



## **DISCUSSION**

The Surrey Dyking District and Colebrook Dyking District have provided a valuable service to the owners of lands located in the floodplains. The continued operation of the Dyking Districts is in the best interests of those that they serve.

As noted above, the Act was to be repealed on December 31, 2010; however, in response to a request from the City of Surrey for an extension, the Province extended the date of the repeal to December 31, 2012 (as shown in Appendix I). The City requested this extension, as the City wants to work with the Dyking Districts to explore potential operating partnerships or cooperatives.

Staff will be meeting with each District to establish how the City can assume the assets and the operation and maintenance responsibilities of each District once the Act is repealed or if the Dyking Districts are unable to fulfill their obligations. This latter statement relates to an observation by the Surrey Dyking District, which has three full-time and two part-time employees, that they may not be able to retain their staff and fulfill their operation and maintenance responsibilities due to the uncertainty created by the pending dissolution of the District.

The Surrey Dyking District and Colebrook Dyking District have also inquired about converting to Improvement Districts, similar to the Mud Bay Dyking District. The Province has indicated that they do not support the creation of new Improvement Districts and that they are seeking to transfer existing Improvement Districts to local government responsibility. As such, staff will also be meeting with the Mud Bay Dyking District to discuss their future operations.

### **Next Steps:**

Over the next few weeks, staff will:

1. work with Provincial officials toward a further extension to the Act beyond December 31, 2012;
2. study potential operating partnerships or cooperatives with each Dyking District with a view to determining the most appropriate approach to provide dyking services after the Dyking Districts are dissolved; and
3. establish how operation and maintenance responsibilities related to each District can continue in the shorter term if any District finds that it is not able to fulfill its obligations.

## CONCLUSION

Staff will provide a further report to Council complete with recommendations as additional information becomes available.

Vincent Lalonde, P.Eng.  
General Manager  
Engineering

VL/JA/brb

Appendix I - Excerpt from Drainage, Ditch and Dike Act and Correspondence – Extension of Sunset Clause

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If the works of a development district are located in more than one regional district, the regional districts may assume the assets, rights, claims, obligations and liabilities in accordance with the apportionment set out in the order dissolving the development district, and that portion of the development district in each regional district is a service area of that regional district.

- (3) A board may provide that some or all of the assets of the development district be credited to the service area and that some or all of the liabilities be charged to the service area.
- (4) Without limiting section 176 (*Corporate powers*) of the *Local Government Act*, a board may enter into an agreement with the Provincial government for the joint undertaking of additional works of a similar nature and for their maintenance.
- (5) A board may, by bylaw adopted without the assent or approval of the electors but otherwise in accordance with the *Local Government Act*, borrow sums required under any agreement with the Provincial government.
- (6) The entire cost or the parts of the cost of an existing work or a work to be constructed under the terms of an agreement under this section, and of its maintenance and operation, as may be determined by the board, must be borne by the owners of real property in the service area.

2003-77-15

**Sunset provision**

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**173.**

This Act is repealed on December 31, 2012 or on a later date prescribed by regulation of the Lieutenant Governor in Council.

2003-77-15; B.C. Reg. 375/2008