

## REGIONAL DISTRICT OF NORTH OKANAGAN

### BYLAW NO. 1396

To amend the Sterile Insect Release Extended Service Establishment Bylaw No. 834 to include representation by Alternate Directors

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WHEREAS the Regional District of North Okanagan has, by "Sterile Insect Release Extended Service Establishment Bylaw No. 834, 1989", established an Extended Service Area, for the purpose of participating in the Okanagan/Kootenay Sterile Insect Release Program under the direction of the Okanagan/Kootenay Sterile Insect Board, with the City of Armstrong, City of Vernon, District of Coldstream, Township of Spallumcheen, City of Enderby, Village of Lumby, and parts of Electoral Areas "B", "C", "D", "E" and "F";

AND WHEREAS Section 802(1)(b) of the *Municipal Act* provides that a bylaw establishing an extended service may be amended with the consent of at least 2/3 of the participants;

NOW THEREFORE the Regional Board of the Regional District of North Okanagan in opening meeting assembled enacts as follows:

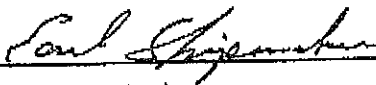
1. Section 3 of "*Regional District of North Okanagan Sterile Insect Release Extended Service Establishment Bylaw No. 834, 1989*" is hereby repealed and substituted with the following:
  3. a. The Sterile Insect Release Board will be comprised of one member appointed annually by each participating Regional District from its participating municipal/electoral area Directors or Alternate Directors. The Regional District may, from the same group of Directors or Alternate Directors, designate an alternate to its appointed member to take the place of, vote and generally act in all matters for the absent member. The non-voting members of the Board shall be those provided by Regulation made by the Lieutenant Governor in Council and appointed in accordance with the said Regulation.
  - b. Where the seat of a voting member becomes vacant through death, resignation or disqualification, the Chairperson shall promptly appoint another member in his place or her place in the manner set out in section 3.a. The Alternate may continue to take his or her place and vote until another representative has been appointed.
  - c. The appointment of the voting members of the Board shall take effect on the first day of January in each calendar year and shall remain in effect for the duration of that calendar year or until such time as his or her successor has been appointed, whichever shall sooner occur.

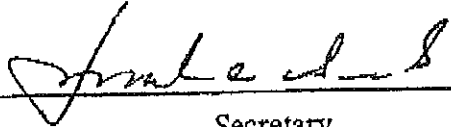
2. This Bylaw may be cited as "*Regional District of North Okanagan Sterile Insect Release Program Extended Service Amendment Bylaw No. 1396, 1996*".

READ A FIRST, SECOND, AND THIRD TIME this 27th day of November, 1996

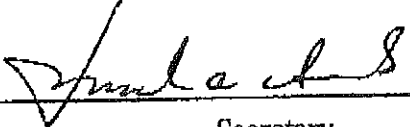
RECEIVED THE APPROVAL of the Inspector of Municipalities  
this 20 day of January, 1996 <sup>7</sup> dr

RECONSIDERED, FINALLY PASSED, AND ADOPTED  
this 22 day of January, 1996 <sup>7</sup> dr

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary

"I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1396, cited as "*Regional District of North Okanagan Sterile Insect Release Extended Service Amendment Bylaw No. 1396, 1996*".

  
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Secretary

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May 17th, 1989

Moved by Director Hornby, seconded by Director Saunders:

"That the Administrator contact local architects and request proposals for completion of the construction drawings for the N.O.R.D. office building and, further, the Office Building Committee be authorized to select an designer by May 23rd, 1989 at 4:30 p.m."

CARRIED.

BOUNDARY ADJUSTMENTS FOR N.O.R.D. OFFICE BUILDING PROPERTY:

The Administrator advised the Board that the agent acting for the owner of land located adjacent to the Regional District property has proposed a boundary adjustment. This boundary adjustment would provide for exchange of equal areas of land resulting in a wider lot for the District and would permit the proposed office building to be set back further from Highway 6. At present, the Regional District lot is long and narrow.

Moved by Director Friesen, seconded by Director Werner:

"That the Office Building Committee be authorized to negotiate a boundary adjustment with the owner of the adjacent property in order to widen the Regional District property and, further, the survey and legal costs be borne by the Regional District."

CARRIED.

Moved by Director Hornby, seconded by Director Saunders:

"That the above motion be amended to read as follows:

That the Office Building Committee be authorized to negotiate a boundary adjustment with the owner of the adjacent property in order to widen the Regional District property and, further, attempt to negotiate the equal sharing of survey and registration costs."

CARRIED.

CONVEYANCING OF EXISTING N.O.R.D. OFFICE BUILDING:

The Regional Board was advised that the Regional District solicitor has been requested to handle the conveyancing of the existing N.O.R.D. office building on behalf of the owner, the City of Vernon. He has indicated that this could be a conflict and has requested the Regional Board to determine if it wants him to handle this conveyancing.

Moved by Director Reich, seconded by Alderman Butters:

"That in order to avoid any future conflict, the Regional District solicitor be requested to not act on behalf of the City of Vernon in the conveyancing of the existing N.O.R.D. office."

CARRIED.

STERILE INSECT RELEASE PROGRAM:

Director Norris stated that Spallumcheen Council has tabled this matter until June.

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May 17th, 1989

The Administrator advised that in order to obtain enabling legislation in 1989, this matter must be dealt with quickly.

Director Kanestar said he is concerned over the apparent high cost of this program.

Director Hill also expressed concern over high costs and he noted that some spraying is necessary as well.

Director Hornby said that the intent of the program is to eliminate the need for chemical spray which benefits everyone.

Moved by Director Norris, seconded by Director Reich:

"That the matter of the Sterile Insect Release Program be tabled to a special meeting with representatives of the Ministry of Agriculture."

CARRIED.

SILVER STAR VILLAGE - COMMUNITY PLAN AREA:

Moved by Director Hill, seconded by Director Friesen:

"That the Minister of Municipal Affairs be requested to designate Silver Star Village as a Community Plan area."

CARRIED.

BILL 19 - REGIONAL DISTRICT LEGISLATION:

The Administrator advised that Bill 19 which deals with Regional District legislation, has a provision which requires Regional Districts to redo all existing functions, including obtaining new consents from Electoral Area Directors and Municipalities for existing functions, as well as Counter Petitions by the electors.

REVIEW APPOINTMENT OF REGIONAL DISTRICT SOLICITOR:

A letter from Mr. W. E. Catlin, Q.C., outlining the events which lead up to the case of Farrell vs. District of Coldstream and Regional District of North Okanagan was circulated. In his letter, Mr. Catlin explained that he did not conclude that Mr. Mackiewicz was attempting to withhold anything from any future insurer or attempting to avoid any duty to disclose.

Director Reich asked on what basis appointments are reviewed.

The Administrator advised that appointments are normally reviewed in a cursory way at budget time. He explained that Mr. Catlin has acted as the Regional District solicitor since 1973. Originally Mr. Catlin was paid on a retainer basis, but in 1980, on his recommendation, it was changed to an hourly basis which has saved the Regional District money.

The Administrator noted that Mr. Catlin is one of two local solicitors who specialize in municipal law and on occasion when the District has obtained second opinions from large legal firms in Vancouver, those opinions have concurred with the advice given by Mr. Catlin. The Administrator stated that Mr. Catlin has provided the Regional District with accurate and cost-effective legal advice.

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June 14th, 1989

Further moved by Director Friesen, seconded by Director Hill:

No. 306/89

"That By-law No. 825, being 'Rezoning By-law No. 825, 1989, No. 4' be reconsidered, finally passed and adopted."

CARRIED.

RESOLUTION:

Sterile Insect Release Program:

Moved by Director Palfrey, seconded by Director Norris:

No. 307/89

"Whereas the Regional Districts of North Okanagan, Okanagan Similkameen, Central Okanagan, Columbia Shuswap, and Central Kootenay have requested the issuance of Supplementary Letters Patent to authorize the said Regional Districts to undertake a Sterile Insect Release Program for the purpose of controlling codling moth;

And whereas existing legislation does not provide the necessary authority required for the establishment of this program;

Now therefore be it resolved that:

1. The Minister of Municipal Affairs be requested to recommend that the Municipalities Enabling and Validating Act be amended to provide the following:

- a) To establish a Sterile Insect Release Board of Management.
- b) To authorize the North Okanagan, Okanagan Similkameen, Central Okanagan, Columbia Shuswap and Central Kootenay Regional Boards to each appoint a Regional Director to the Sterile Insect Release Board as a Voting Member.
- c) To authorize the British Columbia Fruit Growers' Association and to appoint two of its members and the Federal and Provincial Ministers of Agriculture to each appoint one of their regional departmental personnel as a non-voting Sterile Insect Release Board Member.
- d) To authorize the five Regional Districts to impose a parcel tax on land, by area and type of fruit grown.
- e) To authorize the Regional Districts to create parcel tax rolls in municipalities and electoral areas.
- f) To require the participating Regional Districts to borrow funds and incur debt to implement and operate the function of a Sterile Insect Release Program.
- g) To authorize the Provincial Cabinet of the Government of British Columbia to issue Sterile Insect Release Supplementary Letters Patent to the five Regional Districts.
- h) To provide for that part of Subsection (4) of Section 767 of the Municipal Act which requires the assent of the Electors of the Electoral Areas which are to participate and Subsection (6) of the said Act, shall not apply to the implementation or operation of the Sterile Insect Release Program.

CARRIED.

Moved by Director Palfrey, seconded by Director Morris:

No. 308/89

"Whereas the Regional Board of the Regional District of North Okanagan deems it advisable to request the function of a Sterile Insect Release Program for participating member municipalities of the City of Armstrong, District of Coldstream, Township of Spallumcheen, and City of Vernon and Electoral Areas "A", "B", and "C" of the Regional District of North Okanagan;

And whereas the Councils of the City of Armstrong, District of Coldstream, Township of Spallumcheen and City of Vernon have consented by resolution to participate in this program;

And whereas the Electoral Area Directors for Electoral Areas "A", "B" and "C" have consented in writing to participate in the function;

And whereas Regional Boards of the Regional District of North Okanagan, Okanagan Similkameen, Columbia-Shuswap, Central Okanagan, and Central Kootenay or defined areas thereof, have similarly consented to participate and share in the program;

Now therefore be it resolved that:

1. The Minister of Municipal Affairs be requested to recommend the issuance of Supplementary Letters Patent to grant the function of a Sterile Insect Release Program with the Regional District of North Okanagan with the City of Armstrong, District of Coldstream, Township of Spallumcheen and City of Vernon and Electoral Areas "A", "B" and "C" as participating member municipalities;
2. And further that the Supplementary Letters Patent:
  - a) Authorize the Regional District to impose a parcel tax on land only;
  - b) Authorize the Regional District to prepare parcel tax assessment rolls within the Electoral Areas and Municipalities;
  - c) Authorize the Regional District to impose a tax on land only;
  - d) Authorize the Regional District to enter upon lands to undertake a Sterile Insect Release Program;
  - e) Authorize the Regional District to require a landowner to undertake additional spraying and, if the landowner defaults, to order the spraying through a pest control firm or person or other method of effective control, and to have the land owner pay for the cost of doing this work.
3. Authorize the Regional District to establish and define participating areas by by-law;
4. The cost of this function shall be apportioned amongst the Regional Districts of North Okanagan, Okanagan Similkameen, Central Okanagan, Columbia-Shuswap and Central Kootenay on the basis of converted land value assessment which may be taxed for the current year for Regional Hospital District purposes;

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5. The annual net cost of this function which is to be raised by the land only tax shall not exceed the maximum tax rate levy of 34 cents per \$1,000.00 of the taxable assessed values of land only for Regional Hospital District purposes;

6. The long-term debt incurred by the Regional District of North Okanagan for this function shall not exceed in the aggregate the sum of \$2.0 million dollars and apportioned pursuant to Clause Four (4) herein; and further, that temporary borrowing shall not exceed in the aggregate the sum of \$3.5 million dollars."

CARRIED.

BY-LAW NO. 826:

"Silver Star Mountain Community Water System By-law No. 826, 1989":

The Administrator explained that Silver Star Mountain Resorts has circulated a petition requesting the creation of a specified area for a water system and 69% of the owners have signed the petition, however only 12 of 33 cabin colony owners have signed. As requested by the Regional Board, the petition contained the water rates and connection fee.

Director Friesen asked about the concerns of the cabin colony. The Administrator stated that there are parking easement problems.

Mr. R. N. Shortt, B.C.L.S., appeared before the Board and advised that the easements are already in place but that there was a disagreement between Silver Star Resorts and the cabin colony residents, however formal written agreement is expected very soon.

Director Palfrey said that he thinks some of the cabin colony residents are not aware of this petition.

Moved by Director Friesen, seconded by Director Palfrey:

No. 309/89

"That By-law No. 826, being 'Silver Star Mountain Community Water System By-law No. 826, 1989' be given first, second and third readings and that the cabin colony residents concerns with Silver Star Resorts be alleviated prior to the by-law being forwarded to the Inspector of Municipalities for approval."

CARRIED.

NEW AND UNFINISHED BUSINESS:

1988 AUDITED FINANCIAL STATEMENTS:

The 1988 Audited Financial Statements for the Regional District of North Okanagan were circulated to the Board for information.

APPOINTMENT:

Advisory Planning Commission, Electoral Area "A":

Moved by Director Hill, seconded by Director Saunders:

No. 310/89

"That Mr. Charles Yule be appointed as a member of the Advisory Planning Commission, Electoral Area 'A', for a two-year term."

CARRIED.

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