

CITY OF KELOWNA

BYLAW NO. 11623

A bylaw of the City of Kelowna to establish a local area service for the purpose of creating a Local Area Service for the South East Kelowna Integration Project

WHEREAS Order in Council 276/2018, dissolved the South East Kelowna Irrigation District, transferred the Irrigation District's rights, property, assets, and obligations to the City of Kelowna, continued the Irrigation District's water service as a local area service of the City of Kelowna, and required that the City of Kelowna, for the purposes of establishing the local area service, adopt a bylaw under Section 211 of the *Community Charter* within a reasonable period;

AND WHEREAS Section 211 of the *Community Charter*, and amendments thereto, require that a bylaw to establish a local area service:

- (a) Describe the service;
- (b) Define the boundaries of the local service area;
- (c) Identify the methods of cost recovery for the service, including the form of local service tax and the portion of the costs of the service that are to be recovered by the local service tax; and,
- (d) If applicable, identify the portion of the costs of the service that are to be recovered by a general property tax;

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

1. Pursuant to Order in Council 276/2018 and Section 211 of the *Community Charter*, there is hereby established and shall be a local area service to be known as the "South East Kelowna Water Local Area Service" for the purposes of:
 - a. Providing, operating, maintaining, undertaking and carrying out, or causing to be carried out, the supply and installation of a potable domestic water supply, including without limitation transmission mainlines, reservoirs, pump stations, and water supply improvements; and,
 - b. Providing, operating, maintaining, undertaking and carrying out, or causing to be carried out, the supply and installation of an irrigation water supply, including without limitation transmission mainlines, reservoirs, pump stations, and water supply improvement,

and to do all things necessary in connection therewith, including without limitation acquiring any and all such real property, easements, and right-of-ways, and to enter into leases, and to obtain other rights and authorities as may be required or desired.

2. The boundaries of the local service area for the South East Kelowna Water Local Area Service are as described in Section 3 of Order in Council 276/2018, as shown on Schedule "A" attached to and forming part of this bylaw.

Bylaw No. 11623 - Page 2.

3. The costs of the South East Kelowna Water Local Area Service shall be recovered by:
 - a. Fees imposed under Section 194 of the *Community Charter*; and,
 - b. Local service taxes under Section 216 of the *Community Charter*.
4. Local service taxes imposed in accordance with Section 3(b) above, shall be in the form of parcel taxes under Division 4 of Part 7 of the *Community Charter*, with the portion of the costs of the South East Kelowna Water Local Area Service being recovered through parcel taxes being \$21,313,553 plus the amount by which the costs of construction of the new potable domestic water supply shown and described in the description, plans, and specifications of the South East Kelowna Water Integration Project exceeds \$58,279,125, levied in 18 annual instalments.
5. The Council may, by bylaw, merge this local area service with any other local area service created to provide water works whether contiguous or not, for the purpose of providing, consolidating or completing necessary work for such merged areas.
6. This bylaw shall take effect on the date of its adoption by Council.
7. This bylaw shall be cited as "Establishment of South East Kelowna Water Local Area Service Bylaw No. 11623".

Read a first, second and third time by the Municipal Council this 19th day of November, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 11623 - Page 3 - Schedule "A"

