

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 899**

(Consolidated for convenience only to .01)

**A BYLAW TO ESTABLISH AND OPERATE
A SWIMMING POOL FACILITY AS A
LOCAL SERVICE**

WHEREAS pursuant to Section 788 (1)(e) of the Municipal Act, the Regional District may, by bylaw, establish and operate a recreational facility as a local service;

AND WHEREAS the Regional District intends to construct and operate a swimming pool facility;

AND WHEREAS the service area shall be comprised of the participating areas of the City of Parksville, Town of Qualicum Beach and Electoral Areas 'F', 'G' and 'H';

AND WHEREAS pursuant to Section 794 (3), if a Board proposes to borrow money for the start of a local service, the bylaw establishing the service and the loan authorization bylaw must, for the purpose of obtaining the assent of the electors, be dealt with as if they were one bylaw;

AND WHEREAS pursuant to Section 795 (2)(b), the Regional Board, by resolution passed by at least 2/3 of the votes cast, permitted assent to be given by the electors in the entire proposed service area;

AND WHEREAS pursuant to Section 796 (2), the Regional Board has obtained the assent of the electorate;

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

1. Local Service Established

The local service established is the construction and operation of a swimming pool facility.

2. Powers

To operate this service, the Regional District may:

- (a) acquire all such real property, easements, rights of way, licenses, rights or authorities as may be requisite or desirable for or in connection with the provision of the service;
- (b) enter into such contracts with such persons as may be necessary or appropriate to establish and operate the service; and
- (c) undertake and carry out or cause to be undertaken and carried out all other things necessary in connection with the provision of the service.

3. Boundaries of Service Area

The boundaries of the service area are the boundaries of the City of Parksville, Town of Qualicum Beach, and Electoral Areas 'F', 'G' and 'H'.

4. Participating Areas

The City of Parksville, Town of Qualicum Beach, and Electoral Areas 'F', 'G' and 'H' include participating areas for the service.

5. Cost Recovery

The annual net costs of the service may be recovered by one or more of the following:

- (a) the requisition of money under sections 805 and 806 of the *Local Government Act* to be collected by a property value tax to be levied and collected under sections 805.1(1) and 806.1(1) of the *Local Government Act*;
- (b) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs;
- (c) by revenues raised by other means authorized under the *Local Government Act* or another Act;
- (d) by revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. Maximum Requisition

The maximum amount that may be requisitioned under section 803(1)(a) of the *Local Government Act* to recover the annual net costs of the service shall be the greater of Seven Hundred and Seventy Thousand (\$770,000.00) Dollars or \$0.434 per \$1,000 of the net taxable value of land and improvements within the service area.

7. Apportionment

The costs of providing the service shall be apportioned among the participating areas as follows:

- (a) fifty (50%) percent on the basis of the converted value of land and improvements for hospital purposes; and
- (b) fifty (50%) percent on the basis of the percentage of usage of the service as determined by a survey of usage carried out by the Regional District of Nanaimo.

- (c) the fifty (50%) percent allocation between usage and converted values of land and improvements shall be phased in over five (5) years with ten (10%) percent per year to be incremented to usage as set out in the following table:

Requisition Year	Percentage allocation of requisition to be based on converted value of land and improvements for hospital purposes	Percentage allocation of requisition to be based on a survey of usage carried out by the Regional District of Nanaimo
2014	Ninety percent (90%)	Ten percent (10%)
2015	Eighty percent (80%)	Twenty percent (20%)
2016	Seventy percent (70%)	Thirty percent (30%)
2017	Sixty percent (60%)	Forty percent (40%)
2018	Fifty percent (50%)	Fifty percent (50%)
2019 and thereafter	Fifty percent (50%)	Fifty percent (50%)

8. Citation

This bylaw may be cited as “Regional District of Nanaimo District 69 Swimming Pool Local Service Area Establishment Bylaw No. 899, 1993”.

Introduced and read three times this 13th day of April, 1993.

Reconsidered and amended at third reading this 11th day of May, 1993.

Approval of the Inspector of Municipalities obtained this 21st day of May, 1993.

The assent of the electors obtained this 19th day of June, 1993.

Reconsidered and adopted this 13th day of July, 1993.

CHAIRPERSON

SECRETARY