



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Monday, April 9, 2018

10:00 A.M. - 12:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)
2. [REDACTED] 90(1)(a)(c)(i)

Section 90(1):

(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 or other employee relations;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. PRESENTATIONS

- a. [REDACTED]
[REDACTED]

3. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Friday, April 20, 2018

10:00 A.M. - 12:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)
2. [REDACTED] - 90(1)(a)(c)(i)

Section 90(1):

(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 or other employee relations;

(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).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

4. REPORTS

a. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA "IN CAMERA" COUNCIL MEETING

Monday, April 23, 2018, 5:00 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

3(a). [REDACTED]

4(a). Approval in Principle - Property Disposition - 897 Albert Street, 474 Pine Street, and 478 Pine Street - 90(1)(e)

4(b). Request for Direction - "Management Terms and Conditions of Employment Bylaw 2005 No. 7000" - 90(c)(i)

4(c). [REDACTED] - 90(1)(e)(k)

Section 90(1):

(c) labour relations or other employee relations;

(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;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(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;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

a. Minutes

4 - 6

Minutes of the Special "In Camera" Council Meeting held in the HR Training Room, City Hall, 455 Wallace Street, Nanaimo, BC, on Thursday, 2018-MAR-08, at 2:00 p.m.

b. Minutes

7 - 11

Minutes of the "In Camera" Council Meeting held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-MAR-19, at 2:00 p.m.

3. PRESENTATIONS

a.

4. REPORTS

a. Approval in Principle - Property Disposition - 897 Albert Street, 474 Pine Street, and 478 Pine Street

12 - 17

Introduced by Dale Lindsay, Director of Community Development.

Purpose: To provide Council with detailed cost information relating to the request from Habitat for Humanity Mid-Vancouver Island to acquire City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and to obtain 'Approval in Principle' to dispose of the City-owned land.

Recommendation: That Council:

1. provide 'Approval in Principle' to dispose of City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and the laneway adjacent to the property to Habitat for Humanity Mid-Vancouver Island for \$1.00;
2. direct Staff to return to an open Council meeting seeking approval of the property disposition; and,
3. direct Staff to return to an open Council meeting to introduce for first and second reading the road closure bylaw for the laneway closure.

Resolution to Rise and Report: To be released upon conclusion of the property disposition.

b. Request for Direction - "Management Terms and Conditions of Employment Bylaw 2005 No. 7000"

18

To be introduced by John Van Horne, Director of Human Resources.

c.



5. ADJOURNMENT OF "IN CAMERA" MEETING

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
HR TRAINING ROOM, CITY HALL,
455 WALLACE STREET, NANAIMO, BC
THURSDAY, 2018-MAR-08 AT 2:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe

Absent: Councillor M. D. Brennan
Councillor W. M. Yoachim

Staff: J. Van Horne, Director of Human Resources (vacated 3:03 p.m.)
S. Gurrie, City Clerk (vacated at 3:03 p.m.)
S. Snelgrove, Deputy Corporate Officer
K. Gerard, Recording Secretary

Others: [REDACTED]

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

The "In Camera" Meeting was called to order at 2:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) [REDACTED]
[REDACTED]
[REDACTED]

(b) Councillor Kipp requested to add Agenda Item 6(c) – [REDACTED]
[REDACTED]

It was moved and seconded that Council add Agenda Item 6(c) – [REDACTED]
[REDACTED] The motion carried unanimously.

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) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- (b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Mayor McKay called a Point of Order which was challenged by Councillor Kipp.

- [REDACTED]
- [REDACTED]
- (a) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

John Van Horne and Sheila Gurrie vacated the Training Room at 3:03 p.m.

(c) Bylaw 7000 Review

[REDACTED]

Council agreed to email potential amendments for Bylaw 7000 to John Van Horne, Director of Human Resources.

5. ADJOURNMENT:

It was moved and seconded at 3:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-MAR-19 AT 2:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong (arrived 2:02 p.m.)
Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 2:02 p.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe (arrived 2:02 p.m.)

Absent: Councillor W. M. Yoachim

Staff: D. Lindsay, Director of Community Development (vacated at 2:17 p.m., entered 3:47 p.m., vacated 6:21 p.m.)
Bruce Anderson, Manager of Community and Cultural Planning, (arrived 5:00 p.m., vacated 6:06 p.m.)
B. Sims, Director of Public Works and Engineering (arrived 6:05 p.m. vacated 6:16 p.m.)
P. Rosen, Senior Manager of Engineering (arrived at 6:05 p.m., vacated 6:16 p.m.)
S. Gurrie, City Clerk (vacated at 2:17 p.m., entered 3:47 p.m.)
K. Gerard, Recording Secretary (arrived 4:58 p.m.)

Others: [REDACTED]

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

The "In Camera" Meeting was called to order at 2:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 3(c) – Rapid Response to Homelessness Program – South End Supportive Housing Project – add motion regarding rise and report relating to 'In Camera' reports and motions re: Rapid Response to Homelessness Program.
- (b) Agenda Item 4(b) – Add report regarding "Appointments to the Cannabis Task Force" report dated 2018-MAR-19.
- (c) Add Agenda Item 4(c) – [REDACTED]

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. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the "In Camera" Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Monday, 2018-FEB-19 at 4:30 p.m. be adopted as amended to replace all occurrences of the word "audit" with the word "review". The motion carried unanimously.

It was moved and seconded that the Minutes of the "In Camera" Council Meeting held in the Millstone River Room, Vancouver Island Conference Centre, 80 Commercial Street, Thursday, 2018-MAR-01 at 10:00 a.m. be adopted as circulated. The motion carried unanimously.

It was moved and seconded that the Minutes of the "In Camera" Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Monday, 2018-MAR-05 at 4:00 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a)

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

The "In Camera" meeting recessed at 3:42 p.m.
The "In Camera" meeting reconvened at 3:47 p.m.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

K. Gerard entered the Shaw Auditorium at 4:58 p.m.

(b) [REDACTED]

Introduced by Dale Lindsay, Director of Community Development.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

It was moved and seconded that Council:

- provide approval in principle to dispose of City owned lands at 897 Albert Street, 474 Pine Street and 478 Pine Street to Habitat for Humanity Mid-Vancouver Island for a multi-family affordable housing project; and,
- direct Staff to return to an upcoming "In Camera" Council meeting with detailed information relating to the request from Habitat for Humanity, for the City to cover the Development Cost Charges and associated Works and Services prior to Council's formal approval of the land transfer.

The motion carried unanimously.

(c) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]

Councillor Brennan vacated the Shaw Auditorium at 6:00 p.m.

Councillor Armstrong vacated the Shaw Auditorium at 6:01 p.m.

It was moved and seconded that Council direct Staff to rise and report on all reports and motions dated 2017-DEC-17 to 2018-MAR-19, regarding the Rapid Response to Homelessness issues excluding lists containing third party information. The motion carried unanimously.

Councillors Armstrong returned to the Shaw Auditorium at 6:05 p.m.

Councillor Brennan returned to the Shaw Auditorium at 6:05 p.m.

6. REPORTS:

(a) Partial Property Acquisition – 1125 Farquhar Street

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council authorize the acquisition of a portion of 1125 Farquhar Street from [REDACTED] to facilitate a future road connection to the South Downtown Waterfront lands for the sum [REDACTED]. The motion carried unanimously.

(b) Cannabis Task Force Report

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that council approve the following individuals as members of the Cannabis Task Force:

- Sadie Beaudoin-Lobb (Community Planning and Development Committee);
- Rob Whitton (Public Safety Committee);
- Dennis McMahon (Community Vitality Committee);
- Phillip Lucas, Vice President, Patient Research & Access, Tilray (Industry Representative); and,
- Robert Laurie, Liberty Leaf Holdings Ad Lucem Law (Industry Representative).

The motion carried unanimously.

(c) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The image is a grayscale representation of a document page. It features numerous horizontal bars of varying lengths and positions, which appear to be redactions or heavily obscured text. The bars are distributed across the page, with some appearing as single lines and others as grouped blocks. The overall layout suggests a structured document, possibly a list or a series of entries, where the content has been systematically hidden. The bars are solid black, contrasting sharply with the lighter background of the document page.

7. ADJOURNMENT:

It was moved and seconded at 6:31 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER

In Camera Report for Decision

City of Nanaimo

File Number: LD003325

DATE OF MEETING APRIL 23, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT **APPROVAL IN PRINCIPLE - PROPERTY DISPOSITION –
897 ALBERT STREET, 474 PINE STREET, AND 478 PINE STREET**

OVERVIEW

Purpose of Report

To provide Council with detailed cost information relating to the request from Habitat for Humanity Mid-Vancouver Island to acquire City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and to obtain 'Approval in Principle' to dispose of the City-owned land.

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 community.

Recommendation

That Council:

1. provide 'Approval in Principle' to dispose of City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and the laneway adjacent to the property to Habitat for Humanity Mid-Vancouver Island for \$1.00;
2. direct Staff to return to an open Council meeting seeking approval of the property disposition; and,
3. direct Staff to return to an open Council meeting to introduce for first and second reading the road closure bylaw for the laneway closure.

Resolution to Rise and Report

To be released upon conclusion of the property disposition.

BACKGROUND

At the 2018-MAR-19 "In Camera" Council meeting, Council provided approval in principle to dispose of City-owned lands at 897 Albert Street, 474 Pine Street, and 478 Pine Street (the "Property") to Habitat for Humanity Mid-Vancouver Island ("HFH") for a multi-family affordable homeownership housing project.

Council also directed Staff to return with detailed information relating to the request from HFH for the City to cover 50 percent of the development cost charges ("DCCs") and associated works and service costs prior to Council's formal approval of the land transfer.

The Property is a 2,984 m² vacant parcel of land with R15 zoning located within the Old City neighbourhood. The Property has an assessed value of \$401,000.

The associated works and services required under the City's Subdivision Control Bylaw are estimated at \$385,000. Staff recommend that the works and services be varied by a development variance permit to include a soft-surface pedestrian walkway fronting Pine Street, boulevard construction, street lighting fronting the Property, and servicing to the Property. These costs are estimated in the range of \$100,000-\$120,000, inclusive of design costs for a civil engineer, electrical engineer and landscape architect, as well as engineering costs during and after construction. Staff recommend that these reduced works and services be the responsibility of HFH.

DCCs are estimated at \$134,000. HFH has requested a 50 percent reduction in the DCCs, which will result in a cost of approximately \$67,000 to the City funded from the Housing Legacy Reserve fund.

Laneway Dedication and Laneway Road Closure

A laneway will need to be dedicated as road along 478 Albert Street to create a driveway access and for the installation of the works and services. The laneway along the northeast boundary of the Property will need to be closed through the road closure bylaw process and consolidated with the Property to assist the Property development. Staff will prepare a road closure bylaw for Council's consideration at an upcoming open Council meeting.

OPTIONS

A. That Council:

1. provide 'Approval in Principle' to dispose of City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and the laneway adjacent to the property to Habitat for Humanity Mid-Vancouver Island for \$1.00;
 2. direct Staff to return to an open Council meeting seeking approval of the property disposition; and,
 3. direct Staff to return to an open Council meeting to introduce for first and second reading the road closure bylaw for the laneway closure.
- **Budget Implication:** The City's costs will be paid out of the City of Nanaimo's Housing Legacy Reserve fund.

Costs to the City	
DCC's	\$67,000
Surveying	\$6,000
Legal	\$5,000
Newspaper Notices	\$800
Direct Cost Total:	\$78,800
<i>Indirect Costs:</i>	
Property Assessed Value	\$401,000
TOTAL COSTS	\$479,800

Costs to HFH	
DCC's	\$67,000
Works and Services	\$120,000
TOTAL COSTS:	\$187,000

HFH will be responsible for their own legal costs, professional report costs, consultation fees, permit and application costs, drawings, applicable taxes, and all other associated costs.

- **Legal Implication:** The City solicitor will prepare the Offer to Purchase and undertake the conveyance and road closure.
- **Policy Implication:** Supports the Official Community Plan Objective 3.10, "Encourage the development of affordable housing through public/private partnerships".
- **Engagement Implication:** Engagement with the local community adjacent to the site will be a necessary component of the proposed development. Staff will work with HFH to convey information to the community.
- **Strategic Priorities Implication:** Affordable Housing is one of Council's key initiatives.
- **Political Implication:** Council collaborating with HFH furthers the community value of social equity and responds to the Council priority initiative of Affordable Housing.

B. That Council not approve the property disposition of City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street to Habitat for Humanity Mid-Vancouver Island for \$1.00.

- **Strategic Priorities Implication:** Not providing approval to the property dispositions would be inconsistent with Council's strategic priorities.
- **Engagement Implication:** Council may wish to not pursue this property disposition. The land will remain undeveloped and owned by the City. Staff will convey this message to HFH.

SUMMARY POINTS

- At the 2018-MAR-19 "In Camera" Council meeting, Council provided approval in principle to dispose of City-owned lands at 897 Albert Street, 474 Pine Street, and 478 Pine Street to Habitat for Humanity Mid-Vancouver Island ("HFH") for a multi-family affordable homeownership housing project.
- Council also directed Staff to return with detailed information relating to the request from HFH, for the City to cover 50 percent of the Development Cost Charges ("DCCs") and associated works and service costs prior to Council's formal approval of the land transfer.
- The Property has an assessed value of \$401,000. A 50 percent reduction in the DCCs will result in a cost of \$67,000 to the City. Total direct costs asked by HFH to be paid by the City are estimated at \$78,800. The City's costs will be paid out of the City of Nanaimo's Housing Legacy Reserve fund.
- HFH will be responsible for the required works and services and half of the DCCs costs for an estimated amount of \$187,000. They will also be responsible for all other associated costs, the total cost of which is unknown.
- If 'Approval in Principle' is received, Staff will return to an open Council meeting seeking approval to the property disposition and will introduce for first and second reading the road closure bylaw for the laneway closure.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Aerial Photo

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development





ATTACHMENT A LOCATION PLAN



PROPERTY DISPOSITION

LOCATION PLAN

Civic: 897 Albert St. and
474 and 478 Pine Street

-  **Subject Properties**
-  **Area = 2984 sq m + / -**
-  **Laneway Closure**
-  **Laneway Dedication**

ATTACHMENT B
AERIAL PHOTO



Property Disposition



Subject Properties



ADDENDUM
"IN CAMERA" COUNCIL MEETING

Monday, April 23, 2018, 5:00 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

4. REPORTS





AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Monday, April 30, 2018

1:00 P.M. - 4:00 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

4(a). "Management Terms and Conditions of Employment Bylaw 2005 No. 7000" -
90(1)(c)(i)

Section 90(1):

(c) labour relations or other employee relations;

(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).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

4. REPORTS

a. "Management Terms and Conditions of Employment Bylaw 2005 No. 7000"

2 - 15

To be introduced by John Van Horne, Director of Human Resources.

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA "IN CAMERA" COUNCIL MEETING

Monday, May 7, 2018, 4:30 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

4(a). [REDACTED] - 90(1)(k)

4(b). Property Acquisition - 5260 Tanya Drive - 90(1)(e)

4(c). [REDACTED] - 90(1)(k)

4(d). Mayor and Council Legal Fees re: "Council Spending and Amenities Policy" - 90(1)(i)

4(e). [REDACTED] - 90(1)(c)

4(f). Correspondence from District of Lantzville, dated 2018-APR-03, regarding Lantzville/Nanaimo Water Agreement - 90(1)(k)

Section 90(1):

(c) labour relations or other employee relations;

(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;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(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; and,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

- | | | |
|----|---|--------|
| a. | <u>Minutes</u>

Minutes of the Special "In Camera" Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-APR-09 at 10:00 a.m. | 4 - 5 |
| b. | <u>Minutes</u>

Minutes of the Special "In Camera" Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Friday, 2018-APR-20 at 10:00 a.m. | 6 - 7 |
| c. | <u>Minutes</u>

Minutes of the "In Camera" Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-APR-23 at 5:00 p.m. | 8 - 11 |

3. PRESENTATIONS

4. REPORTS

- a.

b. Property Acquisition - 5260 Tanya Drive

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council direction on the acquisition of 5260 Tanya Drive.

Recommendation: That Council direct Staff to inform [REDACTED]
Limited that the City is not interested in acquiring 5260 Tanya Drive for [REDACTED]
[REDACTED]

Resolution to Rise and Report:

To be released upon conclusion of the negotiation process [REDACTED]
[REDACTED]

c. [REDACTED]

d. Mayor and Council Legal Fees re: "Council Spending and Amenities Policy"

e. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

f. Correspondence from District of Lantzville, dated 2018-APR-03, regarding
Lantzville/Nanaimo Water Agreement

28

5. **ADJOURNMENT OF "IN CAMERA" MEETING**

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-APR-09 AT 10:00 A.M. – 12:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
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

Others: [REDACTED]

Staff: L. Mercer, Manager Accounting Services (vacated 10:10 a.m.)
R. J. Harding, Director of Parks and Recreation (vacated 10:10 a.m.)
D. Lindsay, Director of Community Development (vacated 10:10 a.m.)
B. Sims, Director of Public Works and Engineering (vacated 10:10 a.m.)
J. Van Horne, Director of Human Resources (vacated 10:10 a.m.)
K. Fry, Fire Chief and Director of Public Safety (vacated 10:10 a.m.)
S. Gurrie, City Clerk (vacated 10:10 a.m.)

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

The "In Camera" Meeting was called to order at 10:00 a.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.

3. PRESENTATIONS:

(a) [REDACTED]

The "In Camera" Meeting recessed at 10:08 a.m.

K. Fry, S. Gurrie, R. Harding, D. Lindsay, L. Mercer, B. Sims, and J. Van Horne vacated the Shaw Auditorium at 10:10 a.m.

The "In Camera" Meeting reconvened at 10:10 a.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. ADJOURNMENT:

It was moved and seconded at 11:00 a.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
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
FRIDAY, 2018-APR-20 AT 10:00 A.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
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 (vacated 11:38 a.m.)

Others: [REDACTED]

Staff: J. Van Horne, Director of Human Resources
S. Snelgrove, Deputy Corporate Officer/Recording Secretary

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

The "In Camera" Meeting was called to order at 10:01 a.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 4(a) – [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

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) [REDACTED]

- [REDACTED]

Mayor McKay requested that it be noted in the record that on Thursday, April 19, 2018, at 9:36 am an email was sent to Council from Ms. Snelgrove advising that the addendum was on the iPad site and that hard copies will be distributed at the meeting.

- [REDACTED]
- [REDACTED]

Mayor McKay called a Point of Order [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Councillor Kipp called a Point of Order [REDACTED]

Councillor Yoachim vacated the Shaw Auditorium at 11:38 a.m.

5. ADJOURNMENT:

It was moved and seconded at 11:48 a.m. that the "In Camera" Meeting terminate.
The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-APR-23 AT 5:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe

Absent: Councillor W. M. Yoachim

Staff: D. Lindsay, Director of Community Development (vacated 6:49 p.m.)
J. Van Horne, Director of Human Resources (entered 5:22 p.m.)
B. Corsan, Deputy Director of Community Services (entered 5:11 p.m.,
vacated 6:49 p.m.)
B. Anderson, Manager of Cultural and Community Planning (entered
5:11 p.m., vacated 6:49 p.m.)
S. Gurrie, City Clerk (vacated 6:53 p.m.)
Sky Snelgrove, Recording Secretary (vacated 6:46 p.m.)

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

The "In Camera" Meeting was called to order at 5:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 4(d) [REDACTED]
[REDACTED]
- (b) [REDACTED]
[REDACTED]

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. ADOPTION OF MINUTES:

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

- Minutes of the "In Camera" Committee of the Whole Meeting held Thursday, 2018-MAR-08 at 2:00 p.m. in the HR Training Room, City Hall, 455 Wallace Street, Nanaimo, BC; and,
- Minutes of the "In Camera" Committee of the Whole Meeting held Monday, 2018-MAR-19 at 2:00 p.m. in the Douglas Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated.

The motion carried unanimously.

5. PRESENTATIONS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Corsan and B. Anderson entered the Douglas Rispin Room at 5:11 p.m.

6. REPORTS:

- (a) Approval in Principle – Property Disposition – 897 Albert Street, 474 Pine Street, and 478 Pine Street

Introduced by Dale Lindsay, Director of Community Development.

Presentation:

1. Bill Corsan, Deputy Director of Community Services, and Bruce Anderson, Manager of Community and Cultural Planning, provided a presentation.

It was moved and seconded that Council:

1. provide 'Approval in Principle' to dispose of City-owned land at 897 Albert Street, 474 Pine Street, and 478 Pine Street and the laneway adjacent to the property to Habitat for Humanity Mid-Vancouver Island for \$1.00;

2. direct Staff to return to an open Council meeting seeking approval of the property disposition; and,
3. direct Staff to return to an open Council meeting to introduce for first and second reading the road closure bylaw for the laneway closure.

The motion carried.

Opposed: Mayor McKay

D. Lindsay, B. Corsan and B. Anderson vacated the Douglas Rispin Room at 5:22 p.m.
J. Van Horne entered the Douglas Rispin Room at 5:22 pm

It was moved and seconded that Council recess the In Camera meeting at 5:23 p.m. in order to add *Community Charter* Section 90(1)(a) to the Procedural Motion.

Council moved out of In Camera at 5:23 p.m.

The In Camera Council meeting reconvened at 5:24 p.m.

- (b) Request for Direction - "Management Terms and Conditions of Employment Bylaw 2005 No. 7000"

Introduced by John Van Horne, Director of Human Resources.

Council discussion took place regarding the process for potential changes to "Management Terms and Conditions of Employment Bylaw 2005 No. 7000".

It was moved and seconded that Council hold a workshop as soon as possible to hire a facilitator with knowledge in the subject area of exempt staff conditions of employment. The motion was defeated.

Opposed: Councillors Armstrong, Bestwick, Fuller, Hong and Kipp.

It was moved and seconded that Council provide in motion format to the Director of Human Resources, any changes to the existing "Management Terms and Conditions of Employment Bylaw 2005 No. 7000" no later than 4:00 p.m. Wednesday, April 25, 2018 and that information be returned to Council no later than 4:00 p.m. Friday, April 27, 2018 and that Council meet on Monday, April 30, 2018 to discuss potential changes. The motion carried unanimously.

D. Lindsay, B. Corsan and B. Anderson entered the Douglas Rispin Room at 6:23 p.m.

- (c) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

S. Snelgrove vacated the Douglas Rispin Room at 6:46 p.m.

(d) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D. Lindsay, B. Corsan and B. Anderson vacated the Douglas Rispin Room at 6:49 p.m.

(e) [REDACTED]
[REDACTED]
[REDACTED]

7. ADJOURNMENT:

It was moved and seconded at 7:00 p.m. that the "In Camera" Meeting terminate.
The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER

In Camera Report for Decision

City of Nanaimo

File Number: LD002772

DATE OF MEETING MAY 7, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT PROPERTY ACQUISITION – 5260 TANYA DRIVE

OVERVIEW

Purpose of Report

To obtain Council direction on the acquisition of 5260 Tanya Drive.

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 direct Staff to inform [REDACTED] that the City is not interested in acquiring 5260 Tanya Drive for [REDACTED]

Resolution to Rise and Report

To be released upon conclusion of the negotiation process [REDACTED]

BACKGROUND

5260 Tanya Drive (the “Property”) is a vacant, 20.2-ha (50-acre) parcel, owned by [REDACTED] (the “Owner”). It is located at the end of Tanya Drive adjacent to Linley Valley Park (Attachments A, B and C).

At the 2018-FEB-05, “In Camera” Council meeting, Council directed Staff to enter into property negotiations with the Owner to acquire the Property. An appraisal of the Property was prepared that estimated the Property value at [REDACTED]. Staff met with the Owner and they have advised they are willing to accept an offer to purchase the Property for [REDACTED]. If the City does not accept the Owner’s offer, the Property will be placed on the market for sale.

OPTIONS

1. That Council direct Staff to inform [REDACTED] that the City is not interested in acquiring 5260 Tanya Drive for [REDACTED]
 - **Budget Implication:** There is currently around [REDACTED] in the Property Reserve Fund. The City is not in a position to fund the additional [REDACTED]. In addition, the depletion of the Property Reserve Fund would prevent Council from acquiring land in 2018 for affordable housing or downtown renewal.
 - **Policy Implication:** The Property is located within the Urban Reserve and could be subdivided into ten, five-acre parcels under current policy.

- **Political Implication:** There are members of the public who would like to see this parcel of land added to Linley Valley Park and may put pressure on Council to complete the acquisition.

2. That Council provide alternative direction. |

ATTACHMENTS

ATTACHMENT A: Linley Valley Park
ATTACHMENT B: Location Plan
ATTACHMENT C: Aerial Photo

Submitted by:

Bill Corsan
Deputy Director, Community Development |

Concurrence by:

Dale Lindsay
Director, Community Development |

ATTACHMENT A

City of Nanaimo

Linley Valley Parks

Acquired Parks

Parks



0 250 500
Meters

CITY OF NANAIMO
THE HARBOUR CITY
GIS Section

Published January 30th, 2018

5787, 5649, 5650, 5648 Linley Valley Dr
Acquired through Subdivision
11.2 Acres, 1.3 Acres, 0.4 Acres, 3.6 Acres

5338, 5340 Smokey Cres
Acquired through Subdivision
5.3 Acres, 1.5 Acres

5260 Tanya Dr
50 Acres

Lost Lake
Park

5600 Vanderneuk Road & 3842 Stronach Dr
41.7 Acres & 8.7 Acres

3518 Hillside Ave.
117 Acres

Linley Valley
Cottle Lake Park

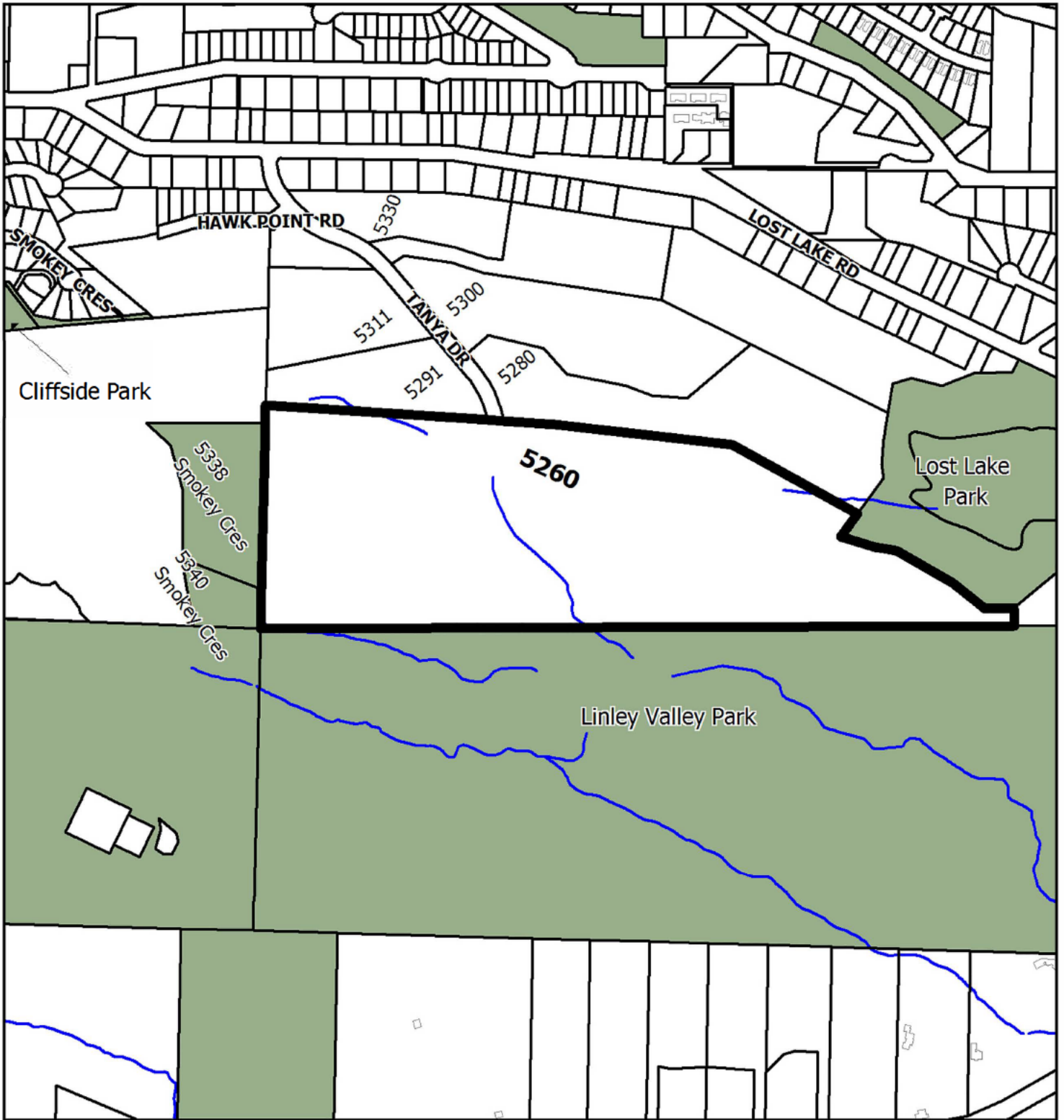
3840 Stronach Dr
(portion of 3650 Cottleview Dr)
Subdivision costs
5.8 Acres

3508 Hillside Ave.
Acquired through Subdivision
16.8 Acres

3665 Rock City Rd
4.3 Acres

3660 Rock City Rd
Acquired through Subdivision
1.6 Acres

ATTACHMENT B

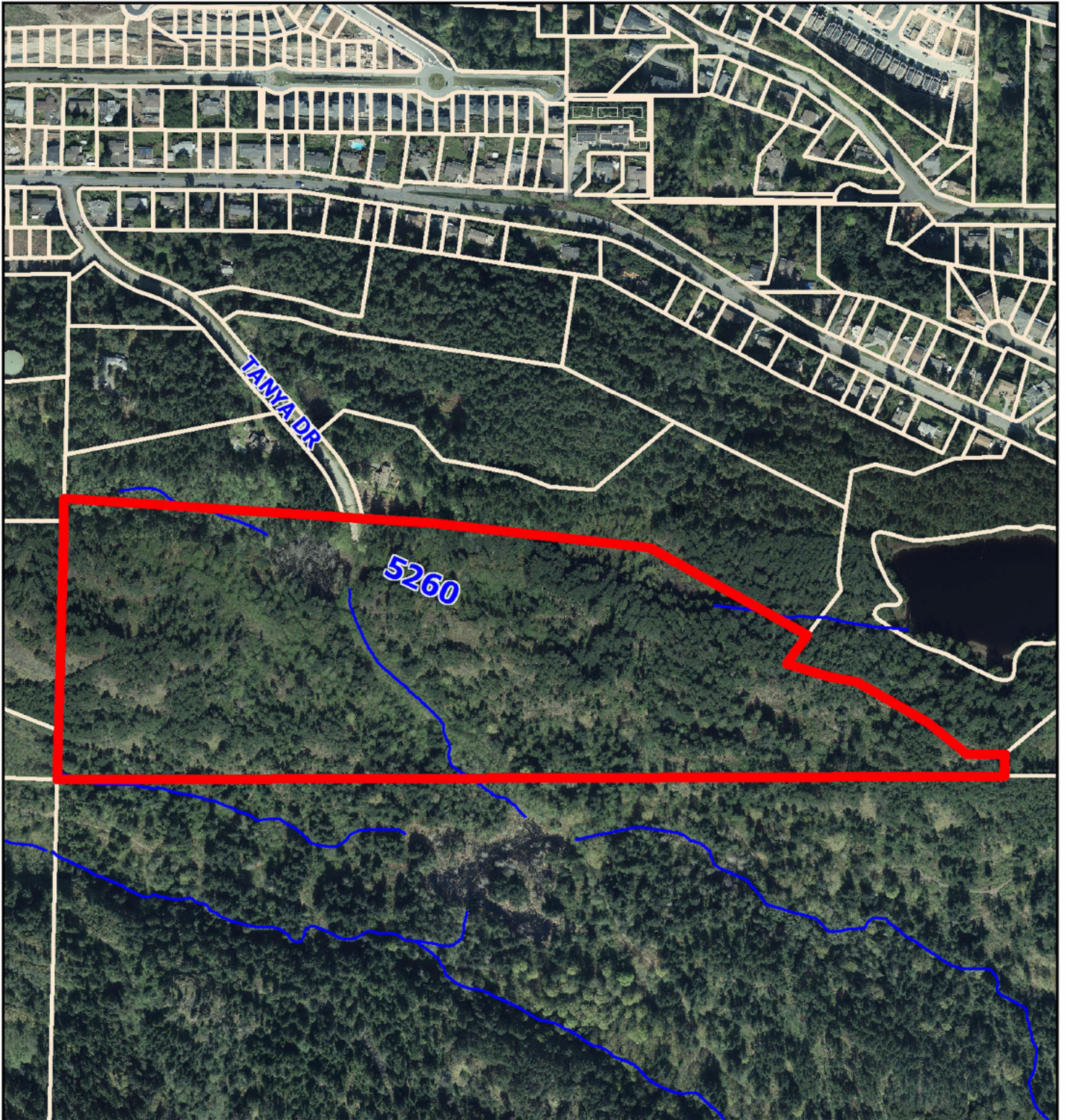


LOCATION PLAN

Civic: 5260 Tanya Drive
Proposed Acquisition

**Subject
Property
= 20.2 ha /
49.9 Acres**

ATTACHMENT C



Civic: 5260 Tanya Drive



District of Lantzville

Incorporated June 2003

April 3, 2018

Chief Administrative Officer
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9T 5J6

Re: Lantzville/Nanaimo Water Agreement

Council, at their March 26, 2018 Council meeting, passed a motion for staff to request a meeting between the District of Lantzville Council and the City of Nanaimo Council to discuss proposed changes to the Lantzville/Nanaimo Water Agreement.

It is proposed that topics of discussion for the meeting be submitted in advance by both parties, so that each party can be prepared and result in an effective and productive meeting.

Please let us know if your Council is in support of a joint meeting to discuss proposed changes to the Lantzville/Nanaimo Water Agreement.

Should you have any questions, please contact me at 250.390.4006 or ronaldcampbell@lantzville.ca.

Yours truly,

Ronald Campbell, CLGA
Chief Administrative Officer

c. District of Lantzville Council; Fred Spears, Director of Public Works

File: 2280.20.9

T:\DISTRICT OF LANTZVILLE\Correspondence\2018\Arising from Council Meeting\CoN Council Water Agreement Meeting Request 26 Mar 2018.docx

Tel: 250.390.4006 Fax: 250.390.5188

district@lantzville.ca www.lantzville.ca

7192 Lantzville Road, PO Box 100, Lantzville, BC V0R 2H0



ADDENDUM
"IN CAMERA" COUNCIL MEETING

Monday, May 7, 2018, 4:30 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

4. REPORTS

g.

[REDACTED]

[REDACTED]



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Friday, May 11, 2018

9:00 a.m. to 12:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

Adoption of Agenda - 90(1)(n)

2(a) - [REDACTED] 90(1)(i)

2(b) - [REDACTED] - 90(1)(a)(c)(g)(i)

Section 90(1):

(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 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,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. PRESENTATIONS

a. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b.

[REDACTED]

[REDACTED]

[REDACTED]

3. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Monday, May 14, 2018

4:30 P.M. - 7:00 P.M.

DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

4(a). Appointments to Council's Committees - 90(1)(a)

Section 90(1):

(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;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

a. Minutes

3 - 6

Minutes of the Special "In Camera" Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street on Monday, 2018-APR-30 at 1:00 p.m.

3. PRESENTATIONS

4. REPORTS

a. Appointments to Council's Committees

7 - 111

To be introduced by Sheila Gurrie, City Clerk and Corporate Officer.

Purpose: To obtain Council approval for appointments to various committees.

Recommendation: That Council appoint:

1. two members to the Community Planning and Development Committee;
2. two member to the Community Vitality Committee;
3. three member to the Nanaimo Youth Advisory Council;
4. one member to the Public Safety Committee;
for a term ending 2018-DEC-31; and,
5. appoint five members to the Board of Variance for a three year term
ending 2021-MAY-13.

Rise and Report:

That Council instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on a future open Council meeting agenda.

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARDROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2018-APR-30 AT 1:00 P.M. – 4:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp (vacated 3:32 p.m.)
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 1:01 p.m., vacated 3:32 p.m.)

Staff: J. Van Horne, Director of Human Resources
S. Snelgrove, Deputy Corporate Officer (arrived 12:45 p.m.)
K. Gerard, Recording Secretary (arrived 12:30 p.m.)

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

The Special "In Camera" Meeting was called to order at 10:52 a.m.

The meeting recessed at 10:53 a.m.
The meeting reconvened at 1:00 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.

Councillor Yoachim entered the Boardroom at 1:01 p.m.

3. REPORTS:

(a) "Management Terms and Conditions of Employment Bylaw 2005 No. 7000"

John Van Horne, Director of Human Resources provided Council with an introduction to potential amendments regarding "Management Terms and Conditions of Employment Bylaw 2005 No. 7000".

Council discussion took place regarding:

- Goal of this session is to record the changes that Council approves

- Receive Council direction on when and how the changes will be communicated to the employees in the excluded management group.

Page 2:

Council consensus that all changes made to page 2 are accepted.

Page 3:

Council consensus that all changes made to page 3 are accepted.

Page 4:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Section 6 – Cancellation of Appointment Prior to Expiration of Probation Period

Council consensus to change Section 6.1 (a) to the following:

- (a) with respect to appointments to Officer positions, the decision to terminate the appointment shall be made by Council pursuant to the *Community Charter*.

Page 5

[REDACTED]

[REDACTED]

Section 7.3 (ii) – Council agreed to re-word this item to:

“Upon completion of probation, reasonable notice in accordance with the common law.”

Section 7.6 - Council agreed to the new wording for Sections 7.6. as follows:

“Employees are required to give the following minimum working notice of resignation from their employment:

- (i) Four weeks for Officers, and Excluded Employees at the Director level and above;

- (ii) Three weeks for Excluded employees at the Manager level; and,
- (iii) Two weeks for all other Excluded Employees."

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Page 7

Section 12.3 – Annual Vacation

Council discussion took place regarding annual vacations, accumulated vacation time and how much vacation time can be carried over from year to year.

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Schedule 'A'

Page 1

Council consensus that all changes on Page 1 are accepted.

Page 3

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Schedule 'A'

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Councillor Kipp vacated the Boardroom at 3:32 p.m.
K. Gerard vacated the Boardroom at 3:34 p.m.
Councillor Yoachim vacated the Boardroom at 3:34 p.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

K. Gerard returned to the Boardroom at 3:36 p.m.

[REDACTED]

[REDACTED]

[REDACTED]

4. ADJOURNMENT:

It was moved and seconded at 3:38 p.m. that the Special "In Camera" Meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

In Camera Report for Decision

City of Nanaimo

File Number: 0360-01

DATE OF MEETING | MAY 14, 2018 |

AUTHORED BY | SHEILA GURRIE, CITY CLERK & CORPORATE OFFICER |

SUBJECT | APPOINTMENTS TO COUNCIL'S COMMITTEES |

OVERVIEW

Purpose of Report

To obtain Council approval for appointments to various committees.

Reason for "In Camera"

- (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.

Recommendation

That Council appoint:

1. two members to the Community Planning and Development Committee;
 2. two member to the Community Vitality Committee;
 3. three member to the Nanaimo Youth Advisory Council;
 4. one member to the Public Safety Committee;
- for a term ending 2018-DEC-31; and,
5. appoint five members to the Board of Variance for a three year term ending 2021-MAY-13.

Resolution to Rise and Report

That Council instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on a future open Council meeting agenda.

BACKGROUND

Due to a number of committee resignations and the end of the term for Board of Variance members, Legislative Services advertised for member at large positions on the following committees:

Board of Variance – 5 positions available

Community Planning and Development – 2 positions available.

Community Vitality – 2 positions available.

Nanaimo Youth Advisory Council – 4 positions available.

Public Safety – 1 position available.

Vacancies were advertised through the City website, social media, news releases and notices in the Nanaimo News Bulletin. The term for appointed members will be until December 31, 2018,

excluding the Board or Variance which has a legislated three year term, ending May 13, 2021. As per the Committee Operating Guidelines, the Corporate Officer has reviewed all applications received by the deadline. Only three applications were submitted for the four vacancies on the Nanaimo Youth Advisory Council. As per the operating guidelines, Committee members can only sit on one committee at a time and must be residents of Nanaimo.

The following factors should be taken into account when making recommendations of appointments:

- a) the person's knowledge, skills and abilities vis-à-vis the Terms of Reference of the Committee;
- b) the person's past behavior while previously serving on a committee;
- c) the potential for conflict of interest between the person and the subject matters considered by the Committee in accordance with the Committee's Terms of Reference;
- d) the current composition of the Committee in terms of knowledge, skills and abilities;
- e) any information provided by the department responsible for the Committee.

Community Planning and Development Committee	Notes – 2 positions	Community Vitality Committee	Notes – 2 positions
1. Enns, Janae		1. Bowen, James	
2. [REDACTED]		2. [REDACTED]	
3. Goatcher, Richard		3. [REDACTED]	
4. [REDACTED] [REDACTED] [REDACTED]		4. [REDACTED]	
5. [REDACTED] [REDACTED] [REDACTED]		5. [REDACTED]	
6. [REDACTED] [REDACTED]		6. [REDACTED]	
7. [REDACTED] [REDACTED] [REDACTED] [REDACTED]		7. [REDACTED]	
8. [REDACTED]		8. [REDACTED] [REDACTED] [REDACTED]	
9. [REDACTED]		9. [REDACTED] [REDACTED]	
		10. Stevens, Julia*	

* Indicates a late application

Nanaimo Youth Advisory Council	Notes – 4 positions	Board of Variance Committee	Notes – 5 positions
1. Devjayanth, Melanie*		1. Blundell, Gregory	
2. Hannesson, Katrin*		2. Irwin, Robert	
3. McColl, Nicola		3. Johnson, Gerald J. [REDACTED]	
Public Safety Committee	Notes – 1 position	4. Kaman, Jessica*	
1. Korabek, Barbara		5. Nadeau, Ronald [REDACTED] [REDACTED]	
2. [REDACTED] [REDACTED] [REDACTED] [REDACTED]		6. [REDACTED] [REDACTED]	
3. [REDACTED]			

* Indicates a late application

OPTIONS

1. That Council appoint:
 1. two members to the Community Planning and Development Committee;
 2. two member to the Community Vitality Committee;
 3. three member to the Nanaimo Youth Advisory Council;
 4. one member to the Public Safety Committee;
 for a term ending 2018-DEC-31; and,
 5. appoint five members to the Board of Variance for a three year term ending 2021-MAY-13.
2. That Council provide alternate direction.]

SUMMARY POINTS

- Due to a number of resignation, advertising commenced for various committees.
- Council is requested to appoint members at large to various committees and boards.
- Term of appointment for committees is until December 31, 2018.
- Term of appointment for Board of Variance is until May 13, 2021. |

ATTACHMENTS

[REDACTED]

Submitted by:

Sheila Gurrie
City Clerk and Corporate Officer



TERMS OF REFERENCE

COMMUNITY PLANNING AND DEVELOPMENT COMMITTEE

PURPOSE:

The purpose of the Committee is to bring a broad community-based perspective to the monitoring, implementation, and amendment of the City's Official Community Plan (OCP), Transportation Plan, Zoning Bylaw and associated plans.

The purpose of the Committee is to provide Council recommendations on the following:

- development proposals which require amendments to the OCP and/or Zoning Bylaw;
- proposed changes to the OCP and related community planning and development plans;
- rezoning applications to ensure proposed developments comply with relevant policies;
- community perspective to the planning and approval process;
- strategies to integrate principles economic health, social equity, land use, sustainability, and environmental into all aspects of planning and development;
- implementation and education of the Transportation Master Plan; and
- regional transportation initiatives as they relate to planning and development.

MEMBERSHIP:

The membership of the Committee will be as follows:

- a minimum of seven (7) members; and
- three (3) members of Council.

Additional non-voting representatives will be invited to participate as required for neighbourhood plan amendments.

ELIGIBILITY:

An individual who is a member of one of the following communities may be given preference for membership on this Committee:

- business community;
- neighbourhood associations;
- development community;
- transportation user groups;
- broad-based perspective of planning and development; and
- environmental stewardship and sustainability.

GRANTS:

If there are any City Grants related to the Committee the following process will take place:

1. The grant application is received by the City.
2. A Staff/peer review takes place to ensure the applications meet the criteria for a specific grant.
3. The applications that meet the criteria are put on a list in order of relevance by Staff.
4. Staff recommend recipients from the list provided for the grant to the Finance and Audit Committee for approval.

MEETING FREQUENCY:

In addition to regularly scheduled meetings, the Committee will meet upon call of the Chair or the request of two Committee Members.

STAFF SUPPORT:

The following City Departments may provide support to the Committee in accordance with the ***City of Nanaimo Committee Operating Guidelines***:

- Community Development
- Engineering and Public Works
- City Clerk
- Other Staff as required

COMMUNITY PLANNING AND DEVELOPMENT COMMITTEE (CPD)

Chair: Councillor Brennan

Alternate: Councillor Thorpe

Staff Liaison: Bruce Anderson, Dale Lindsay, Bill Corsan

Name / Appointment Type
Councillor Diane Brennan (Council Rep)
Councillor Ian Thorpe (Alternate Council Rep)
Daniel Appell (At-Large)
Mercedes Beaudoin-Lobb (At-Large)
Colin Brown (At-Large)
Tyler Brown (At-Large)
Richard Finnegan (At-Large)
Anthony Griffin (At-Large)
Patricia Reynes (At-Large)
Richard Steele (At-Large)
Vacant (At-Large)
Vacant (At-Large)



TERMS OF REFERENCE

COMMUNITY VITALITY COMMITTEE

PURPOSE:

The purpose of the Committee is to bring together community members to provide education, advice and recommendations to Council on policies and programs for the arts, culture, heritage and social planning, in order to support an inclusive, healthy and vital community.

The Committee's purpose is to provide Council advice and recommendations on the following:

- Planning and developing heritage conservation services and facilities.
- Fostering creativity, planning and developing arts and cultural programs, services, and facilities.
- Social planning in areas such as: education, poverty reduction, affordable housing, homelessness, food security, protection of the vulnerable, harm reduction, social isolation, and social connectivity.
- Strategizing to address environmental responsibility, social equity, cultural vitality, and a healthy and sustainable community.

MEMBERSHIP:

The membership of the Committee will be as follows:

- a minimum of seven (7) members; and
- a minimum of three (3) members of Council.

ELIGIBILITY:

An individual with the following skills and expertise in at least one of the following categories may be given preference for membership on this Committee:

- Broad-based social perspective on community issues, social equity, and/or multiculturalism ; and
- Broad-based arts, environment, culture and/or heritage perspective on community issues.

GRANTS:

If there are any City Grants related to the Committee the following process will take place:

1. The grant application is received by the City.
2. A Staff/peer review takes place to ensure the applications meet the criteria for a specific grant.
3. The applications that meet the criteria are put on a list in order of relevance by Staff.
4. Staff recommend recipients from the list provided for the grant to the Finance and Audit Committee for approval.

MEETING FREQUENCY:

In addition to regularly scheduled meetings, the Committee will meet upon call of the Chair or the request of two Committee Members.

STAFF SUPPORT:

The following City Departments may provide support to the Committee in accordance with the ***City of Nanaimo Committee Operating Guidelines***:

- Community Development
- City Clerk
- Parks & Recreation
- Other Staff as required

COMMUNITY VITALITY (CV)

Chair: Councillor Fuller

Alternate: Councillor Armstrong

Staff Liaison: Bruce Anderson, Chris Sholberg, Chris Barfoot, Dale Lindsay, John Horn

Name / Appointment Type
Councillor Gordon Fuller (Council Rep)
Councillor Sheryl Armstrong (Alternate Council Rep)
Erin Hemmens
Rob McGregor
Dennis McMahon
Ingrid Sly
Paula Waatainen
Vacant
Vacant



NANAIMO YOUTH ADISORY COUNCIL TERMS OF REFERENCE

(adopted 2014-MAY-05)

(amended 2015-AUG-17)

Purpose

The mandate of the Nanaimo Youth Advisory Committee (NYAC) is to provide Mayor and Council with a youth perspective on municipal issues. The NYAC will also provide input and advice to City staff as requested and will seek to involve and inform the young people of Nanaimo on issues that affect them and the community as a whole.

Values

The City of Nanaimo believes that:

- Youth are integral parts of the community and, like all residents, have inherent rights and responsibilities;
- Youth should be encouraged and given the opportunity to take a leading role in issues which affect their lives;
- Youth are able to make positive contributions to their communities; and,
- That an investment in young people is an investment in the future.

Composition of Youth Advisory Council

The NYAC will be comprised of:

- 12 youth between 15 and 24 years of age;
- 2 youth between 15 and 24 years of age from Snuneymuxw First Nation; and,
- 1 member of Nanaimo City Council.

Prospective members will be identified by soliciting applications through advertising in local newspapers and with additional efforts made to create awareness by connecting directly with youth based school groups at the secondary school and University level.

Membership in the NYAC should, where possible, represent the range of diverse individuals that live in and make up the community of Nanaimo. Members must be residents of Nanaimo. All members shall serve without remuneration. The City Council may appoint new voting members at any time to fill vacancies.

Meeting agendas, minutes and reports will be prepared and distributed with the assistance of City staff.

Appointment and Term

The NYAC members will be appointed by Council and will serve a two year term.

Structure

A Chair and Vice Chair are to be selected by the voting members each term.

Meetings

The NYAC will meet monthly, and a minimum of two times each year with Mayor and Council. Additional meetings will be scheduled so as to accommodate the academic calendar and the meeting schedule will be determined in advance for each calendar year in consultation with members and elected officials.

Meetings will be held at City Hall, 411 Dunsmuir at a time appropriate to the scheduling needs of youth members.

A quorum is 7 or more members, excluding staff and elected officials.

In order to be relevant and topical to youth and City Council, members of the NYAC will develop an agenda for their meetings based on items drawn from past or upcoming Nanaimo City Council meetings. In addition, other topics not covered by City Council can be added to the NYAC agenda by youth, elected officials or City staff.

Authority

The NYAC may make recommendations to Council which are non-binding, and may include requests for financial support for specific actions.

See also:

- Terms of Reference for Advisory Committees
- Council Procedure Bylaw

NANAIMO YOUTH ADVISORY COUNCIL (NYAC)

Chair: Michael Ribicic

Vice-Chair: Aakash Pawar

Staff Liaison: Karin Kronstal

Name / Appointment Type
Councillor Jerry Hong <i>(Council Rep)</i>
Erin Burnley
Tali Campbell
Aakash Pawar
Michael Ribicic
Clare Shuley
Claudia Thompson
Henry Waatainen
<i>Vacant</i>
<i>Vacant</i>
<i>Vacant</i>
<i>Vacant</i>



TERMS OF REFERENCE

PUBLIC SAFETY COMMITTEE

PURPOSE:

The Public Safety Committee is responsible for maintaining and enhancing a safe and healthy community that promotes and supports quality of life while encouraging resident involvement and input.

The Committee's purpose is to provide Council advice on the following:

- integrated prevention based approach to public safety;
- provision of protective services to support public safety throughout the city;
- reducing the adverse effects to the community arising from public disorder or criminal activities;
- integrating enforcement and social responses to issues of community safety; and
- services and strategies that lead to the protection of vulnerable persons.

MEMBERSHIP:

The membership of the Committee will be as follows:

- seven (7) members-at-large; and
- three (3) members of Council.

Non-voting representatives and community partners may be invited to attend the meeting specific to topics of shared interest.

Subject matter experts as non-voting representatives including but not limited to: Fire Chief, Social Planner, Manager of Police Support Services, Officer-in-Charge RCMP Nanaimo Detachment, Emergency Program Manager, Manager of Bylaws or designates.

ELIGIBILITY:

An individual with the following skills and expertise may be given preference for membership on this Committee:

- demonstrated background in social community services, emergency planning, Canadian Justice services, fire services, protection services, enforcement or prevention services

GRANTS:

If there are any City Grants related to the Committee the following process will take place:

1. The grant application is received by the City.
2. A Staff/peer review takes place to ensure the applications meet the criteria for a specific grant.
3. The applications that meet the criteria are put on a list in order of relevance by Staff.
4. Staff recommend recipients from the list provided for the grant to the Finance and Audit Committee for approval.

MEETING FREQUENCY:

In addition to regularly scheduled meetings, the Committee will meet upon call of the Chair or the request of two Committee Members.

STAFF SUPPORT:

The following City Departments may provide support to the Committee in accordance with the ***City of Nanaimo Committee Operating Guidelines***:

- Community Services
- Nanaimo Police Support Services
- Nanaimo Fire Rescue & Emergency Management
- Bylaw and Parking Services
- City Clerk
- Chief Operations Officer
- Other Staff as required

PUBLIC SAFETY COMMITTEE (PS)

Chair: Councillor Armstrong

Alternate: Councillor Yoachim

Staff Liaison: Karen Fry, John Horn, Mike Dietrich

Name / Appointment Type
Councillor Sheryl Armstrong (Council Rep)
Councillor Bill Yoachim (Alternate Council Rep)
David Holmes
David Lemire
Muir (Thomas) Meredith
Bruce Parker
Alexis Petersen
Robert Whitton
Vacant



**ADDENDUM
SPECIAL "IN CAMERA" COUNCIL MEETING"**

Monday, May 14, 2018

4:30 P.M. - 7:00 P.M.

DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

a. Add - Section 90(1)(c)

(c) labour relations or other employee relations.

4. REPORTS

b.

[REDACTED]

[REDACTED]



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Friday, May 25, 2018

9:00 A.M. - 12:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

Adoption of Agenda - 90(1)(n)

2(a) - [REDACTED] - 90(1)(l)

2(b) - [REDACTED] - 90(1)(a)(c)(g)(i)

Section 90(1):

(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 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;

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

a. [REDACTED]

[REDACTED]

[REDACTED]

b.



4. REPORTS

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Friday, May 25, 2018

1:00 P.M. - 2:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)
2. 4(a) [REDACTED]
90(1)(f)(g)(i)

Section 90(1):

(f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
(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;
(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

4. REPORTS

a.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



AGENDA "IN CAMERA" COUNCIL MEETING

Monday, May 28, 2018, 4:30 P.M. - 6:30 P.M.
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

4(a). Appointments of City Collector and Deputy City Collector - 90(1)(a)

4(b). Property Acquisition - 5260 Tanya Drive - 90(1)(e)

4(c). Unauthorized Disclosure of "In Camera" Information - 90(1)(a)(g)(i)

Section 90(1):

(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;

(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;

(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).

2. ADOPTION OF MINUTES

a. Minutes

4 - 10

Minutes of the "In Camera" Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Friday, 2018-MAY-11, at 9:00 a.m.

b. Minutes

11 - 13

Minutes of the Special "In Camera" Meeting held in the Douglas Rispin Room, Vancouver Island Conference Centre, on Monday, 2018-MAY-14 at 4:30 p.m.

3. PRESENTATIONS

4. REPORTS

a. Appointments of the City Collector and Deputy City Collector

14 - 15

To be introduced by Laura Mercer, Manager of Accounting Services.

Purpose: To assign duties and responsibilities of Collector and Deputy Collector for the City of Nanaimo.

Recommendation: That:

1. Council assign the duties and responsibilities of Collector for the City of Nanaimo to Jamie Slater and that Laura Mercer be assigned duties and responsibilities of Deputy Collector; and,
2. all previous assignments for Collector be rescinded.

Rise and Report:

To be released subject to approval by Council.

b. Property Acquisition - 5260 Tanya Drive

16 - 21

To be introduced by Bill Corsan, Deputy Director of Community Development.

Purpose: To obtain Council approval to acquire 5260 Tanya Drive for park purposes.

Recommendation: That Council authorize the acquisition of 5260 Tanya Drive from [REDACTED] for the sum of [REDACTED]

Rise and Report:

To be released upon conclusion of the negotiation process [REDACTED]
[REDACTED]

c. Unauthorized Disclosure of "In Camera" Information

22 - 28

To be introduced by Sheila Gurrie, City Clerk and Corporate Officer.

Purpose: To provide Council with options of redress concerning the unauthorized disclosure of "In Camera" information (KPMG Report).

Recommendation: That Council direct Staff to pursue one or more of the following options with respect to the unauthorized disclosure of "In Camera" information:

1. Injunction;
2. Prosecution;
3. Motion of Censure; and/or,
4. Action for Damages.

Rise and Report:

That Council Rise and Report with recommendation(s) after a decision is made.

5. ADJOURNMENT OF "IN CAMERA" MEETING

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
SHAW AUDITORIUM
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC
FRIDAY, 2018-MAY-11, 9:00 A.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller (arrived 9:02 a.m., vacated 12:51 p.m.)
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: [REDACTED]

Staff: V. Mema, Chief Financial Officer (arrived 9:28 a.m. vacated 12:00 p.m.)
J. Van Horne, Director of Human Resources (vacated 12:00 p.m.)
L. Mercer, Manager of Accounting Services (vacated 12:00 p.m.)
S. Gurrie, City Clerk
S. Snelgrove, Recording Secretary

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

The "In Camera" Meeting was called to order at 9:01 a.m.

2. PRESENTATIONS:

(a) [REDACTED]

[REDACTED]

Councillor Fuller entered the Shaw Auditorium at 9:02 a.m.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

V. Mema [REDACTED] entered Shaw Auditorium at 9:28 a.m.

(b) [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

■

1. ☐ **Yes**
 2. ☐ **No**

[illegible]

■ 

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Figure 1**
 10. **Figure 2**
 11. **Figure 3**
 12. **Figure 4**
 13. **Figure 5**
 14. **Figure 6**
 15. **Figure 7**
 16. **Figure 8**
 17. **Figure 9**
 18. **Figure 10**
 19. **Figure 11**
 20. **Figure 12**
 21. **Figure 13**
 22. **Figure 14**
 23. **Figure 15**
 24. **Figure 16**
 25. **Figure 17**
 26. **Figure 18**
 27. **Figure 19**
 28. **Figure 20**
 29. **Figure 21**
 30. **Figure 22**
 31. **Figure 23**
 32. **Figure 24**
 33. **Figure 25**
 34. **Figure 26**
 35. **Figure 27**
 36. **Figure 28**
 37. **Figure 29**
 38. **Figure 30**
 39. **Figure 31**
 40. **Figure 32**
 41. **Figure 33**
 42. **Figure 34**
 43. **Figure 35**
 44. **Figure 36**
 45. **Figure 37**
 46. **Figure 38**
 47. **Figure 39**
 48. **Figure 40**
 49. **Figure 41**
 50. **Figure 42**
 51. **Figure 43**
 52. **Figure 44**
 53. **Figure 45**
 54. **Figure 46**
 55. **Figure 47**
 56. **Figure 48**
 57. **Figure 49**
 58. **Figure 50**
 59. **Figure 51**
 60. **Figure 52**
 61. **Figure 53**
 62. **Figure 54**
 63. **Figure 55**
 64. **Figure 56**
 65. **Figure 57**
 66. **Figure 58**
 67. **Figure 59**
 68. **Figure 60**
 69. **Figure 61**
 70. **Figure 62**
 71. **Figure 63**
 72. **Figure 64**
 73. **Figure 65**
 74. **Figure 66**
 75. **Figure 67**
 76. **Figure 68**
 77. **Figure 69**
 78. **Figure 70**
 79. **Figure 71**
 80. **Figure 72**
 81. **Figure 73**
 82. **Figure 74**
 83. **Figure 75**
 84. **Figure 76**
 85. **Figure 77**
 86. **Figure 78**
 87. **Figure 79**
 88. **Figure 80**
 89. **Figure 81**
 90. **Figure 82**
 91. **Figure 83**
 92. **Figure 84**
 93. **Figure 85**
 94. **Figure 86**
 95. **Figure 87**
 96. **Figure 88**
 97. **Figure 89**
 98. **Figure 90**
 99. **Figure 91**
 100. **Figure 92**
 101. **Figure 93**
 102. **Figure 94**
 103. **Figure 95**
 104. **Figure 96**
 105. **Figure 97**
 106. **Figure 98**
 107. **Figure 99**
 108. **Figure 100**
 109. **Figure 101**
 110. **Figure 102**
 111. **Figure 103**
 112. **Figure 104**
 113. **Figure 105**
 114. **Figure 106**
 115. **Figure 107**
 116. **Figure 108**
 117. **Figure 109**
 118. **Figure 110**
 119. **Figure 111**
 120. **Figure 112**
 121. **Figure 113**
 122. **Figure 114**
 123. **Figure 115**
 124. **Figure 116**
 125. **Figure 117**
 126. **Figure 118**
 127. **Figure 119**
 128. **Figure 120**
 129. **Figure 121**
 130. **Figure 122**
 131. **Figure 123**
 132. **Figure 124**
 133. **Figure 125**
 134. **Figure 126**
 135. **Figure 127**
 136. **Figure 128**
 137. **Figure 129**
 138. **Figure 130**
 139. **Figure 131**
 140. **Figure 132**
 141. **Figure 133**
 142. **Figure 134**
 143. **Figure 135**
 144. **Figure 136**
 145. **Figure 137**
 146. **Figure 138**
 147. **Figure 139**
 148. **Figure 140**
 149. **Figure 141**
 150. **Figure 142**
 151. **Figure 143**
 152. **Figure 144**
 153. **Figure 145**
 154. **Figure 146**
 155. **Figure 147**
 156. **Figure 148**
 157. **Figure 149**
 158. **Figure 150**
 159. **Figure 151**
 160. **Figure 152**
 161. **Figure 153**
 162. **Figure 154**
 163. **Figure 155**
 164. **Figure 156**
 165. **Figure 157**
 166. **Figure 158**
 167. **Figure 159**
 168. **Figure 160**
 169. **Figure 161**
 170. **Figure 162**
 171. **Figure 163**
 172. **Figure 164**
 173. **Figure 165**
 174. **Figure 166**
 175. **Figure 167**
 176. **Figure 168**
 177. **Figure 169**
 178. **Figure 170**
 179. **Figure 171**
 180. **Figure 172**
 181. **Figure 173**
 182. **Figure 174**
 183. **Figure 175**
 184. **Figure 176**
 185. **Figure 177**
 186. **Figure 178**
 187. **Figure 179**
 188. **Figure 180**
 189. **Figure 181**
 190. **Figure 182**
 191. **Figure 183**
 192. **Figure 184**
 193. **Figure 185**
 194. **Figure 186**
 195. **Figure 187**
 196. **Figure 188**
 197. **Figure 189**
 198. **Figure 190**
 199. **Figure 191**
 200. **Figure 192**
 201. **Figure 193**
 202. **Figure 194**
 203. **Figure 195**
 204. **Figure 196**
 205. **Figure 197**
 206. **Figure 198**
 207. **Figure 199**
 208. **Figure 200**
 209. **Figure 201**
 210. **Figure 202**
 211. **Figure 203**
 212. **Figure 204**
 213. **Figure 205**
 214. **Figure 206**
 215. **Figure 207**
 216. **Figure 208**
 217. **Figure 209**

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

1. **Identify the main components of the system.**

Entity	Percentage
Current government	85%
Opposition	15%

Country	Share of GDP
United States	1.1%
Germany	0.8%
France	0.7%
Italy	0.6%
Spain	0.5%
Japan	0.4%
China	0.3%
India	0.2%
South Korea	0.1%
United Kingdom	0.1%
Canada	0.1%
Sweden	0.1%
Netherlands	0.1%
Belgium	0.1%
Australia	0.1%
South Africa	0.1%
Brazil	0.1%
Argentina	0.1%
Chile	0.1%
Colombia	0.1%
Venezuela	0.1%
Peru	0.1%
Ecuador	0.1%
Bolivia	0.1%
Paraguay	0.1%
Uruguay	0.1%
Costa Rica	0.1%
Panama	0.1%
Dominican Republic	0.1%
Honduras	0.1%
Guatemala	0.1%
El Salvador	0.1%
Nicaragua	0.1%
Haiti	0.1%
Dominican Republic	0.1%
Jamaica	0.1%
Trinidad and Tobago	0.1%
Grenada	0.1%
Barbados	0.1%
Suriname	0.1%
Guayana Francesa	0.1%
Aruba	0.1%
Curaçao	0.1%
Bonaire	0.1%
San Pedro y San Pablo	0.1%
San Juan	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%
San Juan	0.1%
San Pedro y San Pablo	0.1%
San Vicente y las Grenadinas	0.1%
San Cristóbal y Nieves	0.1%
San Bartolomé	0.1%
San Eustaquio	0.1%
San Andrés y Providencia	0.1%
San Fielipe	0.1%</

■ 

The Special In Camera Council Meeting recessed at 10:22 a.m.

V. Mema, [REDACTED] L. Mercer, S. Gurrie, J. Van Horne and S. Snelgrove vacated the Shaw auditorium at 10:23 a.m.

The Special In Camera Council Meeting reconvened at 10:24 a.m.

V. Mema, [REDACTED] L. Mercer, S. Gurrie, J. Van Horne and S. Snelgrove returned to the Shaw auditorium at 11:17 a.m.

Mayor McKay asked for final comments from John Van Horne, Director of Human Resources.

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action, broken down by age group. The y-axis lists age groups from 18-29 to 60+. The x-axis represents the percentage from 0 to 100. The bars are dark gray. The data is as follows:

Age Group	Percentage
18-29	88%
30-39	85%
40-49	92%
50-59	75%
60+	90%
18-29	88%
30-39	85%
40-49	92%
50-59	75%
60+	90%
18-29	88%
30-39	85%
40-49	92%
50-59	75%
60+	90%
18-29	88%
30-39	85%
40-49	92%
50-59	75%
60+	90%

■ 

[illegible]

- [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

The Special In Camera Council Meeting recessed at 11:34 a.m. with the intention to reconvene in 10 minutes.
The Special In Camera Council Meeting reconvened at 11:52 a.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] V. Mema, J. Van Horne, L. Mercer, S. Gurrie and S. Snelgrove vacated the Shaw Auditorium at 12:00 p.m.

Councillor Fuller vacated the Shaw Auditorium at 12:51 p.m.

S. Gurrie and S. Snelgrove returned to the Shaw Auditorium at 1:00 p.m.

[REDACTED]

[REDACTED]

3. ADJOURNMENT:

It was moved and seconded at 1:07 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

[Note: These minutes are not verbatim.]

C H A I 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, 2018-MAY-14 AT 4:30 P.M.

Members: Mayor W. B. McKay, Chair (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor S. D. Armstrong (vacated the Douglas Rispin Room at 5:5 p.m.)
Councillor W. L. Bestwick (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor M. D. Brennan (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor G. W. Fuller
Councillor J. Hong (vacated the Douglas Rispin Room at 5:45 p.m.)
Councillor J. A. Kipp
Councillor I. W. Thorpe (vacated the Douglas Rispin Room at 5:45 p.m.)

Absent: Councillor W. M. Yoachim

Staff: J. Van Horne, Director of Human Resources (vacated the Douglas Rispin Room at 5:45 p.m.)
S. Gurrie, City Clerk (vacated the Douglas Rispin Room at 5:35 p.m.)
K. Gerard, Steno (vacated the Douglas Rispin Room at 5:17 p.m.)
G. Whitters, Recording Secretary (vacated the Douglas Rispin Room at 5:17 p.m.)

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

The Special "In Camera" Meeting was called to order at 4:32 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 1 Adoption of Agenda – Add *Community Charter* Section 90(1)(c) – labour relations or other employee relations
- (b) Add Agenda Item 4(b) – [REDACTED]
- (c) Add Agenda Item 4(c) - [REDACTED]
- (d) Add Agenda Item 4(d) - [REDACTED]
[REDACTED]
- (e) Add Agenda Item 4(e) [REDACTED]
[REDACTED]

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. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Special "In Camera" Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street on Monday, 2018-APR-30 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

5. REPORTS:

(a) Appointment to Council's Committees

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council proceed with committee member nominations and selections. The motion carried unanimously.

It was moved and seconded that Council appoint the following individuals as members of the Community Planning and Development Committee:

1. Janae Enns
2. Richard Goatcher

The motion carried unanimously.

It was moved and seconded that Council appoint the following individuals as members of the Community Vitality Committee:

1. James Bowen
2. Julia Stevens

The motion carried unanimously.

It was moved and seconded that Council appoint the following individuals as members of the Nanaimo Youth Advisory Council:

1. Melanie Devjayanth
2. Katrin Hannesson
3. Nicola McColl

The motion carried unanimously.

It was moved and seconded that Council appoint Barbara Korabek as a member of the Public Safety Committee. The motion carried unanimously.

It was moved and seconded that Council appoint the following individuals as members of the Board of Variance for a three year term ending 2021-MAY-13:

1. Gregory Blundell
2. Robert Irwin
3. Gerald J. Johnson
4. Jessica Kaman
5. Ronald Nadeau

The motion carried unanimously.

(b)

Redacted content consisting of multiple lines of text, represented by horizontal gray bars. The bars vary in length and are arranged in a list-like structure with some indentation. There are also two small vertical bars of gray squares.

K. Gerard and G. Whitters vacated the Douglas Rispin Room at 5:17 p.m.
Mayor McKay and Councillors Armstrong, Bestwick, Brennan, Hong and Thorpe vacated the Douglas Rispin Room at 5:45 p.m.
Quorum was lost at 5:45 p.m. and the meeting adjourned.

Age Group	Percentage
18-29	85%
30-49	75%
50-69	70%
70+	65%

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICE

DATE OF MEETING | May 28, 2018 |

AUTHORED BY | LAURA MERCER, DEPUTY FINANCIAL OFFICER |

SUBJECT | **APPOINTMENTS OF CITY COLLECTOR AND DEPUTY CITY COLLECTOR** |

OVERVIEW

Purpose of Report

To assign duties and responsibilities of Collector and Deputy Collector for the City of Nanaimo.

Reason for “In Camera”

- (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.

Recommendation

That:

1. Council assign the duties and responsibilities of Collector for the City of Nanaimo to Jamie Slater and that Laura Mercer be assigned duties and responsibilities of Deputy Collector; and,
2. all previous assignments for Collector be rescinded.

Resolution to Rise and Report

To be released subject to approval by Council.

BACKGROUND

The position of Collector has specific authority and responsibilities under the *Local Government Act* and *Community Charter*. These are related to collection of property taxes and the conduct of the annual tax sale.

The previous incumbent has retired. Jamie Slater has been appointed as the new Acting Manager of Revenue Services. The role of Collector is part of her job description and Staff recommend that Council formally appoint her as Collector.

To allow for coverage in the event of vacations or other absences, Staff are recommending that Laura Mercer retain the duties of Deputy Collector.

OPTIONS

1. Council assign the duties and responsibilities of Collector for the City of Nanaimo to Jamie Slater and that Laura Mercer be assigned duties and responsibilities of Deputy Collector
 - **Legal Implication:** Section 5 of the *Community Charter* defines the collector as the municipal officer assigned responsibility as collector of taxes for the Municipality.
2. Council appoint other staff members as City Collector and/or Deputy City Collector.
 - **Legal Implication:** Section 5 of the *Community Charter* defines the collector as the municipal officer assigned responsibility as collector of taxes for the Municipality.

SUMMARY POINTS

- City needs to appoint a staff member as City Collector.
- Section 5 of the *Community Charter* defines the Collector as the Municipal Officer assigned responsibility as collector of taxes for the Municipality.
- Previous Collector has retired.

Submitted by:

Laura Mercer
Deputy Financial Officer

In Camera Report for Decision

City of Nanaimo

File Number: LD002772

DATE OF MEETING MAY 28, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT **PROPERTY ACQUISITION – 5260 TANYA DRIVE**

OVERVIEW

Purpose of Report

To obtain Council approval to acquire 5260 Tanya Drive for park purposes.

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 5260 Tanya Drive from [REDACTED]
[REDACTED] for the sum of [REDACTED]

Resolution to Rise and Report

To be released upon conclusion of the negotiation process [REDACTED]
[REDACTED]

BACKGROUND

In Spring 2014, Council directed Staff to acquire land in Linley Valley for an expanded park system. Increasing development on the edges of Linley Valley fueled a strong desire from members of the public to preserve the majority of the remaining land in a natural state. By October 2014, 79 ha (195.9 acres) of new parkland transferred to the City at a cost of \$5.66 million. From 2014 to date, additional land has been acquired through the subdivision process. Linley Valley Park has now expanded to 156ha (385.4 acres) in size (Attachment A).

5260 Tanya Drive

5260 Tanya Drive (the “Property”) is a vacant, 20.2-ha (50-acre) parcel, owned by [REDACTED] (the “Owner”). It is located at the end of Tanya Drive between two City-owned parks – Lost Lake Park and 5338 and 5340 Smokey Crescent (Attachments B and C).

The former owner of the Property had a valid Option to Purchase Agreement (the “Option Agreement”) in place when the City first approached them in April 2014 to acquire the property as part of the Linley Valley Park Acquisition Program. The holder of the Option Agreement had until 2014-JUL-31 to exercise the Option Agreement. The City placed an Option Agreement on the Property for \$2,000,000 in case the existing Option Agreement lapsed. The Option Agreement was exercised and the property transferred to the new Owner.

On 2017-DEC-18, Council denied at first reading the "Official Community Plan Amendment Bylaw 2017 No. 6500.033" to re-designate 5260, 5280, and 5300 Tanya Drive on the Future Land Use Plan from Urban Reserve to Neighbourhood. The applicant proposed to remove the subject properties from the Urban Reserve without an Area Plan process. The applicant's development concept proposed single family and duplex units on a steeply sloping site, which would require significant construction costs for the developers and undetermined infrastructure maintenance costs for the City.

At the 2018-FEB-19 Special "In Camera" Council Meeting, Staff were directed to enter into negotiations with the property owner to acquire the land for parks purposes.

At the 2018-MAY-07 "In Camera" Council meeting, Council directed Staff to offer up to \$3 million to acquire the property at 5260 Tanya Drive. The acquisition price is consistent with the opinion of value from an independent appraisal. |

The owner has agreed to sell the property to the City for [REDACTED]. The land will transfer on 2018-JUN-15. Linley Valley Park will be expanded to 176.2ha (435.4 acres).

OPTIONS

1. That Council authorize the acquisition of 5260 Tanya Drive from [REDACTED] for the sum of [REDACTED]
 - **Budget Implication:** The acquisition will be funded using the following sources:
 - [REDACTED] - 2018 Property Acquisition budget,
 - [REDACTED] - Parks Development Cost Charges; and
 - [REDACTED] - Property Sales Reserve fund.
 - **Legal Implication:** The City's Solicitor has prepared the Purchase and Sale Agreement and will oversee the conveyance of the property.
 - **Policy Implication:** The acquisition aligns with Council priorities identified in the 2016-2019 Strategic Plan, and is also identified as a property of interest in the City's Real Estate Property Management Strategy.
 - **Engagement Implication:** If Council approval is received, Staff will issue a news release immediately following the meeting. Staff will also notify the various stakeholders who have an interest in the property becoming a park.
 - **Strategic Priorities Implication:** *Active Lifestyle* - additional walking trails and recreational activities will be promoted. *Recreation, Culture, Sports and Tourism* - increasing natural green space will support a healthy, active, thriving community for the benefit and enjoyment of residents and visitors alike.
2. That Council not authorize the property acquisition of 5260 Tanya Drive from [REDACTED]
 - **Budget Implication:** The funds from the Property Reserve Fund that would have been used to acquire this property can be used to purchase other property.
 - **Engagement Implication:** Staff will advise the authorized representative that Council does not wish to pursue the property acquisition at this time. |

SUMMARY POINTS

- In Spring 2014, Council directed Staff to acquire land in Linley Valley for an expanded park system.
- From 2014 to date, Linley Valley Park has expanded to 156ha (385.4 acres) in size.
- In 2014, the City attempted to purchase 5260 Tanya Drive, a vacant, 20.2ha (50-acre) parcel located in the Linley Valley for \$2,000,000 but were unsuccessful.
- On 2017-DEC-18, Council denied at first reading the "Official Community Plan Amendment Bylaw 2017 No. 6500.033" to re-designate 5260, 5280, and 5300 Tanya Drive on the Future Land Use Plan from Urban Reserve to Neighbourhood as there was no Area Plan process.
- At the 2018-FEB-19 Special "In Camera" Council Meeting, Staff were directed to enter into negotiations with the property owner to acquire the land for parks purposes.
- At the 2018-MAY-07 "In Camera" Council meeting, Council directed Staff to offer up to [REDACTED] to acquire the property at 5260 Tanya Drive. The acquisition price is consistent with the opinion of value from an independent appraisal.
- Staff are seeking formal Council approval to complete the transaction.
- The lands will transfer to the City on 2018-JUN-15.
- With this acquisition, Linley Valley Park will be expanded to 176.2ha (435.4 acres) in size.

ATTACHMENTS

ATTACHMENT A: Linley Valley Park
ATTACHMENT B: Location Plan
ATTACHMENT C: Aerial Photo |

Submitted by:

Bill Corsan
Deputy Director, Community Development |

Concurrence by:

Dale Lindsay
Director, Community Development |

ATTACHMENT A

City of Nanaimo

Linley Valley Parks

Acquired Parks

Parks



0 250 500
Meters

CITY OF NANAIMO
THE HARBOUR CITY
GIS Section

Published January 30th, 2018

5787, 5649, 5650, 5648 Linley Valley Dr
Acquired through Subdivision
11.2 Acres, 1.3 Acres, 0.4 Acres, 3.6 Acres

5338, 5340 Smokey Cres
Acquired through Subdivision
5.3 Acres, 1.5 Acres

5260 Tanya Dr
50 Acres

Lost Lake Park

5600 Vanderneuk Road & 3842 Stronach Dr
\$2,000,000
41.7 Acres & 8.7 Acres

3518 Hillside Ave.
\$3,500,000
117 Acres

Linley Valley
Cottle Lake Park

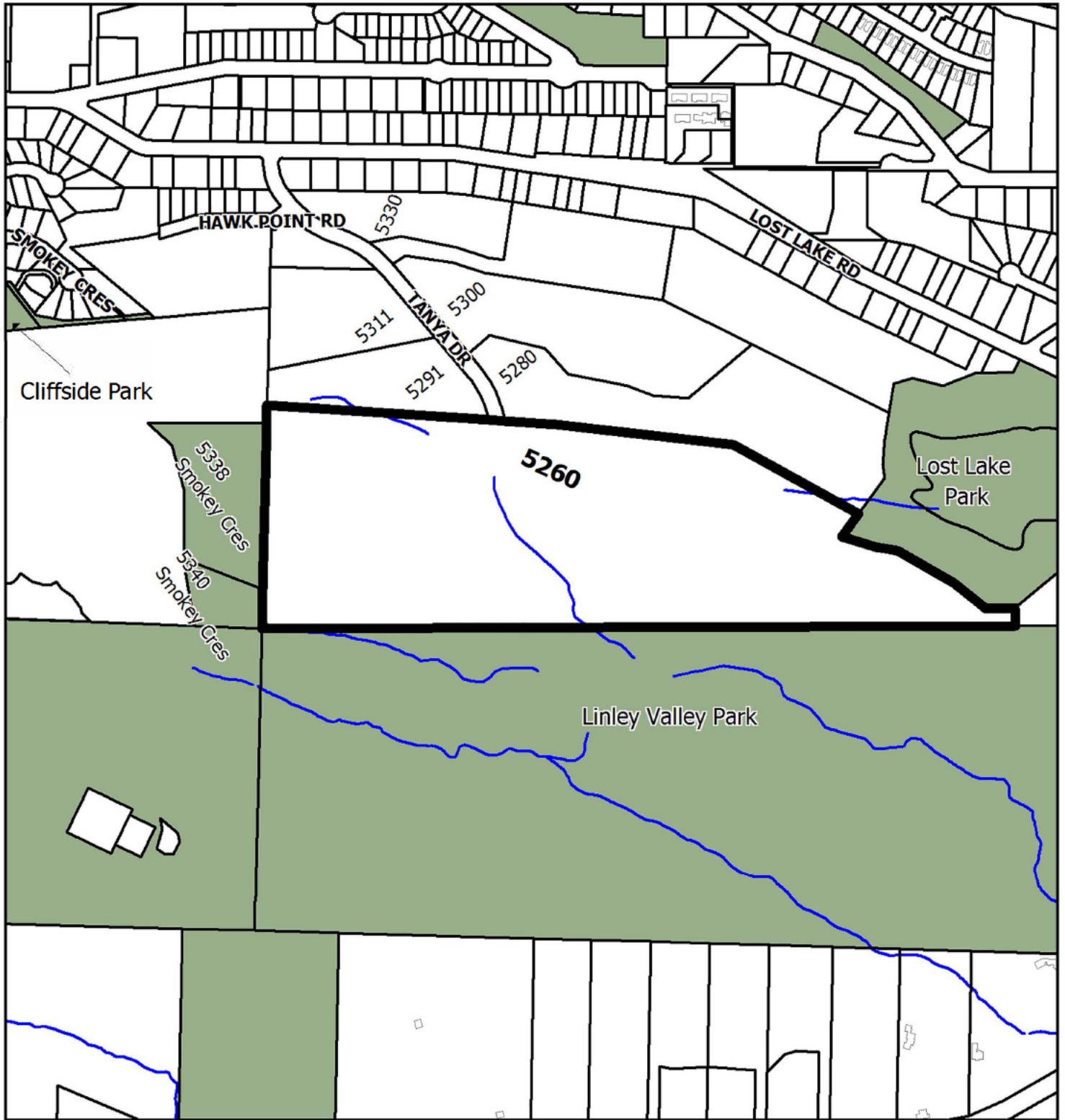
3840 Stronach Dr
(portion of 3650 Cottleview Dr)
\$30,000 Subdivision costs
5.8 Acres

3508 Hillside Ave.
Acquired through Subdivision
16.8 Acres

3665 Rock City Rd
\$130,000
4.3 Acres

3660 Rock City Rd
Acquired through Subdivision
1.6 Acres

ATTACHMENT B

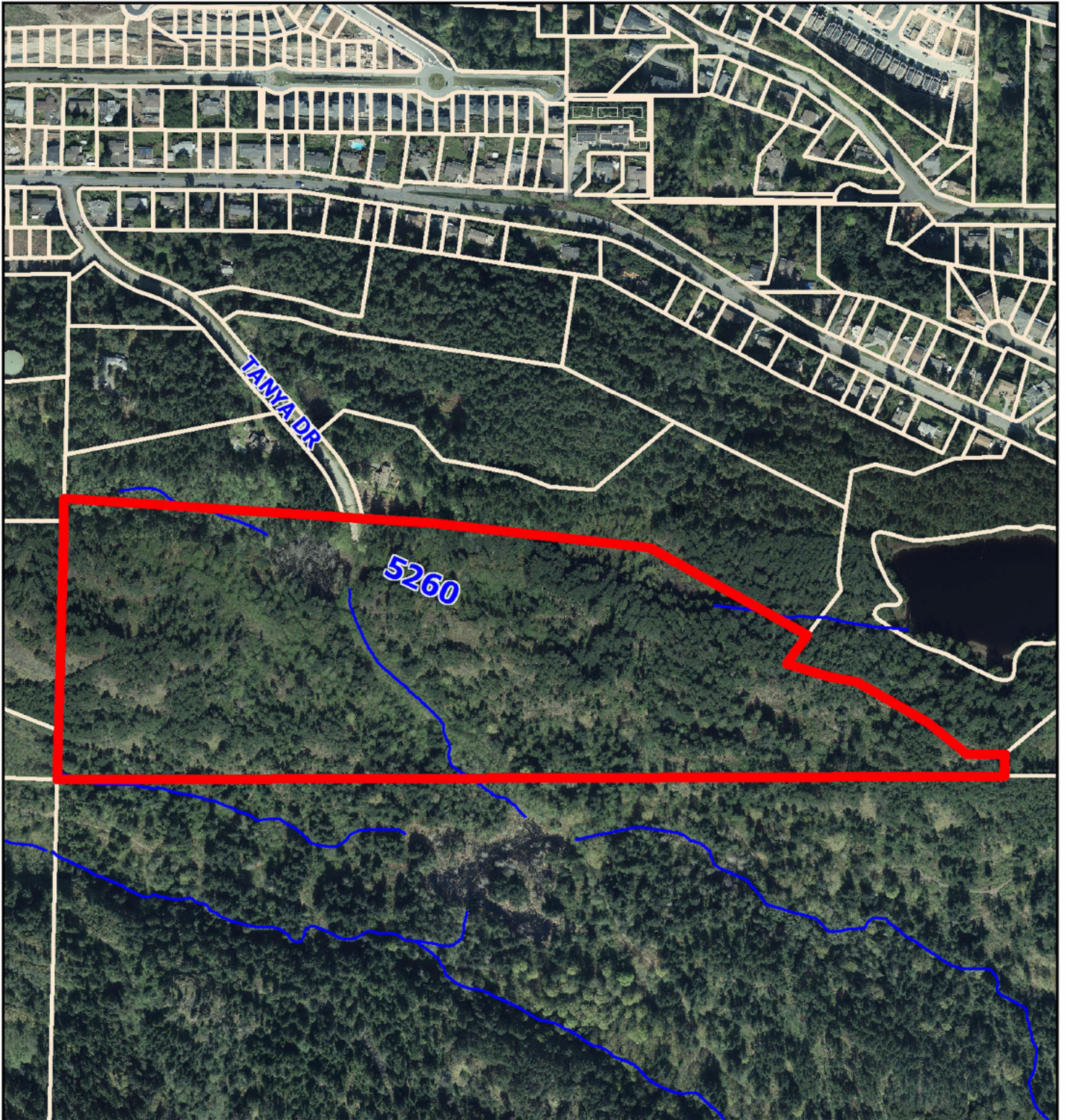


LOCATION PLAN

Civic: 5260 Tanya Drive
Proposed Acquisition

**Subject
Property
= 20.2 ha /
49.9 Acres**

ATTACHMENT C



Civic: 5260 Tanya Drive

DATE OF MEETING MAY 28, 2018

AUTHORED BY SHEILA GURRIE, CITY CLERK & CORPORATE OFFICER

SUBJECT UNAUTHORIZED DISCLOSURE OF “IN CAMERA” INFORMATION

OVERVIEW

Purpose of Report

To provide Council with options of redress concerning the unauthorized disclosure of “In Camera” information (KPMG Report).

Reason for “In Camera”

Community Charter Section 90 (1)

(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;

(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.

Recommendation

That Council direct Staff to pursue one or more of the following options with respect to the unauthorized disclosure of “In Camera” information:

1. Injunction;
2. Prosecution;
3. Motion of Censure; and/or,
4. Action for Damages.

Resolution to Rise and Report

That Council Rise and Report with recommendation(s) after a decision is made.

BACKGROUND

A copy of an “In Camera” confidential document titled, “KPMG Final Report” has been leaked in its entirety through social media. The report contains confidential third party information, as well as personal information of individuals. This breach of information has been reported to all appropriate authorities, and steps are being taken to recover the sensitive information.

The City has a legal duty under the *Freedom of Information and Protection of Privacy Act* to take reasonable steps to protect third party and personal information from unauthorized collection, disclosure, access or use. The City is aware that personal information of individuals has been disclosed to the public through various means.

Consistent with the City’s duties under the *Freedom of Information and Protection of Privacy Act*, the City has reported the disclosure of personal information in the report to the Office of the Information and Privacy Commissioner. That Office is already investigating the City in relation to previous unauthorized disclosures of personal information by persons unknown. It is expected that a Report will be coming from the Office with recommendations to the City and Council. The Office has not provided any information as to when the Report will come, or if it will be a public report. As well, the Office has confirmed it will also be investigating this most recent breach.

The City notes that disclosure of personal information without authority under the *Freedom of Information and Protection of Privacy Act* is an offence. Section 30.4 of the Act provides that an employee, officer or director of a public body who has access, whether authorized or unauthorized, to personal information in the custody or control of a public body, must not disclose that information except as authorized under this Act. Under section 74.1(1) of the Act, a person who contravenes section 30.4 commits an offence (with a fine of up to \$2,000).

Council will now need to determine whether to seek any other remedies as outlined below, for the breach from the individual or individuals responsible for leaking the confidential report.

OPTIONS

1. **Injunction:** Section 274 of the *Community Charter* provides authority for a municipality to apply to BC Supreme Court to restrain a breach of the *Charter*, the *Local Government Act* or any regulation under those Acts. The injunction would proceed by way of petition and could seek an order restraining the Councillor from any future actions that would breach section 117. The evidence would need to show on a balance of probabilities that there had been a breach. This is a lower standard of proof than what is required for a successful prosecution.
 - **Budget Implication:** Legal fees required for an injunction are unknown at this time.
 - **Political Implication:** Council may experience political implications, either positive or negative for taking action against these continuing breaches.
2. **Prosecution:**
 - a.) **Breach of Community Charter, s. 117**

There are grounds for contacting the RCMP about an alleged violation by a Council member of s. 117 of the *Community Charter*. As a matter of law, this does not require a Council resolution, as it is a matter of a complaint referred to the appropriate authorities for investigation by an individual. Any legal proceedings would be commenced in the name of the Crown, not the City. It would be the Crown’s prosecution.

 - **Budget Implication:** Legal fees required for City representation of proceedings by the Crown are unknown at this time.
 - **Political Implication:** Council may experience political implications, either positive or negative for taking action against these continuing breaches.
 - b.) **Breach of *Freedom of Information and Protection of Privacy Act*, Section 30.4**

Breach of FOIPPA provisions by an elected official could also result in prosecution for breach of that statute as well. (This was the charge brought against Councillor SKakun of Prince George which resulted in a conviction for breach of section 30.4 of

- FOIPPA (and a subsequent motion of censure brought against him by Prince George Council, upheld as valid by the BC Supreme Court (*Skakun v. Prince George (City)* 2011 BCSC 1796). The court decision in relation to the prosecution determined that a Councillor was an “officer” within the meaning of section 30.4 and was thus subject to the non-disclosure requirements and liable to prosecution for breach.
- **Budget Implication:** Legal fees required for pursuit of this option are unknown at this time.
 - **Political Implication:** Council may experience political implications, either positive or negative for taking action against these continuing breaches.
3. **Motion of Censure:** A motion of censure is a remedy potentially available to Council as a response to the matter.
- **Budget Implication:** Legal fees required for a Motion of Censure are approximately a minimum of \$10,000.
 - **Political Implication:** Council may experience political implications, either positive or negative for taking action against these continuing breaches.
4. **Action for Damages:** Section 117(2) of the Charter allows the possibility of an action for damages if the City suffers any loss or damage as a result of a member of council breaching the non-disclosure obligations under section 117(1).
- **Budget Implication:** Legal fees required for an action for damages are unknown at this time; however, legal fees could be recovered if the City is successful.
 - **Political Implication:** Council may experience political implications, either positive or negative for taking action against these continuing breaches. |

SUMMARY POINTS

- A copy of an “In Camera” confidential document titled, “KPMG Final Report” has been leaked in its entirety through social media.
- The City has a legal duty under the *Freedom of Information and Protection of Privacy Act* to take reasonable steps to protect third party and personal information from unauthorized collection, disclosure, access or use.
- Council will now need to determine whether to seek any other remedies for the breach from the individual or individuals responsible for leaking the confidential report. |

ATTACHMENTS

Legal Advice from Mr. Colin Stewart dated 2018-MAY-18. |

Submitted by:

Sheila Gurrie
City Clerk & Corporate Officer



AGENDA "IN CAMERA" COUNCIL MEETING

Monday, June 11, 2018, 4:00 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)
 - 3a. [REDACTED] - 90(i)(d)(f)
 - 4a. Deputy Corporate Officer Appointments - 90(1)(a)
 - 4b. Financial Officer and Deputy Financial Officer Appointments - 90(1)(a)
 - 4c. Dissolution of the Nanaimo Economic Development Corporation - 90(1)(i)
 - 4d. Property Disposition - Part in Plan 174RW of Lot 7 - Nanaimo River Road - 90(1)(e)
 - 4e. [REDACTED] - 90(1)(e)
 - 4f. [REDACTED] - 90(1)(i)

Section 90(1):

- (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;
- (d) the security of property of the municipality;
- (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;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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; and,
(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

- a. Minutes 6 - 9
Minutes of the "In Camera" Council Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-MAY-07 at 4:30 p.m.
- b. Minutes 10 - 16
Minutes of the Special "In Camera" Council meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Friday, 2018-MAY-25 at 9:00 a.m.
- c. Minutes 17 - 18
Minutes of the Special "In Camera" Council Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Friday, 2018-MAY-25, at 1:00 p.m.

3. PRESENTATIONS

- a. [REDACTED]

4. REPORTS

- a. Deputy Corporate Officer Appointments 19 - 20
To be introduced by Sheila Gurrie, City Clerk.
Purpose: To obtain Council approval to appoint and renew Deputy Corporate Officer appointments for the City of Nanaimo.
Recommendation: That Council:
1. renew the appointment of Ms. Sky Snelgrove, Steno Coordinator, and appoint Laura Mercer, Manager of Accounting Services as Deputy Corporate Officers until 2019-JUN-30 to fulfill the duties as set out in Section 148 of the *Community Charter*;
 2. rescind the appointment of Mr. Brad McRae as Deputy Corporate Officer;
 3. rescind the appointment of Mr. Victor Mema as Deputy Corporate

Officer; and,

4. establish the order in which the Deputy Corporate Officers perform the duties in the absence of the Corporate Officer as follows:
 - (a) Sky Snelgrove, Steno Coordinator
 - (b) Laura Mercer, Manager Accounting Services

Rise and Report:

Rise and report at a future open Council meeting.

b. Financial Officer and Deputy Financial Officer Appointments

21 - 22

To be introduced by Sheila Gurrie, City Clerk.

Purpose: To obtain Council approval to appoint a Financial Officer, and Deputy Financial Officer.

Recommendation: That Council:

1. rescind the appointment of Victor Mema as Chief Financial Officer;
2. appoint Ms. Laura Mercer, Manager of Accounting Services, as Financial Officer in order to fulfill the duties as set out in Section 149 of the *Community Charter*; and,
3. renew the appointment of Ms. Wendy Fulla, Manager of Business, Asset and Financial Planning, as the Deputy Financial Officer until 2019-JUN-30 to fulfill the duties as set out in Section 149 of the *Community Charter*.

Rise and Report:

Rise and report at a future open Council meeting.

c. Dissolution of the Nanaimo Economic Development Corporation

23 - 28

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council approval to dissolve the Nanaimo Economic Development Corporation.

Recommendation: That Council:

1. authorize the Director of the Nanaimo Economic Development Corporation to dissolve the company under Division 2 of Part 10 of the *Business Corporations Act*, execute all necessary documents to wind up its affairs, facilitate the transfer of assets and assumptions of debts and liabilities to the Corporation of the City of Nanaimo; and,
2. authorize the Mayor and Corporate Officer to execute the Assumption and Distribution Agreement.

Rise and Report:

To be released following this meeting subject to approval by Council.

d. Property Disposition - Part in Plan 174RW of Lot 7 - Nanaimo River Road

29 - 33

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council 'Approval in Principle' to dispose of City-owned land known as Part in Plan 174RW of Lot 7 – Nanaimo River Road.

Recommendation: That Council:

1. provide 'Approval in Principle' to dispose of Part in Plan 174RW of Lot 7 – Nanaimo River Road to [REDACTED]
2. direct Staff to publish a Notice of Disposition; and,
3. direct Staff to return to an open Council meeting, once the Notice has been published, seeking approval to the property disposition.

Rise and Report:

To be released upon conclusion of the property disposition [REDACTED]
[REDACTED]

e.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

f.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. ADJOURNMENT OF "IN CAMERA" MEETING

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2018-MAY-07 AT 4:30 P.M. – 7:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (arrived 4:39 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 4:49 p.m.)

Staff: D. Lindsay, Director of Community Development
B. Corsan, Deputy Director of Community Development (vacated 6:06 p.m.)
R. J. Harding, Director of Parks and Recreation (arrived 5:25 p.m. vacated 6:06 p.m.)
J. Van Horne, Director of Human Resources (arrived 6:06 p.m.)
S. Gurrie, City Clerk
J. Vanderhoef, Recording Secretary (vacated 6:28 p.m.)

Others:

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

The "In Camera" Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 4(g) –

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. ADOPTION OF MINUTES:

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

- Minutes of the Special "In Camera" Council Meeting held Monday, 2018-APR-09 at 10:00 a.m. in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC.

- Minutes of the Special “In Camera” Council Meeting held Friday, 2018-APR-20 at 10:00 a.m. in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC.
- Minutes of the Special “In Camera” Council Meeting held Monday, 2018-APR-23 at 5:00 p.m. in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

5. REPORTS:

(a) Coast Bastion Hotel Parking Agreement

Introduced by Dale Lindsay, Director of Community Development and Bill Corsan, Deputy Director of Community Development.

Councillor Bestwick entered the Douglas Rispin Room at 4:39 p.m.

entered the Douglas Rispin Room at 4:43 p.m.

11/11/2016



11

114

11

114

114

11

114

11/11/2016

Councillor Yoachim entered the Douglas Rispin Room at 4:49 p.m.

██████████ vacated the Douglas Rispin Room at 5:00 p.m.

It was moved and seconded that Council direct Staff to continue with the existing parking agreement with the Coast Hotel. The motion carried.

Opposed: Mayor McKay, Councillors Armstrong and Brennan.

R. Harding entered the Douglas Rispin Room at 5:25 p.m.

(b) Property Acquisition - 5260 Tanya Drive

Introduced by Dale Lindsay, Director of Community Development and Bill Corsan, Deputy Director of Community Development.

It was moved and seconded that Council direct Staff to offer up to [REDACTED] to acquire the property at 5260 Tanya Drive. The motion carried.

Opposed: Mayor McKay, Councillors Armstrong and Brennan.

Councillor Brennan vacated the Douglas Rispin Room at 5:54 p.m. stating conflict of interest due to property discussions.

(c) Verbal Report from Dale Lindsay Regarding School District 68

Dale Lindsay, Director of Community Development, and Richard Harding, Director of Parks and Recreation, spoke regarding current discussions between School District 68, BC Housing, and the City regarding a proposed joint project for properties located on Howard Avenue and Fifth Street.

Councillor Yoachim vacated the Douglas Rispin Room at 6:05 p.m.

It was moved and seconded that Council direct Staff to arrange a meeting between School District 68 and Council to discuss options for the City owned property at 502 Howard Avenue and adjacent properties at 505 Howard Avenue and 564 Fifth Street. The motion carried unanimously.

Councillor Brennan returned to the Douglas Rispin Room at 6:06 p.m.

D. Lindsay, B. Corsan and R. Harding vacated the Douglas Rispin Room at 6:06 p.m.

J. Van Horne entered the Douglas Rispin Room at 6:06 p.m.

Councillor Yoachim returned to the Douglas Rispin Room at 6:07 p.m.

(d)

Age Group	Number of People
18-24	85
25-34	95
35-44	90
45-54	30
55-64	95
65-74	95
75-84	75
85+	95

S. Gurrie and J. Vanderhoef vacated the Douglas Rispin Room at 6:28 p.m.

D. Lindsay returned to the Douglas Rispin Room at 6:28 p.m.

(e)

Age Group	Number of People
18-24	40
25-34	85
35-44	100
45-54	100
55-64	85
65+	40

S. Gurrie returned to the Douglas Rispin Room at 6:35 p.m.

(f)

It was moved and seconded that Council rise and report that they are proceeding with hiring of an interim Chief Administrative Officer. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
FRIDAY, 2018-MAY-25 AT 9:00 A.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (arrived 9:01 a.m.)
Councillor M. D. Brennan (arrived 9:02 a.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: [REDACTED]

Staff: J. Van Horne, Director of Human Resources (vacated 9:47 a.m.)
S. Gurrie, City Clerk (vacated 9:47 a.m.)
S. Snelgrove, Recording Secretary (vacated 9:47 a.m.)

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

The "In Camera" Meeting was called to order at 9:00 a.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.

Councillor Bestwick entered the Shaw Auditorium at 9:01 a.m.

3. PRESENTATIONS:

a. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Councillor Brennan entered the Shaw Auditorium at 9:02 a.m.

- b. [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Government	Percentage
Current government	85%
Previous government	15%

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Government	Percentage
Current government	85%
Previous government	15%

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

S. Gurrie, J. Van Horne, and S. Snelgrove vacated the Shaw Auditorium at 9:47 a.m.

[REDACTED]

Councillor Kipp vacated the Shaw Auditorium at 10:16 a.m.

[REDACTED]

5. ADJOURNMENT:

It was moved and seconded at 10:29 a.m. that the "In Camera" Meeting terminate.
The motion carried unanimously.

[Note: These minutes are not verbatim.]

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
FRIDAY, 2018-MAY-25 AT 1:00 P.M. – 2:00 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong
Councillor W. L. Bestwick (vacated 2:36 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller (vacated 1:30 p.m.)
Councillor J. Hong
Councillor J. A. Kipp (vacated 2:28 p.m.)
Councillor I. W. Thorpe (vacated 2:48 p.m.)
Councillor W. M. Yoachim

Staff: K. Fry, Fire Chief, and Director of Public Safety (arrived 1:16 p.m.)
B. Sims, Director of Engineering & Public Works (arrived 1:16 p.m.)
J. Elliot, Senior Manager of Public Works (arrived 1:16 p.m., vacated 2:50 p.m.)
S. Gurrie, City Clerk (vacated 2:19 p.m.)
J. Vanderhoef, Recording Secretary
G. Whitters, Recording Secretary

Others:

[REDACTED]

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

The "In Camera" Meeting was called to order at 1:09 p.m.

[REDACTED]

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 amended. The motion carried unanimously.

K. Fry, B. Sims, J. Elliot, [REDACTED] entered the Shaw Auditorium at 1:16 p.m.

3. REPORTS:

(a) [REDACTED]

Councillor Fuller vacated the Shaw Auditorium at 1:30 p.m. stating a conflict of interest due to [REDACTED]

[REDACTED]
S. Gurrie vacated the Shaw Auditorium at 2:19 p.m.
Councillor Kipp vacated the Shaw Auditorium at 2:28 p.m.

[REDACTED]
Councillor Bestwick vacated the Shaw Auditorium at 2:36 p.m.

[REDACTED]
Councillor Thorpe vacated the Shaw Auditorium at 2:48 p.m.
J. Elliot vacated the Shaw Auditorium at 2:50 p.m.

It was moved and seconded that Council rise and report regarding the action being taken to address the tent city at 1 Port Drive once the appropriate parties have been notified. The motion carried unanimously.

4. ADJOURNMENT:

It was moved and seconded at 2:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER

In Camera Report for Decision

City of Nanaimo

File Number: 0530-01

DATE OF MEETING June 11, 2018

AUTHORED BY SHEILA GURRIE, CITY CLERK AND CORPORATE OFFICER

SUBJECT DEPUTY CORPORATE OFFICER APPOINTMENTS

OVERVIEW

Purpose of Report

To obtain Council approval to appoint and renew Deputy Corporate Officer appointments for the City of Nanaimo.

Reason for “In Camera”

Community Charter Section 90(1)

- (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.

Recommendation

That Council:

1. renew the appointment of Ms. Sky Snelgrove, Steno Coordinator and appoint Laura Mercer, Manager of Accounting Services as Deputy Corporate Officers until 2019-JUN-30 to fulfill the duties as set out in Section 148 of the *Community Charter*;
2. rescind the appointment of Mr. Brad McRae as Deputy Corporate Officer;
3. rescind the appointment of Mr. Victor Mema as Deputy Corporate Officer; and,
4. establish the order in which the Deputy Corporate Officers perform the duties in the absence of the Corporate Officer as follows:
 - a) Ms. Sky Snelgrove, Steno Coordinator
 - b) Ms. Laura Mercer, Manager Accounting Services

Resolution to Rise and Report

Rise and report at a future open Council meeting.

BACKGROUND

In June 2017, Ms. Sky Snelgrove was appointed as Deputy Corporate Officer for a one-year term ending 2018-JUN-30. It is requested that Council renew her appointment and add Ms. Laura Mercer as a Deputy Corporate Officer.

The Deputy Corporate Officer carries out any essential duties outlined in the *Community Charter* when the City Clerk (Corporate Officer) is absent, including signing and witnessing official documents that have immediate deadlines (e.g. certified bylaws and resolutions, notices, being served court papers), and others that provide routine customer

service (e.g. pensions, contracts, easements). The Deputy Corporate Officer appointments will be renewed by Council annually, on or before June 30.

The Legislative Services Steno Coordinator is a union position and would be compensated (top-up of \$2.60/hour) for only those times when the Corporate Officer function is worked. Historically the top up has not exceeded \$500 per fiscal year, and is within current budget allocations.

OPTIONS

1. That Council:
 1. renew the appointment of Ms. Sky Snelgrove, Steno Coordinator and appoint Laura Mercer, Manager of Accounting Services as Deputy Corporate Officers until 2019-JUN-30 to fulfil the duties as set out in Section 148 of the *Community Charter*; and,
 2. rescind the appointment of Brad McRae as Deputy Corporate Officer;
 3. rescind the appointment of Victor Mema as Deputy Corporate Officer; and,
 4. establish the order in which the Deputy Corporate Officers perform the duties in the absence of the Corporate Officer as follows:
 - a) Ms. Sky Snelgrove, Steno Coordinator
 - b) Ms. Laura Mercer, Manager Accounting Services
- **Budget Implication:** Unionized staff will be compensated \$2.60/hour when Corporate Officer duties are performed.
2. That Council provide alternate direction regarding officer appointments.]

SUMMARY POINTS

- Deputy Corporate Officer appointments are for a one year term ending 2019-JUN-30.
- Deputy Corporate Officers perform the duties of the Corporate Officer in their absence.

Submitted by:]

Sheila Gurrie
City Clerk and Corporate Officer]

DATE OF MEETING June 11, 2018

AUTHORED BY SHEILA GURRIE, CITY CLERK AND CORPORATE OFFICER

SUBJECT **FINANCIAL OFFICER AND DEPUTY FINANCIAL OFFICER
APPOINTMENTS**

OVERVIEW

Purpose of Report

To obtain Council approval to appoint a Financial Officer, and Deputy Financial Officer.

Reason for “In Camera”

Community Charter Section 90(1)

- (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.

Recommendation

That Council:

1. rescind the appointment of Victor Mema as Chief Financial Officer;
2. appoint Ms. Laura Mercer, Manager of Accounting Services as Financial Officer in order to fulfill the duties as set out in Section 149 of the *Community Charter*; and,
3. renew the appointment of Ms. Wendy Fulla, Manager of Business, Asset and Financial Planning as the Deputy Financial Officer until 2019-JUN-30 to fulfill the duties as set out in Section 149 of the *Community Charter*.

Resolution to Rise and Report

Rise and report at a future open Council meeting.

BACKGROUND

In order to comply with Section 149 of the *Community Charter* it is necessary to appoint a Financial Officer. It is recommended that Ms. Laura Mercer, previously appointed Deputy Financial Officer, be appointed.

The Deputy Financial Officer (DFO) appointments would carry out any essential duties outlined in the *Community Charter* when the Financial Officer is absent. The appointment does not come with any additional pay and would have to be renewed by Council on or before 2019-JUN-30, if required.

OPTIONS

1. That Council:
 1. rescind the appointment of Victor Mema as Chief Financial Officer;
 2. appoint Ms. Laura Mercer, Manager of Accounting Services as Financial Officer in order to fulfill the duties as set out in Section 149 of the *Community Charter*;
 3. appoint Ms. Wendy Fulla, Manager of Business, Asset and Financial Planning as the Deputy Financial Officer to fulfill the duties as set out in Section 149 of the *Community Charter*;
- **Budget Implication:** There are no budget implications.
- **Legal Implication:** The City must appoint a Financial Officer as per Section 149 of the *Community Charter*.
2. That Council provide alternate direction regarding officer appointments.]

SUMMARY POINTS

- The City is required to appoint a Financial Officer in accordance with Section 149 of the *Community Charter*.
- Deputy Financial Officer appointments are for a one year term ending 2019-JUN-30.
- Deputy Financial Officers perform the duties of the Financial Officer in their absence.

Submitted by:]

Sheila Gurrie
City Clerk and Corporate Officer]

In Camera Report for Decision

City of Nanaimo

File Number: LD003453

DATE OF MEETING June 11, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT DISSOLUTION OF THE NANAIMO ECONOMIC DEVELOPMENT CORPORATION

OVERVIEW

Purpose of Report

To obtain Council approval to dissolve the Nanaimo Economic Development Corporation.

Reason for “In Camera”

Community Charter Section 90(1)

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Recommendation

That Council:

1. authorize the Director of the Nanaimo Economic Development Corporation to dissolve the company under Division 2 of Part 10 of the *Business Corporations Act*, execute all necessary documents to wind up its affairs, facilitate the transfer of assets and assumptions of debts and liabilities to the Corporation of the City of Nanaimo; and
2. authorize the Mayor and Corporate Officer to execute the Assumption and Distribution Agreement.

Resolution to Rise and Report

To be released following this meeting subject to approval by Council.

BACKGROUND

The Nanaimo Economic Development Corporation (NEDC) was established in 2011 to provide Tourism and Economic Development services for Nanaimo and surrounding communities. The City provided \$1,375,450 to NEDC on an annual basis.

The Core Services Review examined NEDC and recommended that the organization continue under its present structure, but with much stronger planning and accountability measures.

At the 2016-OCT-03 Special “In Camera” Council meeting, the existing Partnering Agreement with NEDC was terminated by the City and a new Partnering Agreement was put forward. The NEDC Board was not receptive to the new agreement and NEDC ceased to exist on 2017-MAR-31.

Since that date, Economic Development has been integrated within the City as part of the Community Development Department. The tourism function has been contracted out to the Tourism Association of Vancouver Island (TAVI). The NEDC office lease with the Nanaimo Port

Authority terminated 2017-MAR-31. The City closed the Square One incubator at 38 Victoria Crescent 2017-JUN-30.

The City is the sole shareholder of NEDC. NEDC is inactive and the City solicitor has advised that it should be dissolved under the *Business Corporations Act*. In order to do so, NEDC must file an application with the Registrar of Companies. Failure to do so will result in an eventual dissolution over a period of two years, but the assets will be vested in the Province.

Council approval is required to enter into the Assumption and Distribution Agreement (Attachment A) to effect the transfer of the remaining NEDC assets to the City. All liabilities have been paid. Following the distribution of the assets, NEDC's sole Director will sign an affidavit to affirm that there are no remaining assets or liabilities.

OPTIONS

That Council:

1. authorize the Director of the Nanaimo Economic Development Corporation to dissolve the company under Division 2 of Part 10 of the *Business Corporations Act*, execute all necessary documents to wind up its affairs, facilitate the transfer of assets and assumptions of debts and liabilities to the Corporation of the City of Nanaimo; and
2. authorize the Mayor and Corporate Officer to execute the Assumption and Distribution Agreement.
 - **Budget Implication:** The City will assume the balance of \$31,000 remaining in the NEDC bank account and the outstanding liability of \$1,500.
 - **Legal Implication:** The City Solicitor has prepared the documentation to enable the dissolution of NEDC. The remaining assets and liabilities will be transferred to the City of Nanaimo.
 - **Political Implication:** Endorsing the dissolution of NEDC is the final step in bringing economic development services back into the City of Nanaimo.
3. That Council not dissolve the Nanaimo Economic Development Corporation.

SUMMARY POINTS

- The Nanaimo Economic Development Corporation was closed in 2017-MAR-31. Economic Development services were brought in house. The City has contracted tourism services to the Tourism Association of Vancouver Island.
- If approved by Council, the dissolution will enable all remaining assets (\$31,000) and liabilities (\$1,500) to be transferred to the City.
- Legal counsel has prepared the necessary documentation be filed with the Registrar of Companies to effect the dissolution.
- Approval of the Dissolution is the last step in winding down the Nanaimo Economic Development Corporation.

ATTACHMENTS

Attachment A: Assumption and Distribution Agreement |

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development

ATTACHMENT A

ASSUMPTION AND DISTRIBUTION AGREEMENT

THIS AGREEMENT dated for reference May 28, 2018 is made

BETWEEN:

NANAIMO ECONOMIC DEVELOPMENT CORPORATION

455 Wallace Street
Nanaimo, BC V9R 5J6

(the "**Company**")

AND:

CORPORATION OF THE CITY OF NANAIMO

455 Wallace Street
Nanaimo, BC V9R 5J6

(the "**Parent**")

WHEREAS:

- A. The Parent is the sole shareholder of the Company;
- B. The dissolution of the Company and the distribution of its remaining property and assets *in specie* to the Parent have been approved by resolutions of the Company;
- C. The Company and the Parent wish to enter into this Assumption and Distribution Agreement to affect the distribution of the property and assets of the Company to the Parent, incidental to the dissolution of the Company; and
- D. The Parent will assume the remaining debts, obligations and liabilities of the Company, if any, and will pay all expenses incurred by the Parent or the Company in connection with the dissolution of the Company or this Agreement.

THEREFORE, in consideration of the mutual promises set out below and other good and valuable consideration, the Company and the Parent agree as follows:

- (1) The Company hereby sells, assigns, transfers and sets over to the Parent, its respective successors and assigns, all right, title and interest in and to all property and assets of the Company of every nature and kind whatsoever including, without limitation:
 - (a) all property of the Company, movable or immovable, real or personal, of every kind and wheresoever situate, and whether freehold or leasehold, and any leases, options to purchase, and any and all other interests in or to real property, or licences, franchises and similar rights owned or held by the Company;

- (b) all choses-in-action, including all book debts, accounts receivable and other debts, due or accruing due to the Company, and the full benefit and advantage of all securities for such debts, and all refunds, deposits, trust monies, judgments and awards to which the Company is or may become entitled;
 - (c) the full benefit and advantage of all existing contracts, engagements and insurance policies to which the Company may be entitled;
 - (d) all warranties, licences, permits and rights of the Company;
 - (e) all cash on hand, on deposit in any chartered bank, trust company or other financial institution and all other negotiable instruments, bills, notes, shares, bonds, debentures and other securities owned by the Company; and
 - (f) all other property, assets and rights wheresoever situate and of whatever nature and kind to which the Company is or may hereafter be entitled in connection with the business formerly carried on by it, the investments made by it or otherwise.
- (2) The Parent hereby assumes and agrees to indemnify and cause the Company to be discharged from liability in respect of any and all debts, liabilities, obligations, claims, demands, costs and expenses whatsoever now or hereafter outstanding or payable by the Company, together with all interest which accrues thereon from time to time, and will bear all expenses in connection with the dissolution of the Company and in connection with this Agreement, including any and all loss or damage suffered or incurred by the Company in respect of the obligation to make payments of any nature whatsoever on the debts, liabilities, obligations, claims, demands, costs and expenses hereby assumed.
- (3) The Company hereby irrevocably constitutes and appoints the Parent as the true and lawful attorney of the Company for and in the name of the Company with full power of substitution, to file all tax returns and make and file all elections in connection therewith and to do and execute all acts, deeds, transfers, matters and things whatsoever necessary to fully complete the assignment, transfer and/or conveyance to the Parent, its successors and assigns, of the assets referred to in section (1), and any interest therein. The foregoing power of attorney is granted by the Company to the Parent in contemplation of the dissolution of the Company under the provisions of the British Columbia *Business Corporations Act* and the foregoing power of attorney, being coupled with an interest, shall not be revoked by the dissolution of the Company or be otherwise revoked.
- (4) The Company and the Parent will execute all further agreements, instruments and documents and do all further acts as may reasonably be required to give effect to and carry out the full intent of this Agreement.
- (5) This Agreement is binding upon the Company and the Parent and upon the respective successors and assigns of the Company and the Parent.

(6) This Agreement takes effect on May 28, 2018.

BY SIGNING BELOW each of the Company and the Parent confirms that this document sets out the agreement reached by them and each acknowledges their intention to be bound by this contract.

NANAIMO ECONOMIC DEVELOPMENT CORPORATION,)
by its authorized signatory(ies):)
)
)
)
_____)
Name:)
)

CORPORATION OF THE CITY OF NANAIMO)
by its authorized signatory(ies):)
)
)
)
_____)
Name:)
)
)
)
_____)
Name:)

In Camera Report for Decision

City of Nanaimo

File Number: LD003559

DATE OF MEETING JUNE 11, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

SUBJECT **PROPERTY DISPOSITION – PART IN PLAN 174RW OF LOT 7 –
NANAIMO RIVER ROAD**

OVERVIEW

Purpose of Report

To obtain Council 'Approval in Principle' to dispose of City-owned land known as Part in Plan 174RW of Lot 7 – Nanaimo River 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:

1. provide 'Approval in Principle' to dispose of Part in Plan 174RW of Lot 7 – Nanaimo River Road to [REDACTED]
2. direct Staff to publish a Notice of Disposition; and
3. direct Staff to return to an open Council meeting, once the Notice has been published, seeking approval to the property disposition.

Resolution to Rise and Report

To be released upon conclusion of the property disposition [REDACTED]
[REDACTED]

BACKGROUND

Part in Plan 174RW of Lot 7 – Nanaimo River Road (the “Property”) is City-owned land that is located within the Regional District of Nanaimo. The Property was conveyed to the City of Nanaimo in 1931, and was later transferred to the Greater Nanaimo Water District (GNWD). The GNWD has since dissolved and the Property is under ownership of the City.

The Property is 0.28ha (0.70 acres) in size, vacant, land-locked and is not visible from Nanaimo River Road. The Property was originally used by the GNWD for a water main right-of-way that has now been abandoned. [REDACTED] owns the remainder sections of DL 7 (Attachment B). [REDACTED] would like to purchase the Property as they have been granted a gravel extraction permit on their property and want to include the City Property within their permit. If Council approval is received for the disposition, [REDACTED] will purchase the Property as is.

Staff have reviewed the application against all City standards and have ascertained the Property to be surplus to City requirements.

Disposition Value

An appraisal has been prepared that estimates the land value at [REDACTED]. A report was prepared by DR Coell to review gravel operations on Vancouver Island to determine the raw value of a cubic meter of gravel. The value for the extracted gravel is estimated at [REDACTED] per acre. When applied towards the Property area, the rounded value for the extracted gravel is [REDACTED]. When added to the appraisal value, the total disposition value is [REDACTED].

OPTIONS

- A. That Council:
1. provide 'Approval in Principle' to dispose of Part in Plan 174RW of Lot 7 – Nanaimo River Road to [REDACTED];
 2. direct Staff to publish a Notice of Disposition; and
 3. direct Staff to return to an open Council meeting, once the Notice has been published, seeking approval to the property disposition.
 - **Budget Implication:** The property has an appraised market value of [REDACTED]. The gravel extraction is estimated at [REDACTED] for a total disposition price of [REDACTED]. [REDACTED] will be responsible for their own legal fees and have paid for the appraisal cost. The funds from the disposition of the lands will go back into the Property Reserve Fund and can be used to support other Council property acquisitions.
 - **Legal Implication:** The City solicitor will prepare the Offer to Purchase and undertake the conveyance.
 - **Policy Implication:** Staff will publish a Notice of Disposition as required by Section 26 of the *Community Charter*.
 - **Engagement Implication:** Staff have reviewed the application against all City standards and have ascertained the Property to be surplus to City requirements. Should Council choose this option, the following will need to be accomplished:
 - i. prepare a Purchase and Sale Agreement with [REDACTED];
 - ii. publish a Notice of Disposition in the local newspaper; and
 - iii. return to Council seeking approval to the property disposition in an open meeting.
- B. That Council not provide 'Approval in Principle' to dispose of part in Plan 174RW of Lot 7 – Nanaimo River Road to [REDACTED].
- **Budget Implication:** The City will not benefit from the [REDACTED] in property disposition.
 - **Engagement Implication:** Staff would convey this message to [REDACTED]. The Property will remain as is and owned by the City.

SUMMARY POINTS

- The City owns a 28ha (0.70 acres) land-locked, vacant piece of land located within the Regional District of Nanaimo.

- The Property was originally used by the Greater Nanaimo Water District for a water main right-of-way. The water main has since been abandoned. [REDACTED] owns the adjacent property and has been granted a gravel extraction permit for their property. They would like to purchase the City property to include it with their permit.
- The land value for the Property has been appraised at [REDACTED] and the extracted gravel value has been estimated at [REDACTED], for a total disposition price of [REDACTED].
- Staff have reviewed the application against all City standards and have ascertained the Property to be surplus to City requirements.
- The proceeds from the sale will be placed in the Property Sales Reserve Fund.

ATTACHMENTS

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development



AGENDA "IN CAMERA" COUNCIL MEETING

Monday, June 18, 2018, 4:00 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
SCHEDULED RECESS AT 5:30 P.M.

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

Adoption of Agenda - 90(1)(n)

4(a) - Telus Pure Fibre Non-Disclosure Agreement - 90(1)(k)

4(b) - [REDACTED] -
90(1)(g)(i)

4(c) - [REDACTED]

4(d) - 1 Port Drive - Termination of Team Tracks Licence Agreement - 90(1)(e)

4(e) - Discharge of the Seaspan Right-of-Way at 1 Port Drive - 90(1)(e)

4(f) - Correspondence from the District of Lantzville - 90(1)(k)

4(g) - [REDACTED]
[REDACTED] - 90(1)(a) and 90(2)(b)

4(h) - John Van Horne, Director, Human Resources - Verbal Update regarding:

1. [REDACTED] - 90(1)(c); and,
2. [REDACTED] - 90(1)(c).

Section 90(1):

(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 or other employee relations;
- (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;
- (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;
- (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; and,
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

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.

2. ADOPTION OF MINUTES

a. Minutes

5 - 11

Minutes of the "In Camera" Council Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, on Monday, 2018-MAY-28, at 4:30 p.m.

3. PRESENTATIONS

4. REPORTS

a. Telus Pure Fibre Non-Disclosure Agreement

12 - 18

To be introduced by Amrit Manhas, Economic Development Officer.

Purpose: To seek Council approval to enter into a non-disclosure agreement with Telus for "Fibre to the Premise" Program in Nanaimo.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Recommendation: That Council enter into a Non-Disclosure Agreement (NDA) with Telus for the "Fibre to the Premise" Program in Nanaimo.

Resolution to Rise and Report:

To be released once Telus makes a final investment decision.

b.

[REDACTED]

[REDACTED]

c.

[REDACTED]

[REDACTED]

d.

1 Port Drive - Termination of Team Tracks Licence Agreement

34 - 50

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council approval to terminate the Team Tracks Licence Agreement with Island Corridor Foundation as part of the redevelopment of 1 Port Drive.

Recommendation: That Council approve the payment of [REDACTED] to the Island Corridor Foundation for the discharge of the Team Tracks licence agreement.

Resolution to Rise and Report:

To be released upon notification of the termination of the agreement by Island Corridor Foundation.

e.

Discharge of the Seaspans Right-of-Way at 1 Port Drive

51 - 66

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council approval in principle to complete the Seaspans right-of-way acquisition at 1 Port Drive.

Recommendation: That Council provide approval in principle to discharge the Seaspans right-of-way at 1 Port Drive through the transfer of [REDACTED], and the fee-simple interest of 5.5 acres of upland and 3 acres of water lot to the Washington Marine Group.

Resolution to Rise and Report:

To be released following formal approval of the transaction at an Open Council Meeting.

- f. Correspondence from the District of Lantzville, dated 2018-APR-03

67

The District of Lantzville has requested a meeting to discuss proposed changes to the Lantzville/Nanaimo Water Agreement.

- g.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- h.

[REDACTED]

John Van Horne, Director, Human Resources, to provide Council with a verbal update regarding:

[REDACTED]

[REDACTED]

5. ADJOURNMENT OF "IN CAMERA" MEETING

MINUTES
REGULAR COUNCIL MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2018-MAY-28, AT 4:30 P.M.

Present: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong (via telephone at 6:57 p.m.)
Councillor W. Bestwick (vacated 5:54 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller (vacated 5:58 p.m.)
Councillor J. Hong
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived at 7:05 p.m.)

Absent: Councillor J. A. Kipp

Staff: B. Sims, Director of Engineering and Public Works
B. Corsan, Deputy Director of Community Development
C. Davis, Manager of Sanitation, Recycling and Public Works
Administration (vacated 8:14 p.m.)
D. Thompson, A/Manager of Sanitation, Recycling and Public Works
Administration (vacated 8:14 p.m.)
K. MacDonald, Parks and Open Space Planner (vacated 8:05 p.m.)
M. Smith, Manager, Recreation Services (vacated 8:13 p.m.)
D. Blackwood, Client Support Specialist
S. Gurrie, City Clerk
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

It was moved and seconded that 'In Camera' Agenda Item 4(c), be moved to the Regular Council Meeting Agenda this evening.

The motion was defeated.

Opposed: Mayor McKay, Councillors Armstrong, Brennan, Hong, Thorpe and Yoachim

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;

- (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;
- (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).

The motion carried.

Opposed: Councillor Fuller

Council moved “In Camera” at 4:54 p.m.

Council moved out of “In Camera” at 6:02 p.m.

The Regular Council Meeting recessed at 6:02 p.m.

The Regular Council Meeting reconvened at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 8(a)1 - Parks, Recreation and Wellness Committee Recommendations – 2018-APR-25 – add delegations from:
 - 1. Shirley Gremyachev;
 - 2. Jocelyn Dewar; and,
 - 3. Justin Mundy.
- (b) Agenda Item 10(d) – Liquor Licence Application No. LA130 – 240 Skinner Street - add delegation from Sebastian Barkovic.
- (c) Add Agenda Item 12(e) – “Official Community Plan Amendment Bylaw 2018 No. 6500.038” to correct error in Bylaw.
- (d) Sheila Gurrie, City Clerk advised that Councillor Kipp was withdrawing Agenda Item 16(a) – Notice of Motion Regarding Financial Policies.

4. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF MINUTES:

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

- Minutes of the Special Council Meeting held in the Boardroom, Service and Resource Centre on Monday, 2018-APR-30, at 9:00 a.m.

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Wednesday, 2018-MAY-09, at 1:00 p.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Friday, 2018-MAY-11, at 9:00 a.m.
- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, on Monday, 2018-MAY-14, at 4:30 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor McKay welcomed the new committee members who were appointed at the "In Camera" Meeting held on 2018-MAY-14, and read aloud the "Process on Reading of Bylaws".

7. ADMINISTRATION:

(a) Committee Recommendations

1. Parks, Recreation and Wellness Committee Recommendations – 2018-APR-25

Introduced by Councillor Thorpe.

Cambie Neighbourhood Park Improvement Request under the Partners in Parks Program.

Delegation:

1. Jocelyn Dewar spoke regarding the growth of residents and families in the area which has created the need for a safe place for children to play.

It was moved and seconded that Council allocate \$25,000 from the 2018 Partner In Parks Program for Cambie Neighbourhood Park improvements. The motion carried unanimously.

(b) Advisory Committee Minutes

Introduced by Councillor Armstrong.

It was moved and seconded that the Minutes of the Public Safety Committee Meeting, held on Thursday, 2018-MAR-01 at 3:30 p.m. be received for information. The motion carried unanimously.

Introduced by Councillor Brennan.

It was moved and seconded that the Minutes of the Special Finance and Audit Committee Meeting held on 2018-APR-04 at 9:00 a.m. be received for information. The motion carried unanimously.

Introduced by Councillor Armstrong.

It was moved and seconded that the Minutes of the Public Safety Committee Meeting held on Thursday, 2018-APR-05 at 3:30 p.m. be received for information. The motion carried unanimously.

Introduced by Councillor Brennan.

It was moved and seconded that the Minutes of the Finance and Audit Committee Meeting held on Wednesday, 2018-APR-11 at 9:00 a.m. be received for information. The motion carried unanimously.

Introduced by Councillor Armstrong.

It was moved and seconded that the Minutes of the Special Community Engagement Task Force Meeting held on Monday, 2018-APR-16, at 4:30 p.m. be received for information. The motion carried unanimously.

8. PUBLIC SERVICES:

(a) Development Variance Permit Application No. DVP347 – 5744 Linyard Road

Introduced by Bill Corsan, Deputy Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP347 at 5744 Linyard Road.

Michael Plavetic, the applicant, stated that all servicing issues have been addressed and there are no parking issues with this Development Variance Permit.

It was moved and seconded that Council issue Development Variance Permit No. DVP347 for a proposed subdivision at 5744 Linyard Road with the following variance:

- reduce the minimum lot frontage for proposed Lot B from 10m to 6.05m.

The motion carried unanimously.

(b) Development Variance Permit Application No. DVP348 – 6470 Ptarmigan Way

Introduced by Bill Corsan, Deputy Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP348 – 6470 Ptarmigan Way.

No one in attendance wished to speak with respect to DVP348.

It was moved and seconded that Council issue Development Variance Permit No. DVP348 at 6470 Ptarmigan Way with the following variances:

- reduce the west side yard setback for a pool deck from 1.5m to 0.07m;
- reduce the west side yard setback from 1.5m to 0.22m and the east side yard setback from 1.5m to 0.33m for wooden stairs;
- increase the permitted front yard fence height from 1.2m to 1.43m;
- increase the permitted side yard fence height from 2.4m to 3.72m (east side yard) and from 2.4m to 3.33m (west side yard); and,
- increase the permitted interior yard fence height from 3m to 3.18m.

The motion carried unanimously.

(c) Development Variance Permit Application No. DVP349 – 6250 Hammond Bay Road

Introduced by Bill Corsan, Deputy Director of Community Development.

Mayor McKay requested that Council hear anyone wishing to speak with respect to DVP349 at 6250 Hammond Bay Road.

No one in attendance wished to speak with respect to DVP349.

It was moved and seconded that Council issue Development Variance Permit No. DVP349 at 6250 Hammond Bay Road with the following variance:

- increase the allowable side and rear yard fence height from 1.2m to 1.8m.

The motion carried unanimously.

(d) Liquor Licence Application No. LA130 – 240 Skinner Street

Introduced by Bill Corsan, Deputy Director of Community Development.

Councillor Hong vacated the Boardroom at 7:24 p.m. declaring a conflict of interest as he has a liquor licence.

Delegation:

1. Sebastian Barkovic, owner of Koncept Nightclub at 240 Skinner Street, spoke in support of the request to increase the licensed capacity of the night club from 200 to 220 persons.

It was moved and seconded that Council recommend the Liquor Control and Licensing Branch deny an application for a structural change to a liquor primary licence in order to increase the licensed capacity of the night club from 200 to 220 persons.

The motion was defeated.

Opposed: Councillors Brennan, Fuller and Yoachim

It was moved and seconded that Council recommend the Liquor Control and Licensing Branch approve an application for a structural change to a liquor primary licence in order to increase the licensed capacity of the night club from 200 to 220 persons.

The motion was defeated.

Opposed: Mayor McKay, Councillors Armstrong and Thorpe

It was moved and seconded that Council take no position regarding the application for a structural change to a liquor primary licence in order to increase the licensed capacity of the night club from 200 to 220 persons.

The motion carried.

Opposed: Councillors Fuller and Yoachim

Councillor Hong returned to the Boardroom at 7:34 p.m.

(e) Sort Toss Roll Phase Two Implementation Update

Introduced by Bill Sims, Director of Engineering and Public Works.

Bills Sims, Director of Engineering and Public Works, introduced David Thompson, A/Manager of Sanitation, Recycling and Administration, who will be taking over for Charlotte Davis, Manager Sanitation, Recycling and Administration, in her absence.

Charlotte Davis, Manager Sanitation, Recycling and Administration and David Thompson, A/Manager of Sanitation, Recycling and Administration, provided Council with a presentation regarding Sort Toss Roll Phase Two Implementation Update including a review of the Phase 1 implementation plan, risks and communications plan for residents of Phase 2.

It was moved and seconded that the report “Sort Toss Roll Phase Two Implementation Update” dated 2018-MAY-28, be received for information. The motion carried unanimously.

C. Davis and D. Thompson vacated the Boardroom at 8:14 p.m.

9. BYLAWS:

(a) “Zoning Amendment Bylaw 2018 No. 4500.118”

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.118” (To rezone 1615 Northfield Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) be adopted. The motion carried unanimously.

(b) “Building Bylaw Amendment Bylaw 2018 No. 7224.01”

It was moved and seconded that “Building Amendment Bylaw 2018 No. 7224.01” (To bring Building Bylaw 2016 No. 7224 into conformance with the Building Act) be adopted. The motion carried unanimously.

(c) "Housing Agreement Bylaw 2018 No. 7262"

It was moved and seconded that "Housing Agreement Bylaw 2018 No. 7262" (To authorize a housing agreement for a 24-unit affordable housing complex at 1406 Bowen Road) be adopted. The motion carried unanimously.

(d) "Highway Closure and Dedication Removal Bylaw 2018 No. 7263"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2018 No. 7263" (To provide for highway closure and dedication removal of a portion of Emil Road adjacent to 5901 Hammond Bay Road) pass third reading. The motion carried unanimously.

(e) "Official Community Plan Amendment Bylaw 2018 No. 6500.038"

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan [Map 1] from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A-7.3 from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') rescind second reading. The motion carried unanimously.

It was moved and seconded that "Official Community Plan Amendment Bylaw 2018 No. 6500.038" (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan (Map 1) from 'Neighbourhood' to 'Light Industrial'; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use Schedule A from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') pass second reading as amended. The motion carried unanimously.

10. QUESTION PERIOD:

- Ron Bolin re: Sort Toss Roll Phase 1 Implementation.

11. ADJOURNMENT:

It was moved and seconded at 8:22 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

DATE OF MEETING JUNE 18, 2018

AUTHORED BY AMRIT MANHAS, ECONOMIC DEVELOPMENT OFFICER

SUBJECT TELUS PURE FIBRE NON-DISCLOSURE AGREEMENT

OVERVIEW

Purpose of Report

To seek Council approval to enter into a non-disclosure agreement with Telus for “Fibre to the Premise” Program in Nanaimo.

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 harm the interests of the municipality if they were held in public.

Recommendation

That Council enter into a Non-Disclosure Agreement (NDA) with Telus for the “Fibre to the Premise” Program in Nanaimo.

Resolution to Rise and Report

To be released once Telus makes a final investment decision.

BACKGROUND

Telus started the “Fibre to the Premise” program in 2013 with eight communities across BC and Alberta. By 2017, over 90 communities were under this program including Burnaby, Surrey, White Rock, Vancouver, Port Coquitlam, Chilliwack, Abbotsford, and Mission.

Currently, around 10% of homes in North America have a direct fibre optic connection. The installation of the Telus ‘PureFibre’ network provides a number of competitive advantages:

Business

Cloud computing
Telecommuting
Improved wireless
speed and capacity

Health

Increased reliability
Faster diagnostics
High-speed video
connections
Electronic prescribing

Education

Digital textbooks
Video conferencing
Interactive
whiteboards

Innovation

Internet of things
Smart Cities
Retention of
knowledge workers

Telus is interested in implementing the “Fibre to the Premise” program within the city of Nanaimo. The program would deliver a high-speed fibre optic internet service to 90% of homes and businesses within the city. The fibre optic infrastructure is delivered at no cost to the City.

As part of this process, Telus is evaluating Nanaimo against a number of other communities. To enter the program, Telus requests that Council sign a Non-Disclosure Agreement (NDA).

If Council chooses to enter into the NDA, Telus would then work with Staff to develop a Memorandum of Understanding [REDACTED] Both of these agreements would be brought back for Council’s consideration.

Telus would then be in a position to confirm Nanaimo as a “Fibre to the Premise” community and begin the necessary planning and engineering work.

Telus anticipates that the network build will take approximately one year to complete.

Entering into the NDA with Telus does not preclude another operator from developing a fibre optic network within the city of Nanaimo.

Representatives from Telus will appear as a delegation in association with this Staff report to provide more detailed information on the Fibre to the Premise program and the implications for Nanaimo.

OPTIONS

1. That Council enter into a Non-Disclosure Agreement (NDA) with Telus for the “Fibre to the Premise” Program in Nanaimo.
 - **Budget Implication:** Telus will be the sole investor in the project. They are not requesting funding from the City of Nanaimo. There would be opportunities for the City to use the Fibre Optic network to support the City’s IT infrastructure.
 - **Legal Implication:** The City solicitor has reviewed the NDA. Under the NDA, Council and Staff are obligated to keep the information pertaining to the Fibre to the Premise program in confidence until Telus makes a formal announcement to the public.
 - **Policy Implication:** Goal 4 of the OCP is to ‘Promote a Thriving Economy’. The PureFibre network would provide residents and businesses with world-class connectivity and provide the city with a competitive advantage over most communities in North America.
 - **Engagement Implication:** As part of the implementation of the program, Telus will inform and educate residents on the benefits of the infrastructure upgrade.
 - **Strategic Priorities Implication:** The installation of the PureFibre Network ties in with the Economic Health component of the City’s Community Values.
 - **Political Implication:** The installation of the fibre optic network to 90% of homes and businesses in Nanaimo would be viewed positively by the community.
2. That Council not enter into a Non-Disclosure Agreement (NDA) with Telus for the “Fibre to the Premise” Program in Nanaimo.
 - **Budget Implication:** There are no budget implications.
 - **Legal Implication:** There are no legal implications of not entering into the NDA.
 - **Policy Implication:** Not entering into the NDA would be inconsistent with Goal 4 of the OCP, ‘Promote a Thriving Economy’.

- **Political Implication:** The community may view this as a 'missed opportunity' should Council decided to not provide support for the program.

SUMMARY POINTS

- Municipalities across BC are investing in Telecommunications infrastructure to ensure their businesses can compete on a global stage.
- Telus is proposing to install its PureFibre network to 90% of homes and business within the city of Nanaimo at no cost to the City or residents.
- Telus is requesting the City enter into a Non-Disclosure Agreement (NDA) while the firm completes the selection process.
- If the NDA is approved by Council, Telus will also be requesting the City enter into a Memorandum of Understanding [REDACTED] These will be brought forward to a future Council meeting for consideration.
- Representatives from Telus will present the 'Fibre to the Premise' program to Council at tonight's meeting and will be available to answer questions.

ATTACHMENTS

[REDACTED]

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING JUNE 18, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT **1 PORT DRIVE – TERMINATION OF TEAM TRACKS LICENCE AGREEMENT**

OVERVIEW

Purpose of Report

To obtain Council approval to terminate the Team Tracks Licence Agreement with Island Corridor Foundation as part of the redevelopment of 1 Port Drive.

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 approve the payment of [REDACTED] to the Island Corridor Foundation for the discharge of the Team Tracks licence agreement.

Resolution to Rise and Report

To be released upon notification of the termination of the agreement by Island Corridor Foundation.

BACKGROUND

The City of Nanaimo acquired the lands at 1 Port Drive from CP Rail in March 2013. The lands are comprised of 10.8ha (26.7 acres) of land and water. The City acquired the lands with the goal of revitalizing this area of the downtown.

The land has a number of encumbrances that limit the immediate redevelopment of the property. In order to proceed with the redevelopment, the City has terminated the lease agreements that were inherited through the land acquisition (Gadd Marine & Island Pallet Solutions); undertaken select demolition on the site to clear the way for redevelopment; completed a series of environmental studies for the Ministry of Environment to facilitate future subdivision of the land; and recently completed a Master Plan for the property.

There are two agreements that need to be terminated to enable redevelopment to begin in earnest (Seaspan Right-of-Way Agreement and Team Tracks Licence Agreement).

Team Tracks Agreement

A licence agreement permits the Island Corridor Foundation (“ICF”) to occupy an area known as the Team Tracks which is adjacent to the former Island Pallet Solutions lease area

(Attachment A). The licence area occupies approximately two acres of land. The tracks have not been used by ICF or Southern Railway (“SRY”) for a considerable period of time.

The licence agreement includes a termination clause that allows the landowner (the City) to relocate the Team Tracks to the main Wellcox railyard at the landowner’s expense (Attachment B).

Representatives of the ICF have confirmed that the Team Tracks are no longer required and that the City may terminate the licence subject to a cash payment equivalent to the value of the track relocation.

Staff engaged the services of a rail consultant to prepare a cost estimate for the Team Tracks Relocation (Attachment C). The total cost of the relocation is [REDACTED]

Next Steps

If Council provides approval to proceed with the relocation of the Team Tracks, Council can anticipate the following next steps:

1. City solicitor to prepare formal Termination Agreement;
2. Agreement to be executed by Mayor and Corporate Officer;
3. ICF Board to be presented with City offer (late July 2018); and
4. If accepted, Team Tracks Licence terminated.

The termination of the Team Tracks licence agreement is one of the final hurdles in unlocking 1 Port Drive for redevelopment.

OPTIONS

1. That Council approve the payment of [REDACTED] to Island Corridor Foundation for the discharge of the Team Tracks licence agreement.
 - **Budget Implication:** The 2018 Budget includes [REDACTED] for the acquisition of the Team Tracks from ICF.
 - **Legal Implication:** The City solicitor will prepare the termination agreement.
 - **Policy Implication:** The redevelopment of 1 Port Drive is supported in the Official Community Plan, Downtown Plan, the South Downtown Waterfront Initiative, and the 1 Port Drive Master Plan.
 - **Engagement Implication:** Staff have met with representatives from ICF and SRY regarding the Team Tracks licence agreement and have come to a mutual agreement.
 - **Strategic Priorities Implication:** The phased development of 1 Port Drive is one of Council’s key projects in the 2016-2019 Strategic Plan. The termination of the Team Tracks agreement is a critical step in opening up the lands for redevelopment.
 - **Political Implication:** The discharge of the Team Tracks Licence agreement shows continued progress by Council on this file.
2. That Council not approve the payment of [REDACTED] to Island Corridor Foundation for the discharge of the Team Tracks licence agreement at this point in time.
 - **Budget Implication:** In the short term, the City will save [REDACTED] by not terminating the licence agreement. However, if at some point in the future the

City wishes to redevelop these lands, the agreement will need to be terminated. The relocation costs will likely be higher due to inflation of construction costs.

- **Legal Implication:** The City cannot use the Team Tracks licence area without discharging the agreement.
- **Policy Implication:** The redevelopment of 1 Port Drive is supported in the Official Community Plan, Downtown Plan, the South Downtown Waterfront Initiative, and the 1 Port Drive Master Plan.
- **Engagement Implication:** If Council wishes to not terminate the licence agreement at this point in time, Staff will notify ICF.
- **Strategic Priorities Implication:** Not addressing the Team Tracks Licence Agreement will further delay the redevelopment of the property. |

3. That Council provide alternative direction.

SUMMARY POINTS

- The City acquired 26.7 acres of land and water at 1 Port Drive in March 2013.
- The property has a number of encumbrances that hinder its redevelopment.
- The City has been making steady progress on removing various encumbrances, including terminating leases, select demolition, master planning and obtaining approvals from the Ministry of Environment for further subdivision.
- One of the remaining encumbrances is a licence agreement between the City and the Island Corridor Foundation for an area known as the Team Tracks.
- If the City wishes to terminate the agreement, the City is obligated to pay for the relocation costs of the tracks to within the Wellcox Yard.
- Staff hired a rail consultant who prepared a cost estimate for the work. The work is valued at [REDACTED]
- If Council wishes to proceed with the acquisition, the City solicitor will prepare a Termination Agreement for consideration by the Island Corridor Foundation Board. |

ATTACHMENTS

ATTACHMENT A: Team Tracks Licence Area
ATTACHMENT B: Team Tracks Licence Agreement
[REDACTED] |

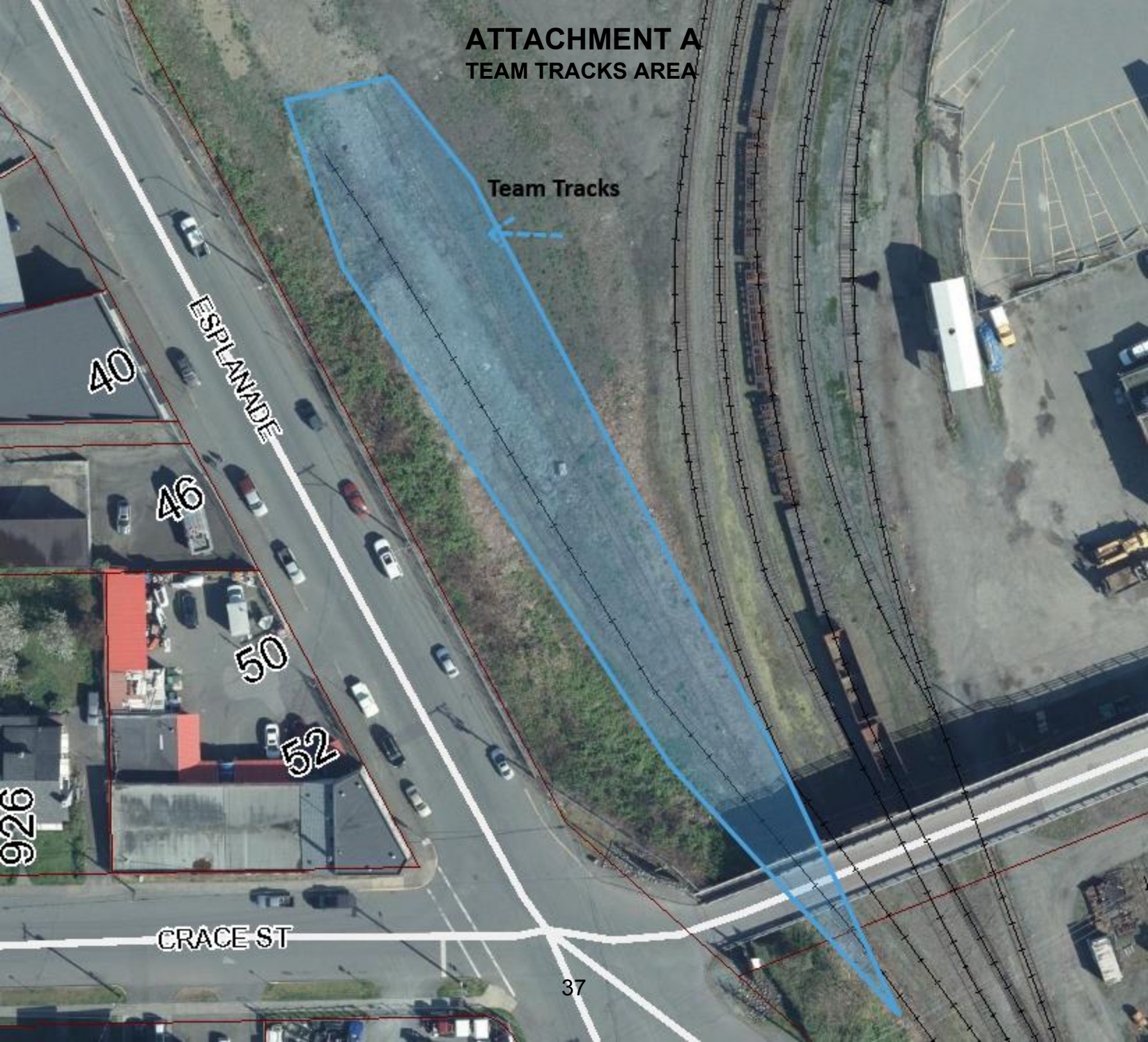
Submitted by:

Bill Corsan
Deputy Director, Community Development |

Concurrence by:

Dale Lindsay
Director, Community Development |

**ATTACHMENT A
TEAM TRACKS AREA**



Team Tracks

ESPLANADE

46

50

52

40

926

CRACE ST

37

ATTACHMENT B

TEAM TRACKS LICENCE

THIS AGREEMENT made as of the day of , 199 .

BETWEEN:

ESQUIMALT & NANAIMO RAILWAY COMPANY,
a corporation incorporated under the laws of British Columbia,
and having offices at 2100 - 200 Granville Street, Vancouver,
British Columbia, V6C 2R3

(the "Licensor")

AND:

E&N RAILWAY COMPANY (1998) LTD.,
a corporation incorporated under the laws of British Columbia,
and having offices at 23 Esplanade, Nanaimo, British Columbia, V9R 5L3

(the "Licensee")

WITNESSES THAT in consideration of the covenants and agreements on the part of the Licensee to be observed and performed, the parties agree as follows:

1. DEFINITIONS

In this Agreement, unless stated otherwise, the following terms shall have the respective meaning specified below:

- 1.1. "Lands" means, collectively, those lands in the City of Nanaimo in the Province of British Columbia, more particularly described as follows:

Parcel Identifier: 005-851-882

Lot 1 of Section 1 and of the Bed of the Public Harbour of Nanaimo,
Nanaimo District, Plan 6675, Except those parts in Plans 19380 and 30712

and

Parcel Identifier: 005-777-941

Lot 1, Section 1, Nanaimo District, Plan 6910, Except that Part in Plan 29652

- 1.2. "Licence" means the licence granted in Section 2.1;
- 1.3. "Licence Area" means that portion of the Lands that is shown cross-hatched on the Plan;
- 1.4. "Losses" means in respect of any matter, all claims, demands, actions, causes of action, proceedings, suits, judgments, awards, losses, damages, liabilities, interest, costs and expenses (including, without limitation, reasonable legal and other professional fees and disbursements) arising directly or indirectly as a consequence of such matter,

- 1.5. **"Plan"** means the plan attached to this Agreement as Schedule A;
- 1.6. **"Statutory Right of Way Agreement"** means the Statutory Right of Way Agreement charging a portion of the Lands dated as of the same date as this Agreement and made between the Licensors and the Licensee;
- 1.7. **"Taxes"** means all taxes, assessments and other similar charges, general, special, *ad valorem*, ordinary or extraordinary (including any interest, fines or penalties related thereto) which are now or may hereafter be levied, imposed, rated or assessed upon or with respect to the Lands or any part or parts thereof or any personal property thereon, whether levied, imposed, rated or assessed by the Government of Canada, the Government of British Columbia, or any political subdivision, political corporation, district, municipality, city or other political or public entity, and whether or not now customary or in the contemplation of the parties; and
- 1.8. **"Team Tracks"** means the team tracks and associated platform owned by the Licensee which are located on the Licence Area.

2. GRANT OF LICENCE

- 2.1. The Licensors grants to the Licensee, its servants, agents, contractors, licensees and invitees, a licence to enter, pass and repass at its will and pleasure, by day and by night, with or without vehicles, over the Licence Area for the purpose of access to the Team Tracks and to use, operate, inspect, repair and replace the Team Tracks from time to time
- 2.2. The Licensee agrees that by granting this Licence, the Licensors is not conveying any real property interest in the Lands nor any right or interest not specifically set forth herein. The rights granted to the Licensee herein constitute a licence only and shall not under any circumstances whatsoever constitute a right by the Licensee to have or claim exclusive possession of the Licence Area and this Licence shall not constitute nor be interpreted to be an easement or a lease or a partnership agreement, employment agreement or joint venture agreement between the parties.

3. TERMINATION

- 3.1. This Licence shall automatically terminate if:
 - 3.1.1. the Team Tracks are relocated from their present location in the manner described in Section 11.1 of the Statutory Right of Way Agreement; or
 - 3.1.2. the Licensee permanently discontinues its use of the Licensee's Lands in the manner described in Section 14.1 of the Statutory Right of Way Agreement.
- 3.2. The Licensors may terminate the Licence if the Licensee defaults in the observance or performance of any of the covenants or agreements in this Agreement to be observed or performed by the Licensee, and that default is not cured within 15 days of receipt of written notice thereof from the Licensors or, if such default is not capable of being cured within such 15 day period, the Licensee has not commenced curing such default within

such 15 day period, or does not thereafter promptly, diligently and continuously proceed with the curing of such default.

4. **LICENCE FEE**

- 4.1 As consideration for this Licence, the Licensee shall pay a fee of One Dollar (\$1.00) to the Licensor in advance.

5. **PERMITTED USE**

- 5.1. The Licensee agrees to use the Licence Area only for the purposes described in Section 2.1.

- 5.2. The Licensee acknowledges and agrees that it shall be the responsibility of the Licensee to obtain any other consents or permits required for the purposes contemplated by this Agreement.

6. **TAXES**

- 6.1 The Licensee shall pay directly to the relevant taxing authority, and shall indemnify and save the Licensor harmless from and against, all Taxes arising after the date of this Agreement which are at any time during the term of this Agreement assessed, charged or levied upon, or in respect of, the License Area. The Licensee shall have the right to make claims to the relevant assessment authority, including claims disputing the assessed value of the License Area, provided that no part of the Lands nor any interest therein will be in danger of forfeiture or sale and the Licensee will pay, indemnify and save the Licensor harmless against and from all Losses in connection with any such claims. The Licensor shall co-operate with the Licensee in all reasonable commercial ways, not including the expenditure of money, in the prosecution of such claims for refund, rebate, reduction or abatement of any Taxes.
- 6.2. In the event that the relevant taxing authority does not, or ceases to, separately assess the Licence Area, the Licensee shall pay to the Licensor, forthwith upon receipt of the applicable invoices, its share of the Taxes which are attributable to the Licensee's use of the Licence Area such share to be calculated by the Licensor, acting reasonably.
- 6.3. In addition to the amounts payable to the Licensor under this Agreement, the Licensee shall pay to the Licensor any goods and services, value added or similar tax which may be imposed on such amounts pursuant to any federal or provincial legislation which is or may be enacted.

7. **MAINTENANCE**

- 7.1 The Licensee shall, at its sole cost and expense, keep and maintain the Licence Area in such state of repair as is sufficient to comply with all applicable federal, provincial, municipal and local laws, statutes, ordinances, rules, by-laws, guidelines and regulations, and all applicable directives, rules, standards, requirements, policies, orders, judgments, injunctions, or decrees which have the force of law.

7.2. If the Licensee shall fail to keep and maintain the Licence Area in the state of repair described in Section 7.1 and

7.2.1 that default is not cured within 15 days of receipt of written notice thereof from the Licensor; or

7.2.2 if such default is not capable of being cured within such 15 day period, the Licensee has not commenced curing such default with such 15 day period, or does not thereafter promptly, diligently and continuously proceed with the curing of such default,

the Licensor may use its own employees and materials or contractors to repair the Licence Area in which event the Licensee shall pay all costs thereof promptly upon being billed therefor by the Licensor.

8. MISCELLANEOUS COVENANTS OF LICENSEE

The Licensee covenants with the Licensor that it shall:

- 8.1 not erect, place, install, or construct or permit to be erected, placed, installed or constructed any building, structure or fixture on any portion of the Licence Area other than the Team Tracks;
- 8.2 not do, suffer or permit any act or neglect which may in any manner, directly or indirectly cause injury or damage to the Licence Area or to the Lands or to any fixtures or appurtenances of the Lands or which may be or become a nuisance to or interfere with any of the occupants of the Lands or which may, in the reasonable opinion of the Licensor, render the Lands or any part of them less desirable or injure the reputation of them;
- 8.3 not do or permit anything to be done which results in any policy of insurance on all or part of the Lands becoming void or voidable, or which results in an increase in the premium payable for any policy of insurance on all or part of the Lands;
- 8.4 except as provided in the Statutory Right of Way Agreement, not assign this Agreement without the prior written consent of the Licensor, which consent may be arbitrarily withheld;
- 8.5 observe and fully comply with all applicable laws, bylaws, regulations and orders in force, or which come into force during the term of this Agreement relating to use of the Licence Area including, without limitation, the Licensor's reasonable rules and regulations relating thereto;
- 8.6 not permit any charge or encumbrance, including any claim of builders' lien ("Encumbrance") upon the Lands which arises out of the use of the Licence Area by the Licensee or its contractors or by reason of any work, services or materials supplied or claimed to have been supplied to the Licensee. In the event that an Encumbrance is filed against the Lands, the Licensee will cause the Encumbrance to be discharged within thirty (30) days after the date on which the Licensee first became aware of the filing of the

Encumbrance. If the Licensee fails to discharge an Encumbrance within thirty (30) days of becoming aware of it, the Licensor may, at the expense of the Licensee, in addition to any other right or remedy it has, but will not be obligated to, cause any Encumbrance to be removed from the Lands by giving security or otherwise as may be permitted by law with respect to that Encumbrance, and the Licensee will immediately pay to the Licensor as additional fees any amount the Licensor has expended in discharging the Encumbrance, together with interest thereon at the prime rate of the Bank of Montreal plus 5% per annum; provided that the Licensee will not be required to pay or discharge any Encumbrance if it gives notice in writing to the Licensor of its intent to do so and does in good faith contest the Encumbrance by appropriate proceedings, and provided that the Licensee furnishes a surety bond of a company satisfactory to pay the contested Encumbrance with all interest upon it and court costs and expenses including solicitor's reasonable fees on a solicitor and client basis;

- 8.7. not cause the Licence Area to become untidy, unsightly or hazardous or to permit waste or refuse to accumulate on it;
- 8.8. notify the Licensor immediately of any material damage to the Licence Area;
- 8.9. in the event that suit shall be brought for recovery of possession of the Licence Area, for the recovery of any amount due under the provisions of this Agreement or because of the breach of any other covenants contained in this Agreement on the part of the Licensee to be kept or performed and a breach shall be established, the Licensee shall, promptly upon demand, pay to the Licensor all expenses incurred therefor, including all reasonable solicitor's fees and expenses.

9. COVENANTS OF LICENSOR

The Licensor covenants with the Licensee that:

- 9.1. it shall not permit any other person to use the Team Tracks without the written consent of the Licensee; and
- 9.2. it shall not sell, lease or otherwise dispose of its interest in the Licence Area or any part thereof unless the purchaser, lessee under such lease, or other transferee has entered in to an agreement with the Licensee assuming the covenants and obligations of the Licensor hereunder.

10. INDEMNITY AND INSURANCE

- 10.1. The Licensee shall indemnify and save harmless the Licensor, its servants, agents, invitees or licensees from and against any and all Losses, including
 - 10.1.1 claims under workers' compensation legislation;
 - 10.1.2 demands, awards, judgements, actions and proceedings by whomsoever made, brought or executed in respect of loss or damage to, or destruction of, property or personal injury, including death;

10.1.3 any and all loss of, damage to, or destruction of property, including the Licensors' property; and

10.1.4 any and all fines, expenses and costs suffered, incurred or sustained by the Licensors;

by reason of the negligence of, or any act or omission of the Licensee, its directors, officers, employees, agents, invitees or licensees while exercising any right, licence or privilege or doing anything which is required or permitted under this Agreement;

10.2. The indemnity in paragraph 10.1 shall survive the expiration or earlier termination of this Agreement.

10.3. The Licensee, at its own cost or expense, will procure and maintain in effect a policy or policies of insurance covering:

10.3.1. the liabilities to which the Licensee is or may be subject under this Agreement. Such policy or policies shall name the Licensors as an additional insured, shall provide third party liability coverage covering injury to or death of persons and loss, damage to or destruction of property, including, but not limited to, the clean-up of any contaminants or the release or dispersal of contaminants as a result of a collision, overturning or derailment of any vehicle or railway rolling stock, in any one occurrence in the amount of not less than \$25,000,000.00, with a maximum deductible of \$100,000.00 per occurrence. Such coverage shall include all employees. The policy or policies shall extend to cover any and all liabilities assumed by the Licensee under this Agreement, and shall contain a cross liability clause. The Licensors agree to co-operate in the processing of insurance claims; and

10.3.2. owned or controlled property damage coverage covering damage to the Licensors' property and lading in railcars, in such amounts as may be required to fully insure such property owned or leased by the Licensee in respect of any one loss or series of losses arising out of one occurrence or event. The policy shall contain a waiver of subrogation and loss payable clause in favour of the Licensors. Coverage shall be primary and shall not be in excess of or contributory to any other property insurance that may apply.

10.4. If the insurance procured by the Licensee pursuant to this Article 10 takes the form of a claims-made policy and is cancelled or allowed to expire without renewal, the Licensee will provide evidence of insurance that provides per occurrence and annual aggregate limits not less than those required by Section 10.3. Such coverage must be retroactive to the original inception date of the cancelled or non-renewed policy. The Licensee further agrees promptly to give written notice to the Licensors' Director, Risk Management, of any claim or notice of incident, or notice of potential claim, that is required to be reported to its liability insurance company.

10.5. Each policy of insurance obtained by the Licensee pursuant to this Article 10 will contain provisions requiring that the insurance carrier give the Licensors, through its Director, Risk

Management, at least 30 days notice in writing of any proposed cancellation of any policy, or any modification of the terms and conditions of any policy the Licensee is required to maintain pursuant to this Article 10

- 10.6. The coverage and exclusions therefrom under each policy of insurance obtained by the Licensee pursuant to this Article 10 shall be subject to the approval of the Licenser, not to be unreasonably withheld.
- 10.7. The Licensee will furnish to the Licenser's Director, Risk Management, an accurate copy of each policy of insurance obtained pursuant to this Article 10. Neither compliance with the requirements of this Article 10 nor the Licenser's approval of the terms and conditions of any such policy will in any way limit or modify the obligation of the Licensee to provide specific insurance coverage as required by Article 10.
- 10.8. The insurance coverage acquired by the Licensee pursuant to this Article 10 shall not in any manner restrict or limit the liabilities assumed by the Licensee under this Agreement.

11 RESERVATION OF RIGHTS

The Licensee acknowledges and agrees that:

- 11.1. subject to the provisions of Section 9.1, the Licenser may grant to any other person the right to

- 11.1.1. pass and repass over the Licence Area from time to time in common with the Licensee; and

- 11.1.2. install, operate and maintain utilities, pipelines, fibre optics facilities, cable, telephone or other communication facilities on, in or over the Licence Area;

provided that the granting of such rights shall not materially adversely affect the Licensee's use of the Licence Area for the purposes described herein.

12 WAIVERS

- 12.1. The failure of the Licenser to insist upon strict performance of any covenant or condition contained in this Agreement or to exercise any right or option under this Agreement will not be construed or operate as a waiver or relinquishment for the future of the covenant, condition, right or option and no waiver shall be inferred from or implied by anything done or omitted by the Licenser.

13 GENERAL PROVISIONS

- 13.1. Time is of the essence of this Agreement.
- 13.2. The captions, article numbers and section numbers appearing in this Agreement are inserted for convenience only and do not affect the interpretation of it.

- 13.3. Wherever the singular or the masculine is used in this Agreement it will be construed to mean the plural, or feminine, or the body politic or corporate, where the circumstances require.
- 13.4. This Agreement is to enure to the benefit of, and is binding upon, the parties and their respective successors and assigns.
- 13.5. If any provision in this Licence is for any reason held to be invalid, illegal or unenforceable in any respect, it shall be considered severed from this Agreement, and the remaining provisions of this Agreement will remain in full force and be binding upon the parties.
- 13.6. This Agreement is to be governed by and in accordance with the laws of British Columbia.
- 13.7. The Licensor will not be required to execute and deliver to the Licensee this Agreement in a form registrable under the *Land Title Act* of British Columbia. The Licensee covenants and agrees that it will not register, cause to be registered or permit to be registered this Agreement in a Land Title Office against the title of Licensor and in the event this Agreement is so registered the Licensee shall forthwith upon demand and at its expense, withdraw, discharge and release such registration.
- 13.8. This Agreement may not be modified or amended except in writing signed by the parties.
- 13.9. The entire agreement between the parties is contained in this Agreement, and no representations or warranties have been made by the Licensor other than those expressed in this Agreement, and no representations or warranties shall be binding upon the Licensor unless made in writing and signed by the parties.
- 13.10. Any notice, demand or request which may be, or is required, to be given under this Agreement will be sufficiently given or made if delivered or telecopied to the party to whom it is given or made or if mailed, by prepaid registered mail, addressed as follows:
- 13.11. to the Licensor:

Canadian Pacific Railway Company
 Suite 500, Gulf Canada Square
 401 - 9th Avenue, S.W.
 Calgary, Alberta, T2P 4Z4
 Telecopier No.: (403) 319-7473
Attention: George Halatsis,
 Executive Vice President & Chief Financial Officer

with a copy to:

Canadian Pacific Railway Company
 Legal Services
 Suite 2000, Gulf Canada Square
 401 - 9th Avenue, S.W.
 Calgary, Alberta, T2P 4Z4

Telecopier No.: (403) 319-6770
Attention: Vice President, Law

13 12. to the Licensee.

c/o RailAmerica, Inc.
 Northern Trust Plaza
 301 Yamato Road, Suite 1190
 Boca Raton, Florida 33431 U.S.A
 Telecopier No.: (561) 994-3929
Attention: Mr. Gary O. Marino, C.E.O. and Chairman

with a copy to:

Shutts & Bowen LLP
 250 Australian Avenue, South, Suite 500
 West Palm Beach, Florida 33401 U.S.A.
 Telecopier No.: (561) 650-8530
Attention: Scott G. Williams, Esq.

or to such other address as a party may specify by notice given in accordance with this Section. Any such notice, request, demand or communication given shall be deemed to have been given, in the case of delivery by hand, when delivered, in the case of mail, three Business Days following the date of mailing and, in the case of delivery by facsimile transmission, on the first Business Day following the date of transmission.

IN WITNESS OF WHICH the parties have executed this Agreement with effect as of the date first above written.

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Per: _____

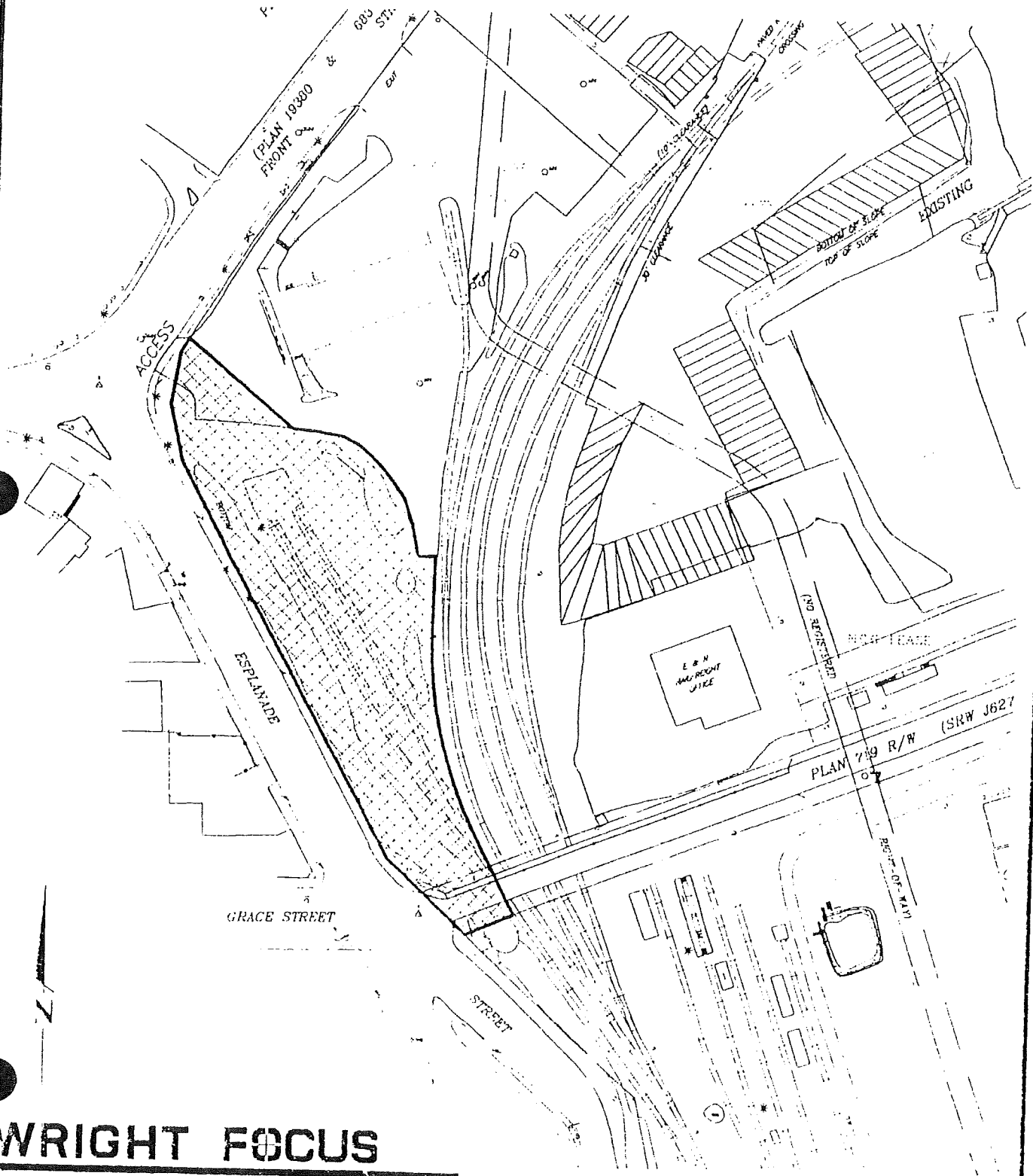
Per: _____

E&N RAILWAY COMPANY (1998) LTD.

Per: _____

SKETCH PLAN OF LICENCE AREA— ACCESS TO TEAM TRACKS AND PLATFORM

SCHEDULE A
Scale = 1:1500



WRIGHT FOCUS

Professional Land Surveyors and Consulting Engineers

DATE OF MEETING JUNE 18, 2018

AUTHORED BY BILL CORSAN, DEPUTY DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT DISCHARGE OF THE SEASPAN RIGHT-OF-WAY AT 1 PORT DRIVE

OVERVIEW

Purpose of Report

To obtain Council approval in principle to complete the Seaspans right-of-way acquisition at 1 Port Drive.

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 in principle to discharge the Seaspans right-of-way at 1 Port Drive through the transfer of [REDACTED] and the fee-simple interest of 5.5 acres of upland and 3 acres of water lot to the Washington Marine Group.

Resolution to Rise and Report

To be released following formal approval of the transaction at an Open Council meeting.

BACKGROUND

The City of Nanaimo acquired the lands at 1 Port Drive from CP Rail in March 2013. The lands are comprised of 10.8ha (26.7 acres) of land and water (Attachment A). The City acquired the lands with the goal of revitalizing this area of the downtown.

The site is located immediately south of the downtown core of Nanaimo. The parcel is bound by Front Street and Esplanade to the west, and the Port Drive trestle to the south. The Nanaimo harbour is the eastern boundary of the property. The Nanaimo Port Authority “Bowtie” property at 180 Front Street forms the northern boundary. The site is essentially flat and is a few meters above the elevation of the high-tide mark.

Seaspans Ferries Corporation (Seaspans) has a statutory right-of-way that occupies approximately 6.2ha (15.4 acres) of land and water at 1 Port Drive. The right-of-way provides a perpetual right to operate a roll-on/roll-off traffic truck terminal and rail transfer facility in this location as long as business does not cease for more than 180 days. Island Corridor Foundation (ICF) and Southern Railway of BC (SRY) occupy 1.02ha (2.53 acres) of land for a rail right-of-way and an operations building (Attachment B). Seaspans and SRY are operating companies within the Washington Marine Group.

At the 2015-APR-20 Special “In Camera” Council meeting, Council entered into a Memorandum of Understanding (MOU) with Seaspan and SRY to discharge a portion of the right-of-way (Attachment C). Under the agreement, the City is to acquire 2.7ha (6.7 acres) of land and 1.09ha (2.7 acres) of waterlot from the right-of-way. A new perpetual right-of-way with 1.34ha (3.3 acres) of land and 1.21ha (3 acres) of waterlot would be placed on a portion of the property in favour of SRY.

In the fall of 2017, Seaspan relocated their main roll-on/roll-off truck operations to their new terminal at 850 Jackson Road, Duke Point. SRY continues to provide rail service to Vancouver Island using the rail barge berth located within the right-of-way. The property is fenced off and does not provide public access to the waterfront.

There has been considerable momentum with the South Downtown Waterfront in the past two years. Highlights include:

- Completion of a secondary access study to identify an alternative entrance to the South Downtown Waterfront
- Completion of the Waterfront Walkway Implementation Plan
- Completion of the 1 Port Drive Master Plan to guide development on the property in the coming years
- Functional design work completed for the interim waterfront walkway and Front Street Extension with construction scheduled for the fall of 2018
- Announcement by the Nanaimo Port Authority that it has secured three new tenants for the Assembly Wharf property, including Western Marine Response Corporation, Western Stevedoring (Auto Terminal), and Island Ferry Services Limited. These new tenants will require a reliable access for cars, trucks, buses, and emergency services.
- Funding was allocated in the 2018 budget [REDACTED] to acquire the Seaspan right-of-way and the Team Tracks Licence Agreement from Island Corridor Foundation

The discharge of the right-of-way puts the City in a position to complete the interim waterfront walkway and Front Street extension in the fall of 2018 and kick start redevelopment of 1 Port Drive and the South Downtown Waterfront.

The final step in unlocking the property for redevelopment is the resolution of the Seaspan right-of-way at 1 Port Drive.

DISCUSSION

Staff continue to work diligently with Seaspan to resolve the right-of-way issue; numerous meetings have taken place, and appraisal work has been completed and updated. The latest appraisal from December 2017 values the Seaspan right-of-way at [REDACTED]

Seaspan and SRY (Washington Marine Group) have requested that the arrangement outlined in the MOU be amended to include the transfer of the fee-simple interest in the lands under the ICF right-of-way and the area formerly proposed to be a perpetual right-of-way to SRY (Attachment D). This would allow the entire right-of-way agreement to be discharged from title.

The table on the following page outlines the advantages and disadvantages of the proposal:

Advantages of Fee-Simple Disposition	Disadvantages of Fee-Simple Disposition
<ul style="list-style-type: none"> • Significantly reduces the cost of the right-of-way acquisition to the City from [REDACTED] • Option is viewed favourably by Seaspán and SRY, which will expedite the acquisition. • The City will be able to move forward with key 2018 projects, such as the waterfront walkway and Front Street extension at 1 Port Drive. • Enables SRY to make investments in rail on Vancouver Island by owning the rail yard in fee-simple and having security over the waterlot. • Transfers a significant area of a contamination hot spot to SRY. • In the long run, if rail services cease, SRY will be in a position to redevelop/sell the lands, which would not be possible under a right-of-way agreement. 	<ul style="list-style-type: none"> • Transferring a portion of the lands to Seaspán/SRY reduces the City's influence in a portion of the area; however, land use will need to be consistent with Master Plan and zoning. • [REDACTED]

NEXT STEPS

If Council is amenable to the partial acquisition of the right-of-way and the transfer of the remainder of the lands in fee simple, as shown in Attachment D, the following next steps can be anticipated:

- Survey work to formalize the new property lines;
- Final environmental approvals will be submitted to the Ministry of Environment to permit future subdivision;
- The purchase price will be adjusted to reflect the updated land areas based on the survey work;
- The City solicitor will prepare the formal purchase agreement;
- A report will be brought forward to an Open Council meeting for consideration;
- A Notice of Disposition will be published in the local newspaper;
- A report will be brought forward to an Open Council meeting for formal approval of the purchase/transfer;
- The City can tender the Front Street Extension project and commence construction; and
- The City can sell/transfer portions of the lands for redevelopment.

OPTIONS

1. That Council provide approval in principle to discharge the Seaspans right-of-way at 1 Port Drive through the transfer of \$950,000 and the fee-simple interest of 5.5 acres of upland and 3 acres of water lot to the Washington Marine Group.
 - **Budget Implication:** The 2018 Budget has [REDACTED] allocated for the Seaspans right-of-way and Team Tracks Acquisition (Project Number P_3104_01-01-019). The costs associated with implementing the existing MOU would be [REDACTED]. The arrangement as shown in Attachment D would reduce this cost to [REDACTED]. The final purchase price will be refined once survey work has been completed to determine the exact areas to be discharged/transferred.
 - **Legal Implication:** The City solicitor will prepare the Offer to Purchase.
 - **Policy Implication:** The redevelopment of 1 Port Drive is supported in the Official Community Plan, Downtown Plan, South Downtown Waterfront Initiative, and the 1 Port Drive Master Plan.
 - **Engagement Implication:** Staff have met with representatives from Seaspans and SRY on numerous occasions regarding the right-of-way acquisition.
 - **Strategic Priorities Implication:** The phased development of 1 Port Drive is one of Council's key projects in the 2016-2019 Strategic Plan. The purchase of the Seaspans right-of-way is a critical step in opening up the lands for redevelopment and the construction of the Front Street extension.
 - **Political Implication:** The purchase of the Seaspans right-of-way will enable Council to move forward with the redevelopment of 1 Port Drive and demonstrate significant progress on this file.
 - **Other Implications:** [REDACTED]
2. That Council direct Staff to notify Seaspans Ferries Corporation and Southern Railway of BC that Council does not support the purchase and transfer of the fee-simple lands to the Washington Marine Group.
 - **Budget Implication:** Seaspans has indicated that they do not want to partially discharge the right-of-way as outlined in the MOU. The need to either replace the wooden trestle (\$6,000,000+) or to build the Front Street Extension will remain. The City may need to expropriate the right-of-way to enable construction of the road. Expropriation of the right-of-way could have considerable cost implications. Staff would need to return with a separate detailed report if this is a desire of Council.
 - **Legal Implication:** Without a resolution to the Seaspans right-of-way issue, the lands will remain vacant. The Nanaimo Port Authority will require access to the Assembly Wharf lands, and they may take action against the City for not providing reasonable access.
 - **Policy Implication:** Not advancing the redevelopment of these lands would be inconsistent with a range of City policies.
 - **Strategic Priorities Implication:** The Phased Development of 1 Port Drive is one of Council's key projects in the 2016-2019 Strategic Plan. Not advancing the redevelopment of these lands would be inconsistent with this strategic priority.
 - **Political Implication:** The City needs to maintain a good relationship with Seaspans and SRY to facilitate meaningful discussions relating to this property.]

SUMMARY POINTS

- The City purchased 1 Port Drive in March 2013. The site is 26.7 acres in size. The property is encumbered with a perpetual right-of-way in favour of Seaspan Ferries Corporation that covers 6.2ha (15.4 acres) of land and water.
- An MOU was created between the City, Seaspan, and SRY. Under the agreement, the City was to acquire 2.71ha (6.7 acres) of land and 1.09ha (2.7 acres) of water lot from the right-of-way. A new perpetual right-of-way with 1.34ha (3.3 acres) of land and 1.21ha (3 acres) of water lot would be placed on a portion of the property in favour of SRY.
- Seaspan and SRY (Washington Marine Group) have requested that the arrangement be amended to include the transfer of the fee-simple interest in the lands under the ICF right-of-way and the area formerly proposed to be a perpetual right-of-way to SRY. [REDACTED]
- If Council provides 'approval in principle', Staff will contract a surveyor to complete the necessary survey work, the City solicitor will prepare the formal purchase agreement, and a Staff report will be presented to Council at an open meeting for consideration.
- The discharge of the right-of-way puts the City in a position to complete the interim waterfront walkway and Front Street extension in the fall of 2018 and kick start redevelopment of 1 Port Drive and the South Downtown Waterfront. |

ATTACHMENTS

ATTACHMENT A: 1 Port Drive
ATTACHMENT B: Seaspan Right-of-Way + Island Corridor Foundation Right-of-Way at 1 Port Drive
ATTACHMENT C: 2015-APR-20 Seaspan MOU
ATTACHMENT D: Illustration of Proposed Land Transfer |

Submitted by:

Bill Corsan
Deputy Director, Community Development |

Concurrence by:

Dale Lindsay
Deputy Director, Community Development

1 Port Drive



ATTACHMENT B

Seaspan Right-of-Way and Island Corridor Foundation Right-of-Way at 1 Port Drive



ATTACHMENT C

Memorandum of Understanding

This Memorandum of Understanding dated for reference April 20, 2015

BETWEEN:

CITY OF NANAIMO, an incorporated municipality having an address at 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6 (the "City")

AND:

SEASPAN FERRIES CORPORATION, having an address at 7700 Hopcott Road, Delta, British Columbia, V4G 1B6 ("Seaspan")

AND:

SOUTHERN RAILWAY OF VANCOUVER ISLAND LIMITED, having an address at 2102 River Drive, New Westminster, British Columbia, V3M 6S3 ("SVI")

WHEREAS the City, Seaspan and SVI (the "parties") wish to enter into this Memorandum of Understanding (the "MOU") to set out the good faith intentions of the parties to proceed in accordance with the understandings set out below with respect to a partial discharge of the existing right of way on a portion of the lands legally described as:

PID: 029-036-500

Lot A, Section 1, and part of the Bed of the Public Harbour of Nanaimo, Nanaimo District, Plan EPP27507 (the "Parent Lands").

NOW THEREFORE the parties set out the following mutual understandings:

1. Land Ownership

The City acquired the Parent Lands (being 26.72 acres) located at 1 Port Drive on March 27, 2013 from Canadian Pacific Railway Company as illustrated in Attachment 1.

Seaspan has a Statutory Right of Way ("Seaspan Right of Way") (EM109875 – modified by ET1322 and ET7033) at 180 Front Street. The Seaspan Right of Way area over the Parent Lands occupies approximately 15.4 acres of land and water. Seaspan has the perpetual right to operate a roll-on, roll-off truck terminal and rail transfer facility in this location.

Island Corridor Foundation ("ICF") is the owner of a perpetual Right of Way ("ICF Right of Way") (EN2815) that includes the Wellcox Railyard. ICF has an operating agreement with SVI to operate rail services on Vancouver Island. SVI is a subsidiary of Southern Railway of British Columbia Limited which is a subsidiary of Washington Canadian Investments, LTD. The ICF Right of Way occupies 2.53 acres of the Parent Lands.

2. City Plans

The City supports the establishment of a passenger only, fast ferry service between downtown Nanaimo and downtown Vancouver. The Parent Lands are the preferred location for the temporary and permanent locations of the terminal facility. The City has issued a long-term lease to the passenger ferry provider.

Another key objective for the City at this point in time is securing a road connection through the Parent Lands as a replacement to the existing wooden trestle that needs to be replaced by the end of 2016. The proposed road runs through the existing Seaspan Right of Way.

The City recognizes that redevelopment of the Parent Lands is a long-term process and will require extensive public consultation on the redevelopment of these lands. Further ideas and concepts for the Parent Lands will evolve through the master planning process in 2015.

3. Seaspan Relocation Plans

Seaspan own 71 acres of land at Duke Point through the Duke Point Property Company ULC with properties at 650, 850 and 870 Jackson Road. Seaspan's intention is to relocate most of the existing roll-on, roll-off truck service from 180 Front Street to Duke Point. Seaspan Board approval has been provided for this relocation and it is anticipated that Seaspan will relocate its roll-on, roll-off traffic to Duke Point by the end of 2016.

4. Partial Reduction of Seaspan Right of Way

Seaspan and the City agree that the existing Seaspan Statutory Right of Way will be partially reduced in late 2016 upon commencement of Seaspan's operations at Duke Point. Attachment 2 illustrates the Right of Way area to be discharged. The outlined area includes 6.7 acres of land and 2.7 acres of water with the remaining Seaspan Right of Way to be utilized by SVI.

5. Southern Railway Expansion Plans

SVI currently occupies 2.53 acres of land in accordance with a Right of Way Agreement granted to ICF. As part of ICF's plans to revitalize rail on Vancouver Island, additional industrial lands adjacent to the Wellcox Yard are sought to support transload activities. SVI wishes to continue to occupy 6.3 of land and water currently under the Seaspan Right of Way (Attachment 3).

6. Compensation Payable to Seaspan

The partial discharge of the Seaspan Right of Way will require Seaspan to be compensated for the value of the Seaspan Right of Way. The City and Seaspan will hire a professional appraiser (mutually agreeable to both parties) to value the area to be discharged.

The value provided by the appraiser will form the basis for any compensation negotiation between the City and Seaspan.

In accordance with the Seaspan Right of Way, Seaspan is responsible for the removal of any improvements. The parties agree that the value of demolishing the existing improvements will be a credit against the compensation figure. The City will not remove any of the improvements unless approved by Seaspan.

The mutually agreed compensation amount will be in the form of a cash payment or through an alternative compensation package such as a temporary tax exemption.

7. New Right of Way to be Granted to SVI

Prior to the discharge of a portion of the existing Seaspan Right of Way, Seaspan and SVI shall notify the City if they want to continue to use the existing Seaspan Right of Way or alternatively, if a new right of way agreement registered on title in favour of SVI is to be prepared. The new

right of way would incorporate approximately the same area as outlined in Attachment B. The City's lawyers will be responsible for preparing the new right of way agreement.

8. Timing & Process

The following key steps are anticipated to assist with the partial discharge of the Seaspan Right of Way.

- *Hire Appraiser* – immediately following execution of MOU. Cost to be borne by City.
- *Finalize Compensation* – City and Seaspan to finalize compensation package by Summer, 2015.
- *Prepare Formal Documentation* – City lawyer to finalize documentation – Fall, 2015.
- *Discharge Seaspan Right of Way* - The partial discharge of the Seaspan Right of Way will occur 30 days after Seaspan provides formal notice to the City that it has formally relocated substantially all of its operations to Duke Point. Compensation to Seaspan will be provided on the date of discharge unless an alternative compensation package is developed.

9. Assignment

This MOU may not be assigned or transferred by Seaspan and SVI to any other party except in the event of a corporate restructuring.

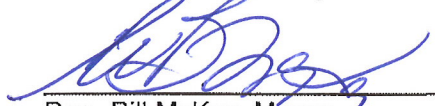
10. Status of this Memorandum of Understanding

This MOU does not create or result in legally enforceable binding rights or obligations between the City, Seaspan and SVI. The parties intend to make a reasonable and *bona fide* attempt to complete the Seaspan Right of Way reduction and assignment as contemplated by this MOU.

11. Termination of this Memorandum

This MOU shall terminate upon agreement and execution of a formal agreement or by written notice by a party that the right of way plans are not satisfactory. This MOU anticipates that a formal agreement will be prepared and completed by December 31, 2015.

CITY OF NANAIMO by its authorized signatories:



Per: Bill McKay, Mayor



Per: Chris Jackson, Corporate Officer

Executed on April 20, 2015

SEASPAN FERRIES CORPORATION by its
authorized signatory (ies):



Per: Authorized Signatory



Per: Authorized Signatory

Executed on May 1, 2015

SOUTHERN RAILWAY OF VANCOUVER ISLAND LIMITED
by its authorized signatory (ies):



Per: Authorized Signatory

Per: Authorized Signatory

Executed on April 28, 2015

Attachment 1



Existing Seaspan Right of Way

- Existing Seaspan Right of Way = 62,480 Sq m. / 15.4 Acres
- Land Area = 39,430 Sq m. / 9.7 Acres
- Water Area = 23,050 Sq m. / 5.7 Acres

Attachment 2



Area of Right of Way to be Discharged

- Existing Seaspan Right of Way = 62,480 Sq m. / 15.4 Acres
- Land Area = 27,070 Sq m. / 6.7 Acres
- Water Area = 10,740 Sq m. / 2.7 Acres
- Total Discharge Area = 37,810 Sq m. / 9.3 Acres

Attachment 3



Proposed New Right of Way

- Existing Seaspans Right of Way = 62,480 Sq m. / 15.4 Acres
- Land Area of Proposed new ROW = 12,430 Sq m. / 3.1 Acres
- Land Area to be added = 805 Sq m. / 0.2 Acres
- Water Area of Proposed new Row = 12,220 Sq m. / 3.0 Acres
- Total Area of Proposed new Row = 25,455 Sq m. / 6.3 Acres

Illustration of Proposed Land Transfer





District of Lantzville

Incorporated June 2003

April 3, 2018

Chief Administrative Officer
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9T 5J6

Re: Lantzville/Nanaimo Water Agreement

Council, at their March 26, 2018 Council meeting, passed a motion for staff to request a meeting between the District of Lantzville Council and the City of Nanaimo Council to discuss proposed changes to the Lantzville/Nanaimo Water Agreement.

It is proposed that topics of discussion for the meeting be submitted in advance by both parties, so that each party can be prepared and result in an effective and productive meeting.

Please let us know if your Council is in support of a joint meeting to discuss proposed changes to the Lantzville/Nanaimo Water Agreement.

Should you have any questions, please contact me at 250.390.4006 or ronaldcampbell@lantzville.ca.

Yours truly,

Ronald Campbell, CLGA
Chief Administrative Officer

c. District of Lantzville Council; Fred Spears, Director of Public Works

File: 2280.20.9

T:\DISTRICT OF LANTZVILLE\Correspondence\2018\Arising from Council Meeting\CoN Council Water Agreement Meeting Request 26 Mar 2018.docx



ADDENDUM
"IN CAMERA" COUNCIL MEETING

Monday, June 18, 2018, 4:00 P.M. - 6:30 P.M.
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
SCHEDULED RECESS AT 5:30 P.M.

Pages

2. ADOPTION OF MINUTES

a. Minutes

1. *Replace - Regular Council Meeting Minutes from Monday, 2018-MAY-28, at 4:30 p.m. with attached "In Camera" Council Meeting Minutes, 2018-MAY-28.*

2 - 5

"IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2018-MAY-28 AT 4:30 P.M.

Members: Mayor W. B. McKay, Chair
Councillor S. D. Armstrong (via telephone, disconnected at 5:52 p.m.)
Councillor W. L. Bestwick (vacated 5:54 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller (vacated 5:58 p.m.)
Councillor J. Hong
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor J. A. Kipp

Staff: B. Sims, Director of Engineering and Public Works
S. Gurrie, City Clerk
K. Gerard, Recording Secretary

Others: [REDACTED]

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

The "In Camera" Meeting was called to order at 4:54 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Councillor Bestwick advised he would be bringing forward the following items under Agenda Item 4 – Reports:

1. The Process to Protect the Corporation, Including Council;
2. [REDACTED]
3. Understanding of Proper Language During an "In Camera" and Open Council Meeting; and,
4. [REDACTED]

The motion carried.

Opposed: Councillor Armstrong

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 presented or amended. The motion carried unanimously.

4. ADOPTION OF MINUTES:

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

- Minutes of the "In Camera" Meeting held in the Shaw Auditorium on Friday, 2018-MAY-11, at 9:00 a.m.; and,
- Minutes of the Special "In Camera" Meeting held in the Douglas Rispin Room, Vancouver Island Conference Centre, on Monday, 2018-MAY-14 at 4:30 p.m.

The motion carried unanimously.

5. REPORTS:

(a) Appointments of the City Collector and Deputy City Collector

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that:

1. Council assign the duties and responsibilities of Collector for the City of Nanaimo to Jamie Slater, A/Manager Revenue Services, and that Laura Mercer, Manager, Accounting Services, be assigned duties and responsibilities of Deputy Collector; and,
2. all previous assignments for Collector be rescinded.

The motion carried unanimously.

(b) Property Acquisition – 5260 Tanya Drive

Introduced by Sheila Gurrie, City Clerk.

It was moved and seconded that Council authorize the acquisition of 5260 Tanya Drive from [REDACTED] for the sum of [REDACTED]

The motion carried.

Opposed: Mayor McKay and Councillor Hong

It was moved and seconded that Council rise and report upon the conclusion of the negotiation process with the exception of the underlined text. The motion carried unanimously.

(c) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(d) Councillor Bestwick Additions

1. The Process to Protect the Corporation, Including Council

Council discussion took place regarding recent breaches of confidentiality, investigations into these breaches and if Council is going to encourage a full investigation into the breaches including and especially the "In Camera" Meeting held on 2018-MAY-25.

Sheila Gurrie, City Clerk, stated that all breaches/leaks have been reported to the Office of the Information and Privacy Commissioner who then decides which breaches are investigated further or not based on third party personal information. [REDACTED]

By unanimous consent Council requested that Sheila Gurrie, City Clerk, provide Council with a list of breaches that have been sent to the Office of the Information and Privacy Commissioner.

It was moved and seconded that Council make every effort to investigate the breaches/leaks of "In Camera" meetings including the May 25, 2018, Special "In Camera" Council Meeting. The motion carried unanimously.

2. [REDACTED]

3. Understanding of Proper use of Language during "In Camera" Meeting and Open Council Meetings

Council discussion took place regarding the use of profanity during "In Camera" and Open Council Meetings.

Councillor Bestwick vacated the Boardroom at 5:54 p.m.

4.

[REDACTED]

[REDACTED]

[REDACTED]

Councillor Fuller vacated the Boardroom at 5:58 p.m.

6. ADJOURNMENT:

It was moved and seconded at 6:02 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



AGENDA

SPECIAL "IN CAMERA" COUNCIL MEETING

Tuesday, June 19, 2018

1:00 P.M. - 4:00 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

3.(a) Interview #1 1:00 p.m. - 2:30 p.m. - 90(1)(a)(c)

3.(b) Interview #2 2:30 p.m. - 4:00 p.m. - 90(1)(a)(c)

Section 90(1):

(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 or other employee relations; and,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

a. Interview #1 1:00 p.m. - 2:30 p.m.

b. Interview #2 2:30 p.m. - 4:00 p.m.

4. REPORTS

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



ADDENDUM
SPECIAL "IN CAMERA" COUNCIL MEETING"

Tuesday, June 19, 2018

Meeting Start Time Changed to 2:30 p.m. - 4:00 p.m.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

3. PRESENTATIONS

a. Interview #1 1:00 p.m. - 2:30 p.m.

1. *Remove - Interview #1 1:00 p.m. - 2:30 p.m.*



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Thursday, June 21, 2018

9:00 A.M. - 12:00 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

3.(a) Interview #3 9:00 a.m. - 10:30 a.m. - 90(1)(a)(c)

3.(b) Interview #4 10:30 a.m. - 12:00 p.m. - 90(1)(a)(c)

Section 90(1):

(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 or other employee relations; and,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

a. Interview #3 9:00 a.m. - 10:30 a.m.

b. Interview #4 10:30 a.m. - 12:00 p.m.

4. REPORTS

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING



ADDENDUM
SPECIAL "IN CAMERA" COUNCIL MEETING"

Thursday, June 21, 2018

Meeting Time Changed 9:00 A.M. - 12:30 P.M.

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

3. PRESENTATIONS

- c. Add - Council Deliberation and Direction to Staff*



AGENDA
SPECIAL "IN CAMERA" COUNCIL MEETING

Monday, June 25, 2018

3:00 P.M. - 4:30 P.M.

DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. ADOPTION OF AGENDA

That Council, in accordance with Section 90(1)(n) of the Community Charter, adopt the agenda as presented (or as amended).

Summary of Agenda Items and Proposed CC Reasons to Close Meeting:

1. Adoption of Agenda - 90(1)(n)

3(a). [REDACTED] - 90(1)(f)(g)(i)

3(b). [REDACTED] - 90(1)(i)(k)

3(c). [REDACTED]
[REDACTED] - 90(1)(a)

Section 90(1):

(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;

(f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(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;

(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; and,

(n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

2. ADOPTION OF MINUTES

3. PRESENTATIONS

a.

[REDACTED]

b.

[REDACTED]

c.

[REDACTED]

4. REPORTS

5. ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING