



REPORT

To: Chair and Directors

Report Number: ADM-BRD-150

From: Tyra Henderson, Corporate Officer

Date: February 25, 2021

Subject: Repeal Bylaw No. 2438, 2021

RECOMMENDATION #1: [Corporate – Unweighted]

That the Regional Board give Peace River Regional District Repeal Bylaw No. 2438, 2021, first, second, and third readings.

RECOMMENDATION #2: [Corporate – Unweighted, 2/3 Majority]

That the Regional Board adopt Peace River Regional District Repeal Bylaw No. 2438, 2021.

BACKGROUND/RATIONALE:

Over time, bylaws may become obsolete or be replaced by newer bylaws. Some bylaws 'die a natural death' ie: a bylaw to insert a fee schedule as Schedule A to a regulatory bylaw, is superseded by a subsequent bylaw to insert yet another Schedule A, effectively negating the "old" fee schedule. In other circumstances, bylaws are introduced to repeal and replace older bylaws; however, unless the replacement bylaw specifically states that it repeals the older bylaw, the result is two different bylaws 'on the books' regarding the same subject, that contradict each other. Residents would then have the option to choose the bylaw whose language best suits their needs, and comply with that bylaw, rather than the bylaw that the Board considers to be current and in effect. Conflicting bylaws could also be grounds for challenge of a bylaw and it being overturned.

The *Local Government Act* Section 227 and *Community Charter* Section 137, specify that a bylaw can only be amended or repealed by bylaw, necessitating this housekeeping repeal bylaw to extinguish bylaws that should have been repealed or have no current purpose for the Peace River Regional District.

Background on each of the bylaws identified for repeal is provided below.

North Peace Airport Commission Establishment By-law No. 988, 1995

North Peace Airport Commission Establishment Amendment By-law No. 998, 1995.

The North Peace Airport Commission Establishment By-law No. 988, 1995 was developed for the establishment, maintenance, and operation of a Joint Venture Economic Development Commission on behalf of the City of Fort St. John, the District of Taylor, the District of Hudson's Hope, and Electoral Areas "B" and "C." At the October 31, 2019 Board Meeting, the Regional Board passed the following resolution:

MOVED, SECONDED and CARRIED

That, as the North Peace Airport Commission has fulfilled its purpose and is no longer required, the following bylaws be rescinded: North Peace Airport Commission Establishment By-law No. 988, 1995; and North Peace Airport Commission Establishment Amendment By-law No. 998, 1995.

Peace-Liard Regional Economic Development Commission By-Law No. 166, 1978**North Peace Economic Development Commission Establishment By-law No. 1531, 2004****North Peace Economic Development Commission Amendment By-law No. 1884, 2010****South Peace Economic Development Commission Establishment By-law No. 1572, 2005**

Peace Liard Regional Economic Development Commission By-law No. 166, 1978 authorized a regional industrial economic development commission to operate under the Canada British Columbia Industrial Development Subsidiary Agreement, with which staff is not familiar. The bylaw describes the commission as being responsible for more general economic development data gathering and sharing, preparation and maintenance of a regional profile document that could be used to attract investment, coordination of studies to attain economic development in the region, and preparation and distribution of promotional material for the region.

Subsequently, the North and South Peace Economic Development Commissions were created by bylaw, starting back in 1986, to further refine the economic development efforts into two geographically separate areas. Various iterations of the NP and SP Economic Development Commissions flowed from the overarching Economic Development Commission Bylaw No. 166. Previous NP and SP Ec. Dev. bylaws from 1986 and 1995 were repealed and replaced by the two remaining bylaws noted above, Bylaw No. 1531 (amended by 1884) and Bylaw 1572. All participants in both the South Peace and North Peace Commissions withdrew and the commissions were deactivated in 2018, and it is recommended that the remaining bylaws be repealed. Any potential new Economic Development Strategy that the Peace River Regional District may pursue will need to be authorized by a service establishment bylaw, once the scope of the desired service, if any, is determined following the development of an Economic Development Strategy for the PRRD.

Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area Establishment and Loan Authorization By-law No. 361, 1983**Revision to the Boundaries of The Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area By-law No. 416, 1984****Revision to the Boundaries of The Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area By-law No. 520, 1987**

Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area Establishment and Loan Authorization By-law No. 361, 1983 was adopted to establish a fire protection service in a specified area of Electoral Areas "D" and "E." It was amended twice, both times to change the service area boundaries.

Dawson Creek-Pouce Coupe Rural Fire Protection Local Service Area Establishment By-law 710, 1990 was adopted to convert the specified area into a local service; therefore, By-law No. 361 and its amendments (By-law No. 416 and 520) were believed to no longer be in effect. Repealing the specified area bylaw, and its amendments, which were 'replaced' by the conversion bylaw, is recommended to avoid any duplication and clarify that only Bylaw No. 710 is currently in effect.

Rolla Creek Watercourse Dyking Local Service Area Amendment Bylaw No. 2367, 2019

The Regional Board established a Rolla Creek Watercourse Dyking Service, by bylaw, in 1989. As noted in previous reports, costs to maintain and repair the dyke have increased substantially and it was deemed necessary to increase the allowable annual expenditure limit specified in the bylaw. Rolla Creek Watercourse Dyking Local Service Area Amendment Bylaw No. 2367, 2019 was adopted in early 2019 to allow the Electoral Area Director to provide Peace River Agreement funding to repair and maintain the infrastructure. On January 14, 2021, a new amendment to the original service establishment bylaw, 'Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021' (to increase the maximum allowable expenditure) was given three readings and sent to the Ministry of Municipal Affairs for approval. The Ministry has responded asking that the repeal of the previous amendment bylaw (which did not receive Ministry approval and therefore has no effect) be completed separately from the changes to the service establishment bylaw. It was therefore included in this housekeeping repeal bylaw, as per the Ministry request.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Organizational Effectiveness

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Peace River Regional District Repeal Bylaw No. 2438, 2021.
2. North Peace Airport Commission Establishment By-law No. 988, 1995.
3. North Peace Airport Commission Establishment Amendment By-law No. 998, 1995.
4. Peace-Liard Regional Economic Development Commission By-law No. 166, 1978.
5. North Peace Economic Development Commission Establishment By-law No. 1531, 2004.
6. North Peace Economic Development Commission Amendment By-law No. 1884, 2010.
7. South Peace Economic Development Commission Establishment By-law No. 1572, 2005.
8. Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area Establishment and Loan Authorization By-law No. 361, 1983.
9. Revision to the Boundaries of the Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area By-law No. 416, 1984.
10. Revision to the Boundaries of the Dawson Creek-Pouce Coupe Rural Fire Protection Specified Area By-law No. 520, 1987.
11. Rolla Creek Watercourse Dyking Local Service Area Amendment Bylaw No. 2367, 2019.