



CHAPTER 55.

An Act respecting the Capital Improvement District Commission.

[Assented to 2nd March, 1956.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title

1. This Act may be cited as the "Capital Improvement District Act."

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Commission" means the Capital Improvement District Commission;

"Minister" means the Provincial Secretary;

"Capital Improvement District" means the Capital Improvement District established under this Act.

Establishment of Commission.

3. (1) There shall be a commission to be called the "Capital Improvement District Commission" consisting of eleven members.

(2) Six members shall be appointed by the Lieutenant-Governor in Council, to hold office during pleasure for a period not exceeding five years.

(3) Two members shall be appointed by The Corporation of the City of Victoria, to hold office during pleasure for such period not exceeding three years, as the Corporation may by by-law determine.

(4) One member shall be appointed by the Corporation of the Township of Esquimalt, to hold office during pleasure for such period not exceeding three years, as the Corporation may by by-law determine.

(5) One member shall be appointed by The Corporation of the District of Oak Bay, to hold office during pleasure for such period not exceeding three years, as the Corporation may by by-law determine.

(6) One member shall be appointed by The Corporation of the District of Saanich, to hold office during pleasure for such period not exceeding three years, as the Corporation may by by-law determine.

(7) A retiring member is eligible for reappointment.

Designation of area

4. The Lieutenant-Governor in Council may from time to time designate an area within and in the district surrounding the City of Victoria to be known as the "Capital Improvement District"

Incorporation of Commission

5. (1) The Commission is a body corporate, and has power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable it to carry into effect the purposes for which it is constituted or any of the powers conferred on it by this Act; but no by-laws so made shall come into force or effect until approved by the Lieutenant-Governor in Council, and no alteration, modification, or repeal of any such by-law shall have any force or effect until approved by the Lieutenant-Governor in Council.

Penalties to enforce by-laws.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars, recoverable upon summary conviction, for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months.

Agent of Her Majesty

6. (1) The Commission is for all purposes of this Act an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Proceedings by and against the Commission

(2) Actions, suits, or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Commission in the name of the Commission in any Court that would have jurisdiction if the Commission were not an agent of Her Majesty

Chairman

7. (1) The Lieutenant-Governor in Council shall designate one of the Commissioners appointed by the Lieutenant-Governor in Council to be Chairman of the Commission, and he shall hold office as Chairman during pleasure.

Secretary

(2) There shall be a Secretary of the Commission, who shall be appointed by the Lieutenant-Governor in Council, and who shall hold office during pleasure.

Commissioners to serve without remuneration

8. The Chairman and other members of the Commission shall serve without remuneration, but they are entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act.

Commission to co-ordinate work in District.

9. (1) The Commission shall co-ordinate construction and development work in the Capital Improvement District in accordance with general plans approved from time to time under this Act.

Proposals to be
referred to
Commission

(2) Proposals for the location, erection, alteration, or extension of a building or other work by or on behalf of the Government of British Columbia or by any person on lands owned, leased, or otherwise controlled by the Government of British Columbia in the Capital Improvement District shall be referred to the Commission prior to the commencement of the work.

Approval of site,
location, and plans

(3) No building or other work shall be erected, altered, or extended by or on behalf of the Government of British Columbia in the Capital Improvement District unless the site, location, and plans thereof have first been approved by the Commission.

Idem

(4) No person shall erect, alter, or extend a building or other work on land in the Capital Improvement District owned, leased, or otherwise controlled by the Government of British Columbia unless the site, location, and plans thereof have first been approved by the Commission.

Offence and penalty

(5) Every person who contravenes or fails to comply with subsection (4) is guilty of an offence and liable, on summary conviction, to a fine not exceeding five hundred dollars.

Approval may be
given by Lieut.-
Governor in Council

(6) In any case where the Commission does not give its approval under this section, the Lieutenant-Governor in Council may give such approval.

Interior alteration

(7) This section does not apply to interior alterations in a work or building.

Powers of
Commission

10. The Commission may:—

Acquisition of
property

(a) Purchase, acquire, and hold real property within the Capital Improvement District for the purpose of public parks or squares, streets, avenues, drives, thoroughfares, bridges, or other structures:

Maintaining and
protecting works

(b) Do, perform, and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining, and protecting all or any of the works of or under the control of the Commission, and for preserving order thereon:

Improvements in
local municipality

(c) Co-operate with any local municipality in the improvement and beautifying of the same or the vicinity thereof by the development, maintenance, or improvement of public parks, squares, streets, avenues, drives, thoroughfares, bridges, or other structures in such municipality or in the vicinity thereof:

Concessions

(d) Operate or grant concessions for the operation of places of refreshment, amusement, or shelter, or for the encouragement of recreation, sports, and games, upon any property under its administration or control:

Sale of property.

(e) Subject to the approval of the Lieutenant-Governor in Council, sell any real property of the Commission not being a portion of any public park or square, street, avenue, drive, or thoroughfare that is not required for the purposes of the Commission; and

Lease of property.

(f) Lease any real property of the Commission for any period during which it is not required for the purposes of the Commission:

Expenditures of moneys.

and for all or any of the aforesaid purposes, the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act, except that any moneys that may be received by the Commission by way of special grant for the carrying-out of any particular work or undertaking shall be expended solely upon such work or undertaking.

Special grants

Lieut.-Governor in Council to authorize expenditures.

11. Unless provided by appropriation, the Lieutenant-Governor in Council shall authorize the expenditure of moneys required by the Commission, and such moneys shall be in charge upon the Consolidated Revenue Fund.

Estimates to be approved by Lieut.-Governor in Council

12. Except in the case of purchase or acquisition of real property at a cost not in excess of five thousand dollars, the Commission shall from time to time, before making expenditures under this Act, submit to the Minister detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Lieutenant-Governor in Council to determine the necessity or advisability of such proposed expenditures or of any portion thereof, and no such expenditure shall be made by the Commission under this Act until it has been approved by the Lieutenant-Governor in Council.

Annual statement.

13. The Commission shall send to the Minister, on or before the thirty-first day of December in each year, a detailed statement of all its receipts and expenditures up to the last day of March in each year, and copies of such statements shall be laid before the Legislature by the Minister within the first fourteen days of the next following session.

Accounts to be rendered and open for inspection

14. The Commission shall, whenever required by the Minister, render detailed accounts of its receipts and expenditures for such period or to such day as he designates, and all books of account, records, bank books, and papers of the Commission shall at all times be open to the inspection of the Minister, or of such person as the Minister names to inspect them.

Audit

15. All expenditures by the Commission are subject to the audit of the Comptroller-General in the same manner as other public moneys.

No Commissioner or the Secretary to have interest in contracts or works

16. It shall be unlawful for any Commissioner or the Secretary of the Commission to enter into any contract with the Commission or to be pecuniarily interested, either directly or indirectly, in any contract or work for which any portion of the moneys at the credit of the Commission is to be paid.

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