

CITY OF WEST KELOWNA

BYLAW NO. 280, 2020

A BYLAW TO ESTABLISH A LOCAL AREA SERVICE FOR THE
CONSTRUCTION AND OPERATION OF THE ROSE VALLEY WATER
TREATMENT PLANT

WHEREAS Section 210 of the *Community Charter* provides authority for local area services, a municipal service that is to be paid for in whole or in part by a local service tax under Section 216 for services that the Council considers provide particular benefit to part of the municipality; and,

WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to establish a local area service by bylaw, if the service and its cost recovery methods have been proposed by Council initiative subject to a petition against by the property owners subject to the local service tax; and,

WHEREAS Council has initiated a local area service subject to petition against to construct and operate a Water Treatment Plant to be known as the Rose Valley Water Treatment Plant, pursuant to Section 213 of the *Community Charter*; and,

WHEREAS the *Community Charter* provides for a part of the cost to be borne by property owners benefitting from a local area service and for the levy and imposition of a local service tax to be imposed on benefitting properties to recover the owners' portion of the costs; and,

WHEREAS the Corporate Officer has certified that the petition against received for the works does not constitute a sufficient petition signed by a majority of the owners, representing at least half of the assessed value of the parcels that would be subject to the local service tax;

NOW THEREFORE the Council of the City of West Kelowna in open meeting assembled, enacts as follows:

1. Title

This Bylaw shall be cited for all purposes as the "CITY OF WEST KELOWNA ROSE VALLEY WATER TREATMENT PLANT LOCAL AREA SERVICE ESTABLISHMENT BYLAW NO. 280, 2020".

2. Establishment of Local Area Service

The City hereby establishes a local area service under the provisions of Section 211 of the *Community Charter* to be known as the "Rose Valley Water Treatment Plant Construction and Operation Local Area Service".

3. Description of Service

The description of the local area service is the construction and operation of a water treatment plant and distribution to serve a specified local service area.

4. Boundaries of Local Area Service

The Rose Valley Water Treatment Plant Construction and Operation Local Area Service includes all of the parcels within the area outlined in heavy dashed black line on the plan attached to and forming part of this bylaw as Schedule 'A' – Rose Valley Water Treatment Plant Construction and Operation Local Area Service Boundaries (the "Local Area Service").

5. The annual costs for the service established in Section 2 shall be recovered by:

5.1. The cost recovery method for an amount not exceeding \$23,500,000 and interest, that is subject of the local area service established under this bylaw, shall be recovered by way of a parcel tax under Division 4 of Part 7 of the *Community Charter* imposed only within the Local Area Service on the basis of a single amount for each parcel;

As an alternative to the preceding cost recovery method, an owner of a parcel within the Local Area Service may elect to pay their portion of the Local Area Service Charge levied for their parcel in the form of a one-time cash payment; and/or;

5.2. The imposition of local area service charges under Section 210 and 194 of the *Community Charter* for the operation of the water treatment plant and distribution that may be set by separate bylaw for the purpose of recovering these costs.

READ A FIRST, SECOND AND THIRD TIME THIS 14TH DAY OF JULY, 2020.

ADOPTED THIS _____ DAY OF _____, 2020.

MAYOR

CITY CLERK



CITY OF WEST KELOWNA - SCHEDULE "A" BYLAW No. 0280

