



## BYLAW NO. 543

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### A BYLAW TO AUTHORIZE ENTERING INTO AN AGREEMENT RESPECTING THE USE OF COMMUNITY WORKS FUNDS FOR THE BLACK CREEK/OYSTER BAY COMMUNITY WATER SYSTEM

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**WHEREAS** the Regional District may, pursuant to s.263 of the *Local Government Act*, provide assistance for the purpose of benefiting the community or any aspect of the community;

**AND WHEREAS** the Regional District has been requested to provide funding for the development of a water well to serve properties connected to the Black Creek-Oyster Bay community water system;

**AND WHEREAS** the said community water system includes properties located within Electoral Area D of the Strathcona Regional District;

**AND WHEREAS** the Regional District wishes to enter into an agreement with the Comox Valley Regional District to use community works funding for the water well development project;

**AND WHEREAS** the written consent of the director representing Electoral Area D of the Strathcona Regional District has been obtained;

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

#### **Funding Agreement Authorized**

1. The Strathcona Regional District is hereby authorized to enter into an agreement with the Comox Valley Regional District to provide funding for the Black Creek-Oyster Bay water well development project.

#### **Form and Substance**

2. The agreement referenced in section 1 shall substantially comply in form and substance with Schedule 'A', attached to and forming part of this bylaw.

#### **Source of Funding**

3. Funding to meet the Regional District's financial commitments under the agreement shall be provided from the Electoral Area D allocation of the community works reserve fund established by Bylaw No. 240, being Community Works Fund Administration and Reserve Fund Establishment Bylaw 2016.

**Authority to Execute**

4. The Chair and Corporate Officer shall have full authority to execute the agreement following adoption of this bylaw.

**Effective Date**

5. This bylaw shall take effect on the date of adoption.

**Citation**

6. This bylaw may be cited for all purposes as Bylaw No. 543, being Black Creek-Oyster Bay Water Well Funding Agreement Authorization Bylaw 2024.

**READ A FIRST TIME ON THE 28<sup>TH</sup> DAY OF FEBRUARY, 2024**

**READ A SECOND TIME ON THE 28<sup>TH</sup> DAY OF FEBRUARY, 2024**

**READ A THIRD TIME ON THE 28<sup>TH</sup> DAY OF FEBRUARY, 2024**

**WRITTEN CONSENT OF THE ELECTORAL AREA D DIRECTOR OBTAINED ON THE 5<sup>TH</sup> DAY OF MARCH, 2024**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 27<sup>TH</sup> DAY OF MARCH, 2024**



Chair



Corporate Officer

Corporate Officer

**SCHEDULE 'A'**

**THIS AGREEMENT MADE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

**BETWEEN:**

**STRATHCONA REGIONAL DISTRICT**

990 Cedar Street  
Campbell River, BC V9W 7Z8

(the "SRD")

**AND:**

**COMOX VALLEY REGIONAL DISTRICT**

770 Harmston Avenue  
Courtenay, BC V9N 0G8

(the "CVRD")

**WHEREAS:**

- A. Under the Federal gas tax funding program (GTF), the Strathcona Regional District (SRD) has received allocations of community works funds (CWF) to expend on eligible projects that achieve the three national gas tax program objectives: productivity and economic growth; a clean environment; and strong cities and communities, and;
- B. The Comox Valley Regional District (CVRD) under authority of the letters patent from the province of British Columbia dated February 15, 2008, operates the Black Creek - Oyster Bay (BCOB) water system which has as participants Electoral Area C (Puntledge – Black Creek) of the CVRD and Electoral Area D of the SRD, and;
- C. The SRD has agreed to contribute a proportional amount of CWF to the BCOB water system Black Creek-Oyster Bay water well No. 6 project (the Project).

**THEREFORE** the parties agree to the following terms and conditions:

**1. PROJECT SCOPE**

- 1.1. The SRD agrees to provide funding to the CVRD towards the Black Creek-Oyster Bay water well No. 6 project as described in Appendix A, Project Scope.

**2. TERM**

- 2.1. The term of this agreement commences on signing and ends no later than December 31, 2025 (the "Term") unless extended in writing by agreement of both parties.

**3. PROJECT FUNDING AND REPORTING**

- 3.1. The total funding required by the CVRD from the SRD under this agreement is \$84,887.
- 3.2. The SRD agrees to forward the funding upon the signing of this agreement.
- 3.3. The CVRD agrees to abide by the terms and conditions of the gas tax funding agreements as signed independently by the SRD and the CVRD with the Union of British Columbia Municipalities with respect to the use of the funding for this project and the reporting required.

**4. INDEMNIFICATION**

4.1. The CVRD hereby indemnifies, saves harmless, releases and forever discharges the SRD from any and against all manner of actions, causes of actions, claims, debts, suits, losses, liabilities, demands and expenses whatsoever, whether known, in any way arising from, in connection with or attributable to the actions of the CVRD, its servants, agents, officers, employees, elected officials, volunteers, contractors or subcontractors in connection with this agreement or the use of the funding hereunder.

**5. INSURANCE**

5.1. The CVRD and the SRD will each retain their membership in the Municipal Insurance Association of British Columbia.

5.2. The CVRD is responsible for maintaining property insurance for the Black Creek - Oyster Bay water system.

**6. GENERAL**

6.1. The SRD reserves the right to review the Project accounts at any time to ensure the CWF have been used towards the Project for which funding has been approved under this agreement.

6.2. The provisions of section 6.1 shall survive the termination of this Agreement.

6.3. This agreement is not assignable except at the express written consent and sole discretion of the parties.

6.4. No amendments or modifications to this agreement shall become effective unless agreed upon by both parties in writing.

The parties hereto have executed this agreement as of the day and year first above written.

**STRATHCONA REGIONAL DISTRICT**

\_\_\_\_\_  
Chair

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

**COMOX VALLEY REGIONAL DISTRICT**

\_\_\_\_\_  
Chair

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

**APPENDIX A – Project Scope**

The Comox Valley Regional District (CVRD) has secured rights to develop the No.6 Well in the Black Creek-Oyster Bay (BCOB) Water Local Service Area (WLSA) to address long-term water sustainability for the area. The Well No.6 will provide increased system resilience by responding to equipment breakdowns readily, minimize ecological effects on the Oyster River, reduce drawdown in the reservoirs during a fire and assist with faster recovery after the fire is over for the BCOB area.

**Background:**

CVRD operates the BCOB water distribution system which is located in both the CVRD’s Electoral Area C and the SRD’s Electoral Area D. The CVRD secured rights to develop a total of three drinking water wells on Shelter Point Farms. The first of these new wells is Well No. 6.

The cost of construction for Well No. 6 is higher than wells in Oyster River Nature Park (ORNP) because the development of Well No. 6 also includes infrastructure to facilitate the connection of the two additional future wells and inflationary pressures experienced since the last well was completed in 2021. To date, the CVRD has provided funding for the Project and provided administration and project management, obtained all authorizations, permits, licences and complies with all laws, bylaws and regulations that apply to the Project.

To complete the Project, an additional \$300,000 is required. A funding plan was identified to use Community Works Fund (CWF). Infrastructure that supports drinking water conservation, collection, treatment and distribution systems is eligible under the CWF program. On December 14, 2023 the CVRD formally proposed to the SRD to jointly apportion \$300,000 total CWF commitment according to the 2023 revised assessment roll for the approximate proportion to each electoral area as shown in Table1.

**Table 1: CWF allocation**

**ALLOCATION of CWF – BCOB Water CVRD Area C/SRD Area D for water well development**

CWF Funding Required =		\$300,000	
<u>Allocation of CWFs - BCOB Water Area C and Area D:</u>			
<b>Jurisdiction</b>	<b>2023 Assessed Value</b>	<b>Approximate % of Total</b>	<b>Share of Cost</b>
BCOB water			
Area C	\$70,772,268	71.7%	\$215,113
Area D	\$27,927,864	28.3%	\$84,887
Totals	\$98,700,132	100%	\$300,000