached during the mediation or within 60 days after the mediation is concluded, the terms and conditions for withdrawing from the service must be resolved by arbitration under section 366.
- (5) The minister may extend the time period under subsection (4) before or after it has expired.

RS2015-1-365 (B.C. Reg. 257/2015).

Arbitration in relation to service withdrawal

- 366.** (1) If agreement in relation to service withdrawal cannot otherwise be reached under this Division, the terms and conditions for withdrawal must be resolved before a single arbitrator by
- (a) final proposal arbitration in accordance with subsection (4), or
 - (b) full arbitration in accordance with subsection (5).
- (2) The choice of process under subsection (1) (a) or (b) is to be determined by agreement between the parties but, if the minister considers that they will not be able to reach agreement, the minister must direct which procedure is to be used.

- (3) The arbitrator is to be selected from a list prepared by the minister in consultation with the Union of British Columbia Municipalities, and is to be selected
- (a) by agreement between the parties, or
 - (b) if the minister considers that the parties will not be able to reach agreement, by the minister.
- (4) Subject to any regulations under section 372, the following apply to final proposal arbitration under this section:
- (a) the arbitrator must conduct the proceedings on the basis of a review of written documents and written submissions only, and must determine each disputed issue by selecting one of the final written proposals submitted by the parties respecting that issue;
 - (b) in making a determination under paragraph (a), the arbitrator must consider any terms and conditions established under section 340 (1) (f) [*establishing bylaw provisions respecting service withdrawal*];
 - (c) the terms and conditions for service withdrawal must be resolved by the arbitrator after incorporation of the final proposals selected under paragraph (a) in respect of each issue;
 - (d) no written reasons are to be provided by the arbitrator.
- (5) Subject to any regulations under section 372, the following apply to full arbitration under this section:
- (a) the arbitrator may conduct the proceedings at the times and in the manner the arbitrator determines;
 - (b) the arbitrator must consider any terms and conditions referred to in section 340 (1) (f);
 - (c) the terms and conditions for service withdrawal must be resolved by the arbitrator, who is not restricted in a decision to submissions made by the parties on the disputed issues;
 - (d) for an arbitration involving more than one initiating participant, the final resolution may establish different terms and conditions for service withdrawal depending on which participants decide to withdraw under the final resolution;
 - (e) the arbitrator must give written reasons for the decision.
- (6) The *Arbitration Act* does not apply to arbitration under this Division.
RS2015-1-366 (B.C. Reg. 257/2015); 2023-10-525.

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Initiating participant must respond to final resolution

- 367.** (1) Within one year after final resolution under section 366 or a longer time established under subsection (2) of this section, each initiating participant must do one of the following and must notify the minister and board as to whichever applies:
- (a) agree to continue as a participant on the current terms and conditions;
 - (b) agree with the board and the other participants on new terms and conditions for continued participation in the service;
 - (c) agree with the board and the other participants on terms and conditions for withdrawal that differ from the final resolution;
 - (d) seek approval in accordance with subsection (4) of this section regarding withdrawal from the service in accordance with the final resolution and, as applicable,
 - (i) if that approval is obtained and the participant decides to proceed with withdrawal, agree to withdraw from the service in accordance with the final resolution, or

- (ii) if that approval is not obtained, or the approval is obtained but the participant decides not to proceed with withdrawal, agree to continue as a participant on the current terms and conditions.
- (2) The minister may extend the time period under subsection (1) before or after it has expired.
- (3) If the board and the participants do not adopt the bylaws and take the other actions required to implement an agreement referred to in subsection (1) (b) or (c) within the applicable time period under subsection (1), the initiating participant is deemed to have given notice of continuation under subsection (1) (a) unless it has given notice of withdrawal before the end of that period.
- (4) Approval required under subsection (1) (d) is obtained by one of the following:
 - (a) assent of the electors in the participating area in accordance with section 344 [*approval by assent of the electors*];
 - (b) in the case of a service referred to in section 345 (1) [*approval by alternative approval process*], by approval in accordance with that section;
 - (c) in the case of a municipal participating area that is all of the municipality, consent given on behalf of the electors in accordance with section 346 [*consent on behalf of municipal participating area*].
- (5) If the service withdrawal is related to more than one service,
 - (a) approval must be sought in respect of all services considered together, which are deemed to be a single matter requiring approval,
 - (b) approval under subsection (4) (b) may be used only if each of the services are services referred to in section 345 (1) (a) or (b), and
 - (c) approval under subsection (4) (c) may be used only if the municipal participating area for each of the services is all of the municipality.

RS2015-1-367 (B.C. Reg. 257/2015).

Direction to further arbitration in certain cases

- 368.** (1) The minister must direct that a new arbitration under section 366 be undertaken, if
- (a) a service withdrawal involved more than one initiating participant,
 - (b) only some of the initiating participants give notice of withdrawal, and
 - (c) the final resolution does not include applicable provisions under section 366 (5) (d) [*arbitration – separate terms and conditions*].
- (2) For the purposes of arbitration under subsection (1), the participants who gave the notice of withdrawal are deemed to be the initiating participants.

RS2015-1-368 (B.C. Reg. 257/2015).

When final resolution becomes binding

- 369.** A final resolution becomes binding on all parties as follows:
- (a) in the case of a service withdrawal involving only one initiating participant, if the initiating participant gives notice of withdrawal, the final resolution becomes binding when that notice is given;
 - (b) in the case of a service withdrawal involving more than one initiating participant, if all initiating participants give notice of withdrawal, the final resolution becomes binding when the last of these notices is given;

- (c) in the case of a service withdrawal involving more than one initiating participant, if
 - (i) one or more initiating participants give notice of withdrawal, and
 - (ii) the final resolution includes applicable provisions under section 366 (5) (d) *[arbitration – separate terms and conditions]*,
the applicable provisions of the final resolution become binding when all of the initiating participants have given notice under section 367 (1) (a) or (d) or at the end of the time period under that section, whichever is earlier.

RS2015-1-369 (B.C. Reg. 257/2015).

Implementation of final resolution by bylaw

- 370. (1) The board and the participants must adopt the bylaws and take the other actions required to implement the terms and conditions of a final resolution within 90 days after it becomes binding under section 369.
- (2) Despite any other provision of this Act, approval of the electors is not required for a bylaw referred to in subsection (1).
- (3) The minister may extend the time period under subsection (1) before or after it has expired.

RS2015-1-370 (B.C. Reg. 257/2015).

Failure to adopt required bylaws

- 371. (1) If the board or a municipal participant does not adopt the bylaws required under section 370 *[implementation by bylaw]*, on the recommendation of the minister, the Lieutenant Governor in Council may, by order, implement the terms and conditions of the final resolution.
- (2) An order under subsection (1) is deemed to be a bylaw of the applicable local government.

RS2015-1-371 (B.C. Reg. 257/2015).

Regulations respecting arbitrations

- 372. (1) The minister may make regulations respecting arbitrations under this Division and, without limiting this, may make regulations as follows:
 - (a) respecting matters that an arbitrator must or may consider;
 - (b) respecting the authority of an arbitrator to resolve the terms and conditions for withdrawing from a regional district service;
 - (c) respecting the authority of an arbitrator to require the cooperation of local governments and electoral area directors in relation to the arbitration.
- (2) Regulations under this section may be different for
 - (a) final proposal arbitration, full arbitration and arbitration directed under section 368 *[direction to further arbitration in certain cases]*,
 - (b) different regional districts, and
 - (c) different circumstances.

RS2015-1-372 (B.C. Reg. 257/2015).



STAFF REPORT

DATE: June 27, 2024

FILE: 0550-04 Board

TO: Chair and Directors,
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: PROPOSED GRANT IN AID SERVICE

PURPOSE/PROBLEM

To consider the scope of a proposed grant in aid (financial assistance) service for one or more of the electoral areas of the Regional District.

EXECUTIVE SUMMARY

The attached report was considered at the June 26, 2024 meeting of the Regional Board at which time the following resolution was passed:

Whalley/Sinnott: SRD 496/24

THAT a bylaw to establish a service for awarding grants within the electoral areas be prepared for consideration.

Before proceeding with the preparation of a bylaw, it may be worthwhile to determine some of the parameters of the proposed service. This would help make the process of drafting a service establishing bylaw more efficient and focused. Once the scope of the draft bylaw has been determined, the bylaw would be presented for the Committee's consideration before being presented to the Board. The Regional Board has exclusive jurisdiction to decide whether a service bylaw meets its requirements, and whether it should be approved by electors within the participating areas through a voting process or an alternative approval process. The bylaw will also be subject to approval by the Inspector of Municipalities before approval of the electors can be sought.

The background section of this report will touch on each of the required elements that must be included within any bylaw seeking to establish a service.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

Respectfully:

A blue ink signature of Dave Leitch is written over a horizontal line.

Dave Leitch
Chief Administrative Officer

BACKGROUND

In accordance with s.332 of the *Local Government Act* the Board may, by bylaw and subject to specific process requirements, establish any service that the Board considers necessary or desirable for all or part of the Regional District. The requirements associated with the establishment of a service include specific content that must be included in the service bylaw. These are listed below with options for further consideration.

Service description - The establishing bylaw must describe the service so that the parameters of the service are clear and unambiguous. It is presumed that regional grants would not be included in the service. Options would include grants to organizations that benefit a specific electoral area or group of them.

Service area boundaries - It is presumed that the entirety of each participating electoral area would be included within the service boundaries.

Service participants – the service could include a single electoral area, all electoral areas, or some (but not all) electoral areas.

Cost recovery – the default for any service is to requisition funds against all land and improvements within the service area. Options also include the requisitioning of funds against land only or improvements only.

Cost sharing – costs of the service can be apportioned between the participants based on assessed values (land, improvements or both). Other formulas can be considered but must be able to be verified objectively.

Requisition limit – the establishing bylaw must specify the maximum amount that can be requisitioned within the entire service area on an annual basis. This can be expressed as a dollar limit, a tax rate limit or a combination of both methods.

ALTERNATIVES

A service establishing bylaw for providing grants to worthwhile organizations may also include provisions specifying the number of votes to which a director is entitled provided that each director must have at least one vote. The bylaw can also include provisions dealing with dispute resolution, service reviews and withdrawal from the service by a participant.

FINANCIAL IMPLICATIONS

The financial implications associated with an electoral area grant in aid service will depend on the maximum annual requisition authorized by the service establishing bylaw, the property liable to be taxed for the service and the method for sharing annual costs as stipulated in the bylaw.

LEGAL IMPLICATIONS

The statutory provisions that restrict eligibility for receiving public funds will continue to apply to any grant in aid service that is established by the Board. This would include the prohibition on providing public funding that would benefit private interests except where a public/private partnership has been entered into. Other elements of a grant in aid service that have been discussed in the past include the requirement for grant applicants to provide financial statements showing need, receipts for grant monies expended, and limits on the amount or frequency of applications for financial assistance from organizations.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

The establishment of a grant in aid service specifically for the electoral areas will not affect the statutory right of the full Board to make decisions on financial assistance (grants) that are beyond the purview of the electoral area grant in aid service. At a minimum this will include all regional grant in aid decisions.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Before the Regional District may adopt a bylaw to establish a grant in aid service it must obtain the approval of the electors by assent voting or alternative approval process.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The processing of financial assistance requests under an electoral area grant in aid service would involve staff in the corporate services and financial services departments.

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Copy of June 14, 2024 report to the Board

COPY



STAFF REPORT

DATE: June 14, 2024 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: DELEGATION OF AUTHORITY – GRANTS IN AID

PURPOSE/PROBLEM

To consider the practicality of delegating the award of grants in aid to the Electoral Areas Services Committee.

EXECUTIVE SUMMARY

At its May 22, 2024 meeting the Board considered the attached report and passed the following resolution:

Vonesch/Whalley: SRD 406/24

THAT a report on the practicality of delegating authority to the Electoral Area Services Committee for awarding electoral area grants be prepared for further consideration.

As trustees of public funds that are being used for grant purposes, it is appropriate that directors understand the legal authority that exists for the Regional District to manage grant awards. Section 263 of the *Local Government Act* grants to regional districts the power to “provide assistance for the purpose of benefiting the community or any aspect of the community.” This is a statutory authority and is not dependant on letters patent or a service establishing bylaw for its operation (see Exhibit ‘A’ for additional information). There are various restrictions that limit the scope of financial assistance including, for example, a restriction on financial assistance that would benefit private interests.

Since the Board currently provides grant funding under a statutory service, all directors on the Board are entitled to vote in respect of grant applications. The primary method available to limit the entitlement of all directors to vote on such matters is to adopt a service establishing bylaw pursuant to Part 10 of the *Local Government Act*. A service establishing bylaw could be used, for example, to authorize the decisions on specified types or amounts of grants to be made by a subset of the Regional Board. Those areas participating in the service would pay the costs of the service including any litigation costs arising from the operation of the service.

ALTERNATIVES

Option A – THAT a bylaw to establish a service for awarding grants within the electoral areas be prepared for further consideration.

Option B – THAT the matter of a service establishing bylaw for grant awards not be pursued at this time.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

Respectfully,



Dave Leitch
Chief Administrative Officer

BACKGROUND/HISTORY

The ability to award grants to organizations has long been a function of local governments in BC. In some regional districts the authorities, financial limits and other rules for the awarding grants are contained in letters patent or service bylaws. Other regional districts (such as Strathcona) have not established services for the purpose of awarding grants and must rely on s.263 of the *Local Government Act* as their authority to award grants to organizations that provide a benefit to the public. The cost of grants awarded pursuant to the statutory authority mentioned above is governed by s.360 of the *Local Government Act* (see Appendix 'A' attached).

POLICY ANALYSIS

The Board has broad authority to decide how best to manage grant programs including the ability to focus on strategic areas that will help to fulfill corporate priorities. At this time the Board has not directed that the awarding of grants reflect such priorities and any organization that believes its activities benefit the general public is able to apply for financial assistance under the current program.

ALTERNATIVES

There are a limited number of alternatives that the Board could consider for providing grants to organizations such as:

- establishing service bylaws for those organizations or types of activity are heavily reliant on public funding and that are recurrent in nature.
- leaving the present system in place with all directors voting on all regional and local grant applications.

The examples provided above are not necessarily mutually exclusive and the Board could consider various combinations such as retaining decision-making authority for regional grants or grants that benefit more than a single member of the Board while establishing services for specific grants that are awarded on a regular basis to organizations.

FINANCIAL IMPLICATIONS

Under the *Local Government Act* the Board is required to ensure that not more than \$.10 per \$1,000 of property assessment is spent annually for the awarding of financial assistance. This does not include grant awards made under the authority of a service establishing bylaw which, by law, must contain its own specific limit on annual requisition. The Regional District is currently well below the statutory limit for awarding grants to organizations.

LEGAL IMPLICATIONS

In the absence of a service establishing bylaw to authorize the awarding of grants, the entire Board is responsible for establishing the process and policies to be followed when considering grant applications. Likewise, if the awarding of a grant using public funds results in litigation action, the entire Board would be liable for defending against such litigation as well as any monetary award that results from such action. However, if a grant service is established by bylaw, only the areas participating in the service would be liable for any costs (including litigation costs).

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

In many cases, the recipient of a grant award provides benefits across local jurisdictional boundaries and it is appropriate to consider such grant requests under the umbrella of a regional

grants program. For this reason, the *Local Government Act* provides flexibility for the Regional District to consider the areas benefiting from any grant award and to which the costs for approving a grant application would be borne.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Generally speaking, the public tends to be more supportive of grant programs that have received assent of the electors such as would be the case for programs authorized by a service establishing bylaw. Grant programs that lack such approval may be viewed with less credibility especially if the same organizations receive publicly-funded grant awards year after year without citizen input.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The management and processing of financial assistance to organizations involves corporate and financial staff.

Prepared by: *T. Yates, Corporate Services Manager*

Attachments: Copy of May 10, 2024 report to the Board

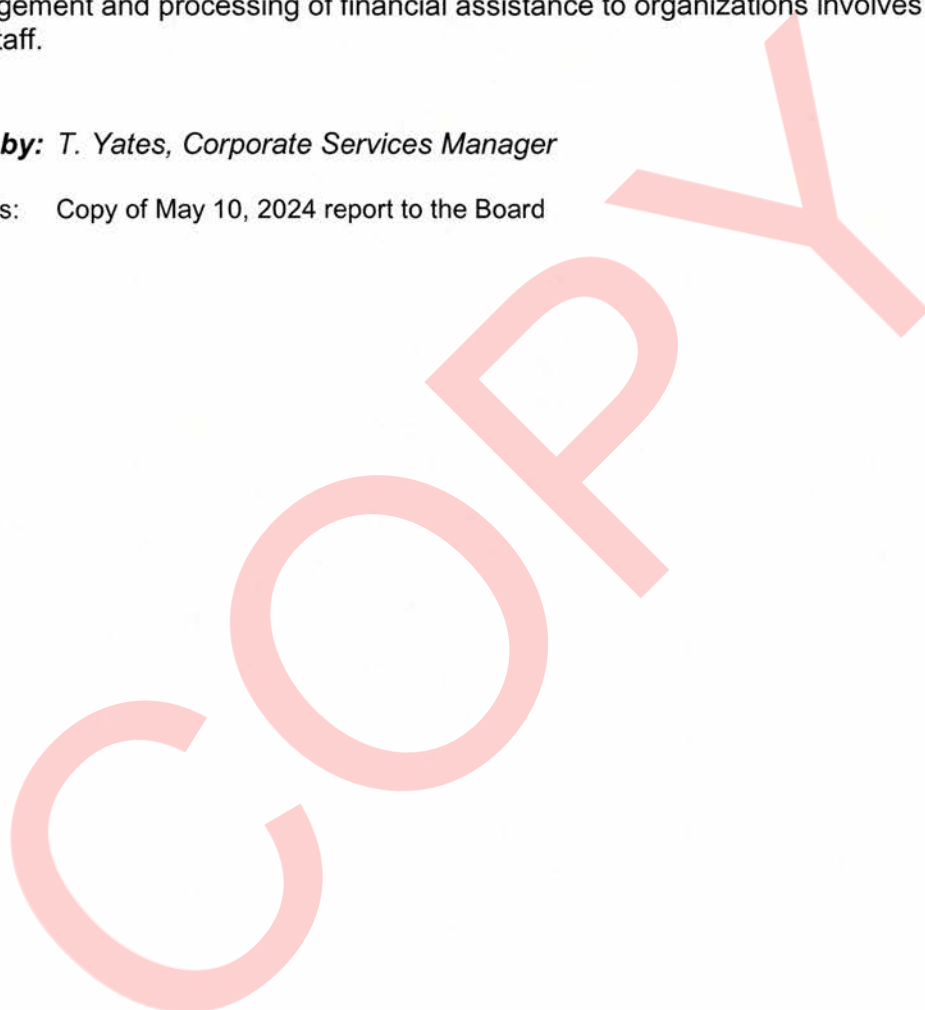


Exhibit 'A'**Apportionment
of costs**

380. (1) If the establishing bylaw sets the method for apportioning the costs of providing a service, those costs must be apportioned among the participating areas in accordance with the bylaw.
- (2) If the method of apportionment is not set by establishing bylaw, the costs of providing a service must be apportioned on the basis of the converted value of land and improvements in the service area as follows:
- (a) if there is an establishing bylaw but it does not set out the method of apportionment, among the participating areas for the service;
 - (b) if there is no establishing bylaw and the method of apportionment is not otherwise set under this or another Act, among all the municipalities and electoral areas participating in the service, with the service area deemed to be the entire regional district;
 - (c) in the case of electoral area administration,
 - (i) subject to subparagraph (ii), among all the electoral areas, with the service area deemed to be all the electoral areas, and
 - (ii) if the board provides that some or all of the costs are to be apportioned among the electoral areas that the board considers benefit from the administration, those costs must be apportioned among those electoral areas, with the service area deemed to be all those electoral areas;
 - (d) in the case of feasibility studies in relation to proposed services, if no service is established and the board provides that the costs are to be apportioned among the electoral areas, among all the electoral areas, with the service area deemed to be all those electoral areas;
 - (e) in the case of services related to an approving officer, if the board is authorized to appoint the approving officer under section 77.1 [appointment of regional district and islands trust approving officers] of the *Land Title Act*, among all the electoral areas, with the service area deemed to be all those electoral areas;
 - (f) in the case of a service that is in relation to a regional growth strategy for an area that is less than the entire regional district, among the areas for which the regional growth strategy is initiated or adopted, with the service area being all those areas;
 - (g) in the case of assistance under section 263 (1) (c) [assistance for community benefit], other than assistance under a partnering agreement referred to in section 274, at the option of the board,
 - (i) in accordance with paragraph (b) of this subsection, or
 - (ii) among the municipalities or electoral areas benefiting from the assistance, with the service area deemed to be all those areas;
 - (h) in the case of a referendum under section 336 [referendums regarding services] that is not limited to all or part of the service area for an existing service, among the municipalities and electoral areas in which the referendum is held, with the service area deemed to be all those areas;
 - (i) in the case of a local community commission under section 243 [local community commissions], entirely from the local community, with the service area deemed to be that local community;
 - (j) in the case of a business improvement area under section 215 [business improvements areas] of the *Community Charter* in relation to a mountain resort, entirely from that area, with the service area deemed to be the business improvement area;
 - (k) in the case of services under Part 14 [Planning and Land Use Management], in accordance with section 381 [cost sharing for Part 14 services].

RS2015-1-380 (B.C. Reg. 257/2015).



STAFF REPORT

DATE: May 10, 2024 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: DELEGATION OF AUTHORITY – GRANTS IN AID

PURPOSE/PROBLEM

To consider a recommendation from the Electoral Areas Services Committee that a report be prepared to examine the practicality of delegating the award of certain grants to the Committee.

EXECUTIVE SUMMARY

At its May 8, 2024 meeting the Electoral Areas Services Committee considered the attached report and passed the following resolution:

Mawhinney/Rice: EASC 175/24

THAT a report into the practicality of delegating authority for decisions on Electoral Area Grants in Aid to the Electoral Area Services Committee be prepared for further consideration.

Since the ability for the Board to make decisions on the awarding of grants to organizations is derived from statutory authority pursuant to the *Local Government Act*, it is the Board's prerogative whether or not to evaluate the pros and cons of delegating this authority to the Committee.

ALTERNATIVES

Option A – THAT a report on the practicality of delegating authority to the Electoral Area Services Committee for awarding electoral area grants be prepared for further consideration.

Option B – THAT a report on the practicality of delegating authority to the Electoral Area Services Committee for awarding electoral area grants not be undertaken at this time.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

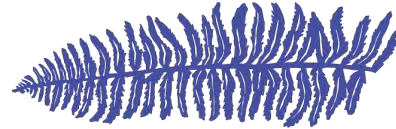
Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: T. Yates, Corporate Services Manager

Attachments: Copy of May 2, 2024 report to the Electoral Areas Services Committee



Robyn Mawhinney

Regional Director, Discovery Islands & Mainland Inlets

RMawhinney@srd.ca • 250.203.2468

May 2, 2024

Re: Delegation of Authority

From time to time there have been comments at the Board table about Electoral Area Services Committee items being viewed as using valuable Board time, time which could better be focused elsewhere. Recently I learned that the Comox Valley Regional District (CVRD) has implemented a Delegation of Authority Bylaw which permits delegation of certain decisions to the CVRD EASC.

Attached is the May 2023 CVRD staff report and draft bylaw. From its Executive Summary: "Delegation, as recommended by staff, would result in the volume of recommendations and associated materials on Board agendas being significantly reduced, enabling the Board to better focus and engage on issues of regional significance. The Board would continue to be involved in the financial planning process, adoption of any bylaws, including rates and fees, as well as corporate policy setting."

A Delegation of Authority Bylaw would perhaps be a good fit for Electoral Area Grants in Aid. To determine this, I propose the following motion:

THAT a report into the practicality of delegating authority for decisions on Electoral Area Grants in Aid to the Electoral Area Services Committee be prepared for further consideration.

Respectfully submitted,

Robyn Mawhinney

Regional Director,
Discovery Islands & Mainland Inlets – Electoral Area 'C'

DATE: May 16, 2023**FILE:** 0540-20**TO:** Chair and Directors
Regional District Board**FROM:** James Warren
Acting Chief Administrative OfficerSupported by James Warren, Acting
Chief Administrative Officer*J. Warren***RE: Delegation of Board Authority to the Electoral Areas Services Committee and
Black Creek – Oyster Bay Services Committee****Purpose**

To introduce the requests from the Electoral Areas Services Committee (EASC) and Black Creek – Oyster Bay (BCOB) Services Committee for delegated authority of certain powers, duties and functions related to the rural services.

Recommendation from the Deputy Chief Administrative Officer:

THAT the Board consider first, second and third readings of Bylaw No. 749 being “Committee Delegation Bylaw, 2023” as provided in the staff report dated May 16, 2023.

Executive Summary

- At its January 30, 2023 meeting the EASC resolved to seek delegated Board authority for the operation and administration of Electoral Areas Services as well as public hearings. This was followed by the BCOB Services Committee endorsing a similar resolution at its May 8, 2023 meeting.
- Similar to the Comox Valley Water Committee and Sewage Commission, delegation to the EASC and BCOB would provide these standing committees with the authority for all decisions which relate to the administration and operation of the rural services they consider. At current, most of their decisions and direction concerning rural services is required to be ratified by the Board.
- The staff report dated January 24, 2023 (attached as Appendix A) provides further information on the legislative framework for delegation and the considerations given by the EASC and BCOB. The EASC is not seeking full delegated authority for all planning and development related matters as provincial legislation does not enable the delegation of certain decisions.
- Delegation of authority to the EASC and BCOB would result in less rural area business coming to the Board table, enabling greater focus by the Board on regional services and topics.
- Regional District Boards are authorized to delegate their powers, duties and functions to standing committees subject to certain limitations and provided that such delegation is done by bylaw, adopted by an affirmative vote of at least 2/3 of the votes cast.
- A draft delegation bylaw (#749) is provided in Appendix B to codify the requested authorities in relation to the applicable regional district services. Amendments the delegation bylaw will be required from time to time as new services are established and when existing services are repealed.

Prepared by:

J. Martens

Jake Martens
General Manager of Corporate
Services

Attachments: Appendix A – Board Delegation to Electoral Areas Services Committee Staff Report
Appendix B – Draft Bylaw No. 749 being “Committee Delegation Bylaw, 2023”

COPY

DATE: January 24, 2023

FILE: 0540-20

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Board Delegation to Electoral Areas Services Committee

Purpose

To provide options and analysis concerning the potential delegation of Board authority to the Electoral Areas Services Committee (EASC).

Recommendations from the Chief Administrative Officer:

1. THAT the staff report dated January 24, 2023 be referred to the Board together with a draft bylaw to broadly delegate the operation and administration of Electoral Areas Services as well as public hearings to the Electoral Areas Services Committee, as identified in the staff report.
2. THAT the staff report dated January 24, 2023 be referred to the Black Creek – Oyster Bay Services Committee for review and consideration.

Executive Summary

- Regional District Boards are authorized to delegate their powers, duties and functions to standing committees subject to certain limitations. Delegation must be done by bylaw, adopted by an affirmative vote of 2/3 of the votes cast.
- Similar to the Comox Valley Water Committee and Sewage Commission, the EASC could be provided with the authority for all decisions which relate to the administration and operation of all the rural services it considers. This would eliminate the need for such resolutions to be subsequently ratified by the Comox Valley Regional District (CVRD) Board.
- Provincial legislation heavily prescribes planning and development matters and the ability to delegate such decisions. As the most common matters cannot be delegated to the EASC staff are recommending that only public hearings and other hearings be considered for delegation to the EASC. This approach will ensure all decisions are consistently made by the regional district body with appropriate authority, eliminating the risk of judicial review proceedings or other challenges where errors may occur.
- Delegation, as recommended by staff, would result in the volume of recommendations and associated materials on Board agendas being significantly reduced, enabling the Board to better focus and engage on issues of regional significance. The Board would continue to be involved in the financial planning process, adoption of any bylaws, including rates and fees, as well as corporate policy setting.
- Given the parallels in authority between the EASC and the Black Creek – Oyster Bay Services Committee, staff are recommending that this report also be forwarded to that body for consideration.

Prepared by:

Concurrence:

J. Martens

A. Mullaly

Jake Martens
General Manager
of Corporate Services

Alana Mullaly
General Manager of Planning and
Development Services

Government and Community Interests Distribution (Upon Agenda Publication)

N/A	
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Background/Current Situation

At the December 5, 2022 regular meeting the EASC resolved to direct staff to provide a report outlining options for the Board to grant delegated authority to the EASC.

The *Local Government Act* (LGA) provides broad authority for Regional District Boards to delegate their powers, duties and functions to its officers and employees, its committees or its members, or to other bodies established by the local government. This includes standing committees established by the Board Chair such as the EASC.

Delegation must be done by bylaw, either through a delegation bylaw or through inclusion in a service establishment bylaw. Given the onerous requirements for adopting and amending service establishment bylaws it is recommended that any potential delegation for existing services be actioned through a delegation bylaw with terms the board considers appropriate. The LGA also provides that if a Board delegates a power to make a decision, and an enactment establishes a right to have a delegated decision reconsidered by the board, the board must, by bylaw, establish procedures for such a reconsideration, including how a person may apply for the reconsideration.

The LGA also provides limits on such authority to delegate, specifically prohibiting the following:

- the making of a bylaw;
- a power or duty which is only exercisable by bylaw;
- the power or duty to appoint, suspend or terminate a regional district officer;
- the power or duty established by an enactment that the Board hear an appeal or reconsider an action, decision or other matter;
- power or duty established by this or any other Act that the Board give its approval or consent to, recommendation on or acceptance of an action, decision or matter;
- the power to impose a remedial action requirement under Division 12 [Remedial Action Requirements] of Part 3 of the Community Charter.

Despite the above limitations, through delegation to the EASC the electoral area participants could be provided with the authority for all decisions which relate to the administration and operation of Electoral Area Services, eliminating the need for such resolutions to be ratified by the CVRD Board. Delegation of day to day operational and administrative matters has the potential to increase governance and operational efficiencies and enable the Board to better focus and engage on issues of regional significance. Staff have attached as Appendix A, a list of Electoral Area Services for which administrative decision making could be delegated.

The other area of potential delegation concerns planning and development matters that are routinely considered by the EASC. Land use management is heavily prescribed through the LGA which restricts the authority to delegate certain decisions. While not exhaustive Table 1 below provides a summary of key planning processes and decisions with commentary on their current or eligibility for delegation to the EASC.

Table 1

Decision	Authority to Delegate	Additional Notes
Public Hearings	Yes	Public hearings are currently delegated to the Electoral Area Directors on an individual basis for each hearing. This could be resolved through a delegation bylaw that confirms ongoing delegation to the EASC.
Other Hearings	Yes	Examples include note against land title that building regulations contravened. Like public hearings, this class of hearings could be delegated to the EASC on an ongoing basis.
Development Permits (DP)	Yes	Bylaw No. 2365 already provides for delegation to staff of a number of DPs. Not currently delegated are DPs related to commercial, industrial, Farmland, Union Bay Tourism Highway Commercial.
Development Variance Permits (DVP)	No - only staff	LGA limits the delegation of DVPs to “an officer or employee” of the local government. Delegation to staff not currently employed by CVRD.
Official Community Plans	No	Not eligible as only exercisable by bylaw.
Zoning	No	Not eligible as only exercisable by bylaw.
Temporary Use Permits (TUP)	Yes	Issuance of a TUP may be delegated when in an area designated through an Official Community Plan or a zoning bylaw.
Floodplain Exemption	Yes	Concerns decisions to exempt a person from floodplain requirements for parcel of land or a use or building.
Subdivision Servicing Agreements	Yes	Concerns decisions regarding the provision of works and services in respect of the subdivision of land. The CVRD does not have a subdivision servicing bylaw.
Requirements for Excess or Extended Services and Latecomer Agreements	Yes	Concerns decisions requiring the owner of land that is to be subdivided or developed to provide excess or extended services, such as water, sewage or drainage system that will serve land other than the land being subdivided or developed. Latecomer agreements set the terms by which developers can recover costs for excess capacity beyond what is required for the initial development.
Requirement for Provision of Park Land or Payment for Parks Purposes	Yes	Concerns decisions respecting the dedication of park land during the subdivision process or monies in lieu of park land.
Withholding Building Permits that Conflict with Bylaws in Preparation	Yes	Concerns decisions to withhold the issuance of a building permit for a certain period if the local government considers it to be in conflict with the OCP or another bylaw that is under preparation.

While the above table indicates the general ability for most all planning topics to be delegated, the most frequent matters dealt with are applications associated with developments permits (those not delegated to staff), development variance permits, official community plans and rezonings. The latter

three of these are ineligible for delegation to the EASC which leaves the issuance of development permits for consideration.

DPs are currently divided between those delegated to staff and those that are considered by the Committee and ultimately endorsed by the Board. The DPs currently delegated to staff can be said to mainly concern the protection of the natural environment or protection of development from hazardous conditions. In this regard, consideration hinges on the technical aspects of the proposal to prevent harm to the natural and built environments. Commercial and industrial DPs generally occur along main roads and rural residential areas which can impact the form and character of neighbourhoods and create conflicts with adjacent residential properties. Given the nature of these DPs staff support the continued involvement of the EASC and are not recommending further delegation to staff. It is noted however that Planning and Development Services does intend to come back to the Committee in due course to ensure alignment between all the development permit requirements and the Committee's objectives.

As this cursory analysis has shown, delegation of the eligible aspects of planning and development would result in a fragmented approach in which some decisions would be delegated to the Committee and others would require ratification by the Board. To avoid potential mistakes and confusion staff are recommending that with regards to planning matters only public hearings and other hearings be proposed for delegation by the Board.

Overall, delegation to the EASC would result in the volume of recommendations and associated materials on Board Agendas being significantly reduced as the vast majority of Electoral Area matters would be dealt with by the EASC. Despite this, the Board will not be completely removed from operational and budgetary oversight as it will continue to be involved through the financial planning process, adoption of any bylaws, including rates and fees, as well as corporate policy setting.

Options

The following options are identified for the EASC's consideration:

1. Maintain status quo - Direct no action and maintain the status quo in which the EASC remains as an advisory body to the Board on all matters concerning Electoral Area Services.
2. Seek delegation of administrative decision making for Electoral Area Services - Direct staff to refer this report to the Board together with a draft delegation bylaw to delegate the administration and operation of Electoral Area Services to the EASC.
3. Seek delegation of administrative decision making for Electoral Area Services and Public Hearings - Direct staff to refer this report to the Board together with a draft delegation bylaw to delegate all administrative and operational decisions for Electoral Areas Services as well as the delegation of public hearings and other hearings.
4. Seek the full delegation of all administrative decision making for Electoral Area Services as well as all eligible planning and development matters. - Direct staff to refer this report to the board together with a draft delegation bylaw that seeks the delegation of all administrative and operational decisions for Electoral Areas Services as well as the delegation of those eligible planning and development matters outlined in Table 1.

Option three is recommended by staff together with an additional referral to the Black Creek-Oyster Bay Services Committee so that it may consider a similar delegation of the administration and operation of the applicable fire and water services it serves as an advisory body for.

Financial Factors

There are no direct financial implications associated with adopting a delegation bylaw specific to the EASC or other standing committees of the CVRD. It is noted that all administrative decisions would still have to be consistent with the annual financial plan as approved by the Board.

Strategic Considerations: Strategic Drivers and Regional Growth Strategy

Delegation of Board authority to the EASC does not have bearing or impact on the Board’s Strategic Drivers or Regional Growth Strategy Goals.

CVRD Board Strategic Drivers:					
Fiscal Responsibility		Climate Crisis and Environmental Stewardship and Protection		Community Partnerships	Indigenous Relations

CVRD Regional Growth Strategy Goals:					
Housing		Ecosystems, Natural Areas and Parks		Local economic development	Transportation
Infrastructure		Food Systems		Public Health & Safety	Climate Change

Intergovernmental Factors

This report has not been subject to any collaboration with the Regional District’s municipal partners as the services contemplated for delegation are limited to those which contain Electoral Area participants only. Therefore, no impacts or interests are perceived from the member municipalities.

Citizen/Public Relations

Public participation in the governance of Electoral Area matters would not be largely changed through delegation as matters would continue to be considered at the EASC. It is noted that those decisions delegated would no longer be considered for ratification at the Board table, however, given that the Directors eligible to vote typically does not change this is not deemed to be reduction in public participation opportunities.

Attachments: Appendix A – Potential rural services to be delegated

Appendix A

Services Administered by the Electoral Areas Services Committee:

- 1) Function #120 – Grant-in-Aid Area A Baynes Sound established under the statutory corporate powers of the Comox Valley Regional District.
- 2) Function #121 – Grant-in-Aid Area B established under the statutory corporate powers of the Comox Valley Regional District.
- 3) Function #122 – Grant-in-Aid Area C established under the statutory corporate powers of the Comox Valley Regional District.
- 4) Function #123 – Grant-in-Aid Denman Island established under the statutory corporate powers of the Comox Valley Regional District.
- 5) Function #124 – Grant-in-Aid Hornby Island established under the statutory corporate powers of the Comox Valley Regional District.
- 6) Function #130 - Electoral Areas Expenditure & Election Services established under section 338(2)(b) of the *Local Government Act*.
- 7) Function #151 – Feasibility Studies Area A Baynes Sound established under section 338(2)(c) of the *Local Government Act*.
- 8) Function #152 – Feasibility Studies Area B established under section 338(2)(c) of the *Local Government Act*.
- 9) Function #153 – Feasibility Studies Area C established under section 338(2)(c) of the *Local Government Act*.
- 10) Function #154 – Feasibility Studies Denman Island established under section 338(2)(c) of the *Local Government Act*.
- 11) Function #155 – Feasibility Studies Hornby Island established under section 338(2)(c) of the *Local Government Act*.
- 12) Function #210 - Rural Cumberland Fire Protection as set out in Bylaw No. 192 being “Rural Cumberland Fire Protection Service Establishment Bylaw No. 192, 2011”.
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- 14) Function #220 – Hornby Island Fire Protection as set out in Bylaw No. 2011 being “Hornby Island Fire Protection Local Service Establishment Bylaw No. 2011, 1998”.
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- 18) Function #230 – Black Creek/Oyster Bay Fire Protection as set out in Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997”.
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Bylaw No. 638, 2021”.

- 53) Function #630 – Vancouver Island Regional Library as set out in Bylaw No. "Vancouver Island Regional Library District Participation Establishment By-law, 1994”.
- 54) Function #670 – Hornby Island Community Hall as set out in Bylaw No. 1590 being “Hornby Island Community Hall Service Area Conversion and Establishment Bylaw 1993”.
- 55) Function #672 – Baynes Sound Community Facilities Support Service as set out in Bylaw No. 636 being “Baynes Sound Community Facilities Support Service Establishment Bylaw No. 636, 2021”.
- 56) Function #675 – Denman Island Community Facilities as set out in Bylaw No. 1415 being “Denman Island Community Hall Local Service Establishment Bylaw, 1992”.
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- 63) Function #695 – Hornby Island Heritage Conservation as set out in Bylaw No. 317 being “Hornby Island Heritage Conservation Service Establishment Bylaw No. 317, 2014”.
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- 65) Function #715 – Royston Streetlighting as set out in Bylaw No. 117 being “Royston Street Lighting Service Establishment Bylaw No. 117, 2010.”
- 66) Function #716 – Union Bay Streetlighting Local Service Area as set out in Bylaw No. 659 being “Union Bay Street Lighting Service Establishment Bylaw No. 659, 2021”.
- 67) Function #720 – Comox Road Streetlighting Local Service Area as set out in Bylaw No. 1519 being “Comox Road Streetlighting Local Service Area Establishment By-law, 1993”.
- 68) Function #722 – Gibson/Cotton Road Streetlighting Local Service Area as set out in Bylaw No. 1151 being “Gibson/Cotton Road Local Service Street Lighting Area Establishment Bylaw, 1989”
- 69) Function #723 – Little River Streetlighting Specified Area as established under supplementary letters patent dated August 19, 1965.
- 70) Function #725 – Forest Grove Estates Streetlighting as set out in Bylaw No. 17 being “Forest Grove Estates Ornamental Streetlight Service Establishment Bylaw No. 17, 2008”.
- 71) Function #730 – Arden Road Streetlighting Specified Area as established under supplementary letters patent dated May 6, 1976.
- 72) Function #732 – Webb and Bood Roads Streetlighting Specified Area as set out in Bylaw No. 539 being “Webb/Bood Road Specified Area Establishment Bylaw, 1981”
- 73) Function #738 – McLary Rd Streetlighting Local Service Area as set out in Bylaw No. 1741 being “McLary Road Streetlighting Local Service Area Establishment Bylaw, 1995”.
- 74) Function #742 – Fern Road Streetlighting Local Service Area as set out in Bylaw No. 1193 being “Rern Road Streetlighting Local Service Establishment Bylaw, 1990”.
- 75) Function #791 – Courtenay Flats Drainage as set out in Bylaw No. 999 being “Courtenay Flats Drainage Works Specified Area Establishment and Loan Authorization Bylaw, 1988”.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 749

**A bylaw to delegate certain powers, duties and functions of the
Comox Valley Regional District Board**

WHEREAS under the *Local Government Act*, RSBC 2015 c 1, a Board may, by bylaw adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees, its committees or its members, or to other bodies established by the Board;

AND WHEREAS the Board of the Comox Valley Regional District wishes to delegate certain powers, duties and functions;

NOW THEREFORE, the Board of the Comox Valley Regional District in open meeting assembled hereby enacts as follows:

Definitions

1. In this Bylaw
 - a) “**Board**” means Comox Valley Regional District Board
 - b) “**Committees**” means:
 - i. Electoral Areas Services Committee
 - ii. Black Creek – Oyster Bay Services Committee
 - c) “**Regional District**” means Comox Valley Regional District Board

Delegation to Committees

2. This bylaw describes the delegation of powers, duties and functions in relation to services within the scope of authority of the Committees.
3. Subject to the *Local Government Act*, unless a power, duty or function of the Board has been expressly delegated by this bylaw or another CVRD bylaw, all the powers, duties and functions of the Board remain with the Board, and the Committees may not further delegate powers, duties, or functions to another individual or body.
4. Delegation to the Committees does not derogate from the delegations of authority to officers and employees contained in Bylaw No. 510 being “Comox Valley Regional District Delegation of Purchasing Authority Bylaw No. 510, 2018”, and other delegation instruments.

Administrative Authority

5. The Board hereby delegates to the Committees the powers of the Board with respect to the administration, development, maintenance and operation of the services administered by the Committees, as listed in Schedule “A”. For clarity, such authority includes the following:
 - a) Entering into agreements respecting the undertaking, provision and operation of the Regional District’s works and services;
 - b) Identification and creation of plans and priorities, and service-specific operational policies;
 - c) Recommending to the Board user fees and charges to be established by bylaw;

- d) To acquire, hold, manage and dispose of land or improvements or any interest or right in or with respect to that property in connection with the operation of any service or services administered provided that the revenue or expenditure is included in the approved annual financial plan and subject to Regional District purchasing policies and procedures;
- e) Review and provide direction on annual budgets for Board consideration and approval; and
- f) Consideration of matters referred to the Committee by the Board.

Delegation of Hearings

- 6. The Board hereby delegates to the Electoral Areas Services Committee the powers, duties and functions of the Board: Under sections 57 [*Note against land title that building regulations contravened*] and 58 [*Cancellation of note against title of land*] of the *Community Charter*, including the power to hold a hearing in relation to the matter;
 - b) To agree on behalf of the Regional District to the modification, assignment or release of covenants registrable under section 219 of the *Land Title Act*;
 - c) Pursuant to section 469 [*Delegation of public hearings*] of the *Local Government Act*, public hearings regarding land use matters and the Board must not adopt the bylaw that is the subject of the hearing until the Electoral Areas Services Committee reports to the Board, either orally, or in writing, the views expressed at the hearing.

Reconsideration of Committee Decisions

- 7. Pursuant to section 232 [*Reconsideration of delegate's decisions*] of the *Local Government Act* an applicant may have a decision of the Committees reconsidered by the Board by submitting a request for reconsideration to the Corporate Legislative Officer within thirty (30) days after the decision is delivered to or made available to the applicant.
- 8. The request for reconsideration must include the following:
 - a) The applicant's address for receiving correspondence related to the request for reconsideration;
 - b) A copy of the decision made by the Committees;
 - c) Reasons why the applicant wishes the decision to be reconsidered by the Board;
 - d) The decision which the applicant requests be made by the Board;
 - e) Reasons in support of the decision requested from the Board; and
 - f) A copy of any documents which support the applicant's request for reconsideration by the Board.
- 9. The Corporate Legislative Officer, or delegate, must, upon receiving the request for reconsideration,
 - a. place the request for reconsideration on the agenda for a regular meeting of the Board to be held at least two (2) weeks after the date on which the request for reconsideration was received; and
 - b. Notify the applicant of the date set for reconsideration; and
 - c. Advise the applicant that they will be provided an opportunity to speak to the reconsideration matter before the Board.
- 10. The Board may, following completion of its reconsideration, do one or more of the following:
 - a) Confirm all or part of the Committee's decision;
 - b) Set aside all or part of the Committee's decision;
 - c) Amend the Committee's decision or make a new decision.

11. If a delegated matter has been brought before the Board there shall be no further reconsideration of the reconsideration.

Citation

This Bylaw No. 749 may be cited for all purposes as "Committee Delegation Bylaw, 2023".

Read a first and second time this day of **2023**

Read a third time this day of **2023**

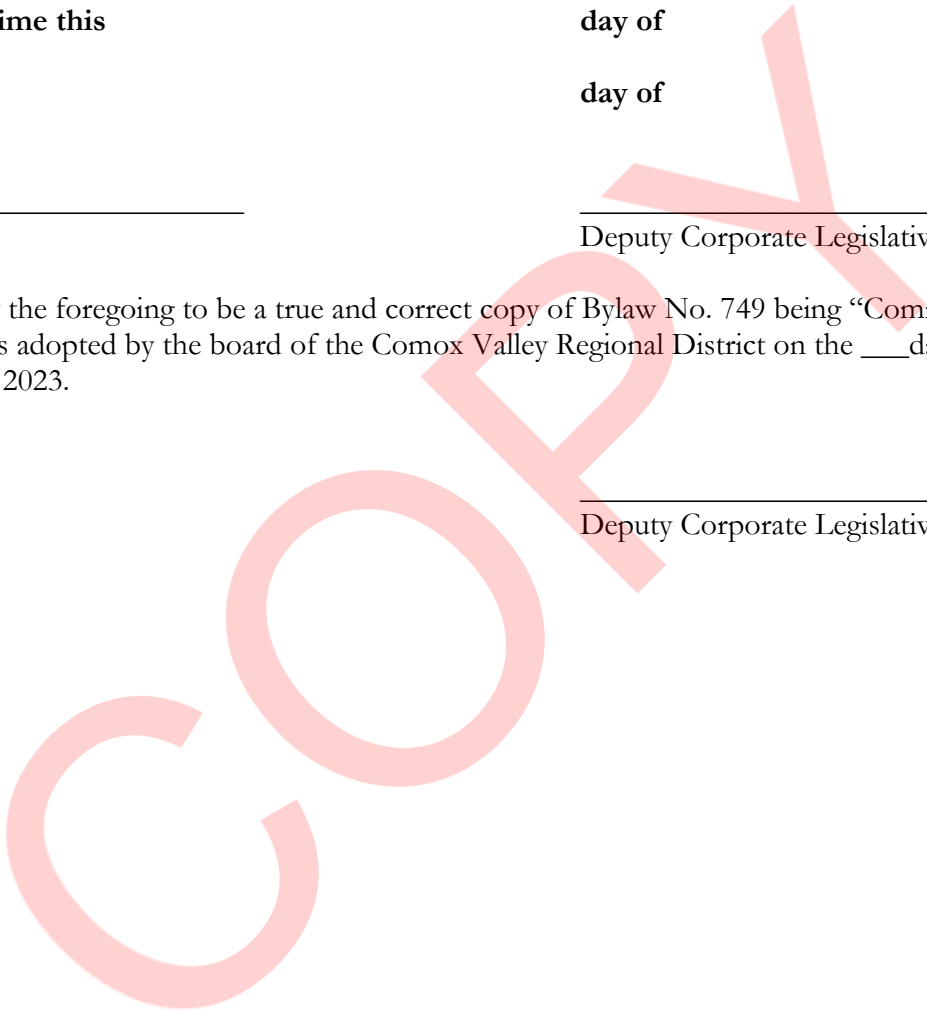
Adopted this day of **2023**

Chair

Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 749 being "Committee Delegation Bylaw, 2023" as adopted by the board of the Comox Valley Regional District on the ___ day of _____, 2023.

Deputy Corporate Legislative Officer



Schedule A

Services Administered by the Electoral Areas Services Committee:

- 1) Function #120 – Grant-in-Aid Area A Baynes Sound established under the statutory corporate powers of the Comox Valley Regional District.
- 2) Function #121 – Grant-in-Aid Area B established under the statutory corporate powers of the Comox Valley Regional District.
- 3) Function #122 – Grant-in-Aid Area C established under the statutory corporate powers of the Comox Valley Regional District.
- 4) Function #123 – Grant-in-Aid Denman Island established under the statutory corporate powers of the Comox Valley Regional District.
- 5) Function #124 – Grant-in-Aid Hornby Island established under the statutory corporate powers of the Comox Valley Regional District.
- 6) Function #130 - Electoral Areas Expenditure & Election Services established under section 338(2)(b) of the *Local Government Act*.
- 7) Function #151 – Feasibility Studies Area A Baynes Sound established under section 338(2)(c) of the *Local Government Act*.
- 8) Function #152 – Feasibility Studies Area B established under section 338(2)(c) of the *Local Government Act*.
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- 75) Function #791 – Courtenay Flats Drainage as set out in Bylaw No. 999 being “Courtenay Flats Drainage Works Specified Area Establishment and Loan Authorization Bylaw, 1988”.

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- 2) Function #313 – Black Creek/Oyster Bay Water as set out in Bylaw No. 1557 being “Black Creek/Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993.”

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