Municipality of North Cowichan
Regular Council
Agenda

Date: Wednesday, January 15, 2014
Time: 1:30 pm
Location: Municipal Hall - Council Chambers

1. **CALL TO ORDER**

   This meeting is open to the public. All representations to Council form part of the public record. Proceedings will be streamed live and archived at northcowichan.ca.

2. **APPROVAL OF AGENDA**

3. **ADOPTION OF MINUTES**

4. **PUBLIC MEETINGS & HEARINGS**

   4.1 **Notice on Title - 6715 Somenos Road**

   Recommendation to register a notice on title regarding unauthorized construction, after hearing from the Chief Building Inspector and the owner.

   **Recommendation:**
   That Council confirm the recommendation of the Chief Building Inspector to direct the Corporate Officer to file a notice in the Land Title Office regarding unauthorized construction at 6715 Somenos Road.

   4.2 **Notice on Title - 9360 Smiley Road**

   Recommendation to register a notice on title regarding unauthorized construction, after hearing from the Chief Building Inspector and the owner.

   **Recommendation:**
   That Council confirm the recommendation of the Chief Building Inspector to direct the Corporate Officer to file a notice in the Land Title Office regarding unauthorized construction at 9360 Smiley Road.
4.3 Notice on Title - 10121 Chemainus Road

Recommendation to register a notice on title regarding unauthorized construction, after hearing from the Chief Building Inspector and the owner.

Recommendation:

That Council confirm the recommendation of the Chief Building Inspector to direct the Corporate Officer to file a notice in the Land Title Office regarding unauthorized construction at 10121 Chemainus Road.

4.4 "Zoning Amendment Bylaw (No. 11 - Hawthorne Street), 2013", No. 3528

Public hearing on proposal to amend the Zoning Bylaw to facilitate a secondary suite at 3981 Hawthorne Street.

Recommendation:

That Council read a third time "Zoning Amendment Bylaw (No. 11 - Hawthorne Street), 2013", No. 3528.

Recommendation:

That Council adopt "Zoning Amendment Bylaw (No. 11 - Hawthorne Street), 2013", No. 3528.

5. DELEGATIONS & PRESENTATIONS

5.1 The Somenos Marsh Wildlife Society

Presentation from Phil Jennings, Vice President of the Somenos Marsh Wildlife Society, regarding the Society's stormwater management in the Somenos basin.

5.2 2013 Year-End Review

Presentation by Chief Administrative Officer of Municipal progress and accomplishments for 2013.

6. PUBLIC INPUT

Opportunity for brief verbal input regarding agenda items from registered speakers.

7. BYLAWS

7.1 "Zoning Amendment Bylaw (No. 2 - Ford Road), 2014", No. 3531

Report and bylaw to rezone 6454 Ford Road from Rural (A2) zone to Public Use (PU) and Residential Rural (R1) zones.

Recommendation:

That Council read a first and second time "Zoning Amendment Bylaw (No. 2 - Ford Road), 2014", No. 3531.
Recommendation:
That Council direct staff to organize a public information session at the Municipal Hall before the day of the Public Hearing for proposed Bylaw 3531.

7.2 "Fees Bylaw Amendment Bylaw, 2014" No. 3532

Bylaw to allow Lake Cowichan Residents to obtain access cards to use the Cowichan Aquatic Centre at the reduced rate. See item 8.5.

Recommendation:
That Council read a first, second and third time "Fees Bylaw Amendment Bylaw, 2014", No. 3532.

8. REPORTS

8.1 Meadow Park Sanitary Sewer Service

Report regarding petition for less expensive sewer system design.

Recommendation:
That Council receive the January 8, 2014 Corporate Officer’s report on the Meadow Park sewer service design petition and direct staff to prepare a report on options to address sewage issues in the Meadow Park area.

8.2 Aquatic Centre Opening on Family Day

Proposal to open the Cowichan Aquatic Centre on February 10th (Family Day).

Recommendation:
That Council approve the public opening of the Cowichan Aquatic Centre on the Family Day statutory holiday, Monday, February 10, 2014, from noon to 4:00 pm.

8.3 Elections Reform and Electronic Vote Tabulators

Report on pending changes to municipal election rules and recommendation to rent voting machines.

Recommendation:
That Council receive the January 7, 2014 Deputy Municipal Clerk’s report on election reform and electronic vote tabulators, and direct staff to add an additional $15,123.34 to lease electronic vote tabulators and staff support to the 2014 election budget as a supplemental budget item for consideration by Council during budget discussions.

8.4 Chemainus River Bridge Encroachment

Agreement to allow FordisBC’s gas main to be installed under Chemainus River
Recommendation:
That Council approve, and authorize the Mayor and Corporate Officer to sign, an encroachment agreement, to permit FortisBC to install a gas main underneath the Chemainus River bridge.

8.5 Aquatic Centre Access Agreement
Agreement to allow Lake Cowichan residents to use the Cowichan Aquatic Centre at the reduced rate.

Recommendation:
That Council approve, and authorize the Mayor and Corporate Officer to sign, the Equal Access Agreement for Lake Cowichan residents to use the Cowichan Aquatic Centre at the reduced rate.

8.6 Property Taxes from Farms
December 17, 2013 recommendation from Agricultural Advisory Committee to direct all Class 9 (Farm) general municipal tax revenue to the Agriculture Reserve Fund.

Recommendation:
That Council consider, during its budget deliberations, whether to direct all Class 9 (Farm) general municipal tax revenue to the Agriculture Reserve Fund.

8.7 Farm Water Pilot Plan
December 17, 2013 recommendation from Agricultural Advisory Committee to urge Cowichan Valley Regional District to undertake a farm water pilot plan.

Recommendation:
That Council encourage the Cowichan Valley Regional District to undertake a farm water pilot plan for the Somenos Marsh Conservation area.

9. CORRESPONDENCE

9.1 Minister of Community, Sport and Cultural Development - Elections
Letter and discussion paper regarding expense limits in local elections.

9.2 Cowichan Valley Regional District - Regional Parkland Acquisition
Letter requesting consent to increase maximum requisition for regional parks acquisition, from $715,000 to $958,000.

Recommendation:
That Council consent to the CVRD Board adopting "CVRD Bylaw No. 3772 -
9.3 Steve Emery - Fireworks Bylaw

Letter urging Council to strengthen North Cowichan's Fireworks Bylaw.

Recommendation:
That Council direct staff to provide a report to the Protective Services Committee, for review and recommend action to Council, on possible amendments to the Fireworks Bylaw.

10. NOTICE OF MOTIONS

11. REVIEW OF COMMITTEE MINUTES

1. Community Planning Advisory - December 9, 2013
2. Joint Utilities Board - December 12, 2013
3. Agricultural Advisory - December 17, 2013

12. UNFINISHED & POSTPONED BUSINESS

13. NEW BUSINESS

14. QUESTION PERIOD

Public opportunity to ask Council questions regarding the business of this meeting.

15. COMMITTEE OF THE WHOLE

15.1 Association of Vancouver Island and Coastal Communities

Discussion of possible resolutions to submit to 2014 Association of Vancouver Island and Coastal Communities' annual general meeting and convention.

16. CLOSED SESSION

Closure of the meeting to consider matters under section 90 of the Community Charter.

Recommendation:
That Council close the meeting to the public on the basis of section 90 (1) (a) [committee appointments], (c) [labour relations], and (j) [information prohibited from disclosure under the Freedom of Information Act] of the Community Charter.

17. ADJOURNMENT
Municipality of North Cowichan
Regular Council
Minutes

Date: December 18, 2013
Time: 3:00 pm
Location: Municipal Hall - Council Chambers

Members Present
Mayor Jon Lefebure
Councillor Ruth Hartmann
Councillor John Koury, (participating electronically)
Councillor Barb Lines
Councillor Kate Marsh, (after 3:20 pm)
Councillor Al Siebring
Councillor Jen Woike

Staff Present
Dave Devana, Chief Administrative Officer (CAO)
John Mackay, Director of Engineering and Operations
Mark Ruttan, Director of Administration and Deputy CAO
Mary Beth MacKenzie, Deputy Municipal Clerk
Scott Mack, Director of Development Services
Ernie Mansueti, Director of Parks and Recreation
John Gunn, Manager of Information Services
Mark Frame, Director of Finance

1. **Call to Order**

   There being a quorum present, Mayor Lefebure called the meeting to order at 3:00 pm.

2. **Approval of Agenda**

   Council approved the agenda as amended to add the following:

   1. 13.1 Agriculture
   2. 13.2 Garbage
   3. 3.1 Proposed Service (Closed Session)

   Councillor Koury reported briefly on a meeting he recently attended in China organized by Canada's International Trade and Investment Officer, at which he extolled the Municipality and region as a good place to invest.

3. **Adoption of Minutes**

   It was moved and seconded:
   That Council adopt the following minutes:

   1. September 24, 2013 Stoney Hill Task Force (dissolved),
   2. November 25, 2013 Communications Committee (dissolved),
3. November 27, 2013 Committee of the Whole, and
4. December 4, 2013 Regular Council meeting minutes.

CARRIED

4. Public Meetings & Hearings

None.

5. Delegations & Presentations

5.1. Terri Dame - Youth Safety in the Cowichan Region

Council received a presentation from Terri Dame regarding a study of youth safety in the Cowichan region. She highlighted the themes and recommendations that emerged from discussions with over 300 youth. She then introduced a group of youth who presented their safety vision and described safety projects they are working on.

5.2. Norris Edwards - Parking Commercial Vehicles on Residential Land

Council received a presentation from Norris Edwards a resident of River Road, regarding parking of commercial vehicles on residential lots. Mr. Norris described problems created by commercial vehicles idling excessively on residential land and urged Council to amend its Noise Bylaw.

It was moved and seconded:
That Council direct staff to provide a report regarding parking commercial vehicles in residential areas.

CARRIED

6. Public Input

Council received brief public input from registered speakers regarding items on the agenda.

7. Reports

7.1. Communications Plan

Councillor Koury left the meeting at 4:35 pm.

It was moved and seconded:
That Council approve the Council Communications Plan, and consider allocating funding for a part-time Community Liaison Co-ordinator plus operational funds in the 2014 budget to implement the Council Communications Plan.
Amendment: It was moved and seconded: That Council amend the main motion to insert the following words between the words "Plan" and "and": "as amended on page 10 to add (1) "and collaboration" to the end of section (1) (g) and; (2) "and provide an annual report of the previous year’s accomplishments" after section (2) (d).

CARRIED

Main motion as Amended: It was moved and seconded: That Council
1. approve the Council Communications Plan as amended on page 10 to add "and collaboration" to the end of section (1) (g), and "and provide an annual report of the previous year’s accomplishments" after section (2) (d), and
2. consider allocating funding for a part-time Community Liaison Co-ordinator plus operational funds in the 2014 budget to implement the Council Communications Plan.

CARRIED

7.2. Crofton Art Group Kiosk

It was moved and seconded: That Council approve the Crofton Art Group's proposal to site an art kiosk that is built and installed with Municipal labour on Municipal land south of the Crofton BC Ferry terminal.

CARRIED

7.3. Invasive Species Education and Eradication

It was moved and seconded: That Council direct staff to (1) make invasive species public education and the development of an eradication strategy priorities for the 2014 environmental student's work program, and (2) urge all local governments in the region to also make invasive species education and eradication priorities in their jurisdictions.

CARRIED

7.4. Energy Efficiency Building Standards

It was moved and seconded: That Council support the November 18, 2013 proposed letter to the Provincial government requesting higher building standards to promote energy efficiency and achieve climate targets.

CARRIED

Opposed: Councillor Siebring
7.5. **Sanitary Sewer Service to 6011 Cassino Road**

It was moved and seconded:
That Council include 6011 Cassino Road within the South End Sewer Local Area Service, subject to the property owner:
1. paying the Capital Cost Charge of $983.00 ($1,815.00 after December 31, 2013);
2. paying the connection costs;
3. signing a local service area agreement;
4. installing a private sewer pump, if gravity connection is not possible; and
5. obtaining a plumbing permit to install the service.

CARRIED

7.6. **Contribution to Watermain Oversizing - 3695 Drinkwater Road**

It was moved and seconded:
That Council (1) require Drinkwater Industrial Park Ltd. to provide excess services in its proposed subdivision, in the form of a 250 mm diameter watermain (instead of a 200 mm diameter watermain), and (2) reimburse the company $7,387.90 from the South End Water Surplus Fund, subject to company waiving its right to latecomer reimbursement.

CARRIED

7.7. **Sewage Lagoons Capacity Recalculation**

It was moved and seconded:
That Council endorse the recommendation of the Joint Utilities Board that the capacity of the waste water treatment plant be increased from 14,264 units to 17,300 units, based on Delcan's November 2013 Lagoon Capacity Re-assessment Study, and that the extra capacity units be distributed to the users as follows:
1. North Cowichan Sewer System - 1,630 units;
2. City of Duncan Sewer System - 945 units;
3. Eagle Heights Sewer System - 210 units;
4. Cowichan Bay Sewer System - 187 units; and
5. Cowichan Tribes Sewer System - 64 units.

CARRIED

8. **Bylaws**

8.1. **"Fees Amendment Bylaw (No. 4), 2013", No. 3529**

It was moved and seconded:
That Council adopt "Fees Amendment Bylaw (No. 4), 2013", No. 3529.

CARRIED
8.2. "Revitalization Tax Exemption Bylaw", No. 3526

It was moved and seconded:
That Council adopt "Revitalization Tax Exemption Bylaw", No. 3526.

CARRIED

8.3. "Miscellaneous Bylaws Amendment and Repeal Bylaw, 2013", No. 3527

It was moved and seconded:
That Council adopt "Miscellaneous Bylaws Amendment and Repeal Bylaw, 2013", No. 3527.

CARRIED

9. Correspondence

None.

10. Notices of Motions

None.

11. Review of Committee Minutes

Council reviewed the following Committee minutes:
1. Community Planning Advisory Committee - November 18, 2013
2. Climate Change Advisory Committee - November 28, 2013

12. Unfinished and Postponed Business

None.

13. New Business

13.1. Agricultural Funding

It was moved and seconded:
That Council consider during debate on the 2014 budget supplemental list, whether to transfer all Class 9 (farm) general municipal tax revenue to the Agriculture Reserve Fund.

CARRIED

13.2. Garbage

Council received a verbal report from Councillor Hartmann regarding garbage dumping in the Municipal Forest Reserve.
December 18, 2013 - Regular Council Minutes

14. **Question Period**

Council received no questions from the public regarding business transacted at the meeting.

15. **Committee of the Whole**

15.1. **Intermunicipal Relationship Protocol**

It was moved and seconded:
That Council support inclusion of the following dispute resolution principle in its draft Intermunicipal Relationship Protocol with the City of Duncan: "Seek to resolve problems in a timely, inexpensive, informal, and cooperative manner (subject to Part 9, Division 3, of the Community Charter)".

CARRIED

15.2. **Capital Expenditure Plan**

Council reviewed the draft 2014-2018 capital expenditure plan, the total proposed capital expenditure plan for 2014 is $11,744,815.

15.3. **Length of Regular Council Meetings**

Council discussed ways to reduce the length of meetings. The Mayor and the CAO undertook to manage the regular Council meeting agendas more actively to try to reduce the length of meetings.

16. **Closed Session**

Council closed the meeting to the public at 7:45 pm, under the authority of section 90 (1) (a) [personal information], (d) [security of property], (e) [property acquisition], and (g) [litigation] of the Community Charter. At 8:35 pm, Council rose and reported on the following:

16.1. **Parks & Recreation Advisory Committee Appointments**

It was moved and seconded:
That Council 1) appoint Deb Savory Wright and Brian Hamilton to the Parks and Recreation Advisory Committee (for the period January 1, 2014 through November 30, 2014) to fill the current vacancies on the Committee; and 2) direct staff to invite Cowichan Tribes’ representation on the Committee and report back to Council on January 15, 2014.

17. **Adjournment**

Council adjourned the meeting at 8:35 pm.
December 18, 2013 - Regular Council Minutes

Signed by Mayor (or presiding member)

Certified by Corporate Officer
Date: January 15, 2014
To: Council
From: Bruce Oliphant, Chief Building Inspector
Subject: Notice on Title - 6715 Somenos Road

Purpose

The purpose of this report is to recommend to Council that a Bylaw Contravention Notice be filed on the title(s) of 6715 Somenos Road under Section 57 of the Community Charter.

The purpose of registering a Bylaw Contravention Notice (Section 57 of the Community Charter) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Background

As a result of an investigation by the Municipality’s Bylaw Compliance Officer, Planning and Sustainability staff, and issuance of multiple Stop Work Orders (April 11, 2012 and November 14, 2012) by the Building and Plumbing Inspector, it has been determined that construction of an addition to a building on the property has proceeded without the required Building Permits. The use of the property is also contrary to the Zoning Bylaw and the owners are operating without a business licence.

Discussion

The construction and use of this building contravenes North Cowichan’s Building Bylaw #3172 / 2003 and Zoning Bylaw. The owner is also operating a business without a business licence.

Staff have met and discussed these issues with the owner on numerous occasions without a successful resolution to the issues.

Recommendation

That Council, by resolution, direct the Corporate Officer to file a Bylaw Contravention Notice respecting 6715 Somenos Road at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter.
December 30, 2013

Amar Rashead
6715 Somenos Road
Duncan, BC V9L 5Z3

Dear Mr. Rashead

Re: Notice of Hearing – Bylaw Contraventions, 6715 Somenos Road, Duncan B.C.

I am writing to advise that the Chief Building Inspector has prepared a report (copy attached) regarding construction without building permits and other bylaw contraventions at your property located at 6715 Somenos Road, Duncan BC.

In compliance with section 57(2)(a) and (b) of the Community Charter, I hereby give notice that I will place this matter on the Wednesday, January 15, 2014 Council agenda to request that Council consider filing a notice in the land title office stating that:

1. a resolution relating to 6715 Somenos Road (Lot A, Section 6, Range 4, Somenos District, Plan EPP22048) was made under section 57 of the Community Charter; and

2. further information regarding this matter may be inspected at the Municipal Hall.

The January 15, 2014 Council meeting will begin at 1:30 p.m., in the Council Chambers of North Cowichan Municipal Hall, 7030 Trans Canada Highway, Duncan, BC. You are invited to attend the meeting and make representations to Council regarding this matter.

Please contact me if you have any questions.

Sincerely,

Mary Beth MacKenzie
Deputy Municipal Clerk
mackenzie@northcowichan.ca

Enclosure

pc: Bruce Oliphant, Chief Building Inspector

mbndec30.2013pp_Rashead_6715_Somenos_Rd_Hearing
Purpose

The purpose of this report is to recommend to Council that a Bylaw Contravention Notice be filed on the title(s) of 9360 Smiley Road under Section 57 of the Community Charter.

The purpose of registering a Bylaw Contravention Notice (Section 57 of the Community Charter) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Background

As a result of a review by the Municipality’s Bylaw Compliance Officer, Planning and Sustainability staff and a Stop Work Order posted on the building by the Building and Plumbing Inspector, it has been determined that buildings have been constructed and altered without obtaining the required Building Permits, Development Permits and Business Licences.

Discussion

The construction and use of the buildings contravenes North Cowichan’s Building Bylaw #3172 / 2003, Zoning Bylaw and Business Licence Bylaw.

Construction of an accessory warehouse structure out of storage containers resulted in the issuance of a Stop Work Order for not obtaining the required Building Permits and Development Permits.

Alterations to the main building and relocating of businesses have resulted in the operators contravening the Business Licence Bylaw.

Municipal staff have met with the owners on several occasions with no success to regularize or legalize the use or buildings.

Recommendation

That Council, by resolution, direct the Corporate Officer to file a Bylaw Contravention Notice respecting 9360 Smiley Road at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter.
Municipality of North Cowichan

HAND DELIVERED

December 30, 2013

Ree Developments Ltd., INC. No. 693895
11105 N. Watts Road
Ladysmith, BC V9G 1Y6

Dear Sir/Madam

Re: Notice of Hearing – Bylaw Contraventions, 9360 Smiley Road, Chemainus B.C.

I am writing to advise that the Chief Building Inspector has prepared a report (copy attached) regarding construction without building permits and other bylaw contraventions at your property located at 9360 Smiley Road, Duncan, BC.

In compliance with section 57(2) (a) and (b) of the Community Charter, I hereby give notice that I will place this matter on the Wednesday, January 15, 2014 Council agenda to request that Council consider filing a notice in the land title office stating that:

1. a resolution relating to 9360 Smiley Road (Lot 2, Sections 12 and 13, Range 4, Chemainus District, Plan VIP76846) was made under section 57 of the Community Charter, and

2. further information regarding this matter may be inspected at the Municipal Hall.

The January 15, 2014 Council meeting will begin at 1:30 p.m., in the Council Chambers of North Cowichan Municipal Hall, 7030 Trans Canada Highway, Duncan, BC. You are invited to attend the meeting and make representations to Council regarding this matter.

Please contact me if you have any questions.

Sincerely

Mary Beth MacKenzie
Deputy Municipal Clerk
mackenzie@northcowichan.ca

Enclosure

pc Bruce Oliphant, Chief Building Inspector
Purpose

The purpose of this report is to recommend to Council that a Bylaw Contravention Notice be filed on the title(s) of 10121 Chemainus Road under Section 57 of the Community Charter.

The purpose of registering a Bylaw Contravention Notice (Section 57 of the Community Charter) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Background

As a result of an onsite investigation and review of the historic file of the property at 10121 Chemainus Road, it has been determined that the owner is occupying the residence without an occupancy certificate and additions and alterations to the building have been completed without obtaining the required building permits. The use of the property is also contrary to the Municipality’s Zoning Bylaw.

Discussion

The owner of the property had inquired about the permitted uses in the Zoning Bylaw as there are potential purchasers. Upon review it was determined that an occupancy certificate was never issued for the building and that the building permit had been revoked. It was also determined that alterations and additions had been made to the building by the renovation of an attic to a 1 bedroom suite on the fourth floor and provision of an exterior stair. Neither of these projects meets the requirements of the BC Building Code or Building Bylaw #3172 / 2003.

Also, the use of a self-contained suite above a detached garage is contrary to the Zoning Bylaw. Staff have met with the owner of the property, but the owner has not yet resolved the outstanding items.

Recommendation

That Council, by resolution, direct the Corporate Officer to file a Bylaw Contravention Notice respecting 10121 Chemainus Road at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter.
December 31, 2013

Dawn Clementine Snell
10121 Chemainus Road
PO Box 276
Chemainus, BC V0R 1K0

Dear Ms. Snell

Re: Notice of Hearing – Bylaw Contraventions, 10121 Chemainus Road, Chemainus B.C.

I am writing to advise that the Chief Building Inspector has prepared a report (copy attached) regarding construction without building permits and other bylaw contraventions at your property located at 10121 Chemainus Road, Chemainus, BC.

In compliance with section 57(2)(a) and (b) of the Community Charter, I hereby give notice that I will place this matter on the Wednesday, January 15, 2014 Council agenda to request that Council consider filing a notice in the land title office stating that:

1. a resolution relating to 10121 Chemainus Road (Lot 2, Section 20, Range 4, Chemainus District, Plan 4776. Except Part in Plan VIP59407, VIP80399 and VIP88239) was made under section 57 of the Community Charter; and

2. further information regarding this matter may be inspected at the Municipal Hall.

The January 15, 2014 Council meeting will begin at 1:30 p.m., in the Council Chambers of North Cowichan Municipal Hall, 7030 Trans Canada Highway, Duncan, BC. You are invited to attend the meeting and make representations to Council regarding this matter.
Please contact me if you have any questions.

Sincerely

Mary Beth MacKenzie
Deputy Municipal Clerk
mackenzie@northcowichan.ca

Enclosure

pc Bruce Oliphant, Chief Building Inspector
The council of The Corporation of the District of North Cowichan enacts as follows:

1. Schedule “C” of “Zoning Bylaw 1997,” No. 2950, is amended by re-classifying property at 3081 Hawthorne Street (legally described as: Lot 2, Section 19, Ranges 4 and 5, Chemainus District, Plan 25904, Except Part in Plan VIP81277; Folio: 16215-000), shown as “Subject Property” and outlined in bold on the Schedule, attached to and forming part of this bylaw, from Residential Restricted Zone (R2) to Residential One and Two Family Zone (R3).

READ a first time on December 4, 2013
READ a second time on December 4, 2013
CONSIDERED at a Public Hearing on January 15, 2013
READ a third time on
ADOPTED on

M. O. Ruttan, Corporate Officer  J. W. Lefebure, Mayor
SMWS Presentation to Municipality of North Cowichan Council

January 15, 2014

Presenters; Phil Jennings and Elizabeth Bailey

Managing Storm Water in the South Somenos Basin

Prepared for:
The Somenos Marsh Wildlife Society

by:
TerraKare Consulting

September 20, 2013
Main research objective:
• to generate concepts on how to manage storm water in the south Somenos Basin using wetland remediation

Three supporting research objectives:
• to understand the annual storm water runoff entering the south Somenos Basin,
• to perform an assessment of the project area, and
• to explore additional funding options for sampling.

Terminal Objective:
• enable the SMWS to plan for and develop a wetland-based storm water management plan with willing partners and acceptable to the Cowichan community at large
Prospective Site For Remediation

Stormwater Catchment Zones in the South Somenos Basin

<table>
<thead>
<tr>
<th>Zone</th>
<th>Area (ha)</th>
<th>Flow (m³/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Project Zone</td>
<td>45.16</td>
<td>312 057.97</td>
</tr>
<tr>
<td>Zone of No Contribution</td>
<td>56.57</td>
<td>398 441.75</td>
</tr>
<tr>
<td>Western Catchment Zone</td>
<td>284.89</td>
<td>2 006 588.49</td>
</tr>
<tr>
<td>Total Drainage Catchment Zone</td>
<td>386.62</td>
<td>2 717 088.21</td>
</tr>
</tbody>
</table>

Image acquired from Google Maps 08/12/2013
TerraKare Consulting
Potential Storm Water Management Locations
1. Presentation to Municipality of North Cowichan Council (SMWS)
2. Approval to Pursue Discussions on a Remediation Project (MNC)
   3. Approval to Develop Soil and Water Test Sites (MNC)
      4. Initial Soil and Water Tests (SMWS)
      5. Soil and Water Testing Program Developed (SMWS)
   6. Remediation Project Development (MNC and SMWS, Others)
      7. Fund Raising (SMWS and Others)
      8. Initiate a Project (All Partners)
This land includes public use and rural zones. Historically, this area consisted of vast perennial marshlands which supported many species of wildlife including fish populations. Roughly 70 years ago, the area was repurposed for farmland.

**Parameters to consider**
- Excavating soil as to increase storm water retention capacity
- Using excavated soils to either increase the lip of the wetland, or to add nutrient rich soils to adjacent agricultural land
- Adding of phytoremediation plants as needed
- Truncating and dispersing storm water inputs and outputs
- Adding a spillway towards Somenos Creek mitigating volume in heavy precipitation

**Possibilities:**
- Support a large scale perennial wetland complex and assist in storm water management and removal of contaminants
- Present a superior opportunity for conversion into a remedial wetland.
- Alteration would not be difficult (only a few parameters need to be fixed in order to ensure remedial services)
This area is MNC zoned public use land bordered to the north by land owned by the MoE and operated by the Nature Trust of BC, to the south are MNC municipal lands, with crown land and the TCH to the west. To the east is commercial land. Historically this space was a vegetated seasonal marshland. Recently, development of the urban perimeter has resulted in municipal storm water flowing directly into the area.

**Parameters to consider**
- Excavating soil to increase storm water retention capacity
- Using excavated soils to increase the southeastern lip of the wetland, or to add nutrient rich soils to nearby agricultural land
- Removing some existing vegetation
- Adding phytoremediation plants as needed
- Maximizing settling time and water confluence through flow formation

**Possibilities for conversion to remedial wetlands**
- Support a small scale seasonal wetland complex
- Assist in the management of storm water and removal of contaminants
- Potential natural-bioswale for infiltration and filtration of storm water
- Alteration would not be difficult (area presents easy access and is relatively flat)
1. Approval to Pursue Discussions on a Remediation Project with MNC, SMWS and Other Possible Partners, e.g., SMC members

2. Approval to Develop Test Soil and Water Sites as Presented Today
2013 in North Cowichan
The Year in Review
Five Additional Partners in Aquatic Centre
Kingsview Road Roundabout
Flood Protection
Revitalization Bylaw
Climate Action & Energy Plan Award
Stoney Hill Road
Crofton Revitalization & Maple Mountain Trail
<table>
<thead>
<tr>
<th>Application Type</th>
<th>Development Permit</th>
<th>Development Variance</th>
<th>Subdivision Amendment</th>
<th>Rezoning (includes ZB amendments)</th>
<th>OCP Amendment</th>
<th>Agricultural Land Reserve</th>
<th>Temporary Trailer Permit</th>
<th>Temporary Use Permit</th>
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<td>2011 Average Processing Times (Days)</td>
<td>346</td>
<td>190</td>
<td>366</td>
<td>346</td>
<td>351</td>
<td>281</td>
<td>45</td>
<td>111</td>
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<td>2012 Average Processing Times (Days)</td>
<td>132</td>
<td>119</td>
<td>245</td>
<td>232</td>
<td>98</td>
<td>140</td>
<td>45</td>
<td>214</td>
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<tr>
<td>2013 Average Processing Times (Days)</td>
<td>41</td>
<td>79</td>
<td>80</td>
<td>141</td>
<td>N/A</td>
<td>N/A</td>
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</table>

Streamlined Development Application Processing
RCMP Detachment Siting
Council Communications Plan
Looking Ahead to 2014

- Zoning Bylaw Review
- Stoney Hill Local Area Service Bylaw
- University Village Local Area Plan
- Crofton Local Area Plan
- Echo Heights Bylaw
- Waterwheel Square
- Chemainus Skate Park
- RCMP Site Selection
- Community Profile
Looking Ahead to 2014, cont.

- New Chemainus Visitor Information Centre
- Cowichan Neighbourhood House Relocation
- Old Chemainus Fire Hall Demolition
- Tier 4 Flood Protection Application Decision
- Chemainus Elementary School Site – concept plan
- CAEP Implementation Plan
- River Road Roundabout
- Somenos Marsh Conservation Area - Zoning
- Chemainus Well Project – application for year-round pumping
Date: January 15, 2014
To: Council
From: Scott Mack, Director of Development Services
Subject: Proposed Zoning Bylaw Amendment – 6454 Ford Road

Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a proposed amendment to the Zoning Bylaw (2950) – Schedule C (Zoning Map) for the zoning of a property located at 6454 Ford Road. The subject property is located at the northwest corner of the intersection of Ford Road and Drinkwater Road.

Background

The Municipality has been seeking to identify a suitable location for a new RCMP facility for approximately 4 years. Significant work has been undertaken to identify an appropriate property that meets the RCMP’s siting and access criteria as well as the Municipality’s Official Community Plan (OCP) goals related to siting, access and the location of key municipal services.

The one potential site that has been discussed by Council and the community is a 1.78 ha municipally owned property located on Beverly Street, which presented itself as a possible option as a result of the construction of the new flood protection dike. This property was recently the subject of an application to the Agricultural Land Commission (ALC) to have these lands removed from the Agricultural Land Reserve (ALR). The Municipality received notification on January 3, 2014 that this application was approved by the ALC. Therefore the lands, subject to meeting the ALC’s conditions of approval, could now be considered for use as a site for a RCMP facility. The Beverly Street site is zoned Public Use (PU), which would allow for a RCMP facility as a permitted use on the subject property.

In an effort to ensure that the best location was identified for this important community facility, staff have also explored and attempted to identify other potential sites, however it has been challenging to locate available and suitable properties which meet both the RCMP and the Municipality’s siting and access objectives.

Following an exhaustive search, one additional potentially suitable site has been identified at 6454 Ford Road, directly north of the Cowichan Commons Shopping Centre. The subject property is 2.1 ha (5.2 acres) in size, is relatively flat, and has good access to Drinkwater Road and the Trans-Canada Highway. The current zoning for the property is A2 (Rural Zone). The lands have historically been, and continue to be utilized for agricultural production though they are not located within the ALR.

The Municipality has entered into a conditional purchase agreement with the property owners for a 1.2 ha (3.0 acre) portion of the subject property. In order to complete the purchase of this portion of the property, the lands must be subdivided to create a new 1.2 ha (3.0 acre) parcel, which would be transferred to the Municipality, as well as a new 0.9 ha (2.2 acre) parcel (the Remainder) that contains the existing single family dwelling, which will be retained by the current owners.
In order to subdivide the property as per the above, the lands must first be rezoned to an appropriate zone(s) that would allow for subdivision to proceed. As noted above, the current zoning for the property is A2 (Rural Zone), which has a minimum parcel size of 2.0 ha (4.94 acres), and which cannot be met based on the two parcels proposed above. In addition, the A2 zoning would not be an appropriate zoning based on the proposed use for either a new RCMP facility or for the smaller remaining residential property.

In order to facilitate the potential construction of a RCMP facility, the southern portion (1.2 ha) of the property is proposed to be rezoned from A2 (Rural Zone) to PU (Public Use). The PU zone has no minimum parcel size. As previously noted, the PU Zoning would allow for the construction of a RCMP facility as a permitted use. The remainder of the property (northern 0.9 ha) is proposed to be rezoned from A2 (Rural Zone) to R1 (Residential Rural Zone). The minimum parcel size in the R1 zone is 1675 m² (0.17 ha). The Municipality is the applicant for this rezoning application.

Discussion

OCP / Zoning

The Official Community Plan (OCP) identifies the subject property as being located within the South End Urban Containment Boundaries. The southern portion of the property is identified as ‘Commercial’ on Map 12 – Managing Growth and Map 17 – Land Use. A RCMP facility would be classified as an ‘office’ under the ‘Public Use’ definition in the Zoning Bylaw, making the proposed PU zoning an appropriate zoning designation under the current OCP land use designation.

The northern portion of the property is identified as ‘Growth Centre’ on Map 12 – Managing Growth and Map 17 – Land Use. The proposed R1 zoning for this portion of the property would be reflective of the current use of the property and is also consistent with the surrounding adjacent residential properties, which are all zoned R1.

The proposed R1 zoning for the northern portion of this property, as well as the existing adjacent R1 zoning for surrounding properties, is viewed as being potentially interim. There is potential for future rezoning for this northern portion of the subject property and the adjacent R1 properties to allow for higher densities in the future in order to meet OCP objectives related to growth and density within the Urban Containment Boundaries, subject to more detailed planning.

Infrastructure

Drinkwater Road is identified in the OCP as an Arterial Road and is designed to accommodate higher volumes of traffic and provides direct access to the Trans-Canada Highway. The intersection of Drinkwater Road and the Trans-Canada Highway is signalized and allows for direct north and southbound access. At the subject property, the south side of Drinkwater Road has been upgraded to full urban standard as a result of the Cowichan Commons development, however the north side remains more rural with only an asphalt shoulder and white painted fog line to define the pedestrian realm. It is likely that the frontage of Drinkwater Road will be required to be upgraded to include concrete curb, gutter and sidewalk as a condition of subdivision and/or building permit.

Ford Road is currently built to a very low rural standard reflecting the historically rural nature of this road and the limited number of properties that have required this road for access. It is likely that additional road dedication will be required as a condition of subdivision to widen the right-of-way for Ford Road. In addition, the road itself will also likely be upgraded along the frontage of this site through subdivision and/or building permit to an urban standard with curb, gutter and sidewalk on the west side of the road.
Municipal infrastructure (water, sanitary sewer, storm) are all located adjacent to the subject property within the Drinkwater Road frontage. Any extensions or upgrades required along the Drinkwater or Ford Road frontages will be determined through the subdivision process.

Any costs associated with upgrading either Drinkwater or Ford roads, as well as any additional infrastructure upgrades, would be funded through the RCMP building reserve fund as these improvements would all relate directly to the provision of a fully serviced site for the RCMP facility.

Implications

If Council is not supportive of the possibility of locating a new RCMP facility at this location they can choose to defeat first reading of the bylaw presented with this report. If there is an interest in further considering this site and reviewing it in more detail in comparison to the Beverly Street site (along with any other potential sites that may come up prior to a final decision on RCMP siting), staff would recommend that first and second reading be provided to the bylaw in order to advance the process to the next stages.

Staff are planning to bring forward a detailed report at the February 19, 2014 Regular Council meeting which will discuss and compare in detail the relative merits of the two potential sites that have been identified based on land use and cost considerations, along with a recommendation on the preferred location. Based on preliminary estimates by staff it is anticipated that the site work at the Beverly site will costs an estimated $2.1 million, and these need to be compared to the Ford site that needs further review.

A decision to support first and second reading of this bylaw does not obligate Council to proceed with the purchase of the subject property, nor does it confirm that this will be the location for the proposed new RCMP facility. If first and second readings are provided, a Public Hearing will be held on March 5, 2014, at which time members of the public will have an opportunity to ask questions and provide comments on the proposed rezoning. Council may also, at their discretion, direct staff to arrange for a public information session prior to the Public Hearing in order to provide an opportunity for the general public to obtain additional information or ask questions regarding the proposed rezoning.

Following the Public Hearing, Council may consider third reading of the bylaw. Due to the location of the property and the proximity to the Trans Canada Highway, the Ministry of Transportation and Infrastructure (MoTI) must sign-off on the bylaw before Council considers fourth reading / adoption of the bylaw.

After receiving the Detailed Report and conducting the Public Hearing, Council has two options:
- If it is Council’s wish to proceed with the Beverly Street site (or another site), Council would then defeat fourth reading / adoption of this bylaw; or
- If Council wishes to proceed with the Ford Road site, Council would then proceed with fourth reading / adoption of the bylaw.

Staff support the concept of further considering this site in more detail and evaluating it in comparison to the Beverly Street site based on land use and cost considerations, and therefore recommend that Council proceed with first and second reading at this time.

Recommendation

That Council provide first and second reading to Bylaw 3531 and direct staff to arrange for a public information session to be held at the Municipal Hall prior to the date of the Public Hearing for this bylaw.

Attachment(s):  Bylaw 3531
BYLAW 3531
Zoning Amendment Bylaw (No. 2 – Ford Road), 2014

The council of The Corporation of the District of North Cowichan enacts as follows:

1. Schedule “C” of “Zoning Bylaw 1997,” No. 2950, is amended by re-classifying property at 6454 Ford Road (Folio: 05710-000), shown as “Subject Property” and outlined in bold on the Schedule, attached to and forming part of this bylaw, as follows: 1) the southern 1.21 hectares from Rural (A2) zone to Public Use (PU) zone; and 2) the northern .89 hectare from Rural (A2) zone to Residential Rural (R1) zone.

READ a first time on
READ a second time on
CONSIDERED at a Public Hearing on
READ a third time on
APPROVED by the Ministry of Transportation and Infrastructure on
ADOPTED on

M. O. Ruttan, Corporate Officer                             J. W. Lefebure, Mayor
Schedule

Portion of Subject Property to be rezoned A2 to R1

Subject Property

Portion of Subject Property to be rezoned A2 to PU
The council of The Corporation of the District of North Cowichan, enacts as follows:

1 Fees Bylaw, No. 3470, is amended by repealing item 1 in Section 22 [Recreation Fees Cowichan Aquatic Centre – Miscellaneous] of the Schedule, and substituting the following:

<table>
<thead>
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<th>Item</th>
<th>Description</th>
<th>Amount</th>
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</thead>
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<td>1</td>
<td>Access Card – Resident - For residents and non-resident property electors of North Cowichan, Duncan, Ladysmith, Lake Cowichan, CVRD electoral areas A, B, C, D, E, G and H, Cowichan Tribes Reserve lands, and areas outside the CVRD</td>
<td>$0</td>
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</table>

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

M. O. Ruttan, Corporate Officer
J.W. Lefebure, Mayor
Date: January 8, 2014

To: Council

From: Mark Ruttan, Director of Administration

Subject: Meadow Park Sewer Service Design Petition

**Purpose**

The purpose of this report is to inform Council of the level of support for a lower cost Meadow Park sewer service design.

**Background**

Mar 7, 2012 Council directed staff to draft a local area service petition to extend municipal sewer in the Meadow Park area.

May 16, 2012 Council received the Corporate Officer’s May 9, 2012 report on the sufficiency and validity of the petition which was signed by 18 (54.54%) of the 33 property owners.

Jul 4, 2012 Council postponed making a decision on the related local area service establishment bylaw until Island Health provided winter testing results.

Feb 20, 2013 Council received Island Health’s report on winter testing, and adopted Bylaw 3486, being the “Meadow Park Sewer Local Area Service Bylaw”, thereby legally establishing the local area service.

Aug 21, 2013 Council rejected the tenders to construct the local area service due to the high cost of installing the deep gravity sewer main. (Petition estimate: $420,278, Tender cost: $599,707)

Oct 16, 2013 Council accepted tenders for installing a shallow gravity/pressure sewer main; subject to receipt of a sufficient and valid petition from affected property owners agreeing to the change in design of the local area service.

Oct 23, 2013 Staff held an open house at the Moose Hall to provide information regarding the proposed re-design of the sewer service, and provided owners that attended with a petition to submit if they favoured the lower-cost design, and hand-delivered petitions the following day to those owners who were not in attendance.

Jan 7, 2014 The Municipality received 12 duly signed petitions by the January 7, 2014 suggested date for submitting signed petitions.

**Discussion**

When a formal petition for a local area service is received, the corporate officer must determine and certify its sufficiency and validity, pursuant to section 212 of the Community Charter. Although this second petition was not for the purpose of creating a new local area service, but merely to determine support for altering the design of the approved local area service, it is appropriate (but not required) to apply the same rules to determine the sufficiency and validity of this petition.
As indicated on the attached certificate, the owners of 12 of the 33 affected properties have signed the petition to Council to amend the design of the Meadow Park sewer local area service, established by Bylaw 3486. The Community Charter requires that in order for a petition that establishes a local area service to be sufficient and valid, it must 1) be signed by the owners of at least 50% of the parcels that would be subject to the local service tax; and 2) the persons who signed must be the owners of parcels that in total represent at least 50% of the assessed value of land and improvements that would be subject to the local service tax.

In this case, 36.36% of the owners of the parcels involved properly signed the petition, and the petitioners’ properties represent approximately 36.13% of the total assessed property value. As a result, there is insufficient support for the proposed design change to the local area service.

Recommendation

That Council receive the Corporate Officer’s January 8, 2014 report on the Meadow Park sewer service design petition and direct staff to prepare a report on options to address sewage issues in the Meadow Park area.
Certificate of Insufficient and Invalid Petition

Meadow Park Sewer Service Design

I hereby certify that a valid and sufficient petition has not been received to alter the design of the Meadow Park sewer local area service. The petition was signed by the owners of 12 (36.36%) of the current 33 parcels that would be subject to the local service tax, representing $3,839,900 (36.13%) of the $10,625,740 of the assessed value of the properties.

DATED at Duncan, BC,
this 8th day of January, 2014

Mark Ruttan, Corporate Officer
Report

Date: January 15, 2014

To: Council

From: Ernie Mansueti, Director of Parks and Recreation

Subject: Cowichan Aquatic Centre – Family Day

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**Purpose**

Opening the Cowichan Aquatic Centre on Family Day - Monday, February 10, 2014.

**Background**

Since 2012, the Cowichan Aquatic Centre has been closed on statutory holidays to assist within its fiscal operating budget. Prior to 2012, on select statutory holidays the Centre was open for five hours per day. As per the current collective agreement, labour costs double on statutory holidays.

On May 28, 2012, the Province of British Columbia established Family Day which falls on the second Monday of February. This holiday celebrates the importance of families and family life to people and their communities. The Province has urged communities to hold celebrations within their community or recreation centres.

**Discussion**

The Aquatic Centre is a major recreation facility within the Cowichan Valley. The facility is an important venue for families to enjoy an active fun day together. Discussions with CUPE 358 were commenced on reviewing options for the possible re-introduction of opening the facility for this specific statutory holiday. CUPE 358 has kindly offered $1,125 to assist with expenses of opening noon to 4:00 p.m. on Monday, February 10, 2014. The $1,125 represents 50% of the estimated subsidy for the four hour operation of the Aquatic Centre.

We would also propose that the event be a loonie/twoonie swim.

Admission rates:
- $2 for adults, seniors and 13 & over
- $1 for children under 12

**Recommendation**

That the Cowichan Aquatic Centre be opened from noon to 4:00 p.m. on Monday, February 10, 2014 for Family Day.
Date: January 7, 2014

To: Council

From: Mary Beth MacKenzie, Deputy Municipal Clerk

Subject: Elections Reform and Electronic Vote Tabulators

Purpose

The purpose of this report is to provide information to Council on imminent Provincial changes to local government elections, and request that Council direct staff to include $18,500 for the rental of electronic vote tabulators and additional staff resources in the 2014 supplemental budget for consideration.

Background

At its October 16, 2013 Regular meeting, Council passed the following resolution:

“that Council direct staff to provide the Ministry of Community, Sport and Cultural Development with the following feedback on the White Paper on Local Government Elections Reform:

1. Consideration should be given to delaying proposed changes to local government elections, including the proposed Local Elections Campaign Financing Act, until after the 2014 general local election and well in advance of the 2017 general local election to allow ample time for education and administrative preparation; and
2. Reconsideration should be given to retaining current legislation that allows anonymous campaign contributions up to $50.”

In a response received on December 23, 2013, the Minister of Community, Sport and Cultural Development advised that the Province will proceed with the first phase of implementing the Task Force recommendations prior to the November 15, 2014 general local election. The Minister also advised that allowing anonymous campaign contributions was inconsistent with the principle of transparency, so anonymous campaign contributions will not be allowed in the 2014 election.

On an election-related topic, the Chief Administrative Officer asked for quotes to rent electronic vote tabulators (voting machines) for the 2014 general local election, similar to the machines used for the 2011 election by the Cowichan Valley Regional District, Cowichan Valley School District No. 79, and the City of Duncan to create efficiencies and help streamline the election process.

Discussion

1. Elections Reform

The Province’s decision to proceed with elections reform in an election year will add a greater burden to our staff for the 2014 general local election. Along with our regular duties, a considerable amount of staff time will be needed to prepare for the election, become familiar with the Local Elections Campaign Financing Act in the short time between it taking effect (May/June 2014) and the availability of nomination packages at the end of August, along with related administrative preparation such as updating forms and educational materials for candidates, the public and the media.
2. **Electronic Vote Tabulators**

Before coming to North Cowichan, I used electronic vote tabulators in three other municipalities, and highly recommend their use. The machines are easy to operate, and can produce accurate election results within minutes of the close of general voting. A digital read-out alerts electors if they have over-voted or not voted in a particular race before the machine accepts their ballots, and allows them the option of receiving a new ballot. In addition, all races and referenda can be printed on one ballot.

If Council decides to use voting machines, additional time, staff and financial resources will be needed to prepare for this change, including bylaw amendments, lease agreements, ballot layout and printing, machine calibrating and testing, and public education.

Remembering that staff will also be dealing with changes to the legislation regarding elections, the following cost estimate is provided for Council’s consideration:

- Vote tabulators and technical support (one-time lease for 2014 election) $16,610.00
- Half-time administrative support (14 weeks) + 8,575.00
- Contingency fund (referendum, technical, printing and educational costs) + 1,500.00
- Savings from deleting the need for ballot counters - 4,000.00
- 1/3 recovered from School District 79 - 7,561.66
- **Total:** $15,123.34

The total cost of the 2011 general local election was $48,200. Because North Cowichan also conducts voting opportunities for the School District’s elections and recovers one-third of the total election costs from School District No. 79, North Cowichan’s actual cost to conduct the 2011 election was $32,133.33. The total amount budgeted for the 2014 election is $48,200.

**Implications**

Voting machines are easy to use and operate, individually tested for accuracy, and provide an efficient and streamlined election process. If Council decides to approve the lease of voting machines, voters will need to learn a new way of marking the ballot - filling in an oval next to their choices on the ballot instead of placing a check mark or an “X” in a box. Despite the numerous changes that we face with the upcoming election, staff is certain that with a detailed public education strategy on legislative changes, voting machines and marking the ballot along with sufficient staff and financial resources, we will be able to deliver an efficient and streamlined election process and retain public confidence and support in the election process.

**Recommendation**

That Council receive the Deputy Municipal Clerk’s January 7, 2014 report on election reform and electronic vote tabulators, and direct staff to add an additional $15,123.34 to lease electronic vote tabulators and staff support to the 2014 election budget as a supplemental budget item for consideration by Council during budget discussions.
This Agreement dated and made effective this ___________ day of ______________, 201__.

BETWEEN:  FortisBC Energy (Vancouver Island) Inc.
ADDRESS
("FortisBC")

AND: District of the Municipality of North Cowichan
Box 278-7030 Trans-Canada Highway
DUNCAN, BC V9L 3X4
("the Municipality")

WHEREAS FortisBC has requested the Municipality grant permission to install a 114mm IP gas line on the Chemainus River Bridge and to use the existence of an encroachment as shown on FortisBC drawings 62026-P-000-1000-RO, 62026-P-000-1001-RO, 62026-P-000-1002-RO and 62026-P-000-1003-RO, sealed on July 4,2013 by A.J. Maj, P.Eng., in the Schedule attached hereto, which request the Municipality has agreed to grant, by Council resolution on ________________201__, subject to the terms and conditions set out below:

NOW THEREFORE THIS AGREEMENT WITNESSES THAT THE PARTIES AGREE AS FOLLOWS:

1. That, in consideration of the promises and covenants contained herein to be performed and observed by FortisBC, the Municipality grants FortisBC permission to utilize the area outlined Schedule "A" attached hereto, for the purpose of gas line installation from December 15, 2013 to December 15, 2023.

2. It is hereby understood, covenanted and agreed by and between the parties hereto that no provision of these presents and no act or omission or finding of negligence, whether joint or several, as against the Municipality, in favour of any third party, shall operate to relieve, or be deemed to relieve, FortisBC in any manner whatsoever from any liability to the Municipality in the premises, or under these presents, or under the provisions of the Local Government Act, or the Community Charter, and amendments thereto.

3. FortisBC covenants and agrees:

(a) to pay the Municipality the TWO HUNDRED DOLLAR ($200) fee upon signing this agreement, as prescribed in the Fees Bylaw;

(b) to save harmless the Municipality from any and all liability whatsoever arising out of FortisBC's encroachment upon the Chemainus River Bridge, and FortisBC's construction on the bridge, or FortisBC's maintenance of the pipe line on the bridge, or FortisBC's occupation or use of the bridge, for the purpose of such encroachment except to the extent contributed by negligence or default of the Municipality or personnel employed by or engaged by the Municipality, including officers, employees, directors, contractors and agents.

And FortisBC hereby charges its interest as referred to and described in paragraph 1 herein in favour of the Municipality for the payment of all sums which may at any time be payable by the Municipality in respect of any claim, loss, damage or expense of whatsoever kind arising from the construction, maintenance or existence of the said work or from the permission hereby granted, and to answer any indemnity or payment provided in the said by-laws referred to herein, or under the terms of this agreement;
(c) to deposit with the Municipality a policy of public liability insurance in the amount of TWO MILLION DOLLARS ($2,000,000.00), naming the Municipality as an additional insured, in a form and amount acceptable to the Municipality insuring both FortisBC and the Municipality against any loss resulting from the occurrences referred to in paragraph 3 (b) above. Cancellation of such insurance will serve to immediately cancel this agreement and any right FortisBC derives hereunder. The policy shall provide the Municipality with 30 days written notice prior to any cancellation; and

(d) at all times to observe and perform the provisions of the bylaws of the Municipality. This agreement shall be at all times subject thereto and if FortisBC fails to comply with the Municipality's bylaws, following reasonable notice in writing to do so, all rights of FortisBC hereunder may be terminated and the Municipality shall be entitled to proceed with the enforcement of any security or indemnity herein provided, or upon any bond or otherwise in satisfaction of any claim, loss or expense of whatsoever kind arising under this agreement, or from the permission hereby granted.

4. It is hereby understood and agreed between the parties hereto that this agreement shall not in any way operate to restrict the right of the Municipality at any time to:

(a) alter or rebuild the bridge, and notwithstanding that the effect of such alteration may be to render the said works useless for the purposes of FortisBC; and

(b) should the bridge be rebuilt or modified, the Municipality may require that the works be removed in part or in whole; and FortisBC covenants that, in the event of the Municipality effecting any such alteration as aforesaid in requiring removal of all or part of the works, FortisBC will release and forever discharge, and hereby release and forever discharge, the Municipality from all manner of claims of any nature whatsoever, which may arise by reason of such alteration as aforesaid, or by reason of the discontinuance and removal of the subject of this agreement, as a result of such alteration or construction.

5. In particular, but without restricting the generality of the foregoing, it is understood and agreed that:

(a) this agreement may be revoked at any time by the Municipality.

(b) FortisBC will at all times, and at its own expense, keep and maintain the said works in good and sufficient repair and cleanliness to the reasonable satisfaction of the Director of Engineering and Operations.

(c) in the event of the termination of this agreement from any cause whatsoever, FortisBC will, at its own expense, and within a period of twelve months from the date of such termination, or such further or shorter period as may be specified by the Municipal Council, remove any structure or works with respect to such encroachment, and restore in the same condition, to the reasonable satisfaction of the Director of Engineering and Operations; and

(d) upon the event of FortisBC failing to keep any encroachment or covering thereof in good and sufficient repair, to the reasonable satisfaction of the Director of Engineering and Operations, or failing to remove any structure or works, the Municipality shall make such repairs, when it deems necessary, or remove such structures or works, as the case may require, or as the Director of Engineering and Operations may determine, and FortisBC shall pay the costs of such work to the Municipality forthwith; and in default of payment thereof, the amount of such cost and interest at six percent (6%) per annum may be recovered in any Court of competent jurisdiction.
6. Time shall be of the essence.

7. This agreement is non-assignable and non-transferable.

8. This agreement is subject to the laws of the Province of British Columbia and nothing in this agreement will be deemed to exclude the application of the provisions of such laws, or regulations thereunder.

9. Words herein importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse, and, unless the context requires a different meaning, words herein shall bear the same meaning as in the Municipal bylaws aforesaid.

IN WITNESS WHEREOF FortisBC and the Municipality have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the authorized signatories of:

FortisBC Energy (Vancouver Island) Inc

_________________________________
Authorized Signatory

The Corporate Seal of the Corporation of the District of North Cowichan was hereunto affixed in the presence of:

J.W. Lefebure, Mayor

M.O. Ruttan, Corporate Officer
EQUAL ACCESS AGREEMENT

THIS AGREEMENT is dated for reference the ____ day of January 2014.

BETWEEN:

The Town of Lake Cowichan  
39 South Shore Road, Box 860  
Lake Cowichan, BC  V0R 2G0  

(hereinafter called “the Town”)

AND:

The Corporation of the District of North Cowichan  
7030 Trans-Canada Highway, Box 278  
Duncan, BC  V9L 3X4  

(hereinafter called “the District”)

AND:

The City of Duncan  
200 Craig Street  
Duncan, BC  V9L 1W3  

(hereinafter called “the City”, and together with the District, “the Municipalities”, and collectively, “the Parties”)

WHEREAS the Municipalities currently maintain and operate certain recreation facilities, including the Cowichan Aquatic Centre, which are paid for by the Municipalities’ taxpayers;

AND WHEREAS an increased level of cooperation between the Parties, has benefits for the residents of each area, including the opportunity for enhanced access to recreation facilities and providing opportunities to jointly promote the value of public recreation services;

NOW, THEREFORE, in consideration of the benefits to be received by each of the Parties, and the sums to be paid hereunder, it is hereby agreed by and between the Town and the Municipalities as follows:

Term

1. This Agreement shall be effective on approval and execution by all applicable Councils, and will expire on December 31, 2014, (the “Term”), subject to the following:

   a) earlier termination by mutual agreement of the Parties or in accordance with this Agreement;

   b) this Agreement may be renewed, if agreeable to all Parties, for a three (3) year term, beginning January 1, 2015, and expiring December 31, 2017, and subject to cost sharing and payment in accordance with section 3(b) of this Agreement;
c) if renewed under section 1(b), this Agreement may be further renewed, if agreeable to all Parties, for additional three (3) year terms with the agreement of all Parties, subject to cost sharing and payment in accordance with section 3(c) of this Agreement; and

d) all Parties acknowledge that if this Agreement is not renewed, or replaced with some other form of cost-sharing agreement for equal access by residents of the Town to the Cowichan Aquatic Centre maintained and operated by the Municipalities, the Municipalities may not be able to continue to provide equal access as described in section 2 of this Agreement.

**Equal Access Agreement**

2. During the Term of this Agreement, as such Term may be renewed or extended from time to time, the residents and taxpayers of the Town will be provided equal access to the Cowichan Aquatic Centre, under the same terms and conditions as provided to the residents and taxpayers of the Municipalities.

**Cost Sharing and Payment**

3. The Town will, as its share of the costs of maintaining and operating the Cowichan Aquatic Centre, contribute and pay the following sums to the District by the dates specified below:

a) for the original Term of this Agreement, the sum of $2,986 paid on or before July 1, 2014;

b) if this Agreement is renewed under section 1(b), the sum of $2,986 increased by the percentage of the increase in the official Consumer Price Index for British Columbia (all items) published by Statistics Canada (2002 = 100) (“CPI”), for the calendar years 2015, 2016, and 2017, paid on or before July 1st of the year;

c) if this Agreement is renewed under section 1(c), such amounts as determined by the Municipalities, as represent proportional participation in the operating costs of the Cowichan Aquatic Centre, based on updated usage statistics (December 31, 2016, or later usage statistics for 2018 cost-sharing figures) prepared by the District.

**Termination for Payment Default**

4. The Town acknowledges and agrees that if it fails to make the payments as required under this Agreement, the Municipalities may terminate this Agreement upon 30 days’ notice and upon expiry of the notice the residents and taxpayers of the Town will not be provided with further access as described in section 2 of this Agreement.

**Notice**

5. All notices, requests, demands and other communications required by this Agreement shall be in writing and delivered by hand, facsimile transmission, email or prepaid registered mail (return receipt requested) to the party to which it is to be given, as follows:
If to the Town:

Town of Lake Cowichan
39 South Shore Road, Box 860
Lake Cowichan, BC V0R 2G0
Fax: 250-749-3900
Email: general@lakecowichan.ca

If to the Municipalities:

The Corporation of the District of North Cowichan
7030 Trans-Canada Highway, Box 278
Duncan, BC V9L 3X4
Fax: 250-746-3133
Email: info@northcowichan.ca

with copy to:

The City of Duncan
200 Craig Street
Duncan, BC V9L 1W3
Fax: 250-746-6129
Email: duncan@duncan.ca

Any such notice, request, demand or other communication given as aforesaid will be deemed to have been delivered, in the case of delivery by hand, when delivered; in the case of facsimile transmission or email, when a legible facsimile or email is received by the recipient if received before 5:00 p.m. on a day other than a Saturday, Sunday or statutory holiday in the Province of British Columbia or Canada (a “business day”), or on the next business day if such facsimile or email is received on a day which is not a business day or after 5:00 p.m. on a business day; and in the case of delivery by prepaid registered mail, as aforesaid, on the date received. In the event of discontinuance of postal service due to strike, lockout, labour disturbance or otherwise, notice, demands, requests and other communications shall be delivered by hand or facsimile transmission or email.

**Dispute Resolution**

6. Any dispute under the Agreement will be resolved as follows:

   a) Negotiation: The party who wishes a dispute to be resolved must give a dispute notice to the other Parties. Each party will promptly designate a senior representative who will attempt in good faith to resolve the dispute by negotiation. The negotiations must be commenced within 10 business days of the delivery of the dispute notice.

   b) Mediation: If no resolution can be achieved through negotiation within 30 business days of delivery of the dispute notice, then any party may deliver a mediation notice to the other Parties. The Parties will then promptly appoint a qualified, impartial and experienced mediator. If the Parties cannot agree on a mediator within 15 business days of delivery of the mediation notice, then any party may ask the BC International
Commercial Arbitration Centre (or its successor, or a similar body if neither is available) to appoint a mediator. Within 10 business days of appointment of a mediator, each party must provide the mediator and the other Parties with a written statement of its position. The mediator will meet with the Parties in an attempt to resolve the dispute. The Parties will provide any additional information requested by the mediator. The mediator may hire experts, the cost of which shall be shared equally by the Parties, unless the mediator orders a different division of such costs. The Parties will equally share the other cost of the mediator.

c) Remedies: If no resolution is achieved through mediation within 90 business days of delivery of the mediation notice, then any party may take such steps as it deems necessary in order to have the dispute settled.

Severability

7. If any provision of the Agreement or its application is held invalid, the remainder of the Agreement shall not be affected.

Entire Agreement, Waiver and Modification

8. This Agreement and all documents contemplated by or delivered under or in connection with this Agreement constitute the entire agreement between the Parties and supersede all prior agreements, negotiations, discussions, undertakings, representations, warranties and understandings whether written or oral, express or implied, or otherwise. Subject to section 4, no change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on the Parties unless executed in writing by authorized representatives of the Parties. The Agreement shall not be modified, supplemented, or otherwise affected by any course of dealing between the Parties.

Benefit

9. This Agreement is entered into for the benefit of the Parties to this Agreement only and shall confer no benefits, directly or implied, on any third person.

Enurement

10. This Agreement enures to the benefit of and binds the Parties and their respective successors and permitted assigns.

Further Assurances

11. Each party will execute and deliver promptly all further documents and take all further action reasonably necessary or appropriate to give effect to the provisions of this Agreement.
Remedies Cumulative

12. The rights and remedies under the Agreement are cumulative and are not in addition to, and not in substitution for, any other rights and remedies available at law or in equity or otherwise. No single or partial exercise by a party of any right or remedy precludes or otherwise affects the exercise of any other right or remedy to which that party may be entitled.

Counterparts

13. This Agreement and all documents contemplated by or delivered under or in connection with this Agreement may be executed and delivered in any number of counterparts with the same effect as if all Parties had all signed and delivered the same document, and all counterparts will be construed together to be an original and will constitute one and the same agreement.

Governing Law and Attornment

14. This Agreement and any dispute arising out of or in connection with this Agreement shall be governed exclusively by and shall be enforced, construed and interpreted exclusively in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia which will be deemed to be the proper law of this Agreement. The Parties agree to submit to and hereby attorn to the exclusive jurisdiction of the court of the Province of British Columbia for any action arising out of or in connection with this Agreement.

Time of the Essence

15. Time shall be of the essence of this Agreement.

Force Majeure

16. If the Municipalities, or any one of them, are unable to provide equal access as contemplated by this Agreement due to an event outside their reasonable control, including but not limited to strikes, lockouts, labour disputes, or acts of God, that prevent equal access being granted under this Agreement, then subject to any duty to take all reasonable commercial steps to minimize the effect of such event, the Municipalities will be relieved of their obligations under this Agreement to the extent of the event, but in no event will the Town be entitled to claim compensation or payment from the Municipalities, or any one of them, on account of such event.
IN WITNESS WHEREOF this Agreement has been executed and delivered by the Parties as of the day and year first above written.

The Corporate Seal of the Town of Lake Cowichan was hereunto affixed in the presence of:

Ross Forrest, Mayor
Joseph A. Fernandez, Chief Administrative Officer

The Corporate Seal of The Corporation of the District of North Cowichan was hereunto affixed in the presence of:

Jon W. Lefebure, Mayor
Mark O. Ruttan, Corporate Officer

The Corporate Seal of the City of Duncan was hereunto affixed in the presence of:

Phil Kent, Mayor
Karen Burley, Director of Corporate Services
December 12, 2013

Ref: 154580

His Worship Mayor Jon Lefebure
and Members of Council
District of North Cowichan
Box 278
Duncan, BC V9L 3X4

Dear Mayor Lefebure and Councillors:

I am writing today to invite your local government’s input on the second phase of local government elections reform.

I wrote to all local governments on August 27, 2013 to announce the release of a White Paper on Local Government Elections Reform. As noted in the White Paper, I have initiated targeted stakeholder engagement on expense limits in November 2013. The intent is to develop and introduce expense limits legislation in time for the next local elections after 2014. Given the diversity of views on the topic and the complex policy issues, I want to start discussions on expense limits early and be in a position to introduce expense limits with plenty of lead-time before the next elections after 2014.

Expense limits would ultimately be added into the proposed Local Elections Campaign Financing Act. This two-phase approach allows campaign participants to first become familiar with a new, separate Act with new rules around transparency, accountability and enforcement before adding expense limits into local elections.

Information gathered through talking to key stakeholders, such as local governments, will help inform the development of expense limits. I will be having regular discussions with the Union of British Columbia Municipalities’ Executive as we move forward. However, I also wanted each local government to have an opportunity to share perspectives on expense limits, and issues related to expense limits. I would appreciate your thoughts on questions and issues around campaigning for office. For example,

- In your community, do you think the cost of campaigning is a deterrent to people considering running for office?
- What are the most significant cost pressures in local campaigns?
- Are campaign finance issues different in small communities than in large communities, and if so, in what ways?
His Worship Mayor Jon Lefebure
and Members of Council
Page 2

I am also interested in your views on approaches to setting expense limits in local elections. The Local Government Elections Task Force recommended expense limits for candidates and third party advertisers in all communities. The Task Force suggested that expense limits need to take community population into account in order to work in British Columbia’s diverse communities, and that elector organizations should not get a separate, additional limit. The Task Force did not specify what they felt expense limits should be.

Enclosed for your reference is a short discussion paper. The paper includes some background on expense limits issues, including some information on local campaign spending in British Columbia and information on other provinces’ approaches. This paper can also be found at www.localgovelectionreform.gov.bc.ca. Comments from the public are also invited until January 31, 2014.

Please note that it is optional to provide feedback on expense limits issues. As a former council member, I understand that councils and boards have busy agendas and it may be difficult to find time to discuss this issue. However, I do appreciate hearing from your community.

Please provide your thoughts by January 31, 2014. Submit your feedback electronically to: Localgovelectionreform@gov.bc.ca, or in writing to:

Local Government Elections Reform  
Ministry of Community, Sport and Cultural Development  
PO BOX 9847 STN PROV GOVT  
Victoria BC V8W 9T2

I will also take this opportunity to remind you that the White Paper on Local Elections Reform released in September 2013 provided a draft version of the proposed new Local Elections Campaign Financing Act, intended for introduction in the Legislature in Spring 2014. If passed, the Act would make a significant number of changes, principally related to enhanced transparency, compliance and enforcement, for the November 2014 local elections.

Thank you in advance for your assistance.

Sincerely,

Coralee Oakes
Minister

Enclosure

pc: Director Rhona Martin, President, Union of British Columbia Municipalities
Expense Limits in Local Elections
Discussion Paper
EXECUTIVE SUMMARY

The Local Government Elections Task Force, a partnership between the Province and the Union of BC Municipalities, was created to recommend changes to local elections rules. One of the 31 recommendations in the Task Force’s May 2010 final report was that the Province establishes expense limits for candidates, elector organizations and third party advertisers in local elections.

The Government of British Columbia intends to introduce expense limits in time for the next local elections after November 2014.

As noted in the White Paper on Local Government Elections Reform, government initiated targeted stakeholder engagement on expense limits issues in November 2013. Government will use information gathered through this process to inform the development of expense limits. While it may seem early to be talking about expense limits issues, it is important to be prepared to introduce legislation early enough that campaign participants are ready for expense limits and the new rules.

This discussion paper outlines the policy building blocks for expense limits and some of the complex policy issues involved in the legislative framework for expense limits. It also provides discussion questions. The appendices contain information on trends in local campaign spending in B.C., and on other provinces’ approaches to expense limits for local elections.

How do I give my feedback?

Please provide your written comments by January 31, 2014.

Website:  www.localgovelectionreform.gov.bc.ca
Email:  localgovelectionreform@gov.bc.ca
Mail:  Local Government Elections Reform
       Ministry of Community, Sport and Cultural Development
       PO BOX 9847 STN PROV GOVT
       Victoria BC  V8W 9T2
INTRODUCTION

Why expense limits in local elections?
The Local Government Elections Task Force, a partnership between the Province and the Union of BC Municipalities, was created to recommend changes to local elections legislation. One of the 31 recommendations in the Task Force’s May 2010 final report was that the Province establishes expense limits for candidates, elector organizations and third party advertisers in local elections.

In reviewing written submissions and listening to the dialogue on elections issues, the Task Force heard a great deal of support for establishing expense limits in local elections. The Task Force believed that expense limits could increase accessibility and fairness by levelling the playing field among candidates; encouraging candidate participation; and reducing the need for large contributions to fund expensive campaigns.

The provincial government accepted the Task Force’s recommendations and committed to implementing them – including expense limits.

What is happening with expense limits?
Timing: The Province released a White Paper on Local Government Elections Reform in September 2013. The White Paper provided a draft version of the proposed new Local Elections Campaign Financing Act, to be introduced in the Legislature in Spring 2014. If passed, the Act would put into place the majority of the Local Government Elections Task Force’s recommendations in time for the November 2014 local elections. These changes are focused on improved accountability, transparency, compliance and enforcement. The draft Act applies to local government and board of education elections.

For more detail on the changes proposed for 2014, please see www.localgovelectionreform.gov.bc.ca.

The draft Local Elections Campaign Financing Act represents Phase I of campaign finance reform in BC local elections. Phase II involves introducing expense limits legislation in time for the next local elections after 2014. The phased approach will allow campaign participants, local elections administrators and others to adapt to the changes before adding spending limits to the local elections system. The phased approach also allows more time for discussion of expense limits issues before any decisions are made.

Stakeholder engagement: As noted in the White Paper, government initiated targeted stakeholder engagement on expense limits issues in November 2013. Government will use information gathered through this process to inform the development of expense limits. The intent is to introduce legislation for expense limits after the November 2014 local elections. While it may seem early to be talking about expense limits issues, it is important to be prepared to introduce legislation early enough that campaign participants are ready for expense limits and the new rules to make the limits work.

*Elector organizations are groups that promote candidates in local elections. They are sometimes referred to as municipal ‘political parties.’ Elector organizations endorse candidates. The organization’s endorsement appears on the ballot next to candidates’ names. Elector organizations regulated under the legislation – e.g. currently they must have at least 50 members that are electors in the municipality and have existed for at least 60 days, and they must file campaign finance disclosure statements. See the ministry’s guide for more information.
BACKGROUND ON EXPENSE LIMITS FOR B.C. LOCAL ELECTIONS

What are the guiding concepts on expense limits?
In accepting the Task Force’s recommendation to establish expense limits, the provincial government has been taking the Task Force guidance for developing expense limits as a starting point. The Task Force laid out some objectives or outcomes it thought should shape expense limits. The Task Force recommended that expense limits:

- be high enough to allow reasonable campaigns, but not so high as to allow a few participants to dominate,
- need to work in different sized communities (i.e. a formula-based approach would make sense, but a straight per resident formula would not be effective), and
- have a neutral effect on candidates’ decisions to run independently or to create/join elector organizations.

The Task Force recognized that campaign spending was quite low in the majority of BC’s communities. However, for fairness reasons the Task Force felt it was important to have expense limits in all communities. The Task Force suggested that expense limits be set in a way that reflects population size in order to make the limits effective and fair in all BC communities (ranging in population from about 180 people to more than 600,000 people).

The Task Force also emphasized that expense limits should not “punish” or “reward” candidates that are endorsed by elector organizations. The Task Force saw that while the majority of BC communities do not have elector organizations, where elector organizations do exist, they are a fairly prominent part of elections in the community. The Task Force did not want expense limits to provide an incentive to create more elector organizations (or splinter existing ones) simply for the sake of obtaining higher “spending room.” It would also be unfair to independent candidates (who are not endorsed by elector organizations) if elector organizations got additional limits beyond what candidates get.

The Task Force assumed that the Province would establish expense limits. In some other provinces, local governments have the power to, by by-law, set their own campaign finance rules. The Task Force also recommended that Elections BC enforce campaign finance rules in local elections, so that means Elections BC would enforce expense limits.

The following are some of the key policy concept coming out of the Task Force’s guidance:

- expense limits need to work for all communities
- candidates and third party advertisers would be subject to expense limits
- elector organizations would not get expense limits over and above candidates’ limits
- expense limits would be sensitive to population size
- expense limits would also apply in board of education elections
- the Province would set expense limits
- Elections BC would enforce the limits as part of its role in enforcing campaign finance rules
How can I add to the expense limits discussion?

The purpose of stakeholder engagement on expense limits is to explore how best to set expense limits that work for all communities. The Province will need to decide on the approach to setting expense limits numbers, and on the related “framework” rules.

You are invited to share your thoughts on expense limits issues. Below are some questions the Province would like to explore. Feel free to answer as many of the questions as you wish, and to give feedback on issues you would like to raise that are not covered by the questions below.

For additional background, please see Appendix 1 (Facts on Campaign Spending in B.C.) and Appendix 2 (Expense Limits in Local Elections in Other Provinces).

Discussion questions

<table>
<thead>
<tr>
<th>Questions about campaigning</th>
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<tbody>
<tr>
<td>• In your community, do you think the cost of campaigning is a deterrent to people considering running for office?</td>
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<tr>
<td>• What are the most significant cost pressures in local campaigns?</td>
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<tr>
<td>• Are campaign finance issues different in small communities than in large communities, and if so, in what ways?</td>
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<tr>
<td>• Are campaign finance issues different for board of education elections than for local government elections?</td>
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<tr>
<td>• Do you think social media will impact (raise or lower) campaign spending? Why or why not?</td>
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<table>
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<tr>
<th>Questions about the policy “starting point” for expense limits</th>
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<tbody>
<tr>
<td>The Task Force provided some policy guidance on expense limits, suggesting that limits</td>
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<td>o be high enough to allow reasonable campaigns, but not so high as to allow a few participants to dominate,</td>
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<tr>
<td>o need to work in different sized communities (i.e. a formula-based approach would make sense, but a straight per resident formula would not be effective), and</td>
</tr>
<tr>
<td>o should have a neutral effect on candidates’ decisions to run independently or to create/join elector organizations.</td>
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| • Do you think that these objectives are a reasonable starting point for expense limits? Is there anything you would change about these objectives, or anything important missing? |
| • Page 2 shows the key policy concepts coming out of the Task Force’s guidance. Would you change any of these? |

<table>
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<th>Questions about possible expense limits models</th>
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| • In the two other provinces where the provincial government sets expense limits for local elections, the limit is established by a formula with a “base” amount and additional amounts for each elector. For example, in Ontario, the limit for a mayoral candidate is $7,500, plus 85 cents per elector and $5,000 plus 85 cents per elector for council candidates. The same formula for all
communities results in different limits in each community depending on population.

- Does the concept of a base amount, plus additional “per resident” amounts, seem like a reasonable approach in BC?
- Or are there other, simpler models to consider? For example, would “tiered” limits (the same limit for all communities under 5,000 or so people, a higher limit for all communities of 5,000 to 10,000 people, and so on) be a better approach?

- If a model were established that resulted in different limits in each community (such as a base plus per resident model), would you support the Province making things simple for candidates and local governments by calculating the limit in each community and providing notice of the limits?
- Are there other, additional factors beyond population that should be taken into account when setting expense limits?
- How should board of education candidate limits be set? Should they be connected to the limits for council candidates (i.e. the same as a council candidate’s limit)? If so, what happens when the boundaries of school districts do not line up with municipal boundaries?
- Would it make sense for third party advertisers’ limits to be connected to the limits for candidates in the community where the third party is conducting advertising?

What other factors must be considered in developing expense limits?

Establishing expense limits requires some basic policy decisions—who limits apply to, how much the limits are and how they are set. In addition to considering those basic policy decisions, government will also need to address a host of related “framework” issues. For expense limits to be effective, there will need to be rules in the legislation that set out in detail how expense limits are managed and enforced.

For example, following the Task Force guidance, elector organizations would not have a separate expense limit over and above expense limits for candidates. Framework rules would be needed to manage the relationship between candidates and the elector organizations that endorse them. Questions such as who can incur expenses (the elector organization, the candidate, or both) raise further questions, such as who is responsible if there is over-spending?

Some complex policy issues stem from the need to make sure that expense limits can’t be circumvented. For example, policies will be needed for candidates that share advertising (or other campaign expenses, like candidate meet-and-greets). The legislation would still allow candidates to work together informally as a “slate” (i.e. outside of an elector organization), but rules to prevent collaborating for the purposes of working around expense limits would be needed. For example, it would be unfair for a candidate with left over “spending room” to pay for advertising promoting another candidate who has already reached his or her expense limit. Rules about how to attribute shared expenses fairly amongst candidates would be needed.
In designing expense limits for local elections, there are constitutional issues to consider. For example, a number of Canadian court cases have upheld the general principle that regulating third party advertising during elections is an acceptable limitation on freedom of speech. However, rules for third parties must strike a reasonable balance between regulation and not unduly impairing freedom of speech. Other legal factors (such as protection of privacy) will have to be considered.

These policy issues are flagged in this paper to provide a preview of the types of policy decisions government will need to make, over and above deciding what the actual limits amounts in each community should be. It is not as simple as just adding the limits numbers or formula into a piece of legislation.

**Next steps – what happens with the feedback from stakeholders?**

In addition to seeking feedback on this paper, the Minister of Community, Sport and Cultural Development will also be speaking to the Union of BC Municipalities and its area associations between November 2013 and late January 2014. Views of the B.C. School Trustees Association will also be sought, as will views of other campaign participants, such as elector organizations. In Spring 2014, a summary of information received will be published. The Province will consider the results of this targeted stakeholder engagement when developing expense limits and related “framework” rules.

**Next steps - how would expense limits be implemented?**

The White Paper on Local Government Elections Reform (issued September 2013) details a proposed new Act for local elections campaign finance - the draft *Local Government Campaign Financing Act*. If passed by the Legislature in Spring 2014, the Act would bring into force a number of major changes in place in time for the November 2014 local elections. Those changes are focused on improved transparency, improved campaign finance disclosure and a role for Elections BC in enforcement of campaign finance rules in local government elections.

The *Local Government Campaign Financing Act* is Phase I of local elections campaign finance reform.

For Phase II, the government intends to develop local elections campaign expense limits in time for the next local elections after November 2014.

Introducing expense limits requires legislation. The *Local Government Campaign Financing Act* would be amended to establish expense limits and related policy rules. Like all legislation, expense limits amendments would be tabled for the Legislature’s consideration.
How do I give my feedback?

Please provide your written comments by January 31, 2014.

Website:  www.localgovelelectionreform.gov.bc.ca
Email:     localgovelectionreform@gov.bc.ca
Mail: Local Government Elections Reform
        Ministry of Community, Sport and Cultural Development
        PO BOX 9847 STN PROV GOVT
        Victoria BC  V8W 9T2
Appendix 1: Facts on Campaign Spending in B.C.

Considering the context

In addition to considering the Task Force’s policy guidance on expense limits, it is important to consider campaign spending trends in BC.

There are over 1,660 elected positions in over 250 government bodies filled during local elections. Typically, around 3,000 candidates run for these offices. Comparing campaign spending across communities and over multiple years is currently difficult because there is no central place to find all campaign finance disclosure statements for municipal, electoral area director (regional district electoral area) and board of education candidates.\(^1\)

Other factors add complexity:

- Support from campaign organizers’ might have led to some candidates’ spending being lower than it would otherwise have been. The precise amount of support received from campaign organizers cannot accurately be factored into candidate spending figures.
- Not all spending disclosed in campaign finance disclosure statements was done during the campaign period. For example, a portion of the costs for “paid campaign work” in some elector organizations’ disclosure forms was probably for having paid staff in the years in between elections. Maintaining an organization in between elections is certainly relevant to the campaign; however, actual spending during campaign time may be lower than it appears from disclosure statements.
- “Average” spending may not present a full picture of what it typically costs to campaign in a community. For example, one or two “outlier” candidates who spend much more than their competitors affect calculations of average spending for that community. Similarly, it is reasonable to guess that candidates who spent nothing and got almost no votes probably didn’t actually campaign; such candidates would skew the average downwards.
- Campaign finance disclosure statements may not disclose spending fully and accurately.

These caveats aside, looking at a sample of municipal election spending reveals some general trends.

Trends in municipal campaign spending

Overall, spending is fairly low. To gauge how much was spent by people who ran competitive campaigns, a sample of spending by “contenders” was taken. Only the top two-thirds of candidates closest to winning a seat were classified as contenders. Including people who may have spent nothing, and also got almost no votes (indicating that they possibly did not campaign at all) would lead to a less realistic estimate of what it costs to be competitive.

\(^1\) The draft Local Elections Campaign Financing Act would make all campaign finance disclosure statements available through Elections BC.

\(^2\) Campaign organizers are individuals or groups that promote or oppose candidates or points of view during elections. A campaign organizer must identify itself to the local chief election officer once it raises contributions, or incurs expenses, valued at $500 or more. Campaign organizers must also file campaign finance disclosure statements. Unlike elector organizations, campaign organizers do not necessarily have a relationship with candidates they support or oppose. See the ministry’s [guide](#) for more information. The proposed Local Elections Campaign Financing Act would discontinue the concept of campaign organizers, instead regulating “third party advertisers.”
In this sample of spending in communities of various sizes by almost 500 contenders for mayor and council seats, only 8% of candidates spent more than $50,000. 31% spent less than $2,000.

**Spending is not that predictable.** Overall, spending seems to be driven mostly by the political dynamics in a particular community in a particular election. “Hot races” can mean more spending in a community in compared to elections in other years. Conversely, if fewer candidates run in an election, or if electors are less interested in the candidates or issues, spending might go down. Spending does not necessarily go up by a predictable amount each election. The following charts provide an illustration of 2008 vs. 2011 election spending in a random sample of 11 communities of various sizes. The charts demonstrate some of the potential variability in per resident spending from one election to the next.

![Mayors - Per Resident Spending](image)

![Councillors - Per Resident Spending](image)

Spending is not only variable from one election to the next, but it is also quite variable between communities of similar size. For example, the following table shows what candidates spent per resident spending differences in two sample communities in two different size groupings in 2011.

**Sample of Candidate $ Per Resident Spending in Two Community Sizes**

<table>
<thead>
<tr>
<th>Communities 4,000 to 5,500 people:</th>
<th>Communities 75,000 to 80,000 people:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community</td>
<td>Mayor</td>
</tr>
<tr>
<td>A</td>
<td>$5.56</td>
</tr>
<tr>
<td>B</td>
<td>$0.21</td>
</tr>
</tbody>
</table>

These examples suggest that
- spending in smaller communities can be high relative to the community’s population, and
- spending in a community can be high relative to other similarly-sized communities.
Some candidates spend a lot more than their competitors. In communities of any size, some candidates are spending "outliers" compared to their competitors.

Mayoral candidates spend more than council candidates. Council candidates compete for one of several seats. The mayor's race is "winner take all" and may be more easily influenced by high spending in a tight race. In a sample of 492 disclosure statements from communities of all sizes in the 2011 election, mayoral candidates spent an average of almost 4 times more per resident than what council candidates spent ($0.64 per resident and $0.17 per resident respectively).
In addition to showing that mayoral candidates spend more than council candidates, the previous chart shows that per resident spending may be higher in small communities. Relatively higher per resident spending in smaller communities probably indicates that there is a certain base cost involved in campaigning, and possible economies of scale in larger communities.

**Spending in Vancouver is uniquely high and appears to increase each election:** In 2008, spending by all elector organizations that had at least one endorsed candidate elected, plus the spending disclosed by their endorsed candidates (whether elected or not), totalled about $4.5 million. In 2011, the total was about $5.3 million. Total spending in Vancouver is far higher than spending in any other community in B.C.

Vancouver elections are unique in several ways. Vancouver is the most populous city, with almost 178,000 more people than the next largest city. Vancouver sees a consistently large number of candidates for all offices each year. It also has an elected parks board. No independent candidates were elected in 2008 or 2011. Vancouver also has a longstanding tradition of elector organizations, with an apparent trend towards more formal operation (e.g. paid staff).

**Other observations:**

In municipal elections, elected candidates almost always spent money to campaign; generally, they spent more money than those who were not elected. There are exceptions — candidates far outspending their competitors yet failing to obtain a seat, or candidates spending nothing and still obtaining a seat. It is difficult to say whether spending money “leads” to getting elected, though, because some low-spending unsuccessful candidates may not have put much effort into free and/or low-cost methods of campaigning.

Electoral area director candidates (in regional districts) tend to spend less than council candidates. Board of Education candidates also generally spend less than council candidates.

**So what do these trends mean for setting limits?**

Campaign spending trends (as well as more detailed spending data) will be considered in developing an approach for setting expense limits. For example, since mayoral candidates spend more than council candidates, a higher limit for mayoral candidates would make sense. Limits should also take into account the basic campaign cost evident even in the smallest town.
Appendix 2: Expense Limits in Local Elections in Other Provinces

Which provinces have expense limits in local elections?

- Ontario – all local governments
- Quebec – local governments with populations over 5,000
- Manitoba – all local governments
- Saskatchewan - some local governments
- Newfoundland & Labrador – some local governments (St. John’s)

Who sets the limits?

There are three basic approaches to setting expense limits:

- The province adopts provincial legislation setting the limits (Ontario, Quebec)
- The province requires municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits (Manitoba requires all local governments to adopt a bylaw)
- The province allows municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits (Saskatchewan, Newfoundland & Labrador)

What do the limits have in common?

Generally, the limits are sensitive to population. In provinces that set the limit, there is a formula involving a base amount plus a per elector amount. In most examples where the municipality sets the limits, the limit takes into account the number of electors.

In all cases where the limits are sensitive to population, municipalities are responsible for determining the number of electors in the jurisdiction/wards (usually through their municipally-maintained voters’ lists), calculating the limits and informing candidates of their limits.

Where formulas are used, they generally have a provision for inflation tied to the Consumer Price Index. Except for in Quebec, enforcing the limits is a local responsibility.

Caveats when looking at limits

It is difficult to compare limits because different provinces have very different rules as to how an election expense is defined, which election expenses actually count against the expense limit, and how long the period is in which spending is capped.

It can also be difficult to compare limits across jurisdictions because some cities are divided into wards. Under a ward system, council candidates compete to represent a geographically defined part of the city; usually the mayor is elected “at large” by voters across the city. Typically a candidate would not need very high limits if they are campaigning in only a small area. Toronto, Montreal and Winnipeg have wards. Currently only one BC local government uses a ward system.

In some provinces, local governments maintain a list of electors. Maintaining a voters list is not mandatory in BC. Many local governments do same-day registration.
Ontario

Provincial legislation sets the limits. Limits set by the Municipal Election Act apply to all local governments. The formula is the same for Toronto and for all other local governments.

<table>
<thead>
<tr>
<th>Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor - $7,500 + 85 cents per elector</td>
</tr>
<tr>
<td>Council candidate - $5,000 + 85 cents per elector</td>
</tr>
<tr>
<td>School board trustee candidate - $5,000 + 85 cents per elector</td>
</tr>
</tbody>
</table>

Examples – 2010 elections

Toronto (2.5 million people*)

- Mayor - $1.3 million (elected at large)
- Council candidates in Ward 7 - $27,464 (Ward 7 just one example; Toronto has 44 wards)

Mississauga (668,550 people*)

- Mayor - $319,664
- Council candidates - $27,000 to $39,000, depending on ward populations
- School trustees - $23,000 to $45,000

Timmins (42,997 people*)

- Mayor - $35,549
- Council candidates - $7,000 to $19,000 depending on ward populations

Other notes on expense limits in Ontario

There is no regulation of third parties and no spending limits for third parties.

The 2010 local elections were the first with spending limits in place.

City administrators calculate the limits based on the estimated number of electors on the municipally-maintained voters’ list and notify candidates of their limits.

Candidates’ financial statements must be audited by an independent auditor before they can be filed. Enforcement of campaign finance rules is essentially a local matter.

* 2006 census population provided for sense of scale. Not all residents counted in the census would be qualified electors.
Quebec

Provincial legislation sets the limits. The limit formula is the same for all local governments.

Formula

Mayor – base of $3,780, plus 30 cents per elector up to 20,000 electors; 51 cents for each elector from 20,000 to 100,000 and 38 cents per elector for each elector over 100,000 electors

Council candidate – base of $1,890, plus $0.30 per person

Municipalities under 5,000 people are generally exempt from campaign finance rules, except for limits on how much an individual can contribute and a requirement to disclose names of contributors.

Other notes on expense limits in Quebec

Quebec amended the provincial legislation to reduce the spending limits by about 30 per cent of the previous limits. The 2013 elections were held under the new, lower limits.

Third party advertising is extremely tightly regulated. It is essentially prohibited for third parties to support candidates in ways that involve expenditure of funds (advertising, rallies, etc.). A group of electors (individual citizens) may apply for “private intervener” status during an election, but may only spend up to $300 and may only disseminate a non-partisan message on a matter of public policy (e.g. private intervener groups are forbidden to promote/oppose candidates.

Municipalities appear to be responsible for maintaining a list of electors.

Elections Quebec enforces the campaign finance rules, including expense limits.

Quebec has 1,103 municipalities. Expense limits apply in municipalities over 5,000 people. There are 185 municipalities with a population of 5,000 or more. Those 185 municipalities cover 88% of Quebec’s total population.

There are just over 900 municipalities with fewer than 5,000 people. Municipalities under 5,000 people have no spending limit, and no rules regarding expenses.
Manitoba

Provincial legislation requires municipalities to adopt a bylaw with campaign expense limits (and other campaign finance rules, such as contribution limits); the municipality chooses the limits.

Example – formula in City of Winnipeg Bylaw (population about 633,450)
- Mayor - 35 cents per elector in the city (adjusted using consumer price index) – mayor limit in 2010 about $150,000
- Council candidate - 90 cents per elector in the ward (adjusted using consumer price index)

Example - City of Brandon Bylaw (population about 46,000; flat rate limit/no formula)
- Mayor - $16,000
- Council candidate - $4,000

Other notes on expense limits in Manitoba

Third party advertising is not specifically regulated or subject to expense limits. However, in the City of Winnipeg, expenses incurred by any individual, corporation, organization or trade union "acting on behalf of" a registered candidate count against the candidate’s expense limit.

Winnipeg has had spending limits since 1990. Enforcement is essentially a local matter.

Saskatchewan

The Province allows municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits.

Example - City of Regina bylaw. Set limit (no formula specified in bylaw, though probable that a formula involving population was used to arrive at the limit)
- Mayor - $62,635
- Council candidate - $10,439

Newfoundland & Labrador

The Province allows municipalities to adopt a bylaw with campaign expense limits; the municipality chooses the limits. Candidates do not actually have to file an accounting of their expenses; they instead declare that they did not exceed the limits.

Example - City of St. John’s bylaw.
- Mayor and councillor candidates - $10,000 base amount, plus $1 per voter listed on the voters list in the ward or at-large area. Works out to around $80,000 for mayors and $25,000 for councillors.
December 24, 2013

Municipality of North Cowichan
PO Box 278
7030 Trans Canada Highway
DUNCAN BC V9L 3X4

Attention: Mark Ruttan, Director of Administration

Dear Mayor and Council:

Re: "CVRD Bylaw No. 3772 – Regional Parkland Acquisition Fund Service Amendment Bylaw, 2013".

The CVRD Board of Directors, at its regular meeting of December 11, 2013, granted first three readings to the attached Service Establishment Amendment Bylaw.

CVRD Bylaw No. 3772 provides for an increase in the maximum requisition amount for regional parkland acquisition from $715,000 to $958,000.

In order to consider adoption of CVRD Bylaw No. 3772, written consent must be obtained from the service area participants. Accordingly, the CVRD requests that the following resolution be considered and adopted by Council at its next regular meeting:

That the Municipality of North Cowichan consents to the adoption of "CVRD Bylaw No. 3772 – Regional Parkland Acquisition Fund Service Amendment Bylaw, 2013".

Please do not hesitate to contact the undersigned should you have any questions regarding this process.

Yours truly,

Joe Barry
Corporate Secretary

Enclosures
COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3772

A Bylaw to Amend Regional Parkland Acquisition Fund Service Establishment Bylaw No. 3163

WHEREAS the Board of the Cowichan Valley Regional District established the Regional Parkland Acquisition Fund Service under the provisions of Bylaw No. 3163, cited as "CVRD Bylaw No. 3163 – Regional Parkland Acquisition Fund Service Establishment Bylaw, 2008";

AND WHEREAS the Regional District wishes to amend Bylaw No. 3163 by increasing the maximum annual requisition limit from $715,000 to $958,000;

AND WHEREAS pursuant to the Local Government Act and the Community Charter, a majority of the participants have consented, in writing, to the adoption of this Bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION
   This bylaw may be cited as "CVRD Bylaw No. 3772 – Regional Parkland Acquisition Fund Service Amendment Bylaw, 2013".

2. AMENDMENT
   That CVRD Bylaw No. 3163 be amended by deleting the figures "$715,000" and "$0.05942" in the second and third line of Section 6 - Maximum Requisition and replacing them with the figures "$958,000" and "$0.07427" within the same sentence and section of the bylaw.

READ A FIRST TIME this 11th day of December 2013.

READ A SECOND TIME this 11th day of December 2013.

READ A THIRD TIME this 11th day of December 2013.

ADOPTED this day of December 2013.

Chair

Corporate Secretary
December 27th 2013

To the Mayor and Council of North Cowichan,

This is a request for your consideration to have a change and upgrade to the permitted use and discharge of fireworks in the municipality. At the present time there are practically no restrictions on the books – most municipalities have a firm set of bylaws which must be adhered to in this regard. Several areas have in the past few years done a complete overhaul in this area.

This was opened up to us this last November 8, 2013 when a terrifying incident occurred next door to our home. I sent a letter of complaint to the North Cowichan bylaw people – that letter is on file in your office. Also the evidence of the event is in your office as well.

It would be most appreciated if you could look into this and give it consideration.

We will be watching for the outcome.

Yours truly, 

Steve Emery

Steve and Marie Emery
Box 824
8003 Vye Road,
Crofton, B.C.
V0R1R0
Phone 250-246-4672
THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

BYLAW NO. 1579

A Bylaw To Ban The Sale, Possession, And Use Of Fireworks

This bylaw is consolidated under section 139 of the Community Charter and is printed by authority of the corporate officer.

Pursuant to section 139 (3) of the Community Charter, “a printed document purporting (a) to be a copy of a bylaw consolidated under this section, and (b) to be printed by authority of the corporate officer is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws.”

Amendment Bylaw 3187, Date SEP 17, 2003

Adopted on September 11, 1974.

The Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

1. In this bylaw, “fireworks” includes cannon-crackers, fireballs, firecrackers, mines, Roman Candles, sky-rockets, squibs, torpedoes, and such other explosives as may be designated as such by the Lieutenant-Governor in Council.

2. a) No person shall sell, dispose of, directly or indirectly, any fireworks of any kind at any time within the Municipality.

   b) No person shall fire or set off fireworks or have in his possession fireworks of any nature or any kind at any time within the Municipality.

Notwithstanding the provisions of this bylaw, fireworks may be sold to and discharged by any organization conducting a public or private display if such display is held with the written permission of the Clerk of the Municipality and is adequately supervised.

4. Every person who offends against any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, shall be guilty of an infraction of this bylaw and shall be liable, on summary conviction, to a fine and penalty of not less than $50.00 nor more than $250.00.

5. Bylaw 1314, being the “Fireworks Bylaw 1970”, is hereby repealed.

6. This bylaw may be cited as the “Fireworks Bylaw 1974”.

Bylaw readings

First reading ................................................... September 4, 1974
Second reading ............................................... September 4, 1974
Third reading .................................................. September 4, 1974

A. VandeCasteyen, Municipal Clerk          G.C. Smith, Mayor
Municipality of North Cowichan
Community Planning Advisory Committee
Minutes

Date: December 9, 2013
Time: 1:30 pm
Location: Municipal Hall - Committee Room

Members Present
Mayor Jon Lefebure
James Cosh
Peggy Bran
Councillor Barb Lines
Bob Greene

Members Absent
Councillor Ruth Hartmann
Darlene Taylor

Staff Present
Scott Mack, Director of Development Services
Brian Green, Manager of Planning and Sustainability
Bruce Oliphant, Chief Building Inspector
David Conway, Manager of Engineering
Dave Pady, Planner
Brigid Reynolds, Senior Planner

1. Call to Order

There being a quorum present, the Chair called the meeting to order at 1:30 pm.

2. Approval of Agenda

The Committee approved the agenda as circulated.

3. Adoption of Minutes

The Committee adopted its September 9, 2013, November 12, 2013, and November 18, 2013 meeting minutes.

4. Business

4.1. Update from Staff on Previous Items

No update provided.
4.2. **Presentation on the Official Community Plan and the Climate Action Energy Plan**

The Committee received a presentation from Planner Reynolds giving an overview of the policy structure within the Official Community Plan and the Climate Action Energy Plan that guides the Committee's decision making.

4.3. **Zoning Bylaw Review**

The Committee received a presentation from Planner Pady to introduce the Zoning Bylaw review.

4.4. **Stats Canada Reports - September, October, November, 2013**

The Committee reviewed the September, October, and November 2013 building permit statistics.

4.5. **University Village Local Area Plan Update**

The Committee received a verbal update from staff on the expansion of the University Village Local Area Plan expansion to include the Trans-Canada Highway Corridor.

4.6. **Crofton Local Area Plan Update**

The Committee received a verbal update from staff on plans towards obtaining more community input.

5. **New Business**

None received.

6. **Adjournment**

The meeting ended at 4:00 pm.

________________________________________
Chair

________________________________________
Recording Secretary
Municipality of North Cowichan
Joint Utilities Board
Minutes

Date: December 12, 2013
Time: 1:30 pm
Location: Municipal Hall - Committee Room

Members Present
Mayor Jon Lefebure
Councillor Al Siebring
Joe Thorne, City of Duncan Councillor
Sharon Jackson, City of Duncan Councillor

Others Present
John Mackay, Director of Engineering and Operations
Clay Reitsma, Manager of Engineering (Infrastructure and Environment)
Mayor Phil Kent, City of Duncan
Peter de Verteuil, City of Duncan
Abbas Farahbakhsh, City of Duncan
Brian Dennison, Cowichan Valley Regional District
Emily Doyle Yamaguchi, Cowichan Valley Regional District

1. Call to Order

There being a quorum present, the Chair called the meeting to order at 1:30 pm. Councillor Jackson acted as the Chair for this meeting.

2. Approval of Agenda

The Committee approved the agenda as circulated.

3. Adoption of Minutes

The Committee adopted its May 2, 2013 meeting minutes.

4. Business

4.1. Review of Lagoon Capacity Reassessment Study

Recommendation:
That Council support the recommendation of the Joint Utilities Board to increase the capacity of the waste water treatment plant from 14,264 units to 17,300 units, based on Delcan’s November 2013 Lagoon Capacity Re-assessment Study, and that the extra capacity units be distributed to the users as follows:

1. North Cowichan's Sewer System - 1,630 units;
2. City of Duncan Sewer System - 945 units;
3. Eagle Heights Sewer System - 210 units;
4. Cowichan Bay Sewer System - 187 units; and
5. Cowichan Tribes Sewer System - 64 units; subject to Duncan Council's support.

4.2. Governance Study - Verbal Update

The Committee noted that Peter de Verteuil, Abbas Farahbakhsh, John MacKay and Clay Reitsma met on December 11, 2013 to review the Terms of Reference for the Joint Utilities Board Governance Study. Staff indicated they have several revisions to make to the Terms of Reference.

The Committee requested that the Terms of Reference be circulated to its members for comment prior to going to consultants.

4.3. Election of Chair for 2014

The Committee elected Mayor Jon Lefebure, Municipality of North Cowichan, as Chair for 2014.

6. Adjournment

The meeting ended at 1:45 pm.

_________________________
Chair

_________________________
Recording Secretary
1. **Call to Order**

   There being a quorum present, the Chair called the meeting to order at 8:35 am.

2. **Approval of Agenda**

   The Committee approved the agenda, as amended, to add the following items:
   5.1 - Budget and Agriculture Funding
   5.2 - Signage
   5.3 - Somenos Marsh Conservation Area and Farm Water Plan

3. **Adoption of Minutes**

   The Committee adopted its November 19, 2013 meeting minutes.

4. **Business**

   4.1. **Cowichan Green Community - Judy Stafford**

   The Committee received a presentation from Judy Stafford, Executive Director of the Cowichan Green Community (CGC). Ms. Stafford provided an overview of the work undertaken by CGC in support of agriculture which generally includes:
   1) education and training, including the involvement of all age groups in CGC farm training programs that are accomplished with and without partners,
2) marketing and market research,
3) events such as farm and garden tours,
4) matching producers with restaurants and food retailers utilizing co-ops and virtual markets,
5) establishing a farm incubator project (that is in need of further funding),
6) linking new farmers to the land, and
7) advocating for local foods, food security, awareness and health.

The Committee expressed its appreciation to Judy and asked questions about how some of the CGC programs work. The Committee also expressed an interest in providing a link to the CGC marketing map on the Municipal website with possible inclusion of an information map or description of products produced in the valley. The Committee would also like to explore ways to share information about its activities with the CGC.

The Committee requested that North Cowichan email agenda packages to CGC for information.

4.2. Committee Member Updates

The Committee received an update from Blaine Hardy that the Cowichan Agricultural Society had held its annual Christmas party.

The Committee received an update from Wayne Haddow that contracts have been awarded for the first phase of 4 of the 5 projects of the Regional Cowichan Valley Agriculture Adaptation Work Plan including: the Farm Water Plan, the Business Case for a Regional Agriculture Extension Officer, Extreme Events Preparedness and Local Agriculture Processing and Storage.

4.3. Correspondence

A letter, dated November 15, 2013, from North Cowichan to the Minister of Agriculture was received and filed.

4.4. Proposed Next Meeting Agenda Items

The Committee suggested the following items for the next agenda:
• Agri-tourism Discussion Paper – Brock McLeod
• Summary of Economic Development Scan – Audrey Rogers
• Ministry of Transportation Signage – Committee discussion, review and response to Item 5.2
• North Cowichan’s Sign Bylaw – Audrey Rogers

5. New Business

5.1. Budget and Agriculture Funding

The Committee and the Chief Administrative Officer discussed the 2014 Municipal budget and Committee funding for future projects (operating and capital). The Committee recognized that funding is needed to implement its
priorities in support of agriculture, including economic development and the Bonsall Creek Watershed Management Plan.

Recommendation:
That Council direct all Class 9 (Farm) general municipal tax revenue to the Agriculture Reserve Fund.

5.2. Signage

The Committee reviewed a handout that included information about changes to the Ministry of Transportation’s signage program. Of particular interest to the Committee is the classification of Highway 1, from Nanaimo to Victoria, as an “expressway” and the resulting signage impacts. The Committee will review this information and discuss it further at its next meeting.

5.3. Somenos Marsh Conservation Area and Farm Water Plan

The Committee discussed the Somenos Marsh Conservation Area (SMCA) and its drainage challenge. The Committee concluded that the SMCA would benefit if chosen for the pilot farm water plan, as part of the Regional Cowichan Valley Agriculture Adaptation Work Plan. The Committee agreed that there are significant benefits of developing a farm water plan for the SMCA, including improved ability to farm the land, and improved fish and waterfowl habitat. The properties in the SMCA are owned by North Cowichan, The Nature Trust and the BC Forest Discovery Centre, and the lake bottom is owned by Timberwest Forest Corp. It is anticipated that adjoining private agricultural properties would also benefit with the development of a farm water plan for the area.

The Committee requested that staff seek the support of the property owners and the partners in the SMCA to be included as a pilot for a farm water plan. This request will be made through Kathy Lachman who, along with a subcommittee, is managing the Agriculture Adaptation Work Plan.

Recommendation:
That Council direct staff to consult with the Regional Cowichan Valley Agriculture Adaptation Work Plan subcommittee, the property owners and partners in the Somenos Marsh Conservation Area to gain support for its inclusion as a pilot for a farm water plan.

6. Adjournment

The meeting ended at 11:00 am.

___________________________________________
Chair

___________________________________________
Recording Secretary
Municipality of North Cowichan
Climate Change Advisory Committee
Minutes

Date: December 19, 2013
Time: 2:30 pm
Location: Municipal Hall - Committee Room

Members Present
Councillor Kate Marsh, Chair
Gail Calderwood
Reed Early
Sandra McPherson
Mayor Jon Lefebure (ex-officio)

Members Absent
Peter Nix
David Preikshot

Staff Present
Clay Reitsma, Manager of Engineering (Infrastructure and Environment)
Brian Green, Manager of Planning and Sustainability
Peter Nilsen, Project Engineer
Brigid Reynolds, Senior Planner, Environment and Policy

Others Present
Shaun Chadburn, Engineering Technician (Environmental Programs)
Mia Oldenburg, Co-op Planning Student
Kate Miller, Manager, Environmental Initiatives, CVRD

1. **Call to Order**
   
   There being a quorum present, the Chair called the meeting to order at 2:30 pm.

2. **Approval of Agenda**
   
   The Committee approved the agenda as circulated.

3. **Adoption of Minutes**
   
   The Committee adopted its November 28, 2013 meeting minutes.

4. **Business**

   4.1. **Flood Protection Initiatives Presentation**
   
   The Committee received a presentation from the Manager of Engineering (Infrastructure and Environment) on the Municipality's Flood Protection
Initiatives. Kate Miller, Manager, Environmental Initiatives, spoke about the Cowichan Valley Regional District's (CVRD's) portion of this project.

4.2. **Corporate Energy Management Presentation**

The Committee received a presentation from the Project Engineer on the Corporate Energy Management Plan, which included a Strategic Energy Management Plan, with targets and initiatives to achieve energy efficiency.

4.3. **CVRD Sustainability Plan**

The Committee received a presentation from Kate Miller regarding the Cowichan Valley Regional District's Regional Sustainability Plan.

4.4. **CAEP Implementation Framework Update**

The Committee discussed the Climate Action and Energy Plan Implementation Framework and supplemental budget.

4.5. **Meeting Dates**

The Committee discussed meeting dates for January 2014 and determined that meetings will be held on Thursday, January 9 and Thursday, January 23, 2014.

4.6. **Membership**

The Committee discussed that an advertisement has been placed for its most recent vacancy.

5. **Adjournment**

The meeting ended at 6:00 pm.

_________________________
Chair

_________________________
Recording Secretary
DEADLINE FOR RESOLUTIONS

All resolutions must be received in the AVICC office by: FEBRUARY 24, 2014

SUBMISSION REQUIREMENTS

Resolutions submitted to the AVICC for consideration shall be received as follows:

1. One copy of the resolution by regular mail to:
   AVICC
   525 Government Street
   Victoria, BC
   V8V 0A8

   AND

2. One copy submitted electronically either through the online submission form or by email
   (submitting the resolution in MS Word is preferred):
   a) Online Submission: (http://www.formstack.com/forms/ubcm-avicc_2014_resolutions)
   b) Email to avicc@ubcm.ca (Word version of the resolution itself preferred)

   • The resolution should not contain more than two "whereas" clauses; and
   • Background documentation must accompany each resolution submitted.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

LATE RESOLUTIONS

a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late
   Resolutions" and shall comply with all other submission requirements, except that a copy of the
   resolution must be forwarded to the AVICC by the Wednesday noon preceding the date of the Annual
   General Meeting. This year’s late resolution deadline is April 9, 2014.

b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions Book
   have been debated.

c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen
   since or was not known prior to the regular deadline date for submission of resolutions.

d. In the event that a late resolution is recommended to be admitted for discussion AVICC shall produce
   sufficient copies for distribution to the Convention.
UBCM ASKS FOR RESOLUTIONS TO BE CONSIDERED BY THE AREA ASSOCIATIONS FIRST

UBCM urges members to submit resolutions first to Area Associations for consideration. Resolutions endorsed at Area Association annual meetings are submitted automatically to UBCM for consideration and do not need to be re-submitted to UBCM by the sponsor.

A resolution should be submitted directly to UBCM only if the resolution addresses an issue that arises after the Area Association annual meeting. In this case, local governments may submit council- or board-endorsed resolutions to UBCM prior to June 30 each year. Should this be necessary, detailed instructions are available under the Resolutions tab on http://www.ubcm.ca.

UBCM RESOLUTIONS PROCESS

1. Members submit their resolutions to their Area Association for debate.
2. The Area Association submits the endorsed resolutions of provincial interest to UBCM.
3. The UBCM Resolution Committee reviews the resolutions for submission to the UBCM Convention.
4. Endorsed resolutions at the UBCM Convention are submitted to the appropriate level of government for responses.
5. Once the provincial responses have been conveyed to the UBCM they are forwarded to the sponsor for their review.

GUIDELINES FOR PREPARING RESOLUTIONS

The Construction of a Resolution:
All resolutions contain a preamble and enactment clause. The preamble describes the issue and the enactment clause outlines the action being requested. A resolution should answer the following three questions:
• What is the problem?
• What is causing the problem?
• What is the best way to solve the problem?

Preamble:
The preamble commences with a recital, or "WHEREAS", clause. This is a concise paragraph about the nature of the problem or the reason for the request. It should clearly and briefly outline the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. If explaining the problem requires more than two preliminary clauses, then provide supporting documents to describe the problem more fully. Do not add extra clauses.

Enactment Clause:
The enactment clause begins with the words "THEREFORE BE IT RESOLVED". It must convey the resolution's intent, and should propose a specific action by AVICC and UBCM.

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

How to Draft a Resolution:

1. **Address one specific subject in the text of the resolution.**
Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if the issues it addresses are too complex for them to understand quickly.
2. **Use simple, action-oriented language and avoid ambiguous terms.**

Explain the background briefly and state the desired action clearly. Delegates can then consider the resolution without having to parse complicated text or vague concepts.

3. **Provide factual background information.**

Even a carefully constructed resolution may not clearly indicate the problem or the action being requested. Where possible, provide factual background information to ensure that the "intent" of the resolution is understood.

Two types of background information help to clarify the "intent" of a resolution:

   i. **Supplementary Memo:**
   A brief, one-page memo from the author, that outlines the background that led to the presentation and adoption of the resolution by the local government.

   ii. **Council/Board Report:**
   A report on the subject matter, presented to council or board in conjunction with the resolution. If it is not possible to send the entire report, then extract the essential background information and submit it with the resolution.

Resolutions submitted without adequate background information will not be considered until the sponsor has been consulted and has provided documentation outlining the intent of the resolution.

4. **Construct a brief, descriptive title.**

A title assists to identify the intent of the resolution and eliminates the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution.

For ease of printing in the Annual Report and Resolutions Book and for clarity of intent, a title should be no more than three or four words.

5. **Check legislative references for accuracy.**

Where necessary, identify:

   - The correct jurisdictional responsibility (e.g., ministry or department within the provincial or federal government); and
   - The correct legislation, including the name of the Act.

6. **Focus on issues that are province-wide.**

The issue identified in the resolution should be relevant to other local governments across the province. This will support proper debate on the issue and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts.

7. **Avoid repeat resolutions.**

In the past, Resolutions have often come back year after year on the same topic. Members and staff are encouraged to search the UBCM Resolutions database available though the website at [www.ubcm.ca](http://www.ubcm.ca). Click on the Resolutions and Policy tab at the top of the page. It will be possible to locate any Resolutions on the same topic that have been considered in the past and what the response has been.

8. **Ensure that your own local government’s process for handling/approving of resolutions to AVICC/UBCM is followed.**
UBCM GOLD STAR AND HONOURABLE MENTION RESOLUTIONS

The UBCM Gold Star and Honourable Mention resolution recognition initiative was launched at the 2003 UBCM Convention, and is intended to encourage excellence in resolutions drafting and to assist UBCM members in refining their resolutions in preparation for submission to the annual UBCM Convention.

To be awarded the UBCM Gold Star or Honourable Mention recognition, a resolution must meet the standards of excellence established in the following Gold Star Resolutions Criteria, which are based on the resolution:

1. Resolution must be properly titled.
2. Resolution must employ clear, simple language.
3. Resolution must clearly identify problem, reason and solution.
4. Resolution must have two or fewer recital (WHEREAS) clauses.
5. Resolution must have a short, clear, stand-alone enactment (THEREFORE) clause.
6. Resolution must focus on a single subject, must be of local government concern province-wide and must address an issue that constitutes new policy for UBCM.
7. Resolution must include appropriate references to policy, legislation and regulation.
8. Resolution must be submitted to relevant Area Association prior to UBCM.

If you have any questions, please contact Reiko Tagami by email at rtagami@ubcm.ca or by calling 604-270-8226 (extension 115).

MODEL RESOLUTION

SHORT TITLE:  ____________________________________________

Sponsor's Name  __________________________________________

WHEREAS  ____________________________________________

AND WHEREAS  __________________________________________

THEREFORE BE IT RESOLVED that  __________________________________________

(Note: A second resolve clause if it is absolutely required should start as follows:)
AND BE IT FURTHER RESOLVED that  __________________________________________

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