

**DATE:** June 6, 2019**FILE:** 0540-20/Sewage**TO:** Chair and Members  
Comox Valley Sewage CommissionSupported by Russell Dyson  
Chief Administrative Officer**FROM:** Russell Dyson  
Chief Administrative OfficerR. Dyson**RE: Sewage Commission - Electoral Area B Participation**

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**Purpose**

To provide information regarding the participation of the Director for Electoral Area B (Lazo North) on the Comox Valley Sewage Commission.

**Recommendation from the Chief Administrative Officer:**

None. This report is provided for information purposes.

**Executive Summary**

At the May 14, 2019 meeting of the Comox Valley Sewage Commission, discussion was held regarding the participation of the Director for Electoral Area B on the Sewage Commission for matters concerning odours from the Comox Valley Water Pollution Control Centre (CVWPCC). This discussion followed the commission's April 16, 2019 consideration of a request (Appendix A) from the Electoral Area B Director, Arzeena Hamir, to amend Bylaw No. 650 being "Sewage Commission Bylaw, 1983" to afford her position membership and voting rights on the Sewage Commission.

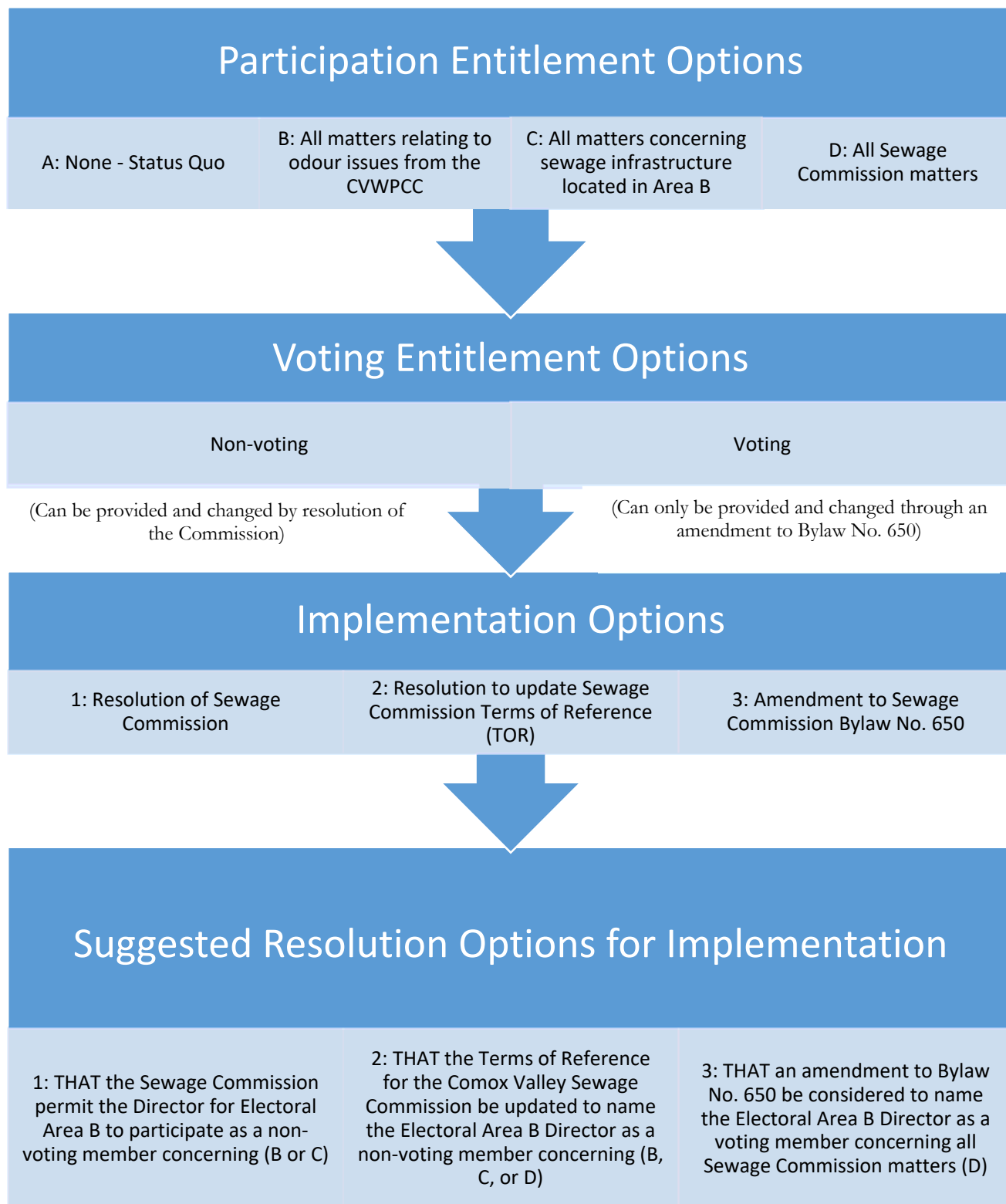
While the commission referred the latter request of Director Hamir's for consideration as part of the ongoing Utilities Governance Study, staff were directed to provide information and options regarding Electoral Area B participation, with particular interest in discussions pertaining to odour from the CVWPCC.

Sewage Commission Bylaw No. 650 (Appendix B) establishes the Sewage Commission and provides for, amongst other matters, its membership, voting entitlements and the authorities delegated to it by the Comox Valley Regional District (CVRD) Board for the administration and operation of the service. The Terms of Reference (Appendix C) reproduces the mandate and authorities established in Bylaw No. 650 and incorporates additional administrative directives, such as media contact, staff resources and reporting, that are generally consistent across all CVRD bodies as a matter of corporate practice.

The *Local Government Act* generally provides regional districts with discretion regarding membership and voting entitlements for bodies established for the administration and operation of services. This is reflected in the current makeup of the commission in which in addition to the formal participating areas of the City of Courtenay and Town of Comox, the Department of National Defense is provided membership (1 voting member) based on their past investment in the service infrastructure.

Given this discretion, a number of options exists respecting the potential participation of the Director for Electoral Area B. The options regarding participation topics, voting entitlement, and methods to

implement are summarized in the process chart below with suggested resolutions depending on the desire of the commission. The options described are not exhaustive but address the broad interests and questions of the commission.



As indicated in the above chart, the commission has a number of options respecting the participation of the Director for Electoral Area B that represent a spectrum of involvement. It is noted that although the status-quo provides no formal representation on the commission, participation by local residents and the elected area representative is facilitated through direct staff engagement, delegations to commission meetings and correspondence. In addition, the Sewage Commission has engaged in dialogue in the recent past through public meetings, open houses and workshops where the attendance and participation of Electoral Area B residents has been specifically invited. Membership has also been provided on the current Liquid Waste Management Plan Public Advisory Committee (PAC) for Area B residents and the Electoral Area B Director.

Further within the spectrum of participation, the commission may permit participation of the elected representative in a non-voting capacity generally, or limit it to specific matters, either by resolution or through a resolution to approve an update to the Terms of Reference. Both of these approaches are within the authority of the commission, do not require board approval, can be granted for specified time period and may be rescinded or updated at any time in the future. It is noted that codifying such direction in the Terms of Reference helps to provide clarity for the public and stakeholders and ensure consistency going forward.

To provide general membership and voting rights on the commission, an amendment to Bylaw No. 650 is required which could be recommended to the CVRD Board. As noted earlier in this report, this consideration is being investigated and reviewed as part of the Utilities Governance Study with the results scheduled to come forward later this year. The report will provide an in-depth exploration of this issue and potentially longer term options related to this interest concerning Electoral Area B and other jurisdictions.

It is noted that providing voting rights to jurisdictions that do not participate in and contribute financially to a service is not common but it is ultimately at the discretion of the commission and the CVRD Board to determine what they consider to be the most appropriate balance of representation to operate the service. In this regard, the commission could elect to only provide membership and voting rights upon approval of a formal extension of the service area to include Electoral Area B or portions thereof. The provision of wastewater conveyance and treatment services within Electoral Area B has not been requested or contemplated and would therefore necessitate engagement within the community and detailed analysis if it were to be pursued.

Prepared by:

Concurrence:

J. Martens

J. Warren

Jake Martens  
Manager of Legislative Services

James Warren  
General Manager of Corporate Services

**Stakeholder Distribution (Upon Agenda Publication)**

|                                  |   |
|----------------------------------|---|
| Curtis Rd Residents Association  | ✓ |
| Town of Comox CAO                | ✓ |
| City of Courtenay CAO            | ✓ |
| Director Hamir, Electoral Area B | ✓ |

Attachments: Appendix A – Correspondence dated March 15, 2019 from Director Hamir  
Appendix B - “Bylaw No. 650 being “Sewage Commission Bylaw, 1983”  
Appendix C - “Terms of Reference – Comox Valley Sewage Commission”

File: 0540-20/Sewage

March 15 2019

Chair and Members  
Comox Valley Sewage Commission**Re: Sewage Commission Membership**

While properties within Electoral Area B are not connected to, and do not receive sewage service, a significant portion of wastewater infrastructure is located within its boundaries. Most notably, the Comox Valley Water Pollution Control Centre, located on Brent Road in Electoral Area B, processes wastewater for the communities of Courtenay, Comox and CFB Comox.

In operation since 1984, the facility and its associated infrastructure has to date provided no discernable service or benefit to the taxpayers of Electoral Area B but has presented ongoing direct impacts, including environmental, social and economic. While the Comox Valley Regional District (CVRD) has implemented new technology and processes over the years, residents in the vicinity of the processing facility have faced persistent odour issues that have impacted their quality of life.

These types of infrastructure impacts were recognized by the Capital Regional District (CRD) and Township of Esquimalt with regard to the McLoughlin Point Wastewater Treatment Plant. In this instance, the CRD took reasonable measures to address the impacts and consequences from the plant's location within their boundaries through the negotiation of a host community impact agreement. The agreement includes a one-time CRD contribution of \$17 million and an annual community impact mitigation fee for the greater benefit of Esquimalt residents and businesses.

In the absence of such measures here in the CVRD, suitable representation from Electoral Area B on the Sewage Commission to meaningfully participate in the administration and operation of this service is needed. These interests were identified in the Utilities Governance Options Report dated July 9, 2018, which also noted whether a broader representation of the region (i.e. those who may be serviced in the future) should be included on issues regarding expansion of services.

Given the issues noted above, I request the commission's consideration of the following:

THAT staff be directed to bring forward an amendment to Bylaw No. 650 being "Sewage Commission Bylaw, 1983" to amend the membership to add the director for Electoral Area B as a voting member.

Sincerely,

**A. Hamir**Arzeena Hamir  
Director



Comox Valley Sewage  
Commission Bylaw

The following is a consolidated copy of the Comox Valley sewage commission bylaw and includes the following bylaws:

| Bylaw No. | Bylaw Name                    | Adopted           | Purpose                                  |
|-----------|-------------------------------|-------------------|--|
| 650       | Sewage Commission Bylaw, 1983 | December 14, 1982 | A bylaw to establish a sewage commission |

**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.**

**COMOX VALLEY REGIONAL DISTRICT**  
**BYLAW NO. 650**

**A bylaw to establish a sewage commission**

**WHEREAS**, on the 11<sup>th</sup> day of January, 1979, the Regional District of Comox-Strathcona was granted supplementary Letters Patent for Sewage Interception, Treatment and Disposal ;

**AND WHEREAS**, the Corporation of the City of Courtenay and the Town of Comox are participating member municipalities pursuant to the function of Sewage Interception, Treatment and Disposal;

**AND WHEREAS**, the Regional District of Comox-Strathcona has secured all permits, authorities and necessary financing in the name of the Regional District of Comox-Strathcona to allow the construction of Sewage Interception, Treatment and Disposal facilities;

**AND WHEREAS**, it is deemed appropriate to create a Sewage Commission to oversee the operation and maintenance of the Sewage Interception, Treatment and Disposal facilities;

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

1. There shall be and is hereby established, a Sewage Commission hereinafter referred to as the Commission.
2. The number of voting members comprising the Commission shall total seven (7) appointed as follows:
  - (a) three (3) members of the Municipal Council of the Corporation of the City of Courtenay, appointed by the said Council, one of whom shall represent the said Council on the Board of Directors of the Regional District of Comox-Strathcona ;
  - (b) three (3) members of the Municipal Council of the Town of Comox appointed by the said Council, one of whom shall represent the said Council on the Board of Directors of the Regional District of Comox-Strathcona;
  - (c) one (1) member appointed by the Department of National Defence (DND).
3. The Commission shall from its members, at the first meeting and thereafter at the first meeting of each year, elect a Chairman who shall hold office until his successor has been elected.
4. Upon the death or resignation of the Chairman, the Commission shall elect a successor to complete the term.
5. The Commission shall adopt its own rules of procedure not inconsistent with this by-law.
6.
  - (a) A quorum is a majority of the members of the Commission.
  - (b) A decision of the Commission shall be made by a majority of the members present at the meeting.
  - (c) The Chairman or any two members may call a meeting of the Commission upon giving at least seven (7) days notice to each member.
  - (d) Notice may be waived by consent of a majority of all the members.

7. The Senior Administrative Officer of the Regional District of Comox-Strathcona, or his deputy, shall be the Secretary of the Commission.
8. The Manager of the Sewage Interception, Treatment and Disposal facilities shall be appointed by the Regional District of Comox-Strathcona in accordance with the Waste Management Act.
9. With respect to the operation and maintenance of the Sewage Interception, Treatment and Disposal facilities, the following administrative powers are delegated to the Commission:
  - (a) determining the amount of manpower employed for the Sewage Interception, Treatment and Disposal facilities;
  - (b) determining rates to be charged for handling septic tank effluent in conjunction with Sewage Interception, Treatment and Disposal facilities;
  - (c) determining rates to be charged for any compost material produced by the Sewage Interception, Treatment and Disposal facilities;
  - (d) selection and procurement of operating and maintenance equipment used in conjunction with Sewage Interception, Treatment and Disposal facilities;
  - (e) administration of the "Sewer Regulation By-law", including penalties and offences.
10. Notwithstanding the provisions of the Municipal Act or Division XXXV of the Letters Patent of the Regional District of Comox-Strathcona, any proposal for the expansion of facilities and/or use of facilities related to Sewage Interception, Treatment and Disposal for any purpose whatsoever, shall be considered by the Commission and the Regional District Board shall be advised of those considerations.
11. Notwithstanding the provisions of the Municipal Act, the Commission may from time to time, recommend to the Regional Board of the Regional District of Comox-Strathcona, by-laws and amendments thereto for the disposition of any debt retirement funds which may be available to the function of Sewage Interception, Treatment and Disposal.
12.
  - (a) At its first meeting of each year, the Commission shall prepare and adopt an estimate of expense of the Commission for that year, which estimate shall be submitted to the Board of the Regional District of Comox-Strathcona for consideration and inclusion in the annual budget of the Regional District of Comox-Strathcona.
  - (b) The Commission shall not incur any expense in excess of the amount appropriated therefore by the Regional District Board.
13. This by-law is effective January 1, 1983.
14. This by-law may be cited for all purposes as "Sewage Commission By-law, 1983."



File: 0540-20

**Terms of Reference  
Comox Valley Sewage Commission**

**Mission:** Established by Bylaw No. 650 (adopted in 1982) and comprised of councillors from the City of Courtenay, the Town of Comox and a representative from Canadian Forces Base Comox, this commission considers matters relating to the administration and operation of the sewage system service located in Courtenay and Comox.

**Authority:** The sewage commission has the authority to:

- a) determine the budget for operations at the Comox Valley water pollution control centre;
- b) determine rates to be charged for handling septic tank effluent in conjunction with the Comox Valley water pollution control centre;
- c) determine rates to be charged for any compost material produced by the Comox Valley water pollution control centre;
- d) select and procure operating and maintenance equipment used in conjunction with Comox Valley water pollution control centre; and
- e) administer the regulations bylaws of the Comox Valley water pollution control centre.

**Mandate:** The Comox Valley Sewage Commission will undertake those powers within its authority and provide advice to the board on matters pertaining to the administration and operation of the sewage system located in Courtenay and Comox. The commission will provide advice and recommendations to the board where the commission cannot undertake the required actions, for example in adopting bylaws or entering contracts.

**Membership:** The Comox Valley sewage commission is comprised of the following members:

- Russ Arnott (Town of Comox)
- David Frisch (City of Courtenay)
- Ken Grant (Town of Comox)
- Maureen Swift (Town of Comox)
- Doug Hillian (City of Courtenay)
- Wendy Morin (City of Courtenay)
- Major Delta Guerard (CFB Comox)

**Commission chair:** The commission shall elect a chair and vice-chair from amongst its members at the first meeting of each year.

**Resources:** The CAO will determine and assign a staff member as an advisor to the commission. A recording secretary may also be appointed. The committee will also be accorded a budget to cover meeting expenses, meals/coffee, photocopying and other related activities.

**Tenure:** This commission is established by bylaw and as such will be deemed to be continuous. Membership will be subject to local government elections each four years or at the pleasure of council appointments.



**Reporting:** The Comox Valley sewage commission will provide its minutes to the corporate legislative officer within 48 hours of any commission meeting. Where the board feels it is necessary, the commission may be asked to meet with the board and brief the board on any issue(s) within its purview. This invitation shall be extended to the chair of the commission as the representative of the commission.

**Contact with the Media:** Any contact with the media regarding issues related to the work of this commission shall be handled by the commission chair or shall be referred by the chair of the commission to the CVRD chair of the board. If the matter under questioning by the media deals with CVRD board policy around issues related to the work of this commission, the matter shall be referred to the chair of the board. The chief administrative officer and general manager of corporate services will provide assistance and / or guidance to the chair of the board and commission chair in responding to the media.