



BYLAW NO. 431

A BYLAW TO AUTHORIZE ENTERING INTO AN AGREEMENT RESPECTING THE USE OF COMMUNITY WORKS FUNDS FOR THE BLACK CREEK/OYSTER BAY COMMUNITY WATER SYSTEM

WHEREAS the Regional District may, pursuant to s.263 of the *Local Government Act*, provide assistance for the purpose of benefiting the community or any aspect of the community;

AND WHEREAS the Regional District has been requested to provide funding for the water meter replacement project which will benefit users of the Black Creek-Oyster Bay community water system;

AND WHEREAS the said community water system includes properties located within Electoral Area D of the Strathcona Regional District;

AND WHEREAS the Regional District wishes to enter into an agreement with the Comox Valley Regional District to use community works funding for the water meter replacement project;

AND WHEREAS the written consent of the director representing Electoral Area D of the Strathcona Regional District has been obtained;

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

Funding Agreement Authorized

1. The Strathcona Regional District is hereby authorized to enter into an agreement with the Comox Valley Regional District to provide funding for the Black Creek-Oyster Bay water meter replacement project.

Form and Substance

2. The agreement referenced in section 1 shall substantially comply in form and substance with the agreement shown in Schedule 'A', attached to and forming part of this bylaw.

Source of Funding

3. Funding to meet the Regional District's financial commitments under the agreement shall be provided from the Electoral Area D allocation of the community works reserve fund established by Bylaw No. 240, being Community Works Fund Administration and Reserve Fund Establishment Bylaw 2016.

Authority to Execute

- 4. The Chair and Corporate Officer shall have full authority to execute the agreement following adoption of this bylaw.

Effective Date

- 5. This bylaw shall take effect on the date of adoption.

Citation

- 6. This bylaw may be cited for all purposes as Bylaw No. 431, being Black Creek-Oyster Bay Water Meter Replacement Funding Agreement Authorization Bylaw 2021.

READ A FIRST TIME ON THE 6TH DAY OF OCTOBER , 2021

READ A SECOND TIME ON THE 6TH DAY OF OCTOBER , 2021


READ A THIRD TIME ON THE 6TH DAY OF OCTOBER , 2021

WRITTEN CONSENT OF THE ELECTORAL AREA D DIRECTOR OBTAINED ON THE 13TH DAY OF OCTOBER, 2021

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 20TH DAY OF OCTOBER, 2021



Chair



Corporate Officer

SCHEDULE 'A'

THIS AGREEMENT MADE THIS _____ DAY OF _____, 20__.

BETWEEN:

STRATHCONA REGIONAL DISTRICT

301-990 Cedar Street
Campbell River, BC V9W 7Z8

(the "SRD")

AND:

COMOX VALLEY REGIONAL DISTRICT

770 Harmston Avenue
Courtenay, BC V9N 0G8

(the "CVRD")

WHEREAS:

- A. Under the Federal Gas Tax Fund ("GTF"), the Strathcona Regional District ("SRD") has received allocations of community works funds ("CWF") to expend on eligible projects that achieve the three national gas tax program objectives: productivity and economic growth; a clean environment; and strong cities and communities, and;
- B. The Comox Valley Regional District ("CVRD") under authority of the letters patent from the province of British Columbia dated February 1, 2008, operates the Black Creek Oyster Bay (BCOB) water system which has as participants Electoral Area C (Puntledge – Black Creek) of the CVRD and Electoral Area D of the SRD, and;
- C. The SRD has agreed to contribute a proportional amount of CWF to the BCOB water system Black Creek-Oyster Bay water meter replacement project.

THEREFORE the parties agree to the following terms and conditions:

1. PROJECT SCOPE

- 1.1. The SRD agrees to provide funding to the CVRD towards the Black Creek-Oyster Bay water meter replacement project as described in Appendix A, Project Scope (the Project).

2. TERM

- 2.1. The term of this agreement commences upon full execution and ends no later than December 31st, 2024 (the "Term") unless extended in writing at the agreement of both parties.

3. PROJECT FUNDING AND REPORTING

- 3.1. The total funding required by the CVRD from the SRD under this agreement is \$30,000.
- 3.2. The SRD agrees to disburse the funds noted in section 3.1 in four annual installments of \$7,500 each, with the first installment due upon full execution of this agreement and the three remaining installments on or before August 1st each year through 2024.

CWF Contribution Agreement – CVRD/SRD – BCOB Water Meter Replacement Page 2

- 3.3. A summary of the Black Creek – Oyster Bay water meter replacement project costs paid by the CVRD is attached to this agreement within Appendix A — Project Scope.
- 3.4. The CVRD agrees to abide by the terms and conditions of the GTF agreements as signed independently by the SRD and the CVRD with the Union of British Columbia Municipalities with respect to the use of the funding for this project and the reporting required.

4. INDEMNIFICATION

- 4.1. The CVRD hereby indemnifies, saves harmless, releases and forever discharges the SRD from any and against all manner of actions, causes of actions, claims, debts, suits, losses, liabilities, demands and expenses whatsoever, whether known, in any way arising from, in connection with or attributable to the actions of the CVRD, its servants, agents, officers, employees, elected officials, volunteers, contractors or subcontractors in connection with this agreement or the use of the funding hereunder.

5. INSURANCE

- 5.1. The CVRD and the SRD will each retain their membership in the Municipal Insurance Association of British Columbia.
- 5.2. The CVRD is responsible for maintaining property insurance for the Black Creek Oyster Bay water treatment system.

6. GENERAL

- 6.1. The SRD reserves the right to review the Project accounts at any time to ensure the CWF have been used towards the Project for which funding has been approved under this agreement.
- 6.2. The provisions of section 6.1 shall survive the termination of this Agreement.
- 6.3. This agreement is not assignable except at the express written consent and sole discretion of the parties.
- 6.4. No amendments or modifications to this agreement shall become effective unless agreed upon by both parties in writing.

CWF Contribution Agreement – CVRD/SRD – BCOB Water Meter Replacement Page 3

The parties hereto have executed this agreement as of the day and year first above written.

STRATHCONA REGIONAL DISTRICT

Chair

Corporate Officer

COMOX VALLEY REGIONAL DISTRICT

James Warren, Corporate Legislative
Officer

CWF Contribution Agreement – CVRD/SRD – BCOB Water Meter Replacement Page 4

APPENDIX A – Project Scope

The Comox Valley Regional District (CVRD) is undertaking a water meter replacement program in the Black Creek – Oyster Bay (BCOB) Water Local Service Area (WLSA) over the course of a 5-year period.

Background:

CVRD operates the BCOB water distribution system which is located in both the CVRD’s Electoral Area C and the SRD’s Electoral Area D. The CVRD has initiated a water meter replacement program due to a large portion of meters being past their expected lifespan and also to increase efficiency of meter readings. The upgraded water meters provide many benefits including; more accurate readings, faster leak detection, customer access to view daily consumption and automated meter reading which allow staff to perform this task faster and more safely.

To date, the CVRD has provided funding for the Project and provided administration and project management, obtained all authorizations, permits, licences and complies with all laws, bylaws and regulations that apply to the Project.

The CVRD intends to fund the \$300,000 program at a rate of \$60,000 per year for 2020, 2021, 2022, 2023, and 2024 to complete the replacement of all water meters in the BCOB WLSA.

Infrastructure that supports drinking water conservation, collection, treatment and distribution systems is eligible under the CWF program. On March 15th, 2021, the CVRD formally proposed to the SRD to jointly apportion a \$100,000 total CWF commitment according to the approximate proportion of properties in the service area as shown in Table 1.

**Table 1: CWF allocation
ALLOCATION of CWF – BCOB Water CVRD Area C/SRD Area D for water meter replacement**

CWF Funding Required= \$		100,000.00	
Allocation of CWF's - BCOB Water Area C and Area D:			
Jurisdiction	Properties	Approximate % of Total	Share of Cost
CVRD's Electoral Area C	710	70%	\$ 70,000
SRD's Electoral Area D	327	30%	\$ 30,000
Totals	1037	100%	\$ 100,000