



REPORT

To: Chair and Directors

Report Number: ADM-BRD-157

From: Tyra Henderson, Corporate Officer

Date: March 11, 2021

Subject: Function 430 – Rolla Creek Dyking Service Amendment Bylaw No. 2428, 2021

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board rescind third reading of Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021 given January 14, 2021.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board give Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021, third reading as amended to meet Local Government Act establishment bylaw requirements, including a maximum requisition, a description of the service area boundary, and identification of the participating area.

BACKGROUND/RATIONALE:

On January 14, 2021, the Regional Board passed the following resolution:

MOVED, SECONDED, AND CARRIED,

That the Regional Board give Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021, to increase the maximum allowable annual expenditure for the function from \$1,500 to \$35,000, first, second and third reading.

The bylaw was sent to the Ministry of Municipal Affairs seeking approval of the Inspector of Municipalities, as required prior to consideration of adoption. Ministry staff reviewed the bylaw and have replied with some required edits to bring the bylaw into compliance with the current legislation governing service establishment bylaws; *the Local Government Act, Section 339*. The service was originally established by Bylaw 647, 1989, under the authority of the *Municipal Act*.

The intent of the bylaw remains the same; to increase the maximum requisition from \$1,500 - \$35,000, so that in future years, the costs of providing the service are accurately captured in the bylaw, and those costs can be recovered by the PRRD from those who benefit from the service via parcel tax on the benefitting properties within the service area boundary.

Attached for reference is a copy of Bylaw 2428 as read on January 14th, and a copy of Bylaw 2428 as proposed March 11th. The 'March 11' bylaw has been amended to incorporate the changes required by the Ministry. The Board is asked to give third reading to the new/amended version of the bylaw so that it may be resubmitted to the Ministry for approval. Staff have prepared and attached a Draft Consolidated Rolla Creek Watercourse Dyking Local Service Area Establishment Bylaw No. 647, to illustrate for the Board how the bylaw will read if the amendments are approved and incorporated into the service establishment bylaw.

Participating Area Approval:

As stated in the *Local Government Act (LGA) Section 349 (1)*, the Board has the option to subject the bylaw to the same approval process requirements that applied to the original adoption of the service establishment bylaw, or to accept the consent of at least 2/3 of the participants. Electoral Area D is the only participant in this function. Director Hiebert has provided written consent to the amendment bylaw. See the [staff report](#) (Item 9.3) regarding legislation and voting rules from the February 18, 2021 Electoral Area Directors Committee meeting for a full explanation of the legislation governing establishment bylaws and amendments thereto. Typically, an electoral area director can only provide written consent if the Regional Board has received a petition from property owners, or the bylaw subject matter is one found in a list of bylaws found in the LGA Section 339 (2) that are exempted from including a maximum requisition, and the service can be established without borrowing, and the service area is the entire electoral area, as noted in LGA Section 347 (1) a) and b), however, approval of an amendment bylaw provided by written consent of the Director, is not subject to the additional conditions imposed by Section 347 (1), only Section 347 (2) to (4) apply to written consent to an amendment.

ALTERNATIVE OPTIONS:

1. That the Regional Board invite a petition from the six property owners in the Rolla Creek Dyking Watercourse Service area boundary for a maximum requisition increase from \$1,500 per year, to \$35,000 per year prior to amending third reading of the bylaw, so that the bylaw at third reading can accurately reflect the method of obtaining participating area approval prior to third reading as amended and submission to the Ministry of Municipal Affairs.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

This bylaw amendment proposes the first ever increase to the maximum requisition for the Rolla Dyke function since its establishment in 1989. The legislation permits a maximum 25% increase to the requisition maximum, every five years, absent Ministry approval. This increase greatly exceeds that threshold, as illustrated in the table below:

Year	Max Requisition/ Expenditure	
1989	\$1500	
1994	\$1875	25% increase
1999	\$2343	25% increase
2004	\$2929	25% increase
2009	\$3662	25% increase
2014	\$4577	25% increase
2019	\$5721	25% increase

If the maximum requisition is increased to \$35,000 from the \$1,500 originally noted in the bylaw, this is a 2233% increase since 1989 and far exceeds the product of a 25% increase every five years since adoption of the bylaw, (\$5,721 as shown above).

COMMUNICATIONS CONSIDERATION(S):

None.

OTHER CONSIDERATION(S):

As previously noted, environmental services department staff are exploring the option of decommissioning the service.

Attachments:

1. Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021 (as read three times on January 14th)
2. Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021 (amended as per Ministry request, for consideration of third reading as amended March 11)
3. Draft Consolidated Rolla Creek Watercourse Dyking Local Service Area Establishment Bylaw No. 647, 1989 (showing the service establishment bylaw as if the amendments are approved and inserted)

External Links:

1. [Rolla Creek Watercourse Dyking Bylaw Amendments, ADM-BRD-120](#)