

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
BYLAW NO. 328, 2019
A Bylaw to Amend Bylaw No. 283, 2014 to Update Allocation of Capital Project Revenue,
Application of Development Cost Charge Revenue and UBC Cost Apportionment

WHEREAS:

- A. the Board of Directors of the Greater Vancouver Sewerage and Drainage District adopted *Greater Vancouver Sewerage and Drainage District Cost Apportionment Bylaw No. 283, 2014* on March 28th, 2014;
- B. *Greater Vancouver Sewerage and Drainage District Cost Apportionment Bylaw No. 283, 2014* sets out the method of apportioning annual sewerage and drainage expenditures among the member municipalities, as permitted by section 55(4) of the Greater Vancouver Sewerage and Drainage District Act; and
- C. the Board of Directors of the Greater Vancouver Sewerage and Drainage District wishes to amend the *Greater Vancouver Sewerage and Drainage District Cost Apportionment Bylaw No. 283, 2014*.

NOW THEREFORE the Board of the Greater Vancouver Sewerage and Drainage District enacts as follows:

Citation

1. This Bylaw may be cited as the “Greater Vancouver Sewerage and Drainage District Cost Apportionment Amending Bylaw No. 328, 2019”.

Effective Date

2. This bylaw will come into effect on January 1, 2020.

Amendment of Bylaw

3. Greater Vancouver Sewerage and Drainage District Cost Apportionment Bylaw, No. 283, 2014 is hereby amended as follows:
 - (a) In the recitals, at paragraph “C”, the word “and” is deleted;
 - (b) In the recitals, at paragraph “D”, the period at the end of that paragraph is deleted and replaced with a semi-colon;
 - (c) In the recitals, after paragraph “D”, the following paragraphs are added, in alphabetical order, as follows:

- E. Section 6(5) of the Act provides that the Corporation and the University of British Columbia may enter into agreements for the carrying-out of the objects of the Corporation within the university site;
 - F. Section 6(6) of the Act authorizes that if, by January 31 of any year there is no agreement under subsection (5) in force with respect to that year, the Corporation may apportion sums to the University of British Columbia under the Act as if the university were a member municipality of the Corporation and as if the university site were the area of a member municipality of the Corporation; and
 - G. Section 6(7) of the Act provides that the University of British Columbia must pay to the Corporation those sums apportioned to it under section 6(6) as if the university were a member municipality of the Corporation.
- (d) the definition “**Regional Share**” is deleted and replaced as follows:
“**Regional Share**” means 70% of Tier II Non-Growth Component;
- (e) the definition “**Sewerage Area Share**” is deleted and replaced as follows:
“**Sewerage Area Share**” means 30% of Tier II Non-Growth Component;
- (f) the definition “**Tier I Growth Component**” is deleted and replaced as follows:
“**Tier I Growth Component**” means all of the capital expenditures, net of revenue, incurred by the Corporation for Tier I Projects that are primarily “growth” projects, as provided for in the applicable annual budgets of the Corporation or in the supporting documentation to such annual budgets;
- (g) the definition “**Tier I Growth Component Payments**” is deleted;
- (h) the definition “**Tier I Non-Growth Component**” is deleted and replaced as follows:
“**Tier I Non-Growth Component**” for any 12-month period, means the aggregate of those capital expenditures, net of revenue, for Tier I Projects not constituting the Tier I Growth Component;
- (i) the definition “**Tier I Non-Growth Financing**” is deleted;
- (j) the definition “**Tier II Growth Component**” is deleted and replaced as follows:
“**Tier II Growth Component**” means all of the capital expenditures, net of revenue, incurred by the Corporation for Tier II Projects that are primarily “growth” projects, as provided for in the applicable annual budgets of the Corporation or in the supporting documentation to such annual budgets;

- (k) the definition “**Tier II Growth Component Payments**” is deleted;
- (l) the definition “**Tier II Non-Growth Component**” is deleted and replaced as follows:

“**Tier II Non-Growth Component**” for any 12-month period, means the aggregate of those capital expenditures, net of revenue, for Tier II Projects not constituting the Tier II Growth Component;
- (m) the definition “**Tier II Non-Growth Financing**” is deleted;
- (n) the definition “**UEL Dry Weather Flow**” is amended to delete the word “and” at the end of sub-paragraph (ii);
- (o) the definition “**University Endowment Lands**” is deleted and replaced as follows:

“**University Endowment Lands**” means the area of the University Endowment Lands (as referred to in section 5(2) of the Act); and
- (p) the definition “**University Site**” is added to the definitions in section 1 in alphabetic order as follows:

“**University Site**” means the area of the University of British Columbia (as referred to in section 6(11) of the Act);
- (q) The entirety of section 4 is deleted and replaced as follows:
 - 4. Apportionment of Growth Costs
 - 4.1 The Corporation will raise sufficient monies to pay the Growth Component in each year, as capital expenditures are incurred.
 - 4.2 The Corporation will apportion to each Sewerage Area:
 - (a) 100% of the Tier I Growth Component that is attributable to that Sewerage Area; and
 - (b) 30% of the Tier II Growth Component that is attributable to that Sewerage Area.
 - 4.3 The Corporation will apportion among the Sewerage Areas the total costs incurred in respect of 70% of Tier II Growth Component on the basis of the following formula:

$$\frac{\text{Sewerage Area Population Growth}}{\text{District Population Growth}} \times \text{The total costs incurred in respect of 70\% of Tier II Growth Component}$$

4.4 The Corporation will apply the development cost charge monies (the “**DCC Monies**”) received under Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010 (as amended or replaced from time to time) in any year and apportioned to a particular Sewerage Area to pay up to 99% of the sum of the Tier I Growth Component and Tier II Growth Component apportioned to that Sewerage Area pursuant to sections 4.2 and 4.3.

4.5 The Corporation will further apportion among the member municipalities within each Sewerage Area (including, in the case of the Vancouver Sewerage Area, the University Endowment Lands) the total of:

- (a) 1% of the sum of the amounts apportioned to the Sewerage Area pursuant to sections 4.2 and 4.3; and
- (b) the amount by which the DCC Monies are insufficient to pay 99% of the sum of the amounts apportioned to the Sewerage Area pursuant to sections 4.2 and 4.3;

on the basis of the following formula:

$$\frac{\text{Member Population Growth}}{\text{Sewerage Area Population Growth}} \times \text{The sum of amounts (a) and (b)}$$

4.6 For the purposes of the formulae set out in sections 4.3 and 4.5, the Member Population Growth, the Sewerage Area Population Growth and the District Population Growth will be the applicable (rolling) average annual population growth (as published in the most recent edition, as determined by the Corporation, of British Columbia Municipal and Regional District Population Estimates of BC Stats, of the Government of the Province of British Columbia) in each respective area for the five-year period that precedes and ends on December 31 of the calendar year that is two years prior to December 31 of the calendar year in respect of which the calculation is made. Despite the foregoing, the Member Population Growth for the University Endowment Lands will be deemed to be equal to 0.9% of the Member Population Growth for the City of Vancouver.

4.7 Special Apportionment for the Vancouver Sewerage Area

- (a) If by January 31 of any year there is no agreement under subsection 6(5) of the Act in force with respect to that year, and for the purpose of further apportioning costs apportioned to the Vancouver Sewerage Area under sections 4.2 and 4.3, the Corporation will further apportion to the University of British Columbia an amount equal to:

$A \times [(B + C)/D]$, where:

A = 90% of the sums of the amounts apportioned to the Vancouver Sewerage Area as calculated in Sections 4.5 (a) and (b)

B = University of British Columbia residential population (the population as published in the most recent edition, as determined by the Corporation, of British Columbia Municipal and Regional District Population Estimates of BC Stats, of the Government of the Province of British Columbia)

C = University of British Columbia student population (the total student enrolment for the Vancouver campus, reported/published annually by the University's Provost and Vice-President Academic)

D = Vancouver Sewerage Area total population (the total member population for that Area's member municipalities as published in the most recent edition, as determined by the Corporation, of British Columbia Municipal and Regional District Population Estimates of BC Stats, of the Government of the Province of British Columbia, and where the member population for the University Endowment Lands will be deemed to be equal to 0.9% of the member population for the City of Vancouver).

This sum of money to be paid by the University of British Columbia will be due and payable on the fifteenth day of August in such year, with any sum of money apportioned but not paid by such due date bearing interest pursuant to section 6(8) of the Act.

- (b) Despite section 4.4, for the Vancouver Sewerage Area, the Corporation will apply, to pay up to 99% of the Tier I Growth Component and Tier II Growth Component apportioned to the Vancouver Sewerage Area pursuant to sections 4.2 and 4.3:

- (1) Monies received from the University of British Columbia pursuant to section 4.7(a); and
 - (2) DCC Monies received under Greater Vancouver Sewerage and Drainage District Development Cost Charge Bylaw No. 254, 2010 (as amended or replaced from time to time) in any year and apportioned to the Vancouver Sewerage Area.

- (r) Section 6.2 is deleted and replaced as follows:
 - 6.2 The Sewerage Area Share will be apportioned to those Sewerage Areas for which the Corporation has incurred Tier II Non-Growth Component, in the proportion that Tier II Non-Growth Component incurred for services within a Sewerage Area bears to 100% of Tier II Non-Growth Component.

- (s) Section 6.3 is deleted and replaced as follows:
 - 6.3 The Tier I Non-Growth Component will be apportioned to the Sewerage Area for which the costs were incurred.

- (t) Section 7.1 subsection (c) is deleted and replaced as follows:
 - (c) the Tier I Non-Growth Component apportioned to the Vancouver Sewerage Area under section 6.3; and

- (u) Section 7.2 subsection (c) is deleted and replaced as follows:
 - (c) the Tier I Non-Growth Component apportioned to the Lulu Island West Sewerage Area under section 6.3; and

- (v) Section 7.3 subsection (c) is deleted and replaced as follows:
 - (c) the Tier I Non-Growth Component apportioned to the North Shore Sewerage Area under section 6.3; and

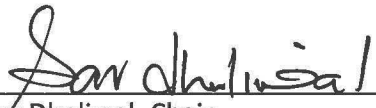
- (w) Section 7.4 subsection (c) is deleted and replaced as follows:
 - (c) the Tier I Non-Growth Component apportioned to the Fraser Sewerage Area under section 6.3; and

- (x) Sections 12 and 12.1, Effective Date, are renumbered to be 13 and 13.1.
- (y) Sections 11 and 11.1, Citation, are renumbered to be 12 and 12.1.
- (z) A new Section 11, Severability, is added as follows:

11. Severability

11.1 If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid or unenforceable by a decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of the Bylaw.

Read a first time this 26 day of JULY, 2019
Read a second time this 26 day of JULY, 2019
Read a third time this 26 day of JULY, 2019
Passed and finally adopted this 26 day of JULY, 2019



Sav Dhaliwal, Chair



Chris Plagnol, Corporate Officer