



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF SPECIAL BOARD MEETING

DAY: WEDNESDAY

DATE: AUGUST 26, 2009

**TIME: → SPECIAL SESSION
5:00 P.M.**

PLACE: BOARD ROOM

175 INGRAM STREET



**Joe E. Barry
Corporate Secretary**



C·V·R·D

SPECIAL BOARD MEETING

WEDNESDAY, AUGUST 26, 2009

5:00 PM - CVRD BOARD ROOM

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The next Regular Board meeting will be held September 9, 2006 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.



CR1

KERRY PARK RECREATION CENTRE COMMISSION REPORT

OF MEETING HELD AUGUST 18, 2009

DATE: August 19, 2009

To: Chair and Directors of the Cowichan Valley Regional District Board

Your Kerry Park Recreation Centre Commission reports and recommends as follows:

1. That the Vice Chair of the Board and the Corporate Secretary be authorized to sign the South Cowichan Recreation Funding Agreement of August 9, 2009 between the CVRD and Electoral Areas A, B, C and D respecting the allocation of costs for certain recreation facilities in the South Cowichan area.



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SR1

STAFF REPORT

SPECIAL BOARD MEETING
OF AUGUST 26, 2009

DATE: August 19, 2009

FROM: J.E. Barry, Corporate Secretary

BYLAW NO: 3300 & 3301

SUBJECT: Kerry Park Capital Renovation and Aquatic Centre Referendum

Recommendations:

1. That the Kerry Park Capital Renovation and Aquatic Centre Referendum be held on Saturday November 21, 2009.

2. That the following question be submitted to the electors of Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; and Electoral Area C – Cobble Hill:

“Are you in favour of the Board of the CVRD adopting "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009", which would establish a service for the capital renovation of the Kerry Park Recreation Centre and construction and operation of an Aquatic Centre, and provide for annually requisitioning up to Two Million, Three Hundred and Fifty-Five Thousand Dollars (\$2,355,000) for the service;

and,

adopting "Cowichan Valley Regional District Bylaw No. 3301 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw, 2009" which would permit the CVRD to borrow up to Twenty-Five Million Dollars (\$25,000,000) to renovate the Kerry Park Recreation Centre and construct an Aquatic Centre”? YES or NO?

3. That participating area approval for the Kerry Park Capital Renovation and Aquatic Centre Referendum is to be obtained for the entire proposed service area.

4. That the Board approves the following synopsis of Bylaws No. 3300 and No. 3301 to be used for the Notice of Voting:

Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw. This bylaw provides for the following:

- establishing a service to provide for the capital renovation of the Kerry Park Recreation Centre and construction and operation of an Aquatic Centre;

- establishing the boundaries of the service area as the whole of: Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; and Electoral Area C – Cobble Hill;
- annually requisitioning the greater of \$0.7481 per \$1,000 of net taxable value of land and improvements within the service area or Two Million, Three Hundred and Fifty-Five Thousand Dollars (\$2,355,000).

Bylaw No. 3301 - Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw. This bylaw authorizes borrowing up to Twenty-Five Million Dollars (\$25,000,000) for the renovation of the Kerry Park Recreation Centre and the construction of an Aquatic Centre. The funds would be borrowed on a 30 year term.

5. That Kathleen Harrison be appointed Chief Election Officer and Rosa Johnston be appointed Deputy Chief Election Officer for the Kerry Park Capital Renovation and Aquatic Centre Referendum to be held on Saturday November 21, 2009.

Purpose:

To set the date of the Kerry Park Capital Renovation and Aquatic Centre Referendum; to establish the question for the ballot; to determine whether participating area approval is to be obtained for the entire proposed service area or separately for each participating area; to establish a synopsis of the bylaws for the Notice of Voting; and to appoint a Chief Election Officer and Deputy Chief Election Officer.

Background:

The Board passed the following resolution on June 10, 2009:

"That staff be directed to prepare the necessary bylaws, resolutions, documents and processes to enable a November 2009 referendum to authorize the borrowing of funds for the renovation and upgrade of the Kerry Park Recreation Complex and the construction of a Community Aquatic Centre; and further, that the funding partners for this capital project be Electoral Areas A - Mill Bay/Malahat, B - Shawnigan Lake, and C - Cobble Hill."

On August 12, 2009, the Board gave first three readings to "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009" and "Cowichan Valley Regional District Bylaw No. 3301 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Loan Authorization Bylaw, 2009". Both bylaws have been forwarded to the Inspector of Municipalities for approval.

For the purposes of conducting a referendum, the Regional District is required to follow the requirements as set out in the *Local Government Act* and the procedures established by CVRD Bylaw No. 2277 – Elections/Voting Procedures Bylaw, 2001. A referendum is conducted in the same manner as an election.

The following items need to be addressed by Board resolution:

a) **General Voting Day**

Saturday November 21, 2009 has been identified as General Voting Day (as a result, advance voting opportunities would be held on Thursday November 12 and Tuesday November 17).

b) **Referendum Question**

For a referendum conducted only in electoral areas, the Board is able to establish the referendum question by resolution (a bylaw is not required). When a Regional District proposes to borrow money for the start of a service, the establishing bylaw and the loan authorization bylaw must be dealt with as if they were one bylaw meaning that one question covering both must be developed for the ballot. The referendum process is based on the presentation of a yes/no question to the electors.

c) **Participating Area Approval**

The Board has to make a decision on whether participating area approval is to be obtained for the entire proposed service area or separately for each participating area. The default position under Section 801 (3) of the Local Government Act is that participating area approval must be obtained separately for each participating area in the proposed service area. However, the Board may, by resolution adopted by at least 2/3rds of the votes cast, provide that the participating area approval is to be obtained for the entire proposed service area.

d) **Synopsis of Proposed Bylaws**

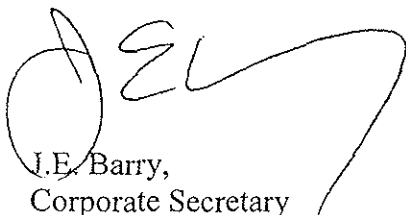
When a referendum is conducted on a proposed bylaw, the Notice of Voting must include a full copy of the bylaw or a synopsis of the proposed bylaw. For this referendum, the Notice of Voting (which must be advertised in two consecutive issues of a local newspaper) would have to include a full copy of both bylaws or a synopsis of both bylaws. In order to keep the newspaper advertisements to a reasonable size and reduce costs (i.e. only one page instead of two or three), it is recommended that the board approve a synopsis of the proposed bylaws.

Full copies of the two bylaws will be available on the CVRD webpage; at the CVRD and Kerry Park Recreation Centre offices; and posted at each Voting Place.

e) **Appointment of Chief and Deputy Chief Election Officers**

Pursuant to Section 41(1) of the *Local Government Act*, the Board is required to appoint a Chief Election Officer and a Deputy Chief Election Officer. It is recommended that Kathleen Harrison be appointed as Chief Election Officer and Rosa Johnston be appointed as Deputy Chief Election Officer.

Submitted by,


J.E. Barry,
Corporate Secretary



SR2

STAFF REPORT

**SPECIAL BOARD MEETING
OF AUGUST 26, 2009**

DATE: August 19, 2009
FROM: John Elzinga, Manager, Island Savings Centre.
SUBJECT: Recommendation to Approve an Application to the
BC Liquor Control and Licensing Branch to
Allow Alcohol Consumption in the Cowichan Arena and West Suites

Recommendation:

1. That the Cowichan Valley Regional District Board request that the Liquor Control and Licensing Branch approve the amendment to allow alcohol consumption in the Cowichan Arena bleachers and the West Suites.
2. That, as required by the LCLB, the Board of the Cowichan Valley Regional District has considered the following items: the potential for noise; the impact on the community; whether the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose; and the views of the residents; and offers the following comments:
 1. Noise: as the facility is surrounded by Green Belt, the surrounding residents are not impacted. The license change will allow alcohol consumption in not only the Heritage Hall, but also the Cowichan Arena bleachers and West Suites.
 2. Impact on the Community: history of arena events and Cowichan Valley Capitals hockey games has been well received and supported by the community.
 3. Purpose: to bring past practice into compliance with LCLB regulations and requirements.
 4. Impact on Residents: the amendment does not affect nearby residents as the nature of the expanded area is contained entirely within the existing arena.
3. The Cowichan Valley Regional District Board supports the application amendment to expand licensing to include the Cowichan Arena bleachers and the West Suites.

Background:

In October of 2002, the Liquor Control and Licensing Branch approved a floor plan to allow alcohol consumption in the Heritage Hall, the newly constructed mezzanine area, and the two viewing suites on the mezzanine in the Cowichan Arena. Additional viewing suites have been subsequently constructed on the west side of the Cowichan arena.


.../2

It has been the previous intention of both the Island Savings Centre Commission and Island Savings Centre management to pursue licensing both these additional west suites, as well as eight of the ten sections of tiered seating in the Cowichan Arena. This licensing is primarily intended for Junior "A" Cowichan Valley Capitals games.

A consultant was hired through the Liquor Branch to complete the licensing of these two areas, and it was the understanding of the Island Savings Centre Commission and management that this process had been completed.

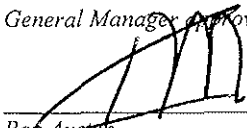
In discussions with the Liquor Branch in the summer of 2009, it was clarified that this licensing process has not been completed. To finalize the process, the Liquor Branch requires an updated application complete with a local government resolution expressing approval for the licensing amendment to include these additional areas.

Submitted by,



John Elzinga
Manager, Island Savings Centre

for:

General Manager Approval:

Ron Austen



SR3

STAFF REPORT

**SPECIAL BOARD MEETING
OF AUGUST 26, 2009**

DATE: August 19, 2009

FROM: J.E. Barry, Corporate Secretary

BYLAW NO: 3303

SUBJECT: CVRD Bylaw No. 3303 – Fireworks Sale and
Discharge Regulation Amendment Bylaw, 2009

Recommendation:

For information.

Purpose:

To introduce Cowichan Valley Regional District Bylaw No. 3303 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2009.

Existing Regulations:

CVRD Bylaw No. 39, Fireworks Sale and Discharge Regulation Bylaw, 1970 applies throughout the Cowichan Valley Regional District EXCEPT in the City of Duncan and the Municipality of North Cowichan (copy attached).

The sale of fireworks is currently prohibited throughout the year except for a small window between 4:00 pm on October 28th and 6:00 pm on October 31st.

The discharge of fireworks is currently prohibited throughout the year except for a small window between 4:00 pm on October 28th and 11:59 pm on November 1st.

Background:

The Board considered third reading of CVRD Bylaw No. 3003 – Fireworks Sale and Discharge Regulation Bylaw, 2008 at the August 12, 2009 Board meeting. This bylaw was linked with CVRD Bylaw No. 3002 – Fireworks Regulation Service Conversion Bylaw, 2007.

The three overall objectives of Bylaws 3002 and 3003 were:

- to convert the function of fireworks regulation to a service.
- to amend the boundaries of the service area to include the City of Duncan and the District of North Cowichan.

- to close the existing small window of opportunity for selling and discharging fireworks so that selling and discharging fireworks was banned throughout the year.

Due to the approval process required to convert the function of fireworks regulation to a service, and to add the City of Duncan and the District of North Cowichan to the service area, it became apparent that the possibility of this happening before Halloween 2009 was slim.

Since vendors of fireworks need to know as soon as possible whether or not they should order fireworks for Halloween 2009, the Board felt that a decision needed to be made quickly.

As a result, the Board passed the following resolution at the August 12, 2009 Board meeting: **“that staff be directed to prepare an amendment to "Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970" for consideration at the Special meeting of the Board scheduled for Wednesday, August 26, 2009”.**

By amending existing Fireworks Sale and Discharge Regulation Bylaw No. 39, the Board can quickly close the small window of opportunity for selling/discharging fireworks. First three readings and adoption can be considered at the August 26th meeting.

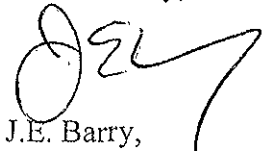
This bylaw will not apply in the City of Duncan or the District of North Cowichan.

Summary

If Bylaw No. 3303 is adopted, the sale and discharge of fireworks would be prohibited throughout the year. Enforcement of the regulations would be performed by any person(s) that the applicable Local Government designates to administer or enforce this bylaw.

Fireworks may be discharged at a public special event or festival provided the organization has a fire safety plan and the person discharging the fireworks has a valid Fireworks Operator Certificate.

Submitted by,



J.E. Barry,
Corporate Secretary

REGIONAL DISTRICT OF COWICHAN VALLEY

By-law No. 39

A By-law to regulate the sale and use of fireworks within the Regional District of Cowichan Valley, excluding the Corporation of the City of Duncan, and the Corporation of the District Municipality of North Cowichan.

WHEREAS it is enacted by Section 870 of the "Municipal Act", R.S.B.C. 1960, Chap. 255, that the sale or disposal to any person of firecrackers and other fireworks may by by-law be regulated and prohibited;

AND WHEREAS the said regulatory powers have been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS it is deemed expedient to regulate the sale and disposal to any person of firecrackers and other fireworks in the said Regional District;

AND WHEREAS it is enacted by Section 871 of the said Act that the Board may by by-law regulate or prohibit the exploding of firecrackers or other fireworks;

AND WHEREAS the said regulatory powers of Section 871 of the said Act have also been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS it is deemed expedient to regulate the exploding of firecrackers or other fireworks throughout the Regional District;

AND WHEREAS it is enacted by Clause (a1) of sub-section (1) of the said Section 871 of the said Act that notwithstanding any regulation or prohibition enacted under the last recited provision of the said Section 871 the Board may authorize the issuance of a permit to any person or organization for the purpose of the observance or the celebration of any special event or festival by the use of firecrackers or other fireworks of any nature or kind, and may specify the terms and conditions thereof;

AND WHEREAS the said power to issue permits under clause (a1) of sub-section (1) of Section 871 of the Act has been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS the member municipality of the Corporation of the City of Duncan and the Corporation of the District Municipality of North Cowichan do not participate in the regulations pursuant to this By-law;
NOW THEREFORE, THE BOARD OF THE REGIONAL DISTRICT OF COWICHAN VALLEY ENACTS AS FOLLOWS:

1. In this by-law "firecracker and other fireworks" shall bear the same meaning as it bears when it appears in the above-recited provisions of the "Municipal Act" R.S.B.C. 1960 Chap. 255.
2. No person shall sell, dispose of, directly or indirectly, any firecracker or other fireworks of any nature or kind to any person, on any day before 4:00 P. M. on the 28th day of October in any year and not after 6:00 P. M. on October 31st or the day of Hallowe'en in any year in the Regional District of Cowichan Valley.
3. No person shall fire, or set off firecrackers or other fireworks of any nature or kind on any day before 4:00 P.M. on the 28th day of October in any year and not after the first day of November in any year, in the Regional District of Cowichan Valley.
4. Subject to the above recited Clause (a1) of sub-section (1) of Section 871 of the said "Municipal Act" no person shall fire, or set off firecrackers or other fireworks of any nature or kind in any public road, street, lane or other public place at any time within the Regional District of Cowichan Valley.
5. For the purpose of Clause (a1) of sub-section (1) of Section 871 of the said "Municipal Act" permits may be obtained from the Fire Marshall, or a local assistant to the Fire Marshall having jurisdiction in the District within which such special event or festival is to be held.
6. Every person who offends against any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this By-law, shall be guilty of an infraction of this By-law and shall be liable, on Summary conviction, to a fine and penalty of not less than \$25.00 and no more than \$250.00.


7. This By-law may be cited as the "Fireworks Sale and Discharge Regulation By-law No. 39, 1970".

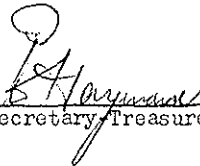
Read a first time this 10th day of June , 1970

Read a second time this 10th day of June , 1970

Read a third time this 8th day of July , 1970

Reconsidered, Adoped and finally passed this 12th day of August , 1970.


Chairman


Secretary/Treasurer



SR4

STAFF REPORT

SPECIAL BOARD MEETING
OF AUGUST 26, 2009

DATE: August 20, 2009

FROM: J.E. Barry, Corporate Secretary

BYLAW NO: 3294

SUBJECT: CVRD Bylaw No. 3294 - North Oyster Local Service
(Fire Protection) Area Amendment Bylaw, 2009

Recommendation:

That resolution #09-443 be rescinded.

Background:

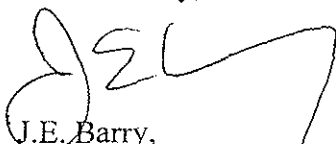
CVRD Bylaw No. 3294 - North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009 was listed on the August 12, 2009 Board agenda for consideration of first three readings.

Following the granting of first three readings, Director Marcotte questioned why this Bylaw could not also be adopted at the same meeting. At that time, staff did not have the specific reason as to why the bylaw could not be adopted at that time; however, it was only scheduled to be considered for first three readings. At the request of Director Marcotte, the Board proceeded to adopt Bylaw 3294 later during the meeting.

This adoption was done in contravention of regulations contained within the *Community Charter* and the *Local Government Act*. Bylaws that require the consent of the Area Director require "*at least one day between third reading and adoption*". This applies even if the Area Director has already given their consent.

Since Bylaw 3294 received third reading and adoption on the same day contrary to the legislation, it has not been properly enacted. Therefore, the Board needs to rescind the resolution that adopted the bylaw. The Board can then properly adopt the Bylaw later in the same meeting.

Submitted by,


J.E. Barry,
Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3303

A Bylaw to Amend Fireworks Sale and Discharge Regulation Bylaw No. 39

WHEREAS the Board of the Cowichan Valley Regional District established regulations to regulate the sale and use of fireworks within the Cowichan Valley Regional District, excluding the City of Duncan and the District of North Cowichan, under the provisions of Bylaw No. 39, cited as "Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970";

AND WHEREAS the Board wishes to amend CVRD Bylaw No. 39 to further regulate the sale and discharge of fireworks;

NOW THEREFORE the Board of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3303 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2009**".

2. **AMENDMENTS**

That CVRD Bylaw No. 39 be amended as follows:

a) That Sections 1 through 6 inclusive, be deleted and replaced with the following:

1. **DEFINITIONS**

"Authority having jurisdiction" means, for the purposes of this bylaw, any person designated by the Municipal Council or Regional Board of the applicable Local Government to administer or enforce this bylaw.

"Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off.

"Fire Safety Plan" means a plan detailing the procedures to protect public safety when discharging fireworks.

"Fireworks" means, as defined by the *Fire Works Act*, "includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation".

"Fireworks Operator Certificate" means a certificate issued by Natural Resources Canada upon successful completion of the Display Fireworks Safety and Legal Awareness Course.

"Public Special Event or Festival" means the observance or celebration of a public special event, festival or other ceremony sponsored or conducted by a society, organization or individual.

2. **APPLICATION**

This bylaw applies to the following municipalities and electoral areas in the Cowichan Valley Regional District namely, the Town of Lake Cowichan; the Town of Ladysmith; Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; Electoral Area C – Cobble Hill; Electoral Area D – Cowichan Bay; Electoral Area E – Cowichan Station/Sahtlam/Glenora; Electoral Area F – Cowichan Lake South/Skutz Falls; Electoral Area G – Saltair/Gulf Islands; Electoral Area H – North Oyster/Diamond; and Electoral Area I – Youbou/Meade Creek.

3. **PROHIBITIONS**

- a) Except as permitted by Section 4 of this bylaw, no person shall sell or cause to be sold, keep with the intent to sell or dispose of to any person, give, or accept from another person, any fireworks.
- b) Except as permitted by Section 4 of this bylaw, no person shall discharge or facilitate the discharge of fireworks.

4. **REQUIREMENTS FOR SPECIAL EVENTS**

Despite subsections 3(a) and 3(b), any person or organization may possess and discharge fireworks at a public special event or festival if the person or organization has a fire safety plan and holds a valid Fireworks Operator Certificate for the level appropriate to the nature of the fireworks being possessed and discharged, as confirmation of their knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.

6. **RIGHT TO ENTER**

The authority having jurisdiction may enter upon any property to exercise the authority under Section 16 of the *Community Charter* or Section 268 of the *Local Government Act*, as applicable, with respect to this bylaw.

7. **PENALTIES**

A person who contravenes any of the provisions of this bylaw, or who permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, commits an offence and is liable, on summary conviction, to a fine and penalty of not less than \$50.00 and no more than the maximum permitted by law.

8. **SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this bylaw.

b) That the Section 7 citation be deleted and replaced with the following:

8. This Bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970**".

c) That the following clause be added to the preamble:

AND WHEREAS this bylaw is designated under Section 266.1 of the *Local Government Act* and Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket and fines.

READ A FIRST TIME this _____ day of _____ , 2009.

READ A SECOND TIME this _____ day of _____ , 2009.

READ A THIRD TIME this _____ day of _____ , 2009.

ADOPTED this _____ day of _____ , 2009.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3294

**A Bylaw to Amend the North Oyster Local Service
(Fire Protection) Area Establishment Bylaw No. 1689**

WHEREAS the Board of Directors of the Cowichan Valley Regional District established a Fire Protection Service known as the *North Oyster Local Service (Fire Protection) Area* by Bylaw No. 1689, cited as "CVRD – North Oyster Local Service (Fire Protection) Area Establishment Bylaw No. 21, 1995", as amended;

AND WHEREAS the Regional Board deems it desirable and expedient to further amend Bylaw No. 1689 by extending the boundaries of the service area to include the following two properties:

- District Lot 51, Oyster District, Except the Right of Way of the Esquimalt and Nanaimo Railway Company, Except Part Coloured Red on Plan Deposited Under DD272791, and Except Part Shown Outlined in Red on Plan Deposited Under DD28551 (PID 009-439-714); and
- That Part of District Lot 51, Oyster District Shown Coloured in Red on Plan Deposited Under DD272791 (PID 000-879-185).

AND WHEREAS the Regional District Board has received a sufficient petition to include the properties within the service area;

AND WHEREAS the Director of Electoral Area H – North Oyster/Diamond has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009**".

2. **AMENDMENT**

That CVRD Bylaw No. 1689 be amended as follows:

That Schedule A to Bylaw No. 1689 be deleted and replaced with the Schedule A attached hereto and forming part of this bylaw.

READ A FIRST TIME this 12th day of August, 2009.

READ A SECOND TIME this 12th day of August, 2009.

READ A THIRD TIME this 12th day of August, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



NEW BUSINESS SUMMARY

BOARD MEETING – AUGUST 26, 2009

- NB1**
1. RESCIND Third Reading of "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009"
 2. Amend "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009".
 3. "Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009", 3rd reading as amended.
- CSNB1** Land Acquisition {Sub (1) (e)}
- CSNB2** Land Acquisition {Sub (1) (e)}



NB1

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3300

**A Bylaw to Establish the Kerry Park Recreation Centre
Capital Renovation and Aquatic Centre Service**

WHEREAS pursuant to the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish the Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service;

AND WHEREAS pursuant to the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the assent of the electors by referendum pursuant to the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3300 – Kerry Park Recreation Centre Capital Renovation and Aquatic Centre Service Establishment Bylaw, 2009**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is the capital renovation of the Kerry Park Recreation Centre and construction and operation of an Aquatic Centre.

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the whole of: Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; and Electoral Area C – Cobble Hill.

4. PARTICIPATING AREAS

Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; and Electoral Area C – Cobble Hill are the participating areas for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements within the service area;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$0.7481 per \$1,000 of net taxable value of land and improvements within the service area or Two Million, Three Hundred and Fifty-Five Thousand Dollars (\$2,355,000.).

READ A FIRST TIME this 12th day of August, 2009.

READ A SECOND TIME this 12th day of August, 2009.

READ A THIRD TIME this 12th day of August, 2009.

THIRD READING RESCINDED this _____ day of _____, 2009.

THIRD READING AS AMENDED this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3300 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____ 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary