

DATE: February 18, 2020

TO: Chair and Members
 Comox Valley Water Committee

FROM: Russell Dyson
 Chief Administrative Officer

FILE: 0540-20/CV Water

Supported by Russell Dyson
 Chief Administrative Officer

R. Dyson

RE: 2020 Comox Valley Water Committee Voting Structure

Purpose

The purpose of this report is to provide weighted vote assignment information to the Comox Valley Water Committee Members.

Recommendation from the Chief Administrative Officer

None. This report is presented for information only.

Executive Summary

Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”, requires annual reporting based on the previous year’s water consumption to determine the assignment of weighted votes for water supply system decisions. The bylaw and subsequent policy direction by the Water Committee in March 2012 require that the per cent of water consumption for the previous year be compared against the per cent of water consumption in 1995 and that if any participant’s relative amount of consumption increases by 4.17 per cent or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2020.

Participant	2019 consumption	2019 %	1995 %	% change	baseline	2020 votes
City of Courtenay	5,149,583	61.59%	51.69%	9.9%	6	7
Town of Comox	2,293,808	27.43%	30.48%	-3.05%	3	3
Electoral Area 'A'	35,339	0.42%	2.74%	-2.32%	1	1
Electoral Area 'B'	660,232	7.90%	12.52%	-4.62%	1	1
Electoral Area 'C'	222,449	2.66%	0.44%	2.22%	1	1
						13

A letter was sent to all Comox Valley Water Committee Members in January 2020 that referenced the 2020 voting allocation. The letter also asked that the City of Courtenay and Town of Comox councils assign their weighed votes to their Directors. The City of Courtenay and Town of Comox responded and the respective voting assignments are noted below.

Jurisdiction	Name	2020 votes
City of Courtenay	Will Cole-Hamilton	1
City of Courtenay	Doug Hillian	2
City of Courtenay	David Frisch	2
City of Courtenay	Wendy Morin	2
Town of Comox	Ken Grant	2
Town of Comox	Maureen Swift	1
Electoral Area A	Daniel Arbour	1
Electoral Area B	Arzeena Hamir	1
Electoral Area C	Edwin Grieve	1

Prepared by:

J. Martens

 Jake Martens
 Manager of Legislative Services

Concurrence:

J. Warren

 James Warren
 General Manager of Corporate
 Services

Attachments: Appendix A – Calculations for 2020 voting
 Appendix B – Consolidated Bylaw, Bylaw No. 1783 being “Water Local Service
 Establishment Bylaw 1995”

Calculations for 2020 voting structure

	2019 Consumption
	M3
Comox Valley Water	867,848
WPPC	56,351
Comox	2,276,548
Courtenay	5,044,278
Comox Indian Band	116,386
	8,361,411

M³

Comox	Courtenay	Area A	Area B	Area C	Total
	66,214	35,339	543,846	222,449	867,848
17,260	39,091				56,351
2,276,548					2,276,548
	5,044,278				5,044,278
			116,386		116,386
2,293,808	5,149,583	35,339	660,232	222,449	8,361,411
27.43%	61.59%	0.42%	7.90%	2.66%	100.00%

305 Comox Valley Water Distribution

Area A # of connections	95	4%
Area B # of connections	1,462	63%
Area C # of connections	598	26%
Courtenay # of connections	178	8%
	2,333	

WPPC Distribution

Courtenay	69.37%
Comox	30.63%
	100.00%



**Water Local Service
Establishment
(Comox Valley)**

The following is a consolidated copy of the Comox Valley water local service establishment bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
1783	Water Local Service Establishment Bylaw, 1995	December 12, 1996	A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.
2640	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 1, 2004	May 31, 2004	Amends Bylaw No. 1783 to allow for the supply of water from a bulk water dispensing system and to allow the sale of water to the Sandwich waterworks district in the event of an emergency
2670	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 2, 2004	August 30, 2004	Amends Bylaw No. 1783 to allow for the supply of water from the Comox Valley water supply system, by agreement, to the Comox Indian Band and to allow the redistribution of water supply by the Town of Comox to HMCS Quadra
418	Water Local Service Establishment Bylaw, 1995, Amendment No. 3	May 31, 2016	To amend the service establishing bylaw for the Comox Valley water supply system to allow the City of Courtenay to redistribute water to the K'ómoks First Nation Indian Reserve No. 2

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. 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.

The following actions are the result of committee and board resolutions and meant to apply as policy directives for the Comox Valley water supply system and Comox Valley water committee:

Date	Action
May 3, 2011	<p>At its May 3, 2011 the CVRD board endorsed the following statement from a service review that concluded in April 2011 and relates to this Bylaw No. 1783:</p> <p>“Following a full review of the concerns expressed at the outset of the Comox Valley water supply system service review, including receipt of the CVRD administrative and corporate staffing review by Performance Concepts, the service review members feel that those concerns have been addressed and that there will be an annual performance monitoring report. In addition, the service review members:</p> <ul style="list-style-type: none"> - support that voting on all issues at the Comox Valley water committee including the selection of the chair and vice-chair will be done using the weighted method; - acknowledge that the allocation of votes to committee members remains unresolved; and - recognize that where a decision has been made and that one or more parties may want to revisit that decision, that the parties be sensitive to such a request. <p>The service review members hereby conclude the Comox Valley water supply system service review and extend their appreciation to all staff at the Comox Valley local governments for their assistance through the process.”</p>
May 2011	<p>THAT the Comox Valley water committee authorize its chair to cancel committee meetings where no reports are available for the committee’s consideration and/or no committee business is required;</p> <p>AND FURTHER THAT the monthly meeting requirement in section 13(d) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be waived in such instances.</p>
May 2011	<p>THAT the Comox Valley water committee approve the non-voting members on the committee as being the administrators for the Comox Valley Regional District, City of Courtenay and the Town of Comox, the general manager of property services at the CVRD and the senior manager for operations City of Courtenay and the Town of Comox in accordance with section 13(b) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995.</p>
June 2011	<p>THAT the Comox Valley water committee approve that all references to ‘secretary’ in Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be interpreted as ‘corporate legislative officer or deputy corporate officer’.</p>
January 24, 2012	<p>The Comox Valley water committee defeated a proposal to divide evenly the assignment of votes to committee members at its January 24, 2012 meeting. Council resolutions required to divide weighted votes amongst committee members where equal division is not possible,</p>

Date	Action
March 13, 2012	<p>WHEREAS the Regional District of Comox-Strathcona enacted Bylaw 1783 in 1995 thereby establishing a "Water Local Service" for various areas in the Comox Valley;</p> <p>AND WHEREAS all policy related to the administration and operation of this local water service has been delegated to a standing committee of the regional board known as the "Water Committee";</p> <p>AND WHEREAS for the purpose of voting on all matters related to the water local service, a voting structure was assigned to each participant from January 1, 1997 based on the percentage of the water consumed by each of the participants relative to the total of water provided by the water local service;</p> <p>AND WHEREAS the solicitor for the regional district has "interpreted Section 15(d) of the bylaw...as meaning that when a participant's water consumption exceeds the base 1995 level by at least .50 of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant is then entitled to an additional vote";</p> <p>AND WHEREAS the solicitor for the regional district has further advised "that there is no explicit indication .in bylaw 1783 that the number of votes was inalterably fixed at twelve" and it was his "opinion Courtenay is therefore entitled to an additional vote in accordance with Section 15(d) of the bylaw";</p> <p>AND WHEREAS it is the opinion of the solicitor for the regional district "that Courtenay is now entitled (i.e. 2010) to a 7th vote at the water committee and at the board in connection with the Comox Valley service in accordance with bylaw 1783; and, "must be added to the total in order to give effect to Section 15(d) of the bylaw, creating a new voting structure that involves thirteen votes;</p> <p>AND WHEREAS based on the historical development of bylaw 1783 in 1995, the Town of Comox should have been assigned four votes based on consumption and to correct that action, the Town of Comox be awarded an additional vote;</p> <p>THEREFORE to give effect to the advice from the regional district solicitor, that the water committee determine the voting structure not be limited to twelve votes; and that for determining each participant's voting entitlement henceforth, the corporate officer interpret Section 15(d) of the bylaw as meaning when a participant's water consumption exceeds the base 1995 level by at least 0.50 per cent of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant will be entitled to an additional vote;</p> <p>FURTHERMORE the water committee agree that there be an increase in the number of votes commencing in January 2012, as follows: - City of Courtenay 7 votes; Town of Comox 4 votes; Electoral Area A 1 vote; Electoral Area B 1 vote; Electoral Area C 1 vote</p> <p>AND FURTHERMORE the water committee adopt a dispute resolution process that will assure fairness and equity when resolving differences.</p>

Date	Action																														
December 2012	<p>Comox Valley water committee resolution dated December 11, 2012: THAT the Comox Valley water committee approve that the corporate officer shall:</p> <ul style="list-style-type: none"> a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and, b) apply weighted votes, in accordance with Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" and subsequent policy direction approved by the committee on or before January 20 in each year; <p>AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.</p>																														
January 2017	<p>Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2017 are as follows:</p> <table border="1" data-bbox="289 730 1344 1094"> <tbody> <tr> <td>City of Courtenay</td> <td>Director Jangula</td> <td>1 vote</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Eriksson</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Theos</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Wells</td> <td>2 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Price</td> <td>1 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Grant</td> <td>2 votes</td> </tr> <tr> <td>Electoral Area A</td> <td>Director Jolliffe</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area B</td> <td>Director Nichol</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area C</td> <td>Director Grieve</td> <td>1 vote</td> </tr> <tr> <td colspan="2">Totals</td> <td>13 votes</td> </tr> </tbody> </table>	City of Courtenay	Director Jangula	1 vote	City of Courtenay	Director Eriksson	2 votes	City of Courtenay	Director Theos	2 votes	City of Courtenay	Director Wells	2 vote	Town of Comox	Director Price	1 vote	Town of Comox	Director Grant	2 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Nichol	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
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REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1783

A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.

WHEREAS by supplementary Letters Patent dated the 17th day of February, 1967, the Regional District under Division VI Water Supply was empowered to design, construct, reconstruct, purchase, maintain and operate facilities for the purpose of supplying water in bulk to the City of Courtenay and to the Town of Comox, for redistribution by them within their municipalities, and to individual customers not within the boundaries of a municipality or improvement district having water supply as an object, which Letters Patent were further amended on the 9th day of March, 1977 to provide for the establishment of debt limit by the Inspector and on the 14th day of July, 1977 to renumber subsections;

AND WHEREAS a recommendation was made by Order in Council approved the 6th day of April, 1978 for the alteration of the basis for apportionment of costs;

AND WHEREAS the Board of the Regional District now wishes to exercise the power granted to it by the Letters Patent in accordance with Part 24 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent except where the powers are herein amended;

AND WHEREAS the Board of the Regional District wishes to proceed to convert the service to a local service exercised under the authority of a bylaw for a portion of the Regional District under sections 767(4), 794 and 802 of the *Municipal Act*.

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

Local Service

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the City of Courtenay to K'ómoks First Nation Indian Reserve No. 2 and by the Town of Comox to HMCS Quadra;
 - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
 - (c) in bulk to the K'ómoks First Nation;
 - (d) in bulk to the Sandwick Waterworks District in the event of an emergency;
 - (e) in bulk from the bulk water dispensing system; and
 - (f) the service shall be known as "The Comox Valley Water System".

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 service shall be the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the Regional District.

Cost Recovery

4. The annual costs for the local service may be recovered by:
 - (a) 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 and operating costs of operating and maintaining the water service shall be apportioned among the participating areas on the basis of the volume of water supplied by the local service consumed within each participating area each year as a percentage of the total water supplied in that year by the water service.

Metering

6. Water supplied from the local service shall be metered at the point of delivery from the facility of the local service to the City of Courtenay, to the Town of Comox and to each local service area within each participating Electoral Area that receives water from the local service authorized by this Bylaw.
7. The Regional District is authorized to sell water in bulk to the City of Courtenay and to the Town of Comox at a rate sufficient to meet the cost of such supply.
8. The Regional District is authorized to sell water in bulk to water local service areas created in the participating Electoral Areas at a rate sufficient to meet the cost of the Regional District providing such water service.

Local Service Areas Within Electoral Areas

9. The existing Specified Areas of Comox Valley, Arden and Marsden/Camco Road as defined in the bylaws converting those specified areas to local service areas will continue to be entitled to receive water in bulk as local service areas within the participating Electoral Areas as shown on Schedule 'A' attached hereto and forming part of this Bylaw.
10. No new water local service area may obtain water from the water local service area created by this Bylaw unless approved by a majority of the weighted votes of the Water Committee created by this Bylaw.
11. Notwithstanding section 10, if a water supply is required by the Medical Health Officer as a result of a failure of the water supply of persons outside municipal boundaries located within one of the participating Electoral Areas to supply potable water, the water local service area to be created for the purpose of obtaining water under this section shall be restricted to the area specified by the Medical Health Officer if supply to the new local service area is approved by the Water Committee.

Water Committee

12. The local service created by this Bylaw shall be operated by a standing committee of the Regional Board to be known as the Water Committee.
13. The Water Committee:

- (a) shall consist of the Regional Board members of the participating Municipalities and Electoral Areas as voting members;
- (b) shall consist of the Administrators of the Regional District, the City of Courtenay and the Town of Comox and the Engineer of the City of Courtenay, the Supervisor of Field Services of the Regional District and the Superintendent of Works of the Town of Comox as non-voting members;
- (c) shall have the exclusive authority to approve or refuse the connection of any municipality or local service area under the Municipal Act, to the water system other than the City of Courtenay, the Town of Comox, the Arden Local Service Area, the Comox Valley Local Service Area and the Marsden/Camco Road Local Service Area which are more particularly shown on the map annexed hereto as Schedule 'A'.
- (d) shall meet at least monthly to conduct its business;
- (e) shall conduct their meetings in accordance with the Procedure Bylaw of the Regional District as applicable;
- (f) where a member of the Regional Board cannot attend then his/her Alternate may attend as provided for attendance at the Regional Board;
- (g) shall, on adoption of this Bylaw, then in January of each year, select from amongst their voting members, a Chairman and Vice-Chairman who shall be responsible for preparing the agenda for each meeting and chairing the meeting;
- (h) shall determine all policy related to the administration and operation of this local water service.

Voting

14. For the purpose of voting on all matters related to the water local service including the creation or expansion of local service areas and notwithstanding the provisions of Part 24 of the *Municipal Act* and the Letters Patent of the Regional District, votes at the Water Committee and at the Regional Board under section 781(4) of the Municipal Act shall be as follows:
- (a) City of Courtenay 6 votes
 - (b) Town of Comox 3 votes
 - (c) Electoral Area 'A' 1 vote
 - (d) Electoral Area 'B' 1 vote
 - (e) Electoral Area 'C' 1 vote
15. The number of votes assigned to each participant from January 1, 1997 will be determined as follows:
- (a) The percentage of the water consumed by each of Courtenay and Comox and through the water local service areas by each Electoral Area of the total of water provided by the Water Local Service created by this Bylaw, shall be determined by the Regional District and provided to the Secretary of the Regional District and each member of the Water Committee on or before January 5th of each year for the previous year.
 - (b) The Secretary of the Regional District shall, on or before January 10th of each year, apply the percentage of water consumed within each participant area to 12 votes.
 - (c) For the purpose of determining any change in percentage for the calculation of vote entitlement in 1997, consumption within the participating areas for January 1, 1995 and the 1995 entitlement is:

City of Courtenay	51.69%	6 votes
Town of Comox	30.48%	3 votes
Electoral Area 'A'	2.74% less the amount in Arden within Electoral Area 'C'	1 vote
Electoral Area 'B'	12.52%	1 vote
Electoral Area 'C'	.44% plus the amount of Arden not in Electoral Area 'A'	1 vote

- (d) Where the number determined for any participant includes a part of a vote if the percentage exceeds .50 of a vote, the participant will be assigned the whole vote.
- (e) In no event shall any participant be assigned less than one vote.
- (f) At the first Board Meeting in February, the Secretary will report the result of the assignment of votes as determined by this section and his/her assignment will be final and binding for that year.

Pressures and Flows

- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee, the Water Committee shall refuse to approve such expansion until such time as the system can absorb the expansion and maintain the above specified pressures and flows.

Citation

- 17. This Bylaw may be cited for all purposes as "Water Local Service Establishment Bylaw, 1995".

Schedule A

Existing Boundaries of Municipal and Local Service Areas(Water) within The Regional District Water Supply System Service Area

