



## COWICHAN VALLEY REGIONAL DISTRICT

### Bylaw No. 4438

#### A Bylaw to Establish Regional Recreation Funding Services Within the Cowichan Valley Regional District

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**WHEREAS** the Board of the Cowichan Valley Regional District may, by bylaw, establish and operate any service that the regional district board considers necessary or desirable for all or part of the regional district;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish Regional Recreation Services to fund the Costs of Regionally Significant Recreation Facilities;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to phase in the Costs on a usage basis over the first three years of the service;

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

**NOW THEREFORE** the Board of the Cowichan Valley Regional District, in open meeting assemble, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4438 – Regional Recreation Funding Services Establishment Bylaw, 2022**".

2. **DEFINITIONS**

In this bylaw, unless the context otherwise requires:

**"Apportionment by Usage"** means the percentage of usage of the service as determined by a survey of usage carried out by the Regional District on the usage in each participating area for the respective Regionally Significant Recreation Facility as set out in Schedule A, attached to and forming part of this bylaw;

**"Board"** means the Board of Directors of the Cowichan Valley Regional District;

**"Conditions-Based Renewal Costs"** means the costs, including the capital costs of repairing or replacing structural elements and major capital items used exclusively in the Regionally Significant Recreation Facilities, but does not include any costs related to the expansion of a service, facility, or structure;

“**Costs**” means the Operations Costs, the Maintenance Costs, and the Condition-Based Renewal Costs for the Regionally Significant Facilities, but does not include the costs of constructing additional facilities or funding long-term debt for the Regionally Significant Recreation Facilities;

“**Dispute**” means one or more participating areas having a Dispute arising under or in connection with the Regionally Significant Recreation Facilities funding service.

“**Maintenance Costs**” means the costs of maintaining, repairing, and replacing equipment and small capital items used exclusively in the Regionally Significant Recreation Facilities;

“**Operations Costs**” means the costs of operating and staffing the Regionally Significant Recreation Facilities; and

“**Regionally Significant Recreation Facilities**” means the:

1. Cowichan Aquatic Centre;
2. Cowichan Community Centre;
3. Cowichan Lake Sports Arena;
4. Cowichan Performing Arts Centre;
5. Cowichan Sportsplex;
6. Frank Jameson Community Centre;
7. Fuller Lake Arena;
8. Kerry Park Recreation Centre; and,
9. Shawnigan Lake Community Centre.

### **3. ESTABLISHMENT**

The service being established under the authority of this bylaw is a service for the purpose of funding the Costs of Regionally Significant Recreation Facilities.

### **4. SERVICE AREA BOUNDARIES**

The boundaries of the service area are the boundaries of the whole of the Cowichan Valley Regional District.

### **5. PARTICIPATING AREA**

The participating area for this service is the whole of the Cowichan Valley Regional District comprising the: City of Duncan; District of North Cowichan; Town of Lake Cowichan; Town of Ladysmith; and Electoral Areas: A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands; H – North Oyster/Diamond; and I – Youbou/Meade Creek.

**6. APPORTIONMENT OF COSTS**

- (a) During the first year of the service, the Costs shall be divided into 3 equal parts and apportioned among the participating areas on the following basis:
- I. Two thirds, (2/3) of the Costs shall be apportioned amongst relevant participating areas and other parties with respect to each Regionally Significant Recreation Facility on the basis of the existing service establishment bylaws, agreements, and programs; and,
  - II. One third (1/3) of the Costs shall be apportioned on the basis of the percentage of usage of the service as set out in Schedule A.
- (b) During the second year of the service, the Costs shall be divided into Three (3) equal parts and apportioned among the participating areas on the following basis:
- I. One third, (1/3) of the Costs shall be apportioned amongst relevant participating areas and other parties with respect to each Regionally Significant Recreation Facility on the basis of the existing service establishment bylaws, agreements, and programs; and,
  - II. Two thirds (2/3) of the Costs shall be apportioned on the basis of the percentage of usage of the service as set out in Schedule A.
- (c) During years Three to Five (3 – 5) of the service the Costs shall be apportioned on the basis of the percentage of usage of the service as set out in Schedule A.
- (d) Every Five (5) years or earlier if deemed necessary by the Board, the Regional District will conduct surveys of the usage of each participating area for each Regionally Significant Recreation Facility to determine the percentage of usage. For the Five (5) years following the survey, the apportionment of usage for each participating area for each Regionally Significant Recreation Facility will be based on the results of the averages of the three most recent surveys of usage for each Regionally Significant Recreation Facility.
- (e) The existing service establishment bylaws that are affected by Section 6 of this bylaw are listed in the attached Schedule B.

**7. METHOD OF COST RECOVERY**

The annual cost of providing this service shall be recovered by one or more of the following:

- (a) property value taxes requisitioned and collected on the basis of the assessed value of land and improvements within the service area;
- (b) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area;
- (c) the imposition of fees and other charges that may be fixed by separate bylaw;

- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant, or otherwise.

8. **MAXIMUM REQUISITION**

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of Thirty-Five Million Dollars (\$35,000,000), or an amount equal to the amount that could be raised by a property tax rate of \$1.1954 per \$1,000 of the net taxable value of land and improvements within the service area.

9. **DISPUTE RESOLUTION**

- (a) In the event of one or more participating areas having a Dispute arising under or in connection with this Bylaw, a participating area(s) shall provide the Regional District with a written Notice of Dispute setting out the background of the Dispute, the issue of dispute, and the proposed resolution of the Dispute.
- (b) Within 30 Days of receipt of a Notice of Dispute the Regional District will convene a Dispute Resolution Committee comprising one member from each participating area appointed by each participating area respectively, and one member appointed by the Board of the Regional District.
- (c) The Dispute Resolution Committee shall consider the Dispute and shall use their reasonable best efforts to settle the Dispute within 30 Days of the day the Dispute Resolution Committee was first convened.
- (d) If all members of the Dispute Resolution Committee agree on the resolution they shall pass a unanimous resolution setting out the terms of settlement and such terms of settlement will be binding on all participating areas.
- (e) If the Dispute Resolution Committee is unable to come to a unanimous decision as provided for in Section 8 (c) and (d), the disputing party or parties and the Regional District shall appoint a mediator who shall convene a mediation of the participating areas and the Regional District.
- (f) If the Dispute is not resolved by the Dispute Resolution Committee or mediation as set out herein, the Dispute shall be submitted to arbitration pursuant to the *Arbitration Act*, S.B.C. 2020 c. 2 for the purposes of binding arbitration.

10. **SERVICE REVIEW**

- (a) No participating area shall initiate a service review during the first six (6) years of the service.
- (b) A mandatory service review shall be undertaken during the sixth (6<sup>th</sup>) year of the service and shall consider the following issues:
  - I. the inclusion of additional costs in the definition of Costs;
  - II. the apportionment of costs; and,

III. any other matter raised by a participating area for consideration in the service review by providing notice to the Cowichan Valley Regional District at least three (3) months prior to end of the fifth (5<sup>th</sup>) year of the service.

READ A FIRST TIME this 8<sup>th</sup> day of June, 2022.

READ A SECOND TIME this 8<sup>th</sup> day of June, 2022.

READ A THIRD TIME this 8<sup>th</sup> day of June, 2022.

THIRD READING RESCINDED this 27<sup>th</sup> day of July, 2022.

READ A THIRD TIME AS AMENDED this 27<sup>th</sup> day of July, 2022.

I hereby certify this to be a true and correct copy of Bylaw No. 4438 as given Third Reading on this 27<sup>th</sup> day of July, 2022.

Patrick Robins  
Patrick Robins, Corporate Officer

July 27, 2022  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 8<sup>th</sup> day of August, 2022.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer



## Schedule A to CVRD Bylaw No. 4438

### Regional Recreation Funding Services

<b>2023 - 2025 Regionally Significant Facilities % of Use by Participants</b>	<b>Electoral Area A</b>	<b>Electoral Area B</b>	<b>Electoral Area C</b>	<b>Electoral Area D</b>	<b>Electoral Area E</b>	<b>Electoral Area F</b>	<b>Electoral Area G</b>	<b>Electoral Area H</b>	<b>Electoral Area I</b>	<b>City of Duncan</b>	<b>Town of Lake Cowichan</b>	<b>Town of Ladysmith</b>	<b>Municipality of North Cowichan</b>
<b>Cowichan Aquatic Centre (MNC)</b>	5.40%	9.60%	6.45%	6.70%	7.55%	0.70%	0.30%	0.55%	0.50%	8.80%	2.25%	1.05%	50.15%
<b>Cowichan Community Centre (CVRD)</b>	4.30%	7.20%	5.45%	6.50%	8.75%	1.25%	0.70%	0.35%	0.55%	7.00%	0.85%	3.35%	53.75%
<b>Cowichan Lake Sports Arena (CVRD)</b>	3.10%	3.15%	2.30%	0.55%	3.40%	9.15%	0.55%	0.25%	14.10%	3.60%	30.55%	5.50%	23.80%
<b>Cowichan Performing Arts Centre (CVRD)</b>	5.55%	7.60%	7.10%	6.65%	7.70%	1.30%	1.60%	0.65%	0.80%	7.80%	1.85%	3.55%	47.85%
<b>Cowichan Sportsplex</b>	3.80%	7.80%	3.35%	4.10%	7.05%	1.10%	0.70%	0.50%	0.95%	4.00%	2.85%	4.10%	59.70%
<b>Frank Jameson Community Centre (TOL)</b>	0.35%	0.85%	0.25%	0.65%	0.55%	0.35%	6.95%	11.55%	0.15%	0.50%	0.65%	63.50%	13.70%
<b>Fuller Lake Arena (MNC)</b>	0.95%	0.75%	0.35%	1.60%	8.60%	1.15%	4.50%	1.35%	0.45%	2.75%	1.65%	23.40%	52.50%
<b>Kerry Park Recreation Centre (CVRD)</b>	19.45%	37.50%	15.70%	9.65%	3.25%	0.25%	0.00%	0.05%	0.10%	1.70%	0.05%	0.20%	12.10%
<b>Shawnigan Lake Community Centre (CVRD)</b>	11.35%	69.85%	8.65%	2.45%	0.75%	0.10%	0.30%	0.00%	0.10%	1.10%	0.10%	0.00%	5.25%



## Schedule B to CVRD Bylaw No. 4438

### Regional Recreation Funding Services

#### Regionally Significant Recreation Facilities –CVRD Bylaws and Amendments

Facility	Establishment Bylaw(s)	Amendments	Participants
Kerry Park Rec Centre	1819	(2388, 3608)	A, B, C, D
Shawnigan Lake Community Centre	1355	(1715, 1893, 3493, 4166)	B
Cowichan Community Centre	1651		D, E, MNC-South, Duncan
Cowichan Performing Arts Centre	1651 2218 2219 2220 2224 2225		D, E, MNC-South, Duncan A B C North Cowichan - North Ladysmith
Cowichan Aquatic	3697 1819 3608 3840 3842	2388	E A, B, C, D A, B, C F I
Cowichan Sportsplex	3831 3833 3834 3835		A C D E
Cowichan Lake Arena	2316	(3410)	F, I, Lake Cowichan
Frank Jameson CC	617 1299 (1722, 1849,2056)		H Part of G



# *Statutory Approval*

*Under the provisions of section* \_\_\_\_\_ 342 \_\_\_\_\_

*of the* \_\_\_\_\_ Local Government Act \_\_\_\_\_

*I hereby approve Bylaw No.* \_\_\_\_\_ 4438 \_\_\_\_\_

*of the* \_\_\_\_\_ Cowichan Valley Regional District \_\_\_\_\_,

*a copy of which is attached hereto.*

*Dated this 8th \_\_\_\_\_ day*

*of August \_\_\_\_\_, 2022*

A handwritten signature in blue ink, appearing to be "M. [unclear]".

\_\_\_\_\_  
Deputy Inspector of Municipalities