

**DATE:** June 6, 2019

**FILE:** 5360-01

**TO:** Chair and Directors  
Comox Strathcona Waste Management  
Board

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE: Comox Strathcona Waste Management Governance**

### **Purpose**

To provide information regarding the governance structure and framework of the Comox Strathcona Waste Management (CSWM) Service.

### **Recommendation from the Chief Administrative Officer:**

None. This report is provided for information. If the Board wishes to explore one or more of the concepts contemplated in this staff report, it is recommended that specific direction to staff be provided for further investigation or action.

### **Executive Summary**

At the March 1, 2019 strategic planning workshop, the CSWM Board passed a resolution directing staff to bring forward information concerning the governance structure of the CSWM Service, including letters patent, organizational and voting structure and the Comox Valley Regional District (CVRD) policies being applied to the CSWM service.

These topics are individually summarized below for the board's consideration and supported with past reports and other information where relevant.

### Letters Patent

As "municipal institutions" are under the constitutional authority of the provincial government, the Lieutenant Governor in Council under an Order in Council (OIC) issues letters patent to create local governments or amend existing ones.

With respect to the CSWM Service, letters patent for the former Comox Strathcona Regional District (CSRD) was originally issued on August 19, 1965 which established the name, boundaries, voting unit and the member municipalities and electoral areas. The division of the CSRD into the CVRD and the Strathcona Regional District (SRD) was formalized with the issuance of letters patent (Appendix A) for the CVRD effective February 15, 2008.

Section 16 (Continuation of Services) of the letters patent specifies that the establishing bylaw (No. 1822 – Appendix B) of the CSRD that authorizes the operation of the "Regional Solid Waste Management service" remains in force as an establishing bylaw of the CVRD. This established the unique governance structure in which the solid waste service is provided by the CVRD but extends beyond its boundaries to also encompass the geographical area of the SRD. As the service is

provided under the CVRD, the name Comox Strathcona Waste Management is a brand that was developed in support of greater public awareness and understanding of the service. It's important to note that the letters patent also amended the voting unit from one vote per 2,500 of population to one vote per 1,500 of population. This matter is discussed further in the next section of this report.

While there are many changes that can be made under the corporate powers of the CVRD, a restructuring of this service to another entity can only be done by the province. Requests to the province to restructure a local government are not common and typically relate to boundary adjustments or conversion of improvement districts. A detailed rationale with the desired alternative structure would need to be developed and forwarded to the Minister of Municipal Affairs and Housing for consideration of recommendation and subsequent approval by Cabinet through an OIC.

### Organizational and Voting Structure

In accordance with the letters patent, the 10 member Board of Directors is the governing body of the CVRD with representatives from its member municipalities and electoral areas. The Board of Directors is headed by the Chair, who is the Chief Executive Officer of the corporation.

In order to support the unique governance structure associated with the CSWM Service, the *Local Government Act* (LGA) expands the CVRD Board for the purposes of solid waste matters to a 23 member Board of Directors to include all elected/appointed representatives from both the CVRD and SRD. This same approach is also taken for two services (fire and water) within the Oyster Bay area that were also continued under the CVRD through the Letters Patent issued in 2008. In this case the CVRD Board of Directors expands to include the SRD Director for Electoral Area 'D' (Oyster Bay-Buttle Lake) for matters pertaining to those two services.

Unlike municipalities, special rules provided by the *Local Government Act* guide all voting on all resolutions and bylaws within Regional Districts. These rules reflect the unique nature of Regional District services that can be subscribed to and funded by different sized jurisdictions. The rules provide for a weighted voting system for certain decisions that assigns voting strength on the basis of population. The weighted votes of a particular jurisdiction are determined by the voting unit which is the size of population that constitutes one vote on a weighted vote decision. In the case of CSWM, each Director of both the CVRD and SRD receives one vote for every 1,500 residents in his or her jurisdiction. As the LGA provides that an individual Director may only cast a maximum of five votes, larger jurisdictions must therefore appoint more than one director. An exception applies to electoral area directors, who may have more than five votes.

In 2014/2015 the Board engaged in considerable discussion regarding the voting system at CSWM meetings. A staff report dated May 15, 2015 entitled *Comox Strathcona Waste Management Board Governance and Voting* (Appendix C) provided a thorough review of the particular interests of the Board at the time. These interests, together with information provided by staff, can be summarized as follows:

- Applying a one-person/one-vote approach to all decisions  
A legal opinion confirmed that under the LGA weighted voting by all service participants is required for all votes relating to the administration and operation of a service. Only those motions relating to corporate and procedural matters may be voted on using the one-person/one-vote method. Examples of such motions include adoption or receipt of minutes, motions to vary the agenda or terminate the meeting or debate.

Section 340 of the LGA provides that if administration and operation of a service is to be delegated to a body established by the Board, the establishing bylaw for the service may provide custom voting rules for that body. If this was desired by the Board, this could be realized for the CSWM Service through an amendment to the service establishing bylaw to create a committee on solid waste. This concept is discussed in greater detail below.

- Changing the voting unit to reduce geographical power disparities  
Inherent with the weighted voting system are disparities between communities and regions covered by the CSWM Service. As the system is based on population, the voting strength is tilted towards those communities and regions which possess the highest population and which therefore make the greatest financial contributions to the service. A cursory review of an alternative approach to base voting weight on a combination of population and assessment values has determined that it would likely result in a very similar outcome to the current distribution.

This also bears true for a change to the voting unit in both regional districts. The number of votes to which each municipality and electoral area is entitled for the purposes of weighted voting is determined by dividing the population figure by the voting unit number specified in the letters patent. An amendment to the voting unit for both the CVRD and SRD may lessen geographical power disparities but it cannot eliminate them due to its basis on population. A request to the province to amend the voting unit may be advanced but this could have significant unintended consequences relating to overall representation and decision-making regarding other services provided individually by both the CVRD and SRD. Regional Districts can request that the voting unit for their region be re-evaluated but this would also require a clear rationale for why the change would better reflect population concentrations within both regions.

- Consideration of creating a CSWM Standing Committee  
Under section 218 of the LGA a Regional District Board Chair may establish standing committees for matters the Chair considers would be better dealt with by committee. The Board Chair may appoint persons to those standing committees, elections of the Chair and Vice-Chair may be conducted, specific service-related authorities and policies may be delegated to the committee and a customized voting arrangement may be established. As noted earlier in this staff report, committees may also be established by the Board through the service establishing bylaw if the administration and operation of a service is to be delegated to a body. Under this circumstance, custom voting rules and appointments may also be incorporated. Similar arrangements can also be made when the Board creates select committees to investigate or consider particular topics, such as the Comox Strathcona Solid Waste Advanced Technology Select Committee (SWAT). By resolution of the board to amend the terms of reference, the SWAT now employs the one-person/one-vote model.

The primary challenge of implementing a Solid Waste Standing Committee is that certain decisions and authorities cannot be delegated, such as bylaw readings, and may therefore require additional meetings for the Board to ratify those decisions that are unable to be made by the Committee. This could result in duplicated efforts and an inefficient use of Directors' and staff time and public resources. One option to try and address this issue would be to schedule CSWM meetings on the same day when certain decisions require Board approval. Such an arrangement would still result in some decisions requiring a weighted vote at board meetings, despite any custom voting arrangements established at the committee level. Given the limited bylaw readings considered by the CSWM Board, it is anticipated that there would be only a few occasions each year in which both a CSWM Committee and Board meeting

would need to occur on the same day. This being said, this arrangement would be a confusing governance model for the public and stakeholders to understand.

It is important to note that the Board, by way of a resolution, has now established a process for alternating Chair appointments between the CVRD and SRD to address that current interest of the Board.

The Application of CVRD Policies to CSWM

The application of CVRD policies to the CSWM Board is directly related to the Letters Patent topic described earlier in this report. As the CVRD is the corporate entity under which the CSWM Service is provided, the corporate-wide policies established apply to all services, including the CSWM.

Broadly speaking, corporate policies serve to provide general guidelines to regulate organizational action, communicate responsibilities, expected results, and to provide standards for how the organization agrees and expects to conduct its business. Like all Local Governments, the CVRD has developed policy in a wide range of areas to regulate action and conduct and support the exercise of good judgement and discretion in the management of daily affairs. These areas include:

- Governance
- Administration
- Bylaw Enforcement
- Finance and Accounting
- Risk Management
- Human Resources
- Communications
- Public Engagement

To eliminate or reduce the application of such policies to the CSWM Service would require a new set of polices to be developed and approved, resulting in duplicated efforts and additional resources. In response to the interests of the CSWM Board, specific policies have been developed and approved that apply only to solid waste matters, such as the financial planning policy. While these interests can generally be accommodated, staff would caution the Board on establishing too many service-specific policies as this can significantly increase the complexity and result in inadvertent non-compliance and inefficient use of staff resources.

If the Board wishes to explore one or more of the concepts contemplated in this staff report, it is recommended that specific direction to staff be provided for further investigation or action.

Prepared by:

Concurrence:

*J. Martens*

*J. Warren*

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 Jake Martens  
 Manager of Legislative  
 Services

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 James Warren  
 General Manager of  
 Corporate Services

**Stakeholder Distribution (Upon Agenda Publication)**

N/A	
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Attachments: Appendix A – “Letters Patent dated February 1, 2008”  
Appendix B – Bylaw No. 1822 being “Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996.”  
Appendix C – “Comox Strathcona Waste Management Governance and Voting staff report dated May 15, 2015”



Lieutenant Governor

CANADA

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come—GREETING.

Minister of Community Services and  
Minister Responsible for Seniors' and Women's Issues

WHEREAS the Comox Strathcona Regional District was incorporated by Letters Patent issued on August 19, 1965;

AND WHEREAS the Comox Strathcona Regional District is being divided into the Comox Valley Regional District and the Strathcona Regional District to correspond to the geographic and economic communities in this region of British Columbia;

AND WHEREAS the Comox Valley Regional District will be required to establish a regional water supply commission and, by order in council, to develop and adopt a regional growth strategy;

NOW KNOW YE THAT by these presents, We do order and proclaim the following, effective February 15, 2008:

## PART 1 — DEFINITIONS

### Definitions

- 1 In these letters patent:
  - “Act” means the *Local Government Act*;
  - “regional district” means the regional district incorporated under section 2;
  - “Strathcona Regional District” means the Strathcona Regional District incorporated on February 15, 2008.

## PART 2 — INCORPORATION OF REGIONAL DISTRICT

### Incorporation

- 2 The residents of the area within the boundaries described in section 3 are incorporated into a regional district under the name “Comox Valley Regional District”.

### Boundaries

- 3 The boundaries of the regional district are as follows:

Commencing at the northwest corner of Lot 14, Newcastle Land District;  
thence southerly along the westerly boundaries of Lots 14 and 72 to the southwest corner of said Lot 72;  
thence easterly along the southerly boundary of said Lot 72 to the northeast corner of Lot 87;  
thence southerly along the easterly boundaries of Lot 87 and Block 164 to the southeast corner of said Block 164;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 164 to the southwest corner of Block 420;  
thence northerly, westerly, and northerly along the boundaries of Blocks 420 and 164 to the northeast corner of Block 187;  
thence westerly along the northerly boundaries of Blocks 187 and 448 to the most northerly northwest corner of said Block 448;  
thence due west to the southerly boundary of Block 1330, Newcastle and Nelson Land Districts;  
thence westerly and northerly along the southerly and westerly boundaries of said Block 1330 to the southeast corner of Block 1138, Nelson Land District;  
thence westerly along the northerly boundary of Block 489 to the northwest corner thereof;  
thence in a general westerly, northerly, westerly, and southerly direction along the northerly, easterly, northerly, and westerly boundaries of Block 74 to the southeast corner of Block 1283;

thence in a general southerly, easterly, southerly, westerly and northerly direction along the easterly, northerly, easterly, southerly and westerly boundaries of Block 1115 to the northeast corner of Block 321;

thence westerly and southerly along the northerly and westerly boundaries of said Block 321 and continuing southerly along the easterly boundary of Block 1332, Newcastle Land District, to the southeast corner of said Block 1332;

thence westerly along the southerly boundary of said Block 1332 to the southwest corner thereof, being a point on the westerly boundary of the Esquimalt and Nanaimo Railway Company's land grant;

thence northwesterly along said boundary of the Esquimalt and Nanaimo Railway Company's land grant to the southerly boundary of Block 1337, Comox Land District;

thence northeasterly and northwesterly along the southeasterly and northeasterly boundaries of said Block 1337 to and northeasterly along the northwesterly boundary of Block 1339 to the southerly boundary of Block 147;

thence easterly and northerly along the southerly and easterly boundaries of said Block 147 to the southerly boundary of Block 149;

thence easterly along the southerly boundary of said Block 149 to the westerly boundary of Block 28;

thence northerly, easterly, and southeasterly along the westerly, northerly, and northeasterly boundaries of said Block 28 to the right bank of Woodhus Creek;

thence easterly along said right bank of Woodhus Creek produced to and along that of Oyster River to the shore of the Strait of Georgia;

thence due east to the middle line of the Strait of Georgia;

thence southerly along said middle line of the Strait of Georgia to a point due east of the middle line of Baynes Sound, at the entrance thereto;

thence due west to and westerly along said middle line of Baynes Sound to a point due north of the northwest corner of Lot 14, Newcastle Land District;

thence due south to the aforesaid northwest corner of Lot 14, being the point of commencement.

#### **Members of regional district**

- 4** The regional district is comprised of
- (a) the following municipalities:
    - (i) The Corporation of the City of Courtenay;
    - (ii) The Town of Comox;
    - (iii) The Corporation of the Village of Cumberland, and
  - (b) the following electoral areas:
    - (i) Electoral Area A (Baynes Sound);
    - (ii) Electoral Area B (Lazo North);
    - (iii) Electoral Area C (Puntledge – Black Creek);
    - (iv) Electoral Area K (Denman – Hornby Islands).

#### **Electoral area boundaries**

- 5** The boundaries of the electoral areas in the regional district are set out in Schedule A.



**Voting unit**

- 6 The voting unit for the regional district is 1 500 persons.

**PART 3 — TRANSITIONAL PROVISIONS****Municipal directors**

- 7 The last date for the appointment of municipal directors to the first board of the regional district by the councils of the municipalities referred to in section 4 (a) is February 15, 2008.

**Electoral area directors**

- 8 (1) The first electoral area director for each electoral area in the regional district is the person who was the electoral area director for that electoral area in the Comox Strathcona Regional District immediately before the Comox Strathcona Regional District was dissolved.
- (2) The term of office of an electoral area director continued in office under subsection (1)
- (a) begins on February 15, 2008, and
  - (b) ends immediately before December 8, 2008 or when the director's successor takes office, whichever is later.
- (3) The first election of electoral area directors is to be held at the time of the 2008 general local election and in the manner provided by Part 3 of the Act.
- (4) For the first election referred to in subsection (3),
- (a) the chief election officer for the regional district for the 2008 general local election is James Warren, Manager of Legislative Services for the regional district, and
  - (b) the voting places are those places designated in an election bylaw of the regional district or designated by the chief election officer for the 2008 general local election.

**First meeting of the board**

- 9 The first meeting of the board of the regional district is to be held on February 15, 2008 at 11:00 a.m. at 550B Comox Road, Courtenay, British Columbia.

**Election of chair and vice chair**

- 10 (1) At the first meeting of the board, the board must elect a chair and a vice chair.
- (2) For the purposes of elections under this section, each director present at the meeting has one vote in each election for an office.

**Authorized borrowing to meet current lawful expenditures**

- 11 The regional district may borrow \$5 000 000 to meet current lawful expenditures of the regional district in 2008.

**Assessment roll**

- 12 That part of the assessment roll for the 2008 taxation year for the Comox Strathcona Regional District that is in respect of property located in the regional district is deemed to be the assessment roll for the 2008 taxation year for the regional district.

**Continuation of opt out for Part 26 services**

- 13** If a municipality in the regional district has given notice to opt out under section 804.1 (3) of the Act to the board of the Comox Strathcona Regional District and that notice is in effect on February 14, 2008, that notice continues to have effect as if it were given to the board of the regional district.

**Regional water supply commission**

- 14** (1) On or before April 30, 2008, the board of the regional district must appoint a select committee, to be known as the Comox Valley Water Supply Commission, to inquire into the following matters for the area of the regional district other than that part within the area of the Islands Trust:
- (a) the status of existing water supply services in the area;
  - (b) the development of a recommended regional water supply service plan and recommended structure for operating the regional district's water supply services in the area;
  - (c) the development of recommended plans, policies and actions related to water demand management and protection of watersheds for major water supplies.
- (2) The select committee must report its findings and opinion to the board on or before December 31, 2009.
- (3) The board may not dissolve the select committee before it has reported its findings and opinion to the board.
- (4) In appointing members to the select committee, the board
- (a) must appoint
    - (i) for each municipality in the regional district, the councillors designated by the council from among its members, with each municipality having the same number of members on the committee as the municipality has directors on the board, and
    - (ii) the directors for electoral areas A, B and C, and
  - (b) may appoint not more than 5 members who are not elected officials of a local government.
- (5) On or before April 30, 2008, the board must appoint an advisory body to provide advice to the Comox Valley Water Supply Commission.
- (6) In appointing members to the advisory body, the board may appoint members representing improvement districts, First Nations, community groups, environmental organizations, government agencies or any other organization or interest the board considers appropriate.

**Financial reporting for Comox Strathcona Regional District**

- 15** (1) For the 2007 and 2008 fiscal years of the Comox Strathcona Regional District, the regional district must perform the duties under the *Financial Information Act* and sections 814 and 814.1 of the *Local Government Act* that the Comox Strathcona Regional District would have had to perform if it was not dissolved.
- (2) For the purposes of subsection (1) in relation to the 2008 fiscal year of the Comox Strathcona Regional District, the regional district may hold a meeting for the purpose of presenting the statements and report referred to in section 814.1 of the Act by June 30, 2008.

**Continuation of services**

- 16** (1) A service operated by the Comox Strathcona Regional District for which an establishing bylaw was not adopted or for which an establishing bylaw is not required under section 800 (2) of the Act
- (a) is continued as a service of the regional district if the service area for the service is wholly within the boundaries of the regional district, and
  - (b) is continued as a service of the Strathcona Regional District if the service area for the service is wholly within the boundaries of the Strathcona Regional District.
- (2) Subject to subsection (3), an establishing bylaw of the Comox Strathcona Regional District that authorizes the operation of a service for a service area that includes an area within the regional district and the Strathcona Regional District
- (a) remains in force as an establishing bylaw of the regional district in relation to that part of the service area that is within the boundaries of the regional district, and
  - (b) remains in force as an establishing bylaw of the Strathcona Regional District in relation to that part of the service area that is within the boundaries of the Strathcona Regional District.
- (3) The establishing bylaws of the Comox Strathcona Regional District that authorize the operation of the following services remain in force as establishing bylaws of the regional district:
- (a) Black Creek / Oyster Bay Fire Protection service;
  - (b) Black Creek / Oyster Bay Water service;
  - (c) Regional Solid Waste Management service.

**Transfer of assets and liabilities of Comox Strathcona Regional District**

- 17** (1) Subject to subsections (2) and (4), all assets and liabilities, whether real or contingent, of the Comox Strathcona Regional District are allocated and assigned to the regional district.
- (2) The following assets and liabilities, whether real or contingent, of the Comox Strathcona Regional District are allocated and assigned to the Strathcona Regional District:
- (a) assets, other than reserve funds, and liabilities that
    - (i) are directly associated with a service operated by the Comox Strathcona Regional District that on February 15, 2008 is operated in whole or in part by the Strathcona Regional District, and
    - (ii) may be separated or divided from other assets and liabilities of the Comox Strathcona Regional District;
  - (b) the portion, calculated under subsection (3), of a reserve fund established for a service operated by the Comox Strathcona Regional District that on February 15, 2008 is operated in whole or in part by the Strathcona Regional District;
  - (c) assets and liabilities related to a security issuing bylaw of the Comox Strathcona Regional District that
    - (i) remains in force as a bylaw of the Strathcona Regional District, and
    - (ii) states as its authority a loan authorization bylaw of a municipality in the Strathcona Regional District.
- (3) For the purposes of subsection (2)(b), the portion of a reserve fund allocated and assigned to the Strathcona Regional District is that portion of the value of the reserve fund that the converted value of land and improvements in the service area in the Strathcona Regional

District is of the converted value of land and improvements in the service area in the Comox Strathcona Regional District before it was divided.

- (4) Four shares of the North Island 9-1-1 Corporation held by the Comox Strathcona Regional District are allocated and assigned to the Strathcona Regional District.

#### **Transitional service administration arrangements**

- 18** (1) Subject to subsections (2), (4) and (5), the regional district must administer and operate until December 31, 2009 all services operated by the Comox Strathcona Regional District that on February 15, 2008 are operated in whole or in part by the Strathcona Regional District.
- (2) Subject to subsection (4), the regional district must administer and operate the Greater Campbell River Pool / Arena Service until December 31, 2008.
- (3) Subject to subsections (4) and (5), in respect of each service administered and operated by the regional district under subsections (1) and (2), the Strathcona Regional District must pay the regional district an amount for administering and operating that service that is equivalent to the amount that is recovered from the service area.
- (4) Subsections (2) and (3) cease to apply before December 31, 2008 in relation to the Greater Campbell River Pool / Arena Service on agreement by the regional district and the Strathcona Regional District.
- (5) Subsections (1) and (3) cease to apply before December 31, 2009 in relation to a service on agreement by the regional district and the Strathcona Regional District.

#### **York Road fire protection service**

- 19** (1) Subject to subsection (2),
- (a) the regional district must provide fire protection services to the Strathcona Regional District's York Road fire protection service area, and
- (b) for providing fire protection services under paragraph (a), the Strathcona Regional District must pay the regional district an amount that is equivalent to the amount that is recovered from the service area.
- (2) This section ceases to apply on agreement by the regional district and the Strathcona Regional District.


#### **Dispute resolution on transitional matters**

- 20** (1) If the regional district and the Strathcona Regional District disagree on any matter arising from the division of the Comox Strathcona Regional District, the board of the regional district or the board of the Strathcona Regional District may request, on or before December 31, 2009, the Inspector of Municipalities to review the matter.
- (2) If the Inspector of Municipalities agrees to review the matter which is the subject of the disagreement, the Inspector of Municipalities may make recommendations to the boards of the regional district and the Strathcona Regional District to resolve the disagreement.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Steven J. Point, OBC, Lieutenant Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this *1<sup>st</sup>* day of *February*, in the year of Our Lord two thousand and eight and in the fifty-sixth year of Our Reign.

By Command.

  
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Attorney General

**SCHEDULE A: ELECTORAL AREA BOUNDARY DESCRIPTIONS****Electoral Area A (Baynes Sound)**

Commencing at the northwest corner of Lot 14, Newcastle Land District;  
 thence southerly along the westerly boundaries of Lots 14 and 72 to the southwest corner of said Lot 72;  
 thence easterly along the southerly boundary of said Lot 72 to the northeast corner of Lot 87;  
 thence southerly along the easterly boundaries of Lot 87 and Block 164 to the southeast corner of said Block 164;  
 thence westerly and northerly along the southerly and westerly boundaries of said Block 164 to the southwest corner of Block 420;  
 thence northerly, westerly, and northerly along the boundaries of Blocks 420 and 164 to the northeast corner of Block 187;  
 thence westerly along the northerly boundaries of Blocks 187 and 448 to the most northerly northwest corner of said Block 448;  
 thence due west to the southerly boundary of Block 1330, Newcastle and Nelson Land Districts;  
 thence westerly and northerly along the southerly and westerly boundaries of said Block 1330 to the southeast corner of Block 1138, Nelson Land District;  
 thence in a general northerly, westerly, northerly and easterly direction along the westerly, southerly, westerly, and northerly boundaries of Block 1329 to the point of intersection with the southerly boundary of Block 1026;  
 thence in a general northerly and easterly direction along the westerly and northerly boundaries of said Block 1026 to the most southerly southwest corner of Block 545;  
 thence in a general northerly, westerly, northerly and easterly direction along the westerly, southerly, westerly and northerly boundaries of said Block 545 to the southeast corner of Block 833, being a point on the northeasterly boundary of the Village of Cumberland as defined in The British Columbia Gazette, under date of January 2, 2003;  
 thence southeasterly along the northeasterly boundary of said Village of Cumberland to the southwest corner of Block 354;  
 thence northerly and easterly along the westerly and northerly boundaries of said Block 354 to the northeast corner thereof, being a point on the westerly boundary of the aforesaid Village of Cumberland;  
 thence in a general northerly and easterly direction along the westerly and northerly boundaries of said Village of Cumberland to the point of intersection of the northerly boundary of Section 36, Township 10, Comox Land District with the centre line of Cumberland Road;  
 thence in a general northerly direction along the said centre line of Cumberland Road, to the point of intersection with the southeasterly boundary of the City of Courtenay as defined by notice in the British Columbia Gazette under date of December 20, 2007;  
 thence in a general northeasterly, southeasterly and northeasterly direction along the southeasterly, southwesterly and southeasterly boundaries of the said City of Courtenay to the point of intersection with the middle line of Comox Harbour;  
 thence in a general southeasterly direction along the said middle line of Comox Harbour to the entrance of said Comox Harbour;  
 thence southerly along the northerly prolongation of the middle line of Baynes Sound and continuing southerly along the said middle line of Baynes Sound to the point of intersection with a point drawn due north of the northwest corner of Lot 14, Newcastle Land District;  
 thence due south to the aforesaid northwest corner of Lot 14, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the

corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

**Electoral Area B (Lazo North)**

Commencing at the point of intersection of the middle line of Comox Harbour and the southeasterly boundary of the City of Courtenay as defined by notice in The British Columbia Gazette under date of December 20, 2007;

thence in a general southeasterly direction along the said middle line of Comox Harbour to the entrance of said Comox Harbour;

thence due east to the middle line of the Strait of Georgia;

thence northerly along said middle line of the Strait of Georgia to a point due east of the intersection of the centre line of Left Road and the natural high water mark of Vancouver Island, on the easterly shore thereof;

thence due west to said point of intersection;

thence southwesterly along the centre line of Left Road to its intersection with the centre line of Coleman Road;

thence northwesterly and southwesterly along the said centre lines of Coleman Road and Poulten Road to a point due north of the most northerly northwest corner of Lot 41, Block 29, Comox Land District, Registered Plan 2262, on file in the Land Title Office, Victoria;

thence due south to said most northerly northwest corner of Lot 41, Plan 2262;

thence southwesterly along the northwesterly boundary of said Lot 41, Plan 2262 to the most westerly northwest corner thereof;

thence southeasterly along the northeasterly boundaries of Lots 174, 137, 164, 105, 163, and 107 to the northwesterly boundary of Section 62;

thence southwesterly along the northwesterly boundary of said Section 62 to the northwest corner thereof and continuing in the same straight line to the middle line of Portuguese Creek;

thence southerly along the said middle line of Portuguese Creek to the point of intersection of the northeasterly boundary of Section 35 produced northwesterly;

thence southeasterly to and along said boundary to the southeast corner thereof;

thence southwesterly along the southeasterly boundary of Section 35 and continuing southwesterly in the same straight line to the middle line of Tsolum River;

thence southerly along the said middle line of Tsolum River to the point of intersection with the southwesterly boundary of the aforesaid City of Courtenay;

thence in a general southeasterly, southwesterly, southeasterly and northeasterly direction along the southwesterly, northwesterly, southwesterly and southeasterly boundaries of the said City of Courtenay to the point of intersection with the middle line of Comox Harbour, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

**Electoral Area C (Puntledge River – Black Creek)**

Commencing at the point of intersection of the middle line of Tsolum River and the southwesterly boundary of the City of Courtenay as defined by notice in The British Columbia Gazette under date of December 20, 2007;

thence in a general southeasterly, southwesterly and southeasterly direction along the southwesterly, northwesterly and southwesterly boundaries of the said City of Courtenay to the intersection with the centre line of Cumberland Road;

thence in a general southerly direction along the said centre line of Cumberland Road to the point of intersection with the northerly boundary of the Village of Cumberland as defined by notice in The British Columbia Gazette under date of January 2, 2003;

thence in a general westerly and southerly direction along the northerly and westerly boundaries of said Village of Cumberland to the most northerly northeast corner of Block 354;

thence westerly and southerly along the northerly and westerly boundaries of said Block 354 to the southwest corner thereof, being a point on the northeasterly boundary of the aforesaid Village of Cumberland;

thence northwesterly along the northeasterly boundary of the said Village of Cumberland to the southeast corner of Block 833;

thence in a general westerly and southerly direction along the northerly and westerly boundaries of Block 545 to the southwest corner thereof;

thence southerly and westerly along the westerly and northerly boundaries of Block 1026 to the point of intersection with the northerly boundary of Block 1329;

thence in a general westerly, southerly, easterly, and southerly direction along the northerly, westerly, southerly, and westerly boundaries of said Block 1329 to the most southerly southeast corner of Block 1138;

thence westerly along the northerly boundary of Block 489 to the northwest corner thereof;

thence in a general westerly, northerly, westerly, and southerly direction along the northerly, easterly, northerly, and westerly boundaries of Block 74 to the southeast corner of Block 1283;

thence in a general southerly, easterly, southerly, westerly and northerly direction along the easterly, northerly, easterly, southerly and westerly boundaries of Block 1115 to the northeast corner of Block 321;

thence westerly and southerly along the northerly and westerly boundaries of said Block 321 and continuing southerly along the easterly boundary of Block 1332, Newcastle Land District, to the southeast corner of said Block 1332;

thence westerly along the southerly boundary of said Block 1332 to the southwest corner thereof, being a point on the westerly boundary of the Esquimalt and Nanaimo Railway Company's land grant;

thence northwesterly along said boundary of the Esquimalt and Nanaimo Railway Company's land grant to the southerly boundary of Block 1337, Comox Land District;

thence northeasterly and northwesterly along the southeasterly and northeasterly boundaries of said Block 1337 to and northeasterly along the northwesterly boundary of Block 1339 to the southerly boundary of Block 147;

thence easterly and northerly along the southerly and easterly boundaries of said Block 147 to the southerly boundary of Block 149;

thence easterly along the southerly boundary of said Block 149 to the westerly boundary of Block 28;

thence northerly, easterly, and southeasterly along the westerly, northerly, and northeasterly boundaries of said Block 28 to the right bank of Woodhus Creek;

thence easterly along said right bank of Woodhus Creek produced to and along that of Oyster River to the shore of the Strait of Georgia;

thence due east to the middle line of the Strait of Georgia;

thence southerly along said middle line of the Strait of Georgia to the point due east of the intersection of the centre line of Left Road and the natural high water mark of Vancouver Island, on the easterly shore thereof;

thence due west to said point of intersection;

thence southwesterly along the centre line of Left Road to its intersection with the centre line of Coleman Road;

thence northwesterly and southwesterly along the said centre lines of Coleman Road and Poulten Road to a point due north of the most northerly northwest corner of



Lot 41, Block 29, Comox Land District, Registered Plan 2262, on file in the Land Title Office, Victoria;  
 thence due south to said most northerly northwest corner of Lot 41, Plan 2262;  
 thence southwesterly along the northwesterly boundary of Lot 41 of Block 29, Plan 2262 to the most westerly northwest corner thereof;  
 thence southeasterly along the northeasterly boundaries of Lots 174, 137, 164, 105, 163, and 107 to the northwesterly boundary of Section 62;  
 thence southwesterly along the northwesterly boundary of said Section 62 to the northwest corner thereof and continuing in the same straight line to the middle line of Portuguese Creek;  
 thence southerly along the said middle line of Portuguese Creek to the point of intersection with the northeasterly boundary of Section 35 produced northwesterly;  
 thence southeasterly to and along the said boundary to the southeast corner thereof;  
 thence southwesterly along the southeasterly boundary of Section 35 and continuing southwesterly in the same straight line to the middle line of Tsolum River;  
 thence southerly along the said middle line of Tsolum River to the point of intersection with the southwesterly boundary of the aforesaid City of Courtenay, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.

**Electoral Area K (Denman – Hornby Islands)**

Commencing at a point on the middle line of Comox Harbour, at the entrance thereto;  
 thence due east to the middle line of the Strait of Georgia;  
 thence southerly along said middle line of the Strait of Georgia to a point due east of the middle line of Baynes Sound, at the entrance thereto;  
 thence due west to and westerly along said middle line of Baynes Sound to a point due north of the northwest corner of Lot 14, Newcastle Land District;  
 thence in a general northerly direction along the middle line of Baynes Sound and the northerly prolongation thereof to the point of intersection with the middle point of Comox Harbour, at the entrance thereto, being the point of commencement, save and except thereout any lands, foreshore, or land covered by water lying within the corporate limits of any municipality, or any lands, foreshore, or land covered by water which may be hereafter incorporated therein.



Comox Strathcona  
Waste Management  
Service Establishing  
Bylaw

The following is a consolidated copy of the Comox Strathcona waste management service establishing bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
1822	Regional Solid Waste Plan Local Service Area Establishment Bylaw 1996	March 24, 1997	A bylaw to establish the local service of collection, removal and disposal of waste, noxious, offensive or unwholesome substances and provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles.
331	Regional Solid Waste Plan Local Service Area Establishment Bylaw 1996, Amendment No. 1	November 6, 2014	To provide clarity in the service's scope and purpose and to reflect current legislative requirements.
NOTE: The Comox Strathcona waste management service is delivered by the Comox Valley Regional District as specified in letters patent dated February 15, 2008. Participants in the service include all of the Comox Valley Regional District and all of the Strathcona Regional District.			

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version easier to use. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**

**DATE:** May 15, 2015 **FILE:** 5360-01

**TO:** Chair and Directors  
Comox Valley Regional District (Comox Strathcona Waste Management) Board

**FROM:** Debra Oakman, CMA  
Chief Administrative Officer

**RE:** Comox Strathcona Waste Management Governance and Voting

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### **Purpose**

The purpose of this report is to provide some background information regarding Comox Strathcona waste management (CSWM) board governance and identifies options for addressing matters related to governance and voting.

### **Policy analysis**

The Comox Strathcona waste management service area covers the Comox Valley and Strathcona Regional Districts' (SRD) geographic areas; and is operated by the Comox Valley Regional District (CVRD) under letters patent and branded as Comox Strathcona waste management (CSWM). The service was established under Regional District of Comox Strathcona Bylaw No. 1822 in 1996 to establish and operate a local service for the collection, removal and disposal of waste and noxious, offensive or unwholesome substances.

At its November 2014, the CSWM board approved two resolutions related to governance and voting as follows:

1. THAT the issue of a one person one vote policy be applied for administrative and procedural matters based on the decision by the chair and vice chair during agenda review process be deferred to early 2015 meeting with the new board including a staff report on the matter.
  
2. THAT a staff report be prepared to consider changing the voting unit for the weighted vote ratio from the current 1500 population to 3000 population  
AND THAT a staff report be prepared to consider that the Comox Valley Regional District (Comox Strathcona waste management) service be reconstituted as a standing committee of the Comox Valley Regional District to enable the committee to vote on chair and vice chair positions.

This report provides rationale and offers some options for addressing these matters.

### **Executive summary**

Three components of governance and voting are identified in this report, as they relate to the resolutions approved in November 2014:

- 1) Applying a one-person / one-vote approach to certain solid waste matters;
- 2) Change the voting unit from 1500 to 3000; and
- 3) Consideration of a CSWM standing committee.

This report provides analysis and context for each component. A one-person / one-vote structure may be advantageous for the board conduct in certain scenarios. An update to the service

establishment bylaw would be required and the board may consider adopting the following resolution to incorporate that structure if the board so chooses:

THAT the Comox Strathcona waste management service establishment bylaw be updated to incorporate the following language to enable a one-person / one vote model for board decisions relating to the administration of the service:

“Board voting rules

Section X. On all resolutions relating to routine matters of the administration of the service, including receipt of reports and correspondence, each director who is present shall be entitled to vote and have one vote. On all other resolutions and bylaws relating to the administration and operation of the service each director who is present shall be entitled to vote and shall use the votes assigned to that director by section 783 of the *Local Government Act*.”

AND FURTHER THAT the board approve the amendment of Bylaw No. 1822 in accordance with section 802(1)(a) of the Local Government Act, being that approval be done in accordance with the requirements applicable to the adoption of Bylaw No. 1822.

Changing the voting unit and using a standing committee for solid waste matters could result in a situation that is less than advantageous. For example, increasing the voting unit would reduce the number of directors at both the CVRD and the SRD boards and a standing committee could duplicate the cost and use of other public resources for CSWM matters. These situations and the rationale to support various options are described in more detail further in this report.

**Recommendation from the chief administrative officer:**

There is no recommendation associated with this report. The board may consider the wording presented in the executive summary or other options. The board may also incorporate concepts from this report with information from the June 11 workshop.

Respectfully:

***D. Oakman***

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Debra Oakman, CMA  
Chief Administrative Officer

**History/background factors**

The two resolutions approved by the CSWM in November 2014, as follows, resulted from many months of discussions on voting and governance.

A legal review of CSWM board voting practices and a proposed change to the service establishment bylaw precipitated much of the conversation on this issue and generated interest about how voting is applied. For background purposes, the legal review can be accessed through the [June 13, 2013 CSWM board meeting minutes](#) and discussions related to the service establishment bylaw were held at the [May 8, 2014](#), [June 19, 2014](#), [September 18, 2014](#) and [November 6, 2014](#) board meetings. This report will provide a short background to each resolution and identify options for consideration.. Board input to proceed will be sought. In addition, the workshop proposed for the June 11, 2015 CSWM board meeting is expected to provide additional insight and solutions from both Eli Mina, registered parliamentarian, and Colin Stewart, Stewart McDannold Stuart Barristers and Solicitors.

**Resolution one:**

***THAT the issue of a one person one vote policy be applied for administrative and procedural matters based on the decision by the chair and vice chair during agenda review process be deferred to early 2015 meeting with the new board including a staff report on the matter.***

**Background:** Voting at CSWM board meetings is governed by section 791 of the *Local Government Act* (LGA). A legal opinion provided by Stewart McDannold Stuart in 2013 confirms that weighted voting by all service participants is required for all votes related to the operation and administration of a service. For the CSWM board meetings, this means that all motions with the exception of those relating to corporate matters (adoption of minutes) and procedural matters (motions to adjourn to in-camera, vary the agenda or terminate a meeting, etc) are voted on by all members using their weighted votes. For example, motions to receive reports fall under the category of ‘operation and administration’ decisions and therefore attract the weighted voting provisions. This interpretation of section 791 is also used by the Capital Regional District, the Regional District of Nanaimo and the Cowichan Valley Regional District. During the board discussions, some directors have voiced interest in using weighted voting less frequently and not having it apply on motions that are more administrative in nature; motions to receive reports, for example. In November 2014, the board considered a proposal to have the chair and vice-chair apply a one-person/one-vote policy for administrative matters during agenda reviews to potentially address the challenge that has been routinely experienced at board meetings.

**Options:** The board may choose to adjust or not adjust its practices to address this issue. If an adjustment is sought, the CSWM board could embed language in its service establishment bylaw to apply a one-person/one-vote policy to administrative matters. This concept was presented in November 2014 and language for the service bylaw could read as follows:

“Board voting rules

Section X. On all resolutions relating to routine matters of the administration of the service, including receipt of reports and correspondence, each director who is present shall be entitled to vote and have one vote. On all other resolutions and bylaws relating to the administration and operation of the service each director who is present shall be entitled to vote and shall use the votes assigned to that director by section 783 of the *Local Government Act*.”

Should the board choose this option, an amendment to the service bylaw will be required. Wording for such a resolution is under this reports executive summary and includes a clause that would permit the service establishment bylaw to be amended using the same process as when Bylaw No. 1822 was adopted, which means a simple majority of the board is required. Otherwise, two-thirds of the participants would have to provide consent or elector approval would be required; neither option seems appropriate or effective in this situation.

Staff recommend against having the chair and vice-chair decide the voting rules during the agenda review process, as conceptualized in the November 2014 resolution, for a couple of reasons.

- The *Local Government Act* provides for special voting rules in service establishing bylaws and the language above would clearly assign that procedural element to the service.
- Rules have not been determined to provide guidance on when weighted voting should or should not apply and there is a risk that arbitrary decisions could be made.
- Operating by policy, where a specific bylaw authority should exist, increases the risk on the CSWM for its procedural actions.

**Resolution two:**

***THAT a staff report be prepared to consider changing the voting unit for the weighted vote ratio from the current 1500 population to 3000 population AND THAT a staff report be prepared to consider that the Comox Valley Regional District (Comox Strathcona waste management) service be reconstituted as a standing committee of the Comox Valley Regional District to enable the committee to vote on chair and vice chair positions.***

**Background:** This motion has two components for review: the **voting unit** and the concept of a **waste management standing committee**. Each will be considered in turn.

**Voting unit** – Regional districts in British Columbia are assigned voting units to enable weighted vote assignment to directors. The CVRD was assigned a voting unit of 1500 in its letters patent in 2008, which is the same value as assigned to the Strathcona Regional District in the same year. This means that for every 1500 people in a jurisdiction, that jurisdiction receives one vote. Schedule A illustrates the number of votes per jurisdiction at voting units of 1500 and 3000.

By changing the voting unit from 1500 to 3000, not only would the total assigned votes to each jurisdiction be reduced, the number of directors representing each jurisdiction may also change as noted in the schedule B.

To summarize the changes, changing the voting unit from 1500 to 3000 would change the total number of CSWM votes from 79 to 45 and the total number of directors from 23 to 18.

**Options:** The board may request the Ministry of Community, Sport and Cultural Development to change the voting unit. Such a change would likely have to be applied to the entire Comox Valley Regional District and the Strathcona Regional District as there is no legislation where different voting units can co-exist within a regional district. This would result in boards for each regional district being comprised of the number of directors noted in table two. Staff do not recommend proceeding with a change to the voting unit given the impact on both the remaining Comox Valley Regional District and the entire Strathcona Regional District.

**Waste management standing committee** – In November 2014, the board also considered a standing committee to address waste management matters. Standing committees exist at the Comox Valley Regional District and many other local governments in BC to address a variety of issues (reference section 795 of the LGA). There are many benefits to standing committees including the purposes of healthy debate, discussion and deliberations that may not occur during more formal board or council meetings.

**Options** – In the case of the Comox Strathcona waste management service, a standing committee would duplicate efforts. The CSWM is a CVRD service and as such decisions must be made by the CVRD board, which expands to include the SRD directors when such decisions are considered. A CSWM standing committee would debate, discuss and deliberate matters related to the CSWM service, ultimately making recommendations to the CVRD for a final decision. That final decision would be done at a CVRD board meeting where the membership expands to include the SRD directors, duplicating the standing committee's efforts. A CSWM standing committee would be a very inefficient use of directors' and staff time and public resources.

The *Local Government Act* does provide for delegating authority to a body established by the board for the operation and administration of services (section 800.2). Such decisions could include setting service-related policies. However, other key activities such as adopting bylaws cannot be delegated. Such an approach is not recommended given the lack of efficiency that would be obtained. Efforts would be duplicated and public resources would not be effectively utilized under such a governance structure.

Table one illustrates the three concepts covered in this report and options for consideration.

Concept	Options	Staff recommendation
Applying a one-person / one-vote approach to certain solid waste matters	<ol style="list-style-type: none"> <li>1) Update service bylaw to apply one-person / one-vote for routine administrative matters</li> <li>2) Maintain status quo of applying weighted votes for all matters</li> <li>3) Adopt policy for one-person / one vote matters</li> </ol>	Staff supports option one however it is not presented as a recommendation because the board may want to incorporate other concepts as presented at the June 11 workshop.
Change voting unit from 1500 to 3000	<ol style="list-style-type: none"> <li>1) Maintain status quo. Leave voting unit at 1500</li> <li>2) Apply to Ministry of Community Sport and Cultural Development for change in voting unit</li> </ol>	Option one. Changing the voting unit has many consequences that would greatly impact the activities of both the CVRD and SRD. To proceed further would require a more in-depth analysis and engagement with the SRD board and staff.
CSWM standing committee	<ol style="list-style-type: none"> <li>1) Maintain status quo</li> <li>2) Create standing committee under section 795 of LGA</li> <li>3) Delegate authority to a board-established body under section 800.2 of the LGA</li> </ol>	Option one. A duplication of efforts and an ineffective use of public resources would result from options two and three.

Table 1 – CSWM governance and voting concepts

**Financial factors**

Amending the service establishment bylaw can be an administrative exercise that utilizes staff time to draft an amendment and process the bylaw. The impact of utilizing a standing committee or otherwise delegating authority to a body that separate from the CSWM board would have a significant financial impact. The governance costs and staff time associated with preparing materials and attending meetings could double as a result of using a standing committee.

**Legal factors**

The service establishment bylaw determines the governance framework for the Comox Strathcona waste management service. Incorporating a change to authorize a one-person / one vote concept for routine matters of administration requires an update to the service bylaw and section 802 of the LGA would be applied to such a change. Any change to letters patent regarding voting units would be issued by the Minister of Community, Sport and Cultural Development through an order-in-council.

**Intergovernmental factors**

The governance and voting structure for the CSWM is addressed by the CSWM board. Should the board proceed with a change to the voting unit, more in-depth analysis and discussions with the SRD board and staff should be held.

**Interdepartmental involvement**

Legislative services, within the executive management branch of the CVRD, conducted the analysis for this report.

**Citizen/public relations**

No public engagement strategies or outreach were conducted given that the impetus for this report originated with the CSWM board itself. A thorough communications plan would have to be developed should the board see public outreach as a requirement for this project.

Prepared by:

***J. Warren***

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James Warren  
Corporate Legislative Officer

Attachments: Schedule A – Impact to weighted votes from a change to voting unit  
Schedule B – Impact to directors in each jurisdiction from a change to voting unit



Jurisdiction	Population	1500 voting unit	3000 voting unit
City: Campbell River	32,059	22	11
City: Courtenay	24,099	17	9
Town: Comox	13,627	10	5
Village: Cumberland	3,398	3	2
Village: Gold River	1,267	1	1
Village: Sayward	317	1	1
Village: Tahsis	316	1	1
Village: Zeballos	125	1	1
CVRD Area A (Baynes Sound/Denman-Hornby Islands)	6,899	5	3
CVRD Area B (Lazo North)	7,190	5	3
CVRD Area C (Puntledge-Black Creek)	8,325	6	3
SRD Area A (Kyuquot / Nootka - Sayward)	1,333	1	1
SRD Area B (Cortes Island)	1,197	1	1
SRD Area C (Discovery Islands-Mainland Inlets)	2,601	2	1
SRD Area D (Oyster Bay-Buttle Lake)	4,037	3	2
<b>Totals</b>	<b>106,790</b>	<b>79</b>	<b>45</b>

Schedule A: Impact to weighted votes from a change to voting unit

SRD jurisdictions	Population	1500 voting unit		3000 voting unit	
		Directors	Votes	Directors	Votes
City: Campbell River	32059	5	22	3	11
Village: Gold River	1267	1	1	1	1
Village: Sayward	317	1	1	1	1
Village: Tahsis	316	1	1	1	1
Village: Zeballos	125	1	1	1	1
Area A (Kyuquot / Nootka - Sayward)	1333	1	1	1	1
Area B (Cortes Island)	1197	1	1	1	1
Area C (Discovery Islands-Mainland Inlets)	2601	1	2	1	1
Area D (Oyster Bay-Buttle Lake)	4037	1	3	1	2
Totals	43252	13	33	11	20
<b>CVRD jurisdictions</b>					
City: Courtenay	24099	4	17	2	9
Town: Comox	13627	2	10	1	5
Village: Cumberland	3398	1	3	1	2
Area A (Baynes Sound/Denman-Hornby Islar	6899	1	5	1	3
Area B (Lazo North)	7190	1	5	1	3
Area C (Puntledge-Black Creek)	8325	1	6	1	3
Totals	63538	10	46	7	25

Schedule B: Impact to directors in each jurisdiction from a change to voting unit

**COMOX VALLEY REGIONAL DISTRICT****BYLAW NO. 1822**

**Being a bylaw to establish the local service of collection, removal and disposal of waste, noxious, offensive or unwholesome substances and provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles.**

**WHEREAS**, the Regional District of Comox-Strathcona, may pursuant to Section 788(1)(c) of the Municipal Act, establish and operate a local service for the collection, removal and disposal of waste and noxious, offensive or unwholesome substances;

**AND WHEREAS**, pursuant to Section 788(1)(c.i) of the Municipal Act, the Regional District may establish and operate a local service for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters;

**AND WHEREAS**, pursuant to Section 16(10) of the Waste Management Act, where a waste management plan has been approved by the Minister of Environment Lands and Parks, a Bylaw adopted for the purpose of preparing or implementing the waste management plan does not require the assent of the electors, a petition, an initiative plan or consent on behalf of the electors referred to in the Municipal Act;

**AND WHEREAS**, the Regional District has prepared a Solid Waste Management Plan approved by the Minister of Environment Lands and Parks on September 15, 1995, that requires the Regional District to establish and operate a local service for the collection, removal and disposal of waste, noxious, offensive or unwholesome substances and to provide for the regulation, storage and management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters;

**AND WHEREAS**, the Regional District now wishes to establish a local service to implement the Solid Waste Management Plan;

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

**Local Service**

1. The local service hereby established is to provide for:
  - a) the collection, removal and disposal of waste and noxious, offensive or unwholesome substances and,
  - b) the regulation, storage, management of municipal solid waste and recyclable material including the regulation of facilities and commercial vehicles used in relation to these matters.

**Boundaries**

2. The boundaries of the local service area shall be the boundaries of the participating areas.

**Participating Areas**

3. The participating areas for the local service shall be:
- The City of Campbell River
  - The City of Courtenay
  - The Town of Comox
  - The Village of Cumberland
  - The Village of Gold River
  - The Village of Tahsis
  - The Village of Sayward
  - The Village of Zeballos
  - Comox Valley Regional District's Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek), and
  - Strathcona Regional District's Electoral Area 'A' (Kyuquot / Nootka – Sayward), Electoral Area 'B' (Cortes Island), Electoral Area 'C' (Discovery Inlets – Mainland Inlets) and Electoral Area 'D' (Oyster Bay – Buttle Lake)."

#331

**Cost Recovery**

4. The annual costs for the local service may be recovered by:
- a) the requisition of money under sections 809 and 809.1 to be collected by a property value tax to be levied and collected under sections 810(1) and 810.1(1);
  - b) the requisition of money under sections 809 and 809.1 to be collected by a frontage tax or parcel tax to be imposed in the manner provided by sections 810(2) and 810.1(2);
  - c) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

**Apportionment**

5. The annual debt costs, if any, and the operating costs shall be apportioned among the participating areas on any one or combination of:
- a) on the basis of the converted value of land and improvements for general municipal purposes in the municipalities and converted value of land and improvements for regional hospital district purposes in the electoral areas;
  - b) on the basis of tonnage of municipal solid waste and recyclable material derived from each municipality and electoral area as a percentage of the total municipal solid waste and recyclable material derived from the entire regional district.

**Maximum Requisition**

6. The maximum amount that may be requisitioned under Section 804(1) of the Municipal Act SBC.1979 for this service is:
- a) the sum of Seven Million Dollars (\$7,000,000.00) per year, or;
  - b) the product obtained by multiplying the net taxable value of land and improvements within the service area by property tax value rate of \$1.00 per \$1,000 of assessment; whichever is the greater.

**Citation**

7. This Bylaw may be cited for all purposes as "Regional Solid Waste Plan Local Service Area Establishment Bylaw, 1996."