

REGIONAL DISTRICT OF NANAIMO

**INAUGURAL BOARD MEETING
TUESDAY, NOVEMBER 8, 2016
7:00 PM**

(RDN Board Chambers)
This meeting will be recorded

A G E N D A

PAGES

- 1. CALL TO ORDER**

The Chief Administrative Officer will call the meeting to order.
- 3** Confirmation of appointment of representatives to the Board from member municipalities.
- 2. ELECTION OF BOARD CHAIRPERSON**

The Chairperson will assume the Chair.
- 3. ELECTION OF VICE CHAIRPERSON**
- 4. BOARD MINUTES**

4-12 Minutes of the Regular Board meeting held Tuesday, October 25, 2016 (All Directors – One Vote).

That the minutes of the Regular Board meeting held Tuesday, October 25, 2016 be adopted.
- 5. BUSINESS ARISING FROM THE MINUTES**
- 6. COMMUNICATIONS/CORRESPONDENCE**

7. UNFINISHED BUSINESS

FOR ADOPTION

13-20 **Community Sewer Amendment Bylaws Nos. 888.07 and 889.72** (All Directors – One Vote).

1. *That “Regional District of Nanaimo Southern Community Sewer Local Service Amendment Bylaw No. 888.07, 2016” be adopted.*
2. *That “Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.72, 2016” be adopted.*

8. REPORTS

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. IN CAMERA

(All Directors – One Vote)

That pursuant to sections 90 (1)(f), (i), (k) and (m) of the Community Charter the Board adjourn to an In Camera Meeting for discussions related to law enforcement, solicitor-client privilege, a proposed service, policy advice and recommendations, and intergovernmental relations.

13. ADJOURNMENT



**MEMBER MUNICIPALITIES'
REPRESENTATIVES TO THE BOARD
(NOVEMBER 2016)**

City of Nanaimo	
<i>Council Appointees</i>	<i>Weighted Vote</i>
Mayor Bill McKay	5
Councillor Bill Bestwick	5
Councillor Jim Kipp	5
Councillor Bill Yoachim	5
Councillor Wendy Pratt	5
Councillor Jerry Hong	5
Councillor Ian Thorpe	4
<i>Alternates</i>	
Councillor Gordon Fuller	Primary Alternate
Councillor Diane Brennan	Secondary Alternate

District of Lantzville	
<i>Council Appointee</i>	<i>Weighted Vote</i>
Mayor Colin Haime	2
<i>Alternate</i>	
Councillor Bob Colclough	

City of Parksville	
<i>Council Appointee</i>	<i>Weighted Vote</i>
Mayor Marc Lefebvre	5
<i>Alternate</i>	
Councillor Susan Powell	

Town of Qualicum Beach	
<i>Council Appointee</i>	<i>Weighted Vote</i>
Mayor Teunis Westbroek	4
<i>Alternates</i>	
Councillor Bill Luchtmeijer (December 2015-November 2016)	
Councillor Neil Horner (December 2016-November 2017)	

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR BOARD MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 25, 2016 AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director W. Veenhof	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director B. McKay	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Hong	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director W. Pratt	City of Nanaimo
Director I. Thorpe	City of Nanaimo
Alternate	
Director G. Fuller	City of Nanaimo
Director M. Lefebvre	City of Parksville
Director T. Westbroek	Town of Qualicum Beach

Regrets:

Director C. Haime	District of Lantzville
Director B. Yoachim	City of Nanaimo

Also in Attendance:

P. Carlyle	Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste Services
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

The Chairperson welcomed Alternate Director Fuller to the meeting and welcomed back Director Young.

DELEGATIONS

Rachelle McElroy, Coastal Invasive Species Committee Society, re Regional Knotweed and Giant Hogweed Program.

Rachelle McElroy provided an overview of the 2016 Regional “Knot on my Property” program highlighting the impacts of the invasive species to the region and asked the Board to provide further funding of \$16,000-\$16,500 for initiatives in 2017.

BOARD MINUTES

Minutes of the Regular Board meeting held Tuesday, October 4, 2016.

16-661 MOVED Director Lefebvre, SECONDED Director Stanhope, that the minutes of the Regular Board meeting held Tuesday, October 4, 2016, be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Paul Glumaz, International LaRouche Movement, re Bill C-15.

16-662 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Paul Glumaz, International LaRouche Movement, regarding Bill C-15 be received.

CARRIED

William Norman, Little Qualicum Water Works District, re Water Treatment.

16-663 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from William Norman, Little Qualicum Water Works District, regarding water treatment funding assistance be received.

CARRIED

Kelly Olson, re Cell Coverage for the French Creek Area.

16-664 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Kelly Olson regarding cell coverage for the French Creek area be received.

CARRIED

Richard and Sandra Wahlgren, re Development Variance Permit Application No. PL2016-140 – 5078 Longview Drive, Electoral Area ‘H’.

16-665 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Richard and Sandra Wahlgren regarding Development Variance Permit Application No. PL2016-140 – 5078 Longview Drive in Electoral Area ‘H’ be received.

CARRIED

UNFINISHED BUSINESS

Mt. Benson Regional Park / Witchcraft Lake Regional Trail Parking Report.

- 16-666 MOVED Director Young, SECONDED Director Stanhope, that the Board direct staff to continue to explore a long-term parking solution for Mount Benson Regional Park and the Witchcraft Lake Regional Trail.
- CARRIED

Benson Creek Falls Regional Park Parking Report.

- 16-667 MOVED Director Young, SECONDED Director Stanhope, that the Creekside Place parking lot remain open as the primary access and trailhead parking area for Benson Creek Falls Regional Park from the south.
- CARRIED

- 16-668 MOVED Director Young, SECONDED Director Stanhope, that the Board direct staff to continue to monitor the Creekside Place parking lot and maintain open communication with the residents of the area regarding issues and mitigation measures.
- CARRIED

- 16-669 MOVED Director Young, SECONDED Director Stanhope, that pending lease renewal with the Province of BC, staff be directed by the Board to examine the feasibility of developing a parking lot within the undeveloped road allowance leading towards Benson Creek Falls Regional Park from Weigles Road, and that staff examine formalizing the loop trail through the crown woodlot W0012.
- CARRIED

- 16-670 MOVED Director Young, SECONDED Director Stanhope, that pending lease renewal with the Province of BC, staff be directed by the Board to engage the services of a geotechnical and structural engineer to assess the feasibility and design options for pedestrian access across Benson Creek and to the base of Ammonite Falls, as per the Management Plan.
- CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES & RECOMMENDATIONS

ELECTORAL AREA SERVICES COMMITTEE

Minutes of the Electoral Area Services Committee meeting held Tuesday, October 11, 2016.

- 16-671 MOVED Director Stanhope, SECONDED Director Houle, that the minutes of the Electoral Area Services Committee meeting held Tuesday, October 11, 2016, be received for information.
- CARRIED

PLANNING

DEVELOPMENT PERMIT

Development Permit Application No. PL2016-125 – 939 Cypress Road, Electoral Area 'G'.

- 16-672 MOVED Director Stanhope, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-125 to permit the construction of a dwelling unit subject to the conditions outlined in Attachments 2 to 4.
- CARRIED

Development Permit Application No. PL2016-127 – 935 Cypress Road, Electoral Area ‘G’.

- 16-673 MOVED Director Stanhope, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-127 to permit the construction of a dwelling unit subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2016-135 – 67 River Terrace, Electoral Area ‘C’.

- 16-674 MOVED Director Young, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-135 to permit the construction of additions to a dwelling unit and the replacement of deck structures subject to the conditions outlined in Attachments 2 to 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. PL2016-140 – 5078 Longview Drive, Electoral Area ‘H’.

- 16-675 MOVED Director Stanhope, SECONDED Director Rogers, that the Board approve Development Variance Permit No. PL2016-140 to reduce the setback from the Other Lot Line to permit the construction of a garage subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED

OTHER

Telecommunication Antenna System Application No. PL2014-139 – Electoral Area ‘C’.

- 16-676 MOVED Director Young, SECONDED Director McPherson, that the Board instruct Regional District of Nanaimo staff to advise ROGERS COMMUNICATIONS Inc. and Innovation, Science and Economic Development Canada of the following:

ROGERS COMMUNICATIONS INC. has satisfactorily completed its consultation with the Regional District of Nanaimo;

The Regional District of Nanaimo is satisfied with ROGERS COMMUNICATIONS INC.'s public consultation process and does not require any further consultation with the public; and

The Regional District of Nanaimo concurs with ROGERS COMMUNICATIONS INC.'s proposal to construct a wireless telecommunications facility on the property parcel legally described as Section 16, Range 3, Cranberry District provided it is constructed substantially in accordance with the plans submitted to it.

CARRIED

COMMUNITY PARKS

Bylaw Referral Park Implications – Gabriola Island Local Trust Committee Bylaw Nos. 289 & 290 (Density Transfer).

- 16-677 MOVED Director Houle, SECONDED Director Kipp, that the Gabriola Island Local Trust Committee of the Islands Trust be advised that the proposed 136-hectare park land addition to the 707 Community Park is acceptable and that further information and discussion is required prior to the park land dedication in conjunction with the subdivision of the ‘receiver’ parcels, specifically in regards to whether the Mallett Creek reservoir and dam be included within the park land dedication area.

CARRIED

Salish Sea Marine Trail Proposal BC Marine Trails Network Association.

- 16-678 MOVED Director Kipp, SECONDED Director Houle, that the Board direct staff to work with the BC Marine Trails Network Association on developing a partnership agreement for Electoral Area 'A' Parks, Recreation and Culture Commission review, that establishes the Nelson Road Boat Launch as a Salish Sea Marine Trail access point, noting the parking congestion and a lack of available services.

CARRIED

Cedar Heritage Centre Agreement.

- 16-679 MOVED Director McPherson, SECONDED Director Young, that the Board direct staff to enter into discussions with Cedar School and Community Enhancement Society to discuss an extension of the current Lease and Site License Agreement to December 31, 2018.

CARRIED

BUSINESS ARISING FROM DELEGATIONS, COMMUNICATIONS OR DIRECTORS' FORUM**BC Rural Dividend Program Guide, Ministry of Forests, Lands and Natural Resource Operations – List of Possible Projects for 2017 Round of Funding for Discussion.**

- 16-680 MOVED Director Young, SECONDED Director Lefebvre, that the Board recommend the projects that are listed as feasible for the October 31, 2016 deadline for the second application intake of the BC Rural Dividend Program.

CARRIED

COMMITTEE OF THE WHOLE**Minutes of the Committee of the Whole meeting held Tuesday, October 11, 2016.**

- 16-681 MOVED Director Thorpe, SECONDED Director Kipp, that the minutes of the Committee of the Whole meeting held Tuesday, October 11, 2016, be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE**Tara Faganello, Ministry of Community, Sport, and Cultural Development, re Clean Water and Wastewater Fund Project #C40009 – Greater Nanaimo Pollution Control Centre: Centrifuge and Polymer System.**

- 16-682 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Tara Faganello, Ministry of Community, Sport, and Cultural Development, regarding Clean Water and Wastewater Fund Project #C40009 – Greater Nanaimo Pollution Control Centre: Centrifuge and Polymer System be received.

CARRIED

Tara Faganello, Ministry of Community, Sport, and Cultural Development, re Clean Water and Wastewater Fund Project #C40016 – San Pareil Water System – Treatment Upgrades.

- 16-683 MOVED Director Stanhope, SECONDED Director Lefebvre, that the correspondence from Tara Faganello, Ministry of Community, Sport, and Cultural Development, regarding Clean Water and Wastewater Fund Project #C40016 – San Pareil Water System – Treatment Upgrades be received.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

INTERGOVERNMENTAL LIAISON

2016-2020 Strategic Plan Seminar Session Summary.

- 16-684 MOVED Director Kipp, SECONDED Director Houle, that the Board receive the report on the 2016 – 2020 Strategic Plan Session Summary for information.

CARRIED

Federation of Canadian Municipalities – Canada 150 Community Leaders.

- 16-685 MOVED Director Young, SECONDED Director Thorpe, that the Board appoint Director Houle from the District 68 area and Director Stanhope from the District 69 area to the Federation of Canadian Municipalities Canada 150 Community Leaders network.

CARRIED

Disposition of Regional District of Nanaimo Owned Property.

- 16-686 MOVED Director Lefebvre, SECONDED Director Houle, that staff be directed to proceed with the transfer of the Regional District of Nanaimo owned parcel in the City of Parksville, legally described as Lot A, District Lot 123, Nanoose District, Plan VIP58761, to the City of Parksville for \$1.00.

CARRIED

- 16-687 MOVED Director Lefebvre, SECONDED Director Thorpe, that staff be directed to proceed with a notice of proposed disposition pursuant to Section 286 of the *Local Government Act* for the transfer of the Regional District of Nanaimo owned parcel, legally described as Lot A, District Lot 123, Nanoose District, Plan VIP58761, to the City of Parksville.

CARRIED

Update Regarding Strategic Initiatives and Relations with First Nations in the Region.

- 16-688 MOVED Director Pratt, SECONDED Director Rogers, that the Update Regarding Strategic Initiatives and Relations with First Nations in the Region report be received for information.

CARRIED

ADVISORY, SELECT COMMITTEE AND COMMISSION

District 69 Recreation Commission.

Minutes of the District 69 Recreation Commission meeting held Thursday, September 15, 2016.

- 16-689 MOVED Director Fell, SECONDED Director Pratt, that the minutes of the District 69 Recreation Commission meeting held Thursday, September 15, 2016, be received for information.

CARRIED

Recreation Services Master Plan Advisory Committee – Selection of D69 Recreation Commission Members.

- 16-690 MOVED Director Fell, SECONDED Director Pratt, that Commissioners Fell, Nosworthy, Patterson and Horner be appointed to the District 69 Recreation Services Master Plan Advisory Committee.

CARRIED

SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES

Transit Select Committee.

Minutes of the Transit Select Committee meeting held Thursday, October 13, 2016.

- 16-691 MOVED Director Rogers, SECONDED Director Pratt, that the minutes of the Transit Select Committee meeting held Thursday, October 13, 2016, be received for information.

CARRIED

BC Transit 2015/16 Annual Performance Summary.

- 16-692 MOVED Director Westbroek, SECONDED Director Lefebvre, that the BC Transit 2015/16 Annual Performance Summary be received.

CARRIED

- 16-693 MOVED Director Westbroek, SECONDED Director Lefebvre, that the Regional District of Nanaimo send a letter to BC Transit, encouraging BC Transit to look into developing interregional transit connections (including alternative service modes) on Vancouver Island and in particular between the Cowichan Valley Regional District and the Comox Valley Regional District.

CARRIED

- 16-694 MOVED Director Westbroek, SECONDED Director Lefebvre, that staff be directed to prepare a detailed route analysis to assess the viability of Community buses on Conventional transit routes.

CARRIED

2017/2018 Proposed Transit Services Expansion.

- 16-695 MOVED Director Westbroek, SECONDED Director Stanhope, that the Board approve the proposed 5,000 hour annual Conventional Transit expansion outlined in this report and direct staff to advise BC Transit accordingly.

CARRIED

- 16-696 MOVED Director Westbroek, SECONDED Director Stanhope, that staff be directed to provide a report exploring the option of providing service to Electoral Area 'F', including cost and hours needed.

CARRIED

- 16-697 MOVED Director McPherson, SECONDED Director Pratt, that staff be directed to report back with options for Route 7 Cinnabar/Cedar.

CARRIED

REPORTS

Clean Water and Wastewater Fund Applications.

16-698 MOVED Director Pratt, SECONDED Director Rogers, that the Board endorse the following projects for submission under the Clean Water and Wastewater Fund, with a commitment to contribute the Regional District of Nanaimo's share of the project costs:

- Greater Nanaimo Pollution Control Centre Upgrades.
- French Creek Pollution Control Centre Expansion.
- Electoral Area 'C' Drinking Water Service Planning.
- Cedar Sewer System.
- Nanoose (Craig Bay) Pump Station Replacement.
- Nanoose Sewer Service Forcemain Replacement.
- French Creek Water Service Upgrades.
- Bowser Sewer Servicing.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Little Qualicum Water Works District, re Water Treatment.

16-699 MOVED Director Stanhope, SECONDED Director Pratt, that the Board direct Drinking Water and Watershed Protection staff to contact Little Qualicum Water Works District to assist them in identifying potential grant funding sources.

CARRIED

Potential Cell Phone Sites in Parksville, French Creek and the Town of Qualicum Beach.

16-700 MOVED Director Stanhope, SECONDED Director Westbroek, that staff be directed to contact TELUS and ROGERS COMMUNICATIONS INC. and offer to meet to discuss potential cell phone sites available in the Parksville, French Creek and Town of Qualicum Beach area that could accommodate wireless communication tower needs and minimize the number of required towers to service the area and that these sites reflect the draft siting protocol.

CARRIED

Coastal Invasive Species Committee Society, re Regional Knotweed and Giant Hogweed Program.

16-701 MOVED Director Kipp, SECONDED Director Lefebvre, that the funding request from the Coastal Invasive Species Committee Society for \$16,000-\$16,500 be referred to 2017 budget discussions.

CARRIED

IN CAMERA

16-702 MOVED Director Stanhope, SECONDED Director Lefebvre, that pursuant to sections 90 (1)(e), (f), (i), and (k) of the *Community Charter* the Board proceed to an In Camera Meeting for discussions related to land acquisition, law enforcement, solicitor-client privilege, and a proposed service.

CARRIED

TIME: 7:51 PM

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director Houle, that this meeting be adjourned.

CARRIED

TIME: 8:51 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 888.07

A BYLAW TO AMEND THE SOUTHERN COMMUNITY
SEWER LOCAL SERVICE CONVERSION BYLAW

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993” for the purpose of transitioning the treatment and disposal of trucked liquid waste to a user-pay service;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993” for the purpose of aligning the Bylaw with current legislation;

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

Amendment

“Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993” is amended as follows:

1. By deleting section 2 [Boundaries of Service Area] and replacing it with the following:
 2. **Boundaries of Service Area**
The service area is shown as shaded in Schedule ‘A’ of this bylaw.
2. By deleting section 3 [Participating Areas] and replacing it with the following:
 3. **Participating Areas**
The City of Nanaimo and the District of Lantzville are the participating areas in the service.
3. By deleting section 4 [Cost Recovery] and replacing it with the following:
 4. **Cost Recovery**
The costs of the service may be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 of the *Local Government Act*;
 - (b) parcel taxes imposed in accordance with Division 3 of the *Local Government Act*;
 - (c) fees and charges imposed under section 397 of the *Local Government Act*;
 - (d) revenues raised by other means authorized under the *Local Government Act* or another *Act*;
 - (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

4. By deleting section 5 [Apportionment] and replacing it with the following:

5. **Apportionment**

The annual costs of the service shall be apportioned amongst the participating areas based on percent use, which shall be measured as a function of sewage flow to be calculated as follows:

- (a) the annual sewage flow for each participating area shall be the average of the preceding three years, where each year starts October 1st and ends September 30th;
- (b) the annual sewage flow for each participating area shall be used to calculate the overall sewage flow for the service and the percent use for each participating area.

5. By deleting section 6 [Benefitting Area].

6. By removing the words “under Section 804(1) of the *Municipal Act*” and “under Section 804(1)(a) and (b)” from section 7 [Maximum Amount Requisitioned].

7. By deleting section 9 [Sole Authority] and replacing it with the following:

8. **Sole Authority**

Notwithstanding section 263 of the *Local Government Act*:

- (a) the Regional District is the sole authority within the service area for the provision of the works and services;
- (b) a participant may proceed on its own initiative with such a work or service only when the Regional District has first consented in writing to the participant proceeding with the work or service provided that the design of the work or service has received the prior written approval of the Regional District;
- (c) no works or services described in section 8(b) shall be constructed in the service area and no major facilities in the local service area shall be altered, extended, or connected to the facilities of the Regional District until plans and particulars as required by the Regional District have been approved by the Regional District;
- (d) subject to the direction and regulation of the Regional District, every participant shall connect each of its sewers to a sewer of the Regional District;
- (e) if a participant or other person violates by act or omission subsections 8(b), 8(c), or 8(d), the Regional District may give notice in writing to the participant or other person responsible for the violation requiring the participant or other person to carry out, within the time limited in the notice, the works the Regional District deems necessary as a consequence of the violations;
- (f) if the notice referred to in subsection 8(e) is not complied with, the Regional District may do the works at the expense of the participant or other person in default, and may recover from the participant or other person, the costs including actual legal fees and disbursements incurred in any Court of competent jurisdiction.

8. By deleting section 11 [regarding outstanding debentures of the Greater Nanaimo Sewerage and Drainage District].
9. By removing the words “Section 9” in section 12 [regarding compensation] and replacing them with “section 7”.
10. By deleting Schedules ‘A’ and ‘B’ and replacing them with Schedule ‘A’ attached to and forming part of this bylaw.
11. By re-numbering and re-formatting the bylaw sections as required to accommodate this amendment bylaw.

Repeal

The following bylaws are hereby repealed:

1. “Municipal Benefitting Area Bylaw No. 1216, 2000”; and,
2. “District of Lantzville Sewer Benefitting Area Bylaw No. 1527, 2007”.

Citation

This bylaw may be cited for all purposes as “Regional District of Nanaimo Southern Community Sewer Local Service Amendment Bylaw No. 888.07, 2016”.

Introduced and read three times this 23rd day of August, 2016.

Received the approval of the Inspector of Municipalities this 25th day of October, 2016.

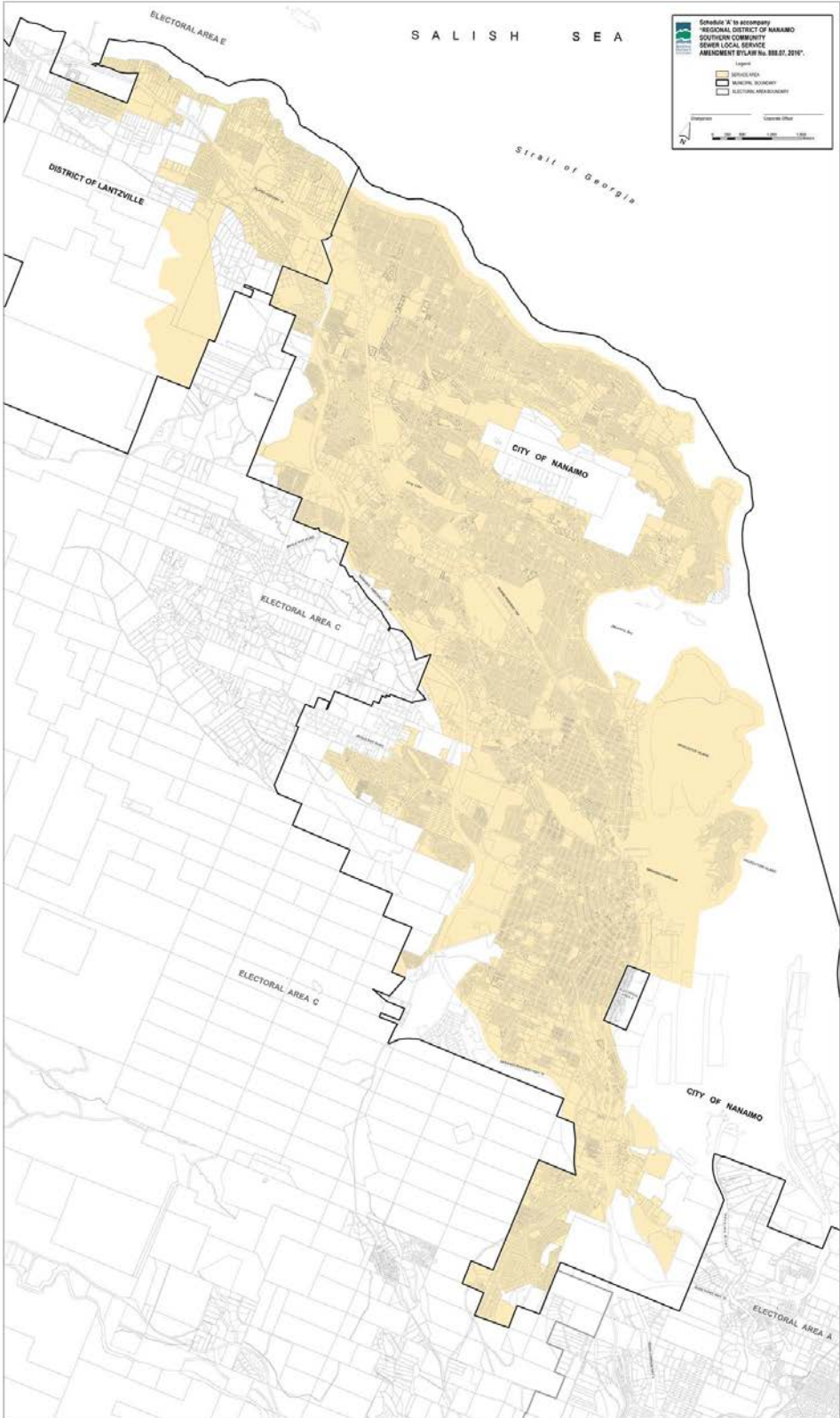
Adopted this ____ day of _____, _____.

CHAIRPERSON

CORPORATE OFFICER

Bylaw No. 888.07 - Schedule 'A'
FULL-SCALE MAP OF REVISED SERVICE AREA BOUNDARIES TO BE ATTACHED ONCE ADOPTED,
AND IS AVAILABLE FOR VIEWING WITH THE CORPORATE OFFICER

Reduced size map provided below



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.72

A BYLAW TO AMEND THE NORTHERN COMMUNITY
SEWER LOCAL SERVICE CONVERSION BYLAW

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993” for the purpose of transitioning the treatment and disposal of trucked liquid waste to a user-pay service;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993” for the purpose of aligning the bylaw with current legislation;

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

Amendment

“Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993” is amended as follows:

1. By deleting section 2 [Boundaries of Service Area] and replacing it with the following:
 2. **Boundaries of Service Area**
The service area is shown as shaded in Schedule ‘A’ of this bylaw.
2. By deleting section 3 [Participating Areas] and replacing it with the following:
 3. **Participating Areas**
The City of Parksville, Town of Qualicum Beach, and Electoral Areas ‘E’ and ‘G’ are the participating areas in the service.
3. By deleting section 4 [Cost Recovery] and replacing it with the following:
 4. **Cost Recovery**
The costs of the service may be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 of the *Local Government Act*;
 - (b) parcel taxes imposed in accordance with Division 3 of the *Local Government Act*;
 - (c) fees and charges imposed under section 397 of the *Local Government Act*;
 - (d) revenues raised by other means authorized under the *Local Government Act* or another *Act*;
 - (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

4. By deleting section 5 [Apportionment] and replacing it with the following:

5. **Apportionment**

The annual costs of the service shall be apportioned amongst the participating areas based on percent use, which shall be measured as a function of sewage flow to be calculated as follows:

- (a) the annual sewage flow for each participating area shall be the average of the preceding three years, where each year starts October 1st and ends September 30th;
- (b) the annual sewage flow for each participating area shall be used to calculate the overall sewage flow for the service and the percent use for each participating area.

5. By deleting section 6 [Benefitting Area].

6. By removing the words “under Section 804(1) of the *Municipal Act*” and “under Section 804(1)(a) and (b)” from section 7 [Maximum Amount Requisitioned].

7. By deleting section 9 [Sole Authority] and replacing it with the following:

8. **Sole Authority**

Notwithstanding section 263 of the *Local Government Act*:

- (a) the Regional District is the sole authority within the service area for the provision of the works and services;
- (b) a participant may proceed on its own initiative with such a work or service only when the Regional District has first consented in writing to the participant proceeding with the work or service provided that the design of the work or service has received the prior written approval of the Regional District;
- (c) no works or services described in section 8(b) shall be constructed in the service area and no major facilities in the local service area shall be altered, extended, or connected to the facilities of the Regional District until plans and particulars as required by the Regional District have been approved by the Regional District;
- (d) subject to the direction and regulation of the Regional District, every participant shall connect each of its sewers to a sewer of the Regional District;
- (e) if a participant or other person violates by act or omission subsections 8(b), 8(c), or 8(d), the Regional District may give notice in writing to the participant or other person responsible for the violation requiring the participant or other person to carry out, within the time limited in the notice, the works the Regional District deems necessary as a consequence of the violations;
- (f) if the notice referred to in subsection 8(e) is not complied with, the Regional District may do the works at the expense of the participant or other person in default, and may recover from the participant or other person, the costs including actual legal fees and disbursements incurred in any Court of competent jurisdiction.

8. By deleting section 11 [regarding outstanding debentures of the Greater Nanaimo Sewerage and Drainage District].
9. By removing the words "Section 9" in section 12 [regarding compensation] and replacing them with "section 7".
10. By deleting Schedules 'A', 'C', 'D', and 'E' and replacing them with Schedule 'A' attached to and forming part of this bylaw.
11. By re-numbering and re-formatting the bylaw sections as required to accommodate this amendment bylaw.

Citation

This bylaw may be cited for all purposes as "Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.72, 2016".

Introduced and read three times this 23rd day of August, 2016.

Received the approval of the Inspector of Municipalities this 25th day of October, 2016.

Adopted this ____ day of _____, ____.

CHAIRPERSON

CORPORATE OFFICER

Bylaw No. 889.72 - Schedule 'A'

FULL-SCALE MAP OF REVISED SERVICE AREA BOUNDARIES TO BE ATTACHED ONCE ADOPTED,
AND IS AVAILABLE FOR VIEWING WITH THE CORPORATE OFFICER

Reduced size map provided below

