

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, APRIL 9, 2013
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

4-13 Minutes of the Regular Committee of the Whole meeting held Tuesday, March 12, 2013.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

14-15 **Alastair Bryson, Chair, Capital Regional District**, re Island Corridor Foundation and VIA Rail Negotiations.

UNFINISHED BUSINESS

CORPORATE SERVICES

ADMINISTRATIVE SERVICES

16-18 Update on Board Appointments to Advisory Bodies .

INFORMATION TECHNOLOGY

19-20 2013 Report – Rogers Cell Tower Agreement and Renewal Extension.

FINANCIAL SERVICES

21-27 Bylaws No. 1679, 1680, 1681 and 1682 – Authorize the Use of Development Cost Charge Funds.

28-31 Bylaws 1683 and 1684 – Authorize Expenditure of Bulk Water Development Cost Charge Funds.

STRATEGIC AND COMMUNITY DEVELOPMENT

BUILDING, BYLAW, AND EMERGENCY SERVICES

- 32-41 Animal Control Licensing Amendment Bylaw No. 939.03, 2013; Animal Control Amendment Bylaw No. 941.04, 2013; Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013.

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER SERVICES

- 42-49 Bylaw No. 975.58 – Pump & Haul Bylaw Amendment to Include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').

WATER SERVICES

- 50-60 Westerne Heights Study Area Petition Results and Service Area Establishing and Borrowing Bylaws (Bylaws No. 1677 and 1678).

COMMISSION, ADVISORY & SELECT COMMITTEE MINUTES AND RECOMMENDATIONS

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

Agricultural Area Plan Recommended Implementation Action 1.1A. – *At the March 12, 2013 Committee of the Whole meeting Director Veenhof advised that he would be bringing forward the following motion for consideration at the April 9, 2013 Committee of the Whole Meeting:*

That the Agricultural Area Plan Recommended Implementation Action 1.1A, "consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)", be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process.

Rural Signage – *At the March 12, 2013 Committee of the Whole meeting Director Veenhof advised that he would be bringing forward the following motion for consideration at the April 9, 2013 Committee of the Whole Meeting:*

That staff be directed to prepare a report to the Board on a proposed consultative process with the intent of identifying rural signage concerns and reducing any impediments to effective signage.

IN CAMERA

That pursuant to Sections 90 (1) (c), (e), (g), (i), and (j) of the Community Charter the Board proceed to an In Camera meeting for discussions related to labour relations, land acquisitions, litigations, solicitor-client privilege, and third-party interests.

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR COMMITTEE MEETING OF THE WHOLE
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MARCH 12, 2013 AT 7:00 PM IN THE
RDN BOARD CHAMBERS

In Attendance:

Director J. Stanhope	Chairperson
Director D. Brennan	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director G. Anderson	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director T. Greves	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Alternate	
Director B. McKay	City of Nanaimo
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach

Regrets:

Director J. Kipp	City of Nanaimo
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Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
S. DePol	A/Gen. Mgr. Regional & Community Utilities
T. Armet	A/ Gen. Mgr. Strategic & Community Development
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director McKay to the meeting.

LATE DELEGATIONS

MOVED Director Veenhof, SECONDED Director Willie, that the following late delegations be permitted to address the Committee.

CARRIED

Jim Crawford, re Rural Village Centre Study.

Mr. Crawford provided information on a proposed Deep Bay project by Baynes Sound Investments and raised the company's concerns with the Rural Village Centre Study.

Ian MacDonnell, re Regional Growth Strategy with Respect to Deep Bay.

Mr. MacDonnell spoke to the Regional Growth Strategy update process as it relates to Deep Bay and Bowser.

COMMITTEE OF THE WHOLE MINUTES

MOVED Director Holme, SECONDED Director Anderson, that the minutes of the Committee of the Whole meeting held February 12, 2013, be adopted.

CARRIED

BUSINESS ARISING FROM THE MINUTES

The Chairperson noted that Director Veenhof left the meeting citing a possible conflict of interest with the next item.

Deep Bay Coast Funding.

MOVED Director Fell, SECONDED Director Young, that staff be directed to include a \$5,000 funding request from the Deep Bay Coast Guard in budget discussions for the proposed 2014 budget.

CARRIED

Director Veenhof returned to the meeting.

COMMUNICATION/CORRESPONDENCE

Dave Bartram, re Rural Village Centre Study.

MOVED Director Lefebvre, SECONDED Director Young, that the correspondence from Dave Bartram regarding the Rural Village Centre Study be received.

CARRIED

Terry Lake, Minister of Environment, re Oil Spill Prevention, Preparedness and Response in Coastal Communities.

MOVED Director Greves, SECONDED Director Ruttan, that the correspondence from the Minister of Environment regarding oil spill prevention, preparedness and response in Coastal Communities be received.

CARRIED

Trudy Coates, Town of Qualicum Beach, re RCMP Community Policing Program Funding.

MOVED Director Greves, SECONDED Director Ruttan, that the correspondence from the Town of Qualicum Beach regarding RCMP community policing program funding be received.

CARRIED

CHIEF ADMINISTRATIVE OFFICER

2013 Service Area Work Plan Projects.

MOVED Director Greves, SECONDED Director Lefebvre, that the Board receive the list of service area work plan projects for 2013 for information.

CARRIED

FINANCIAL SERVICES

Electoral Area 'A' Recreation and Culture Budget.

MOVED Director McPherson, SECONDED Director Young, that staff be directed to increase the tax requisition for the Electoral Area 'A' Recreation and Culture Service by \$25,000 and to update the proposed Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013 to reflect this increase.

CARRIED

Bylaw 1676 – 2013 to 2017 Financial Plan.

MOVED Director Greves, SECONDED Director Anderson, that "Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013" be introduced and read three times.

CARRIED

MOVED Director Greves, SECONDED Director Anderson, that "Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013" be adopted.

CARRIED

Bylaws 1318.02, 1319.03, 1320.03, 1448.03 and 1449.02 – Bylaws to Amend the Port Theatre Contribution Service Requisition Limits.

Bylaw 1318.02

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'A' Port Theatre Contribution Service Amendment Bylaw No. 1318.02, 2013" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'A' Port Theatre Contribution Service Amendment Bylaw No. 1318.02, 2013" be adopted.

CARRIED

Bylaw 1319.03

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'B' Cultural Centre Contribution Service Amendment Bylaw No. 1319.03, 2013" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'B' Cultural Centre Contribution Service Amendment Bylaw No. 1319.03, 2013" be adopted.

CARRIED

Bylaw No. 1320.03

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'C' (defined C) Port Theatre Contribution Service Amendment Bylaw No. 1320.03, 2013" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'C' (defined C) Port Theatre Contribution Service Amendment Bylaw No. 1320.03, 2013" be adopted.

CARRIED

Bylaw No. 1448.03

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'C' (defined Area 'D') Port Theatre Contribution Service Amendment Bylaw No. 1448.03, 2013" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'C' (defined Area 'D') Port Theatre Contribution Service Amendment Bylaw No. 1448.03, 2013" be adopted.

CARRIED

Bylaw 1449.02

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'E' Port Theatre Contribution Service Amendment Bylaw No. 1449.02, 2013" be introduced and read three times.

CARRIED

MOVED Director Brennan, SECONDED Director Johnstone, that "Electoral Area 'E' Port Theatre Contribution Service Amendment Bylaw No. 1449.02, 2013" be adopted.

CARRIED

Director Bestwick joined the meeting.

2013 Parcel Tax Rate Bylaws – (1567.04, 1336.10, 1568.04, 1569.04, 1483.07, 1525.04, 1231.04 and 1657.01).

Bylaw 1567.04

MOVED Director Veenhof, SECONDED Director Houle, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.04, 2013" be adopted.

CARRIED

Bylaw 1336.10

MOVED Director Veenhof, SECONDED Director Houle, that "Driftwood Water Supply Service Area Parcel Tax Rates Amendment Bylaw No. 1336.10, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Driftwood Water Supply Service Area Parcel Tax Rates Amendment Bylaw No. 1336.10, 2013" be adopted.

CARRIED

Bylaw 1568.04

MOVED Director Veenhof, SECONDED Director Houle, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.04, 2013" be adopted.

CARRIED

Bylaw 1569.04

MOVED Director Veenhof, SECONDED Director Houle, that "Fire Services Parcel Tax Rates Amendment Bylaw No. 1569.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Fire Services Parcel Tax Rates Amendment Bylaw No. 1569.04, 2013" be adopted.

CARRIED

Bylaw 1483.07

MOVED Director Veenhof, SECONDED Director Houle, that "Barclay Crescent Sewer Service Area Parcel Tax Rates Amendment Bylaw No. 1483.07, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Barclay Crescent Sewer Service Area Parcel Tax Rates Amendment Bylaw No. 1483.07, 2013" be adopted.

CARRIED

Bylaw 1525.04

MOVED Director Veenhof, SECONDED Director Houle, that "Crime Prevention and Community Justice Support Service Parcel Tax Rates Amendment Bylaw No. 1525.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Crime Prevention and Community Justice Support Service Parcel Tax Rates Amendment Bylaw No. 1525.04, 2013" be adopted.

CARRIED

Bylaw 1231.04

MOVED Director Veenhof, SECONDED Director Houle, that "Regional Parks and Trails Service Parcel Tax Rates Amendment Bylaw No. 1231.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Regional Parks and Trails Service Parcel Tax Rates Amendment Bylaw No. 1231.04, 2013" be adopted.

CARRIED

Bylaw 1657.01

MOVED Director Veenhof, SECONDED Director Houle, that "Northern Community Economic Development Service Parcel Tax Rates Amendment Bylaw No. 1657.01, 2013" be introduced and read three times.

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that "Northern Community Economic Development Service Parcel Tax Rates Amendment Bylaw No. 1657.01, 2013" be adopted.

CARRIED

Preliminary Operating Results for the Period Ending December 31, 2012.

MOVED Director Anderson, SECONDED Director Veenhof, that the summary report of financial results for Regional District of Nanaimo operations to December 31, 2012 be received for information.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

2012 Annual Report on the Regional Growth Strategy Implementation and Progress.

MOVED Director Lefebvre, SECONDED Director Anderson, that the Regional Growth Strategy 2012 Annual Report be received.

CARRIED

MOVED Director Lefebvre, SECONDED Director Anderson, that staff be directed to distribute and use the 2012 Annual Report as part of efforts to raise awareness and provide education about the Regional Growth Strategy and its implementation.

CARRIED

Rural Village Centre Study.

MOVED Director Fell, SECONDED Director McPherson, that the Rural Village Centre Study be received for information and referred to an EA Director's Seminar for further discussion by the EA Directors.

CARRIED

BUILDING, BYLAW AND EMERGENCY

Electoral Area 'F' Animal Control – Release of Reserve Funds.

MOVED Director Fell, SECONDED Director Holme, that the Board approve the release of \$7,538 from the Electoral Area 'F' Animal Control Reserve Fund for the payment of legal and boarding fees.

CARRIED

Animal Control Regulatory Amendment Bylaw 1066.02, 2013.

MOVED Director Holme, SECONDED Director Johnstone, that Regional District of Nanaimo "Animal Control Regulatory Amendment Bylaw No. 1066.02, 2013" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that Regional District of Nanaimo "Animal Control Regulatory Amendment Bylaw No. 1066.02, 2013" be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that staff be directed to prepare the necessary amendments to "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005".

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that staff be directed to prepare amendments to Regional District of Nanaimo "Animal Control and Licensing Bylaw No. 939, 1994" (Electoral Areas 'E', 'G', 'H') to reflect the current legislation applicable to the regulation of dogs, and to add the provision for the muzzling of vicious dogs, for the Board's consideration.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that staff be directed to prepare amendments to Regional District of Nanaimo "Animal Control Bylaw No. 941, 1994" (Electoral Area 'F') to reflect the current legislation applicable to the regulation of dogs, and to add the provision for the muzzling of vicious dogs, for the Board's consideration.

CARRIED

TRANSPORTATION AND SOLID WASTE

SOLID WASTE

Solid Waste Management Plan Review – Regional Solid Waste Advisory Committee.

MOVED Director Holme, SECONDED Director McPherson, that the Board approve the revised Regional Solid Waste Advisory Committee Terms of Reference as attached.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WATER SERVICES

Bylaw 1655.01 – Water User Rate Amendments 2013.

MOVED Director Holme, SECONDED Director Brennan, that "Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.01, 2013" be introduced and read three times.

CARRIED

Information Report – French Creek Bulk Water Service Area Removal from the Englishman River Water Service Joint Venture Agreement.

MOVED Director Lefebvre, SECONDED Director Anderson, that the information report on the removal of the French Creek Bulk Water Service Area from the Englishman River Water Service joint venture agreement be received.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE MINUTES AND RECOMMENDATIONS

Electoral Area 'A' Parks, Recreation and Culture Commission.

MOVED Director McPherson, SECONDED Director Young, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held on Wednesday, February 20, 2013 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Veenhof, SECONDED Director Fell, that the minutes of the District 69 Recreation Commission meeting held on Thursday, February 21, 2013 be received for information.

CARRIED

District 69 Recreation Grants.

MOVED Director Veenhof, SECONDED Director Houle, that the following District 69 Recreation Youth Grants be approved:

Community Group	
893 Beaufort Squadron Air Cadets – program expenses	\$1,500
Arrowsmith Community Enhancement Society – youth programs	990
Ballenas Secondary School – Dry Grad	1,250
District 69 Minor Softball – equipment and uniforms	1,250
Kwalikum Secondary School – Dry Grad	1,250
Oceanside Baseball Association – equipment	1,859
Oceanside Community Arts Council – equipment and software	1,500
Oceanside Track and Field Club – reconditioning cinder and club equipment	3,851
Parksville Curling Club – junior program	1,275
Total	\$14,725

CARRIED

MOVED Director Veenhof, SECONDED Director Houle, that the following District 69 Recreation Community Grants be approved:

Community Group	
Town of Qualicum Beach – Beach Day sound rental, first aid, displays and supplies	\$1,500
Errington Coop Preschool – supplies and equipment	905
Errington Elementary School PAC – sandbox	1,265
Errington Therapeutic Riding Association – program expenses horses and arena	1,100
French Creek Community School PAC – lacrosse program	1,250
Lighthouse Recreation Commission – program expenses	3,000
North Island Wildlife Recovery Association – Wildlife Family Day	450
Parksville Adult Badminton – facility rental and insurance	456
Vancouver Island Opera Recital Series – facility rental and advertising	650
Total	\$10,576

CARRIED

2012 Ravensong Aquatic Centre Assessment Survey.

MOVED Director Veenhof, SECONDED Director Willie, that staff be directed to implement changes to the Ravensong Aquatic Centre schedule and to reallocate program space, where possible, to meet the needs identified through the 2012 Ravensong Aquatic Centre Assessment Survey.

CARRIED

MOVED Director Veenhof, SECONDED Director Willie, that staff be directed to meet with Hughes Condon Marler Architects (HCMA) and obtain a quote for the firm's services to determine the project and operational cost of the work outlined in Appendix II for the years 2015 – 2020 and in preparation for the 2014 Annual Budget and Five Year Financial Plan discussion.

CARRIED

District 69 Arena Lease Agreement – Parksville Curling Club.

MOVED Director Holme, SECONDED Director Brennan, that the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society attached as Appendix I for the use of the District 69 Arena for the term of April 1, 2013 to March 31, 2018.

CARRIED

Statutory Holiday Closures at Ravensong Aquatic Centre and Oceanside Place.

MOVED Director Willie, SECONDED Director Johnstone, that staff prepare a report on the cost implications of opening Ravensong Aquatic Centre and Oceanside Place on Family Day and to review options to offset any increased costs including sourcing grants or sponsorships, limiting facility operational hours and adjusting user fees.

CARRIED

NEW BUSINESS

Notice of Motion - Odour Management Plan.

Director McPherson noted that the following motion will be brought forward to the March 26, 2013 Board Agenda:

That staff be directed to engage a consultant to review and evaluate the effectiveness of the odour management plan and associated odour control systems developed and implemented by International Composting Corporation (ICC) to achieve zero odour complaints, not only from neighbouring properties or users of the adjacent highway but also from residents of Areas 'A', 'B' and 'C', as required under the Regional District of Nanaimo Waste Stream Management Bylaw No. 1386 and the Organic Waste Processing Agreement.

Notice of Motion - Agricultural Area Plan Recommended Implementation Action 1.1A.

Director Veenhof noted that the following motion will be brought forward to the April 9, 2013 Committee of the Whole Agenda:

That the Agricultural Area Plan Recommended Implementation Action 1.1A, "consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)", be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process.

Notice of Motion – Rural Signage.

Director Veenhof noted that the following motion will be brought forward to the April 9, 2013 Committee of the Whole Agenda:

That staff be directed to prepare a report to the Board on a proposed consultative process with the intent of identifying rural signage concerns and reducing any impediments to effective signage.

IN CAMERA

MOVED Director Holme, SECONDED Director Young, that pursuant to Section 90 (1) (c) and (e) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to labour relations and land acquisitions.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Young, that the meeting terminate.

CARRIED

TIME: 8:38 PM

CHAIRPERSON

CORPORATE OFFICER



Making a difference...together

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RDN CAO'S OFFICE			
CAO	<input checked="" type="checkbox"/>	GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
MAR 25 2013			
DCS		BOARD	
CHAIR	<input checked="" type="checkbox"/>		

March 18, 2013

The Honourable Denis Lebel
Minister of Transport, Infrastructure and Communities
Minister of the Economic Development Agency of Canada for the Regions of Quebec
Minister of Intergovernmental Affairs
President of the Queen's Privy Council for Canada
Tower C - 330 Sparks Street
Ottawa, Ontario K1A 0N5

Mr. Paul G. Smith
Chair of the Board
VIA Rail Canada Inc.
P.O. Box 8116, Station A
Montréal (Québec) H3C 3N3

Hon. Denis Lebel and Mr. Paul G. Smith:

ISLAND CORRIDOR FOUNDATION AND VIA RAIL NEGOTIATIONS

On behalf of the Capital Regional District (CRD) located on the southern tip of Vancouver Island, I am writing to you concerning negotiations currently in progress toward an agreement between VIA Rail and the Island Corridor Foundation for restoring train service on the Vancouver Island rail line.

Along with five (5) other regional districts on Vancouver Island, the CRD has committed funding for rail line infrastructure improvements to help support re-instating the train service. In November of 2012, the CRD Board approved a \$1.2 million contribution to the ICF in its 2013 budget, contingent upon a train service agreement being concluded between VIA Rail and the ICF by March 1, 2013. To the CRD's knowledge, a final agreement is still pending as of the date of this letter.

The CRD Board is still committed to supporting this important initiative and is hereby requesting that every effort be made by all parties involved to conclude an agreement as soon as possible. Our pending financial commitment introduces uncertainty in our budgeting and requisition processes, which in turn has an impact on the taxpayers in our region. Conclusion of the required agreement would be most helpful, not only to the CRD, but to all five (5) regional governments on Vancouver Island that are supporting this initiative.

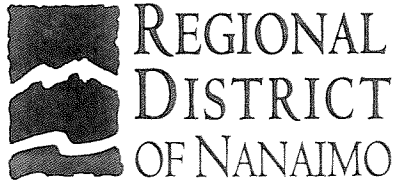
In closing, I call on your assistance to help bring a quick resolution to the negotiations in progress on the pending train service agreement. Your attention to this request is most appreciated.

Sincerely,

Alastair Bryson
Chair
Capital Regional District Board

cc: (list on reverse)

Hon. Steven Fletcher, Minister of State (Transport)
Marc Laliberté, President and CEO, VIA Rail
Dr. Judith Sayers, Chair, ICF Board of Directors
Cindy Solda, Board Chair, Alberni-Clayoquot Regional District
Edwin Grieve, Board Chair, Comox Valley Regional District
Joe Stanhope, Board Chair, Regional District of Nanaimo
Rob Hutchins, Board Chair, Cowichan Valley Regional District
Robert Lapham, Chief Administrative Officer, CRD



RDN REPORT		#1
CAO APPROVAL		
EAP		
COW	✓	
APR 03 2013		
RHD		
BOARD		

MEMORANDUM

TO: Jacquie Hill
Manager of Administrative Services

DATE: April 2, 2013

FROM: Matt O'Halloran
Legislative Coordinator

FILE: 0360

SUBJECT: Update on Board Appointments to Advisory Bodies

PURPOSE

To update the Board with respect to positions available to local residents and stakeholder groups on Board Advisory Committees and Commissions.

BACKGROUND

Each year in January the Board makes appointments for the majority of its advisory bodies, as well as external bodies that have RDN representation. Occasionally, as required, the Board also makes appointments at other times throughout the year. When positions become available, staff advertise in local media and notify eligible groups to invite applications.

The Board completed its most recent series of appointments at a Special Meeting on January 15, 2013.

VACANT POSITIONS

On January 15, 2013 the Board carried the following resolutions, with respect to positions on two advisory bodies, that have remained vacant due to a lack of applications from the public:

MOVED Director Lefebvre, SECONDED Director Dempsey, that staff re-advertise for a position available on the District 69 Recreation Commission.

MOVED Director Lefebvre, SECONDED Director Young, that staff re-advertise for positions available on the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee.

Following Board direction, staff placed a further series of advertisements in local newspapers to invite applications. There have been no applications received.

Vacant Positions - District 69 Recreation Commission

The District 69 Recreation Commission has one available position for a representative from Electoral Area 'G' – this position is intended for a member of the public, but is currently filled by the Area Director, as no local residents have applied. The Area 'G' position on the Commission has been vacant, or filled by the Area Director, since 2009.

Vacant Positions - East Wellington/Pleasant Valley Parks and Open Spaces Advisory Committee

The East Wellington/Pleasant Valley Parks and Open Spaces Advisory Committee has two vacant positions for local residents from Electoral Area 'C'. Although these positions are vacant, the Committee currently has five members, including the Area Director, which satisfies the requirement in its Terms of Reference for a quorum of four. There have been 1-3 vacant positions on the Committee since 2009.

UPCOMING APPOINTMENTS – REGIONAL SOLID WASTE ADVISORY COMMITTEE

On March 26, 2013 the Board Approved the Terms of Reference for the Regional Solid Waste Advisory Committee (RSWAC), which will oversee the 2013-2015 Solid Waste Management Plan Review. With the RSWAC in place there are now a variety of positions available for residents and stakeholder groups. These positions have been advertised in local media, with a deadline of April 15, 2013 for applications. Positions available are as follows:

- General Public (1 north, 1 south) - 2 members
- Business Community (1 north, 1 south) - 2 members
- Waste Management - private sector - 1 member
- Waste Management – non-profit - 1 member
- Environment Community - 1 member

ALTERNATIVES

1. To receive this report for information.
2. That the Board provide alternate direction.

FINANCIAL IMPLICATIONS

There are no financial implications to receiving this report.

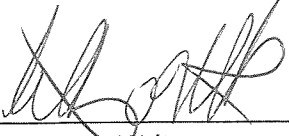
SUMMARY/CONCLUSIONS

The Board completed its most recent series of appointments to its advisory bodies at a Special Meeting on January 15, 2013. Following these appointments, there is still one position available on the District 69 Recreation Commission, and there are two positions available on the East Wellington/Pleasant Valley Parks and Open Spaces Advisory Committee. Following Board direction, staff re-advertised for for these positions, and no further applications were received. These committees continue to meet according to their regular schedule.

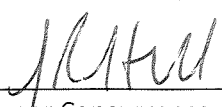
There are now a variety of positions available to residents and stakeholder groups on the Regional Solid Waste Advisory Committee. These positions have been advertised in local media, with a deadline of April 15, 2013 for applications.

RECOMMENDATION

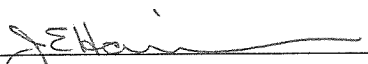
That this information report on Board appointments to advisory bodies be received.



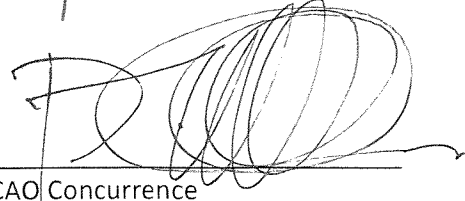
Report Writer



Manager Concurrence



Director Concurrence



CAO Concurrence



CAC APPROVAL		#12
EAP		
COW	✓	Apr 9
MAR 28 2013		
RHD		
BOARD		

MEMORANDUM

TO: Joan Harrison
Director of Corporate Services

DATE: March 15, 2013

FROM: Mike Moody
Manager, Information Services

SUBJECT: 2013 - Report - Rogers Cell Tower Agreement and Renewal Extension

PURPOSE:

To seek Board approval to extend the current Statutory Right of Way Agreement with Rogers Communications (Rogers) for the Rogers cell tower situated on the Regional District of Nanaimo (RDN) property at 6300 Hammond Bay Rd., Nanaimo and to seek Board direction on Rogers request for two additional 5-year terms commencing June 1, 2023 and June 1, 2028.

BACKGROUND:

The RDN has had a Statutory Right of Way Agreement with Rogers for a cell tower situated on RDN property at 6300 Hammond Bay Rd., Nanaimo since 2003. In 2008, the RDN and Rogers signed a new agreement for three consecutive five-year terms as follows:

- June 1, 2008 – May 31, 2013
- June 1, 2013 – May 31, 2018
- June 1, 2018 – May 31, 2023

Rogers has written to the RDN expressing interest in adding two additional five-year terms to the agreement commencing June 1, 2023 and June 1, 2028. For the 2008 – 2013 term the RDN has received from Rogers \$10,500 per year for rent. Rogers has offered a new rate of \$11,550 per year for rent for the next five-year term which is a 10% increase.

Investigation of rental rates for similar Rogers cell towers in the proximity of the cell tower on the RDN property at 6300 Hammond Bay Rd. are close to the rent increase amount offered by Rogers. There are no other 3rd party tenants on the Rogers tower’s reserved space. The agreement states that the RDN must be consulted prior to any additional 3rd party tenants co-locating on the tower in that space. If a 3rd party tenant were to apply for space on the tower, the RDN would negotiate with Rogers to modify the Statutory Right of Way agreement for revenue sharing consideration.

ALTERNATIVES:

Alternative 1 – To accept Rogers offer of \$11,550 per year for the 2013 – 2018 term and to allow two additional five-year terms for the Statutory Right of Way Agreement.

Alternative 2 – To not accept the Rogers offer for the 2013 – 2018 term and to not add two additional five-year terms for the Statutory Right of Way Agreement.

FINANCIAL IMPLICATIONS:

Alternative 1 – From 2013 – 2018, the yearly income would be \$11,550 for renting the space for the Rogers cell tower under the current Statutory Right of Way Agreement. Future amounts would be negotiated prior to each new term. A new agreement with Rogers would have expected income up to May 31, 2033.

Alternative 2 – From 2013 – 2018 the yearly income would be \$10,500 for renting the space for the Rogers cell tower under the current Statutory Right of Way Agreement. The current agreement with Rogers would have expected income up until May 31, 2023.

SUMMARY:

Rogers has had a cell tower on RDN property at 6300 Hammond Bay Rd., Nanaimo since 2003. Rent for that cell tower is paid on a yearly basis. For the 2008 agreement term the RDN and Rogers renegotiated and agreed upon a new yearly rent amount of \$10,500 based on prevailing market rates. The previous five-year term (2003 – 2008) rental amount was \$7,500 per year.

Rogers has offered the RDN a 10% increase for the yearly rate for the next five-year term compared to the current term (\$10,500 / year) set to expire May 31, 2013. Rogers has requested two additional five-year terms to be added to the Statutory Right of Way Agreement extending that agreement to expire May 31, 2033.

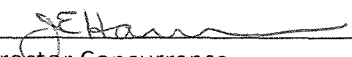
The RDN and Rogers have had a positive business relationship these past 10 years and staff recommend a continuance of this Statutory Right of Way Agreement with the addition of two five-year term extensions and acceptance of Rogers rental rate increase of \$11,550 / year for the next five-year term.

RECOMMENDATION:


That the Board approve the acceptance of a yearly rental rate of \$11,550 for the June 1, 2013 – May 31, 2018 agreement term and to extend the Statutory Right of Way Agreement for two additional five-year terms commencing June 1, 2023 and June 1, 2028.



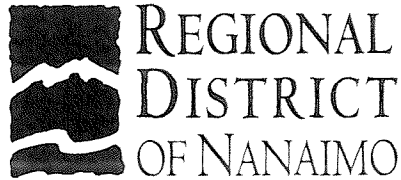
Report Writer



Director Concurrence



C.A.O. Concurrence



RDN REPORT		[Signature]
CAO APPROVAL		
EAP		
COW	✓	
APR 02 2013		
RHD		
BOARD		

MEMORANDUM

TO: W. Idema
Director of Finance

DATE: March 27, 2013

FROM: T. Moore
Manager, Accounting Services

FILE:

SUBJECT: Bylaws No. 1679, 1680, 1681 and 1682 - Authorize the Use of Development Cost Charge Funds

PURPOSE:

To obtain approval for Bylaws No. 1679, 1680, 1681 and 1682 which authorize expenditures from the Northern and Southern Community Sewer Service Area Development Cost Charge (DCC) Reserve Funds.

BACKGROUND:

Section 935(5) of the *Local Government Act* requires that expenditures from Development Cost Charge Reserves be authorized by bylaw. The following projects were approved to proceed earlier in 2011 and 2012 and the attached bylaws complete the statutory approval process.

Date of Approval	Project	Location	DCC Budget
August 2011	Qualicum Beach Interceptor Sanitary Forcemain Improvements Construction	Seacrest Place, Town of Qualicum Beach, BC	\$150,550
April 2012	Preliminary and Detailed Design for the Replacement of Land Section of the Greater Nanaimo Pollution Control Centre Marine Outfall	Greater Nanaimo Pollution Control Centre (GNPCC)	\$150,160
April 2012	Hall Road Pump Station Upgrade	Hall Road, Town of Qualicum Beach, BC	\$667,335
September 2012	Greater Nanaimo Pollution Control Centre Sedimentation Tank 4 Project	Greater Nanaimo Pollution Control Centre (GNPCC)	\$2,681,555

- Bylaw No. 1679 releases \$150,550 from the Northern Community Sewer Service Area Development Cost Charge Reserve Funds;
- Bylaw No. 1680 releases \$150,160 from the Southern Community Sewer Service Area Development Cost Charge Reserve Funds;
- Bylaw No. 1681 releases \$667,335 from the Northern Community Sewer Service Area Development Cost Charge Reserve Funds, and;
- Bylaw No. 1682 releases \$2,681,555 from the Southern Community Sewer Service Area Development Cost Charge Reserve Funds.

ALTERNATIVES:

1. Approve Bylaws No. 1679, 1680, 1681 and 1682 as presented.
2. Amend the bylaws and approve as amended.

FINANCIAL IMPLICATIONS:

The above noted capital projects and use of DCC funds were approved at earlier Board meetings in 2011 and 2012. The use of development cost charges for these projects is in accordance with the background information used to calculate the current DCC rates. Staff recommend approving the bylaws as presented.

SUMMARY/CONCLUSIONS:

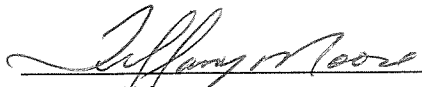
Section 935(5) of the *Local Government Act* requires that expenditures from Development Cost Charge Reserves be authorized by bylaw. The following bylaws complete the statutory approvals for these DCC related projects:

- Bylaw No. 1679 for the construction of the Qualicum Beach Interceptor Sanitary Forcemain Improvements at Seacrest Place, Town of Qualicum Beach, in the amount of \$150,550;
- Bylaw No. 1680 for the Preliminary and Detailed Design for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall at the Greater Nanaimo Pollution Control Centre in the amount of \$150,160;
- Bylaw No. 1681 for Hall Road Pump Station Upgrade at Hall Road, Town of Qualicum Beach, in the amount of \$667,335, and;
- Bylaw No. 1682 for the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project at the Greater Nanaimo Pollution Control Centre in the amount of \$2,681,555.

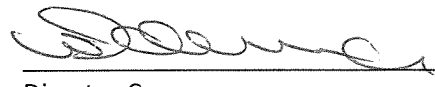
RECOMMENDATIONS:

1. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013" be introduced and read three times.
2. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013" be adopted.
3. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013" be introduced and read three times.

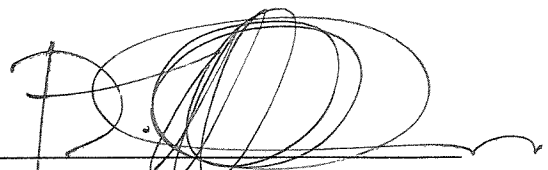
4. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013" be adopted.
5. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be introduced and read three times.
6. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be adopted.
7. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be introduced and read three times.
8. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be adopted.



Report Writer



Director Concurrence



C.A.O. Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1679

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
NORTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Northern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1442, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of constructing the Qualicum Beach Interceptor Sanitary Forcemain Improvements, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$150,550;

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

1. The sum of One Hundred and Fifty Thousand, Five Hundred and Fifty (\$150,550) is hereby appropriated for the purpose of constructing the Qualicum Beach Interceptor Sanitary Forcemain Improvements at Seacrest Place, Qualicum Beach, BC.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1680

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
SOUTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Southern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1547, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Preliminary and Detailed Design for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$150,160;

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

1. The sum of One Hundred and Fifty Thousand, One Hundred and Sixty Dollars (\$150,160) is hereby appropriated for the purpose of Preliminary and Detailed Design for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall at the Greater Nanaimo Pollution Control Centre.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1681

A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
NORTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND

WHEREAS the Northern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1442, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Hall Road Pump Station Upgrade, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$667,335;

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

1. The sum of Six Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Five Dollars (\$667,335) is hereby appropriated for the purpose of the Hall Road Pump Station Upgrade at Hall Road, Qualicum Beach, BC.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1682

A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
SOUTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND

WHEREAS the Southern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1547, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$2,681,555;

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

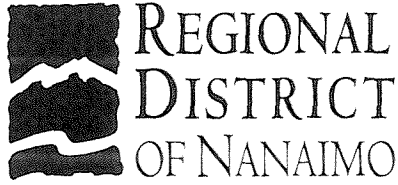
1. The sum of Two Million, Six Hundred and Eighty-One Thousand, Five Hundred and Fifty-Five Dollars (\$2,681,555) is hereby appropriated for the purpose of the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project at the Greater Nanaimo Pollution Control Centre.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP		
COW	✓	
APR 02 2013		
RHD		
BOARD		

MEMORANDUM

TO: W. Idema
Director of Finance

DATE: March 28, 2013

FROM: T. Moore
Manager, Accounting Services

FILE:

SUBJECT: Bylaws No. 1683 and 1684 – Authorize Expenditure of Bulk Water Development Cost Charge Funds

PURPOSE:

To seek approval of bylaws authorizing expenditures of Nanoose Bay and French Creek Bulk Water Development Cost Charge (DCC) funds.

BACKGROUND:

Section 935(5) of the *Local Government Act* requires that expenditures of Development Cost Charge funds be authorized by bylaw. To cover the cost of its share of 2012 capital expenditures and its share of projected 2013 capital expenditures incurred by the Englishman River Water Service joint venture, the RDN used a combination of general reserves, operating funds and development cost charge funds. Bylaws No. 1683 and 1684 complete the statutory requirement to authorize the use of development cost charge funds for bulk water infrastructure in 2012 and projected in 2013.

ALTERNATIVES:

1. Approve Bylaws No. 1683 and 1684 as well as the use of general reserves for bulk water capital.
2. Amend the bylaws and approve as amended.

FINANCIAL IMPLICATIONS:

The following table outlines the use of bulk water DCCs, general reserves and operating funds for bulk water capital in 2012 and 2013. It was anticipated that the joint venture capital would be funded 50% from DCCs and 50% from general reserves.

	DCCs	General Reserves	Operations	Total
Nanoose Bay 2012	\$48,415		\$48,415	\$96,830
Nanoose Bay 2013	\$202,860		\$202,860	\$405,720
Sub Total	\$251,275		\$251,275	\$502,550
French Creek 2012	\$13,535	\$13,535		\$27,070
French Creek 2013	\$112,970	\$112,970		\$225,940
Sub Total	\$126,505	\$126,505		\$253,010
Total				\$755,560

The use of funds shown above is in accordance with the 2012 and 2013 budget and staff recommend approving the bylaws as presented.

SUMMARY/CONCLUSIONS:

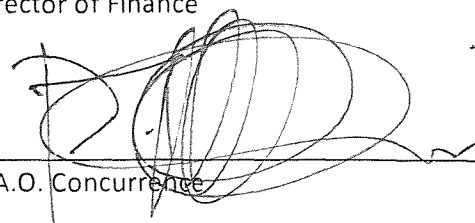
Section 935(5) of the *Local Government Act* requires that expenditures of development cost charge funds be authorized by bylaw. For 2012 and 2013, \$755,560 is projected to be expended by the RDN as its share of the bulk water infrastructure. Bylaws No. 1683 and 1684 complete the statutory requirements for using DCCs. A resolution is also provided to confirm the use of general reserves for a portion of these expenditures.

RECOMMENDATIONS:

1. That an amount of \$126,505 be released from the French Creek Bulk Water general reserve fund to be applied to 2012 and 2013 bulk water infrastructure expenditures.
2. That "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013" be introduced and read three times.
3. That "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013" be adopted.
4. That "French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013" be introduced and read three times.
5. That "French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013" be adopted.


 Report Writer


 Director of Finance


 C.A.O. Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1683

A BYLAW TO AUTHORIZE AN EXPENDITURE OF NANOOSE BAY BULK WATER
LOCAL SERVICE AREA DEVELOPMENT COST CHARGE FUNDS

WHEREAS the authority to impose development cost charges within the Nanoose Bay Bulk Water Local Service Area was established by "Regional District of Nanaimo Bulk Water Local Service Area Development Cost Charge Bylaw No. 1088, 1998";

AND WHEREAS in accordance with Section 935(5) of the *Local Government Act*, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board wishes to authorize the use of development cost charge funds with respect to bulk water infrastructure obtained in 2012 and projected for 2013, and the expenditures are eligible development cost charge program expenditures;

AND WHEREAS the amount expended is projected to be \$251,275;

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

1. The sum of Two Hundred Fifty One Thousand, Two Hundred and Seventy Five Dollars (\$251,275) is hereby appropriated for the purchase of bulk water infrastructure in 2012 and 2013.
2. This bylaw may be cited as the "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1684

A BYLAW TO AUTHORIZE AN EXPENDITURE OF FRENCH CREEK BULK WATER
LOCAL SERVICE AREA DEVELOPMENT COST CHARGE FUNDS

WHEREAS the authority to impose development cost charges within the French Creek Bulk Water Local Service Area was established under "Regional District of Nanaimo French Creek Bulk Water Local Service Area Development Cost Charge Bylaw No. 1089, 1998";

AND WHEREAS in accordance with Section 935(5) of the *Local Government Act*, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board wishes to authorize the use of development cost charge funds with respect to bulk water infrastructure obtained in 2012 and projected for 2013, and the expenditures are eligible development cost charge program expenditures;

AND WHEREAS the amount to be expended is \$126,505;

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

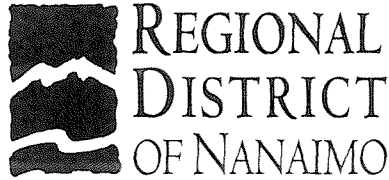
1. The sum of One Hundred Twenty Six Thousand, Five Hundred and Five Dollars (\$126,505) is hereby appropriated for the purchase of bulk water infrastructure in 2012 and 2013.
2. This bylaw may be cited as the "French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER



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MEMORANDUM

TO: Paul Thorkelsson
Chief Administrative Officer

DATE: March 28, 2013

FROM: Tom Armet
Acting General Manager
Strategic and Community Development

FILE: 3900-20-939.03
3900-20-941.04
3900-20-1418.02

SUBJECT: Animal Control and Licensing Amendment Bylaw No. 939.03, 2013
Animal Control Amendment Bylaw No. 941.04, 2013
Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013

PURPOSE

To consider amendments to Regional District of Nanaimo Animal Control and Ticket Regulation Bylaws.

BACKGROUND

At the regular meeting held March 26, 2013, the Board adopted “Regional District of Nanaimo Animal Control Regulatory Amendment Bylaw No. 1066.02, 2013” which updates the animal control bylaw to reflect current legislation and adds the requirement to muzzle dangerous dogs in Electoral Areas ‘A’, ‘B’, ‘C’ and the District of Lantzville. The Board also directed staff to prepare similar amendments to the following bylaws, for the Board’s consideration:

- “Regional District of Nanaimo Animal Control and Licensing Bylaw No. 939, 1994” (Electoral Areas ‘E’, ‘G’, ‘H’)
- “Regional District of Nanaimo Animal Control Bylaw No. 941, 1994” (Electoral Area ‘F’)
- “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005”

ALTERNATIVES

1. Consider amendments to Animal Control and Ticket Regulation bylaws.
2. Not consider amendments and provide staff with further direction.

LEGAL IMPLICATIONS

Regional District animal control bylaws were reviewed by staff and the RDN solicitor for inclusion of muzzling in accordance with the Board’s authority under Section 703 of the *Local Government Act* to require an owner, possessor or harbourer of a dog, by bylaw, to effectively muzzle a dangerous dog while at large. The review was undertaken as a result of public concerns in Electoral Area ‘B’ that current bylaw regulations do not go far enough to protect people or other animals against lunging or escaped dogs that have been declared dangerous. The review also recognized that some of the language in the bylaws is redundant and not aligned with the current legislation in Section 49 of the *Community Charter* pertaining to the control of dogs. Section 49 of the *Community Charter* is applicable to Regional Districts under Section 707.1 of the *Local Government Act*.

Provincial legislation relating to the regulation of animals has been considerably amended since the animal control bylaws were adopted by the Board in the mid-1990s. The term “vicious dog” has been replaced with “dangerous dog”. Additionally, Section 49 of the *Community Charter* now sets out the powers of the animal control officer with respect to dangerous dogs, including the power to apply to the provincial court for a destruction order. This authority has replaced the now repealed *Livestock Protection Act*, which is still referenced in RDN animal control bylaws.

Animal Control and Ticket Regulation Amendment bylaws have been drafted (see attachments 1, 2, and 3) that adds the requirement to muzzle a dangerous dog when in public and updates the bylaw language to align with the *Community Charter*. The proposed amendments will provide an enhanced level of public safety and uniformity of animal control enforcement throughout the Regional District, with respect to dangerous dogs.

FINANCIAL IMPLICATIONS

There are no added financial costs or changes to service levels associated with the proposed bylaw amendments.

SUMMARY/CONCLUSION

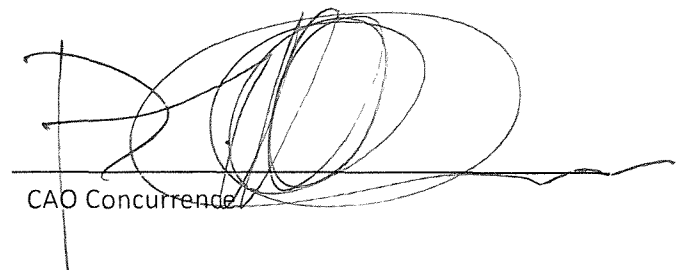
At the Board’s direction, amendment bylaws have been prepared to include the requirement in Electoral Areas ‘E’, ‘F’, ‘G’, and ‘H’ for the muzzling of dangerous dogs when in public. The proposed amendment bylaws update the language in the Animal Control and Ticket Regulation bylaws to reflect the current legislation contained within the *Community Charter*.

RECOMMENDATIONS

1. That “Animal Control and Licensing Amendment Bylaw No. 939.03, 2013” be introduced and read three times.
2. That “Animal Control and Licensing Amendment Bylaw No. 939.03, 2013” be adopted.
3. That “Animal Control Amendment Bylaw No. 941.04, 2013” be introduced and read three times.
4. That “Animal Control Amendment Bylaw No. 941.04, 2013” be adopted.
5. That “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013” be introduced and read three times.
6. That “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013” be adopted.



Report Writer



CAO Concurrer

Attachment 1

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 939.03

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
ANIMAL CONTROL AND LICENSING BYLAW NO. 939, 1994**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Animal Control and Licensing Bylaw No. 939, 1994";

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

1. Citation

This Bylaw may be cited as "Animal Control and Licensing Amendment Bylaw No. 939.03, 2013".

2. Amendments

"Animal Control and Licensing Bylaw No. 939, 1994 is amended as follows:

- (1) By deleting the definition of "**Vicious Dog**" and replacing it with the definition of "**Dangerous Dog**" as follows:

""**Dangerous Dog**" means a dog that:

- (a) has killed or seriously injured a person;
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person."

- (2) By amending the definition of "Enclosure" by deleting the words "vicious dog" and replacing them with the words "dangerous dog".

- (3) By deleting section 4(3) and replacing it with the following:

- “(3) The owner of a dangerous dog shall not permit or allow their dangerous dog:
- (a) to be at large;

- (b) to be in a public place unless the dog is:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (c) to be on private land, or in a private building or structure, except with the consent of the owner or occupier of that property, and
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.”

(4) By amending section 4(4) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

(5) By deleting section 4(5) and replacing it with the following:

“(5) the Animal Control Officer is authorized to exercise the authority of an Animal Control Officer under section 49 of the *Community Charter*.”

(6) By amending Schedule B by deleting the words “Vicious Dog” and replacing them with the words “Dangerous Dog”.

3. Severability

In the event that a provision of this bylaw is found to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw.

Introduced and read three times this _____ day of _____ 2013.

Adopted this _____ day of _____ 2013.

CHAIRPERSON

CORPORATE OFFICER

Attachment 2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 941.04

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
ANIMAL CONTROL BYLAW NO. 941, 1994**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Animal Control Bylaw No. 941, 1994";

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

1. Citation

This Bylaw may be cited as "Animal Control Amendment Bylaw No. 941.04, 2013".

2. Amendments

"Animal Control Bylaw No. 941, 1994" is amended as follows:

- (1) By deleting the definition of "**Vicious Dog**" and replacing it with the definition of "**Dangerous Dog**" as follows:

""**Dangerous Dog**" means a dog that:

- (a) has killed or seriously injured a person;
 - (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
 - (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person."
- (2) By amending the definition of "Enclosure" by deleting the words "vicious dog" and replacing them with the words "dangerous dog".
- (3) By deleting section 4(1) and replacing it with the following:
- “(1) The owner of a dangerous dog shall not permit or allow their dangerous dog:
- (a) to be at large;

- (b) to be in a public place unless the dog is:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (c) to be on private land, or in a private building or structure, except with the consent of the owner or occupier of that property, and
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.”
- (4) By amending section 4(2) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.
- (5) By deleting section 4(3) and replacing it with the following:

“(3) the Animal Control Officer is authorized to exercise the authority of an Animal Control Officer under section 49 of the *Community Charter*.”
- (6) By amending section 5(2) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.
- (7) By amending Schedule A by deleting the words “Vicious Dog” and replacing them with the words “Dangerous Dog”.

3. Severability

In the event that a provision of this bylaw is found to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw.

Introduced and read three times this _____ day of _____ 2013.

Adopted this _____ day of _____ 2013.

CHAIRPERSON

CORPORATE OFFICER

Attachment 3

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1418.02

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION BYLAW NO. 1418, 2005**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005" to include amendments made to "Animal Control and Licensing Bylaw No. 939, 1994", "Animal Control Bylaw No. 941, 1994" and "Animal Control Regulatory Bylaw No. 1066, 1996";

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

1. Citation

This Bylaw may be cited as "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013"

2. Amendments

"Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005" is amended as follows:

- (1) By deleting Schedule 8 in its entirety and replacing it with Schedule 8 attached to this bylaw.
- (2) By deleting Schedule 9 in its entirety and replacing it with Schedule 9 attached to this bylaw.
- (3) By deleting Schedule 13 in its entirety and replacing it with Schedule 13 attached to this bylaw.

Introduced and read three times this _____ day of _____ 2013.

Adopted this _____ day of _____ 2013.

CHAIRPERSON

CORPORATE OFFICER

Schedule '8' to accompany "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 8

Column I	Column II	Column III
Animal Control and Licensing Bylaw No. 939, 1994	Section No. of Bylaw 939	Amount of Fine
1. Noisy dog	4(1)	\$100.00
2. Dog at Large	4(2)(a)	\$ 50.00
3. Dog harassing/molesting	4(2)(b)	\$100.00
4. Dangerous dog at large	4(3)(a)	\$500.00
5. Uncontrolled dangerous dog, public place	4(3)(b)	\$500.00
6. Uncontrolled dangerous dog, private property	4(3)(c)	\$200.00
7. Unconfined dangerous dog, owner's premises	4(4)	\$200.00
8. No Licence	5(1)	\$100.00

Schedule '9' to accompany "Regional District of Nanaimo Bylaw
Enforcement Ticket Regulation Bylaw No. 1418, 2005

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 9

Column I	Column II	Column III
Animal Control Regulatory Bylaw No. 1066, 1996	Section No. of Bylaw 1066	Amount of Fine
1. Noisy dog	4(1)	\$100.00
2. Dog at large	4(2)(a)	\$ 50.00
3. Dog is harassing/molesting	4(2)(b)	\$100.00
4. Dangerous dog at large	4(3)(a)	\$500.00
5. Uncontrolled dangerous dog, public place	4(3)(b)	\$500.00
6. Uncontrolled dangerous dog, private property	4(3)(c)	\$200.00
7. Unconfined dangerous dog, owner's premises	4(4)	\$200.00

Schedule '13' to accompany "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005

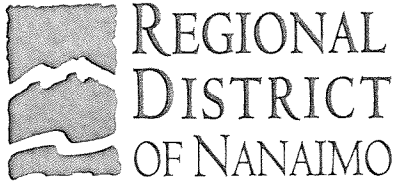
Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 13

Column I	Column II	Column III
Animal Control Bylaw No. 941, 1994	Section No. of Bylaw 941	Amount of Fine
1. Dangerous dog at large	4(1)(a)	\$500.00
2. Uncontrolled dangerous dog, public place	4(1)(b)	\$500.00
3. Uncontrolled dangerous dog, private property	4(1)(c)	\$200.00
4. Unconfined dangerous dog, owner's premises	4(2)	\$200.00



RDN REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	
CoW	✓
MAR 25 2013	
RHD	
BOARD	

MEMORANDUM

TO: Sean De Pol
Manager, Wastewater Services

DATE: March 22, 2013

FROM: Shelley Norum
Wastewater Program Coordinator

FILE: 4520-20-77

SUBJECT: Bylaw No. 975.58 - Pump & Haul Bylaw Amendment to Include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').

PURPOSE

To recommend an amendment to the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" to include a property in the service area.

BACKGROUND

The pump and haul service was established to provide a solution for those properties unable to install on-site septic disposal systems. In order to be included in the Pump and Haul Local Service Area the following conditions must be met:

- the parcel must be greater than 700 m²;
- the parcel is for existing uses and the disposal system has failed, or the parcel is currently vacant and will only be used for the construction of a single family residence;
- the parcel cannot be further subdivided or stratified according to existing zoning or a restrictive covenant;
- a community sewer system is not available;
- a holding tank permit has been obtained pursuant to the Sewerage System Regulation;
- including the parcel will not facilitate development of any additional units on the property; and
- the development conforms to zoning bylaws.

A person wishing to incorporate a property into the Pump and Haul Service Area must first apply to the Regional District of Nanaimo to amend Pump and Haul Bylaw No. 975, and allow a Restrictive Covenant to be registered against the title of the land in question in accordance with section 219 of the *Land Title Act*.

The Restrictive Covenant requires the owners of the lot to (a) maintain a continuous contract with a pump out company and deposit a copy of the contract with the Regional District of Nanaimo; (b) connect to a community sewer system when it becomes available; and (c) prohibit subdivision or construct of any additional units on the property.

A request has been received to include the following property from Electoral Area E (see page 4) in the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995":

Lot 18, District Lot 78, Nanoose District, Plan 19688

An application for a holding tank permit to service a single family dwelling has been accepted by Vancouver Island Health Authority; the property is greater than 700 m² in area; there is no community sewer system available; and the intent to build a single family dwelling on the property will conform to existing zoning bylaws.

A Restrictive Covenant has been prepared for the property requiring that the owner maintains a continuous contract with a pump out company and submits a copy of that contract to be held on file at the Regional District of Nanaimo; that the owners will connect to a community sewer system when it becomes available; and that the owners shall not subdivide or construct any additional units on the property.

ALTERNATIVES

1. Approve an amendment to the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" to include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').
2. Do not approve the amendment.

FINANCIAL IMPLICATIONS

There are no financial implications. The pump and haul program is a user pay service, in which the participant pays an application fee and an annual user fee.

SUSTAINABILITY IMPLICATIONS

Wastewater from this property will be discharged into a holding tank, then pumped and hauled to one of the Pollution Control Centres. In general, on-site treatment is a more sustainable alternative as it requires less trucking of waste and, therefore, reduced greenhouse gas emissions within the District. However, this property does meet the current requirements to be included in the Pump and Haul Service Area.

SUMMARY/CONCLUSIONS

A request has been received to include Lot 18, District Lot 78 into the Pump and Haul Local Service Area. The application meets all requirements for inclusion into the Service Area, specifically the parcel size are greater than 700 m²; a community sewer system is not available; a holding tank permit application has been approved by Vancouver Island Health Authority; and the intent to build a single family dwelling on the property will conform to existing zoning bylaws.

A Restrictive Covenant has been prepared for the property requiring that the owner maintains a continuous contract with a pump out company and submits a copy of that contract to be held on file at the Regional District of Nanaimo; that the owners will connect to a community sewer system when it becomes available; and that the owners shall not subdivide or construct any additional units on the property.

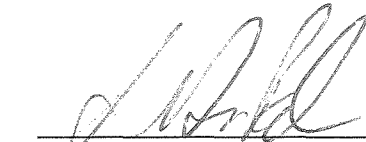
Wastewater Services staff are recommending that the Board approve an amendment to the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995", to include Lot 18, Section 78, Nanoose District, Plan 19688 (Electoral Area 'E').

RECOMMENDATIONS

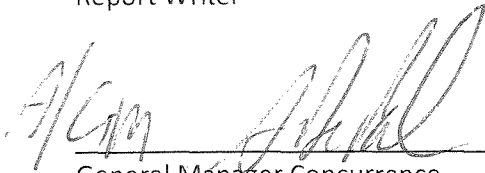
1. That the boundaries of the "Regional District of Nanaimo Pump and Haul Local Service Establishment Bylaw No. 975, 1995" be amended to include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').
2. That the "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58, 2013" be introduced and read three times.



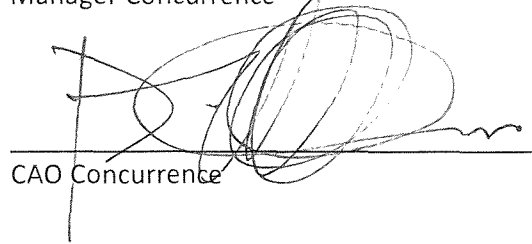
Report Writer



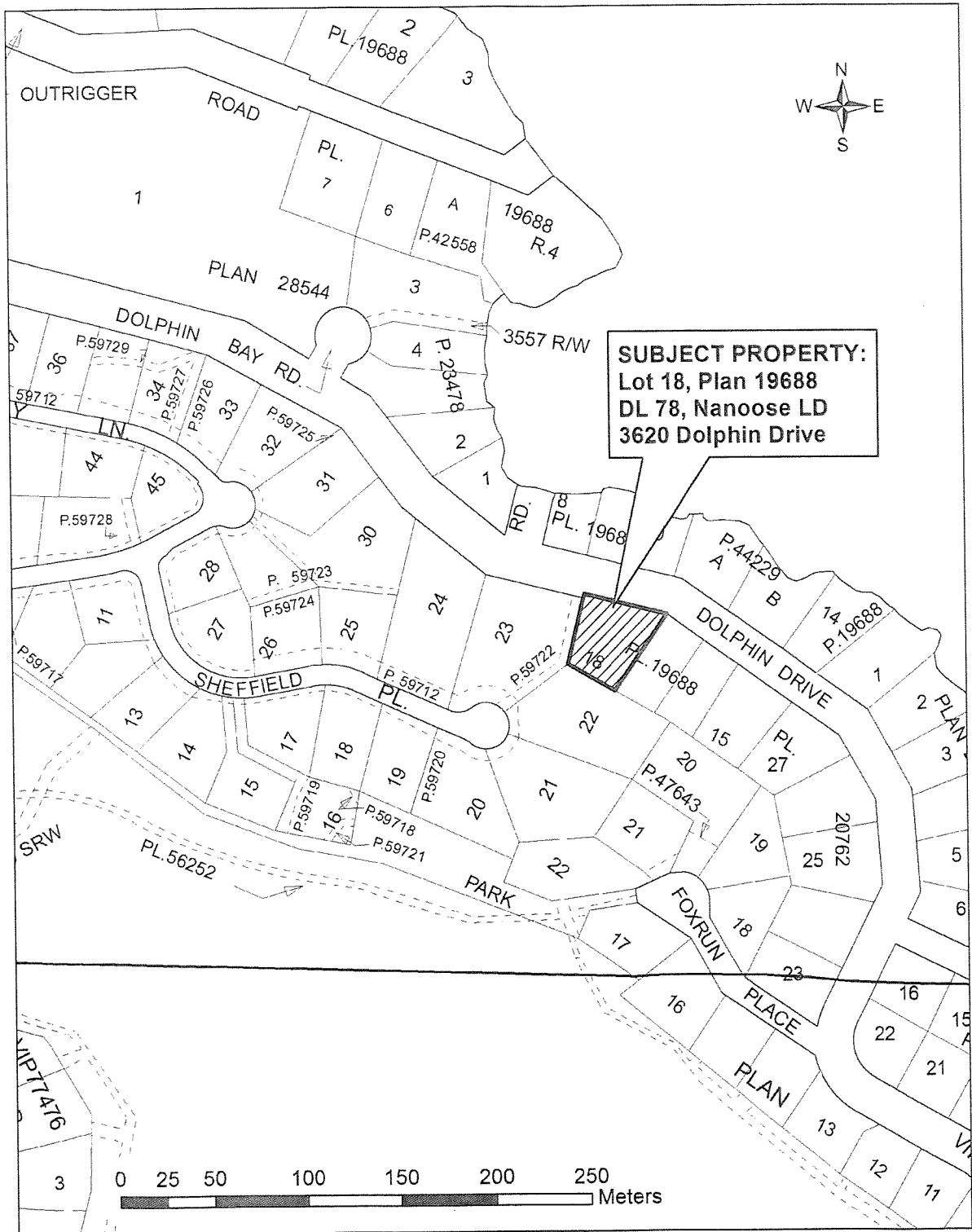
Manager Concurrence



General Manager Concurrence



CAO Concurrence



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.58

A BYLAW TO AMEND THE BOUNDARIES OF THE
PUMP & HAUL LOCAL SERVICE

WHEREAS the Regional District of Nanaimo established a *Pump and Haul Service* pursuant to Bylaw No. 975, cited as "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995";

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owner to expand the boundaries of the service area to include the land legally described as:

Lot 18, District Lot 78, Plan 19688, Nanoose District

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 802 of the *Local Government Act*;

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

1. Amendment

"Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" is amended by deleting Schedule 'A' and replacing it with the Schedule 'A' attached to this bylaw.

2. Citation

This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58, 2013".

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

Chairperson

Corporate Officer

BYLAW NO. 975.58

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
5. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
6. Lot A, Section 31, Plan VIP84225, Gabriola Island, Nanaimo District
7. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
9. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
10. Lot 85, Section 18, Plan 21586, Nanaimo Land District.
11. Lot 14, Section 21, Plan 5958, Nanaimo Land District.
12. Lot 108, Section 13, Plan 21531, Nanaimo Land District.
13. Lot 84, Sections 12 & 13, Plan 21531, Nanaimo Land District.
14. Lot 72, Section 13, Plan 21531, Nanaimo Land District.

Electoral Area 'E'

1. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
2. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
3. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
4. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
5. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
6. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
7. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
8. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
9. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
10. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
11. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.
12. Lot 57, District Lot 78, Plan 14275, Nanoose District
13. Lot 18, District Lot 78, Plan 19688, Nanoose District

Electoral Area 'F'

1. Lot 2, District Lot 74, Plan 36425, Newcastle Land District.

Electoral Area 'G'

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

Electoral Area 'H'

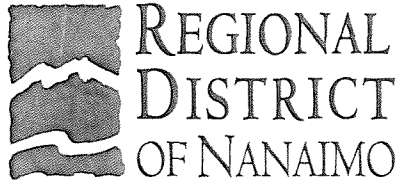
1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 1, District Lot 40, Plan 16121, Newcastle District.
8. Lot 27, Plan 16121, District Lot 40, Newcastle Land District.

City of Nanaimo

1. Lot 43, Section 8, Plan 24916, Wellington Land District.

District of Lantzville

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.
3. Lot 1, District Lot 85, Plan 15245, Wellington Land District.



CAC APPROVAL		#
EAP		
COW	✓	Apr 9
MAR 28 2013		
RHD		
BOARD		

MEMORANDUM

TO: Mike Donnelly
 Manager, Water & Utility Services

DATE: March 27, 2013

FROM: Wayne Moorman, Project Engineer

FILE: 5500-31-WH

SUBJECT: Westurne Heights Study Area Petition Results and Service Area Establishing and Borrowing Bylaws

PURPOSE

To present the petition results and bylaws associated with the establishment of a water service study area in Electoral Area F and to obtain Board approval for the associated bylaws.

BACKGROUND

Residents of the Westurne Heights subdivision in Area F have a private water system that is in need of proper operation and maintenance. The system is about ten years old and services 17 properties comprised of three stratas and one fee simple property (see map attached as Appendix A). Currently the system is operated by volunteers and is in need of administrative support and a qualified operator to provide proper operation and maintenance.

In 2012 the RDN was approached by a representative of one of the stratas and requested the RDN to consider taking over ownership and operation & maintenance of the system. The RDN has attended two public meetings with the representative and some of the residents of the subdivision to explain our position and how a transfer of ownership to the RDN would take place. The first step in considering RDN ownership is a determination of the present status of the water system and what improvements might be necessary. An engineering evaluation of the existing well, pumphouse, cisterns and distribution system is necessary. Following the meetings the RDN prepared a petition (see Appendix B) and mailed it to property owners in the subdivision.

The current water system is not well understood by the residents and lacks proper construction drawings and operation and maintenance manuals. The RDN does not understand what improvements are really necessary to upgrade the system to a standard that we would be willing to own, operate and maintain. An engineering study is necessary to establish what information is missing and what costs might be expected to upgrade the current system to standards the RDN would be willing to accept. The cost to undertake this study has been estimated to be \$15,000.

The residents do not have a contingency or reserve fund to finance this \$15,000 study and the RDN cannot undertake the work without a secured source of funding. The only way this can happen is through borrowing on behalf of the residents and thus we need to establish a function and borrowing authority. The anticipated cost of \$15,000 has been discussed with the property owners and that the borrowed funds would be paid back over five years. This was explained in the information meetings and

in the covering letter sent out with the petitions on January 16, 2013. The petition was for residents approval to have the RDN establish a study service area (17 properties) and for the borrowing of \$15,000.

In order for the petition to be successful it must be signed by the owners of at least 50% of the parcels liable to be charged for the proposed service, and the persons signing must be the owners of parcels that in total represent 50% of the net taxable value of all land and improvements with the proposed service area.

Based on this, the number of valid petitions received must be equal to or greater than nine with at least 50% of the net taxable value for the petition to be successful; ten officially certified petitions were received. This represents 58.8% of the properties in the proposed study area with 55.8% of the assessed value. Therefore, the bylaws have received sufficient petition and will allow both the service area establishing bylaw (Appendix C) and borrowing bylaw (Appendix D) to proceed.

Information gathered in the engineering review will be presented to residents for further consideration. Should they accept the necessary upgrading and costs associated with the repairs we will return to the property owners with a further petition to gain their support in the establishment of a water service area and associated borrowing bylaw. If this additional petition fails the RDN will take no further action on the establishment of this service.

ALTERNATIVES

1. That Regional District of Nanaimo "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013", and Regional District of Nanaimo "Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013", be introduced and read three times.
2. That the Board provides alternative direction.

FINANCIAL IMPLICATIONS

The petition documents detailed the financial implications for this work to advance. The total cost for the engineering study is \$15,000. The cost will be amortized over 5 years resulting in \$221 added to parcel taxes in the first year and \$207 for each of the following 4 years for each of the 17 properties.

CONCLUSIONS

The Westurne Heights petition to establish the Westurne Heights Water Service Study Area and borrowing authority has been successful with ten certified petitions returned (58.8% of the properties) of the 17 properties in the service study area. Bylaws establishing the study area and detailing borrowing requirements now require Board approval in order to proceed.

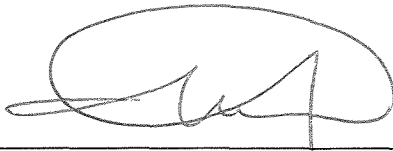
RECOMMENDATIONS

1. That Regional District of Nanaimo "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013", be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

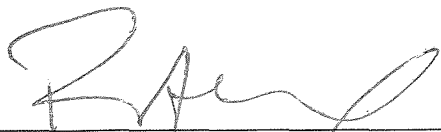
2. That Regional District of Nanaimo "Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013", be introduced, read three times and forwarded to the Inspector of Municipalities for approval.



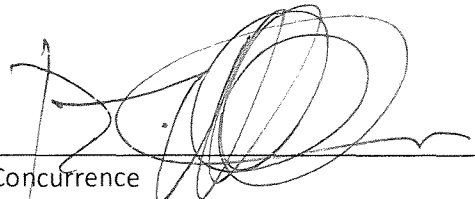
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

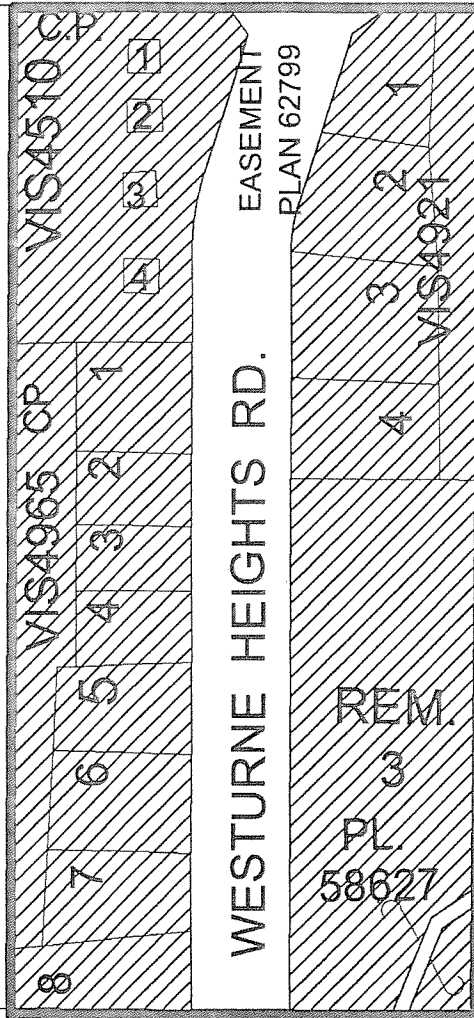
PL. 52066

PL.45420

WALZ ROAD

MARPLES ROAD

2
PLAN
58627



4
PLAN
58627

WHISKEY CREEK

CROWN LA

PL. 52495



0 25 50 100 Meters

Date: January 2013

PETITION
Westurne Heights Water Service Study Area
January 2013

To the Board of Directors
 Regional District of Nanaimo

Date:

I/We the undersigned owner(s) of land within the area outlined in black on the attached Schedule 'A' do hereby petition the Regional District of Nanaimo to establish a service for the purposes of funding an engineering evaluation/assessment of the existing Westurne Heights water system and contained within the area outlined in black on Schedule 'A' and identifying costs to upgrade the system to a standard that the Regional District of Nanaimo would be willing to own and operate. This service will be known as the Westurne Heights Water Service Study Area.

I/We understand that:

The Regional District of Nanaimo must adopt two bylaws to enable this study to be undertaken, a service establishing bylaw and a loan authorization bylaw.

Establishing Bylaw

A bylaw must be adopted to establish the boundaries of the service and setting out the amounts that may be raised to fund the annual budget for the service, including but not limited to the costs of any debt. The bylaw will contain the following statements:

- a. The maximum amount which may be raised to cover the annual costs is the greater of \$ 3,800 or the equivalent amount obtained by multiplying the net taxable values in the service area by a rate of \$ 1.05 per thousand dollars.

[The statement above contains a formula that is required by statute. It is used to determine the maximum amount that can be raised in a single year. The budget of 3,800.00 is the debt repayment costs of \$3,800 and may be less than the maximum provided in the bylaw, if that is not required.]

- b. The annual costs will be recovered within the local service area using one or more of the following:
- i. property value taxes under Section 803 (1)(a) of the Local Government Act.*
 - ii. parcel taxes under Section 803 (1)(b) of the Local Government Act.*
 - iii. fees and other charges fixed by separate bylaw for the purpose of recovering these costs as provided under Section 797.2 of the Local Government Act.*
 - iv. Revenues raised by other means authorized under this or another Act;*
 - v. Revenues received by way of agreement, enterprise, gift, grant or otherwise.*

[These statements are also required by statute and allow the budget to be financed by multiple sources of revenues – including grants.]

The Regional District of Nanaimo may merge this water service area with any other water service area at its discretion.

Loan Authorization Bylaw

A bylaw must be adopted to permit borrowing to fund this engineering analysis. A maximum amount of \$15,000 is expected to be borrowed and the repayment of that debt would be reflected in annual budgets beginning in 2014 and ending in 2018.

Estimated total costs

By signing this petition you are agreeing to have your property charged for the engineering review of the Westurne Heights Water Service Study Area. Based on information currently available it is estimated that a property would pay the following amounts beginning in 2014:

Estimated Annual Parcel Tax in Year 1	\$221
Estimated Annual Parcel Tax in subsequent four years	\$207

This represents the cost to make an annual debt payment on the initial borrowing of \$15,000.

Petition Approval

In order for the Regional District to proceed to introduce and adopt bylaws as noted in this petition, property owners of at least 50% of the parcels liable to be charged for the proposed service that represent 50% of the net taxable value of all land and improvements in the proposed service area must validly sign and return this form.

THE SECTION BELOW IS TO BE SIGNED BY THE MAJORITY OF OWNERS ON TITLE TO THE PROPERTY. (i.e. 2 owners, both must sign; 3 owners, 2 must sign) THE INFORMATION BELOW HAS BEEN PROVIDED TO THE BEST OF THE REGIONAL DISTRICT OF NANAIMO'S KNOWLEDGE BUT IT IS THE OWNERS' RESPONSIBILITY TO IDENTIFY ALL OWNERS AND ENSURE THE SIGNATURES OF A MAJORITY OF OWNERS ARE IN PLACE.

Legal Description		Registered Owner	Signature
Street Address			
Lot			
Plan			
District Lot	9		
Land District	Cameron		
Folio			
Assessed Value			

ONCE THIS FORM IS SIGNED PLEASE RETURN IT **BEFORE February 22, 2013** to:

By mail: Regional District of Nanaimo
Regional & Community Utilities
6300 Hammond Bay Rd.
Nanaimo, B.C. V9T 6N2

By fax: Attention: Regional & Community Utilities
250-390-1542

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1677, 2013

A BYLAW TO ESTABLISH THE WESTURNE HEIGHTS WATER SERVICE
STUDY AREA

WHEREAS pursuant to section 796 and 800 of the *Local Government Act* a regional district may, by bylaw, establish and operate any service the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Regional District of Nanaimo ("Regional District") wishes to establish a service for an engineering analysis to determine the status of the existing Westurne Heights water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system;

AND WHEREAS the Regional District received sufficient petitions to establish a Westurne Heights Water Service Study Area;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under section 801 of the *Local Government Act*;

AND WHEREAS participating area approval in each participating area has been obtained under section 797.4 of the *Local Government Act*;

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

1. Citation

This bylaw may be cited for all purposes as the "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013".

2. Service

The service established by this bylaw is the engineering analysis to determine the status of the existing Westurne Heights water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system (the "Service").

3. Boundaries

The boundaries of the service area is that part of Electoral Area 'F' shown in heavy outline on the plan attached as Schedule 'A', attached to and forming part of this bylaw.

4. Participating Area

The participating area for the Service is Electoral Area 'F'.

5. Cost Recovery

As provided in section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (c) fees and charges imposed under section 363 of the *Local Government Act*;
- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. Maximum Requisition

In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- (a) Three Thousand Eight Hundred (\$3,800) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of \$1.05 per \$1,000 applied to the net taxable value of land and improvements in the service area.

Introduced and read three times this ___ day of _____, 2013.

Approved by the Inspector of Municipalities this ___ day of _____, 2013.

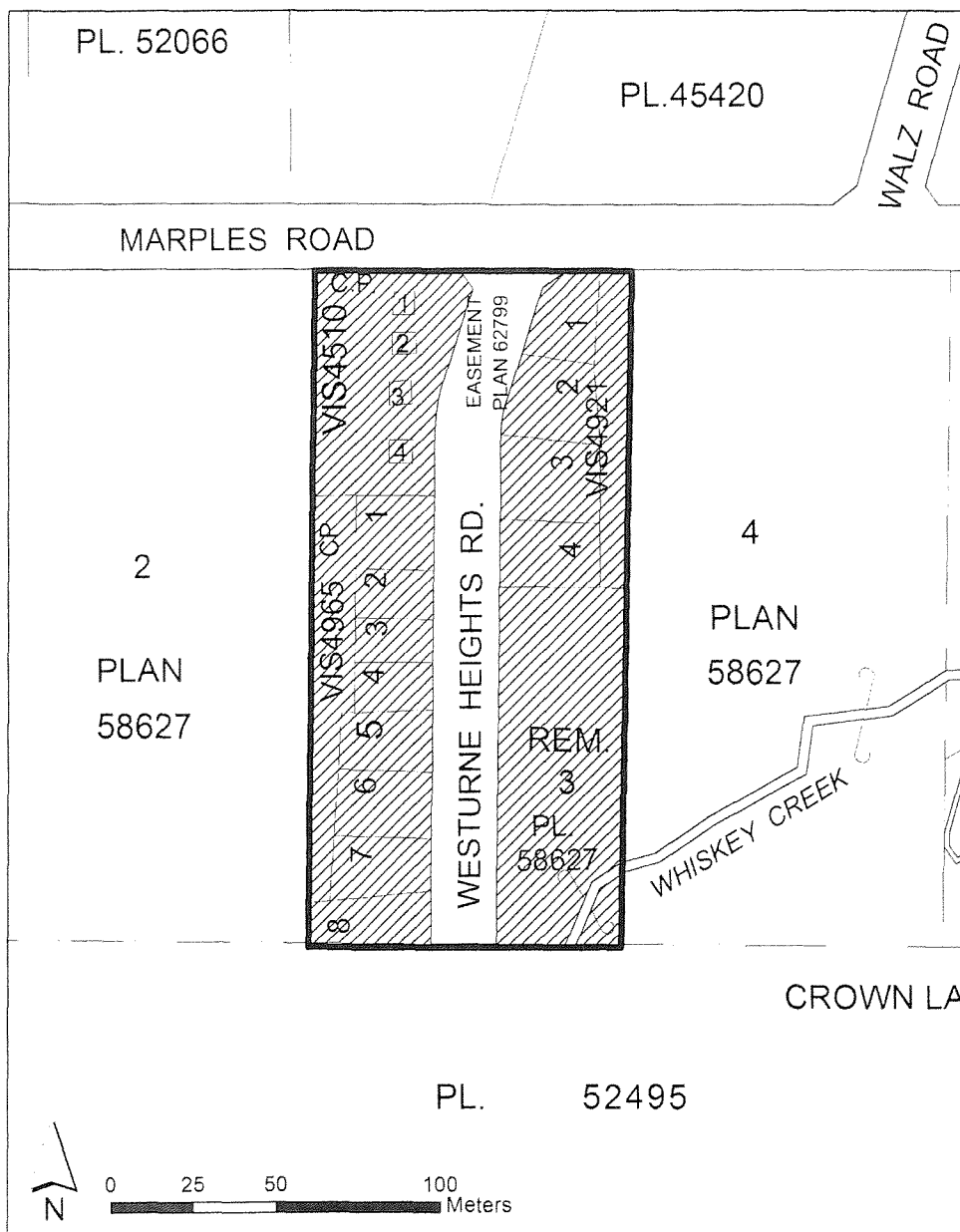
Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

Chairperson

Corporate Officer



Date: January 2013

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1678

**A BYLAW TO AUTHORIZE THE BORROWING OF
FIFTEEN THOUSAND DOLLARS (\$15,000)
FOR THE WESTURNE HEIGHTS WATER SERVICE STUDY AREA**

WHEREAS the Board of the Regional District of Nanaimo (the "Regional District") established the Westurne Heights Water Service Study Area pursuant to Bylaw No. 1677, cited as "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013" for the purpose of conducting an engineering analysis to determine the status of the existing Westurne Heights water system;

AND WHEREAS the Board wishes to study and evaluate the Westurne Heights water system and associated works (the "Works") to determine the necessary improvements and costs to upgrade the system to a standard that the Regional District would be willing to own and operate;

AND WHEREAS the estimated cost of the Works, including expenses incidental thereto, is the sum of Fifteen Thousand Dollars (\$15,000);

AND WHEREAS it is proposed that the financing of the said facilities be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between that Authority and the Regional District;

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

1. This bylaw may be cited for all purposes as the "Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013".
2. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out an engineering analysis and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - (a) to borrow upon the credit of the Regional District a sum not exceeding Fifteen Thousand Dollars (\$15,000); and
 - (b) to complete an engineering analysis to determine the status of the existing water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system as authorized under "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013".
3. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 5 years.

Introduced and read three times this ___ day of _____, 2013.

Approved by the Inspector of Municipalities this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER