



REGIONAL
DISTRICT
OF NANAIMO

Regional District of Nanaimo Bylaw Consolidation and Revision Authorization Bylaw No. 1932, 2025, Splitting “Wellington Fire and Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 992, 1995” into Two Separate Service Bylaws

RECOMMENDATIONS

1. That “Regional District of Nanaimo Bylaw Consolidation and Revision Authorization Bylaw No. 1932, 2025” be introduced and read three times.
2. That “Regional District of Nanaimo Bylaw Consolidation and Revision Authorization Bylaw No. 1932, 2025” be adopted.
3. That “Wellington Fire Protection Local Service Area Establishment and Boundary Amendment Bylaw No. 1933, 2025” be introduced and read two times.
4. That “Wellington Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 1934, 2025” be introduced and read two times.

BACKGROUND

The “Wellington Fire and Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 992, 1995” (as consolidated to .03) (“**Bylaw 992**”) (Attachment No. 1) contains two services and does not separate the two services with respect to a separate description of each service, the boundaries of each service, the participating areas of each service, the cost recovery method for each service, and the maximum requisition for each service. Separation of the services – fire protection and streetlighting – is required in order to comply with the statutory requirements of the *Local Government Act*.

The purpose of this report is to present “Bylaw Consolidation and Revision Authorization Bylaw No. 1932, 2025” (“**Bylaw 1932**”) (Attachment No. 2); “Wellington Fire Protection Local Service Area Establishment and Boundary Amendment Bylaw No. 1933, 2025” (“**Bylaw 1933**”) (Attachment No. 4); and “Wellington Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 1934, 2025” (“**Bylaw 1934**”) (Attachment No. 5) for the Board’s consideration. The Board’s adoption of Bylaw 1932 will permit Bylaw 992 to be separated into two services to meet the statutory requirements as the most efficient and cost-effective process in comparison with the process required for rescinding Bylaw 992 and establishment of two new services by bylaw. Providing first two readings of Bylaw 1933 and Bylaw 1934 are passed, the Corporate Officer will be directed to review both proposed bylaws have been revised in accordance with the powers granted in Bylaw 1932, separate the two services – fire protection and streetlighting – into separate bylaws, and contain no substantive changes to the service.

Bylaw Revision Regulation 367/2003 (“**Regulation**”) (Attachment No. 3) specifically permits the division of a single bylaw into two bylaws, as is required in the case of Bylaw 992.

The Regulation requires the Board to adopt a standing revision authorization bylaw before adopting a bylaw to revise an existing bylaw, including a bylaw to divide an existing bylaw, like Bylaw 992, into two bylaws. Bylaw 1932 is presented for this purpose.

The Regulation authorizes minor revisions to correct or improve a bylaw, provided that those changes do not alter the meaning of the bylaw. As a result, the process is relatively simple compared to the statutory processes applicable to the adoption of service establishment bylaws. The Board would retain full control; any changes made under Bylaw 1932 would need to be presented to the Board for consideration, certified by the Corporate Officer before third reading, and adopted by the Board before the proposed revisions could be made. The 'revised' bylaw needs to specify an effective date; this would normally be the day after adoption by the Board.

To compare the process associated with splitting Bylaw 992 into separate services following the Regulation and subject to the Board adopting Bylaw 1932 versus following the process to rescind Bylaw 992 and adopting two new service establishment bylaws would be as follows:

Bylaw 1932 process (Regulation)

- Board adopts Bylaw 1932;
- Proposed Bylaw 1933 and Bylaw 1934 (splitting Bylaw 992 into two separate bylaws) considered by the Board for first two readings;
- Bylaw 1933 and Bylaw 1934 reviewed and certified by Corporate Officer;
- Bylaws presented to the Board for third reading and adoption.

Service Establishment Bylaw process

- Proposed new Service Establishment Bylaws for each of Bylaw 992's services presented to the Board for first three readings
- Provincial Review and statutory approval by the Inspector of Municipalities (6-8 weeks)
- Assent Voting (Referendum) process including appointment of election officials, general voting and additional voting opportunities (dates, times and locations) being set, preparing assent voting questions and ballots, provincial approval processes, associated Notice requirements, final count of ballots, and declaration of results
- Bylaws presented to Board for final reading and adoption
- Note: additional costs would be associated with this alternate option, including election official compensation, public engagement such as facility rentals for information sessions, postage for mailouts, advertising, production of information displays and other printed materials, printing of ballots and assent-vote related forms, and refreshments for information sessions that are not included in the Five-Year Financial Plan.

AND PARALLEL

- Bylaw rescinding 992 presented to Board for first three readings
- Electoral Area Director signs consent of participating area
- Provincial Review and statutory approval by the Inspector of Municipalities (6-8 weeks)
- Bylaw rescinding 992 presented to Board for adoption.

Bylaw 1932 could subsequently be used as the authority for minor revisions to correct or improve other bylaws. It could not be used for substantive changes. The Board would be presented with any bylaw proposed in future to be amended under the authority of Bylaw 1932 and would have full discretion on whether to proceed with the bylaw amendment. Prior to third reading, the Corporate Officer must certify that the revised bylaw(s) were revised in accordance with Bylaw 1932, including making sure that there are no substantive changes. There would be no requirement to seek approvals associated with the original bylaw adoption process, including for example from the Inspector of Municipalities, the Ministry of Environment, or approval of the electors. Because the process does not require the external approvals, it would be more efficient and cost-effective in the use of resources for bylaw amendments of this nature.

FINANCIAL IMPLICATIONS

Costs to complete the bylaw amendment are included in the Five-Year Financial Plan adopted by the Board.

There are no cost implications for the Wellington Fire Protection or Wellington Streetlighting Services. The services are being split into two separate bylaws with the maximum requisition of Bylaw 992 being divided amongst the two services as follows:

	Bylaw 992.03	New Separated Bylaws	
	Fire Prot & St Light	Fire Protection	Street Lighting
Maximum requisition	40,000	37,600	2,400
Maximum rate per \$1,000	1.56	1.47	0.09

STRATEGIC PLAN ALIGNMENT

Planning and Managing for Growth – Understand and develop an inter-connected framework of strategies and plans to manage growth to support complete communities, including planning, transportation, infrastructure, and fiscal sustainability.

REVIEWED BY:

- S. Windsor, Manager of Fire Services
- T. Moore, Chief Financial Officer
- N. Richardson, A/Manager, Legislative Services/Corporate Officer
- M. Walters, General Manager, Regional & Community Utilities
- C. Crabtree, General Manager, Corporate & Transportation Services
- L. Grant, A/Chief Administrative Officer

ATTACHMENTS

1. “Wellington Fire and Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 992, 1995” (consolidated to .03)
2. “Regional District of Nanaimo Bylaw Consolidation and Revision Authorization Bylaw No. 1932, 2025”
3. *Bylaw Revision Regulation 367/2003*
4. “Wellington Fire Protection Local Service Area Establishment and Boundary Amendment Bylaw No. 1933, 2025”
5. “Wellington Streetlighting Local Service Area Establishment and Boundary Amendment Bylaw No. 1934, 2025”