



BYLAW NO. 282

A BYLAW TO AUTHORIZE ENTERING INTO AN AGREEMENT RESPECTING THE USE OF COMMUNITY WORKS FUNDS

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 Kelland Road reservoir project which will benefit users of the Black Creek-Oyster Bay community water system;

AND WHEREAS the Black Creek-Oyster Bay 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 aforesaid Kelland Road reservoir 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 Kelland Road reservoir project.

Form and Substance

2. The agreement referenced in section 1 shall substantially comply in form and substance with the agreement shown in 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. 282, being Kelland Road Reservoir Funding Agreement Authorization Bylaw 2017.

READ A FIRST TIME ON THE 12TH DAY OF JULY, 2017

READ A SECOND TIME ON THE 12TH DAY OF JULY, 2017

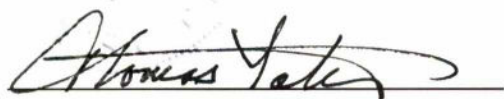
READ A THIRD TIME ON THE 12TH DAY OF JULY, 2017

WRITTEN CONSENT OF THE ELECTORAL AREA D DIRECTOR OBTAINED ON THE 25TH DAY OF JULY, 2017

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 9TH DAY OF AUGUST, 2017



Chair



Corporate Officer

SCHEDULE 'A'

THIS AGREEMENT MADE THIS _____ DAY OF _____, 2017.

BETWEEN:

STRATHCONA REGIONAL DISTRICT

301-990 Cedar Street
Campbell River, BC V9W 7Z8

(the "SRD")

AND:

COMOX VALLEY REGIONAL DISTRICT

600 Comox Road
Courtenay, BC V9N 3P6

(the "CVRD")

WHEREAS:

- A. Under the federal government's gas tax program, the 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 CVRD under authority of the letters patent from the province of British Columbia dated February 1, 2008, operates the Black Creek Oyster Bay (BCOB) water system which has as participants electoral area C of the CVRD and electoral area D of the SRD, and;
- C. The SRD has agreed to contribute a prorated amount of CWF to the BCOB water system Kelland reservoir replacement 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 Kelland reservoir replacement project as described in Appendix "A", Project Scope (the Project).

2. TERM

- 2.1. The term of this agreement commences on signing and ends no later than October 31, 2017 (the "Term") unless extended in writing at the agreement of both parties.

3. PROJECT FUNDING AND REPORTING

- 3.1. The funding required by the CVRD from the SRD under this agreement is \$112,300.
- 3.2. The SRD agrees to forward the funding upon the signing of this agreement.
- 3.3. A summary of the Kelland reservoir replacement costs paid by the CVRD is attached to this agreement as Appendix "B" – Project Costs.
- 3.4. The CVRD agrees to abide by the terms and conditions of the gas tax funding agreements as signed indendently 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 treatment 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 Services Manager

COMOX VALLEY REGIONAL DISTRICT

Bruce Jolliffe, Chair

James Warren, Corporate Legislative Officer

APPENDIX A – Project Scope

The BCOB Kelland reservoir replacement project replaced the former steel bolted reservoir at Kelland Road with a new bolted steel reservoir, and included engineering, tendering, construction of civil pipe works, valve chamber, de-chlorination chamber, associated electrical and process controls, construction management and commissioning of the reservoir. The new reservoir provides improved water pressure, quality and firefighting capacity and has been constructed to meet the latest earthquake standards.

Background:

The former Kelland reservoir was a 253 m3 capacity bolted steel tank, built in 1979. The new reservoir has been constructed on the same location on the existing site. The new reservoir is 24.7 metres high and provides 374 m3 storage capacity. The new reservoir fills at the top and supplies water to the service area from the bottom. A detailed site survey was conducted as part of the design assignment to ensure the design incorporated additional storage to accommodate overflows and roof clearance, in accordance with good current practice. Material of construction is glass-lined steel with internal piping and supports of stainless steel.

Opus Dayton Knight began the detailed design of the Kelland reservoir project in 2011 with construction tendered in 2015. Ridgeline Mechanical Ltd. was the successful tenderer and completed the construction and commission of the reservoir in 2016.

The CVRD has provided funding for the Project from a combination of reserves and community works funds and provided administration and project management, obtained all authorizations, permits, licences and complied with all laws, bylaws and regulations that apply to the Project.

The parties agree to apportion the \$323,000 total CWF commitment towards the Project costs as indicated in Table 1, according to the population in the service area using the 2011 census.

Table 1: CWF allocation as calculated in 2015:

Allocation of CWF - BCOB Water CVRD Area C/SRD Area D for Kelland Reservoir

CWF Funding Required =		\$	323,000.00			
<u>Population Factor (Total Area C and Area D*):</u>						
Jurisdiction	Folios**	Known Population	Factor			
Area C	4174	8325	1.99449			
Area D	1895	4037	2.13034			
<u>Allocation of CWFs - BCOB Water Area C and Area D:</u>						
Jurisdiction	Folios**	Factor	Population	% of Total	Share of Cost	
BCOB water						
Area C	695	1.99449	1386	65.22%	\$	210,700
Area D	347	2.13034	739	34.78%	\$	112,300
Totals	1042		2125	100.00%	\$	323,000

*Population from 2011 Census

**Folio count from 2015 revised roll

APPENDIX B – Project Costs

Actual costs for the Kelland Reservoir replacement project incurred by the CVRD:

Year	Costs Incurred
2011	\$ 40,182.64
2014	26,338.89
2015	72,911.76
2016	815,897.15
Total Project Costs	\$955,330.44