



STAFF REPORT TO THE BOARD

DATE OF REPORT October 16, 2023
MEETING TYPE & DATE Regular Session Board of November 8, 2023
FROM: Legislative Services Division
Corporate Service Department
SUBJECT: Administrative Bylaws Changes
FILE: 3900-30 4525

PURPOSE/INTRODUCTION

The purpose of this report is to advise that a number of bylaws require administrative changes per Ministry review requirements; including updates to the Method of Cost Recovery and the calculation for the maximum requisition using correct BC Assessment values. Bylaws affected are located under Section 16 – Bylaws – Electoral Area Directors and range from BEA1 to BEA14.

RECOMMENDED RESOLUTION

That as “CVRD Bylaw No. 4487 – Shell Beach Water System Service Area Establishment Bylaw, 2023” was advanced out of sequence, and it has no form and effect.

BACKGROUND

In November and December 2022, the CVRD Board provided staff direction to have a number of service establishment bylaws updated with new maximum requisitions; these revised requisitions were based on 2022 BC Assessment figures. Unfortunately, with staff capacity challenges, the bylaws were delayed receiving Board readings and it was not until June 28, 2023, that the service bylaws were given first, second and third reading and subsequently sent to the Ministry for Inspector approval.

Upon the Ministry’s review, and based upon the time the bylaws were received for approval, the Ministry advised that the maximum requisition limits should have been calculated with 2023 assessment figures, not 2022.

In addition, the Ministry noted that the bylaws did not specify all of the cost recovery methods permitted under the *Local Government Act* (“LGA”). The new bylaws have now been updated in accordance with the LGA to ensure the regional district has maximum flexibility to recover costs as was originally intended.

In addition to these bylaw revisions, Bylaw No. 4487 was incorrectly given three readings and adoption by the CVRD Board on June 14th, 2023. This type of service establishment amendment bylaw cannot be given all readings and adoption at one meeting. Given this bylaw has no validity and did not obtain Inspector approval, we have been advised that the Board should pass the recommended resolution above acknowledging that the bylaw was not validly adopted and therefore not in effect; this provides certainty and clarity. Bylaw No. 4506 is presented in the Bylaw section of the agenda to replace the invalid bylaw.

On October 19, 2023, the Ministry contacted staff to apologize for an oversight on reviewing “CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023”. The bylaw went to the Board for three readings on September 13th, after the Ministry had reviewed it and indicated that it was satisfactory for introduction. The Ministry has since advised that for a **regulatory** bylaw, parcel taxes may not be used for a Method of Cost Recovery and therefore it needs to be removed from the bylaw.

ANALYSIS

The bylaws subject to this report have now been amended to allow for greatest flexibility of cost recovery along with being calculated using the correct 2023 BC Assessment values, and other Ministry amendment requests. Director’s consent has been (or will be) attained for all bylaws.

Options for cost recovery

378 (1) A regional district may recover the costs of its services by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*];
- (b) subject to subsection (2), parcel taxes imposed in accordance with Division 3;
- (c) fees and charges imposed under section 397 [*imposition of fees and charges*];
- (d) revenues raised by other means authorized under this or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

After the bylaws receive third reading as now amended, they will be sent for statutory approval by the Inspector of Municipalities, and once approved, the CVRD Board may adopt the bylaws.

The bylaws are for consideration under the “Bylaws” section of the Board Agenda.

Future bylaws coming forward to the CVRD Board will be reviewed, updated and amended accordingly to ensure consistency of requisition limits and cost recovery methods.

FINANCIAL CONSIDERATIONS

There is no financial cost to update the bylaws, however the amendment will ensure the Regional District has all methods of cost recoveries with the ability to collect the correct amount(s).

COMMUNICATIONS CONSIDERATIONS

NA

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

NA

Attachment A: Property tax value comparison

Referred to (upon completion):

- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☒ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)

- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☐ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:

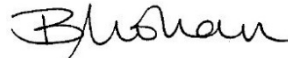


Allison C. Boyd,
A/Deputy Corporate Officer

Reviewed by:



Patrick Robins,
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Barbra Mohan,
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Reviewed for form and content and approved for submission to the Board:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

Chief Administrative Officer's Comments / Concurrence



Danielle Myles Wilson
Chief Administrative Officer