

CANADA

Lieutenant Governor

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other  
Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come -

GREETING

( WHEREAS by sections 7, 8 and 9 of the  
( *Municipal Act* that upon receipt of a  
( request for incorporation and after a  
( vote in favour, the Lieutenant Governor  
( in Council may, on the recommendation of  
( the Minister of Municipal Affairs, by  
( Letters Patent, incorporate the residents  
( of any area into a municipality;

Minister of  
Municipal Affairs

AND WHEREAS pursuant to the said section 8 of the *Municipal Act*, a request has been received for incorporation as a municipality of the area hereinafter referred to;

AND WHEREAS a vote has been held as required by sections 8 and 9 of the *Municipal Act*, and the result was in favour of incorporation of a municipality;

AND WHEREAS the conditions and requirements of the *Municipal Act* have been complied with;

NOW KNOW YE THAT by these presents, We do order and proclaim that the residents of the area hereinafter described shall, on, from and after the 4th day of December, 1999 be incorporated as an Island Municipality under the *Municipal Act* and under the provisions hereinafter contained or referred to:

NAME

- 1.0 The municipality shall be called and known by the name of the "Bowen Island Municipality," hereinafter referred to as "the municipality".

## BOUNDARIES

- 2.0 The municipality shall comprise the entire area of Bowen Island, Finisterre Island, and Hutt Island, and an area of foreshore and land covered by water extending 300 metres from the natural high water marks of said Bowen Island, Finisterre Island, and Hutt Island; the whole of the municipality containing by admeasurement 5,050 hectares of land, more or less, and 1,310 hectares of foreshore and land covered by water, more or less.

## COUNCIL

- 3.0 The Council of the municipality shall consist of the mayor and six councillors. A quorum of Council shall be four members.
- 3.1 The term of office for the first Council begins on December 4, 1999, and ends immediately before the first Monday after December 1, 2002. For the 2002 general local election, and subsequent elections, Council will be elected as set out in the *Municipal Act*.

## ELECTION OF THE FIRST COUNCIL

- 4.0 The election of the members of the first Council of the municipality shall be conducted in the manner as provided by these Letters Patent and as provided for general local elections by the *Municipal Act*, including any order under the Act.
- 4.1 The election shall be held on Saturday, November 20, 1999.
- 4.2 Paulette Vettleson, the usual chief election officer for the Greater Vancouver Regional District, shall be the chief election officer and shall be responsible for the conduct of the election of the first Council of the municipality.
- 4.3 For the purposes of the election of the first Council of the municipality, the chief election officer may appoint officials to assist in the administration and conduct of the election.
- 4.4 The provisions of the "Greater Vancouver Regional District Election Procedures Bylaw No. 841, 1996" shall apply to the conduct of the election of the first Council, to the extent that they are not inconsistent with the provisions of these Letters Patent.
- 4.5 Voting day only registration shall be in effect for the first general local election.

- 4.6 The chief election officer shall be responsible for the process of selection of municipal trustees for Islands Trust Council as provided by sections 5.1 to 5.4, inclusive, of these Letters Patent, and must provide the opportunity on the nomination papers for candidates to indicate if they wish to be considered for selection as municipal trustee for the Islands Trust Council.

#### MUNICIPAL TRUSTEES FOR ISLANDS TRUST COUNCIL

- 5.0 As provided in section 13 (3.1) (a) of the *Municipal Act*, despite section 7 of the *Islands Trust Act*, the term of office for municipal trustees for the Islands Trust Council shall be three years, concurrent with the term for the Council of the municipality.
- 5.1 As provided in section 13 (3.1) (b) of the *Municipal Act*, the process that the Council must follow in selecting and appointing municipal trustees for the Islands Trust Council under section 7 of the *Islands Trust Act* is established by sections 5.2 to 5.8, inclusive, of these Letters Patent.
- 5.2 In conjunction with the general local election, electors must be asked to select the two members of Council to be appointed as municipal trustees for the Islands Trust Council.

5.3 The selection of the municipal trustees for the Islands Trust Council must be determined by a process of election in the manner provided for general local elections by the *Municipal Act*, including any order under the *Act*.

5.4 The process of election referred to in section 5.3 of these Letters Patent must be undertaken as provided in the following sections:

(a) Candidates for mayor and councillor must indicate on the nomination papers if they wish to be considered for selection as a municipal trustee for the Islands Trust Council;

(b) Separate from the ballots for the election of the mayor and councillors, there must be a ballot for the municipal trustees for the Islands Trust Council;

(c) The ballot for the municipal trustees for the Islands Trust Council must list all candidates who have indicated that they wish to be considered for selection as a municipal trustee; and

(d) The two persons on the ballot for the municipal trustees for the Islands Trust Council receiving the highest and second highest number of votes and who are elected to Council must be appointed by the Council at the inaugural meeting as municipal trustees for the Islands Trust Council.

5.5 If there are two, or fewer than two:

(a) candidates under section 5.4 (a) of these Letters Patent; or

(b) persons selected as a result of the ballot as described in section 5.4 of these Letters Patent;

then the Council must appoint the two, or fewer than two, persons who indicated that they wish to be considered as municipal trustee for the Islands Trust Council, and the Council shall appoint one or two of its members, as applicable, as municipal trustee.

5.6 Except as provided by section 5.4 (d) of these Letters Patent, if the result of the election process for the positions of municipal trustee for the Islands Trust Council is an equality of valid votes for two or more candidates who are elected to Council, the Council must appoint the municipal trustee(s) for the Islands Trust Council from among those candidates.

5.7 If a vacancy occurs in the position of municipal trustee for the Islands Trust Council, the Council must appoint a member to the position for the remainder of the term, and the member appointed must, if applicable, be the member who received the next highest number of votes as a result of the most recent process of selection as provided by sections 5.3 to 5.6, inclusive, of these Letters Patent.

5.8 If a vacancy occurs in the position of municipal trustee for the Islands Trust Council as a result of a vacancy occurring on the Council, and a by-election is held, then electors must be asked to select the member of Council to be appointed as municipal trustee for the Islands Trust Council by a process of election as provided by sections 5.3 and 5.6, inclusive, of these Letters Patent, and for this purpose:

(a) the process of election must be held in conjunction with the by-election; and

(b) members of Council must be given the opportunity to indicate if they wish to be considered for selection as municipal trustee for the Islands Trust Council.

5.9 The Council may at any time after June 30, 2006, by bylaw which must be approved by the minister, provide for a referendum to obtain the opinion of voters on whether or not the process to select municipal trustees described in sections 5.1 to 5.8, inclusive, of these Letters Patent shall continue; and the Council must not provide for such a referendum prior to that date.

5.10 The Council must refer a proposed bylaw as referred to in section 5.9 of these Letters Patent to the Islands Trust after first reading of the bylaw; and the Islands Trust must advise the Council if it has any objections to the proposed bylaw within 45 days after the date of the referral, after which time the bylaw may be submitted to the minister for approval, and the comments of the Islands Trust, if any, must be submitted with the bylaw.



5.11 If the result of a referendum referred to in section 5.9 of these Letters Patent is that voters choose to continue with that process, the provisions of sections 5.1 to 5.8, inclusive, of these Letters Patent shall continue to be in effect.

5.12 If the result of a referendum as referred to in section 5.9 of these Letters Patent is that voters choose to discontinue that process, the Council shall select and appoint the municipal trustees for Islands Trust Council commencing in conjunction with the 2008 general local election.

#### FIRST MEETING

6.0 The first meeting of the Council shall be held on Saturday, December 4, 1999, at a time and place to be set by the mayor-elect.

#### ASSESSMENT ROLL

7.0 An assessment roll of lands and improvements for the area incorporated by these Letters Patent shall be completed, returned, confirmed and authenticated by the British Columbia Assessment Authority for the 2000 taxation year.

- 7.1 For the 2000 taxation year any assessment appeal, pursuant to section 40 of the *Assessment Act*, against the assessment of a property within the area covered by these Letters Patent is deemed to be an appeal against the assessment roll of the municipality.

#### BORROWING POWER

- 8.0 The borrowing power of the municipality shall be determined by the Inspector of Municipalities until such time as section 449 of the *Municipal Act* must be observed.

#### CURRENT EXPENDITURES

- 9.0 The Council shall have the power to incur liabilities by borrowing money, or otherwise, but not exceeding the amount to be determined by the Inspector of Municipalities for the purpose of operating the municipality, until a bylaw to impose rates under section 331 of the *Municipal Act* has been adopted for the year 2000 and any liability so incurred shall be repaid out of the revenue for the year 2000.

## BUDGET AND CAPITAL EXPENDITURES

- 10.0 Notwithstanding section 327 of the *Municipal Act*, the mayor-elect shall cause to be prepared a provisional budget for that portion of 1999 that the municipality is incorporated and the year 2000.
- 10.1 A copy of the provisional budget shall be supplied to each member of Council at the first meeting of Council, and the provisional budget that was caused to be prepared by the mayor-elect or as altered by the Council shall be adopted at the first meeting of the Council.
- 10.2 Until December 31, 2002, Council must not authorize a capital expenditure which does not require borrowing of greater than \$250,000 without first obtaining the assent of electors.

## ACCOUNTS AND AUDIT

- 11.0 For the purposes of Part 14 of the *Municipal Act*, the first year shall run from December 4, 1999 to December 31, 2000.

## REGIONAL DISTRICT BYLAWS, ETC.

- 12.0 Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, license and permit of whatsoever kind and description passed, made, enacted, entered into and granted, and in effect, or in force in, or issued to, or by the Greater Vancouver Regional District, and having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, on and from December 4, 1999 may be enforced, amended or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.

## ISLANDS TRUST OBJECT

- 13.0 As provided in section 39.1 of the *Island Trust Act*, council must have regard to the object of the Islands Trust in adopting a bylaw or issuing a permit or a licence.
- 13.1 The municipality is a member of the Islands Trust and shall support the object of the Islands Trust as defined by the *Islands Trust Act*, and the purpose of the provisions in these Letters Patent regarding Official Community Plan Bylaws and Review Of Other Bylaws By Islands Trust, in conjunction with sections 38 and 39.1 of the *Islands Trust Act*, is to ensure that there shall be no conflict between the actions of the municipality and the object of the Islands Trust and the trust policy statement.

## OFFICIAL COMMUNITY PLAN BYLAWS

- 14.0 Official Community Plan Bylaw No. 139, 1996, of the Bowen Island Local Trust Committee is the official community plan for the municipality.
- 14.1 Official community plan bylaws of the municipality must not be contrary to or at variance with the trust policy statement adopted by the Islands Trust Council under section 15 of the *Islands Trust Act*, and the Council must, before adoption, submit an official community plan bylaw to the Islands Trust pursuant to section 38 of the *Islands Trust Act*.
- 14.2 As provided in section 13 (3.1) (c) of the *Municipal Act*, the process the Council must follow in submitting an official community plan bylaw for approval under section 38 of the *Islands Trust Act* shall be as described in sections 14.3 to 14.5, inclusive, of these Letters Patent.
- 14.3 With respect to a proposed official community plan bylaw, the Council must:
- (a) refer the proposed bylaw to the Islands Trust before a public hearing is held;
  - (b) not hold a public hearing on the bylaw before the municipality is advised in writing of the comments of the Islands Trust, or before 45 days from the date of the referral, whichever is earlier;

- (c) in the event that the Islands Trust identifies that the provisions of the bylaw may be contrary to or at variance with the trust policy statement, meet with the Islands Trust to review the proposed bylaw not later than 60 days after the date of the response to the referral, and a public hearing on the proposed bylaw must not be held until after that meeting; and
- (d) introduce into the public hearing on the bylaw, the comments of the Islands Trust received in response to the referral.

14.4 Where, after third reading of a proposed official community plan bylaw and after the Islands Trust executive committee has refused to approve the bylaw submitted under section 38 (1) of the *Islands Trust Act*, the municipality requests that the bylaw be referred to the Islands Trust Council for approval as provided in section 38 (3) of the *Islands Trust Act*:

- (a) the Council must notify the Minister of Municipal Affairs of the request; and
- (b) the minister may provide advice or direction to assist with the review of the bylaw by the Islands Trust Council, and to determine if the bylaw may be approved by the Islands Trust Council.

14.5 Where, as provided in section 38 (4) of the *Islands Trust Act*, the municipality submits a proposed official community plan bylaw to the minister for approval:

- (a) the Council must advise the Islands Trust of its intention to submit the proposed bylaw to the minister; and
- (b) the minister may require the municipality and the Islands Trust to resolve the issue regarding the proposed bylaw by use of the dispute resolution mechanisms contained in sections 859 to 862, inclusive, of the *Municipal Act*.

14.6 In relation to the consideration of an official community plan bylaw by the Islands Trust, the Islands Trust may only refuse to approve a bylaw on the basis that it believes that the provisions of the proposed bylaw are contrary to or at variance with the trust policy statement, and the municipality may only submit a proposed bylaw to the minister where it believes that the Islands Trust has not reviewed the proposed bylaw correctly with reference to the trust policy statement.

## REVIEW OF OTHER BYLAWS BY ISLANDS TRUST

- 15.0 Where the municipality proposes to adopt a bylaw, other than an official community plan bylaw, which has any reference to a matter included in the trust policy statement, the municipality shall refer the proposed bylaw to the Islands Trust prior to third reading of the proposed bylaw, and the Islands Trust must advise the Council if it has any objections to the proposed bylaw within 45 days after the date of the referral, subject to the provisions of, and procedures which may be established in, an agreement between the municipality and the Islands Trust pursuant to section 17.0 of these Letters Patent, after which time Council may proceed with the proposed bylaw subject to section 15.1 of these Letters Patent.
- 15.1 Where the Islands Trust advises the municipality that it considers that the provisions of a proposed bylaw referred to in section 15.0 of these Letters Patent may be contrary to or at variance with the trust policy statement, the municipality must notify the minister, and the minister may proceed with either or both of the following:
- (a) provide advice or direction to the municipality and the Islands Trust regarding the proposed bylaw; or
  - (b) require the municipality and the Islands Trust to resolve the issue regarding the proposed bylaw by use of the dispute resolution mechanisms contained in sections 859 to 862, inclusive, of the *Municipal Act*.



## LOCAL TRUST COMMITTEE BYLAWS, ETC

- 16.0 Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, licence and permit of whatsoever kind and description passed, made, enacted, entered into and granted and in effect, or in force in, or issued to, or by the Bowen Island Local Trust Committee having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, shall remain in full force and effect in and for the municipality on and from December 4, 1999, and each may be enforced, amended, or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.

## ISLANDS TRUST AGREEMENTS

- 17.0 The municipality must, no later than March 31, 2000, enter into discussions with the Islands Trust to establish an agreement pursuant to section 9 (1) of the *Islands Trust Act* regarding communications between the municipality and the Islands Trust, and related matters.
- 17.1 A proposed agreement between the municipality and another agency or government, as defined by section 9 (1) of the *Islands Trust Act*, must be:
- (a) approved by the minister; and

(b) referred to the Islands Trust executive committee for review prior to submission to the minister for approval; and the municipality shall not submit the proposed agreement to the Minister until it is advised in writing of the comments of the Islands Trust executive committee, or until 45 days from the date of the referral, whichever is earlier.

- 17.2 A proposed agreement between the Islands Trust and another agency or government which affects the area of the municipality must be referred to the municipality for review prior to approval; and the municipality shall provide comments to the Islands Trust within 30 days of receipt of the proposed agreement.
- 17.3 The Agreement between the Islands Trust and the Ministry of Municipal Affairs dated February 23, 1996 shall be in force and effect for the municipality as if the municipality were a party to the Agreement.
- 17.4 The municipality must, no later than June 30, 2000, review all agreements entered into by the Islands Trust prior to the incorporation of the municipality, and determine the extent to which they apply to the municipality.

## LOCAL PLANNING SERVICES

- 18.0 A contract is hereby established between the municipality and the Islands Trust whereby the Islands Trust will provide, and the municipality will pay the Islands Trust to provide, local planning services, including administration of management of development and related planning services, within and on behalf of the municipality, as directed by Council, from December 4, 1999 until December 31, 2002.
- 18.1 The municipality and the Islands Trust must, no later than June 30, 2000, enter into an agreement which defines the local planning services to be provided by the Islands Trust under the contract established by section 18.0 of these Letters Patent, and that agreement may be reviewed and amended as needed for each year of the contract.
- 18.2 Unless otherwise agreed, the annual cost payable by the municipality to the Islands Trust under the contract established by section 18.0 of these Letters Patent shall be the amount, in the particular year, representing the pro-rata share of the Islands Trust budget, net of fees, charges and other revenues, for local planning services, based on the value of net taxable assessments of the municipality in relation to the value of net taxable assessments for the trust area as a whole.

18.3 The contract established by section 18.0 of these Letters Patent may be terminated by mutual agreement prior to December 31, 2002, upon terms that may be established in the agreement as referred to in section 18.1 of these Letters Patent; and the municipality and the Islands Trust may agree to extend the contract established in section 18.0 of these Letters Patent for an additional year.

18.4 With respect to the contract established by section 18.0 of these Letters Patent, the municipality shall be responsible for any cost over and above the cost described in section 18.2 of these Letters Patent, and the Islands Trust must not authorize expenditures over and above the cost described in section 18.2 of these Letters Patent except with the prior approval of the municipality.

#### LOCAL TRUST COMMITTEE ASSETS AND LIABILITIES

19.0 All property, both real and personal, and all rights, powers and privileges arising out of any contract, agreement, collective agreement, covenant, or otherwise whatsoever, and all tasks, debts, actions, causes of actions and all claims and demands whatsoever either at law or in equity pertaining to the Bowen Island Local Trust Committee, shall transfer to, vest in and belong to the municipality from the date of incorporation.

19.1 Nothing in these Letters Patent shall impair or affect the rights of any creditor of the Bowen Island Local Trust Committee, and the municipality shall be liable for and subject to and shall pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties of the Bowen Island Local Trust Committee, from the date of incorporation.

#### ISLANDS TRUST COST RECOVERY, ASSETS AND LIABILITIES

20.0 Commencing in the 2000 taxation year, the municipality shall levy, collect and remit such taxes as are necessary to pay its share of the costs of the Islands Trust budget as defined by sections 14 (3) (c) (i) and (iv) of the *Islands Trust Act*.

20.1 Pursuant to section 13 (3.10) (d) of the *Municipal Act*, all covenants in relation to property within the boundary of the municipality registered in favour of the Islands Trust and granted pursuant to section 215 (a) of the *Land Title Act* are hereby transferred to the municipality effective on the date of incorporation.

**REGIONAL DISTRICT EXTENDED SERVICES  
TRANSFERRED TO THE MUNICIPALITY**

21.0 The following extended services and associated regulatory jurisdictions of the Greater Vancouver Regional District are transferred to the municipality as described in Supplementary Letters Patent of the Greater Vancouver Regional District approved and ordered concurrently with these Letters Patent:

<b>GREATER VANCOUVER REGIONAL DISTRICT EXTENDED SERVICES TRANSFERRED TO THE MUNICIPALITY</b>	
<b>SERVICE</b>	<b>AUTHORITY REFERENCE</b>
Numbering of Buildings	Extended Service Establishment Bylaw No. 663
Building Inspection	Extended Service Establishment Bylaw No. 630
Bowen Island Dog Control	Extended Service Establishment Bylaw No. 791
Bowen Island Noise Control	Extended Service Establishment Bylaw No. 806

21.1 With respect to the extended services described in section 21.0 of these Letters Patent, all rights, titles, assets, powers, privileges, licenses, liabilities and interests of the Greater Vancouver Regional District in relation to the area included within the boundaries of the municipality are transferred to the municipality.

21.2 A contract is hereby established between the municipality and the Greater Vancouver Regional District whereby the Greater Vancouver Regional District will provide, and the municipality will

pay the Greater Vancouver Regional District to provide, the services described in section 21.0 of these Letters Patent on behalf of the municipality, in relation to all regulatory bylaws in force and effect at the date of incorporation of the municipality under the authority of those services, as directed by Council, from December 4, 1999 until December 31, 2000.

- 21.3 Notwithstanding the generality of section 21.2 of these Letters Patent, the service to be provided by the Greater Vancouver Regional District under the contract established by section 21.2 of these Letters Patent shall include the processing of permits and licenses, bylaw enforcement, and inspections in relation to the applicable regulatory bylaws, and in accordance with the policies and procedures of the Greater Vancouver Regional District established prior to incorporation of the municipality, until such bylaws, policies and procedures are adopted or amended by Council, after which time the Council bylaws, policies and procedures shall apply.
- 21.4 Unless otherwise agreed, the annual cost payable by the municipality to the Greater Vancouver Regional District under the contract established by section 21.2 of these Letters Patent shall be the cost of the Greater Vancouver Regional District, including the cost of administration of those services pursuant to section 797 (1) (a) of the *Municipal Act* and Division XVI of Letters Patent of the Greater Vancouver Regional District, in accordance with the annual budget of the Greater Vancouver Regional District for the year 2000 and referred to as corporate program allocation, net of fees and charges collected by the Greater Vancouver Regional District on behalf of the municipality.

- 21.5 The contract established by section 21.2 of these Letters Patent may be terminated by mutual agreement of the municipality and the Greater Vancouver Regional District prior to December 31, 2000, upon 60 days written notice being provided by either party, or as otherwise established by agreement, in which case the municipality shall be responsible to pay the portion of the cost described by section 21.4 incurred by the Greater Vancouver Regional District up to and including the date of termination of the contract.
- 21.6 With respect to the contract established by section 21.2 of these Letters Patent, the municipality shall be responsible for any cost over and above the cost described in section 21.4 of these Letters Patent, and the Greater Vancouver Regional District must not authorize expenditures over and above the cost described in section 21.4 of these Letters Patent except with the prior approval of the municipality.

**REGIONAL DISTRICT LOCAL SERVICES  
TRANSFERRED TO THE MUNICIPALITY**

- 22.0 The following local services of the Greater Vancouver Regional District are transferred to the municipality as described in Supplementary Letters Patent of the Greater Vancouver Regional District approved and ordered concurrently with these Letters Patent:



<b>GREATER VANCOUVER REGIONAL DISTRICT LOCAL SERVICES TRANSFERRED TO THE MUNICIPALITY</b>	
<b>SERVICE</b>	<b>AUTHORITY REFERENCE</b>
Cove Bay Water System	Local Service Establishment Bylaw No. 640
Cates Hill - Valhalla Water Supply	Local Service Establishment Bylaw No. 812
Queen Charlotte Heights Water Supply	Local Service Establishment Bylaw No. 836
Snug Cove Sewer System	Local Service Establishment Bylaw no. 721
Bowen Island Recreation and other Community Use	Local Service Establishment Bylaw no. 692
Bowen Island Community Parks	Local Service Establishment Bylaw no. 717
Bowen Island Library Service	Local Service Establishment Bylaw no. 639
Bowen Island Garbage	Specified Area Bylaw No. 188
Bowen Island Community Centre	Specified Area Bylaw No. 238
Bowen Island Docks, Ports and Wharves	Local Service Establishment Bylaw No. 929

22.1 With respect to the local services described in section 22.0 of these Letters Patent, all rights, titles, assets, powers, privileges, licenses, liabilities and interests of the Greater Vancouver Regional District are transferred to the municipality.

22.2 For each of the services of Cove Bay Water System, Cates Hill - Valhalla Water Supply, Queen Charlotte Heights Water Supply, and Snug Cove Sewer System, as described in section 22.0 of these Letters Patent, a separate municipal specified area pursuant to section 646 of the *Municipal Act* is hereby established.

Division 2 of Part 19 of the *Municipal Act* shall apply to each specified area established by section 22.2 of these Letters Patent, and for the purpose of adopting bylaws these Letters Patent shall be deemed to be a bylaw establishing each respective specified area.

22.4 The municipality shall adopt a bylaw pursuant to section 646 of the *Municipal Act* with respect to each specified area established by section 22.2 of these Letters Patent no later than April 30, 2000, and each bylaw shall provide that the purpose of the specified area and the area of the municipality benefited shall be as described in the respective local service establishment bylaw or other authority of the Greater Vancouver Regional District at the date of transfer of the local service to the municipality, and section 646 (6) of the *Municipal Act* does not apply for the purpose of adopting those bylaws.

22.5 Where the Greater Vancouver Regional District has established a reserve fund pursuant to section 826 of the *Municipal Act* for a particular local service transferred to the municipality, the Greater Vancouver Regional District shall transfer those funds, including accumulated interest, to the municipality no later than June 30, 2000; and the municipality shall, no later than June 30, 2000, adopt a bylaw pursuant to section 496 or section 497 of the *Municipal Act*, as applicable, with respect to the reserve fund for the benefit of the entire municipality or, in the case of those services described in section 22.2 of these Letters Patent, for the benefit of the respective specified areas.

A contract is hereby established between the municipality and the Greater Vancouver Regional District whereby the Greater Vancouver Regional District will provide, and the municipality will pay the Greater Vancouver Regional District to provide, the services described in section 22.2 of these Letters Patent, and the services of Bowen Island Recreation and Other Community Use and Bowen Island Community Parks, as described in section 22.0 of these Letters Patent on behalf of the municipality, in relation to all regulatory bylaws in force and effect at the date of incorporation of the municipality under the authority of those services, as directed by Council, from January 1, 2000 until December 31, 2000.

22.7 Notwithstanding the generality of section 22.6 of these Letters Patent, the service to be provided by the Greater Vancouver Regional District under the contract established by section 22.6 of these Letters Patent shall include the management of programs, utility billing, the processing of permits and licenses, bylaw enforcement, and inspections in relation to the services described in section 22.6 of these Letters Patent, in accordance with the policies and procedures of the Greater Vancouver Regional District established prior to incorporation of the municipality, until such bylaws, policies and procedures are adopted or amended by Council, after which time the Council bylaws, policies and procedures shall apply.

22.8 Unless otherwise agreed, the annual cost payable by the municipality to the Greater Vancouver Regional District under the contract established by section 22.6 of these Letters Patent shall be the cost of the Greater Vancouver Regional District, including the cost of administration of

those services pursuant to section 797 (1) (a) of the *Municipal Act* and Division XVI of Letters Patent of the Greater Vancouver Regional District, in accordance with the annual budget of the Greater Vancouver Regional District for the year 2000 and referred to as corporate program allocation, net of fees and charges collected by the Greater Vancouver Regional District on behalf of the municipality.

- 22.9 The municipality and the Greater Vancouver Regional District may, no later than March 15, 2000, enter into an agreement which further defines the terms of the contract established by section 22.6 of these Letters Patent; and the contract may be terminated by mutual agreement of the municipality and the Greater Vancouver Regional District prior to December 31, 2000, upon 60 days written notice being provided by either party, or as otherwise established by agreement, in which case the municipality shall be responsible to pay the portion of the cost described by section 22.8 incurred by the Greater Vancouver Regional District up to and including the date of termination of the contract.
- 22.10 With respect to the contract established by section 22.6 of these Letters Patent, the municipality shall be responsible for any cost over and above the cost described in section 22.8 of these Letters Patent, and the Greater Vancouver Regional District must not authorize expenditures over and above the cost described in section 22.8 of these Letters Patent except with the prior approval of the municipality.

## MUNICIPAL PARTICIPATION IN REGIONAL DISTRICT SERVICES

23.0 The municipality shall be a municipal participating area in the following services of the Greater Vancouver Regional District, and any other services for which Electoral Area C was an electoral participating area at the time of incorporation of the municipality except those services transferred to the municipality as described in Supplementary Letters Patent for the Greater Vancouver Regional District, approved and ordered concurrently with these Letters Patent:

GREATER VANCOUVER REGIONAL DISTRICT SERVICES	
MUNICIPALITY A PARTICIPANT	
SERVICE	AUTHORITY REFERENCE
Public Housing	Division IV, Supplementary Letters Patent
Regional Parks	Division V, Supplementary Letters Patent
Labour Negotiations	Division VI, Supplementary Letters Patent
Air Pollution Control	Division VII, Supplementary Letters Patent
Transit	Division VII, Supplementary Letters Patent
Development Services	Division XVIII, Supplementary Letters Patent
E 911 Telephone Service	Extended Service Establishment Bylaw No. 645

23.1 Commencing in the 2000 taxation year, the municipality shall levy, collect and remit to the Greater Vancouver Regional District such taxes and charges as are necessary to meet its share of the costs of the services described in section 23.0 of these Letters Patent.

## MUNICIPAL SERVICE MANAGEMENT STRUCTURES

24.0 A Parks and Recreation Commission is hereby established for the municipality, which shall have the responsibilities generally as described in the bylaw of the Greater Vancouver Regional District establishing the Bowen Island Parks and Recreation Commission, and shall be composed of the members of the Parks and Recreation Commission as appointed by the Greater Vancouver Regional District prior to transfer of local services to the municipality, and the municipality shall, no later than March 31, 2000, adopt a bylaw pursuant to Part 18 of the *Municipal Act* to establish a Commission under terms and conditions as determined by Council.

24.1 A Cove Bay Water System Local Management Committee is hereby established, which shall have the responsibilities generally as described in Greater Vancouver Regional District Cove Bay Water System Local Management Committee Establishment Bylaw No. 863, and shall be composed of the members of the Cove Bay Water System Local Management Committee as appointed by the Greater Vancouver Regional District prior to transfer of the local services to the municipality; and the municipality shall, no later than March 31, 2000, adopt a bylaw pursuant to Part 18 of the *Municipal Act* to establish a Cove Bay Water System Local Management Committee under terms and conditions as determined by Council.

24.2 A Snug Cove Sewer Local Management Committee is hereby established, which shall have the responsibilities generally as described in Greater Vancouver Regional District Snug Cove Sewer Service Area Local Management Committee Establishment Bylaw No. 658, and which shall be composed of the members of the Snug Cove Sewer Local Management Committee as appointed by the Greater Vancouver Regional District prior to transfer of the local service to the municipality, and the municipality shall, no later than March 31, 2000, adopt a bylaw pursuant to Part 18 of the *Municipal Act* to establish a Snug Cove Sewer Local Management Committee under terms and conditions as determined by Council.

#### FIRE PROTECTION DISTRICT

25.0 The Bowen Island Fire Protection District is dissolved effective as and from midnight, December 31, 1999 and all property, both real and personal, and all rights, powers and privileges arising out of any contract, agreement, collective agreement, covenant, or otherwise whatsoever, and all tasks, debts, actions, causes of actions, and all claims and demands whatsoever either at law or in equity pertaining to the Bowen Island Fire Protection District shall transfer to, vest in, and belong to the municipality from that date.

25.1 Nothing in these Letters Patent shall impair or affect the rights of any creditor of the Bowen Island Fire Protection District and the municipality shall be liable for and subject to and shall pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties of

the Bowen Island Fire Protection District which exist on and from midnight, December 31, 1999.

- 25.2 Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, license and permit of whatsoever kind and description passed, made, enacted, entered into and granted, and in effect, or in force in, or issued to, or by the Bowen Island Fire Protection District, and having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, shall remain in full force and effect, in and for the municipality, on and from midnight, December 31, 1999, and each may be enforced, amended or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.
- 25.3 With respect to reserve funds of the Bowen Island Fire Protection District established by bylaw pursuant to section 751 of the *Municipal Act*, the municipality shall, upon transfer of those funds in conjunction with the dissolution of the Bowen Island Fire Protection District, place those funds in a fire protection reserve fund, and shall adopt a bylaw pursuant to section 496 of the *Municipal Act* in relation to that reserve fund no later than March 31, 2000.



25.4 A Fire Protection Services Advisory Committee of Council is hereby established, effective January 1, 2000, which shall:

- (a) have the general purpose to review and advise Council on any and all matters relating to fire protection within the municipality;
- (b) be composed of the trustees of the Bowen Island Fire Protection District at the time of dissolution of the Bowen Island Fire Protection District, together with other members as may be appointed by the Council; and
- (c) remain in place until April 30, 2000, and may be continued or discontinued after that date as determined by Council.

#### WATER IMPROVEMENT DISTRICTS

26.0 The Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District and Hood Point Improvement District are dissolved and transferred to the municipality to be operated under the authority of municipal specified areas, effective as and from midnight, December 31, 2002, and all property, both real and personal, and all rights, powers and privileges arising out of any contract, agreement, collective agreement, covenant, or otherwise whatsoever, and all tasks, debts,

actions, causes of actions, and all claims and demands whatsoever either at law or in equity pertaining to the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District and shall transfer to, vest in, and belong to the municipality from that date.

26.4 Nothing in these Letters Patent shall impair or affect the rights of any creditor of the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District, and the municipality shall be liable for and subject to and shall pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties of the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District which exist on and from midnight, December 31, 2002.

26.5 Subject to these Letters Patent, each bylaw, right, power, privilege, contract, resolution, order, regulation, restriction, license and permit of whatsoever kind and description passed, made, enacted, entered into and granted, and in effect, or in force in, or issued to, or by the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District, and having application to the area incorporated by these Letters Patent, insofar as they are within the powers of the municipality, shall remain in full force and effect, in and for the municipality, on

and from midnight, December 31, 2002, and each may be enforced, amended or repealed by the Council of the municipality in the same manner as if they were passed, made, enacted, entered into, or granted by the municipality.

26.6 For each of the areas, as defined by letters patent at the time of dissolution, of the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District, a separate specified area is established, pursuant to section 646 of the *Municipal Act*, for the purpose of providing water supply and distribution.

26.7 Division 2 of Part 19 of the *Municipal Act* shall apply to each specified area established by section 26.6 of these Letters Patent, and for the purpose of adopting bylaws these Letters Patent shall be deemed to be a bylaw establishing each respective specified area.

26.8 The municipality shall adopt a bylaw pursuant to section 646 of the *Municipal Act* with respect to each specified area established by section 26.6 of these Letters Patent no later than December 31, 2002, and each bylaw shall provide that the purpose of the specified area and the area of the municipality benefited shall be as described in section 26.6 of these Letters Patent, and section 646 (6) of the *Municipal Act* does not apply for the purpose of adopting those bylaws.

26.9 Where the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District have established a reserve fund pursuant to section 751 of the *Municipal Act*, the municipality must, no later than December 31, 2002, adopt bylaws pursuant to section 496 of the *Municipal Act* to establish reserve funds to provide for the funds transferred from the respective improvement districts in conjunction with the dissolution of the improvement districts to be held for the use and benefit of the respective specified areas established by section 26.6 of these Letters Patent.

26.10 The provisions of the *Municipal Act* regarding the merging of specified areas apply to the specified areas that were formerly water improvement districts, including the requirement for assent, petition or council initiative.

#### WATER SERVICES MANAGEMENT COMMITTEE STRUCTURES

27.0 A committee of Council to be known as the Water Services Management Commission, is hereby established, which shall remain in place until December 31, 2008, and may be continued or discontinued after that date as determined by Council.

27.1 The purpose of the Water Services Management Commission established by section 27.0 of these Letters Patent shall be to review and advise Council on any and all matters relating to the

water supply and distribution systems within the municipality, including the water systems managed by the Cove Bay Water System Local Management Committee as described in section 24.1 of these Letters Patent, and the water systems managed by the improvement districts as described in section 26.0 of these Letters Patent.

**27.2** The membership of the Water Services Management Commission shall be:

- (a) two members, selected by and from the board of trustees of each of the improvement districts as described in section 26.0 of these Letters Patent;
- (b) not less than two and not more than four members of the Cove Bay Water System Local Management Committee; and
- (c) not more than two members of Council.

**27.3** After December 31, 2002, the Council may determine the membership of the Water Services Management Commission, except that the membership must include members of the Cove Bay Water System Local Management Committee and the advisory committees described in section 27.4 of these Letters Patent.

- 27.4 The Council must, no later than December 31, 2002, provide for the establishment of a water system local advisory committee for each of the specified areas established upon dissolution of the Tunstall Bay Improvement District, Blue Water Park Improvement District, Eagle Cliff Improvement District, Bowen Bay Improvement District, and Hood Point Improvement District; and those advisory committees shall remain in place until December 31, 2008 and may be continued or discontinued after that date as determined by Council.
- 27.5 For the period from January 1, 2003 to December 31, 2005 the membership of each water system local advisory committee described in section 27.4 of these Letters Patent shall comprise the board of trustees of the respective improvement districts in office at the time of dissolution, together with not more than one member of Council.
- 27.6 After December 31, 2005, the Council shall provide for the residents of each respective specified area to select the membership of each water system local advisory committee described in section 27.4 of these Letters Patent.
- 27.7 With regard to the Water Services Management Commission described in section 27.0 of these Letters Patent and the water system local advisory committees described in section 27.4 of these Letters Patent, the Council may appoint members as necessary as a substitute for members required by these Letters Patent, where the requirements cannot be met.

27.8 The Council must, no later than December 31, 2002, adopt a bylaw pursuant to section 192 (1) of the *Municipal Act* to delegate some or all of its powers, duties and functions in relation to the water supply and distribution services to the Water Services Management Commission described in section 27.0 of these Letters Patent.

#### ROADS, DRAINAGE AND APPROVING OFFICER

28.0 Pursuant to Division 2 - Highways, of Part 16 - Public Works, of the *Municipal Act*, and pursuant to Part 3 of the *Highways Act*, all public roads within the boundary of the municipality are the responsibility of the municipality.

28.1 Notwithstanding the generality of section 28.0 above, the responsibility for roads and bridges shall include all maintenance including electrical and railway crossings, capital improvements, road drainage, signs, traffic regulation, and all permits including access and utility permits, previously administered by the Ministry of Transportation and Highways.

28.2 Where, in conjunction with the approval of a plan of subdivision by an approving officer pursuant to the *Land Title Act*, works were established or land was set aside for the purpose of drainage, the responsibility for maintenance of those works or ownership of those lands is transferred to the municipality.

28.3 Pursuant to section 77 of the *Land Title Act* the municipality has jurisdiction for subdivision approval and shall appoint an approving officer.

#### ARBITRATION

29.0 In the event that the municipality and the Greater Vancouver Regional District are unable to agree on any matter arising from the implementation of these Letters Patent, or Supplementary Letters Patent of the Greater Vancouver Regional District approved and ordered concurrently with these Letters Patent, the parties may request the Inspector of Municipalities to review the issue which is the subject of the dispute, and the Inspector may make recommendations, or may impose a resolution which is binding on all parties.

#### EFFECTIVE DATE

30.0 These Letters Patent, save sections 4.0 to 4.4 inclusive, are effective December 4, 1999.

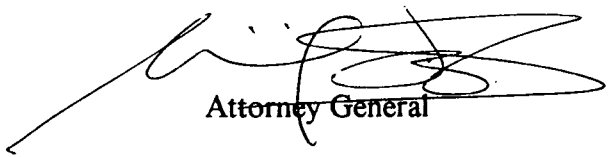
30.1 Sections 4.0 to 4.4, inclusive, of these Letters Patent are effective upon the date approved and ordered by the Lieutenant Governor in Council.



IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, the Honourable Garde B. Gardom, Q.C., Lieutenant Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this 2ND day of SEPTEMBER, in the year of Our Lord one thousand nine hundred and ninety-nine and in the forty-eighth year of Our Reign.

By Command.



Attorney General