

DISTRICT OF SOOKE

BYLAW No. 248

A bylaw to establish a reserve fund for the receipt of federal gas tax revenues under the Community Works Fund Agreement.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as *Community Works Reserve Fund Establishment Bylaw, 2006*.
2. A Community Works Fund Reserve Fund is established.
3. Each year, monies received in under the Community Works Fund Agreement dated January 4, 2006 must be placed to the credit of the Community Works Fund Reserve Fund.
4. Money in the Community Works Fund Reserve Fund, and interest earned on it, must be used only for the purposes set out in Schedule A to this bylaw subject to the eligibility criteria set out in Schedule B to this bylaw.

Introduced and read a first time the 24th day of April 2006.

Read a second time the 24th day of April 2006.

Read a third time the 24th day of April 2006.

Adopted on the 8th day of May 2006.

Janet Evans
Mayor

Rachel Parker
Deputy Clerk

SCHEDULE A

Project Categories	Sub-Categories	Tier 1	Tier 2	Tier 3
Public Transit	Develop or improve public transit system (rapid transit, buses, bus ways, sea-buses, commuter rail, ferries, street cars, cycling and pedestrian infrastructure, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Road system improvements that encourage a reduction in car dependency (express bus lanes, HOV lanes, park and ride, bike paths, queue, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rehabilitation of roads and bridges that enhance sustainability outcomes	<input type="checkbox"/>	<input type="checkbox"/>	
	Paths and trails	<input type="checkbox"/>	<input type="checkbox"/>	
Community Energy Systems	Improving energy systems through the use of water systems to generate hydro	<input type="checkbox"/>	<input type="checkbox"/>	
	Community energy systems (wind, solar, thermal, geothermal, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Alternative energy systems	<input type="checkbox"/>	<input type="checkbox"/>	
	Alternative energy systems that serve local government infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	
	Retrofit local government buildings and infrastructure (e.g. water pumps, street lights, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Reduce the GHG impact of solid waste (e.g. biogas recovery and conversion of biomass to bio-oil)	<input type="checkbox"/>	<input type="checkbox"/>	
	Fleet vehicle conversion	<input type="checkbox"/>		
Water and Wastewater	Developing or upgrading drinking water systems to improve water quality and reduce water use, increase energy efficiency, and secure water supply in the face of drought	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Developing or upgrading wastewater and storm water systems to improve water quality and improve aquatic habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Investments in the enhancement and/or protection of community green space such as streams and natural corridors including habitat protection systems to improve water quality and improve aquatic habitat	<input type="checkbox"/>	<input type="checkbox"/>	
Solid Waste Management	Develop or improve solid waste collection, treatment and disposal strategies in ways that reduce resource use, or encourage recycling and re-use	<input type="checkbox"/>	<input type="checkbox"/>	
	Support full cost recovery from users through improved application of user charges	<input type="checkbox"/>	<input type="checkbox"/>	
	Reduce the environmental impact of solid waste (e.g. composting, bio gas recovery)	<input type="checkbox"/>	<input type="checkbox"/>	
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	
Capacity Building	Increase local government capacity to undertake integrated sustainability planning including:			
	Regional growth strategies	<input type="checkbox"/>	<input type="checkbox"/>	
	Community development plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Community plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Community Energy Planning	<input type="checkbox"/>	<input type="checkbox"/>	
	Transportation plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Infrastructure development plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Liquid waste management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Solid waste management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Long-term cross-modal transportation plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Water conservation/demand management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Drought management contingency plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Air quality plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Greenhouse gas reduction plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Energy conservation plans	<input type="checkbox"/>	<input type="checkbox"/>	
Implementing/planning innovative environmental technologies that support sustainability	<input type="checkbox"/>	<input type="checkbox"/>		

SCHEDULE B- Eligible Costs for Eligible Recipients

1. Eligible Costs for Eligible Recipients

1.1 Project Costs

Eligible Costs, as specified in this Agreement, will be all direct costs that are in the Parties' opinion properly and reasonably incurred, and paid by an Eligible Recipient under a contract for goods and services necessary for the implementation of an Eligible Project. Eligible Costs may include only the following:

- a) the capital costs of acquiring, constructing or renovating a tangible capital asset and any debt financing charges related thereto;
- b) the fees paid to professionals, technical personnel, consultants and contractors specifically engaged to undertake the surveying, design, engineering, manufacturing or construction of a project infrastructure asset, and related facilities and structures;
- c) the costs of environmental assessments, monitoring and follow-up programs, as required by the *Canadian Environmental Assessment Act* or a provincial equivalent; and
- d) the costs related to strengthening the ability of Local Governments to develop Integrated Community Sustainability Planning.

1.1.1 Employee and Equipment Costs

The incremental costs of the Local Government's employees or equipment may be included in its Eligible Costs under the following conditions:

- a) the Local Government has determined that it is not economically feasible to tender a contract;
- b) employees or equipment are employed directly in respect of the work that would have been the subject of the contract; and
- c) the arrangement is approved in advance and in writing by the Management Committee.

1. Administration Costs

That portion of Funds representing interest earned may be used to pay for administration costs.

2. Ineligible Costs for Eligible Recipients

Costs related to the following items are ineligible costs:

- a) Eligible Project costs incurred before April 1, 2005;
- b) services or works that, in the opinion of the Management Committee are normally provided by the Eligible Recipient or a related party;
- c) salaries and other employment benefits of any employees of the Eligible Recipient, except as indicated in Section 1.1;
- d) an Eligible Recipient's overhead costs, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its applicant's staff;
- e) costs of feasibility and planning studies for individual Eligible Projects;
- f) taxes for which the Eligible Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- g) costs of land or any interest therein, and related costs;
- h) cost of leasing of equipment by the Local Government, except as indicated in section 1.1 above;
- i) routine repair and maintenance costs;
- j) legal fees;
- k) administrative costs incurred as a result of implementing this Agreement, subject to 1.2 above; and
- l) audit and evaluation costs.