

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, SEPTEMBER 30, 2003**

7:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 5 Jeannie & Derek Wardleworth, & Ute Hofmann, re Land Use Contravention – 2401 Northwest Bay Road – Area E.

MINUTES

- 6-12 Minutes of the regular Committee of the Whole meeting held Tuesday, August 26, 2003.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATION/CORRESPONDENCE

- 13 Alastair Kenning, City of Nanaimo, re RDN Drinking Water Initiative.

UNFINISHED BUSINESS

From the Committee of the Whole meeting held August 26, 2003.

Drinking Water Protection.

- 14-21
1. *That the Board direct staff to organize a workshop that will assist the RDN in defining its role in drinking water protection.*
 2. *That the Board direct staff to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of a workshop.*
 3. *That the Drinking Water Protection Workshop Terms of Reference be approved.*

4. *That, after the workshop, staff report back to the Board on the results of the workshop and with recommendations regarding a drinking water protection strategy for the Regional District.*

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

- 22-29 Intergovernmental Advisory Committee Terms of Reference.
- 30-37 Town of Qualicum Beach Request to Extend Community Sewer Service to Six Properties – Environmental or Public Health Reasons.

CORPORATE SERVICES

FINANCE

- 38-41 District 69 Ice Arena Conversion Bylaw No. 1358.

DEVELOPMENT SERVICES

BUILDING INSPECTION

- 42-43 Section 700 Filings.

ENVIRONMENTAL SERVICES

LIQUID WASTE

- 44-59 Environmental Management Systems Implementation Plan.

SOLID WASTE

- 60-66 Terms of Reference for the Regional Landfill Site Liaison Committee.

UTILITIES

- 67-70 Reserve Fund Establishing Bylaws – Surfside Water Service Area Reserve Fund Bylaw No. 1360 and Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359.
- 71-74 Rural Street Lighting LSA Boundary Amendment Bylaw No. 791.09.

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'A' Parks and Open Space Advisory Committee.

- 75-76 Minutes of the Electoral Area 'A' Parks and Open Space Advisory Committee meeting held June 19, 2003. (for information)

Nanoose Bay Parks & Open Space Advisory Committee.

77-82 Minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held June 23 and September 8, 2003. (for information)

Transit Business Plan Update Select Committee.

83-88 Minutes of the Transit Business Plan Update Select Committee meeting held September 10, 2003. (for information)

That Community Services staff be authorized to meet with representatives of School Districts 68 and 69 to discuss areas of possible service integration and that the CUPE Union locals representing both employee groups be invited to be present in those discussions.

District 69 Recreation Commission.

89-118 Minutes of the District 69 Recreation Commission meeting held September 11, 2003. (for information)

That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

Regional Waste Advisory Committee.

119-120 Minutes of the Regional Waste Advisory Committee meeting held September 11, 2003. (for information)

Verbal Reports As Available:

Municipal Finance Authority

Deep Bay Harbour Authority

Regional Library Board

Treaty Advisory Committee

North Island 911 Corporation

Municipal Insurance Association

Mt. Arrowsmith Biosphere Foundation

Vancouver Island Generation Project Committee

Vancouver Island Health Authority – Project Building Committee

Vancouver Island Health Authority – Joint Capital Planning Committee

Vancouver Island Regional Transportation Advisory Committee

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

That pursuant to Section 242.2(1)(h) of the Local Government Act the Board proceed to an In Camera meeting to consider legal matters.

2401 Northwest Bay Road
NanOOSE Bay, B.C.
V9P 9B3

DELIVERED BY HAND

September 22nd, 2003

Linda Burgoyne
Administrative Assistant
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

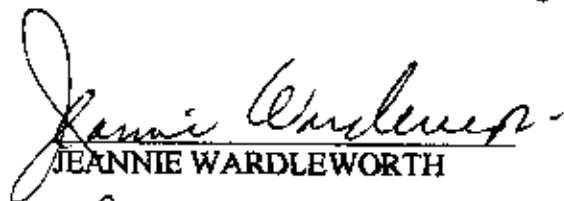
REGIONAL DISTRICT OF NANAIMO		
SEP 23 2003		
CHAIR		GMCrs
CAO		GMDS
GMCrs		GMES

Dear Ms. Burgoyne:

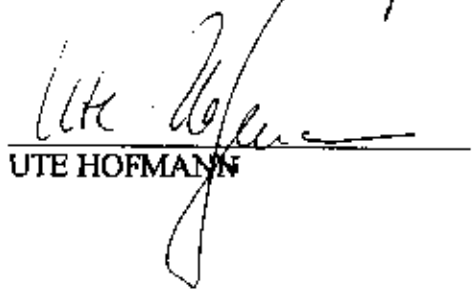
Re: Committee of the Whole
September 30th meeting
Wnuk - Coast Cutting & Coring Ltd.
2401 Northwest Bay Road, NanOOSE Bay

Please be advised that the undersigned wish to speak to the Committee of the Whole on September 30th next with respect to the subject matter.

The undersigned are directly or indirectly affected by the decisions affecting the subject lands and premises.


JEANNIE WARDLEWORTH


DEREK WARDLEWORTH


UTE HOFMANN

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, AUGUST 26, 2003, AT 7:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director D. Heenan	Electoral Area H
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
M. Pearse	Manager of Administrative Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Cantelon, SECONDED Director Biggemann, that the following delegations be permitted to address the Committee.

CARRIED

Gail Adrienne & Mike Mann, Nanaimo Area Land Trust, re Mt. Benson.

Ms. Adrienne and Mr. Mann advised the Board of the Nanaimo Area Land Trust's interest in property located at the summit of Mount Benson and requested financial support from the Board to have an appraisal done on the property.

Melissa Lacroix, Nanaimo, Duncan & District Labour Council, re Ethical Purchasing Policies.

Ms. Lacroix asked the Regional District's support for the Canadian Labour Congress' campaign for full public disclosure and commitment to a no sweatshop policy. Ms. Lacroix urged the Board to amend the RDN Purchasing Policy to ensure that goods and services purchased by the RDN are from responsible manufacturers that provide quality products.

MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Committee of the Whole meeting held July 22, 2003, be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Sandra Keddy, Town of Qualicum Beach, re Proposed Boundary Extension.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from the Town of Qualicum Beach with respect to a proposed boundary extension for Qualicum Beach, be received.

CARRIED

Jack Peake, AVICC President & Chief Alphonse, Cowichan Tribes, re Formation of the Vancouver Island Foundation.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from AVICC and the Cowichan Tribes with respect to the formation of the Vancouver Island Foundation, be received.

CARRIED

Lanny Seaton, Acting Mayor, District of Langford, re Vancouver Island Foundation/E & N.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from the District of Langford with respect to the formation of the Vancouver Island Foundation, be received.

CARRIED

Shirley Hine, City of Parksville, re Vancouver Island Railway.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from the City of Parksville with respect to the establishment of a local government controlled foundation to own the E & N Railway and corridor, be received.

CARRIED

COMMUNITY SERVICES

REGIONAL GROWTH

Implementation Agreements – Urban Containment & Rural Protection.

MOVED Director Westbrook, SECONDED Director Kreiberg, that the Terms of Reference for the Urban Containment Implementation Agreement Update and the Rural Protection Implementation Agreement be approved.

MOVED Director Bibby, SECONDED Director D. Haime, that the Terms of Reference be amended to allow for public input in the proposed agreement after Stage 4.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED

MOVED Director Korpan, SECONDED Director Westbrook, that staff be instructed to investigate the possibility of differentiating between rural containment areas internally contained compared to rural containment areas which border on municipal jurisdiction.

CARRIED

Regional Growth Strategy Implementation Progress Report 2001/2002.

MOVED Director Westbrook, SECONDED Director Sherry, that the report regarding Regional Growth Strategy Implementation Progress for 2001 and 2002 be received.

CARRIED

RECREATION & PARKS

Cranberry Fire Department's Request for Regional Park Land Use.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the Regional District grant permission to the Cranberry District Fire Department to develop a water well and associated structures, as described at Nanaimo River Regional Park subject to the CDFD entering into an agreement with the Regional District and meeting all regulations.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Vancouver Island Railway.

MOVED Director Cantelon, SECONDED Director Brennan,:

1. That the Board approve an amount of \$6,139.12 as the Regional District of Nanaimo's share of the consultant's report. The source of funding to be general administration.
2. That the Board approve in principle the creation of a Foundation to own and manage the railway corridor on Vancouver Island.
3. That the Board participate in the next phase of discussions with the understanding that:
 - (i) any further consultant or study costs be brought to the Board for approval.
 - (ii) any final decision on our participation in the Foundation would be made upon receipt of the final Foundation documents, appraisals and environmental studies, and the business plan.
4. That the Chairperson appoint a representative from the Board to work on the creation of the Foundation.

MOVED Director Westbrook, SECONDED Director Haime, that the motion be amended to read as follows:

4. That the Board appoint an elected representative to work on the creation of the Foundation.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

FINANCE

Operating Results to June 30, 2003.

MOVED Director Krall, SECONDED Director D. Haime, that the Transit budget items be referred to the Transit Business Plan Select Committee with a report to come forward to the September Committee of the Whole meeting.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the summary report of financial results from operations to June 30th, 2003 be received for information.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

Mr. Marsh requested a thirty day deferral of the Section 700 filing against his property to allow a new building contractor the opportunity to address any outstanding infractions.

MOVED Director Korpan, SECONDED Director Krall, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action may be pursued:

- (a) Lot 2, Section 20, Gabriola Island, Nanaimo Land District, Plan 26041, 510 South Road, Electoral Area 'B', owned by Lockinvar Enterprises Inc.;
- (b) Lot 8, Section 18, Gabriola Island, Nanaimo Land District, Plan VIP51655, 573 Horseshoe Road, Electoral Area 'B', owned by G. and H. Marsh;

CARRIED

It was noted that the following property is located in the District of Lantzville and will be forwarded to the District's Council.

- (a) Lot 16, District Lot 66, Nanoose District, Plan 22899, 7657 Superior Road, Electoral Area 'D', owned by B. Brown.

PLANNING

Closure of Victoria Land Title Office.

MOVED Director McNabb, SECONDED Director Cantelon,:

1. That the staff report on the closure of the Victoria Land Title Office be received for information.
2. That staff be directed to write a letter to the Honourable Stan Hagan, Minister of Sustainable Resource Management, requesting that the decision to close the Land Title Office in Victoria be reconsidered due to the importance of this office to local governments, the development community and the citizens of Vancouver Island.

CARRIED

ENVIRONMENTAL SERVICES

DRINKING WATER PROTECTION

Drinking Water Protection.

MOVED Director Westbrook, SECONDED Director C. Haime,;

1. That the Board direct staff to organize a workshop that will assist the RDN in defining its role in drinking water protection.
2. That the Board direct staff to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of a workshop.
3. That the Drinking Water Protection Workshop Terms of Reference be approved.
4. That, after the workshop, staff report back to the Board on the results of the workshop and with recommendations regarding a drinking water protection strategy for the Regional District.

MOVED Director Krall, SECONDED Director Heenan, that this item be deferred to the September Committee of the Whole meeting.

CARRIED

LIQUID WASTE

Pump & Haul Amendment Bylaw No. 975.30.

MOVED Director Sherry, SECONDED Director McNabb,;

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Area 'G'.
2. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 796 Miller Road, Parksville (Weldon).

CARRIED

MOVED Director Sherry, SECONDED Director Krall,;

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 1169 McGillvary Avenue, Gabriola Island (Labelle).
2. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 3, Seaview Drive, Bowser (Melvyn).
3. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.30, 2003" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

SOLID WASTE

Waste Stream Management Licensing – Progress Report.

MOVED Director Sherry, SECONDED Director Westbrook, that the Board receive the staff report on development of a Waste Stream Management Licensing system for information.

Product Stewardship Developments.

CARRIED

MOVED Director Sherry, SECONDED Director Korpan, that the Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection and UBCM supporting the four principles of the product stewardship business plan emphasizing the principle that the revised regulation support the producer and consumer as the responsible parties for product stewardship materials, and rejecting the shared responsibility model.

Dairy Industry Product Stewardship Proposal.

CARRIED

MOVED Director Sherry, SECONDED Director Korpan, that the Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection, BC Dairy Council, UBCM and all regional districts supporting the Regional District of Kootenay Boundary position that milk containers be included in the deposit refund system and that the Board request all RDN municipalities to send similar letters.

COMMISSION, ADVISORY & SELECT COMMITTEE

CARRIED

Regional Waste Advisory Committee.

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Regional Waste Advisory Committee meeting held July 3, 2003 be received for information.

Regional Library Board

CARRIED

MOVED Director Bibby, SECONDED Director Krall, that the Board endorse the Vancouver Island Regional Library Board's recommendations as a way of responding to the UBCM Library Task Force's request for input into the Strategic Plan for BC Public Libraries.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

CARRIED

Mount Benson Property.

MOVED Director Cantelon, SECONDED Director Hamilton, that staff be directed to prepare a report with respect to Nanaimo Area Land Trust's request for financial support to carry out professional timber and real estate appraisals for the 523 acre property at the top of Mount Benson.

Town of Qualicum Beach Proposed Boundary Extension.

CARRIED

MOVED Director Hamilton, SECONDED Director Cantelon, that staff be directed to prepare a report on Qualicum Beach's proposed boundary extension for the next Committee of the Whole meeting.

Ethical Purchasing Policies.

CARRIED

MOVED Director Brennan, SECONDED Director Westbrook,:

That the purchasing policy of the Regional District of Nanaimo be amended in order to ensure that, when the RDN procures apparel and textile goods and services or licenses its trademarks, the RDN does not contract with sweatshops; and

That staff be directed to draft a procedure that ensures adequate information is obtained to allow ethical purchasing decision making.

DEFEATED

MOVED Director Krall, SECONDED Director Korpan, that staff be instructed to prepare a report respecting ethical purchasing and that staff prepare a statement of principle for purchasing.

NEW BUSINESS

CARRIED

Director Lund, re Bill C-325 – An Act to Amend the Income Tax Act.

MOVED Director Lund, SECONDED Director Westbroek, that correspondence be sent to all Members of Parliament in the region and to Member of Parliament, R. Casson, supporting Bill C-325.

IN CAMERA

CARRIED

MOVED Director Sherry, SECONDED Director Biggemann, that pursuant to Section 242.2(1)(h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider legal matters.

ADJOURNMENT

CARRIED

MOVED Director Sherry, SECONDED Director Biggemann, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:32 PM

CHAIRPERSON _____



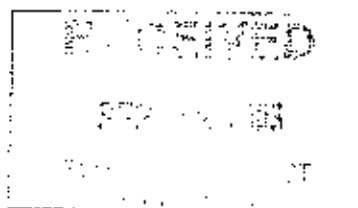
CITY OF NANAIMO

VANCOUVER ISLAND • BRITISH COLUMBIA

2003-SEP-16

Ms. Carol Mason,
General Manager, Corporate Services
Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC
V9T 6N2

File No. 1662-01



Dear Carol:

RE: RDN Drinking Water Initiative

At its regular meeting held Monday, 2003-SEP-15, Council adopted the following resolution. Please bring this resolution to the attention of your Board.

"WHEREAS the City of Nanaimo has had a long involvement in financing drinking water protection initiatives for its citizens both through the GNWD and through its funding of community water and sewer systems;

AND WHEREAS the City and the GNWD are extensively involved in community education related to drinking water protection;

AND WHEREAS the City and the GNWD work cooperatively with the owners of its watershed to ensure water quality remains high;

AND WHEREAS many of the rural areas of the RDN that are concerned about drinking water protection do not have extensive community water and sewer systems and education programs such as are in place within the City of Nanaimo;

NOW THEREFORE be it resolved that the City of Nanaimo supports the Regional Drinking Water Protection Initiative in the other areas of the Regional District of Nanaimo, but advises that City taxpayers are already funding their own comprehensive drinking water program and, consequently, City Council advises it will not participate as a funding partner."

Yours sincerely,

Alastair C. Kenning, C.A.
Deputy City Manager/
General Manager, Corporate Services

ACK/jdk

g:\alkenning\gnwd\CMason_RDNDrinkingWaterInitiative.doc

The February 2003 report discusses these alternatives in detail.

Following Board review and discussion of these alternatives, a motion was passed at the March 11, 2003 Board meeting to refer the item on drinking water protection initiatives back to Committee to allow an opportunity to consult with staff from the municipalities and the Greater Nanaimo Water District.

As directed by the Board, staff from the RDN met with staff from the City of Nanaimo, City of Parksville, Qualicum Beach and Greater Nanaimo Water District on May 13, 2003 to discuss drinking water protection initiatives. RDN staff presented background information and discussed the need for creating service functions to support and fund any work initiated in this area. While there was support for protecting drinking water there was no support at the staff level for initiating any new regional functions in this regard. Municipal staff indicated willingness to participate in selected drinking water initiatives, on an as-needed project-by-project basis, but not to participate in a regional district drinking water function.

Without municipal participation in funding a new function protecting drinking water, the costs would have to be borne by the electoral areas alone. This may not be the best long-term approach for funding the protection of drinking water in the regional district since the district's water resources do not adhere to electoral and municipal boundaries. Under this approach, individual purveyors would look after their own responsibilities and funding needs, but there may be opportunities to participate or work cooperatively on certain initiatives (perhaps, for example, education and awareness).

The Drinking Water Protection Act (DWPA) and regulations came into force on May 16, 2003, replacing the Safe Drinking Water Regulation under the Health Act. These are new measures governing drinking water from "source to tap". They will affect all water purveyors and implicate municipalities, regional districts and private water companies.

The DWPA includes provisions for the province to designate specific areas for the purpose of developing a drinking water protection plan and to establish the process and who is responsible for preparing a plan within a designated area. The province may retain legislative and enforcement activities but it is believed that local government may be expected to take on a more significant role in watershed protection. There is a need to approach this complex subject strategically, recognizing the significant associated cost and resource implications.

While there is recognition by the Board, provincial government, municipal staff, and the public that drinking water protection is an important issue it is not clear what the role of the RDN will or should be.

A clearly defined RDN role would enable staff to plan and implement strategies associated with drinking water protection. A method that has been successfully used by the RDN in the past when dealing with complex issues is to have a workshop on the subject. A workshop could bring in experts from different disciplines, government officials, municipal staff, directors and members of the public to discuss drinking water issues and methods for addressing these issues.

Discussions have taken place with officials of the Ministry of Community, Aboriginal and Women's Services on obtaining a Local Government Infrastructure Planning (Study) Grant or a Smart Development Partnership for the workshop and the ministry appears supportive of the initiative. A Terms of Reference (Appendix A) has been prepared for the workshop initiative. The terms of reference will be used in the RDN's application for either a Local Government Infrastructure Planning (Study) Grant or a Smart Development Partnership from the Ministry of Community, Aboriginal and Women's Services.

ALTERNATIVES

1. Staff organize a workshop that will assist the RDN in defining its role in drinking water protection and to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of the workshop.
2. Do not have a workshop but instead liaise with the provincial government to determine what requirements have to be met to meet the new Drinking Water Protection Act and regulations with respect to RDN water service areas.

FINANCIAL IMPLICATIONS

Funds for a workshop initiative are available in the Regional Growth strategy 2003 budget. If the provincial government does not approve the Local Government Infrastructure Planning Grant or a Smart Development Partnership, the project can be scaled back in size accordingly.

It should be noted that once our role has been established that significant resources (staff, budget, etc.) may be required to move forward with delivering any drinking water protection initiatives.

INTERDEPARTMENTAL IMPLICATIONS

Protecting drinking water resources is a regional issue that has been addressed in the past by Regional Growth Strategies and it is appropriate that this function assist in defining the RDN's future role in this area. A safe long term drinking water supply of sufficient quality and quantity is necessary to accommodate the current and projected population of the region.

While Community Services will be taking the lead role in this workshop initiative it is expected that both Development Services and Environmental Services will be providing significant support since this is a multi-departmental issue.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

There is increasing concern about the quality and security of our drinking water. Recent events across Canada associated with drinking water supplies have raised the sensitivity of this issue and water purveyors are under increasing pressures to provide safe drinking water and insure drinking water protection. There is growing recognition that effective drinking water system management includes addressing the quality and protection of water sources.

The proposed workshop will provide an opportunity for the Board to undertake an in-depth examination of the issue with the involvement of interested residents, key stakeholders and government representatives. It will also provide opportunities to raise public awareness about the challenges faced in securing and providing drinking water in the region, and to involve the public in the development of solutions to respond to these challenges.

SUMMARY/CONCLUSIONS

At the February 2003 Committee of the Whole meeting staff provided information to the Board and identified strategies and associated implications for drinking water protection initiatives. RDN has no established function or budgets for drinking water protection and therefore limited current ability to fund activities in this area. Options available to local government to start addressing concerns about drinking

water protection include wellhead protection programs, watershed protection plans, stormwater management plans, establishing development permit areas and amending zoning and land use bylaws.

RDN staff met with staff from the City of Nanaimo, City of Parksville, Qualicum Beach and Greater Nanaimo Water District on May 13, 2003 to discuss drinking water protection initiatives. RDN staff presented background information and discussed the need for creating service functions to support and fund any work initiated in this area. While there was support for protecting drinking water there was no support at the staff level for creating a new regional function in this regard.

Without municipal participation in funding a new function protecting drinking water, the costs would have to be borne by the Electoral Areas alone. This may not be the best long-term approach for funding the protection of drinking water in the regional district since the district's water resources do not adhere to electoral and municipal boundaries.

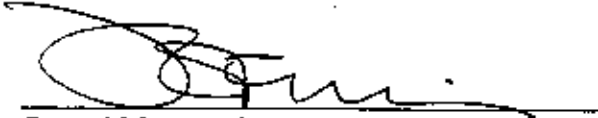
There is a need to approach this complex subject strategically, recognizing the significant associated cost and resource implications. A clearly defined RDN role would enable staff to plan and implement strategies associated with drinking water protection. One method that has been successfully used by the RDN in the past when dealing with complex issues is to have a workshop on the subject. A workshop could bring in experts from different disciplines, government officials, municipal staff, directors and members of the public to discuss drinking water issues and methods for addressing these issues.

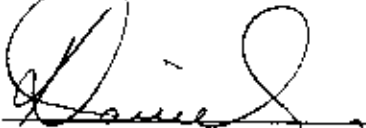
Discussions have taken place with officials of the Ministry of Community, Aboriginal and Women's Services on obtaining a Local Government Infrastructure Planning (Study) Grant for the workshop and the Ministry appears supportive of this initiative.

RECOMMENDATIONS

1. That the Board direct staff to organize a workshop that will assist the RDN in defining its role in drinking water protection;
2. That the Board direct staff to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of a workshop;
3. That the Drinking Water Protection Workshop Terms of Reference be approved;
4. That, after the workshop, staff report back to the Board on the results of the workshop and with recommendations regarding a drinking water protection strategy for the regional district.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:



Issue

Every resident in the region requires a safe and sufficient supply of drinking water, yet drinking water is a very sensitive, precious, finite natural resource.

Public awareness and interest in drinking water protection is heightened, in part as a result of the recent tragedy in Walkerton, Ontario that clearly demonstrated the linkage between human health and drinking water quality, and in part because of fear that there might not be sufficient measures in place to ensure the availability of a drinking water of sufficient quantity and quality.

Human activity can have a negative impact on the quality and quantity of drinking water regardless of whether the drinking water comes from a groundwater or surface water source, and regardless of whether the drinking water is supplied by a well, a water utility, a water user community, or a municipal water system. Human activities in one area of the region can impact drinking water quality and quantity in another area of the region, irrespective of jurisdictional boundaries.

Responsibilities related to providing drinking water and protecting drinking water are dispersed among numerous individuals, organizations and governmental bodies. This results in a complex patchwork of potentially overlapping roles and responsibilities, and may mean that particular drinking water quality and quantity issues are overlooked.

There is a trend towards shifting provincial government responsibilities related to the provision and protection of drinking water away from the province and toward local governments, individuals and self-policing professions. Recent legislation enacted by the provincial government related to drinking water protection, sewage disposal, agriculture and forestry are a few examples of this responsibility shift.

Very little is known regarding the amount and sources of drinking water in the region and how many people it will support. Very little is also known regarding how to remediate polluted water sources.

The Regional District of Nanaimo has taken steps to protect water sources at the long range, strategic level by adopting a *regional growth strategy* which focuses development into less sensitive areas and limits development elsewhere. Members of the public asked the Regional District of Nanaimo to ensure that there is safe and sufficient drinking water supply for the current and future population as a part of the recent project to update the regional growth strategy. It is inevitable that the population of the region will increase from its current population of approximately 130,000, thereby placing increased demands upon water supply and increased threats to water quality.

In light of these realities, the Regional District of Nanaimo Board identified Watershed/Drinking Water Protection as Strategic Priority #3 in its *Strategic Plan for 2003-2005*. The Drinking Water Protection Initiative is intended to lay the foundation for the definition of an appropriate role for the RDN related to drinking water protection, as proposed in the Strategic Plan.

August 6, 2003

Purposes

The over-arching purpose of the Drinking Water Protection Workshop Initiative is to define the regional role in drinking water protection. In fulfilling this purpose, the Drinking Water Protection Workshop Initiative will also serve the following sub-purposes:

- To raise the level of public awareness about the quality and quantity of drinking water in the region, the sources of drinking water in the region, the methods of providing drinking water in the region, the methods used to protect drinking water in the region, the issues associated with protecting drinking water in the region, and possible methods of addressing these issues.
- To provide an opportunity for individuals, organizations and governmental bodies with responsibilities or interests related to drinking water supply and protection to discuss and or provide written feedback regarding the methods used to protect drinking water in the region, the issues associated with protecting drinking water in the region, and possible methods of addressing these issues.
- To provide an opportunity learn from other jurisdictions regarding the protection of drinking water, and to consider the advancement of new and innovative approaches to drinking water protection in the region to help ensure that a sufficient, high quality drinking water is available now and in the future.

Components and Deliverables

1. A **discussion paper** will be published to raise awareness about the quality and quantity of drinking water in the region, the sources of drinking water in the region, the methods of providing drinking water in the region, the methods used to protect drinking water in the region, the issues associated with drinking water protection, and possible methods of addressing these matters.
 - The discussion paper will be a key tool to facilitate public discussion and feedback about drinking water protection issues.
 - Advertisements will be published in local newspapers and on the RDN web site to inform the public about the availability of the paper and the opportunity to provide feedback about the issues discussed in the paper.
 - The discussion paper will be made available at the RDN offices and it will be posted on the RDN web site.
2. A **discussion paper feedback report** will be published to share with the public the feedback received from the public regarding the issues raised in the discussion paper.
 - The discussion paper feedback report will be made available at the RDN offices and it will be posted on the RDN web site.
3. A **public workshop** will be conducted to raise awareness about the issues associated with drinking water protection and to facilitate discussion among stakeholders regarding how to address these issues.
 - Stakeholders to be invited to the workshop include all levels and branches of government with responsibility related to drinking water protection, non-governmental organizations with interests related to drinking water protection, water purveyors and providers in the region, and interested residents from throughout the region.

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- The public workshop will provide an opportunity to learn from the experiences of other jurisdictions through one or more key note speakers and or an expert panel discussion.
 - The public workshop will provide an opportunity for stakeholders to discuss drinking water protection issues and possible methods of addressing the issues.
 - The workshop will be either a half day or full day event, similar to the Village Centre and Economic Development Opportunities workshops conducted as a part of the Regional Growth Strategy Review.
4. A **public workshop report** will be published to document the proceedings of the workshop.
- The workshop report will be made available at the RDN offices and it will be posted on the RDN web site.
5. A **final report** that provides recommendations regarding drinking water protection based on the discussion paper, discussion paper feedback report, public workshop, public workshop report, and other pertinent information.
- The final report will be made available at the RDN office and it will be posted on the RDN web site.
6. **Consideration of drinking water protection role** as a part of a Regional Services Review or future cooperative agreements between water providers and government. As a part of this consideration information and perspectives will be drawn from the discussion paper, the discussion paper feedback report, the public workshop, the public workshop report, and the final report.

Timeline

The following provides an *estimated* timeframe for each component of the Drinking Water Protection Workshop Initiative:

1. Write discussion paper.	Aug/03 – Sept/03
2. Make discussion paper available to the public and invite feedback about the issues discussed in the paper.	Oct/03
3. Organize public workshop.	Aug/03 – Oct/03
4. Conduct public workshop.	Oct/03 - Nov/03
5. Write discussion paper results report.	Nov/03
6. Write public workshop report.	Nov/03
7. Make public workshop report available to the public.	Dec/03 – Jan/03
8. Write final report.	Dec/03 – Jan/03
9. Consideration of drinking water protection role	Jan/03 – Feb/03

Resources

It is suggested that the budget for the Initiative provide for the following hard costs, in addition to staff time:

Discussion Paper		
<ul style="list-style-type: none"> • Advertise availability to solicit input (6 newspaper advertisements at approximately \$300 per ad) 		\$1800
<ul style="list-style-type: none"> • Inform Regional Growth Strategy Mailing List about discussion paper and solicit input 		\$ 400
Public Workshop		
<ul style="list-style-type: none"> • Advertise workshop (6 newspaper advertisements at approximately \$300 per ad) 		\$1800
<ul style="list-style-type: none"> • Facilitator fees and expenses 		\$2000
<ul style="list-style-type: none"> • Speaker fees and expenses 		\$2000
<ul style="list-style-type: none"> • Facility rental and catering expenses for event with 100 to 200 participants 		\$6000
	Total	\$14,000

The Drinking Water Workshop Initiative is a cooperative, interdepartmental project involving the expertise of several departments within the organization. Community Services Regional Growth Strategy staff will take the lead role in the Workshop Initiative. Development Services and Environmental Services staff will also support the Workshop Initiative.

Current RDN staff will write, organize and coordinate the Workshop Initiative deliverables. Consultant assistance may be obtained to provide facilitation expertise at the public workshop.

The RDN may be able to obtain an Infrastructure Planning (Study) Grant or a Smart Development partnership financial support from the Provincial Government for the Initiative. The scope of the project will be tailored to the budget available.



REGIONAL DISTRICT OF NANAIMO			
SEP 22 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMGMS		GMES	
		Col	✓
		DATE:	

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

FROM: Christina Thomas
Senior Planner, Community Services

SUBJECT: INTERGOVERNMENTAL ADVISORY COMMITTEE TERMS OF REFERENCE

DATE: September 18, 2003

FILE: 6780 20 IAC

PURPOSE

The purpose of this report is to update the Intergovernmental Advisory Committee (IAC) Terms of Reference.

BACKGROUND

Updated Terms of Reference for the IAC are provided for consideration (Attachment #1).

Applicable Legislation

The Local Government Act requires regional districts to establish an IAC when a Regional Growth Strategy is initiated. The Act specifies that the role of the IAC is to (1) advise applicable local governments on the development and implementation of the Regional Growth Strategy; and (2) to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy. The Act also specifies that the membership of the IAC is to include the following: (1) the planning director for the regional district, or another official appointed by the Board; (2) the planning director, or another official appointed by the applicable council, of each municipality, all or part of which is covered by the Regional Growth Strategy; (3) senior representatives of the Provincial government and Provincial government agencies and corporations, determined by the Minister in consultation with the Board; and (4) representatives of other authorities and organizations if invited to participate by the Board.

History of RDN IAC

The RDN Board established the IAC on August 13, 1996, to assist in the development and implementation of the Regional Growth Strategy, with the approval of Terms of Reference (see Attachment #2).

Shortly after the approval of the IAC Terms of Reference, each member municipality council appointed a representative to the IAC (generally a staff member responsible for the long term planning of the municipality), and the Minister of Municipal Affairs¹ appointed the following provincial government designates to the IAC in consultation with the Board, as outlined in Table 1:

¹ The Minister of Municipal Affairs current equivalent is the Minister of Community, Aboriginal and Women's Services.

Provincial Agency	Staff Position
Agricultural Land Commission & Forest Land Commission	Planning Officer, ALC
Ministry of Agriculture, Fisheries and Food	Regional Director, South Coast Region
Ministry of Employment and Investment	Regional Manager, Nanaimo Regional Office
Ministry of Environment, Lands and Parks	To be designated
Ministry of Forests	District Manager, Port Alberni Forest District
Ministry of Municipal Affairs and Housing	Regional Director, Vancouver Island Growth Strategies Office and Planning Coordinator, Vancouver Island, Planning Advice and Approvals
Ministry of Transportation and Highways	Regional Manager, Planning, Vancouver Island Regional Office

The IAC has met 45 times, or approximately six times per year², since the adoption of the Regional Growth Strategy in January of 1997. It has provided a forum for the discussion and resolution of a wide variety of issues related to the management of population growth and development in the region. Specifically, the IAC has provided advice regarding the development and review of the regional growth strategy, special studies conducted to help implement the regional growth strategy (i.e. Large Land Holdings, Transportation, Aggregates, Economic Planning Strategy, Industrial Expansion Assessment Framework, Industrial Land), and the three implementation agreements (i.e. Master, Vancouver Island, Urban Containment and Fringe Area Management).

In June of 2003 the RDN adopted an updated Regional Growth Strategy. Around the same time, the RDN Board also confirmed "Growth Management" as Strategic Priority #2 in its strategic plan, "Strategic Directions 2003-2005". Correspondingly, over the next few years RDN staff will be coordinating a wide range of initiatives to enhance regional growth management. Initiatives planned or anticipated include:

- the review of the Urban Containment and Fringe Area Management Implementation Agreement to address issues regarding the level and type of development that warrants consideration as an urban development on land inside the Urban Containment Boundary and to better coordinate between jurisdictions urban land use and development inside the UCB;
- the development of an implementation agreement to address issues regarding development on rural land and to better coordinate between jurisdictions rural land use and development outside the Urban Containment Boundary;
- the development of a common format and level of detail for regional context statements which are to be included in all municipal and electoral area official community plans in the region;
- the development of criteria regarding what constitutes an "environmental or public health hazard" that warrants the provision of community sewer and community water services to land designated as Resource Lands and Open Space, Rural Residential or Industrial by the Regional Growth Strategy;
- discussion regarding the Vancouver Island Highway Implementation Agreement, to identify issues and to develop solutions for the identified issues;
- the State of Sustainability Project, to assess the region's progress towards sustainability, to make residents aware of the region's progress towards sustainability, and to provide more and better opportunities to involve residents of the region in the assessment;
- drinking water protection, to consider what role the RDN should have in ensuring that there is an adequate supply of safe drinking water in the region.

² The number of IAC meetings per year has ranged from 3 to 9.

Other regional growth management issues may also be forwarded to the IAC for discussion as a result of Board direction.

The IAC also has a role in providing recommendations regarding any municipal or electoral area requests to move the Urban Containment Boundary in between reviews of the Regional Growth Strategy, and providing advice and comments regarding Regional Context Statement amendments that may be proposed.

Issues

Membership

During the last two years there have been several changes in participation at IAC meetings. There is a trend towards a decline in provincial agency appointee attendance at IAC meetings. Personnel changes, increased demands on remaining personnel, and shifting priorities are among the reasons for this attendance decline. Municipality personnel changes have also resulted in different municipal staff attending IAC meetings than originally appointed by each municipal council. It has also been noted that no provisions are currently in place to provide an official place for First Nations on the IAC, nor any potentially relevant federal government agencies or the local school boards.

Procedures

Concern has been expressed regarding the role of the IAC in relation to the role of consultation with municipal staff, particularly as it relates to the formulation of recommendations to the RDN Board. There is a perception that the potentially higher number of provincial agency representatives that could be in attendance at an IAC meeting might result in recommendations that are contrary to municipal interests.

Updated Terms of Reference Response to Issues

The Updated Terms of Reference respond to the above issues regarding membership and procedures by:

- Changing the constitution of the IAC so that it includes a 'resource group' and a 'core group'. The 'resource group' committee membership component includes local first nations, local school districts, provincial ministries, agencies and other corporations, and federal government departments and agencies. The 'core group' committee membership component includes RDN staff, RDN member municipality representatives and selected members of the 'resource group' relevant to the specific work plan item to be discussed at any given IAC meeting. RDN staff would identify members of the 'resource group' to be invited to each IAC meeting. Members of the 'resource group' would be circulated the agenda and minutes for all IAC meetings for information purposes, and provision would be made for members of the 'resource group' to attend meetings of the 'core group' in consultation with RDN staff responsible for the committee. An annual meeting of the entire 'core group' and the entire 'resource group' would be conducted to review the previous year's work program and discuss the work program for the upcoming year.
- Clearly specifying that the IAC is not a formal decision-making body, and that it is a forum for the identification, discussion, and resolution of issues related to the management of population growth and development in the region and that the IAC is intended to help the RDN to better understand the full range of perspectives that should be taken into consideration in decisions related to growth management matters.

Should the Board approve the updated terms of reference the IAC will be comprised of a 'core group' that includes representatives from the RDN, the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach and the District of Lantzville, and a 'resource group' that includes representatives from the Ministries of Community, Aboriginal and Womens' Services; Water, Land and Air Protection;

Transportation, Forestry, Agriculture, the Agriculture Land Commission and the Vancouver Island Health Region. RDN staff will have the flexibility to solicit the participation of other Provincial government representatives as members of the 'resource group' in accordance with work program project needs. While the updated Terms of Reference provide for federal government, local school district and first nations participation on the IAC as members of the 'resource group' it is not expected that the appointments from these organizations would be sought at this time. The updated Terms of Reference would; however, allow for the RDN to request appointment of representatives from these organizations when it is appropriate (e.g. treaty negotiated, issue pertaining to school districts, etc.).

ALTERNATIVES

1. Approve the updated Intergovernmental Advisory Committee Terms of Reference as presented.
2. Not approve the Terms of Reference and provide additional direction.

FINANCIAL IMPLICATIONS

The Community Services Regional Growth Strategy Program budget includes sufficient funds and staff resources to administer the IAC.

INTERGOVERNMENTAL IMPLICATIONS

As a committee that includes representatives from each of the municipalities and a range of provincial agencies, the IAC has provided a useful forum for the identification, discussion and resolution of issues related to the management of growth and development in the region. Approval of the updated terms of reference for the IAC will help to ensure that the IAC includes a membership relevant to regional growth management issues, and that the IAC continues to provide a useful forum for the identification, discussion and resolution of growth management related issues.

The Intergovernmental Advisory Committee reviewed a draft of the updated terms of reference at its September 17, 2003 meeting, and concurred with the approach proposed with the addition of a provision to hold an annual meeting of the 'core group' and 'resource group'. This addition is proposed in the terms of reference provided for the Board's consideration.

SUMMARY

Updated Intergovernmental Advisory Committee Terms of Reference are provided for consideration. The Terms of Reference have been updated to respond to membership and procedural issues that have arisen.

RECOMMENDATION

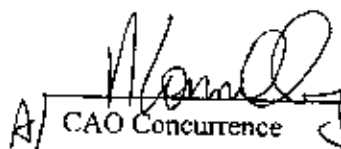
That the "Intergovernmental Advisory Committee Terms of Reference Update 2003" be approved.



Report Writer



General Manager Concurrence



CAO Concurrence

ATTACHMENT #1



Intergovernmental Advisory Committee (IAC)
Terms of Reference
Update 2003

Purpose

Pursuant to the *Local Government Act*, the purposes of the Intergovernmental Advisory Committee (IAC) are:

- to advise the RDN on the development and implementation of the Regional Growth Strategy; and
- to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy.

Background

The *Local Government Act* requires regional districts to establish an IAC when a Regional Growth Strategy is initiated. The *Act* specifies that the role of the IAC is to (1) advise applicable local governments on the development and implementation of the Regional Growth Strategy; and (2) to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy. The *Act* also specifies that the membership of the IAC is to include the following: (1) the planning director for the regional district, or another official appointed by the Board; (2) the planning director, or another official appointed by the applicable council, of each municipality, all or part of which is covered by the Regional Growth Strategy; (3) senior representatives of the Provincial government and Provincial government agencies and corporations, determined by the Minister in consultation with the Board; and (4) representatives of other authorities and organizations if invited to participate by the Board.

The RDN first adopted its Regional Growth Strategy in January of 1997. Since that time the IAC has provided valuable advice and assistance to a variety of Regional Growth Strategy related initiatives.

In June of 2003 the RDN adopted an updated Regional Growth Strategy. Around the same time, the RDN Board also confirmed "Growth Management" as Strategic Priority #2 pursuant to its strategic plan, "Strategic Directions 2003-2005". Correspondingly, over the next few years RDN staff will be coordinating a wide range of initiatives to enhance regional growth management. Initiatives planned or anticipated include:

- the review of the Urban Containment and Fringe Area Management Implementation Agreement to address issues regarding the level and type of development that warrants consideration as an urban development on land inside the Urban Containment Boundary and to better coordinate between jurisdictions urban land use and development inside the UCB;
- the development of an implementation agreement to address issues regarding development on rural land and to better coordinate between jurisdictions rural land use and development outside the Urban Containment Boundary;
- the development of a common format and level of detail for regional context statements which are to be included in all municipal and electoral area official community plans in the region;
- the development of criteria regarding what constitutes an "environmental or public health hazard" that warrants the provision of community sewer and community water services to land designated as Resource Lands and Open Space, Rural Residential or Industrial by the Regional Growth Strategy;
- discussion regarding the Vancouver Island Highway Implementation Agreement, to identify issues and to develop solutions for the identified issues;
- the State of Sustainability Project, to assess the region's progress towards sustainability, to make residents aware of the region's progress towards sustainability, and to provide more and better opportunities to involve residents of the region in the assessment;

September 5, 2003

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ATTACHMENT #1

- drinking water protection, to consider what role the RDN should have in ensuring that there is an adequate supply of safe drinking water in the region.

Other regional growth management issues may also be forwarded to the IAC for discussion as a result of Board direction.

The IAC is also required to provide recommendations regarding any municipal or electoral area requests to move the Urban Containment Boundary in between reviews of the Regional Growth Strategy, and to provide advice and comments regarding Regional Context Statement amendments that may be proposed.

Membership Composition

1. The IAC shall be comprised of a 'resource group' and a 'core group'.
2. The 'core group' of the IAC shall include the following:
 - a. RDN: senior staff responsible for electoral area planning, regional planning, and public works and services;
 - b. RDN member municipalities: the planning director or equivalent, or another official appointed by the applicable council;
 - c. Members of the 'resource group' relevant to the specific work plan items to be discussed at an IAC meeting, as identified by the Chair of the IAC or an RDN staff member responsible for regional planning.
3. The 'resource group' of the IAC may include the following:
 - a. RDN First Nations: senior staff responsible for planning and land use management, or another official appointed by the applicable council
 - b. Other RDN Local Authorities: senior staff from School District No. 68 and 69;
 - c. Provincial Ministries, Agencies and Corporations: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Act*;
 - d. Federal Government Departments and Agencies: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Act*

Procedures

1. The Chair of the IAC shall be an RDN staff member responsible for the Regional Growth Strategy.
2. The 'core group' of the IAC shall meet approximately six times per year. The number of meetings per year and the frequency of meetings may vary according to the work plan for each year.
3. An annual meeting of the entire 'core group' and the entire 'resource group' shall be conducted to review the achievements and challenges experienced in the implementation of the regional growth strategy and to discuss the future regional growth strategy implementation work program.
4. The IAC will meet at the call of the Chair, as required by the work plan.
5. The IAC is not a formal decision making body. It is a forum for the identification, discussion and resolution of issues related to the management of population growth and development in the region. It is expected that the IAC will help the RDN to better understand the full range of perspectives that could be taken into consideration in its decisions related to issues concerning regional growth management.
6. The agendas and minutes for meetings of the 'core group' will be circulated to the 'resource group' for information purposes. Members of the 'resource group' may attend meetings of the 'core group' as identified through consultation with the Chair or the IAC or an RDN staff member responsible for regional planning.
7. The minutes of IAC meetings will be provided to the RDN Board for consideration of receipt.

Resources

The RDN will provide financial and human resources to support the work of the IAC.

ATTACHMENT #2

REGIONAL DISTRICT OF NANAIMO INTERGOVERNMENTAL ADVISORY COMMITTEE

TERMS OF REFERENCE

Role

- To advise the Regional Board on the development and implementation of the Regional Growth Management Plan.
- To help coordinate provincial, regional district, and municipal actions, policies and programs that relate to the Regional Growth Management Plan.

Reporting Structure

The IAC will provide advice and report to the Development Services Committee of the Regional Board.

Membership

Membership will include the following:

- the Director of Development Services of the Regional District
- the planning director or another official appointed by the Councils of the City of Nanaimo, City of Parksville and the Town of Qualicum Beach
- senior representatives of the Provincial government and Provincial government agencies and corporations determined by the Ministry of Municipal Affairs after consultation with the Regional Board
- representatives of other authorities and organizations with a direct interest and commitment to growth management, if invited to participate by the Regional Board.

Participation by other technical, local government or community representatives may be invited by the Committee to meetings as required to meet specific agenda needs.

Committee Structure

The IAC may form sub committees to address particular issues.

The Regional District will provide a Secretary to the Committee to prepare and distribute meeting minutes and agendas.

Decision Making

Consensus processes should be utilized where possible but procedures should allow for minority opinions and the reporting of areas of disagreement.

Chairman

Director of Development Services of the Regional District.

Meetings

Meetings will be held at the call of the Regional District of Nanaimo. Meetings may also be arranged to deal with issues of special concern to members of the IAC.

August 13, 1996

TO: Neil Connelly
General Manager, Community Services

DATE: September 22, 2003

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 00 CWCS

SUBJECT: TOWN OF QUALICUM BEACH REQUEST TO EXTEND COMMUNITY
SEWER SERVICE TO SIX PROPERTIES -ENVIRONMENTAL OR PUBLIC
HEALTH REASONS

PURPOSE

The purpose of this report is to consider a Town of Qualicum Beach request for RDN approval to extend community sewer service to six properties for public health or environmental reasons.

BACKGROUND

The RDN received a request from the Town of Qualicum Beach for RDN approval to extend community sewer service to six properties for public health or environmental reasons (*see Attachment #1*). The RDN has the authority to determine which properties are provided community sewer service as it owns and operates the French Creek Pollution Control Centre.

Town of Qualicum Beach Proposal

The Town of Qualicum Beach is requesting that the RDN extend community sewer service to six properties, legally described as:

1. Lot 5, DL 112, Nanoose District, Plan 2663;
2. Lot 6, DL 112, Nanoose District, Plan 2663;
3. Lot B, DL 112, Nanoose District, Plan 68732;
4. Lot 1, DL 112, Nanoose District, Plan 42665;
5. Lot A, DL 124, Nanoose District, Plan 42657; and
6. Lot B, DL 88, Nanoose District, Plan VIP71580 (*see Attachment #2*).

Subject properties 1, 2, 3, 4, and 5 are within the Town of Qualicum Beach. *Subject Property 6* is in Electoral Area G; however, the Town is presently pursuing the incorporation of the property. A report regarding the incorporation of *Subject Property 6* into the Town was on the RDN September 9, 2003 Board Meeting Agenda and the Board provided comments regarding issues to be taken into consideration in the incorporation decision by the Ministry of Community, Aboriginal and Women's Services and the Town. The Ministry has not yet made its decision on the incorporation of *Subject Property 6* into the Town.

The Town proposes that community sewer service be provided to:

- Subject Properties 1, 2, and 3* as the liquid waste disposal needs of the present use of the properties by Malaspina University College as a public garden and woodlands for educational, research and public gathering purposes places a much greater demand on the existing septic disposal system than the residential use it was originally constructed to handle;
- Subject Property 4* because the property currently utilizes a septic system that is in close proximity to the ocean and the upland bluff, and the owner has requested a community sewer

service connection to address their concerns about on site septic disposal given the possible failure of the bank.

- Subject Property 5* because the property is used for an industrial use (the Qualicum Beach Airport), and the industrial use of the land may present an environmental or public health hazard that warrants the provision of community sewer service. The Town asserts that the use of multiple septic fields on the subject property and the direction of natural drainage flow towards an adjacent property where one of Breakwater Enterprises Water Utility's wells is located necessitate community sewer system connection.
- Subject Property 6* because a Breakwater Enterprises Water Utility well is located on the property, it is located adjacent to the airport, and for possible future uses of the site.

Bylaws Applicable to Proposal

Regional Growth Strategy

The Regional Growth Strategy, adopted on June 10, 2003, establishes regional policy direction regarding the provision of community services in the region, including community sewer service.

Policy 7A of the RGS states in part that, "the RDN and member municipalities support the provision of community water and community sewer services to land designated as Urban Area inside Urban Containment Boundaries and to land designated as Sub-Urban Area to accommodate future growth and development".

Policy 7B of the RGS states that, "the RDN and member municipalities do not support the provision of community water or community sewer services to land designated as Rural Residential or to land designated as Resource Lands and Open Space to accommodate future growth and development. However, the RDN and member municipalities recognize that public health or the environment may be threatened by the present domestic water supply or wastewater management method used on the land in these designations. Consequently, the RDN and member municipalities permit the provision of community water and community sewer services to land in these designations *provided the service provision does not result in a higher level of development than supported on the land by Policy 3A¹ of this Regional Growth Strategy and the full cost is paid by the landowner. The RDN and member municipalities will, in partnership, develop criteria to use in the identification of these lands as well as a strategy to assess the financial impacts of providing services to these lands (i.e. capital planning implications, proximity of property to existing service lines, etc.)*".

Policy 7D of the RGS states that, "the RDN and member municipalities recognize the potential environmental and public health risks posed by industrial uses on land designated as Industrial Areas by the Regional Growth Strategy. Consequently, the RDN and member municipalities may support the provision of services to these lands, at the landowner's costs, to help reduce some of these risks".

The Regional Growth Strategy designates:

- Subject Properties 1, 2, 3, and 4 as Rural Residential, consistent with the Town's OCP;
- Subject Property 5 as Industrial; consistent with the French Creek OCP;
- Subject Property 6 as Resource Lands and Open Space, consistent with the French Creek OCP.

The criteria noted in Policy 7B have not been developed yet as the Regional Growth Strategy was only recently adopted. It is anticipated that the criteria will be developed by the RDN in consultation with the

¹ Policy 3A establishes that the maximum level of development that may be supported on land designated by Regional Growth Strategy as Rural Residential and Resource Lands and Open Space is the minimum parcel size permitted in official community plans in place when the Strategy was adopted. It also allows for a limited amount of additional development where a property was in a community water service area when the Strategy was adopted.

four member municipalities and the Intergovernmental Advisory Committee within the next few months. Consequently, the Board may defer decisions on such matters until the criteria are developed, or consider each proposal individually in the interim.

Sewer Service Bylaws

The Northern Community Sewer Local Service Area encompasses the City of Parksville, the Town of Qualicum Beach, and all of Electoral Areas E, F, G and H, and defines the area of land that benefits from the provision of a community sewer service either directly (i.e. sewer service) or indirectly (i.e. capital costs associated with septic tank waste processing, general "clean beach" benefits, etc).

Within the Northern Community Sewer Local Service Area there is a designated "engineered area" which is the area ultimately planned for connection to a sewer system.

The Northern Community Sewer Local Service Area DCC Bylaw defines the area of land for which development cost charges are to be paid upon the connection of a property to a sewer system, and is intended as a method of ensuring that key costs associated with community sewer system connection are paid by the owners of the property provided the service.

The Municipal Benefiting Area Bylaw defines the area that is presently provided community sewer service.

The Subject Properties are not included in the engineered area, the Northern Community Sewer Local Service Area DCC Bylaw, or the Municipal Benefiting Area Bylaw. Consequently, should the RDN Board approve the provision of community sewer service to the Subject Properties, the Bylaws that define these areas would need to be amended to include the Subject Properties prior to the service actually being provided to the Subject Properties, and costs would have to be negotiated regarding the share of each property owner's cost towards the sewer system capital works.

ALTERNATIVES

1. Approve, prior to the development of criteria regarding the provision of community sewer service for environmental or public health reasons, the provision of community sewer service to:
 - a. Subject Properties 1, 2, 3, and 4, for environmental or public health reasons, subject to the owners of the properties paying their share of the full capital, operating and connection costs for community sewer service and a the registration of a restrictive covenants on the properties to limit the development of the properties to the maximum level specified for land designated by the Regional Growth Strategy as Rural Residential in Policy 3A of the Regional Growth Strategy;
 - b. Subject Property 5, for environmental or public health reasons, subject to the owner of the property paying their share of the full capital and operating and connection costs for community sewer service to the Regional Growth Strategy Industrial designated property;
 - c. Subject Property 6, for environmental or public health reasons, subject to the approval of the incorporation of the property into the Town of Qualicum Beach, the owner of the property paying their share of the full capital, operating and connection costs for community sewer service, and the registration of a restrictive covenant on the property to limit the development of the property to the maximum level specified for land designated by the Regional Growth Strategy as Resource Lands and Open Space in Policy 3A of the Regional Growth Strategy.
2. Defer the decision about the provision of community sewer service to Subject Properties 1, 2, 3, 4, 5 and 6 until criteria have been developed regarding the provision of community sewer service for environmental or public health reasons.

3. Not approve the provision of community sewer service to Subject Properties 1, 2, 3, 4, 5 and 6.

FINANCIAL IMPLICATIONS

The provision of community sewer service to properties designated as Resource Lands and Open Space, Rural Residential and Industrial, such as Subject Properties 1, 2, 3, 4, 5 and 6, will have financial implications. None of these lands is presently included in the Northern Community Sewer Service Development Cost Charge Area or the Municipal Benefiting Area, and, as such has not contributed to the capital cost of constructing the French Creek Pollution Control Centre for community sewer system services. Other costs associated with community sewer service include operation and connection expenses. Alternative #1 provides for the owners of the Subject Properties to pay the costs associated with the capital, operating and connection costs entailed in the provision of community sewer service to the Subject Properties.

Incremental decisions regarding the inclusion of additional properties in the sewer benefiting area make it difficult to determine the appropriate capital costs for providing a service to a property.

REGIONAL GROWTH STRATEGY IMPLICATIONS

The provision of community sewer service to properties designated as Resource Lands and Open Space or Rural Residential, such as Subject Properties 1, 2, 3, 4, and 5, may result in increased expectations regarding the development potential of the properties, inconsistent with the Regional Growth Strategy. Consequently, Alternative #1 provides for the registration of a restrictive covenant on the Subject Properties to clearly limit the level of development to that specified by Policy 3A of the Regional Growth Strategy. The covenants should be registered prior to the adoption of any of the necessary servicing bylaw amendments to provide the servicing.

The provision of community sewer service to the Subject Properties may also result in additional requests to provide community sewer service to similar properties nearby (e.g. adjacent properties, all of the neighbouring waterfront residential estates in Qualicum Beach) and elsewhere (e.g. waterfront property elsewhere in the region). It is therefore important to ensure that appropriate measures are taken so that a higher level of development than intended is not facilitated on properties that are serviced.

INTERGOVERNMENTAL IMPLICATIONS

The Intergovernmental Advisory Committee (IAC) discussed the provision of community services to properties for environmental or public health reasons on September 16, 2003, in light of the subject Town of Qualicum Beach request. The development of criteria for the provision of community water and community sewer services for environmental and public health reasons is scheduled to be discussed in more detail at the October 29, 2003 IAC meeting, as a follow-up to the September 16th IAC meeting discussion about the topic. Given the perspectives expressed at the September 16th IAC meeting, one approach would provide for criteria to be jointly developed and agreed upon, then each jurisdiction would take responsibility for determining which property in its jurisdiction meets the criteria, and ensuring that development is limited on properties provided services for environmental or public health reasons to the level specified in the Regional Growth Strategy. In regard to the subject Town of Qualicum Beach proposal, the Committee acknowledged the rationale for sewer services to be provided to the Subject Properties for environmental or public health reasons, but expressed concern that sewer service provision to the Subject Property 6 should be conditional upon its incorporation into the Town.

SUMMARY

The RDN received a request from the Town of Qualicum Beach for the RDN to approve community sewer service to six properties for environmental or public health reasons (*see Attachment #1*), in advance of the development of criteria regarding what lands should be serviced in this scenario. It is recommended

that the request to service the properties for environmental or public health reasons be approved, subject to conditions to ensure that the properties are developed consistent with Regional Growth Strategy policy, and that the owners of the properties pay their share of the full capital, operating and connection costs associated with the service, as outlined in Alternative #1.

RECOMMENDATIONS

1. That the Town of Qualicum Beach request for community sewer services for six properties for environmental or public health reasons be approved for:
 - a. Subject Properties 1, 2, 3, and 4, (Lot 5, DL 112, Nanoose District, Plan 2663; Lot 6, DL 112, Nanoose District, Plan 2663; Lot B, DL 112, Nanoose District, Plan 68732; and Lot 1, DL 112, Nanoose District, Plan 42665), subject to the owners of the properties paying their share of the full capital, operating and connection costs for community sewer service and a the registration of a restrictive covenants on the properties to limit the development of the properties to the maximum level specified for land designated by the Regional Growth Strategy as Rural Residential in Policy 3A of the Regional Growth Strategy;
 - b. Subject Property 5, (Lot A, DL124, Nanoose District, Plan 42665), subject to the owner of the property paying their share of the full capital and operating and connection costs for community sewer service to the Regional Growth Strategy Industrial designated property;
 - c. Subject Property 6, (Lot B, DL 88, Nanoose District, Plan VIP71580), subject to the approval of the incorporation of the property into the Town of Qualicum Beach, the owner of the property paying their share of the full capital, operating and connection costs for community sewer service, and the registration of a restrictive covenant on the property to limit the development of the property to the maximum level specified for land designated by the Regional Growth Strategy as Resource Lands and Open Space in Policy 3A of the Regional Growth Strategy.
2. That staff be directed to bring forward a report and amendments to the Northern Community Sewer Local Service Area Development Cost Charge Area Bylaw and the Municipal Benefiting Area Bylaw to include the Subject Properties.

Christina Thomas

Report Writer

A. Conolly

General Manager Concurrence

A. Conolly

CAO Concurrence

ATTACHMENT #1
TOWN OF QUALICUM BEACH REQUEST



TOWN OF QUALICUM BEACH
INCORPORATED 1942

201 - 660 Primrose St.
P.O. Box 130
Qualicum Beach, B.C.
V9K 1S7

REGIONAL DISTRICT OF NANAIMO			
AUG 18 2003			
CHAIR		GMCrS	
CAD		GMDS	
GMCm8		GMES	
E-mail: info@rdn.bc.ca Website: www.qualicumbeach.com			

15 August 2003

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

Attention: Kelly Daniels, Administrator

Dear Mr. Daniels

Re: Sewer Benefiting Area

Recent policy changes provide for more flexibility in regard to the provision of community sewer services to property outside the Urban Containment Boundary and to property that is designated by the Regional Growth Management Plan as Industrial. The Town of Qualicum Beach therefore request that community sewer be provided to the following properties, and further, that the sewer benefiting area within the appropriate bylaw be amended to include these properties.

- ◊ Malaspina University-College (Milner Gardens & Woodlands)
 - Lot 5 & 6, DL 112, Nanoose District, Plan 2663
 - Lot B, DL 112, Nanoose District, Plan VIP68732

The RDN previously agreed to the provision of community sewer to this property as the site is not able to accommodate sewage disposal with the new use as Milner Gardens & Woodlands versus the previous residential use.

- ◊ Renee Grey
 - Lot 1, DL 112, Nanoose District, Plan 42665

This property currently utilizes a septic system that is in close proximity to the ocean and the upland bluff. The owner has requested sewage disposal due to concerns over septic field waste entering the ocean and the possible failure of the bank.

- ◊ Qualicum Beach Airport
 - Lot A, DL 124, Nanoose District, Plan 42657

This property was designated Industrial at the time the property was within the RDN and the Town of Qualicum Beach has not altered the zoning. Existing on this property is an airport terminal building, eleven hangar leases, two ten-unit t-hangars and a public assembly facility for the 893 Beaufort Air Cadet Squadron will be constructed in the near future. Adjacent to this

Page 2

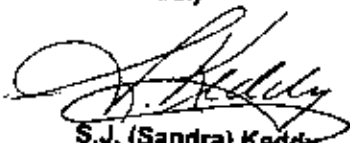
property is a water supply for Breakwater Enterprises. The use of multiple septic fields on this property, in conjunction with the natural drainage flowing towards the Breakwater well and the subdivision of Chartwell, connection to the sewage disposal system is necessary.

- o Town Owned Property
 - Lot B, DL 88, Nanoose District, Plan VIP71580

This property contains the well mentioned above for Breakwater Enterprises and upon development should not use a septic field system for the reasons mentioned above.

We understand that the new policy to allow community sewer service no longer requires documentation from the Ministry of Health and can be agreed upon between the parties involved. We therefore respectfully request approval of our request and should you require any further information, please contact Paul Butler, Director of Planning.

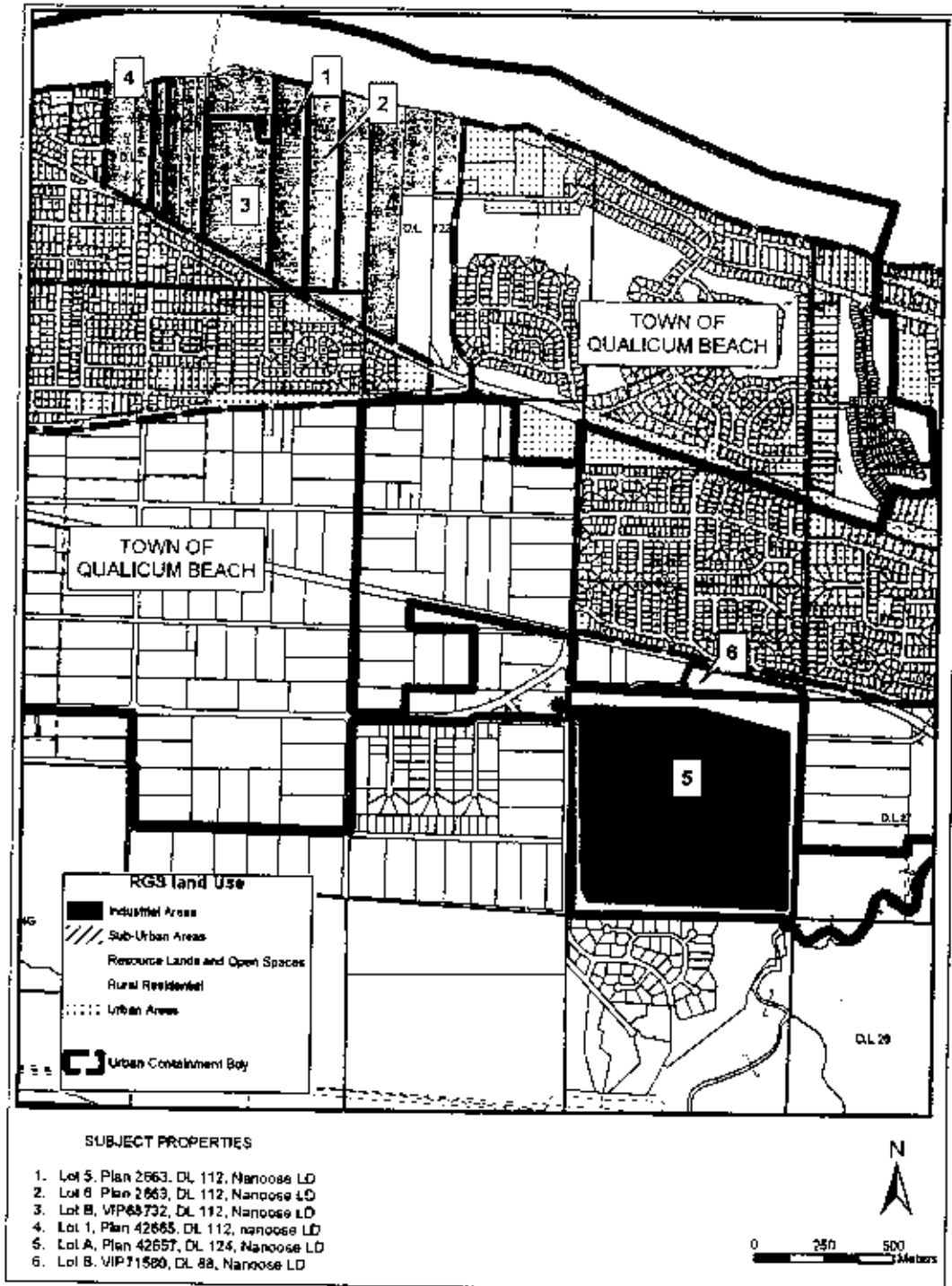
Yours truly



S.J. (Sandra) Keddy
Corporate Administrator
Town of Qualicum Beach

File: 5340-01 & NF Vault
F: Letters/03rdnsewer.sjk
C Paul Butler, Director of Planning
encls

**ATTACHMENT #2
 SUBJECT PROPERTIES**





REGIONAL DISTRICT OF NANAIMO			
SEP 22 2003			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		DATE:	
		FILE:	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

FROM: N. Avery
Manager, Financial Services

SUBJECT: D69 Arena Function Conversion Bylaw

August 28, 2003

PURPOSE:

To introduce "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003" for first three readings.

BACKGROUND:

During a routine review of bylaw limits by the Ministry of Community, Aboriginal and Women's Services it was discovered that the original Letters Patent governing the ice arena function contain a borrowing limit of \$700,000. This limit was overlooked because the taxing authority of the function stands currently at \$1,478,670, an amount sufficient to cover the operations and debt payments anticipated for the new multiplex. Modern establishing bylaws do not include borrowing limitations as the Local Government Act has specific provisions regarding electoral consent for entering into long term debt. The Ministry therefore has advised staff to prepare a service conversion bylaw, the standard requirement when new borrowing authorities are approved for a function operating under Supplementary Letters Patent.

ALTERNATIVES:

1. Introduce "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003" for first three readings. The bylaw will convert the function to one governed by an establishing bylaw and will establish the requisition limit at the greater of \$1,585,120 or the product obtained by a tax rate of \$0.431 per \$1,000 of assessment.
2. Introduce "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003" for first three readings. Amend the requisition limit to the greater of \$1,292,050 or a tax rate of \$0.35 per \$1,000 of assessment.

FINANCIAL IMPLICATIONS:

Alternative 1

In 1984 the old "mill rate" for the Ice Arena function was converted to a "rate per thousand" set by an Order in Council at \$0.431 per \$1,000 of assessment. This rate will allow the Arena function to raise property taxes to a maximum of \$1,585,120 based on today's assessments. Incorporating the existing limit provides room for the Arena operating budget to manage growth over a considerable period of time.

Alternative 2

Under this alternative the requisition limit would be set at the amount projected in the five year plan (\$1,292,050) and the resulting tax rate would be \$0.35 per \$1,000 based on today's assessments. The disadvantage to reducing the rate for this function is that when the maximum is reached, regardless of whether it is a consequence of natural growth, there will be perceptions that new taxes are being requested.

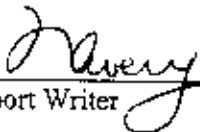
SUMMARY/CONCLUSIONS:

The D69 Arena function needs to be converted from Supplementary Letters Patent to a service area under an establishing bylaw. Ministry staff discovered during a routine bylaw review that the Supplementary Letters Patent contained a borrowing limit of \$700,000. Although the function has a taxation limit which allows it to finance the borrowing of \$8,120,000, the new loan authorization triggers the amending process. The function has a prescribed limit of \$0.431 per \$1,000 which results in a maximum of \$1,585,120. Alternatively, the limit could be reduced to the amount forecast in the five year financial plan - to \$1,292,050 at a rate of \$0.35 per \$1,000. The disadvantage to reducing the rate for this function is that when the maximum is reached, regardless of whether it is a consequence of natural growth, there will be perceptions that new taxes are being requested. A limit of \$0.431 allows the function to grow naturally over a long period of time and is one of the factors which allowed the multiplex to be constructed within the existing financial limits.

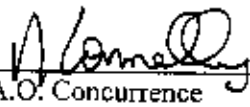
Staff recommend and have prepared a bylaw which incorporates a limit of \$1,585,120 at a tax rate of \$0.431 per \$1,000.

RECOMMENDATION:

1. That the Ice Arena conversion bylaw incorporate taxation limits as the greater of \$1,585,120 or a tax rate of \$0.431 per \$1,000 of assessment.
2. That "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.


Report Writer


General Manager Corporate Services


A/C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1358

**A BYLAW TO CONVERT THE FUNCTION OF
DIVISION XXII – ICE ARENA TO
A SERVICE**

WHEREAS the Board of the Regional District of Nanaimo, by way of Supplementary Letters Patent dated the 25th day of May, 1973, was granted the authority of Division XXII – Ice Arena;

AND WHEREAS the Board of the Regional District of Nanaimo proposes to build a multiplex arena facility and has received electoral consent to borrow for this purpose under “Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002”;

AND WHEREAS the borrowing authority under the Supplementary Letters Patent dated the 25th of May, 1973 have been superceded by Bylaw 1313 and as a result the Supplementary Letters Patent must be converted to a service established by bylaw;

AND WHEREAS the Board of the Regional District of Nanaimo wishes, under Section 774.2(3) of the *Local Government Act*, to convert the service to one exercised under the authority of a bylaw, establish the service and by the same bylaw, amend the power to the extent it could if the power were exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants under Section 802(1)(b) of the *Local Government Act*;

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

1. **Service**

A service including the function Division XXII – Ice Arena, as conveyed by Supplementary Letters Patent dated May 25, 1973, is hereby established for the purpose of constructing, acquiring, developing and operating ice arenas.

2. **Boundaries**

The boundaries of the service area shall be coterminous with the boundaries of Electoral Areas ‘E’, ‘F’, ‘G’, ‘H’, the City of Parksville and the Town of Qualicum Beach.

3. **Participating Areas**

Electoral Areas ‘E’, ‘F’, ‘G’, ‘H’, the City of Parksville and the Town of Qualicum Beach shall be the participating areas.

4. **Cost Recovery**

The annual costs for this service may be recovered by one or more of the following:

- (a) the requisition of money under Section 803(1)(a) of the *Local Government Act* to be collected by a property value tax levied and collected under Section 806.1(1)(a).
- (b) the imposition of fees and other charges under Section 797.2 of the *Local Government Act*.
- (c) revenues raised by other means authorized by the *Local Government Act*, or another Act.
- (d) revenues received by way of agreement, enterprise, gift, grant or otherwise; as provided by Section 803(1)(e) of the *Local Government Act*.

5. **Requisition**

In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned under Section 803(1)(a) for this service shall be the greater of:

- (a) the sum of one million four hundred and seventy eight thousand, six hundred and seventy dollars (\$1,478,670); or
- (b) the product obtained by multiplying the net taxable value of land and improvements for hospital purposes within the service area by a property value tax rate of \$0.431 cents per thousand dollars of assessment.

6. **Apportionment**

The annual costs of the service shall be apportioned among the participating areas on the basis of the converted value of land and improvements for hospital purposes within the service area:

- 7. This bylaw may be cited as "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003".

Introduced and read three times this 14th day of October, 2003

Received the approval of the Inspector of Municipalities this _____ day of _____, 2003.

Adopted this _____ day of _____, 2003.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICE

PAGE
41



REGIONAL DISTRICT OF NANAIMO		
SEP 18 2003		
CHAIR		GMCrS
CAO		GMDS
GACms		GMES

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

FROM: Allan Dick
Senior Building Inspector

Cow ✓ **DATE:** September 19, 2003

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw Meeting Date - September 23, 2003

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- 1. Owners Name: Tamara Hawthornthwaite
- Legal Description: Lot 2, Section 12, Range 5, Plan VIP57855, Cedar Land District
- Street Address: 2030 Pace Road

Summary of Infraction:

- March 10, 2003 - stop work order posted; permit required for accessory building
 - March 10, 2003 - letter sent certified mail; stop work
 - March 25, 2003 - 2nd letter sent regarding stop work
 - April 8, 2003 - verification of certified mail received
 - April 9, 2003 - Senior inspector contacted owner and explained 700 process
 - September 9, 2003 - no further contact from owner
- Note: This file is brought back to Committee due to an oversight in the owner notification process.

Electoral Area 'B'

1. Owners Name: B & K Shopping Centre
Legal Description: Parcel E (DD 401378I) of Section 21, Gabriola Island, Nanaimo Land District
Street Address: 371 Berry Point Road

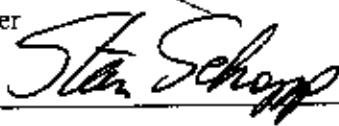
Summary of Infraction:

February 3, 2003 – permit issued for automotive retail space
April 9, 2003 – inspection reveals change of use from issued permit
May 2, 2003 – notice left requiring occupancy permit prior to occupancy of building
May 5, 2003 – 1st letter sent requiring occupancy permit
June 3, 2003 – Senior Inspector spoke with owner regarding land use issues and 700 filing process
July 4, 2003 – 2nd letter sent notifying intent to file on title
July 9, 2003 – no response from owner
September 9, 2003 – no further contact from owner
Note: This file is brought back to Committee due to an oversight in the owner notification process.

RECOMMENDATION

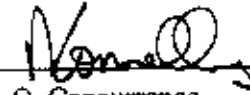
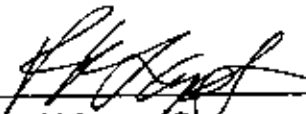
That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.

Report Writer



Manager Concurrence

General Manager Concurrence



N.C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
SEP 23 2003	
CHAIR	GMCrs
CAO	GMDS
GMCS	GMES

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

CoW	DATE:
-----	-------

September 10, 2003

FROM: Sean De Pol
Engineering Technologist

FILE: 5260-20-01

SUBJECT: Environmental Management Systems Implementation Plan

PURPOSE

To receive Board approval of an Environmental Management Systems (EMS) Implementation Plan for the Regional District of Nanaimo's Liquid Waste Department (LWD).

BACKGROUND

The RDN is responsible for the operation and management of four wastewater pollution control facilities, which help to ensure the health and safety of the RDN's residents, and the protection of the environment. The RDN is also responsible for complying with the requirements of federal, provincial and local agencies. To assist in managing these tasks, the LWD wishes to implement an EMS to address liability, meet regulations, improve environmental performance and increase public confidence.

An EMS is a set of problem identification and problem solving tools that can be easily implemented into the RDN's LWD functions. An EMS successfully integrates environmental considerations into everyday operations.

For the RDN's EMS, staff are recommending implementing the most commonly used EMS framework, ISO 14001. ISO 14001 is an Environmental Management standard, which has been developed by the International Organization for Standardization (ISO), a worldwide federation, which was founded to promote global standards.

The ISO 14001 standard came out in 1996 and is the blueprint for developing an organization's EMS. To be registered, an organization's EMS must meet the requirements of the ISO 14001 standard. The ISO 14001 framework is built on the "Plan, Do, Check, Act" model. This model leads to continual improvement based upon:

- Planning, including identifying environmental aspects and establishing goals – PLAN.
- Implementing, including training and operational controls – DO.
- Checking, including monitoring and corrective action – CHECK.
- Reviewing, including progress reviews and making needed changes to the EMS – ACT.

According to the US Environmental Protection Agency EMSs, when implemented diligently, can help improve environmental performance and foster other important benefits to organizations.

In September 2000, Reid Crowther and Associates conducted a Preliminary ISO 14001 EMS Gap Analysis for the LWD. This Preliminary Gap Analysis concluded that the RDN could justify an EMS based exclusively upon economic benefits. It also concluded that an EMS would support other non-financially based RDN goals, most specifically RDN's commitment to environmental leadership.

The LWD committed in their 2003 Business Plan to "Investigating the development of a Liquid Waste Environmental Management Strategy that would meet international standards (ISO 14001)." Subsequently, Jacques Whitford Environmental Limited, consultants specializing in ISO 14001, developed an EMS Implementation Work Plan for the Liquid Waste Department (Appendix A). The work plan was completed July 2003, and addresses:

- Specific tasks that must be undertaken to allow for effective and efficient EMS development and implementation.
- Training and education requirements necessary to ensure the EMS is effective and personnel are knowledgeable.
- Identification of supporting documentation and operational controls requiring development.
- The need for RDN to assign specific roles and responsibilities for carrying out the plan.
- A schedule of tasks, timelines and budgets for effective EMS implementation.
- A visual timeline summarizing task linkages and timelines.

The report can be used by the LWD to take the required action to build the elements of a functional EMS that will conform with the requirements of ISO 14001. The implementation of the LWD's EMS is expected to take 18 months.

If the RDN's LWD proceeds with the proposed implementation plan they would be the first wastewater facility in BC to demonstrate successful implementation of an EMS conforming to ISO 14001 standards which will assure federal, provincial, and local agencies that an appropriate environmental management system is in place. In addition an EMS would assure public confidence in the RDN's managements of their facilities.

Funding to assist the development of an EMS may be available from the Green Municipal Enabling Fund and the Local Government Infrastructure Planning Grant.

ALTERNATIVES

1. Approve the Environmental Management Systems Implementation Plan for the Liquid Waste Department and direct staff to investigate and apply for funding assistance opportunities under the Green Municipal Enabling Fund and Local Government Infrastructure Planning Grant programs.
2. Do not approve of an Environmental Management Systems Implementation Plan for the Liquid Waste Department.

FINANCIAL IMPLICATIONS

Staff are proposing the use of a consultant and a short-term university student co-op position to assist in development of the Liquid Waste Departments Environmental Management System (EMS). It's not expected that additional full time staff will be required once the EMS has been implemented. The financial implications for implementing an EMS that conforms to ISO 14001 standards are expected to be about \$65,000. If funding assistance can be obtained this figure would be reduced accordingly. If the EMS Implementation Plan is supported the required funds would be included in the 2004-2005 LWD's budgets.

Staff believe implementation of an EMS will achieve cost savings for the department. According to the US Environmental Protection Agency, EMS implementation within a diverse group of local government organizations has shown consistent short-term and long-term returns on investment that substantially outweigh the cost of implementation. Through the implementation of an EMS, liquid waste utilities have realized returns on investment through reducing the usage of water, electricity, and chemicals, as well as the potential use of alternative energy sources (co-generation).

SUMMARY/CONCLUSIONS

The RDN is responsible for the operation and management of four wastewater pollution control facilities, which help to ensure the health and safety of the RDN's residents, and the protection of the environment. The RDN is also responsible for complying with the requirements of federal, provincial, and local agencies. To assist in managing these tasks the LWD wishes to implement an EMS to help meet regulations, reduce liabilities, move beyond compliance, improve environmental performance and increase public confidence.

An EMS is a set of management processes and procedures that allow an organization to analyze, control, and reduce the environmental impact of its activities, products and services. The net benefits are an overall improvement in environmental performance, improved environmental compliance, reduction in actual/potential environmental impacts, and an operation with greater efficiency and control.

ISO 14001 is the leading EMS standard worldwide. Thousands of organizations have already or are in the process of implementing and maintaining an EMS based on the ISO 14001 standard. Most of these organizations are private manufacturing companies; however, many forward thinking public agencies are realizing benefits of implementing an EMS.

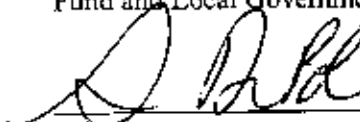
Government organizations are challenged to create structures and processes to address an increasingly diverse range of community needs and environmental expectations. At the same time, the public is questioning the type of services they receive and the efficiency of delivering those services in a manner that addresses their financial, environmental, and social concerns. An EMS creates the structure to integrate an effective workforce to comply and exceed environmental requirements and public expectations.

Staff have worked with consultants and prepared a work plan for implementing an EMS for the RDN's LWD. The successful implementation of an EMS conforming to ISO 14001 standards will assure federal, provincial, local agencies and the public that an appropriate environmental management system is in place.

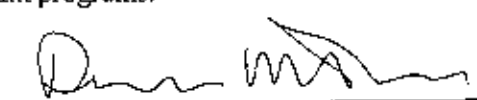
RECOMMENDATION

That the Environmental Management Systems Implementation Plan for the Liquid Waste Department be approved.

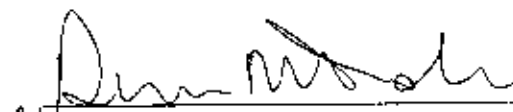
That staff be directed to apply for funding assistance opportunities under the Green Municipal Enabling Fund and Local Government Infrastructure Planning Grant programs.




Report Writer



Manager Concurrence



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

416
GE

REPORT TO

**THE REGIONAL DISTRICT OF NANAIMO
LIQUID WASTE DEPARTMENT**

**ENVIRONMENTAL MANAGEMENT SYSTEM
IMPLEMENTATION PLAN**

PROJECT NUMBER: ABC 50442

Prepared by:

**Jacques Whitford Environment Limited
Suite 500, 708 - 11th Avenue SW
Calgary, AB T2R 0E4
Tel: (403) 263-7113
Fax: (403) 263-7116**

www.jacqueswhitford.com

July 3, 2003

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1.0 INTRODUCTION

Jacques Whitford Environment Limited (Jacques Whitford) was requested by the Regional District of Nanaimo (RDN) Liquid Waste Department (LWD) to prepare this Implementation Plan for the development of the Environmental Management System (EMS) for their operations. This Implementation Plan provides detailed instruction on EMS development and implementation of the EMS, and addresses:

- Specific tasks that must be undertaken to allow for effective and efficient EMS development and implementation;
- Training and education requirements necessary to ensure the EMS is effective and personnel are knowledgeable;
- Identification of supporting documentation and operational controls requiring development;
- The need for RDN to assign specific roles and responsibilities for carrying out the plan;
- A schedule of tasks and timelines for effective EMS implementation; and
- A visual timeline summarizing task linkages and timelines (Appendix A).

2.0 SCOPE AND OBJECTIVES

The scope of this work included a review of the current activities and operations conducted at the Liquid Waste Department of the Regional District of Nanaimo.

The objectives of this report are to provide the LWD with recommendations on the actions required to build elements of a functional EMS that will conform with the requirements of ISO 14001 (the international standard for EMS).

3.0 IMPLEMENTATION PLAN DEVELOPMENT PROCESS

3.1 Preliminary Gap Analysis

A Preliminary Gap Analysis was conducted in the Spring of 2003, by means of the following activities:

- A Workshop was held at the LWD to gather preliminary information and to provide an update to the Gap Analysis conducted in 2000; and
- A review of documents and records to identify and evaluate the formalized components of the existing operations against the frameworks described in ISO 14001.

3.2 Project Team

The Jacques Whitford project team for this work consisted of:

- Jon Mitchell (Environmental Management Specialist);
- Kelly Moote (Environmental Management Specialist); and
- Melodi Pritchard (Manager, Environmental Sciences).

4.0 IMPLEMENTATION PLAN

The Implementation Plan provided below describes the next steps that the LWD should take in the development and implementation of their EMS. An Implementation Schedule outlining estimated times for completion of each task is included in Appendix A. This Implementation Plan has been developed in consideration of the information gathered during the workshop conducted in April 2003. The information generated during the workshop is included in Appendix B. For each task listed in the Implementation Plan there is an area that needs to be filled out by the LWD stating who is going to lead that task to completion, when is the target start date, and when is the target date for completion.

4.1 Task 1 - Establish Roles and Responsibilities

Establish the roles and responsibilities of the top management responsible for the EMS and key management team members or personnel responsible for EMS development and policy approval.

Roles and responsibilities should be documented and communicated to the necessary individuals as soon as possible. Specific roles should be determined as to who is ultimately responsible for the ongoing administration and maintenance of the EMS.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.2 Task 2 - Initial EMS Awareness Training

Early in the EMS development, EMS Awareness Training should be delivered to the Core Team of people that will be playing a role in the development and implementation of the EMS. As a minimum, the Initial EMS Awareness Training should include:

- an introduction to the concepts of an EMS;
- the reasons why the LWD is developing an EMS;
- the details of the EMS Implementation Plan; and
- roles and responsibilities of personnel in the development and implementation of the EMS.

For those individuals who were not present, the Initial EMS Awareness Training can be delivered using and/or building upon presentation materials developed by Jacques Whitford and delivered during the workshops conducted in April 2003 (Appendix C).

Senior Managers should participate in the delivery of the awareness training. The use of senior managers will demonstrate management commitment to the implementation of the EMS.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.3 Task 3 - Environmental Policy Development

The LWD should formalise an Environmental Policy to provide direction on the development of the EMS and outline the commitments that the Department is making toward environmental management. Alternatively, the LWD could lobby the RDN to develop an Environmental Policy for the Region as a whole, however this may take additional time to complete. In order to reflect current practices and principles, the following documents should be used to assist in identifying the environmental direction of the Department:

1. ENVIRONMENTAL SERVICES STRATEGIC PLAN (it was noted that this document requires updating)
2. LIQUID WASTE MANAGEMENT PLAN (LWMP) (this includes a statement of objectives and identification of guiding principles)
3. REGIONAL DISTRICT BOARD STRATEGIC PLAN (2003 - 2005) (this document contains broad, policy-related environmental statements)
4. PERMITS (these identify the regulated criteria set for facilities)

Development of the policy will require input and endorsement from top management and the Board of Directors. At a minimum, the policy should include commitments to continual improvement of environmental performance, prevention of pollution, and compliance with relevant environmental legislation and regulation.

Responsibilities for Task:

Initiation Date:

Target Completion Date:

4.4 Task 4 - Environmental Aspects Identification

Complete the identification of environmental aspects for each process and activity during operation, as initiated during the June 25, 2003 workshop. Aspect identification requires completion at this early stage to facilitate the development of operational controls for the significant issues. Once the aspect list has been generated, evaluate each aspect to determine the level of significance. This allows management to allocate resources toward the issues of greatest risk. Aim for approximately 20% of the total aspect list as significant, then allow for 80% of the attention to be focused on the management of significant aspects.

The methodology selected to identify environmental aspects and impacts should be documented in the EMS Core Manual (refer to Task 6).

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.5 Task 5 - Identification of Legal and Other Requirements

Legal and other requirements applicable to environmental aspects must be identified. Review these requirements and identify those that are applicable to operations. Legal and other requirements can include, but are not limited to:

- provincial laws;
- federal laws;
- municipal by-laws;
- permits and approvals;
- codes of practice; and
- industry best practices.

These requirements should be listed along with the environmental aspects (i.e. in an Excel table or database) so that they can be updated as regulations change. Use the provisions of the identified legal and other requirements to assist in the development of operational controls and procedures.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.6 Task 6 - EMS Documentation Development (Core Manual)

The LWD should assemble a core team to develop the EMS Core Manual. For each of the 17 EMS elements, a short procedure should be drafted explaining how element of the management system functions. The Core Manual then serves as a roadmap to describes how the management system works. These procedures form the core requirements of the management system and detail the methods for meeting the requirements of ISO 14001. Do not initially anticipate a 'perfect' set of EMS procedures, as changes and improvements will be made in the normal course of operations. Often these procedures reference existing standards and practices in place. During the EMS development process, the writing of the EMS Core Manual is one of the most significant time commitments, however a well constructed Core Manual will help the system run efficiently.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.7 Task 7 - Emergency Preparedness and Response

As part of or in addition to the Emergency Preparedness Plan (EPP), ensure the Emergency Preparedness and Response requirements listed in the Core Manual include:

- a review and revision frequency for the EPP;
- the requirement for review of the EPP after the occurrence of an accident or emergency situation; and
- the frequency for periodically testing emergency response procedures.

Based upon the list of aspects generated during the environmental aspects identification, ensure that potentially significant environmental emergencies are incorporated into the EPP.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.8 Task 8 - Develop Objectives, Targets and Management Programs

Upon the completion of the identification of significant environmental aspects, objectives and targets should be developed. Objectives are the overall goals for improved environmental performance and the targets, which are more specific, are set to achieve these objectives. Where appropriate, consider setting an objective and target for each significant aspect and develop them in consideration of the Environmental Policy, legal requirements and available resources. When setting objectives and targets follow the SMARTER principles, to ensure objectives and targets are:



- S Specific;
- M Measurable, whenever practical;
- A Achievable, but challenging;
- R Reasonable;
- T Time bounded;
- E Economically feasible; and
- R Related to staff and other production levels.

Management Programs facilitate the meeting of objectives and targets related to significant environmental aspects. Ensure that Environmental Management Programs (EMPs) include assignment of responsibilities and timelines for completion. Targets should be measurable and the progress should be monitored on an on-going basis. Upon the development of objectives and targets, the existing programs relating to environmental management in the Department will need to be reviewed to identify linkages to the objectives and targets. Where necessary, revise the existing EMPs and develop additional programs where the need is identified. Particular attention should be given to the clear definition and documentation of responsibilities within the EMPs.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.9 Task 9 - Develop Operational Controls and Procedures

Based on the identified environmental aspects and impacts and legal and other requirements, the development of Operational Controls to manage these issues should be undertaken. The development of Operational Controls is often included as an action item within the Environmental Management Plans. These controls can include physical or engineered controls such as:

- physical guards on machinery;
- real time monitoring;
- warning devices;
- signs; and
- personal protective equipment (PPE);

Controls can also include administrative controls such as:

- specific job procedures;
- regular inspections;
- daily toolbox meetings; and
- daily inspections.

Initial focus for the development of these Operational Controls should be to ensure that significant environmental aspects and legal requirements are addressed. Generally, an Operational Control is required if without that control, a significant aspect would occur and an impact would result.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.10 Task 10 - Perform Training Needs Assessment

The LWD should conduct a training needs assessment for all employees in order to effectively carry out the requirements of Operational Controls. As a minimum, the needs assessment should consider:

- competency requirements in order to carry out duties as prescribed by the EMS;
- competency requirements for managing the significant environmental aspect; and
- competency requirements as prescribed by the EPP.

Document the results of the training needs assessment and ensure all records of training received (along with renewal dates) are included in personnel files.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.11 Task 11 - Prepare and Conduct EMS Training

Conduct EMS training with all relevant personnel. The goal of training is to provide all personnel with knowledge of the:

- Environmental Policy;
- roles and responsibilities for management of environment;
- emergency response procedures;
- significant environmental aspects; and
- management system requirements as specified in the EMS Core Manual.

The LWD will need to develop a training module covering these issues. The training module should be used during the orientation process for all new hires, including all managers. All existing personnel, including Senior Management, should also receive this training. This training module differs from EMS Awareness Training in Task 2. This second training module should provide greater detail focusing on how personnel will conduct their duties to ensure effective environmental management. This training is developed and conducted to provide the information to individuals specific to what they are responsible for (i.e. what does the EMS mean to me?).

In addition to EMS Training, specific training may be required as part of the Environmental Management Programs or Operational Controls that are developed. The Training Needs Assessment should identify any job specific training required (e.g. operator training for effluent sampling). Where required, the training program should consist of, but not be limited to:

- details of operating procedures applicable to their work activities; and
- professional or industry specific certifications.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.12 Task 12 - Establish and Implement Monitoring and Measurement Procedures

To assess environmental performance towards meeting objectives and targets and legal and other requirements, the LWD should formalize monitoring and measurement programs. The first step should be to list all of the current monitoring programs and link them to the identified environmental aspects. In circumstances where no program exists but should be developed, incorporate the development into the Environmental Management Programs. Some monitoring and measurement programs that require specific tasks to be completed in a prescribed way (water quality sampling for instance) should be documented in procedures. Where appropriate, these procedures must also include requirements for maintaining and calibrating monitoring and measurement equipment as specified by the monitoring and measurement procedure in the EMS Core Manual.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

4.13 Task 13 - Conduct Compliance Audits/Inspections

In accordance with the commitment in the Environmental Policy to comply with the law, regulatory compliance audits should be undertaken by the LWD to monitor performance toward meeting that commitment. The process and frequency for conducting compliance audits should be established in the Monitoring and Measurement Procedure in the EMS Core Manual. The compliance audits should be more comprehensive than regular inspections and occur less frequently (e.g., annually or biannually). Audits should be conducted by personnel trained to conduct compliance audits and knowledgeable of applicable legal requirements. The LWD may conduct these audits internally or may consider the use of third party auditors to complete the audits. If internal audits are conducted, ensure that the auditors are independent of the task / operation they are auditing.

Responsibilities for Task:
Target Initiation Date:
Target Completion Date:

4.14 Task 14 - Conduct a Management System Audit

Different from compliance audits (legal focus), an EMS Audit should be conducted to assess the degree of conformance to the requirements of the EMS. If they are deemed suitably independent and unbiased from the operation being audited, the EMS Audit Team could consist of HSE personnel, operations personnel, and other personnel deemed relevant. Audit team members should have detailed knowledge of the requirements of the EMS (as described in the Core Manual) and should have a reasonable degree of training and knowledge in how to conduct management system audits. The audit process and requirements must be stipulated in the Core Manual. The EMS Audit Program must address at a minimum:

- if the requirements of the EMS Core Manual have been effectively implemented and maintained; and
- conformance of the system to the requirements of ISO 14001 (especially if the Department is going to consider registration in the future).

Members of the Audit Team from the LWD should receive EMS Audit training to effectively plan, conduct and report the audit. The LWD can also decide to have external parties such as consultants participate in conducting the audits either independently or as part of an Audit Team, which includes external and internal auditors.

Responsibilities for Task:
Target Initiation Date:
Target Completion Date:

4.15 Task 15 - Management Review

An annual Management Review of the EMS by Senior Management should be undertaken. Senior personnel from all areas of the LWD should participate. The process for Management Review will be detailed in the EMS Core Manual and should include the review of:

- EMS Audit results;
- performance in meeting objectives and targets;
- the effectiveness of operational controls;
- management system non-conformances; and
- the effectiveness and adequacy of the Environmental Policy.



The purpose of the Management Review is to ensure that the EMS is functioning efficiently and meeting the needs of the LWD. This is a high level look at the system to ensure that the desired results for implementing a system are being achieved.

Responsibilities for Task:

Target Initiation Date:

Target Completion Date:

5.0 POTENTIAL FUNDING MECHANISMS

There are two potential funding mechanisms that the LWD might consider during the development and implementation of their EMS: the Green Municipal Enabling Fund; and the Green Municipal Infrastructure Fund. The Federation of Canadian Municipalities (FCM) administers these two funding programs (see Appendix D for details). However, neither of the programs will provide funding specifically for the development of an EMS. Therefore, in making application to the funding agencies the LWD will need to ensure that the application guidelines and principles are followed. This means that although the system elements of an EMS cannot be funded, components of the system and actions generated by its development may apply. It is recommended that the LWD complete their list of significant environmental aspects, then based on that list, create specific objectives, targets and programs in areas that meet the scope of the fund guidelines. Then as part of the management program, application can be made for the completion of the specific actions required to address the significant risks.

In addition to the FCM programs, there is significant funding available through the Sustainable Development Technology Canada program for projects that focus on the development, demonstration and pre-commercialization of new technologies that address climate change and clean air issues (www.sdtc.ca). There is also a significant list of potential funding opportunities compiled by the FCM titled 'Alternative Funding Programs and Resources Guide 2003' (http://kn.fcm.ca/ev.php?URL_ID=3483&URL_DO=DO_TOPIC&URL_SECTION=201&reload=1057249088).

6.0 CLOSURE

This report was prepared for the sole use of the Regional District of Nanaimo, Liquid Waste Department. The work was undertaken using guidelines provided by ISO 14004 and generally accepted environmental review techniques. The potential for errors and omissions has been addressed through the use of these accepted procedures and the use of qualified professionals to perform the work.

Jacques Whitford appreciates the opportunity to prepare this Gap Analysis for the Liquid Waste Department. We look forward to providing any additional assistance required in the future.

Respectfully submitted,

JACQUES WHITFORD ENVIRONMENT LIMITED

Prepared by:



Jonathan A. Mitchell, B.Sc., M.E.Des.
Environmental Management Specialist

JAM:MGP/md

Reviewed by:



Melodi G. Pritchard, B.Sc., M.E.Des.
Manager, Environmental Sciences

CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	

TO: John Finnie, P. Eng.
General Manager Environmental Services

DATE:

September 16, 2003

FROM: Carey McIver
Manager Solid Waste

FILE:

5360-18

SUBJECT: Terms of Reference for the Regional Landfill Site Liaison Committee

PURPOSE

To present for Board approval the terms of reference for the proposed Regional Landfill Site Liaison Committee (LSLC).

BACKGROUND

The Ministry of Water, Land and Air Protection will soon be issuing an Operational Certificate (OC) to the RDN to authorize the discharge of waste and specify operating criteria for the Regional Landfill. The terms of this operational certificate will be consistent with the Region's Solid Waste Management Plan. The OC will replace the Pollution Control Permit issued to the RDN by the Province in 1973.

Now that the Board has decided to optimize the capacity of the Regional Landfill as an interim strategy, it would be timely to establish a landfill site liaison committee to provide regular and effective communication between the RDN and the adjacent community on the operation of the Regional Landfill as approved by the OC. Membership would include residents and businesses adjacent to the landfill as well as representatives from the Nanaimo First Nation, the City of Nanaimo and the Ministry of Water, Land and Air Protection.

The proposed Landfill Site Liaison Committee (LSLC) would also provide input into the development and on-going implementation of the closure/post-closure plan required under the OC. In 2002 staff undertook a study to consider suitable end-uses for the site. Based on the technical limitations of the site, the desire to create a community amenity and the recreation needs of the City of Nanaimo and the RDN, our consultants recommend that an urban or wilderness park or combination thereof would be the best post-closure option for this site. The LSLC would be the primary venue for community consultation on the plan.

The proposed terms of reference for this committee are attached.

ALTERNATIVES

1. Approve the proposed terms of reference for the Landfill Site Liaison Committee.
2. Amend and approve the proposed terms of reference for the Landfill Site Liaison Committee.
3. Do not approve the establishment of a Landfill Site Liaison Committee.

FINANCIAL IMPLICATIONS

The Solid Waste Department will provide staff resources to the LSLC, including arranging meetings, minute taking, distribution of materials and other administrative functions. Any budget requirements for the committee will be included within the budget of the Solid Waste Department and subject to the normal annual review and approval process by the Board.

COMMUNITY IMPLICATIONS

An Open House was held on September 13, 2003 for residents living adjacent to the Regional Landfill. Seven residents attended the meeting and all were supportive of the establishment of a site liaison committee. The invitation to and minutes of this meeting are attached. The draft terms of reference were also discussed at the September 11, 2003 meeting of the Regional Waste Advisory Committee.

STRATEGIC PLAN IMPLICATIONS

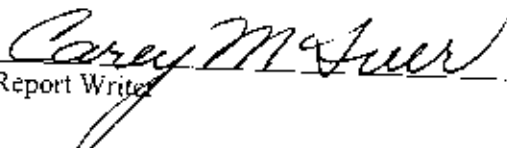
In accordance with the Board's Strategic Directions, the Landfill Site Liaison Committee will provide improved communication with the public.

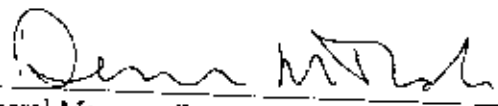
SUMMARY/CONCLUSIONS


The province will soon be issuing an Operational Certificate (OC) to the RDN to authorize the discharge of waste and specify operating criteria for the Regional Landfill. Now that the Board has decided to optimize the capacity of the Regional Landfill as an interim strategy, staff recommends the creation of a landfill site liaison committee to provide regular and effective communication between the RDN and the adjacent community on the operation of the Regional Landfill as approved by the OC. The proposed Landfill Site Liaison Committee (LSLC) would also provide input into the development and on-going implementation of the closure/post-closure plan required under the OC.

RECOMMENDATION

That the terms of reference dated September 2003 for the Regional Landfill Site Liaison Committee be approved.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

Terms of Reference

September 2003

Landfill Site Liaison Committee

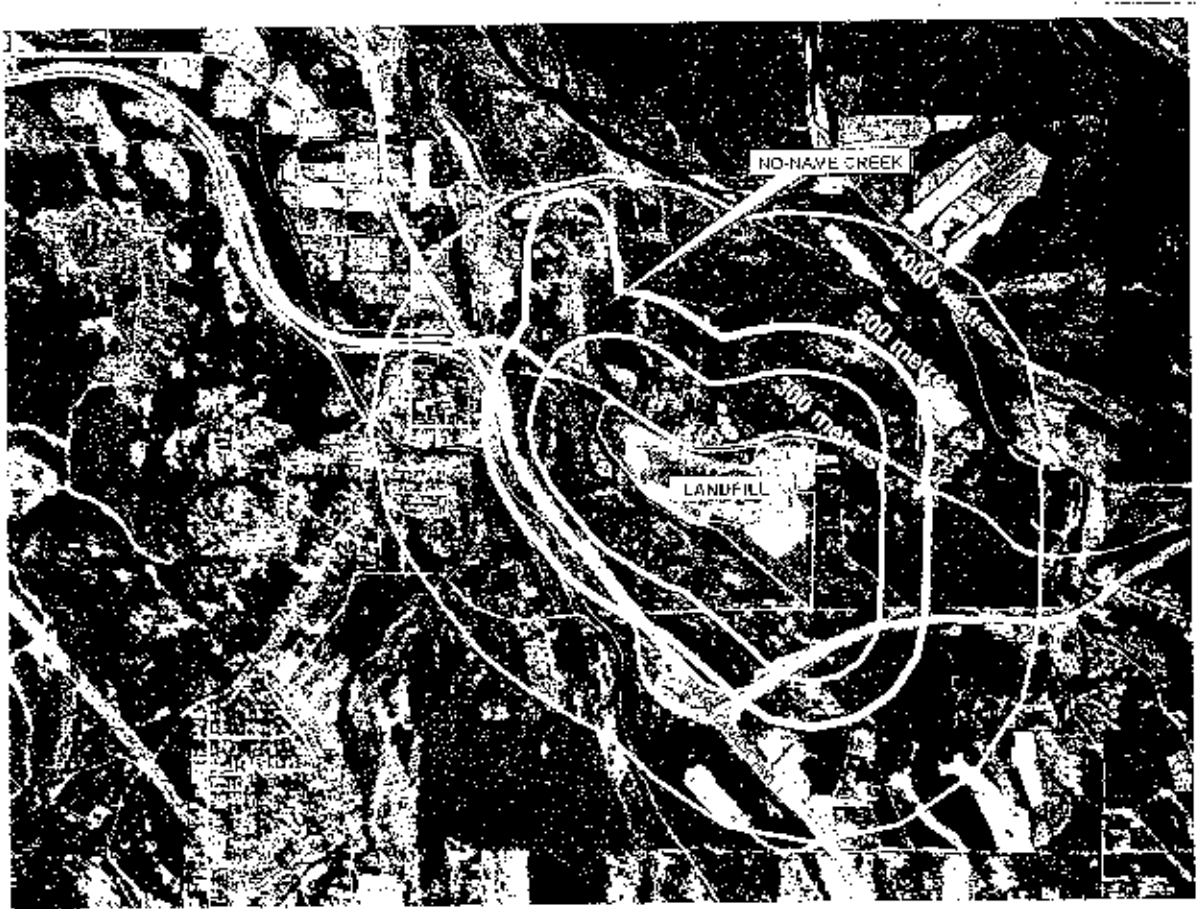
Purpose

The primary function of the Landfill Site Liaison Committee will be to provide regular and effective communication between the RDN and the adjacent community on the operation of the Regional Landfill as well as the development of the closure/post-closure plan.

Landfill Community

The landfill community is defined as those residents that are directly impacted by the operation of the Regional Landfill. As outlined in the following photo the impact zone consists of approximately 40 properties located within 500 metres of the landfill as well as properties adjacent to "No-Name" creek which drains from the Regional Landfill down Fielding Road to the Nanaimo River estuary. This area includes properties that may have been historically affected by odours, birds, leachate, noise or other impacts resulting from living near the landfill operation and is based on siting criteria contained in Ministry of Water, Land and Air Protection *Landfill Criteria for Municipal Solid Waste*.

Figure 1 Landfill Community



Committee Roles and Responsibilities

The mandate of the committee will be to:

- ◆ Provide input to RDN staff on landfill impacts and operational modifications to minimize the impact of landfill operations on local residents.
- ◆ Provide input to the annual operating and monitoring report required under the Operational Certificate issued by the Ministry of Water Land and Air Protection.
- ◆ Provide input to annual budget and long-term capital plans to help establish priorities.
- ◆ Provide input into the development and on-going implementation of the closure/post-closure plan.
- ◆ Suggest additional strategies for minimizing the landfill stigma on local residents.

Membership Criteria/Selection

The committee will consist of 6 members. Members will be appointed by the Board. Membership representation will be as follows:

2 members	Residents adjacent to the Regional Landfill
1 member	Mayco Mix (Adjacent Property Owner)
1 member	Nanaimo First Nation
1 member	City of Nanaimo (Planning and/or Parks and Recreation Department)
1 member	Ministry of Water Land and Air Protection

The Manager of Solid Waste and the Supervisor of Solid Waste Facilities will be present at each meeting. The committee will elect the Chair. Members of the Board will be invited to attend all meetings. The Solid Waste Department will provide staff resources to the committee.

Meeting Time/Location

Meetings of the liaison committee will take place approximately four times per year at the Regional Landfill. Additional meetings may be scheduled to address special issues as requested by the committee.

Decision Making

The liaison committee serves as a forum for open discussion between the local residents and the RDN on landfill operating practice and the closure/post-closure plan.

Where measures to minimize landfill impacts are agreed upon at a committee meeting, and RDN staff have the authority to implement such measures within approved budgets, work will be undertaken as soon as possible with progress reported at the next committee meeting.

In cases where measures to minimize landfill impacts are not within the authority of staff to undertake, or committee members and staff do not agree on the need for such measures, the matter will be referred to the Board for consideration.

RDN ENVIRONMENTAL SERVICES SPECIAL BULLETIN

For Neighbours of the Regional District of Nanaimo Regional Landfill

SEPTEMBER 3, 2003

You're invited to an Open House on future plans for the Regional Landfill

The Regional District of Nanaimo is inviting neighbours of the Regional Landfill to an Open House to discuss future plans for the facility.

In August the Regional Board approved recommendations to extend the capacity of the Regional Landfill as an interim measure. Phase 1 would provide eight to 10 years of additional capacity. Phase 2, if approved, would provide another eight to 10 years' capacity. However by December 2006, before going to Phase 2, the Regional District will review all other solid waste disposal options.

Background

The Regional Landfill, located near the southern border of the City of Nanaimo, has been in operation since the 1940s. The newest portion of the landfill, built adjacent to the old landfill in 1991, incorporates extensive leachate collection and landfill gas management systems.

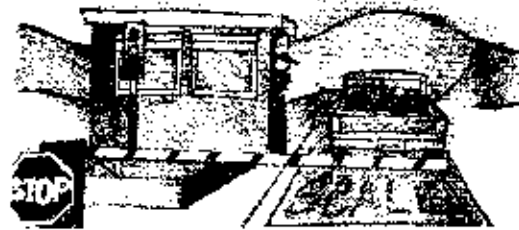
In 1994, capacity shortage at the Regional Landfill prompted the RDN Board to investigate other disposal options including incineration, energy from waste, municipal solid waste composting and siting a new landfill. These options were rejected after an extensive Residual Solid Waste Management Plan review process and waste export was selected as the only viable option to provide long term capacity.

Since 1999, to save disposal capacity at the Regional Landfill, the RDN has exported solid waste from its northern community or about 25% of the total garbage generated in the Region. The cost of a full waste export system is forecast to rise from \$115 to \$140 per tonne, which would require an increase in tipping fees from \$95 to \$110 per tonne as well as a tax increase of \$1.5 million or 15%.

Date Saturday, September 13, 2003
Times 10 a.m. – 12 p.m. and 1 p.m. – 3 p.m.
Location Regional Landfill, Operations Building
1105 Cedar Road, Nanaimo
RSVP RDN Environmental Services
Ph. (250) 390-6560 Fx (250) 390-4163
Email envsr@rdn.bc.ca

The Open House will feature brief presentations at each session, questions and answers and a tour of the Regional Landfill Facility.

For more information call (250) 390-6560.



Engineering studies have confirmed the financial and technical viability of constructing a geogrid reinforced berm on the south side of the Regional landfill. The estimated cost of Phase 1 is \$3.5 million; it will provide eight to 10 years of additional landfill capacity and result in no increase in taxes or landfill disposal fees.

Optimizing the existing landfill provides several environmental and social benefits. The RDN is participating in a pilot project to collect landfill gas emitted by the Regional Landfill for use as a potential green energy source. Continuing to operate the landfill would provide a longer term gas supply for any potential customers. Funds from continued operation of the facility could also provide revenues to create a nature park on the closed section of the landfill.

To learn more, please come to the Open House, and RSVP at the phone number in the box above.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGIONAL LANDFILL OPEN HOUSE HELD ON SATURDAY, SEPTEMBER 13, 2003 IN THE REGIONAL LANDFILL MEETING ROOM FROM 10:00 AM TO 12:00 AND 1:00 PM TO 3:00 PM

Present:

Al Bean	1335 Fielding Road
Shari Young	1417 Fielding Road
Jim Young	1417 Fielding Road
Lynne Alton	1403 Fielding Road
Lou Tomne	1341 Fielding Road - 722-3679
Laura Taylor	1323 Fielding Road - 722-3170
Lola Kemp	1325 Fielding Road - 722-3570

Also in Attendance:

Carey McIver	Manager Solid Waste, RDN
William Hill	Acting Supervisor Regional Landfill, RDN
Jon Isfeld	Environmental Technician, RDN

1. Introduction

Carey McIver introduced Bill Hill and Jon Isfeld to the Landfill Neighbours and introductions of those present followed.

2. Presentation

Carey McIver provided an overview of the residual waste management options presented to the RDN Board and the Regional Waste Advisory Committee. The presentation included the Board's decision to optimize the capacity of the existing landfill as an interim strategy as well as closure and post-closure designs and uses.

3. Discussion

The issues and questions raised by the local community members were as follows:

- ◆ Why were they invited (the local residents)? *While the optimization plan has been approved by the Regional Directors, it is the Environmental Services Department's wish that the local community, those truly affected by the Landfill, be more educated, informed and have a greater input about the future of the Landfill site and its uses.*
- ◆ Could the 'bubble' be moved to include a few of the residents on Maki Rd? *The 500 metre buffer that has been placed around the landfill has been stretched to include all of Fielding Road and could further be adjusted to include those properties at the beginning of Maki Road.*
- ◆ Why can't we find a site that could be utilized for all Island residents? *Landfill space is extremely valuable. If other Regional Districts have capacity, they are very reluctant to allow others to use it. This is due to the general belief that no new landfill will ever be sited on Vancouver Island.*
- ◆ What is the greatest opposition to siting a new landfill? *NIMBY (Not In MY Back Yard) has always been the greatest force against new landfills being sited.*
- ◆ What will happen after the Landfill Optimization Plan is complete? *The site will be closed to regular MSW but may still be utilized for hazardous and other non-exportable waste. If Waste Export is the chosen means of dealing with residual waste, the site may be used for a transfer station.*

- ◆ How will the closed landfill ever be developed if there is still a working landfill next to it? *There are many examples of communities growing up around a working landfill (Brittania Landfill, Mississauga). In addition, the closed portion of the Landfill could be re-vegetated and opened to the public as a nature park within 5 -10 years thereby making the landfill a community amenity.*
- ◆ Is there the ability for the local residents to benefit from the collection of LFG (landfill gas)? *There could be an opportunity for local residents to benefit from the collection of LFG. There has been recent research into fuel cell type energy from LFG and there is always the potential to generate electricity from this 'green' energy source.*
- ◆ Will there be an opportunity to have further Open Houses? *Yes, we are receptive to having more open houses.*
- ◆ Could local realtors be asked to view the site and the improvements made in recent years? *We are very open to inviting the realty community to the site to view the presentation given in hopes of removing the stigma of living near the landfill.*
- ◆ Will the Entrance area be upgraded? *Yes, as shown in the conceptual drawings the entrance area and all along the north face of the Landfill will be landscaped in hopes of screening the landfill from Cedar Road.*
- ◆ Could the entrance be moved to Fielding Road? *This option will be investigated by staff.*

4. Tour of Landfill Site

Those attending the Open House were given the opportunity to tour the Landfill site and to view the different projects currently underway.

It was mentioned to all that attended that it is our wish to know of any odour issues and as such to call the Regional Landfill as soon as possible if odour or any other concerns arise.

Adjournment

The first presentation adjourned at 12:30 with the second adjourning at 3:00.



REGIONAL DISTRICT OF NANAIMO			
SEP 18 2003			
CHAIR		GM CrS	
CAO		GM DS	
GM CrS		GM ES	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: September 2, 2003

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Reserve Fund Establishing Bylaws

PURPOSE:

To seek adoption of reserve fund establishing bylaws for the Surfside and Arbutus Park Estates water services.

BACKGROUND:

The 2003 budget provides for certain contributions to reserve funds for the purpose of future improvements.

Surfside Water - \$50 per parcel from parcel taxes is to be contributed to a reserve fund until a balance of approximately \$10,000 is achieved. This is a small water system (39 connections) and the budget can be affected by the cost of a single pump replacement. Staff believe it prudent to have reserve funds set aside to cope with unexpected emergencies.

Arbutus Park Estates - \$35,000 is budgeted in 2003 to establish a reserve fund. Staff are reviewing a capital plan to replace the oldest distribution lines sometime after 2005 with a target completion date of 2009. The cost is estimated at \$367,850. The works will be phased and will likely require authority to borrow in order to complete the replacement program. Reserve funds will be used to reduce the amount borrowed.

ALTERNATIVES:

1. Establish capital reserve funds for the Surfside and Arbutus Park Estates water service areas.
2. Do not establish the reserve funds at this time.

FINANCIAL IMPLICATIONS:

Alternative 1

Where there is current budget room not required for ongoing maintenance and operations of a public utility, staff believe it prudent to establish capital reserve funds and recommend adoption of both bylaws presented with this report. A reserve fund bylaw is the authority under which appropriations may be included in the annual budget.

Alternative 2

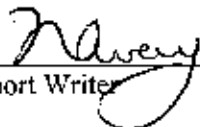
There are no negative financial implications by not establishing a reserve fund. Surplus funds are carried forward within the service area budget and can be used for the same ultimate purpose. The practice of charging an operating budget with a reserve fund contribution is a clearer statement of intent for readers of the annual budget.

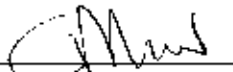
SUMMARY/CONCLUSIONS:


The annual budgets for the Surfside and Arbutus Park Estates water service areas include contributions to new reserve funds. Where there is current budget room not required for ongoing maintenance and operations of a public utility, staff believe it prudent to establish capital reserve funds and recommend adoption of both bylaws presented with this report. A reserve fund bylaw is the authority under which appropriations may be included in the annual budget.

RECOMMENDATION:

1. That "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003" be introduced for first three readings.
2. That "Surfside Water Service Area Reserve Fund Bylaw No.1360, 2003" having received three readings be adopted.
3. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" be introduced for first three readings.
4. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" having received three readings be adopted.


Report Writer


General Manager Corporate Services


A/ C.A.O. Concurrence.

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1360

**A BYLAW TO ESTABLISH A RESERVE FUND FOR
THE PURPOSE OF UPGRADING
THE SURFSIDE WATER SERVICE AREA
COLLECTION AND DISTRIBUTION SYSTEM**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the "Surfside Water Service Area Reserve Fund".
2. Money from the current revenue of the Surfside Water Service Area function, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for the expansion and improvement of the collection system and related infrastructure systems.
5. This bylaw may be cited as the "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003".

Introduced and read three times this 14th day of October, 2003.

Adopted this 14th day of October, 2003.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1359

**A BYLAW TO ESTABLISH A RESERVE FUND FOR
THE PURPOSE OF UPGRADING
THE ARBUTUS PARK ESTATES WATER SERVICE AREA
COLLECTION AND DISTRIBUTION SYSTEM**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the "Arbutus Park Estates Water Service Area Reserve Fund".
2. Money from the current revenue of the Arbutus Park Estates Water Service Area function, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for the expansion and improvement of the collection system and related infrastructure systems.
5. This bylaw may be cited as the "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003".

Introduced and read three times this 14th day of October, 2003.

Adopted this 14th day of October, 2003.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO	
SEP 18 2003	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
<i>Cow</i>	

MEMORANDUM

TO: Wayne Moorman, P.Eng. **DATE:** Sept 18, 2003
 Manager of Engineering and Utilities

FROM: Dave Leitch, AScT **FILE:** 5500-21-01
 Engineering Technologist

SUBJECT: Utilities
 Rural Street Lighting Local Service Area
 Boundary Amendment

PURPOSE

To consider a request to include the following property in the Rural Street Lighting Local Service Area (RSLSA). Lot B, Plan 13476, DL 67, Nanoose Land District (see attached map).

BACKGROUND

When the above noted property was recently developed, the developer constructed the subdivision including streetlights but did not request inclusion in the RSLSA. In order to tax the properties for the operation of the streetlights, these properties need to be included in the RSLSA. The current property owner has petitioned the RDN to be included in the RSLSA.

ALTERNATIVES

1. Do not amend the boundaries of the Rural Street Lighting Local Service Area Bylaw No. 791.
2. Amend the boundaries of the Rural Street Lighting Local Service Area Bylaw No. 791.

FINANCIAL IMPLICATIONS

The operating costs of the street lights are charged to the benefiting properties through taxation. The property owner has agreed to the taxation for the benefit of street lighting. In 2003 the tax rate for this service for properties already in the RSLSA was approximately \$8.70 per \$100,000 of assessment.

SUMMARY

The current property owner has petitioned the RDN to include Lot B, Plan 13476, DL 67, Nanoose Land District in the Rural Street Lighting Service Area. All costs associated with the lights are borne by the property owner. Staff recommend the property be included in the RSLSA.

RECOMMENDATION

That "Rural Street Lighting Local Service Area Boundary Amendment Bylaw 791.09, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

Wayne Moor
 Report Writer *See DL*

Wayne Moor
 Manager Concurrence

[Signature]
 General Manager Concurrence

[Signature]
 CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 791.09

A BYLAW TO AMEND THE RURAL
STREETLIGHTING LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 791

WHEREAS Regional District of Nanaimo Bylaw No. 791 established the Rural Streetlighting Local Service;

AND WHEREAS the Board wishes to amend the Local Service Area boundaries in accordance with Section 802(1)(b) of the *Local Government Act*;

AND WHEREAS the consent of the Directors of Electoral Areas E and G have been obtained;

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

1. The boundaries of the Rural Streetlighting Local Service Area are hereby revised to include the properties outlined on Schedule 'A' attached hereto and forming part of this bylaw.
2. The amended boundaries of the Rural Streetlighting Local Service Area shall be as shown outlined on Schedules 'B-1' and 'B-2' attached hereto and forming part of this bylaw.
3. Bylaw No. 791.08 is hereby repealed.
4. This bylaw may be cited as "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.09, 2003".

Introduced and read three times this 14th day of October, 2003.

Received the approval of the Inspector of Municipalities this ____ day of ____, 2003.

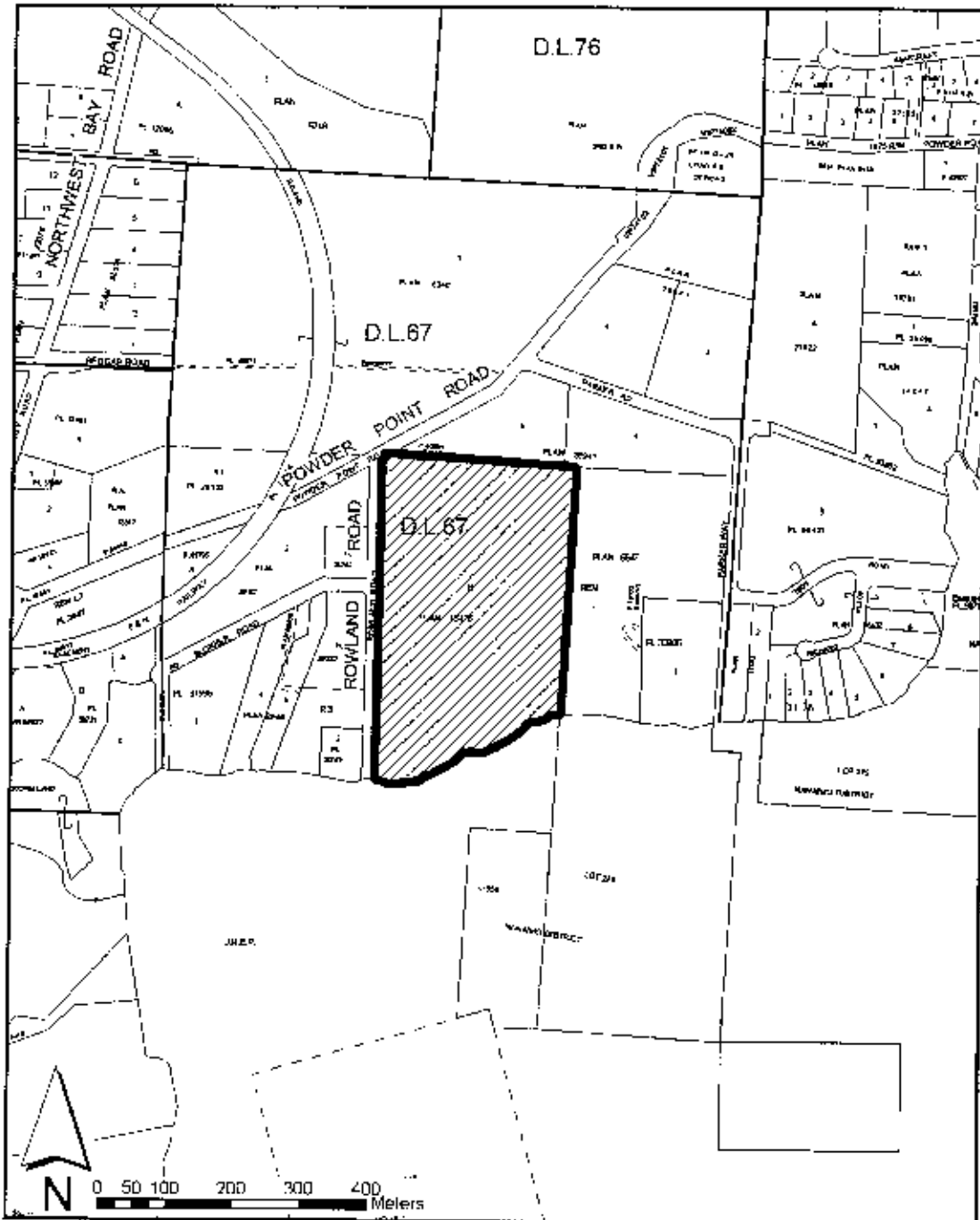
Adopted this ____ day of ____, 2003.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services



Regional District of Nanaimo

**Electoral Area 'A' Parks and Open Space Advisory Committee
Thursday June 19, 2003
Cedar Heritage Center, 1644 MacMillan Road, Cedar**

Minutes

Attendance: Lynnette Aldcroft
Judy Burgess, Chair
Margaret Johnson
Kerri-Lynne Wilson
Gay Cunningham
Joe Maten
Henrik Kreiberg, Director, Electoral Area 'A'

Apologies: Frank Garnish

Staff: Jeff Ainge, RDN Parks Coordinator
Tom Osborne, RDN Manager, Recreation and Parks

Meeting was called to order at 7:37 p.m. by Judy Burgess, Chair.

AGENDA

MOVED H. Kreiberg, SECONDED M. Johnson, that the Agenda be adopted. **CARRIED**

DELEGATIONS

The Chair introduced Brigid Reynolds, Planner with the RDN Development Services Department. Brigid outlined to the Committee the upcoming management planning process for the Nanaimo River Regional Park. Terms of Reference have been approved by the Regional Board and will be sent to the Committee within the next week. In essence, the work will be done in-house, with consultation planned to include the landowner, The Land Conservancy; major stakeholders, Federal Fisheries, Habitat Conservation Trust, Provincial Environment Ministry; smaller stakeholders, The Nanaimo Area Land Trust, Nanaimo Field Naturalists, Nanaimo Fish and Game Society; neighbours, and the general public. There will be two Open Houses to which the Committee are encouraged to attend. After a general discussion, the Chair thanked Brigid for her attendance.

APPROVAL OF MINUTES

MOVED H. Kreiberg, SECONDED M. Johnson, that the minutes be adopted. **CARRIED**

BUSINESS ARISING FROM MINUTES

- a. Staff provided a plan of the properties adjacent to the undeveloped York Lake lane to be used in trail planning discussions.

COMMUNICATIONS AND CORRESPONDENCE

- a. K.L. Wilson provided a verbal update to a written response received from Pope and Talbot regarding access for public trail use of the water pipeline right-of-way. The Committee discussed the desire for follow-up and L. Aldcroft offered to discuss it with Pope and Talbot staff on an informal personal level.
- b. The Chair discussed the letter sent to the Chief and Tribal Council of the Snuneymuxw First Nation on behalf of the Committee regarding the San Salvador property.

UNFINISHED BUSINESS

- a. The Committee agreed to find time over the summer to visit and review potential water access sites as part of a trail planning project.
- b. Staff advised there had been no new correspondence from Land & Water BC staff regarding tenure of the Thelma Griffiths Park in South Wellington.

REPORTS & NEW BUSINESS

- a. Electoral Area 'A' Director's Update
Director Kreiberg provided a brief update on issues before the Regional Board.
- b. Trail Study Maps and Pending Regional Park Properties
RDN Staff provided large format copies of the Trail Study maps for the Committee. Staff also advised of three new (and pending) Regional Park properties, namely Little Qualicum River Estuary Regional Conservation Area, Englishman River (south-side) in the vicinity of a new subdivision development, and a large parcel on the north side of the Englishman River (acquisition pending).
- c. Cedar School Community Enhancement Society & Cedar Heritage Centre
L. Aldcroft provided a brief update.
- d. Morden Colliery Trail
A work party was held on June 8th with a good turnout of 14 volunteers. A lot was accomplished. Staff advised of recent calls from a new neighbour concerned with trespass by trail users along the river and into private property. New signs have been posted in response. The Parks summer student will work with the MCT Sub-Committee to prepare a trail brochure. There was also brief discussion about the 1999 study and its recommendations for bridging the Nanaimo River.
- e. Morden Mine Society
J. Burgess advised the Committee of progress with the establishment of a new society to champion the saving of the Morden Mine structures.
- f. Nanaimo Field Naturalists
J. Materi advised the Committee that a barred owl seemed to be a regular visitor to the forest along the MC Trail near the Thatcher Creek bridges.

COMMITTEE ROUND TABLE, DISCUSSION & ANNOUNCEMENTS

- a. J. Burgess asked if staff could provide a filing cabinet to be kept at the Cedar Heritage Centre and used for storing Committee correspondence, past meeting minutes and agendas, and the like.
- b. J. Burgess advised the submission deadline for the next issue of *Take 5* was looming and that she would prepare an article promoting the Mine Society and thanking Trail volunteers.
- c. M. Johnson requested staff provide additional copies of the agenda for those without printers.

NEXT MEETING

The next meeting date was set for Thursday September 18, 2003.

ADJOURNMENT

MOVED by G. Cunningham that the meeting adjourn at 10:00 p.m.

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Regional District of Nanaimo

**Meeting of the
Nanoose Bay Parks and Open Space Advisory Committee**

**June 23, 2003 at 7:00 pm
Nanoose Library Hall
Nanoose Road**

Minutes

Attendance: Arthur Lightburn
Debbie Kuhn, Chair
Elisabeth Bakker
Eve Flynn, D69 Recreation Commission Representative
Paula Young
Robert Grose
Pauline Bibby, Electoral Area 'E' Director

Staff: Jeff Ainge, RDN Parks Coordinator
Susan Cormie, RDN Senior Planner

Meeting was called to order at 7:00 pm by Debbie Kuhn, Chair.

INTRODUCTIONS

The Chair invited the Committee and members of the public present to introduce themselves and asked if there were any in attendance wishing to be considered as a late delegation. There were none.

DELEGATIONS

Susan Cormie, RDN Senior Planner, spoke on behalf of a subdivision applicant who is proposing a five-lot subdivision with parkland dedication on Davenport Road. The applicant, Kate Butchko, arrived a little late but was able to add to the presentation. The proposed 5% of the area in parkland is 1,418 m² or an estimated \$9,250 (to be determined by appraisal). The Chair reminded the Committee of their role in discussing the dedication of the parkland, not whether this was an appropriate development for that parcel of private land.

APPROVAL OF AGENDA

MOVED P. Bibby, SECONDED E. Bakker that the agenda be approved. CARRIED

APPROVAL OF MINUTES

MOVED R. Grose, SECONDED E Bakker that the Minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held on May 8, 2003 be approved. CARRIED

BUSINESS ARISING FROM MINUTES

- a) Staff advised that the Regional Board had endorsed the Committee's recommendation for approving the Guidelines for Regional District Role in Ministry of Transportation Water Accesses in Area 'E'.
- b) Staff advised that information updates on the water access questionnaire and the Committee's water access identification project were inserted in *The Lantzville Log* and the Director's information update. Both the Director and staff advised they had received calls about water site accesses being blocked.

- c) Staff advised that the meeting between senior staff, RDN Directors, and Provincial MLAs regarding DL 137 (Stewart Road Crown Land) is to take place July 17. Director Bibby stressed the desire to see the land protected and noted the existing forestry designation worked in the community's favour.

COMMUNICATIONS & CORRESPONDENCE

MOVED A. Lightburn, SECONDED R. Grose that the following correspondence be received as information. CARRIED

- a) Copy of correspondence and management plan sent May 21, 2003 to Land & Water BC pertaining to the lease renewal of Nanoose Road Community Park. Staff advised no response had been received to date.

BUSINESS ARISING FROM DELEGATIONS, COMMUNICATIONS & CORRESPONDENCE

- a) The Committee considered the information provided by the Davenham Road subdivision delegation and accompanying staff report. The applicant was asked several questions and a discussion ensued regarding provision of access to the current Crown land adjacent.

MOVED E. Flynn, SECONDED A. Lightburn that the applicant be requested to contribute 5% cash in lieu of parkland. CARRIED

REPORTS & DISCUSSION ITEMS

- a) Water Site Accesses. A. Lightburn reported on a recent working group meeting. Nanoose was divided into working areas for the Committee members to visit and assess to determine which sites will be recommended to MOT for signs. Staff provided copies of a letter prepared to inform adjacent neighbours of the Committee's intent to post signs. E. Bakker suggested we submit this to MOT first but A. Lightburn would like to present MOT with evidence of consultation with neighbours having taken place. Director Bibby advised she had been contacted regarding concrete waste placed in a water access at Dorcas Point. E. Bakker identified it as being adjacent to her residence and that the material was placed to cover a live hydro cable used to power an offshore navigation light. Staff and A. Lightburn advised they responded to a concern regarding access to the beach at Park Place Community Park. The access will be made safer. The neighbours are being advised.
- b) Broom Removal. R. Grose and friends borrowed the broom pullers from the RDN for a successful broom removal project at Redden Road Park. They are now distributing a letter to other neighbours to encourage them to join in other broom removal projects.
- c) New Regional Parks. Staff reported on the three new regional parks recently acquired by the RDN. The first park is located at the mouth of the Little Qualicum River, bordering the federal Marshall Stevenson Wildlife Sanctuary. RDN has partnered with Ducks Unlimited to acquire this park. The RDN will contribute \$100,000 over the next five years.

The second park includes approximately 22 hectares of non-contiguous greenspace and Craig Creek watershed protection area within Block 564 alongside the Englishman River. The RDN's interest was acquired through the subdivision and rezoning process and adjoins another 90 hectares of river riparian protection area to be owned and managed by the Nature Trust of BC.

The third park is Block 602 on the other side of Englishman River, with the RDN partnering with the Nature Trust of BC. The park is 170 hectares of well-treed land previously owned by Timber West. It contains many kilometres of trails as well as a small volunteer operated salmon hatchery. The land

will provide links to the community park at Top Bridge and offer trail linkages for the Regional Trail System. The RDN will be contributing \$350,000 toward the purchase price.

E. Flynn excused herself from the meeting at 8:10 pm.

- d) Claudet Road Community Park. Director Bibby requested the Committee's opinion on the development options for this property. The Director was updated on the previous Sub-Committee meetings about Claudet Road Community Park and the preference to undertake a low key, low cost development to make it more accessible for the public. Director Bibby asked the Committee to consider not moving ahead with any development until the issue had received more consideration.

MOVED P. Bibby, SECONDED A. Lightburn that the future use of Claudet Road Community Park be considered as part of the Official Community Plan Review process in 2004. **CARRIED**

- e) Director's Update. Further to an item raised at the May meeting, there is a possible site for a memorial bench to be donated in Beachcomber Regional Park. Staff will follow up with the donor.

QUESTIONS AND COMMENTS FROM THE FLOOR

There were several questions and comments from two members of the public to the Director about the cost of the Crown land DL 137, the Park Place Community Park beach access improvements, and about installing benches and steps that create liability concerns. The Director was specifically requested to provide information on the property valuation of DL 137, which she will do when the other avenues for protection have been exhausted.

COMMITTEE ROUNDTABLE

P. Young and E. Bakker will contact E. Flynn regarding interest in landscaping and beautifying the area around Nanoose Place.

Staff offered to coordinate an evening driving tour of the local community parks – to be arranged via email.

NEXT MEETING DATE

The next general Committee meeting is To Be Advised – likely early September.

ADJOURNMENT

MOVED P. Bibby, SECONDED D. Kuhn that the meeting be adjourned at 9:20 pm.

Regional District of Nanaimo
Meeting of the
Nanoose Bay Parks and Open Space Advisory Committee

September 8, 2003 at 7:00 pm
Nanoose Place Multi Room #1
North West Bay Road, Nanoose Bay

MINUTES

Attendance: Arthur Lightburn
Debbje Kuhn, Chair
Pauline Bibby, Electoral Area 'E' Director
Frank Van Eynde, D69 Recreation Commission Representative
Paula Young
Elisabeth Bakker

Absent: Robert Grose

Staff: Jeff Ainge, RDN Parks Coordinator
Tom Osborne, Manager, Recreation & Parks

Meeting was called to order at 7:00 pm by Debbie Kuhn, Chair.

INTRODUCTIONS

The Chair invited the Committee and members of the public present to introduce themselves and asked if there were any in attendance wishing to be considered as a late delegation. There were none.

DELEGATIONS

The Chair introduced Bob Lapham, General Manager RDN Development Services, and Alistair McLean of Fairwinds Development Ltd. Bob Lapham presented the Committee with a proposed parkland dedication from a subdivision at Carmichael Road, Fairwinds (Phase 9-A). A trail linkage is proposed as the parkland, totalling 1320m², of which 50% or 660m² would be considered as the actual land value of the dedication. The trail will provide access from Carmichael Road to the Fairwinds Recreation Centre. The Committee discussed the proposal and noted that a right-of-way would have to be established through private property (Fairwinds Recreation Centre) in order to make the walkway accessible to the public from Fairwinds Drive. Fairwinds has a credit of two hectares (approximately five acres) with the RDN from its development to date. When development is complete the total dedicated parkland by Fairwinds will likely be in excess of 40 acres. The Committee discussed the value of this small parcel and weighed it against the desire for a larger parcel to be dedicated at some point in the future.

A motion by Director Bibby to support the acceptance of the parkland dedication as presented did not receive a seconder.

MOVED E. Bakker, SECONDED F. Van Eynde that the entire parkland dedication of 5% be applied against the amount of parkland currently credited in Fairwinds favour. CARRIED

APPROVAL OF AGENDA

MOVED F. Van Eynde, SECONDED A. Lightburn that the Agenda be approved. CARRIED

APPROVAL OF MINUTES

MOVED A. Lightburn SECONDED E. Bakker that the Minutes of the June 23, 2003 meeting be approved. CARRIED

BUSINESS ARISING FROM MINUTES

- a. Staff advised that the large amount of broom removed from Redden Road Community Park was trucked off-site to reduce the fire hazard and to avoid prolonged noise associated with a chipping machine. Staff advised that it serves as a reminder that having a plan for removal from the site is as important as the cutting and pulling of the vegetation and should be kept in mind for future broom removal projects.
- b. Director Bibby updated the Committee on a meeting attended by herself, Joe Stanhope (RDN Board Chair), Bob Lapham, Stan Hagen (MLA & Minister of Sustainable Resource Management), Mark Hallam and another Land & Water BC staff member, to discuss the DL 137 Crown land on Stewart Road. Director Bibby suggested that land remain with Ministry of Forests for conservation, not for recreation. The Minister was somewhat sympathetic but unable to help, and suggested the possibility of a partnership with land conservation organizations. Director Bibby and Neil Connelly are meeting with The Land Conservancy of BC in October. The Nature Trust and Nature Conservancy of Canada have already been approached and this land is not a priority for them. The Committee asked Director Bibby if the land has been given a monetary value, to which she responded that the exact value has not been discussed. The options for approaching other funding agencies, such as large foundations was raised.
- c. Staff advised that no response had been received from Land & Water BC regarding re-examining the tenure renewal for Nanoose Road Community Park.

COMMUNICATIONS & CORRESPONDENCE

MOVED A. Lightburn, SECONDED E. Bakker that the three items of correspondence be received and discussed as part of the Reports & Discussion Items portion of the Agenda. CARRIED

REPORTS & DISCUSSION ITEMS

- a. Water Site Accesses. Art Lightburn reported the Committee handed out 80 letters of information to adjacent neighbours of 40 accesses. Responses were received regarding only two sites and were received as Correspondence. The Committee recommended 40 accesses to be marked and Mr. Lightburn sent a letter to Mr. Bob Wylie at the Ministry of Transportation requesting sign permits be issued. Staff provided a memo reporting on the Ministry's reaction to such a large number of accesses and the need for the RDN to be involved. The Ministry will not be issuing individual permits but will give a "blanket" permit to all they approve. A working group meeting will be called in the coming week to design the sign.
- b. Nanoose Place Landscaping Proposal. Elisabeth Bakker and Paula Young met on-site with Eve Flynn, Nanoose Place Manager, to walk the property and discuss which areas could be improved and which areas to avoid. There is an area over the septic field that is currently in rough grass that should not be disturbed. The logs separating the grassy area from the parking lot need to be replaced with new logs or some other form of barrier such as low fencing or large boulders. Healthy natural trees border the parking lot as well as many flowering bushes and there are broom and blackberry bushes throughout. The parking configuration could be improved for both traffic and pedestrians. Many people walk from the Red Gap area through Nanoose Place and down to Jack Bagley Field or to the

school from the crosswalk across Northwest Bay Road. A raised sidewalk or planting strip with sidewalk could be built through the parking lot connecting the existing crosswalks from the road and the parking lot. These are just ideas expressed by the Committee. Eve Flynn will contact the Lions and the neighbourhood groups also for their input. As a way to encourage involvement in the project a broom removal date has been tentatively set for October 4, 2003. This date will probably change until after burning season has begun due to the current extreme fire hazard.

- c. Update of Work. Staff provided an update of work undertaken throughout the summer and drew the Committee's attention to the additional report provided as information (District 69 Recreation Commission – Parks Area Report).
- d. Eagle Trees. Director Bibby told the Committee of the plan to designate perching trees as well as eagle nesting trees in the RDN. There are currently 17 designated eagle nesting trees in the Nanoose area. Each of the RDN's eight Official Community Plans would have to be amended. There will be public meetings about this to find ways of encouraging people to conserve these trees.

QUESTIONS AND COMMENTS FROM THE FLOOR

DL 137 Crown Land. Karen Zaborniak asked what the public could do to preserve DL 137. The Director replied that nothing could be done at this time as there are still discussions ongoing. She stressed her opinion that the local community should not have to purchase land that already belongs to the public. The question of forming a society was discussed and it was noted that it would probably take 8 - 10 months to get charitable status. The Director indicated that if the community came up with an acquisition plan, the Province would probably be willing to work out a time frame for purchase. There could be some help in setting up a society by the other land conservancy groups. Maurice Hedges commented that he would be interested in helping with setting up a society.

COMMITTEE ROUND TABLE

- a. Memorial Benches. P. Young had a request for information on memorial benches for Brickyard Bay. The most vandal proof bench would cost about \$1,000.00. There are already two benches at Brickyard Bay but there may be other areas of Nanoose where they are needed such as Beachcomber Park. Staff will deal with each request on a case-by-case basis as there is no formal policy at this time.
- b. Wheelchair Access. D. Kuhn asked whether any beach access was wheelchair accessible. Staff and Committee members suggested Brickyard Cove, Blueback Park and many beach accesses (e.g. 1, 4, 32) but some may have grades that are difficult to come back uphill without help.

NEXT MEETING DATE

The next meeting is tentatively set for November 3, 2003, preferably at the Nanoose Library Hall. This will be confirmed by staff.

MOVED F. Van Rynde, SECONDED P. Bibby the meeting adjourn at 8.45pm.

Debbie Kuhn, Chair

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REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE
MEETING HELD ON WEDNESDAY, SEPTEMBER 10, 2003, AT 12:00 NOON
IN THE RDN COMMITTEE ROOM**

Present:

Director T. Krall	Chairperson
Director J. Stanhope	Electoral Area 'G'
Director T. Westbrook	Town of Qualicum Beach
Director B. Holdom	City of Nanaimo

Also in Attendance:

N. Connelly	General Manager, Community Services
M. Donnelly	Manager, Transportation Services
B. Clemens	City of Nanaimo

Regrets:

Director R. Cantelon	City of Nanaimo
Director D. Haime	Electoral Area 'D'

Chair Krall called the meeting to order at 12:05 pm.

ADMINISTRATION

Letters to School Districts (Verbal Update)

MOVED Director Westbrook, SECONDED Director Holdom that Community Services staff be authorized to meet with representatives of School Districts 68 and 69 to discuss areas of possible service integration and that the CUPE Union locals representing both employee groups be invited to be present in those discussions. CARRIED

The letter of response from School District No. 69 (Qualicum) is attached.

Signage re Transit Costs (Verbal update)

The proposed Partnership Advertisement showing the Transit System cost sharing between Local taxation, Fares and BC Transit for conventional transit service was reviewed and approved by the Committee. A copy is attached.

Transportation Services Budget Overview (Presentation)

The projected 2003 budget for southern community conventional transit and its impact on the 2004 annual operating budget was reviewed. The year-end projections are for a \$211,500 deficit made up of a revenue shortfall of \$161,000 and expenditures over by \$50,500. The Committee noted that the \$378,000 surplus/contingency provided for in the 2004 budget in the 2003-2008 Financial Plan will accommodate this deficit within the requisition levels provided.

Revenue in 2003 is being impacted by a reduction in the anticipated ridership growth. This is a result of general declines in growth this year across the province and impacted by the reduction in service of 11% in April of this year. The revenue monitoring spreadsheet that the Committee discussed and reviewed is attached for information.

The following options to assist Transit in revenue and expenditure challenges were developed and reviewed by the Committee.

- 1) Review the possibility of fare zones for service between Nanaimo and Parksville / Qualicum Beach. Staff have initiated discussions with BC Transit in this regard. The Committee concluded that no immediate action was required given the potential customer impacts and the limited scope of the revenue stream.
- 2) Initiate further service reductions. This was not recommended by the Committee as a viable option at this time, as further reductions:
 - a. are not required to meet the 2004 budget;
 - b. would erode public confidence in the reliability of Transit service which may result in lower rider ship; and,
 - c. could not be properly brought into effect before the end of 2003, given the July release of an updated schedule, thus having little or no impact on the 2003 budget.
- 3) Increase Fares. As the system has one of the higher fare structures in the province for its type, it is not recommended by the Committee to proceed with fare increases.
- 4) Request exemption from the provincial 3.5-cent fuel surcharge tax. The Committee recommends further representation be made to the Province to consider the elimination of the 3.5-cent fuel surcharge tax for Transit Systems within the province. This letter would augment previous actions by the Board to reduce this surcharge.
- 5) There were further discussions regarding opportunities for coordinating both School District(s) and Regional Transit services to reduce costs and increase efficiency. Follow-up on this is contained under "Letters to School District".
- 6) The Committee discussed possible cost savings through the elimination of daily newspaper advertisements in *The Daily News*. The Committee concluded that this is not a recommended strategy as:
 - a. Currently the partnership provides for over \$40,000 in advertising annually at a cost of \$3,000 to the Transit System.
 - b. This provides free newspapers to the ridership on Mondays and Fridays and regular ads.
- 7) Continue to explore ways to increase ridership and reduce operating costs by:
 - a. Improving service by considering adjustments to routes or schedules to increase rider ship.
 - b. Monitoring the long-term impact of both the January fare increase and the April service reductions.

- 8) That the RDN continue to be receptive to ideas and the role transit service may play in assisting in meeting targets in the Kyoto Protocol and that promotional efforts by the Department include engaging community leaders to promote and use Transit.

NEW BUSINESS

There was no new business brought forward.

ADJOURNMENT

The meeting was adjourned at 1:10 pm.

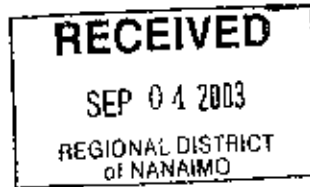
T. Krall
Chair



SCHOOL DISTRICT No. 69 (QUALICUM)

August 28, 2003

Mike Donnelly
Manager of Transportation Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2



Dear Mike Donnelly:

**Re: Integration of Transportation Services
Regional District of Nanaimo and School District No. 68 (Nanaimo-Ladysmith)**

I wish to advise you that the Board of School Trustees of School District No. 69 (Qualicum) received and discussed your correspondence of July 15th at Tuesday evening's Regular Board meeting and that the Board passed the following motion:

THAT Board and district representatives meet with Regional District of Nanaimo representatives to discuss options regarding the integration of transportation services

AND THAT a Union representative also be invited to attend the meeting.

Will you please advise me of any dates when it would be possible for the school district's representatives to meet to discuss options regarding the integration of transportation services. Thank you.

Yours truly,

Dan Whiting
Secretary Treasurer

- c. Trustee Eve Flynn
- Trustee Inez Hutchison
- Sylvie Couture, President, CUPE Local 3570
- John Watson, Transportation Manager
- Rick Borelli, Interim Superintendent of Schools, School District No. 68 (Nanaimo-Ladysmith)
- Lucille Thompson, Corresponding Secretary

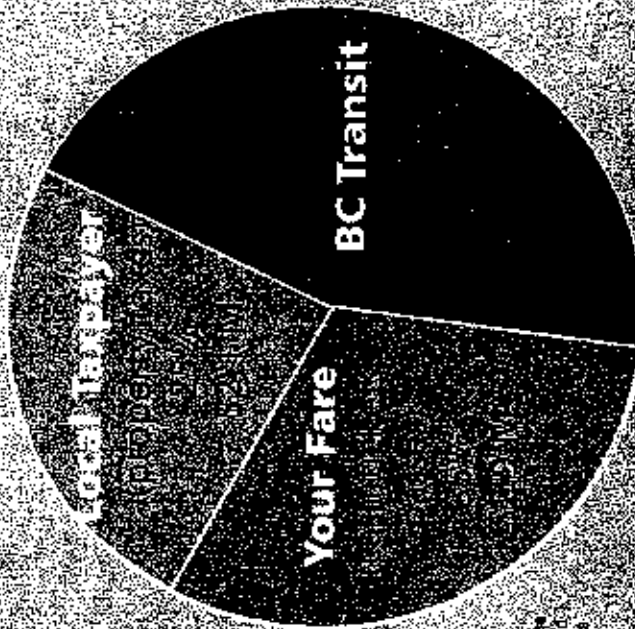
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86

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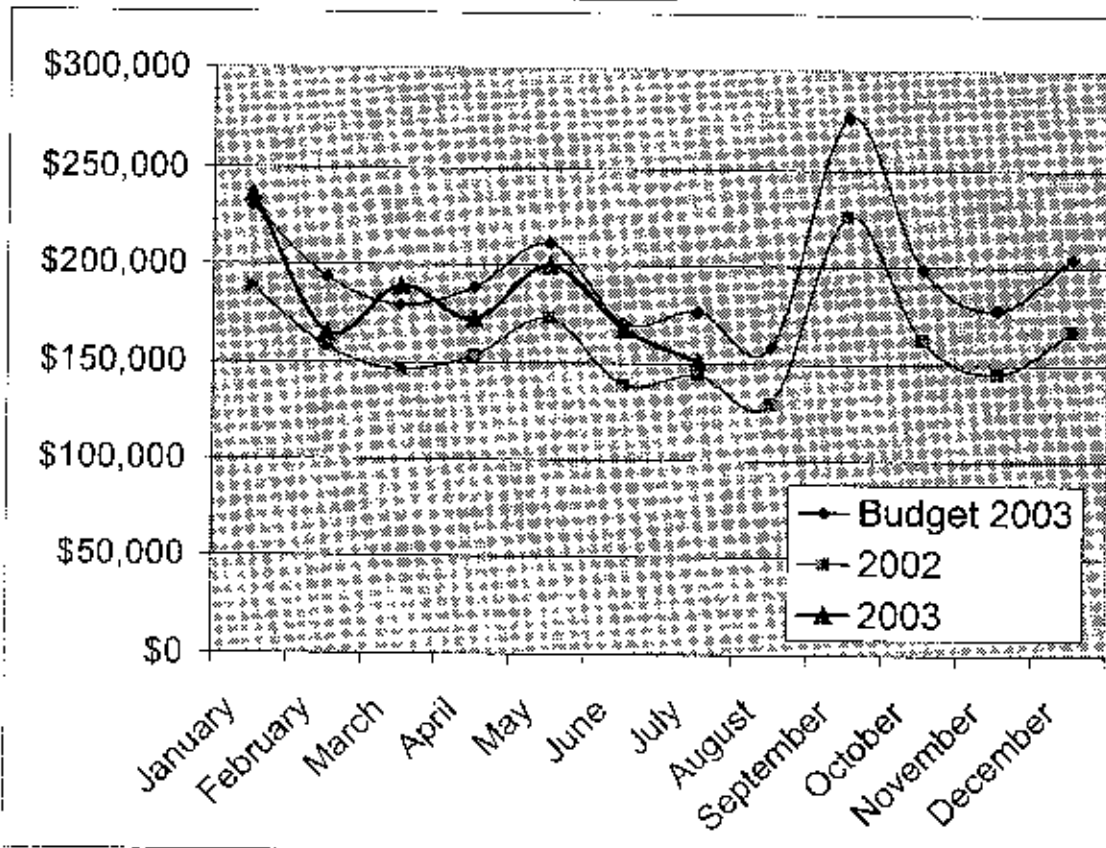
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of Nanaimo

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**Southern Community Transit
Fare Revenue Chart
2002-2003**

	Budget 2003	2002	2003	
January	\$230,356	\$188,046.00	\$236,554.00	125.8%
February	\$183,293	\$157,790.00	\$165,144.00	104.7%
March	\$179,300	\$146,367.00	\$169,125.00	129.2%
April	\$188,121	\$153,568.00	\$172,308.00	112.2%
May	\$211,457	\$172,618.00	\$199,004.00	115.8%
June	\$170,176	\$138,919.00	\$157,482.00	120.5%
July	\$176,422	\$144,018.00	\$150,911.00	104.8%
August	\$158,654	\$129,546.00		0.0%
September	\$276,768	\$225,933.00		0.0%
October	\$198,876	\$162,348.00		0.0%
November	\$177,831	\$145,168.00		0.0%
December	\$204,515	\$167,000.00		0.0%
			\$1,281,374.00	116.1%



**Minutes of the District 69 Recreation Commission Regular Meeting
Held on Thursday, September 11, 2003, at 1:00pm
At the Civic Centre, Qualicum Beach**

Attendance:

Frank Van Eynde
Patty Biro

Craig Young
Dave Bartram

Jack Wilson

Staff:

Tom Osborne
Marilynn Newsted, Recording Secretary

Neil Connelly

Delegation:

Tom Boag, President, Parksville Curling Club

Absent:

Reg Nosworthy

Fred Demmon

Chair Van Eynde called the meeting to order at 1:05 pm.

DELEGATIONS

- 2.1 Tom Boag, President, Parksville Curling Club, presented the Club's four-year revenue estimate to the Commission. Mr. Boag reported between 150 to 180 people attended the first Annual General Meeting (AGM) for the Parksville Curling Club held on September 9, 2003. He stated the Club is very confident they will have over 300 members. Mr. Boag encouraged the Commission to support the Sublease presented to the Commission for the use of the District 69 Arena and noted that the membership in attendance at the AGM were also in support of it.

MINUTES

- 3.1 MOVED Commissioner Bartram, SECONDED Commissioner Young, that the Minutes of the District 69 Recreation Commission Regular Meeting held on June 12, 2003, be approved. CARRIED

COMMUNICATIONS/CORRESPONDENCE

- 4 MOVED Commissioner Bartram, SECONDED Commissioner Young, that the correspondence from Building Learning Together, Anne Collie and Deborah Davenport; School District No. 69, Steve Hamilton; Oceanside Lyric Ensemble, Barbara McPhail; Oceanside Community Arts Council, Thea Stavroff; Kidfest, Jim Hoffman; BC Senior Games, George Douglas; PGOSA, Al Grier; and Ravensong Breakers Swim Club, Bob Aspoinal; be received. CARRIED

FUNCTION REPORTS

- 5 Mr. Osborne presented the staff reports from the Ravensong Aquatic Centre, District 69 Arena, Recreation Coordinating and the Regional Parks and Trail and Community Parks (EAs 'E'-'H'). He reported that in light of the reduction of requested ice time at Oceanside Place by adult hockey league users, he has contacted Graham Lee with regard to the possible implementation of the

Planet Ice League in September 2004. Mr. Osborne announced that John Marcellus, the new Arena Facility Operator, has been hired and that other casual skate patrol, maintenance and reception positions would be filled soon.

Mr. Osborne stated the Terry Fox Run would take place Sunday, September 14, 2003 at Rathrevor Provincial Park. He noted that the Department was unable to negotiate a cancellation of the parking fee for that event. A reduction to \$1 per hour was granted, however, participants would require more than one hour of parking. Staff will monitor the impact of the parking fee on the event and report back to Commission.

MOVED Commissioner Wilson, SECONDED Commissioner Young, that the staff reports be received. CARRIED

BUSINESS ARISING FROM COMMUNICATIONS/CORRESPONDENCE

- 7 Mr. Osborne reviewed the request received from the Parksville Golden Oldies Sports Association to waive the rental fee for the Multipurpose Room for the 2004 Parksville Golden Oldies Classic IV Seniors' Hockey Tournament.

MOVED Commissioner Bartram, SECONDED Commissioner Wilson, that the request to waive the rental fee for the Multipurpose Room for the 2004 Parksville Golden Oldies Classic IV Seniors' Hockey Tournament be accepted. CARRIED

MOVED Commissioner Bartram, SECONDED Commissioner Biro, that staff review the procedure for processing requests to waive or reduce rental fees for facilities and report to Commission if a policy or a procedure should be struck. CARRIED

NEW BUSINESS

- 8.1 Mr. Osborne reviewed the Sublease of District 69 Arena to Parksville Curling Club Society.

MOVED Commissioner Bartram, SECONDED Commissioner Wilson, that the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008. CARRIED

- 8.2 Mr. Osborne updated the Commission on the construction of Oceanside Place. He stated both the Leisure Ice Surface and the Howie Meeker Ice Surface had been poured and that on Monday, September 15, 2003 staff would start making ice on the Victor Kraatz Ice Surface.

- 8.3 Mr. Osborne reported that the RDN has received \$45,000 for Power Smart upgrades to Oceanside Place through BC Hydro's *Incentive Fund Program*.

- 8.4 Mr. Osborne announced the Sneak Peak Skate and Ribbon Cutting ceremony for Oceanside Place is tentatively scheduled for October 6, 2003, at 5:00pm. The Gala Event for the new facility will be October 24th, including a Canucks Alumni vs RCMP hockey game with ticket proceeds going to the Oceanside Minor Hockey Organization.

COMMISSIONER ROUNDTABLE

- 10 Chair Van Eynde congratulated staff on behalf of the Commission for their hard work and determination to see the Oceanside Place project to completion.

Commissioner Young reported the Parksville Bicycle Advisory Committee had completed a survey of bike users. He noted a few concerns raised from the survey were - a lack of bike racks, lack of a marked bike route in the Regional District, and non-paved shoulders on Northwest Bay Road.

Commissioner Wilson reported the Town of Qualicum Beach is considering the establishment of a field house in the Qualicum Beach Community Park. He stated they had approached both the Arrowsmith Cricket Club and Oceanside Youth Soccer Association and would also speak to Cathy MacKenzie for input from other user groups with regard to the field house.

Commissioner Flynn reported due to budget restraints the school Christmas break will be extended by two days and the Spring Break by three days. Commissioner Flynn also reported the establishment of a Youth Liaison Program with representatives from the RCMP, Social Services, School Councillors and the Recreation and Parks Department. The program would be offered at Pass/Woodwinds, Ballenas Senior Secondary, Kwalikium Senior Secondary, Qualicum Beach Middle School and Oceanside Middle School.

Commissioner Biro reported fourteen registrants attended the Youth Tennis Program and fifty children entered the Dock Derby held in July. She also stated the Deep Bay Yacht Club will run a series of race days this fall and a Hallowe'en Family Dance will be held October 25.

Commissioner Bartram reported the Ministry of Transportation will be chip sealing the Home Lake Park road.

Commissioner Van Eynde reported six hundred beach access surveys were returned to the Nanoose Bay Parks and Open Space Advisory Committee.

ADJOURNMENT

MOVED Commissioner Young that the meeting be adjourned at 2:10pm.

CARRIED

NEXT MEETING

The next meeting will be held at 1:00 pm, Thursday, October 9, 2003, at Oceanside Place, in the Meeting Room.



REGIONAL DISTRICT OF NANAIMO			
SEP - 2 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>Rec Comm.</i>	✓

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: August 20, 2003

FROM: Tom Osborne
Manager of Recreation and Parks

FILE: 7710-01-PCURL

SUBJECT: Parksville Curling Club Society Sublease of District 69 Arena

PURPOSE

To review the Sublease with the Parksville Curling Club Society for use of the District 69 Arena as a curling facility.

BACKGROUND

On June 22, 2002 a referendum was held to seek electoral consent to fund and build the Arena Multiplex at Wembley Mall in Parksville. Prior to the referendum the Parksville Curling Club Society provided the Regional District with a Letter of Intent to manage operations of the District 69 Arena as a curling facility with no taxation subsidy from the Regional District of Nanaimo (RDN). On November 26, 2002, the Society and the Regional District signed a Memorandum of Understanding (MOU), which provides for the Society to take over the operation of the District 69 Arena for use as a curling facility and to sign a Sublease with the Regional District upon completion of the Arena Multiplex. With substantial completion scheduled for late September 2003, there is a requirement to enter into the Sublease with the Society.

RDN staff and the Society executive have met continuously over the past months finalizing the terms of the Sublease and have now come to agreement on the final document to present to the Regional Board for consideration.

The term of the agreement will commence October 1, 2003 and will terminate March 31, 2008, just prior to the expiration of the existing Head Lease between the Regional District and the City of Parksville for the leased City land on which D69 Arena is located.

The Society will manage and operate the Regional District facility to use primarily as a curling facility. Under Section 3.0 the Sublease also allows use of the building for rental to community groups and sport associations for sport and recreation programs and non-profit community special events.

Given that the Regional District has recently signed a Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial and trade show events, the Sublease with the Society provides that the Society will refer such requests to the Regional District. Should a request not be able to be accommodated at Oceanside Place, the RDN will attempt to refer the event, or any other such event, to the Society.

Through the Sublease Agreement, the Society is responsible for all operational and capital costs associated with the operation of the facility. During the Term, the Society must also maintain a policy of general liability insurance in the amount of three million dollars (\$3,000,000) with the RDN as additional named insured.

ALTERNATIVES

1. That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.
2. That the Regional District of Nanaimo not approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena and provide for alternative terms to be pursued with the Society.

FINANCIAL IMPLICATIONS

Costs associated with finalization of the Sublease are provided for in the District 69 Arena budget.

The Society has provided to the Regional District a status of their membership and financial performance for their operations. Based on the information provided, the Society has indicated they have adequate membership and the financial resources to maintain the facility and the services required to sustain the operation of a Curling Club. The financial performance outlined by the Club does not provide for, nor request, subsidization from the Regional District.

Should the Sublease not be signed, the facility will be closed to the public as the Society requires having the building operational by October 15, 2003 in order to provide a full curling season. The Arena Function Budget for 2003 does not have sufficient funding to maintain the joint operation of the District 69 Arena and Oceanside Place.

INTERGOVERNMENTAL IMPLICATIONS

The length of the lease with the Parksville Curling Club Society is restricted by the term of the Regional District lease for the Arena Lands with the City of Parksville. The maximum term for a lease into which the Regional District can enter is five years less a day, or the length of the main lease for the lands less a day, whichever is longer.

In order for the Parksville Curling Club Society to receive a tax exemption for their intended use of the District 69 Arena, Parksville City Council will need to pass a tax exemption bylaw on an annual basis.

COMMUNITY IMPLICATIONS

With the signing of the Sublease, the Oceanside area will gain a second facility that will work alongside the well-established Club in Qualicum Beach. The two Clubs have been in communication with each other to ensure there is minimal overlap in rink time at the Parksville Club for men's, women's and mixed teams.

The Society plans on operating four sheets for the 2003 season and, when their membership numbers dictate sustaining an additional sheet, a fifth sheet will be added.

In addition to curling services detailed in Section 3.0, the Society may book and or rent the facility to non-profit community groups and sports associations. The Society will also work in conjunction with the RDN Recreation and Parks Department to ensure dry floor booking can be accommodated in the facility during the curling off-season.

SUMMARY

Substantial completion of Oceanside Place is scheduled for late September and there is a requirement for the Parksville Curling Club Society to take over operations by mid-October 2003, by way of a Sublease with the Regional District for use of the District 69 Arena. As agreed to in the MOU, there is a requirement to enter into a Sublease with the Society for use of the District 69 Arena upon substantial completion of Oceanside Place.


Through the Sublease with the Regional District, the Society will manage and operate the District 69 Arena as a curling facility from the term of October 1, 2003 to March 31, 2008. The Society will be responsible for all operational and capital costs associated with the operation of the building.

The Society may also use the building for non-profit events booked by local community groups and sports associations. Events of a commercial nature will be referred to the Regional District to confirm whether the event can be accommodated at Oceanside Place through the Management Services Agreement recently signed with RG Facilities (Parksville) Ltd. The RDN will make reasonable efforts to refer and approve those events not able to be accommodated at Oceanside Place to the District 69 Arena.

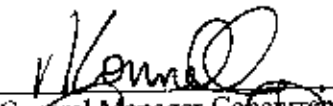
The Society has provided a financial performance to the Regional District that indicates they have the membership and the financial resources to sustain the operation of the facility and the services required. Financial support from the Regional District has not been requested to support the operation of the Club.

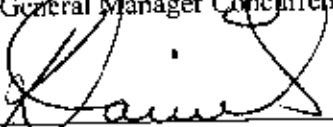
RECOMMENDATION

That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.



Report Writer



General Manager Concurrence


C.A.O. Concurrence

SUBLEASE

THIS LEASE dated the ___ day of _____, 2003.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the "**Landlord**")

OF THE FIRST PART

AND:

THE PARKSVILLE CURLING CLUB SOCIETY

(#28480)
102 - 156 Morison Avenue
Box 1624
Parksville, BC V9P 2H3

(the "**Tenant**")

OF THE SECOND PART

WHEREAS:

- A. The Landlord is the lessee of the land described in Schedule 'A' annexed to this Sublease (the "**Lands**") under the terms of a Lease between the Landlord and the City of Parksville (the "**Head Lease**") made the 21st day of July, 2003, a copy of which is attached as Schedule 'F';
- B. The Landlord is the owner of an arena facility situated upon the Lands known as the "**District 69 Arena**";
- C. The Tenant has requested and the Landlord has agreed to grant a lease of the Lands and the District 69 Arena on the following terms.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the rents and agreements to paid and performed by the Tenant,

1.0 Premises

- 1.1 The Landlord leases to the Tenant the Land and the District 69 Arena (together described hereafter as the "**Premises**").

2.0 Term

- 2.1 For a term commencing on the 1st day of October, 2003 and ending on the 31st day of March, 2008 (the "**Term**").

3.0 Use

- 3.1 The Tenant may use the Premises for the purpose of curling and related activities of the Tenant, for operating a facility for the use of sports under the control of local organizations, for the rental of facility use time to community groups for community activities, community special events, or for recreational programs or activities generated by and under the authority of the Landlord's Recreation and Parks Department.
- 3.2 Should the Tenant receive a request to use the Premises for concerts, sports contests, performances, circuses, displays, exhibits, conventions, trade shows, meetings or social gatherings of a commercial nature, the admission to which requires the purchase of a ticket, the payment of an admission fee or a usage fee, ("**Commercial Events**"), the Tenant will refer the request to the Landlord, and the Landlord will determine whether the Commercial Event may be accommodated at the Premises. The Tenant will not proceed with accommodating the request unless it has received written consent from the Landlord's Manager of Recreation and Parks, which may be withheld by the Landlord in its sole discretion. The Landlord's Manager of Recreation and Parks will respond to any such request from the Tenant within fifteen (15) business days. In exercising its discretion, and without limitation, the Landlord may refuse the Tenant's request if the Landlord determines that the proposed Commercial Event should be held at the Landlord's Oceanside Place multipurpose facility.
- 3.3 The Landlord agrees that it will make reasonable efforts to refer to the Tenant other Commercial Events, which the Landlord decides not to accommodate at the Landlord's Oceanside Place multipurpose facility.
- 3.4 The Tenant and the Landlord's Recreation and Parks Department will meet on an annual basis to review the use of the Premises.

4.0 Rent

- 4.1 The Tenant shall pay to the Landlord an annual rent of **FIVE (\$5.00) DOLLARS** due and payable on the first day of each year of the term, or part thereof.

5.0 Tenant's Covenants

The Tenant covenants with the Landlord:

Rent

- 5.1 to pay all rents reserved under this Sublease;

Taxes

- 5.2 to pay all taxes, rates, duties and assessments whatsoever, whether municipal, provincial, federal, or otherwise, including GST, charged upon the Tenant or the Landlord as a result of the Tenant's occupation of or use of the Premises unless exempted by municipal bylaw;

Utilities

- 5.3 to pay as they become due all charges for all gas, oil, telephone and electric light and power used on the Premises;

Construction

- 5.4 that it will not construct any buildings or structures on the Premises, and will not make any alterations, additions or improvements on or to the Premises including, without limitation, to the District 69 Arena mechanical and ice-making equipment, unless it has obtained:

- (a) the consent of the Landlord;
- (b) if required by law, a development permit from the City of Parksville;
- (c) if required by law, a building permit authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it;

and all such work shall be carried out at the cost of the Tenant;

Assign or Sublet

- 5.5 that it will not assign nor sublet without leave of the Landlord, and without limiting the discretion of the Landlord to grant or refuse such leave, the Tenant acknowledges that under the terms of the Head Lease, any proposed assignment or sublease of this Sublease will require the leave of the Council of the City of Parksville;

Nuisance

- 5.6 that it will not carry on or do or allow to be carried on or done on the Premises anything that
- (a) may be or become a nuisance to the Landlord or the public,
 - (b) increases the hazard of fire or liability of any kind,
 - (c) increases the premium rate of insurance against loss by fire or liability upon the Premises or
 - (d) invalidates any policy of insurance for the Premises; or
 - (e) directly or indirectly causes damage to the Premises;

Regulations

- 5.7 that it will

- (a) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Landlord or the Tenant, and
- (b) indemnify the Landlord from all lawsuits, damages, losses, costs or expenses that the Landlord may incur by reason of non-compliance by the Tenant with legal requirements or by reason of any defect in the Premises or any injury to any person or to any personal property contained on the Premises unless the damages, losses, costs, expenses or injuries are the result of the negligence of the Landlord;

Insurance

- 5.8 that it will take out and maintain during the Term, a policy of general public liability insurance, including a Tenant Legal Liability endorsement, against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises by the Tenant in the amount of not less than Three Million (\$3,000,000.00) Dollars per single occurrence or such greater amount as the Landlord may from time to time designate, naming the Landlord as an additional insured party thereto and shall provide the Landlord with a Certificate of Insurance;
- 5.9 that
- (a) it will take out and maintain during the Term a policy of insurance insuring the Premises to the full insurable replacement value thereof against risk of loss or damage caused by or resulting from fire, lightning, tempest, or earthquake or any additional peril against which the Landlord normally insures, and
 - (b) this policy of insurance shall name the Landlord as an additional insured party to it and shall be in a form satisfactory to the Landlord, and
 - (c) the Tenant shall provide the Landlord with a Certificate of Insurance;
- 5.10 that all policies of insurance shall contain a waiver of subrogation clause in favour of the Landlord and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord 30 days prior written notice;
- 5.11 that if the Tenant does not provide or maintain in force the insurance required by this Sublease, the Landlord may take out the necessary insurance and pay the premium for periods of one year at a time, and the Tenant shall pay to the Landlord as additional rent the amount of the premium immediately on demand;
- 5.12 that if both the Landlord and the Tenant have claims to be indemnified under any insurance required by this Sublease, the indemnity shall be applied first to the settlement of the claim of the Landlord and the balance, if any, to the settlement of the claim of the Tenant;
- 5.13 that it shall be the sole responsibility of the Tenant to determine what additional insurance coverage, if any, including but not limited to Workers' Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfill its obligations under this Lease. Any such additional insurance shall be maintained and provided at the sole expense of the Tenant;

Indemnification

- 5.14 that it will indemnify the Landlord from and against all lawsuits, damages, losses, costs or expenses which the Landlord may incur by reason of the use of the Premises by the Tenant or the carrying on upon the Premises of any activity in relation to the Tenant's use of the Premises and in respect of any loss, damage or injury sustained by the Tenant, or by any person while on the Premises for the purpose of doing business with the Tenant or otherwise dealing with the Tenant, including all costs and legal costs, taxed on a solicitor and client basis, and disbursements and this indemnity shall survive the expiry or sooner determination of this Sublease;

Builders Liens and Other Charges

- 5.15 that it will not permit, do or cause anything to be done to the Premises that would allow any lien, certificate of pending litigation, judgment or certificate of any court, or any mortgage, charge, conditional sales agreement, personal property security or other encumbrance to be imposed or remain on title to the Premises, or any part thereof. In the event of registration of any lien, charge, conditional sales agreement, personal property security or other encumbrance against the Premises, or part thereof, the Tenant shall, within 10 days notice thereof, and at its sole expense, immediately cause the same to be discharged whether by payment or security or other manner as may be permitted by law, and failing which the Landlord, may, but shall not be obliged to, make any payments required to procure the discharge of such lien, charge or encumbrance and the Tenant shall forthwith indemnify the Landlord for all expenses, including legal fees on a solicitor-client basis in connection therewith;

Maintenance

- 5.16 to maintain the Premises, at all times to a high standard of maintenance consistent with the maintenance standards of a local government recreation facility, such maintenance to include, without limitation, the provision of janitorial services, grounds maintenance and upkeep of the parking areas, exterior and interior painting and the regular maintenance of all equipment, furnishings and fittings;

Repairs

- 5.17 to carry out all repairs that are necessary for the proper operation of the District 69 Arena, including without limitation, any necessary repairs or replacements of the structural components of the District 69 Arena, or its roof, electrical and mechanical systems, flooring, furnishings, fittings or equipment;

Continuous Operation

- 5.18 to operate the District 69 Arena for the purposes contemplated hereunder continuously throughout the Term, so that the District 69 Arena is operated as a curling facility for the use of the Society, and third parties to whom the Society may license the use of the District 69 Arena as provided for under sections 3.1, 3.2 and 3.3 of this Agreement;

Staffing

- 5.19 to provide sufficient personnel for the safe and proper operation of the District 69 Arena, whether through volunteers or paid staff, or a combination of those;

Booking of Dry Floor Events

- 5.20 to cooperate with the Landlord's Recreation and Parks Department in the booking of dry floor sports and public recreation events during the Dry Floor Season;

Annual Report

- 5.21 to provide an annual report to the Board of the Landlord within 30 days of the end of each year of the Term, such report to include information on the Tenant's membership and programming, as well as audited copies of the Tenant's financial statements;

Head Lease

- 5.22 to perform all of the obligations of the Tenant (Regional District of Nanaimo) under the Head Lease, except for those contained in sections 4.0, 5.1, 5.8 and 5.9 to the intent and for the purpose that no default under the Head Lease will arise from the tenancy created by this Agreement.

6.0 Landlord's Covenants

- 6.1 The Landlord covenants with the Tenant for quiet enjoyment.

7.0 Miscellaneous Covenants

And it is hereby mutually agreed:

Re-entry

- 7.1 that if the Tenant shall default in the payment of rent, or the payment of any other sum payable hereunder, or fail to perform any covenant hereunder and if such default shall continue for thirty (30) days after the giving of written notice by the Landlord to the Tenant, then the Landlord may re-enter the Premises and the rights of the Tenant with respect to the Premises shall lapse and be absolutely forfeited;

Forfeiture

- 7.2 that the Landlord, by waiving or neglecting to enforce the right to forfeiture of this Sublease or the right of re-entry upon breach of any covenant, condition or agreement in it, does not waive the Landlord's rights upon any subsequent breach of the same or any other covenant, condition or agreement in this Sublease;

Revenue

- 7.3 that all revenue from the operation of the District 69 Arena during the Term shall be for the account of the Tenant;

Destruction

- 7.4 (a) that if the Premises are damaged by fire, flood or other casualty the Tenant shall, within thirty (30) days after the fire, flood or other casualty advise the Landlord in writing whether the Tenant intends to restore, repair or replace the Premises or the portion damaged. If the Tenant intends to undertake and complete restoration, repair or

- replacement the Tenant shall do so within twelve (12) months after the damage has occurred;
- (b) if the Tenant elects not to undertake restoration, repair or replacement this Sublease shall terminate and, for the purpose of this subsection, if the Tenant does not advise the Landlord concerning the Tenant's intention within the thirty (30) days, the Tenant shall be deemed to have elected not to undertake restoration, repair and replacement;

Fixtures

- 7.5 that, unless the Tenant, upon notice from the Landlord, removes them, all buildings, structures or improvements constructed on the Premises by the Tenant, save and except for moveable business fixtures of the Tenant, shall, at the determination of the Sublease, become the sole property of the Landlord at no cost to the Landlord;

Insolvency

- 7.6 that if
- (a) the Term or any of the goods or chattels on the Premises are at any time seized or taken in execution or attachment by any creditor of the Tenant or under bill of sale or chattel mortgage, or
- (b) if a writ of execution issues against the goods or chattels of the Tenant, or
- (c) if the Tenant makes any assignment for the benefit of creditors, or
- (d) if the Tenant becomes insolvent or bankrupt, or
- (e) being an incorporated company or society if proceedings are begun to wind up the company or society, or
- (f) if the Premises or any part of them becomes vacant and unoccupied for a period of thirty (30) days or is used by any other person or persons for any purpose other than permitted in this Sublease without the written consent of the Landlord,

the Term shall, at the option of the Landlord, immediately become forfeited and the then current month's rent for the three months next following shall immediately become due and payable as liquidated damages to the Landlord, and the Landlord may re-enter and repossess the Premises despite any other provision of this Sublease;

Removal of Goods

- 7.7 if the Tenant removes its goods and chattels from the Premises, the Landlord may follow them for 30 days;

Renewal

- 7.8 that upon the expiration of the Term the parties may mutually agree to enter into a new lease of the Premises containing agreed terms and conditions, subject to a renewal of the Head Lease, and the approval of the Council for the City of Parksville to a new lease between the Landlord and the Tenant;

Time

7.9 that time shall be of the essence of this Sublease;

Termination

7.10 that the Landlord may terminate this Sublease at any time upon the provision of thirty (30) days' notice in writing to the Tenant if the Tenant is in default of any provision of this Sublease;

7.11 that either the Landlord or the Tenant may terminate this Sublease at any time upon the provision of six (6) months written notice, provided that if the period of notice provided by the Landlord falls within the period between October 15th of one year of the Term and April 15th of the next year, the Landlord's termination will be deemed effective April 15th. This provision for extension of the period of notice shall not apply to a notice of termination for default given under section 7.10;

Notices

7.12 that any notice required to be given under this Sublease shall be deemed to be sufficiently given:

- (a) if delivered, at the time of delivery, and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid, registered mail addressed as follows:

If to the Landlord:

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

If to the Tenant:

Box 1624
Parksville, BC V9P 2H3

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of the mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lockout or other labour dispute then the notice may only be given by actual delivery of it.

Net Sublease

7.13 that this Sublease shall be a complete carefree net lease to the Landlord as applicable to the Premises and the Landlord shall not be responsible during the Term for any cost, charges, expenses or outlays of any nature whatsoever in respect of the Premises or its contents, or the operation of the Premises, except those mentioned in this Sublease;

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Landlord's Insurance

- 7.14 that in the event the cost to the Tenant of the property insurance required under section 5.9 exceeds the cost of such insurance, should it be placed and maintained by the Landlord, that by agreement of the Landlord and Tenant, the Landlord may place and maintain such property insurance for the Premises and charge the cost of that insurance to the Tenant;

Fitness of Premises

- 7.15 (a) that the Landlord has made no representation or warranties as to the condition, fitness or nature of the Premises and by executing this Sublease, the Tenant releases the Landlord from any and all claims, which the Tenant now has or may in future have in that respect;
- (b) that the Tenant admits that it has inspected the Premises in their present state, that they are suitable for the Tenant's purposes, and that the Tenant shall at its sole cost be responsible for any and all repairs, improvements and upgrades necessary for the operation of the District 69 Arena by the Tenant;
- (c) that without limiting subparagraph 7.15(b), the Tenant acknowledges that the operations equipment and fixtures listed in Schedule 'C' to this Sublease will be removed from the Premises by the Landlord prior to the commencement of the Term and that the Tenant will be solely responsible for the provision of any necessary replacements;
- (d) that without limiting section 7.15(b) or section 5.15, the Tenant shall be solely responsible for the maintenance, repair and replacement of the equipment and fixtures listed in Schedule 'D' to this Sublease, and that all of the said equipment and fixtures, including any replacements thereof, shall be and remain the sole property of the Landlord.

Inspection

- 7.16 that the Landlord may enter the Premises at any time during the Landlord's regular business hours, and at any other time on providing 24 hours notice to the Tenant, for the purpose of inspecting the Premises and determining whether the Tenant is in compliance with its obligations under this Sublease;

Paramountcy of Head Lease

- 7.17 that to the extent any right or benefit conferred by this Sublease contravenes or is incompatible with the Head Lease, such right or benefit will be amended or modified so as not to contravene or be incompatible with the Head Lease.

Binding Effect

- 7.18 that this Sublease shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees;

Amendment

- 7.19 that the parties hereto may by agreement amend the terms of this Sublease, such amendment to be evidenced in writing and executed by both parties;

Law Applicable

7.20 that this Sublease shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia;

7.21 Relationship of the Parties

No provision of this lease shall be construed to create a partnership or joint venture relationship, an employer-employee relationship, or a principal-agent relationship between the parties;

Interpretation

7.22 that when the singular or neuter are used in this Sublease they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;

7.23 all provisions of this Sublease are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;

7.24 that the headings to the clauses in this Sublease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Sublease or provision of it.

IN WITNESS the parties have signed and sealed this Sublease on the _____ day of _____, 2003.

Regional District of Nanaimo by its authorized)
signatories)
)
_____)
Chief Administrative Officer)
)
_____)
General Manager, Corporate Administration)
)

The Parksville Curling Club Society by its)
authorized signatories)
)
_____)
Name:)
)
_____)
Name:)
)

SCHEDULE 'A'

PID

That part of the remainder of Parcel "B" (DD34903-1) as shown outlined on the reference plan annexed hereto as Schedule "B" and prepared by N. Roger Parry, B.C.L.S., dated the 2nd day of December, 1997, and marked "Lease Area A".

SCHEDULE 'B'

REFERENCE PLAN TO ACCOMPANY LEASE OF PART
OF THE REMAINDER OF PARCEL B (DD 34903I)
OF DISTRICT LOT 13, NANOOSE DISTRICT.
(Pursuant to Section 22(1)(b) of the Land Title Act.)

PLAN VIP 67307

Deposited in the Land Title Office of Victoria, B.C.
this 9 day of January, 1998

Harold K. ...
The plan has been approved by the Registrar of the District of Nanoose.

B.C.G.S. 824.008
Scale = 1:1000

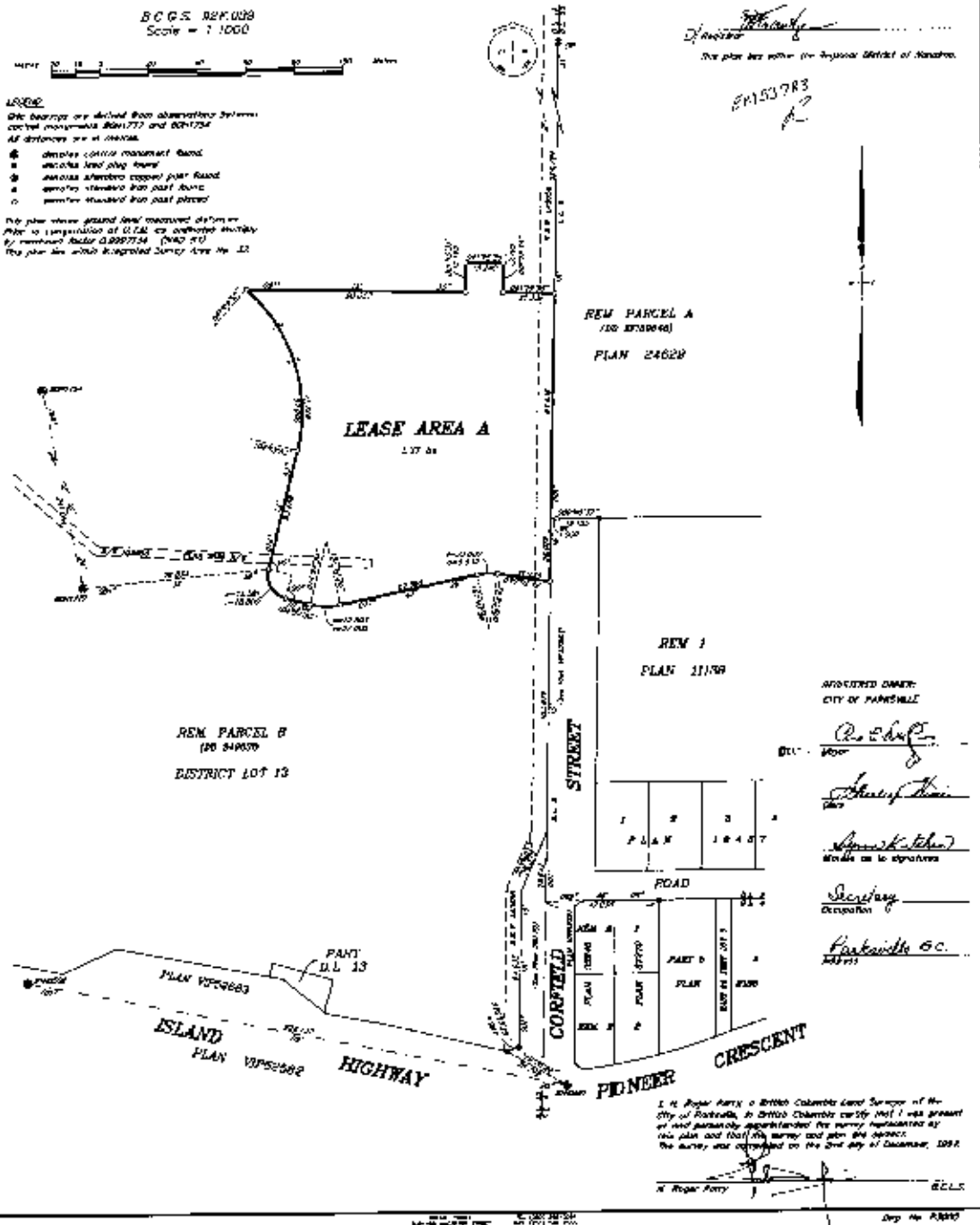


LEGEND

The bearings are derived from observations between
control monuments 8261773 and 8261734.
All distances are in metres.

- denotes corner monument found
- denotes land plug found
- denotes structure capped post found
- △ denotes structure iron post found
- denotes structure iron post placed

This plan shows ground level measured by the
P.L.S. in compliance of U.T.M. or another suitable
method under 0.000734 (NAD 83).
The plan also shows integrated survey data No. 12.



ASSOCIATED OWNER:
CITY OF PARKSHELL

As Staff
BY: *[Signature]*

[Signature]
BY: *[Signature]*

[Signature]
BY: *[Signature]*

[Signature]
BY: *[Signature]*

[Signature]
BY: *[Signature]*

I, the Registrar, a British Columbia Land Surveyor of the
City of Parksville, in British Columbia certify that I was present
at and personally supervised the survey represented by
this plan and that the survey and plan are correct.
The survey was completed on the 2nd day of December, 1997.

[Signature]
H. Roger Perry
B.C.L.S.

FILED
ATTORNEY
LAWYER
KINGSTON
VICTORIA
B.C.

PAGE
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SCHEDULE 'C'

Key operations and office equipment to be removed by Landlord:

1. All ice maintenance equipment including paint apparatus, hoses and hand tools
2. All power and hand shop tools
3. Man-lift and ladders
4. All grounds maintenance equipment
5. All first aid equipment and supplies including Scott Air Packs
6. All janitorial equipment and supplies
7. All phones, data and cable lines
8. All office equipment and non-affixed desks
9. Meeting room table and chairs
10. All spare motors and drives
11. Score clock and wall clocks
12. Sound System and components

SCHEDULE 'D'

District 69 Arena
193 East Island Highway
Parksville, BC

Equipment to remain at the facility and be included for use under the terms and conditions of the facility lease arrangement with the Parksville Curling Club Society:

Refrigeration

1. Compressors and system components
2. Chiller
3. Condenser
4. Dehumidifiers
5. Operational control systems (does not include personal safety equipment)

Building Equipment

1. Domestic and operational water system
2. Roof top furnaces and controls
3. All air handling systems and controls
4. Fire control systems
5. Fire suppression equipment
6. Electrical control panels
7. Washroom sink and toilets (paper dispensers are on loan from supplier, Acme Supplies and may be removed at the supplier's discretion)

Lighting fixtures

1. All fixed lighting throughout the building
2. All fixed exterior lighting

Alarm System

1. Key pads and motion detectors (decommissioned)

Concession

1. Hand Sink and grease trap
2. Exhaust fan
3. Food preparation and storage equipment
 - a. Popcorn Maker
 - b. Self Contained Fryer
 - c. Nacho Warmer
 - d. Hot Dog Machine
 - e. Freezer
 - f. Fridge

Mill Work

1. All affixed millwork will remain in the washrooms, staff room and front office.

SCHEDULE 'E'

HEAD LEASE

THIS LEASE made the 21st day of July, 2003

**UNDER THE *LAND TRANSFER FORM ACT, PART 2*
AND THE *LOCAL GOVERNMENT ACT***

BETWEEN:

CITY OF PARKSVILLE

100 E. Jensen Avenue
P.O. Box 1390
Parksville, BC V9P 2H3

(the "Landlord")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the "Tenant")

OF THE SECOND PART

WHEREAS:

- A. On the 1st day of July, 1977, an Agreement was entered into between the City of Parksville and the Regional District of Nanaimo providing for the lease of a specified area of land within the Parksville Community Park for the erection of the District 69 Ice Arena;
- B. On the 15th day of April, 1980, a Memorandum of Agreement was entered into between the parties providing for a revised description of the specified area of land within the Parksville Community Park for the location of the District 69 Ice Arena;

- C. On the 1st day of July, 1987, an Agreement was entered into between the parties for a lease of the specified area of land within the Parksville Community Park for the location of the District 69 Ice Arena, a recreational facility operated by the Tenant, for a five year term;
- D. On the 15th day of June, 1992, an Agreement was entered into between the parties for a specified area of land within the Parksville Community Park for the District 69 Ice Arena, a recreational facility operated by the Tenant, for a period of five years;
- E. On the 1st day of July, 1997, an Agreement was entered into between the parties for a specified area of land within the Parksville Community Park for the District 69 Ice Arena, a recreational facility operated by the Tenant, for a period of five years;
- F. The Parties wish to enter into an agreement for the lease of the same lands and premises for a further term of five years to permit the Tenant to continue to operate the District 69 Ice Arena;
- G. The Tenant has requested and the Landlord has agreed to grant a lease in the following terms.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the rents and agreements to be paid and performed by the Tenant,

1.0 Premises

The Landlord leases to the Tenant the land described in Schedule 'A' annexed to this Lease (the "**Premises**").

2.0 Term

For the term of five years commencing on the 1st day of May 2003, and ending on the 30th day of April, 2008.

3.0 Use

The Tenant may use the Premises only for the purpose of providing and operating recreation programs and facilities and for other related community uses.

4.0 Rent

The Tenant shall pay to the Landlord an annual rent of five (\$5.00) dollars due and payable on the first day of each year of the term.

5.0 Tenant's Covenants

The Tenant covenants with the Landlord:

Rent

- 5.1 to pay all rents reserved under this Lease;

Taxes

- 5.2 to pay all taxes, rates, duties and assessments whatsoever, whether municipal, provincial, federal, or otherwise, including GST, charged upon the Tenant or the Landlord as a result of the Tenant's occupation of or use of the Premises unless exempted by municipal bylaw;

Utilities

- 5.3 to pay as they become due all user fees and rates for utility services including, without limitation, all charges for all gas, oil, telephone and electric light and power used on the Premises;

Construction

- 5.4 that it will not construct any buildings or structures on the Premises without the Landlord's approval, which may be withheld at the sole discretion of the Landlord and that it will not construct or renovate any buildings or structures on the Premises unless, prior to any construction or renovation, it obtains

- (a) a development permit from the Landlord, if required under the Official Community Plan and Zoning Bylaw of the City of Parksville;
- (b) a building permit, where required by the bylaws of the City of Parksville regulating building construction, authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it; and
- (c) such inspections as are required under the bylaws of the City of Parksville regulating building construction,

and all work shall be carried out at the cost of the Tenant;

Assign or Sublet

- 5.5 that it will sublet the Premises only to The Parksville Curling Club Society (Reg. No. 28480), and only for the purposes of operating a curling, recreation and community use facility, and will not otherwise sublease the Premises or assign this Lease without the prior written consent of the Landlord, which consent may be withheld in the sole discretion of the Landlord;

Nuisance

- 5.6 that it will not carry on or do or allow to be carried on or done on the Premises anything that may be or become a nuisance to the Landlord or the public;

Regulations

- 5.7 that it will

- (a) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Landlord or the Tenant; and
- (b) indemnify the Landlord from all lawsuits, damages, losses, costs or expenses that the Landlord may incur by reason of non-compliance by the Tenant with legal requirements or by reason of any defect in the Premises or any injury to any person or to any personal property contained on the Premises unless the damages, losses, costs, expenses or injuries are the result of the negligence of the Landlord;

Insurance

- 5.8 that it will take out and maintain during the Term, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises by the Tenant in the amount of not less than Five Million (\$5,000,000.00) Dollars per single occurrence or such greater amount as the Landlord may reasonably designate, from time to time, naming the Landlord as an insured party thereto and shall provide the Landlord with a certified copy of such policy or policies;
- 5.9 that
- (a) it will take out and maintain during the Term a policy of insurance in the name of the Tenant insuring the ice arena and all fixtures and improvements to the full insurable replacement value thereof against risk of loss or damage caused by or resulting from fire, lightning, tempest, or earthquake and any additional peril against which the Landlord normally insures, and
 - (b) the Tenant shall provide the Landlord with a certified copy of the policy.
- 5.10 that all policies of insurance shall contain a waiver of subrogation clause in favour of the Landlord and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord thirty (30) days prior written notice;
- 5.11 that if the Tenant does not provide or maintain in force the insurance required by this Lease, the Landlord may take out the necessary insurance and pay the premium for periods of one year at a time, and the Tenant shall pay to the Landlord as additional rent the amount of the premium immediately on demand;

Damage or Destruction

- 5.12 that if the ice arena or other building or structure is destroyed or damaged by fire, tempest or other event and, in the opinion of the Tenant acting reasonably, either:
- (a) the estimated cost of repairing such destruction or damage is unreasonably high; or
 - (b) the time reasonably anticipated as being necessary for the repair of such destruction or damage is too long;

then the Tenant may, at its option, and upon written notice to the Landlord delivered within ninety (90) days after the occurrence of the destruction or the damage, terminate this lease, such termination to take effect sixty (60) days after the exercise of the option to terminate. On such termination all proceeds of insurance payable in respect of such destruction or damage shall be paid to the Tenant;

Indemnification

- 5.13 that it will indemnify the Landlord from and against all lawsuits, damages, losses, costs or expenses which the Landlord may incur by reason of the use of the Premises by the Tenant or the carrying on upon the Premises of any activity in relation to the Tenant's or any subtenants use of the Premises and in respect of any loss, damage or injury sustained by the Tenant, or by any person while on the Premises for the purpose of doing business with the Tenant or otherwise dealing with the Tenant, except insofar as any damage, loss, injury, cost or expense is caused or contributed to by the negligence of the Landlord or its officers, employees or agents and this indemnity shall survive the expiry or sooner determination of this Lease;

Builders Liens

- 5.14 that it will indemnify the Landlord from and against all claims for liens for wages or materials or for damage to persons or property caused during the making of or in connection with any excavation, construction, repairs, alterations, installations and additions which the Tenant may make or cause to be made on, in or to the Premises; and will allow the Landlord to post and will keep posted on the Premises any notice that the Landlord may desire to post under the provisions of the *Builders Lien Act*;

Maintenance

- 5.15 to maintain the Premises, at all times to a reasonable standard of maintenance having regard to the activities carried on within the ice arena.

6.0 Landlord's Covenants

The Landlord covenants with the Tenant for quiet enjoyment.

7.0 Miscellaneous Covenants

And it is hereby mutually agreed:

Re-entry

- 7.1 that if the Tenant shall default in the payment of rent, or the payment of any other sum payable hereunder, or fail to perform any covenant hereunder and if such default shall continue for thirty (30) days after the giving of written notice by the Landlord to the Tenant, then the Landlord may re-enter the Premises and the rights of the Tenant with respect to the Premises shall lapse and be absolutely forfeited;

Forfeiture

- 7.2 that the Landlord, by waiving or neglecting to enforce the right to forfeiture of this Lease or the right of re-entry upon breach of any covenant, condition or agreement in it, does not waive the Landlord's rights upon any subsequent breach of the same or any other covenant, condition or agreement in this Lease;

Fixtures

- 7.3 that the ice arena is owned by the Tenant and if the Tenant elects not to rebuild the ice arena under section 5.12, or if this Lease is otherwise terminated, the ice arena or the remains of it, and the proceeds of any fire insurance or sale are the property of the Tenant, as an asset of the recreation local service provided by the Tenant for and within the City of Parksville (the Landlord) the Town of Qualicum Beach and Electoral Areas F, G and H of the Regional District of Nanaimo or any amended or successor local service providing community recreation services within the Regional District of Nanaimo, in accordance with the *Local Government Act* and in spite of any law to the contrary;
- 7.4 if the Landlord and the Tenant do not enter into a new lease to become effective immediately following the expiration of the Term, the Landlord and the Tenant will negotiate in good faith towards an agreement on the disposition of the Tenant's Improvements (including the arena, parking lots, fencing, signage and other improvements made by the Tenant), either by way of removal of those improvements from the Premises by the Tenant, or the transfer of those improvements to the Landlord, on terms that are mutually acceptable to the parties. If the parties are unable to agree upon a transfer value within six (6) months after expiration of the Term, that dispute will be submitted to binding arbitration and the arbitrator may order removal or transfer for value (or a combination of removal and transfer) taking into account such factors as depreciated building value.

Holding Over

- 7.5 that if the Tenant holds over following the Term and the Landlord accepts rent, this Lease becomes a tenancy from month-to-month subject to those conditions in this Lease applicable to a tenancy from month-to-month;

Renewal

7.6 that upon the expiration of the Term the parties may agree to enter into a new lease of the Premises containing agreed terms and conditions.

Time

7.7 that time shall be of the essence of this Lease;

Notices

7.8 that any notice required to be given under this Lease shall be deemed to be sufficiently given:

- (a) if delivered, at the time of delivery, and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid, registered mail addressed as follows:

If to the Landlord:

City of Parksville
100 E. Jensen Avenue
P.O. Box 1390
Parksville, BC V9P 2H3

If to the Tenant:

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

or at the address a party may from time-to-time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of the mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lockout or other labour dispute then the notice may only be given by actual delivery of it;

Net Lease

7.9 that this Lease shall be a complete carefree net lease to the Landlord as applicable to the Premises and the Landlord shall not be responsible during the Term for any cost, charges, expenses or outlays of any nature whatsoever in respect of the Premises or its contents except those mentioned in this Lease;

SCHEDULE 'A'

PTD:

That Part of the remainder of Parcel "B" (DD 34903-1), District Lot 13, Nanoose District as shown outlined on the reference plan annexed hereto as Schedule 'B' and prepared by N. Roger Parry, B.C.L.S., dated the 2nd day of December, 1997 and marked "Lease Area A".

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE
REGIONAL WASTE ADVISORY COMMITTEE HELD ON
THURSDAY, SEPTEMBER 11, 2003, AT 4:00 PM IN THE
RDN BOARD CHAMBERS**

Present:

Lou Biggemann	Chairperson
Denise Haime	Director, RDN
Randy Longmuir	City of Parksville
Gary Franssen	City of Nanaimo
John Beute	Waste Management
Norman Abbey	Environment Community
Mike Schellnick	Waste Management

Also in Attendance:

Carey McIver	Manager Solid Waste
Alan Stanley	Solid Waste Program Coordinator

Absent:

Loyd Sherry	Director, RDN
Mike Gallo	Business Community
Gordon Proctor	General Public (South)
Clive Jones	General Public (North)
Don Alberg	Town of Qualicum Beach
Al Leuschen	Ministry of Water, Land & Air Protection
Phil Wong	Environment Canada
David Coombe	Central Vancouver Island Health Unit

The Chairperson called the meeting to order at 4:02 pm.

MINUTES

Minutes of the Regional Waste Advisory Committee meeting of July 3, 2003 were adopted.

RESIDUAL SOLID WASTE DISPOSAL OPTIONS

Carey McIver introduced a presentation on Residual Solid Waste Disposal Options similar to the presentation made on this matter to the Board.

Questions were as follows:

Gary Franssen asked for a comparison of the RDN's tipping fees versus other districts. Are other regional districts subsidized?

Carey McIver explained that the other regional districts are being subsidized. Cowichan Valley Regional District funds approximately 50% of solid waste disposal costs with taxes.

Lou Biggeman asked if Cache Creek is nearing capacity.

Carey McIver answered that the Greater Vancouver Regional District has purchased a site at Ashcroft, so if Cache Creek is nearing capacity the RDN will start to use Ashcroft along with the GVRD.

Denise Haime asked if the twenty-year time frame mentioned in the presentation included exporting at the present rate.

Carey McIver responded yes, twenty to twenty-five years.

John Beute asked what diversion rate is used?

Carey McIver answered the existing rate (54%) plus 10,000 tonnes of organics estimated. The more organics and construction/demolition waste that go into the existing landfill, the sooner it will reach capacity.

Mike Schellnick wanted to know if Cache Creek was the only option for exporting solid waste.

Carey McIver responded that a Request for Proposals was issued in 1997 and there were a number of proponents from Washington and Oregon.

Denise Haime asked why the landfill couldn't be used as a transfer station.

Carey McIver responded that the landfill cannot be used until the garbage settles and the gas releases.

Norman Abby asked if there were any implications for the RDN with respect to the Norske proposal to burn tires at a new plant in Powell River.

Al Stanley commented that the Norske proposal to burn tires in Powell River is very controversial and will be decided at the provincial level. As a result of Product Stewardship, tires are being recycled locally and made into dairy mats and playground material.

Carey McIver asked for comments on the Board's decision to optimize capacity. Committee members present were supportive of the decision.

Denise Haime asked Carey how high the line of site at the landfill is now versus the old site.

Carey McIver answered that the height of the new landfill will be 60 metres; the height of the old landfill is roughly 35 metres.

John Beute asked what the RDN's liability was in having the public on the landfill site if it is turned into a public park.

Carey McIver responded that after the landfill has settled, with a new leachate collection system being put in place in the next year, the closed landfill could be turned into a nature park, just like the Britannia Landfill/Golf Course, within five years.

ADJOURNMENT

MOVED Director Haime, SECONDED Director Longmuir.

TIME: 5:22 pm.

CHAIRPERSON