

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2016-JAN-07, AT 3:00 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan (vacated at 3:36 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 3:36 p.m.)

Staff: T. Samra, City Manager (vacated 5:15 p.m.)  
G. Ferrero, Director of Information Technology & Legislative Services

Others: Ms. Sandra Carter, City Solicitor, Valkyrie Law

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:04 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 2(a) Legal Opinion Update
- (b) Correspondence from Councillor Brennan's lawyers dated 2015-DEC-10, 2015-DEC-15, and 2015-DEC-17; and Litigation.
  - i. Potential Motion to Strike Select Committee on Litigation
  - ii. Update from Mayor on Legal Advice
- (c) Add Agenda Item 2(b) Breaches of Confidentiality
  - i. Councillor Brennan
  - ii. Mayor McKay
- (d) Add Agenda Item 2(c) Social Media
  - i. Mayor's Report
- (e) Councillor Kipp requested that "Conflict of Interest" be added as Item 2(d).

3. ADOPTION OF AGENDA:

00116 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

By Unanimous Consent, Council agreed to reorder the Agenda by moving Agenda Item (d) Conflict of Interest to Item (a).

(a) Conflict of Interest

Council discussion took place regarding conflict of interest.

(b) Correspondence from Councillor Brennan's lawyers dated 2015-DEC-10, 2015-DEC-15, and 2015-DEC-17; and Litigation.

- i. Potential Motion to Strike Select Committee on Litigation
- ii. Update from Mayor on Legal Advice

Councillor Brennan declared a Conflict of Interest related to the correspondence from her lawyers and vacated the Board Room at 3:36 p.m.

Councillor Yoachim entered the Douglas Rispin Room at 3:36 p.m.

T. Samra vacated the Board Room at 4:10 p.m. while Council discussed the City Manager position. T. Samra returned to the Board Room at 4:16 p.m.

By unanimous consent, Council recessed the meeting at 4:56 p.m. with the intention to reconvene after a short break.

By unanimous consent, Council reconvened the meeting at 5:05 p.m.

T. Samra vacated the Board Room at 5:15 p.m.

00216 It was moved and seconded that Council:

1. direct the City Solicitor to prepare a legal opinion for the next regularly scheduled "In Camera" Meeting regarding the next steps related to correspondence received from Councillor Brennan's lawyers dated 2015-DEC-10, 2015-DEC-15, and 2015-DEC-17; and,
2. direct Staff to place the following remaining agenda items on the next regularly scheduled "In Camera" Meeting:
  - Breaches of Confidentiality
    - i. Councillor Brennan
    - ii. Mayor McKay
  - Social Media
    - i. Mayor's Report

The motion carried unanimously.

5. ADJOURNMENT:

00316 It was moved and seconded at 5:54 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JAN-11, AT 3:00 P.M.

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PRESENT: Acting Mayor W. L. Bestwick, Chair

Members: Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: Mayor W. B. McKay

Staff: T. Samra, City Manager  
C. Jackson, Manager of Legislative Services  
P.Humphreys, Recording Secretary (vacated at 4:22 p.m.)

Other:

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 2 (a) WorkSafeBC Investigation – Change title to Independent Investigation.

3. ADOPTION OF AGENDA:

00416 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Independent Investigation

discussion about conducting an environmental scan which would include conversations with Council members and senior staff.

00516 It was moved and seconded that Council receive the delegation of . The motion carried unanimously.

By unanimous consent Council recessed the meeting at 4:01 p.m with the intention to reconvene after a short break.

By unanimous consent Council reconvened the meeting at 4:04 p.m.

00616 It was moved and seconded that Council direct the City Manager to enter into a contract with to undertake an environmental scan. The motion carried unanimously.

The City Manager confirmed that any member of staff is still at liberty to file a WorkSafeBC complaint at any time and in any matter according to Human Resources policy.

P. Humphreys vacated the Douglas Rispin Room at 4:22 p.m.

00716 It was moved and seconded that Council proceed no further with the Heather McKenzie Respectful Workplace contract. The motion carried.  
*Opposed: Councillor Brennan*

00816 It was moved and seconded that Council direct the City Manager to report back on the terms of the Heather McKenzie contract and money spent to date. The motion carried unanimously.

5. ADJOURNMENT:

00916 It was moved and seconded at 4:24 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2016-JAN-14, AT 12:30 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan (vacated 2:01 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (entered 12:57 p.m.)

Staff: T. Samra, City Manager (vacated at 3:45 p.m.)  
D. Lindsay, Director of Community Development (vacated 1:00 p.m.)  
S. Samborski, A/Director of Strategic Relations, Culture & Heritage  
(vacated at 1:00 p.m.)  
J. Van Horne, Director of Human Resources (vacated 12:53 p.m.)  
C. Jackson, Manager of Legislative Services  
D. Smith, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 12:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 4(a) City Manager Selection Process Details and renumber remaining items.
- (b) Add Agenda Item 4(e) Breach of Confidentiality.

3. ADOPTION OF AGENDA:

01016 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. REPORTS:

T. Samra, D. Lindsay, and S. Samborski vacated the Board Room at 12:34 p.m.

(a) City Manager Selection Process Details

- 01116 It was moved and seconded that Council direct Staff to issue a news release and respond to inquiries regarding the City Manager selection process with the following details:
- the job has been advertised on CivicInfo, the Municipal Information Network and the City's website;
  - a shortlist of candidates will be created by the City Manager Selection Committee;
  - the City Manager Selection Committee will interview applicants;
  - once the City Manager Selection Committee determines its top candidate, reference checks will be conducted by the Director of Human Resources. The details of the reference checks will be reported back to the Committee; and,
  - the terms and conditions of employment, including salary, will be negotiated between the successful candidate and Council.

The motion carried unanimously.

T. Samra, D. Lindsay, and S. Samborski returned to the Board Room at 12:53 p.m.  
J. Van Horne vacated the Board Room at 12:53 p.m.

(b) City of Nanaimo and Nanaimo Port Authority - Passenger Ferry Request for Proposals

Councillor Yoachim entered the Board Room at 12:57 p.m.

- 01216 It was moved and seconded that Council support in principle the process outlined in the Staff report for the issuance of a joint City of Nanaimo/Nanaimo Port Authority Request for Proposal and selection of a passenger ferry operator. The motion carried unanimously.

Council Resolution re: Rise and Report

- 01316 It was moved and seconded that Council limit disclosure of information regarding Request for Proposal negotiations only to City of Nanaimo Council and Staff discussions with Nanaimo Port Authority Board and Staff. The motion carried unanimously.

D. Lindsay and S. Samborski vacated the Board Room at 1:00 p.m.

(c) Environmental Sector Representative to Advisory Committee on Environmental Sustainability

- 01416 It was moved and seconded that Council:
1. ratify the appointments of Ms. Erin McClelland as the Primary Representative and Mr. Mel Sheng as her Alternate to fill the environmental sector representative position on the Advisory Committee on Environmental Sustainability for a term ending 2018-MAR-31; and,
  2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2016-FEB-01 Council meeting agenda.

The motion carried unanimously.

(d) Recommendations for 2016 Culture & Heritage Award Recipients

01516 It was moved and seconded that Council Council approve the 2016 Culture and Heritage Award recipients as follows:

<b>AWARD CATEGORY</b>	<b>RECIPIENT</b>
Excellence in Culture	Ms. Susan Juby
Honour in Culture	Ms. Debbie Trueman
Emerging Cultural Leader	Ms. Alyssa Glassford
John Thompson Heritage Memorial	Mr. John Hofman

The motion carried unanimously.

Council Resolution re: Rise and Report

01616 It was moved and seconded that Council direct Staff to personally notify the recipients and the nominators of the 2016 Culture & Heritage Awards before the information is released to the public. The motion carried unanimously.

(e) 2016 Council Appointments to Committees

01716 It was moved and seconded that Council defer consideration of Item 2(e) 2016 Council Appointments to Committees until a future "In Camera" Meeting. The motion carried unanimously.

01816 It was moved and seconded that Council amend the agenda to include Item 2(g) Contract Administration. The motion carried unanimously.

(f & g) Breach of Confidentiality and Contract Administration

The City Manager discussed a recent breach of confidentiality and administration of the Integrity Group contract.

By unanimous consent, Council recessed the meeting at 1:36 p.m.

By unanimous consent, Council reconvened the meeting at 1:45 p.m.

Councillor Brennan entered the meeting at 1:46 p.m.

01916 It was moved and seconded that Council receive the City Manager's verbal report regarding breach of confidentiality and administration of the Integrity Group contract. The motion carried unanimously.

Councillor Brennan vacated the Board Room at 2:01 p.m.



T. Samra vacated the Board Room at 3:45 p.m.

02016

02116           It was moved and seconded that Council table consideration of Council Resolution #02016 until the "In Camera" Meeting on Monday, 2016-JAN-18. The motion carried unanimously.

5.    ADJOURNMENT:

02216           It was moved and seconded at 4:04 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
M A Y O R

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JAN-18, AT 5:30 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair (vacated 6:12 p.m.)

Members: Acting Mayor W. L. Bestwick  
Councillor M. D. Brennan (vacated 10:03 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Others: Ms. Sandra Carter, Valkyrie Law Group LLP, (via telephone at 5:36 p.m.,  
vacated 6:46 p.m.)

Staff: G. Ferrero, Director of Information Technology & Legislative Services  
C. Jackson, Manager of Legislative Services  
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:34 p.m.

Mayor McKay made a statement regarding Hon. Minister Fassbender's Office, the hiring process for the interim City Manager, and Councillor Brennan's legal action.

Council discussion took place regarding the Mayor's statement.

Ms. Snelgrove vacated the Douglas Rispin Room at 5:40 p.m.

Mayor McKay vacated the Douglas Rispin Room at 6:12 p.m.

By unanimous consent Council recessed the Special "In Camera" Council Meeting at 6:12 p.m.

Ms. Snelgrove returned to the Douglas Rispin Room at 6:14 p.m.

By unanimous consent Council reconvened the Special "In Camera" Council Meeting at 6:15 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 9 (c) Add motion from Councillor Kipp regarding Legal Action.

(b) Agenda Item 9 (d) Add Tabled Motion from the Special "In Camera" Meeting of Council held 2015-JAN-14.

3. ADOPTION OF AGENDA:

02316 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

02416 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-NOV-16 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC;
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-NOV-23 at 9:12 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC;
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-NOV-30 at 3:02 p.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC;
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-DEC-07 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC;
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-DEC-07 at 9:47 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC; and,
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-DEC-14 at 9:12 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

Councillor Brennan vacated the Douglas Rispin Room at 6:16 p.m.

5. OTHER BUSINESS:

(a)

By unanimous consent Council shared the Mayor's statements regarding the Hon. Minister Fassbender with legal counsel.

Ms. Carter left the meeting at 6:46 p.m.

Ms. Snelgrove vacated the Douglas Rispin Room at 6:55 p.m.

02716 It was moved and seconded that Council recess the Special "In Camera" Council Meeting at 6:58 p.m. with the intention to reconvene after the Regular Council Meeting.

02816 It was moved and seconded that Council reconvene the Special "In Camera" Council Meeting at 8:40 p.m. The motion carried unanimously.

Councillor Brennan returned to the Douglas Rispin Room at 8:40 p.m.

Councillor Thorpe entered the Douglas Rispin Room at 8:41 p.m.

- (b) Breaches of Confidentiality
  - ii. Mayor McKay

Council discussion took place regarding Mayor McKay and breaches of confidentiality.

By unanimous consent Council postponed consideration of Agenda Item 9 (b) ii. Breaches of Confidentiality – Mayor McKay until the next "In Camera" Meeting of Council.

- (c) Councillor Kipp re: Legal Action

- (d)

02916

Councillor Brennan vacated the Douglas Rispin Room at 10:03 p.m.

6. ADJOURNMENT:

03016 It was moved and seconded at 10:07 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ACTING MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JAN-25, AT 7:36 P.M.

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PRESENT: Acting Mayor J. A. Kipp, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan (vacated at 9:34 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: Mayor W. B. McKay

Staff: T. Samra, City Manager  
G. Ferrero, Director of Information Technology & Legislative Services /  
Deputy Corporate Officer  
D. Smith, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 7:36 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Item 4(a) Administration – Legal Opinions.

3. ADOPTION OF AGENDA:

03116 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Legal Opinions

T. Samra provided a verbal summary of background information regarding recent investigations, and read excerpts from various documents, including legal opinions and emails.

5. ADOPTION OF MINUTES:

03216 It was moved and seconded that Council adopt the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-JAN-18 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC as circulated. The motion carried unanimously.

03316 It was moved and seconded that Council rescind Council "In Camera" Resolution No. 02916 made at the Special "In Camera" Meeting held 2016-JAN-18 and replace it with the following:

That Council, as a result of the loss of confidence in the Mayor, respectfully requests that the Mayor adhere to the following:

- (a) immediate withdrawal of legal request/actions towards the removal of Ms. Samra;
- (b) have a third party (a Councillor) present during City Manager/Mayor meetings;
- (c) circulate all correspondence in and out of the Mayor's office in a timely fashion (7 day turn around);
- (d) notify Council, in advance, of all media interviews, print, radio, TV, bulletins, social media;
- (e) inform Council and share all legal correspondence in and out with Council in a timely manner, including but not limited to advice and action requested in regard to Ms. Samra; and,
- (f) honour Council Resolution No. 17315 as passed unanimously by Council at its Special "In Camera" Meeting held 2015-DEC-14.

The motion carried unanimously.

Councillor Brennan declared a Conflict of Interest regarding \_\_\_\_\_ and vacated the Douglas Rispin Room at 9:34 p.m.

6. OTHER BUSINESS:

- (a)

7. ADJOURNMENT:

03516 It was moved and seconded at 9:42 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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ACTING MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER



**AGENDA**  
SPECIAL COUNCIL MEETING  
BOARD ROOM, NANAIMO SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
TUESDAY, 2016-NOV-01, AT 4:00 P.M.

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1. **CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:**

2. **PROCEDURAL MOTION:**

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations and other employee relations;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

3. **ADJOURNMENT OF THE SPECIAL MEETING:**

ACTING MAYOR: COUNCILLOR FULLER  
2016-OCT-19 to 2016-NOV-29

# "In Camera Report"

City of Nanaimo

File Number: 0580

DATE OF MEETING November 1, 2016

AUTHORED BY

**SUBJECT BREACH OF CONFIDENTIALITY/PRIVACY –**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with legal advice and information regarding the following:

- (1) breach of Section 117(1) of the *Community Charter*; and,
- (2) breach of Section 30.4 of the *Freedom of Information and Protection of Privacy Act*, by Councillor Brennan on 2016-OCT-20.

### **Reason for "In Camera"**

*Community Charter* 90 (1) (c) labour relations or other employee relations; (g) litigation or potential litigation affecting the municipality; (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, 90 (2) (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

### **Recommendation**

That Council take appropriate action to discourage the release of confidential and privileged City records and Staff's personal information.

### **Resolution to Rise and Report**

That Council authorize Staff to prepare a press release and speaking lines to be released in the event the censure process proceeds. Council may also elect to rise and report that it is conducting an investigation into the release of confidential and privileged City records.

## **BACKGROUND**

In response to a letter dated October 20, 2016 from the City Manager to

he had read a confidential and privileged email from the City Manager, to Councillor Brennan, Mayor & Council, and Legal Counsel dated 2016-OCT-19 (Attachment 1).

Councillor Brennan sent the first version of the email at 12:32 PM (Attachment 2).

At 12:43 PM Councillor Brennan resent the same version of the email a second time and added as a recipient at (Attachment 3).

Neither Council nor the City Manager directly or indirectly authorized Councillor Brennan to disclose the confidential and privileged record, as it contained confidential employer-employee relations information related to allegations of misuse of tax payers funds (Section 22 FOIPPA),

legal and policy questions (Sections 14 & 17 FOIPPA), and personal opinions of Councillors Brennan and the City Manager (Section 22).

Confidentiality (Community Charter):

Section 117(1) of the *Community Charter* requires a Council member to keep in confidence any record held in confidence by the City until the record is released to the public as lawfully authorized or required, unless specifically authorized by Council. Absent a lawful exemption for such conduct, Councillor Brennan's decision to release confidential and privileged information appears to be a breach of her *Community Charter* obligations.

Confidentiality (Freedom of Information and Protection of Privacy Act (FOIPPA)):

Section 30.4 of FOIPPA prohibits the unauthorized disclosure of confidential records. Absent a lawful exemption for such conduct, Councillor Brennan's decision to release confidential and privileged information appears to be a breach of her *Community Charter* and FOIPPA obligations.

On 2016-OCT-21, as the FOI Head, I sent a letter to [redacted] advising him that the City had reasonable grounds to believe that personal information belonging to the City was in his possession and directed him to return the information or securely destroy the information (Attachment 4).

On 2016-OCT-27, [redacted] advised the City in writing that he had destroyed the record to the best of his ability (Attachment 5).

Further action may be required by the FOI Head as the information was delivered to the [redacted] and as noted by [redacted] does not have the ability to permanently delete this record.

The release of confidential and privileged records to [redacted] has both harmed the City, Council and Staff and has unnecessarily placed the City at risk for litigation.

**OPTIONS**

1. Censure Councillor Brennan for releasing confidential and privileged records to [redacted] without authorization.
  - **Budget Implication:**
  - **Political/Legal Implication:**
  
2. Pursue action against Councillor Brennan under the Offence Act for releasing confidential and privileged records to [redacted] without authorization.
  - **Budget Implication:**
  - **Political/Legal Implication:**

3. Do nothing.

- **Budget Implication:**
- **Political/Legal Implication:** Council is aware of non-compliance with *Community Charter* and FOIPPA and takes no action to protect the interests of the City and Staff. The Information and Privacy Commissioner is already investigating one breach of confidential records by the City. This will cause further scrutiny, investigation and embarrassment to the organization.

#### **SUMMARY POINTS**

- Pattern of releasing confidential records.
- Release of confidential records can be seen to harm the City of Nanaimo, Council and Staff.

#### **ATTACHMENTS**

Legal Opinion.

**Submitted by:**

#### **CITY MANAGER COMMENT:**

I concur.

# Attachment 2

Tracy Samra

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**From:** Diane Brennan  
**Sent:** Thursday, October 20, 2016 12:32 PM  
**To:** Tracy Samra  
**Cc:** Mayor&Council; ;  
**Subject:**

...db

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**From:** Tracy Samra  
**Sent:** Wednesday, October 19, 2016 9:31 PM  
**To:** Diane Brennan  
**Cc:** Mayor&Council; ;  
**Subject:**

# Attachment 3

Tracy Samra

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**From:** Diane Brennan  
**Sent:** Thursday, October 20, 2016 12:43 PM  
**To:** Tracy Samra  
**Cc:** Mayor&Council;  
**Subject:**

# Attachment 4



2016-OCT-21

Dear Sirs/Mesdames:

**RE: *Freedom of Information and Protection of Privacy Act* (the "Act")  
Section 73.1 – Recovery of Personal Information**

The City of Nanaimo, in accordance with Section 73.1 of the *Freedom of Information and Protection of Privacy Act* (the *Act*), has reasonable grounds to believe that personal information belonging to the City of Nanaimo and/or its employee(s), is in your possession.

This personal and privileged information relates to an email dated 2016-OCT-19 from Ms. Tracy Samra, CAO, addressed to Councillor Diane Brennan, Mayor & Council of the City of Nanaimo, as well as City's legal representatives,

We are therefore issuing Notice pursuant to the *Act*, that you do either of the following within 20 days of the date of this letter:

1. return the information to the City of Nanaimo or, in the case of electronic records, securely destroy the information and confirm in writing the date and the means by which the information was securely destroyed;
2. respond in writing and declare why you consider that:
  - (a) the information was not in the custody or under the control of the City when you acquired possession of the information, or
  - (b) you are authorized by law to possess the information.

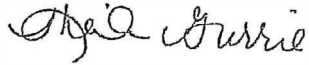
The City of Nanaimo may pursue legal action to recover the personal information contained in these letters if you do not respond as outlined above, and we believe you cannot reasonably demonstrate that:

1. the personal information was not in the custody or under the control of the City of Nanaimo when you acquired possession of the information, or
2. you are authorized by law to possess the personal information.

.../2

If you have any questions, please feel free to contact me at 250-755-4494, or via email at [sheila.gurrie@nanaimo.ca](mailto:sheila.gurrie@nanaimo.ca).

Sincerely,

A handwritten signature in cursive script that reads "Sheila Gurrie".

Sheila Gurrie  
FOI Head



# ATTACHMENT 5

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**From:**  
**Sent:** Thursday, October 27, 2016 3:03 PM  
**To:**  
**Subject:** RE: Recovery of Personal/Privileged Information

Dear Ms. Gurrie:

Thank you for your letter of October 21<sup>st</sup>. Whether or not the email you refer to constitutes personal information that belongs to the City of Nanaimo, and should not have been shared with me, is immaterial to me. I do have the email in my possession, received electronically, and can advise you that as of the date of this letter the information has been securely destroyed electronically within the Legislative Assembly system. That is to say it has been deleted; however, in speaking with our computer experts I am advised that there will be a back-up tape that the government retains for thirteen months, which is then destroyed. So, in answer to your notice, it has been destroyed; but I might add, for interest, I don't think an email that has been shared with all members of Council constitutes being in the custody or under the control of the City.

In any event, I trust this is a satisfactory reply to your letter of October 21<sup>st</sup>.

Yours very truly,

---

**From:** Sheila Gurrie [<mailto:Sheila.Gurrie@nanaimo.ca>]  
**Sent:** October 21, 2016 3:12 PM  
**To:**  
**Subject:** Recovery of Personal/Privileged Information

Please see the attached letter pursuant to Section 73.1 of the *Freedom of Information and Protection of Privacy Act*.

Sincerely,

Sheila Gurrie, CIPP/C, CIAPP-P  
FOI Head  
City of Nanaimo  
455 Wallace Street, Nanaimo, BC V9R 5J6  
T 250.755.4489 F 250.755.4435

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# **“In Camera Report”**

City of Nanaimo

File Number: 0530

DATE OF MEETING November 1, 2016

AUTHORED BY

**SUBJECT ALLEGATIONS OF BREACH OF CONFIDENTIALITY/PRIVACY –  
INTERIM HIRING PROCESS**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with legal advice and advice the alleged (1) breach of section 117(1) of the *Community Charter* and (2) breach of the *Freedom of Information and Protection of Privacy Act* Section 30.4, by Councillor Brennan in November 2015.

### **Reason for “In Camera”**

*Community Charter* 90 (1):

(c) labour relations or other employee relations; (g) litigation or potential litigation affecting the municipality; (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,  
90 (2) (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

### **Recommendation**

That Council take appropriate action to discourage the release of confidential and privileged City records and Staff's personal information.

### **Resolution to Rise and Report**

That Council direct Staff to prepare a press release and speaking lines to be released after a decision on how to proceed has been made. Council may elect to rise and report that it is conducting an investigation into the release of confidential and privileged City records.

## **BACKGROUND**

### **Interim City Manager Hiring Committee**

In November 13, 2015 the Interim City Manager Hiring Committees adopts motions to recommend to Council that the City offer employment to the successful candidate and that Council rise and report. Importantly, the ICM Hiring Committee had no authority to direct Council.

### **In Camera Council Meeting**

On November 16, 2015 between 5:00 p.m. and 7:00 p.m. during the deliberations on the interim City Manager hiring process, Councillor Brennan moved a motion to rise and report on the interim hiring process, it was not seconded. Consequently there was no Council motion to rise and report.

Between November 16, 2015 and November 18, 2015 posts confidential information about the interim City Manager hiring process on the Facebook group known as ; someone removes it within 48 hours.

November 23, 2015 *In Camera* Council meeting Councillor Brennan advised that she provided information about the interim City Manager hiring process to but would not provide any details.

As of October 31, 2016 Councillor Brennan has continued to challenge the legality of the interim City Manager hiring process and maintains that she had authority to release the information.

### Confidentiality

Section 117(1) of the *Community Charter* requires a Council member to keep in confidence any record held in confidence by the City until the record is released to the public as lawfully authorized or required, unless specifically authorized by Council. Absent a lawful exemption for such conduct, Councillor Brennan's decision to release confidential and privileged information appears to be a breach of her *Community Charter* obligations.

### FOIPPA

Section 30.4 of the *Freedom of Information and Protection of Privacy Act* requires Council members to not disclose confidential records except as authorized. Again, absent a lawful exemption for such conduct, Councillor Brennan's decision to release confidential and privileged information appears to be a breach of her *Community Charter* and FOIPPA obligations.

### Harm to the City

The release of confidential and privileged information has resulted in continued and significant local/national media, and, social media attention on the City, Council and City Staff.

Moreover, the release has resulted in legal fees for the City, the named Councillors, and, the City Manager; City was forced to retain additional lawyers to represent the individual interests of Councillors and the City Manager acting their capacities as elected officials and chief administrative officers. In response to a request to make an apology the matter escalated to contain counter-allegations resulting in yet more legal fees and time and Mayor McKay retaining his own lawyers.

### OPTIONS

1. Censure Councillor Brennan for releasing confidential and privileged records to the public without a motion to rise and report.
  - **Budget Implication:** Minimal legal costs.
  - **Political/Legal Implication:** Council is taking steps to address non-compliance with *Community Charter* and FOIPPA.
2. Pursue action against Councillor Brennan under the *Offence Act* for releasing confidential and privileged records to the public without a motion to rise and report.

- **Budget Implication:** Moderate legal costs.
  - **Political/Legal Implication:** Council is taking steps to address non-compliance with *Community Charter* and FOIPPA.
3. Do nothing.
- **Budget Implication:** No legal costs.
  - **Political/Legal Implication:** Council is aware of non-compliance with *Community Charter* and FOIPPA and takes no action to protect the interests of the City and Staff.

#### **SUMMARY POINTS**

- First alleged incident of releasing confidential records related to City operations and the City Manager.
- Release of confidential records can be seen to harm the City of Nanaimo, Council and Staff.

#### **ATTACHMENTS**

Chronology Part 1.

**Submitted by:**

#### **CITY MANAGER COMMENT:**

I concur with the chronology of facts and corporate records attached.

## CHRONOLOGY OF EVENTS

### In Camera Interim Hiring Committee

- 1) November 13, 2015 *In Camera* Interim Hiring Committee meeting:
  - a) Mayor McKay leaves meeting without providing explanation.
  - b) Motion to recommend council hire successful candidate.
  - c) Motion to recommend that council rise and report on the interim hiring process.  
(released minutes attached)

### In Camera Council Meeting

- 2) November 16, 2015, (2:36 p.m.) Councillor Brennan alerts media that some of council considering sending a news release about the pending hiring of the interim CAO.  
(FOI email attached).
- 3) November 16, 2015, (5:00 p.m. to 7:00 p.m.) *In Camera* Council meeting:
  - a) Mayor McKay declares a conflict of interests and leaves meeting.
  - b) Committee recommendation to offer the interim City Manager position to successful candidate approved by motion.
  - c) Committee recommendation to rise and report not seconded, no motion.  
(released minutes and certified corporate officer's notes attached)

### Open Council Meeting

- 4) November 16, 2015, (7:30 p.m.) Councillor Brennan provides announcement script to Mayor McKay via email. Mayor McKay inadvertently breaches confidentiality when he reads out the statement.  
(FOI email attached)

### Publication of Confidential Information

- 5) November 17, 2015, Councillors Thorpe and Pratt meet with \_\_\_\_\_ to review proposed press release. \_\_\_\_\_ advises against it.  
(email attached)
- 6) Between November 16, 2015 and November 18, 2015 \_\_\_\_\_ posts confidential information about the interim hiring process on the facebook group known as \_\_\_\_\_  
An administrator for the public facebook group removes it within 48 hours.  
(screen shot attached)

### Investigation into Breach of Confidentiality

- 7) November 23, 2015 *In Camera* Council meeting:

## CHRONOLOGY OF EVENTS

- a) Councillor Thorpe advises that after a committee meeting on or about November 18, 2015 questioned him about the interim hiring process. He thought that the rise and report motion from the committee meeting allowed him to do so. He verified the information put to him by
- b) Councillor Brennan advised that she provided information about the interim hiring process to and others but would not provide any details.
- c) Council directed City Manager to obtain legal advice on options for dealing with the breach of confidentiality by Councillors Brennan and Thorpe.

(released minutes attached)

8) November 30, 2016 *In Camera* Council meeting:

- a) Legal counsel attended and provided legal advice to council on how to address the breach of confidentiality about the interim hiring process.
- b) Council elects least severe option and adopts a motion to ask Councillors Brennan and Thorpe to make an apology in an open council meeting.

(released minutes attached)

9) December 7, 2015, Councillors Brennan and Thorpe invited to share their apology statements with corporate legal counsel. Councillor Brennan advises that she cannot make the deadline and asks for an extension.

(email attached)

10) December 7, 2015 *In Camera* Council meeting:

- a) Council approves Councillor Thorpe's apology and Mayor McKay's script.
- b) Council does not accept the statement that Councillor Brennan proposes as it was not an apology.

(released minutes attached)

11) December 7, 2015 Open Council meeting:

- a) Councillor Thorpe apologizes and Mayor McKay advises that Councillor Brennan will apologise later.

12) December 14, 2015 *In Camera* Council meeting:

- a) Councillor Brennan advises she will not apologise.

**Councillor Brennan's Legal Actions: Peter Behie, Q.C.**

## CHRONOLOGY OF EVENTS

13) Between December 8, 2015 and December 14, 2015 Councillor Brennan invites Councillors Thorpe, and Pratt and Mayor McKay to meet with her lawyer Peter Behie, Q.C. Mayor McKay is asked to swear an Affidavit in support of her claim.

(FOI email attached)

14) On December 14, 2015 a letter dated December 10, 2015 from Peter Behie, Q.C. is hand delivered to Mayor McKay at City Hall.

a) Mr. Behie demanded

- i) Mayor McKay suspend the City Manager.
- ii) Mayor McKay fire corporate lawyers and reinstate Young Anderson LLP.
- iii) Council repudiate "censure" motion.

b) Mayor McKay did not share the letter until December 15, 2015 stating he forgot he had it in his pocket.

(leaked RLR letter attached)

15) On December 15, 2015 a letter dated December 14, 2015 was delivered to City Manager regarding the interim hiring process and investigation into the breach of confidential information from the *in camera* meeting on November 16, 2015.

(leaked RLR letter attached)

### Legal Advice on Councillor Brennan's Legal Actions

- 16) On December 15, 2015 corporate legal counsel advised Council that the City Manager not in a conflict of interest.
- 17) Between December 15, 2015 and December 17, 2015 two separate corporate legal counsel advise interim hiring process lawful.
- 18) On December 22, 2015 Mayor McKay seeks to override legal advice and directs City Manager to cease carrying out her duties as City Manager. City Manager advises council.
- (email attached)
- 19) Between December 15, 2015 and December 31, 2015, Mayor McKay, without authorization from council, retains a third law firm. Mayor McKay has not shared the legal advice with council. Legal invoices suggest Mayor McKay obtained legal advice on the December 10, 2015 RLR letter.
- 20) On December 18, 2015 Mayor McKay is provided a draft response to the December 10, 2015 RLR letter. Mayor McKay delays sending response. Council questions the delay. Mayor McKay pointed at City Manager for delay.
- (email attached)

## CHRONOLOGY OF EVENTS

21) On December 30, 2015 Mayor McKay sends a response to Peter Behie, Q.C.

(letter attached)

### Minister Fassbender & Ministry Officials

22) Between January 1, 2016 and January 18, 2016 Mayor McKay met with the Honourable Minister Peter Fassbender, Minister of Community, Sport and Cultural Development, the Deputy Minister and Assistant Deputy Minister to discuss the City of Nanaimo.

23) On January 18, 2016 Mayor McKay advised Council that he had delivered information on the level of discord of the City of Nanaimo and hiring process for the interim City Manager to Minister Fassbender and the Ombudsperson.

- a) Mayor states that if Council does not fire the interim City Manager he will report back to the Ministry
- b) He further advised that if he asks the Ministry will step in and oversee the hiring process for a permanent City Manager.
- c) Mayor McKay accused the City Manager of being a liar, not being trustworthy and that she had been untruthful. He offered no documentation or other evidence to support the allegations.

(verbatim minutes attached)

24) On January 20, 2016 Michelle Dann, Executive Director of Advisory Services, Government Structure Branch called Chris Jackson, Manager of Legislative Services to enquire into issues presumably raised by Mayor McKay. Mr. Jackson returned her call later in the afternoon and was advised a second staff member was on the call.

- a) She asked about the statutory positions and their status.
- b) She noted the City was in good financial position.
- c) \_\_\_\_\_, and noted her understanding about discord on council.
- d) She asked about members of community and their thoughts on council.
- e) She asked about staff morale.
- f) She asked about statutory obligations.
- g) She noted that there are no statutory requirements that the City is failing to meet and that issue seems to be political.

(email and notes attached)

25) On January 25, 2016 the Ministry called the City Manager to discuss the termination of the Integrity Group contract. City Manager returned the call to Ms. Dann and Tara Faganello, ADM.

(email attached and see video January 25, 2016)



## CHRONOLOGY OF EVENTS

26) By letter dated January 28, 2016 Councillors Beswick, Fuller, Hong, Kipp, Pratt, Thorpe and Yoachim advised the Minister that they were satisfied with the results the interim hiring process and the performance of the interim City Manager. They acknowledged that there were challenges among the councillors but progress has been made and the current collaboration on council is moving the city forward.

(letter attached)

### Investigation Concluded

27) By letter dated February 2, 2016, Tara Faganello, ADM, Local Government Division advised Mayor McKay with a copy to Council, that she did not see a formal role for ministry officials at that time. Should council collectively decide to formally request assistance from the Ministry they would be happy to consider support or guidance as needed.

(letter attached)

28) Neither the Ministry nor the Minister made further written contact with City officials or Council regarding any hiring processes for City Manager, the various investigations or other allegations made by Mayor McKay to them in early January 2016.

29) While Mayor McKay never fully disclosed the nature of his complete set of complaints to the Minister or Ombudsperson, the Ministry's letter made it clear that no further action would be taken unless requested. As a result, any issue raised by Mayor McKay were no longer in play after February 2, 2016.

# EXHIBIT A

**Sheila Gurrie**

---

**From:** Diane Brennan  
**Sent:** Monday, November 16, 2015 2:36 PM  
**To:** 'Andrea Rosato-Taylor'  
**Subject:** news release tonight

Some of us on council are considering sending a news release about the pending hiring of an interim CAO. Is it best to send it to you or Spencer? We will send it tonight if we decide it is news worthy. Just a heads up and direction on where to send it. ...db

# EXHIBIT B

Sheila Gurrie

---

**From:** Diane Brennan  
**Sent:** Monday, November 16, 2015 7:30 PM  
**To:** Mayor Bill McKay  
**Subject:** announcement

Tonight council made a selection for CAO and the offer will be made. We will know shortly if we have a new CAO. The council also made a decision to rise and report on the selection and the process used to make the selection.

Sent from my iPad

# EXHIBIT C

---

**From:** Philip Cooper  
**Sent:** Thursday, January 07, 2016 12:28 PM  
**To:** Tracy Samra  
**Subject:** RE: Request

Tuesday, November 17.

---

**From:** Tracy Samra  
**Sent:** Thursday, January 07, 2016 12:24 PM  
**To:** Philip Cooper  
**Cc:** Jan Kemp  
**Subject:** Request


Philip

Can you provide me the date Councillors Thorpe and Pratt asked for your advice on the proposed press release related to the interim CM hiring process.

Thanks,  
Tracy Samra, City Manager  
City of Nanaimo

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# EXHIBIT D

 Actually council has been consulted. Here was the process as I have been told.

There were 22 applications. the HR manager prepared the list and the applications and CV's and presented this to council. They were asked to review the applications and put a YES, NO or Maybe beside each one.

Then when council meet they were to tally up the results and create a short list after which there would be interviews, reference checks and then a final candidate would be picked.

That didn't happen.

Here is what happened.

When council meet some had not done their homework. One councillor stated right off that but that there was only one choice that they were interested in. The second said there were two they would support but quickly dropped their first choice for the second. One councillor stated that they would support the candidate of the other two. At that point one councillor put forward a motion to hire they choice of the other three. Then the mayor had to leave the meeting because he has a conflict of interest with the Candidate put forward in the motion. At that point the motion when through with the fab 5 voting in their candidate.

The whole process took about an hour.

There was no short list, there were not interviews, there were no reference checks.

Like 2 hrs



How are you privy to in-camera information?

Like 12 mins



A very good question Mark.

Like 11 mins

ON OR ABOUT NOV. 17-18

# EXHIBIT E

**Mayor Bill McKay**

---

**From:** Diane Brennan  
**Sent:** Friday, November 20, 2015 9:26 AM  
**To:** Mayor Bill McKay  
**Subject:** rise and report on selection and process of selection

Section 12



Sent from my iPad

# EXHIBIT F

**Sheila Gurrie**

**From:** Diane Brennan  
**Sent:** Monday, December 07, 2015 12:09 PM  
**To:** Tracy Samra  
**Subject:** Re: Confidential: Apology

Tracy, I will be unable to meet the deadline of 1pm today. I am seeking legal advice as to the wording of the apology. Not sure who you want to proceed.

Sent from my iPad

On Dec 7, 2015, at 9:36 AM, Tracy Samra <Tracy.Samra@nanaimo.ca> wrote:

*Councillors Brennan and Thorpe,*

I invite you to prepare you apology statement and submit it by 1:00 p.m. so that legal counsel may review it prior to the open council meeting.

A simply acknowledgement of the breach with no specifics and a commitment/pledge to not breach it again would be appropriate and consistent with the motion.

- failure to comply with Community Charter and Council Code of Conduct
- disclosed confidential information

Yours truly,

Tracy Samra, City Manager  
T: 250-755-4410



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# EXHIBIT G

Sheila Gurrie

**From:** Diane Brennan  
**Sent:** Monday, December 07, 2015 2:41 PM  
**To:** Tracy Samra  
**Subject:** RE: appointment lawyer tomorrow

Thank you Tracy....db

-----Original Message-----

**From:** Tracy Samra  
**Sent:** Monday, December 7, 2015 1:31 PM  
**To:** Diane Brennan  
**Cc:** Mayor&Council; Jan Kemp  
**Subject:** RE: appointment lawyer tomorrow

Council can consider your request this evening. I note that you probably should have requested legal advice once you were aware you were directed by Council to make a public apology in open council.

Yours truly,

Tracy Samra, City Manager  
T: 250-755-4410

This email is intended to be received only by the person to whom it is addressed and may be PRIVILEGED AND CONFIDENTIAL. If you have received this email in error, please delete it and inform the sender immediately.

-----Original Message-----

**From:** Diane Brennan  
**Sent:** Monday, December 7, 2015 12:30 PM  
**To:** Tracy Samra  
**Subject:** appointment lawyer tomorrow

Tracy I have an appointment tomorrow at 11 am with Peter Behie. I expect I will be in a position to respond tomorrow after I see him. Will that work for you?

Sent from my iPad



# EXHIBIT H

**Mayor Bill McKay**

---

**From:** Díane Brennan  
**Sent:** Tuesday, December 15, 2015 7:48 AM  
**To:** Mayor Bill McKay  
**Subject:** Call me

section 22  
thx

Sent from my iPhone

# EXHIBIT I

Mayor Bill McKay

---

**From:** DIANE BRENNAN  
**Sent:** Tuesday, December 15, 2015 10:17 AM  
**To:** Mayor Bill McKay  
**Subject:** Can you provide this.

Bill can you provide me with an email that confirms this?

*Also, you should get the Mayor to say to you what he said to me that (a) he thinks there is no basis for the censorship; (b) he asked Council to reverse this and (c) they disregarded this. We can then get this information into an Affidavit which will fortify our claim.*

Sent from my iPad

# EXHIBIT O



December 30, 2015

Ramsay Lampman Rhodes  
P.O. Box 667, 111 Wallace Street  
Nanaimo, BC V9R 5L9  
Fax: 250-754-1148  
Email pbehie@rlr-law.com

**SENT BY ELECTRONIC MAIL**

Attention: Peter C.P. Behie, Q.C.

Dear Mr. Behie, Q.C.:

**Re: Letter dated December 10, 2015, received December 15, 2015, on behalf of Councillor Diane Brennan**

I write further to your letter dated December 10, 2015, which was received December 14, 2015, requesting that I take a number of steps.

I first note that there are a number of facts in your correspondence that are in dispute. Without going into detail on all such facts, I do note in general the following:

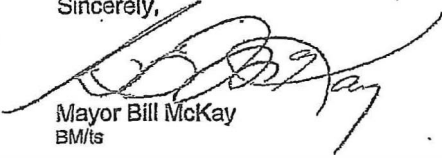
1. There has been no motion to censure Ms. Brennan. As an alternative to censure, Ms. Brennan was asked to apologize. She asked for an extension of time to seek legal counsel, which was given. Ms. Brennan then communicated that she refuses to apologize based on her belief that she did not breach in-camera confidentiality, which is a decision that is within her rights.
2. Council and its committees are at liberty to make its processes and to change its processes. Both Council and its hiring committee have followed their processes.
3. City Legal Counsel has advised, that in their opinion, Ms. Samra is not in conflict.

In response to your request that I take a certain steps:

1. Please be advised that I take my responsibilities under the Community Charter very seriously. While the charter does provide the Mayor the right to suspend an Officer of the Corporation, and Council has the right to uphold such suspension, I do not see the evidence based on what you have provided that would warrant such measures.
2. The retainer of legal counsel by the City is privileged and confidential and is at the discretion of the City.
3. Council has not passed a motion to censure. Therefore, there is no need for a reconsideration motion or any public or formal repudiation.

I would sincerely expect that you will honour the level of confidentiality of the information you have received and will treat it accordingly.

Sincerely,

  
Mayor Bill McKay  
BM/ts

I:\CORR20151230Behie.docx  
CITY HALL, 455 WALLACE STREET, NANAIMO, BRITISH COLUMBIA, CANADA V9R 5J6  
TELEPHONE (250) 755-4400 • WEBSITE: WWW.NANAIMO.CA • FAX: (250) 754-8263

# EXHIBIT S



## "IN CAMERA" COUNCIL

2015-NOV-16

- There are concerns regarding the decisions and events of the Closed meeting of Council held November 16, 2015. These are my notes starting from when I assumed the recording secretary chair. My notes are highlighted in yellow, and are supplemental to the Draft minutes.

Mayor McKay vacated the Chair and the Douglas Rispin Room at 6:45 p.m. declaring a conflict of interest regarding the Interim City Manager selection process. Acting Mayor Fuller assumed the Chair.

CJ Note: Mayor stated he hired Ms. Samra as legal counsel on a personal matter and felt he was in a position of conflict in terms of discussing her as a candidate. Prior to leaving the Mayor asked Council to consider what comments will be shared with the media and that a spokesperson needs to be chosen.

6. ADMINISTRATION:

(a) Interim City Manager

Recommendation from the City Manager Selection Committee was to hire

13815

It was moved and seconded that Council hire

6:59 p.m. - motion passed and several Councillors packed up their things; room became noisy; meeting order lost; many in a hurry to leave the Douglas Rispin room (open meeting scheduled for 7pm);

Councillor Brennan asked if there was a rise and report; someone (?) commented that the meeting had already adjourned; only Councillors Thorpe and Pratt remained seated at this time;

There was disagreement on adjournment, and Acting Mayor Fuller asked me.

I stated that there was no motion to rise and report, and that there was no motion to adjourn.

Several Councillors were talking over each other and a couple were standing in the doorway.

Councillor Brennan moved to rise and report. There was no seconder.

Acting Mayor Fuller called for a motion to adjourn; seconded by Councillor Kipp (note: he raised his hand in a manner I took to be seconding); unable to confirm those in favour and those opposed. However, at this time some Councillors had left the room and it was clear the meeting had ended.

7:01 p.m. recorded as adjournment of meeting (The open meeting was scheduled to start at 7:00 p.m.)

7. ADJOURNMENT:

13915 It was moved and seconded at 7:01 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

*S. Gurrie*

S. Gurrie,  
DEPUTY CORPORATE OFFICER

# EXHIBIT V



2016-JAN-28

The Honourable Peter Fassbender  
Minister of Community, Sport and Cultural Development  
Minister Responsible for TransLink  
Room 310, Parliament Buildings  
Victoria, BC V8V 1X4

[peter.fassbender.MLA@leg.bc.ca](mailto:peter.fassbender.MLA@leg.bc.ca)

Dear Minister Fassbender;

Recently, it has come to our attention that Mayor McKay was in touch with your office, resulting in your staff contacting our interim CAO expressing concerns regarding the selection process for hiring the interim position as well as concerns regarding the stability of our council as a whole.

As to the first concern noted above, we wish to state that seven councilors believe that the process to select an interim CAO was well within the parameters set out for the Selection Committee and was supported by three legal opinions when challenged.

As to the second concern, we acknowledge that over the past year we have faced many challenges; however we wish to assure the Minister that the overwhelming majority of council as listed below have both the desire and the means to address those challenges. Excellent progress has been made in recent weeks and we are confident that the processes we have in place will continue to produce results.

We strongly support the interim CAO and believe she is doing an excellent job, bringing staff together in a cohesive and collaborative way, and effectively moving our city forward on many important initiatives. We are in fact, in awe of the energy, enthusiasm, and expertise she brings and what she has been able to accomplish in a very short period of time.

Over the next four months council will be participating in both a core services review and a strategic planning process that will allow us to initiate some exciting plans for the future. We are working closely with the firm hired to do the core services review with a view not only to identify gaps and inefficiencies, but also to celebrate what we are doing well and where we can continue to enhance our programs and services. This will form the basis for a new and robust strategic plan that will take us confidently into the future.

...2



February 2, 2016

Mayor Bill McKay  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC  
V9R 5J6

Dear Mayor McKay,

We are in receipt of a letter (enclosed) from the City, dated January 28, 2016 addressed to the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development. Minister Fassbender has requested that I respond to you on his behalf.

As indicated by Councillor Kipp, who was acting Mayor during your absence, we are aware of some concerns raised in the Nanaimo community in relation to the operations of the City Council. I can confirm that it is very much a normal practice of the Ministry of Community, Sport and Cultural Development (the ministry) to communicate with local governments and their officials when questions arise, to respond to any inquiries, and to provide information or guidance to assist them within their communities. This is particularly the case when there have been public concerns raised regarding council relations and effectiveness.

With that said, as you are aware, democratic and accountable local governments depend on elected officials, who have the legal authority and responsibility to make decisions on behalf of their communities. If local governments find themselves unable to move forward, or in a situation where specialized advice or guidance may be beneficial, the ministry will encourage elected officials to obtain independent professional assistance as necessary in an effort to move towards resolution of the problems while also retaining the trust and confidence of the broader community.

At this point, I do not see a more formal role for ministry officials, although I understand that questions continue to arise within the community. Should you and your Council collectively decide to formally request assistance from the ministry respecting any matters which may be affecting the Council's ability to move forward, we would be happy to consider what support or guidance might be available.

.../2

---

Ministry of Community, Sport  
and Cultural Development

Assistant Deputy Minister  
Local Government

Mailing Address:  
PO Box 9490 Stn Prov Govt  
Victoria BC V8W 9N7  
Phone: 250 356-6575  
Fax: 250 387-7973

Location:  
6th Floor, 800 Johnson Street  
Victoria, BC  
[www.gov.bc.ca/cscd](http://www.gov.bc.ca/cscd)



Mayor Bill McKay

Page 2

We trust you agree that, ultimately our common goal is that citizens living in communities in British Columbia are well served and governed by their local governments. This includes harmonious, professional and respectful relationships between Council, staff and the community.

Yours truly,



Tara A. Faganello, CPA CGA BA  
Assistant Deputy Minister  
Local Government Division  
Enclosure

Cc:

The Honourable Peter Fassbender, Minister CSCD

Councillor Jim Kipp

Councillor Bill Bestwick

Councillor Gordon Fuller

Councillor Jerry Hong

Councillor Wendy Pratt

Councillor Ian Thorpe

Councillor Bill Yoachim

Councillor Diane Brennan

Tracy Samra, Interim City Manager

Jacque Dawes, Deputy Minister, CSCD

# ATTACHMENT B

## “In Camera”

### City of Nanaimo REPORT TO COUNCIL

DATE OF MEETING: 2016-FEB-01

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE

RE: REAL ESTATE PROPERTY MANAGEMENT STRATEGY UPDATE

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#### STAFF RECOMMENDATION:

That Council receive the report.

#### PURPOSE:

The purpose of this Staff report is to provide Council with a progress update on the City's Property Management Strategy.

#### BACKGROUND:

At the 2013-SEP-23 Special “In Camera” Council meeting, the City of Nanaimo Real Estate Property Management Strategy (the “Strategy”) was endorsed. The Strategy sets out a framework for how the City acquires, disposes of, and manages its land assets. A public version of the document was presented at the 2013-DEC-02 Council meeting. A copy of the Strategy is contained in Attachment A for reference.

The Strategy recommended that an annual report be prepared for Council to assist with tracking and monitoring the various components outlined in the document. The last update to Council was at the Special In Camera Council meeting 2015-FEB-02.

This Staff report provides an update from 2015, including:

- Land inventory – change from one year to the next;
- Land acquisitions – review of existing acquisition priorities and identification of properties added to inventory;
- Land dispositions – properties sold, value achieved;
- Unprotected rights-of-way – number of unprotected rights-of-way secured;
- Leases – number of leases, annual revenue, comparison to previous year; and
- Licences – total number of licences, annual revenue, comparison to previous year.

*Land Inventory*

The City’s land inventory includes 1,428 ha (3,528 acres) of land, which excludes land dedicated as road within the city. Approximately 945 ha (2,335 acres) of land is within the municipal boundaries and 483 ha (1,193 acres) is located to the south and west of the city within electoral areas A and C in the Regional District of Nanaimo.

There are 420 parks encompassing 866 ha (2,136 acres) and 25 land parcels encompassing 34 ha (82.5 acres) that have buildings used for civic (municipal), commercial and residential purposes within the city. The City owns 3 cemeteries and 138 “other” types of property. These properties encompass 46 ha (116.8 acres).

*Acquisition Priorities*

The goal of the land acquisition component of the Strategy is to consolidate all of the City’s acquisition objectives in one location and to rank them in priority based on a set of criteria. The criteria includes having a secure funding source, the relationship to the Strategic Plan, risk if opportunity is lost, value (price) and willingness of vendor to sell.

The current City acquisition list is outlined in Attachment A.

In 2015, the following properties were acquired by the City through outright purchase or subdivision. The lands were acquired for park purposes, road projects or utility upgrades.

Address	Size (ha)	Size (acres)	Date Acquired	Price	Purpose
5781 Linley Valley Drive	.37	.92	2015-JAN-30	\$0.00	Park
2570 Kenworth Road	.15	.37	2015-FEB-03	\$0.00	Park
5649 Linley Valley Drive	.52	1.28	2015-MAR-16	\$0.00	Park
5650 Linley Valley Drive	.15	.38	2015-MAR-16	\$0.00	Park
5338 Smokey Crescent	2.13	5.28	2015-MAR-17	\$0.00	Park
295 & 299 Selby Street	.14	.36	2015-MAY-15	\$500,000 *	Parking Lot
100 Gordon Street	.17	.42	2015-AUG-24	\$565,000	Hotel
390 Cambie Road	.10	.24	2015-NOV-27	\$0.00	Park
5290 Rutherford Road	.99	2.45	2015-DEC-18	\$850,000	Road
<b>TOTAL COST AND LAND AREA ACQUIRED IN 2015</b>	<b>4.62</b>	<b>11.46</b>		<b>\$1,915,000</b>	

\* Land was exchange with the City for \$500,000 DCC contribution towards construction of Turner/Linley roundabout and road construction.

*Disposition Strategy*

In 2015, the City completed a number of road closures which saw land either sold to improve lot access and lot geometry. Surplus road was also closed to create a fee simple lot for disposition to Fortis BC. In total, \$237,900 was raised through land dispositions.

<b>Address or Road Closure Name</b>	<b>Size (acres)</b>	<b>Closing Date</b>	<b>Sale Price</b>
Tranquille Road Closure	.5	2015-APR-30	\$109,800
Albion Street Road Closure	.11	2015-JUN-15	\$110,000
611 Harewood Road	.02	2015-DEC-11	\$6,400
Part of Dundas Street Road Closure	.08	2015-DEC-11	\$18,100
<b>Total Revenue Received 2015</b>			<b>\$237,900</b>

2103 Bowen Road was rezoned to COR1 from R7 on 2016-JAN-18 to obtain maximum value for the property. An appraisal is currently underway and the property will be marketed in the spring of 2016 along with the single family home at 1411 White Street.

James Miller Road was sold for \$162,000 on 2016-JAN-08. Two lots were to be created on Dundas Street. Due to concern from an encroaching neighbour, only one lot was created and will be sold on 2016-MAR-01 for a price of \$130,000. Staff will proceed with the creation of the other parcel if directed by Council.

*Securing Unprotected Utilities*

Addressing the number of unprotected rights-of-way in the city is an important issue identified in the Strategy and ties into the goal of Asset Management. The need to have formal agreements to protect city infrastructure for water, sewer and drainage systems is a key goal. Staff spent considerable time in 2015 reviewing the unprotected utility file and was able to secure an additional 41 rights-of-way. The overall number of unprotected rights-of-way now stands at 314.

*Leasing & Licensing of City Assets*

An important part of the City's role as a landowner of 1,428 ha (3,528 acres) of land is to manage the use of lands through formal lease and licence agreements for third-party business or non-profit use. The Real Estate Section currently manages 51 lease and 105 licence agreements for non-profits and businesses located on City land.

Total revenue through these agreements is approximately \$270,000.00 per annum.

**Next Steps**

In 2016, the City will be updating its strategic plan and undertaking a core review. Staff recommends that the Property Management Strategy be updated in early 2017 to reflect the new priorities. Staff will bring forward a report at that time to obtain direction from Council on revised acquisition priorities and disposition opportunities.

**Strategic Plan Considerations**

The monitoring of the Strategy meets each of the key priorities identified in the 2012-2015 Strategic Plan, including:

Strategy	Potential Strategies and/or Initiatives
Taking Responsibility	<ul style="list-style-type: none"> <li>Addressing unresolved, long-standing issues around land use and land ownership. This priority includes securing rights-of-way for unprotected utilities and purchasing land well in advance to meet Council's long-term vision.</li> </ul>
Asset Management	<ul style="list-style-type: none"> <li>Protecting City utilities, land banking for future capital projects, and disposing of surplus assets.</li> </ul>
Community Building Partnerships	<ul style="list-style-type: none"> <li>Purchasing land as part of a partnership. Examples include working with BC Housing and non-profits to deliver the <i>Housing First Strategy</i>.</li> </ul>
Transportation and Mobility	<ul style="list-style-type: none"> <li>Securing land for roads, bridges, sidewalks, trails, pedestrian connections and for bike paths.</li> </ul>
Water	<ul style="list-style-type: none"> <li>Protecting the water supply mains throughout the city. Land acquisitions required for the water treatment plant and the future north Nanaimo water reservoir site.</li> </ul>
Waterfront Enhancement	<ul style="list-style-type: none"> <li>Securing rights-of-way for trails, long term leases of crown foreshore and acquisitions of key waterfront parcels.</li> </ul>

**Recommendations for Release of Information to the Public**

- For release with the exception of those areas underlined.

Respectfully submitted,



B. Corsan  
 Manager, Real Estate

Concurrence by:



D. Lindsay  
 Director  
 Community Development

**CITY MANAGER COMMENT:**

I concur with the staff recommendation.

File CIL00346  
 BC/ns/tl/cb

**City of Nanaimo**  
**"IN CAMERA"**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2016-FEB-01

AUTHORED BY: BILL CORSAN, MANAGER OF REAL ESTATE

RE: MILLSTONE GREENWAY LAND EXCHANGE AGREEMENT: UPDATE

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STAFF RECOMMENDATION:

That Council:

1. Provides approval in principle to dispose of a portion of 155 Westwood Road to the owner of 2090 Skaha Drive; and
2. Direct Staff to return to an upcoming In Camera Council meeting with a completed Offer to Purchase for Council's review.

PURPOSE:

The purpose of this Staff report is to update Council and to discuss next steps with respect to the decision rendered by the Agricultural Land Commission (ALC) pertaining to the proposed land exchange between the City and the owners of 2090 and 2092 Skaha Drive.

BACKGROUND:

At the 2013-DEC-02 Special "In Camera" Council meeting, it was resolved that the City acquire 155 Westwood Road (7.2 acres) for \$340,000 to complete the Millstone River Greenway.

At the 2014-MAY-12 Special "In Camera" Council meeting, approval in principle was granted to enter into a Land Exchange Agreement with the owners of 2090 and 2092 Skaha Drive to better align the City's land assets along the Millstone River. The proposed land exchange is illustrated in Attachment A. A formal application for the land exchange was made to the ALC in July 2014 as all of the subject lands were within the Agricultural Land Reserve (ALR).

*Proposed Land Exchange*

In total, the City would transfer 4.5 acres of land from 155 Westwood Road and receive 10.7 acres of land along the Millstone River (Attachment A).

The Land Exchange Agreement would create a 44.5 acre park between East Wellington Road and Westwood Road. The park would extend from the south bank of the Millstone River to the ridge line running along the north. The land would support a wide variety of uses and include a

one-kilometre-long pedestrian trail running the length of the property, connecting the intersection of Maxey Road and East Wellington Road to Westwood Road.

#### *2090 Skaha Drive*

Under the agreement, 9.7 acres of farmland from 2090 Skaha Drive would be transferred to the City of Nanaimo in exchange for 3.5 acres of City-owned land from 155 Westwood Road.

The property owner would retain ownership of the land south of the Millstone River and a new consolidated fee simple lot would be created fronting Westwood Road. All of the lands would remain within the ALR.

#### *2092 Skaha Drive*

The owner agreed to trade one acre of land north of the Millstone River for one acre of City-owned land adjacent to the east. These City-owned lands contain marsh and some usable upland.

### DISCUSSION

The land exchange required the approval of the ALC to support the subdivision of the above lands and the creation of a pedestrian pathway from East Wellington Road to Westwood Road. An application was submitted 2014-JUL-17.

A decision was delivered to the City on 2015-JUN-16 which denied the land exchange and trail as proposed (Attachment B) and suggested an alternative layout for the trail.

Staff met with the ALC in the summer of 2015 and subsequently hosted a meeting with the ALC panel in September to discuss the project in greater detail in hopes of convincing the ALC that the land exchange concept did not impact the viability of the farmland and that the pedestrian trail needed to be at the base of the rock bluff to be useable.

On 2015-DEC-04, the ALC provided its final decision on the project (Attachment C). The ALC Panel again refused the proposed land exchange, and asked that the City consider the alternative layout proposed on 2015-JUN-16. The ALC modified its previous decision regarding the location of the pedestrian trail and approved its construction along the existing sanitary sewer right of way.

#### *Options*

Based on the proposal put forward by the ALC, the land exchange concept will not work. There are two options for Council to consider.

#### Option 1. Appeal Decision

Under section 33(1) of the *Agricultural Land Commission Act*, the City could appeal the decision and ask for the land exchange concept to be given further consideration.

Staff believes that the ALC will not decide in the City's favour and does not recommend this option.

Option 2. Follow ALC Direction

If Council follows the ALC's direction, the objective of a continuous trail network along the Millstone Greenway will be met.

Staff recommends that the 3.5 acres from 155 Westwood Road be sold to the owner of 2090 Skaha Drive at market value to create a new subdivided 7.1 acre parcel. The City should recoup the majority of the \$340,000 spent to acquire the property in 2013.

The remainder of the City-owned land will contain the pedestrian trail, sanitary sewer right of way and the Millstone River.

The trail itself will be constructed when the sanitary sewer is upgraded. This is currently scheduled for 2025.

**Next Steps**

If Council wishes to proceed, the following next steps are anticipated:

- Hire an appraiser to value the northern portion of 155 Westwood Road to be sold to the owner of 2090 Skaha Drive;
- Prepare Offer to Purchase Agreement with the owner of 2090 Skaha Drive;
- Return to an upcoming In Camera meeting for Council direction;
- Undertake necessary survey work to create new lot configuration;
- Return to an open Council meeting to obtain permission to publish a Notice of Disposition in the local newspaper;
- Obtain Council approval for a development variance permit to allow the City-owned lot on Westwood Road to be 3.7 acres instead of a minimum of 5 acres;
- Return to an open Council meeting for final approval of the disposition; and
- Register documents at Land Title Office and transfer property.

STRATEGIC PLAN IMPLICATIONS:

This proposed land exchange agreement meets two of the key priorities identified in the 2012-2015 Strategic Plan, including:

<b>Strategy</b>	<b>Potential Strategies, Initiatives and/or Outcomes Desired</b>
Taking Responsibility	<ul style="list-style-type: none"><li>• Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the City's future.</li></ul>
Environmental Responsibility	<ul style="list-style-type: none"><li>• Focus park land and green space acquisition on natural areas, consistent with the Parks Master Plan (i.e. recent purchases at Neck Point, Joan Point, East Wellington Park).</li></ul>



**Recommendations for Release of Information to the Public**

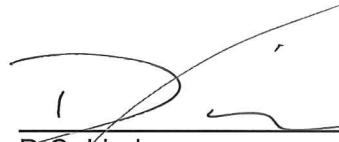
For release upon conclusion of negotiations.

Respectfully submitted,



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B. Corsan  
Manager, Real Estate



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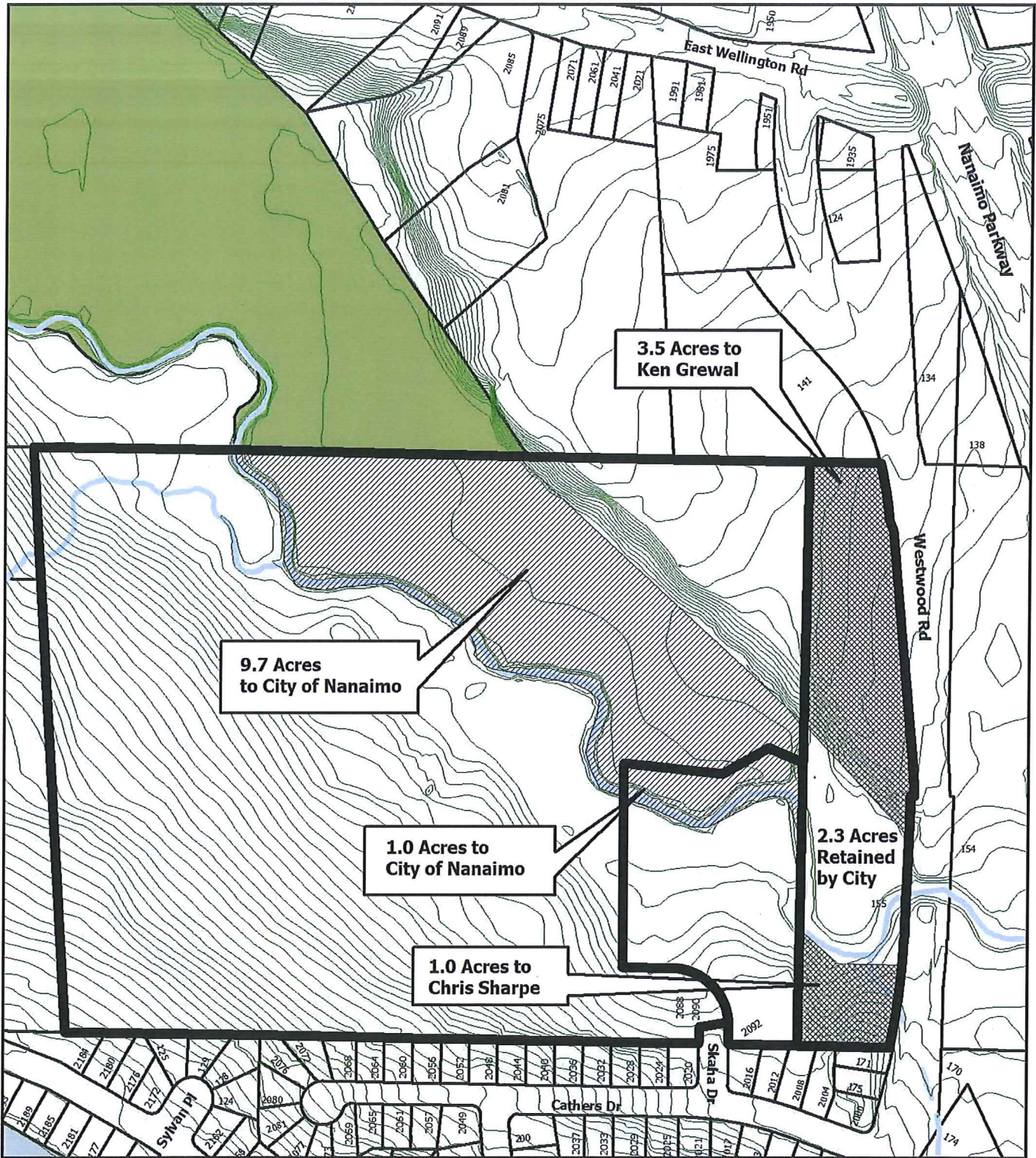
D.C. Lindsay  
Director of Community Development

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

BC/cb  
Drafted: 2016-JAN-08  
LD002679

Attachment A



**LOCATION PLAN**

Civic: 2088, 2092 Skaha Drive  
and 155 Westwood Road

-  Subject Properties
-  Proposed Exchange to City
-  Proposed Exchange to Land Owners

## Attachment B



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

June 16, 2015

ALC Files: 53796 & 53798

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

**Attention: Bruce Anderson**

Dear Mr. Anderson:

**Re: Applications to Subdivide Land and Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #164/2015 and Resolution #165/2015) as they relates to the above noted applications. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision has been attached.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Liz Sutton at Elizabeth.Sutton@gov.bc.ca).

## Attachment B

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #164/2015 & Resolution #165/2015)  
Sketch plan

cc: City of Nanaimo (File: LR000013)

53796d1  
53798d1

# Attachment B



## AGRICULTURAL LAND COMMISSION FILE 53796 AGRICULTURAL LAND COMMISSION FILE 53798

### REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*  
Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision  
and Procedure Regulation)

**Applicants:**

City of Nanaimo  
Parwinder Grewal  
Chris Sharpe  
(the "Applicants")

**Agent:**

City of Nanaimo  
c/o Bruce Anderson  
(the "Agent")

**Application before the Island Regional Panel:**

Jennifer Dyson, Panel Chair  
Honey Forbes  
Clarke Gourlay

# Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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## THE APPLICATION

[1] The legal description of the properties involved in the applications are:

### **Property 1**

Parcel Identifier: 002-451-883

The Easterly 5.005 Chains of Section 13, Range 7, Mountain District, Except Part in  
Plans VIP61239 and VIP81291

Area: 2.7 ha

### **Property 2**

Parcel Identifier: 027-620-948

Lot 2, Section 13, Range 7, Mountain District, Plan VIP85577

Area: 19.0 ha

### **Property 3**

Parcel Identifier: 027-620-930

Lot 1, Section 13, Range 7, Mountain District, Plan VIP85577

Area: 2.0 ha

(collectively the "Properties")

[2] The Properties the civic addresses 155 Westwood Road, 2088/2090 Skaha Drive, and 2092 Skaha Drive, respectively.

[3] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[4] The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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- [5] The proposal is comprised of two parts in order to achieve the proposed open land park, land transfer agreements, and recreational trail alignment.

Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Properties into four parcels for the purpose of establishing open parkland, constructing a trail, and providing opportunities for farming. The proposal requires subdivision/realignment of the existing parcels as part of a land exchange between the Applicants.

Pursuant to s. 6 of BC Regulation 171/2002, the City of Nanaimo is applying to construct a recreational trail along the northeast side of the Millstone River.

(collectively the "Applications").

- [6] On February 5, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Applications to the Island Regional Panel (the "Panel").

### **RELEVANT STATUTORY PROVISIONS**

- [7] The Applications were made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

and pursuant to s.6 of BC Regulation 171/2002:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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- (i) a new or existing road or railway;
- (ii) a new or existing recreational trail;
- (iii) a utility corridor use;
- (iv) a sewer or water line other than for ancillary utility connections;
- (v) a forest service road under the *Forest Act*;
- (d) the new use of an existing right of way for a recreational trail (Emphasis added).

[8] The Panel considered the Applications within the context of s. 6 of the *ALCA*:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **EVIDENTIARY RECORD BEFORE THE PANEL**

[9] The Panel considered the following evidence:

1. The Applications
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] On June 23, 2014 the City of Nanaimo (the "City") Council resolved to forward the Applications for subdivision and to establish a recreational trail in the ALR with its support.

[11] The Panel reviewed previous applications involving the Properties:



## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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Application ID: 42668  
Legacy File: 36457  
(City of Nanaimo, 2006)

To dedicate 0.51 ha from three properties for road widening. Approved by Resolution #105/2006.

**Note: Only Property 1 was part of the application.**

\*\*\*\*\*

Application ID: 42453  
Legacy File: 36304  
(Grewal, 2005)

To subdivide a 2 ha parcel from the 21 ha total area of two parcels (one 20.7 ha parcel and one 0.3 ha parcel); to construct a second dwelling on the remainder; and realign the 0.3 ha parcel to create a more functional property. The application was refused as proposed, but the Commission allowed a smaller second parcel to be realigned up to 2 ha to create a more functional property. Resolution #625/2005.

**Note: Resolution #625/2005 created Property 3. The Commission authorized deposit of the subdivision plan in August 2008.**

\*\*\*\*\*

Application ID: 27973  
Legacy File: 15455  
(Buchanan, 1983)

To subdivide the 36 ha parcel into one 20 ha parcel and seven 2 ha parcels. In December 1982, the Commission, by Resolution #2070/82, allowed the subdivision.

Reconsideration

In June 1983 the Commission considered a reconsideration request involving a revised subdivision layout. The new proposal was to create one 21 ha parcel and 6 parcels varying in size from 2 ha to 3.1 ha. The revised proposal was approved and Resolution #2070/82 was rescinded by Resolution #926/83.

**Note: Resolution #926/83 created Property 2.**

Application ID: 27971  
Legacy File: 08052  
(Buchanan, 1979)

To subdivide one 15.8 ha parcel from the 36.4 ha property; to consolidate the remainder of the property with an adjacent parcel; and road dedication. The application was refused by Resolution #11084/79.

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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### SITE VISIT

[12] On August 13, 2014, Commissioner Dyson, ALC Land Use Planners Liz Sutton and Celeste Barlow, ALC Regional Planner Gordon Bednard, and Debra Jensen representing the City conducted a walk-around site visit (the "Site Visit").

[13] A site visit report was provided to the Agent on February 5, 2015 (the "Site Visit Report").

### FINDINGS

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on CLI map sheet 92G.011 for the mapping units encompassing the Properties are approximately 50% Class 1, 25% Class 4T, 10% Class 4P, 10% Class 3R, 5% (7:7R – 3:5R).

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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The limiting subclasses associated with this parcel of land are T (topographic limitations), P (stoniness), and R (bedrock near the surface).

[15] The Panel finds that the majority of the Properties have good agricultural capability. More specifically, the area (3.9 ha) lying northeast of the Millstone River and is proposed for open land park has prime agricultural capability.

[16] The Panel considered the Applicants' proposal to create four lots, one of which is proposed as open land park as a continuation of the City's East Wellington Park. The 3.9 ha area proposed for open land park would be created by subdividing Property 2 along the Millstone River and along the upland ridge to the northeast. The Panel finds that the Millstone River not to be a significant impediment to using Property 2 as an agricultural unit as there is access to both sides of the river.

[17] The majority of Property 2 has been, and is currently used for agriculture. The area of Property 2 proposed for City parkland is intended to continue to be used for agriculture. The Panel finds that the high agricultural capability of Property 2 proposed for park has greater agricultural potential as a large cohesive farm parcel. The Panel finds that there is no agricultural advantage to subdividing an active agricultural parcel for primary park uses.

[18] The Panel has no objection to the boundary line adjustment to Property 3 creating an approximate 2.4 ha parcel, as the boundaries more accurately align the northern parcel boundary along the Millstone River.

[19] The Panel has no objection to the creation of an approximately 2.9 ha triangular parcel in the northeast corner, comprised of portions of Properties 1, 2, and 3 as it subdivides the upland area.

[20] With respect to the trail, the Panel understands that the proposal is an extension of the Millstone River trail system. The trail design is preliminary and will be finalized through future planning processes. The trail is proposed to be sited on an existing sewer right-of-way along

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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the lower portion of the ridge. While the trail plans are not finalized, the Panel will consider approving the trail proposal in principle, with final approval dependent upon receipt and approval of a detailed trail and buffering plan.

[21] The Panel considered the impacts of a multi-use recreational trail on surrounding agricultural lands and operations. The Panel understands that trails in an agricultural area can provide an opportunity for trail users to experience and appreciate their surrounding agricultural community. However, the enjoyment of trail users cannot be at the expense of, or disruption to, agricultural operations. The Panel wishes it clearly understood that the trail is being proposed through agricultural areas and that agricultural land use remains the priority land use in the ALR; the use as a trail is subordinate to agriculture. In this regard, the responsibility to implement appropriate measures to safeguard existing and future agricultural operations will rest with those owning, operating and/or maintaining the trail. For these reasons, the Panel would prefer to see the trail traverse the 2.9 ha triangular upland parcel rather than across an active agricultural field to mitigate crop damage, bio-security, invasive plants, liability, litter, and vandalism. In the event that it is not possible to align the trail on the 2.9 ha upland parcel, every effort should be made to minimize the use of better quality agricultural land.

[22] The Panel is amenable to certain aspects of the proposal which do not affect the high agricultural capability lands. As such, the Panel has directed staff to provide an alternate subdivision and trail layout for the Applicants for review and consideration.

### **DECISION**

[23] For the reasons given above, the Panel refuses the Application for subdivision as proposed, but would consider an alternate layout.

[24] For the reasons given above, the Panel refuses the Application for a recreational trail as proposed, but would consider an alternate alignment.

## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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- [25] If the Applicants accept the alternate subdivision layout, the approval is subject to the following conditions:
- a. the subdivision being in substantial compliance with the drawing provided to the Applicant with this decision;
  - b. the subdivision plan being completed within three (3) years from the date of release of this decision; and
  - c. the Commission receives and approves a detailed trail and buffering plan.
- [26] If the Applicants have any other suggestions for subdivision and trail alignment, while still addressing the Panel's agricultural concerns previously mentioned, the Panel is prepared to entertain these suggestions.
- [27] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [28] Panel Chair Jennifer Dyson concurs with the decision.  
Commissioner Honey Forbes concurs with the decision.  
Commissioner Clarke Gourlay concurs with the decision.
- [29] Decision recorded as Resolution #164/2015 (As it relates to Application ID 53796)  
Decision recorded as Resolution #165/2015 (As it relates to Application ID 53798)

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

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## Attachment B



Agricultural Land Commission Decision, ALC File 53796  
Agricultural Land Commission Decision, ALC File 53798

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #164/2015 and Resolution #165/2015. The decisions are effective upon release.



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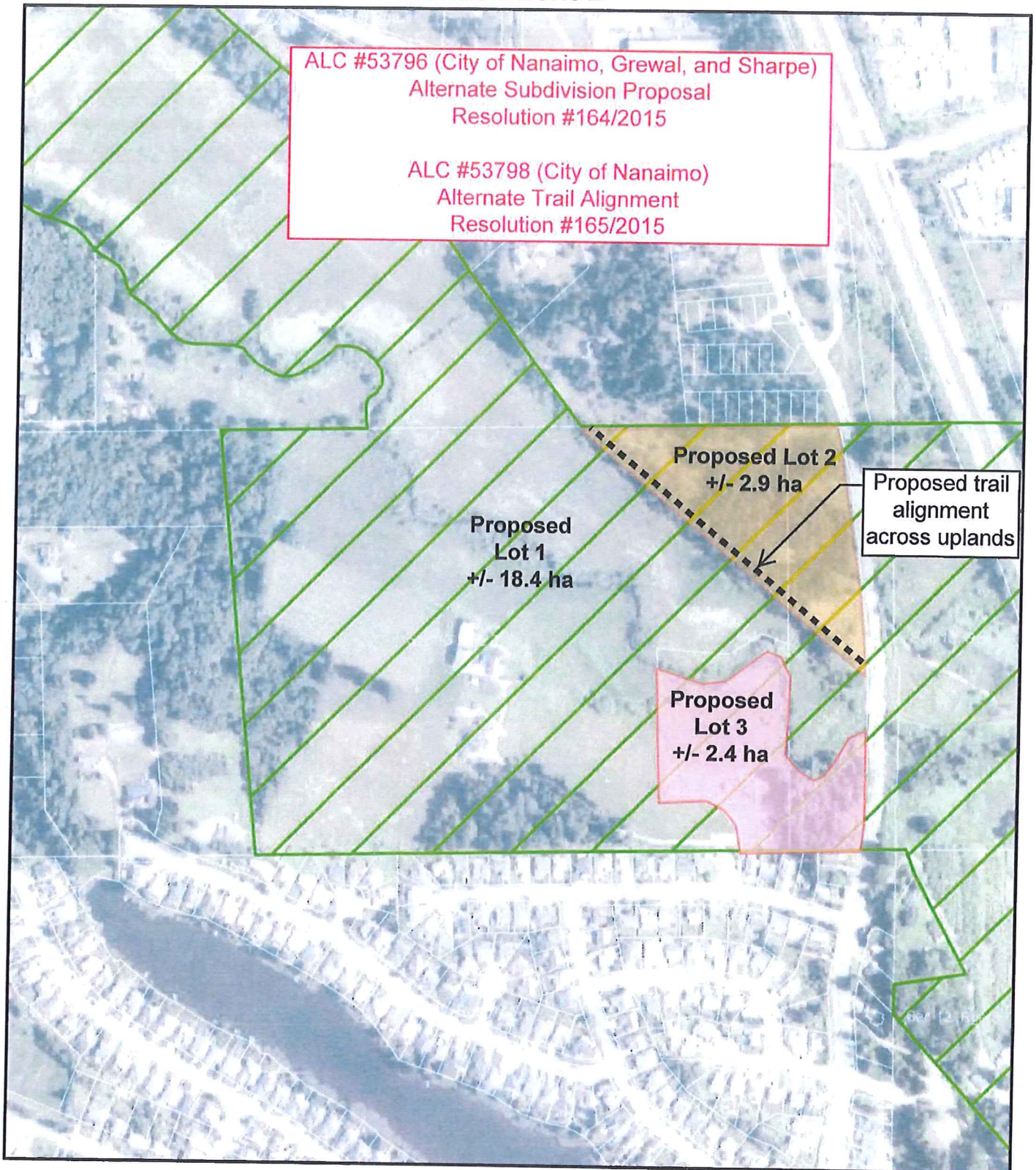
Colin J. Fry, Chief Tribunal Officer

June 16, 2015

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Date Released

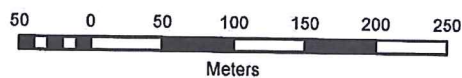
# Attachment B



## Orthophoto

Google Image - July, 2012

Map Scale: 1:5,000



ALC File #: 53796  
Mapsheet #: 92G.011  
Map Produced: Feb 27, 2015  
Regional District: Nanaimo

## Attachment C



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 4, 2015

ALC Files: 53796 & 53798

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

**Attention: Bruce Anderson**

Dear Mr. Anderson:

**Re: Agricultural Land Commission Resolution #164/2015 and #165/2015**

On June 16, 2015 the Island Regional Panel (the "Panel") released Resolution #164/2015 and Resolution #165/2015, which refused the subdivision and trail as proposed but suggested alternatives to both proposal. In addition, the Panel stated that *"If the Applicants have any other suggestions for subdivision and trail alignment, while still addressing the Panel's agricultural concerns previously mentioned, the Panel is prepared to entertain these suggestions"*. After meeting with you and your clients, and conducting a second site visit, the Panel would like to provide further comments with respect to Resolution #164/2015 and Resolution #165/2015.

**Application 53796 – Subdivision (Resolution #164/2015)**

With respect to the proposed subdivision, the Panel reconfirms Resolution #164/2015 which refused subdivision as proposed but would consider the alternate layout as proposed by the Panel. Any further consideration of this decision should be made pursuant to s. 33(1) of the *Agricultural Land Commission Act*.

**Application 53798 – Recreational Trail (Resolution #165/2015)**

With respect to the proposed trail, the Panel will allow the original trail alignment along the base of the bluff provided that adequate dog-proof fencing and buffering is implemented to address the Panel's concerns of recreational/agricultural conflicts. Prior



to providing a detailed survey plan of the trail corridor, the Panel requires the Applicants provide, and have approved by the Commission, a general trail schematic which illustrates the proposed locations of ditches, fencing, buffering, and the trail in relation to the bluff and hay fields.

The Panel and City of Nanaimo representatives discussed that an application for a recreational trail has not been submitted for the adjacent parcel north of Property 2. The Panel prefers to consider comprehensive trail plans rather than reacting to individual sections of trails on a piecemeal basis. Significant consideration should be given to the impact of trails on agricultural land in a broader sense. With respect to the current Application, the Panel is not in favor of the trail terminating abruptly at the northern property line and as such the Panel requires an application for a recreational trail for Lot 1, Sections 14 & 15, Range 7, Mountain District, Plan 14201 Except Part in Plan 45345 in order to provide a continuous trail to lead trail users along ALR land rather than lead them to ALR land. In addition, if the Applicant has any other potential trails within the ALR, the Panel highly recommends that the City of Nanaimo consult with the ALC in advance of making individual applications, and to that end, would prefer to see applications for trails made in a more "regional" context.

The Panel reiterates from its previous decision that the enjoyment of trail users cannot be at the expense of, or disruption to, agricultural operations. The Panel also does not encourage marginalization of prime agricultural lands for recreational uses. The Panel wishes it clearly understood that the trail is being proposed through agricultural areas and that agricultural land use remains the priority land use in the ALR; the use as a trail is subordinate to agriculture. In this regard, the responsibility to implement appropriate measures to safeguard existing and future agricultural operations will rest with those owning, operating and/or maintaining the trail.

For clarification, Resolution #165/2015 approves the recreational trail as proposed subject to the following conditions:

1. The Panel receive and approve a schematic of the proposed trail which includes a trail surfacing plan, fencing and buffering plans; and proposed

## Attachment C

Page 3 of 3

locations of ditches, fencing, buffering, and the trail in relation to the bluff and hay fields;

2. The trail be surfaced with a porous material;
3. The preparation of a trail right-of-way plan to delineate the trail per the drawing submitted with the Application. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan;
4. A covenant to ensure the construction and maintenance of appropriate fencing and planting of retention of vegetation for buffering in accordance with the Commission's *Landscape Buffer Specifications* to mitigate trespass;
5. Ongoing maintenance and repair of the trail and associated infrastructure;
6. Posting appropriate signage at entry points to the trail informing trail users that they are passing through an agricultural landscape and that dogs must be leashed;
7. Placing litter bins at regular intervals on the trail, particularly at entry points;
8. Restricting motorized traffic with the exception purposes for maintenance by the City of Nanaimo, or where agreed to for use by adjacent landowners for agricultural purposes; and
9. The Panel receives and approves an application pursuant to s. 6 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation for a recreational trail on Lot 1, Sections 14 & 15, Range 7, Mountain District, Plan 14201 Except Part in Plan 45345.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Colin Fry, Chief Tribunal Officer

53796m1  
53798m1

**City of Nanaimo**  
**"IN CAMERA"**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2016-FEB-01

AUTHORED BY: BILL CORSAN, MANAGER OF REAL ESTATE

RE: PROPOSED PROPERTY ACQUISITION FOR PARKLAND ON  
DEPARTURE BAY CREEK

---

STAFF RECOMMENDATION:

That Council receive for information the report pertaining to the proposed property acquisition for parkland on Departure Bay Creek.

PURPOSE:

The purpose of this Staff report is to update Council on Staff's efforts to acquire an additional 1.25 ha (3.09 acres) of parkland on Departure Bay Creek from the owners of Strata Plan VIS2557.

BACKGROUND:

At the 2015-FEB-02 Special "In Camera" Council meeting, the following motion was passed:

"It was moved and seconded that Council direct Staff to review options available to Council regarding the acquisition of Strata Lot 1 and 2, Section 15, Wellington District, Strata Plan VIS2557, to pursue a continuation of parkland near Departure Bay Creek."

The motion carried unanimously.

At the 2015-MAY-04 Special "In Camera" Council meeting, Staff was directed to proceed with a fee simple acquisition of lands for parkland and to report back to Council for approval upon completion of the necessary field work.

At the 2015-SEP-14 "In Camera" Council meeting, Council directed Staff to negotiate an Offer to Purchase agreement with the owners and return to an upcoming Council meeting to obtain approval of the Offer and necessary variances.

The Riparian Areas Regulation Assessment, First Nations approval, survey, and appraisal work were completed at the City's cost.

The property owner of Strata Lot 2 on Departure Bay Road was agreeable to the offer presented by Staff. The owner of Strata Lot 1 on Killarney Place will not talk to Staff directly but

has indicated that he does not wish to proceed. Subsequently, his property has been listed on the market for \$1,200,000.

Staff recommends deferring the acquisition until a new owner is in place; at which time, contact will be made and an offer presented.

## DISCUSSION

The City currently owns 3.5 ha (8.7 acres) of parkland along the Departure Bay Creek system.

The most recent acquisition in this park system occurred in 2013 when the City entered into a land exchange agreement to acquire 17 titled lots between Departure Bay Road and James Street which separated the existing Woodstream Park. As part of that transaction, the City acquired an additional 1.6 ha (4.0 acres) of land on Departure Bay Creek. The City exchanged two homes owned by the City for the parkland. The lands were valued at \$620,000.

The majority of the lands on the south channel of Departure Bay Creek are owned by the City of Nanaimo. The north channel of the Creek is largely held under private ownership.

Strata Lots 1 and 2, Section 15, Wellington District, Strata Plan VIS2557 are owned by Mr. Graf and Mr. Gerrard. The parcel is 1.65 ha (4.08 acres) in size comprised of two strata lots and a large section of common property which does not contain any buildable area (Attachment B).

The lands contain sensitive environmental features including steep slopes and a ravine with a salmon-bearing creek. The lands are adjacent to the existing Woodstream Park. The acquisition would expand the contiguous park and trail system for the neighbourhood. Under the proposal, two fee simple lots would be created and the City would acquire the remainder of land comprising of 1.25 ha (3.09 acres) of parkland (Attachment A).

A qualified environmental professional was engaged by the City to undertake a Riparian Area Regulations Assessment to determine the necessary setbacks for the proposed lots. The assessment has indicated a requirement for a variance for the project. Snuneymuxw First Nation has indicated that it is supportive of the City's acquisition.

An appraisal has been completed for the potential parkland acquisition. The new parkland is valued at \$60,000 which will be shared between the owners of the strata.

An offer to purchase was presented to the two property owners. Mr. Gerrard (Strata Lot 2) was agreeable to the offer. Mr. Graf (Strata Lot 1) was not in favour of the agreement and has listed his property on the market for \$1,200,000.

Survey, appraisal, and a report prepared by a qualified environmental professional have cost the City an estimated \$15,000.

Staff recommends waiting until Strata Lot 1 changes ownership. Staff can then approach the new owner(s) to determine interest in negotiating a deal.

STRATEGIC PLAN IMPLICATIONS:

Taking Responsibility: The acquisition of this property would increase the existing Departure Bay Creek parkland and preserve it for the enjoyment of future generations.

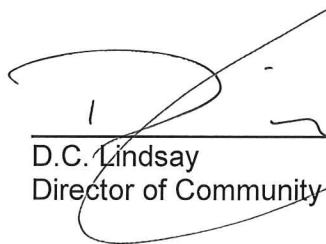
**Recommendations for Release of Information to the Public**

- To be released upon conclusion of successful negotiations.

Respectfully submitted,



Bill Corsan  
Manager, Real Estate



D.C. Lindsay  
Director of Community Development

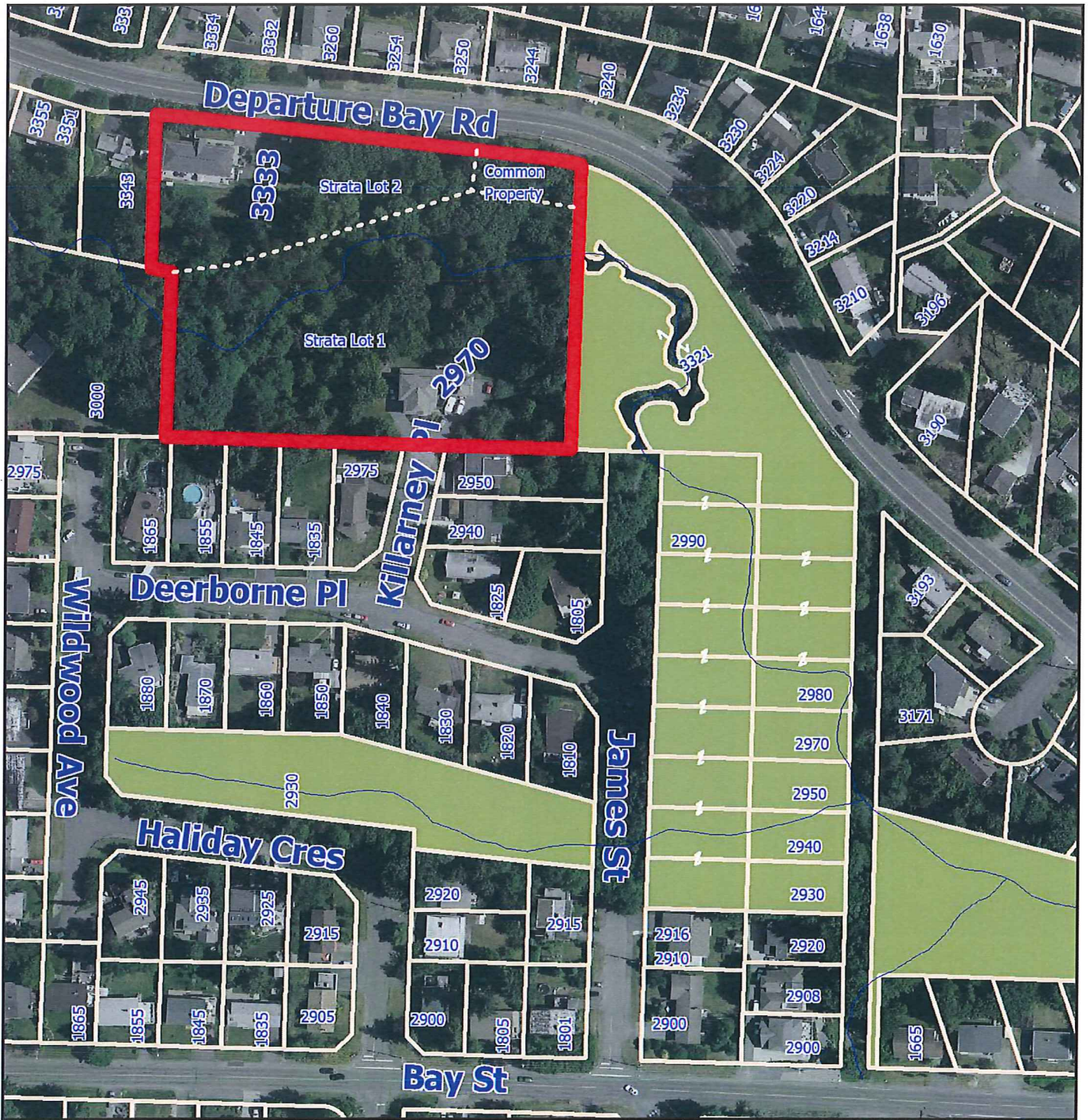


Richard Harding, Director  
Parks, Recreation & Environment

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

BC/cb  
Drafted: 2016-JAN-11  
LD002897



# LOCATION PLAN

Civic: 2970 Killarney PI



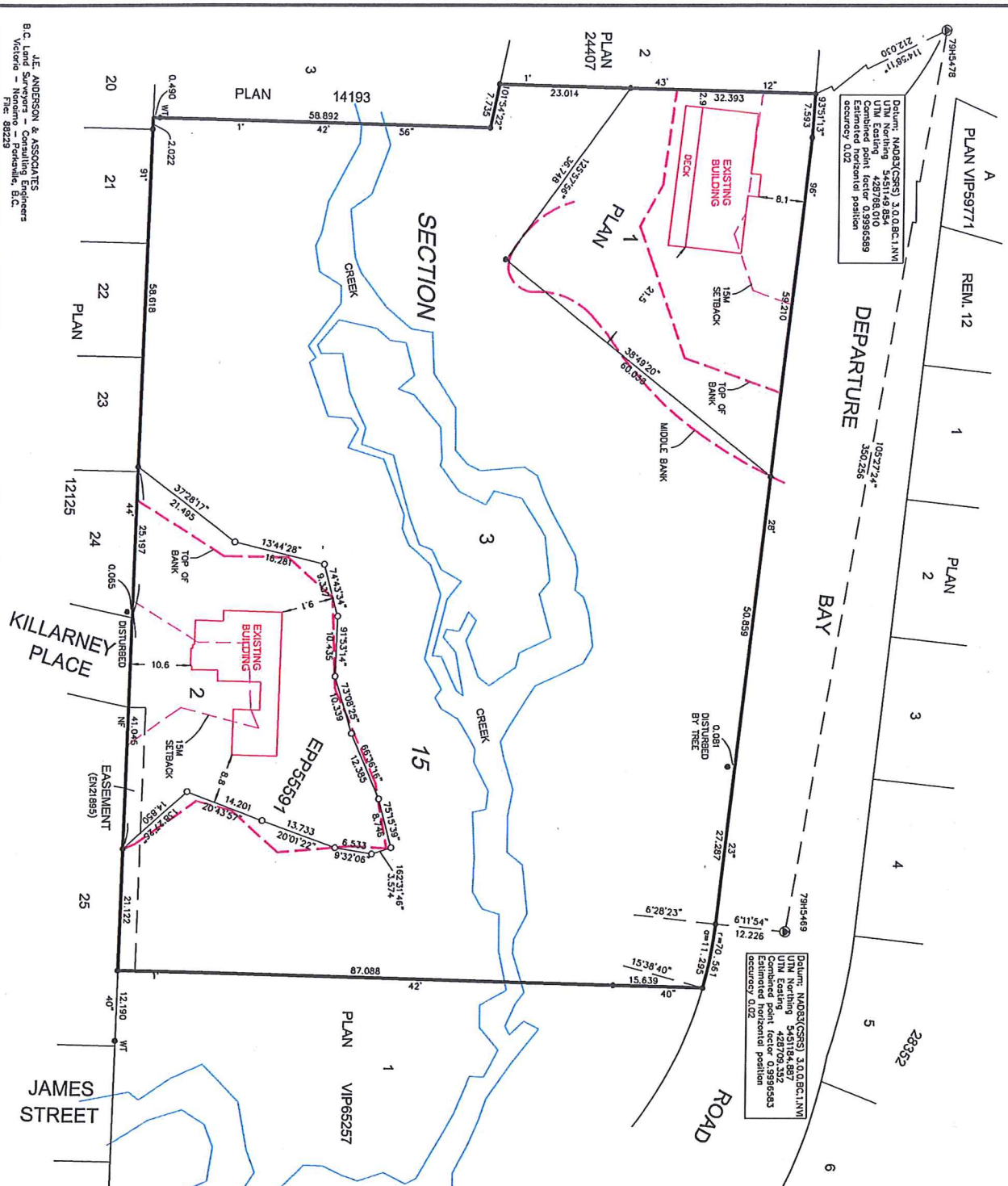
 Subject Property

# ATTACHMENT B

SKETCH PLAN OF LOT 1 AND 2, SECTION 15, WELLINGTON DISTRICT, PLAN EPP55591.

BOGS 92/G.021

0 5 10 20 30 40 50  
 The intended plot size of this plan is 560mm in width by 432mm in height. C size, when plotted at a scale of 1:500.



Datum: NAD83(CRS) 3.0, O.B.C.I.N.M.  
 UTM Northing 5451148.854  
 UTM Easting 428709.352  
 Combined point factor 0.3995653  
 Estimated horizontal position accuracy 0.02

Datum: NAD83(CRS) 3.0, O.B.C.I.N.M.  
 UTM Northing 5451184.827  
 UTM Easting 428709.352  
 Combined point factor 0.3995653  
 Estimated horizontal position accuracy 0.02

- LEGEND**
- Found
  - Placed
  - Standard Iron Post
  - Standard Control Monument

Integrated Survey Area No. 20, Nanaimo, NAD83 (CRS) 3.0, O.B.C.I.N.M.  
 Grid bearings are derived from observations between control monuments 79H5469 and 79H5478.  
 This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.3995656 and 79H5469, derived from control monuments 79H5478 and 79H5469.  
 All distances shown are in metres.  
 Note: This plan shows one or more witness points which are not set on the true corner(s).

J.E. ANDERSON & ASSOCIATES  
 B.C. Land Surveyors  
 Nanaimo - Port Moody, B.C.  
 File: 88239

This plan lies within the Regional District of Nanaimo  
 The field survey represented by this plan was completed on  
 23rd day of July, 2015.  
 D.G. Wallace, BOLS 590

**City of Nanaimo**  
**"IN CAMERA"**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2016-FEB-01

AUTHORED BY: DALE LINDSAY, DIRECTOR, COMMUNITY DEVELOPMENT

RE: CITY OF NANAIMO / NANAIMO PORT AUTHORITY LIAISON  
COMMITTEE RECOMMENDATIONS

---

STAFF RECOMMENDATION:

That Council:

1. Receive the minutes of the 2015-DEC-16 City of Nanaimo / Nanaimo Port Authority Liaison Committee meeting.
2. Provide direction with respect to a potential land exchange between the City of Nanaimo and the Nanaimo Port Authority.
3. Direct Staff to proceed with an access review as recommended by the Liaison Committee.
4. Approve the revised Letter of Intent and authorize the Mayor to sign on behalf of the City.
5. Request the Nanaimo Economic Development Corporation to formally withdraw from the original joint Memorandum Of Understanding and confirm its role in the ferry procurement process as outlined in the report.

PURPOSE:

To seek Council's direction with respect to recent recommendations made by the City of Nanaimo / Nanaimo Port Authority Liaison Committee.

BACKGROUND:

As Council is aware, Staff is proceeding under previous Council direction to prepare and issue a joint Request For Proposals (RFP) with the Nanaimo Port Authority (NPA) for a passenger ferry service. The intent of the joint process is to permit ferry proponents to respond to the RFP with proposals to use either City of Nanaimo or NPA sites. Given the nature of the RFP, Staff was of the opinion that clarification was required on how proponents would be vetted and how the final selection would be made. This process has been outlined in a draft Letter of Intent (LOI).



At the Liaison meeting of 2016-JAN-18, the Committee approved the LOI subject to some minor revisions. These revisions have now been made and the revised LOI is attached. In addition to approving the LOI, the Liaison Committee also adopted the minutes of its December meeting, which included recommendations with respect to secondary access to these lands and a potential land exchange between the NPA and the City of Nanaimo. In Staff's opinion, these recommendations have potentially significant implications on the current joint RFP process and, as such, Council's direction is being sought.

#### DISCUSSION:

##### ***Land Exchange – NPA 'Bowtie' Site and City 'Gadd Marine' Site***

The NPA / City of Nanaimo Liaison Committee, at its meeting of 2015-DEC-16, passed the following motion:

"The City and Port Staff begin to explore land swap opportunities between the City and Port".

Although the motion made by the Liaison Committee did not cite the specific properties to be traded, the NPA confirmed at the meeting that it has interest in a potential exchange of the Bowtie property (180 Front Street) for the Gadd Marine waterlot on the City-owned lands at 1 Port Drive.

##### ***About the 'Bowtie' – 180 Front Street***

The 'Bowtie' property is owned by the NPA. The land is sandwiched between the Gabriola Ferry Terminal property and the City-owned lands at 1 Port Drive. The property is irregular in shape with a road frontage of 45m on Front Street. The property is roughly 6,000m<sup>2</sup> (65,000ft<sup>2</sup>) in size. Roughly half the property is upland, the other half is a waterlot. The Seaspan right-of-way (similar to the right-of-way at 1 Port Drive) encumbers the property.

The property is held under Schedule B of the Port Authority's Letters Patent, which means: if the land is sold, the proceeds go back to the federal government. It is, therefore, in the best interest of the NPA to enter into a land exchange agreement to preserve the value of the asset.

Staff has had the Bowtie parcel valued by an appraiser. The land and water are valued at \$365,000 with the right-of-way on title and \$730,000 without the right-of-way.

##### ***About the GADD Waterlot – 1 Port Drive***

The City acquired 1 Port Drive from CP Rail in March of 2013 for \$3.4m. The lands are 10.8 ha (26.7 acres in size) and include a fee-simple waterlot which is unique. The majority of the property, 6.3 ha (15.5 acres), is currently encumbered by a perpetual right-of-way to Seaspan. When the City acquired the property, Gadd Marine Constructors Ltd. leased 0.87 ha (2.14 acres) of land and water within the site. The tenant left shortly after the City's acquisition. This opened up 0.82 acres of upland and 1.32 acre of waterlot for redevelopment. In 2014 and 2015, Island Ferry Services Ltd. (IFSL) worked with Council to secure these lands for its proposed foot passenger ferry terminal. The City has completed the necessary environmental studies for 1 Port to facilitate future subdivision.

### ***Considerations for Council***

The map (Attachment A) illustrates the proposed land exchange assuming a value of \$365,000 for the Bowtie and a waterlot of comparable value.

If the City were to trade the waterlot for the Bowtie, there are a number of advantages:

- The acquisition would create one contiguous parcel between the Gabriola Ferry Terminal and the railway that would facilitate a better development pattern on the property;
- The acquisition of the Bowtie includes a waterlot which would allow for the construction of a new dock structure along the shoreline (site of the former CP Ferry dock) to support uses such as a passenger ferry service;
- The NPA would have a more workable waterlot adjacent to its lands which may attract more desirable redevelopment opportunities.

If the City were to trade the waterlot for the Bowtie, there are a number of issues to be resolved:

- There is a known archeological site on the Bowtie, recently identified through the archaeological assessment;
- No environmental work has been completed on the site, and new studies would need to be completed to permit development;
- Fee-simple waterlots are rare, and the disposal of a portion of the City's waterlot will reduce the amount of waterlot owned by the City;
- Snuneymuxw First Nations (SFN) would need to provide its consent to Transport Canada for the land exchange to occur.

Staff has not completed a comprehensive review of land exchange options with the NPA, but given the NPA's criteria (waterfront, industrial), there are limited opportunities using current City-owned land. The City could examine waterfront industrial sites on the market with similar values and then acquire the property which could then be traded to the NPA.

### ***Options With Respect to the Land Exchange***

- Direct Staff to further explore the land exchange of the Bowtie and Gadd Marine water lot;
- Direct Staff to work with the NPA to identify an alternative land exchange opportunity elsewhere in the City; and
- Direct Staff to notify the NPA that the City is not interested in pursuing a land exchange at this time.

### ***Access Review***

The NPA / City of Nanaimo Liaison Committee, at its meeting of 2015-DEC-16, passed the following motion:

"That City and Port Staff explore two or three options with respect to access to ensure there are two access points at all times."

As Council is aware, significant expenditures will be required in the near future if the existing access (the trestle) is to be retained. The structure is nearing the end of its serviceable life and Staff has estimated the replacement cost of this structure in its current configuration at \$6m. At present, planning work is underway for the City lands at 1 Port Drive and this work includes the conceptual extension of Front Street to provide a primary access to these lands. While this new road could provide a primary access, given the potential conflicts with the rail, and given the size and development potential of the remaining lands, Staff is of the opinion that secondary access is required.

The Nanaimo South Downtown Waterfront Initiative (SDWI) identified access and connectivity to the site as a guiding principle, and highlighted potential access locations through the associated design charrette process. If directed by Council, Staff will work with the Port Authority to complete an access review to evaluate access opportunities, including those identified through the SDWI.

As noted above, Staff is of the opinion that secondary access is necessary for these lands and concurs with the recommendation of the Liaison Committee.

#### ***Options With Respect to an Access Review***

- Direct Staff to proceed with an access review as recommended by the Liaison Committee; or
- Direct Staff to not proceed with an access review at this time.

#### ***Letter of Intent***

The Liaison Committee has approved the draft LOI in principle subject to minor amendments. Those amendments have been made and the revised LOI is attached.

Under the terms of the LOI, the next step will be for Staff of the City and NPA to prepare an Expression of Interest (EOI) or RFP for a passenger ferry that will permit proponents to submit proposals that contemplate siting on Port or City lands. To assist in the drafting of an EOI / RFP, a consultant will be engaged with cost split between NPA and the City under the terms of the LOI.

Staff anticipates that any response to the RFP will be for one of the two following locations; the City-owned lands at 1 Port Drive or at the NPA's Cruise Ship Terminal. As previously shared with Council, Staff has identified pros and cons of locating on either site. These are summarized below:

	1 Port Drive	NPA Cruise Terminal
Benefits	<ul style="list-style-type: none"> <li>• Provides the City with a tenant for 1 Port Drive</li> <li>• Location of foot passenger ferry would help formalize transportation hub on City property</li> <li>• Location close to the downtown would have greater impact on economy and investment</li> </ul>	<ul style="list-style-type: none"> <li>• Terminals are a primary land use allowed under the Port's Letters Patent</li> <li>• Using existing infrastructure does not require duplication of services within community</li> <li>• Substantial amount of parking available</li> <li>• Creates a transportation hub along with Helijet heliport facility</li> <li>• May help spur redevelopment of Port lands with other Port related uses</li> </ul>
Challenges	<ul style="list-style-type: none"> <li>• Permanent location of terminal cannot be built until 2017 once Seaspan has left property</li> <li>• At-grade access issues if rail activity remains</li> <li>• Limited onsite parking opportunities in long run</li> </ul>	<ul style="list-style-type: none"> <li>• Access to the site is a challenge and, to date, the NPA has not offered to partner on addressing access</li> <li>• Terminal facility is farther away from downtown than the City property. Pedestrian connectivity and transit options need to be considered</li> </ul>

As per Council's previous direction, Staff is moving forward with the RFP and is recommending that Council authorize the associated LOI as part of this process.

***Options with Respect to the Letter of Intent***

- Approve the revised LOI and authorize the Mayor to sign on behalf of the City;
- Provide other direction.

***Role of Nanaimo Economic Development Corporation in Passenger Ferry Process***

As Council is aware, the Nanaimo Economic Development Corporation (NEDC) played an active role in the IFSL proposal and was a signatory partner to the original Memorandum of Understanding (MOU) between the City, the Regional District of Nanaimo (RDN), NPA and IFSL. Although the MOU has been formally terminated by the City, RDN, and the NPA. The NEDC have not yet taken this step. Given Council's direction with respect to a joint RFP, and to remove any perceived conflict, Staff recommends that Council request NEDC to formally withdraw from the MOU.

As part of the joint RFP process, the role of NEDC will be to communicate the region's economic strengths and attributes to ferry proponents so that they have the information they need to make informed submissions.

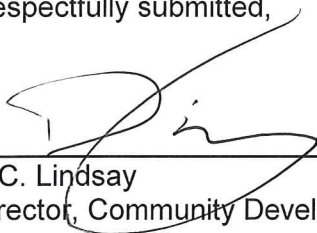
***Snuneymuxw First Nations***

Recognizing the importance of SFN's involvement in and support for the project, it is critical that shared dialogue and collaboration between all three parties begin as soon as possible. A Council-Council-Board meeting between the City, SFN and the NPA is recommended as soon as possible following the inauguration of SFN's recently elected councilors.

**Recommendations for Release of Information to the Public**

- For release upon conclusion of negotiations

Respectfully submitted,



---

D.C. Lindsay  
Director, Community Development

CITY MANAGER COMMENT:

DL/hd  
Drafted: 2016-JAN-25  
CIL00374

# ATTACHMENT A



DATE OF MEETING March 7, 2016

AUTHORED BY SUZANNE SAMBORSKI, DIRECTOR STRATEGIC RELATIONS,  
CULTURE AND HERITAGE  
VICTOR MEMA, DIRECTOR, FINANCE

SUBJECT PORT THEATRE SOCIETY FUNDING OPTIONS

## OVERVIEW

### **Purpose of Report**

To provide Council with a number of options and recommendations that explores alternative funding options for the Community Performing Arts Centre.

### **Reason for "In Camera"**

Community Charter Section 90(1)(e) "the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality".

### **Recommendation**

That Council:

1. decline the funding model put forward by the Society;
2. re-confirm the City's \$4.6 million contribution commitment with a condition precedent that the Society meet its goal of raising donations in the amount of \$6.6 million;
3. allocate \$4.6 million from the Community Works Fund as contribution to Port Theatre expansion project;
4. provide letters of support for the Build Canada Fund, Gas Tax Fund, and Cultural Spaces grant with a condition precedent that grant awards from Build Canada Fund and Gas Tax fund will reimburse the City's \$4.6 million contribution or a portion thereof; and
5. direct Staff to explore the City financing the entire project through a variety of funding streams including providing a loan to the Society through Municipal Finance Authority.

### **Resolution to Rise and Report**

That Council rise and report once a funding option is selected and potential negotiations have been completed.

## BACKGROUND

On February 16, 2016, the Society presented Council with a quasi-P3 funding option for the Community Performing Arts Centre project. The option presented outlined a \$685 thousand to-date Port Theatre Society contribution, a \$4.6 million City of Nanaimo contribution, the underwriting of a \$2 million line of credit by the City to the Society, and a \$5 million loan from IWCD to the Port Theatre (with a lien against the Port Theatre building). In its presentation, the Society outlined that any funds received through grants would go to reducing any potential draw on the IWCD loan.

The option presented was inclusive of direct awarding the project management and construction to IWCD and removes any benefit of an open tender process. It also takes control of the project away from the City. In the current arrangement, the project is to be managed by one of the City's project managers, which is significant considering the build will include breaching the building envelope to create the expansion. The presented funding model appears to place 100% project risk on the City. Further, a community contribution was not presented or discussed nor any form of innovation that the private proponent would bring to the table.

The proposal presented by the Society does not meet basic criteria of a P3.

Based on the deal details presented by the Society and IWCD, staff would not recommend that the City move forward with the P3. The Society and IWCD would need to demonstrate not only innovation and community benefit, but also assurances to the City that this proposal provides the City with a better option than financing the project, an expansion of a City facility, on its own. Simply put, to move ahead, Council would need to be able to easily articulate why this model is good for the City of Nanaimo and its residents. Further, the City will require the assistance of a P3 expert if it was to move forward with this type of process.

There is an opportunity to submit a new grant application to Build Canada Fund or the Gas Tax Fund with support and in collaboration with the First Nations. The Federal Government will soon announce a tranche of infrastructure funding. However, details of the program will only be announced at the upcoming Federal Government budget presentation in a few weeks.

The City receives about \$4 million a year under the Community Works fund. Currently, there is a balance of \$7.7 million in the Community Works Fund reserve.

## OPTIONS

1. Negotiate a true P3 option, including terms and conditions, with the Society.
  - **Budget Implication:** Ensure risk and liability is shared and that grant monies would lessen the expected City contribution. This will require the assistance of a P3 expert. In its present state, the City appears to be 100% at risk for both the financing and the end-result of the build.
  - **Legal Implication:** Staff would need to investigate all legal processes and implications associated with the funding model and potential sole sourcing. Puts increased risk and liability on the City. Takes control for the project away from the City.
  - **Policy Implication:** Staff would need to develop a P3 policy to assist Council in its decision making.
  - **Engagement Implication:** This model would require a notice of intent and alternate approval process or referendum.
  - **Political Implication:** May alienate other developers/investors in the community, even though none have come forward to date.
  - **Strategic Priorities Implication:** The Community Performing Arts Centre project is currently identified as a Council priority within the Cultural Strategy.



2. Enter into an open P3 process inviting other private sector proposals.
  - **Budget Implication:** Ensure risk and liability is shared and that grant monies would lessen the expected City contribution. This will require the assistance of a P3 expert.
  - **Legal Implication:** Staff would need to investigate all legal processes and implications associated with the funding model and potential sole sourcing.
  - **Policy Implication:** Staff would need to develop a P3 policy to assist Council in its decision making.
  - **Engagement Implication:** This model would require a notice of intent and alternate approval process or referendum.
  - **Political Implication:** May result in IWCD in walking away from the project.
  - **Strategic Priorities Implication:** The Community Performing Arts Centre project is currently identified as a Council priority within the Cultural Strategy.
  
3. Explore the City financing 100% of the project.
  - **Budget Implication:** This would place the City into the role of funder and lender and be at risk for 100% of the project costs.
  - **Legal Implication:** Staff would need to investigate all legal processes and implications associated with the funding model. This retains City control of the project.
  - **Engagement Implication:** This model would require a notice of intent and alternate approval process or referendum.
  - **Political Implication:** While some members of the public may question the City taking on a lender role, it gives assurance that the City considered other models and is taking a conservative and pragmatic approach.
  - **Strategic Priorities Implication:** The Community Performing Arts Centre project is currently identified as a Council priority within the Cultural Strategy.
  
4. Maintain status quo with the existing arrangement and ask the Society to get its funding in place.
  - **Political Implication:** May result in the Society not proceeding with the project.
  - **Strategic Priorities Implication:** The Community Performing Arts Centre project is currently identified as a Council priority within the Cultural Strategy.

#### **SUMMARY POINTS**

- The City has an opportunity to explore alternative funding options for a community capital project including dedicating a portion of its Community Works Fund as commitment to the Port Theatre expansion project.

**Submitted by:**



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Suzanne Samborski  
Director, Strategic Relations,  
Culture & Heritage

**Submitted by:**



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Victor Mema  
Director, Finance

**City of Nanaimo**  
**"IN CAMERA"**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2016-MAR-07

AUTHORED BY: MIKE DIETRICH, MANAGER, POLICE SUPPORT SERVICES  
 VICTOR MEMA, DIRECTOR, FINANCE

RE: POLICE RESOURCING OPTIONS

STAFF RECOMMENDATION: That Council:

1. authorize an increase of up to 5 regular members to the RCMP establishment in 2016, bringing the total authorized municipal strength of the RCMP Nanaimo Detachment to 145 members; and,
2. direct staff to not increase the RCMP contract budget by a corresponding amount, with any resulting RCMP budget shortfalls being funded through reserves accumulated from RCMP annual contract surpluses.

Council Resolution re: Rise and Report

That Council authorize release of the information contained in the report with the exception of those areas underlined.

PURPOSE:

To obtain Council authorization and direction regarding police resourcing options at the RCMP Nanaimo Detachment.

BACKGROUND:

Council has authorized a municipal strength of 139 regular members and one civilian member (crime analyst) in the RCMP Nanaimo Detachment. However, with that level of authorization, the RCMP is only able to provide an effective strength of approximately 135 members.

This "structural vacancy rate" is due to a number of factors including: delays when RCMP members are transferred in and out (without overlap), when members take maternity/paternity leave and/or are sick for periods exceeding 30 days.

RCMP invoicing for the Detachment has consistently been below budgeted amounts resulting in a surplus during 7 of the past 9 years, as noted below:

2007	2008	2009	2010	2011	2012	2013	2014	2015
\$842,727	\$1,843,594	\$794,259	\$756,856	(\$327,885)	(\$290,475)	\$1,538,361	\$1,569,754	\$1,270,000

DISCUSSION:

Critical staffing shortages negatively impact the RCMP in terms of: scheduling, overtime, member safety, and the ability to take on larger, more complicated files in the community.

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2016-MAR-07

The funding strategy recommended would result in budgeting for 145 RCMP staff, with the goal of achieving 140 staff, thus over authorizing the RCMP establishment without a corresponding increase in the budget. This will help alleviate the structural vacancy rate, resulting in most years achieving additional police resources without additional taxation. Other communities, such as Prince George and Vernon, have dealt with staffing shortages in this way.

The City of Nanaimo will continue to budget for the RCMP contract at 96% for an establishment of 140. Funding for the additional 5 members will come from this budget allocation eliminating a considerable portion of the annual budget surplus. Effectively, there will be no budget implications in the medium term. There is a remote chance that in the long run, in some years the establishment would be near 100%. Staff will closely monitor the contract with each budget cycle and proactively make adjustments to minimize temporary reliance on property tax increases.


This plan addresses immediate staffing needs. The RCMP is continuing with a staffing study that is expected to be completed in 2016/2017 that will evaluate additional resource needs in subsequent years. When planning for the 2017 Five Year Financial Plan is underway later this year, staff will provide a follow-up report to Council, outlining RCMP staffing/funding projections for 2017- 2021.


OPTIONS:

1. Council authorize an increase of up to 5 regular members for 2016, through use of the 2015 RCMP reserve and not an increase to the RCMP contract budget in 2016; or
2. Council not authorize increased staffing for the RCMP in 2016, and advise the RCMP to adjust their resources from discretionary policing units to core policing units (i.e. general duty first response patrols) as needed.

Respectfully submitted,

  
\_\_\_\_\_  
Mike Diehrich  
Manager, Police Support Services

  
\_\_\_\_\_  
Victor Mema  
Director, Finance

  
\_\_\_\_\_  
Toby Seward  
Senior Director, Strategic Operations

# "In Camera" Report

City of Nanaimo

File Number: LD001794

DATE OF MEETING April 4, 2016

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT PROPERTY DISPOSITION - 1900 AND 2200 LABIEUX ROAD

## OVERVIEW

### **Purpose of Report**

To obtain Council approval in principle for the sale of City-owned property located at 1900 and 2200 Labieux Road.

### **Reason for "In Camera"**

The sale of the land is required to be addressed "In Camera" under Section 90(1)(e) of the *Community Charter*.

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Recommendation**

That Council:

1. approve in principle to dispose 1.02 ha (2.53 acres) of City-owned property located at 1900 and 2200 Labieux Road to Bowen Road Developments Ltd. for the sum of \$1,325,000; and,
2. direct Staff to return to an upcoming Open Council meeting once the Purchase and Sale Agreement has been executed by Bowen Road Developments Ltd.

### **Resolution to Rise and Report**

That Council not release any information regarding 1900 and 2200 Labieux Road until completion of successful negotiations.

## BACKGROUND

The property located at 2560 Bowen Road, formerly owned by Ceco Properties Ltd. ("Ceco"), was sold to Bowen Road Developments Ltd. ("Wheaton Family") on 2010-NOV-12 for \$2,900,000. The purpose of acquiring 2560 Bowen Road was to create a redevelopment parcel with the Laird/Wheaton car dealership at 2590 Bowen Road.

Ceco was the former landlord to Madill, who had a substantial manufacturing and head office facility located at 2560 Bowen Road. In addition to the lands owned by Ceco, which front onto Bowen Road, Ceco also leased 1.05 ha (2.6 acres) of adjoining land (1900 Labieux Road) from the City since 1969. The lease was assigned to the Wheaton Family when the Wheaton Family purchased 2560 Bowen Road. The lease expired on 2009-DEC-31 and has been in an over holdings position since that date, creating a month-to-month tenancy. Rent is currently \$2,896 per month.

"In Camera" Council Meeting  
2016-APR-04

Staff has met with the representatives for the Wheaton Family who have indicated a desire to purchase the leased area from the City as well as an area that the City leases to the BC SPCA ("SPCA"). The SPCA lease area is .30 ha (0.76 acres) in size and is located at 2200 Labieux Road, immediately west of the former Madill property. The two lease areas including the consolidation parcel are shown on Attachment A.

The SPCA lease expired on 2014-APR-30 and has been in an over holding position since that date, creating a month-to-month tenancy. Council provided direction to Staff in 2011-JUN-15 to not renew the SPCA lease and also directed Staff to assist the SPCA with relocation of its facility to lands it owns at 154 Westwood Road. Development Permit DP908 was approved on 2015-JUL-28 to permit a one-storey 691m<sup>2</sup> animal shelter and office headquarters for the SPCA. It is anticipated that the SPCA will relocate to their new facility in the summer 2016 at which time the over holding month-to-month tenancy will terminate.

The City land area available for potential sale is approximately 1.02 ha (2.53 acres) as shown on the consolidation plan Attachment B. This area reflects the retention of land by the City to accommodate a future extension of Rock City Road. The two leased areas will be consolidated with 2560 to provide an opportunity to redevelop the property for auto service/sale, commercial retail ventures and will include a residential development. The redevelopment would require an amendment to the Official Community Plan, rezoning, subdivision and considerable works and services. A Comprehensive Development Plan will be presented to Council at a future date. Attachment C provides an overview of the Conceptual Site Redevelopment Plan.

An appraisal has been prepared which estimates the market value of the two leased areas at \$1,325,000 and the Wheaton Family has verbally committed to signing a Purchase and Sale Agreement on this basis.

Council, under the 2015-JAN-19 City of Nanaimo Real Estate Property Management Strategy update, endorsed this land as being surplus to City requirements.

Staff believes that the City lands currently leased to the Wheaton Family and the lands leased to the SPCA would serve a higher and better use if they were sold as part of a comprehensive redevelopment plan for the area.

### OPTIONS

1. Provide approval in principle to the property disposition.
  - **Budget Implication:** The City property has an appraised market value of \$1,325,000. The proceeds from the sale of the lands will be placed in the Property Sales Reserve Fund. Council will have the ability to direct those funds to be used to acquire land, improvements or other assets of a capital nature.
  - **Legal Implication:** To move forward, Staff would be required to return to an Open Council meeting.
  - **Policy Implication:** Staff will be directed by Council to publish a Notice of Disposition as required under Section 26 and 94 of the *Community Charter* at the Open Council meeting.
  - **Strategic Priorities Implication:**
    - i. Taking Responsibility - Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the City's future; and

- ii. Asset Management – Disposing of surplus assets.
  - **Add Other Implications:** The redevelopment would require an amendment to the OCP, rezoning, subdivision and considerable works and services.
2. Not provide Approval in Principle. Council may wish to not pursue this property disposition. The Owner would need to revise their redevelopment plans. Staff would convey this message to the Owner. Staff does not recommend this option.
  - **Add Other Implications:** Redevelopment of this property may not occur as proposed by the developer.

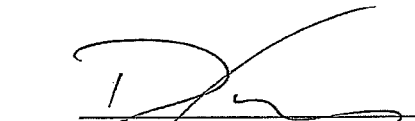
### SUMMARY POINTS

- Council is being asked to provide approval in principle for the disposition of City-owned property, 1.02 ha (2.53 acres), located at 1900 and 2200 Labieux Road for sale to Bowen Road Developments Ltd., the owner of 2560 Bowen Road, for the sum of \$1,325,000.
- The two City-owned properties are currently leased on a month-to-month tenancy to Bowen Road Developments Ltd. and the BC SPCA.
- Council, under the 2015-JAN-19 City of Nanaimo Real Estate Property Management Strategy update, endorsed this land as being surplus to City requirements.
- The proceeds from the sale of the City property will be placed in the Property Sales Reserve Fund. Council will have the ability to direct those funds to be used to acquire land, improvements or other assets of a capital nature.
- If Council directs Staff to proceed with the property disposition, a separate report will be brought to an upcoming Open Council meeting.


### ATTACHMENTS

ATTACHMENT A: Leased Areas Plan  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Conceptual Site Redevelopment Plan

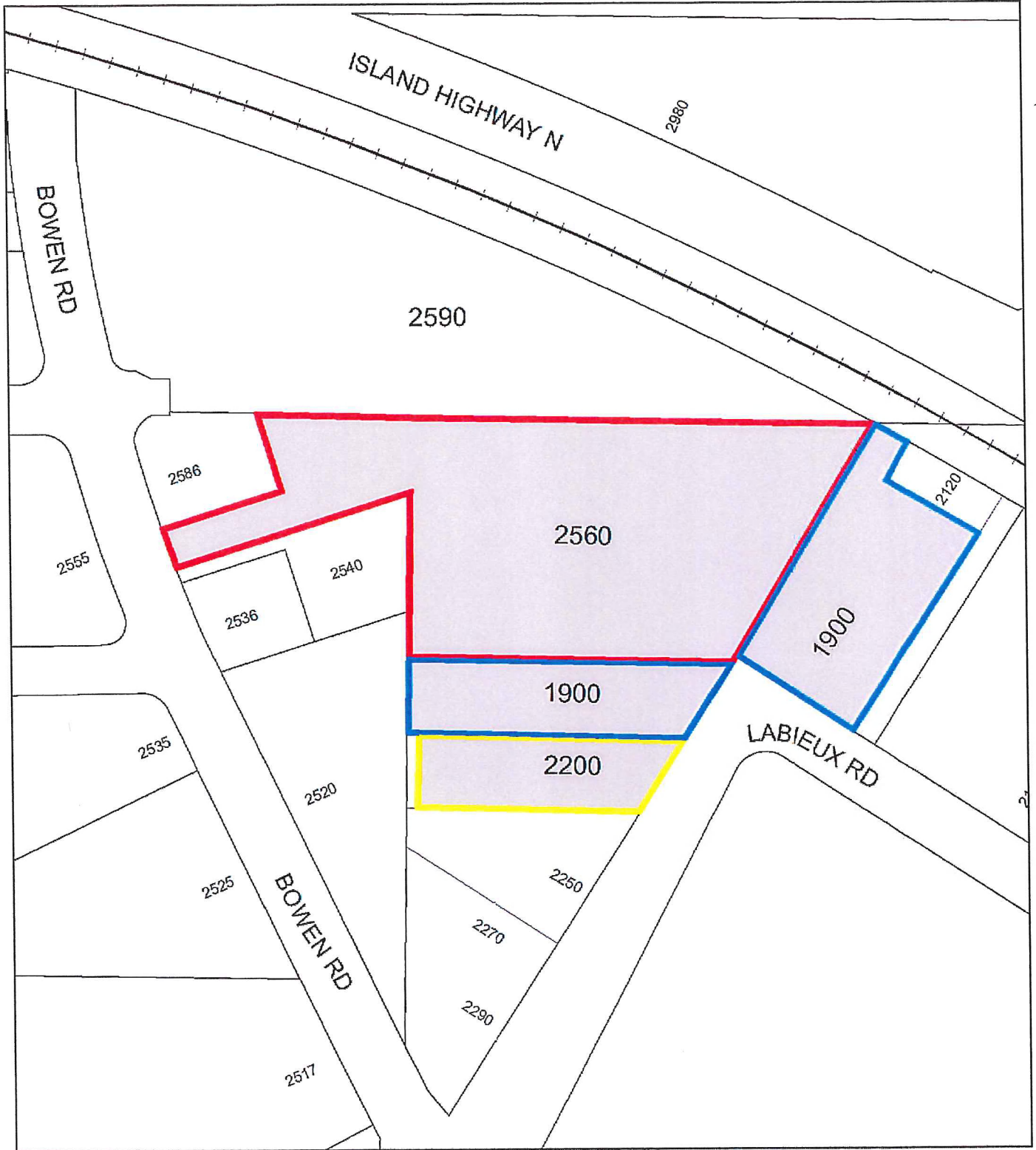
**Submitted by:**

  
Bill Corsan  
Manager, Real Estate

**Concurrence by:**

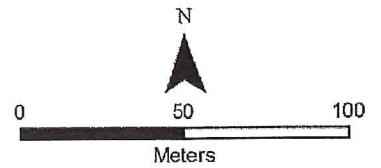
  
Dale Lindsay  
Director, Community Development

# Attachment A



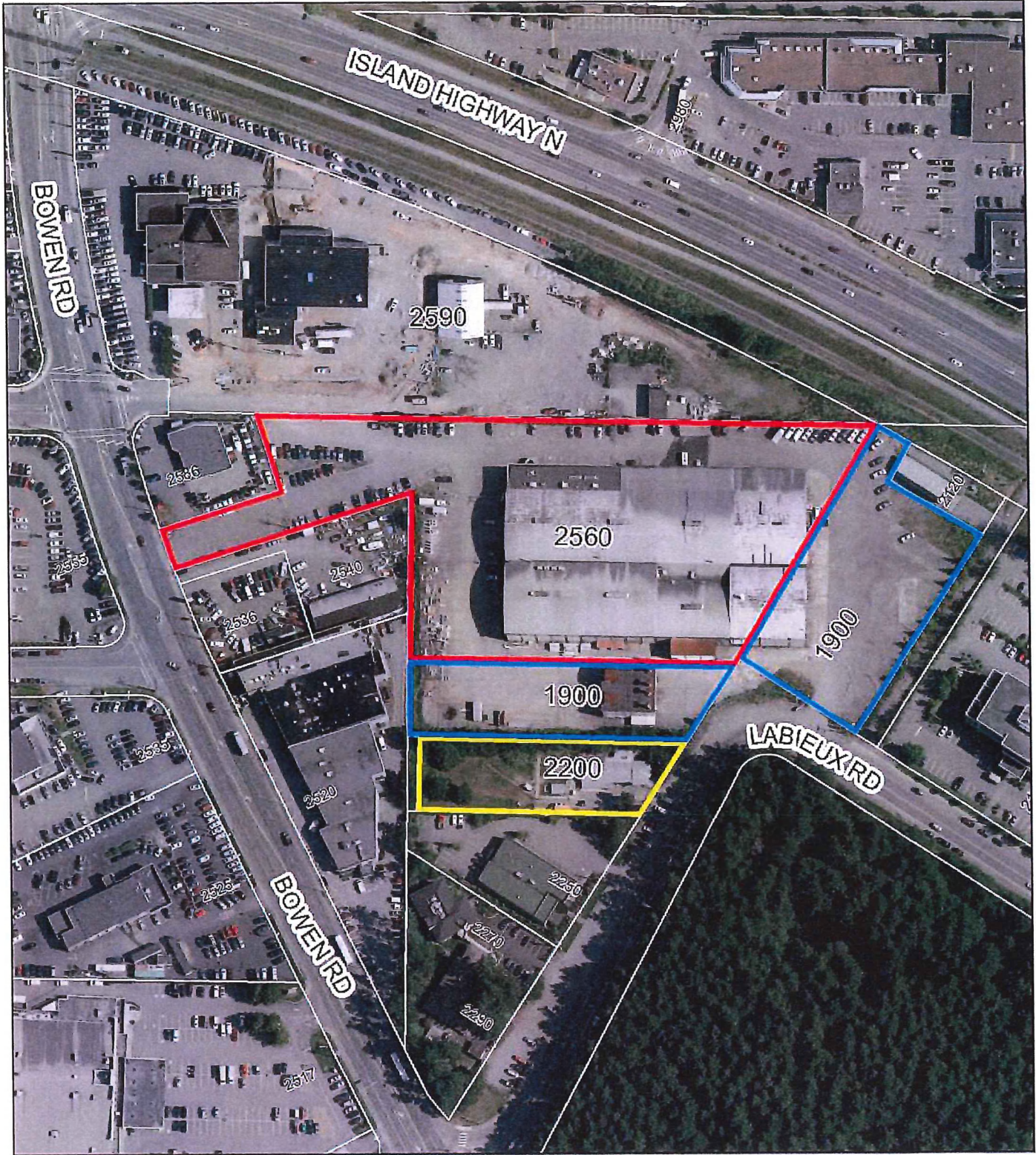
## Leased Area Plan

-  Consolidation Parcel - 2560 Bowen Road Area = 1.95 ha (4.8 acres)
-  Current Lease Area - 1900 Labieux Road Area = 1.05 ha (2.6 acres)
-  SPCA Current Lease Area - 2200 Labieux Road Area = .30 ha (0.76 acres)



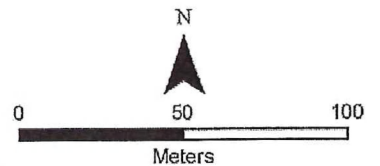


# Attachment A

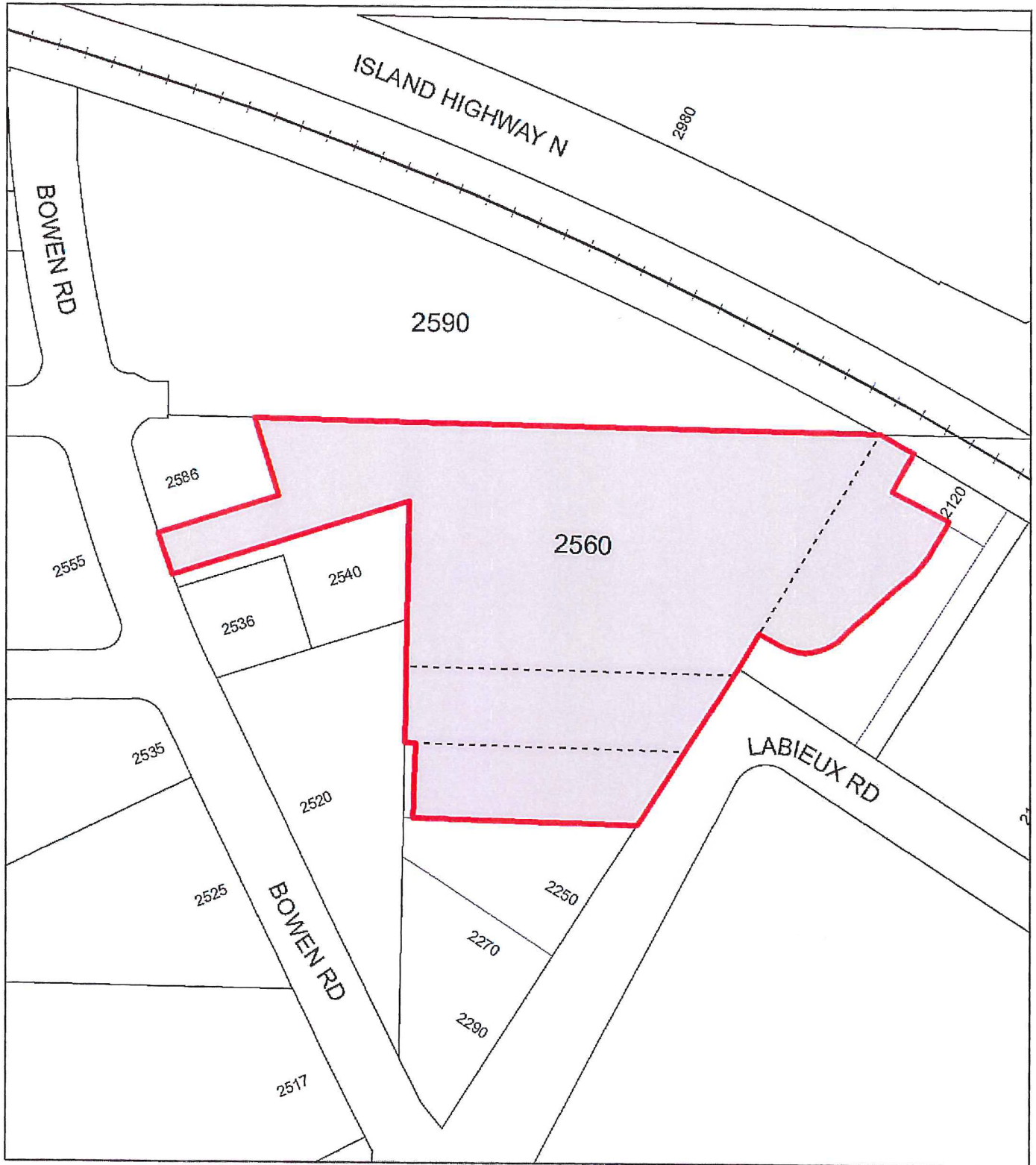


## Leased Area Plan


-  Consolidation Parcel - 2560 Bowen Road Area = 1.95 ha (4.8 acres)
-  Current Lease Area - 1900 Labieux Road Area = 1.05 ha (2.6 acres)
-  SPCA Current Lease Area - 2200 Labieux Road Area = .30 ha (0.76 acres)

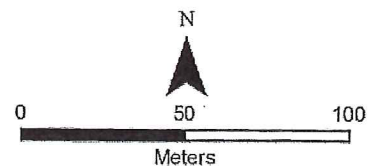


# Attachment B

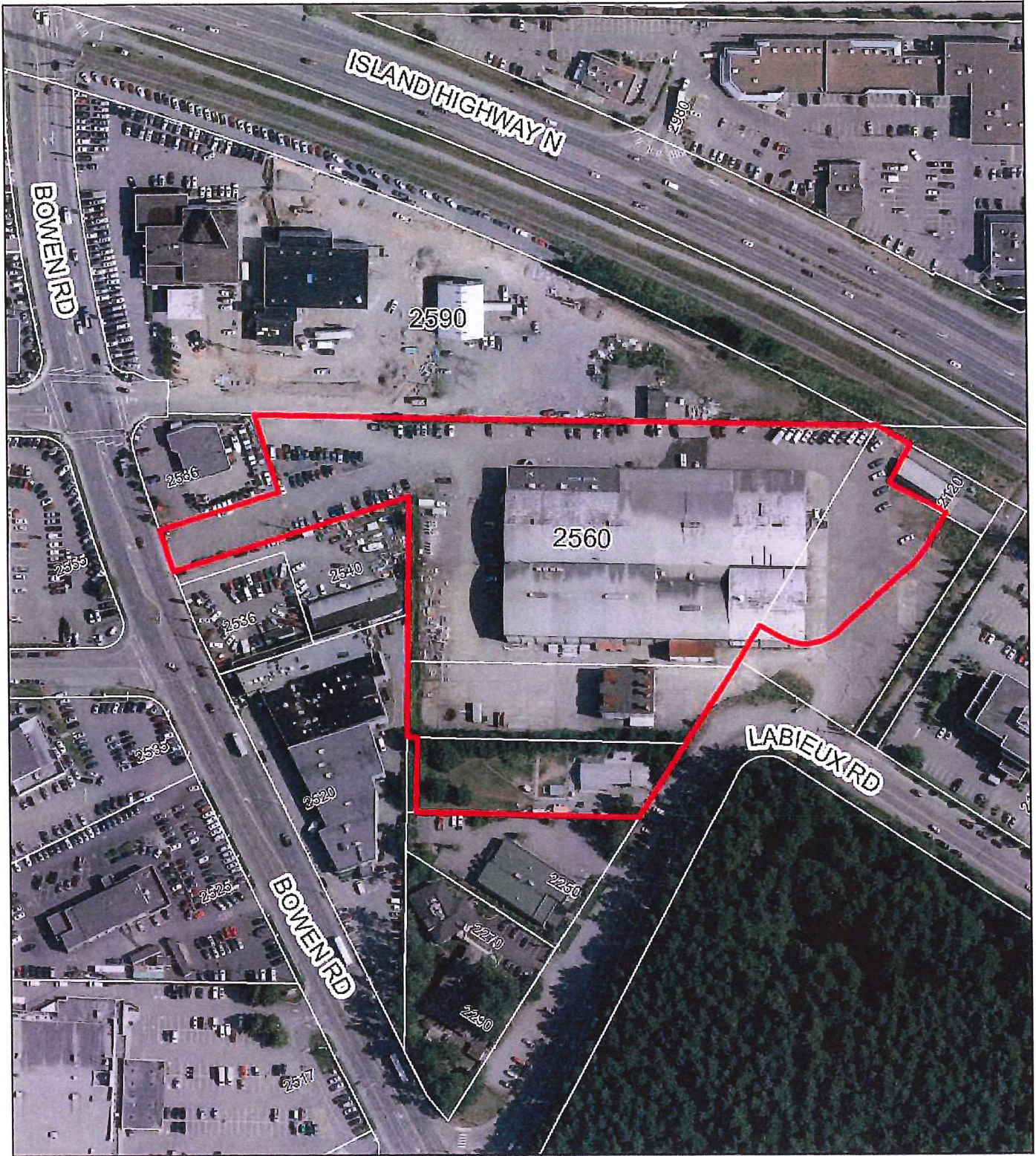


## Location Plan


 Consolidation Parcel - 2560 Bowen Road  
Total Area = 2.97 ha (7.3 acres)

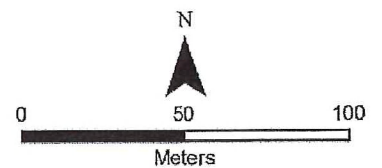


# Attachment B

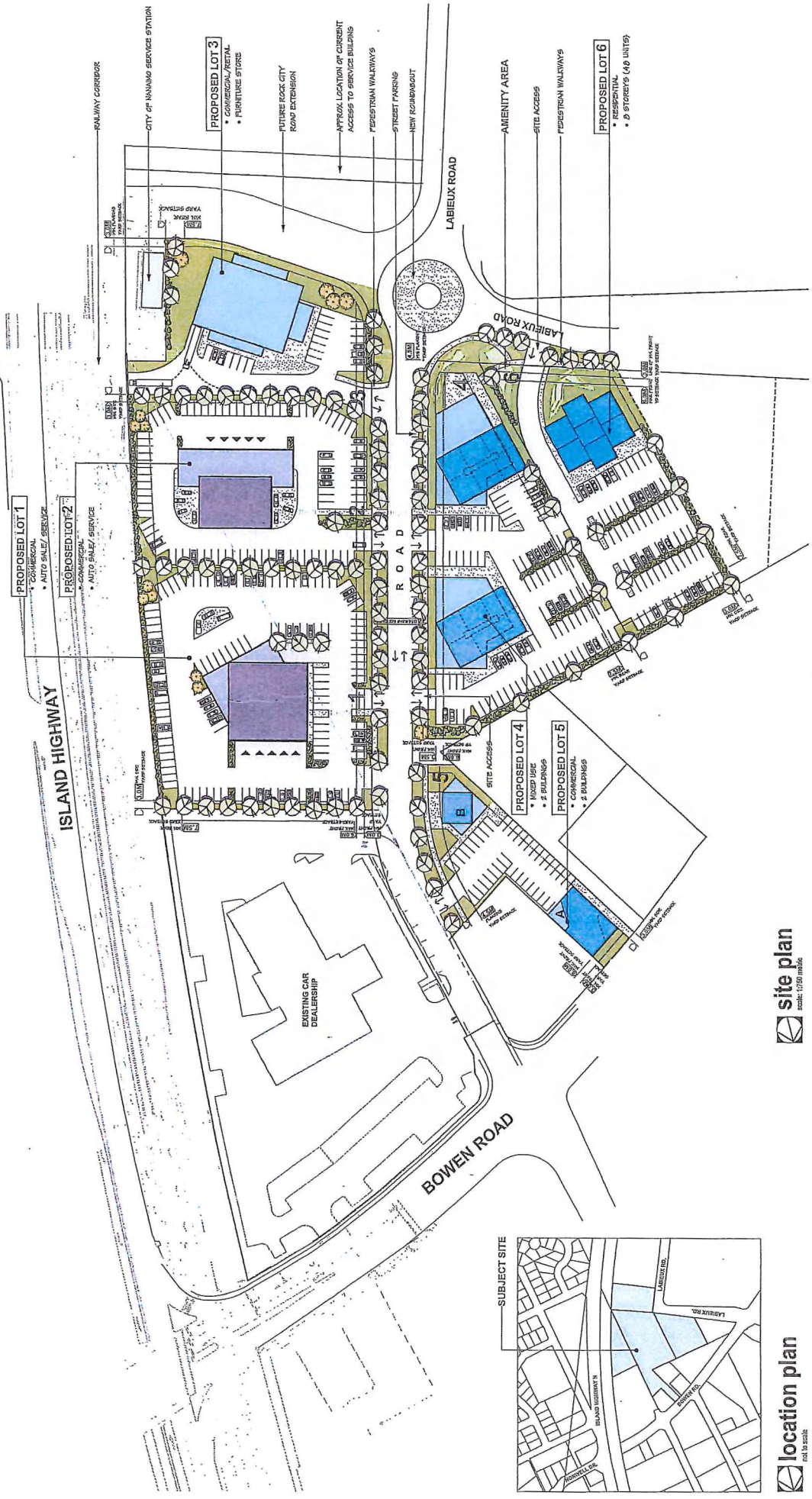


## Location Plan

 Consolidation Parcel - 2560 Bowen Road  
Total Area = 2.97 ha (7.3 acres)



# ATTACHMENT C



**site plan**  
scale: 1:150 metric



**location plan**  
not to scale

DATE OF MEETING April 4, 2016

AUTHORED BY JOHN HORN, SOCIAL PLANNER

**SUBJECT NANAIMO ABORIGINAL CENTRE AFFORDABLE HOUSING  
PROJECT 1406 BOWEN ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council’s approval in principle for the disposition of the City of Nanaimo owned site at 1406 Bowen Road, and to obtain Council approval in principle for 100% reduction of the Developmental Cost Charges associated with the proposed development

### **Reason for “In Camera”**

*Community Charter* Section 90(1):

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Recommendation**

That Council;

1. approve in principle the disposition of 1406 Bowen Road to the Nanaimo Aboriginal Centre for \$1;
2. direct Staff to prepare an Offer to Purchase with the Nanaimo Aboriginal Centre and return to Council for approval;
3. direct Staff to publish a notice of disposition in the local newspaper as required under Section 94 of the *Community Charter*;
4. direct Staff to return to an upcoming open Council meeting for approval when the Offer to Purchase and Notice of Disposition are complete
5. approve the 100% reduction of Development Cost Charges to facilitate this development at 1406 Bowen Road.

### **Resolution to Rise and Report**

That Council rise and report on the disposition of land at 1406 Bowen Road for the Nanaimo Aboriginal Housing Project subsequent to “In Camera” consideration of this report.

## **BACKGROUND**

1406 Bowen Road was originally identified in a 2008 Memorandum of Understanding with the Province of British Columbia as a potential site for the development of a 36 unit supported housing facility for the homeless. On 2011-MAY-30 Council, in the process of considering a rezoning of the site (Zoning Amendment Bylaw NO. 4000.506) passed the following motion:

“To delay the provision of supportive housing at 1406 Bowen Road until all other sites subject to the Memorandum of Understanding with the Province, including the north end site yet to be announced, have been completed and are in operation”. (Attachment A)

On 2015-Feb-02 Council passed a motion to:

“direct Staff to prepare a feasibility report that explores options, in partnership with Nanaimo Aboriginal Centre (NAC), to develop the City owned 1406 Bowen Road site (across from the Quarterway Pub), as an affordable rental facility addressing the needs of urban aboriginals living off reserve in Nanaimo...” (Attachment B)

On 2015-JUNE 22 Council passed a motion to:

“make available the City-owned site at 1406 Bowen Road for the development of affordable rental housing oriented to the needs of aboriginals pursuing higher education and/or at risk of homelessness and direct staff to seek the necessary financial support from the province.” (Attachment C)

All indications from our partners at BC Housing suggest that the above noted development will be funded within this fiscal year and so the proponent anticipates proceeding through the Building Permit application stage and the construction phase of the development in short order. The model currently being used by BC Housing to fund this project requires that the City transfer title to the proponent, who will then sell a portion of the development to BC Housing who in effect take an equity stake in the development. As such the City will not be entering into a lease agreement as we have done on other projects that are developed on City owned sites.

## **OPTIONS**

1. That Council direct Staff to dispose of 1406 Bowen Road to Nanaimo Aboriginal Centre for \$1, and that Council direct Staff to provide 100% relief on the Development Cost Charges associated with the proposed development.
  - **Budget Implication:** The 100% relief of DCC's will have a financial cost associated with it, and it is likely that the operator will seek an ongoing Property Tax Exemption for the development as is the norm for affordable housing projects in Nanaimo.
  - **Legal Implication:** If the development proceeds there will be a need to enter into a Housing Agreement with the operator.
  - **Engagement Implication:** The operator has conducted a public engagement process with the surrounding neighborhood.
  - **Strategic Priorities Implication:** OCP Goal 3 - Encourage Social Enrichment, 3.2 – To provide opportunities for affordable housing.
  - **Political Implication:** This site was originally intended for supportive housing for the homeless, a proposal that generated considerable discussion in the community and resulted in a Public Hearing that stretched to almost 21 hours over 3 nights
  
2. Council direct Staff not to make the site available for the above noted purpose and to refrain from committing any City owned sites until such time as an affordable housing strategy for Nanaimo is adopted by Council.
  - **Political Implication:** It may be that the funding that BC Housing is intending for this project would be withdrawn and re-allocated to another community.

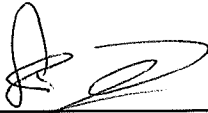
**SUMMARY POINTS**

- Nanaimo has a need for affordable housing, and this need is particularly acute with respect to those of Aboriginal ancestry living off reserve in our community.
- BC Housing is supportive of this project, and it is anticipated they will provide the necessary capital and operating funds.
- Council is being asked to approve in principle the disposition of 1406 Bowen Road to Nanaimo Aboriginal Centre.

**ATTACHMENTS**

Attachment A - Minutes Special Open Council 2011-MAY-30, Attachment B - Minutes Open Council 2015-FEB-02, Attachment C - Minutes Open Council 2015-JUN-22.

**Submitted by:**



John Horn  
Social Planner

**Concurrence by:**



Toby Seward  
Director of Social and protective Services

# ATTACHMENT A

## Excerpt from 2011-MAY-30 Special Open Council Minutes:

### 4. STAFF REPORTS:

- (a) Report of the Public Hearings held 2011-APR-14, 2011-APR-20, 2011-MAY-05 and 2011-MAY-11 for Bylaw No. 4000.506
- 

44611 It was moved and seconded Council receive the Report and Minutes of the Public Hearings held 2011-APR-14, 2011-APR-20, 2011-MAY-05 and 2011-MAY-11 for Bylaw No. 4000.506. The motion carried unanimously.

44711 It was moved and seconded that should Bylaw No. 4000.506 be adopted, Council direct Staff:

1. to delay the provision of supportive housing at 1406 Bowen Road until all other sites subject to the Memorandum of Understanding with the Province, including the north end site yet to be announced, have been completed and are in operation; and,
2. to only use the site at 1406 Bowen Road for supportive housing if necessary to address homelessness in Nanaimo, and if not necessary, the site is to be sold at market value.

The motion carried.

In Favour: Mayor Ruttan, Councillors Greves, Holdom, Johnstone, Kipp, Pattje and Unger

Opposed: Councillors Bestwick and Sherry

### 5. RECONSIDERATION OF BYLAWS:

- (a) “ZONING AMENDMENT BYLAW 2011 NO. 4000.506” (RA270 – to rezone 1406 Bowen Road from Single Family Residential Zone [RS-1] to Corridor Zone [C-31] in order to facilitate construction of a supportive housing development).

44811 It was moved and seconded that “ZONING AMENDMENT BYLAW 2011 NO. 4000.506” pass third reading. The motion carried.

In Favour: Mayor Ruttan, Councillors Greves, Holdom, Johnstone, Kipp, Pattje and Unger

Opposed: Councillors Bestwick and Sherry

44911 It was moved and seconded that “ZONING AMENDMENT BYLAW 2011 NO. 4000.506” be adopted. The motion carried.

In Favour: Mayor Ruttan, Councillors Greves, Holdom, Johnstone, Kipp, Pattje and Unger

Opposed: Councillors Bestwick and Sherry



# ATTACHMENT B

## Excerpt from 2015-FEB-02 Council Minutes:

### 10. OTHER BUSINESS:

#### (a) Councillor Bestwick re: Motion for Council consideration:

04315 It was moved and seconded that Council direct Staff to prepare a feasibility report that explores options, in partnership with the Nanaimo Aboriginal Centre (NAC), to develop the City owned 1406 Bowen Road site (across from the Quarterway Pub), as an affordable rental facility addressing the needs of urban aboriginals living off reserve in Nanaimo with the following general conditions:

- BC Housing and other funding partners are consulted to ascertain the nature and extent of their support for the proposed use on this site;
- consultation with the Nanaimo Aboriginal Centre to ascertain the nature and extent of the population to be served by the provision of affordable rental housing at the site, including that NAC undertake a comprehensive consultation process with businesses and residents/community in local proximity to the site;
- that the feasibility report be brought back to Council on or before 2015-APR-13 with information regarding Provincial input on funding agreements, operating agreements, approval requirements and preliminary neighborhood feedback; and,
- to investigate the ongoing need of residential support to the Aboriginal Students and immediate families attending Vancouver Island University.

The motion carried unanimously.

# ATTACHMENT C

## Excerpt from 2015-JUN-22 Special Open Council Minutes:

### 7. COMMUNITY SERVICES:

#### (b) Nanaimo Aboriginal Centre Affordable Housing Proposal – 1406 Bowen Road

##### Delegation:

1. Mr. Chris Beaton, Executive Director, Nanaimo Aboriginal Centre, spoke regarding affordable housing in Nanaimo and access to higher education for aboriginal learners.

09815 It was moved and seconded that Council receive Mr. Beaton's delegation. The motion carried unanimously.

09915 It was moved and seconded that Council:

- (a) make available the City-owned site at 1406 Bowen Road for the development of affordable rental housing oriented to the needs of Aboriginals pursuing higher education and / or at risk of homelessness and direct Staff to obtain the necessary financial support from the Province; and,
- (b) direct Staff to prepare an affordable housing strategy for Nanaimo to assess the housing needs of vulnerable populations in the community, such as lone parents, urban Aboriginals, elderly renters, and families living in poverty, and once that strategy is developed, evaluate options for 1406 Bowen Road.

The motion carried unanimously.

DATE OF MEETING    May 2, 2016

AUTHORED BY        MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

**SUBJECT              RENEWAL OF CENTRAL ISLAND EMERGENCY SERVICES  
COMMUNICATIONS AGREEMENT**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to renew the Central Island Emergency Services Communications Partnership agreement.

### **Reason for “In Camera”**

*Community Charter Section 90 (1) (k):* negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

### **Recommendation**

That Council approve the renewal of the Central Island Emergency Services Communications Partnership agreement and direct Staff to execute the agreement as attached.

### **Resolution to Rise and Report**

To be released upon conclusion of successful negotiations and renewal of the Central Island Emergency Services Communications Partnership agreement.

## **BACKGROUND**

The City of Nanaimo (46%), Regional District of Nanaimo (10%) and Cowichan Valley Regional District (44%) entered into a partnership agreement to jointly fund and operate an Enhanced 911 (E911) emergency call answer service for central Vancouver Island in 1994.

In 2003, the partners added funding and operation of a joint fire department dispatch centre (“FireComm”), to the agreement.

In 2015, the operation of the E911 system was contracted out by the partners to EComm Vancouver however, the operation of the FireComm remains a service of the partnership.

The partnership continues to fund both E911 and FireComm services in accordance with the partnership agreement.

This agreement does not have an expiry date however, it can be cancelled by any party with two (2) year’s notice to the other parties.

## **OPTIONS**

1. Renew agreement (status quo).
  - **Budget Implication:** no additional budget implication.
  - **Legal Implication:** no additional legal implication (agreement has been reviewed by legal counsel).
  - **Policy Implication:** no change.
2. Cancel agreement.
  - **Budget Implication:** Some co-funding from partnership will cease. City would be solely responsible to fund local E911 and fire dispatch. The City's current portion of the Call Answer Levy (CAL) will continue to fund E911 but advantages of partner co-funding for FireComm will be lost.
  - **Legal Implication:** Operation of FireComm will have to be split between partners. This may create union issues as some dispatch resources may no longer be financially viable.
  - **Policy Implication:** City must amend policy of regionalizing services to gain efficiency.
  - **Strategic Priorities Implication:** Loss of a regionalized service is contrary to efficient operation of the service for local jurisdictions.
  - **Political Implication:** There may be public resistance to the City solely bearing the cost of operating FireComm. Regional District partners may be unwilling or incapable of operating their own systems causing regional discontent and negative public discussion.

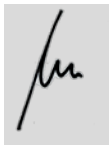
## **SUMMARY POINTS**

- Central Island Emergency Services Communications Partnership agreement ended December 31, 2015 and requires renewal to continue operating E911 and FireComm as a partnership.

## **ATTACHMENTS**

Attachment A: Central Island Emergency Services Communications Partnership agreement

**Submitted by:**



---

Mike Dietrich  
Manager, Police Support Services

**Concurrence by:**



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Toby Seward  
Director, Social & Protective Services

**CENTRAL ISLAND EMERGENCY SERVICES COMMUNICATIONS PARTNERSHIP**

**THIS AGREEMENT** made the    day of    , 2016.

BETWEEN:

**COWICHAN VALLEY REGIONAL DISTRICT**

175 Ingram Street  
Duncan, BC  
V9L 1N8  
(the "CVRD")

AND:

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2  
(the "RDN")

AND:

**THE CITY OF NANAIMO**

455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6  
(the "City")

**WHEREAS** the CVRD, the RDN and the City wish to participate in the construction, operation and funding of an emergency services communications systems to be known as the Central Island Emergency Communications Service.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained and agreeing to be legally bound thereby, the CVRD, the RDN and the City hereby covenant and agree as follows:

## **ARTICLE 1 - INTRODUCTION**

### **1.1 Purpose**

The purpose of this agreement is to define the rights and obligations of the CVRD, the RDN and the City with respect to the construction, operation and funding of the Central Island Emergency Communications Service.

### **1.2 Guiding Principles**

It is acknowledged and agreed that the Parties intend to work together cooperatively to provide Central Island Emergency Communications Service in each of their respective jurisdictions.

### **1.3 Cooperation**

The CVRD, the RDN and the City shall cooperate and use their best efforts to ensure the most expeditious implementation of the provisions of this agreement and shall in good faith undertake to resolve any disputes that may arise between them in an equitable and timely manner and in accordance with the provisions hereof.

### **1.4 Schedules**

The following schedules are attached to and made part of this agreement:

Schedule A - Cost Sharing Formula

### **1.5 Term**

The Term of this agreement shall be five (5) years from the Commencement Date unless terminated earlier pursuant to the provisions hereof.

### **1.6 Service Area**

The Central Island Emergency Communications Service will serve the area within the boundaries of the CVRD (including that portion of the Capital Regional District served by the Malahat Fire Department), the City and those parts of the RDN included within the boundaries of School District No 68 (Nanaimo-Ladysmith).

## **ARTICLE 2 - DEFINITIONS**

**In** this agreement, the words and expressions set out below shall have the following meanings unless the context requires otherwise:

**"911 Service" means** a call answer centre operated for receiving and transferring of emergency communications from the public;

**"Budget" means** the amounts approved to cover operating and capital costs for providing the Central Island Emergency Communications Service each year in accordance with Article 5.2

**"Central Island Emergency Communications Service Area"** means the area described in Article 1.6;

**"Central Island Emergency Services Communications Partnership"** means a partnership between the CVRD, the RDN and the City as set out in this agreement;

**"City"** means the City of Nanaimo;

**"Commencement Date"** means January 1, 2016;

**"Contract Interest Rate"** means the per annum rate of interest declared from time to time by the Royal Bank of Canada as its reference rate for Canadian dollar loans to its most credit worthy customers in Canada;

**"Cost Sharing Formula"** means the formula for the allocation of the share of each Party in the costs of the Central Island Emergency Communications Service set out in Schedule A - Cost Sharing Formula, attached to this Agreement;

**"CVRD"** means the Cowichan Valley Regional District;

**"Dispute Resolution Committee"** means the panel referred to in Article 11.1;

**"Emergency Services"** means police, fire and ambulance services and all other agencies that may attend to an emergency within the Central Island Emergency Communications Service Area;

**"Equipment"** means the electronic equipment, apparatus, furniture and other material installed in and used for the purposes of FireComm in the Facility;

**"Facility"** means the building where the City locates the Equipment and operates FireComm;

**"FireComm"** means a call answer centre operated for receiving and dispatching emergency communications received from the 911 Service that are related to fires, rescues, medical aid calls, and related emergencies;

**"Management Committee"** means the committee established under Article 5;

**"Operational Policies"** means the policies created by the Management Committee from time to time;

**"Parties"** means the CVRD, the RDN and the City;

**"Partnership"** means a partnership between the CVRD, the RDN and the City as set out in this agreement;

**"Repeater Network"** means the repeater sites separately owned and maintained by each of the Parties;

**"RDN"** means the Regional District of Nanaimo;

**"Schedule"** means a schedule attached to this Agreement;

**"Service"** means Central Island Emergency Communications Service which consists of the 911 Service and FireComm;

**"Telephone Numbers"** include telephone numbers serviced by landlines and wireless telephones;

**"Uncontrollable Circumstances"** means an event or condition beyond the reasonable or prudent control of a Party (the "Affected Party") whose performance of any of that Party's obligations under this Agreement are affected by the event or condition, which:

- a) interferes with, interrupts or causes the failure of the operation of the Service, or
- b) has or may reasonably be expected to have a material adverse effect on the Facility or the Equipment or the operation, ownership, maintenance or possession of the Facility or the Equipment, and, without affecting the generality of the foregoing, includes the following:
  - c) an act of God, epidemic, landslide, lightning, earthquake, fire, explosion, storm, flood or similar occurrence, an act of the public enemy or of terrorism, war, blockade, insurrection, riot, general arrest or restraint of government and people, civil disturbance or similar occurrence, or a strike, lockout, or similar industrial or labour action, or sabotage; provided that, in the event of a strike, the City shall take reasonable steps to have the 911 Service declared an essential service under the Labour Relations Code or other similar legislation;
  - d) the order or judgment of any governmental authority, including without limitation any material modification or change in interpretation of any order or judgment, if it is not also the result of a lack of reasonable diligence by the Affected Party, provided that the contesting in good faith of any such order or judgment shall not constitute or be construed as a wilful or negligent action or a lack of reasonable diligence of such party;
  - e) the adoption, promulgation, issuance, material modification or change in interpretation, after the Commencement Date, of any federal, provincial or local law, regulation, rule, requirement, ordinance or applicable industry codes, specifications or standards unless that law, regulation, rule, requirement, ordinance, code, specification or standard was, on or prior to the Commencement Date, duly adopted, promulgated, issued or otherwise officially modified or changed in interpretation, in each case in final form, to become effective without any further action by any federal, provincial or local government body, administrative agency or governmental official having jurisdiction;
  - f) the suspension, termination, interruption, denial or failure of renewal of any permit, license, consent, authorization or approval essential to the maintenance or operation of the Facility or Equipment;
  - g) any other event or condition not specified herein but of a nature generally similar to any of the events or conditions described in paragraphs (c) to (f), inclusive, of this definition (Uncontrollable Circumstances) and which has or may reasonably be expected to have a material adverse effect on the Facility or Equipment or the operation, ownership, maintenance or possession of the Facility if that event or condition is beyond the reasonable or prudent control of the Affected Party; and

in the occurrence of any such event or condition, an affected Party shall not be required to observe a higher standard of conduct than that required by the usual and customary standards of the industry or other field of activity in question as a condition to claiming the existence of an Uncontrollable Circumstance.



## **ARTICLE 3 - RIGHTS AND OBLIGATIONS - COMMITMENTS AND REPRESENTATIVES**

### **3.1 Commitment to Use the Service**

During the term of this agreement, the Parties agree to use the Central Island Emergency Communications Service and not to use any other similar service directly or indirectly. For certainty the Parties acknowledge and agree that the Service includes the 911 Service to the Parties by way of agreement between **E-Comm Emergency Communications for British Columbia Incorporated** and the Parties dated August 10, 2015.

### **3.2 Commitment to Pay**

The Parties shall share the costs of all capital and operating expenses incurred in relation to the Service in accordance with the Cost Sharing Formula. For certainty the Parties acknowledge and agree the cost of the Service includes the cost of the 911 Service to the Parties by way of agreement between **E-Comm Emergency Communications for British Columbia Incorporated** and the Parties dated August 10, 2015.

### **3.3 Funding**

Until such time as it is mutually agreed to alter this provision, the Parties agree to share costs in accordance with the formula in Schedule "A".

Any annual surplus generated from the collection of a Call Answer Levy related to the provision of Enhanced 911 Service will be placed by the Parties into a 911 Service reserve fund, and if the Parties agree to issue a refund from the reserve fund, such refund shall be distributed among the Parties in accordance with the cost sharing formula in Schedule "A", as applicable to the year in which the refund is made.

### **3.4 Appointment of Representative**

- (1) The CVRD, the RDN and the City shall each appoint one representative, who shall not be an elected official of the CVRD, the RDN or the City, to the Management Committee referred to in Article 5. All the expenses of the representatives shall be paid for by their respective Party unless the Parties otherwise agree.
- (2) The CVRD and the RDN shall inform their Emergency Services personnel of the name of their Management Committee representative and direct that all complaints, concerns or other matters relating to the Service be conveyed to their own representative who may refer the matter to the City or to the Management Committee.

## **ARTICLE 4 - RIGHTS AND OBLIGATIONS - OWNERSHIP, OPERATION, AUDIT AND ACCESS**

### **4.1 Ownership of the Facility and Equipment**

- (1) The City shall control and supply the Facility and the Parties shall be the owners of the Equipment for the duration of this Agreement, unless the Parties agree otherwise.
- (2) Upon the expiration or termination of this Agreement, the respective ownership shares of the Parties in the Equipment shall be calculated on the basis of their share of the costs of the Service in the last year of the Term according to the Cost Sharing Formula.

## **4.2 Operation of the Facility and Equipment**

During the term of this agreement, the City shall, subject to the terms of this agreement:

- (1) be fully responsible for the operation and supervision of the FireComm Staff and the Facility and Equipment in accordance with the terms of this Agreement, including the administration of Schedule B;
- (2) provide the Facility and all labour, and obtain and install the Equipment necessary to operate FireComm and use all reasonable efforts to maintain, repair and replace all Equipment as necessary to ensure continued compliance with the Operational Policies and all other obligations as set out in this Agreement;
- (3) use its best efforts to ensure a harmonious and cooperative working relationship with the Parties and FireComm;
- (4) manage and operate the Facility and Equipment so as to ensure the reasonable safety of persons in, on or around the Facility and Equipment;
- (5) maintain the Facility and Equipment in a good, clean and orderly condition at all times; and
- (6) operate the Facility and Equipment and FireComm in a manner that will not violate any federal, provincial or local law, rule, regulation, bylaw, permit or license. The City shall not be deemed to have breached this obligation if it is in good faith contesting the validity or application of any such law or regulation or diligently attempting to comply therewith.

## **4.3 Ownership, Operation and Management of the Repeater Networks**

- (1) Each party shall be responsible for ensuring their respective repeater network is fully narrow-band compliant (RS119 - Issue 5) and in good repair prior to commencement of this agreement.
- (2) All costs associated with repeater site licenses, lease agreements and repeater equipment will be shared by the Parties in accordance with the cost sharing formula in Schedule "A".

## **4.4 The City's Information Systems**

- (1) The City shall, on and after the Commencement Date, establish and maintain a financial information system to provide storage and ready retrieval of the Service, Facility and Equipment operating data.
- (2) Upon request by the CVRD or the RDN, the City shall provide the CVRD or the RDN with copies of the City's records in order to permit the CVRD or the RDN to verify the accuracy of the billings by the City and compliance with the Operational Policies.

## **4.5 Form of Data**

- (1) The records maintained by the City shall present the operating data of the Service, Facility and Equipment in a form reasonably acceptable to the CVRD and the RDN.
- (2) Additional information shall be provided by the City, as appropriate and as agreed upon by all Parties to this Agreement during the term of this agreement.

#### **4.6 Verification of Audit Procedures**

- (1) All books, records, documents and accounting procedures and practices of the City relevant to the -Service are subject to examination by the CVRD and the RDN and the City shall provide them as reasonably requested by the CVRD and the RDN.
- (2) At the reasonable request of either or both the CVRD or the RDN, the City shall verify and substantiate any such information, records and invoices by the certification of an independent auditor acceptable to the CVRD and the RDN.
- (3) The Parties shall share the expenses incurred for an independent audit in accordance with the Cost Sharing Formula.

#### **4.7 Access to the Facility and Equipment**

The City shall not be obligated to permit access to the Facility and Equipment other than to duly authorized representatives of the CVRD and the RDN whose authority shall be verified in writing to the City,

### **ARTICLE 5 - DECISION MAKING**

#### **5.1 Management Committee**

The parties agree to establish a Management Committee.

#### **5.2 Composition, Procedures and Responsibilities**

The Management Committee shall

- (1) be made up of the three representatives appointed pursuant to Article 3.4.
  - (a) Each representative shall have one vote.
  - (b) Each representative shall, whenever possible, obtain authority to act on behalf of the party he or she represents at least one day prior to the meeting at which a matter is to be considered.
  - (c) A decision upon a matter shall not be delayed more than 30 days (unless it is agreed by all the parties) to enable a representative to obtain the necessary authority;
- (2) by a unanimous vote establish a set of procedural rules that take into account the provisions of this agreement, the *Local Government Act* and the *Community Charter*;
- (3) by a unanimous vote establish Budget guidelines which shall identify which costs shall be included in the annual budget and whether a particular item will be categorized as operating or capital. The Budget guidelines shall take into consideration the classification of expenses typically used by the City so as to avoid unnecessary accounting and reconciliation of costs for the service.
- (4) by a unanimous vote establish a provisional budget each year on or before November 1st and an annual Budget on or before January 31 of the following year.
- (5) upon approval of a final annual Budget, the City representative shall forward a copy of the approved Budget showing a summary of the items approved and costs recoverable from each of the Parties, to each of the CVRD and the RDN.
- (6) not, except by unanimous vote, alter the level of the service or otherwise change the facility and the equipment in a way that increases or decreases the budget by more than 10% from one year to the next, save and except if an increase greater than 10% is due to wage and benefit increases payable to those persons employed by

the City of Nanaimo to operate the facility and the equipment and provide the service; and

- (7) have the power to appoint subcommittees to assist in the carrying out of the terms of this Agreement.

5.3 In the event that a unanimous vote is required under this Article, and the Management Committee representatives are unable to reach a unanimous agreement after two meetings of the Management Committee have considered and voted on the matter, the matter shall be referred to the Dispute Resolution Committee under Article 11 and if required, the arbitration process under Article 12.

## **ARTICLE 6 - COST SHARING FORMULA**

6.1 The costs of the Service after the Commencement Date shall be paid by each of the Parties in accordance with the Cost Sharing Formula outlined in Schedule A.

6.2 The allocation of the costs to each of the Parties may be changed by the agreement of all the Parties. If one or more of the Parties wishes to change the allocation of the costs, that Party shall give 60 days' notice in writing of its intention to introduce a motion for consideration by the Management Committee.

6.3 If a claim is brought against the City arising out of the operation of the Facility, the Equipment and/or the Service, the cost of defending and paying such claim and the cost of any increase in the deductible and/or premium payable by the City for insurance shall be a cost of the Service, except where the claim is determined to be as a result of the gross negligence or willful misconduct of the City.

6.4 The CVRD and RDN shall pay the City their respective shares of the costs within 30 days of receipt of the statement for the monthly billing period from the City.

6.5 All overdue amounts payable by the CVRD and the RDN to the City under this Agreement shall bear interest at the contract interest rate plus three percent (3%) calculated from the 15th day after the day on which payment to the City by the CVRD and the RDN is due under Article 6.4 herein.

## **ARTICLE 7 - FACILITY AND EQUIPMENT MAINTENANCE**

### **7.1 Alterations to FireComm**

The Parties recognize that alterations to FireComm, the Equipment and the Facility may be required from time to time. Except where required by law under Article 7.2, the City shall not be obligated to make any alterations before the CVRD, the RDN and the City have all negotiated and settled in writing all adjustments required, in their reasonable opinion, to be made to the Operational Policies, the costs of the Service, the allocation of the costs of the Service, and to all other aspects of the operation of the Service, the Equipment and the Facility that may result from the proposed alterations.

### **7.2 Alterations Required by Law**

If any alterations, to FireComm, are required to be made by law, the City shall use all reasonable efforts to make them. Upon the completion of such alterations, the costs of all aspects of the operation of the Service, the Equipment and the Facility that may be affected by the alteration shall be adjusted to fully compensate the City for the CVRD's and the RDN's share of all additional costs incurred thereby despite Article 5.1 (g)

### **7.3 Cost Records**

If any alterations are made to FireComm, the Equipment or the Facility, the City shall maintain records for all the costs incurred for the alterations and shall keep such records in accordance with normal business practices and with generally acceptable accounting principles and methods. These records shall be available for inspection by the CVRD and the RDN.

### **7.4 Damage or Destruction**

(1) The City shall notify the CVRD and the RDN immediately of any damage to or destruction of the Facility or the Equipment or interruption of FireComm.

(2) If any damage to or destruction of the Facility or the Equipment occurs, the City shall undertake the repair, restoration or rebuilding of the Facility or the Equipment or any part thereof to the same specifications as existed prior to the event causing the need for repair, restoration or rebuilding, together with any temporary repairs and any other measures to protect and operate the Facility, the Equipment and FireComm pending completion of the work, except as may be otherwise required by law or as may be otherwise approved by the CVRD and the RDN.

(3) The City shall diligently pursue the repair, restoration or rebuilding to completion regardless of whether there are sufficient insurance proceeds available to cover the costs thereof.

(4) If the event causing the need for the repair, restoration or rebuilding is covered by insurance but the insurance proceeds are insufficient to cover the costs, the CVRD, the RDN and the City shall share all costs of repair, restoration or rebuilding in excess of the amount of the insurance proceeds in the same manner as the Cost Sharing Formula.

(5) If the event causing the need for the repair, restoration or rebuilding is not covered by insurance, the CVRD, the RDN and the City shall share all costs of repair, restoration or rebuilding in excess of the amount of the insurance proceeds in the same manner as the Cost Sharing Formula.

## **ARTICLE 8 - INSURANCE AND INDEMNIFICATION**

### **8.1 Insurance**

(1) All insurance required in this article shall be taken out and maintained with responsible insurance companies, qualified and authorized under the laws of British Columbia to provide such insurance in British Columbia, to be selected by the City and approved by the CVRD and the RDN.

(2) The City will give on demand to the CVRD and the RDN, copies of the policies evidencing all such insurance or a certificate or certificates of the insurers stating that such insurance is in force and effect at all times during the period of this Agreement.

(3) Each policy and each certificate shall contain a provision that the insurer shall not cancel coverage or refuse to renew the policy or reduce or limit the scope of limits of coverage thereunder without giving notice to the CVRD and to the RDN at least 30 days before the cancellation, nonrenewal or change becomes effective.

(4) If there is any additional cost to the City, the CVRD or the RDN with respect to the insurance requirements herein, the costs may be submitted to and included in the Budget for the Service to be cost shared in accordance with the Cost Sharing Formula.

## **8.2 No Insurance Available**

If the City is unable to obtain or maintain any of the insurance required herein or the cost of any such insurance is unreasonable in the opinion of the CVRD, the RDN and the City, the City may modify such insurance in accordance with the provisions of Article 8.4.

## **8.3 Insurance Evaluation**

- (1) The City, the CVRD and the RDN shall set insurance policy limits based on insurance commercially available.
- (2) If the CVRD, the RDN and the City cannot agree upon policy limits, or the commercial availability of insurance or the cost of any such insurance is unreasonable in the opinion of the City, the issue shall be submitted to an independent insurance evaluator selected by the CVRD, the RDN and the City for resolution.
- (3) The costs of the insurance evaluator shall be an operating expense of the Service.

## **8.4 Recommendation of Insurance Evaluator**

- (1) The insurance evaluator shall make a recommendation to the Parties regarding insurance coverage commercially available and the level of policy coverage only, unless jointly requested to make recommendations on additional issues by the CVRD, the RDN and the City.
- (2) The recommendation of the insurance evaluator shall be binding on the parties and shall be implemented by the City as soon as practicable.
- (3) At no point during the term of this Agreement shall policy limits be less than any statutory liability limit for the CVRD, the RDN and the City.

## **8.5 Indemnity**

- (1) Each Party shall release and indemnify the other Parties, their officers, employees, agents or contractors for any claims brought against the other Parties arising out of the acts or omissions of the Party giving the release and indemnity, except with respect to negligence or gross negligence.
- (2) Each Party shall obtain and maintain throughout the term of this agreement comprehensive liability insurance in the minimum amount of \$5,000,000 for the purposes of satisfying this indemnity.
- (3) The CVRD, the RDN and the City respectively shall add the other Parties to their policy of insurance with the Municipal Insurance Association (MIA), or any other entity which might replace the MIA and provide liability insurance coverage to a Party to protect the parties against risks arising in connection with the operation of the Facility, the Equipment and the Service.

## **ARTICLE 9 - EVENTS OF DEFAULT**

### **9.1 Events of Default by the CVRD or the RDN**

The persistent or repeated failure or refusal by the CVRD or the RDN to carry out anyone or more of their obligations under Articles 3 and 6 or to not substantially fulfill any of their other obligations under this agreement for reasons other than Uncontrollable Circumstances, shall constitute an Event of Default.

### **9.2 Events of Default by the City**

The following constitute Events of Default by the City:

- (1) The persistent or repeated failure or refusal by the City to operate, repair or maintain the Equipment, the Facility or FireComm or to substantially fulfill any of its obligations under this agreement due to circumstances other than Uncontrollable Circumstances.
- (2) The failure of FireComm to meet the Operational Policies set forth in this agreement for any consecutive period of 15 days, except due to Uncontrollable Circumstances.
- (3) The failure of the City to maintain the insurance coverage required by Article 8 and as periodically reviewed and agreed to by the parties on the 30th day following written notice of such failure to the City given by the CVRD or the RDN.

## **ARTICLE 10 - REMEDIES**

If there is an Event of Default under Article 9, the Party not in default may, if the default has not been cured or commenced to be cured within 21 days after notice in writing has been given by the Party not in default to the Party in default, refer the default to the Dispute Resolution Committee for resolution under Article 11, before proceeding to Arbitration under Article 12.

## **ARTICLE 11 - DISPUTE RESOLUTION**

### **11.1 Dispute Resolution Committee**

If a dispute in respect of any interpretation of this agreement arises between the CVRD, the RDN and the City, or a matter is not resolved under Article 5, the parties shall refer the matter to the Dispute Resolution Committee, which shall consist of their respective chief administrative officers or their designates. The purpose of the Dispute Resolution Committee shall be to resolve as expeditiously as possible any dispute, unless specifically excepted elsewhere, arising under this agreement so as not to impair progress in the implementation of the provisions of this Agreement.

### **11.2 Attempt to Settle**

The CVRD, the RDN and the City shall attempt to settle any dispute arising under this agreement in good faith without referring the matter to the Dispute Resolution Committee. If the CVRD, the RDN and the City cannot resolve any dispute, they shall jointly notify the members of the Dispute Resolution Committee of the nature of the dispute. The Dispute Resolution Committee shall convene within two business days of such notice to consider and resolve the dispute.

### **11.3 Proceedings**

All proceedings before the Dispute Resolution Committee shall be informal. When a dispute is under consideration by the Dispute Resolution Committee, the Dispute Resolution Committee shall determine the manner in which the Parties shall proceed to carry out their respective obligations under this Agreement until the dispute is resolved. No formal rules of evidence shall apply to proceedings of the Dispute Resolution Committee, however, established legal procedure and evidentiary rules may be used as a guide in conducting the proceeding.

Proceedings of the Dispute Resolution Committee shall not be open to the public.

### **11.4 Discovery**

The CVRD, the RDN and the City shall have the right of discovery regarding any matter, not privileged by law, which is relevant to a dispute referred to the Dispute Resolution Committee. The methods of discovery shall include all recognized methods of discovery for

Civil Court actions. Disagreements between the CVRD, the RDN and the City regarding the nature or extent of discovery shall be submitted to the Dispute Resolution Committee pursuant to this Article 11.4.

### **11.5 Decision**

The Dispute Resolution Committee shall render a written decision to the parties as soon as possible after the conclusion of its proceedings; however, the Dispute Resolution Committee shall not be required to provide reasons for its decision.

The Dispute Resolution Committee shall decide the extent to which each of the parties shall bear the reasonable costs of resolving any particular dispute. Any decision of the Dispute Resolution Committee may be submitted by any of the parties to binding arbitration as provided for in Article 12.

## **ARTICLE 12 - ARBITRATION**

All disputes arising out of or in connection with this Agreement not resolved by the Dispute Resolution Committee, or in respect of any defined legal relationship associated therewith or derived therefrom, may be referred to and finally resolved by a sole arbitrator under the rules of the British Columbia International Commercial Arbitration Centre., If the Parties cannot agree on an arbitrator within 10 business days, the BCICAC shall appoint the arbitrator and administer the case in accordance with its "Procedures for Cases under the BCICAC Rules".

The place of arbitration shall be Nanaimo, British Columbia, Canada.

## **ARTICLE 13 - TERMINATION**

### **13.1 Termination**

The CVRD, the RDN and the City may terminate this Agreement at any time by the giving of not less than two years' notice to the others of its intention to do so.

## **ARTICLE 14 - GENERAL PROVISIONS**

### **14.1 Means of Giving Notice**

All notices and demands required or permitted to be given hereunder shall be in writing and may be delivered personally, sent by facsimile, email or may be mailed by first class prepaid registered mail to the addresses set forth below, Any notice delivered, or sent by facsimile, shall be deemed to have been given and received, at the time of delivery, Any notice mailed as aforesaid shall be deemed to have been given and received on the expiration of three business days after it is posted, addressed as follows:

- (1) To the CVRD:  
175 Ingram Street  
Duncan, British Columbia  
V9L 1N8  
Attention: General Manager, Public Safety
  
- (2) To the RDN:  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2  
Attention: Director of Finance



- (3) To the City:  
455 Wallace Street  
Nanaimo, B,C,  
V9R 5J6  
Attention: Director of Social and Protective Services

or to such other address or addresses or individuals as may from time to time be provided in writing by the Parties hereto. If there shall be, between the time of mailing and the actual receipt of a notice, a mail strike, slowdown or other labour dispute that might affect the delivery of that notice by the mails, then the notice shall only be effective if actually received by the person to whom it was mailed.

#### **14.2 Assignment**

The Parties shall not assign their interest in this agreement or any part thereof except to an assignee

- (1) approved by the remaining Parties, which approval will not be unreasonably withheld, and
- (2) who agrees to assume the obligations of the assignor hereunder.

#### **14.3 Independent Contractor**

(1) For the purposes of this agreement, the City shall be deemed to be an independent contractor and not an employee or agent of the CVRD and the RDN.

(2) Any and all agents, servants or employees of the City or other persons, while engaged **in** the performance of any work or services required to be performed by the City under this agreement, shall not be considered employees of the CVRD and the RDN.

(3) Any and all claims that may or might arise on behalf of the CVRD and the RDN, their agents, servants or employees, as a consequence of any act or omission on the part of the City, its agents, servants, employees or other persons shall not be the obligation or responsibility of the CVRD and the RDN.

(4) The City, its agents, servants or employees shall be entitled to none of the rights, privileges or benefits of the CVRD and the RDN employees except as otherwise may be stated in this Agreement.

#### **14.4 Alteration**

Any alteration, variation, modification or waiver of any provisions of this Agreement shall be valid only if in writing and duly signed by all of the Parties.

#### **14.5 Waiver**

- (1) The waiver of any of the rights or remedies arising under the terms of this Agreement on anyone occasion by any Party shall not constitute a waiver of any rights or remedies in respect of any subsequent breach or default of the terms of this Agreement.
- (2) The rights and remedies provided or referred to under the terms of this Agreement are cumulative and not mutually exclusive.

**14.6 Severability**

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law or contrary to any rule or regulation having the force and effect of law, that holding shall not affect the remaining portions of this Agreement.

**14.7 Governing Law**

This agreement shall be interpreted and construed according to the laws of British Columbia.

**14.8 Entire Agreement**

This Agreement shall constitute the entire agreement between the parties and shall supersede all prior written or unwritten negotiations, understandings and agreements.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement by their duly authorized representatives as follows:

_____	_____
<b>Name, Title, City of Nanaimo</b>	<b>Name, Title, City of Nanaimo</b>
_____	_____
<b>Name, Title, Cowichan Valley Regional District</b>	<b>Name, Title, Cowichan Valley Regional District</b>
_____	_____
<b>Name, Title, Regional District of Nanaimo</b>	<b>Name, Title, Regional District of Nanaimo</b>

**SCHEDULE A**  
**CENTRAL ISLAND EMERGENCY COMMUNICATIONS SERVICE AGREEMENT**  
**COST SHARING FORMULA**

Net operating costs, if any, shall be shared on the basis of the populations of the jurisdictions of the Parties.

The population figures for each year will be based on the most recent data provided by Statistics Canada's national census.

The most recent census figures and share of costs, by jurisdiction, are:

<b>Jurisdiction</b>	<b>2011 Census Population</b>	<b>Share</b>
City of Nanaimo	83,810	46%
CVRD	80,332	44%
RDN Lantzville	3,601	
RDN A	6,908	
RDN B	4,045	
RDN C	<u>2,834</u>	
	<u>17,388</u>	<u>10%</u>
	<u>181,530</u>	<u>100%</u>

DATE OF MEETING May 2, 2016

AUTHORED BY ROD DAVIDSON, ACTING MANAGER, BYLAW, REGULATION AND SECURITY

SUBJECT COAST HOTEL PARKING REVIEW

## OVERVIEW

### **Purpose of Report**

To obtain Council authorization to negotiate a new guest parking arrangement of the Coast Bastion Hotel. The existing agreement with the Coast Bastion Hotel has expired.

### **Reason for "In Camera"**

Community Charter Section 90(1)(k): negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

### **Recommendation**

That Council direct Staff to inform the Coast Bastion Hotel that the parking agreement will not be renewed in its current form and that a new parking arrangement with the Coast Bastion Hotel will be implemented.

### **Resolution to Rise and Report**

That Council instruct staff to release information for the purpose of conducting negotiations, and upon successful completion of negotiations release the report.

## BACKGROUND

The City entered into an agreement with the Coast Bastion Hotel on 1996-MAY-15 for a five year term which commenced on 1997-AUG-01 with several extensions which expired on 2012-AUG-01.

The City received a legal opinion that since the original lease was for a period of longer than one year, the overholding period is deemed to be one year, requiring a minimum of six months notice to terminate.

Depending on which proposed option Council chooses, there may be potential for an increased revenue stream for the use of the Harbour Front Parkade.

The new Coast Bastion Hotel parking arrangement needs to consider the new technologies that have been implemented such as license plate recognition (LPR) and pay by plate systems being implemented in all City parking facilities for traffic management.

Preliminary discussions were held in 2015 with hotel management regarding amending the parking agreement. The hotel acknowledged that a review of the parking arrangements should take place. If Council approves one of the options, Staff will communicate with the Coast Bastion Hotel on finalizing a new agreement.

## OPTIONS

1. Continue with current process with the City of Nanaimo providing parking to the Hotel at a rate of \$3.60 per day. The current day rate for the parkade is \$9.00. A parking pass is completed by the hotel which is manually checked by parking staff. All costs incurred are carried by the City. The hotel charges guests \$8.95 per day and retains the difference. (Estimated yearly revenue \$118,800.)
  - **Budget Implication:** There will be no change to the parking revenue and no increase in operational costs.
2. Increase the rate to the hotel to \$6.50 per day using the existing manual system. This can be an interim measure, with a further increase to the full user rate of \$9.00 per day after one, two, or three years. (Estimated yearly revenue \$214,500.)
  - **Budget Implication:** The City will be able to increase parking revenue by \$95,700 with no increase in operational costs.
3. Increase the rate to the hotel to \$9.00 per day using the existing manual system. (Estimated yearly revenue \$297,000.)
  - **Budget Implication:** The City will be able to increase parking revenue by \$178,200 with no increase in operational costs.
4. Discontinue the parking arrangement with the hotel and have all guests directed to the Harbour Front Parkade for parking if required. This would move the parking payment of hotel guests from a manual system administered by the Hotel to the digital system now being implemented in all City parking facilities. This will include the use of the digital parking kiosks located in the facility and the use of the license plate recognition vehicle for enforcement purposes.
  - **Budget Implication:** The City will be able to increase parking revenue by \$178,200 with no increase in operational costs while utilizing the newly installed technologies for traffic management.

## SUMMARY POINTS

- The Coast Bastion Hotel parking agreement has expired and the parking rate for hotel guests is due for review.
- Potential for an increased revenue stream for the use of the Harbour Front Parkade.
- The new Coast Bastion Hotel parking agreement needs to consider the new technologies that have been implemented such as license plate recognition (LPR) and pay by plate systems being implemented in all City parking facilities for traffic management.

**ATTACHMENTS**

Attachment A– Annual Hotel Parking Permit Revenue Estimate Analysis

**Submitted by:**

**Concurrence by:**



\_\_\_\_\_  
Rod Davidson  
Acting Manager  
Bylaw, Regulation & Security



\_\_\_\_\_  
Toby Seward  
Director  
Social & Protective Services

Attachment A

Annual Hotel Parking Permit Revenue Estimate  
Analysis

<b>Rate</b>	<b>Parking Permits Invoiced to Coast Bastion in 2015</b>	<b>Estimated Annual Revenue</b>	<b>Comment</b>
Current Rate \$3.60/day/space	33,000 permits	\$118,800	Usage is based on the number of parking passes invoiced to the Coast Bastion Hotel in 2015 by the City.
\$6.50/day/space	33,000 permits	\$214,500	
\$9.00/day/space	33,000 permits	\$297,000	

DATE OF MEETING May 30, 2016  
AUTHORED BY BILL CORSAN, MANAGER, REAL ESTATE  
SUBJECT PASSENGER FOOT FERRY SERVICE – TECHNICAL ADVISORY GROUP – TERMS OF REFERENCE

## OVERVIEW

### **Purpose of Report**

To obtain Council approval for the Terms of Reference which establishes a Technical Advisory Group to review the submissions received under the Passenger Foot Ferry Service Expression of Interest.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;

*Community Charter* Section 90 (2)

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

### **Recommendation**

That Council approve the Passenger Foot Ferry Service Technical Advisory Group Terms of Reference as presented and amend the Letter of Intent accordingly.

### **Resolution to Rise and Report**

To be released once the Nanaimo Port Authority Board of Directors has provided their approval for the Terms of Reference.

## BACKGROUND

At the 2015-DEC-07 Special In Camera Council meeting, Council directed Staff to work with the Nanaimo Port Authority (NPA) to prepare a joint Request for Proposals (RFP) for a passenger-only ferry. The goal was to work in a collaborative manner, using a transparent process to identify an operator of the service.

At the 2016-JAN-18 Special In Camera Council meeting, Council supported entering into a Letter of Intent (LOI) with the NPA which sets out the selection process for an operator (Attachment A).

In preparing the RFP, City and NPA Staff were advised that an Expression of Interest (EOI) would be a better tool to solicit information from potential ferry operators as it provides more flexibility and does not require the City or NPA to commit to an operator at the conclusion of the process.



On 2016-MAR-31, the EOI was issued (Attachment B). Responses are due by 2pm on 2016-MAY-31.

Under the LOI, the proposals are to be reviewed by a Technical Advisory Group (TAG) to provide an impartial perspective. The TAG is to be comprised of members mutually appointed by the City and NPA and will include a representative from a national accounting firm and a national transportation consulting firm. The costs of the TAG are to be shared by the City and NPA (\$20,000 total).

Attachment C contains the draft Terms of Reference (TOR) for the TAG.

The NPA has requested that the TAG include a local member at large to provide context and assist the industry professionals. City Staff is seeking Council direction to include this representative. If the local member at large is included, the LOI will be revised accordingly.

Approval of the TAG TOR also requires consent by the NPA which will be sought in the near future.

Moving forward, a short list of potential candidates for the TAG will be created. Staff will return for approval by the City/NPA Liaison Committee.

### OPTIONS

1. Approve the draft TAG Terms of Reference as is.
  - **Budget Implication:** The City and NPA will jointly share the costs associated with the TAG. The LOI has established a budget of \$20,000, with \$10,000 from each party.
  - **Legal Implication:** The TAG TOR and the LOI set out the relationship between the City and NPA.
  - **Strategic Priorities Implication:** Transportation and Mobility (advocate and support improvement of external connections) Taking Responsibility (continuing to facilitate change and overall development consistent with vision and plans).
  - **Political Implication:** The delivery of the passenger only ferry is a key priority within the community and the wider region.
2. Approve the draft TAG TOR, without the local 'member' at large. The NPA will be advised of Council's direction.

### SUMMARY POINTS


- The EOI for a Passenger Foot Ferry operator closes on 2016-May-31.
- Under the LOI with the NPA a TAG is to be nominated to review the submissions.
- Council is being asked to provide approval of the draft TOR so the selection process for the TAG may begin.


**ATTACHMENTS**

Attachment A: Revised Letter of Intent  
Attachment B: Expression of Interest  
Attachment C: Draft Terms of Reference – Technical Advisory Group

**Submitted by:**

**Concurrence by:**

  
\_\_\_\_\_  
Bill Corsan  
Manager, Real Estate

  
\_\_\_\_\_  
Dale Lindsay  
Director, Community Development

# ATTACHMENT A

January 18, 2016

## LETTER OF INTENT – NON BINDING

BETWEEN:

### **THE CITY OF NANAIMO**

455 Wallace Street  
Nanaimo, BC V9R 5J6

(hereinafter referred to as the “**City**”)

AND:

### **NANAIMO PORT AUTHORITY**

100 Port Drive  
Nanaimo, BC V9R 0C7

(hereinafter referred to as the “**NPA**”)

This Letter of Intent (“**LOI**”) establishes the basic terms under which the City and the NPA (together, the “**Parties**”, individually, a “**Party**”) are prepared to establish a passenger-only ferry service between downtown Nanaimo and downtown Vancouver (the “**Project**”). The Parties will jointly prepare an Expression of Interest (“**EOI**”) and/or a Request for Proposals (“**RFP**”), in accordance with the provisions of this LOI, to solicit interested parties who will operate a passenger-only ferry from either the NPA Cruise Ship Terminal at 100 Port Drive (the “**NPA Lands**”) or from the City-owned water lot at 1 Port Drive (the “**City Lands**”).

The following outlines the principal terms and conditions of the Parties’ relationship and intent with respect to the EOI/RFP for the Project:

### **1. Commitments**

- a) Both Parties agree that establishing a passenger-only ferry service is a key transportation link and is of a benefit to the NPA, the City and the wider region, while supporting the development of the City Core and the South Downtown Waterfront lands.
- b) Both Parties agree that a joint EOI and/or RFP process is the preferred method of identifying a potential operator. The Parties may issue an EOI to identify a short list of potential operators and then use a RFP process to identify a preferred operator. The Parties may elect to use just an EOI, or just an RFP.
- c) Both Parties agree that a joint EOI/RFP process that would allow proponents to propose the use of either the NPA Lands or City Lands, at the proponent’s election, is the preferred method of moving forward.
- d) Both Parties agree to jointly select a proponent to operate the Project as soon as possible in an open, collaborative and transparent EOI/RFP process, in accordance with this LOI.
- e) Both Parties recognize the importance of Snuneymuxw First Nation’s (“**SFN**”) involvement in this process and as such agree to use a collaborative approach with SFN.

- f) Both Parties agree to use an informative and consultative approach with a number of local organizations including, Regional District of Nanaimo and the Nanaimo Economic Development Corporation.
- g) Both Parties agree that the establishment of a passenger-only ferry service is of mutual benefit to both Parties, but will also require improved access to the City Lands and the NPA Lands. As such they are committed to work together to identify access options, including the siting of the access points. If the NPA Lands are selected as the preferred location for the passenger ferry, the NPA will work with the City to identify funding opportunities for improved access.

## 2. Preparation of a Request for Proposal (“RFP”) Document

- a) The Parties will jointly engage the services of a mutually approved third party consultant (the “**Consultant**”) to prepare a formal EOI/RFP document to solicit firms interested in establishing the passenger-only ferry service from either the City Lands or the NPA Lands.
- b) The Parties will make all reasonable efforts to select the Consultant by no later than February \_\_\_\_, 2016.
- c) The Parties have previously established the NPA/City Liaison Group, comprised of NPA and City representatives, to liaise in respect of matters of mutual interest to the City and the NPA. The NPA/City Liaison Group will have an equal number of representatives from the NPA and the City.
- d) The Consultant will work with the NPA/City Liaison Group in drafting the EOI/RFP document.
- e) The EOI/RFP document will comply with each Party’s respective procurement policies and all other applicable laws.
- f) All costs associated with the EOI/RFP process, including without limitation hiring the Consultant, the preparation of the EOI/RFP document and the evaluation and selection of a proponent will be shared equally between the City and NPA in accordance with a budget to be agreed upon in advance by the City and NPA (the “**Approved Budget**”). The Approved Budget is tentatively set at \$20,000 with each party contributing up to \$10,000. Increases to the Approval Budget require consent and written confirmation for both Parties.
- g) The EOI/RFP document will be submitted to and ratified by both the NPA Board and the City Council prior to issue.
- h) The goal is to issue the EOI/RFP by May 2016, with responses due by September 2016.

## 3. Request for Proposal Evaluation Criteria

- a) Detailed evaluation criteria for the EOI and/or the RFP (the “**Evaluation Criteria**”) will be created by the NPA/City Liaison Group and the Consultant.

#### **4. Fairness Monitor**

- a) The Parties may elect to appoint a Fairness Monitor to ensure that the implementation of the procurement process for the Project, including the establishment of the Evaluation Criteria and the selection of the proponent is objective and fair. If appointed, the Fairness Monitor will consult with the NPA/City Liaison Group, the Consultant and the TAG (hereinafter defined) throughout the procurement process and will report to the City Council and the NPA Board as required.
- b) All costs associated with the Fairness Monitor will be shared equally between the City and NPA in accordance with the Approved Budget.

#### **5. Project Lands and Costs**

- a) City Lands
  - i. The City has identified the City Lands as a suitable location for the Project.
  - ii. The City Lands would be offered to a proponent, subject to City Council approval and all statutory notice requirements.
- b) NPA Lands
  - i. The NPA has identified the NPA Lands as a suitable location for the Project.
  - ii. The NPA Lands would be offered to a proponent on a lease agreement, including existing improvements, subject to NPA Board approval.
- c) Proponents may elect to carry out the Project on either the City Lands or the NPA Lands.
- d) If the proponent elects to carry out the Project on the City Lands, all costs incurred by the City in connection with the negotiation and preparation of a lease agreement for the City Lands and any associated access or parking agreements will be borne by the City.
- e) If the proponent elects to carry out the Project on the NPA Lands, all costs incurred by the NPA in connection with the negotiation and preparation of a lease agreement for the NPA Lands and any associated access or parking agreements will be borne by the NPA.

#### **6. Technical Advisory Group to Evaluate Responses**

- a) On or before August 2016, the Parties will establish an independent Technical Advisory Group (“TAG”) to evaluate the RFP responses using the agreed upon Evaluation Criteria.
- b) The TAG will be comprised of members mutually appointed by the Parties and will include a representative from a National Accounting Firm and a National Transportation Consulting Firm. All costs associated with the TAG will be shared equally between the City and NPA in accordance with the Approved Budget.

- c) The TAG will provide a final recommendation on a proponent to the NPA/City Liaison Group for its consideration in accordance with the EOI/RFP document and Evaluation Criteria.
- d) The NPA/City Liaison Group will then forward its final recommendation to the NPA Board and City Council for ratification.
- e) The goal is for the recommendation to be delivered to the NPA Board and City Council in October 2016.
- f) In order for the Project to proceed, the selection of the proponent must be approved by both the NPA Board and City Council.

## **7. External Communication**

The Parties agree that all external communications and public statements, including press releases, will be issued jointly and will be approved by each Party in advance of publication, subject to each Party's legal obligations under the *Freedom of Information and Protection of Privacy Act* (British Columbia) or the *Access to Information Act* (Canada), as applicable.

## **8. Dispute Resolution**

If there is any dispute regarding the interpretation, performance or alleged breach of this LOI or the Parties cannot agree upon the selection of the Consultant, the appointment of members to the TAG or the selection of a qualified proponent to carry out and operate the Project, either Party may give written notice of the dispute, including a request for a meeting, to the other Party and the Parties will meet within five (5) days after the notice of dispute is given and will attempt in good faith, and using reasonable efforts, to resolve the matter amicably to the satisfaction of both Parties. If the Parties cannot resolve the dispute within ten (10) days after the notice of dispute is given, then with the consent of both Parties, the matter may be referred either to:

- i. a mutually appointed single arbitrator for final determination under the provisions of the *Arbitration Act*, R.S.B.C. 1996, Ch. 55; or
- ii. to the Fairness Monitor for final determination, if the Fairness Monitor has been appointed under section 4 above.

## **9. Termination**

This LOI can be terminated by either party by providing five (5) day's written notice to the other party, subject to section 10 below. Upon such termination, each of the Parties will pay its share of the costs payable under this LOI up to the effective date of termination. Following termination, either party may pursue a passenger ferry service on its own initiative or with other partners, at its sole discretion.

## **10. Intentions of the Parties**

It is the intention of the Parties that this LOI shall set forth the Parties' basic understanding with respect to establishing and implementing the EOI/RFP process and selecting the qualified

proponent to carry out and operate the Project but that it does not create any legally binding rights or obligations of the Parties hereto except for those rights and obligations set out in sections 2(f) [*costs associated with RFP process*], 4(b) [*costs associated with Fairness Monitor*], 5(d) [*lease negotiation costs – City Lands*], 5(e) [*lease negotiation costs – NPA Lands*], 6(b) [*costs associated with TAG*], 7 [*External Communication*], 8 [*Dispute Resolution*] and 9 [*Termination*].

### **11. No Fettering**

The LOI does not fetter the legislative jurisdiction of the City or the NPA or the independent exercise of discretion by either Party's Council or Board, as applicable.

### **12. Governing Law**

This LOI shall be governed by the laws of British Columbia and the Parties shall irrevocable submit to the exclusive jurisdiction of the courts of British Columbia.

### **13. Counterparts**

This LOI may be executed in counterparts and delivered electronically or by facsimile and each executed counterpart will be deemed to be an original, and all signed counterparts when taken together will constitute one and the same LOI.

VERSION (2.0)

Dated at Nanaimo, B.C., this \_\_\_\_\_ day of May, 2016.

City of Nanaimo  
by its authorized signatory

Nanaimo Port Authority  
by its authorized signatory

\_\_\_\_\_  
Mayor Bill MacKay

\_\_\_\_\_  
Jeet Manhas: Chair

DATE OF MEETING June 6, 2016

AUTHORED BY BILL CORSAN, MANAGER REAL ESTATE  
MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

SUBJECT RCMP OCCUPANCY AGREEMENT – 303 PRIDEAUX STREET

## OVERVIEW

### **Purpose of Report**

To obtain Council approval of the new Occupancy Agreement to recover costs from the Provincial/Federal RCMP's share of costs associated with the Police Services Building at 303 Prideaux Street.

### **Reason for "In Camera"**

*Community Charter* Section 90(1):

(c) labour relations or other employee relations;

*Community Charter* Section 90(2):

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

### **Recommendation**

That Council approve the new RCMP Occupancy Agreement for 303 Prideaux Street and direct Staff to execute the agreement.

### **Resolution to Rise and Report**

To be released once approved by Council, with the exception of Schedule "A" Site Plan.

## BACKGROUND

The City of Nanaimo has a contract with the RCMP to provide policing services within the municipality. The 20-year Municipal Police Unit Agreement (MPUA) was signed in 2012.

As a community with a population greater than 5,000 people, the City is 100% responsible for Detachment Building occupancy costs related to the municipal police function.

Under the MPUA, the City can house non-municipal RCMP personnel (ie: members funded for federal, provincial, and aboriginal policing) and is entitled to recover the costs associated with accommodating these RCMP members within the City building.

The reimbursement from the RCMP is based on a ratio of municipally funded vs non-municipally funded RCMP members and is applied to specific building related expenses. In 2016, total operating, repair and maintenance costs for the building are \$548,718. The City anticipates being reimbursed 12% of the costs, or approximately \$62,000.



An Occupancy Agreement (Attachment A) has been prepared by City Staff and the RCMP and will replace the former Lease Agreement that expired in 2012. The new agreement has a term of five years and will expire on 2020-DEC-31. The RCMP has the right to renew for an additional five years by providing 90 days notice.

## OPTIONS

1. That Council enter into an Occupancy Agreement with the RCMP for 303 Prideaux Street.
  - **Budget Implication:** The City will recover costs from the RCMP for non-municipal Staff housed in the Police Services Building. In 2016, this is estimated to be around \$62,000.
  - **Legal Implication:** The new Occupancy Agreement replaces a former Lease Agreement that was dated. The new agreement clearly states how cost recovery works and commits both the City and RCMP to the formula. The agreement has been reviewed by the City solicitor.
  - **Other Implications:** Having the municipal and non-municipal RCMP members in one building creates a more collaborative team environment
  
2. That Council not enter into the Occupancy Agreement.
  - **Budget Implication:** The City will not be able to recover costs until an agreement is reached.
  - **Legal Implication:** Without an agreement in place, it leaves the cost recovery relationship between municipal and non-municipal officers unclear.

## SUMMARY POINTS

- An Occupancy Agreement has been prepared between the City and the RCMP to enable the City to recover costs associated with non-municipal RCMP personnel in the Police Services Building.
- The Agreement clearly sets out which occupancy costs the City can recover and how the proportionate share is calculated.
- The Agreement has a term of five years (expires 2020-DEC-31) and can be renewed for an additional five years if the RCMP elects.
- The Agreement replaces a former Lease Agreement that expired in 2012.

## ATTACHMENTS

Attachment A - Draft RCMP Occupancy Agreement.

**Submitted by:**



B. Corsan  
Manager Real Estate



M. Dietrich  
Manager Police Support Services

**Concurrence by:**



T. Seward  
Director, Social & Protective Services

# “In Camera” Information Report

City of Nanaimo

File Number: LD000323

DATE OF MEETING June 20, 2016

AUTHORED BY BILL CORSAN, MANAGER, REAL ESTATE

SUBJECT NANAIMO YACHT CLUB (NYC) – LEASE RENEWAL UPDATE

## OVERVIEW

### **Purpose of Report**

To provide Council with information on the upcoming NYC lease renewal.

### **Reason for “In Camera”**

*Community Charter* Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Resolution to Rise and Report**

To be released upon conclusion of the renewal process.

## DISCUSSION

The NYC has been in existence for 75 years and for the past 35 years has leased City-owned property. The leased land comprises 86,685 ft<sup>2</sup> (1.99 acres) of land and water located at 400 Newcastle Avenue and illustrated in Attachment A.

Traditionally, the NYC leased the City land for a nominal \$1 per annum. In 2007, the NYC began to pay market rent for the lands under a 30-year agreement. The agreement is structured in a manner that includes renewals and rent reviews every five years.

The current lease agreement (second renewal) commenced on 2012-JAN-01 and ends on 2016-DEC-31. Presently, NYC pays \$96,197 per annum for the lease area. The rent was discounted from the market value of \$128,263 to recognize the contribution the organization makes to the community.

Representatives from NYC have indicated they wish to exercise the third renewal option. The NYC representatives have met with Staff and discussed their desire to increase the lease area to accommodate more onsite parking and to recognize a historical encroachment of the clubhouse on the road (Attachment B).

### **Next Steps**

Staff will engage the services of a professional appraiser to determine the market value of the lease area. A report will be brought to Council for consideration of an increase to the lease area, and the overall rental value (including a discount reflecting the organization’s community contribution). This report is anticipated to be delivered to Council in September 2016.

**SUMMARY POINTS**

- The NYC lease agreement contains a provision for renewal and rent review every five years. The next renewal date is 2016-DEC-31. NYC has provided written notice that they wish to renew the lease.
- The existing market based rent is \$96,197. The previous Council provided a rent reduction in recognition of the NYC's contribution to the community.
- The NYC would like to increase their lease area as part of the rent review process.
- Staff will engage the services of a professional appraiser to determine the market value of the lease area for the next five years.

**ATTACHMENTS**

Attachment A: Existing Lease Area  
Attachment B: Proposed Lease Area Expansion

**Submitted by:**

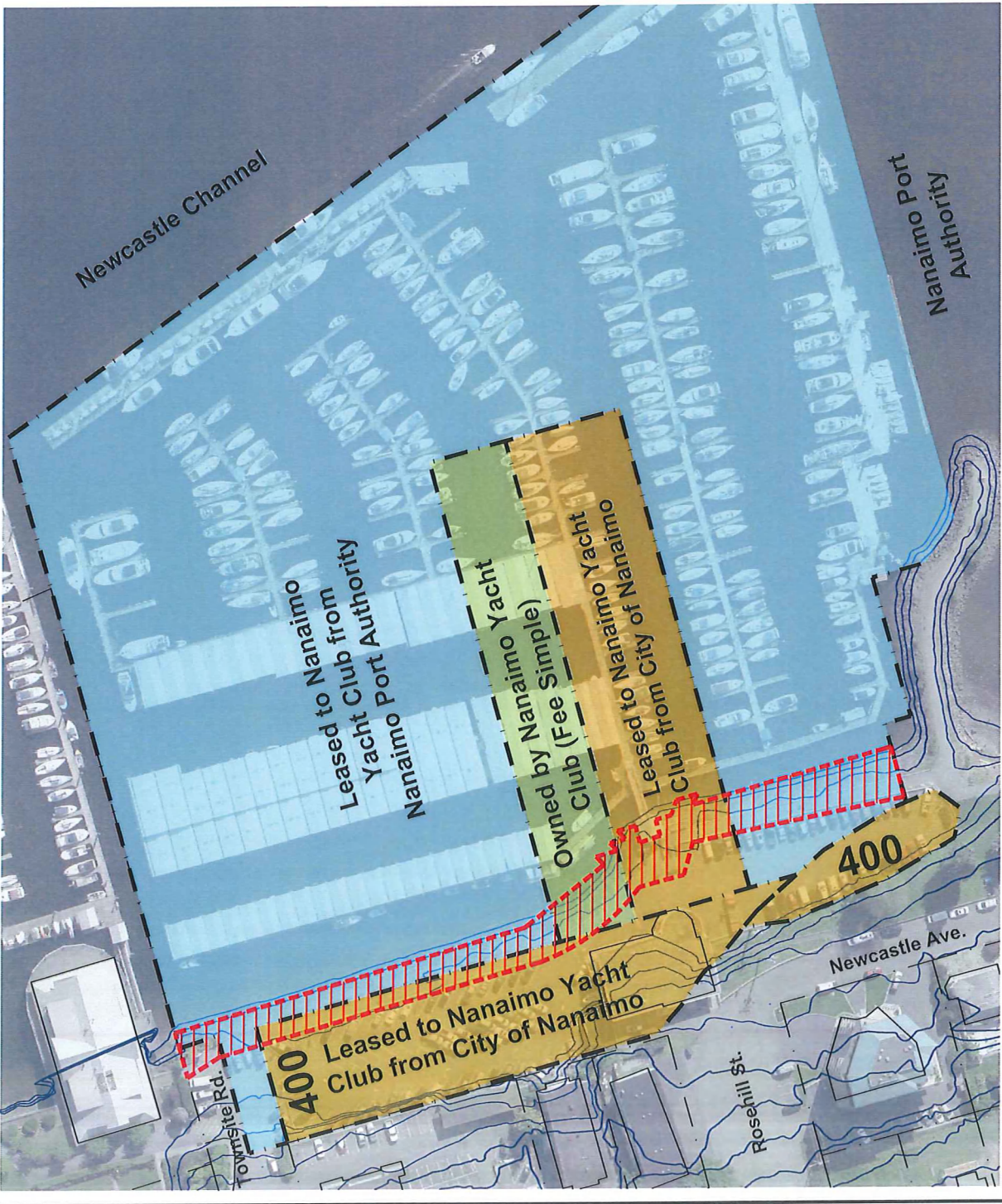


Bill Corsan  
Manager, Real Estate

**Concurrence by:**



Dale Lindsay  
Director, Community Development



**LEGEND**

--- PROPERTY LINE

--- PROPOSED PROJECT BOUNDARY

DRAFT

**REFERENCES**

ALL LOTS UNLESS OTHERWISE NOTED BY WILLIAMSON & ASSOCIATES SEPTEMBER 11, 2012.

**NOTES**

WATER AREA IMPROVEMENTS, DOCKS AND BOAT HOUSE LOCATIONS COMPILED FROM:

- AERIAL IMAGE FIELD PROOFED MAY 17, 2011.
- AERIAL IMAGE FIELD PROOFED MAY 29, 2012.
- AERIAL IMAGE FIELD PROOFED SEPTEMBER 11, 2012.
- JUNE 5, 2012 FIELD SURVEY OF PILES ADJACENT TO SOUTHERLY LEASE LIMIT.
- ALL AREA IMPROVEMENTS (PUBLIC WALKWAY AND TOP OF FILL) LOCATIONS DERIVED FROM FIELD SURVEY OF APRIL 10, 2007 FIELD PROOFED MAY 31, 2011 AND FIELD SURVEY OF MAY 27, 2011.

**SCALE BAR**

0 25 50 100 200 400m

NO.	REVISION	DATE	BY	DESCRIPTION
1	ISSUED FOR PERMITS			
2	REVISED FOR STAFF REPORT TO COUNCIL			
3	CONSIDERATION WITH MEMBERS			
4	REVISION DISCUSSION			
5	DESIGN			
6	CHECK			
7	REVIEW			

**PROJECT**

NANAIMO YACHT CLUB  
WATERFRONT WALKWAY IMPROVEMENTS

**TITLE**

LOT OWNERSHIP AND CURRENT LEASE AGREEMENTS

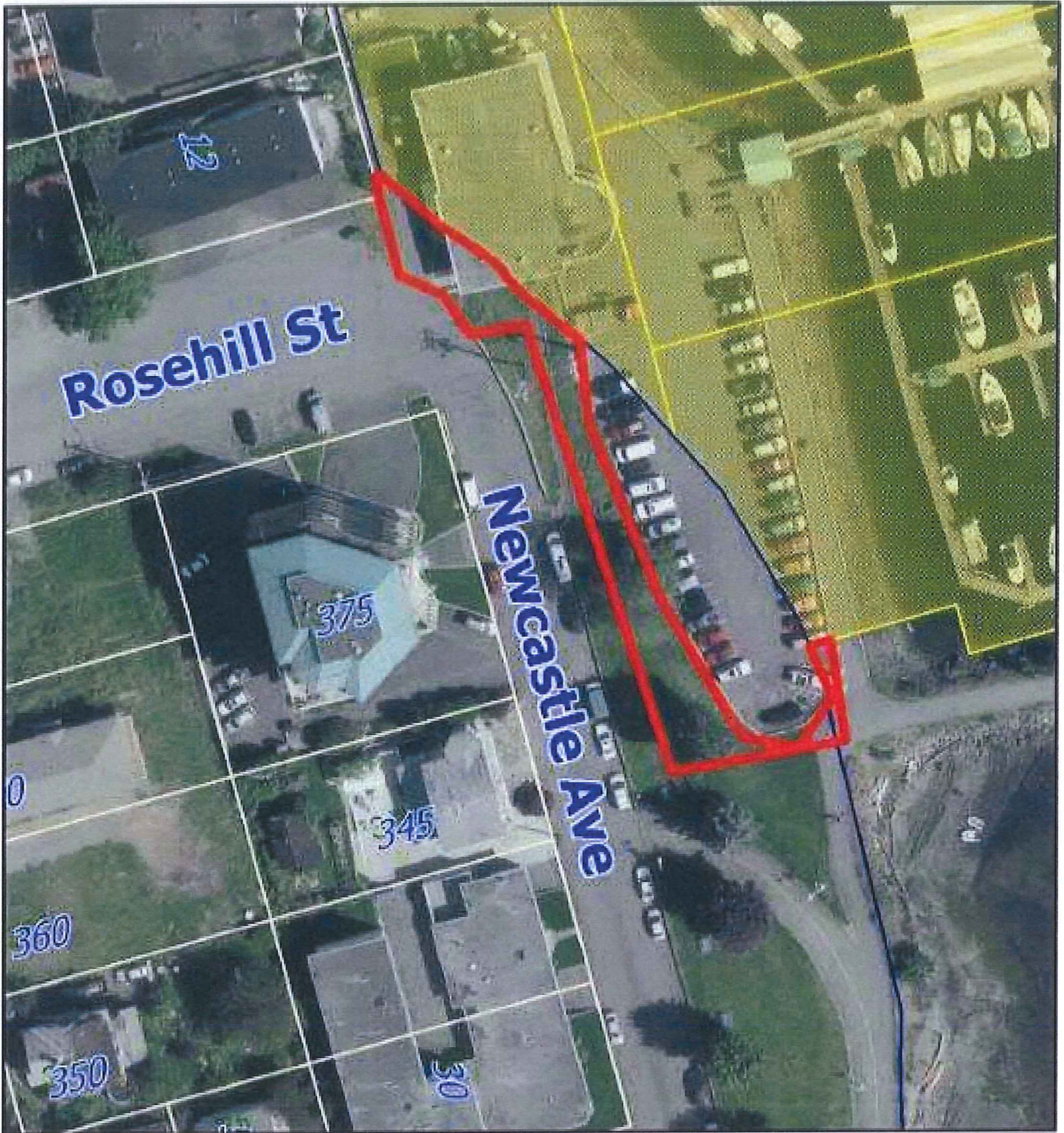
PROJECT No.	13-144-0000	FILE No/ID#	Bar - Lot Ownership
DESIGN	SC	24-10-13	SCALE
CADD	SC	24-10-13	DRAWING
CHECK	CR	24-10-13	
REVIEW	CR	24-10-13	

**Golden Associates**

**L2**





ATTACHMENT B



**LOCATION PLAN**

Civic: 400 Newcastle Road  
Nanaimo Yacht Club

**Road Closure**

-  Water Lot Lease Area
-  Proposed Road Closure

DATE OF MEETING July 18, 2016  
AUTHORED BY SUPT. MARK FISHER, OFFICER IN CHARGE NANAIMO RCMP  
SUBJECT CITY OF NANAIMO ANNUAL POLICING PRIORITIES

## OVERVIEW

### **Purpose of Report**

The Royal Canadian Mounted Police (RCMP) is mandated to create local Annual Policing Priorities each year and is required to seek concurrence from their respective communities. Once adopted, these become Council's policing priorities for the year.

### **Reason for "In Camera"**

*Community Charter* Section 90(1):

(f) law enforcement, if Council considers that the disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

### **Recommendation**

That Council identify the City of Nanaimo's 2016/2017 policing priorities.

### **Resolution to Rise and Report**

Council could rise and report here at the next Open Council Meeting

## BACKGROUND

The Nanaimo RCMP is entering the fourth year of their strategic plan, which identified strategic priorities for policing in the greater Nanaimo area while remaining consistent with their contract partners' priorities.

The RCMP Annual Performance Plan (APP) is a planning and performance management tool utilized by the Force at the detachment and sub-detachment unit levels. This standardized reporting system encourages horizontal and vertical alignment with the RCMP's National, Divisional and District plans and priorities while maintaining consistency with community-based public safety needs. As in 2015, the APP will flow from the Detachment Strategic Plan – Crime Reduction & Public Safety priority.

The priorities from last year were the following:

#### 1. Crime Prevention

- a. Social Disorder management
- b. Prolific Offender Management
- c. Violence in Relationships
- d. Drug Enforcement
- e. Liquor Control Strategy

2. Youth

- a. Youth Intervention & Diversion
- b. Community Partnerships for the Empowerment of Youth
- c. School Liaison program

3. Traffic

- a. Detection & Prevention to Reduce Impaired Driving
- b. Vehicle Operational Safety
- c. Waterfront & Marine Safety

**OPTIONS**

Council will identify their preferences for policing priorities for the local detachment to focus on in 2016. Supt. Fisher will brief them on recent community safety issues prior to the selection of the priorities. Current pressing policing issues in Nanaimo are increasing calls for service related to non criminal matters, drug trafficking and associated fentanyl related deaths, and an increased volume of sex offence related investigations. Within the City's commitment to the four pillars of sustainability, policing falls under *Social Equity*.

**SUMMARY POINTS**

- Council will determine their policing priorities for 2016/2017
- The Nanaimo RCMP will adopt initiatives to address those priority areas

**ATTACHMENTS**

Attachment A: December 2015 – May 2016 Crime Statistics Report.

**Submitted by:**



---

Supt. Mark Fisher  
OIC Nanaimo RCMP



DATE OF MEETING July 18, 2016  
AUTHORED BY VICTOR MEMA, CHIEF FINANCIAL OFFICER  
SUBJECT INFORMATION TECHNOLOGY SERVICES REVIEW RESULTS

## OVERVIEW

### **Purpose of Report**

The purpose of this report is to provide the results of a recent service review that was undertaken of the City's Information Technology Department.

### **Reason for "In Camera"**

*Community Charter*, Section 90(1):

(c) Labor relations or other employee relations.

### **Recommendation**

That Council receive the results of the Informational Technology Department service review as information.

### **Resolution to Rise and Report**

That Council has received the Information Technology Department service review and directed the Chief Administrative Officer to proceed with reviewing recommendations and implement changes as necessary.

## BACKGROUND

As the recently completed core services review progressed, it became clear that there were impacts to operations resulting from the services of the Information Technology department. These impacts were both positive and presented opportunities for improvement across the City.

The Chief Administrative Officer (CAO), authorized a budget allocation of \$20,000 to undertake the Information Technology services review. Through a competitive process, MYRA Systems Corp., was contracted to undertake the review. The detailed results of this review are contained in the attached report. While the report notes several appendices, these have not been attached to this Council report as they are raw interview records, network diagrams and other technical material.

In short, MYRA Systems Corp made 22 recommendations and estimate that these be implemented over a period of 36 months. Some of the recommendations echo the security audit findings undertaken in previous years.

Staff is working on an implementation strategy and Council will be appraised periodically.

### **OPTIONS**

1. That Council receive the Information Technology Services Review report as information.
  - **Budget Implication:** Nil.
2. Council may provide additional direction to the CAO.
  - Budget Implications: Not known.

### **SUMMARY POINTS**

- The City of Nanaimo has undertaken a service review for the Information Technology Department.
- The review resulted in 22 recommendations.
- The CAO has directed staff to review the recommendations and implement changes as appropriate.

### **ATTACHMENTS**

Attachment A: MYRA Systems Corp. - Information Technology Review – City of Nanaimo Report.

**Submitted by:**



---

Victor Z. Mema  
Chief Financial Officer

DATE OF MEETING August 8, 2016  
AUTHORED BY BILL CORSAN, MANAGER, REAL ESTATE  
SUBJECT BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION-  
OPTION HOLDER AGREEMENT-1406 BOWEN ROAD

## OVERVIEW

### **Purpose of Report**

To obtain Council approval to enter into an Option Holder Agreement with the Nanaimo Aboriginal Centre and British Columbia Housing Management Commission for lands located at 1406 Bowen Road.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Recommendation**

That Council provide approval of the Option Holder Agreement with the Nanaimo Aboriginal Centre and British Columbia Housing Management Commission.

### **Resolution to Rise and Report**

To be released if the Option Holder Agreement is approved by Council.

## BACKGROUND

1406 Bowen Road is a 0.4 hectare (1 acre) parcel located near the Millstone River. The site is fully serviced and has access through a laneway from White Street. The site is the home of a proposed 25-unit aboriginal student housing project. Nanaimo Aboriginal Centre (NAC) is the proponent, with \$6,903,406 in funding from British Columbia Housing Management Commission (BCHMC).

At the 2016-MAY-16 Council meeting, formal approval was provided by Council to dispose of the property. The land transferred to NAC on 2016-JUN-30.

NAC has been advancing the project and submitted development permit No. DP001006 on 2016-JUN-24. The Design Advisory Panel accepted the development permit as presented at the 2016-JUL-14 meeting.

In transferring the land for a nominal value to NAC, Council obtained an option to purchase agreement that enables the City to repurchase the land for \$1 if \$300,000 of physical improvements has not been made to the property by 2019-APR-04.

Funding for the project by BCHMC requires a mortgage to be registered on title. BCHMC is requesting that the City enter into an Option Holder Agreement (Attachment A) which requires the City to:

- release the Option Agreement, currently registered on title, if BCMHC is entitled to the property through foreclosure;
- assume the mortgage obligations if the City exercises the Option Agreement; and,
- provide the mortgage priority over the Option Agreement.

By entering into the agreement, the City will be unable to repurchase the property if the project goes into foreclosure and the City will inherit the debt of the project if the Option Agreement is exercised by the City.

BCHMC has indicated that they are fully supportive of the project (Attachment B) and anticipate the project will proceed.

Staff believes the likelihood of the City exercising the Option Agreement is low and, therefore, it is reasonable to enter into the Option Holder Agreement to ensure the project advances.

### OPTIONS

1. That Council enter into the Option Holder Agreement.
  - **Budget Implication:** If the City was to exercise the Option Agreement, the City would be responsible for the BCHMC mortgage.
  - **Legal Implication:** By signing the Option Holder Agreement, the City is weakening the existing Option Agreement.
  - **Political Implication:** NAC is widely supported in the community and Council has shown strong support for this project in the past. BCHMC will not provide further funding until they can register a mortgage on title resulting in the project stalling.
2. That Council not enter into the Option Holder Agreement
  - **Budget Implication:** NAC will have to seek alternative funding sources for the project and may approach Council.
  - **Legal Implication:** The City may need to exercise the Option Agreement and acquire the property if the project does not proceed.
  - **Political Implication:** The project, as envisioned, will not proceed and may lead to negative reaction from the general public.
3. That Council repurchase the property, and provide NAC with a 60 year lease similar to the other supportive housing projects.
  - **Budget Implication:** BC Housing needs to confirm that they will fund this project under a lease agreement.
  - **Legal Implication:** Council would need to enter into an Offer to Purchase, and then provide NAC with a 60 year lease.
  - **Political Implication:** Repurchasing and then leasing the property will provide a timing setback for the project.

**SUMMARY POINTS**

- NAC is advancing a 25-unit aboriginal housing project at 1406 Bowen Road.
- BCHMC is funding the project and requires a mortgage to be placed on title.
- The BCHMC mortgage requires the City's Option Agreement be modified prior to additional funds being allocated to the project.
- BCHMC have committed to the project and, therefore, it is not likely the City will need to exercise the Option Agreement. Entering into the Option Holder Agreement is deemed a reasonable risk by Staff.

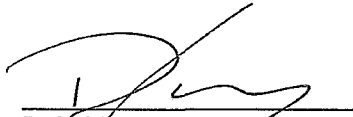
**ATTACHMENTS**

Attachment A: Option Holder Agreement  
Attachment B: BC Housing Correspondence

**Submitted by:**

  
\_\_\_\_\_  
Bill Corsan  
Manager, Real Estate

**Concurrence by:**

  
\_\_\_\_\_  
Dalé Lindsay  
Director, Community Development

# ATTACHMENT A

## OPTION HOLDER AGREEMENT

THIS AGREEMENT is made as of the 15<sup>th</sup> day of July, 2016.

BETWEEN:

**NANAIMO ABORIGINAL CENTRE SOCIETY**, (Inc. No. S0061589), having an office and postal address at 20 Fifth Street, Nanaimo, BC V9P 1M7

(the "Borrower")

AND:

**BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION** (Inc. No. BC0052129), having an office at 1701 - 4555 Kingsway, Burnaby, BC, V5H4V8

(the "Lender")

AND:

**CITY OF NANAIMO**, having an office at 455 Wallace Street, Nanaimo, BC V9R 5J6

(the "Option Holder")

WHEREAS:

A. By an option to purchase registered in the Victoria Land Title Office on June 30, 2016 under registration number CA5305515 between the Borrower and the Option Holder (the "Option"), the Borrower granted to the Option Holder an option to purchase the land (the "Land") described below on the terms and conditions set out in the Option:

Parcel Identifier: 028-341-198  
LOT A SUBURBAN LOTS 8, 9 AND 10 NEWCASTLE TOWNSITE SECTION 1  
NANAIMO DISTRICT PLAN EPP7820 EXCEPT PART IN PLAN EPP8336 & EPP7821

B. The Borrower has mortgaged or will mortgage the Land and has or will assign the rents therefrom to the Lender, which mortgages and assignment of rents will be registered in the Victoria Land Title Office (collectively the mortgages and assignment of rents are referred to as the "Mortgage").

C. The Borrower, the Lender and the Option Holder have agreed to enter into this agreement to confirm to each other certain rights and agreements in respect of the Land, the Mortgage and the Option.

In consideration of the premises, the covenants and agreements of the parties hereto to the others and of the sum of TEN (\$10.00) DOLLARS now paid by each of the parties to the others (the receipt and sufficiency of which is hereby acknowledged):

AC/4524067 3

1. Agreements with respect to the Option. The Borrower and the Option Holder jointly and severally covenant and agree with each other and with the Lender that neither of them will, without the prior written consent of the Lender, not to be unreasonably withheld:
  - (a) vary the terms of the Option,
  - (b) agree to an assignment of the Land,and that the Option is amended accordingly and the Borrower and Option Holder acknowledge receipt of notice of the Mortgage from the Lender.
2. Representation. The Borrower represents to the Lender that:
  - (a) the Borrower has not assigned or agreed to assign the Option; and
  - (b) the Option is the only charge against the Land or potentially affecting the Land, held by or on behalf of the Option Holder.
3. Sale of Land. If the Borrower sells or otherwise disposes of its interest in the Land any sale or disposition shall be subject to all terms, covenants or agreements of this Agreement.
4. Lender in Possession of Premises. The Option Holder agrees with the Lender that if the Option Holder receives written notice and reasonable evidence that the Lender is entitled to possession of the Land by reason of the provisions of the Mortgage, whether by way of foreclosure, the appointment of a Receiver or otherwise, the Option Holder shall release the Option and the Lender may obtain possession of the Land and the Option shall lapse and expire and will no longer be of any force or effect.
5. Registration of Covenants. In addition to the Mortgage, the Borrower may enter into one or more Section 219 covenants (collectively, the "s.219 Covenant") in favour of the Lender or its nominee against the Borrower's title.
6. Option Holder's Obligations. The Option Holder agrees with the Lender and the Borrower that if at any time hereafter the Option Holder exercises its rights under the Option, or obtains or becomes entitled to possession of the Land, then and in such event, the Option Holder will assume and comply with the obligations of the Borrower hereunder and under the Mortgage and the s.219 Covenant and if the Option Holder sells or otherwise disposes of its interest in the Option or the Land, it shall cause such transferee to assume and comply with the obligations of the Option Holder hereunder concurrently with such sale or disposition.
7. Priority Agreement: Mortgage and Covenants. The Option Holder has agreed with the Borrower and Lender that the Option will hereafter be subordinate to the Mortgage, the s.219 Covenant and any future charges granted in favour of the Lender. The Option Holder covenants and agrees with the Borrower and Lender to execute and deliver, promptly on request, any priority agreements in connection herewith as the Lender may have approved and require.
8. Successors and Assigns. This Agreement shall enure to the benefit of and be binding on the parties and their personal representatives, successor and assigns respectively and that wherever the singular or either gender is used in this Agreement, they shall be construed as meaning the plural or other gender or body corporate or politic where the context of the parties so require.

9. Counterparts. This Agreement may be executed in any number of counterparts and by facsimile or other electronic means, each of which will constitute an original, but all of which together will constitute one and the same document
10. Termination. This Agreement shall be deemed to terminate at such time as the Mortgage has been paid in full and discharged in the Victoria Land Title Office.

**NANAIMO ABORIGINAL CENTRE  
SOCIETY** by its authorized signatory(ies):

*Sally Williams NAC Board*  
Authorized Signatory

*[Signature] President*  
Authorized Signatory

**BRITISH COLUMBIA HOUSING MANAGEMENT  
COMMISSION** by its authorized signatory(ies):

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Authorized Signatory

**CITY OF NANAIMO**  
by its authorized signatory(ies):

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Authorized Signatory





## ATTACHMENT B

BC Housing

Home Office  
1701 - 4555 Kingsway  
Burnaby, BC V5H 4V8

Tel 604-433-1711  
Fax 604-439-4722  
www.bchousing.org

July 21, 2016

City of Nanaimo  
Bill Corsan MCIP, RPP, R.I.(BC)  
Manager, Real Estate

RE: 1406 Bowen Road, Nanaimo, B.C.

Dear Mr. Corsan,

The Nanaimo Aboriginal Centre (NAC) has been working with BC Housing on an affordable rental housing proposal for 1406 Bowen Road in Nanaimo (NAC Passive House). Your partnership and granting the land to the Nanaimo Aboriginal Centre builds a strong partnership with all stakeholders. BC Housing is working with the Society to help build the 25 new units of affordable housing and anticipates achieving final project commitment, subject to the final approval of the Executive Committee, by Fall 2016.

On April 25, the BC Housing Executive Committee granted Provisional Project Approval for a capital budget of \$6,903,406. To date, we have provided \$50,000 in proposal development funds (PDF) and will provide a total of \$213,203 in PDF, demonstrating our support of the Project. Unfortunately, the Option to Purchase registered in favour of the City of Nanaimo restricts our ability to provide any further PDF because the BC Housing mortgage needs to be in first position. Therefore, we would greatly appreciate your assistance in executing the Option Holder Agreement which enables us to secure our PDF. As you know, BC Housing is not a conventional lender and we do not have a history on filing for foreclosure on non-profit societies.

The anticipated funding source for the project requires that construction start within three months of Final Project Commitment. Final Project Commitment for NAC Passive House is schedule for Fall 2016. In addition, the funds need to be fully dispersed within 2 years of commitment. We look forward to working together with the City of Nanaimo on the NAC Passive House development.

Regards,

Armin Amrolia  
Executive Director of Development and Asset Strategies



DATE OF MEETING October 3, 2016

AUTHORED BY TRACY SAMRA, CAO

**SUBJECT NANAIMO ECONOMIC DEVELOPMENT CORPORATION  
PARTNERING AGREEMENT**

## **OVERVIEW**

### **Purpose of Report**

To replace the existing partnering agreement with the Nanaimo Economic Development Corporation with a new partnering agreement as part of a new accountability plan.

### **Reason for "In Camera"**

90 (1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

### **Recommendation**

That Council:

1. terminate the existing Partnering Agreement and approve in principle the proposed Partnering Agreement (attached), as part of an accountability plan; and,
2. work collaboratively with Nanaimo Economic Development Corporation to finalize the Partnering Agreement that meets the statutory requirements for the City and its municipal corporation.

### **Resolution to Rise and Report**

That Council rise and report once new Partnership Agreement is approved and executed by both parties.

## **BACKGROUND**

At the 2016-SEP-19 In Camera Council Meeting, Staff provided a verbal update on:

1. Nanaimo Economic Development Corporation (NEDC) governance review and accountability plan strategy; and,
2. WMC Core Services Review Implementation options (both attached).

Staff have identified a critical need to address accountability challenges that the City and NEDC face. Corporate counsel reviewed the articles of corporation and previous partnering agreement and has recommended the attached partnering agreement to address these problems. The new partnering agreement has recommendations to:

- incorporate City directions and to obtain City approval of an annual strategic plan;
- provide the City the ability to limit activities of NEDC, notwithstanding the articles;

- provide the City full access to all records on fairly short notice;
- obtain prior approvals for expenditures/liabilities that exceed an amount to be stipulated by the City;
- provide the City control over creation/elimination of NEDC committees; and,
- the ability to call extraordinary general meetings within 72 hours of providing notice to NEDC.

## OPTIONS

1. That Council:
  1. terminate the existing Partnering Agreement and approve in principle the proposed Partnering Agreement (attached), as part of an accountability plan; and,
  2. work collaboratively with Nanaimo Economic Development Corporation to finalize the Partnering Agreement that meets the statutory requirements for the City and its municipal corporation.
    - **Budget Implication:** improved budgeting process with regular financial reporting. .
    - **Legal Implication:** compliance with legal obligations, legislation and maintain approval from the Inspector of Municipalities.
2. Maintain the current Partnering Agreement.
  - **Budget Implication:** significant liabilities and possible withdrawal of approval by the Inspector of Municipalities.
  - **Legal Implication:** non-compliance with legal obligations and current legislative requirements.

## SUMMARY POINTS

- Staff have identified a critical need to address accountability challenges that the City and NEDC face.
- Corporate counsel reviewed the articles of corporation and previous partnering agreement.
- Corporate counsel has recommended the attached partnering agreement to address the problems.

## ATTACHMENTS

- Attachment A: Partnering Agreement
- Attachment B: Proposed Partnering Agreement
- Attachment C: NEDC governance review and accountability Plan Strategy
- Attachment D: WMC Core Services Review Implementation Options

**Submitted by:**

  
Tracy Samra  
CAO

# ATTACHMENT A

AM 830

## PARTNERING AGREEMENT (Community Charter S. 21)

This Agreement made the 29 day of August, 2011

**BETWEEN:**

The City of Nanaimo  
455 Wallace Street,  
Nanaimo, BC V9R 5J6

(the "City")

**AND**

City of Nanaimo Economic Development Corporation

(the "NEDC")

**Whereas:**

- A. the City has incorporated NEDC for the purpose of operating NEDC to provide, on behalf of the City, the service of promoting and actualizing economic development within the City;
- B. the City is currently the sole shareholder of NEDC;
- C. NEDC may engage in business with other persons, societies, agencies and corporations to foster economic development as a service on behalf of the City; and
- D. the City may assist and capitalize NEDC in order to allow NEDC to serve its purpose.

Now therefore in consideration of one million three hundred and seventy five thousand four hundred and fifty dollars (\$1,375,450) or another amount as determined by the City and of other good and valuable consideration passing from the City to NEDC, and from NEDC to the City (the receipt and sufficiency of which by both the City and NEDC is acknowledged), the City and NEDC agree as follows:

- 1. NEDC shall provide economic development, including tourism services, as a service on behalf of the City of Nanaimo and for that purpose may assist businesses and

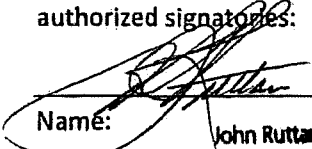
commercial enterprises in the City and may engage in business and in commercial enterprise for such purposes pursuant to its Articles of Incorporation.


- 2. The City may, when it considers appropriate, assist NEDC by grants of money, provision of services, the lending of money, guaranteeing loans and the transfer of real property and of chattels for less than market value.
- 3. In carrying out its mandate of economic development, NEDC shall act in all respects on behalf of the City in providing such service.
- 4. Notwithstanding any investments or assets of NEDC however acquired, the City and NEDC acknowledge and agree that no trust relationship is created by this Agreement or by conduct of the parties pursuant to this Agreement.
- 5. The term of this Agreement shall be twenty (20) years, unless earlier unilaterally terminated by the City acting by Council resolution.

As evidence of their agreement to be bound by the terms of this Agreement, the parties have executed this Agreement as follows:

Date SEPT 12, 2011

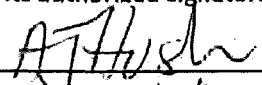
CITY OF NANAIMO by its authorized signatories:

  
 Name: John Ruttan, Mayor

  
 Name: Joan Harrison  
 Manager of Legislative Services

Date SEPT 13, 2011

NANAIMO ECONOMIC DEVELOPMENT CORPORATION by its authorized signatories:

  
 Name: A.J. Hystins

  
 Name: Ian Howat

SPECIAL OPEN MEETING OF COUNCIL

2011 AUG 29

8. STAFF REPORTS:

COMMUNITY SERVICES:

(h) Partnering Agreement with the Nanaimo Economic Development Corporation

65811 It was moved and seconded that Council enter into the partnering agreement with the Nanaimo Economic Development Corporation to provide economic development services to the City of Nanaimo. The motion carried unanimously.

CERTIFIED CORRECT:

  
\_\_\_\_\_  
J. E. Harrison, Manager  
LEGISLATIVE SERVICES

DATE OF MEETING    October 3, 2016

AUTHORED BY        V. MEMA, CHIEF FINANCIAL OFFICER / T. SAMRA, CHIEF  
ADMINISTRATIVE OFFICER

**SUBJECT              CORE SERVICES REVIEW: NANAIMO ECONOMIC  
DEVELOPMENT CORPORATION**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with options regarding the effective and efficient delivery of (1) economic development and (2) tourism services. A secondary objective of this report is to identify opportunities to link Core Services Review (CSR) recommendations pertaining to the Vancouver Island Conference Centre (VICC), the Downtown Nanaimo Business Improvement Association (DNBIA), and the Nanaimo Economic Development Corporation (NEDC) in an integrated manner.

### **Reason for “In Camera”**

- (c) labour relations or other employee relations; and,
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

### **Recommendation**

1. That the City deliver economic development services through Nanaimo Economic Development Corporation and deliver tourism services through one or more alternative service providers.
2. That Council implement the proposed Accountability Strategy immediately.
3. That Council direct Staff to continue with tourism stakeholder engagement and make recommendations on the delivery of tourism services by 2016-NOV-30.

### **Resolution to Rise and Report**

That Staff, following Council’s review of this report “In Camera”, provide a presentation to Council during the subsequent open meeting.

## **BACKGROUND**

### ***Municipal Corporation – Creation of the NEDC***

On June 6, 2011 the Inspector of Municipalities granted permission to the City of Nanaimo to incorporate a municipal corporation to deliver economic development and tourism services. The City filed the Articles of Incorporation on June 23, 2011 and entered into a Partnering Agreement on August 29, 2011.

Special "In Camera" Council Meeting  
2016-OCT-03



### ***Core Services Review – NEDC***

In the spring of 2016, the Core Services Review conducted a limited review of the NEDC. The consultants focused on levels of funding, staffing levels, scope of activities, municipal models and benchmarked NEDC to similar communities. They did not conduct a performance review of the economic development and tourism services & programming, or an audit of NEDC's corporate governance functions.

The CSR recommended two options:

- (1) continue City level of funding beyond 2017 contingent on a new five-year strategic plan, new accountability strategy, and the development of the overall Nanaimo economy (partnerships); and,
- (2) reduce the City's grant to NEDC over three years beginning in 2017 while encouraging greater external funding, including the above noted conditions.

The consultants were not instructed to consider other options. The CSR determined that a key priority for NEDC is to regain trust and confidence of its shareholder through the following actions: clearly stated mandate and scope of activity that is clearly understood by all; strong partnerships with the community; acknowledgement of obstacles to be overcome; and, a plan to overcome them.

### ***Core Services Review – VICC***

The CSR reviewed the operations of the VICC and made a number of recommendations to reduce City subsidies and improve conference operations. The review concluded that a collaborative destination marketing plan did not exist and that the most critical element to the success of the VICC is for the City to (1) develop and implement a credible marketing destination strategy via a collaborative effort with all interested parties; and, (2) enhance and add to the main attractions of Nanaimo (tourism products).

### ***CBRE Report – VICC and Hotel***

The CBRE report determined that despite Tourism Nanaimo's mission to promote Nanaimo as a year-round leisure tourism destination and as an attractive location to hold meetings, conventions and sporting events, it has not strategically planned or implemented any marketing activities specifically directed towards conference and destination markets. As a result, no collaborative destination marketing plan exists between Tourism Nanaimo, VICC or the Nanaimo Hotel Association. The CBRE report recommends, among other things, the City adopt a conference and destination sales strategy to bring conferences to Nanaimo.

## **DISCUSSIONS**

### ***Consultation***

Over a four month period, consultations were held with NEDC, VICC, DNBA, and key stakeholders on both economic development and tourism. Most recently the City hosted round tables on economic development and tourism. The economic development roundtable suggested that the economic development stakeholders would benefit from clarifying their roles and working relationships. Another theme that emerged was the need to work with existing industry leaders to ensure that Nanaimo puts its best efforts forward in the competitive economic development sector.

The tourism roundtable revealed overlap and duplication of tourism activities among the various stakeholders and the lack of a centralized body to coordinate and communication their efforts. In addition, there are some challenges with the operation of the Tourism Leadership Committee and the delivery of programming associated with the agreement between the City and the Nanaimo Hospitality Association for the MRDT funds for targeted tourism activities.

### ***Identified Challenges***

A review of NEDC and City records revealed a number of corporate governance and accountability challenges. Examples include a lack of formal documentation pertaining to financial management practices, allocation and authorization of City funding to the NEDC and information sharing and reporting obligations.

It is critical that the City adopt an accountability strategy to address these corporate governance and accountability challenges as well measures to achieve efficiencies with City funding. An accountability strategy would include the adoption of a new partnering agreement and greater rigor around the annual budgeting process and allocation of city funds to NEDC.

Staff strongly recommends that Council implement the following **Accountability Strategy** immediately:

1. Adopt a new Partnership Agreement that ensures compliance by the City and NEDC with statutory obligations and strengthens corporate governance.
2. Direct Staff to develop options to achieve administrative efficiencies and enhanced value for money among city funded entities by October 31, 2016.
3. Direct Staff to invite NEDC, VICC and DNBA to present 2017 annual operating budgets at the Finance & Audit Committee by November 30, 2016.
4. Recommend NEDC develop a 5 Year Strategic Plan that aligns with the City's strategic priorities.
5. Direct Staff to propose 2017 funding levels for NEDC by November 30, 2016. Funding levels will be impacted by achieved efficiency models and scope of program and service delivery.

Staff will continue to consult with tourism stakeholders to develop options to deliver integrated tourism services, destination marketing and conference marketing and report back by November 30, 2016. Staff will continue to seek linkages on CSR recommendations for tourism, VICC and DNBA in forthcoming CSR reports.

## **OPTIONS**

1. *Recommended Option* – That:
  - (1) the City deliver economic development services through Nanaimo Economic Development Corporation and deliver tourism services through one or more alternative service providers; that
  - (2) Council implement the proposed Accountability Strategy immediately; and,
  - (3) Council direct Staff to continue with tourism stakeholder engagement and make recommendations on the delivery of tourism services by November 30, 2016.
2. Deliver economic development services and tourism services through NEDC.
3. Wind-up NEDC and explore options to deliver (1) economic development, and (2) tourism either in-house or through external providers.

## **IMPLICATIONS**

### **Budget**

Opportunities to find cost savings related to the administrative costs of NEDC.

### **Legal**

City should take steps to ensure full compliance with the statutory requirements related to the operation of a municipal corporation.

### **Policy**

Supports implementation of CSR recommendations related to financial management policies for externally funded organizations.

### **Engagement**

Council to meet with NEDC Board. Staff to continue consultation with key stakeholders to develop options for the delivery of integrated tourism programming and services.

### **Strategic Priorities**

Opportunity for NEDC to support on strategic capital projects.

### **Political**

City has appointed knowledgeable and competent board of entrepreneurs that ideally positioned to lead innovation in the economic development sector.

## **SUMMARY POINTS**

- Economic Development in Nanaimo is led by a strong board of committed members.
- Tourism and the development of the City as a conference and leisure destination face a variety of challenges. A newly organized and coordinate approach is required.
- Problems arising from existing approach to governance must be resolved via the introduction of new policies, procedures and communication.

Submitted by:



T. Samra



V. Mema

Concurrence by:



P. Cooper

**CITY MANAGER COMMENT:**

I concur with report recommendations.

DATE OF MEETING November 7, 2016

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT PARTIAL PROPERTY ACQUISITION – 921 TERMINAL AVENUE NORTH

## OVERVIEW

### **Purpose of Report**

To obtain Council approval for the acquisition of a portion of 921 Terminal Avenue North for road rehabilitation and utility upgrade.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Recommendation**

That Council authorize the acquisition of a portion of 921 Terminal Avenue North from the registered owners to facilitate the road rehabilitation and utility upgrade for the sum of

### **Resolution to Rise and Report**

To be released upon conclusion of the negotiation process with exception of the underlined text.

## BACKGROUND

The Capital Plan includes a project for road rehabilitation and utility upgrades along Terminal Avenue from St. George Street to Stewart Avenue. The utility upgrade will be completed in 2017 and pavement restoration will be completed in 2018. The project includes a widening of the sidewalk on Terminal Avenue from 1m (3.3ft) to 1.8m (5.9ft) to increase safety and enhance the overall pedestrian environment.

As part of the upgrade to the existing utilities and sidewalk, a strip of land measuring 11.52m<sup>2</sup> (124ft<sup>2</sup>) (Attachment A and B) adjacent to 921 Terminal Avenue North is required. The additional land will enable a consistent width to the sidewalk and ensure that future maintenance to the sanitary sewer will not require a temporary working easement. Negotiations with the owner have resulted in a purchase price of

## OPTIONS

1. That Council authorize the acquisition of a portion of 921 Terminal Avenue North from the registered owners to facilitate the road rehabilitation and utility upgrade for the sum of
  - **Budget Implication:** The project and property acquisition has been budgeted within the draft 2017-2021 Financial Plan.

"In Camera" Council Meeting  
2016-NOV-07

- **Legal Implication:** The City's solicitor will prepare the Purchase and Sale Agreement.
  - **Strategic Plan:** Taking Responsibility: continuing to facilitate change and overall development consistent with vision and plans.
2. That Council not approve the property acquisition.
- **Budget Implication:** The project cost would be reduced by
  - **Legal Implication:** None.
  - **Project Implication:** The sidewalk is being widened along Terminal Avenue to improve safety and to enhance the overall pedestrian environment. If this portion of land is not acquired, the sidewalk will narrow at this specific location and not be consistent with the rest of the corridor. Future sanitary sewer maintenance will require negotiations with the property owner.

#### **SUMMARY POINTS**

- A 2017-2018 Capital Plan project includes road rehabilitation, sidewalk widening and utility upgrade along Terminal Avenue from St. George Street to Stewart Avenue.
- A strip of land measuring 11.52m<sup>2</sup> (124ft<sup>2</sup>) adjacent to 921 Terminal Avenue North has been identified as a requirement to facilitate a wider and safer sidewalk and long term access to the sewer.
- Negotiations with the owners have resulted in a purchase price to Council of

#### **ATTACHMENTS**

Attachment A: Location Plan  
Attachment B: Location Plan Aerial Photo

**Submitted by:**

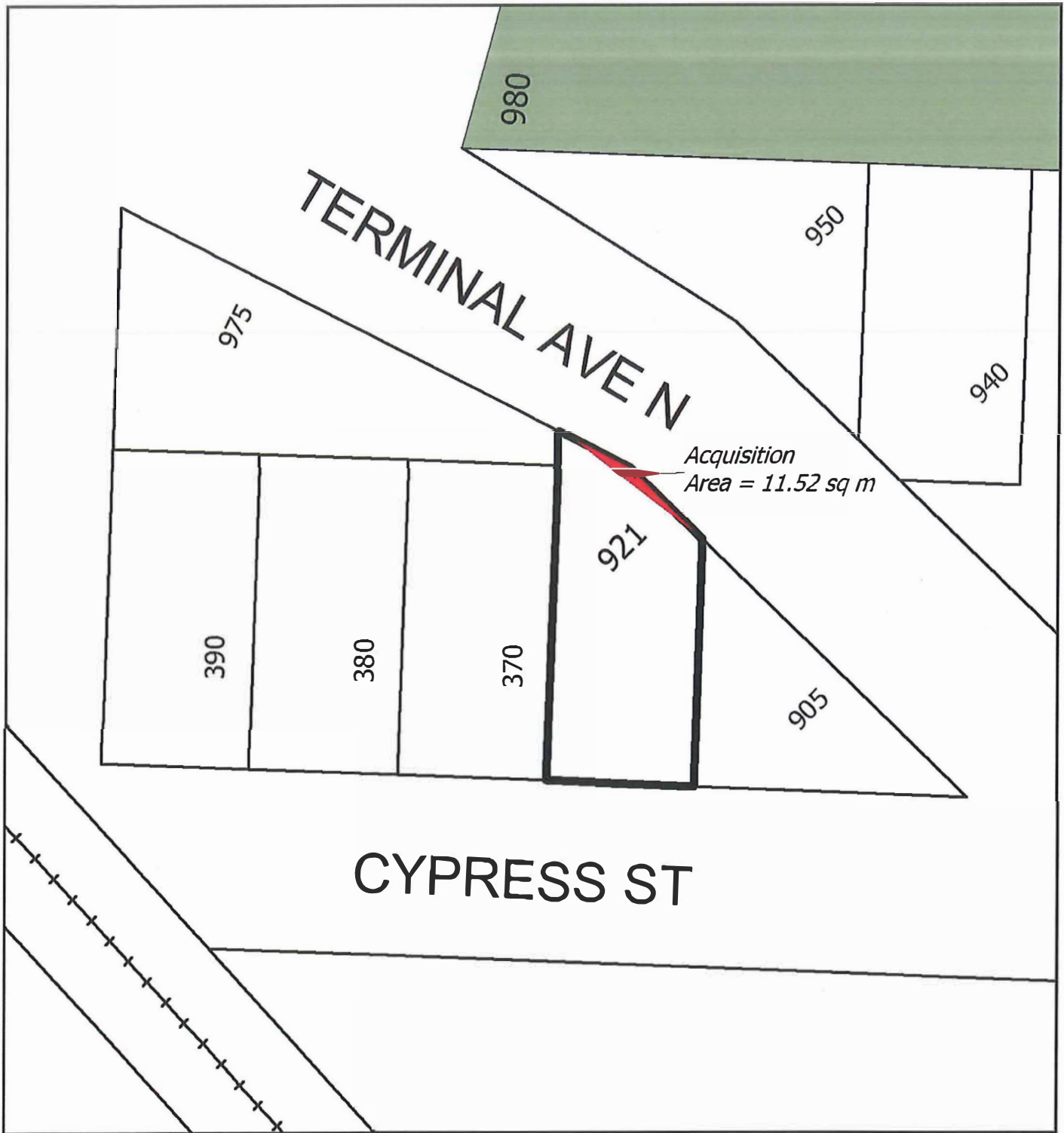


Bill Corsan  
Manager, Real Estate

**Concurrence by:**



Dale Lindsay  
Director, Community Development



ACQUISITION OF PART OF  
921 TERMINAL AVENUE

### LOCATION PLAN

Civic: 921 Terminal Avenue

-  Subject Property
-  Parks
-  Required for Road Purposes

# ATTACHMENT B

Aerial Photo



ACQUISITION OF PART OF  
921 TERMINAL AVENUE





DATE OF MEETING December 5, 2016

AUTHORED BY BILL CORSAN, MANAGER, REAL ESTATE

SUBJECT PROPOSED LAND EXCHANGE – 5200 RUTHERFORD ROAD

## OVERVIEW

### **Purpose of Report**

To obtain Council approval to enter into a Land Exchange Agreement with the owner of 5200 Rutherford Road to facilitate construction of a phased, multi-lane roundabout and connector road at the intersection of Nelson Road and Rutherford Road.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

### **Recommendation**

That Council provides approval in principle to acquire 686.9m<sup>2</sup> of land from the owner of 5200 Rutherford Road, in exchange for 640.6m<sup>2</sup> of City-owned land at 5290 Rutherford Road.

### **Resolution to Rise and Report**

To be released upon registration of the land exchange at the Land Title Office.

## BACKGROUND

Linley Valley West is a new neighbourhood currently under development within the western portion of Linley Valley. Primary access was historically to be provided by Linley Valley Drive, however, the expansion of Linley Valley Park in 2014 reduced future population projections resulting in the re-evaluation of access requirements at neighbourhood build-out. Public consultation determined the preferred option for Linley Valley West access to be a roundabout at Rutherford Road and Nelson Road, including a connector road linking to Linley Valley Drive.

At the 2015-DEC-07 Council meeting, Staff was directed to exercise an Option to Purchase for 5290 Rutherford Road and to prepare detailed design drawings and costing for the roundabout and associated road works at the intersection of Rutherford Road and Nelson Road.

The acquisition of 5290 Rutherford Road was necessary to complete a new connector road into the Linley Valley West neighbourhood. The City acquired 5290 Rutherford Road on 2015-DEC-18 for \$850,000.

At the 2016-AUG-08 Council meeting, Staff was directed to complete the final design of a phased, multi-lane roundabout at Rutherford Road and Nelson Road (with a connector road linking Rutherford Road and Linley Valley Drive and supporting improvements); and include capital costs in the 2017-2021 Draft Financial Plan for construction in 2017. Attachment A highlights the project.

Detailed design work for the roundabout has shown that the northbound approach lanes and sidewalk will require an additional 686.9m<sup>2</sup> land from the neighbouring property to the east, 5200 Rutherford Road; this is based on expected construction limits. As compensation for the land acquisition, Staff proposes to exchange 640.6 m<sup>2</sup> of surplus City-owned land from 5290 Rutherford Road. The land exchange is illustrated in Attachment B.

Staff met with the land owner and arranged a land exchange whereby the lands are exchanged for \$1.

### OPTIONS

1. That Council provide approval in principle to acquire 686.9m<sup>2</sup> of land from the owner of 5200 Rutherford Road, in exchange for 640.6m<sup>2</sup> of City-owned land at 5290 Rutherford Road.
  - **Budget Implication:** The City will be responsible for survey and legal costs associated with the land exchange. These costs are estimated to be \$10,000.
  - **Legal Implication:** The City solicitor will prepare a Land Exchange Agreement for signature by both parties.
  - **Engagement Implication:** A Notice of Disposition for the City-owned lands is required under the *Community Charter* and will be placed in the local newspaper for two weeks prior to the Staff report returning to an open Council meeting.
  - **Political Implication:** Improvements to the intersection at Rutherford Road and Nelson Road are viewed favourably by the neighbourhood.
  - **Project Implications:** Acquisition of these lands will ensure that the project can be delivered in a timely manner. The project is expected to be tendered in March 2017.
  
2. That Council not approve the proposed land exchange.
  - **Budget Implication:** Redesign of the project will increase the consultant's time and effort and increase the budget.
  - **Political Implications:** The project would likely be delayed.
  - **Project Implications:** The project will have to be redesigned and additional land acquisition may be required.


**SUMMARY POINTS**

- At the 2016-AUG-08 Council meeting, Staff was given direction to proceed with the design of a phased, multi-lane roundabout at Rutherford Road and Nelson Road.
- Detailed design has identified the need to acquire 686.9m<sup>2</sup> of land from 5200 Rutherford Road to facilitate the northbound approach lanes and sidewalk.
- Staff has met with the owner and agreed to exchange 640.6m<sup>2</sup> of surplus City-owned land at 5290 Rutherford Road.
- Staff are seeking approval in principal from Council and if directed to proceed, will have the City solicitor prepare the formal Land Exchange Agreement and return to an open Council meeting for formal approval

**ATTACHMENTS**

Attachment A: Rutherford Road and Nelson Road Roundabout Design  
Attachment B: Land Exchange Concept

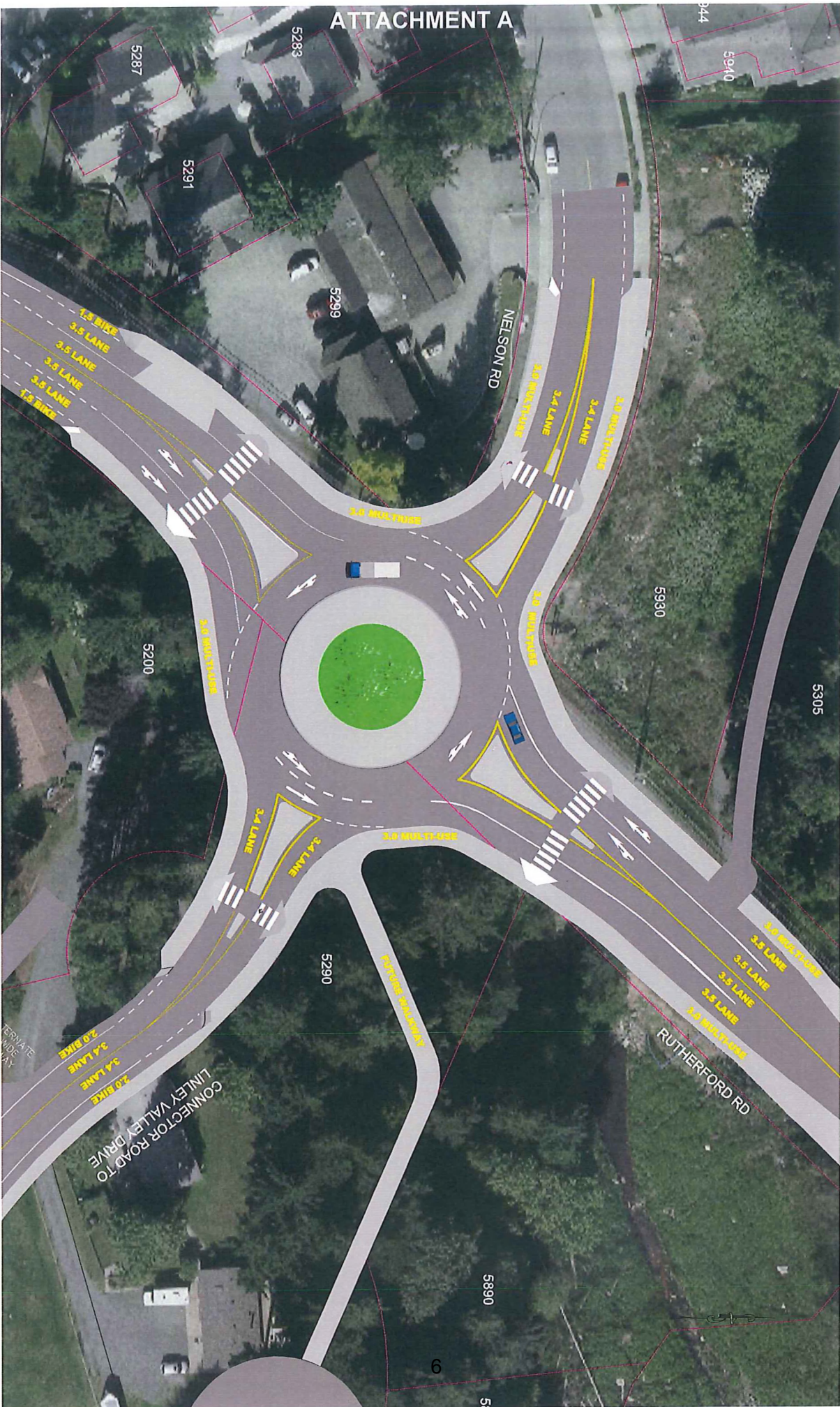
**Submitted by:**

  
\_\_\_\_\_  
Bill Corsan  
Manager, Real Estate

**Concurrence by:**

  
\_\_\_\_\_  
Dale Lindsay  
Director, Community Development

ATTACHMENT A





DATE OF MEETING    December 12, 2016

AUTHORED BY        BILL CORSAN, MANAGER, REAL ESTATE

SUBJECT             PASSENGER FOOT FERRY SERVICE – TECHNICAL ADVISORY  
GROUP RECOMMENDATION

## **OVERVIEW**

### **Purpose of Report**

To obtain Council approval for the Technical Advisory Group recommendation regarding a potential operator for a Nanaimo-Vancouver passenger foot ferry service.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;

*Community Charter* Section 90 (2)

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

### **Recommendation**

That Council approve the Technical Advisory Group recommendation as follows:

- Move forward with Island Ferry Services Ltd. as the preliminary preferred proponent subject to financial and technical due diligence by Ernst and Young.
- If the due diligence proves fruitful, then Island Ferry Services Ltd. will be deemed the preferred proponent and approval will be subject to negotiations between the Nanaimo Port Authority and Island Ferry Services Ltd., as well as mutual benefit agreements between Snuneymuxw First Nation and the Nanaimo Port Authority and Snuneymuxw First Nation and Island Ferry Services Ltd.

### **Resolution to Rise and Report**

To be released upon approval by the City of Nanaimo, Nanaimo Port Authority (NPA) and Snuneymuxw First Nation (SFN) Liaison Committee.

## **BACKGROUND**

At the 2015-DEC-07 Special "In Camera" Council meeting, Council directed Staff to work with the NPA to prepare a joint Request for Proposals (RFP) for a passenger-only ferry. The goal was to work in a collaborative manner, using a transparent process to identify an operator for the service.

At the 2016-JAN-18 Special "In Camera" Council meeting, Council supported entering into a Letter of Intent (LOI) with the NPA which set out the selection process for an operator.

In preparing the RFP, City and NPA Staff were advised that an Expression of Interest (EOI) would be a better tool to solicit information from potential ferry operators as it provides more flexibility and does not require the City or NPA to commit to an operator at the conclusion of the process.

The EOI was issued on 2016-MAR-31. Responses were due by 2pm on 2016-MAY-31. Three responses were received from Island Ferry Services Ltd. (IFSL), Riverside Marine and Clipper Navigation. All three proponents expressed an interest to operate out of the NPA Cruise Ship Terminal.

At the 2016-JUN-20 Special "In Camera" Council meeting, Council directed Staff to expand the LOI to include SFN on the Liaison Committee.

The proposals were reviewed by a Technical Advisory Group (TAG) to provide an impartial perspective. The TAG included an accounting firm (Ernst and Young) and a marine consultant (Gordon Houston).

TAG reviewed the three submissions and presented its findings to the Liaison Committee on 2016-NOV-09.

The TAG recommendation, as modified by the Liaison Committee, is as follows:

- Move forward with IFSL as the preliminary preferred proponent subject to financial and technical due diligence by Ernst and Young.
- If the due diligence proves fruitful, then IFSL will be deemed the preferred proponent and approval will be subject to negotiations between the NPA and IFSL, as well as mutual benefit agreements between SFN and the NPA and SFN and IFSL.

The Committee's Boards and Councils are being asked to ratify the motion by 2016-DEC-20 so that a public announcement can be made at that time.

## OPTIONS

1. That Council approve the TAG recommendation as follows:
  - Move forward with IFSL as the preliminary preferred proponent subject to financial and technical due diligence by Ernst and Young.
  - If the due diligence proves fruitful, then IFSL will be deemed the preferred proponent and approval will be subject to negotiations between the NPA and IFSL, as well as mutual benefit agreements between SFN and the NPA and SFN and IFSL.
    - **Budget Implication:** Island Ferry Services Ltd. is not asking for a direct subsidy at this point in time, but there may be requests for funding for infrastructure on the NPA property such as water, sewer, power and a transit connection.
    - **Legal Implication:** Island Ferry Services Ltd. has sent a number of letters to the City, NPA and SFN expressing its concerns over the EOI process.
    - **Political Implication:** Establishing a passenger ferry service between Nanaimo and downtown Vancouver is a priority for the community.

- **Other Implications:** Although all three operators chose to operate out of the NPA Cruise Ship Terminal, it is important for the City to remain engaged in the process.
2. That Council not approve the TAG recommendation.
- **Budget Implication:** None at this time.
  - **Legal Implication:** Island Ferry Services Ltd. has sent a number of letters to the City, NPA and SFN expressing its concerns over the EOI process.
  - **Political Implication:** Establishing a passenger ferry service between Nanaimo and downtown Vancouver is a priority for the community. Rejecting the TAG recommendation will make it challenging to move forward.

### SUMMARY POINTS

- The EOI for a Passenger Foot Ferry closed on 2016-MAY-31.
- Island Ferry Services Ltd., Riverside Marine and Clipper Navigation submitted proposals.
- A Liaison Committee comprised of representatives from the City, NPA and SFN engaged a Technical Advisory Group (TAG) to review the proposals and to recommend a preferred operator.
- TAG recommends that the Committee move forward with IFSL as the preliminary preferred proponent subject to financial and technical due diligence by Ernst and Young. If the due diligence proves fruitful, then IFSL will be deemed the preferred proponent and approval will be subject to negotiations between the NPA and IFSL, as well as mutual benefit agreements between SFN and the NPA and SFN and IFSL.
- Council is being asked to endorse this recommendation.

**Submitted by:**



Bill Corsan  
Manager, Real Estate

**Concurrence by:**



Dale Lindsay  
Director, Community Development



DATE OF MEETING December 19, 2016

AUTHORED BY BILL CORSAN, MANAGER, REAL ESTATE  
POUL ROSEN, SENIOR MANAGER, ENGINEERING

SUBJECT PROPOSED PROPERTY ACQUISITION – CHASE RIVER PUMP  
STATION - 396 SEVENTH STREET

## OVERVIEW

### **Purpose of Report**

To obtain Council approval to acquire 396 Seventh Street as the site for the new Chase River Pump Station.

### **Reason for "In Camera"**

*Community Charter* Section 90(1)

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

### **Recommendation**

That Council:

1. approve the acquisition of 396 Seventh Street at a price of \$380,000 for the new Chase River Pump Station; and,
2. direct the Corporate Officer to execute the necessary documents to effect the transaction.

### **Resolution to Rise and Report**

That Council direct Staff to release the report upon successful negotiations, with the underlined text redacted.

## BACKGROUND

The Chase River trunk sanitary sewer runs from Seventh and Stirling Streets to the Regional District of Nanaimo's (RDN) Chase River Pump Station at the corner of Highway 1 and Haliburton Street.

The sewer is operating at capacity in a five-year rain event. A consultant's report recommends diverting some of the existing flow away from the Chase River Pump Station. This can be achieved by constructing a new pump station near Park Avenue and Seventh Street. The project also requires a new force main on Seventh Street from the proposed pump station to Haliburton Street and a new connection to the RDN trunk sewer.

At the 2016-MAY-02 Special "In Camera" Council meeting, Staff was directed to proceed with negotiations with the owner of \_\_\_\_\_ to acquire part or all of the property for the purpose of constructing a new sanitary sewer pump station.

At the 2016-NOV-28 Special "In Camera" Council meeting, Staff reported to Council that efforts to engage the owner had been unsuccessful to date. Staff presented three options to Council; to initiate expropriation proceedings, to continue to attempt to engage the property owner, or to identify another site.

Council directed Staff to continue their discussions with the property owner. In the interim, 396 Seventh Street was put on the market. Engineering Staff has reviewed this location as a potential pump station location and confirm it meets the siting criteria.

While the location at 396 Seventh Street will not enable the City to decommission the existing Park Avenue pump station immediately, it does have other attractive benefits; such as, it is a large lot which will allow for the pump station to be screened from the neighboring properties which could reduce concerns for the neighbouring property owners. Eventual decommissioning of the Park Avenue pump station may be possible but would require alternative servicing for at least one house in the catchment. 396 Seventh Street is also far enough away from the Chase River that would eliminate flooding or riparian area concerns.

The property is located at the corner of Park Avenue and Seventh Street (Attachment A and B). The lot is 1,094 m<sup>2</sup> (11,779 ft<sup>2</sup>) in size. The property has a home built in the 1940's and a stand-alone garage. Depending on the configuration and location of the pump station, there may be an opportunity to recoup some of the acquisition costs by disposing of a portion of the property in the future.

The property was listed for \$399,000. Staff has negotiated a price of \$380,000. The offer is subject to Council approval and has a closing date of 2017-FEB-28.

## OPTIONS

1. That Council:
  1. approve the acquisition of 396 Seventh Street at a price of \$380,000 for the new Chase River Pump Station; and,
  2. direct the Corporate Officer to execute the necessary documents to effect the transaction.
    - **Budget Implication:** The \$380,000 acquisition price would be funded through the Sanitary Sewer Reserve Fund.
    - **Legal Implication:** If Council wishes to proceed with the acquisition, the City solicitor will prepare the transfer documents and oversee the conveyance. The property owner will be responsible for their own fees.
    - **Policy Implication:** The Chase River sanitary sewer is at capacity. The Harewood neighbourhood is expected to see considerable development in coming years and the sanitary sewer needs to be able to handle the additional growth.
    - **Political Implication:** Purchasing a property from a willing seller expedites the project. Given this would be a new location for a pump station, there is a risk the neighbourhood may take issue with it. As the project moves forward neighbourhood consultation will be conducted to hear concerns and comments pertaining to the project.

- **Project Implications:** If approved by Council, Staff will be in a position to move to detailed design drawings in preparation of the project being tendered in 2018. The house can be rented to generate revenue until the project commences.
2. That Council direct Staff to continue to attempt to engage the property owner of as directed at the 2016-NOV-28 Special "In Camera" meeting.
- a. **Budget Implication:** The acquisition cost of the property has not yet been determined due to an inability to discuss with the owner. If the project is delayed substantially it may affect the City's ability to access grant money which has a stipulation of construction completing by the end of 2018.
  - b. **Policy Implication:** The Chase River sanitary sewer is at capacity. The Harewood neighbourhood is expected to see considerable development in coming years and the sanitary sewer needs to be able to handle the additional growth.
  - c. **Project Implications:** There is no certainty that the owner will agree to the sale of the property and a protracted time for further negotiations may delay the project resulting in further costs and greater risk of sanitary sewer overflows.

#### **SUMMARY POINTS**

- The Chase River sanitary sewer is at capacity in a five-year rain event.
- A consultant's report recommends diverting some of the flows away from the Chase River trunk with a new pump station and force main.
- The location for the new pump station is preferred around Park Avenue and Seventh Street intersection.
- 396 Seventh Street is currently on the market and Staff has negotiated a price of \$380,000 for the property subject to Council approval.

#### **ATTACHMENTS**

Attachment A: Location Plan  
Attachment B: Aerial Photo

**Submitted by:**



Bill Corsan  
Manager, Real Estate



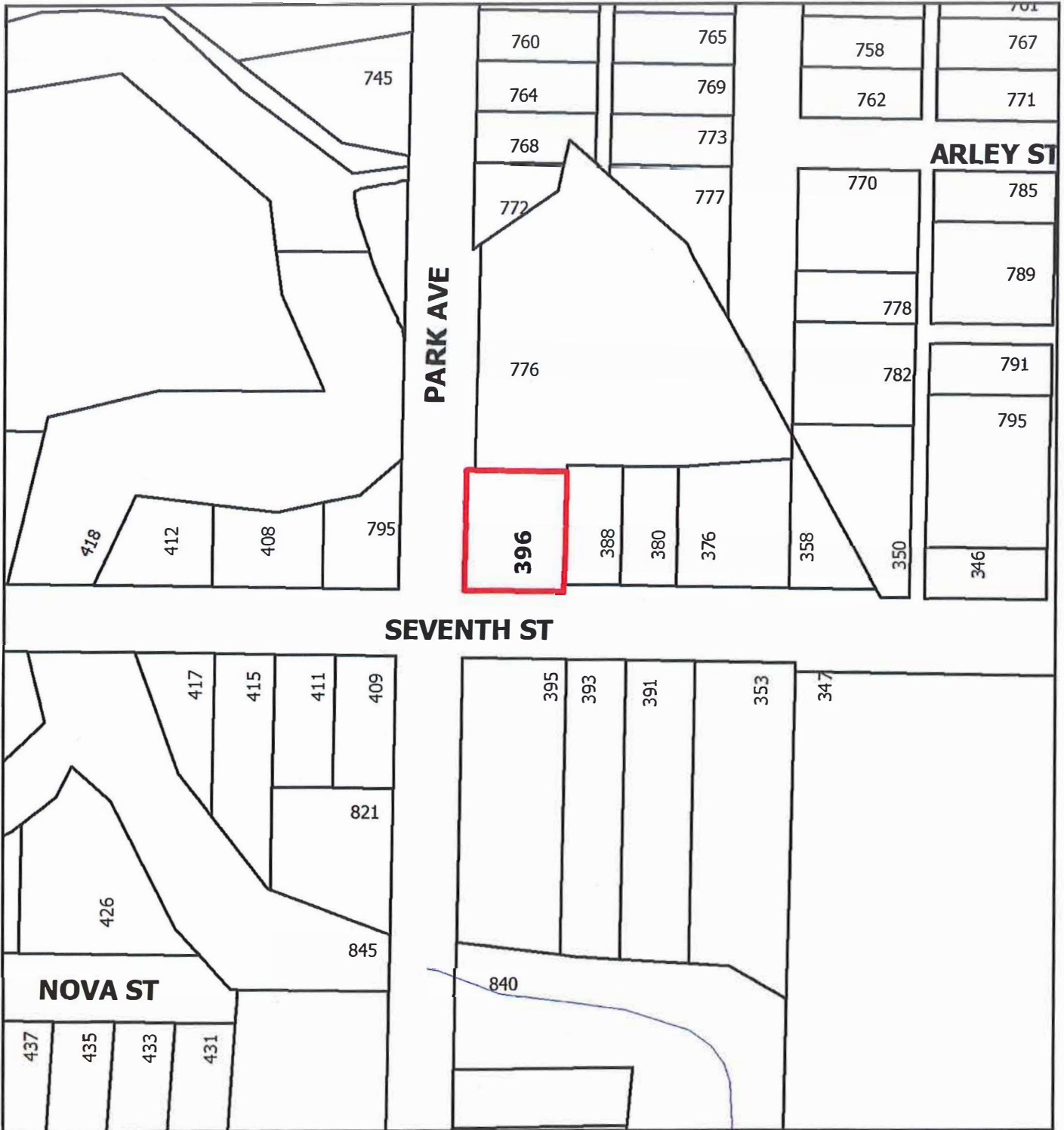
Paul Rosen  
Senior Manager, Engineering

**Concurrence by:**



Dale Lindsay  
Director, Community Development

Attachment A



**SEVENTH ST**

**PARK AVE**

**ARLEY ST**

**NOVA ST**



PROPERTY ACQUISITION

Location Plan

Civic: 396 Seventh Street

ATTACHMENT B



PROPERTY ACQUISITION

Civic: 396 Seventh Street

# ATTACHMENT C

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-FEB-01, AT 5:00 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong (vacated 6:36 p.m.)  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 5:07 p.m.)

Staff: T. Samra, City Manager  
T. P. Seward, Senior Director of Strategic Operations  
D. Lindsay, Director of Community Development (entered 5:05 p.m.,  
vacated 6:35 p.m.)  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
(entered 5:05 p.m., vacated 6:35 p.m.)  
C. Jackson, Manager of Legislative Services  
B. Corsan, Manager of Real Estate (entered 5:05 p.m., vacated 6:35 p.m.)  
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5 (f) - Add Recommendations for Appointments to the Nanaimo Economic Development Corporation Board.
- (b) Agenda Item 9 (a) Other Business - Add 2016 Council Appointments to Committees.

3. ADOPTION OF AGENDA:

03616 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

B. Corsan, D. Lindsay, S. Samborski and T. Seward entered the Douglas Rispin Room at 5:05 p.m.

4. ADOPTION OF MINUTES:

03716 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-JAN-07 at 3:00 p.m. in the City of Nanaimo Board Room, 411 Dunsmuir Street, Nanaimo, BC; and,
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-JAN-11 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

03816 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Thursday, 2016-JAN-14 at 12:30 p.m. in the City of Nanaimo Board Room, 411 Dunsmuir Street, Nanaimo, BC. be adopted as circulated. The motion carried.  
Opposed: *Councillor Brennan*

Councillor Yoachim entered the Douglas Rispin Room at 5:07 p.m.

5. CORPORATE SERVICES:

(a) Real Estate Property Management Strategy Update

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

03916 It was moved and seconded that Council receive for information the report pertaining to the Real Estate Property Management Strategy Update. The motion carried unanimously.



(c) Proposed Property Acquisition for Parkland on Departure Bay Creek

04116 It was moved and seconded that Council receive for information the report pertaining to the proposed property acquisition for parkland on Departure Bay Creek. The motion carried unanimously.

(d) City of Nanaimo / Nanaimo Port Authority Liaison Committee Recommendations

Presentation:

1. Mr. Dale Lindsay, Director of Community Development.

04216 It was moved and seconded that Council receive for information the minutes of the 2015-DEC-16 City of Nanaimo / Nanaimo Port Authority Liaison Committee meeting. The motion carried unanimously.

04316 It was moved and seconded that Council direct Staff to provide a report exploring potential land exchange opportunities between the City of Nanaimo and the Nanaimo Port Authority including the Gadd and bowtie sites option as outlined in the Staff report. The motion carried unanimously.

04416 It was moved and seconded that Council direct Staff to proceed with an access review as recommended by the City of Nanaimo / Nanaimo Port Authority Liaison Committee. The motion carried unanimously.

04516 It was moved and seconded that Council approve the revised Letter of Intent and authorize the Mayor to sign on behalf of the City. The motion carried unanimously.

B. Corsan, D. Lindsay and S. Samborski vacated the Douglas Rispin Room at 6:35 p.m.

Councillor Hong vacated the Douglas Rispin Room at 6:36 p.m.

04616 It was moved and seconded that Council request the Nanaimo Economic Development Corporation to formally withdraw from the original joint Memorandum Of Understanding and confirm its role in the ferry procurement process as outlined in the Staff report. The motion carried unanimously.

(e) Advisory Committee/Commission Minutes

04716 It was moved and seconded that Council receive for information the following Minutes:

- Special "In Camera" City Manager Selection Committee Meeting held 2015-NOV-02;
- Special "In Camera" Nanaimo Culture and Heritage Commission Meeting held 2015-NOV-18; and,
- Special "In Camera" Core Services Review Steering Committee Meeting held 2015-DEC-14.

The motion carried unanimously.

04816 It was moved and seconded that Council receive for information the Minutes of the Special "In Camera" City Manager Selection Committee Meeting held 2015-NOV-13. The motion carried.  
Opposed: Mayor McKay, Councillor Brennan

04916 It was moved and seconded that Council reconsider Resolution No. 03816:

"03816 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Thursday, 2016-JAN-14 at 12:30 p.m. in the City of Nanaimo Board Room, 411 Dunsmuir Street, Nanaimo, BC be adopted as circulated. The motion carried.  
Opposed: Councillor Brennan"

The motion carried.  
Opposed: Councillor Bestwick

05016 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Thursday, 2016-JAN-14 at 12:30 p.m. in the City of Nanaimo Board Room, 411 Dunsmuir Street, Nanaimo, BC be adopted as circulated. The motion carried.  
Opposed: Councillor Bestwick

(f) Recommendations for Appointments to the Nanaimo Economic Development Corporation Board

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05116 It was moved and seconded that Council:

1. appoint Rod Szasz, as the new member of the Nanaimo Economic Development Corporation (NEDC) Board for a three year term;
2. reappoint Dan Brady, Carla Smith, Kelly Bissell and Signy Madden to the NEDC Board for a three year term;
3. renew the appointments of the following board members to the NEDC Board:
  - Andre Sullivan – Chair
  - Charlie Parker - Vice Chair
  - Dan Kucherka- Treasurer
  - William (Bill) Anderson – Secretary
  - AJ Hustins - Past Chair
  - Gloria Hatfield
  - Brad Jones
  - Doug Kalcsics
  - Adrian Legin
  - Dr. Ralph Nilson
  - Chief John Wesley - Sununeymuxw First Nation Representativeand,
4. direct Staff to notify the NEDC Board, the new Board members, the unsuccessful applicants and prepare a media release advising of Council's appointments to the NEDC Board.

The motion carried unanimously.

05216 It was moved and seconded that Council release to the public the names of the new and renewed appointees to the Nanaimo Economic Development Corporation Board during the Mayor's report at the 2016-FEB-01 Regular Council Meeting. The motion carried unanimously.

S. Snelgrove vacated the Douglas Rispin Room at 6:52 p.m.

6. OTHER BUSINESS:

(a) 2016 Council Appointments to Committees

05316 It was moved and seconded that Council instruct the City Manager to proceed with implementation of the amendments to the structure of committees as listed below and that this information be released to the public.

<b>SELECT COMMITTEES:</b>	<b>CURRENT APPOINTMENTS:</b>	<b>2016</b>
Advisory Committee on Environmental Sustainability	Councillor Brennan	Recess
City Manager Selection Committee	All Members of Council	Retain
Core Services Review Steering Committee	All Members of Council	Retain
Design Advisory Panel	Councillor Hong	Retain
Grants Advisory Committee	Councillor Pratt Councillor Thorpe	Recess
Nanaimo Culture and Heritage Commission	Councillor Brennan Councillor Pratt	Recess after Feb. 3
Nanaimo Youth Advisory Council	Councillor Hong	Retain
Parks and Recreation Commission	Councillor Fuller Councillor Pratt Councillor Thorpe	Recess, notice to RDN, District of Lantzville
Planning and Transportation Advisory Committee	Mayor McKay Councillor Hong Councillor Kipp	Recess
Red/Green Tape Committee	Mayor McKay Councillor Bestwick Councillor Hong	Recess
Safer Nanaimo Advisory Committee	Councillor Brennan Councillor Kipp Councillor Yoachim	Recess

Social Planning Advisory Committee	Councillor Brennan Councillor Yoachim	Recess
Terminal/Nicol Corridor Streetscape Project Technical Steering Committee	Councillor Bestwick Councillor Brennan	Recess

<b>STATUTORILY REQUIRED:</b>	<b>CURRENT APPOINTMENTS:</b>	<b>2016</b>
Board of Variance	Provincially Mandated	Retain
Water Supply Advisory Committee	Mayor McKay	Retain
Parcel Tax Roll Review Panel	Mayor McKay Councillor Pratt Councillor Thorpe	Retain

<b>EXTERNAL BOARD AND LIAISON APPOINTMENTS:</b>	<b>CURRENT APPOINTMENTS:</b>	<b>2016</b>
Municipal Insurance Association of BC	Councillor Kipp Alt: Councillor Brennan	Councillor Kipp Alt: Councillor Brennan
Nanaimo Chamber of Commerce	Mayor McKay	Mayor McKay
Nanaimo Airport Commission	Mayor McKay Alt: Councillor Yoachim	Mayor McKay Alt: Councillor Yoachim
Nanaimo Port Authority/City Liaison Committee	Mayor McKay Councillor Bestwick Councillor Kipp	Mayor McKay Councillor Bestwick Councillor Kipp
Nanaimo First Nations Liaison Committee Protocol Agreement Working Group	Mayor McKay Councillor Fuller Councillor Kipp	Mayor McKay Councillor Fuller Councillor Kipp
Tripartite Liaison Committee (Port of Nanaimo, City of Nanaimo, Snuneymuxw First Nation)	Mayor McKay Councillor Fuller Councillor Kipp	Mayor McKay Councillor Fuller Councillor Kipp

05416 It was moved and seconded that Council table consideration of Resolution No. 05316 until the Special "In Camera" Council meeting reconvenes. The motion carried unanimously.

By unanimous consent Council recessed the Special "In Camera" Council Meeting at 6:59 p.m.

05516 It was moved and seconded that the Special "In Camera" Council Meeting reconvene at 7:58 p.m. The motion carried unanimously.

05616 It was moved and seconded that Council lift from the table Resolution No. 05316.  
 The motion carried unanimously

C. Jackson entered the Douglas Rispin Room at 8:02 p.m.

By unanimous consent the Resolution No. 05316 was revised to read as follows:

It was moved and seconded that Council instruct the City Manager to proceed with implementation of the amended committee structure as listed below including a 90 day recess for Committee meetings and that this information be released to the public after the preparation of a communications plan.

<b>SELECT COMMITTEES:</b>	<b>2016 APPOINTMENTS</b>	<b>2016</b>
Advisory Committee on Environmental Sustainability	Councillor Brennan	Recess
City Manager Selection Committee	All Members of Council	Retain
Core Services Review Steering Committee	All Members of Council	Retain
Design Advisory Panel	Councillor Hong	Retain
Grants Advisory Committee	Councillor Pratt Councillor Thorpe	Recess
Nanaimo Culture and Heritage Commission	Councillor Brennan Councillor Pratt	Recess after Feb. 3
Nanaimo Youth Advisory Council	Councillor Hong	Retain
Parks and Recreation Commission	Councillor Fuller Councillor Pratt Councillor Thorpe	Recess, notice to RDN, District of Lantzville
Planning and Transportation Advisory Committee	Mayor McKay Councillor Hong Councillor Kipp	Recess
Red/Green Tape Committee	Mayor McKay Councillor Bestwick Councillor Hong	Recess
Safer Nanaimo Advisory Committee	Councillor Brennan Councillor Kipp Councillor Yoachim	Recess
Social Planning Advisory Committee	Councillor Brennan Councillor Yoachim	Recess
Terminal/Nicol Corridor Streetscape Project Technical Steering Committee	Councillor Bestwick Councillor Brennan	Recess

STATUTORILY REQUIRED:	2016 APPOINTMENTS	2016
Board of Variance	Provincially Mandated	Retain
Water Supply Advisory Committee	Mayor McKay	Retain
Parcel Tax Roll Review Panel	Mayor McKay Councillor Pratt Councillor Thorpe	Retain

EXTERNAL BOARD AND LIAISON APPOINTMENTS:	2016 APPOINTMENTS
Municipal Insurance Association of BC	Councillor Kipp Alt: Councillor Brennan
Nanaimo Chamber of Commerce	Mayor McKay
Nanaimo Airport Commission	Mayor McKay Alt: Councillor Yoachim
Nanaimo Port Authority/City Liaison Committee	Mayor McKay Councillor Bestwick Councillor Kipp
Nanaimo First Nations Liaison Committee Protocol Agreement Working Group	Mayor McKay Councillor Fuller Councillor Kipp
Tripartite Liaison Committee (Port of Nanaimo, City of Nanaimo, Snuneymuxw First Nation)	Mayor McKay Councillor Fuller Councillor Kipp

The motion carried.  
Opposed: Councillor Brennan

05716 It was moved and seconded that discussions regarding a Human Resources issue and the Integrity Group be added to Agenda Item 9 Other Business. The motion carried unanimously.

6. OTHER BUSINESS: (continued)

(b) Integrity Group

Council discussion took place regarding the Integrity Group Contract.

C. Jackson and S. Snelgrove vacated the Douglas Rispin Room at 8:20 p.m.

(c) Human Resources Issue

C. Jackson and S. Snelgrove returned to the Douglas Rispin Room at 8:38 p.m.

(e) Breaches of Confidentiality

Note: This item was not discussed.

7. ADJOURNMENT:

05916 It was moved and seconded at 9:17 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-FEB-15, AT 5:00 P.M.

---

PRESENT: Acting Mayor J. A. Kipp, Chair

Members: Councillor W. L. Bestwick  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 5:14 p.m.)

Absent: His Worship Mayor W. B. McKay  
Councillor M. D. Brennan

Others:

Staff: T. Samra, City Manager  
T. P. Seward, Senior Director of Strategic Operations  
V. Mema, Director of Finance (arrived 5:06 p.m.)  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
(vacated 5:59 p.m.) (arrived 5:59 p.m.,  
vacated 6:28 p.m.)  
C. Jackson, Manager of Legislative Services  
S. Snelgrove, Recording Secretary (vacated 10:52 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5 (a) Other Business - Add The Integrity Group 2015 Invoice.
- (b) Agenda Item 5 (b) Other Business – Add Release of In-Camera Meeting Information From 11/01/15 To 01/31/16 – Core Services Review Steering Committee.
- (c) Agenda Item 5 (c) Other Business – Add Release of In-Camera Meeting Information From 11/01/15 To 01/31/16 – City Manager Selection Committee.



3. ADOPTION OF AGENDA:

06016 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

06116 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-DEC-16 at 5:16 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated.
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-JAN-25 at 7:36 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated.

The motion carried unanimously.

V. Mema entered the Douglas Rispin Room at 5:06 p.m.

Councillor Yoachim entered the Douglas Rispin Room at 5:14 p.m.

5. PRESENTATIONS:

(a)

Rise and Report

Council discussion took place and it was decided that no information should be released at this time.

S. Samborski vacated the Douglas Rispin Room at 5:59 p.m.  
entered the Douglas Rispin Room at 5:59 p.m.

Councillor Fuller vacated the Douglas Rispin room at 6:05 p.m. declaring a conflict of interest as he has a family member who works for the school policing program with the RCMP.

6. COMMUNITY SERVICES:

(a) Police Resourcing Options

provided a verbal presentation regarding policing issues in Nanaimo which included funding for school policing programs.

Councillor Fuller returned to the Douglas Rispin Room at 6:27 p.m.

vacated the Douglas Rispin Room at 6:28 p.m.

S. Snelgrove vacated the Douglas Rispin Room at 6:51 p.m.

The Special "In Camera" Council Meeting recessed at 6:51 p.m.

The Special "In Camera" Council Meeting reconvened at 9:22 p.m.

S. Snelgrove vacated the Douglas Rispin Room at 10:14 p.m.

7. OTHER BUSINESS:

(a) The Integrity Group 2015 Invoice

Rise and Report

S. Snelgrove returned to the Douglas Rispin Room at 10:34 p.m.

T. Samra vacated the Douglas Rispin Room at 10:40 p.m.

(b) Release of In-Camera Meeting Information From 11/01/15 To 01/31/16 – City  
Manager Selection Committee

06516 It was moved and seconded that Council direct Staff to release those items listed in the table in the Staff report pertaining to Release of "In Camera" City Manager Selection Committee Meeting information from 2015-NOV-01 to 2016-JAN-31 that are no longer considered confidential. The motion carried unanimously.

06616 It was moved and seconded that Council direct Staff to include an information report on an upcoming open Council meeting agenda advising of the release of "In-Camera" information from the City Manager Selection Committee meetings held 2015-NOV-01 to 2016-JAN-31. The motion carried unanimously.

T. Samra returned to the Douglas Rispin Room at 10:45 p.m.

(c) Release of In-Camera Meeting Information From 11/01/15 To 01/31/16 – Core  
Services Review Steering Committee

06716 It was moved and seconded that Council direct Staff to release those items listed in the table in the Staff report pertaining to Release of "In Camera" Core Services Review Steering Committee Meeting information from 2015-NOV-01 to 2016-JAN-31 that are no longer considered confidential. The motion carried unanimously.

06816 It was moved and seconded that Council direct Staff to include an information report on an upcoming open Council meeting agenda advising of the release of "In-Camera" information from the Core Services Review Steering Committee meetings held 2015-NOV-01 to 2016-JAN-31. The motion carried unanimously.

S. Snelgrove vacated the Douglas Rispin Room at 10:52 p.m.

8. ADJOURNMENT:

06916 It was moved and seconded at 11:02 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**"IN CAMERA" MINUTES**  
COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-FEB-22 IMMEDIATELY FOLLOWING  
THE REGULAR COMMITTEE OF THE WHOLE MEETING

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, City Manager  
T. P. Seward, Senior Director of Strategic Operations  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
C. Jackson, Manager of Legislative Services

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 9:29 p.m.

All Agenda items were deferred to a future "In Camera" Council meeting.

2. ADJOURNMENT:

It was moved and seconded at 9:30 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE,  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2016-FEB-29, AT 2:00 P.M.

---

PRESENT: His Worship Mayor W. B. McKay, Chair (vacated 2:56 p.m.)

Members: Councillor W. L. Bestwick (vacated 2:53 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller (vacated 2:55 p.m.)  
Councillor J. Hong  
Councillor J. A. Kipp (vacated 2:54 p.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, City Manager (entered 2:26 p.m., vacated 2:52 p.m.)  
T. P. Seward, Senior Director of Strategic Operations (vacated 2:46 p.m.)  
(vacated 2:34 p.m.)  
D. Lindsay, Director of Community Development (entered 2:34 p.m.,  
vacated 2:46 p.m.)  
V. Mema, Director of Finance (vacated 2:34 p.m.)  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
(vacated 2:46 p.m.)  
M. Dietrich, Manager of Police Support Services (vacated 2:34 p.m.)  
C. Jackson, Manager of Legislative Services  
D. Smith, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 2:22 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

3. ADOPTION OF AGENDA:

07016 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

T. Samra entered the Board Room at 2:26 p.m.

4. CORPORATE SERVICES:

(a) Port Theatre Funding Options

07116 It was moved and seconded that Council postpone consideration of the report pertaining to Port Theatre Funding Options until the Special "In Camera" Council Meeting scheduled for 2016-MAR-07, in order that Council may complete its Strategic Planning Session on 2016-MAR-01. The motion carried unanimously.

07216 It was moved and seconded that Council amend the agenda by:

1. postponing consideration of Item 5(a) "In Camera" Meeting Release – Council/Committee of the Whole Meetings held 2015-NOV-01 – 2016-JAN-31 until the Special "In Camera" Council Meeting scheduled for 2016-MAR-07; and,
2. adding a new Item 5(a) City of Nanaimo/Nanaimo Port Authority - Draft Request for Expression of Interest re: Nanaimo-Vancouver Passenger Foot Ferry Service.

The motion carried unanimously.

07316 It was moved and seconded that Council postpone consideration of Item 4(a) Police Resourcing Options until the Special "In Camera" Council Meeting scheduled for 2016-MAR-07. The motion carried unanimously.

, V. Mema and M. Dietrich vacated the Board Room and D. Lindsay entered the Board Room at 2:34 p.m.

5. ADMINISTRATION:

(a) City of Nanaimo/Nanaimo Port Authority – Draft Request for Expression of Interest for Nanaimo-Vancouver Passenger Foot Ferry Service

Councillor Brennan vacated the Board Room at 2:40 p.m.

07416 It was moved and seconded that Council approve the City of Nanaimo/Nanaimo Port Authority – Draft Request for Expression of Interest for Nanaimo-Vancouver Passenger Foot Ferry Service. The motion carried unanimously.

Councillor Brennan returned to the Board Room at 2:42 p.m.

T. Seward, D. Lindsay, S. Samborski vacated the Board Room at 2:46 p.m.

07516 It was moved and seconded that Council amend the agenda to include Item 5(b) Human Resources Issue. The motion carried unanimously.

C. Jackson and D. Smith vacated the Board Room at 2:50 p.m.

(b) Human Resources Issue

Council and City Manager discussion took place.

T. Samra vacated the Board Room at 2:52 p.m.

Councillor Bestwick vacated the Board Room at 2:53 p.m.

Councillor Kipp vacated the Board Room at 2:54 p.m.

Councillor Fuller vacated the Board Room at 2:55 p.m.

Mayor McKay vacated the Chair and the Board Room at 2:56 p.m. Councillor Hong assumed the Chair.

C. Jackson and D. Smith returned to the Board Room at 2:57 p.m.

6. ADJOURNMENT:

07616 It was moved and seconded at 2:58 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
TRAINING ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC  
TUESDAY, 2016-MAR-01, AT 4:02 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (via telephone)

Staff: J. Van Horne, Director of Human Resources  
C. Jackson, Manager of Legislative Services

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:02 p.m.

2. ADOPTION OF AGENDA:

07716 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADMINISTRATION:

(a) Human Resources Issue – Chief Administrative Officer

07816 It was moved and seconded that Council appoint Ms. Tracy Samra as the City of Nanaimo Chief Administrative Officer with the following contractual terms and conditions:

- 4 year contract term;
- salary of \$180,000 per year every year, with no adjustments over the term of the contract;
- 12 month without cause severance package, subject to mitigation;
- waiving of all requirements for a probationary period;
- authorization for immediate start of pension;
- annual vacation entitlement 4 weeks per year for first three years and 5 weeks for year four, with vacation time for the first and last year prorated based on the start and end dates respectively;
- accumulation of 1.5 sick days per month, with no payout at the end of the contract;
- flat rate \$7,500 relocation allowance, subject to full reimbursement if there is voluntary departure from the position within 2 years of the start date;
- reserved parking spot to be provided;



- benefits and other terms contained in the "Management Terms and Conditions of Employment Bylaw 2005 No. 7000" apply, except where there are differences with the contract, in which case the contract applies;
- no overtime or management time in-lieu of overtime is authorized;
- an annual performance review will be completed, with Council waiving this requirement each year at their sole discretion;
- completion of a satisfactory police information check; and
- preference that the Chief Administrative Officer live within the boundaries of the City of Nanaimo.

The motion carried.

*Opposed: Mayor McKay*

Council Resolution re: Rise and Report

07916 It was moved and seconded that, after the contract is appropriately signed, Council rise and report on the appointment of Ms. Tracy Samra as the Chief Administrative Officer at the 2016-MAR-07 Regular Council Meeting, and that only the Director of Human Resources is authorized to discuss the appointment with the applicant, legal counsel and other appropriate staff, and should there be media enquiries, responses must be limited to the hiring process itself and not include comments on the appointment. The motion carried unanimously.

08016 It was moved and seconded that Council approve providing Ms. Tracy Samra with the vacation time accumulated while serving in the position of interim City Manager, from the start date to the last day in the interim position. The motion carried unanimously.

4. ADJOURNMENT:

08116 It was moved and seconded at 4:42 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-MAR-07, AT 4:30 P.M.

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PRESENT: Councillor J. A. Kipp, Chair

Members: Councillor W. L. Bestwick (arrived at 4:45 p.m.)  
Councillor M. D. Brennan (arrived at 6:50 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: His Worship Mayor W. B. McKay

Staff: T. Samra, Chief Administrative Officer  
T. P. Seward, Senior Director of Strategic Operations (arrived 5:48 p.m.,  
vacated 6:34 p.m.) (arrived 5:48 p.m.,  
vacated 6:34 p.m.)  
V. Mema, Director of Finance  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
(vacated 5:44 p.m.)  
M. Dietrich, Manager of Police Support Services (arrived 5:48 p.m.,  
vacated 6:34 p.m.)  
G. Ferrero, Director of Information Technology, Legislative Services &  
Communications  
S. Snelgrove, Recording Secretary (vacated 6:48 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:36 p.m.

2. ADOPTION OF AGENDA:

08216 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

08316 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-01 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

4. CORPORATE SERVICES:

(a) Port Theatre Society Funding Options

08416 It was moved and seconded that Council decline the funding model put forward by the Port Theatre Society. The motion carried unanimously.

Councillor Bestwick entered the Douglas Rispin Room at 4:45 p.m.

08516 It was moved and seconded that Council re-confirm that the City allocate up to \$4.6 million in contribution funding for the expansion of the Port Theatre on the condition that:

1. the Port Theatre Society meet its goal of raising funds in the amount of \$6.6 million or a minimum of 60% of financing required to complete the project;
2. the Society apply for 100% of funding from the applicable federal and provincial funds;
3. the Society agree to reimburse the City up to 100% of the contribution funds, if successful in raising more than the required funds, the 4.6 from these funds or portion therefore; and,
4. the Society agree it has an ongoing obligation to raise more than the required so to reimburse the City up to 100% of the contribution.

The motion carried unanimously.

Ms. Suzanne Samborski vacated the Douglas Rispin Room at 5:44 p.m.

Supt. M. Fisher, T. Seward and M. Dietrich entered the Douglas Rispin Room at 5:48 p.m.

(b) Advisory Committee/Commission Minutes

- Special "In Camera" Nanaimo Culture and Heritage Commission Meeting held 2015-NOV-18.

5. COMMUNITY SERVICES:

(a) Police Resourcing Options

M. Dietrich and T. Seward provided a verbal presentation regarding levels of violence, crime and policing pressures in Nanaimo.

08616 It was moved and seconded that Council receive ; M. Dietrich and T. Seward's verbal presentation. The motion carried unanimously.

; T. Seward and M. Dietrich vacated the Douglas Rispin Room at 6:34 p.m.

08716 It was moved and seconded that Council:

1. authorize an increase of 2 regular members to the RCMP establishment in 2016, bringing the total authorized municipal strength of the RCMP Nanaimo Detachment to 142 members;
2. direct Staff to not increase the RCMP contract budget by a corresponding amount, with any resulting RCMP budget shortfalls being funded through reserves accumulated from RCMP annual contract surpluses; and,
3. direct the RCMP to work with the CAO regarding work planning priorities.

The motion carried unanimously.

S. Snelgrove vacated the Douglas Rispin Room at 6:48 p.m.  
Councillor Brennan entered the Douglas Rispin Room at 6:50 p.m.

Council Resolution re: Rise and Report

08816 It was moved and seconded that Council authorize release of the information contained in the report with the exception of those areas underlined. The motion carried unanimously.

6. ADMINISTRATION:

- (a) "In Camera" Meeting Release – Council/Committee of the Whole Meetings held 2015-NOV-01 – 2016-JAN-31

08916 It was moved and seconded that Council table consideration of the "In Camera" Meeting Release – Council/Committee of the Whole Meetings held 2015-NOV-01 – 2016-JAN-31 report until the 2016-MAR-21 Special "IC" Council Meeting. The motion carried unanimously.

7. ADJOURNMENT:

09016 It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-MAR-21, AT 4:30 P.M. AND TUESDAY, 2016-MAR-22 AT 2:20 P.M., CITY HALL  
TRAINING ROOM, 455 WALLACE STREET, NANAIMO, BC

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PRESENT: His Worship Mayor W. B. McKay, Chair (vacated 10:08 p.m.)  
Acting Mayor J. Hong (assumed Chair at 10:08 p.m.)

Members: Councillor W. L. Bestwick  
Councillor G. W. Fuller  
Councillor J. A. Kipp (vacated 2016-MAR-22 at 3:17 p.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe (on 2016-MAR-22 arrived at 2:45 p.m.)  
Councillor W. M. Yoachim (vacated 2016-MAR-22 at 3:16 p.m.)

Absent: Councillor M. D. Brennan

Staff: T. Samra, Chief Administrative Officer (arrived 4:42 p.m.)  
G. Goodall, Director of Engineering & Public Works (vacated 5:41 p.m.)  
D. Lindsay, Director of Community Development (vacated 5:41 p.m.)  
V. Mema, Director of Finance (vacated 5:41 p.m.)  
S. Samborski, Director of Culture, Heritage & Strategic Relationships  
(vacated 5:41 p.m.)  
C. Jackson, Manager of Legislative Services (vacated 6:26 p.m., returned  
10:08 p.m., vacated 10:09 p.m.)  
S. Snelgrove, Recording Secretary (vacated 6:26 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:36 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Reorder Agenda to:
  - (a) Strategic Planning "Blueprint"
  - (b) Capital Projects Prioritization
  - (c) Release of "In Camera" Meeting Information from 2015-NOV-01 to 2016-JAN-31 – Council and Committee of the Whole
  - (d) Port Theatre Society
  - (e) Advisory Committee/Commission Minutes
- (b) Agenda Item 3 (a) Strategic Planning "Blueprint" – Add presentation from Ms. Suzanne Samborski, Director of Culture, Heritage & Strategic Relationships.
- (c) Agenda Item 3 (d) Add Port Theatre Society.
- (d) Agenda Item 3 (f) Add Committee Appointments.
- (e) Agenda Item 3 (g) Add Request for Information held by Mayor.

(f) Agenda Item 3 (h) Add Meeting Recess at 6:45 p.m.

3. ADOPTION OF AGENDA:

09116 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

09216 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-NOV-02 at 5:30 p.m. in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC.
- Minutes of the "In Camera" Committee of the Whole Meeting held Monday, 2016-FEB-22 at 9:29 p.m. in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

T. Samra entered the Douglas Rispin Room at 4:42 p.m.

5. REPORTS:

(a) Strategic Planning "Blueprint"

Presentation:

1. Ms. Suzanne Samborski, Director of Culture, Heritage & Strategic Relationships.

09316 It was moved and seconded that Council approve in principle the integrated planning model and Council 2016-2018 Blueprint next steps as presented in the Strategic Planning Blueprint presentation. The motion carried unanimously.

(b) Capital Projects Prioritization

Presentation:

1. Mr. D. Lindsay, Director of Community Development.

09416 It was moved and seconded that Council receive the presentation regarding Capital Projects Prioritization. The motion carried unanimously.

G. Goodall, D. Lindsay, V. Mema and S. Samborski vacated the Douglas Rispin Room at 5:41 p.m.

(c) Release of "In Camera" Meeting Information from 2015-NOV-01 to 2016-JAN-31 – Council and Committee of the Whole

Council discussion took place regarding the release of "In Camera" Meeting information from 2015-NOV-01 to 2016-JAN-31 Council and Committee of the Whole.

(d) Advisory Committee/Commission Minutes

- "In Camera" Core Services Review Steering Committee Meeting held 2016-JAN-18.

C. Jackson and S. Snelgrove vacated the Douglas Rispin Room at 6:26 p.m.

(e) Recess and Reconvene

The Special "In Camera" Council Meeting recessed at 6:55 p.m. with the intention to reconvene after the Regular Open Council Meeting.

The Special "In Camera" Council Meeting reconvened at 10:08 p.m.

Mayor McKay vacated the Chair and Douglas Rispin Room at 10:08 p.m.

Acting Mayor J. Hong assumed Chair at 10:08 p.m.

C. Jackson vacated the Douglas Rispin Room at 10:09 p.m.

(f) Committee Appointments

09516 It was moved and seconded that Mayor McKay be removed from the Protocol Agreement Working Group committee for the remainder of 2016. The motion carried unanimously.

09616 It was moved and seconded that Councillor Pratt be appointed to the Protocol Agreement Working Group committee for the remainder of 2016. The motion carried unanimously.

09716 It was moved and seconded that Mayor McKay be removed from the Tripartite Liaison Committee among Snuneymuxw First Nation, the Nanaimo Port Authority and the City of Nanaimo for the remainder of 2016. The motion carried unanimously.

09816 It was moved and seconded that Councillor Pratt be appointed to the Tripartite Liaison Committee among Snuneymuxw First Nation, the Nanaimo Port Authority and the City of Nanaimo for the remainder of 2016. The motion carried unanimously.

09916 It was moved and seconded that Mayor McKay be removed from the Nanaimo Port Authority and City of Nanaimo working committee for the remainder of 2016. The motion carried unanimously.

10016 It was moved and seconded that Councillors Yoachim and Bestwick be appointed to the Nanaimo Port Authority and City of Nanaimo working committee for the remainder of 2016 and that Councillor Thorpe be appointed as an alternate. The motion carried unanimously.

10116 It was moved and seconded that Council direct the Chief Administrative Officer to obtain legal review on certain expenditures incurred by Mayor McKay for 2015 and 2016 and that Council direct the CAO to obtain legal advice on the allegations of misconduct of the Mayor. The motion carried unanimously.

10216 It was moved and seconded that Council direct the Mayor to communicate the legal advice obtained from lawyers between December 2015 and March 2016 to Council as previously requested by email and motion. The motion carried unanimously.

(g) Recess and Reconvene:

10316 It was moved and seconded that Council recess the Special "In Camera" Meeting at 6:55 p.m. with the intention to reconvene on Tuesday, 2016-MAR-22 at 2:00 p.m. in the Mayor's Office. The motion carried unanimously.

By unanimous consent the Special "In Camera" Council Meeting reconvened on Tuesday, 2016-MAR-22 at 2:20 p.m. in the City Hall Training Room.

(h) Request for Information Held By Mayor

10416 It was moved and seconded that Council confirms that all information requests from Mayor McKay be received by Council by Thursday, 2016-MAR-24. The motion carried unanimously.

Councillor Thorpe entered the City Hall Training Room at 2:45 p.m.

10516 It was moved and seconded that Council release to the public the new Council appointments to the Tripartite, NPA/City, and Protocol Agreement Working Group. The motion carried unanimously.

Councillor Yoachim vacated the City Hall Training Room at 3:16 p.m.  
Councillor Kipp vacated the City Hall Training Room at 3:17 p.m.

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[Note: Due to time constraints the Port Theatre Society will be considered at a future "In Camera" Meeting.]

6. ADJOURNMENT:

10716 It was moved and seconded at 3:29 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ACTING MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
DEPUTY CORPORATE OFFICER



**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-APR-04, AT 5:00 P.M.

---

PRESENT: Acting Mayor J. Hong, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan (vacated 6:57 p.m.)  
Councillor G. W. Fuller  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 5:21 p.m.)

Absent: His Worship Mayor W. B. McKay

Staff: T. Samra, Chief Administrative Officer  
T. P. Seward, Director of Social and Protective Services (arrived 6:16 p.m. vacated 6:26 p.m.)  
J. Horn, Social Planner (arrived 6:16 p.m. vacated 6:26 p.m.)  
D. Lindsay, Director of Community Development (arrived 5:55 p.m. vacated 6:14 p.m.)  
B. Corsan, Manager of Real Estate (arrived 5:55 p.m. vacated 6:14 p.m.)  
C. Jackson, Manager of Legislative Services (vacated 6:27 p.m.)  
S. Snelgrove, Recording Secretary (vacated 6:27 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:07 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 3 (d) Nanaimo Aboriginal Centre Affordable Housing Project 1406 Bowen Road and reorder *Community Charter* Duties to Agenda Item 3 (e).
- (b) Reorder Agenda to read:
  - 3 (a) Port Theatre Society Community Performing Arts Centre Project
  - 3 (b) Release of "In Camera" Meeting Information from 2015-NOV-01 to 2016-JAN-31 – Council and Committee of the Whole
  - 3 (c) Property Disposition – 1900 and 2200 Labieux Road
  - 3 (d) Nanaimo Aboriginal Centre Affordable Housing Project 1406 Bowen Road
  - 3 (e) *Community Charter* Duties

3. ADOPTION OF AGENDA:

10816 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

10916 It was moved and seconded that the following Minutes be adopted as circulated:

- Special "In Camera" Meeting of Council held Monday, 2015-FEB-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC;
- Special "In Camera" Meeting of Council held Monday, 2016-FEB-29 at 2:00 p.m. in the Board Room, City of Nanaimo Service & Resource Centre, 411 Dunsmuir Street, Nanaimo, BC;
- Special "In Camera" Meeting of Council held Tuesday, 2016-MAR-01 at 4:02 p.m. in the Training Room, City Hall, 455 Wallace Street, Nanaimo, BC; and,
- Special "In Camera" Meeting of Council held Monday, 2016-MAR-07 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

5. REPORTS:

(a) Port Theatre Society Community Performing Arts Centre Project

By unanimous consent Council determined that this item will be considered at the 2016-APR-04 Open Council Meeting.

Councillor Yoachim entered the Douglas Rispin Room at 5:21 p.m.

(b) Release of "In Camera" Meeting Information from 2015-NOV-01 to 2016-JAN-31 – Council and Committee of the Whole

11016 It was moved and seconded that Council release Council and Committee of the Whole "In Camera" minutes from 2015-NOV-01 to 2016-JAN-31 in accordance with the following:

- Redact all text from all minutes that are related to the "Oceanview Access" matter, with the exception of the heading itself which is released;
- Redact the six bullets from the "Interim City Manager" motion in the November 15, 2016 minutes;
- Redact all references of the proponent as related to "100 Gordon Street";

- Redact all references to \_\_\_\_\_ associated text including \_\_\_\_\_
- Redact the text related to Correspondence for items related to \_\_\_\_\_
- Redact “ THAT Council directs staff to obtain confirmation of \_\_\_\_\_ from the \_\_\_\_\_ motion in the November 30, 2015 minutes;
- Redact “It was moved and seconded that Council table adoption of the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-NOV-02 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC until Staff have \_\_\_\_\_ The motion carried unanimously.” motion in the December 7, 2016 minutes;
- Redact \_\_\_\_\_

- Redact \_\_\_\_\_
- Redact all text stating \_\_\_\_\_ and \_\_\_\_\_ minutes;
- Redact from the following from the January 14, 2016 minutes:
  - “Notice of Motion  
Councillor Kipp advised that he will be bringing forward the following Notice of Motion for consideration at the 2016-~~IAN-18~~ “In Camera” Council Meeting:



- i. that the Mayor cover all costs for his personal actions outside the scope of his role as Mayor, in terms of legal advice

The motion carried.

Opposed: Councillor Brennan “

- Redact the following from the January 25, 2016 minutes:

The motion carried unanimously.

B. Corsan and D. Lindsay entered the Douglas Rispin Room at 5:55 p.m.

(c) Property Disposition – 1900 and 2200 Labieux Road

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

11116 It was moved and seconded that Council:

1. approve in principle to dispose 1.02 ha (2.53 acres) of City-owned property located at 1900 and 2200 Labieux Road to Bowen Road Developments Ltd. for the sum of \$1,325,000; and,
2. direct Staff to return to an upcoming Open Council meeting once the Purchase and Sale Agreement has been executed by Bowen Road Developments Ltd.

The motion carried unanimously.

B. Corsan and D. Lindsay vacated the Douglas Rispin Room at 6:14 p.m.

J. Horn and T. Seward entered the Douglas Rispin Room at 6:16 p.m.

(d) Nanaimo Aboriginal Centre Affordable Housing Project 1406 Bowen Road

11216 It was moved and seconded that Council:

1. approve in principle the disposition of 1406 Bowen Road to the Nanaimo Aboriginal Centre for \$1 subject to a performance caveat inclusive of a buyback option that stipulates construction of the proposed development must commence within 3 years, prior to 2019-APR-04;
2. direct Staff to prepare an Offer to Purchase with the Nanaimo Aboriginal Centre and return to Council for approval;
3. direct Staff to publish a notice of disposition in the local newspaper as required under Section 94 of the *Community Charter*;
4. direct Staff to return to an upcoming open Council meeting for approval when the Offer to Purchase and Notice of Disposition are complete; and,
5. approve the 50% reduction of Development Cost Charges for the proposed development at 1406 Bowen Road as per "Bylaw to Reduce Development Cost Charges (Not-for-Profit Rental Housing) Bylaw 2008 No. 7082" with the remaining 50% of Development Cost Charges applicable to that development to be funded from the Housing Legacy Reserve Fund.

The motion carried unanimously.

J. Horn and T. Seward vacated the Douglas Rispin Room at 6:26 p.m.

C. Jackson and S. Snelgrove vacated the Douglas Rispin Room at 6:27 p.m.

Councillor Brennan vacated the Douglas Rispin Room at 6:57 p.m.

The Special "In Camera" meeting recessed at 6:58 p.m.

11316 It was moved and seconded that the Special "In Camera" meeting reconvene at 11:12 p.m. The motion carried unanimously.

(e) Community Charter Duties

11416 It was moved and seconded that Council direct the Chief Administrative Officer to provide Council with a copy of the letter from Mayor McKay to Ms. Heather McKenzie and Mr. Ted Swabey. The motion carried unanimously.

11516 It was moved and seconded that Council redact "March 31" from the letter from Mayor McKay to Ms. Heather McKenzie and Mr. Ted Swabey. The motion carried unanimously.

T. Samra vacated the Douglas Rispin Room at 11:19 p.m.

6. ADJOURNMENT:

11716           It was moved and seconded at 11:20 p.m. that the "In Camera" Meeting terminate.  
                  The motion carried unanimously.

\_\_\_\_\_  
ACTING MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-APR-18, AT 5:01 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (entered 5:05 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor W. M. Yoachim (entered 5:23 p.m.)

Absent: Councillor I. W. Thorpe

Staff: T. Samra, Chief Administrative Officer  
G. Goodall, Director of Engineering & Public Works (vacated 5:31 p.m.)  
D. Lindsay, Director of Community Development (vacated 5:31 p.m.)  
P. Rosen, Senior Manager of Engineering (vacated 5:31 p.m.)  
D. Smith, Dep. Corporate Officer/Recording Secretary (vacated 6:32 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. ADOPTION OF AGENDA:

11816 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

11916 It was moved and seconded that Council postpone consideration of adoption of the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-MAR-21 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, until they are amended to reflect all recess and reconvene times. The motion carried unanimously.

Councillor Bestwick entered the Douglas Rispin Room at 5:05 p.m.



4. CORPORATE SERVICES:

(a) Advisory Committee/Commission Minutes

12016 It was moved and seconded that Council receive for information the Minutes of the "In Camera" City Manager Selection Committee Meeting held 2016-JAN-11. The motion carried unanimously.

5. COMMUNITY SERVICES:

(a) Chase River Trunk Sewer Diversion Pump Station

Councillor Yoachim entered the Douglas Rispin Room at 5:23 p.m.

12116 It was moved and seconded that Council postpone consideration of the Chase River Trunk Sewer Diversion Pump Station until Staff prepare a report providing additional information including options for other locations and associated costs. The motion carried unanimously.

D. Lindsay, G. Goodall and P. Rosen vacated the Douglas Rispin Room at 5:31 p.m.

6. OTHER BUSINESS:

By unanimous consent, Council agreed to change the order of the agenda and consider Item No. 11(b) prior to 11(a).

(b) Community Charter Duties

T. Samra provided Council with a verbal update regarding outstanding requests for information from Mayor McKay.

Mayor McKay vacated the Chair and the Douglas Rispin Room at 6:11 p.m.  
Councillor Hong assumed the Chair.  
Mayor McKay returned to the Douglas Rispin Room at 6:16 p.m.

D. Smith vacated the Douglas Rispin Room at 6:32 p.m.

7. ADJOURNMENT:

12316 It was moved and seconded at 6:50 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
DEPUTY CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-MAY-02, AT 5:00 P.M.

---

PRESENT: Acting Mayor W. M. Yoachim, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe

Absent: Mayor W. B. McKay

Other:

Staff: G. Goodall, Director of Engineering & Public Works (arrived at 6:07 p.m.)  
D. Lindsay, Director of Community Development (arrived at 6:07 p.m.)  
V. Mema, Director of Finance (arrived at 5:02 p.m., vacated at 5:30 p.m.)  
M. Dietrich, Manager of Police Support Services (arrived at 5:37 p.m.; vacated at 6:07 p.m.)  
R. Davidson, A/Manager of Bylaw, Regulation and Security (arrived at 5:37 p.m.; vacated at 6:07 p.m.)  
L. Mercer, Manager of Accounting Services (arrived at 5:02 p.m., vacated at 5:30 p.m.)  
P. Stewart, Manager of Engineering Projects (arrived at 6:07 p.m.)  
D. Smith, A/Manager of Legislative Services  
P. Humphreys, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. ADOPTION OF AGENDA:

12416 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

12516 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-MAR-21 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, and Tuesday, 2016-MAR-22 at 2:20 p.m., City Hall Training Room, 455 Wallace Street, Nanaimo, BC. be adopted as circulated. The motion carried unanimously.

V. Mema, L. Mercer, and entered the Douglas Rispin Room at 5:02 p.m.

4. PRESENTATIONS:

(a) 2015 Annual Financial Statements – Auditor's Report

Presentation:

1. Ms. Nancy Adie-McKay, KPMG, reported that no significant discrepancies were found in the City of Nanaimo's 2015 Annual Financial Statements and that a clean audit report has been issued.

12616 It was moved and seconded that Council receive the presentation from Ms. Nancy Adie-McKay, KPMG. The motion carried unanimously.

L. Mercer and V. Mema vacated the Douglas Rispin Room at 5:30 p.m.

Ms. Adie-McKay responded to questions from Council regarding the audit of the 2015 Annual Financial Statements.

12716 It was moved and seconded that Council receive the additional presentation from Ms. Nancy Adie-McKay, KPMG. The motion carried unanimously.

N. Adie-McKay vacated the Douglas Rispin Room at 5:36 p.m.

M. Dietrich and R. Davidson entered the Douglas Ripsin Room at 5:37 p.m.

5. COMMUNITY SERVICES:

(a) Renewal of Central Island Emergency Services Communications Agreement

12816 It was moved and seconded that Council approve the renewal of the Central Island Emergency Services Communications Partnership agreement and direct Staff to execute the agreement as attached to the Staff Report. The motion carried unanimously.

Council Resolution re: Rise and Report

12916 It was moved and seconded that Council instruct Staff to release information upon conclusion of successful negotiations and renewal of the Central Island Emergency Services Communications Partnership agreement. The motion carried unanimously.

(b) Coast Hotel Parking Review

13016 It was moved and seconded that Council direct Staff to inform the Coast Bastion Hotel that the parking agreement will not be renewed in its current form and that a new parking arrangement with the Coast Bastion Hotel will be implemented. The motion carried unanimously.

13116 It was moved and seconded that Council instruct Staff to advise the Coast Bastion Hotel that the City will discontinue the parking arrangement with the hotel and that guests be directed to the Harbour Front Parkade for parking if required. The motion carried unanimously.

Council Resolution re: Rise and Report

13216 It was moved and seconded that Council direct Staff to release information for the purpose of conducting negotiations, and upon successful completion of negotiations release the report. The motion carried unanimously.

R. Davidson and M. Dietrich vacated the Douglas Rispin Room at 6:07 p.m.

G. Goodall, P. Stewart and D. Lindsay entered the Douglas Rispin Room at 6:08 p.m.

6. ADJOURNMENT:

13516           It was moved and seconded at 6:31 p.m. that the "In Camera" Meeting terminate.  
                  The motion carried unanimously.

\_\_\_\_\_  
ACTING MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
DEPUTY CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-MAY-16, AT 5:00 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller (vacated at 6:30 p.m.)  
Councillor J. Hong (joined via telephone; disconnected at 7:02 p.m.)  
Councillor J. A. Kipp (vacated at 6:30 p.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe (vacated at 7:01 p.m.)  
Councillor W. M. Yoachim (arrived at 5:04 p.m.; vacated at 7:01 p.m.)

Staff: T. Samra, Chief Administrative Officer (vacated at 6:29 p.m.)  
J. Van Horne, Director of Human Resources (arrived at 6:29 p.m.)  
C. Sholberg, A/Director, Strategic Relations, Culture and Heritage  
(arrived at 5:03 p.m.; vacated at 5:53 p.m.)  
S. Gurrie, Claims/FOI Coordinator (vacated at 6:05 p.m.)  
D. Smith, Deputy Corporate Officer (vacated at 6:05 p.m.)  
P. Humphreys, Recording Secretary (vacated at 6:05 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Item 2(a) Strategic Planning "Blueprint" – add (i) Strategic Plan Update: Blueprint and presentation.

(b) Add Item 2(d)

3. ADOPTION OF AGENDA:

13616 It was moved and seconded that Council adopt the Agenda, as amended. The motion carried unanimously.

C. Sholberg entered the Douglas Rispin Room at 5:03 p.m.

Councillor Yoachim entered the Douglas Rispin Room at 5:04 p.m.

4. REPORTS:

(a) Strategic Planning "Blueprint"

The Chief Administrative Officer presented a draft report outlining proposed strategic priorities for the period 2016-2018.

13716 It was moved and seconded that Council receive for information the report and presentation from the Chief Administrative Officer regarding the Strategic Planning "Blueprint". The motion carried unanimously.

13816 It was moved and seconded that Council direct Staff to:

1. organize a meeting as soon as possible for Council to further review the Strategic Planning "Blueprint" with Staff available as resources; and,
2. prepare a report identifying the status of goals from the 2012-2015 Strategic Plan as completed, in progress, or not started.

The motion carried unanimously.

(b) Release of 2015 "In Camera" Meeting Information – Second and Third Quarter Report (April 13 – October 31)

13916 It was moved and seconded that Council:

1. direct Staff to release in whole or in part, the 2015 second and third quarter (April 13 – October 31) Council and Committee of the Whole "In Camera" agendas, reports and minutes, by publishing on the City's website the items identified in Attachment 'A' of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy "*Routine Release of "In Camera" Resolutions and Related Reports and Information*";
2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,
3. direct Staff to place the released report on a future Regular Open Council Agenda.

The motion carried unanimously.

Council Resolution re: Rise and Report

14016 It was moved and seconded that Council direct Staff to include an information report on an upcoming open Council meeting agenda, advising of the release of the "In Camera" information from the 2015 second and third quarter (April 13 – October 31) Council and Committee of the Whole meetings. The motion carried unanimously.

C. Sholberg vacated the Douglas Rispin Room at 5:53 p.m.

By unanimous consent, Council agreed to change the order of agenda items and consider Item 2(d) Legal Advice. prior to Item 2(c) Human Resources



D. Smith, S. Gurrie, and P. Humphreys vacated the Douglas Rispin Room at 6:05 p.m.

RECESS AND RECONVENE

By unanimous consent, Council recessed the meeting at 6:06 p.m. with the intention to reconvene after a short refreshment break.

By unanimous consent, Council reconvened the meeting at 6:29 p.m.

T. Samra vacated the Douglas Rispin Room at 6:29 p.m.

J. Van Horne entered the Douglas Rispin Room at 6:29 pm.

Councillor Kipp and Councillor Fuller vacated the Douglas Rispin Room at 6:30 p.m.

(c) Human Resources Legal Advice

John Van Horne, Director of Human Resources, provided information regarding legal advice for a Human Resources issue.

Councillor Thorpe and Councillor Yoachim vacated the Douglas Rispin Room at 7:01 p.m.

Councillor Hong disconnected from the meeting by phone at 7:02 p.m.

Quorum was lost at 7:02 p.m.

5. ADJOURNMENT:

The Special "In Camera" meeting was terminated due to loss of quorum at 7:02 p.m.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**"IN CAMERA" MINUTES**  
COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-MAY-30 AT 7:36 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer (via telephone at 7:39 p.m.)  
G. Goodall, Director of Engineering & Public Works (vacated 8:15 p.m.)  
D. Lindsay, Director of Community Development (arrived 8:15 p.m.)  
V. Mema, Director of Finance  
S. Gurrie, A/Manager of Legislative Services  
D. Stennes, Steno  
S. Snelgrove, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:36 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

T. Samra joined the meeting via telephone at 7:39 p.m.

3. REPORTS

(a) Lantzville/Nanaimo Water Agreement

It was moved and seconded that Council accept the District of Lantzville's request to renegotiate the Lantzville/Nanaimo Water agreement. The motion carried unanimously.

G. Goodall vacated the Douglas Rispin Room at 8:15 p.m.

D. Lindsay entered the Douglas Rispin Room at 8:15 p.m.

(b) Passenger Foot Ferry Service – Technical Advisory Group – Terms of Reference

It was moved and seconded that Council approve the Passenger Foot Ferry Technical Advisory Group Terms of Reference as presented and amend the Letter of Intent accordingly. The motion carried.

Opposed: *Mayor McKay*

Council Resolution re: Rise and Report

It was moved and seconded that Council release the Passenger Foot Ferry Service – Technical Advisory Group – Terms of Reference information once the Nanaimo Port Authority Board of Directors has provided their approval for the Terms of Reference. The motion carried unanimously.

4. ADJOURNMENT:

It was moved and seconded at 8:28 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUN-06, AT 5:00 P.M.

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PRESENT: Acting Mayor W. M. Yoachim, Chair

Members: Councillor W. L. Bestwick (entered 5:03 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp (vacated 6:39 p.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe

Absent: Mayor W. B. McKay

Staff: T. Samra, Chief Administrative Officer  
J. Van Horne, Director of Human Resources (entered 5:05 p.m., vacated 6:19 p.m.)  
B. Corsan, Manager of Real Estate (entered 6:39 p.m.)  
S. Gurrie, A/Manager of Legislative Services  
D. Smith, Recording Secretary  
D. Stennes, Steno, Legislative Services

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

Councillor Bestwick entered the Douglas Rispin Room at 5:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Item 3(b) – Human Resources Update - Personnel Issues
- (b) Remove Item 4(a) – Governance – Committee Structure
- (c) Add new Item 4(a) – Rogers Hometown Hockey Event

3. ADOPTION OF AGENDA:

11816 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

11916 It was moved and seconded that the following minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-APR-18 at 5:01 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street.
- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-MAY-02 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

S. Gurrie, D. Smith, and D. Stennes vacated the Douglas Rispin Room at 5:05 p.m.  
J. Van Horne entered the Douglas Rispin Room at 5:05 p.m.

5. ADMINISTRATION:

(a) Organizational Alignment

T. Samra provided a verbal update regarding organizational alignment.

12016 It was moved and seconded that Council receive Ms. T. Samra's verbal update regarding organizational alignment. The motion carried unanimously.

(b) Human Resources Update – Personnel Issues

J. Van Horne provided a verbal update regarding personnel issues.

12116 It was moved and seconded that Council receive Mr. J. Van Horne's verbal update regarding personnel issues. The motion carried unanimously.

J. Van Horne vacated the Douglas Rispin Room at 6:19 p.m.  
S. Gurrie, D. Smith, and D. Stennes returned to the Douglas Rispin Room at 6:19 p.m.

6. REPORTS:

(a) Rogers Hometown Hockey Event

12216 It was moved and seconded that Council authorize Staff to complete the Letter of Agreement related to the Rogers Hometown Hockey event which will include wording that states 'mutually agreeable' sites will be selected for the festival site and/or arena; and, that once the sites are selected and after a second visit from Rogers' technical team, Rogers will provide an Addendum stating the sites. The motion carried unanimously.

12316 It was moved and seconded that Council appoint Councillor Bestwick as the Council lead for the Rogers Hometown Hockey event planning. The motion carried unanimously.

(b) Advisory Committee/Commission Minutes

12416 It was moved and seconded that Council receive for information the following Minutes:

- Special "In Camera" Core Services Review Steering Committee Meeting held 2016-MAR-07; and,
- Special "In Camera" Core Services Review Steering Committee Meeting held 2016-APR-13.

The motion carried unanimously.

B. Corsan entered the Douglas Rispin Room at 6:39 p.m.  
Councillor Kipp vacated the Douglas Rispin Room at 6:39 p.m.

(c) RCMP Occupancy Agreement – 303 Prideaux Street

Acting Mayor Yoachim vacated the Chair and the Douglas Rispin Room at 6:48 p.m.  
Councillor Pratt assumed the Chair.  
Acting Mayor Yoachim returned to the Douglas Rispin Room and resumed the Chair at 6:49 p.m.

12516 It was moved and seconded that Council approve the new RCMP Occupancy Agreement for 303 Prideaux Street and direct Staff to execute the agreement. The motion carried unanimously.

Council Resolution re: Rise and Report

12616 It was moved and seconded that Council release the RCMP Occupancy Agreement – 303 Prideaux Street report once approved by Council, with the exception of Schedule "A" Site Plan. The motion carried unanimously.

7. ADJOURNMENT:

12716 It was moved and seconded at 6:52 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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ACTING MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUN-13, AT 5:00 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (arrived 5:04 p.m. )  
Councillor M. D. Brennan (vacated 6:03 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe

Absent: Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer  
S. Gurrie, A/Manager of Legislative Services (vacated 6:01 p.m.)  
D. Stennes, Steno, Legislative Services (vacated 6:01 p.m.)  
S. Snelgrove, Recording Secretary (vacated 6:01 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 2 (b)

Councillor Bestwick entered the Douglas Rispin Room at 5:04 p.m.

3. ADOPTION OF AGENDA:

12816 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried.  
Opposed: Councillor Brennan

4. REPORTS:

(a) Governance – Committee Structure

S. Gurrie, S. Snelgrove and D. Stennes vacated the Douglas Rispin Room at 6:01 p.m.

Councillor Brennan vacated the Douglas Rispin Room at 6:03 p.m.

12916 It was moved and seconded that Council receive for information the Council Committee Restructure report. The motion carried unanimously.

(c) Advisory Committee/Commission Minutes

- Special "In Camera" Core Services Review Steering Committee Meeting held 2016-MAY-27.

5. ADJOURNMENT:

13116 It was moved and seconded at 6:49 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER



**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUN-20 AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe

Absent: Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer (vacated 6:29 p.m.)  
D. Lindsay, Director of Community Development (arrived 5:01 p.m.,  
vacated 5:51 p.m.)  
V. Mema, Director of Finance (arrived 5:59 p.m., vacated 6:29 p.m.)  
J. Van Horne, Director of Human Resources (arrived 5:59 p.m.)  
S. Gurrie, A/Manager of Legislative Services  
S. Snelgrove, A/Steno Coordinator, Legislative Services (vacated  
6:35 p.m.)  
D. Stennes, Recording Secretary (vacated 6:35 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 3 (b) Nanaimo Port Authority and City of Nanaimo Liaison Committee for Fast Ferry – remove "Purpose" and add Verbal Update from Chief Administrative Officer Tracy Samra.
- (b)
- (c) Agenda Item 3 (d) Committees – Terms of Reference – add "Council Committee Restructure" report.

3. ADOPTION OF AGENDA:

13216 It was moved and seconded that Council, in accordance with Section 90(1) (n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

4. ADOPTION OF MINUTES:

13316 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-APR-04 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.
- Minutes of the "In Camera" Committee of the Whole Meeting held Monday, 2016-MAY-30 at 7:36 p.m. in the Douglas Rispin Room, Vancouver Conference Centre, 80 Commercial Street, Nanaimo, BC.
- Minutes of the Special "In Camera" Council Meeting held Monday, 2016-JUN-06 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

5. REPORTS

(a) Nanaimo Yacht Club (NYC) – Lease Renewal Update

13416 It was moved and seconded that Council receive for information the Nanaimo Yacht Club lease renewal update. The motion carried unanimously.

(b) Nanaimo Port Authority and City of Nanaimo Liaison Committee for the Passenger Foot Ferry Service

- D. Lindsay, Director of Community Development, provided a verbal update.

13516 It was moved and seconded that Council direct Staff to expand the Letter of Intent to include Snuneymuxw First Nation on the Liaison Committee through the Terms of Reference. The motion carried unanimously.

13616 It was moved and seconded that Council direct Staff to recommend to the Nanaimo Port Authority that the City not include a third party member at large to sit on the Liaison Committee. The motion carried unanimously.

D. Lindsay, vacated the Douglas Rispin Room at 5:58 p.m.

J. Van Horne and V. Mema entered the Douglas Rispin Room at 5:59 p.m.

(c)

T. Samra and V. Mema vacated the Douglas Rispin Room at 6:29 p.m.

S. Snelgrove and D. Stennes vacated the Douglas Rispin Room at 6:35 p.m.

6. ADJOURNMENT:

13916 It was moved and seconded at 6:56 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUL-11, AT 5:00 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (via telephone 5:06 p.m.)  
Councillor M. D. Brennan (arrived 5:06 p.m.)  
Councillor G. W. Fuller (vacated 6:33 p.m.)  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor W. M. Yoachim

Absent: Councillor I.W. Thorpe

Staff: T. Samra, Chief Administrative Officer  
D. Lindsay, Director of Community Development (vacated 5:15 pm)  
B Sims, Manager Water Resources (arrived 5:15 p.m., vacated 5:28 p.m.)  
S. Gurrie, A (vacated 5:45 p.m.)  
D. Stevens, Sr. Applications Analyst (arrived 5:02 p.m., vacated 5:10 p.m.)  
S. Snelgrove, A/Steno Coordinator, Legislative Services (vacated 5:45 p.m.)  
D. Stennes, Recording Secretary (vacated 5:45 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:06 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (b) Add Agenda Item 3(c) Nanaimo Economic Development Corporation:
- i. Tax Agreement
  - ii. Shareholder

3. ADOPTION OF AGENDA:

14016 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

14116 It was moved and seconded that the following minutes be adopted as circulated:

- Special "In Camera" Meeting of Council held Monday, 2016-JUN-13 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.
- Special "In Camera" Meeting of Council held Monday, 2016-JUN-20 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

5. REPORTS:

(c) Nanaimo Economic Development Corporation

i. Tax Agreement

14416 It was moved and seconded that Council direct Staff to approach the author of the Nanaimo Hospitality Association notification document and determine whether they should appear at a future Council meeting. The motion carried unanimously.

14516 It was moved and seconded that Council be provided with a copy of the Nanaimo Hospitality Association notification document. The motion carried unanimously.

S. Gurrie, D. Stennes, and S. Snelgrove vacated the Douglas Rispin Room at 5:45 p.m.

ii. Shareholder

14616 It was moved and seconded that Council direct Mr. John Hankins, Chief Executive Officer of the Nanaimo Economic Development Corporation to provide a weekly update on key initiatives to the City of Nanaimo representative, Ms. Tracy Samra, Chief Administrative Officer. The motion carried.

*Opposed: Mayor McKay, Councillor Brennan*

S. Gurrie, D. Stennes, and S. Snelgrove returned to the Douglas Rispin Room at 6:32 p.m.

Councillor Fuller vacated the Douglas Rispin Room at 6:33 p.m.

6. ADJOURNMENT:

14716 It was moved and seconded at 6:34p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**"IN CAMERA" MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUL-18, AT 7:30 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (via telephone)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor W. L. Pratt (via telephone)  
Councillor W. M. Yoachim

Absent: Councillor Kipp  
Councillor Thorpe

Staff: T. Samra, Chief Administrative Officer  
Supt. M. Fisher, Officer in Charge, Nanaimo Detachment RCMP  
(entered 7:33 p.m., vacated at 8:27 p.m.)  
Insp. S. Rupp, Operations Officer, Nanaimo Detachment RCMP  
(entered 7:33 p.m., vacated at 8:27 p.m.)  
Insp. C. Miller, Operational Support, Nanaimo Detachment RCMP  
(entered 7:33 p.m., vacated at 8:27 p.m.)  
V. Mema, Chief Financial Officer (entered at 8:28 p.m., vacated at 8:50 p.m.)  
S. Gurrie, A/City Clerk  
D. Stennes, Recording Secretary  
J. Vanderhoef, Administration Support

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 7:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 3 (c) Water Supply Strategic Plan – Lantzville Water Agreement.

3. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1) (n) of the *Community Charter*, adopt the agenda as amended. The motion carried.  
Opposed: Councillor Fuller

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Committee of the Whole Meeting held Monday, 2015-MAY-30 at 7:36 p.m. in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. REPORTS:

(a) City of Nanaimo Annual Policing Priorities

It was moved and seconded that Council convene the Public Safety Committee as soon as possible to determine the City of Nanaimo's 2016/2017 policing priorities. The motion carried unanimously.

It was moved and second that Council receive the policing report presented by

V. Mema entered the Douglas Rispin Room at 8:28 p.m.

(b) Information Technology Services Review Results

It was moved and seconded that Council receive the Information Technology Department service review and direct the Chief Financial Officer to proceed with reviewing recommendations and implementing changes as necessary. The motion carried unanimously.

V. Mema vacated the Douglas Rispin Room at 8:50 p.m.

(c) Water Supply Strategic Plan – Lantzville Water Agreement

It was moved and seconded that Council:

1. send a letter to the District of Lantzville advising the City of Nanaimo will be undertaking a Nanaimo Water Supply Strategic Plan update prior to amending the Agreement and to invite them to participate in the Water Supply Advisory Committee meeting in August 2016;



The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 9:07 p.m. that the Special "In Camera" Committee of the Whole Meeting terminate. The motion carried unanimously.

It was moved and seconded at 9:08 p.m. that the Special Open Meeting terminated. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-JUL-25, AT 4:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller (entered 4:21 p.m.)  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer  
D. Lindsay, Director of Community Development (vacated 5:15 p.m.)  
J. Van Horne, Director of Human Resources (entered 5:16 p.m.,  
vacated 6:04 p.m.)  
B. Corsan, Manager, Real Estate (entered 4:10 p.m., vacated 4:50 p.m.)  
S. Gurrie, A/City Clerk (vacated 5:15 p.m.)  
D. Stennes, Recording Secretary (vacated 5:15 p.m.)  
J. Vanderhoef, Clerical Support (vacated 5:15 p.m.)

Others:

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 3 (b) Human Resources –
- (b) Agenda Item 4 (a) – Vancouver Island Conference Centre and Hotel Market Feasibility Studies – add delegation:

3. ADOPTION OF AGENDA:

14816 It was moved and seconded that Council, in accordance with Section 90(1) (n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

B. Corsan, I entered the Douglas Rispin Room at 4:10 p.m.

4. REPORTS

(a) Vancouver Island Conference Centre and Hotel Market Feasibility Studies

1. Ms. Fran Hohol, Senior Director and Mr. David Ferguson, Associate Director, of CBRE Limited, provided information from the report on the market and feasibility study findings in conjunction with assessing the viability of a potential hotel development adjacent to the Vancouver Island Conference Centre.

Delegation:

Mayor MacKay vacated the Chair and the Douglas Rispin Room at 5:00 p.m. Acting Mayor Pratt assumed the Chair.

Mayor MacKay returned to the Douglas Rispin Room and resumed the Chair at 5:03 p.m.

S. Gurrie, D. Stennes, and J. Vanderhoef vacated the Douglas Rispin Room at 5:15 p.m.

J. Van Horne entered the Douglas Rispin Room at 5:16 p.m.

(b) Human Resources –

J. Van Horne provided information regarding .:

Mayor McKay vacated the Douglas Rispin Room at 5:22 p.m. declaring a perceived conflict of interest related to .: Acting Mayor Pratt assumed the Chair.

J. Van Horne vacated the Douglas Rispin Room at 6:04 p.m.

Mayor McKay returned to the Douglas Rispin Room and resumed the Chair at 6:05 p.m.

entered the Douglas Rispin Room at 6:10 p.m.

5. PRESENTATIONS:

6. ADJOURNMENT:

14916 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-AUG-08, AT 4:30 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (vacated 6:45 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong (arrived 4:53 p.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (entered 4:37 p.m.)

Absent: Councillor J. A. Kipp

Staff: T. Samra, Chief Administrative Officer  
P. Rosen, A/Director of Engineering(entered 4:34 p.m., vacated 5:26 p.m.)  
B. Sims, Manager of Water Resources Manager (entered 4:34 p.m.,  
vacated 5:26 p.m.)  
S. Gurrie, A/City Clerk  
P. Humphreys, Recording Secretary (vacated 6:15 p.m.)  
J. Vanderhoef, Steno – Legislative Services (vacated 6:15 p.m.)

Other:

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Item 3 (c)
- (b) Remove as a reason to close the meeting *Community Charter* Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.
- (c) Add Agenda Item 3 (d) Council Appointments to Committees.

3. ADOPTION OF AGENDA:

15016 It was moved and seconded that Council, in accordance with Section 90(1) (n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

15116 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUL-11 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. REPORTS:

(b) Municipal and Regional District Tax – Discussion

Delegation:

The Mayor vacated the Douglas Rispin Room and the Chair at 5:41 p.m. Acting Mayor Brennan assumed the Chair.

Mayor McKay returned to the Douglas Rispin Room at 5:43 p.m. and resumed the Chair.

Councillor Yoachim vacated the Douglas Rispin Room at 6:13 p.m.

15316 It was moved and seconded that Council receive the delegation from  
The motion carried unanimously.

Councillor Thorpe vacated the Douglas Rispin Room at 6:15 p.m.

J. Vanderhoef and P. Humphreys vacated the Douglas Rispin Room at 6:15 p.m.

Councillor Thorpe and Councillor Yoachim returned to the Douglas Rispin Room at 6:15 p.m.

(c) Council Appointments to Committees

There was discussion about Council appointing three (3) members of Council to  
its Committees. No motion was made.

Councillor Bestwick vacated the Douglas Rispin Room at 6:45 p.m.

6. ADJOURNMENT:

15416 It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2016-AUG-15, AT 5:00 P.M.

---

PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (joined via telephone 5:16 p.m.)

Absent: Councillor J. A. Kipp

Staff: T. Samra, Chief Administrative Officer (arrived 5:17 p.m.)

M. Dietrich, Manager, Police Operational Services (vacated 6:38 p.m.)  
R. Davidson, Manager of Bylaw, Regulation & Security (vacated 6:36 p.m.)  
J. Elliot, A/Director of Public Works (arrived 6:38 p.m.)  
D. Duncan, Deputy Director, Financial Services (arrived 6:38 p.m.)  
C. Davis, Manager of Sanitation, Recycling and Public Works (arrived 6:38 p.m.)  
T. Rothoehler, Manager, IT Technical & Client Services  
S. Gurrie, A/City Clerk  
M. Brown, A/Steno  
J. Vanderhoef, Recording Secretary  
Others:  
Mr. B. Parker, Safer Nanaimo Advisory Committee  
Mr. B. Carter, Safer Nanaimo Advisory Committee  
Ms. I. Cooper, Safer Nanaimo Advisory Committee

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:11 p.m.

2. ADOPTION OF AGENDA:

15516 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.



T. Samara arrived at the City of Nanaimo Board Room at 5:17 p.m.

T. Rothoehler arrived in the City of Nanaimo Board Room at 5:40 p.m.

3. PRESENTATIONS:

15616 It was moved and seconded that Council adopt the City of Nanaimo's Annual Policing Priorities for 2016/2017 as listed below:

City of Nanaimo's Annual Policing Priorities for 2016/2017

1. Crime Prevention:
  - a. Mental Health Issues
  - b. Prolific Offender Management
  - c. Violence in Relationships
  - d. Drug Enforcement – Fentanyl Trafficking
  - e. Liquor Control Strategy
  - f. Sex Offence and Child Pornography Investigations
  - g. Drug Enforcement – Marijuana Dispensaries

2. Youth:

- a. Youth Intervention and Diversion
- b. Community Partnerships for the Empowerment of youth
- c. School Liaison program

3. Traffic:

- a. Detection and Prevention to Reduce Impaired Driving
- b. Vehicle Operational Safety
- c. Waterfront and Marine Safety.

The motion carried unanimously.

R. Davidson vacated the City of Nanaimo Board Room at 6:36 p.m.

C. Davis entered the City of Nanaimo Board Room at 6:38 p.m.

J. Elliot and D. Duncan entered the City of Nanaimo Board Room at 6:38 p.m.

M. Dietrich, vacated the City of Nanaimo Board Room at 6:38 p.m.

(b) Supply, Delivery and Distribution of Wheeled Carts

Presentation:

Charlotte Davis, Manager of Sanitation, Recycling and Public Works Administration.

15716 It was moved and seconded that Council receive for information the presentation regarding options for carts to be purchased for a new garbage, recycling and waste program. The motion carried unanimously.

D. Duncan and J. Elliot vacated the City of Nanaimo Board Room at 7:03 p.m.

C. Davis vacated the City of Nanaimo Board Room at 7:04 p.m.

4. ADJOURNMENT:

15816 It was moved and seconded at 7:05 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-SEP-12, AT 6:00 P.M.

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PRESENT: Councillor I. W. Thorpe, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan (arrived 6:03 p.m.)  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor W. M. Yoachim (arrived 6:05 p.m.)

Absent: Mayor W. B. McKay

Staff: T. Samra, Chief Administrative Officer  
J. Van Horne, Director of Human Resources  
S. Gurrie, A/City Clerk (vacated 6:10 p.m.)  
S. Snelgrove, A/FOI and Records Supervisor (vacated 6:10 p.m.)  
J. Vanderhoef, Recording Secretary (vacated 6:10 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 6:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

(c) Agenda Item 4 (c) – add verbal update from Ms. Tracy Samra, Chief Administrative Officer, regarding Nanaimo Economic Development Corporation.

3. ADOPTION OF AGENDA:

15916 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. PRESENTATIONS:

J. Vanderhoef, S. Snelgrove and S. Gurrie vacated the Douglas Rispin Room at 6:10 p.m.

(b) Litigation file

- Briefing by Ms. Tracy Samra, Chief Administrative Officer.

16116

The motion carried.

Opposed: *Councillor Fuller and Councillor Kipp*

(c) Update regarding the Nanaimo Economic Development Corporation.

Due to time constraints this item was not considered and will be brought forward to a future "In Camera" Meeting.

5. ADJOURNMENT:

16216 It was moved and seconded at 6:56 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
CHAIR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-SEP-19, AT 4:30 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt (arrived 4:31 p.m.)  
Councillor I. W. Thorpe

Absent: Councillor W. L. Bestwick  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer (arrived 4:31 p.m.)  
D. Lindsay, Director of Community Development (vacated 6:25 p.m.)  
R. Harding, Director of Parks and Recreation (arrived 4:37 p.m.)  
B. Corsan, Manager of Real Estate (arrived 4:37 p.m., vacated 4:50, entered 5:43 p.m. vacated 6:25 p.m.)  
G. Foy, Manager of Transportation (arrived 5:43 p.m., vacated 6:25 p.m.)  
B. Anderson, Manager of Community and Cultural Planning (arrived 5:43 p.m., vacated 6:25 p.m.)  
M. Waggoner, FOI Claims and Records Clerk (vacated 6:41 p.m.)  
S. Snelgrove, Recording Secretary (vacated 6:41 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Remove Agenda Item 4 (a) Multiplex Project – Overview and add Protocol Agreement Working Group (PAWG) Discussion.

3. ADOPTION OF AGENDA:

16316 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

Councillor Pratt and T. Samra entered the Douglas Rispin Room at 4:31 p.m.

4. ADOPTION OF MINUTES:

16416 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-JUL-25 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried.

*Opposed: Councillor Fuller*

16516 It was moved and seconded that the Minutes Special "In Camera" Meeting of Council held Monday, 2016-AUG-08 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

16616 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-AUG-15 at 5:00 p.m. in the City of Nanaimo Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

16716 It was moved and seconded that Council amend the agenda to reflect that at 6:00 p.m. T. Samra will provide a verbal update regarding the Nanaimo Economic Development Corporation. The motion carried unanimously.

B. Corsan, D. Lindsay and R. Harding entered the Douglas Rispin Room at 4:37 p.m.

5. REPORTS:

R. Harding vacated the Douglas Rispin Room at 4:48 p.m.

B. Corsan vacated the Douglas Rispin Room at 4:50 p.m.

6. PRESENTATIONS:

(a) Protocol Agreement Working Group (PAWG) Discussion

Council discussion took place regarding the activities of PAWG.

G. Foy, B. Anderson and B. Corsan entered the Douglas Rispin Room at 5:43 p.m.

17216 It was moved and seconded that Council receive a verbal update from Councillors' Pratt, Fuller and Kipp regarding the activities of the Protocol Agreement Working Group. The motion carried unanimously.

(b) Port Drive Waterfront Master Plan Update

Presentation:

1. Bill Corsan, Bruce Anderson, Gordon Foy and Dale Lindsay.

17316 It was moved and seconded that Council direct Staff to schedule a full day Council session on all aspects of the Port Drive Waterfront Master Plan, including a detailed financial accounting of expenditures and expected costs. The motion carried unanimously

17416 It was moved and seconded that Council receive the presentation from Messrs. Corsan, Anderson, Foy and Lindsay. The motion carried unanimously.

D. Lindsay, G. Foy, B. Corsan and B. Anderson vacated the Douglas Rispin Room at 6:25 p.m.

(c) Nanaimo Economic Development Corporation (NEDC) Verbal Update

T. Samra distributed two presentations titled NEDC Governance Review: An Accountability Plan Strategy and WCM Core Service Review Implementation Options.

Verbal discussion took place regarding NEDC Governance Review: An Accountability Plan Strategy

M. Waggoner and S. Snelgrove vacated the Douglas Rispin Room at 6:41 p.m.

17516 It was moved and seconded that Council receive for information the presentation titled NEDC Governance Review: An Accountability Plan Strategy.



7. ADJOURNMENT:

17616 It was moved and seconded at 6:56 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-OCT-03, AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: Councillor W. L. Pratt

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer  
V. Mema, Director of Finance (arrived 5:18 p.m.)  
J. Van Horne, Director of Human Resources (vacated 5:17 p.m.)  
C. Sholberg, Community Heritage Planner (arrived 5:26 p.m.)  
P. Cooper, Communications Manager  
T. Loewen, Communications & Marketing Specialist (arrived 5:26 p.m.)  
J. Armstrong, City Clerk  
S. Gurrie, Deputy Corporate Officer  
S. Snelgrove, A/FOI and Records Supervisor (vacated 6:45 p.m.)  
J. Vanderhoef, Recording Secretary (vacated 6:45 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. ADOPTION OF AGENDA:

17716 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

3. ADOPTION OF MINUTES:

17816 It was moved and seconded that the Minutes of the Special "In Camera" Committee of the Whole Meeting held Monday, 2016-JUL-18 at 7:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

17916 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-SEP-12 at 6:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried.  
*Opposed: Councillor Fuller*

S. Snelgrove and J. Vanderhoef vacated the Douglas Rispin Room at 5:03 p.m.

4. REPORTS:

(a) Changes to Councillors' Office and Administrative Support

18016 It was moved and seconded that Council receive for information the report regarding Changes to Councillors' Office and Administrative Support. The motion carried unanimously.

(b) Human Resources Verbal Update

1. Mr. John Van Horne, Director of Human Resources.

18116 It was moved and seconded that Council receive for information the verbal update, regarding a personnel matter, from Mr. John Van Horne. The motion carried unanimously.

J. V. Horn vacated the Douglas Rispin Room at 5:17 p.m.

S. Snelgrove and J. Vanderhoef returned to the Douglas Rispin Room at 5:18 p.m.

V. Mema entered the Douglas Rispin Room at 5:18 p.m.

(c) Nanaimo Economic Development Corporation Partnering Agreement

P. Cooper, C. Sholberg and T. Loewen entered the Douglas Rispin Room at 5:26 p.m.

18216 It was moved and seconded that Council terminate the existing Partnering Agreement and approve in principle the proposed Partnering Agreement, as part of an accountability plan. The motion carried.  
*Opposed: Councillor Fuller*

18316 It was moved and seconded that Council work collaboratively with the Nanaimo Economic Development Corporation to finalize the Partnering Agreement that meets the statutory requirements for the City and its municipal corporation. The motion was defeated.  
*Opposed: Councillors Bestwick, Fuller, Kipp and Yoachim.*

S. Snelgrove and J. Vanderhoef vacated the Douglas Rispin Room at 6:45 p.m.

5. RECESS AND RECONVENE:

18416 It was moved and seconded that the "In Camera" Meeting recess at 6:58 p.m with the intention to reconvene at 10:30 p.m. The motion carried unanimously.

The "In Camera" Meeting reconvened at 10:36 p.m.

4. REPORTS (Continued)

(d) Core Service Nanaimo Economic Development Corporation Options

18516 It was moved and seconded that Council Wind-up Nanaimo Economic Development Corporation and explore options to deliver (1) economic development, and (2) tourism either in-house or through external providers. The motion was defeated.

Opposed: *Mayor McKay, Councillor's Brennan, Hong and Thorpe*

18616 It was moved and seconded that:

- i. the City deliver economic development services through the Nanaimo Economic Development Corporation and deliver tourism, destination marketing and conference marketing services through one or more alternative service providers;
- ii. Council direct Staff to implement an Accountability Strategy for the Nanaimo Economic Development Corporation, Vancouver Island Conference Centre and the Downtown Nanaimo Business Improvement Association as follows:
  - a. adopt a new Partnership Agreement that ensures compliance by the City and Nanaimo Economic Development Corporation with statutory obligations and strengthens corporate governance;
  - b. direct Staff to develop options to achieve administrative efficiencies and enhanced value for money among City funded entities, Nanaimo Economic Development Corporation, Vancouver Island Conference Centre and Downtown Nanaimo Business Improvement Association by October 31, 2016;
  - c. direct Staff to invite Nanaimo Economic Development Corporation, Vancouver Island Conference Centre and Downtown Nanaimo Business Improvement Association to present annual operating budgets at the Finance and Audit Committee by November 30, 2016; and,
  - d. direct Staff to propose 2017 funding levels for Nanaimo Economic Development Corporation, Vancouver Island Conference Centre and Downtown Nanaimo Business Improvement Association by November 30, 2016.
- iii. Council direct Staff to continue tourism and conference marketing stakeholder engagement and make recommendations on the delivery of tourism and conference marketing services by November 30, 2016.

The motion carried.

Opposed: *Councillors, Bestwick, Fuller, and Kipp*

ADJOURNMENT:

18716           It was moved and seconded at 11:16 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-OCT-24, AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer (arrived at 5:15 p.m.)  
D. Lindsay, Director of Community Development (arrived at 5:15 p.m.)  
J. Van Horne, Director of Human Resources  
R. J. Harding, Director of Parks and Recreation (arrived at 5:15 p.m.)  
D. Duncan, Deputy Director of Financial Services (arrived at 5:15 p.m.)  
P. Cooper, Communications Manager (arrived at 5:40 p.m.)  
M. Desrochers, Client Support Specialist  
J. Armstrong, City Clerk  
S. Gurrie, FOI & Records Supervisor (vacated at 6:43 p.m.)  
D. Stennes, Recording Secretary (vacated at 6:55 p.m.)  
M. Waggoner, FOI Claims & Records Clerk (vacated at 6:55 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:07 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 3 (a) Presentations – add Events Centre Feasibility and Options and the following speakers and delegation:

Speakers:

1. Mr. Murray Beynon, Partner, Brisbin Brook Beynon Architects.
2. Gary Green, Senior Director, Brisbin Brook Beynon Architects.

Delegation:

1. Ron Robison, Commissioner of the Western Hockey League.

- (b) Agenda Item 3 (c) Presentations – remove Waterfront Walkway Overview.
- (c) Agenda Item 4 (a) New Business – add Update Nanaimo Economic Development Corporation.
- (d) Agenda Item 4 (b) New Business – add Proposed Nanaimo Gaol Staff Reduction – add delegation, Mr. Blaine Gurrie, President, CUPE Local 401.

3. ADOPTION OF AGENDA:

18816 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

18916 It was moved and seconded that the following Minutes be adopted as circulated:

- Special "In Camera" Meeting of Council held Monday, 2015-SEP-19 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC; and,
- Special "In Camera" Meeting of Council held Monday, 2015-OCT-03 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

5. PRESENTATIONS:

(a) Events Centre Feasibility and Options

Speakers:

1. Mr. Murray Beynon, Partner, Brisbin Brook Beynon Architects, spoke regarding the response to City Council's designation of an event centre.
2. Mr. Gary Green, Senior Director, Brisbin Brook Beynon Architects, spoke regarding funding options to construct an events centre.

Delegation:

1. Mr. Ron Robison, Commissioner of the Western Hockey League, spoke regarding the possibility of a team relocation opportunity for the community.

19016 It was moved and seconded that Council receive the presentation from Brisbin Brook Beynon Architects. The motion carried unanimously.

S. Gurrie vacated the Douglas Rispin Room at 6:43 p.m.

D. Stennes and M. Waggoner vacated the Douglas Rispin Room at 6:55 p.m.

19116 It was moved and seconded at 6:57 p.m. that Council recess the "In Camera" Meeting until 8:40 p.m. The motion carried unanimously.

The "In Camera" Meeting reconvened at 7:45 p.m. in the Douglas Rispin Room.

6. NEW BUSINESS:

(a) Update of the Nanaimo Economic Development Corporation Direction

Tracy Samra, CAO, spoke regarding an update on the recent actions of Nanaimo Economic Development Corporation CEO John Hankins.

19216 It was moved and seconded that Council express to the Nanaimo Economic Development Corporation's Board of Directors its shock and disappointment respecting actions of their CEO in issuing an op-ed release and hopes that the Board takes appropriate action. The motion carried.

Opposed: *Councillor Brennan*

(b) Proposed Nanaimo Goal Staff Reduction

Delegation:

1. Mr. Blaine Gurrie, President, CUPE Local 401, sent a written correspondence by email, advising of the Union's concerns regarding the Proposed Nanaimo Gaol staff reduction.

7. ADJOURNMENT:

19316 It was moved and seconded at 8:20 p.m. that Council rose from the "In Camera" Meeting without report. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER



**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
BOARD ROOM, SERVICE AND RESOURCE CENTRE,  
411 DUNSMUIR STREET, NANAIMO, BC  
WEDNESDAY, 2016-OCT-26, AT 8:00 A.M.

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PRESENT: Acting Mayor G.W. Fuller, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp (via telephone 9:02 a.m.)  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: His Worship Mayor W. B. McKay

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer  
P. Cooper, Communications Manager  
J. Armstrong, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 8:57 a.m.

2. ADOPTION OF AGENDA:

19416 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. REPORTS:

(a) Core Services Review re: Nanaimo Economic Development Corporation  
(verbal update)

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19516 It was moved and seconded that Council:

1. appoint Mr. Philip Cooper as Director of the Nanaimo Economic Development Corporation for a term ending December 31, 2017.
2. appoint Mr. Brad McRae as a Director of the Nanaimo Economic Development Corporation for a term ending December 31, 2017, with no voting rights.
3. appoint Ms. Tracy Samra as the Shareholder Representative and remove Ms. Samra as a Director of the Nanaimo Economic Development Corporation.

Key Messages – Nanaimo Economic Development Corporation Issue

4. ADJOURNMENT:

19616 It was moved and seconded at 9:14 a.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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ACTING MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
BOARD ROOM, NANAIMO SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
TUESDAY, 2016-NOV-01, AT 4:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick (vacated 6:06 p.m.)  
Councillor M. D. Brennan  
Councillor G. W. Fuller (vacated 6:06 p.m.)  
Councillor J. Hong  
Councillor J. A. Kipp (vacated 5:30 p.m.)  
Councillor W. L. Pratt (entered 4:01 p.m.)  
Councillor I. W. Thorpe (entered 4:01 p.m.)

Absent: Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer  
V. Mema, Chief Financial Officer  
J. Van Horne, Director of Human Resources  
J. Armstrong, City Clerk (vacated 6:08 p.m.)  
S. Gurrie, Deputy Corporate Officer

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:00 p.m.

Councillors Pratt and Thorpe entered the Board Room at 4:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

19716 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. REPORTS:

Councillor Fuller vacated the Board Room at 6:06 p.m.

Councillor Bestwick vacated the Board Room at 6:06 p.m.

J. Armstrong vacated the Board Room at 6:08 p.m.

5. ADJOURNMENT:

19816 It was moved and seconded at 6:19 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-NOV-07, AT 4:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair (vacated at 6:32 p.m.)  
Acting Mayor Fuller

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (via telephone, call terminated at 6:35 p.m.)

Staff: T. Samra, Chief Administrative Officer (vacated 6:49 p.m.)  
B. McRae, Chief Operations Officer  
V. Mema, Chief Financial Officer  
R. Harding, Director, Parks & Recreation (entered 6:30 p.m.)  
D. Lindsay, Director of Community Development  
R. Davidson, Manager of Bylaw, Regulation & Security  
B. Corsan, Manager, Real Estate  
J. Armstrong, City Clerk  
S. Snelgrove, A/Steno Coordinator (vacated 6:46 p.m.)  
J. Vanderhoef, Recording Secretary (vacated 6:46 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:12 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Move Agenda Item 2(a) Nanaimo's Waterfront Walkway Overview Presentation to follow the reports section.

(b) Add the following four reports to precede Agenda Item 3(a)

(c) Add Agenda Item 4(a) Event Centre Feasibility and Options - proposed rise and report on motions at the November 14, 2016 Committee of the Whole Meeting, to the end of the agenda, to follow Nanaimo's Waterfront Walkway Overview Presentation.

19916 It was moved and seconded that Council move Agenda Item 4.(a) Event Centre Feasibility and Options, forward on the agenda to be considered before any other reports. The motion carried unanimously.

3. ADOPTION OF AGENDA:

20016 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. REPORTS:

(a) Event Centre Feasibility and Options – Proposed Rise and Report on Motions at November 14, 2016 Committee of the Whole Meeting

20116 It was moved and seconded that Council direct Staff to proceed with phase two of the Event Centre Feasibility project, direct Staff to explore independent advice from consulting firms for discreet portions of work and rise and report with an open presentation at a future open Council meeting. The motion carried.  
Opposed: Councillor Brennan

(b) Alleged Non-Compliance Financial Disclosure Obligations –

A declaration was made that Mayor McKay was in conflict and needed to vacate the room. Mayor McKay did not vacate the room.

20216 It was moved and seconded that Council rise and report to inform the public about Mayor McKay's potential non-compliance with the *Community Charter* and electors of the municipality may initiate proceedings under section 111(1)(a) of the *Community Charter*. The motion carried.  
Opposed: Councillors Brennan, Pratt, Thorpe  
Abstained: Mayor McKay was advised his vote would be in the affirmative.

The "In Camera" Council Meeting recessed at 5:16 p.m. and reconvened at 5:25 p.m.

D. Lindsay and B. Corsan entered the Douglas Rispin Room at 6:29 p.m.

(f) Partial Property Acquisition – 921 Terminal Avenue North

20816 It was moved and seconded that Council authorize the acquisition of a portion of 921 Terminal Avenue North from the registered owners to facilitate the road rehabilitation and utility upgrade for the sum of                      The motion carried unanimously.

D. Lindsay and B. Corsan vacated the Douglas Rispin Room at 6:30 p.m.

R. Davidson entered the Douglas Rispin Room at 6:30 p.m.

5. PRESENTATION:

(a) Nanaimo's Waterfront Walkway Overview Presentation

1. Mr. Bill Corsan, Manager Real Estate, provided a presentation regarding the Waterfront Walkway Overview.

R. Harding entered the Douglas Rispin Room at 6:39 p.m.

S. Snelgrove and J.Vanderhoef vacated the Douglas Rispin Room at 6:46 p.m.

T. Samra vacated the Douglas Rispin Room at 6:49 p.m.

Councillor Kipp vacated the Douglas Rispin Room at 6:53 p.m.

21116 It was moved and seconded that Council receive for information the presentation regarding Nanaimo's Waterfront Walkway Overview. The motion carried unanimously.

Councillor Kipp returned to the Douglas Rispin Room at 6:58 p.m.

6. ADJOURNMENT:

21216 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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ACTING MAYOR

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CORPORATE OFFICER



**"IN CAMERA" MINUTES**  
COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-NOV-14 AT 9:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer (vacated at 9:15 p.m.)  
B. McRae, Chief Operations Officer  
J. Van Horne, Director of Human Resources  
S. Gurrie, A/City Clerk  
D. Stennes, Recording Secretary (vacated at 9:10 p.m.)

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 9:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 2(a) 100 Gordon Street – Request for Proposals.
- (b) Add Agenda Item 2(b) Chief Administrative Officer – Compensation Review.

3. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

D. Stennes vacated the Douglas Rispin Room at 9:05 p.m.

T. Samra vacated the Douglas Rispin Room at 9:15 p.m.

4. REPORTS:

- (a) Chief Administrative Officer – Compensation Review

It was moved and seconded that Council refer the Chief Administrative Officer – Compensation Review report to a future "In Camera" meeting. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 9:45 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-NOV-21, AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 5:03 p.m.)

Staff: T. Samra, Chief Administrative Officer (vacated 5:11 p.m.)  
J. Van Horne, Director of Human Resources  
J. Armstrong, City Clerk

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. ADOPTION OF AGENDA:

21316 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

Councillor Yoachim entered the Douglas Rispin Room at 5:03 p.m.

Ms. Samra vacated the Douglas Rispin Room at 5:11 p.m.

3. REPORTS:

(a) Chief Administrative Officer – Compensation Review

21416 It was moved and seconded that the Chief Administrative Officer's Terms and Conditions of employment be amended to provide:

- a one-time performance bonus of \$24,175 payable on acceptance of the amended terms and conditions by Ms. Samra;
- one week additional vacation that must be used by March 6, 2017;
- a salary increase to \$204,175 effective March 7, 2016; and,
- one additional week of vacation each year, effective March 7, 2017. For clarity, five weeks vacation in years two and three of the contract term and six weeks vacation in the final year of the contract term.

The motion carried.

Opposed: Mayor McKay, Councillors Brennan, Pratt and Thorpe

21516 It was moved and seconded Council rise and report on resolution No. 21416 following execution of the agreement. The motion carried.  
Opposed: Councillors Bestwick and Kipp

4. RISE FROM "IN CAMERA" SESSION WITH OR WITHOUT REPORT:

21616 It was moved and seconded at 6:18 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-NOV-28, AT 5:30 P.M.

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RESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Others: Mr. Blaine Gurrie, CUPE Local 401 (arrived 6:45 p.m.)

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer (arrived 6:46 p.m.)  
V. Mema, Chief Financial Officer (arrived 6:23 p.m.)  
D. Lindsay, Director of Community Development (arrived 5:54 p.m.)  
J. Van Horne, Director of Human Resources (arrived 6:46 p.m.)  
P. Rosen, Senior Manager of Engineering (arrived 5:54 p.m.,  
vacated 6:19 p.m.)  
P. Stewart, Manager of Engineering Projects (arrived 5:54 p.m., vacated  
6:19 p.m.)  
J. Armstrong, City Clerk  
S. Snelgrove, Recording Secretary (vacated 6:44 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 3 (a) Verbal report from City Clerk regarding reconsideration of resolution 51316 - Nanaimo Gaol Staff Reduction.
- (b) Agenda Item 3 (b) Remove – Water Treatment Plant Mediation.
- (c) Agenda Item 4 (a) – Add delegation Mr. Blaine Gurrie, President, CUPE Local 401, regarding the following reports to Council:
  - Proposed Transition Process for Tourism Nanaimo [Special Council Agenda Item 8(b)]
  - Automated Solid Waste Collection [Special Council Agenda Item 16(a)]

- (d) Councillor Yoachim advised that he would be bringing forward a late item regarding the release of an email between the City of Nanaimo and the Integrity Group.

3. ADOPTION OF AGENDA:

21716 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

21816 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2016-OCT-24 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.
- Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2016-OCT-26 at 8:00 a.m.

The motion carried unanimously.

5. REPORTS:

- (a) Ms. Jane Armstrong, City Clerk, provided a verbal report regarding reconsideration of resolution 51316 - Nanaimo Gaol Staff Reduction.

21916 It was moved and seconded that Council receive the verbal report regarding reconsideration of resolution 51316 - Nanaimo Gaol Staff Reduction. The motion carried unanimously.

D. Lindsay, P. Stewart and P. Rosen entered the Douglas Rispin Room at 5:54 p.m.

P. Rosen and P. Stewart vacated the Douglas Rispin Room at 6:19 p.m.

V. Mema entered the Douglas Rispin Room at 6:23 p.m.

- (c) 100 Gordon Street – Request for Proposals

22116 It was moved and seconded that Council direct Staff to issue an Expression of Interest for 100 Gordon Street which solicits responses from the development community. The motion carried.  
Opposed: Councillors Bestwick, Fuller, Yoachim

S. Snelgrove vacated the Douglas Rispin Room at 6:44 p.m.  
B. Gurrie entered the Douglas Rispin Room at 6:45 p.m.  
J. Van Horne and B. McRae entered the Douglas Rispin Room at 6:46 p.m.

6. DELEGATION:

- (a) Mr. Blaine Gurrie, President CUPE Local 401, spoke regarding the following reports to Council:
- Proposed Transition Process for Tourism Nanaimo [Special Council Agenda Item 8(b)]
  - Automated Solid Waste Collection [Special Council Agenda Item 16(a)]

22216 It was moved and seconded that Council receive the delegation from Mr. Blaine Gurrie. The motion carried unanimously.

Note: Due to time constraints discussion regarding the release of an email between the City of Nanaimo and the Integrity Group will be placed on a future "In Camera" agenda.

The Meeting recessed at 6:59 p.m. with the intention to reconvene after the Special Council meeting.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-DEC-05, AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt (arrived 5:10 p.m.)  
Councillor I. W. Thorpe (arrived 5:10 p.m.)  
Councillor W. M. Yoachim

Absent: Councillor M. D. Brennan

Others:

Staff: V. Mema, Chief Financial Officer (vacated at 6:48 p.m.)  
K. Fowler, Chief Sustainability Officer (arrived 5:07 p.m. and vacated at 6:48 p.m.)  
R. J. Harding, Director of Parks and Recreation (vacated 6:48 p.m.)  
D. Lindsay, Director of Community Development (arrived 5:07 p.m. and vacated 6:48 p.m.)  
B. Corsan, Manager of Real Estate (arrived 5:07 p.m. and vacated 6:48 p.m.)  
J. Armstrong, City Clerk (vacated 6:48 p.m.)  
J. Vanderhoef, Recording Secretary (vacated 6:48 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Move Agenda Item 3(b) Update on Task Force of Nanaimo & District Secondary School Lands to precede Nanaimo's Waterfront Walkway Overview Presentation.

3. ADOPTION OF AGENDA:

21716 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

Mr. B. Corsan, Mr. D. Lindsay and Ms. K. Fowler entered the Douglas Rispin Room at 5:07 p.m.



Councillors Pratt and Thorpe entered the Douglas Rispin Room at 5:10 p.m.

4. PRESENTATIONS:

(a) Update on Task Force of Nanaimo & District Secondary School Lands

Presentation:

1. Mr. R. J. Harding, Director of Parks and Recreation;

21816 It was moved and seconded that Council receive the presentation from Mr. R. J. Harding, Director of Parks and Recreation; The motion carried unanimously.

21916 It was moved and seconded that Council direct staff to enter into negotiations with School District 68, and to include the triangular piece of land located in the lower south portion of the Nanaimo District Secondary School Task Force Study Area map, and that staff report back to Council once tentative options have been reached with an estimated feedback time of 12 weeks. The motion carried unanimously.

(b) Nanaimo's Waterfront Walkway Overview Presentation

Presentation:

1. Mr. B. Corsan, Manager of Real Estate.

22016 It was moved and seconded that Council direct staff to proceed with all five of the 2006 Projects (BC Ferries to Northfield, Anchorage/Asia Pacific, Shipyard Detour, Boat Basin, and 1 Port Drive) and negotiate with First Capital regarding partnering the costs of the Boat Basin project in 2017 and 2018 (to be completed within those years). The motion carried unanimously.

5. REPORTS:

(a) Proposed Land Exchange – 5200 Rutherford Road

22116 It was moved and seconded that Council provide approval in principle to acquire 686.9m<sup>2</sup> of land from the owner of 5200 Rutherford Road, in exchange for 640.6m<sup>2</sup> of City-owned land at 5290 Rutherford Road. The motion carried unanimously.

Ms. J. Armstrong, Mr. B. Corsan, Ms. K. Fowler, Mr. R. J. Harding, Mr. D. Lindsay, Mr. V. Mema and Ms. J. Vanderhoef vacated the Douglas Rispin Room at 6:48 p.m.

6. ADJOURNMENT:

22216 It was moved and seconded at 6:59 p.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

\_\_\_\_\_  
MAYOR

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE OFFICER

**"IN CAMERA" MINUTES**  
COMMITTEE OF THE WHOLE MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-DEC-12 AT 8:19 P.M. AND THURSDAY 2016-DEC-15 AT 8:31 A.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller (arrived 8:20 p.m.)  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: B. McRae, Chief Operations Officer  
D. Lindsay, Director of Community Development  
S. Gurrie, A/City Clerk  
D. Stennes, Recording Secretary

1. CALL THE "IN CAMERA" MEETING TO ORDER:

The "In Camera" Meeting was called to order at 8:19 p.m.

Councillor Fuller entered the Douglas Rispin room at 8:20 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 4(b) Downtown Nanaimo Business Improvement Association.
- (b) Add Agenda Item 4(c) Nanaimo Economic Development Corporation.
- (c) Add Agenda Item (d) Integrity Group Discussion.

3. ADOPTION OF AGENDA:

It was moved and seconded that Council, in accordance with Section 90(1) (n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. REPORTS:

(a) Passenger Foot Ferry Service – Technical Advisory Group Recommendation

It was moved and seconded that Council approve the Technical Advisory Group recommendation as follows:

- Move forward with Island Ferry Services Ltd. as the preliminary preferred proponent subject to financial and technical due diligence by Ernst and Young.
- If the due diligence proves fruitful, then Island Ferry Services Ltd. will be deemed the preferred proponent and approval will be subject to negotiations between the Nanaimo Port Authority and Island Ferry Services Ltd., as well as mutual benefit agreements between Snuneymuxw First Nation and the Nanaimo Port Authority and Snuneymuxw First Nation and Island Ferry Services Ltd.

The motion carried unanimously.

Council recessed the meeting at 8:27 p.m.

It was moved and seconded that the "In Camera" Committee of the Whole Meeting reconvene at 8:31 a.m. in the Board Room, Services and Resource Centre on Thursday, 2016-DEC-15. The motion carried unanimously.

Present: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra Chief Administrative Officer  
B. McRae, Chief Operations Officer  
V. Mema, Chief Financial Officer  
S. Gurrie, A/City Clerk  
S. Snelgrove, Recording Secretary

Councillor Kipp advised he would like a verbal update on the Tripartite Committee.

It was moved and seconded that Council recess the "In Camera" meeting to move to the open Committee of the Whole meeting. The motion carried unanimously.

The "In Camera" meeting reconvened at 8:34 a.m.

4. REPORTS: (continued)

(b) Downtown Nanaimo Business Improvement Association

V. Mema provided a presentation.

It was moved and seconded that Council direct Staff to:

- set aside, in addition to any Business Improvement Area levies collected by the City, 50% matching funds in the 2017 budget for events and downtown revitalization activities, excluding operational or administrative costs of the Downtown Nanaimo Business Improvement Association, conditional on the Downtown Nanaimo Business Improvement Association coming forward with proposals and providing quarterly reports to the City; and,
- should the Downtown Nanaimo Business Improvement Association not access all the money other similar entities may come forward.

The motion was defeated.

Opposed: Mayor McKay, Councillors Bestwick, Brennan, Kipp, Yoachim

It was moved and seconded that Council eliminate matching funding (0% funding) for the Downtown Nanaimo Business Improvement Association. The motion was defeated.

Opposed: Mayor McKay, Councillors Brennan, Hong, Pratt, Thorpe

It was moved and seconded that Council direct Staff to:

- set aside, in addition to any Business Improvement Area levies collected by the City, 100% matching funds in the 2017 budget, for one year, for events and downtown revitalization activities, excluding operational or administrative costs, conditional on the Downtown Nanaimo Business Improvement Association coming forward with proposals and providing quarterly reports to the City;
- should the Downtown Nanaimo Business Improvement Association not access all the money other similar entities may come forward; and, survey Downtown Nanaimo Business Improvement Association members for their opinions.

The motion was defeated.

Opposed: Councillors Bestwick, Fuller, Hong, Kipp, Yoachim

It was moved and seconded that Council direct Staff to:

- set aside, in addition to any Business Improvement Area levies collected by the City, 25% matching funds in the 2017 budget for events and downtown revitalization activities, excluding operational or administrative costs, conditional on the Downtown Nanaimo Business Improvement Association coming forward with proposals and providing quarterly reports to the City; and,

- should the Downtown Nanaimo Business Improvement Association not access all the money other similar entities may come forward.

The motion was defeated.

Opposed: Mayor Mckay, Councillors Brennan, Hong, Pratt, Thorpe

It was moved and seconded that:

- Council direct Staff to set aside, in addition to any Business Improvement Area levies collected by the City, 50% matching funds for events and downtown revitalization activities in the Business Improvement Areas; and,
- that the Downtown Nanaimo Business Improvement Association and other organizations may apply for these funds upon application to the City and City Staff will administer these grant applications.

The motion carried.

Opposed: Councillors Brennan, Kipp

(d) Nanaimo Economic Development Corporation

T. Samra, V. Mema and B. McRae provided a presentation.

It was moved and seconded that:

- the City wind down the Nanaimo Economic Development Corporation and that the City deliver economic development services;
- the City strike a Committee to oversee the delivery of economic services;
- the Mayor take on a leadership role for economic development in the City of Nanaimo.

The motion carried.

*Opposed: Councillor Pratt*

Note: Due to time constraints the Integrity Group Discussion and Tripartite Update will be added to a future In Camera agenda.

5. ADJOURNMENT:

It was moved and seconded at 10:25 a.m. that the "In Camera" Meeting terminate.  
The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2016-DEC-19, AT 5:00 P.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim (arrived 5:19 p.m.)

Staff: T. Samra, Chief Administrative Officer  
B. McRae, Chief Operations Officer  
K. Fowler, Chief Sustainability Officer  
D. Duncan, Deputy Director of Financial Services (arrived 5:43 p.m.)  
S. Gurrie, A/City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:12 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 3(a) Proposed Property Acquisition – Chase River Pump Station – 396 Seventh Street.
- (b) Remove Agenda Item 3(b) Draft Service Agreement and Committee Terms of Reference.
- (c) Add Agenda Item 3(d) City of Nanaimo and WHL Term Sheet and presentations by Brad McLellan, Partner – WeirFoulds LLP, and Andre Koncewicz, Vice President – Infrastructure Advisory – Ernst & Young Orenda Corporate Finance Inc.

3. ADOPTION OF AGENDA:

22316 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.



4. ADOPTION OF MINUTES:

22416 It was moved and seconded that the following minutes be approved as circulated:

- Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Nanaimo Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2016-NOV-01 at 4:00 p.m.
- Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2016-NOV-07 at 4:00 p.m.
- Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2016-NOV-21 at 5:00 p.m.
- Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2016-NOV-28 at 5:30 p.m.

The motion carried unanimously.

5. PRESENTATIONS:

(a) Events Centre Feasibility and Options

Presentation:

1. Brisbin Brook Beynon Architects

22516

D. Duncan entered the Douglas Rispin Room at 5:43 p.m.

2. Rich Oriolo, Stafford Sports

22616

(b) City of Nanaimo and WHL Term Sheet

Presentations:

1. Brad McLellan, Partner – WeirFoulds LLP
2. Andre Koncewicz, Vice President – Infrastructure Advisory – Ernst & Young Orenda Corporate Finance Inc.

22716 It was moved and seconded that Council receive for information the presentation regarding the City of Nanaimo and WHL Term Sheet from Brad McLellan and Andre Koncewicz. The motion carried unanimously.

By unanimous consent, Council recessed the "In Camera" meeting at 7:02 p.m. with the intention to reconvene at 8:30 p.m.

By unanimous consent, the "In Camera" meeting reconvened at 10:10 p.m.

22816 It was moved and seconded that Council authorize Staff to enter into a Memorandum of Understanding with the Western Hockey League. The motion carried.  
*Opposed: Councillor Brennan*

6. ADJOURNMENT:

22916 It was moved and seconded at 10:33 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**SPECIAL "IN CAMERA" MINUTES**  
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS  
BOARD ROOM, NANAIMO SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2016-DEC-19, AT 10:00 A.M.

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PRESENT: Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. Hong (arrived 12:58 p.m.)  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Staff: T. Samra, Chief Administrative Officer  
D. Lindsay, Director of Community Development (vacated 1:05 p.m.)  
B. Corsan, Manager of Real Estate (vacated 1:05 p.m.)  
P. Stewart, Manager of Engineering Projects (vacated 1:05 p.m.)  
P. Rosen, Senior Manager of Engineering (vacated 1:05 p.m.)  
S. Gurrie, City Clerk (vacated 1:31 p.m.)  
S. Snelgrove, Recording Secretary (vacated 1:31 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 12:55 p.m.

2. ADOPTION OF AGENDA:

22316 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda. The motion carried unanimously.

Councillor Hong entered the Board Room at 12:58 p.m.

3. PRESENTATIONS:

(a) Proposed Property Acquisition – Chase River Pump Station – 396 Seventh Street

22416 It was moved and seconded that Council:

1. approve the acquisition of 396 Seventh Street at a price of \$380,000 for the new Chase River Pump Station; and,
2. direct the Corporate Officer to execute the necessary documents to effect the transaction.

The motion carried unanimously.

22516 It was moved and seconded that Council direct Staff to release the report upon successful negotiations, with the underlined text redacted. The motion carried unanimously.

B. Corsan, P. Rosen, P. Stewart and D. Lindsay vacated the Board Room at 1:05 p.m.

- (b) Draft Service Agreement and Tourism Vancouver Island Terms of Reference (Verbal Update)

T. Samra provided a verbal update on the Draft Service Agreement and Tourism Vancouver Island Terms of Reference

T. Samra, S. Gurrie and S. Snelgrove vacated the Board Room at 1:12 p.m.

T. Samra, S. Gurrie and S. Snelgrove returned to the Board Room at 1:19 p.m.

22616 It was moved and seconded that Council authorize the Chief Administrative Officer to enter into a service agreement for tourism and destination marketing services with Tourism Vancouver Island. The motion carried.

*Opposed: Councillor Brennan, Pratt*

22716 It was moved and seconded that Council waive notification to change the start time of the Special Council Meeting on December 19, 2016 from 6:00 p.m. to 5:00 p.m. in the Douglas Rispin Room. The motion carried unanimously.

- (c) Integrity Group Discussion

T. Samra provided a verbal update.

S. Gurrie and S. Snelgrove vacated the Board Room at 1:31 p.m.

22816 It was moved and seconded that Council receive for information the Integrity Group update. The motion carried unanimously.

- (d) Verbal Update re: Tripartite Committee

Councillor Kipp provided an updated on Snuneymuxw First Nation working groups and reconciliation efforts.

22916 It was moved and seconded that Council receive the update from Councillor Kipp regarding Snuneymuxw First Nation working groups and reconciliation efforts. The motion carried unanimously.

4. ADJOURNMENT:

23016 It was moved and seconded at 2:11 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER