



# REPORT

To: Electoral Area Directors Committee

Report Number: ENV-EADC-039

From: Environmental Services

Date: August 22, 2024

**Subject: Future Considerations for Area E Scramblevision and Chetwynd TV**

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## **RECOMMENDATION #1:**

That the Electoral Area Directors Committee send a letter to the District of Chetwynd requesting their support to dissolve Function 505 – Chetwynd and Area E Scramblevision, and Function 510 – Chetwynd TV, and discontinue provision of these services.

## **RECOMMENDATION #2:**

That the Electoral Area Directors Committee recommend that the Regional Board, upon receipt of support from the District of Chetwynd, dissolve Function 505 – Chetwynd and Area E Scramblevision and Function 510 - Chetwynd TV; and authorize preparation of a bylaw to repeal all existing bylaws pertaining to these functions.

## **BACKGROUND/RATIONALE:**

In 1983, through supplementary letters patent, the Peace River Regional District (PRRD) was empowered to undertake the function of Chetwynd Television Rebroadcasting grant-in aid for Chetwynd and a defined portion of Area E, in order to provide a grant towards the cost of acquisition, operation, and maintenance of a television broadcasting system. This function is now known as Function 510 - Chetwynd and Area TV Rebroadcasting. In 1997, Function 505 - Chetwynd and Area Scramblevision was established. These services were intended to be provided through a communications agreement. The last agreement with any society ended in 2005.

Service establishment bylaws may be repealed or amended in the same manner as they are adopted, with the consent of 2/3 of the participants (*Local Government Act*, s. 349). All Directors vote on repeal bylaws, and the Minister may require elector approval of the repeal bylaw. The Inspector must approve the repeal bylaw and therefore they must be satisfied that all participants in a service have reached agreement respecting the termination of a service.

Additionally, if the PRRD proceeds to repeal the service establishment bylaw, the *Local Government Act* (LGA) service repeal mechanism provides an opportunity for directors who are participants in the service to determine how remaining assets and monies are used, including that they be transferred to other services that benefit the same participating areas (Chetwynd and a portion of Electoral Area E). This means that the assets could be transferred from the PRRD to Chetwynd for continuation of the service.

The LGA service repeal provisions contemplate that service participants must be in agreement respecting the termination of a service and that there may be negotiations, mediation and arbitration

over matters in order to reach such agreement. This goes beyond reaching agreement on whether or not to terminate the service, and that participants may reach agreement on other matters related to the termination, including with respect to the post-repeal use of service monies and assets. As such, a letter of support for the bylaw repeal and an agreement to the transfer of capital assets to the District of Chetwynd would be required to formalize the discontinuation of service by Area E residents. This would allow the District of Chetwynd to continue this service within its boundaries should the District agree.

If the service establishment bylaw remains in force and is not repealed, the Regional Board cannot use service monies held in reserve or as accumulated surplus funds (including from the disposition of service assets) for non-service purposes. At this time, there are no reserve funds within Functions 505 or 510.

Accordingly, if the PRRD wishes to use service monies and assets for non-service purposes and has no plans to continue with this service, the PRRD should proceed to repeal the service establishment bylaw. As noted, participating Electoral Area Directors will be in a position to determine the use of remaining service assets (if not disposed of before bylaw repeal) and monies.

As the service is dormant, it is recommended that the PRRD reach out to the District of Chetwynd to seek their support for the discontinuation of service initiated by the Electoral Area E Director, and then proceed to repeal the service establishment bylaws for Functions 505 and 510. There is the potential for the District of Chetwynd to assume the ownership of the assets owned by Functions 505 and 510.

### **ALTERNATIVE OPTIONS:**

1. That the Electoral Area Directors Committee provide further direction.

### **STRATEGIC PLAN RELEVANCE:**

- Asset and Infrastructure Management
- Determine Service Expectations for all Assets

### **FINANCIAL CONSIDERATION(S):**

In 2023: Function 505 was funded solely through surplus and Area E Fair Share Reserve funds.  
Function 510 was funded solely through Area E Fair Share Reserve funds.

In 2024: Function 505 was funded through Area E Fair Share Reserve funds and requisition.  
Function 510 was funded solely through Area E Fair Share Reserve funds.

The LGA does not set out what happens to the assets and monies of a service after the repeal of a service establishment bylaw.

Once a repeal bylaw is adopted, the service no longer exists. Accordingly, while some of the reserve fund restrictions under the LGA may continue to apply (e.g. money in a capital reserve may need to be transferred to another capital reserve, albeit for a different service), this may not preclude the use of monies held in a reserve fund for a repealed service for purposes unrelated to that service.

**COMMUNICATIONS CONSIDERATION(S):**

A letter will be sent to the District of Chetwynd on behalf of Director Rose, Area E Director, requesting that the District of Chetwynd support removal of Electoral Area E from participation in the Chetwynd TV and Scramblevision functions. This letter will also include the PRRD's desire to pass ownership of the assets owned by the services provided under Functions 505 and 510 to the District of Chetwynd upon repeal of the bylaws associated with these functions.

**OTHER CONSIDERATION(S):**

None at this time.