SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JAN-19, AT 5:30 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2014-DEC-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 3-4*

3. **PRESENTATIONS:**

NONE

4. **MAYOR'S REPORT:**

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a) **Real Estate Property Management Strategy Update**

To be introduced by Mr. Bill Corsan, Manager of Real Estate

Purpose: To provide Council with a progress update on the City's Property Management Strategy.

Staff Recommendation: That Council receive for information the report pertaining to the Real Estate Property Management Strategy Update. *Pg. 5-32*

(b) **Proposed Acquisition of 2992 – 104th Street for Non-Market Rental Housing**

Purpose: To update Council on the acquisition opportunity at 2992 - 104th Street and to obtain Council direction to either continue or discontinue acquisition negotiations.

Staff Recommendation: That Council direct Staff to discontinue efforts to acquire 2992 – 104th Street. *Pg. 33-44*

7. **COMMUNITY SERVICES:**

(a) **Heritage Building Rehab Award Candidates for Projects Completed in 2013/14**

To be introduced by Councillor Brennan, Chair, Cultural Committee/Heritage Commission.

Purpose: To obtain Council approval regarding award recognition of heritage building rehabilitation projects completed in 2013/2014, to be presented at the Culture and Heritage Awards ceremony scheduled for 2015-APR-09.

Presentation:

Mr. Chris Sholberg, Community/Heritage Planner, Culture & Heritage.

Committee/Commission Recommendation: That Council approve the following properties for Heritage Building Rehabilitation Award recognition as part of the 2015 Culture & Heritage Awards: *Pg. 45-60*

PROPERTY	AWARD CATEGORY
McCourt Residence (750 Franklyn Street)	Heritage Building Rehabilitation Award (Residential)
St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

8. **CORRESPONDENCE:**

(a) Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission. *Pg. 61*

9. **OTHER BUSINESS:**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2014-DEC-15, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (participated electronically 5:02 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Barfoot, Recreation Coordinator (arrived 5:03 p.m., vacated 5:08 p.m.)
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 5:09 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

2. ADOPTION OF AGENDA:

13714 It was moved and seconded that Council move Agenda Item 7 (a) - Recommendations for 2015 Culture and Heritage Award Recipients to follow agenda item 2 (a) - Adoption of the Minutes. The motion carried unanimously.

13814 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

3. ADOPTION OF MINUTES:

13914 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2014-NOV-24 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

Mr. Chris Barfoot, Recreation Coordinator, entered the Douglas Rispin room at 5:03 p.m.

4. COMMUNITY SERVICES:

(a) Recommendations for 2015 Culture and Heritage Award Recipients

Presentation:
1. Mr. Chris Barfoot, Recreation Coordinator, provided a presentation.

Mr. Chris Barfoot, Recreation Coordinator, vacated the Douglas Rispin Room at 5:08 p.m.

14014 It was moved and seconded that Council approve the following award recipients:

AWARD CATEGORY	RECIPIENT
Excellence in Culture	Mr. Grant Leier and Ms. Nixie Barton
Honour in Culture	Ms. Arlene Blundell
Emerging Cultural Leader	Ms. Amanda Scott

The motion carried unanimously.

CUPE Staff vacated the Douglas Rispin Room at 5:09 p.m.

5. CORPORATE SERVICES:

(a)

6. ADJOURNMENT:

14314 It was moved and seconded at 6:51 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JAN-19

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE

RE: REAL ESTATE PROPERTY MANAGEMENT STRATEGY UPDATE

STAFF RECOMMENDATION:

That Council receive the report.

PURPOSE:

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

BACKGROUND:

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

The Strategy recommended that an annual report be prepared for Council to assist with tracking and monitoring the various components outlined in the document.

This includes an update on the following:

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

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☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015.JAN.19

Land Inventory

The City's land inventory includes 1,426 ha (3,523 acres) of land, which excludes land dedicated as road within the city. Approximately 943 ha (2,330 acres) of land is within the municipal boundaries and 483 ha (1,193 acres) is located to the south and west of the city within electoral areas A and C in the Regional District of Nanaimo.

There are 414 parks encompassing 863 ha (2,133 acres) and 25 land parcels encompassing 34 ha (82.5 acres) that have buildings used for civic (municipal), commercial and residential purposes within the city. The City owns 3 cemeteries and 136 "other" types of property. These properties encompass 46 ha (113.6 acres).

Acquisition Priorities

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

The current City acquisition list is outlined in Attachment A.

In 2014, the following properties were acquired by the City through outright purchase or subdivision. The lands were acquired for park purposes, road projects or utility upgrades.

Address	**Size (ha)**	**Size (acres)**	**Date Acquired**	**Price**	**Purpose**
6780 Dickinson Road (Pioneer Park)	3.07	7.6	2014-Jan-14	Part of SD68 Land Exchange	Park
2145 Boundary Avenue (for Northfield Interesection)	.10	0.25	2014-Feb-14	$255,000.00	Road
3660 Rock City Road	.60	1.5	2014-Feb-14	From subdivision	Park
166 Pryde Avenue	.52	1.3	2014-Mar-14	$96,600.00	Utility
2141 Boundary Avenue	.003	30 m^2	2014-May-05	$20,000.00	Road
3508 Hillside Avenue	6.79	16.8	2014-May-07	From subdivision	Park
3518 Hillside Avenue	47.35	117	2014-June-16	$3,500,000.00	Park
3651 Rock City Road (portion of)	1.74	4.3	2014-July-16	$130,000.00 (plus $139,328 tax receipt)	Park
141 Westwood Road	.20	0.5	2014-Aug-29	From subdivision	Park
3650 Cottleview Drive (portion of)	2.35	5.8	2014-Sept-29	$1.00 ($30,000.00 in costs)	Park
5600 Vanderneuk Road	16.87	41.7	2014-Oct-28	$2,000,000.00	Park

3842 Stronach Drive	3.52	8.7	2014-Oct-28	Combined with above	Park
310 Arbot Road	.08	0.2	2014-Dec-01	From Subdivision	Park
TOTAL LAND ACQUIRED IN 2014	**83.20**	**205.65**			

Disposition Strategy

In 2014, the City completed a number of road closures which saw land either sold to a private developer, or road was exchanged with the developer for additional park or an improved road geometry. In total $488,391 was raised through the Road Closure Process.

Nearest Address	Road Closure Size	Notes	Closing Date	Estimated Value (net)
6200 Doumont Road	1,410 m²	Land exchange for road dedication of 823.7 m² and sale of road to facilitate subdivision.	2014-Nov-7	$13,391.00 (sale) + $33,000.00 (road closure area)
10 & 28 Front Street	386.9 m²	Part of Hilton Hotel project. Closure and sale of lane for future site redevelopment.	2014-Oct-24	$475,000.00
2020 Estevan Road	1,210 m²	Land exchange for road reservation covenant 784.3 m² for future site redevelopment.	2014-Sep-30	$81,016.00
3678 Reynolds Road	306.6 m²	Land exchange for road dedication 352 m² to facilitate subdivision.	2014-Sep-19	$11,417.00
141 Westwood Road	1,094.5 m²	Land exchange for park dedication 2,145 m² to facilitate subdivision.	2014-Sep-17	$45,311.00
178 & 182 Westwood Road	169 m²	Land exchange for road dedication 169 m² to facilitate boundary adjustment subdivision	2014-Jul-10	$22,000.00
3852 - 3887 Gulfview Drive	826.7 m²	Land exchange for road dedication 827.9 m² to facilitate subdivision	2014-Jan-16	$181,874.00
Total value of road closure				**$863,009.00**
Total revenue to the City				**$488,391.00**

Securing Unprotected Utilities

Addressing the number of unprotected rights-of-way in the city is an important issue identified in the Strategy and ties into the goal of Asset Management. The need to have formal agreements to protect City infrastructure for water, sewer and drainage systems is a key goal. Staff are currently developing a program to address the 422 unprotected services in the city.

In 2014, the City protected 3 previous unprotected rights-of-way.

Leasing & Licencing of City Assets

An important part of the City's role as a landowner of 1,426 ha (3,523 acres) of land is to manage the use of lands through formal lease and licence agreements for third-party business or non-profit use. The Real Estate Section currently manages 51 lease and 99 license agreements for non-profits and businesses located on City land. In 2014, notable lease agreements were entered into with Island Ferry Services Ltd. and the Nanaimo Curling Club. Leases with Island Pallet Services Ltd. and Gadd Marine at 1 Port Drive were terminated in 2014.

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

Strategic Plan Considerations

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

Strategy	Potential Strategies and/or Initiatives
Taking Responsibility	• Addressing unresolved, long-standing issues around land use and land ownership. This priority includes securing right-of-ways for unprotected utilities and purchasing land well in advance to meet Council's long-term vision.
Asset Management	• Protecting City utilities, land banking for future capital projects, and disposing of surplus assets.
Community Building Partnerships	• Purchasing land as part of a partnership. Examples include working with BC Housing and non-profits to deliver the *Housing*

	First Strategy.
Transportation and Mobility	• Securing land for roads, bridges, sidewalks, trails, pedestrian connections and for bike paths.
Water	• Protecting the water supply mains throughout the city. Land acquisitions required for the water treatment plant and the future north Nanaimo water reservoir site.
Waterfront Enhancement	• Securing right-of-ways for trails, long term leases of crown foreshore and acquisitions of key waterfront parcels.

Recommendations for Release of Information to the Public

- For release with the exception of those areas underlined.

Respectfully submitted,

Bill Corsan
Manager, Real Estate
Community Development

Concurrence by:

Dale Lindsay
Director
Community Development

Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014-DEC-22
File CIL00346
BC/ns/tl/cb

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JAN-19

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE
JOHN HORN, SOCIAL PLANNER

RE: PROPOSED ACQUISITION OF 2992 – 104TH STREET FOR NON-MARKET RENTAL HOUSING

STAFF RECOMMENDATION:

That Council direct Staff to discontinue efforts to acquire 2992 - 104th Street.

PURPOSE:

The purpose of this Staff report is to update Council on the acquisition opportunity at 2992-104th Street and to obtain Council direction to either continue or discontinue acquisition negotiations.

SUMMARY:

At the 2014-May-26 Special "In Camera" Council meeting, Council directed Staff to:

1. negotiate an Offer to Purchase for 2992 - 104th Street; and

2. to return to Council for approval when the Offer is complete.

Following Council's direction Staff approached the property owner, but the property was already under offer to On 2014-JUL-31 the new owner made application to rezone the property from Community Services 1 (CS1) and Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a 7 lot single family subdivision. If approved, the rezoning would have increased the density on the subject property from approximately 5 lots to 7 lots.

At the 2014-DEC-11 Special Meeting of the Council of the City of Nanaimo, a Public Hearing was held to consider the associated zoning amendment Bylaw 4500.071. Following the Public Hearing Council denied approval of the rezoning at third reading.

Subsequently, the owner has approached Staff to determine the City's level of interest in purchasing the property.

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Meeting Date: 2015-JAN-19

BACKGROUND:

Historically, the development of non-market housing in Nanaimo has been through a partnership between the municipal government, the Province and a non-profit housing provider. The municipality provides the property, the Province provides the capital and operating dollars, and the non-profit housing provider contracts with the Province to operate the facility. All of the recently supported housing projects agreed to under the Memorandum of Understanding (the "MOU") with the Province have been based on this system including the Bowen and Meredith Road projects and the two housing projects currently being run by the Nanaimo Affordable Housing Society.

The Official Community Plan (2008) indicates an objective "to provide opportunities for affordable housing" and to "provide for a range of affordable housing type and tenure, as well as assisted housing, sufficient to meet the needs of city residents." Flowing from this is a policy to "lease City-owned land to non-profit housing societies", and to "disperse non-profit and special needs housing throughout the city".

The policy of dispersing social housing throughout the community is reflected in the properties chosen for the supported housing projects funded under the 2008 MOU with the Province. However, one area of our community where there is no purpose-built social housing is the geographic centre of the city; the area between Country Club Mall and Longwood Station. Staff has identified this property as a suitable location for a potential multi-family, non-market housing development. The acquisition of this property will reinforce the City's commitment to fairly dispersed social housing throughout the community and the site meets all the criteria for an affordable housing development being close to shopping, transit, employment, public amenities etc.

Property Details

PID:	023-600-811
2014 Assessed Value:	Total Value: $397,400 (land – $365,600 – improvements $31,800)
2014 Purchase Price:	Purchased 2014-OCT-14 by for $325,000
Lot Size:	2,656 m² (0.7 acres)
OCP Designation	Residential
Zoning:	Split – CS1 and R1
Property Description:	The church is no longer in use. The land is flat, serviced, close to jobs, shopping, transit, amenities and is partially undeveloped
Location Map:	Attachment A

Funding

In 2008, Council transferred money into the City of Nanaimo's Housing Legacy Reserve for the purposes of strategically acquiring property for the future development of affordable housing. Since 2008, Council has allocated $165,000 yearly to this reserve. In support of future acquisitions, Council adopted a policy with respect to Requests for Municipal Properties

(Attachment B), and in 2010, a policy entitled Housing Legacy Reserve – Funding Allocation Criteria (Attachment C).

There is currently $2,916,909.83 available in this fund to support affordable housing acquisitions. Approximately $500,000 of this fund has been allocated for development costs for the housing project at Dufferin and Boundary Crescent.

DISCUSSION:

As noted above the acquisition of the property would allow for a range of building types and potential client groups while providing flexibility for the City to apply for any new program of funding announced by the Provincial government.

The Owner, . has offered to sell the property to the City for $550,000 which is well above the $325,000 that they paid in October, 2014. Staff believe they can negotiate a lower price for the property if directed by Council to continue efforts to acquire this site.

The undeveloped part of the property is currently zoned Single Dwelling Residential (R1) and in order to support a non-profit housing development will need to be rezoned. Given Council's recent denial of the rezoning of the property to small lot residential, Council would need to consider if it wishes to further densify this site.

Given Council's recent decision with respect to the proposed rezoning it is recommended that Council direct Staff to discontinue efforts to acquire the property.

Strategic Plan Considerations

The proposal to acquire this property for affordable and/or supportive housing meets one of the key priorities identified in the 2012-2015 Strategic Plan, including;

Strategy	Potential Strategies, Initiatives and/or Outcomes Desired
Community Building Partnerships	• Building action partnerships around complex issues that demand a cooperative and coordinated response from several levels of government and the non-profit sector to help facilitate the provision of affordable housing and capacity building to substantially end homelessness.

Recommendations for Release of Information to the Public

- For release upon conclusion of negotiations except for those areas underlined.

Respectfully submitted,

Bill Corsan
MANAGER
REAL ESTATE

John Horn
SOCIAL PLANNER

Concurrence by:

Dale Lindsay
Director
Community Development

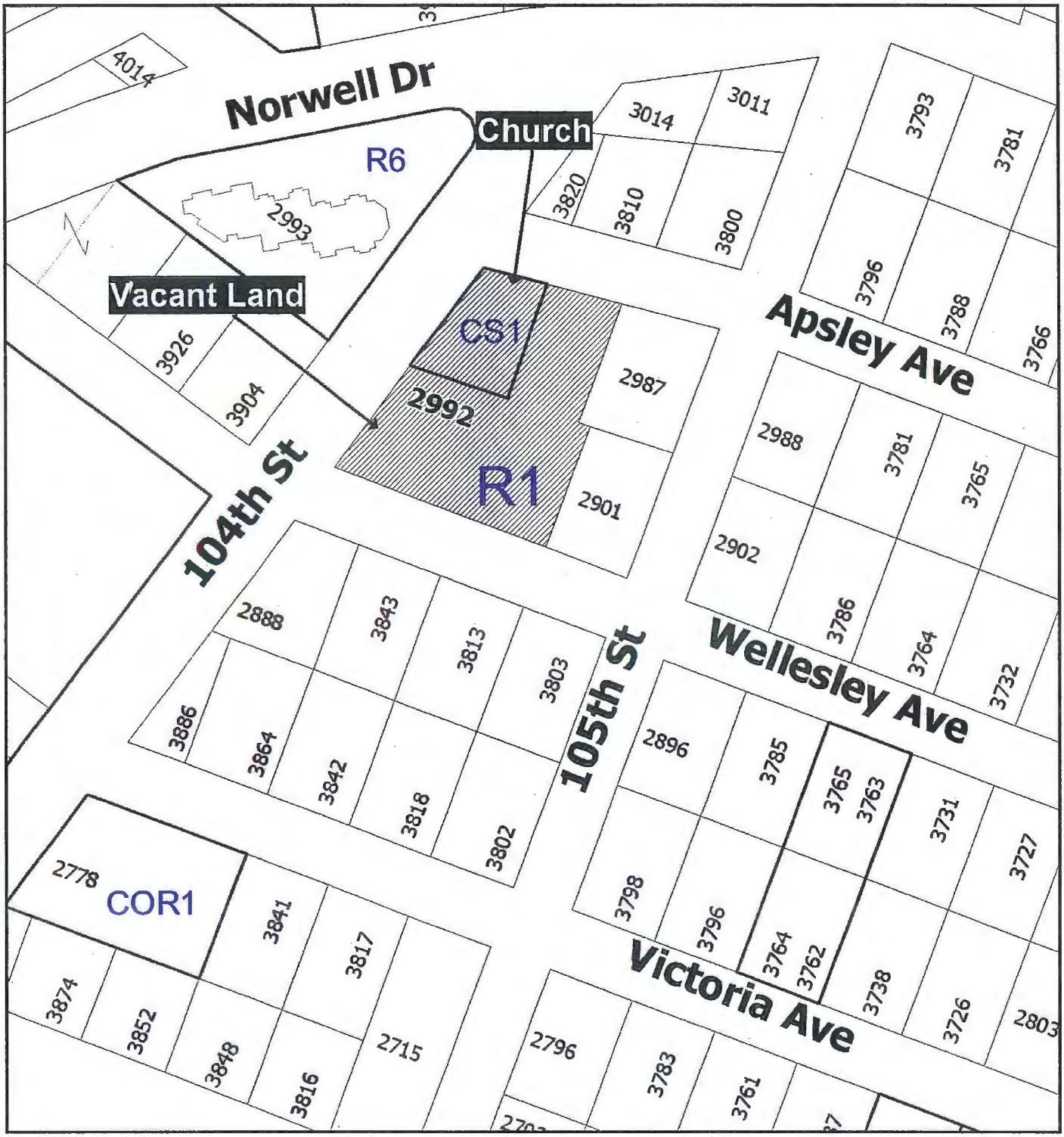
Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

Drafted: 2014-DEC-20
BC/ns/cb
LD002760

Attachment A



Property Acquisition

LOCATION PLAN

Civic: 2992 104th Street

Subject Property

ATTACHMENT B

EXISTING

CITY OF NANAIMO

COUNCIL POLICY MANUAL

Pages: 1 of 2
Approval Date: 2001-APR-23

SECTION:	**BUILDINGS, FACILITIES AND PROPERTIES**
SUBJECT:	**Requests For Municipal Property**

1. Council implemented the following policy directives in relation to requests for Municipal property:

   (a) Council re-confirmed its policy that consideration be given to a municipal property's potential for use for social housing purposes prior to it being marketed for sale to the general public.

   (b) Council directed that, if the City has a choice of bidders on the sale or lease of property that, all other terms being equal, preference be given to any non-profit agencies.

   (c) Council directed that preference be given to the leasing of municipal property (over an outright sale) when Municipal property is provided for non-profit uses.

   (d) Council directed that applications for assistance in the development of non-profit affordable housing projects be assessed based on the following criteria:

   - tenure must be rental or cooperative rather than ownership.
   - rents must be set at the low-end of market rental or rent geared to income or a combination of both.
   - project sponsors must be public or non-profit societies rather than private for-profit organizations.
   - housing must be targeted to address needs identified in the City's *Housing Needs Assessment* report which currently includes the following low income groups: singles (including youth, women, single parent families and the homeless) and seniors.
   - type of housing must be special needs, including emergency shelters, supportive recovery, transitional or second stage housing or independent living.
   - affordable units must be secured by one of the following mechanisms: housing agreement, restrictive covenant, operating agreement or lease.

2. Council directed Staff to make the parcel of land at 1128 Beaufort Drive available to the Habitat for Humanity Program (subject to confirmation of project funding); and

3. Council deferred a decision on the sale of the remaining parcels identified by Habitat until such time as the Beaufort Drive project is nearing completion.

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Previous Revision/s: None

ATTACHMENT C

2010-DEC-16

STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER, COMMUNITY PLANNING
COMMUNITY SAFETY & DEVELOPMENT

RE: HOUSING LEGACY RESERVE – FUNDING ALLOCATION CRITERIA

STAFF'S RECOMMENDATION:

That Council adopt the proposed policy entitled "Housing Legacy Reserve – Funding Allocation Criteria", as attached to this report, to guide the use of the reserve for affordable housing initiatives.

EXECUTIVE SUMMARY:

The proposed Housing Legacy Reserve policy provides guidance to City Council on the allocation of funds which are the City's support to affordable housing initiatives in Nanaimo.

A need to develop a policy for funding allocations from the Housing Legacy Reserve is based on both the number and diversity of requests from non-profit organizations to access the funds, and the City's recent direct involvement in the provision of affordable housing. This has resulted in a need to provide clarity around the scope and criteria for funding allocations from this reserve.

The Housing Legacy Reserve is intended to provide a funding source for municipal support to affordable housing initiatives. Given the most pressing need is for the provision of affordable housing at the social housing end of the housing continuum, it is recommended the Housing Legacy Reserve's primary focus is on social housing. Municipal affordable housing projects are also the priority expenditure for the reserve.

The general purpose of this reserve is to provide for municipal land and building acquisition costs related to affordable housing, but it is also a resource for project planning costs (including legal, land surveying, subdivision, site investigation, development approvals) and associated capital costs (including the design and construction of works and services, building components), as well as financial support (including relief from payment of DCC's) for affordable housing.

The purpose of this report is to present a draft Council policy respecting the use of the Housing Legacy Reserve.

BACKGROUND:

The Housing Legacy Reserve is an operating reserve account within the General Fund Non-Statutory Reserves Accounts section of the City's Financial Plan. The Housing Legacy Reserve was created following a recommendation from the Social Planning Advisory Committee in 2005. Initial funding for the reserve were from gaming revenue (annual unspent gaming revenue is

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Meeting Date: 2011-JAN-10

directed to the reserve); subsequent funding has come from developer community contributions and from general revenue ($165,000 from taxation is added annually to the reserve), as well as a 2008 addition to the reserve in support of the City's Housing First Strategy. The current balance of the reserve is approximately $2.7 million.

The general purpose of this reserve is to provide for municipal land and building acquisition costs related to affordable housing, but it is also a resource for project planning costs (including legal, land surveying, subdivision, site investigation, development approvals) and associated capital costs (including the design and construction of works and services, building components), as well as financial support (including relief from payment of DCC's) for affordable housing.

Affordable housing spans a continuum of housing, ranging from emergency shelters to market affordable housing. The housing continuum is widely accepted as a model of housing needs and affordability. This model describes both housing need (and affordability) and the degree of government intervention that decreases as one moves from left to right along the continuum. The continuum distinguishes three broad categories for housing:

- Social Housing, which involves some form of government funding and/or operation, as well as support services to tenants who are homeless, or in transition to housing, with support services (emergency shelters, low barrier, transitional, and supported housing);
- Non-Market Housing, which may be provided by non-profit or private for-profit entities and is either affordable rental for low income individuals or families, or affordable ownership below market rates for low to moderate income households (affordable rental, assisted home ownership); and
- Market Housing, which is provided by the private sector and includes market rental and home ownership directed toward middle and higher income residents (rental housing, home ownership).

The Housing Continuum							
Emergency Shelters	Low Barrier Housing	Transitional Housing	Supported Housing	Affordable Rental Housing	Assisted Home Ownership	Rental Housing	Home Ownership
Social Housing				***Non-Market Housing***		***Market Housing***	

The City is currently focused on facilitating the provision of social housing (emergency shelters, low barrier housing, transitional housing, and supported housing) along this housing continuum.

Given the most pressing need is for the provision of affordable housing at the social housing end of this continuum, it is recommended that the Housing Legacy Reserve's primary focus is on social housing. However, there may be rationale for use of funds as a secondary focus to enable affordable housing initiatives within the non-market housing (affordable rental and affordable home ownership) range of the continuum.

Recent Use of the Housing Legacy Reserve

Since the inception of the Housing Legacy Reserve, the City has allocated funds from this reserve to a range of affordable housing and related initiatives, either through requests from proponents for support, or through partnerships the City has engaged in to create affordable housing. Funding to date has ranged from planning costs (legal, survey, subdivision), to

servicing and building component costs (on-site and off-site services, fire sprinkler system), and financial support (DCC payment reduction or relief) for affordable housing initiatives.

Recent examples of projects that have received funding from the Housing Legacy Reserve include the Samaritan House, Balmoral Hotel, Bowen and Meredith affordable housing project, and the MOU supportive housing sites. The Samaritan House and Balmoral Hotel projects were provided funding for building component costs (fire suppression system). The affordable housing project at Bowen and Meredith received funding for survey, site and off-site works and services as part of a partnership with the Province, a local housing provider, and support from the local building industry.

The partnership with the Province respecting the MOU supportive housing projects to address homelessness in Nanaimo are also partially funded by the Housing Legacy Reserve. Through these MOU projects (i.e., Wesley, Bowen, and Dufferin) the City is responsible for the preparation of "development ready" City-owned sites for BC Housing and the non-profit operator to then build supportive housing. Municipal costs include planning costs (e.g. legal, survey, subdivision, rezoning – if required) and the design and construction of works and services which are provided through funding from the Housing Legacy Reserve.

Summary

A policy respecting criteria to assist in the allocation of funds from the Housing Legacy Reserve has been developed to provide guidance for future use of the reserve (see attached Draft Policy). The intent of the Housing Legacy Reserve is clear – to serve as a resource for municipal support for affordable housing. The criteria outlined in the policy are premised on the primary focus being the social housing end of the housing continuum.

The Housing Legacy Reserve supports the provision of municipal land for affordable housing projects, allows for municipal contributions to housing project costs, and offers a resource for financial support for non-profit housing partners in affordable housing. The balance of use of the reserve is based on an evaluation of meeting the social objectives of the City, the type of housing provider and operator, and the residents of the housing, with the emphasis placed on those most in need.

SPAC'S RECOMMENDATION:

At their meeting on 2010-DEC-07, the Social Planning Advisory Committee endorsed the proposed policy entitled "Housing Legacy Reserve – Funding Allocation Criteria".

Respectfully submitted,

Bruce Anderson,
Manager of Community Planning
Community Safety & Development

Andrew Tucker,
Director of Planning
Community Safety & Development

BA/ch
g:\commplan\admin\2011\housing legacy reserve council policy
Council Date: 2011-Jan-10

Ted Swabey, General Manager
Community Safety & Development

PROPOSED

CITY OF NANAIMO

COUNCIL POLICY MANUAL

Pages: 1 of 2
Approval Date:

SECTION: BUILDINGS, FACILITIES AND PROPERTIES
SUBJECT: Housing Legacy Reserve – Funding Allocation Criteria

That use of the Housing Legacy Reserve (HLR) for affordable housing be in accordance with the following policy directives:

(a) The intent of the Housing Legacy Reserve is for use as a resource for municipal support to affordable housing initiatives in Nanaimo.

(b) Municipal support and assistance for affordable housing projects will be directed primarily to the provision of social housing in Nanaimo, and secondarily to non-market housing, as represented on the housing continuum below.

The Housing Continuum							
Emergency Shelters	Low Barrier Housing	Transitional Housing	Supported Housing	Affordable Rental Housing	Assisted Home Ownership	Rental Housing	Home Ownership
Social Housing				***Non-Market Housing***		***Market Housing***	

The housing continuum is widely accepted as a model of housing needs and affordability. This model describes both housing need (and affordability) and the degree of government intervention that decreases as one moves from the left to right along the continuum. The continuum distinguishes three broad categories for housing:

- Social Housing, which involves some form of government funding and/or operation, as well as support services to tenants who are homeless, or in transition to housing, with support services (emergency shelters, low barrier, transitional, and supported housing);
- Non-Market Housing, which may be provided by non-profit or private for-profit entities and is either affordable rental for low income individuals or families, or affordable ownership below market rates for low to moderate income households (affordable rental, assisted home ownership); and
- Market Housing, which is provided by the private sector and includes market rental and home ownership directed toward middle and higher income residents (rental housing, home ownership).

(c) The following are categories of funding to be applied for the use of reserve:

- Land and building acquisition costs related to affordable housing projects.
- Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
- Project capital costs (including construction of works and services, building components).

- Financial support (including relief from payment of DCC's) for affordable housing.

(d) Funds from the HLR for municipal affordable housing projects are a priority and are applied for purposes of the following:

- Land and building acquisition related to affordable housing projects.
- Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
- Project capital costs (including construction of works and services, building components).

(e) Funds from the HLR for assistance to non-profit organizations may be provided and are applied for purposes of the following:

- Project capital costs (including construction of works and services, building components).
- Financial support (including relief from payment of DCC's) for affordable housing.

Council: ####

Previous Revision/s: None

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-JAN-19

AUTHORED BY: DIANE BRENNAN, CHAIR
CULTURAL COMMITTEE / HERITAGE COMMISSION

RE: HERITAGE BUILDING REHABILITATION AWARD CANDIDATES FOR PROJECTS COMPLETED IN 2013/2014

COMMITTEE/COMMISSION RECOMMENDATION:

That Council approve the the following properties for Heritage Building Rehabilitation Award recognition as part of the 2015 Culture & Heritage Awards:

PROPERTY	AWARD CATEGORY
McCourt Residence (750 Franklyn Street)	Heritage Building Rehabilitation Award (Residential)
St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

These properties have been further detailed in Attachment A.

PURPOSE:

To obtain Council approval regarding award recognition of heritage building rehabilitation projects completed in 2013/2014, to be presented at the Culture and Heritage Awards ceremony scheduled for 2015-APR-09.

BACKGROUND:

Heritage Building Rehabilitation Awards have been given by the City since 2007 to publicly recognize noteworthy building rehabilitation projects that have received financial assistance through the Heritage Facade Grant, Heritage Tax Exemption or Heritage Home Grant Programs.

☑ Council
☐ Committee
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015 JAN 19

DISCUSSION:

A number of heritage rehabilitation projects were completed in 2013/2014 with assistance from the City's Heritage, Heritage Tax Exemption, or Heritage Home Grant Programs. These projects include the following:

McCourt Residence (750 Franklyn Street)

- Total Project Cost: $10,300
- Grant Received: $2,500 under Heritage Home Grant Program
- Work Completed: restore wood siding and exterior repaint

St. Paul's Anglican Church (100 Chapel Street)

- Total Project Cost: $260,197
- Grant Received: $20,000 under the Facade Grant Program
- Work Completed: roof upgrade

STRATEGIC PLAN CONSIDERATIONS:

Heritage award recognition furthers the goals of the Cultural Vitality (Creativity, Diversity, Heritage and Innovation) Pillar of the Strategic Plan.

Respectfully submitted,

Diane Brennan
CHAIR
CULTURAL COMMITTEE / HERITAGE COMMISSION

Drafted: 2014-DEC-10
File: 0290-20-C02 Culture & Heritage Awards (2015 to present)
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/rb

ATTACHMENT A

JOHN THOMSON MEMORIAL AWARD

Year	Recipient
1994	Catherine Gisborne
1996	Elizabeth Norcross
2001	Daphne Patterson
2003	Pamela Mar
2004	David Spearing
2005	Clarence Karr
2007	Gino Sedola
2009	Parker Williams
2011	John Cass
2013	Jill Stannard

HERITAGE REHABILITATION AWARDS

2007

Recipient	Street Address
Van Houten Residence	184 Mt Benson Street
Gulliford Residence	285 Wall Street
Ranger's Shoes	310 Fitzwilliam Street
Gusola Block	120 Commercial Street

2009

Recipient	Street Address
Provincial Liquor Store	25 Cavan Street
Wilkinson Residence	305 Kennedy Street
Willard Service Station	299 Wallace Street

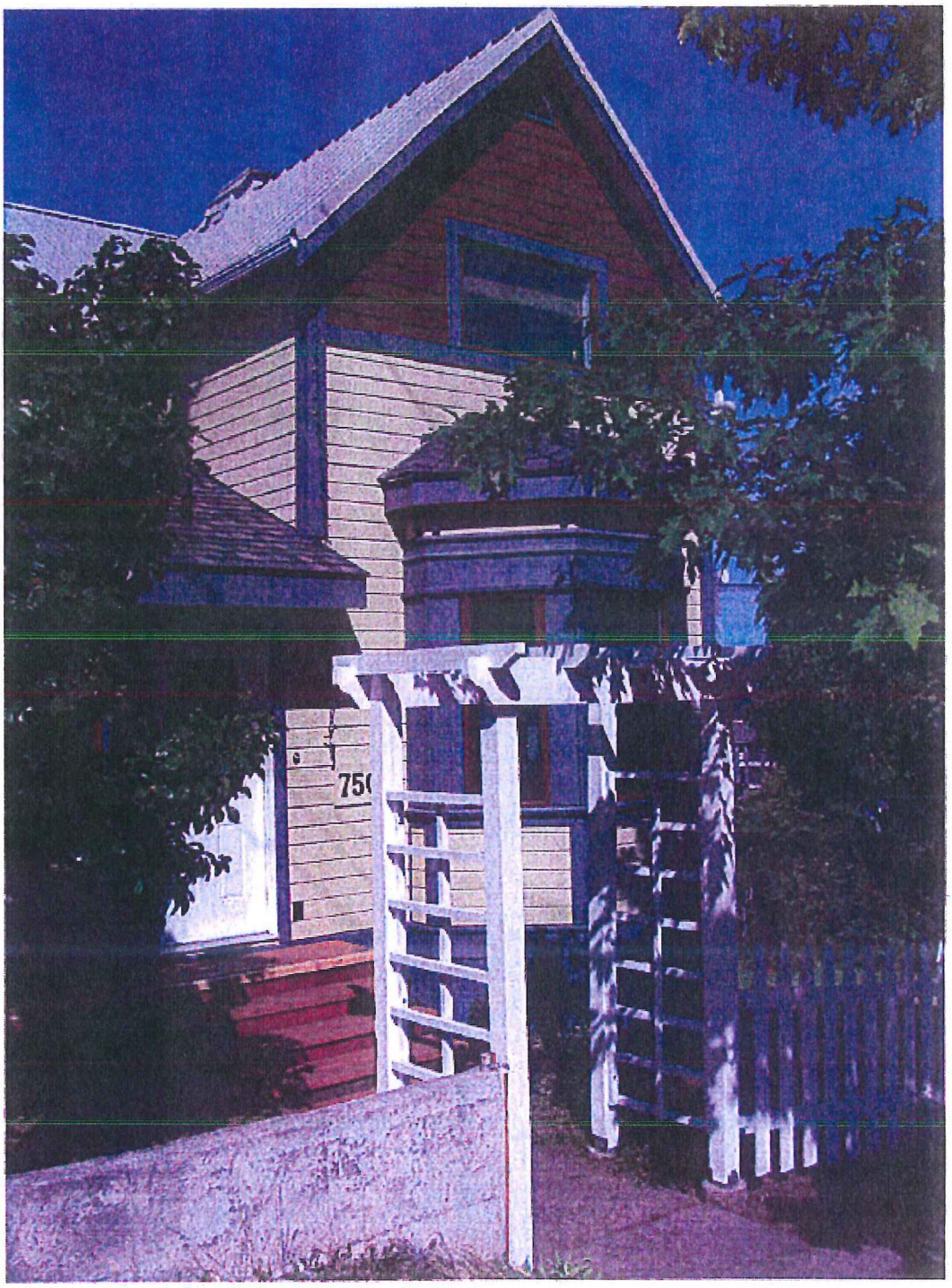
2011

Recipient	Street Address
Bastion	98 Front Street
Harrison Residence	546 Prideaux Street
Harris House	375 Franklyn Street

2013

Recipient	Street Address
Palace Hotel	275 Skinner Street
Esquimalt & Nanaimo (E&N) Railway Station	321 Selby Street

750 FRANKLYN STREET (MCCOURT RESIDENCE)



Tall and imposing, the vertical massing of this residence is typical of the Late Victorian era. The projecting front bay has a sloped roof, with paired brackets at the cornice. The house survives in intact condition, except for the enclosure of the corner entry porch, and the addition of a concrete block chimney on the east façade. By 1901 the property had been acquired from Donald McLellan by Joseph McCourt, a miner who lived on Victoria Road. This house appears to have been built as a rental property. By 1906 it had been acquired by David Taylor, listed in directories as retired. By 1908 it was occupied by A.B. Snider, who bought the house by 1910.

Name: McCourt Residence
Location: 750 Franklyn Street
Date: Circa 1901

NANAIMO HERITAGE RESOURCES 1998
CITY OF NANAIMO

1.0 IDENTIFICATION

- 1.1 **NAME OF BUILDING:** McCOURT RESIDENCE
- 1.2 **HISTORIC NAME:** McCOURT RESIDENCE
- 1.3 **STREET ADDRESS:** 750 Franklyn Street
- 1.4 **LEGAL DESCRIPTION:** Sec: C, Lot: 8, Block: J, Sec: 1, ND, Plan: 584.
- 1.5 **ZONING:** RM-9
- 1.6 **O.C.P.:** Nbhrhood
- 1.7 **PRESENT OWNER AND ADDRESS:**
  Deborah L. David
  413 Selby Street
  Nanaimo, BC V9R 2R6

2.0 HISTORICAL SIGNIFICANCE
- 2.1 CONSTRUCTION DATE AND SOURCE: 1901 (7.1) CIRCA
- 2.2 ORIGINAL OWNER AND SOURCE: Joseph McCourt (7.1)
- 2.3 ARCHITECT AND SOURCE: Unknown
- 2.4 BUILDER AND SOURCE: Unknown
- 2.5 PEOPLE OR EVENTS OF HISTORIC INTEREST ASSOCIATED WITH THE SITE:

3.0 USAGE
- 3.1 ORIGINAL USE: Residence
- 3.2 PRESENT USE: Residence

4.0 ARCHITECTURE AND STRUCTURE
- 4.1 FOUNDATION MATERIAL: Unknown
- 4.2 BASEMENT: Crawlspace
- 4.3 NUMBER OF STORIES: One & 1/2
- 4.4 STRUCTURAL MATERIAL: Wood Frame
- 4.5 CLADDING: Drop siding ORIGINAL: Assumed
- 4.6 WINDOWS: Double-hung wooden-sash
- 4.7 ROOF TYPE: Gable
- 4.8 ROOF COVER: Duroid ORIGINAL: Cedar Shingle (Assumed)
- 4.9 DESIGN DESCRIPTION: Ground floor projecting semi octagonal front bay with Mansard roof.
- 4.10 CONDITION: Paint and repair required. Concrete block chimney added to east side. Front porch enclosed.

5.0 CONTEXT
- 5.1 SITING ON LOT: Set close to street on sloping site.
- 5.2 CONTEXT TO AREA: Compatible residential area
- 5.3 ADJACENT ADDRESSES SUITABLE FOR HERITAGE GROUPING: Old City quarter
- 5.4 SIGNIFICANT LANDSCAPE FEATURES: Mature shrubs and trees.

6.0 GENERAL COMMENTS

7.0 RESEARCH INFORMATION
- 7.1 ASSESSMENT INFORMATION:

Legal Description: Lot: C-8 Block: J DL: 584 (Middle Ward)

1911 Owner: A.B. Snider
Land: $580 Improvements: $1,200
1910 Owner: David Taylor
Land: $575 Improvements: $1,200
1909 Owner: David Taylor
Land: $575 Improvements: $1,200
1908 Owner: David Taylor
Land: $575 Improvements: $1,200
1907 Owner: Joseph McCourt, 354 Haro St., Vancouver (crossed out)
David Taylor (writen in)
Land: $500 Improvements: Not Recorded

1906 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1905 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1904 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1901 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1900 Owner: Donald McLellan
Land: $625 Improvements: Not Recorded

- 7.2 ADDITIONAL REFERENCES:

DIRECTORY SEARCH

DIRECTORY: Williams YEAR: 1899
PAGE: Joseph McCourt, miner, 55 Nicol
DIRECTORY: Williams YEAR: 1899
PAGE: Donald McLellan not in directory
DIRECTORY: Hendersons YEAR: 1900
PAGE: 394; Joseph McCourt, miner, Victoria Rd.
DIRECTORY: Hendersons YEAR: 1900
PAGE: 396; D. McLellan, miner, Fitzwilliam
DIRECTORY: Hendersons YEAR: 1901
PAGE: 368; Joseph McCourt, miner, Victoria Rd. [same through 1905]
DIRECTORY: Hendersons YEAR: 1901
PAGE: Donald McLellan not in directory [same through 1905]
DIRECTORY: Hendersons Vancouver Is. YEAR: 1909
PAGE: 194; David Taylor, retired, Selby nr Franklyn
DIRECTORY: Hendersons Vancouver Is. YEAR: 1909
PAGE: 193; A.B. Snider, h Franklyn nr Milton [and 1911]

CIHB CARDS: Photograph/Written Description

NCA: 1909 Fire Insurance Map: Lot 8 - J

Photographic Negative Numbers: Roll V: 2-3

CITY OF NANAIMO
HERITAGE INVENTORY EVALUATION

STREET ADDRESS: 750 FRANKLYN STREET

DESCRIPTION	EVALUATION E	VG	G	F/P
ARCHITECTURAL HISTORY				
1. STYLE/TYPE	35	18	12	0
Very good example of Late Victorian vernacular				
2. DESIGN	30	15	10	0
No special features beyond style/type				
3. CONSTRUCTION	15	8	5	0
Typical construction only				
4. DESIGNER/BUILDER	15	8	5	0
Unknown				
(Maximum 45): 18				
CULTURAL HISTORY				
1. HISTORICAL IMPORTANCE	35	18	12	0
Unknown				
2. HISTORICAL PATTERN	30	15	10	0
Early house in the area; evidence of early suburbanization west of Downtown				
(Maximum 35): 15				
CONTEXT				
1. LANDSCAPE/SITE	15	8	5	0
Strongly apparent site relationship				
2. NEIGHBOURHOOD	20	10	6	0
Compatible residential area				
3. VISUAL/SYMBOLIC	20	13	8	0
Prominent in area				
(Maximum 20): 20				
SUBTOTAL: 53				
INTEGRITY	-0	-5	-10	-15 -20
TOTAL: 53				

TOTAL.....53/100
STATUS: Recommended for Heritage Register

Evaluated by Donald Luxton, Donald Luxton & Associates

100 CHAPEL STREET (ST PAUL'S ANGLICAN CHURCH)

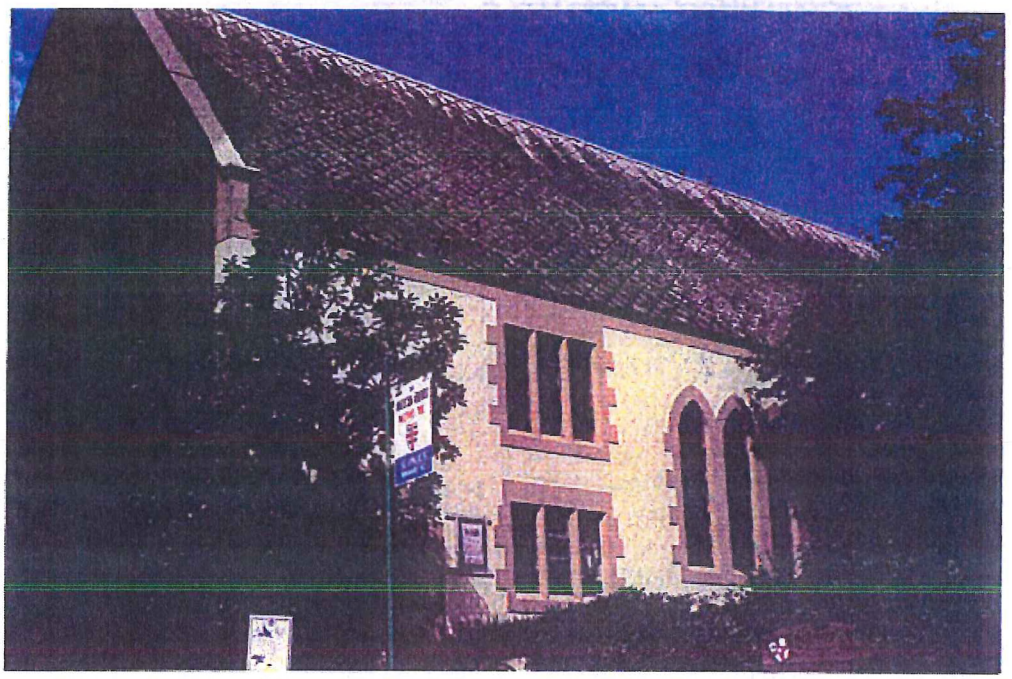
Name: St. Paul's
Anglican Church & Hall
Location: 100 Chapel Street
Date: 1931

St. Paul's Anglican Church is significant as one of the oldest, continuously functioning parishes in British Columbia, linked to both the ecclesiastic history of the province and the earliest social and spiritual development of Nanaimo. Built on land given by the Hudson's Bay Company in 1859, the current building is the third church on the site. Built in 1931, St. Paul's Anglican Church is an excellent and the only identified local example of Gothic Revival architecture, a popular style for churches in this period. The building's modest proportions and minimal ornamentation reflect its construction during the Depression. St. Paul's Anglican Church was designed by architect J.C.M. Keith, best known for Victoria's landmark Christ Church Cathedral.

Keith was born in Scotland in 1858, the son of an Anglican clergyman. He settled in Victoria in 1891, and three years later won the competition to design Victoria's landmark Christ Church Cathedral. Recommended by the Bishop, Keith's first design for this church was rejected as too costly, estimated at $80,000 without furnishings. His second design was also rejected at being too expensive. His third and final design was built at a tender price of $23,296 by Turley Brothers of Parksville. The first service was held on January 3, 1932.

The exterior of the church is distinguished by its stained glass windows and decorative pre-cast concrete trim. The interior has survived in intact condition, including a fir plank ceiling, plastered walls, a stone baptismal font, oak altar railings and pulpit, and a large fir organ case. The perpetual light to the left of the altar is an original miner's lamp, presented to Mr. Freeman in 1914 by the Wolfe Company of Germany when he was the manager of the Jingle Pot Mine. The landscaped grounds in front of the church, combined with the adjacent Dallas Square Cenotaph plaza, form a significant park area at a busy downtown intersection. The front garden, with a winding path that leads to the main entry, creates a barrier from the street and a secluded, peaceful ambience appropriate to a church building.

NANAIMO HERITAGE RESOURCES 1998
CITY OF NANAIMO



1.0 IDENTIFICATION

- **1.1 NAME OF BUILDING:** ST. PAULS ANGLICAN CHURCH
- **1.2 HISTORIC NAME:** ST. PAULS ANGLICAN CHURCH
- **1.3 STREET ADDRESS:** 100 Chapel Street
- **1.4 LEGAL DESCRIPTION:** Lot: A, Sec: 1, ND, Plan: VIP53855017-697-140
- **1.5 ZONING:** C-11
- **1.6 O.C.P.:** Town Centre
- **1.7 PRESENT OWNER AND ADDRESS:**
  Anglican Synod of Diocese of BC
  100 Chapel Street
  Nanaimo, BC V9R 5H2

2.0 HISTORICAL SIGNIFICANCE
- 2.1 CONSTRUCTION DATE AND SOURCE: 1931; Hall: 1935 KNOWN (See 7.2)
- 2.2 ORIGINAL OWNER AND SOURCE: Anglican Parish (7.2)
- 2.3 ARCHITECT AND SOURCE: J.C.M. Keith (See 7.2)
- 2.4 BUILDER AND SOURCE: Turley Brothers, Contractors (See 7.2)
- 2.5 PEOPLE OR EVENTS OF HISTORIC INTEREST ASSOCIATED WITH THE SITE: Third church of St. Paul's in Nanaimo; fireproof construction. Anglican church on site since 1862.

3.0 USAGE
- 3.1 ORIGINAL USE: Church
- 3.2 PRESENT USE: Church

4.0 ARCHITECTURE AND STRUCTURE
- 4.1 FOUNDATION MATERIAL: Concrete
- 4.2 BASEMENT: Unknown
- 4.3 NUMBER OF STORIES: One
- 4.4 STRUCTURAL MATERIAL: Concrete
- 4.5 CLADDING: Concrete ORIGINAL: Known
- 4.6 WINDOWS: Stained glass windows & leaded glass multi coloured.
- 4.7 ROOF TYPE: Side gable
- 4.8 ROOF COVER: Asbestos diamond-shaped shingles ORIGINAL: Known
- 4.9 DESIGN DESCRIPTION: Gothic Revival elements adapted to constrained site. Cast-in-place concrete walls with decorative precast trim. Window quoins.Pointed arch windows. Interior plaster walls and fir plank ceiling. Interior mezzanine. Oak altar rails, fir organ case, oak pulpit and stone baptismal font.
- 4.10 CONDITION: Well maintained/ good condition. Rehabilitated/exterior restored in mid-1980s.

5.0 CONTEXT
- 5.1 SITING ON LOT: Setback from Front Street at angle, allowing angled front yard; hall set to streetline along Chapel Street
- 5.2 CONTEXT TO AREA: Compatible commercial/institutional area
- 5.3 ADJACENT ADDRESSES SUITABLE FOR HERITAGE GROUPING: Downtown grouping
- 5.4 SIGNIFICANT LANDSCAPE FEATURES: Mature planting in church yard; significant trees; backdrop to Dallas Square.

6.0 GENERAL COMMENTS

7.0 RESEARCH INFORMATION
- 7.1 ASSESSMENT INFORMATION:
- 7.2 ADDITIONAL REFERENCES:

  NCH: Building Permit (copy in file); 1941 Assessment Sheet
  NCA: Blueprint of Plans, June 1931. J.C.M. Keith, Architect.
  NCA: Churches File. Also Buildings File: W.E. Turley listed as Builder.
  HIDB: Turley Brothers, Contractors.
  C.I.H.B. CARDS: Photo/Written Information
  "Welcome to St. Paul's Anglican Church": copy of pamphlet in file.

Photographic Negative Numbers: Roll III- 7-10

CITY OF NANAIMO
HERITAGE INVENTORY EVALUATION

STREET ADDRESS: 100 CHAPEL STREET

DESCRIPTION	EVALUATION E	VG	G	F/P
ARCHITECTURAL HISTORY				
1. STYLE/TYPE	35	18	12	0
Very good example of Late Gothic Revival; 1930s Period Revival				
2. DESIGN	30	15	10	0
Superior example; notable interior features				
3. CONSTRUCTION	15	8	5	0
Very early use of exposed re-inforced concrete structure/cladding				
4. DESIGNER/BUILDER	15	8	5	0
J.C.M. Keith (VG) / Turley Brothers (G)				
(Maximum 45): 45				
CULTURAL HISTORY				
1. HISTORICAL IMPORTANCE	35	18	12	0
Anglican Church; Long-term association of Parish with histoty of city				
2. HISTORICAL PATTERN	30	15	10	0
Rebuilding after 1930 fire				
(Maximum 35): 28				
CONTEXT				
1. LANDSCAPE/SITE	15	8	5	0
Strongly apparent site relationship; mature landscape features				
2. NEIGHBOURHOOD	20	10	6	0
Compatible commercial/institutional area				
3. VISUAL/SYMBOLIC	20	13	8	0
Prominent in area; backdrop to Dallas Square				
(Maximum 20): 20				
SUBTOTAL: 93				
INTEGRITY	-0	-5	-10	-15 -20
TOTAL: 93				

TOTAL.....93/100

STATUS: Recommended for Heritage Register

Evaluated by Donald Luxton, Donald Luxton & Associates

No.	Element Name	Data	Data Type	Who
E1	Unique	--	Text	NW
E2	Jurisdiction	British Columbia	Pick list	NW
E3	Name of Historic Place	St. Paul's Anglican Church	Text	CM
E29	Other Name(s)	N/A	Text	CM
E6	Formal Recognition Authority	Local Governments (B.C.)	Pick list	CS
E8	Formal Recognition Type	- Heritage Conservation Area - Community Heritage Register	Pick List	CS
BC1	Formal Recognition Enactment	- Bylaw #6000.022 - Council Resolution	Text	CS
E-9	Formal Recognition Date	- 1999/04/26 - 2002/10/07	Date	CS
E39	Province/Territory	British Columbia	Pick list	NW
E40	Economic Region	--	Text	NW
E41	District	Regional District of Nanaimo	Text	CS
E42	Sub-District	Nanaimo	Text	CS
E43	Community	Nanaimo	Text	CS
E44	Locality	City Centre/Protection Island	Text	CS
E45	Street and Street Number	100 Chapel Street	Text	CM
E47	Cadastral Reference/Land Unit	P.I.D. Nos. 017697140, 006167802	Text	CS
E48	Cartographic Identifier(s)	Latitude 49.1679/Longitude –123.9376 (GPS, NAD 83)	Text	CS
E15	Description of Boundaries	St. Paul's Anglican Church is comprised of a single institutional building and grounds located at 100 Chapel Street (Lot A, Section 1, Nanaimo District, Plan 3459 Excl Plan 13272 And Lot A, Section 1, Nanaimo District, Plan Vip53855)	Text	CS
E16	Area of Historic Place	4,815.93	Number	CS
E17	Number & Type of Contributing Resources	1 building, 1 landscape feature	Number & text	CM
E18	Functional Category (Original)	Religion, Ritual & Funeral	Pick list	CM

E19	Functional Type (Original)	Place of Worship	Pick list	CM
E20	Description of Historic Place	St. Paul's Anglican Church is a modest Gothic Revival style building located in Nanaimo's downtown core. The historic place comprises the church, attached hall and grounds.	Text	CM
E21	Heritage Value of Historic Place	St. Paul's Anglican Church is significant as one of the oldest, continuously functioning parishes in British Columbia, linked to both the ecclesiastic history of the province and the earliest social and spiritual development of Nanaimo. Built on land given by the Hudson's Bay Company in 1859, the current building is the third church on the site. Other than the Bastion, built from 1853-55, no other building remains to represent this earliest period of Nanaimo's European history. Built in 1931, St. Paul's Anglican Church is an excellent and the only identified local example of Gothic Revival architecture, a popular style for churches in this period. The building's modest proportions and minimal ornamentation reflect its construction during the Depression. St. Paul's Anglican Church was designed by architect J.C.M. Keith, best known for Victoria's landmark Christ Church Cathedral. The landscaped grounds in front of the church, combined with the adjacent Dallas Square Cenotaph plaza, form a significant park area at a busy downtown intersection. The front garden, with a winding path that leads to the main entry, creates a barrier from the street and a secluded, peaceful ambience appropriate to a church building. St. Paul's Anglican Church is part of a cluster of heritage buildings located at a major downtown intersection.	Text	CM
E22	Character-Defining Elements	Character defining elements of St. Paul's Anglican Church include: -all the elements of Gothic Revival architecture as expressed in the building's exterior including the massing, masonry construction, vertical proportions, window quoins, tall arched stained glass windows, and decorative pre-cast concrete trim.	Text	CM

		-the spatial configuration of the church and gardens. -the location of the building within a grouping of historic buildings and adjacent to the Dallas Square Cenotaph.		
E49	Functional Category (Current)	Religion, Ritual & Funeral	Pick list	CM
E32	Functional Type(s) (Current)	Place of Worship	Pick list	CM
E33	Construction Date Range (from-to)	From 1931 To 1931	Date	CM
E34	Significant Dates (from-to)	From 1859 To 1859 (original church)	Date	CM
E35	Associated Event/Person/Organization/Architect/Builder	J. C. M. Keith (Architect)	Text/Qualifier	CM
E36	Theme Category	Building Social and Community Life	Pick List	CM
E37	Theme Type	Religious Institutions	Pick List	CM
E31	Ownership of historic place	Not for profit	Pick List	CS
E23	Image(s)	See attachment	Image	CS
E24	Image Description	Exterior view of St. Paul's Anglican Church, 2004	Text	CM
E25	Image Caption	North and East Elevations	Text	CS
E26	Copyright	City of Nanaimo, Christine Meutzner, 2004	Text	CM
E27	Misc. Info (Image)	N/A	Text	CM
E28	Image Type	Exterior Photo	Text	CM
E4	Location of Supporting Documentation	City of Nanaimo, Development Services Department, file #6800-20-H01-02/100 Chapel Street	Text	CS
E30	Cross-reference to collection	N/A	Text	CM
E38	Website link	http://www.nanaimo.ca/d_heritage/buildings.asp. Nanaimo Heritage Register.	Text	CM & CS
E10	Name of F/P/T/ Registrar	–	Text	NW
E12	Owner Response	N/A	Pick list	CS

NW = Neil Wilton, Provincial Registrar
CM = Christine Meutzner, Heritage Consultant
CS = Chris Sholberg, City of Nanaimo Heritage Planner

Nanaimo Airport
P.O. Box 149 3350 Spitfire Rd
Cassidy, BC Canada V0R 1H0
Ph (250) 245-2157 Fax (250) 245-4308

January 8, 2015

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

RECEIVED
JAN 14 2015
MAYOR'S OFFICE

Attention: Mayor Bill McKay

Re: City of Nanaimo Nominee to the Nanaimo Airport Commission

Dear Mayor McKay:

The City of Nanaimo has the opportunity to nominate a Director to the Nanaimo Airport Commission, normally for a three year term. This letter is notice to you that the term of the City of Nanaimo's current nominee, namely Michael Kandert, expires at this year's Annual General Meeting, to be held in April, 2015.

Director Kandert has indicated his desire to serve a second term. The NAC Board of Directors has passed a motion to re-appoint Director Kandert for a further 3 years subject to approval by the City of Nanaimo. Director Kandert is a valued member of the NAC Board and has contributed in many areas including Airport Operations and Land Development.

Further to our recent conversation, could you advise the Nanaimo Airport Commission if you wish to confirm Mr. Kandert's re-nomination as the City of Nanaimo nominee. Alternately we request the City of Nanaimo provide a short list of a minimum of three to four candidates for the position. The Board believes it would continue to benefit from candidates that have experience in construction project management, strategic political partnerships, land development and regional economic development; and who are comfortable operating in a board environment. This position will be effective from April, 2015 to April 2018.

If you have any questions or comments, please contact me. Thank you.

Regards,

John Craig
NAC Board Chairman
(250) 713-0300
jcraig@shaw.ca

Cc: Mike Hooper, President & CEO

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015.JAN.19
IC COW 2015-JAN-26
IC Council 2015-FEB-02

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JAN-19, AT 5:30 P.M.

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

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

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
C. Richardson, Fire Chief
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
B. Corsan, Manager of Real Estate
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 6:50 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

(a)

3. ADOPTION OF AGENDA:

00115 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:

00215 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2014-DEC-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. MAYOR'S REPORT:

(a)

D. Smith vacated the Douglas Rispin Room at 6:50 p.m.

Due to time limitations, the following items will be considered at a future "In Camera" Meeting:

- Real Estate Property Management Strategy Update.
- Proposed Acquisition of 2992 – 104th Street for Non-Market Rental Housing
- Heritage Building Rehab Award Candidates for Projects Completed in 2013/14
- Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission.

6. ADJOURNMENT:

00515 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

AMENDED SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-02, AT 5:30 P.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

- Item 4 (a) Presentations - Add Mr. Robert Fuller re: Councillor Fuller

2. **ADOPTION OF AGENDA:**

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

3. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JAN-19 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-6*

4. **PRESENTATIONS:**

(a) Mr. Robert Fuller re: Councillor Fuller

5. **MAYOR'S REPORT:**

NONE

6. **ADMINISTRATION:**

NONE

7. **CORPORATE SERVICES:**

(a) **Real Estate Property Management Strategy Update**

To be introduced by Mr. Bill Corsan, Manager of Real Estate.

Purpose: To provide Council with a progress update on the City's Property Management Strategy.

Staff Recommendation: That Council receive for information the report pertaining to the Real Estate Property Management Strategy Update. *Pg. 7-34*

(b) **Proposed Acquisition of 2992 – 104th Street for Non-Market Rental Housing**

Purpose: To update Council on the acquisition opportunity at 2992 - 104th Street and to obtain Council direction to either continue or discontinue acquisition negotiations.

Staff Recommendation: That Council direct Staff to discontinue efforts to acquire 2992-104th Street. *Pg. 35-46*

8. **COMMUNITY SERVICES:**

(a) **Heritage Building Rehabilitation Award Candidates for Projects Completed in 2013/14**

To be introduced by Councillor Brennan, Chair, Cultural Committee/Heritage Commission.

Purpose: To obtain Council approval regarding award recognition of heritage building rehabilitation projects completed in 2013/2014, to be presented at the Culture and Heritage Awards ceremony scheduled for 2015-APR-09.

Presentation:

1. Ms. S. Samborski, Senior Manager, Culture & Heritage.

Committee/Commission Recommendation: That Council approve the following properties for Heritage Building Rehabilitation Award recognition as part of the 2015 Culture & Heritage Awards: *Pg. 47-62*

PROPERTY	AWARD CATEGORY
McCourt Residence (750 Franklyn Street)	Heritage Building Rehabilitation Award (Residential)
St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

9. **CORRESPONDENCE:**

(a) Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission. *Pg. 63*

10. **OTHER BUSINESS:**

(a)

(b)

11. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JAN-19, AT 5:30 P.M.

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

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

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
C. Richardson, Fire Chief
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
B. Corsan, Manager of Real Estate
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 6:50 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

(a)

3. ADOPTION OF AGENDA:

00115 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:

00215 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2014-DEC-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. MAYOR'S REPORT:

(a)

D. Smith vacated the Douglas Rispin Room at 6:50 p.m.

Due to time limitations, the following items will be considered at a future "In Camera" Meeting:

- Real Estate Property Management Strategy Update.
- Proposed Acquisition of 2992 – 104th Street for Non-Market Rental Housing
- Heritage Building Rehab Award Candidates for Projects Completed in 2013/14
- Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission.

6. ADJOURNMENT:

00515 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JAN-19

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE

RE: REAL ESTATE PROPERTY MANAGEMENT STRATEGY UPDATE

STAFF RECOMMENDATION:

That Council receive the report.

PURPOSE:

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

BACKGROUND:

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

The Strategy recommended that an annual report be prepared for Council to assist with tracking and monitoring the various components outlined in the document.

This includes an update on the following:

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

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015.JAN.19
IC con 2015-JAN-26
IC council 2015-FEB-02

Land Inventory

The City's land inventory includes 1,426 ha (3,523 acres) of land, which excludes land dedicated as road within the city. Approximately 943 ha (2,330 acres) of land is within the municipal boundaries and 483 ha (1,193 acres) is located to the south and west of the city within electoral areas A and C in the Regional District of Nanaimo.

There are 414 parks encompassing 863 ha (2,133 acres) and 25 land parcels encompassing 34 ha (82.5 acres) that have buildings used for civic (municipal), commercial and residential purposes within the city. The City owns 3 cemeteries and 136 "other" types of property. These properties encompass 46 ha (113.6 acres).

Acquisition Priorities

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

The current City acquisition list is outlined in Attachment A.

In 2014, the following properties were acquired by the City through outright purchase or subdivision. The lands were acquired for park purposes, road projects or utility upgrades.

Address	**Size (ha)**	**Size (acres)**	**Date Acquired**	**Price**	**Purpose**
6780 Dickinson Road (Pioneer Park)	3.07	7.6	2014-Jan-14	Part of SD68 Land Exchange	Park
2145 Boundary Avenue (for Northfield Interesection)	.10	0.25	2014-Feb-14	$255,000.00	Road
3660 Rock City Road	.60	1.5	2014-Feb-14	From subdivision	Park
166 Pryde Avenue	.52	1.3	2014-Mar-14	$96,600.00	Utility
2141 Boundary Avenue	.003	30 m^2	2014-May-05	$20,000.00	Road
3508 Hillside Avenue	6.79	16.8	2014-May-07	From subdivision	Park
3518 Hillside Avenue	47.35	117	2014-June-16	$3,500,000.00	Park
3651 Rock City Road (portion of)	1.74	4.3	2014-July-16	$130,000.00 (plus $139,328 tax receipt)	Park
141 Westwood Road	.20	0.5	2014-Aug-29	From subdivision	Park
3650 Cottleview Drive (portion of)	2.35	5.8	2014-Sept-29	$1.00 ($30,000.00 in costs)	Park
5600 Vanderneuk Road	16.87	41.7	2014-Oct-28	$2,000,000.00	Park

3842 Stronach Drive	3.52	8.7	2014-Oct-28	Combined with above	Park
310 Arbot Road	.08	0.2	2014-Dec-01	From Subdivision	Park
TOTAL LAND ACQUIRED IN 2014	**83.20**	**205.65**			

Disposition Strategy

In 2014, the City completed a number of road closures which saw land either sold to a private developer, or road was exchanged with the developer for additional park or an improved road geometry. In total $488,391 was raised through the Road Closure Process.

Nearest Address	Road Closure Size	Notes	Closing Date	Estimated Value (net)
6200 Doumont Road	1,410 m²	Land exchange for road dedication of 823.7 m² and sale of road to facilitate subdivision.	2014-Nov-7	$13,391.00 (sale) + $33,000.00 (road closure area)
10 & 28 Front Street	386.9 m²	Part of Hilton Hotel project. Closure and sale of lane for future site redevelopment.	2014-Oct-24	$475,000.00
2020 Estevan Road	1,210 m²	Land exchange for road reservation covenant 784.3 m² for future site redevelopment.	2014-Sep-30	$81,016.00
3678 Reynolds Road	306.6 m²	Land exchange for road dedication 352 m² to facilitate subdivision.	2014-Sep-19	$11,417.00
141 Westwood Road	1,094.5 m²	Land exchange for park dedication 2,145 m² to facilitate subdivision.	2014-Sep-17	$45,311.00
178 & 182 Westwood Road	169 m²	Land exchange for road dedication 169 m² to facilitate boundary adjustment subdivision	2014-Jul-10	$22,000.00
3852 - 3887 Gulfview Drive	826.7 m²	Land exchange for road dedication 827.9 m² to facilitate subdivision	2014-Jan-16	$181,874.00
Total value of road closure				**$863,009.00**
Total revenue to the City				**$488,391.00**

Securing Unprotected Utilities

Addressing the number of unprotected rights-of-way in the city is an important issue identified in the Strategy and ties into the goal of Asset Management. The need to have formal agreements to protect City infrastructure for water, sewer and drainage systems is a key goal. Staff are currently developing a program to address the 422 unprotected services in the city.

In 2014, the City protected 3 previous unprotected rights-of-way.

Leasing & Licencing of City Assets

An important part of the City's role as a landowner of 1,426 ha (3,523 acres) of land is to manage the use of lands through formal lease and licence agreements for third-party business or non-profit use. The Real Estate Section currently manages 51 lease and 99 license agreements for non-profits and businesses located on City land. In 2014, notable lease agreements were entered into with Island Ferry Services Ltd. and the Nanaimo Curling Club. Leases with Island Pallet Services Ltd. and Gadd Marine at 1 Port Drive were terminated in 2014.

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

Strategic Plan Considerations

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

Strategy	Potential Strategies and/or Initiatives
Taking Responsibility	• Addressing unresolved, long-standing issues around land use and land ownership. This priority includes securing right-of-ways for unprotected utilities and purchasing land well in advance to meet Council's long-term vision.
Asset Management	• Protecting City utilities, land banking for future capital projects, and disposing of surplus assets.
Community Building Partnerships	• Purchasing land as part of a partnership. Examples include working with BC Housing and non-profits to deliver the *Housing*

	First Strategy.
Transportation and Mobility	• Securing land for roads, bridges, sidewalks, trails, pedestrian connections and for bike paths.
Water	• Protecting the water supply mains throughout the city. Land acquisitions required for the water treatment plant and the future north Nanaimo water reservoir site.
Waterfront Enhancement	• Securing right-of-ways for trails, long term leases of crown foreshore and acquisitions of key waterfront parcels.

Recommendations for Release of Information to the Public

- For release with the exception of those areas underlined.

Respectfully submitted,

Bill Corsan
Manager, Real Estate
Community Development

Concurrence by:

Dale Lindsay
Director
Community Development

Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014-DEC-22
File CIL00346
BC/ns/tl/cb

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JAN-19

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE
JOHN HORN, SOCIAL PLANNER

RE: PROPOSED ACQUISITION OF 2992 – 104TH STREET FOR NON-MARKET RENTAL HOUSING

STAFF RECOMMENDATION:

That Council direct Staff to discontinue efforts to acquire 2992 - 104th Street.

PURPOSE:

The purpose of this Staff report is to update Council on the acquisition opportunity at 2992-104th Street and to obtain Council direction to either continue or discontinue acquisition negotiations.

SUMMARY:

At the 2014-May-26 Special "In Camera" Council meeting, Council directed Staff to:

1. negotiate an Offer to Purchase for 2992 - 104th Street; and

2. to return to Council for approval when the Offer is complete.

Following Council's direction Staff approached the property owner, but the property was already under offer to On 2014-JUL-31 the new owner made application to rezone the property from Community Services 1 (CS1) and Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a 7 lot single family subdivision. If approved, the rezoning would have increased the density on the subject property from approximately 5 lots to 7 lots.

At the 2014-DEC-11 Special Meeting of the Council of the City of Nanaimo, a Public Hearing was held to consider the associated zoning amendment Bylaw 4500.071. Following the Public Hearing Council denied approval of the rezoning at third reading.

Subsequently, the owner has approached Staff to determine the City's level of interest in purchasing the property.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-JAN-19
IC CoW 2015-JAN-26
IC Council 2015-FEB-02

BACKGROUND:

Historically, the development of non-market housing in Nanaimo has been through a partnership between the municipal government, the Province and a non-profit housing provider. The municipality provides the property, the Province provides the capital and operating dollars, and the non-profit housing provider contracts with the Province to operate the facility. All of the recently supported housing projects agreed to under the Memorandum of Understanding (the "MOU") with the Province have been based on this system including the Bowen and Meredith Road projects and the two housing projects currently being run by the Nanaimo Affordable Housing Society.

The Official Community Plan (2008) indicates an objective "to provide opportunities for affordable housing" and to "provide for a range of affordable housing type and tenure, as well as assisted housing, sufficient to meet the needs of city residents." Flowing from this is a policy to "lease City-owned land to non-profit housing societies", and to "disperse non-profit and special needs housing throughout the city".

The policy of dispersing social housing throughout the community is reflected in the properties chosen for the supported housing projects funded under the 2008 MOU with the Province. However, one area of our community where there is no purpose-built social housing is the geographic centre of the city; the area between Country Club Mall and Longwood Station. Staff has identified this property as a suitable location for a potential multi-family, non-market housing development. The acquisition of this property will reinforce the City's commitment to fairly dispersed social housing throughout the community and the site meets all the criteria for an affordable housing development being close to shopping, transit, employment, public amenities etc.

Property Details

PID:	023-600-811
2014 Assessed Value:	Total Value: $397,400 (land – $365,600 – improvements $31,800)
2014 Purchase Price:	Purchased 2014-OCT-14 by for $325,000
Lot Size:	2,656 m² (0.7 acres)
OCP Designation	Residential
Zoning:	Split – CS1 and R1
Property Description:	The church is no longer in use. The land is flat, serviced, close to jobs, shopping, transit, amenities and is partially undeveloped
Location Map:	Attachment A

Funding

In 2008, Council transferred money into the City of Nanaimo's Housing Legacy Reserve for the purposes of strategically acquiring property for the future development of affordable housing. Since 2008, Council has allocated $165,000 yearly to this reserve. In support of future acquisitions, Council adopted a policy with respect to Requests for Municipal Properties

(Attachment B), and in 2010, a policy entitled Housing Legacy Reserve – Funding Allocation Criteria (Attachment C).

There is currently $2,916,909.83 available in this fund to support affordable housing acquisitions. Approximately $500,000 of this fund has been allocated for development costs for the housing project at Dufferin and Boundary Crescent.

DISCUSSION:

As noted above the acquisition of the property would allow for a range of building types and potential client groups while providing flexibility for the City to apply for any new program of funding announced by the Provincial government.

The Owner, . has offered to sell the property to the City for $550,000 which is well above the $325,000 that they paid in October, 2014. Staff believe they can negotiate a lower price for the property if directed by Council to continue efforts to acquire this site.

The undeveloped part of the property is currently zoned Single Dwelling Residential (R1) and in order to support a non-profit housing development will need to be rezoned. Given Council's recent denial of the rezoning of the property to small lot residential, Council would need to consider if it wishes to further densify this site.

Given Council's recent decision with respect to the proposed rezoning it is recommended that Council direct Staff to discontinue efforts to acquire the property.

Strategic Plan Considerations

The proposal to acquire this property for affordable and/or supportive housing meets one of the key priorities identified in the 2012-2015 Strategic Plan, including;

Strategy	Potential Strategies, Initiatives and/or Outcomes Desired
Community Building Partnerships	• Building action partnerships around complex issues that demand a cooperative and coordinated response from several levels of government and the non-profit sector to help facilitate the provision of affordable housing and capacity building to substantially end homelessness.

Recommendations for Release of Information to the Public

- For release upon conclusion of negotiations except for those areas underlined.

Respectfully submitted,

Bill Corsan
MANAGER
REAL ESTATE

John Horn
SOCIAL PLANNER

Concurrence by:

Dale Lindsay
Director
Community Development

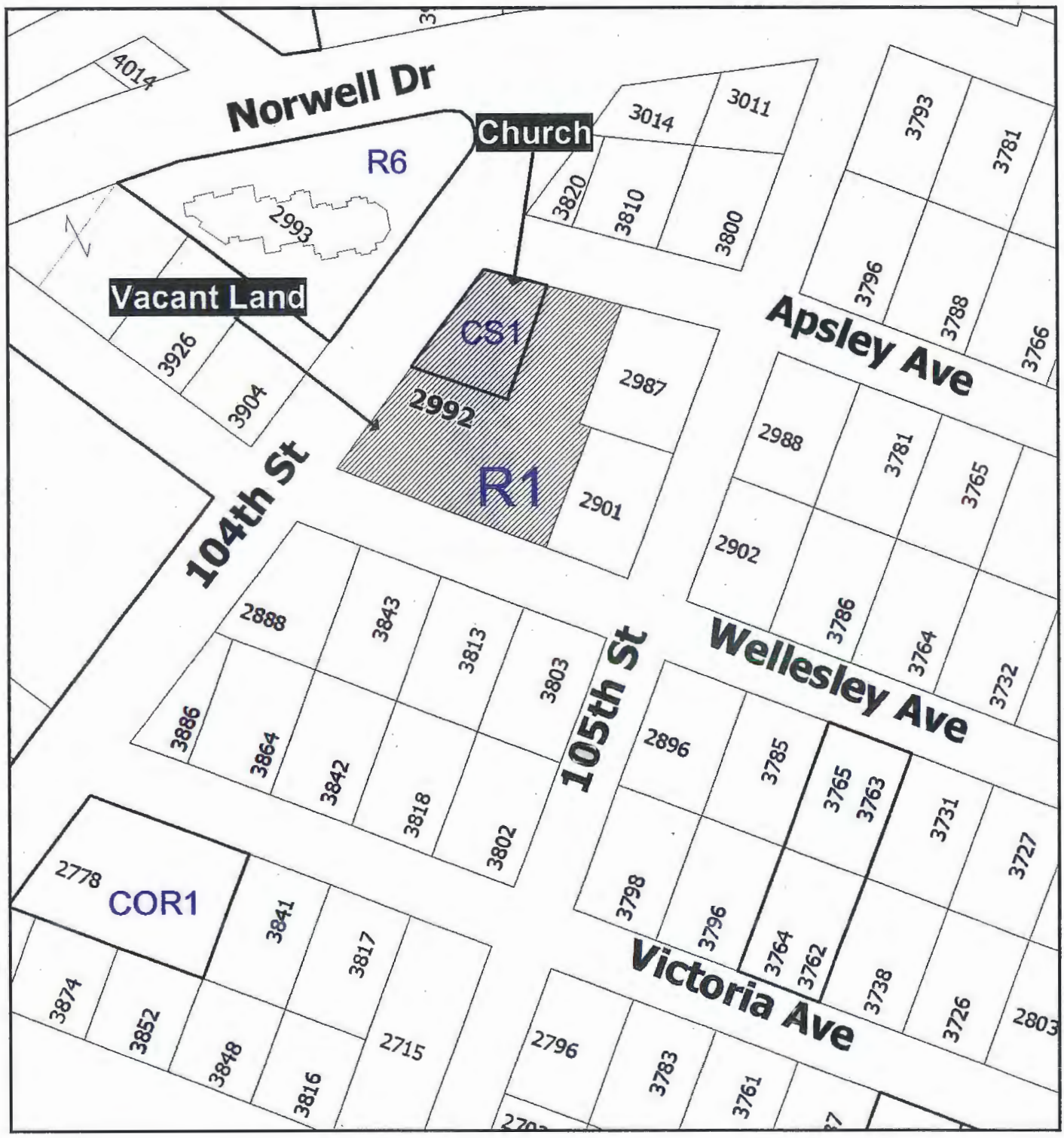
Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

Drafted: 2014-DEC-20
BC/ns/cb
LD002760

Attachment A



Property Acquisition

LOCATION PLAN

Civic: 2992 104th Street

Subject Property

ATTACHMENT B

EXISTING

CITY OF NANAIMO

COUNCIL POLICY MANUAL

Pages: 1 of 2
Approval Date: 2001-APR-23

SECTION:	**BUILDINGS, FACILITIES AND PROPERTIES**
SUBJECT:	**Requests For Municipal Property**

1. Council implemented the following policy directives in relation to requests for Municipal property:

   (a) Council re-confirmed its policy that consideration be given to a municipal property's potential for use for social housing purposes prior to it being marketed for sale to the general public.

   (b) Council directed that, if the City has a choice of bidders on the sale or lease of property that, all other terms being equal, preference be given to any non-profit agencies.

   (c) Council directed that preference be given to the leasing of municipal property (over an outright sale) when Municipal property is provided for non-profit uses.

   (d) Council directed that applications for assistance in the development of non-profit affordable housing projects be assessed based on the following criteria:

   - tenure must be rental or cooperative rather than ownership.
   - rents must be set at the low-end of market rental or rent geared to income or a combination of both.
   - project sponsors must be public or non-profit societies rather than private for-profit organizations.
   - housing must be targeted to address needs identified in the City's *Housing Needs Assessment* report which currently includes the following low income groups: singles (including youth, women, single parent families and the homeless) and seniors.
   - type of housing must be special needs, including emergency shelters, supportive recovery, transitional or second stage housing or independent living.
   - affordable units must be secured by one of the following mechanisms: housing agreement, restrictive covenant, operating agreement or lease.

2. Council directed Staff to make the parcel of land at 1128 Beaufort Drive available to the Habitat for Humanity Program (subject to confirmation of project funding); and

3. Council deferred a decision on the sale of the remaining parcels identified by Habitat until such time as the Beaufort Drive project is nearing completion.

G:\complan\temp\munsupportpolicy_existing

Previous Revision/s: None

ATTACHMENT C

2010-DEC-16

STAFF REPORT

REPORT TO: ANDREW TUCKER, DIRECTOR, PLANNING
COMMUNITY SAFETY & DEVELOPMENT

FROM: BRUCE ANDERSON, MANAGER, COMMUNITY PLANNING
COMMUNITY SAFETY & DEVELOPMENT

RE: HOUSING LEGACY RESERVE – FUNDING ALLOCATION CRITERIA

STAFF'S RECOMMENDATION:

That Council adopt the proposed policy entitled "Housing Legacy Reserve – Funding Allocation Criteria", as attached to this report, to guide the use of the reserve for affordable housing initiatives.

EXECUTIVE SUMMARY:

The proposed Housing Legacy Reserve policy provides guidance to City Council on the allocation of funds which are the City's support to affordable housing initiatives in Nanaimo.

A need to develop a policy for funding allocations from the Housing Legacy Reserve is based on both the number and diversity of requests from non-profit organizations to access the funds, and the City's recent direct involvement in the provision of affordable housing. This has resulted in a need to provide clarity around the scope and criteria for funding allocations from this reserve.

The Housing Legacy Reserve is intended to provide a funding source for municipal support to affordable housing initiatives. Given the most pressing need is for the provision of affordable housing at the social housing end of the housing continuum, it is recommended the Housing Legacy Reserve's primary focus is on social housing. Municipal affordable housing projects are also the priority expenditure for the reserve.

The general purpose of this reserve is to provide for municipal land and building acquisition costs related to affordable housing, but it is also a resource for project planning costs (including legal, land surveying, subdivision, site investigation, development approvals) and associated capital costs (including the design and construction of works and services, building components), as well as financial support (including relief from payment of DCC's) for affordable housing.

The purpose of this report is to present a draft Council policy respecting the use of the Housing Legacy Reserve.

BACKGROUND:

The Housing Legacy Reserve is an operating reserve account within the General Fund Non-Statutory Reserves Accounts section of the City's Financial Plan. The Housing Legacy Reserve was created following a recommendation from the Social Planning Advisory Committee in 2005. Initial funding for the reserve were from gaming revenue (annual unspent gaming revenue is

☑ Council
☐ Committee.....
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2011-JAN-10

directed to the reserve); subsequent funding has come from developer community contributions and from general revenue ($165,000 from taxation is added annually to the reserve), as well as a 2008 addition to the reserve in support of the City's Housing First Strategy. The current balance of the reserve is approximately $2.7 million.

The general purpose of this reserve is to provide for municipal land and building acquisition costs related to affordable housing, but it is also a resource for project planning costs (including legal, land surveying, subdivision, site investigation, development approvals) and associated capital costs (including the design and construction of works and services, building components), as well as financial support (including relief from payment of DCC's) for affordable housing.

Affordable housing spans a continuum of housing, ranging from emergency shelters to market affordable housing. The housing continuum is widely accepted as a model of housing needs and affordability. This model describes both housing need (and affordability) and the degree of government intervention that decreases as one moves from left to right along the continuum. The continuum distinguishes three broad categories for housing:

- Social Housing, which involves some form of government funding and/or operation, as well as support services to tenants who are homeless, or in transition to housing, with support services (emergency shelters, low barrier, transitional, and supported housing);
- Non-Market Housing, which may be provided by non-profit or private for-profit entities and is either affordable rental for low income individuals or families, or affordable ownership below market rates for low to moderate income households (affordable rental, assisted home ownership); and
- Market Housing, which is provided by the private sector and includes market rental and home ownership directed toward middle and higher income residents (rental housing, home ownership).

The Housing Continuum							
Emergency Shelters	Low Barrier Housing	Transitional Housing	Supported Housing	Affordable Rental Housing	Assisted Home Ownership	Rental Housing	Home Ownership
Social Housing				***Non-Market Housing***		***Market Housing***	

The City is currently focused on facilitating the provision of social housing (emergency shelters, low barrier housing, transitional housing, and supported housing) along this housing continuum.

Given the most pressing need is for the provision of affordable housing at the social housing end of this continuum, it is recommended that the Housing Legacy Reserve's primary focus is on social housing. However, there may be rationale for use of funds as a secondary focus to enable affordable housing initiatives within the non-market housing (affordable rental and affordable home ownership) range of the continuum.

Recent Use of the Housing Legacy Reserve

Since the inception of the Housing Legacy Reserve, the City has allocated funds from this reserve to a range of affordable housing and related initiatives, either through requests from proponents for support, or through partnerships the City has engaged in to create affordable housing. Funding to date has ranged from planning costs (legal, survey, subdivision), to

servicing and building component costs (on-site and off-site services, fire sprinkler system), and financial support (DCC payment reduction or relief) for affordable housing initiatives.

Recent examples of projects that have received funding from the Housing Legacy Reserve include the Samaritan House, Balmoral Hotel, Bowen and Meredith affordable housing project, and the MOU supportive housing sites. The Samaritan House and Balmoral Hotel projects were provided funding for building component costs (fire suppression system). The affordable housing project at Bowen and Meredith received funding for survey, site and off-site works and services as part of a partnership with the Province, a local housing provider, and support from the local building industry.

The partnership with the Province respecting the MOU supportive housing projects to address homelessness in Nanaimo are also partially funded by the Housing Legacy Reserve. Through these MOU projects (i.e., Wesley, Bowen, and Dufferin) the City is responsible for the preparation of "development ready" City-owned sites for BC Housing and the non-profit operator to then build supportive housing. Municipal costs include planning costs (e.g. legal, survey, subdivision, rezoning – if required) and the design and construction of works and services which are provided through funding from the Housing Legacy Reserve.

Summary

A policy respecting criteria to assist in the allocation of funds from the Housing Legacy Reserve has been developed to provide guidance for future use of the reserve (see attached Draft Policy). The intent of the Housing Legacy Reserve is clear – to serve as a resource for municipal support for affordable housing. The criteria outlined in the policy are premised on the primary focus being the social housing end of the housing continuum.

The Housing Legacy Reserve supports the provision of municipal land for affordable housing projects, allows for municipal contributions to housing project costs, and offers a resource for financial support for non-profit housing partners in affordable housing. The balance of use of the reserve is based on an evaluation of meeting the social objectives of the City, the type of housing provider and operator, and the residents of the housing, with the emphasis placed on those most in need.

SPAC'S RECOMMENDATION:

At their meeting on 2010-DEC-07, the Social Planning Advisory Committee endorsed the proposed policy entitled "Housing Legacy Reserve – Funding Allocation Criteria".

Respectfully submitted,

Bruce Anderson,
Manager of Community Planning
Community Safety & Development

Andrew Tucker,
Director of Planning
Community Safety & Development

BA/ch
g:\commplan\admin\2011\housing legacy reserve council policy
Council Date: 2011-Jan-10

Ted Swabey, General Manager
Community Safety & Development

PROPOSED

CITY OF NANAIMO

COUNCIL POLICY MANUAL

Pages: 1 of 2
Approval Date:

SECTION: BUILDINGS, FACILITIES AND PROPERTIES
SUBJECT: Housing Legacy Reserve – Funding Allocation Criteria

That use of the Housing Legacy Reserve (HLR) for affordable housing be in accordance with the following policy directives:

(a) The intent of the Housing Legacy Reserve is for use as a resource for municipal support to affordable housing initiatives in Nanaimo.

(b) Municipal support and assistance for affordable housing projects will be directed primarily to the provision of social housing in Nanaimo, and secondarily to non-market housing, as represented on the housing continuum below.

The Housing Continuum							
Emergency Shelters	Low Barrier Housing	Transitional Housing	Supported Housing	Affordable Rental Housing	Assisted Home Ownership	Rental Housing	Home Ownership
Social Housing				***Non-Market Housing***		***Market Housing***	

The housing continuum is widely accepted as a model of housing needs and affordability. This model describes both housing need (and affordability) and the degree of government intervention that decreases as one moves from the left to right along the continuum. The continuum distinguishes three broad categories for housing:

- Social Housing, which involves some form of government funding and/or operation, as well as support services to tenants who are homeless, or in transition to housing, with support services (emergency shelters, low barrier, transitional, and supported housing);
- Non-Market Housing, which may be provided by non-profit or private for-profit entities and is either affordable rental for low income individuals or families, or affordable ownership below market rates for low to moderate income households (affordable rental, assisted home ownership); and
- Market Housing, which is provided by the private sector and includes market rental and home ownership directed toward middle and higher income residents (rental housing, home ownership).

(c) The following are categories of funding to be applied for the use of reserve:

- Land and building acquisition costs related to affordable housing projects.
- Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
- Project capital costs (including construction of works and services, building components).

- Financial support (including relief from payment of DCC's) for affordable housing.

(d) Funds from the HLR for municipal affordable housing projects are a priority and are applied for purposes of the following:

- Land and building acquisition related to affordable housing projects.
- Project planning costs (including legal, land surveying, subdivision, site investigation, development approvals, engineering design).
- Project capital costs (including construction of works and services, building components).

(e) Funds from the HLR for assistance to non-profit organizations may be provided and are applied for purposes of the following:

- Project capital costs (including construction of works and services, building components).
- Financial support (including relief from payment of DCC's) for affordable housing.

Council: ####

Previous Revision/s: None

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-JAN-19

AUTHORED BY: DIANE BRENNAN, CHAIR
CULTURAL COMMITTEE / HERITAGE COMMISSION

RE: HERITAGE BUILDING REHABILITATION AWARD CANDIDATES FOR PROJECTS COMPLETED IN 2013/2014

COMMITTEE/COMMISSION RECOMMENDATION:

That Council approve the the following properties for Heritage Building Rehabilitation Award recognition as part of the 2015 Culture & Heritage Awards:

PROPERTY	AWARD CATEGORY
McCourt Residence (750 Franklyn Street)	Heritage Building Rehabilitation Award (Residential)
St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

These properties have been further detailed in Attachment A.

PURPOSE:

To obtain Council approval regarding award recognition of heritage building rehabilitation projects completed in 2013/2014, to be presented at the Culture and Heritage Awards ceremony scheduled for 2015-APR-09.

BACKGROUND:

Heritage Building Rehabilitation Awards have been given by the City since 2007 to publicly recognize noteworthy building rehabilitation projects that have received financial assistance through the Heritage Facade Grant, Heritage Tax Exemption or Heritage Home Grant Programs.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-Feb-02

DISCUSSION:

A number of heritage rehabilitation projects were completed in 2013/2014 with assistance from the City's Heritage, Heritage Tax Exemption, or Heritage Home Grant Programs. These projects include the following:

McCourt Residence (750 Franklyn Street)

- Total Project Cost: $10,300
- Grant Received: $2,500 under Heritage Home Grant Program
- Work Completed: restore wood siding and exterior repaint

St. Paul's Anglican Church (100 Chapel Street)

- Total Project Cost: $260,197
- Grant Received: $20,000 under the Facade Grant Program
- Work Completed: roof upgrade

STRATEGIC PLAN CONSIDERATIONS:

Heritage award recognition furthers the goals of the Cultural Vitality (Creativity, Diversity, Heritage and Innovation) Pillar of the Strategic Plan.

Respectfully submitted,

Diane Brennan
CHAIR
CULTURAL COMMITTEE / HERITAGE COMMISSION

Drafted: 2014-DEC-10
File: 0290-20-C02 Culture & Heritage Awards (2015 to present)
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/rb

ATTACHMENT A

JOHN THOMSON MEMORIAL AWARD

Year	Recipient
1994	Catherine Gisborne
1996	Elizabeth Norcross
2001	Daphne Patterson
2003	Pamela Mar
2004	David Spearing
2005	Clarence Karr
2007	Gino Sedola
2009	Parker Williams
2011	John Cass
2013	Jill Stannard

HERITAGE REHABILITATION AWARDS

2007

Recipient	Street Address
Van Houten Residence	184 Mt Benson Street
Gulliford Residence	285 Wall Street
Ranger's Shoes	310 Fitzwilliam Street
Gusola Block	120 Commercial Street

2009

Recipient	Street Address
Provincial Liquor Store	25 Cavan Street
Wilkinson Residence	305 Kennedy Street
Willard Service Station	299 Wallace Street

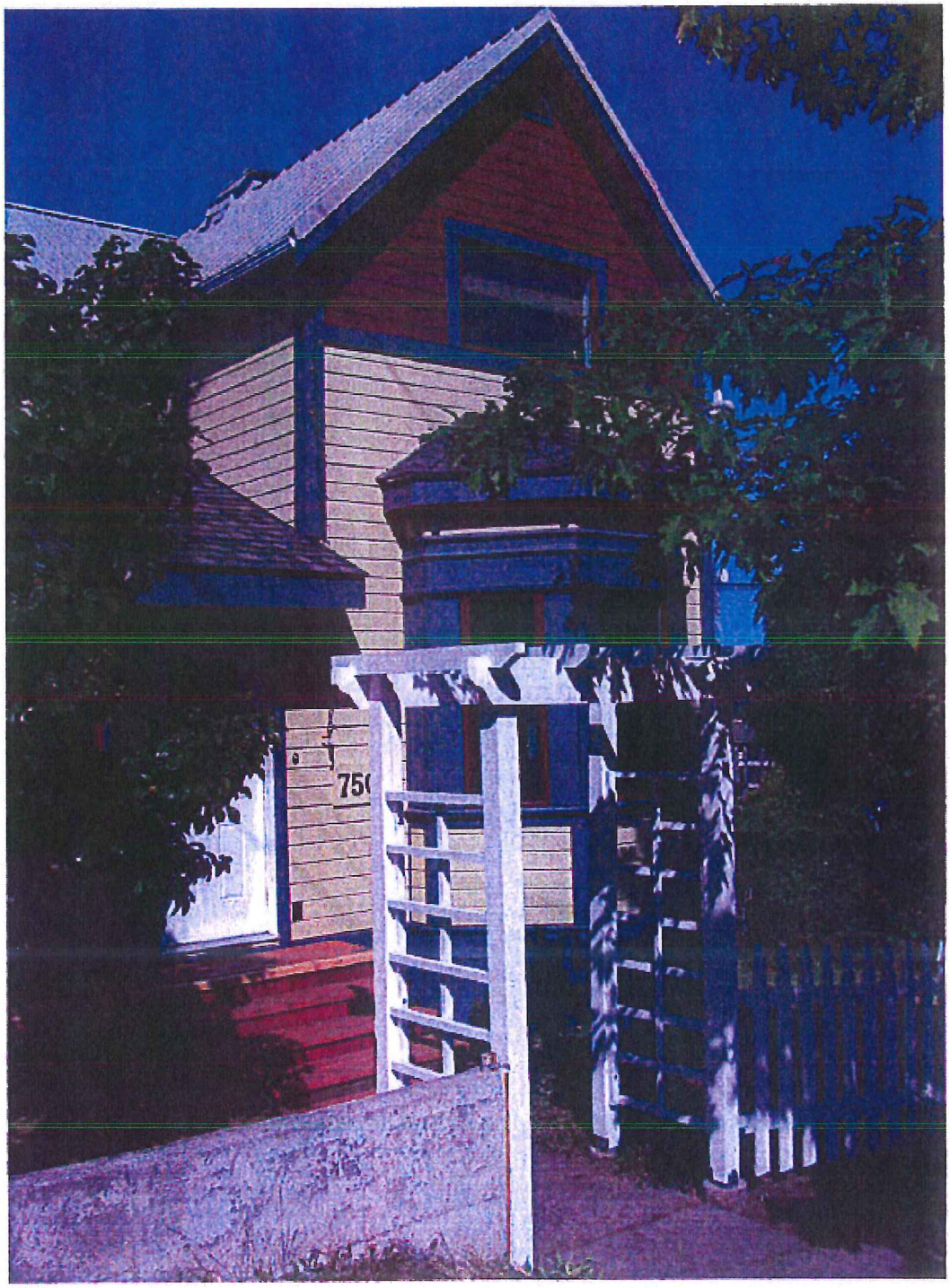
2011

Recipient	Street Address
Bastion	98 Front Street
Harrison Residence	546 Prideaux Street
Harris House	375 Franklyn Street

2013

Recipient	Street Address
Palace Hotel	275 Skinner Street
Esquimalt & Nanaimo (E&N) Railway Station	321 Selby Street

750 FRANKLYN STREET (MCCOURT RESIDENCE)



Tall and imposing, the vertical massing of this residence is typical of the Late Victorian era. The projecting front bay has a sloped roof, with paired brackets at the cornice. The house survives in intact condition, except for the enclosure of the corner entry porch, and the addition of a concrete block chimney on the east façade. By 1901 the property had been acquired from Donald McLellan by Joseph McCourt, a miner who lived on Victoria Road. This house appears to have been built as a rental property. By 1906 it had been acquired by David Taylor, listed in directories as retired. By 1908 it was occupied by A.B. Snider, who bought the house by 1910.

Name: McCourt Residence
Location: 750 Franklyn Street
Date: Circa 1901

NANAIMO HERITAGE RESOURCES 1998
CITY OF NANAIMO

1.0 IDENTIFICATION

- 1.1 **NAME OF BUILDING:** McCOURT RESIDENCE
- 1.2 **HISTORIC NAME:** McCOURT RESIDENCE
- 1.3 **STREET ADDRESS:** 750 Franklyn Street
- 1.4 **LEGAL DESCRIPTION:** Sec: C, Lot: 8, Block: J, Sec: 1, ND, Plan: 584.
- 1.5 **ZONING:** RM-9
- 1.6 **O.C.P.:** Nbhrhood
- 1.7 **PRESENT OWNER AND ADDRESS:**
  Deborah L. David
  413 Selby Street
  Nanaimo, BC V9R 2R6

2.0 HISTORICAL SIGNIFICANCE
- 2.1 CONSTRUCTION DATE AND SOURCE: 1901 (7.1) CIRCA
- 2.2 ORIGINAL OWNER AND SOURCE: Joseph McCourt (7.1)
- 2.3 ARCHITECT AND SOURCE: Unknown
- 2.4 BUILDER AND SOURCE: Unknown
- 2.5 PEOPLE OR EVENTS OF HISTORIC INTEREST ASSOCIATED WITH THE SITE:

3.0 USAGE
- 3.1 ORIGINAL USE: Residence
- 3.2 PRESENT USE: Residence

4.0 ARCHITECTURE AND STRUCTURE
- 4.1 FOUNDATION MATERIAL: Unknown
- 4.2 BASEMENT: Crawlspace
- 4.3 NUMBER OF STORIES: One & 1/2
- 4.4 STRUCTURAL MATERIAL: Wood Frame
- 4.5 CLADDING: Drop siding ORIGINAL: Assumed
- 4.6 WINDOWS: Double-hung wooden-sash
- 4.7 ROOF TYPE: Gable
- 4.8 ROOF COVER: Duroid ORIGINAL: Cedar Shingle (Assumed)
- 4.9 DESIGN DESCRIPTION: Ground floor projecting semi octagonal front bay with Mansard roof.
- 4.10 CONDITION: Paint and repair required. Concrete block chimney added to east side. Front porch enclosed.

5.0 CONTEXT
- 5.1 SITING ON LOT: Set close to street on sloping site.
- 5.2 CONTEXT TO AREA: Compatible residential area
- 5.3 ADJACENT ADDRESSES SUITABLE FOR HERITAGE GROUPING: Old City quarter
- 5.4 SIGNIFICANT LANDSCAPE FEATURES: Mature shrubs and trees.

6.0 GENERAL COMMENTS

7.0 RESEARCH INFORMATION
- 7.1 ASSESSMENT INFORMATION:

Legal Description: Lot: C-8 Block: J DL: 584 (Middle Ward)

1911 Owner: A.B. Snider
Land: $580 Improvements: $1,200
1910 Owner: David Taylor
Land: $575 Improvements: $1,200
1909 Owner: David Taylor
Land: $575 Improvements: $1,200
1908 Owner: David Taylor
Land: $575 Improvements: $1,200
1907 Owner: Joseph McCourt, 354 Haro St., Vancouver (crossed out)
David Taylor (writen in)
Land: $500 Improvements: Not Recorded

1906 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1905 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1904 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1901 Owner: Joseph McCourt
Land: $625 Improvements: Not Recorded
1900 Owner: Donald McLellan
Land: $625 Improvements: Not Recorded

- 7.2 ADDITIONAL REFERENCES:

DIRECTORY SEARCH

DIRECTORY: Williams YEAR: 1899
PAGE: Joseph McCourt, miner, 55 Nicol
DIRECTORY: Williams YEAR: 1899
PAGE: Donald McLellan not in directory
DIRECTORY: Hendersons YEAR: 1900
PAGE: 394; Joseph McCourt, miner, Victoria Rd.
DIRECTORY: Hendersons YEAR: 1900
PAGE: 396; D. McLellan, miner, Fitzwilliam
DIRECTORY: Hendersons YEAR: 1901
PAGE: 368; Joseph McCourt, miner, Victoria Rd. [same through 1905]
DIRECTORY: Hendersons YEAR: 1901
PAGE: Donald McLellan not in directory [same through 1905]
DIRECTORY: Hendersons Vancouver Is. YEAR: 1909
PAGE: 194; David Taylor, retired, Selby nr Franklyn
DIRECTORY: Hendersons Vancouver Is. YEAR: 1909
PAGE: 193; A.B. Snider, h Franklyn nr Milton [and 1911]

CIHB CARDS: Photograph/Written Description

NCA: 1909 Fire Insurance Map: Lot 8 - J

Photographic Negative Numbers: Roll V: 2-3

CITY OF NANAIMO
HERITAGE INVENTORY EVALUATION

STREET ADDRESS: 750 FRANKLYN STREET

DESCRIPTION	EVALUATION E	VG	G	F/P
ARCHITECTURAL HISTORY				
1. STYLE/TYPE	35	18	12	0
Very good example of Late Victorian vernacular				
2. DESIGN	30	15	10	0
No special features beyond style/type				
3. CONSTRUCTION	15	8	5	0
Typical construction only				
4. DESIGNER/BUILDER	15	8	5	0
Unknown				
(Maximum 45): 18				
CULTURAL HISTORY				
1. HISTORICAL IMPORTANCE	35	18	12	0
Unknown				
2. HISTORICAL PATTERN	30	15	10	0
Early house in the area; evidence of early suburbanization west of Downtown				
(Maximum 35): 15				
CONTEXT				
1. LANDSCAPE/SITE	15	8	5	0
Strongly apparent site relationship				
2. NEIGHBOURHOOD	20	10	6	0
Compatible residential area				
3. VISUAL/SYMBOLIC	20	13	8	0
Prominent in area				
(Maximum 20): 20				
SUBTOTAL: 53				
INTEGRITY	-0	-5	-10	-15 -20
TOTAL: 53				

TOTAL.....53/100
STATUS: Recommended for Heritage Register

Evaluated by Donald Luxton, Donald Luxton & Associates

100 CHAPEL STREET (ST PAUL'S ANGLICAN CHURCH)

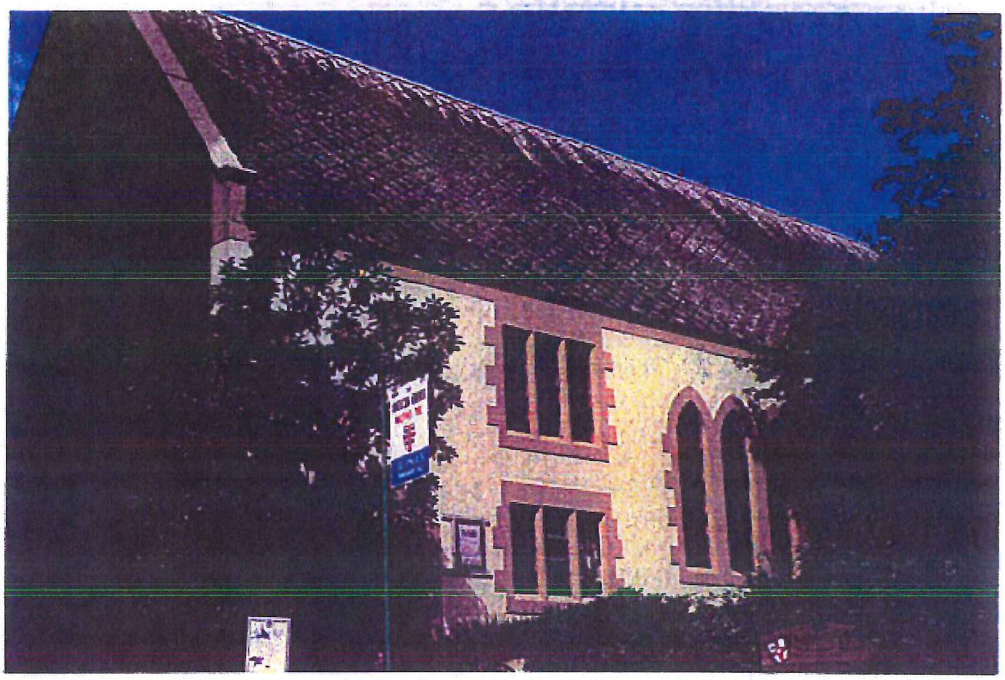
Name: St. Paul's
Anglican Church & Hall
Location: 100 Chapel Street
Date: 1931

St. Paul's Anglican Church is significant as one of the oldest, continuously functioning parishes in British Columbia, linked to both the ecclesiastic history of the province and the earliest social and spiritual development of Nanaimo. Built on land given by the Hudson's Bay Company in 1859, the current building is the third church on the site. Built in 1931, St. Paul's Anglican Church is an excellent and the only identified local example of Gothic Revival architecture, a popular style for churches in this period. The building's modest proportions and minimal ornamentation reflect its construction during the Depression. St. Paul's Anglican Church was designed by architect J.C.M. Keith, best known for Victoria's landmark Christ Church Cathedral.

Keith was born in Scotland in 1858, the son of an Anglican clergyman. He settled in Victoria in 1891, and three years later won the competition to design Victoria's landmark Christ Church Cathedral. Recommended by the Bishop, Keith's first design for this church was rejected as too costly, estimated at $80,000 without furnishings. His second design was also rejected at being too expensive. His third and final design was built at a tender price of $23,296 by Turley Brothers of Parksville. The first service was held on January 3, 1932.

The exterior of the church is distinguished by its stained glass windows and decorative pre-cast concrete trim. The interior has survived in intact condition, including a fir plank ceiling, plastered walls, a stone baptismal font, oak altar railings and pulpit, and a large fir organ case. The perpetual light to the left of the altar is an original miner's lamp, presented to Mr. Freeman in 1914 by the Wolfe Company of Germany when he was the manager of the Jingle Pot Mine. The landscaped grounds in front of the church, combined with the adjacent Dallas Square Cenotaph plaza, form a significant park area at a busy downtown intersection. The front garden, with a winding path that leads to the main entry, creates a barrier from the street and a secluded, peaceful ambience appropriate to a church building.

NANAIMO HERITAGE RESOURCES 1998
CITY OF NANAIMO



1.0 IDENTIFICATION

- **1.1 NAME OF BUILDING:** ST. PAULS ANGLICAN CHURCH
- **1.2 HISTORIC NAME:** ST. PAULS ANGLICAN CHURCH
- **1.3 STREET ADDRESS:** 100 Chapel Street
- **1.4 LEGAL DESCRIPTION:** Lot: A, Sec: 1, ND, Plan: VIP53855017-697-140
- **1.5 ZONING:** C-11
- **1.6 O.C.P.:** Town Centre
- **1.7 PRESENT OWNER AND ADDRESS:**
  Anglican Synod of Diocese of BC
  100 Chapel Street
  Nanaimo, BC V9R 5H2

2.0 HISTORICAL SIGNIFICANCE

- **2.1 CONSTRUCTION DATE AND SOURCE:** 1931; Hall: 1935 KNOWN (See 7.2)
- **2.2 ORIGINAL OWNER AND SOURCE:** Anglican Parish (7.2)
- **2.3 ARCHITECT AND SOURCE:** J.C.M. Keith (See 7.2)
- **2.4 BUILDER AND SOURCE:** Turley Brothers, Contractors (See 7.2)
- **2.5 PEOPLE OR EVENTS OF HISTORIC INTEREST ASSOCIATED WITH THE SITE:** Third church of St. Paul's in Nanaimo; fireproof construction. Anglican church on site since 1862.

3.0 USAGE

- **3.1 ORIGINAL USE:** Church
- **3.2 PRESENT USE:** Church

4.0 ARCHITECTURE AND STRUCTURE

- **4.1 FOUNDATION MATERIAL:** Concrete
- **4.2 BASEMENT:** Unknown
- **4.3 NUMBER OF STORIES:** One
- **4.4 STRUCTURAL MATERIAL:** Concrete
- **4.5 CLADDING:** Concrete **ORIGINAL:** Known
- **4.6 WINDOWS:** Stained glass windows & leaded glass multi coloured.
- **4.7 ROOF TYPE:** Side gable
- **4.8 ROOF COVER:** Asbestos diamond-shaped shingles **ORIGINAL:** Known
- **4.9 DESIGN DESCRIPTION:** Gothic Revival elements adapted to constrained site. Cast-in-place concrete walls with decorative precast trim. Window quoins.Pointed arch windows. Interior plaster walls and fir plank ceiling. Interior mezzanine. Oak altar rails, fir organ case, oak pulpit and stone baptismal font.
- **4.10 CONDITION:** Well maintained/ good condition. Rehabilitated/exterior restored in mid-1980s.

5.0 CONTEXT

- **5.1 SITING ON LOT:** Setback from Front Street at angle, allowing angled front yard; hall set to streetline along Chapel Street
- **5.2 CONTEXT TO AREA:** Compatible commercial/institutional area
- **5.3 ADJACENT ADDRESSES SUITABLE FOR HERITAGE GROUPING:** Downtown grouping
- **5.4 SIGNIFICANT LANDSCAPE FEATURES:** Mature planting in church yard; significant trees; backdrop to Dallas Square.

6.0 GENERAL COMMENTS

7.0 RESEARCH INFORMATION

- **7.1 ASSESSMENT INFORMATION:**
- **7.2 ADDITIONAL REFERENCES:**

NCH: Building Permit (copy in file); 1941 Assessment Sheet
NCA: Blueprint of Plans, June 1931. J.C.M. Keith, Architect.
NCA: Churches File. Also Buildings File: W.E. Turley listed as Builder.
HIDB: Turley Brothers, Contractors.
C.I.H.B. CARDS: Photo/Written Information
"Welcome to St. Paul's Anglican Church": copy of pamphlet in file.

Photographic Negative Numbers: Roll III- 7-10

CITY OF NANAIMO
HERITAGE INVENTORY EVALUATION

STREET ADDRESS: 100 CHAPEL STREET

DESCRIPTION	EVALUATION E	VG	G	F/P
ARCHITECTURAL HISTORY				
1. STYLE/TYPE	35	18	12	0
Very good example of Late Gothic Revival; 1930s Period Revival				
2. DESIGN	30	15	10	0
Superior example; notable interior features				
3. CONSTRUCTION	15	8	5	0
Very early use of exposed re-inforced concrete structure/cladding				
4. DESIGNER/BUILDER	15	8	5	0
J.C.M. Keith (VG) / Turley Brothers (G)				
(Maximum 45): 45				
CULTURAL HISTORY				
1. HISTORICAL IMPORTANCE	35	18	12	0
Anglican Church; Long-term association of Parish with histoty of city				
2. HISTORICAL PATTERN	30	15	10	0
Rebuilding after 1930 fire				
(Maximum 35): 28				
CONTEXT				
1. LANDSCAPE/SITE	15	8	5	0
Strongly apparent site relationship; mature landscape features				
2. NEIGHBOURHOOD	20	10	6	0
Compatible commercial/institutional area				
3. VISUAL/SYMBOLIC	20	13	8	0
Prominent in area; backdrop to Dallas Square				
(Maximum 20): 20				
SUBTOTAL: 93				
INTEGRITY	-0	-5	-10	-15 -20
TOTAL: 93				
TOTAL.....93/100				

STATUS: Recommended for Heritage Register

Evaluated by Donald Luxton, Donald Luxton & Associates

No.	Element Name	Data	Data Type	Who
E1	Unique	–	Text	NW
E2	Jurisdiction	British Columbia	Pick list	NW
E3	Name of Historic Place	St. Paul's Anglican Church	Text	CM
E29	Other Name(s)	N/A	Text	CM
E6	Formal Recognition Authority	Local Governments (B.C.)	Pick list	CS
E8	Formal Recognition Type	- Heritage Conservation Area - Community Heritage Register	Pick List	CS
BC1	Formal Recognition Enactment	- Bylaw #6000.022 - Council Resolution	Text	CS
E-9	Formal Recognition Date	- 1999/04/26 - 2002/10/07	Date	CS
E39	Province/Territory	British Columbia	Pick list	NW
E40	Economic Region	–	Text	NW
E41	District	Regional District of Nanaimo	Text	CS
E42	Sub-District	Nanaimo	Text	CS
E43	Community	Nanaimo	Text	CS
E44	Locality	City Centre/Protection Island	Text	CS
E45	Street and Street Number	100 Chapel Street	Text	CM
E47	Cadastral Reference/Land Unit	P.I.D. Nos. 017697140, 006167802	Text	CS
E48	Cartographic Identifier(s)	Latitude 49.1679/Longitude –123.9376 (GPS, NAD 83)	Text	CS
E15	Description of Boundaries	St. Paul's Anglican Church is comprised of a single institutional building and grounds located at 100 Chapel Street (Lot A, Section 1, Nanaimo District, Plan 3459 Excl Plan 13272 And Lot A, Section 1, Nanaimo District, Plan Vip53855)	Text	CS
E16	Area of Historic Place	4,815.93	Number	CS
E17	Number & Type of Contributing Resources	1 building, 1 landscape feature	Number & text	CM
E18	Functional Category (Original)	Religion, Ritual & Funeral	Pick list	CM

E19	Functional Type (Original)	Place of Worship	Pick list	CM
E20	Description of Historic Place	St. Paul's Anglican Church is a modest Gothic Revival style building located in Nanaimo's downtown core. The historic place comprises the church, attached hall and grounds.	Text	CM
E21	Heritage Value of Historic Place	St. Paul's Anglican Church is significant as one of the oldest, continuously functioning parishes in British Columbia, linked to both the ecclesiastic history of the province and the earliest social and spiritual development of Nanaimo. Built on land given by the Hudson's Bay Company in 1859, the current building is the third church on the site. Other than the Bastion, built from 1853-55, no other building remains to represent this earliest period of Nanaimo's European history. Built in 1931, St. Paul's Anglican Church is an excellent and the only identified local example of Gothic Revival architecture, a popular style for churches in this period. The building's modest proportions and minimal ornamentation reflect its construction during the Depression. St. Paul's Anglican Church was designed by architect J.C.M. Keith, best known for Victoria's landmark Christ Church Cathedral. The landscaped grounds in front of the church, combined with the adjacent Dallas Square Cenotaph plaza, form a significant park area at a busy downtown intersection. The front garden, with a winding path that leads to the main entry, creates a barrier from the street and a secluded, peaceful ambience appropriate to a church building. St. Paul's Anglican Church is part of a cluster of heritage buildings located at a major downtown intersection.	Text	CM
E22	Character-Defining Elements	Character defining elements of St. Paul's Anglican Church include: -all the elements of Gothic Revival architecture as expressed in the building's exterior including the massing, masonry construction, vertical proportions, window quoins, tall arched stained glass windows, and decorative pre-cast concrete trim.	Text	CM

		-the spatial configuration of the church and gardens. -the location of the building within a grouping of historic buildings and adjacent to the Dallas Square Cenotaph.		
E49	Functional Category (Current)	Religion, Ritual & Funeral	Pick list	CM
E32	Functional Type(s) (Current)	Place of Worship	Pick list	CM
E33	Construction Date Range (from-to)	From 1931 To 1931	Date	CM
E34	Significant Dates (from-to)	From 1859 To 1859 (original church)	Date	CM
E35	Associated Event/Person/Organization/Architect/Builder	J. C. M. Keith (Architect)	Text/Qualifier	CM
E36	Theme Category	Building Social and Community Life	Pick List	CM
E37	Theme Type	Religious Institutions	Pick List	CM
E31	Ownership of historic place	Not for profit	Pick List	CS
E23	Image(s)	See attachment	Image	CS
E24	Image Description	Exterior view of St. Paul's Anglican Church, 2004	Text	CM
E25	Image Caption	North and East Elevations	Text	CS
E26	Copyright	City of Nanaimo, Christine Meutzner, 2004	Text	CM
E27	Misc. Info (Image)	N/A	Text	CM
E28	Image Type	Exterior Photo	Text	CM
E4	Location of Supporting Documentation	City of Nanaimo, Development Services Department, file #6800-20-H01-02/100 Chapel Street	Text	CS
E30	Cross-reference to collection	N/A	Text	CM
E38	Website link	http://www.nanaimo.ca/d_heritage/buildings.asp. Nanaimo Heritage Register. .	Text	CM & CS
E10	Name of F/P/T/ Registrar	--	Text	NW
E12	Owner Response	N/A	Pick list	CS

NW = Neil Wilton, Provincial Registrar
CM = Christine Meutzner, Heritage Consultant
CS = Chris Sholberg, City of Nanaimo Heritage Planner

Nanaimo Airport
P.O. Box 149 3350 Spitfire Rd
Cassidy, BC Canada V0R 1H0
Ph (250) 245-2157 Fax (250) 245-4308

January 8, 2015

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

RECEIVED
JAN 14 2015
MAYOR'S OFFICE

Attention: Mayor Bill McKay

Re: City of Nanaimo Nominee to the Nanaimo Airport Commission

Dear Mayor McKay:

The City of Nanaimo has the opportunity to nominate a Director to the Nanaimo Airport Commission, normally for a three year term. This letter is notice to you that the term of the City of Nanaimo's current nominee, namely Michael Kandert, expires at this year's Annual General Meeting, to be held in April, 2015.

Director Kandert has indicated his desire to serve a second term. The NAC Board of Directors has passed a motion to re-appoint Director Kandert for a further 3 years subject to approval by the City of Nanaimo. Director Kandert is a valued member of the NAC Board and has contributed in many areas including Airport Operations and Land Development.

Further to our recent conversation, could you advise the Nanaimo Airport Commission if you wish to confirm Mr. Kandert's re-nomination as the City of Nanaimo nominee. Alternately we request the City of Nanaimo provide a short list of a minimum of three to four candidates for the position. The Board believes it would continue to benefit from candidates that have experience in construction project management, strategic political partnerships, land development and regional economic development; and who are comfortable operating in a board environment. This position will be effective from April, 2015 to April 2018.

If you have any questions or comments, please contact me. Thank you.

Regards,

John Craig
NAC Board Chairman
(250) 713-0300
jcraig@shaw.ca

Cc: Mike Hooper, President & CEO

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015.JAN.19
IC COW 2015-JAN-26
IC Council 2015-FEB-02

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-02, AT 5:30 P.M.

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

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

Absent: Councillor G. W. Fuller

Other: Mr. Robert Fuller (vacated 5:36 p.m.)

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Corsan, Manager of Real Estate
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 4 (a) Presentations - Add Mr. Robert Fuller re: Councillor Fuller

3. PRESENTATIONS:

(a) Mr. Robert Fuller re: Councillor Fuller

Mr. Robert Fuller advised of Councillor Fuller’s condition and thanked Council and Staff for their support.

Mr. Robert Fuller vacated the Douglas Rispin Room at 5:36 p.m.

4. ADOPTION OF AGENDA:

00615 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.

5. ADOPTION OF MINUTES:

00715 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JAN-19 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

6. CORPORATE SERVICES:

(a) Real Estate Property Management Strategy Update

Presentation:

1. Mr. B. Corsan, Manager of Real Estate.

00915 It was moved and seconded that Council receive for information the report pertaining to the Real Estate Property Management Strategy Update. The motion carried unanimously.

(b) Proposed Acquisition of 2992 – 104th Street for Non-Market Rental Housing

01015 It was moved and seconded that Council direct Staff to discontinue efforts to acquire 2992-104th Street. The motion carried unanimously.

7. COMMUNITY SERVICES:

(a) Heritage Building Rehabilitation Award Candidates for Projects Completed in 2013/14

01115 It was moved and seconded that Council approve the following properties for Heritage Building Rehabilitation Award recognition as part of the 2015 Culture & Heritage Awards:

PROPERTY	AWARD CATEGORY
McCourt Residence (750 Franklyn Street)	Heritage Building Rehabilitation Award (Residential)
St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

The motion carried unanimously.

8. CORRESPONDENCE:

(a) Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission.

01215 It was moved and seconded that Council confirm Mr. Michael Kandert as the City of Nanaimo's nominee to the Nanaimo Airport Commission. The motion carried unanimously.

All Staff excluding Mr. E. C. Swabey, City Manager, Ms. T. Hartley, Director of Human Resources and Organizational Planning, vacated the Douglas Rispin Room at 6:12 p.m.

9. OTHER BUSINESS:

(a)

(b)

10. ADJOURNMENT:

01515 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

Property Management Strategy Update

CITY OF NANAIMO
THE HARBOUR CITY

2015-Feb-02

Agenda

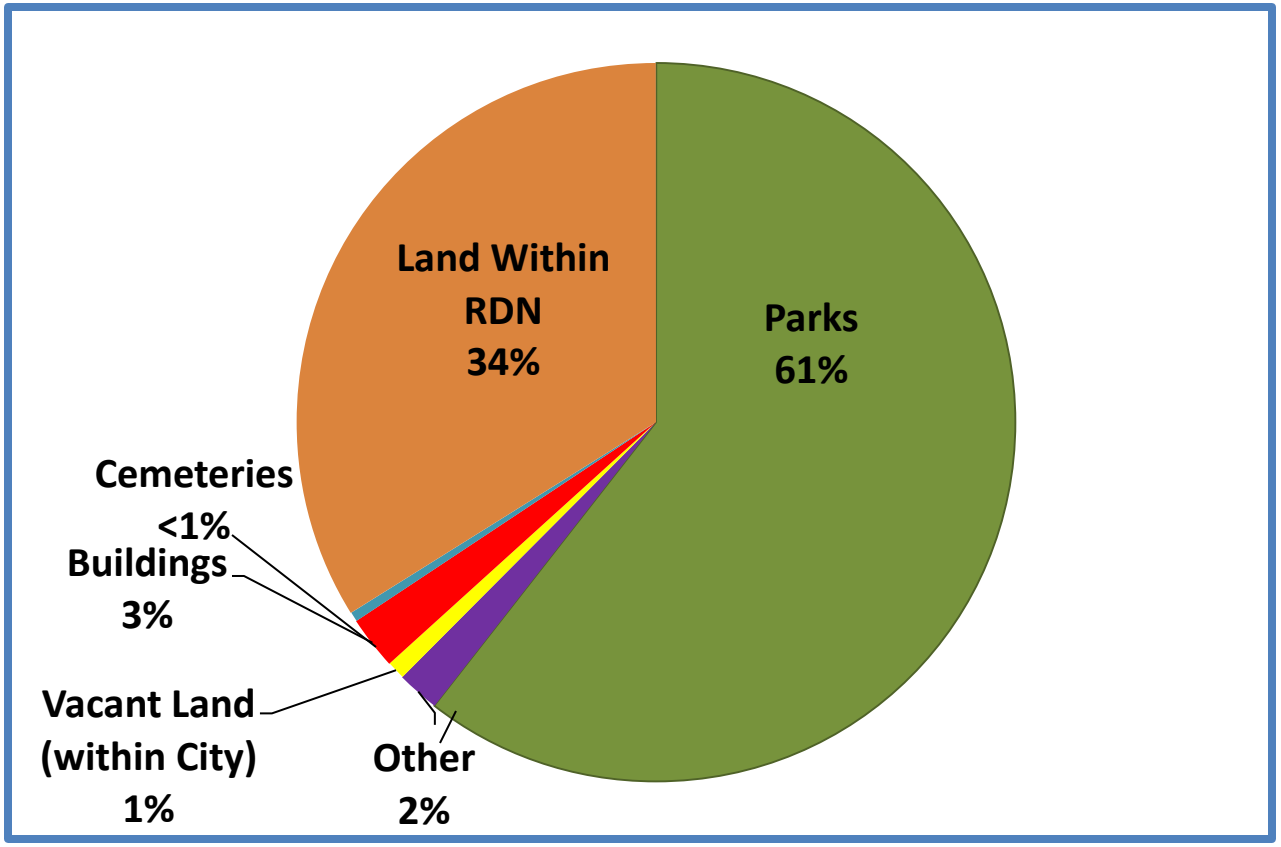
- Background
- Inventory
- Acquisitions
- Dispositions
- Protection of City Utilities
- Leasing/Licencing

Strategic Directions:

1. Align with 2012-2015 Strategic Plan
2. Develop & maintain an inventory of land assets
3. Consolidate and prioritize lands identified for acquisition
4. Identify surplus lands that can be disposed of
5. Maximize the use of land and generate revenue or community benefit from the land
6. Protect City-owned utilities through right of way agreements

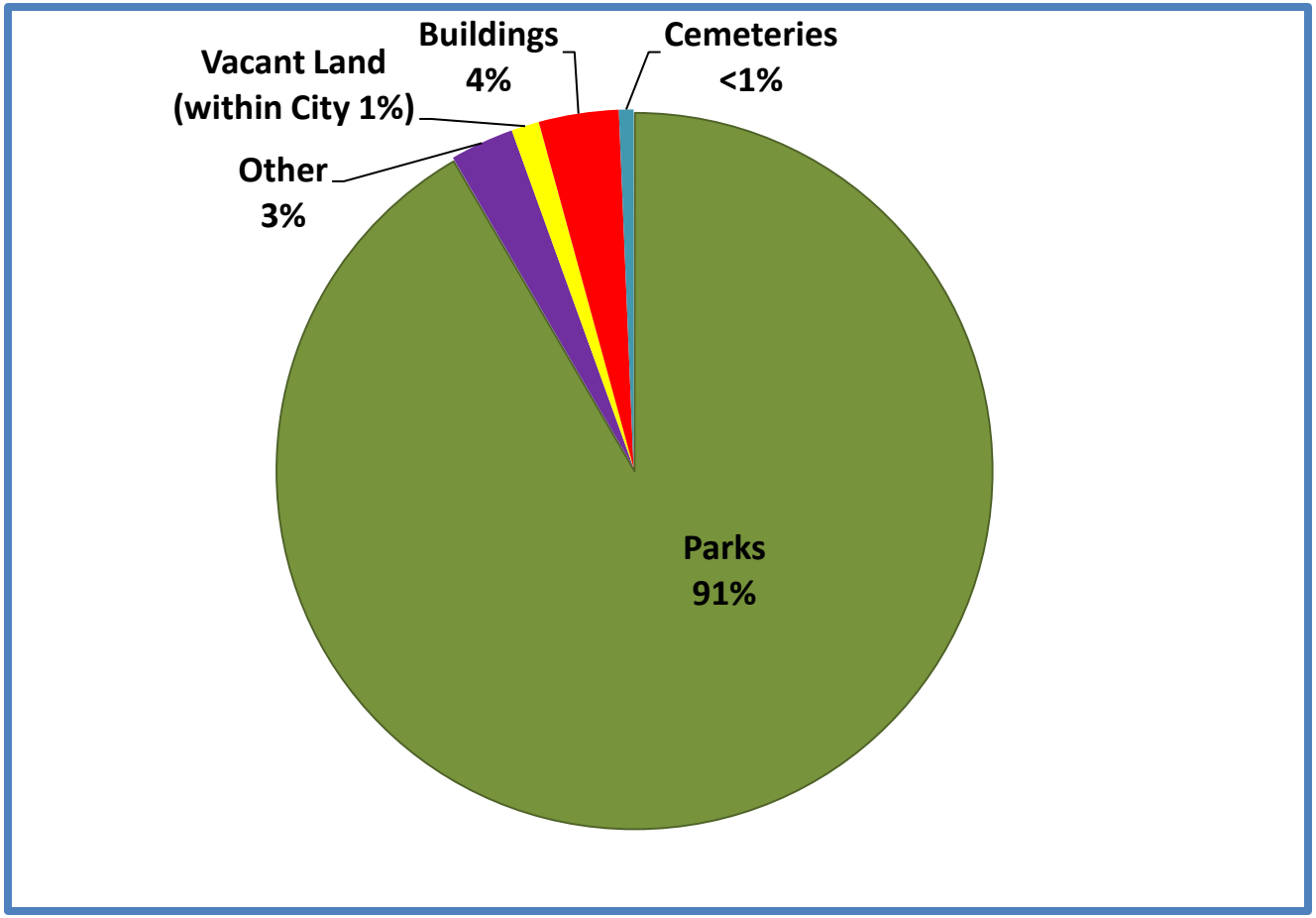
Overall Land Inventory

Total Acres: 3,523



Land Inventory – Municipal Boundaries

Total Acres: 2,330



Land Inventory – Regional District
Total Acres: 1,193

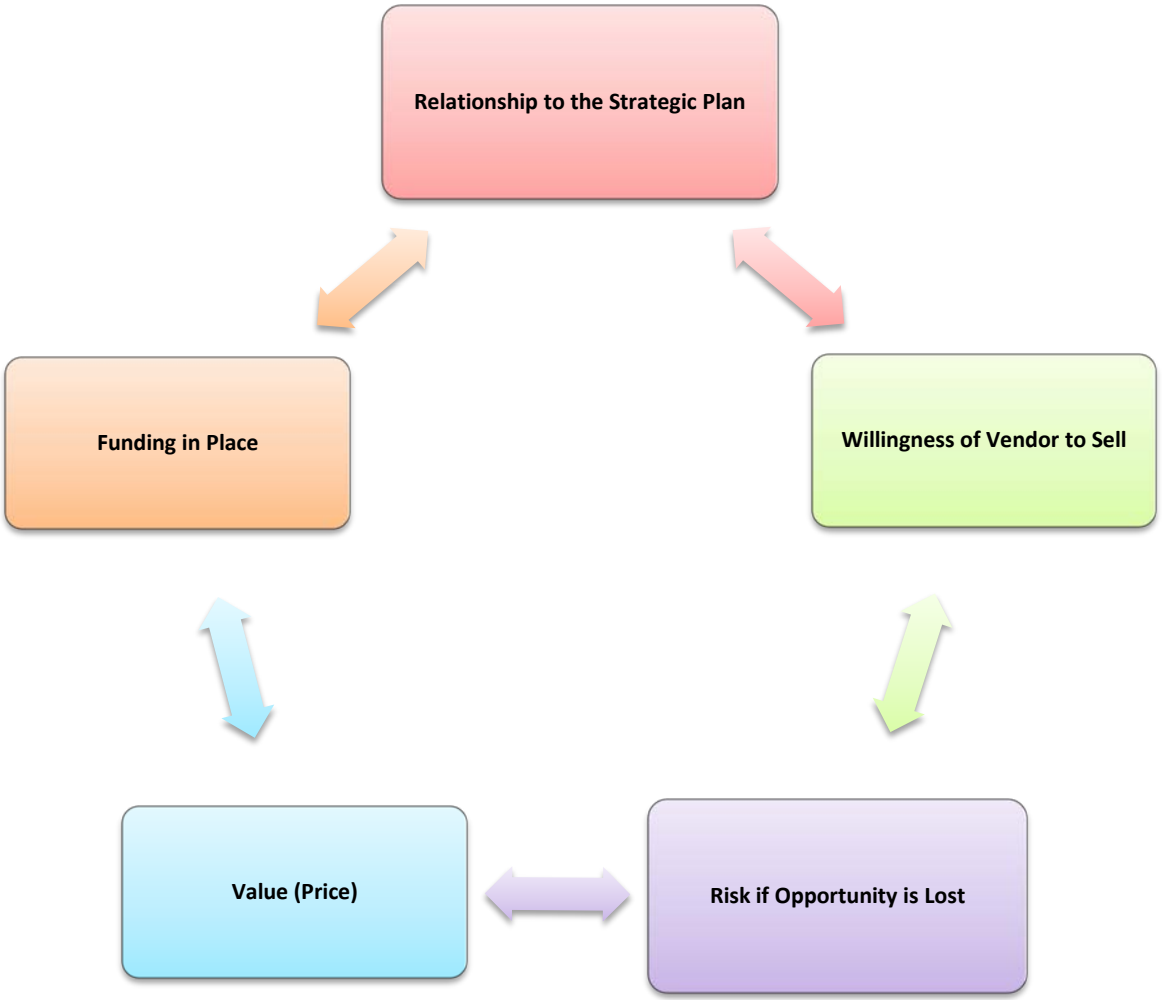
- Jump Lake Dam - 218 ha (539 acres)
- District Lot 9 - 80 ha (200 acres)
- Plecas Road - 40 ha (100 acres)
- 350 Nanaimo River Road - 45 ha (113 acres)
- South Fork Dam - 37 ha (92 acres)
- 2500 South Fork Road - 25 ha (61 acres)
- Witchcraft Lake - 21 ha (54 acres)

Acquisition Tools

Tool

- Outright Purchase
- Purchase in Partnership
- Gifting
- Partial Gift
- Density Transfer
- Lease Agreements
- License Agreements
- Right-of-Way
- Land Exchanges
- Subdivision

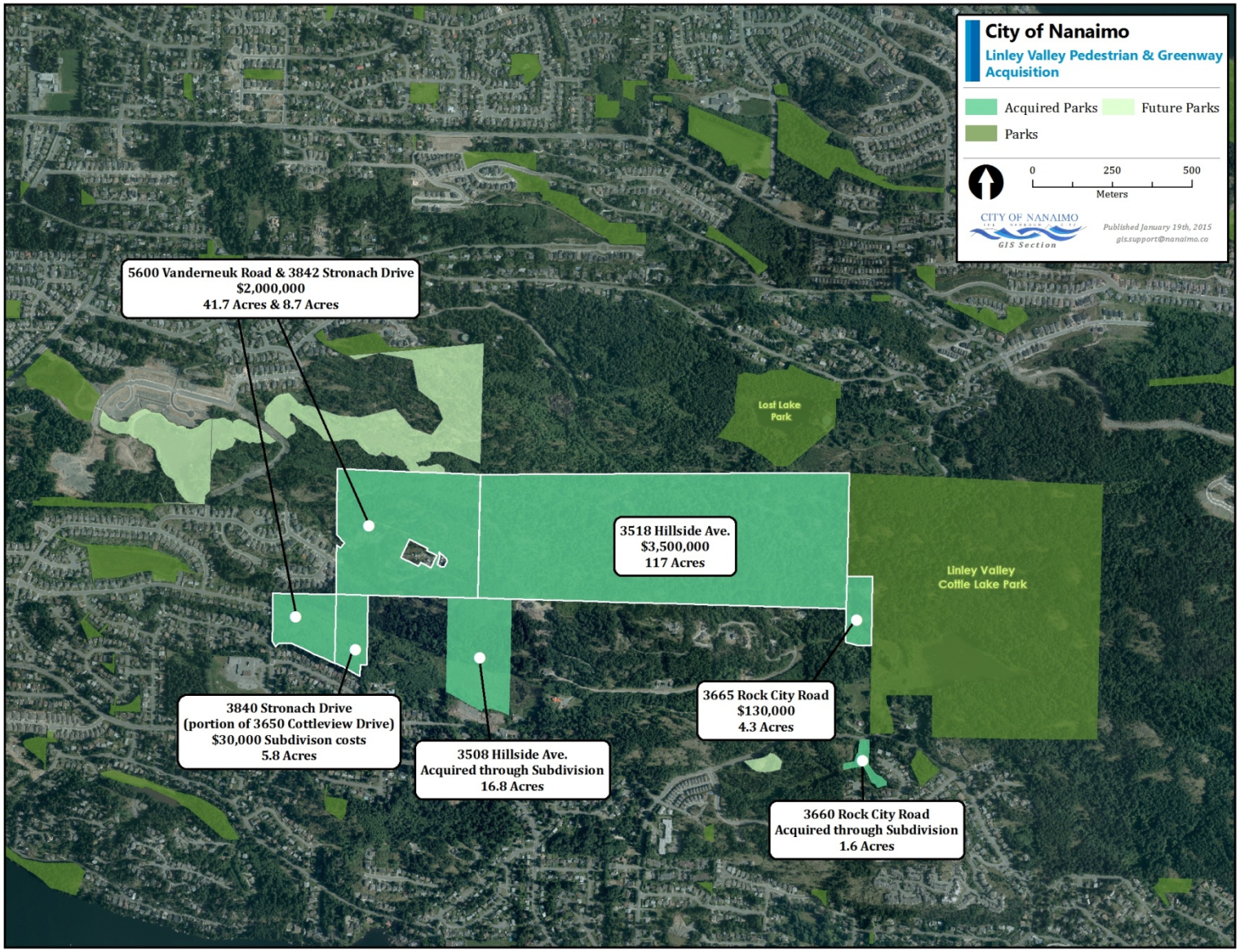
Acquisition Priorities



2014 Acquisitions

Address	Size (ha)	Size (acres)	Date Acquired	Price	Purpose
6780 Dickinson Road (Pioneer Park)	3.07	7.6	2014-Jan-14	Part of SD68 Land Exchange	Park
2145 Boundary Avenue (for Northfield Intersection)	.10	0.25	2014-Feb-14	$255,000.00	Road
3660 Rock City Road	.60	1.5	2014-Feb-14	From subdivision	Park
166 Pryde Avenue	.52	1.3	2014-Mar-14	$96,600.00	Utility
2141 Boundary Avenue	.003	30 m^2	2014-May-05	$20,000.00	Road
3508 Hillside Avenue	6.79	16.8	2014-May-07	From subdivision	Park
3518 Hillside Avenue	47.35	117	2014-June-16	$3,500,000.00	Park
3651 Rock City Road (portion of)	1.74	4.3	2014-July-16	$130,000.00 (plus $139,328 tax receipt)	Park
141 Westwood Road	.20	0.5	2014-Aug-29	From subdivision	Park
3650 Cottleview Drive (portion of)	2.35	5.8	2014-Sept-29	$1.00 ($30,000.00 in costs)	Park
5600 Vanderneuk Road	16.87	41.7	2014-Oct-28	$2,000,000.00	Park
3842 Stronach Drive	3.52	8.7	2014-Oct-28	Combined with above	Park
310 Arbot Road	.08	0.2	2014-Dec-01	From Subdivision	Park
TOTAL LAND ACQUIRED IN 2014	**83.20**	**205.65**			

Linley Valley



Protection of City Utilities

- Strategic Plan:
  - Asset Management Policy
- Unprotected Services:
  - 422 within City
  - 10 on major water supply
- Right of Way Strategy:
  - High or low priority
  - Acquisition based on criteria

Leasing and Licencing

- Lease vs Licence
- Leased Properties:
  - Exclusive possession
  - Long term
  - Market/nominal rent

- Licensed Properties:
  - Low level capital investment
  - Short term
  - 30 day cancellation clause

Implementation

Annual report to Council with the following information:

- Updated land inventory
- Acquisitions completed
- Review of acquisition priorities
- Land dispositions
- Total number of unprotected row, comparison to previous yr
- Leases/licences – total number, annual rev, comparison to previous year

AMENDED SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-16, AT 4:00 P.M.

---

1. **INTRODUCTION OF LATE ITEMS:**

- Item 6 (a) Administration – Add Core Services Review Mandate Consultant

2. **ADOPTION OF AGENDA:**

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

3. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-02 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-6*

4. **PRESENTATIONS:**

NONE

5. **MAYOR'S REPORT:**

NONE

6. **ADMINISTRATION:**

(a) **Core Services Review Mandate Consultant**

To be introduced by Mr. E. C. Swabey, City Manager.

Purpose: To obtain direction on a facilitator to work with Council to develop a core services review mandate.

Staff Recommendation: That Council provide direction on the consultant to be retained (subject to satisfactory reference checks) to facilitate the development of a core services review mandate. *Pg. 6.1-6.12*

7. **CORPORATE SERVICES:**

Pg. 7-11

8. **COMMUNITY SERVICES:**

(a) **Access Options for Linley Valley West / Linley Valley Drive**

Purpose: To update Council on the process to identify alignment options for Linley Valley Drive and provide access to Linley Valley West.

Presentation:

1. Mr. D. Lindsay, Director of Community Development, and Mr. G. Foy, Manager of Transportation.

Staff Recommendation: That Council direct Staff to: *Pg. 12-34*

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;

3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,

4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

(b) **PSAP 9-1-1 Service Delivery Update**

Purpose: To provide Council with an update regarding the provision of Public Safety Answering Point (PSAP) 9-1-1 Service.

Staff Recommendation: That Council receive for information the report pertaining to the PSAP 9-1-1 Service Delivery Update. *Pg. 35-38*

(c) *Pg. 39-55*

(d) *Pg. 56-67*

9. **CORRESPONDENCE:**

NONE

10. **OTHER BUSINESS:**

(a)

11. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-02, AT 5:30 P.M.

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

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

Absent: Councillor G. W. Fuller

Other: Mr. Robert Fuller (vacated 5:36 p.m.)

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Corsan, Manager of Real Estate
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 4 (a) Presentations - Add Mr. Robert Fuller re: Councillor Fuller

3. PRESENTATIONS:

(a) Mr. Robert Fuller re: Councillor Fuller

Mr. Robert Fuller advised of Councillor Fuller’s condition and thanked Council and Staff for their support.

Mr. Robert Fuller vacated the Douglas Rispin Room at 5:36 p.m.

4. ADOPTION OF AGENDA:

00615 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.

5. ADOPTION OF MINUTES:

00715 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JAN-19 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

6. CORPORATE SERVICES:

(a) Real Estate Property Management Strategy Update

Presentation:

1. Mr. B. Corsan, Manager of Real Estate.

00915 It was moved and seconded that Council receive for information the report pertaining to the Real Estate Property Management Strategy Update. The motion carried unanimously.

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7. COMMUNITY SERVICES:

(a) Heritage Building Rehabilitation Award Candidates for Projects Completed in 2013/14

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PROPERTY	AWARD CATEGORY
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St. Paul's Anglican Church (100 Chapel Street)	Heritage Building Rehabilitation Award (Institutional)

The motion carried unanimously.

8. CORRESPONDENCE:

(a) Letter dated 2015-JAN-08 from Mr. John Craig, Chairman, Nanaimo Airport Commission Board, requesting confirmation of the City of Nanaimo nominee to the Commission.

01215 It was moved and seconded that Council confirm Mr. Michael Kandert as the City of Nanaimo's nominee to the Nanaimo Airport Commission. The motion carried unanimously.

All Staff excluding Mr. E. C. Swabey, City Manager, Ms. T. Hartley, Director of Human Resources and Organizational Planning, vacated the Douglas Rispin Room at 6:12 p.m.

9. OTHER BUSINESS:

(a)

(b)

10. ADJOURNMENT:

01515 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"
City of Nanaimo
REPORT TO CITY COUNCIL

DATE OF MEETING: 2015-February 16

AUTHORED BY: Ted Swabey, City Manager

RE: Core Services Review Mandate Consultant

STAFF RECOMMENDATION:

To provide direction on the consultant to be retained (subject to satisfactory reference checks) to facilitate the development of a core services review mandate.

PURPOSE:

To obtain direction on a facilitator to work with Council to develop a core services review mandate.

BACKGROUND:

At the open meeting of Council on February 2, 2015, the following motion was passed:

1. A core review be established as Council's number one priority for 2015, until the results of it are implemented.

2. No additional services will be undertaken by the City until the core review is completed.

3. Current service levels are not to be adjusted until a core review is completed.

4. Staffing levels for IAFF, CUPE and excluded staff are not to increase until a core review is completed.

5. A consultant is to be retained to assist Council with the development of a mandate to guide the development of terms of reference of a core review.

6. Staff are directed to bring forward terms of reference to undertake a core review based on the mandate developed in recommendation 5 and options for tendering the core review process.

7. A core review committee, made up of the entire Council and chaired by the Mayor will guide the development, review and implementation of a core review.

This report relates to paragraph 5 of the Council motion.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-FEB-16

DISCUSSION:

Staff has been engaged in identifying prospective consultants to assist Council in the development of a mandate for the core services review. It appears there is a relatively narrow field of consultants with the required experience and skills to do this work. qualified consultants were identified, and these individuals were asked to submit a competitive bid to the City by Friday, February 13, 2015 at 4:30 p.m. The consultants were asked to provide suitable references and to outline information relating to the following selection criteria:

- Approach
- Experience
- Fees & Availability

Proposals were received from consultants:

The attached spreadsheet was created in order to compare the proposals.

Staff is seeking Council direction on the preferred consultant. The decision would be subject to satisfactory reference checks.

Respectfully submitted,

Ted Swabey
City Manager

Drafted: February 13, 2015
TH

IN CAMERA

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-FEBRUARY-16th

AUTHORED BY: GORDON FOY, P.ENG., MANAGER OF TRANSPORTATION

RE: ACCESS OPTIONS FOR LINLEY VALLEY WEST / LINLEY VALLEY DRIVE

STAFF RECOMMENDATION:

That Council direct staff to:

1.

2. Bring forward to open council a presentation on Access Options for Linley Valley West / Linley Valley Drive.
3. Undertake a public and stakeholder consultation on Access Options for Linley Valley West / Linley Valley Drive.
4. Return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

PURPOSE:

To update Council on the process to identify alignment options for Linley Valley Drive and providing access to Linley Valley West.

BACKGROUND:

Linley Valley Drive is a partially constructed east-west major road servicing development within the Linley Valley corridor. The scope of the road has evolved over time in response to changing land use plans and travel demands. In 2014 the City purchased a number of parcels to expand Linley Valley – Cottle Lake Park, significantly reducing future population within the Valley and the scope/length of Linley Valley Drive. Council subsequently directed staff to re-examine the scope of Linley Valley Drive in the context of land use changes / parkland acquisitions.

While recent land use changes reduced the long-term projected population and travel demand within the Linley Valley corridor, approved and potential development within Linley Valley West could still result in 600+ homes within in the area at neighbourhood build-out. Supporting this level of development will require improved access to Rutherford Road in the short term and potentially Turner / Uplands / Island Hwy in the long term.

As part of the development review process, access deficiencies between Rutherford Road and the two largest development sites within Linley Valley West, Linley Pointe and Linley Valley Estates (see Exhibit 1) were identified and access improvements are required for them to proceed beyond their respective third phases.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-FEB-16

In the interim, staff has undertaken a review of alignment options for Linley Valley Drive both to provide access between Linley Valley West and Rutherford Road (Phase 1) as well as complete Linley Valley Drive between Turner and Rutherford Roads (Phase 2). Four alignment options were identified for Phase 1; the original Linley Valley Drive alignment and three new alignments.

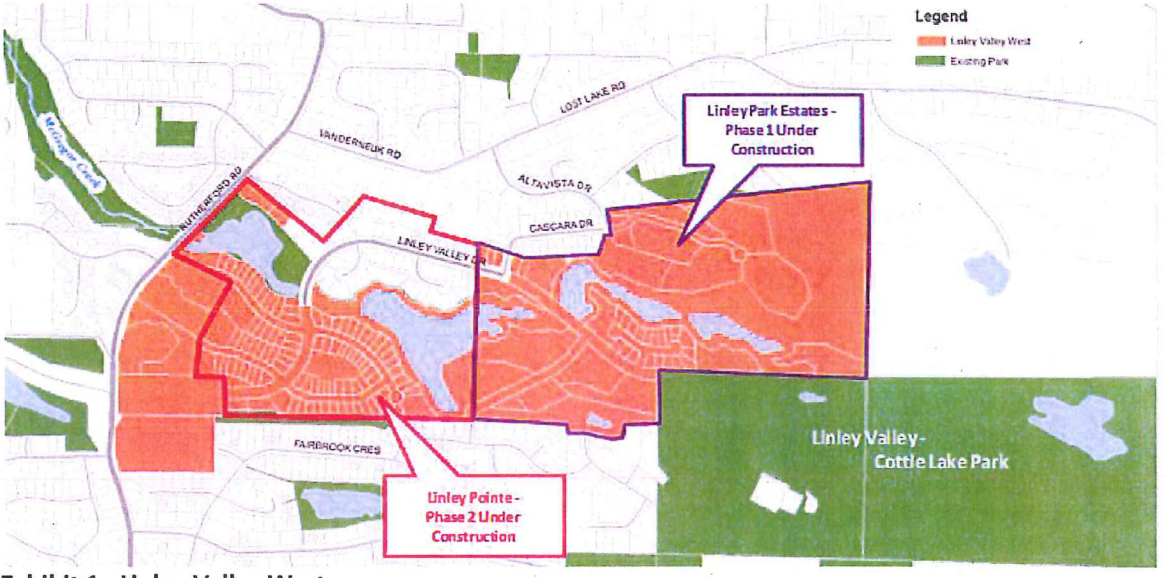

Exhibit 1 - Linley Valley West

Two options were developed for the completion of Linley Valley Drive between Turner and Rutherford Roads (Phase 2). This segment of Linley Valley Drive completes the east-west major road network in this area and reduces pressure on adjacent neighbourhoods that experience traffic shortcutting between Rutherford and Turner Road via Nelson and Oliver Roads. It is expected that shortcutting will grow in magnitude as development occurs and the completion of Linley Valley Drive is the only available strategy to reduce future traffic volumes.

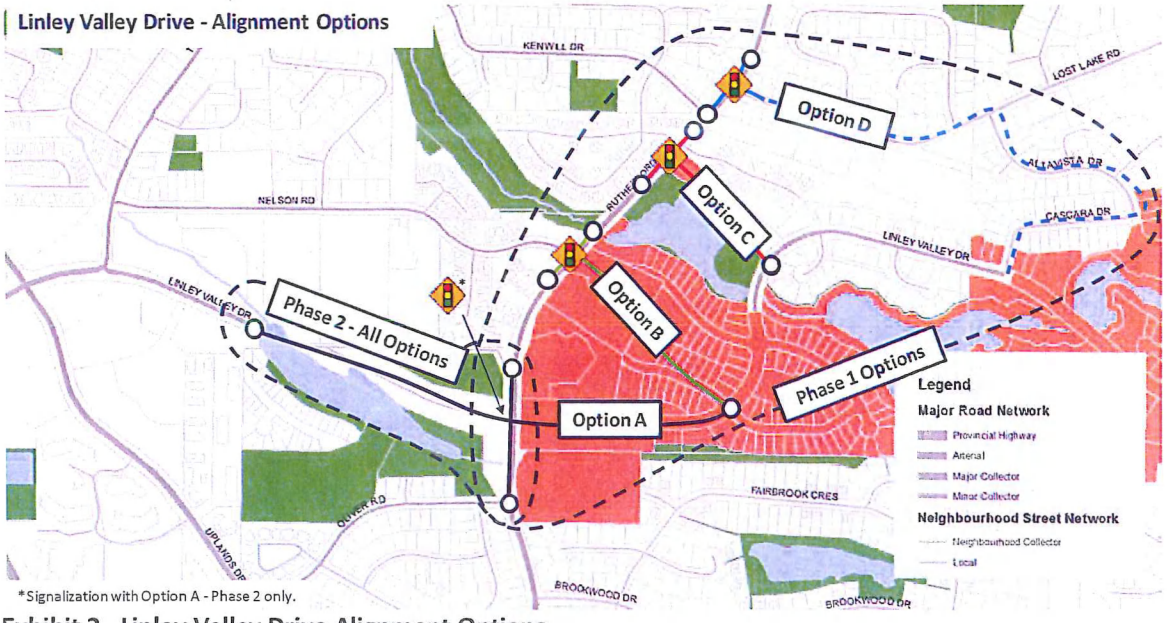

Exhibit 2 - Linley Valley Drive Alignment Options

To assess the benefits and costs of each option, a multiple account evaluation framework was used to assess the relative performance of four accounts, including: transportation performance/efficiency, capital costs, community and other impacts. A summary of this analysis is presented below in Exhibit 3 and text.

Exhibit 3 - Multiple Account Evaluation Summary

Option /Alignment	*Option A Linley Valley Drive – Historic Alignment*	*Option B Lindquist Road Alignment*	*Option C McGregor Creek Alignment*	*Option D Cascara- Altavista- Lost Lake- Vanderneuk Alignment*
Transportation Performance	**Best**	**Good**	**Best**	**Poorest**
Capital Costs				
Sub-Total Phase 1	**$5.6 million**	**$3.1 million**	**$1.5 million**	**$0.6 million**
Sub-Total Phase 2	$4.3 million	$2.9 million	$3.4 million	$3.4 million
Total Phase 1+2	**$9.9 million**	**$6.0 million**	**$4.9 million**	**$4.0 million**
Capital Costs	**Highest**	**High**	**Medium**	**Lowest**
Neighbourhood Impacts	**Low**	**Medium**	**Medium**	**High**
Other Impacts	**Significant cut-fill / construction impacts to facilitate Phase 2 intersection at Rutherford / Linley Valley.**	**Alignment will trigger revision of development plans.**	**Alignment is located within proposed Park space and will trigger revisions to development plans.**	**Signalized Intersection of Vanderneuk / Rutherford Road may experience long-term capacity issues.**

Option A - While the historical Linley Valley Drive alignment has the best transportation performance and lowest neighbourhood / other impacts, capital costs are high. Based on reduced land use development and lower future traffic projections this option may not be as supportable as it was under previous land use scenarios.

Options B/C – While both options provide good transportation performance at a moderate cost they both include community impacts and will require reworking surrounding development plans. Option B results in a less efficient road network and is more expensive but Option C requires travel through a proposed Park.

Option D - The existing Cascara > Altavista > Lost Lake > Vanderneuk alignment is the lowest cost alternative but has the largest impacts on neighbourhood residents, particularly along the access corridor. Altavista and Cascara both have poor alignments with multiple sharp curves and were not designed as major access routes. As the primary access route for over 600+ households, traffic calming options would be limited due to the need to support emergency services and transit service (future). In the long term, concentrating all traffic from Linley Valley West and the Long Lake Road corridor may result in capacity issues at the intersection of Vanderneuk and Rutherford Roads even with signalization.

DISCUSSION:

While analysis up to this point has assessed each option on its technical and financial merits; input from the general public and stakeholders is absent. Leading up to and during the fall 2014 municipal election, public concerns over future access options to Linley Valley West were raised and reflect a strong public interest in the decision process.

To facilitate this important input, it is recommended that a public consultation process be undertaken to collect and integrate community input into the decision making process. Next steps to support this process could include:

- an open council presentation on the issues related to Linley Valley Drive and access to Linley Valley West and
- a public consultation process including an open house with the general public, small group meetings with key stakeholders and a website.

Following the conclusion of consultation, staff would return to Council with recommendations to move forward with refined design and costing of selected alignment options that integrate input from all sources.

RECOMMENDATIONS FOR RELEASE OF INFORMATION TO THE PUBLIC:

The public release of all contents of this report, with the exception of details related to the purchase of property, is recommended after the conclusion of Recommendation 2 (presentation, in open council, on Access Options for Linley Valley West / Linley Valley Drive).

Respectfully submitted,

Gordon Foy P.Eng.
Manager of Transportation,
Engineering

Concurrence by:

Geoff Goodall P.Eng.
Director,
Engineering & Public Works

Dale Lindsay
Acting General Manager,
Corporate Services

Tom Hickey
General Manager,
Community Services

CITY MANAGER COMMENT:

I concur with the staff recommendation.

CITY OF NANAIMO

TECHNICAL MEMORANDUM

TO: Geoff Goodall, P.Eng., Director of Engineering and Public Works

FROM: Gordon Foy, P.Eng., Manager of Transportation

COPY:

DATE: February 5, 2015

FILE: CPMS PROJECT ID 1663

SUBJECT: Linley Valley Drive Alignment Options / Access to Linley Valley West

In May 2014 Council directed staff to re-examine the scope of Linley Valley Drive in the context of recent land use changes / parkland acquisitions in Linley Valley. To addresses Council's request, this technical memo includes the following analysis:

- A review of historical / current development and transportation plans for Linley Valley.
- A summary of access requirements for development within Linley Valley West.
- Four potential access options from Linley Valley West to Rutherford Rd (required in 2-3 years dependent on pace of development)
- Two potential options for Linley Valley Drive between Rutherford Rd and Turner Rd (future long-term alignment).
- A Multiple Account Evaluation of each alignment option including consideration of transportation performance, preliminary costing, neighbourhood and other impacts.

Historic Context

Evolution of Development / Transportation Plans within Linley Valley

Linley Valley was identified as a growth and development area in the 1980s. To service the proposed development area and strengthen the City's larger road network a new four lane east-west major road corridor was proposed extending from Island Highway to Hammond Bay Road (6+km); this road corridor became Linley Valley Drive.

As development concepts were refined and the magnitude of proposed development reduced, so has the size and scope of Linley Valley Drive. By 2008, the scope had been reduced to a two lane major road extending from Turner Road to Cottle Lake Park and the Burma Connector corridor, a distance of about 4km.

In 2014 the City purchased the majority of remaining lands with development potential within Linley Valley for the purpose of expanding Cottle Lake – Linley Valley Park. As a result, future development areas serviced by Linley Valley Drive were reduced to the western portions of the valley (Linley Valley West) and the Linley Valley Drive corridor was shortened to just over 2 km in length.

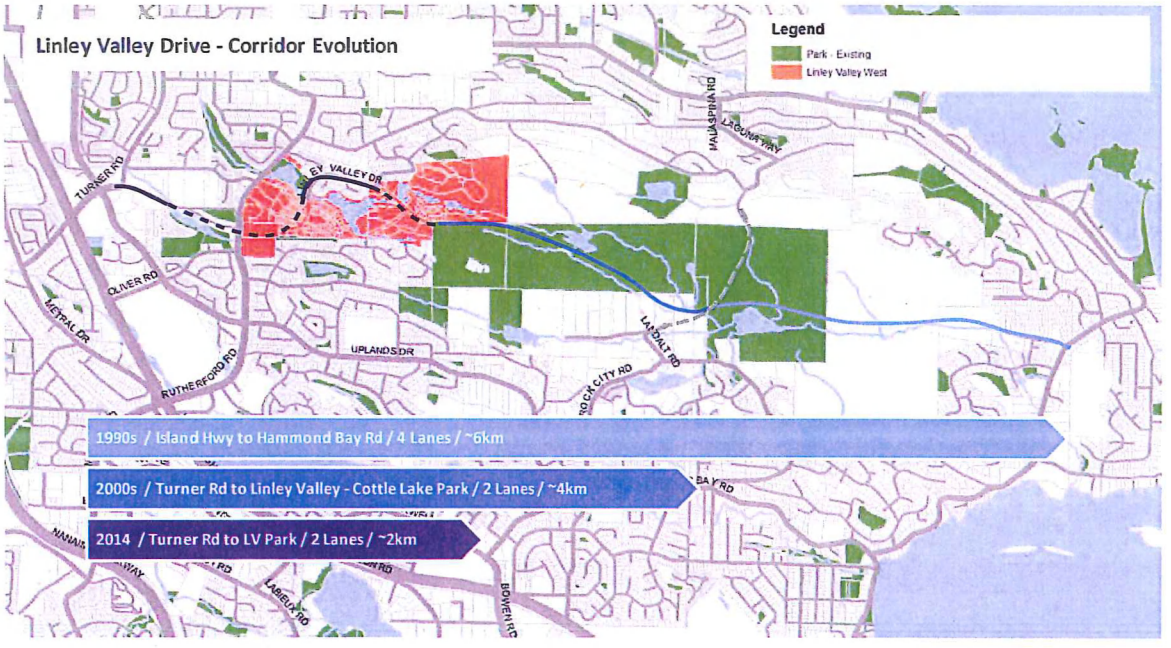

Exhibit 1- Evolution of Linley Valley Drive

Current Context

Future Development - Linley Valley West and Long Lake Road Corridor

The scope and capacity of transportation networks are directly related to land uses they support. Current planned development within Linley Valley West includes a mix of single family and multifamily residential development west of the expanded Linley Valley – Cottle Lake Park.

The two largest sites - Linley Pointe (previously 5300 Rutherford Road) and Linley Park Estates (previously 5701 Vanderneuk Road) both have development permits in place and combined include 550+ planned residential units. Construction is currently underway on Phase 2 of Linley Pointe and Phase 1 of Linley Park Estates; portions of Linley Valley Drive have been constructed within these initial phases. A number of smaller parcels directly fronting Rutherford Road also have future development potential but have not pursued redevelopment at this time; for the purposes of analyzing future transportation demand an additional 40 future households were assumed for these sites. Based on existing and proposed development within Linley Valley West, over 600 homes would be accessed by the Linley Valley Drive road corridor at neighbourhood build out.

While not located within Linley Valley West, future potential development along the uphill side of Lost Lake Road would generate additional trips within the Lost Lake / Vanderneuk Road corridor. While a portion of these parcels are located within the OCP Urban Reserve (requiring additional servicing and regulatory steps to facilitate development) some parcels have existing development potential under current zoning. Further east, development within the Glen Oaks Drive Corridor will eventually connect to Lost Lake Road at Laguna Way. While the majority of trips are expected to travel down to Hammond Bay Road, some additional trips will route via Lost Lake Road.

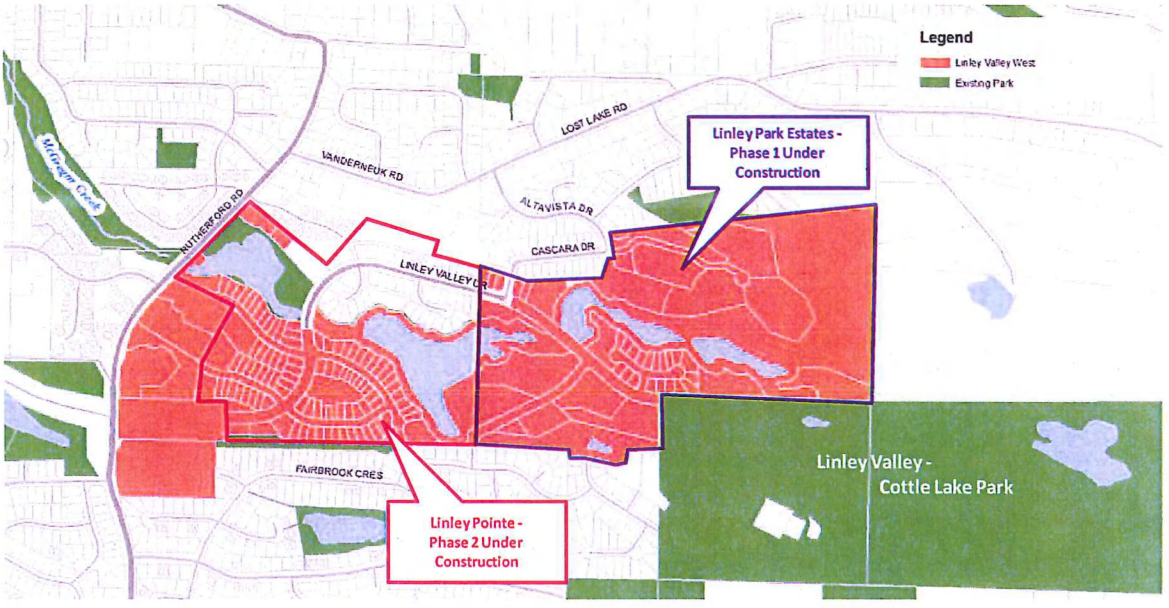

Exhibit 2 - Linley Valley West

Linley Valley West – Access Requirements

In 2012/13 development permits were issued for 5300 Rutherford/Linley Pointe (DP000695 27FEB2012) and 5701 Vanderneuk Road/Linley Valley Estates (DP000801 25APR2013). Traffic studies prepared for both sites identified the need to improve access from Linley Valley West to Rutherford Road as development progressed. Three access options were proposed at the time, development of one option is a requirement of development. The three access options proposed include;

- developing the existing Linley Valley Drive alignment out to Rutherford Road (preferred), or
- utilizing the existing Altavista-Cascara-Lost Lake-Vanderneuk corridor and signalizing the intersection of Vanderneuk / Rutherford Roads, or
- developing a temporary access to Rutherford Road just north of McGregor Creek that would be closed (reverting to Park) upon completion of Linley Valley Drive to Rutherford Road.

For both sites, access improvements are triggered following the third phase of their respective developments; based on the current pace of development, this could occur in next 2-3 years.

Linley Valley Drive – Turner Road to 6025 Linley Valley Drive

The City is currently constructing Linley Valley Drive from Uplands Drive to 6025 Linley Valley Drive as part of a larger land exchange agreement with Nanaimo-Ladysmith School District; completion of construction is expected this spring. This road section includes a roundabout at the intersection of Turner Road / Linley Valley Drive and 300m of new roadway with on-street parking, sidewalks, street trees and bike lanes; supporting future commercial / residential development sites. This two lane major road forms the most western segment of Linley Valley Drive and could connect east to Rutherford Road in the future.

Linley Valley Drive - Updated Cost Estimates

In 2013 cost estimates for the current Linley Valley Drive alignment from 6025 Linley Valley Drive to the Linley Pointe development were updated. Due to escalation in unit costs and vertical re-profiling requirements along Rutherford Road approaching its intersection with Linley Valley Drive, updated cost estimates were higher than historic values. A number of alternative configurations for the intersection of Linley Valley Drive / Rutherford Road were explored to reduce costs, however, the base configuration, a signalized intersection, remained the lowest cost option.

Improving East-West Connectivity – Linley Valley Drive (Turner to Rutherford Roads)

The lack of east-west major road network between Rutherford Road and Uplands Drive from Hammond Bay Road to the intersection of Rutherford / Uplands (a distance of approximately 1.6km) has resulted in historic east-west shortcutting within neighbourhoods via Kenwill, Nelson and Oliver Roads. Traffic calming has been implemented on both Kenwill and Oliver to moderate drive behavior (reduce speeds) but demand for east-west travel remains.

As development occurs in Linley Valley West new residents seeking access Uplands Road and/or Island Hwy are expected to reinforce these historic traffic patterns. Inappropriate speeds and driver behavior can be mitigated with traffic calming; however reducing volumes will be difficult without effective major road alternatives.

The completion of Linley Valley Drive between Turner and Rutherford Road Roads provides such an alternative route, reducing incentives for drivers to use neighbourhood streets and diverting shortcutting trips back onto the major road network.

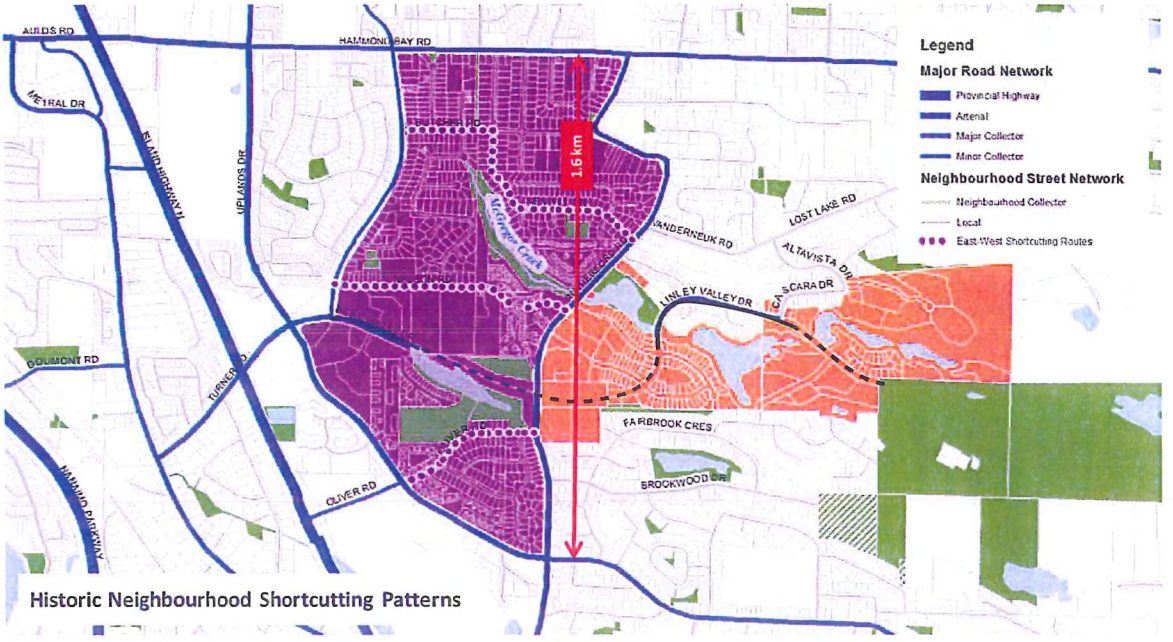

Exhibit 3 - Major Road Network and Historic Shortcutting Patterns

Linley Valley Drive - Alignment Options

Four alignment options for Linley Valley Drive providing access to Linley Valley West from Rutherford Road (Phase 1) were identified to address short term (2-3 years) access. Each option has the capacity to support existing and proposed development within Linley Valley West and provides public access to the new western extension of Linley Valley-Cottle Lake Park.

For each short term option, a matching long-term option to complete Linley Valley Drive between Turner and Rutherford Roads (Phase 2) has also been presented. The connection between Turner and Rutherford Roads will strengthen the east-west major road network and mitigate shortcutting through neighbourhood streets. While completion of Linley Valley Drive between Rutherford and Turner Roads is not recommended in the short term, for each option, the improvements required to complete this link are included such that combined costs of both improvement phases may be considered concurrently.

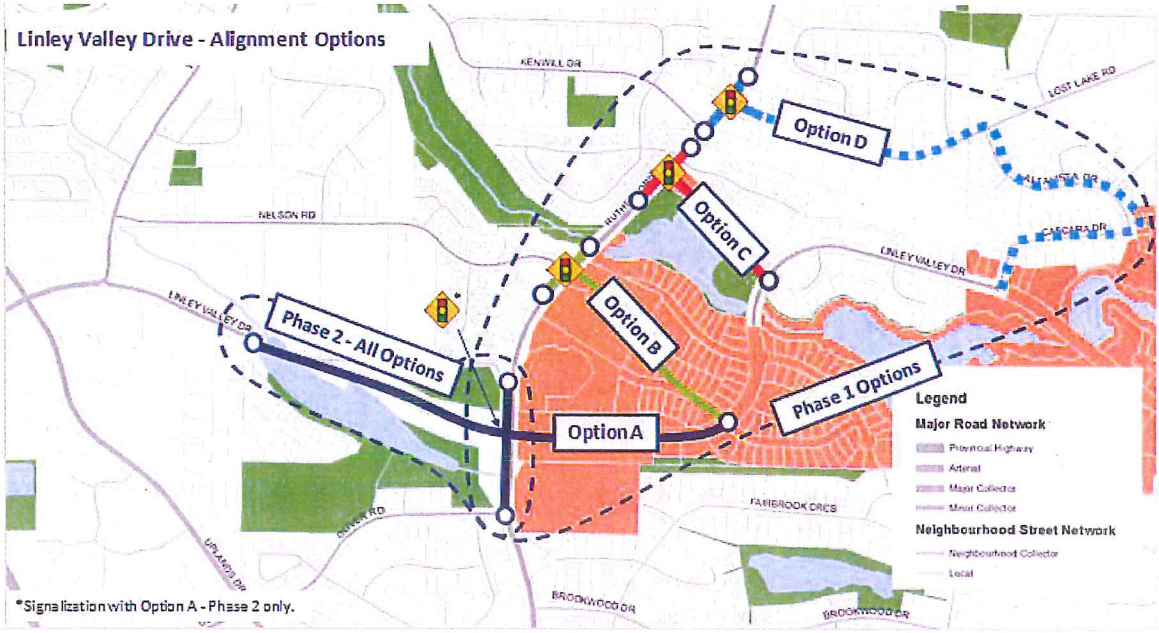

Exhibit 4 - Linley Valley Drive Alignment Options (Phase 1 and 2)

Option A - Linley Valley Drive (Historic Alignment)

Phase 1

Extend Linley Valley Drive to Rutherford Road and develop an **interim, limited movement intersection.** This intersection would support right-in, right-out and left-out turning movements to/from Linley Valley Drive (left in from Rutherford would be prohibited). Improvements will likely require some re-profiling and widening on Rutherford Road to accommodate left and right turn auxiliary lanes.

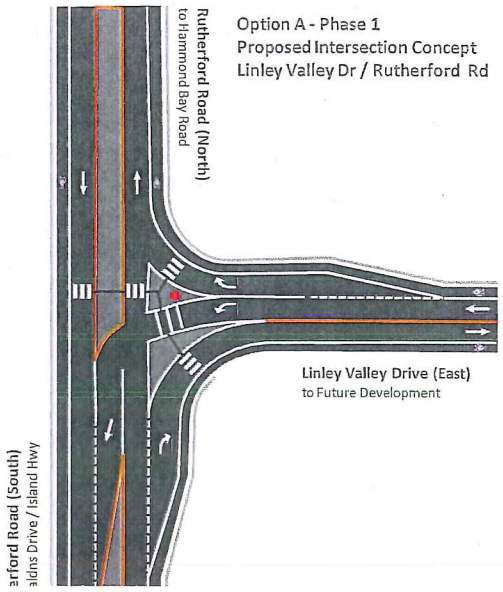

Exhibit 5 - Option A / Phase 1 - Proposed Interim Intersection Configuration Rutherford Rd @ Linley Valley Drive

Phase 2

Replace the interim intersection at Rutherford Road to develop a full movement signalized intersection and extension of Linley Valley Drive west to Turner Road, Uplands Drive and Island Hwy. **Significant re-profiling of Rutherford Road and Linley Valley Drive will be required** to accommodate a signalized intersection, raising the elevation of Rutherford Road as far south as Oliver Road.

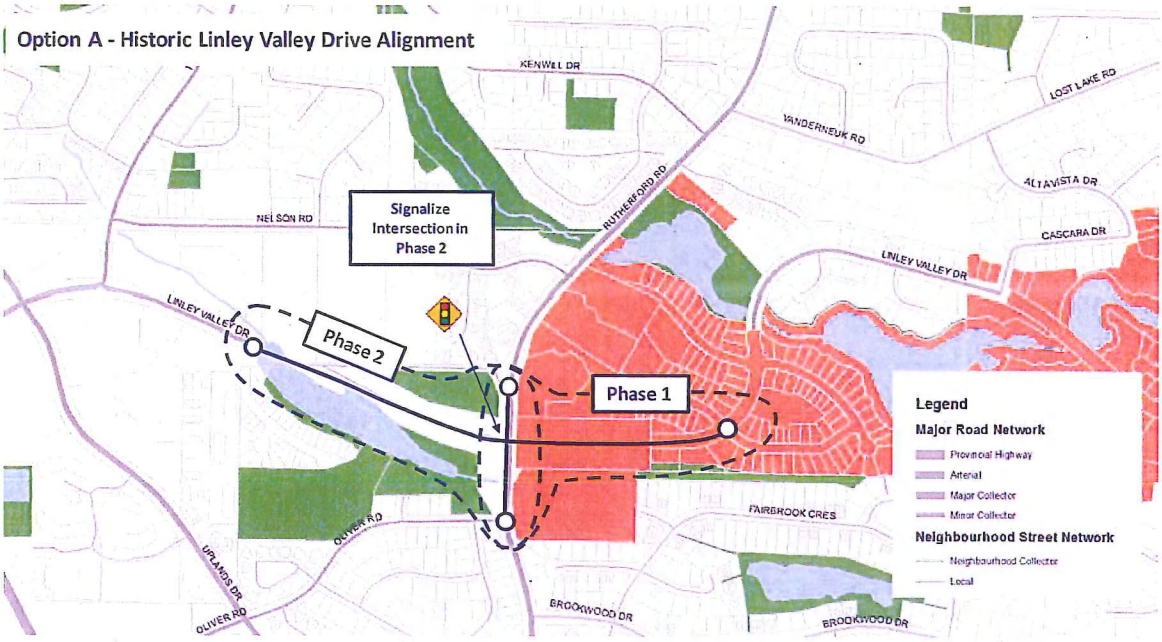

Exhibit 6 - Option A (Historic Linley Valley Drive Alignment)

Option B - Lindquist Road Alignment

Phase 1

Extend Linley Valley Drive along its historical alignment to the proposed Lindquist Road, turn onto Lindquist Road and extend towards Rutherford Road at Nelson Road. Signalize the intersection of Nelson / Lindquist and Rutherford Road.

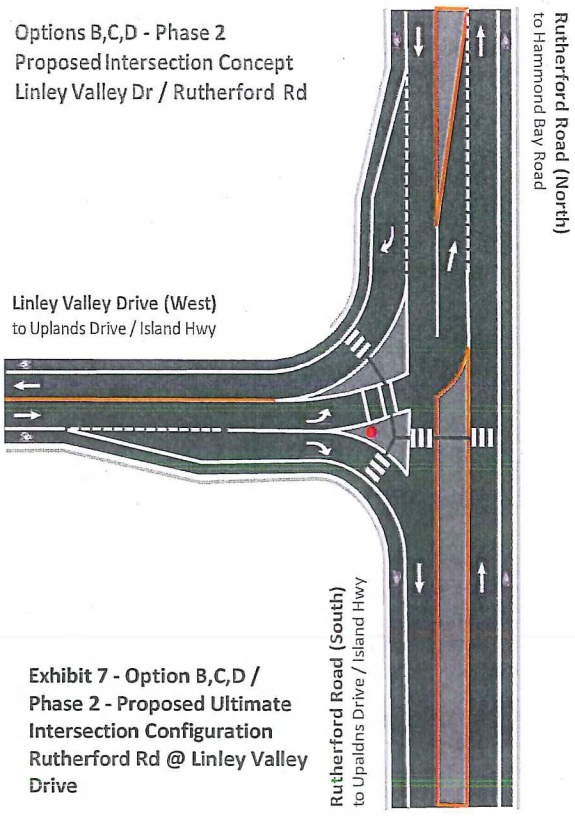

Exhibit 7 - Option B,C,D / Phase 2 - Proposed Ultimate Intersection Configuration Rutherford Rd @ Linley Valley Drive

Phase 2

Develop a limited movement intersection at Rutherford Road and Linley Valley Drive. This intersection would support right-in, right-out and left-out turning movements to/from Linley Valley Drive (left in from Rutherford would be prohibited). Improvements will likely require some re-profiling and widening on Rutherford Road to accommodate left and right turn auxiliary lanes. The proposed intersection is similar to Option A – Phase 1, but reversed to face west; Phase 2 improvements at this intersection are the same for Options B,C and D.

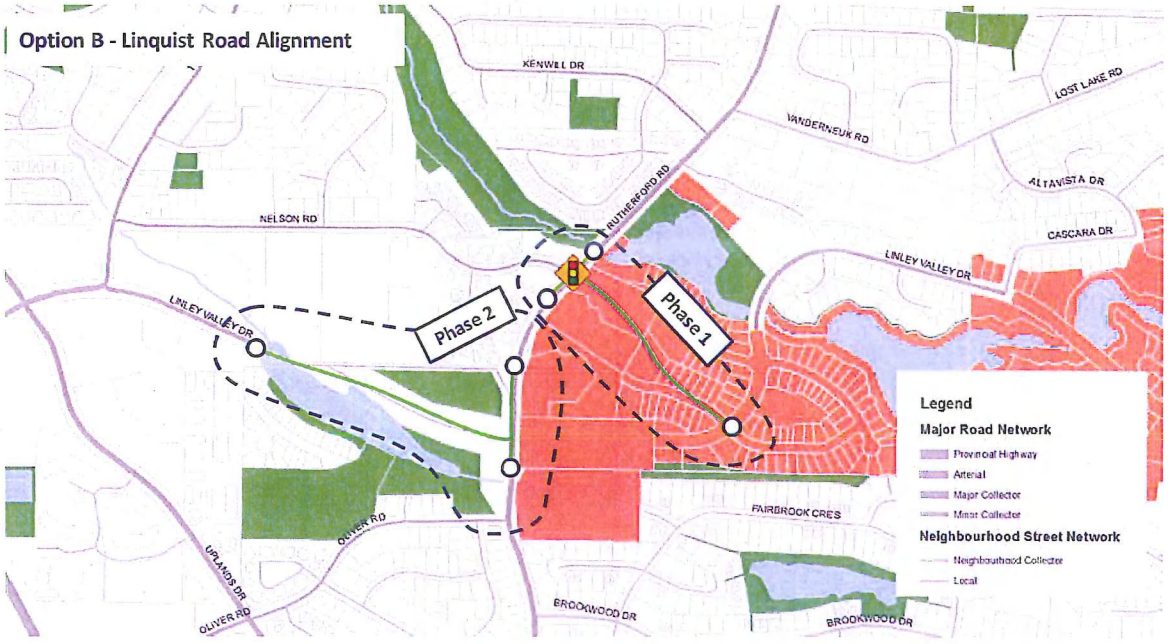

Exhibit 8 - Option B (Lindquist Road Alignment)

Option C - McGregor Creek Alignment

Phase 1

Connect Linley Valley Drive to Rutherford Road via new connection along the north side of McGregor Creek through existing and proposed park parcels. At the intersection with Rutherford Road, a signalized intersection would be developed. This option would travel through proposed parklands. Options to minimize impacts on the existing trail and wetland would be pursued as part of the design process.

Phase 2

Develop the same limited movement intersection at Rutherford Road and Linley Valley Drive as proposed for Option B. In addition, signalization of the intersection of Rutherford Road and Nelson Road may be required prior to or concurrent with the extension of Linley Valley Drive west to Turner Road.

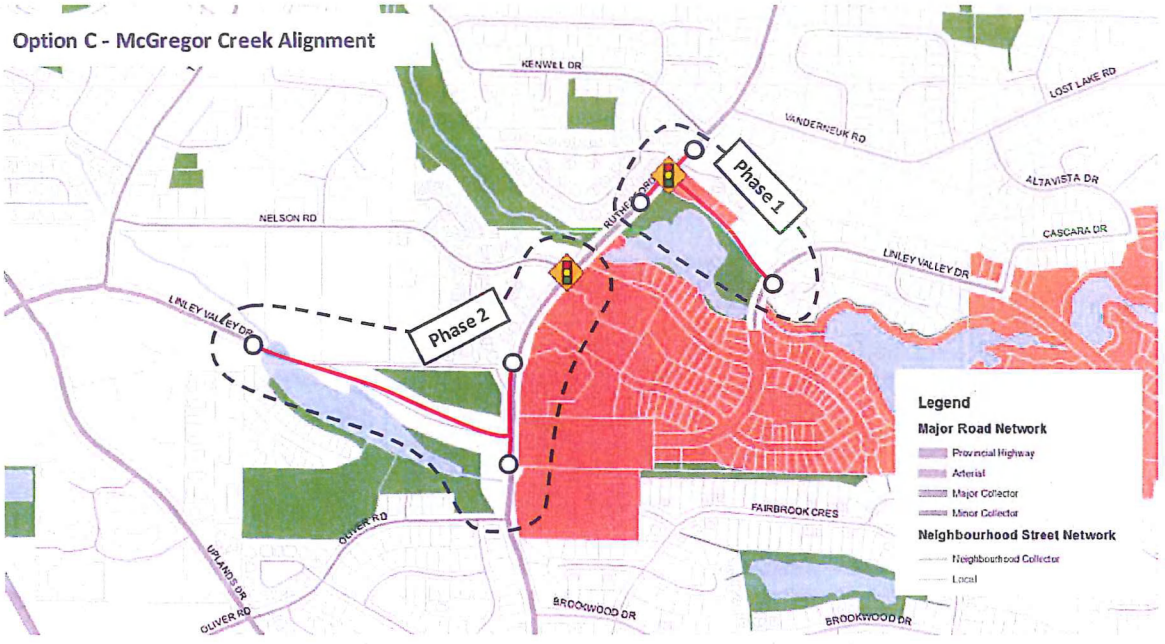

Exhibit 9 - Option C (McGregor Creek Alignment)

Option D - Cascara-Altavista-Lost Lake-Vanderneuk Alignment

Phase 1

Connect Linley Valley Drive to Rutherford via existing neighbourhood street networks - Cascara Drive > Altavista Drive > Lost Lake Road > Vanderneuk Road. Signalize the intersection of Rutherford / Vanderneuk Road with a right turn auxiliary lane northbound on Rutherford Road approaching Vanderneuk Road. Curb extension along Altavista / Cascara could be considered to improve pedestrian / traffic operations.

Phase 2

Develop the same limited movement intersection at Rutherford Road and Linley Valley Drive as proposed for Option B. In addition, signalization of the intersection of Rutherford Road and Nelson Road may be required prior to or concurrent with the extension of Linley Valley Drive west to Turner Road.

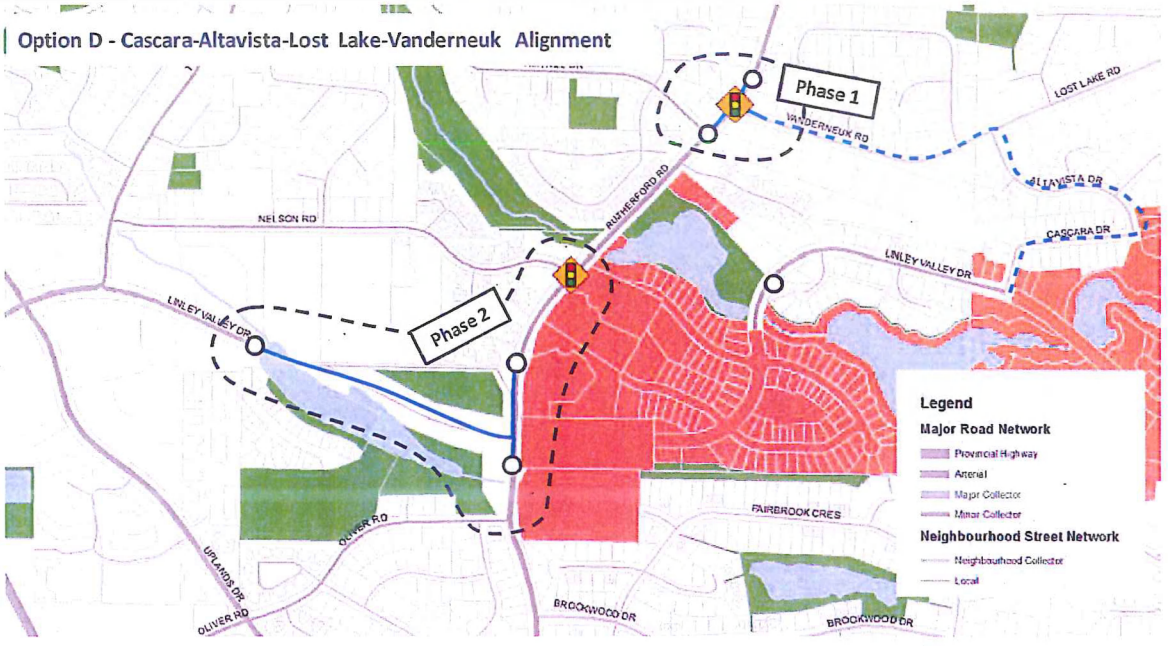

Exhibit 10 - Option D (Vanderneuk > Lost Lake > Altavista > Cascara Alignment)

Options Evaluation

Evaluation of the alignment options for Linley Valley Drive was undertaken using a Multiple Account Evaluation framework. The Multiple Account Evaluation (MAE) framework is designed to assess options based on both quantitative and qualitative accounts to assess overall project benefits and costs. Evaluation of options for Linley Valley Drive assessed a range of accounts, including; transportation performance / efficiency, conceptual capital costs, neighbourhood impacts and other impacts.

Within the sections below the methodology used to assess each account is defined and results presented for each alignment option. An overview of each option's performance across all accounts provides an overall assessment of each option's relative strengths and weaknesses.

Transportation Performance / Efficiency

The primary function of a transportation network is to provide efficient access and mobility for residents, visitors, utilities and emergency services. Poor networks can lead to longer trips, frustrated drivers, and more impacts on neighbourhoods as travelers use local streets where major roads are missing. Based on survey and traffic data, the distribution of trip origins and destinations within the Linley Valley Area was estimated. Results indicate that the distribution of trips are weighted towards the south (65%).

Future Development Areas - Projected Trip Origins / Destinations

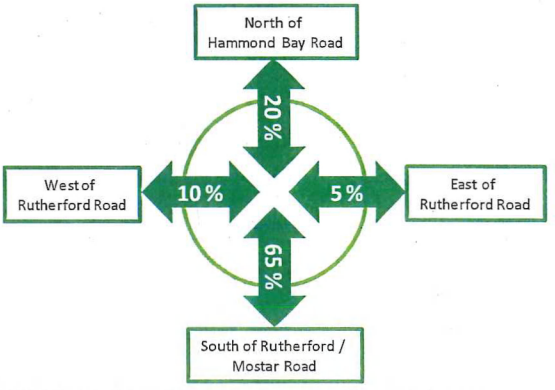

Exhibit 11 - Projected Travel Patterns to/from Linley Valley West

To assess the transportation performance / accessibility of each option, the total distance traveled per year by residents accessing the site was estimated. The total number of trips to/from the neighbourhood was estimated from projected household totals. The north-south-west distribution of trips was estimated from existing traffic counts and household travel survey data (see Exhibit 11). Trips were assigned to the road network based on the shortest path, where in the neighbourhood the trip started, its external destination and the available road network.

Each option was compared against the best option (shortest total distance traveled) and results were reported in annual vehicle-kilometers and tonnes of CO2e. Conversion from vehicle-kilometers to CO2 equivalent tonnes was calculated using values from the 2010 provincial community emissions inventory for the City of Nanaimo. Transportation Performance will also impacts emergency services access times.

Exhibit 12 - Transportation Performance / Efficiency

Option /Alignment	*Option A Linley Valley Drive – Historic Alignment*	*Option B Lindquist Road Alignment*	*Option C McGregor Creek Alignment*	*Option D Cascara- Altavista-Lost Lake-Vanderneuk Alignment*
Access Travel	Lowest Travel	+ 305,000 veh-km/yr	Lowest Travel	+ 1.39m veh-km/yr*
Access Emissions	Lowest Emissions	+82 tonnes of CO2e/yr	Lowest Emissions	+370 tonnes of CO2e/yr
Transportation Performance	**Best**	**Medium .**	**Good**	**Poorest**

*Due to circuitous access via Option D, some trips approaching from the south will likely shortcut through neighbourhoods to the south via Brookwood Drive, Fairbrook Cres, Colbourne Drive and Glenmoore Road. Through traffic calming this shift may be mitigated and for this analysis 100% of traffic was assumed to use Vanderneuk > Long Lake > Altavista > Cascara.

Conceptual Capital Costs

Class ("D") capital cost estimates have been prepared for each access option. Capital costs for both phases have been identified, as well as, property and other projected costs. **Estimates are conceptual and provided for the purpose of evaluating options only; refined estimates would be prepared once a preferred option(s) has been identified.**

While funding sources for improvements have not been identified Linley Valley Drive is a DCC project and DCC funding could be considered to fund any of the alignment options. In addition, the developers of both 5300 Rutherford and 5701 Vanderneuk may provide financial or other contributions to support access improvements that allow future development phases to proceed.

Neighbourhood Impacts

Different alignment options will provide different levels of transportation performance / efficiency. In cases where surrounding neighbourhood streets provide more efficient connections to certain destinations there is the potential for shortcutting behavior to occur. Where the potential for shortcutting within adjacent neighbourhoods and neighbourhood streets has been identified impacts have been estimated and presented below.

Exhibit 14 - Neighbourhood Impacts

Option /Alignment	***Option A Linley Valley Drive – Historic Alignment***	***Option B Lindquist Road Alignment***	***Option C McGregor Creek Alignment***	***Option D Cascara- Altavista- Lost Lake-Vanderneuk Alignment***
Cascara / Altavista / Lost Lake / Vanderneuk (80+ Homes)	**Medium** – Some northbound trips to/from access site via Vanderneuk - *consider traffic calming - consider fire access routes.*	**Medium** – Some northbound trips to/from access site via Vanderneuk - *consider traffic calming.*	**Low** – A few northbound trips may access the site via Vanderneuk.	**Very High** – Most trips access site via Vanderneuk. As a primary / emergency access route - *limited traffic calming (curb extensions) supported.*
Colbourne / Fairbrook / Brookwood (60+ Homes)	**Minimal**	**Minimal**	**Minimal**	**High** – For many southbound trips access via Brookwood is the shortest route - *traffic calming recommended.*
Nelson Road (50+ Homes + Elementary School)	**Minimal**	**Medium*** – Some trips will link between Uplands and Rutherford via Nelson - *traffic calming recommended.*	**Medium*** – Some trips will link between Uplands and Rutherford via Nelson- *traffic calming recommended.*	**Medium*** – Some trips will link between Uplands and Rutherford via Nelson - *traffic calming recommended.*
Oliver Road (35+ Homes + Community Centre)	**Medium*** – Some trips will link between Uplands and Rutherford via Oliver.	**Low*** – Some trips will link between Uplands and Rutherford via Oliver.	**Low*** – Some trips will link between Uplands and Rutherford via Oliver.	**Low*** – Some trips will link between Uplands and Rutherford via Oliver.
Neighbourhood Impacts	**Lowest**	**Medium**	**Low**	**Highest**

*Completion of Linley Valley Drive - Phase 2 would reduce shortcutting on Nelson and Oliver Roads.

Other Impacts

Other impacts identified through the alignment options review have been identified below.

Exhibit 15 - Other Impacts

Option /Alignment	*Option A Linley Valley Drive – Historic Alignment*	*Option B Lindquist Road Alignment*	*Option C McGregor Creek Alignment*	*Option D Cascara- Altavista- Lost Lake- Vanderneuk Alignment*
Park / Greenspace Impacts				
	Phase 2 - Vertical re-profiling of Rutherford Road and Linley Valley Drive will result in significant cut/fill slopes along Rutherford Road between Oliver and Nelson Roads.		Alignment is located within proposed Park space adjacent to McGregor Creek.	
Transportation Impact				
				Combined with future traffic growth on Lost Lake Road; Rutherford / Vanderneuk intersection may have long term capacity issues even with signalization.
Development Impacts				
		Alignment will trigger revision of development layout, subdivision and development permit.	Alignment will trigger revision of development layout, subdivision and development permit.	

Multiple Account Evaluation – Summary of Results

Results of the multiple account evaluation are presented in the table and text below.

Exhibit 16 - Multiple Account Evaluation Summary

Option /Alignment	*Option A Linley Valley Drive – Historic Alignment*	*Option B Lindquist Road Alignment*	*Option C McGregor Creek Alignment*	*Option D Cascara- Altavista- Lost Lake- Vanderneuk Alignment*
Transportation Performance	**Best**	**Good**	**Best**	**Poorest**
Capital Costs				
Sub-Total Phase 1	**$5.6 million**	**$3.1 million**	**$1.5 million**	**$0.6 million**
Sub-Total Phase 2	$4.3 million	$2.9 million	$3.4 million	$3.4 million
Total Phase 1+2	**$9.9 million**	**$6.0 million**	**$4.9 million**	**$4.0 million**
Capital Costs	**Highest**	**High**	**Medium**	**Lowest**
Neighbourhood Impacts	**Low**	**Medium**	**Medium**	**High**
Other Impacts	**Significant cut-fill / construction impacts to support Phase 2 intersection at Rutherford / Linley Valley.**	**Alignment will trigger revision of development plans.**	**Alignment is located within proposed Park space and will trigger revisions to development plans.**	**Signalized Intersection of Vanderneuk / Rutherford Road may see long-term capacity issues.**

Option A - While the historical Linley Valley Drive alignment has the best transportation performance and lowest neighbourhood / other impacts, capital costs are high. Based on reduced land use development within the Linley Valley and lower future traffic projections this option may not be as supportable as it was under previous land use scenarios.

Options B/C – While both options provide good transportation performance at a moderate cost they both include community impacts and will require reworking surrounding development plans. Option B results in a less efficient road network and is more expensive but Option C requires travel through a proposed Park.

Option D - The existing Cascara > Altavista > Lost Lake > Vanderneuk alignment is the lowest cost alternative but has the largest impacts on neighbourhood residents, particularly along the access corridor. Altavista and Cascara both have poor alignments with multiple sharp curves and were not designed as major access routes. As the primary access route for over 600+ households, traffic calming options would be limited due to the need to support emergency services and transit service (future). In the long term, concentrating all traffic from Linley Valley West and the Long Lake Road corridor may result in capacity issues at the intersection of Vanderneuk and Rutherford Roads even with signalization.

Road Classification and Streetscape

Serving a neighbourhood of 600+ homes, Linley Valley Drive is projected to carry 4-5000 vehicle trips per day at neighbourhood build-out. Its function will transition from a major road at Rutherford Road to a neighbourhood street as it travels east, providing access to the surrounding neighbourhood and Linley Valley Park. Consistent with the Transportation Master Plan, it should be a complete street, supporting safe and comfortable travel for all transportation modes including pedestrians, cyclists, and vehicles.

Based on its role and function as well as projected traffic volumes it is recommended that Linley Valley be constructed as a two lane major road (classification = Minor Collector) from Turner Road to Cascara Road. East of Cascara Road, it is recommended that Linley Valley Drive is constructed as a neighbourhood street (classification = Neighbourhood Collector) providing neighbourhood/park access.

East of the crossing of McGregor Creek a multiuse trail will be included on the south side of the road linking the existing creek side trail to Linley Valley Park. Development of a park access (and parking lot) as well as a multiuse hard surface trail to Cottle Lake should be considered within the Park. The corridor could support future transit service routing along Linley Valley Drive, Altavista, Cascara, Vanderneuk and back to Rutherford.

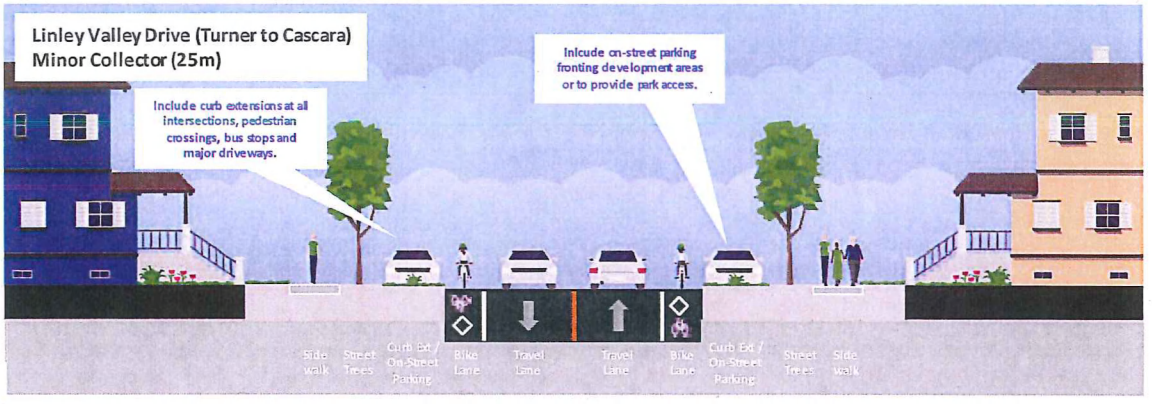

Exhibit 17 - Recommended Typical Streetscape (Turner Road to Cascara Road)

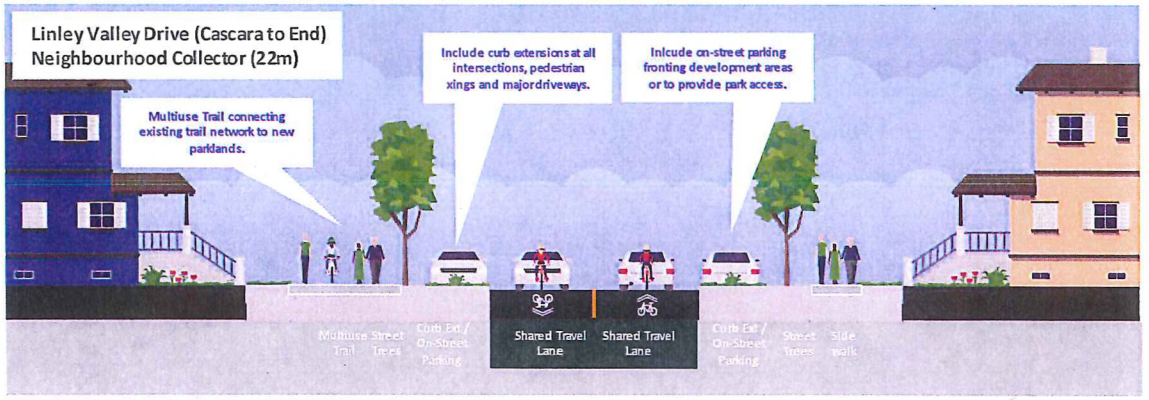

Exhibit 18 - Recommended Typical Streetscape (Cascara Road to End)

Next Steps – Public Consultation

While the financial and technical review included within this document will assist in selecting a preferred alignment option it does not include input from the public and other stakeholders. Leading up to and during the Fall 2014 municipal election public concerns over future access options to Linley Valley West were raised and reflect public interest in the decision process.

To facilitate this important input it is recommended that a public consultation process be undertaken to collect and integrate community input into the decision making process. Next steps to support this process could include an open council presentation summarising the contents of this document followed by a public consultation process including an open house with the general public, small group meetings with key stakeholders and a website.

Following the conclusion of consultation, staff could return to Council with recommendations to move forward and refine the design and costing of selected alignment option(s) that integrate input from all sources.

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-FEB-16

AUTHORED BY: MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

RE: PSAP 9-1-1 SERVICE DELIVERY UPDATE

STAFF RECOMMENDATION:

That Council receive the PSAP 911 Service Delivery Update report.

PURPOSE:

To provide Council with an update regarding provision of Public Safety Answering Point (PSAP) 9-1-1 service.

BACKGROUND:

In 1994, the City of Nanaimo, Regional District of Nanaimo and the Cowichan Valley Regional District formed the *Central Island 9-1-1 Partnership* for the purposes of operating and maintaining a 9-1-1 service within the City of Nanaimo, Cowichan Valley Regional District and the southern portion of the Regional District of Nanaimo (ie: within School District No 68 (Nanaimo-Ladysmith)). Cost sharing between the partners is currently set at: City 45%, CVRD 45%, RDN 10%.

In late 2013, the respective Councils and Boards of the partnership began receiving staff reports related to the ongoing provision of PSAP service as a result of the RCMP serving notice on all jurisdictions that RCMP management of PSAP's was not a core policing function and would only continue if municipalities and regional districts were willing to sign a Memorandum of Understanding and pay a fee for RCMP management of the PSAP service.

On 2014-FEB-03 Council received a staff information report regarding options available for providing PSAP service and approved the following resolution:

"It was moved and seconded that Council direct Staff to maintain the current arrangement for Public Safety Answering Point (PSAP, 9-1-1) delivery as follows:

1. By communicating with Central Island 9-1-1 service partners (Cowichan Valley regional District and Regional District of Nanaimo) to confirm Nanaimo's intent to sign a Memorandum of Understanding with the RCMP and request confirmation that both partners also support continuation of 9-1-1 service through the RCMP at this time;

2. By signing a Memorandum of Understanding with the RCMP to provide 9-1-1 service for a five-year period with a one-year cancellation clause option until further evaluation of 9-1-1 service is completed subject to approval by central Island 9-1-1 service partners; and,

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-FEB-16

3. In conjunction with Central Island 9-1-1 service partners, undertake a review to determine the best long-term options for provision of 9-1-1 services and provide a follow-up report to Council in early 2015."

UPDATE:

The MOU between the CI911 Partnership and the RCMP is concluded in principle but is not yet signed. Delays have been the result of senior staff changes at RCMP "E" Division however the new leadership in this particular department is now conversant with this negotiation and a concluded agreement should be completed soon.

In accordance with the direction of all respective partnership Council and Boards, the Central Island 9-1-1 Partnership management committee has created a Terms of Reference for a consultant study to identify options and provide detailed analysis of all options identified.

The study is expected to be concluded within the first half of 2015.

Respectfully submitted,

MIKE DIETRICH
(ACTING) DIRECTOR
SOCIAL & PROTECTIVE SERVICES

Concurrence by:

for TOBY SEWARD
(ACTING) GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-FEB-10

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911
Central Island

CENTRAL ISLAND 9-1-1 PARTNERSHIP

CENTRAL ISLAND PUBLIC SAFETY ANSWERING POINT (9-1-1 CALL ANSWER SERVICE) SERVICE OPTIONS ANALYSIS STUDY TERMS OF REFERENCE

Project

To identify sustainable options for the provision of Public Safety Answering Point (PSAP 9-1-1 call answer) service delivery to the central Vancouver Island service area.

Included in this objective is to clearly identify and provide detailed analysis of the benefits and challenges of potential options and best practices that will ensure the sustainable service delivery of 9-1-1 call answer service for the Central Island 9-1-1 Partnership.

Background

The ***Primary Public Safety Answering Point*** (9-1-1 Call Answer) is a system that allows the general public to use a 3-digit number (9-1-1), to access emergency services (police, ambulance and fire) in areas where that service is provided.

The provision of PSAP (9-1-1 call answer) service is a municipal function in British Columbia. The Central Island 9-1-1 Partnership was formed in 1994 as a partnership between the City of Nanaimo, the Cowichan Valley Regional District and the Regional District of Nanaimo.

Since inception, the Central Island PSAP has been located within the RCMP's Island District Operational Communications Centre (OCC) in the RCMP Nanaimo Detachment. The RCMP managed the service on behalf of the Partnership.

In 2013, the RCMP served notice on the Partnership that they no longer consider managing the PSAP function to be a core policing service but were willing to continue to do so if the Partnership entered into a Memorandum of Understanding with the RCMP and pay a fee for the service. The cost recovery model they have proposed will include corporate administration costs.

An imminent future challenge to all PSAP providers is the advancement of 9-1-1 technology for public use including mobile devices, text messaging, etc. Known as "NexGen", the costs to implement these advances are as yet unknown.

In addition, abandoned 9-1-1 calls (especially from mobile devices) also provides significant challenges impacting costs.

A ***Secondary Public Safety Answering Point*** (SSAP) is the downstream call centre that receives calls from the PSAP and dispatches respective police, fire or ambulance services.

In the central Island area, the SSAP for fire dispatch services is also a function of the Central Island 9-1-1 Partnership through the FireComm dispatch centre managed by the City of Nanaimo since 2004.

The BC Ambulance Service operates the ambulance SSAP provincially from 3 sites and the RCMP Nanaimo Operational Communications Centre (OCC) is the police SSAP for the partnership service area.

Methodology

The consultant shall analyze the existing service delivery model along with other options in order to provide the Central Island 9-1-1 Partnership with the information necessary to develop recommendations for the long term sustainability of 9-1-1 call answer services provided through the partnership.

The long term sustainability of 9-1-1 call answer services would include, as a minimum, that which contains the following, as currently received:

1. provides an efficient and cost effective service;
2. maintains the high level of professional service delivery;
3. answers 9-1-1 calls within recognized industry standards;
4. includes comprehensive business continuity plans;
5. allows sufficient redundancy to ensure operations to the Central Island service area in the event of a catastrophe; and,
6. contains sufficient industry expertise.

Scope of Work

The consultant shall analyze options, and identify the benefits and challenges of each, for the delivery of PSAP (911 call answer) services in the Central Island 9-1-1 partnership area including but not limited to:

1. Continue with existing contract service delivery model in which the PSAP is managed by the ***RCMP's Island District OCC*** in the RCMP Nanaimo Detachment;
2. Contract the PSAP service to ***Capital Region Emergency Service Telecommunications*** (CREST) located in the Capital Regional District;
3. Contract the PSAP service to ***E-Comm 9-1-1, the Emergency Communications Centre for British Columbia Inc***, located in Metro Vancouver; and
4. any other viable option.

The consultant shall prepare a report that includes analysis of the options available, indicates best practices for implementation, considers financial and human resource implications and makes recommendations accordingly.

The consultant shall present the report to the Central Island 9-1-1 Partnership management committee.

The consultant shall allow for presentation of the report to each Board/Council of the Central Island 9-1-1 partners (City of Nanaimo, Regional District of Nanaimo and Cowichan Valley Regional District).

Budget

The budget allocated to this scope of work is $10,000 exclusive of applicable taxes and will be shared by the partners in accordance with the partnership agreement.

The City of Nanaimo will be the primary contact for the consultant.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-16, AT 4:00 P.M.

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

Members: Councillor W. L. Bestwick (arrived 4:04 p.m.)
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 4:01 p.m.)

Absent: Councillor G. W. Fuller

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
C. Richardson, Fire Chief
S. Samborski, Senior Manager of Culture & Heritage
P. Cooper, Communications Manager
G. Foy, Manager of Transportation
B. Corsan, Manager of Real Estate
D. Duncan, Manager of Financial Planning
B. Sims, Manager of Water Resources
M. Dietrich, Manager of Police Support Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 6 (a) Administration – Add Core Services Review Mandate Consultant.

(b) Agenda Item 10 (a) Other Business – Add Mayor McKay re: Provision of Fast Ferries Service.

01615 It was moved and seconded that the Core Services Review Mandate Consultant Report be the first item considered on the Special “In Camera” Council agenda.

3. ADOPTION OF AGENDA:

01715 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:

01815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2014-FEB-02 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

Councillor Bestwick entered the Douglas Rispin Room at 4:04 p.m.

5. ADMINISTRATION:

(a) Core Services Review Mandate Consultant

01915 It was moved and seconded that Council defer consideration of the Core Services Review Mandate Consultant report to the 2015-MAR-02 Special "In Camera" Council Meeting. The motion carried unanimously.

6. CORPORATE SERVICES:

7. COMMUNITY SERVICES:

(a) Access Options for Linley Valley West / Linley Valley Drive

Presentation:

1. Mr. D. Lindsay, Director of Community Development, and Mr. G. Foy, Manager of Transportation.

02115 It was moved and seconded that Council direct Staff to:

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;

3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,

4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

The motion was defeated.
Opposed: *Councillors Bestwick, Hong, Kipp, Yoachim*

Due to time limitations, the following items will be considered at a future "In Camera" Meeting:

- PSAP 9-1-1 Service Delivery Update

- Mayor McKay re: Provision of Fast Ferries Service

8. ADJOURNMENT:

02215 It was moved and seconded at 5:29 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

In-Camera Council

Linley Valley West Access / Linley Valley Drive Options

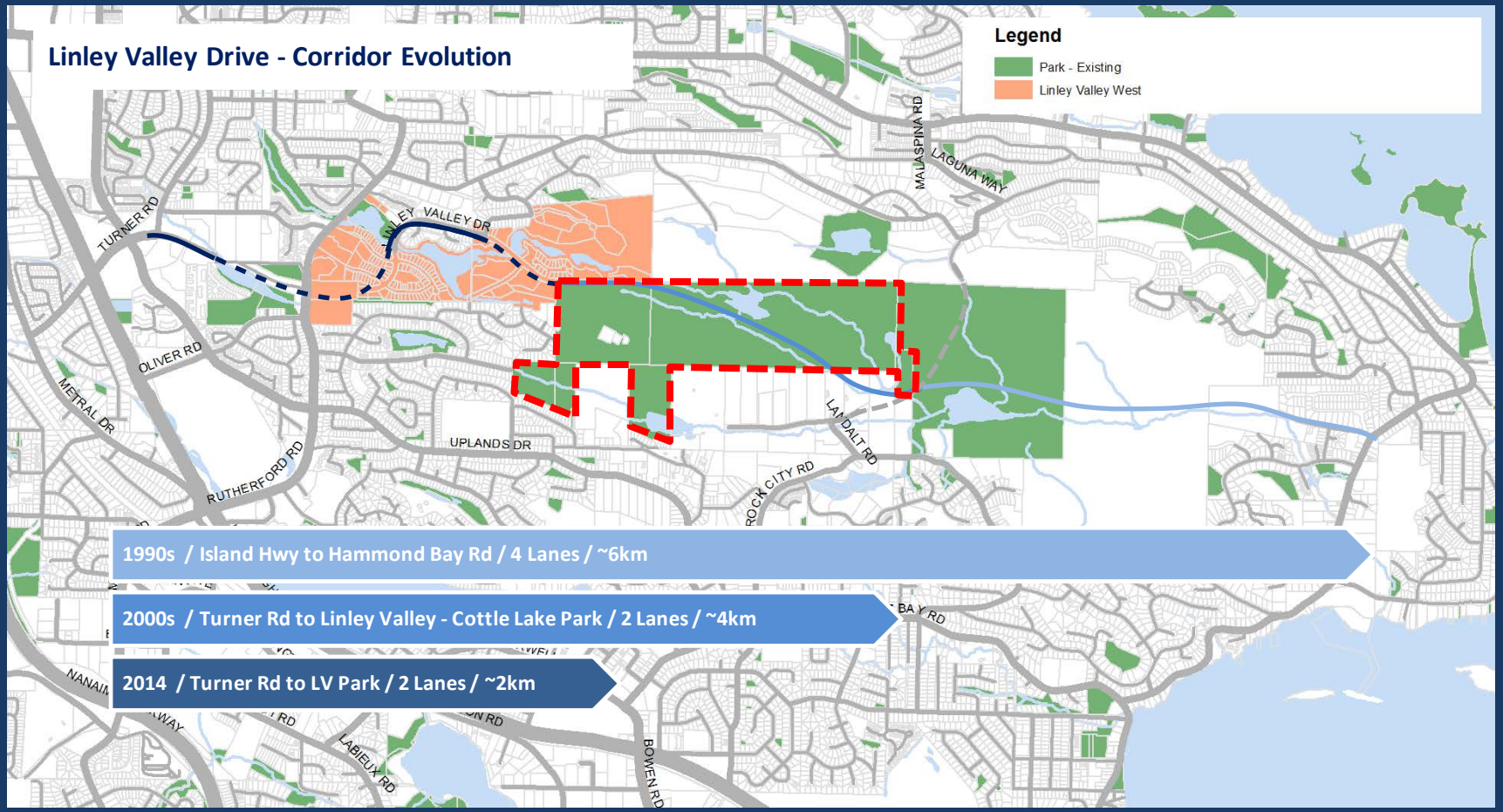
Monday February 16, 2015

Dale Lindsay
Director of Community Development
Gordon Foy P Eng
Manager of Transportation, Engineering

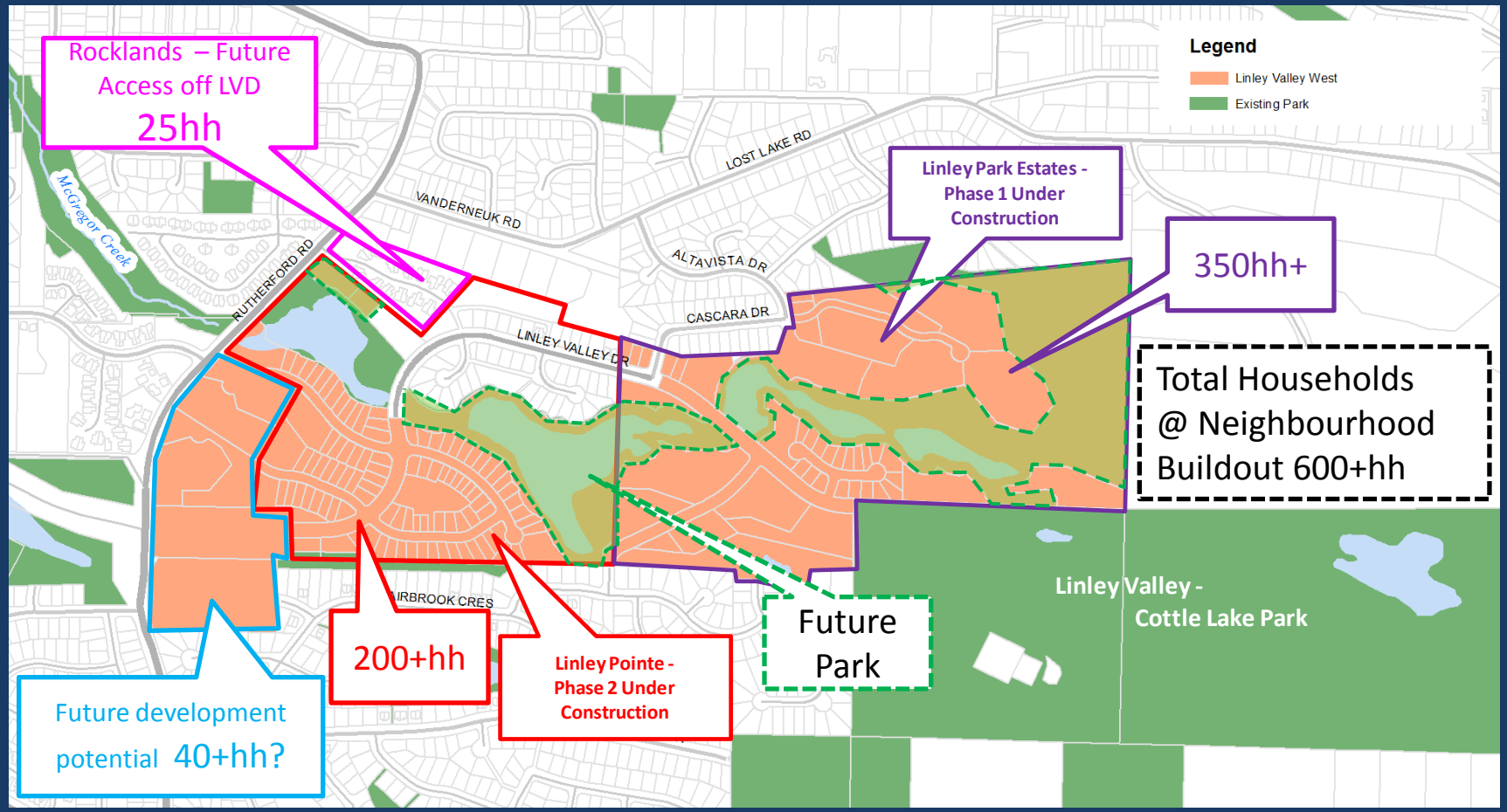
Presentation Outline

1. Historic Development Context
2. Current Development Context
3. Linley Valley West Access Options / Linley Valley Drive
4. Option Evaluation
5. Recommendations

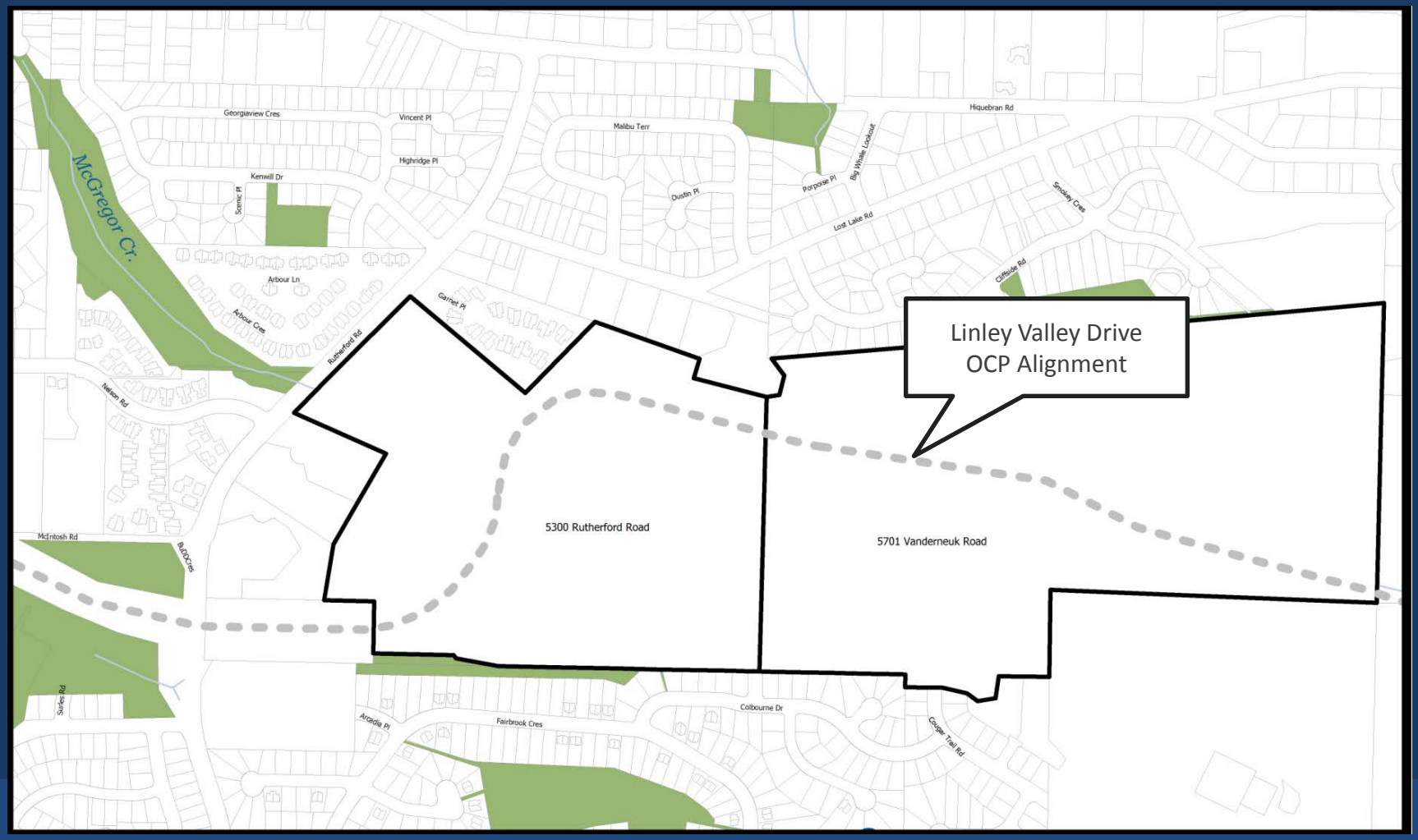
Historic Development Context



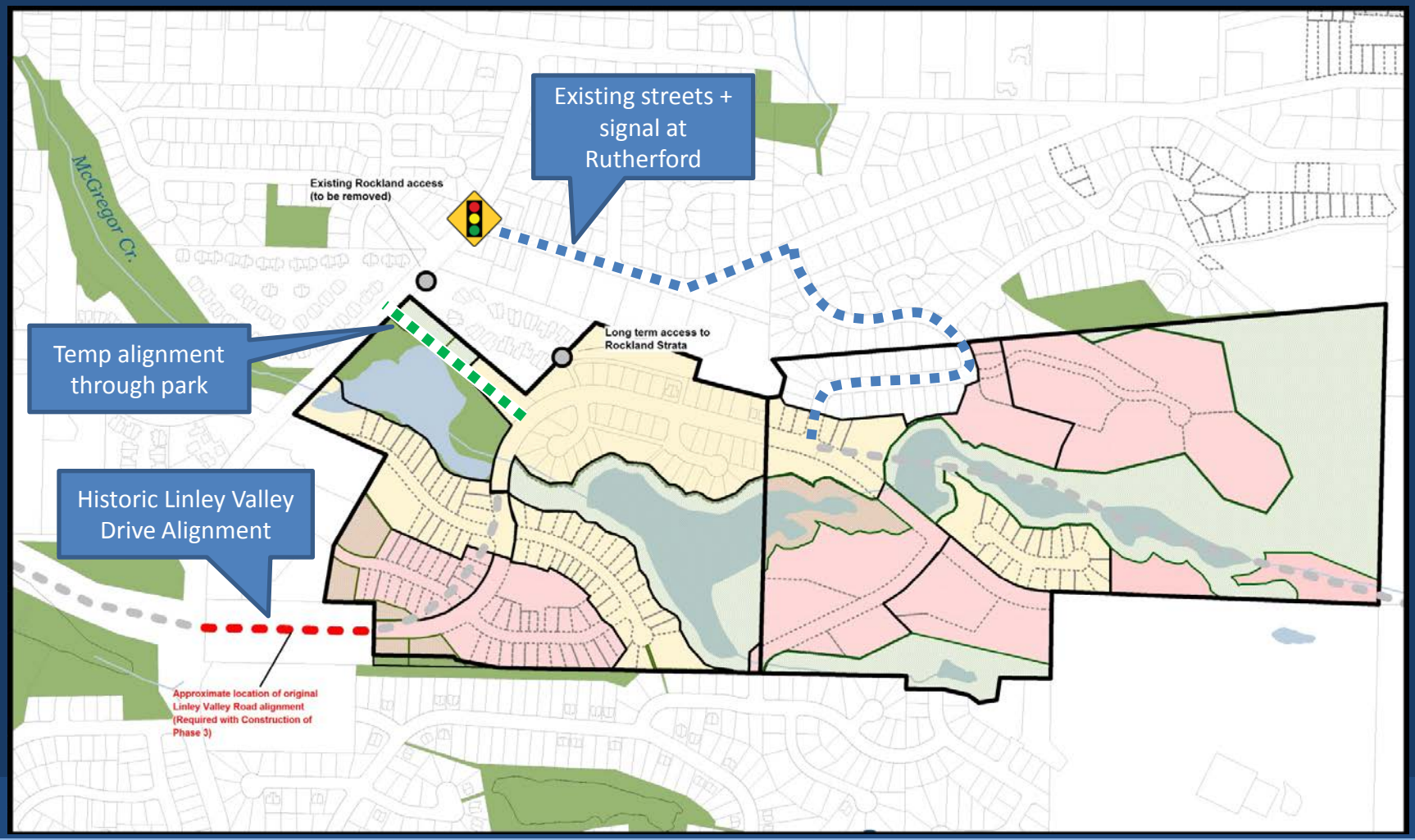
Current Development Context



Current Development Context



Current Development Context



Linley Valley West Access Options

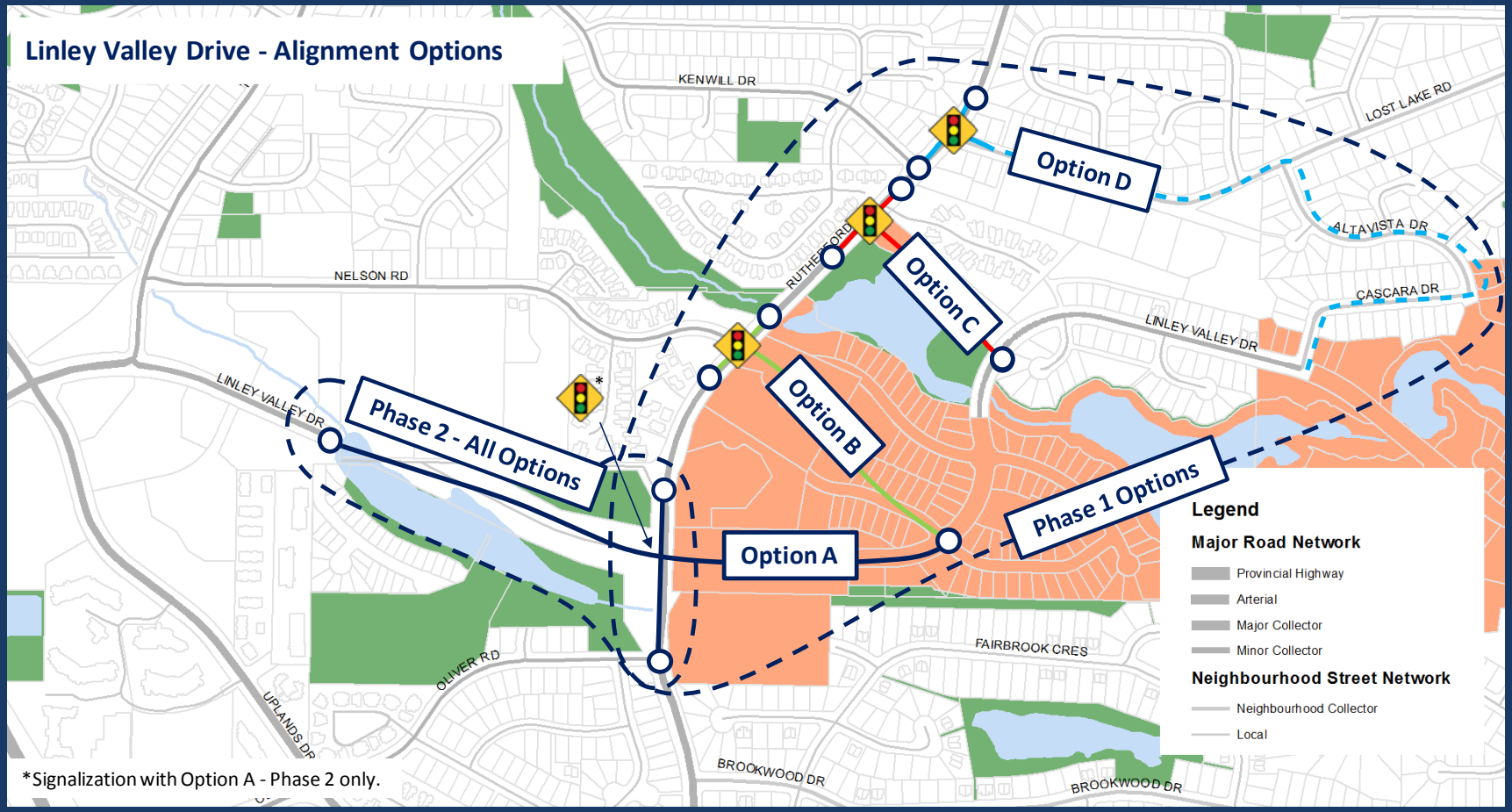
Fall 2014 – In-Camera Council

- Review access issues
- Review identified alignment options

Fall-Winter 2014/15

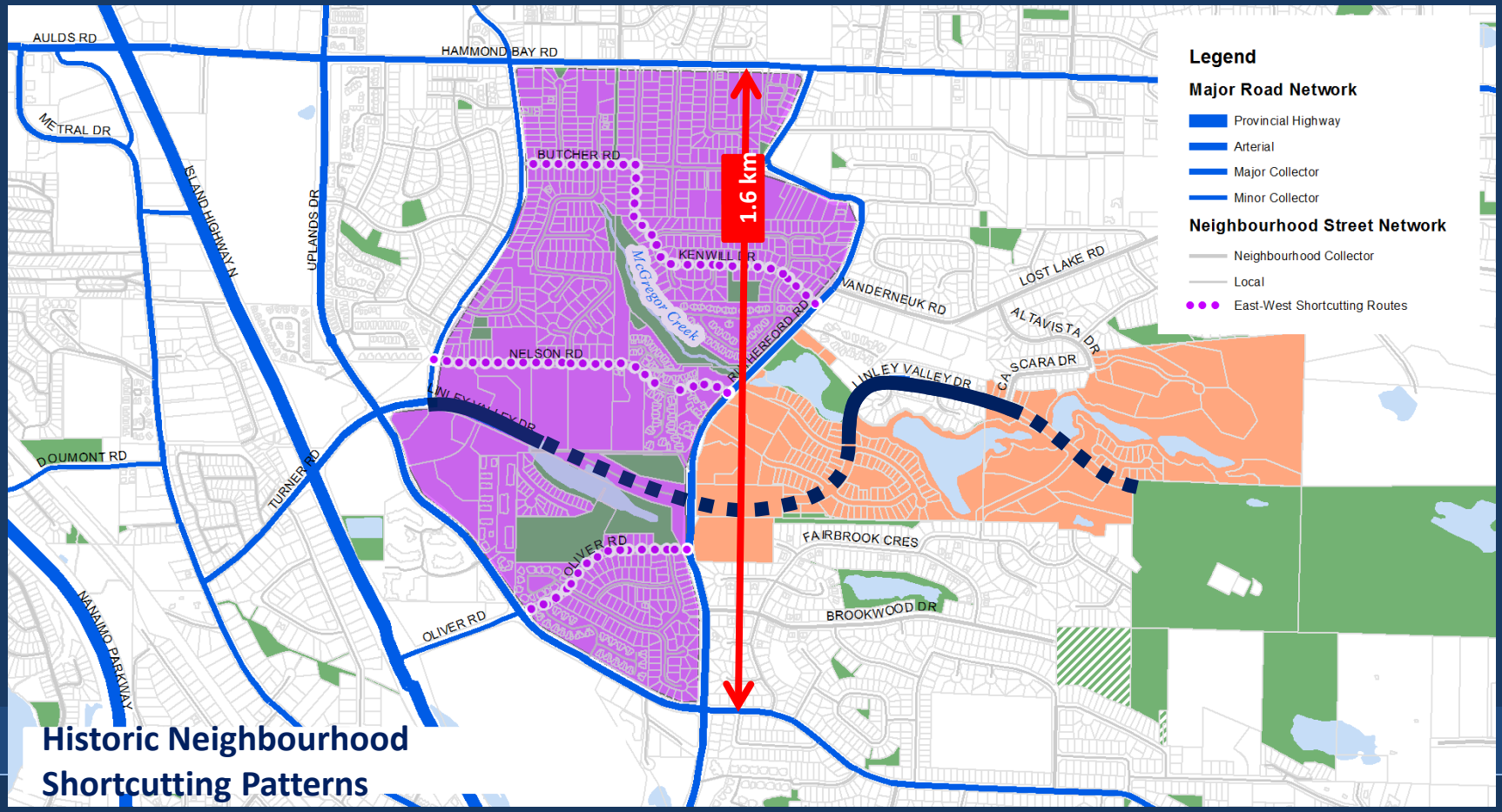
- Technical / financial options analysis
- Preliminary costing

Linley Valley West Access Options



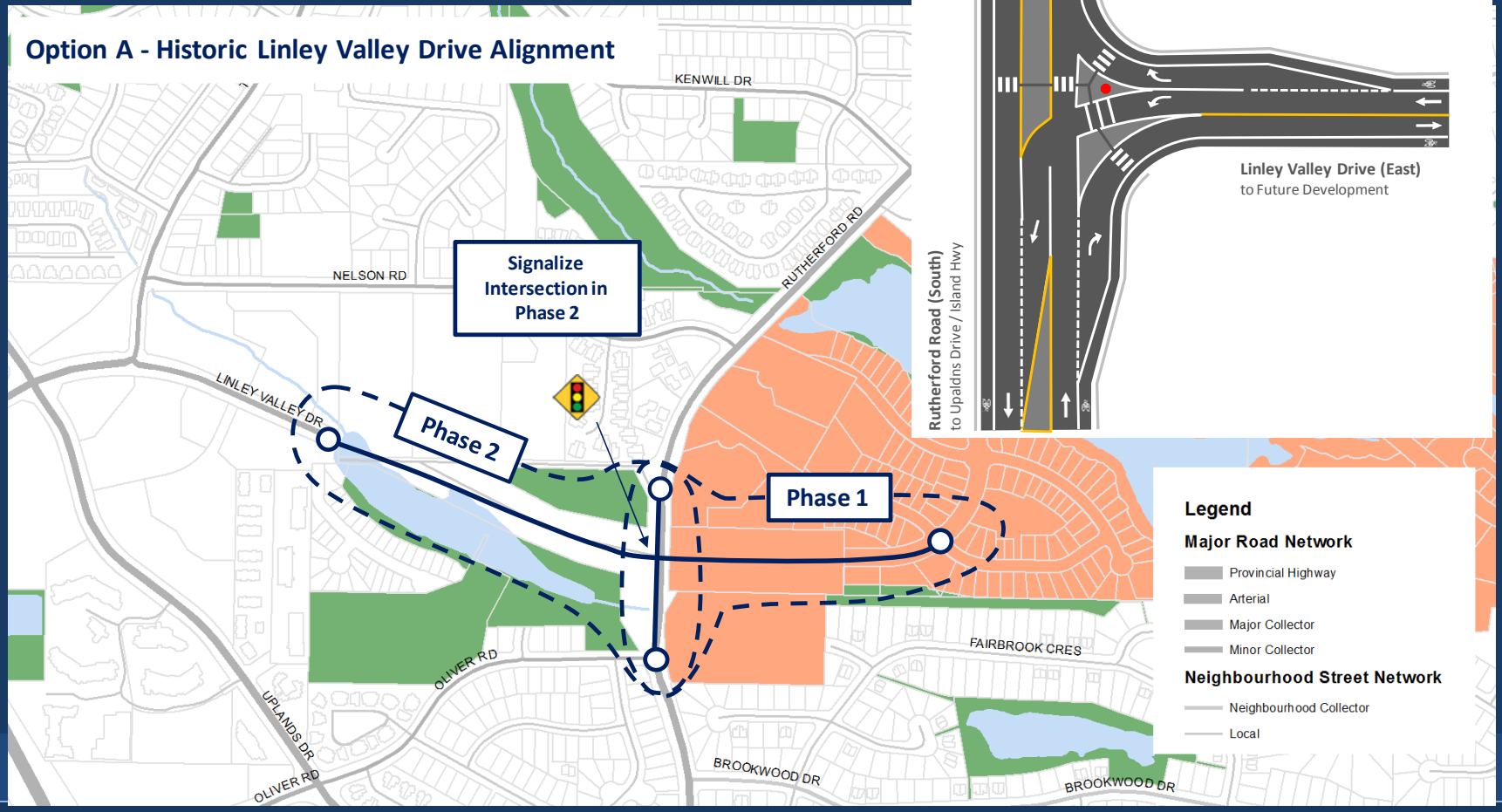
Linley Valley Drive

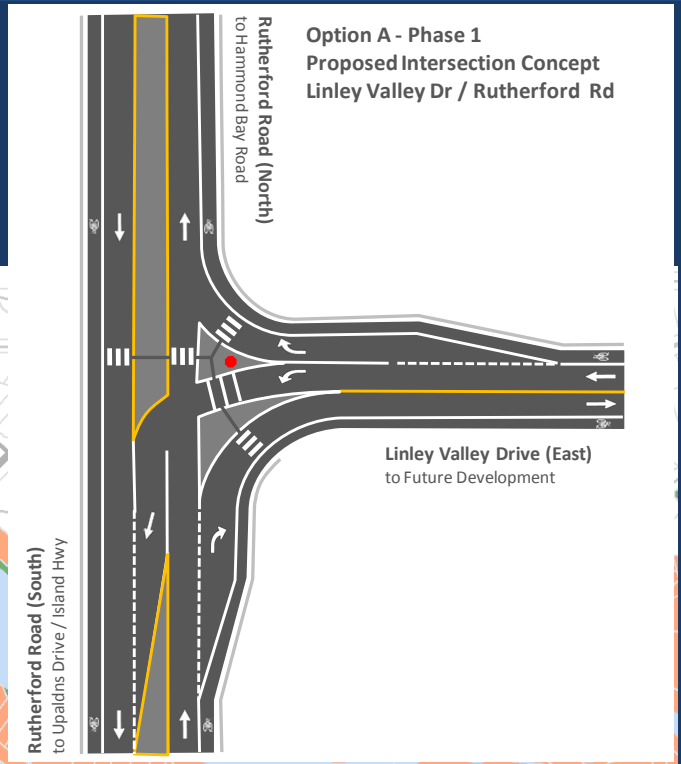
Turner Rd to Rutherford Rd (Phase 2)



Linley Valley Drive

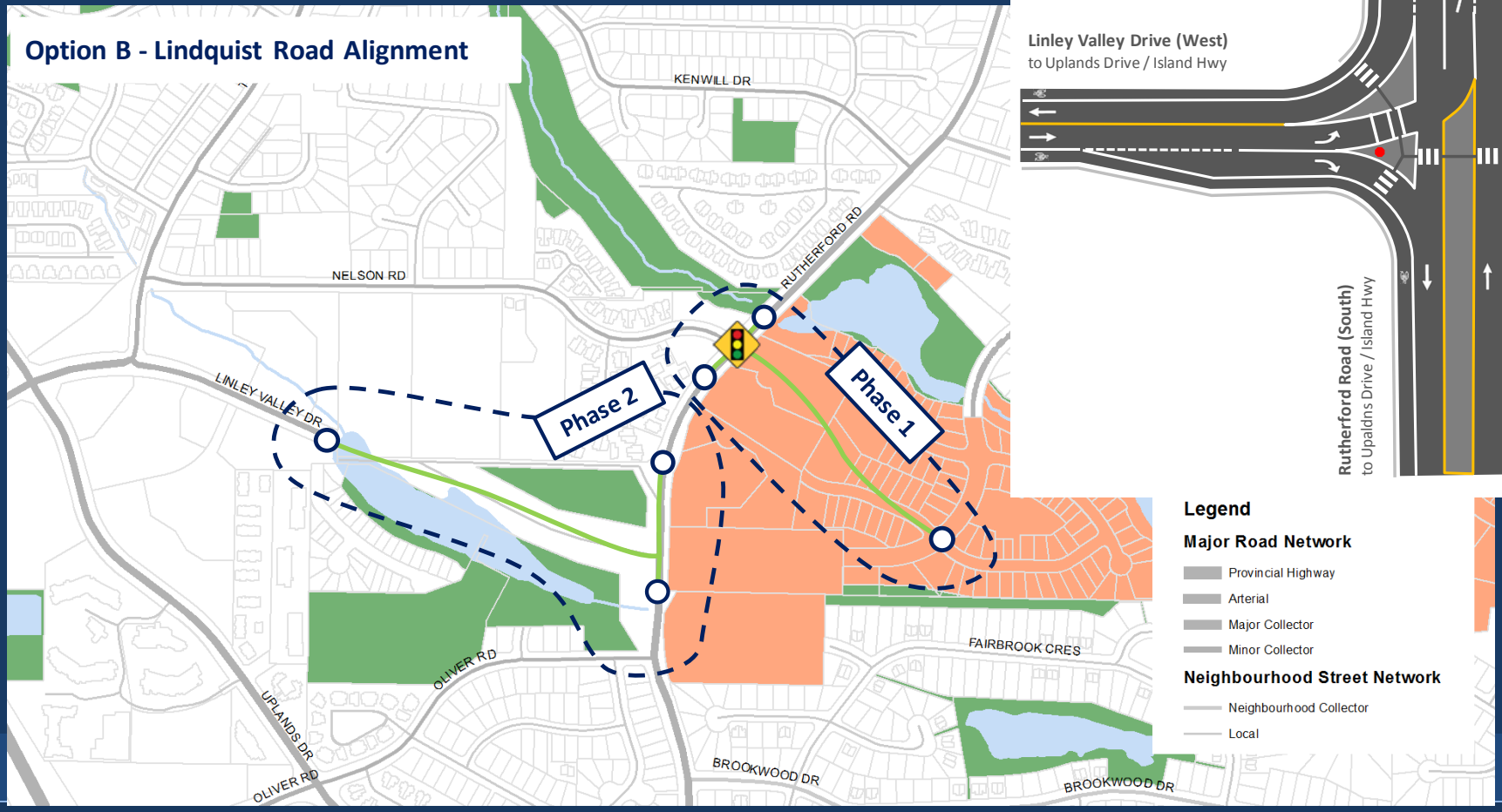
Option A – Historical LVD Alignment

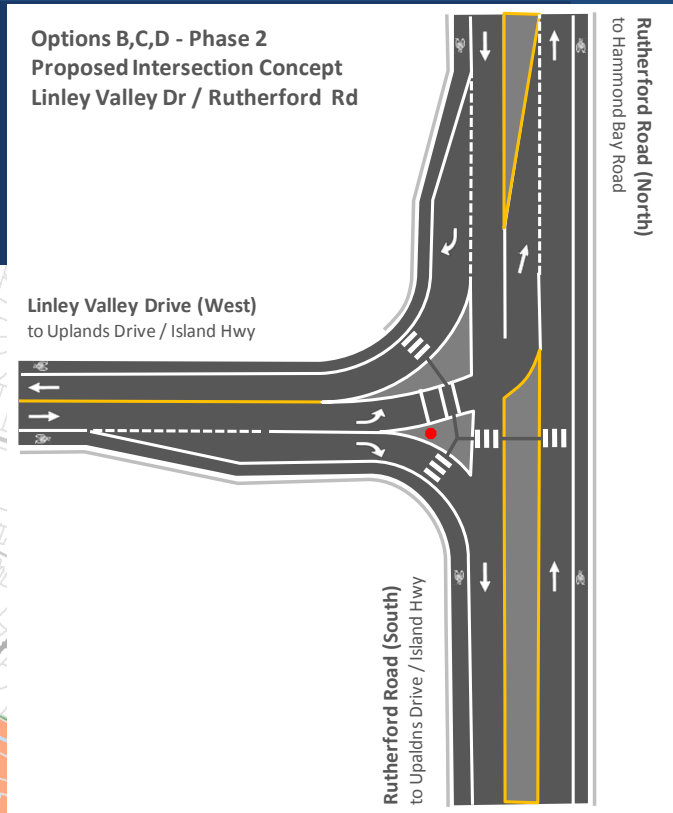




Linley Valley Drive

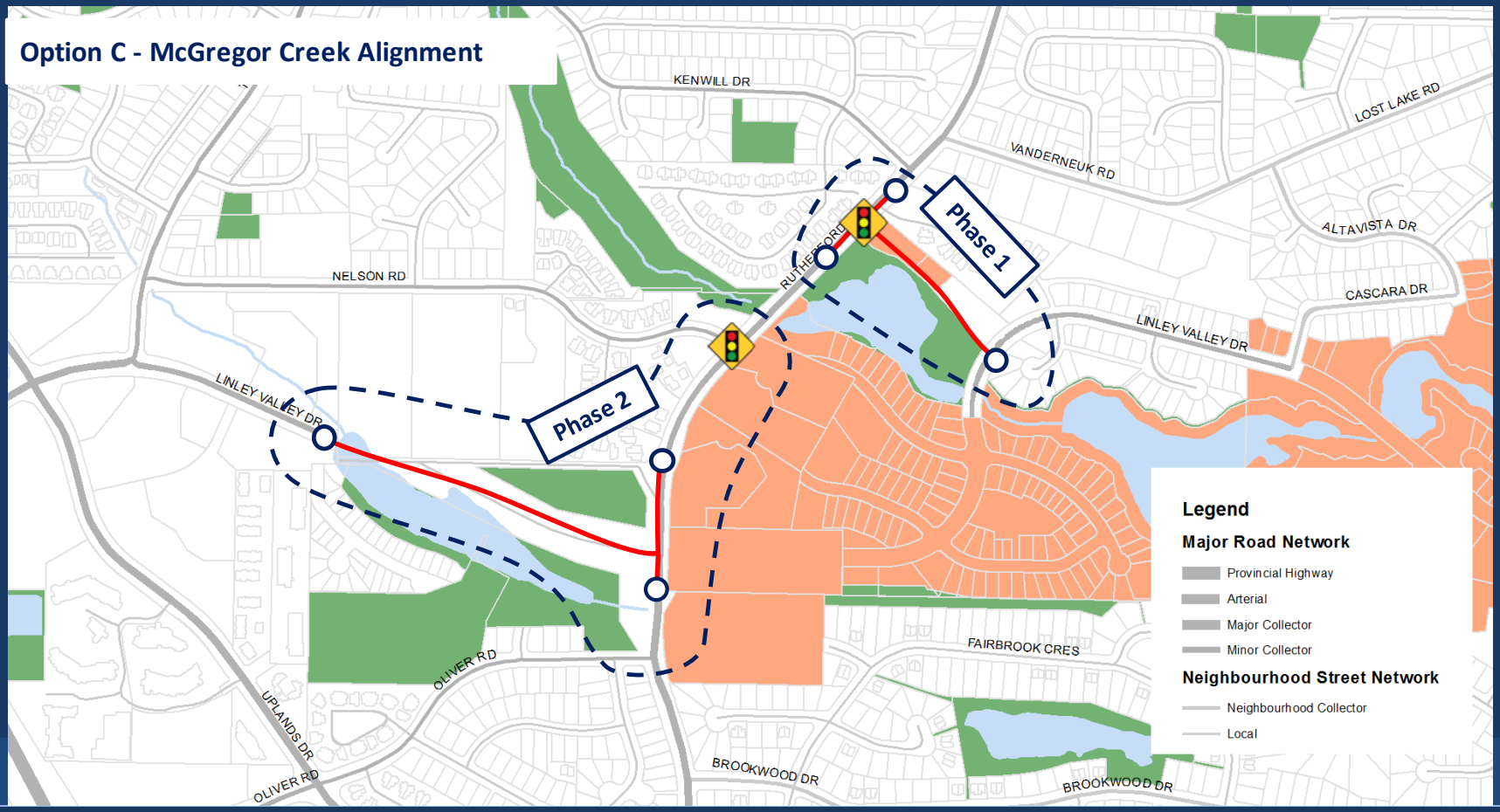
Option B – Lindquist Road





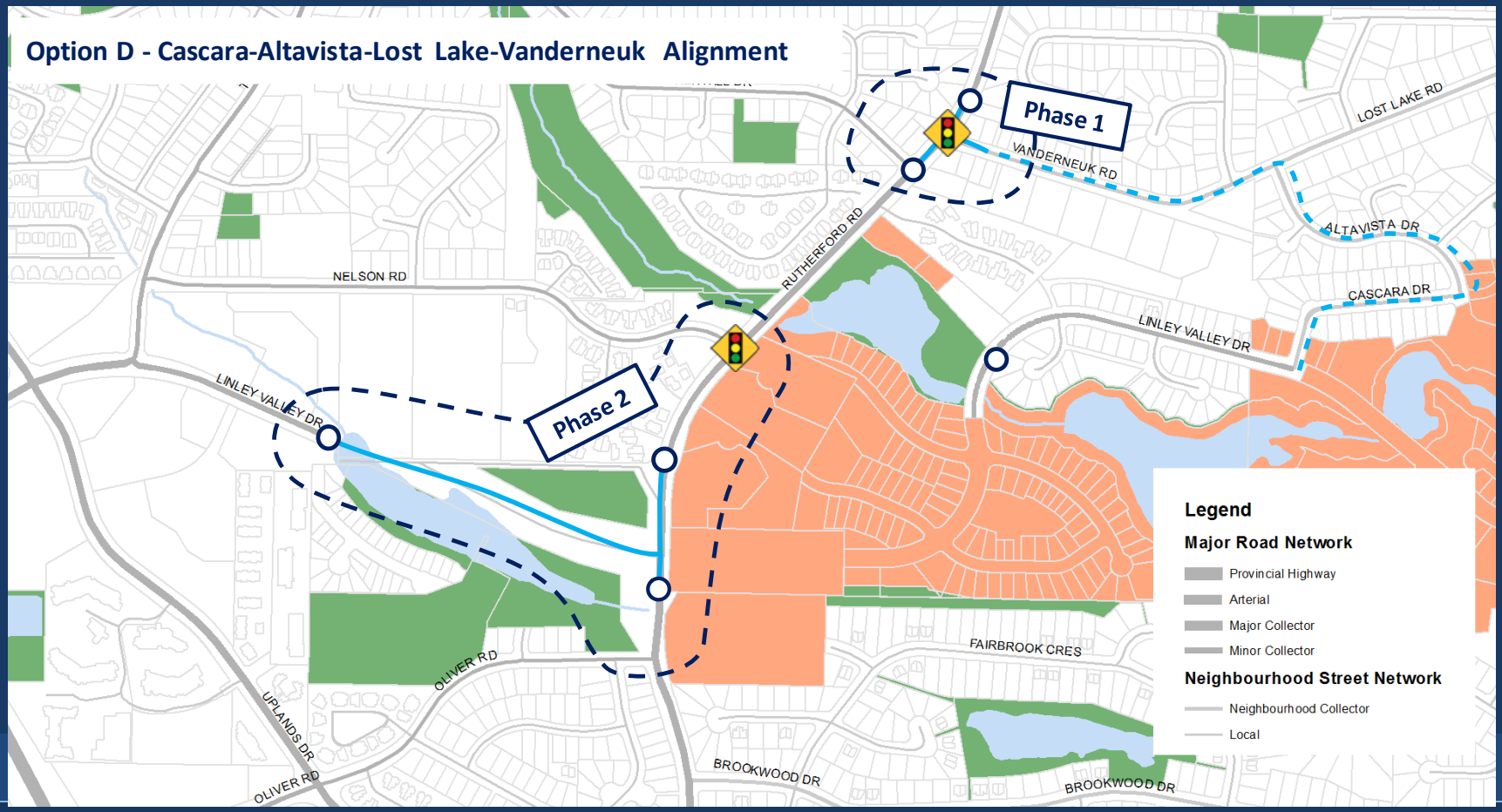
Linley Valley Drive

Option C – McGregor Creek



Linley Valley Drive

Cascara-Altavista-Lost Lake-Vanderneuk Alignment



Multiple Account Evaluation

Decision matrix frameworks that assesses quantitative and qualitative accounts to inform decision making process.

Transportation Performance	Neighbourhood Impacts
Preliminary Cost Estimates	Other Impacts

Multiple Account Evaluation

Option /Alignment	*Option A Linley Valley Drive – Historic Alignment*	*Option B Lindquist Road Alignment*	*Option C McGregor Creek Alignment*	*Option D Cascara- Altavista- Lost Lake- Vanderneuk Alignment*
Transportation Performance	**Best**	**Good**	**Best**	**Poorest**
Capital Costs				
Sub-Total Phase 1	**$5.6 million**	**$3.1 million**	**$1.5 million**	**$0.6 million**
Sub-Total Phase 2	$4.3 million	$2.9 million	$3.4 million	$3.4 million
Total Phase 1+2	**$9.9 million**	**$6.0 million**	**$4.9 million**	**$4.0 million**
Capital Costs	**Highest**	**High**	**Medium**	**Lowest**
Neighbourhood Impacts	**Low**	**Medium**	**Medium**	**High**
Other Impacts	**Significant cut-fill / construction impacts to support Phase 2 intersection at Rutherford / Linley Valley.**	**Alignment will trigger revision of development plans.**	**Alignment is located within proposed Park space and will trigger revisions to development plans.**	**Signalized Intersection of Vanderneuk / Rutherford Road may see long-term capacity issues.**

Pubic and Stakeholder Input

- Current analysis considers technical and financial accounts but public / stakeholder input is absent.
- Stakeholders and the public have expressed interest in reviewing access options.
- Public consultation is recommended before identifying preferred option(s).

Recommendations

1. [redacted]

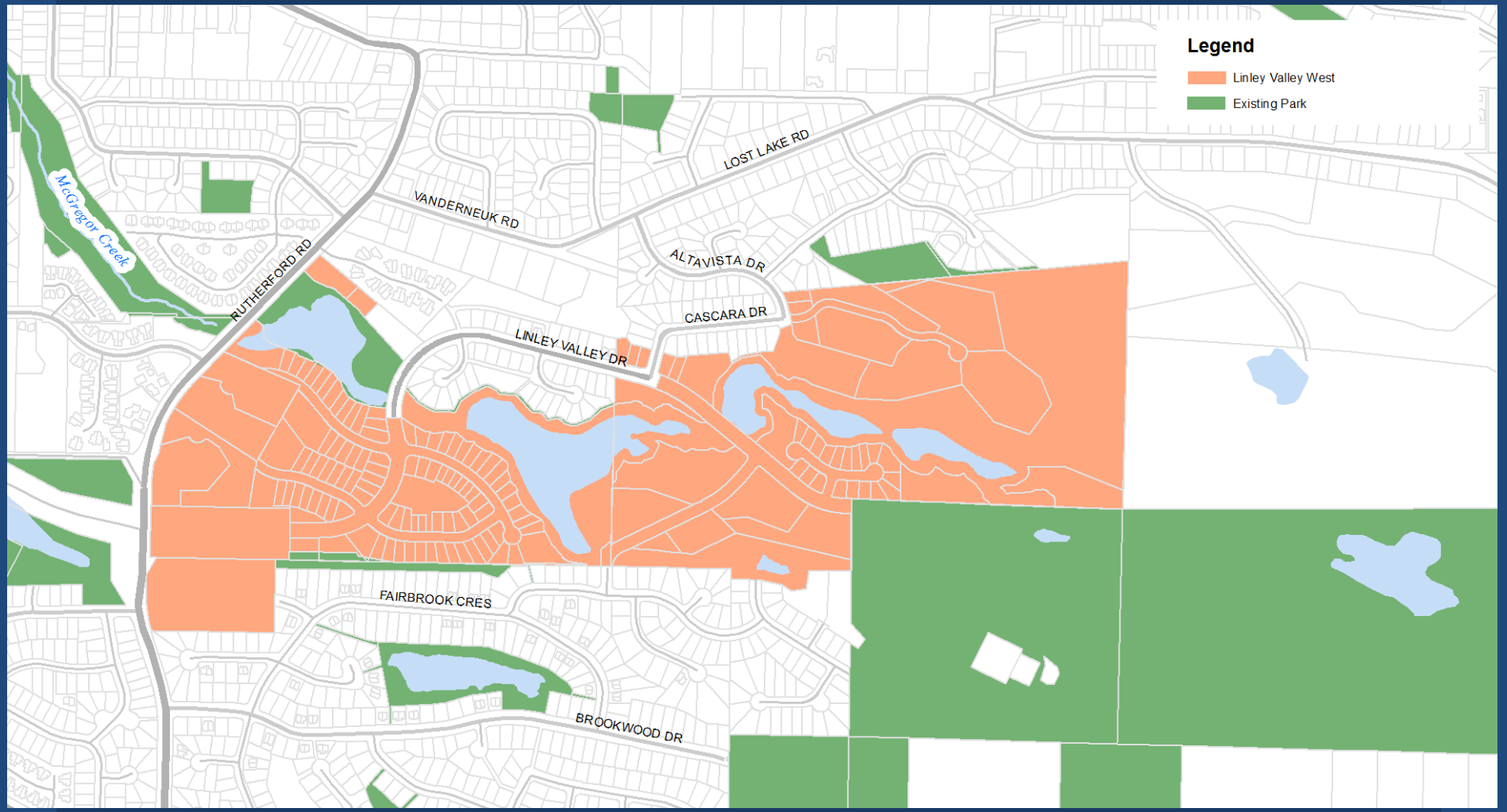
2. Bring forward to open council a presentation on Access Options for Linley Valley West / Linley Valley Drive.

3. Undertake a public and stakeholder consultation on Access Options for Linley Valley West / Linley Valley Drive.

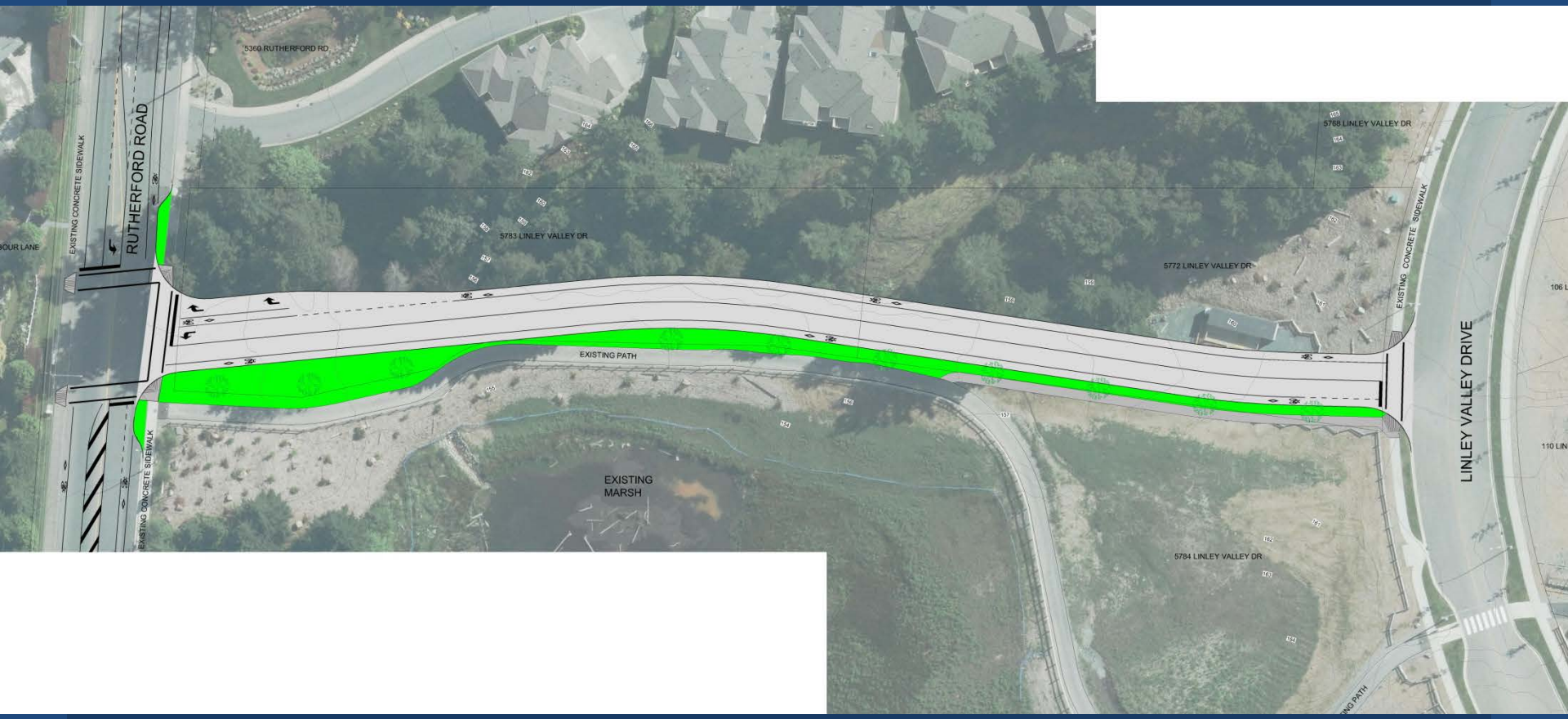
4. Return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

End
Cascara Dr

Linley Valley West Access Options



Linley Valley West Access Options



Linley Valley West Access Options

Linley Valley West Access Options

Linley Valley West Access Options

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
TRAINING ROOM, CITY HALL
455 WALLACE STREET, NANAIMO, BC
MONDAY, 2015-FEB-23, AT 4:30 P.M.

---

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).

2. **ADMINISTRATION:**

(a) Council Strategic Direction.

3. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
TRAINING ROOM, CITY HALL
455 WALLACE STREET, NANAIMO, BC
MONDAY, 2015-FEB-23, AT 4:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp (vacated 6:33 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated 6:48 p.m.)

Absent: Councillor G. W. Fuller

Other: Mr. Tom Roper, Roper Greyell LLP

Staff: T. L. Hartley, Director of Human Resources & Organizational Planning

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

The Special "In Camera" Meeting was called to order at 4:34 p.m.

2. ADOPTION OF AGENDA:

02315 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADMINISTRATION:

(a) Council Strategic Direction

Council discussion took place regarding strategic direction.

Councillor Kipp vacated the Training Room at 6:33 p.m.
Councillor Yoachim vacated the Training Room at 6:48 p.m.

4. ADJOURNMENT:

02415 It was moved and seconded at 7:29 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-02, AT 5:00 P.M.

---

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-16 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-6*

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-23 at 4:30 p.m. in the City Hall Training Room, 455 Wallace Street, Nanaimo, BC *Pg. 7*

3. **PRESENTATIONS:**

NONE

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

(a) **Core Services Review Mandate Consultant**

Purpose: To obtain direction on a facilitator to work with Council to develop a core services review mandate.

Staff Recommendation: That Council provide direction on the consultant to be retained (subject to satisfactory reference checks) to facilitate the development of a core services review mandate. *Pg. 8-54*

6. **CORPORATE SERVICES:**

NONE

7. **COMMUNITY SERVICES:**

Note: Due to time limitations, Items (a) and (b) were not considered during the Special "In Camera" Council Meeting held 2015-FEB-16.

(a)

Pg. 55-71

(b)

Pg. 72-85

(c) **Nanaimo Youth Advisory Council - Appointment of New Member**

Purpose: To inform Council of a vacancy on the Nanaimo Youth Advisory Council arising from a member's resignation, and to request the appointment of a replacement.

Committee Recommendation: That Council appoint Ms. Kennedy Barbosa to the Nanaimo Youth Advisory Council. *Pg. 86-88*

(d) **Verbal Update re: Gulfview Water Distribution**

Mr. G. Goodall, Director of Engineering & Public Works to provide a verbal update.

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

Note: Due to time limitations, Items (a) and (b) were not considered during the Special "In Camera" Meeting held 2015-FEB-16.

(a) Fast Ferries Discussion

(b)

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-FEB-16, AT 4:00 P.M.

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

Members: Councillor W. L. Bestwick (arrived 4:04 p.m.)
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 4:01 p.m.)

Absent: Councillor G. W. Fuller

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
C. Richardson, Fire Chief
S. Samborski, Senior Manager of Culture & Heritage
P. Cooper, Communications Manager
G. Foy, Manager of Transportation
B. Corsan, Manager of Real Estate
D. Duncan, Manager of Financial Planning
B. Sims, Manager of Water Resources
M. Dietrich, Manager of Police Support Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 6 (a) Administration – Add Core Services Review Mandate Consultant.

(b) Agenda Item 10 (a) Other Business – Add Mayor McKay re: Provision of Fast Ferries Service.

01615 It was moved and seconded that the Core Services Review Mandate Consultant Report be the first item considered on the Special “In Camera” Council agenda.

3. ADOPTION OF AGENDA:

01715 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:

01815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2014-FEB-02 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

Councillor Bestwick entered the Douglas Rispin Room at 4:04 p.m.

5. ADMINISTRATION:

(a) Core Services Review Mandate Consultant

01915 It was moved and seconded that Council defer consideration of the Core Services Review Mandate Consultant report to the 2015-MAR-02 Special "In Camera" Council Meeting. The motion carried unanimously.

6. CORPORATE SERVICES:

7. COMMUNITY SERVICES:

(a) Access Options for Linley Valley West / Linley Valley Drive

Presentation:

1. Mr. D. Lindsay, Director of Community Development, and Mr. G. Foy, Manager of Transportation.

02115 It was moved and seconded that Council direct Staff to:

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;

3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,

4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

The motion was defeated.
Opposed: *Councillors Bestwick, Hong, Kipp, Yoachim*

Due to time limitations, the following items will be considered at a future "In Camera" Meeting:

- PSAP 9-1-1 Service Delivery Update

- Mayor McKay re: Provision of Fast Ferries Service

8. ADJOURNMENT:

02215 It was moved and seconded at 5:29 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
TRAINING ROOM, CITY HALL
455 WALLACE STREET, NANAIMO, BC
MONDAY, 2015-FEB-23, AT 4:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp (vacated 6:33 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated 6:48 p.m.)

Absent: Councillor G. W. Fuller

Other: Mr. Tom Roper, Roper Greyell LLP

Staff: T. L. Hartley, Director of Human Resources & Organizational Planning

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

The Special "In Camera" Meeting was called to order at 4:34 p.m.

2. ADOPTION OF AGENDA:

02315 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADMINISTRATION:

(a) Council Strategic Direction

Council discussion took place regarding strategic direction.

Councillor Kipp vacated the Training Room at 6:33 p.m.
Councillor Yoachim vacated the Training Room at 6:48 p.m.

4. ADJOURNMENT:

02415 It was moved and seconded at 7:29 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"
City of Nanaimo
REPORT TO CITY COUNCIL

DATE OF MEETING: 2015-MARCH-02

AUTHORED BY: Terry Hartley, Director of HR & Organizational Planning

RE: Core Services Review Mandate Consultant

STAFF RECOMMENDATION:

That Council provide direction on the consultant to be retained (subject to satisfactory reference checks) to facilitate the development of a core services review mandate.

PURPOSE:

To obtain direction on a facilitator to work with Council to develop a core services review mandate.

BACKGROUND:

At the open meeting of Council on February 2, 2015, the following motion was passed:

1. A core review be established as Council's number one priority for 2015, until the results of it are implemented.

2. No additional services will be undertaken by the City until the core review is completed.

3. Current service levels are not to be adjusted until a core review is completed.

4. Staffing levels for IAFF, CUPE and excluded staff are not to increase until a core review is completed.

5. A consultant is to be retained to assist Council with the development of a mandate to guide the development of terms of reference of a core review.

6. Staff are directed to bring forward terms of reference to undertake a core review based on the mandate developed in recommendation 5 and options for tendering the core review process.

7. A core review committee, made up of the entire Council and chaired by the Mayor will guide the development, review and implementation of a core review.

This report relates to paragraph 5 of the Council motion. It was originally scheduled as a late report to be reviewed at the February 16, 2015 Council meeting; however, Council decided to defer a decision until the March 2, 2015 Council meeting. This provided additional time for staff to identify prospective consultants.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-MAR-02

DISCUSSION:

Staff has been engaged in identifying prospective consultants to assist Council in the development of a mandate for the core services review. It appears there is a relatively narrow field of consultants with the required experience and skills to do this work. qualified consultants were initially named, and these individuals were asked to submit competitive bids to the City by Friday, February 13, 2015. Subsequent to the February 16, 2015 Council decision to defer the selection until March, additional consultants were identified. These individuals were invited to submit proposals to the City by Monday, February 23, 2015. In addition, the consultants who had previously indicated an interest in the work were provided with the opportunity to make revisions to their proposals.

The consultants were asked to provide suitable references and to outline information relating to the following selection criteria:

- Approach
- Experience
- Fees & Availability

Proposals were received from consultants:

. The attached spreadsheet summarizes the proposals.

Staff is seeking Council direction on the preferred consultant. The decision would be subject to satisfactory reference checks.

Respectfully submitted,

Terry Hartley
Director of HR & Organizational Planning

Ted Swabey
City Manager

Drafted: February 13, 2015
Revised: February 24, 2015
TH

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-FEB-23

AUTHORED BY: Claudia Thompson, Chair, Youth Advisory Council

RE: NANAIMO YOUTH ADVISORY COUNCIL - APPOINTMENT OF NEW MEMBER

COMMITTEE RECOMMENDATION:
That Council appoint Ms. Kennedy Barbosa to the Nanaimo Youth Advisory Council.

PURPOSE:
To inform Council of a vacancy on the Nanaimo Youth Advisory Council arising from a member's resignation, and to request the appointment of a replacement.

BACKGROUND:
On 2014-MAY-05 Council appointed 12 youth to the Nanaimo Youth Advisory Council, and on 2015-JAN-12 Council appointed a new member, Tali Campbell, to replace a youth who had moved to . At that time Council identified an alternate, Kennedy Barbosa, in case Mr. Campbell declined the invitation to sit on the Youth Council. While Mr. Campbell accepted the appointment another member, Mackenzie Cumberland, has since resigned citing an ongoing schedule conflict that could not be resolved.

DISCUSSION:
The appointment of Kennedy Barbosa is consistent with Council's decision to select her as an alternate, and would allow the Youth Council to regain its full complement of members. Ms. Barbosa's previous application is attached for Council's information.

Strategic Plan Considerations
The development of a Youth Advisory Council supports the Strategic Priority; Community Building Partnerships.

Respectfully submitted,

Claudia Thompson

CHAIR
Nanaimo Youth Advisory Council

Drafted: 2015-FEB-17
G:\CommPlan\Social\Council reports
Initials JWH

☐ Council
☑ Committee of the Whole
☐ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2015-Feb-23

IC Council 2015-MAR-02

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-02, AT 5:00 P.M.

PAGES

8. **OTHER BUSINESS:**

(b)

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-02, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp (vacated 5:19 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor G. W. Fuller

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. L. Hartley, Director of Human Resources & Organizational Planning
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Sims, Manager of Water Resources
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:04 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 10 (b) Other Business –

3. ADOPTION OF AGENDA:

02515 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.

02615 It was moved and seconded that Council move Agenda Item 7 (c) Nanaimo Youth Advisory Council – Appointment of New Member to follow Agenda Item 2 - Adoption of the Minutes. The motion carried unanimously.

02715 It was moved and seconded that Council move Agenda Item 9 (a) Fast Ferries Discussion to follow Agenda item 7 (c) Nanaimo Youth Advisory Council – Appointment of New Member. The motion carried.
Opposed: *Councillors Brennan, Pratt, Thorpe*

02815 It was moved and seconded that Council move Agenda Item 9 (b) to follow Agenda Item 9 (a) Fast Ferries Discussion. The motion carried.
Opposed: *Councillors Brennan, Pratt, Thorpe*

02915 It was moved and seconded that Council move Agenda Item 9 (c) to follow Agenda Item 9 (a) Fast Ferries Discussion. The motion was defeated.
Opposed: *Mayor McKay, Councillors Brennan, Pratt, Thorpe*

Councillor Kipp vacated the Douglas Rispin Room at 5:19 p.m.

03015 It was moved and seconded that Council include in the agenda for discussion legal advice regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards letter, dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

03115 It was moved and seconded that Council move discussion of the legal advice regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards letter dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, to follow Agenda Item 7 (c) Nanaimo Youth Advisory Council – Appointment of a New Member. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

4. ADOPTION OF MINUTES:

03215 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-16 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

03315 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-23 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated.

03415 It was moved and seconded that Council postpone consideration of the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-23 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, until the next "In Camera" Meeting of Council to be held 2015-MAR-16. The motion was defeated.
Opposed: *Mayor McKay, Councillors Brennan, Pratt, Thorpe*

The vote was taken on the motion to adopt the Minutes as circulated. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

5. COMMUNITY SERVICES:

(a) Nanaimo Youth Advisory Council - Appointment of New Member

03515 It was moved and seconded that Council appoint Ms. Kennedy Barbosa to the Nanaimo Youth Advisory Council. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Legal Advice re: Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards Correspondence

Mr. E. C. Swabey, City Manager, spoke regarding legal advice obtained as a result of correspondence dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards.

03615 It was moved and seconded that Council receive for information the City Manager's verbal report regarding the legal advice obtained as a result of correspondence dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards. The motion carried unanimously.

(b) Fast Ferries Discussion

Mayor McKay provided a verbal update regarding the Fast Ferries.

(c)

7. ADMINISTRATION:

(a) Core Services Review Mandate Consultant

03715 It was moved and seconded that Council postpone consideration of the core services review mandate consultant to the "In Camera" Committee of the Whole Meeting to be held 2015-MAR-09 and that reference checks be completed on

The motion carried unanimously.

8. COMMUNITY SERVICES:

(a)

(b)

(c) Verbal Update re: Gulfview Water Distribution

Mr. G. Goodall, Director of Engineering & Public Works provided a verbal update regarding Gulfview Water Distribution.

6. OTHER BUSINESS: (continued)

Due to time limitations the following item will be considered at a future "In Camera" Meeting.

(d)

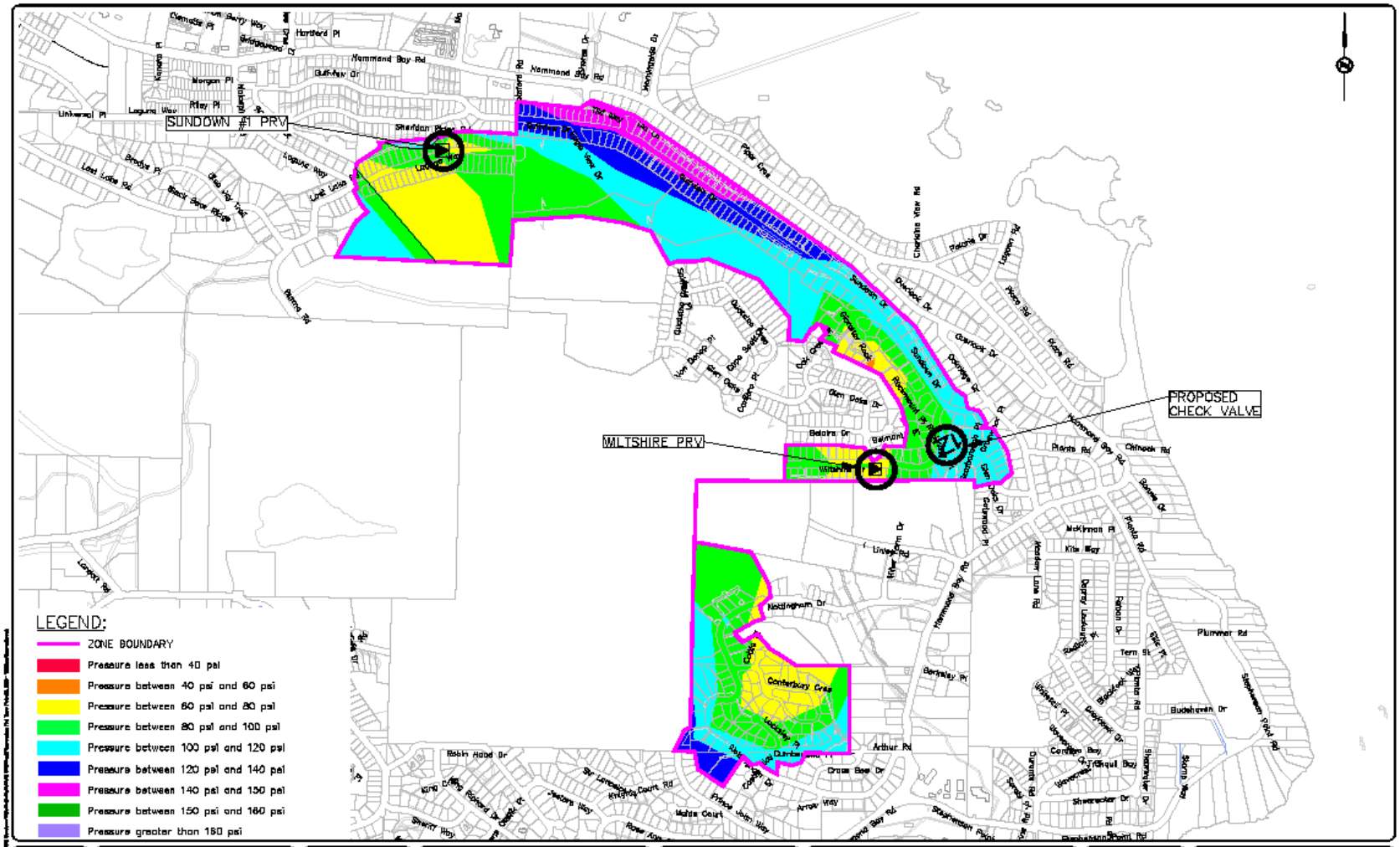
9. ADJOURNMENT:

04015 It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER



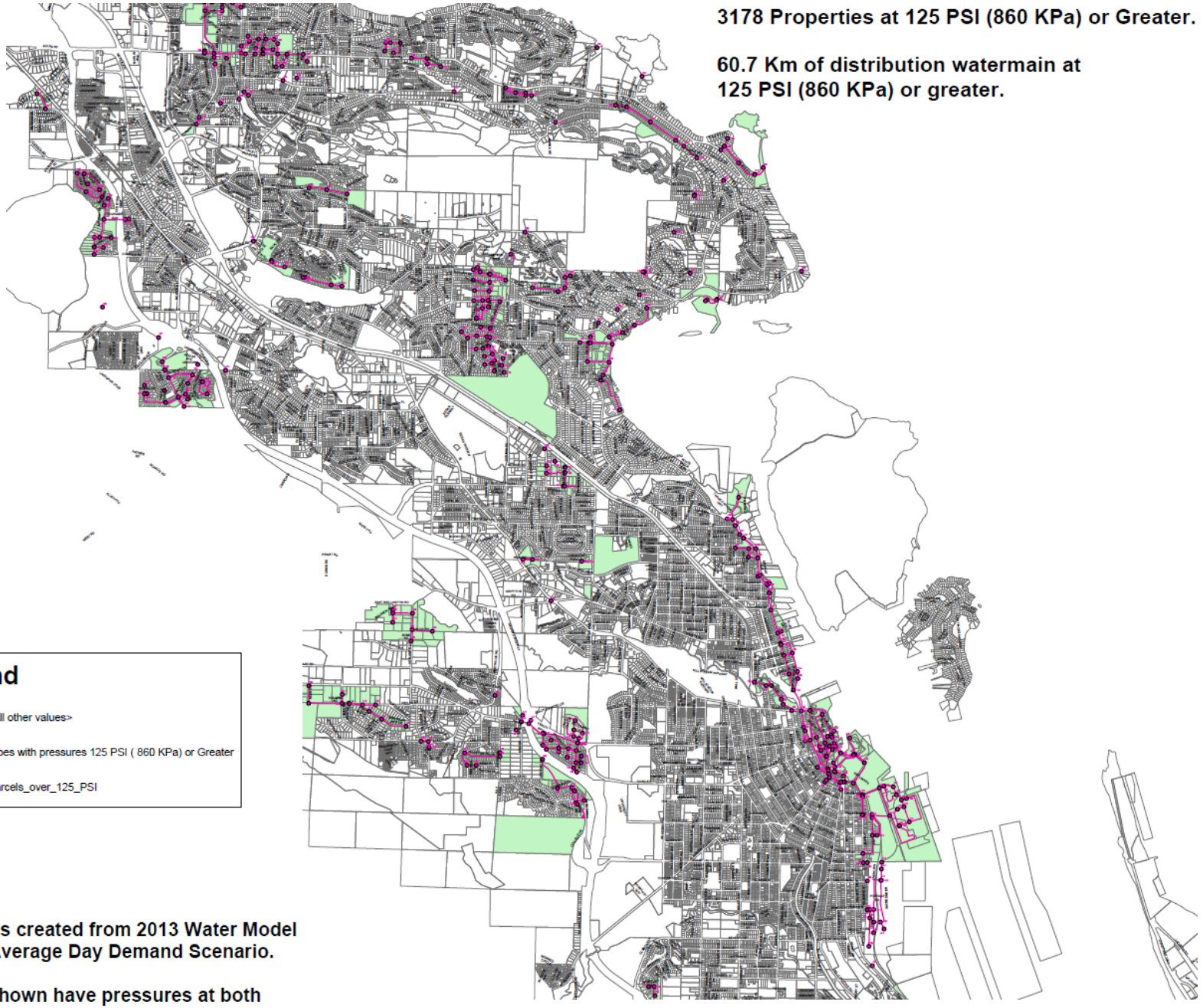
KERR & ASSOCIATES ENGINEERING LTD.

CITY OF NANAIMO

Sundown #1 PRV at 138 m HGL
Check Valve at Redridge and Glen Oaks

DULFVIEW AND SUNDOWN WATERMAIN REVIEW
Option 4 – Peak Hour Pressures

Figure 3



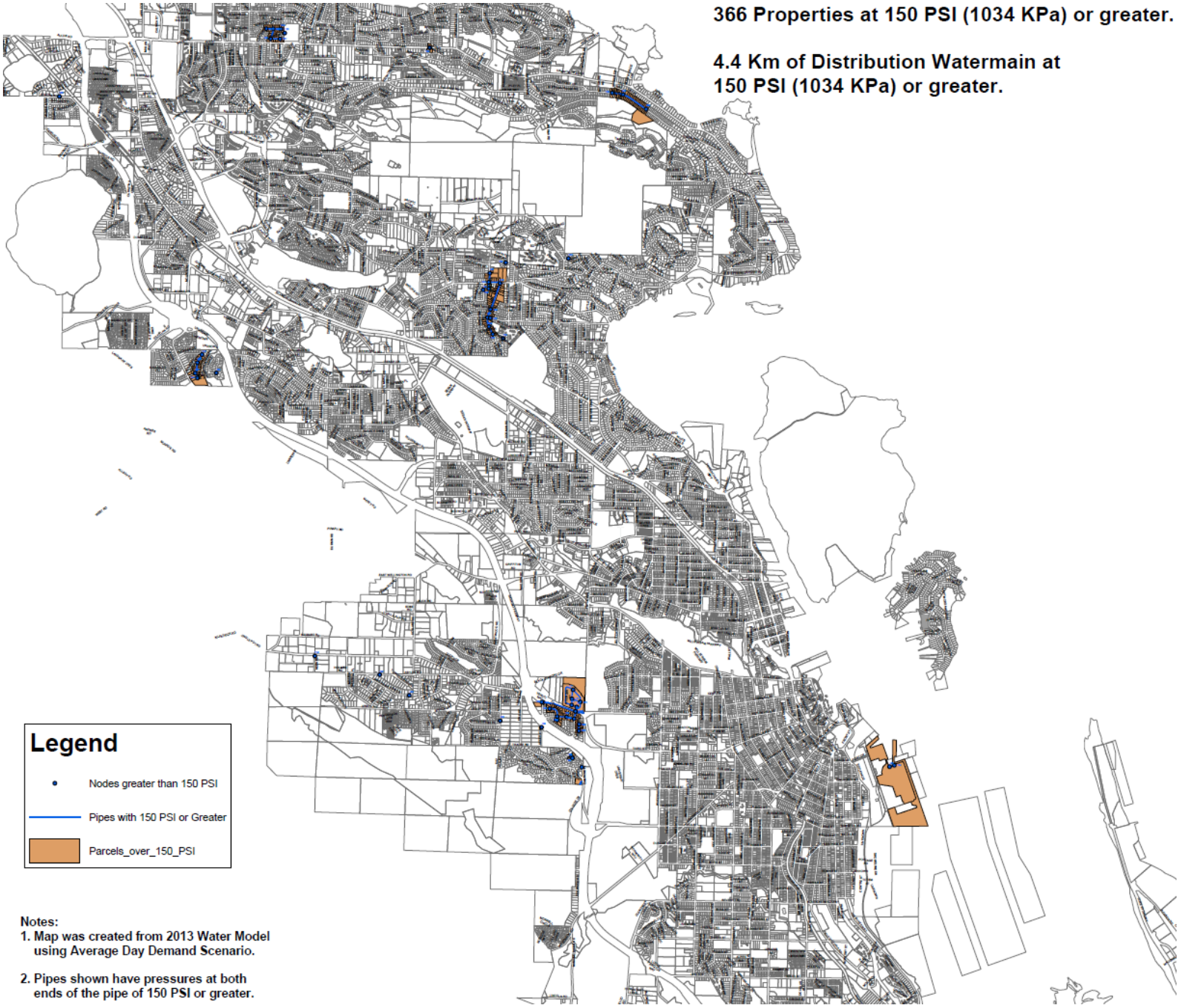
Notes:

1. Map was created from 2013 Water Model using Average Day Demand Scenario.

2. Pipes shown have pressures at both ends of the pipe of 125 PSI or greater.

366 Properties at 150 PSI (1034 KPa) or greater.

4.4 Km of Distribution Watermain at 150 PSI (1034 KPa) or greater.



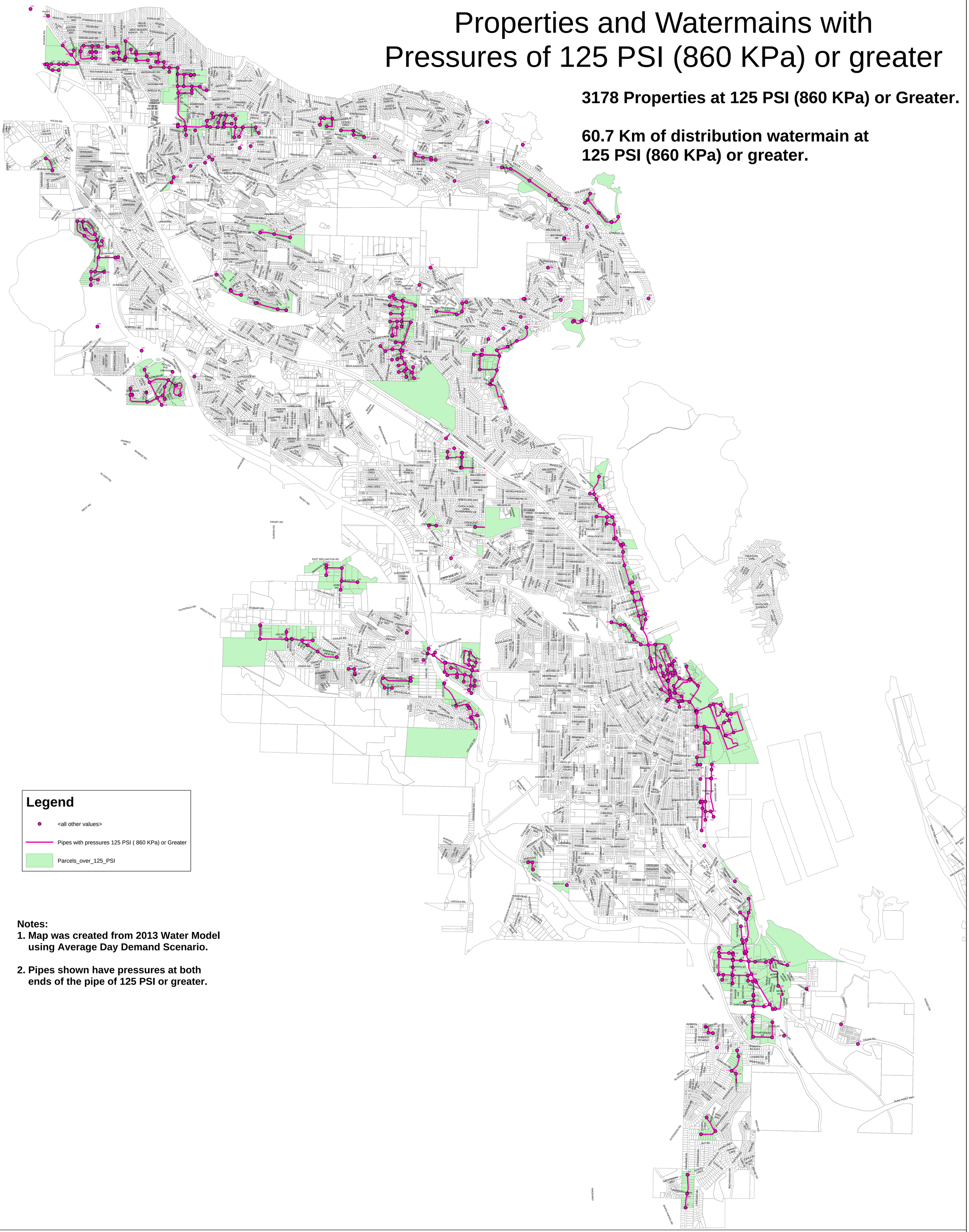
Notes:
1. Map was created from 2013 Water Model using Average Day Demand Scenario.

2. Pipes shown have pressures at both ends of the pipe of 150 PSI or greater.

Properties and Watermains with Pressures of 125 PSI (860 KPa) or greater

3178 Properties at 125 PSI (860 KPa) or Greater.

60.7 Km of distribution watermain at 125 PSI (860 KPa) or greater.



Notes:

1. **Map was created from 2013 Water Model using Average Day Demand Scenario.**
2. **Pipes shown have pressures at both ends of the pipe of 125 PSI or greater.**

Data Sources:
Common GDB
ADD Report from 2013 Watergems Model

Document Path: G:\Infrastructure Planning\Water\Properties over 120PSI\Properties over 124PSI - Nodes.mxd

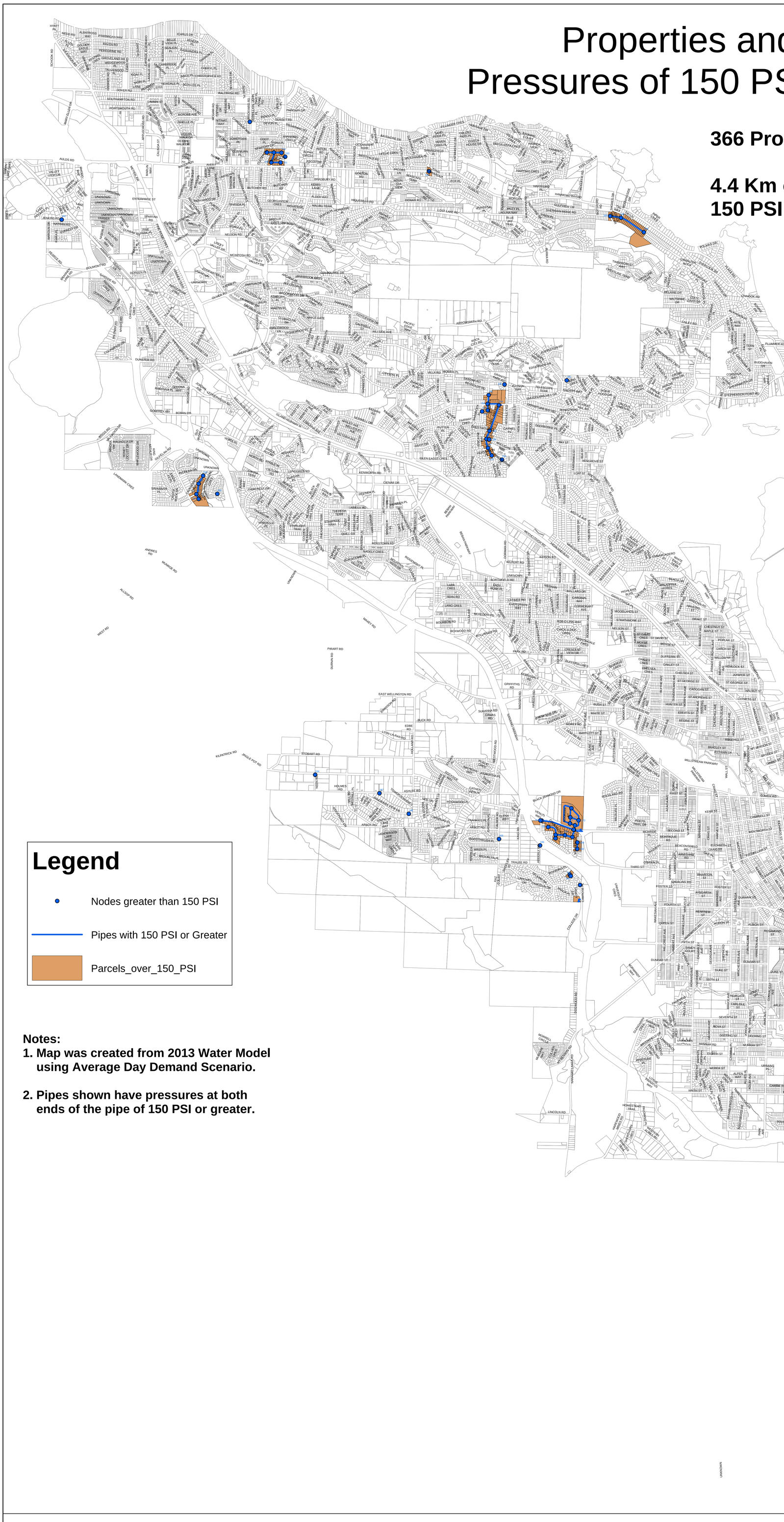
Drawn By:	**CLS**
Date:	**Feb 18, 2015**
Scale:	**NTS**

CITY OF NANAIMO
THE HARBOUR CITY
ENGINEERING & PUBLIC WORKS DEPARTMENT

Properties and Watermains with Pressures of 150 PSI (1034 KPa) or greater

366 Properties at 150 PSI (1034 KPa) or greater.

4.4 Km of Distribution Watermain at 150 PSI (1034 KPa) or greater.



Notes:

1. **Map was created from 2013 Water Model using Average Day Demand Scenario.**
2. **Pipes shown have pressures at both ends of the pipe of 150 PSI or greater.**

Data Sources:
Common GDB
ADD Report from 2013 Watergems Model

Document Path: G:\Infrastructure Planning\Water\Properties over 120PSI\Properties over 150PSI - Nodes.mxd

Drawn By:	**CLS**
Date:	**Feb 18, 2015**
Scale:	**NTS**

CITY OF NANAIMO
THE HARBOUR CITY
ENGINEERING & PUBLIC WORKS DEPARTMENT

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
FRIDAY, 2015-MAR-06, AT 10:00 A.M.

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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).

2. **PRESENTATIONS:**

(a) Mr. Reece Harding, City Solicitor, Young Anderson Barristers & Solicitors, to provide advice regarding correspondence dated 2015-FEB-25 from Mr. Glen Davidson, Comptroller of Water Rights, Office of the Comptroller of Water Rights, Water Management Branch, Ministry of Forests, Lands & Natural Resource Operations.

Note: *Correspondence attached for information.* *Pg. 2-7*

3. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR KIPP
2015-JAN-19 to 2015-MAR-08

BRITISH COLUMBIA

February 25, 2015

Files: 76915-20/D720001-00 &
D720002-00
Ref: 212730

RECEIVED
FEB 25 2015
CITY MANAGER
CITY OF NANAIMO

E.C. (Ted) Swabey
City Manager
City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

Dear Mr. Swabey:

Re: Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards

Thank you for your letter dated January 27, 2015 requesting an extension to our deadline of February 27, 2015 for the City of Nanaimo (the City) to prepare a revised plan that identifies and prioritizes the actions required to correct the potential safety hazards of both Middle Chase River (Middle) Dam and Lower Chase River (Lower) Dam. Thank you also for your letter dated February 6, 2015 outlining Council decision regarding mitigation of Middle and Lower Dams.

We are sorry to hear about a Councillor having a serious medical condition and hence the need to request an extension to our previous deadline. We wish him all the best in his recovery.

The City is to be commended for having gathered extensive information and undertaken many studies on Middle and Lower Dams to better determine the risks and to narrow down the options for remediation. Unfortunately it is not clear to us from Council's motion of February 2, 2015 what the City intends to do to address the potential safety hazards identified by City engineering consultants, Golder Associates (Golder), with respect to Middle and Lower Dams.

According to City and Golder documents available on the City's website, Golder was retained by the City to be technical advisor to the Colliery Dam Technical Committee (TC). The TC's mandate was to identify an environmentally minimally invasive, cost and time effective

Ministry of Forests, Lands & Natural Resource Operations
Resource Stewardship Division

Office of the Comptroller of Water Rights
Water Management Branch

Mailing Address:
PO Box 9340 Stn Prov Govt
Victoria BC V8W 9M1
Telephone: 250-387-6949
Facsimile: 250-356-0605

Location:
3rd Floor, 395 Waterfront Cres
Victoria BC V8T 5K7

☑ Council
☐ Committee.....
☑ Open Meeting
☐ In-Camera Meeting
Meeting Date: 2015-MAR-02
Special IC Council 2015-MAR-06

remediation solution for the Colliery (Middle and Lower) Dam system that meets safety standards, among other things. The mandate also included the development of a permanent solution that would be put in place in 2014, if possible, but not later than 2015, with shorter term mitigation put in place, if required, in 2014.

Over the course of a year, Golder undertook a number of studies and produced several reports on the Colliery Dams, Nanaimo, BC including:

- Dam Stability (July 25, 2014);
- Risk Assessment (July 25, 2014);
- Hydrology, Hydraulics and Middle Dam Breach Analysis (July 25, 2014);
- Report on Dam Remediation Options (August 29, 2014);
- Consequence Classification (November 21, 2014); and,
- Auxiliary Spillway - Conceptual Design (January 16, 2015).

It should be noted that Golder's focus was on the remediation of Lower Dam only as they determined Middle and Lower Dams act together as a system, with primarily Lower Dam controlling downstream consequences. For this reason, Golder determined that the remediation of Lower Dam would provide greatest reduction in risk to those living downstream of the dams, and remediation of this dam should be given highest priority. Golder indicated, in its report, Dam Remediation Options (August 29, 2014), that the remediation of the Middle Dam would be addressed separately at a later date.

At no time has Golder suggested that Middle and Lower Dam were reasonably safe and that nothing needed to be done. Golder's work, through the TC, was undertaken on the understanding that Lower Dam would be remediated. Its Risk Assessment Report states "*This risk assessment has been carried out based on the assumption that the Lower Dam is remediated to increase flood routing capacity...*" (pg i, Executive Summary, Report on Colliery Dams, Nanaimo, BC Risk Assessment, Golder, July 25, 2014).

Further, Golder's Hydrology, Hydraulics and Middle Dam Breach Analysis (July 25, 2014) states (pg i, Executive Summary):

> *"These calculations have determined that the spillway for the Middle Dam has the capacity to convey the flows associated with approximately the 50-year (2% annual exceedance probability) rainfall event. Storms larger than the 50-year overtop the dam embankment. The spillway for the Lower Dam has the capacity to convey the flows associated with approximately the 25-year (4% annual exceedance probability) rainfall event. Storms larger than the 25-year overtop the dam embankment."*

At these spillway capacities, neither Middle nor Lower Dam come close to meeting the annual exceedance probability target levels for floods for high and very high failure consequence classification dams as provided by the Canadian Dam Association (CDA) and accepted as general practice in the Province of BC. These target levels are available in Table 6-1B, Dam Safety Guidelines 2007 (2013 Edition), Canadian Dam Association (pg 64) and have been attached for your reference. Further, the Canadian Dam Association states: "*The ability to safely route floods through a reservoir system is of paramount importance for dam safety*" and goes on to provide design and operating points for flow control structures (including spillways) (pg 67, Dam Safety Guidelines 2007 (2013 Edition), Canadian Dam Association). Insufficient flood routing capacity is considered a potential safety hazard in British Columbia.

Golder recommends three dam remediation requirements for the Lower Dam, one which includes increasing the flood routing capacity to the target level given by the CDA. With respect to flood routing capacity, Golder states (pg 17, Colliery Dams, Nanaimo, BC, Report on Dam Remediation Options, Golder, August 29, 2014):

> *"...the risk of dam collapse due to flood events is significant and must be addressed by dam remediation to improve flood routing characteristics of the dam. The required flood routing capacity is given by the Table 6.1 CDA Guidelines, and is based on the Consequence Classification of the dam. For a Very High consequence dam, the dam must be able to pass a flood at least the equivalent of 2/3 of the way between a 1000 year and a PMF flood..."*

In its Dam Remediation Options Report (August 29, 2014) and its Auxiliary Spillway Conceptual Design Report (January 16, 2015), Golder provided the City with three options that would appropriately remediate the Lower Dam so that runoff from larger storm events could be accommodated. One other option, dam removal (with or without replacement), was presented in a report commissioned by the City: Conceptual Costing of Rehabilitation and Replacement Options, Klohn Crippen Berger (April 30, 2013). The proposed (a) labyrinth spillway, (b) surface hardening of the dam, (c) auxiliary spillway, and (d) removal, are all viable options for reducing the risk posed by the undersized spillway for the Lower Dam.

Given these extensive studies and identification of viable options, the City now has the necessary information for a decision to be made for the remediation of Lower Dam. Once Lower Dam remediation has been completed, further studies and development of options for the remediation of Middle Dam may be required.

The City's consultant reports have been carefully reviewed by Ministry staff and we are in agreement with Golder's analysis that the Middle and Lower Dam spillways are undersized with insufficient flood routing capacity. Therefore, section 7.1 of the BC Dam Safety Regulation still applies to both Middle and Lower Dams with respect to potential safety hazards, and the City must undertake the following steps:

- Select an option for remediation of Lower Dam;
- Prepare and submit to this office, a revised plan that clearly identifies and prioritizes all actions required to correct the potential safety hazard with Lower Dam. The plan must outline the timeline for taking those actions that will address the recommended dam remediation requirements, as described by Golder, within a reasonably expeditious time frame;
- Prepare and submit to this office, a revised conceptual plan that identifies and prioritizes any actions required to correct the potential safety hazard with Middle Dam, along with a timeline for taking those actions within a reasonably expeditious time frame, timed to follow after completion of actions to correct the potential safety hazard with Lower Dam; and,
- Implement both revised plans, based on the priorities identified in the plans, within a reasonably expeditious time frame and in accordance with section 4 of the BC Dam Safety Regulation, as applicable to any alteration, improvement or replacement to all or any part of a dam intended to correct a potential safety hazard and which must be implemented in a timely manner.

As per your request, a one month extension for the City to submit the revised plans (described above and required under section 7.1 of the BC Dam Safety Regulation) has been granted to no later than 4 pm, March 27, 2015.

For your information, failure to comply with the BC Dam Safety Regulation is potentially an offence under the *Water Act*. Such failure may result in compliance and enforcement action being taken, which could include: an Order to drain the reservoir (s. 88(1)(j), *Water Act*); possible charges under the *Water Act (*s.93, *Water Act)*; or possible initiation of proceedings to suspend or cancel your water licences (C61424 and C61423) (s. 23, *Water Act*).

Please be reminded that the failure consequence classification of Middle Dam has been lowered from 'extreme' to 'high' and the failure consequence classification of Lower Dam has been lowered to 'very high' based on Golder's assessments and reports but only if remediation of Lower Dam has been completed. Increasing flood flow capacity at Lower Dam reduces the probability that the Lower Dam will breach following from the cascade effect of a Middle Dam breach. Acceptance of the proposed failure consequence classification was based on the

understanding that the flood flow routing capacity of Lower Dam would be increased this year (2015), as outlined in Golder's remediation options and consistent with the TC's mandate. Should remediation of Lower Dam not occur this year, the failure consequence classification of Middle Dam will be assessed 'very high'.

In summary, the City's engineering consultant, Golder has determined that inflow floods from large storms will overtop both Middle and Lower Dam as both have undersized spillways. Golder has also determined that the risk of dam collapse is significant and must be addressed by dam remediation to improve flood routing characteristics of the dam. Insufficient flood routing capacity is considered a potential safety hazard. The City has completed numerous studies and now has sufficient information and options to make an informed decision on the course of action required to correct this potential safety hazard and bring the dams into compliance with the BC Dam Safety Regulation for the protection of public safety and the environment.

In the circumstances, the emergency evacuation signs in the community below the dams must remain until the potential safety hazards at the dams have been addressed. This was an agreed upon interim emergency measure taken in the fall of 2013, which must continue until the City has addressed these hazards.

To repeat, a revised plan for City action with an outline of a timeline for required steps to be taken to address these issues within a reasonably expeditious time frame, as described above, must be submitted to this office no later than 4 pm, March 27, 2015. Failure to comply may result in compliance and enforcement action being taken against the City.

Yours truly,

Glen Davidson, P.Eng.
Comptroller of Water Rights

pc: T. Seward, A/General Manager, Social & Protective Services, City of Nanaimo
Scott Morgan, Head, Dam Safety Section, Water Management Branch, FLNR, Victoria
John Baldwin, Dam Safety Officer, Regional Operations, FLNR, Nanaimo

Attachments:

1. Flood and Earthquake Hazards, Standards-Based Assessments. Table 6-1B, Dam Safety Guidelines 2007 (2013 Edition), Canadian Dam Association, page 64.

Table 6-1B: Flood and Earthquake Hazards, Standards-Based Assessments

(Target Levels for Initial Consideration and Consultation between Owner and Regulator)

2013 Revision

Dam Class [note 1]	Annual Exceedance Probability – Floods [note 2]	Annual Exceedance Probability – Earthquakes [note 3]
Low	1/100	1/100
Significant	Between 1/100 and 1/1000 [note 4]	Between 1/100 and 1/1000
High	1/3 between 1/1000 and PMF [note 5]	1/2475 [note 6]
Very High	2/3 between 1/1000 and PMF [note 5]	1/2 between 1/2475 [note 6] and 1/10,000 or MCE [note 5]
Extreme	PMF [note 5]	1/10,000 or MCE [note 5]

This table addresses two major natural hazards only, and does not consider the many other types of hazard that must be considered in dam safety assessments.

Acronyms: PMF, probable maximum flood; AEP, annual exceedance probability; MCE, maximum credible earthquake

Note 1. As defined in Table 2-1, Dam Classification (Section 2.5.4)

Note 2. Simple extrapolation of flood statistics beyond 10^{-3} AEP is not acceptable.

Note 3. Mean values of the estimated range in AEP levels for earthquakes should be used. The earthquake(s) with the AEP as defined in Table 6-1B is then input as the contributory earthquake(s) to develop the Earthquake Design Ground Motion (EDGM) parameters as described in Section 6.5 of these guidelines.

Note 4. Selected on basis of incremental flood analysis, exposure, and consequences of failure

Note 5. PMF and MCE have no associated AEP.

Note 6. This level has been selected for consistency with seismic design levels given in the National Building Code of Canada.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
FRIDAY, 2015-MAR-06, AT 10:00 A.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong (arrived 10:05 a.m.)
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe (vacated 10:50 a.m.)

Absent: Councillor G. W. Fuller
Councillor W. M. Yoachim

Other: Mr. Reece Harding, City Solicitor, Young Anderson Barristers & Solicitors

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
C. Jackson, Manager of Legislative Services
J. Kemp, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. ADOPTION OF AGENDA:

04115 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 Hong entered the Board Room at 10:05 a.m.

3. PRESENTATIONS:

(a) Mr. Reece Harding, City Solicitor, Young Anderson Barristers & Solicitors, provided advice regarding correspondence dated 2015-FEB-25 from Mr. Glen Davidson, Comptroller of Water Rights, Office of the Comptroller of Water Rights, Water Management Branch, Ministry of Forests, Lands & Natural Resource Operations.

Councillor Thorpe vacated the Board Room at 10:50 a.m.

4. ADJOURNMENT:

04215 It was moved and seconded at 11:25 a.m. that the "In Camera" meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-16, AT 5:00 P.M.

---

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-02 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-7*

(b) Minutes of the Special "In Camera" Meeting of Council held Friday, 2015-MAR-06 at 10:00 a.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC. *Pg. 8-9*

3. **PRESENTATIONS:**

(a) Mr. Merv Unger, Board of Directors, Nanaimo Port Authority, to provide an update regarding the Nanaimo Port Authority.

4. **MAYOR'S REPORT:**

(a) Mayor McKay requires Council reconsideration of Resolution No. 02115 related to Access Options for Linley Valley West / Linley Valley Drive considered at the Special "In Camera" Council Meeting held 2015-FEB-16:

"02115 It was moved and seconded that Council direct Staff to:

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;

3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,

4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

The motion was <u>defeated</u>.
<u>*Opposed:*</u> *Councillors Bestwick, Hong, Kipp, Yoachim"*

5. **ADMINISTRATION:**

(a)

6. **CORPORATE SERVICES:**

NONE

7. **COMMUNITY SERVICES:**

NONE

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

(a) **Nanaimo Economic Development Corporation (NEDC) Board Nominations**

Purpose: To appoint members of the NEDC Board, as per the NEDC's Articles of Incorporation.

Staff Recommendation: That Council: *Pg. 19-47*

1. appoint Mr. Brad Jones, Mr. Doug Kalcsics, Mr. Dan Kucherka, Mr. Adrian Legin, Dr. Ralph Nilson, Mr. Charlie Parker and Mr. Andre Sullivan as new members of the Nanaimo Economic Development Corporation; and,

2. renew the appointments of the following board members to the NEDC Board:
   - A.J. Hustins
   - Dan Brady
   - Ron Hartman
   - Ian Howat – City Manager's Appointee
   - Chief John Wesley – Snuneymuxw First Nation Representative
   - William Anderson
   - Gloria Hatfield
   - Signy Madden
   - Carla Smith
   - Kelly Bissell

3. direct Staff to notify the NEDC Board, the new Board members, the unsuccessful applicants and prepare a media release advising of Council's appointments to the NEDC.

(b)

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR BRENNAN
2015-MAR-09 to 2015-APR-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-02, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp (vacated 5:19 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor G. W. Fuller

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. L. Hartley, Director of Human Resources & Organizational Planning
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Sims, Manager of Water Resources
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:04 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 10 (b) Other Business –

3. ADOPTION OF AGENDA:

02515 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.

02615 It was moved and seconded that Council move Agenda Item 7 (c) Nanaimo Youth Advisory Council – Appointment of New Member to follow Agenda Item 2 - Adoption of the Minutes. The motion carried unanimously.

02715 It was moved and seconded that Council move Agenda Item 9 (a) Fast Ferries Discussion to follow Agenda item 7 (c) Nanaimo Youth Advisory Council – Appointment of New Member. The motion carried.
Opposed: *Councillors Brennan, Pratt, Thorpe*

02815 It was moved and seconded that Council move Agenda Item 9 (b) to follow Agenda Item 9 (a) Fast Ferries Discussion. The motion carried.
Opposed: *Councillors Brennan, Pratt, Thorpe*

02915 It was moved and seconded that Council move Agenda Item 9 (c) to follow Agenda Item 9 (a) Fast Ferries Discussion. The motion was defeated.
Opposed: *Mayor McKay, Councillors Brennan, Pratt, Thorpe*

Councillor Kipp vacated the Douglas Rispin Room at 5:19 p.m.

03015 It was moved and seconded that Council include in the agenda for discussion legal advice regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards letter, dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

03115 It was moved and seconded that Council move discussion of the legal advice regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards letter dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, to follow Agenda Item 7 (c) Nanaimo Youth Advisory Council – Appointment of a New Member. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

4. ADOPTION OF MINUTES:

03215 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-16 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

03315 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-23 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated.

03415 It was moved and seconded that Council postpone consideration of the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-FEB-23 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, until the next "In Camera" Meeting of Council to be held 2015-MAR-16. The motion was defeated.
Opposed: *Mayor McKay, Councillors Brennan, Pratt, Thorpe*

The vote was taken on the motion to adopt the Minutes as circulated. The motion carried.
Opposed: *Councillors Bestwick, Hong, Yoachim*

5. COMMUNITY SERVICES:

(a) Nanaimo Youth Advisory Council - Appointment of New Member

03515 It was moved and seconded that Council appoint Ms. Kennedy Barbosa to the Nanaimo Youth Advisory Council. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Legal Advice re: Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards Correspondence

Mr. E. C. Swabey, City Manager, spoke regarding legal advice obtained as a result of correspondence dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards.

03615 It was moved and seconded that Council receive for information the City Manager's verbal report regarding the legal advice obtained as a result of correspondence dated 2015-FEB-25, from Mr. Glen Davidson, Comptroller of Water Rights, Ministry of Forests, Lands & Natural Resource Operations, regarding the Middle Chase River Dam and Lower Chase River Dam – Potential Safety Hazards. The motion carried unanimously.

(b) Fast Ferries Discussion

Mayor McKay provided a verbal update regarding the Fast Ferries.

(c)

7. ADMINISTRATION:

(a) Core Services Review Mandate Consultant

03715 It was moved and seconded that Council postpone consideration of the core services review mandate consultant to the "In Camera" Committee of the Whole Meeting to be held 2015-MAR-09 and that reference checks be completed on

The motion carried unanimously.

8. COMMUNITY SERVICES:

(a)

(b)

(c) Verbal Update re: Gulfview Water Distribution

Mr. G. Goodall, Director of Engineering & Public Works provided a verbal update regarding Gulfview Water Distribution.

6. OTHER BUSINESS: (continued)

Due to time limitations the following item will be considered at a future "In Camera" Meeting.

(d)

9. ADJOURNMENT:

04015 It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
FRIDAY, 2015-MAR-06, AT 10:00 A.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. Hong (arrived 10:05 a.m.)
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe (vacated 10:50 a.m.)

Absent: Councillor G. W. Fuller
Councillor W. M. Yoachim

Other: Mr. Reece Harding, City Solicitor, Young Anderson Barristers & Solicitors

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
C. Jackson, Manager of Legislative Services
J. Kemp, Recording Secretary

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

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

2. ADOPTION OF AGENDA:

04115 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 Hong entered the Board Room at 10:05 a.m.

3. PRESENTATIONS:

(a) Mr. Reece Harding, City Solicitor, Young Anderson Barristers & Solicitors, provided advice regarding correspondence dated 2015-FEB-25 from Mr. Glen Davidson, Comptroller of Water Rights, Office of the Comptroller of Water Rights, Water Management Branch, Ministry of Forests, Lands & Natural Resource Operations.

Councillor Thorpe vacated the Board Room at 10:50 a.m.

4. ADJOURNMENT:

04215 It was moved and seconded at 11:25 a.m. that the "In Camera" meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

City of Nanaimo

"IN-CAMERA" REPORT TO COUNCIL

DATE OF MEETING: 2015-MAR-16

AUTHORED BY: Councillor Bill Bestwick, Chair NEDC Nominating Committee

RE: Nanaimo Economic Development Corporation (NEDC) Board Nominations

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NOMINATING COMMITTEE RECOMMENDATION:

That Council:

1. appoint Brad Jones, Doug Kalcsics, Dan Kucherka, Adrian Legin, Dr. Ralph Nilson, Charlie Parker and Andre Sullivan as new members of the Nanaimo Economic Development Corporation (NEDC); and

2. renew the appointments of the following board members to the NEDC Board:

   - A.J. Hustins
   - Dan Brady
   - Ron Hartman
   - Ian Howat – City Manager's Appointee
   - Chief John Wesley - Snuneymuxw First Nation Representative
   - William Anderson
   - Gloria Hatfield
   - Signy Madden
   - Carla Smith
   - Kelly Bissell

3. That Council direct Staff to notify the NEDC Board, the new Board members, the unsuccessful applicants and prepare a media release advising of Council's appointments to the NEDC.

PURPOSE:

As per the NEDC's Articles of Incorporation, Council are to appoint the members of the NEDC Board on an annual basis.

BACKGROUND:

During the Regular Council Meeting held 2015-JAN-19, Council appointed the NEDC Nominating Committee pursuant to the NEDC Appointments Policy, which specifies that Council is to select members of a nominating committee on or before January 15th each year.

☑ Council
☐ Committee.....
☑ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-MAR-16

DISCUSSION:

The appointed committee is recommending six new members to replace 1/3 of the NEDC Board per the policy mentioned. In addition, one member of the current NEDC Board (Greg Baynton) is resigning and the vacancy will result in a seventh position to be considered.

The following seven members are recommended:

- Brad Jones
- Doug Kalcsics
- Dan Kucherka
- Adrian Legin
- Dr. Ralph Nilson
- Charlie Parker
- Andre Sullivan

Council is requested to renew the appointments of the balance of the existing Board members, which is consistent with Council's Policy and the NEDC Articles of Incorporation.

The NEDC Nominating Committee received applications after advertising. The candidates were evaluated by members of the Committee with the following preferred core competencies:

- Leadership
- Finance
- Marketing
- Community Relations
- Business Community Connections
- Previous Board and Governance Experience
- Strategic Planning

Respectfully submitted,

Councillor Bill Bestwick
Chair NEDC Nominating Committee

Drafted: 2015-MAR-06
BB/GF/

G:\2015 Files\NEDC (6750-01)\RPT150316_NEDC_Nominations.docx

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-16, AT 5:00 P.M.

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9. **OTHER BUSINESS:** **PAGES**

(c) Add 2015-FEB-23 Special "In Camera" Meeting Discussion

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-16, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor M. D. Brennan
Councillor G. W. Fuller

Other: Mr. Merv Unger, Nanaimo Port Authority (vacated 5:56 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Foy, Manager of Transportation
D. Smith, Acting Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 9 (c) Other Business - Add 2015-FEB-23 Special “In Camera” Meeting Discussion.

3. ADOPTION OF AGENDA:

04315 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:

04415 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-02 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC and that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-06 at 10:00 a.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a) Mr. Merv Unger, Board of Directors, Nanaimo Port Authority, provided an update regarding Nanaimo Port Authority operations.

Mr. Unger vacated the Douglas Rispin Room at 5:56 p.m.

6 MAYOR'S REPORT:

(a) Mayor McKay – Requirement of reconsideration of Resolution No. 02115 related to Access Options for Linley Valley West / Linley Valley Drive considered at the Special "In Camera" Council Meeting held 2015-FEB-16:

"02115 It was moved and seconded that Council direct Staff to:

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;
3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,
4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

The motion was defeated.
Opposed: Councillors Bestwick, Hong, Kipp, Yoachim"

04515 It was moved and seconded that Council direct Staff:

1. to bring forward an amendment to the Official Community Plan to remove Option A from the Official Community Plan as a major road connector to Rutherford Road;

2. to take all necessary measures to remove the ability for the developer to develop a road as per Option C;

3. to communicate to the public Council's decision that no further access to the subdivision other than the currently proposed Glenmoore Road access occur;

4. Option D improvements be undertaken as required; and,

5. to bring forward a report to the next open Council Meeting to be held 2015-APR-20.

The motion was defeated.
Opposed: Mayor McKay, Councillors Bestwick, Pratt, Thorpe,Yoachim

Councillor Bestwick vacated the Douglas Rispin Room at 6:39 p.m.

7. ADMINISTRATION:

(a)

Councillor Bestwick returned to the Douglas Rispin Room at 6:40 p.m

8. OTHER BUSINESS:

(a) Nanaimo Economic Development Corporation (NEDC) Board Nominations

04715 It was moved and seconded that Council:

1. appoint Mr. Brad Jones, Mr. Doug Kalcsics, Mr. Dan Kucherka, Mr. Adrian Legin, Dr. Ralph Nilson, Mr. Charlie Parker and Mr. Andre Sullivan as new members of the Nanaimo Economic Development Corporation; and,

2. renew the appointments of the following board members to the NEDC Board:
   - A.J. Hustins
   - Dan Brady
   - Ron Hartman
   - Ian Howat – City Manager's Appointee
   - Chief John Wesley – Snuneymuxw First Nation Representative
   - William Anderson
   - Gloria Hatfield
   - Signy Madden
   - Carla Smith
   - Kelly Bissell

3. direct Staff to notify the NEDC Board, the new Board members, the unsuccessful applicants and prepare a media release advising of Council's appointments to the NEDC.

The motion carried unanimously.

All Staff excluding Ms. T. Hartley, Director of Human Resources and Organizational Planning, vacated the Douglas Rispin Room at 6:43 p.m.

(b) 2015-FEB-23 Special “In Camera” Meeting Discussion

Council discussion took place.

(c)

9. ADJOURNMENT:

04815 It was moved and seconded at 6:57 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-15, AT 3:00 P.M.

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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).

2. **ADMINISTRATION:**

(a)

(b)

3. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR BRENNAN
2015-MAR-09 to 2015-APR-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-15, AT 3:00 P.M.

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

Members: Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 3:06 p.m., vacated 4:50 p.m.)

Absent: Councillor W. L. Bestwick
Councillor J. A. Kipp

Other: Mr. Reece Harding, Young Anderson Barristers & Solicitors

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. ADOPTION OF AGENDA:

04915 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 Board Room at 3:06 p.m.

3. ADMINISTRATION:

(a) Colliery Dams – Requests for Appeal and Stay

Council discussion took place.

Councillor Yoachim vacated the Board Room at 4:50 p.m.

(b)

4. ADJOURNMENT:

05115 It was moved and seconded at 5:16 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-APR-20, AT 5:30 P.M.

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-16 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 1-4*

3. **PRESENTATIONS:**

4. **MAYOR'S REPORT:**

5. **ADMINISTRATION:**

(a)

6. **CORPORATE SERVICES:**

(a) **1 Port Drive: Seaspan Relocation Memorandum of Understanding**

Purpose: To obtain Council approval to enter into a Memorandum of Understanding with Seaspan Ferries Corporation to negotiate a compensation package for Seaspan's relocation to a new terminal facility at 850/870 Jackson Road (Duke Point).

Staff Recommendation: That Council: *Pg. 5-15*

1. approve the attached Memorandum of Understanding with Seaspan Ferries Corporation;

2. authorize the Mayor and Corporate Officer to execute the agreement; and,

3. direct Staff to report back to Council when negotiations are complete.

7. **COMMUNITY SERVICES:**

NONE

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR BRENNAN
2015-MAR-09 to 2015-APR-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAR-16, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor M. D. Brennan
Councillor G. W. Fuller

Other: Mr. Merv Unger, Nanaimo Port Authority (vacated 5:56 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Foy, Manager of Transportation
D. Smith, Acting Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 9 (c) Other Business - Add 2015-FEB-23 Special “In Camera” Meeting Discussion.

3. ADOPTION OF AGENDA:

04315 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:

04415 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-02 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC and that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-06 at 10:00 a.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a) Mr. Merv Unger, Board of Directors, Nanaimo Port Authority, provided an update regarding Nanaimo Port Authority operations.

Mr. Unger vacated the Douglas Rispin Room at 5:56 p.m.

6 MAYOR'S REPORT:

(a) Mayor McKay – Requirement of reconsideration of Resolution No. 02115 related to Access Options for Linley Valley West / Linley Valley Drive considered at the Special "In Camera" Council Meeting held 2015-FEB-16:

"02115 It was moved and seconded that Council direct Staff to:

1.

2. bring forward to open Council a presentation on access options for Linley Valley West / Linley Valley Drive;
3. undertake a public and stakeholder consultation on access options for Linley Valley West / Linley Valley Drive; and,
4. return to Council with a recommended option(s) to advance design and costing for Linley Valley Drive from Linley Valley West to Rutherford Road.

The motion was defeated.
Opposed: Councillors Bestwick, Hong, Kipp, Yoachim"

04515 It was moved and seconded that Council direct Staff:

1. to bring forward an amendment to the Official Community Plan to remove Option A from the Official Community Plan as a major road connector to Rutherford Road;

2. to take all necessary measures to remove the ability for the developer to develop a road as per Option C;

3. to communicate to the public Council's decision that no further access to the subdivision other than the currently proposed Glenmoore Road access occur;

4. Option D improvements be undertaken as required; and,

5. to bring forward a report to the next open Council Meeting to be held 2015-APR-20.

The motion was defeated.
Opposed: Mayor McKay, Councillors Bestwick, Pratt, Thorpe,Yoachim

Councillor Bestwick vacated the Douglas Rispin Room at 6:39 p.m.

7. ADMINISTRATION:

(a)

Councillor Bestwick returned to the Douglas Rispin Room at 6:40 p.m

8. OTHER BUSINESS:

(a) Nanaimo Economic Development Corporation (NEDC) Board Nominations

04715 It was moved and seconded that Council:

1. appoint Mr. Brad Jones, Mr. Doug Kalcsics, Mr. Dan Kucherka, Mr. Adrian Legin, Dr. Ralph Nilson, Mr. Charlie Parker and Mr. Andre Sullivan as new members of the Nanaimo Economic Development Corporation; and,

2. renew the appointments of the following board members to the NEDC Board:
   - A.J. Hustins
   - Dan Brady
   - Ron Hartman
   - Ian Howat – City Manager's Appointee
   - Chief John Wesley – Snuneymuxw First Nation Representative
   - William Anderson
   - Gloria Hatfield
   - Signy Madden
   - Carla Smith
   - Kelly Bissell

3. direct Staff to notify the NEDC Board, the new Board members, the unsuccessful applicants and prepare a media release advising of Council's appointments to the NEDC.

The motion carried unanimously.

All Staff excluding Ms. T. Hartley, Director of Human Resources and Organizational Planning, vacated the Douglas Rispin Room at 6:43 p.m.

(b) 2015-FEB-23 Special “In Camera” Meeting Discussion

Council discussion took place.

(c)

9. ADJOURNMENT:

04815 It was moved and seconded at 6:57 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-APR-20

AUTHORED BY: BILL CORSAN, MANAGER OF REAL ESTATE

RE: 1 PORT DRIVE: SEASPAN RELOCATION MEMORANDUM OF UNDERSTANDING

STAFF RECOMMENDATION:

That Council:

1. approve the attached Memorandum of Understanding with Seaspan Ferries Corporation;
2. authorize the Mayor and Corporate Officer to execute the agreement; and
3. direct Staff to report back to Council when negotiations are complete.

PURPOSE:

The purpose of this Staff report is to obtain Council approval to enter into a Memorandum of Understanding ("MOU") with Seaspan Ferries Corporation ("Seaspan") to negotiate a compensation package for Seaspan's relocation to a new terminal facility at 850/870 Jackson Road (Duke Point).

BACKGROUND:

The City of Nanaimo acquired the lands at 1 Port Drive from CP Rail in March 2013. The lands comprise 10.8 ha of land and water (26.7 acres). 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 bounded by Front Street and Esplanade Street to the west, and the Port Drive trestle to the south. The Nanaimo harbour is the eastern boundary of the property. The Gabriola Island ferry terminal forms the northern boundary. The site is essentially flat and is a few meters above the elevation of the high tide mark.

The majority of the lands are currently in active industrial use. Seaspan has a Statutory Right of Way (EM109875 – modified by ET1322 and ET7033) that occupies approximately 6.2 ha (15.4 acres) of land and water. 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 and Southern Rail occupy 1.02 ha (2.53 acres) of land for a rail right of way and an operations building.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-APR-20

The City recently terminated the lease of a .40 ha (1 acre) parcel of land on Front Street to Island Pallet Solutions Ltd. and undertook demolition and site grading work.

The vision set out by the South Downtown Waterfront Initiative Committee ("SDWI") is for these lands to be seen as an integral piece of the urban fabric of Nanaimo. The SDWI believe that future activity should present a sense of place, with a well-articulated and well-integrated land use pattern that encourages and promotes complementary uses.

A key step in advancing the revitalization of the site is assisting Seaspan with their relocation to their new terminal at 850/870 Jackson Road to free up an additional 2.71 ha (6.7 acres) of land and 1.09 ha (2.7 acres) of water for development. In total, the City would be able to move forward with repurposing 7.24 ha (17.9 acres) of land and water.

Seaspan Relocation Plans
Seaspan owns 71 acres of land at Duke Point through the Duke Point Property Company ULC with properties at 650, 850 and 870 Jackson Road.

Seaspan has announced their intention to consolidate their roll on/roll off traffic truck business at their 34 acre property at 850/870 Jackson Road, in Nanaimo's Duke Point industrial area.

On 2014-NOV-19, Seaspan announced that it had awarded a contract for the construction of two new dual-fueled (diesel and liquefied natural gas) ferries to the Sedef Shipyard of Istanbul, Turkey. The 148.9 m ferries are expected to be in operation by late 2016 and can accommodate 59 trailers.

A development permit for the new terminal facility on Jackson Road was approved at the 2015-MAR-02 Council meeting.

Seaspan anticipates the roll on/roll off traffic will be relocated to Duke Point by the spring of 2017. At that point in time, Seaspan will be in a position to reduce the existing right of way down to a land and water area that incorporates the existing rail barge operation and an area for future rail transload operations.

Memorandum of Understanding
The purpose of the MOU (Schedule A) is to document the intentions of both parties to reduce the right of way area. It confirms Seaspan's intention to relocate to Duke Point and to initiate a partial discharge of the right of way. It also sets out how the City and Seaspan will determine compensation. If the MOU is approved by Council, Staff will work with Seaspan to determine the compensation payable and the area of the right of way to be reduced.

The City needs to work with Seaspan to partially discharge the right of way to address a number of important issues. Firstly, by removing the right of way, the City will be a position to accelerate change in this area of downtown and secure access to the waterfront for the public. Acquisition of a portion of the right of way will also enable Front Street to be extended through to the Nanaimo Port Authority's Assembly Wharves providing public access. Currently, access to the lands south and east of the Wellcox rail yard are only accessible via the wooden trestle via a statutory right of way. The trestle needs to be replaced at an estimated cost of $6 million if an at-grade solution cannot be found.

Next Steps:
If Council approves the MOU, the following next steps are anticipated:

- Confirm New Right of Way Configuration – The City and Seaspan will confirm the final size and location of the reduced right of way. This will likely include the existing berth

and surrounding waterlot and an upland area to support a rail transload facility adjacent to the Southern Rail/ICF right of way area.

- Confirm Compensation Payable to Seaspan – The City and Seaspan will hire a professional appraiser to value the area of the right of way to be discharged. Compensation may be in the form of a cash payment or alternative compensation package.

- City of Nanaimo/Seaspan Formal Approval – a formal transfer agreement will be prepared for consideration by Council and the Board of Seaspan.

- Transfer of Right of Way – anticipated in the spring of 2017 once Seaspan has relocated their roll on/roll off traffic to 850/870 Jackson Road (Duke Point).

Strategic Plan Considerations

The relocation of Seaspan from 1 Port Drive meets a number of the key priorities identified in the 2012-2015 Strategic Plan, including:

Strategy	
Waterfront Enhancement	**Outcomes Desired** • Enhanced public access and use. • A continuous, uninterrupted and accessible waterfront trail/ connection from Departure Bay Beach to Nanaimo River Estuary. • A working waterfront that supports business, marine industries, transportation, connectivity, entertainment and tourism.
Transportation and Mobility	**Potential Strategies and/or Initiatives** • Work with RDN, NEDC, Chamber of Commerce, Nanaimo Port Authority, BC Ferries, BC Transit, Airport Authority, ICF, advocates for and supports improvement of external connections • Work with RDN on downtown transit exchange options that support overall outcomes, enhance waterfront connections, link to inter-city public transit options and support downtown development.
Taking Responsibility	**Potential Strategies and/or Initiatives** • Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the city's future.

Respectfully submitted,

Bill Corsan
Manager, Real Estate
Community Development

Concurrence by:

Dale Lindsay
Director
Community Development

Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

Drafted: 2015-MAR-18
CIL00357/BC/cb

SCHEDULE A

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 _____, 2015

SEASPAN FERRIES CORPORATION by its authorized signatory (ies):

_____
Per: Authorized Signatory

_____
Per: Authorized Signatory

Executed on _____, 2015

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

_____
Per: Authorized Signatory

_____
Per: Authorized Signatory

Executed on _____, 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 Seaspan 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

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-APR-20, AT 5:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (entered 5:51 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
P. Humphreys, Steno, Legislative Services
D. Smith, Recording Secretary

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

The Special "In Camera" Meeting was called to order at 5:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add as Item 6 (b) –

3. ADOPTION OF AGENDA:

05215 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:

05315 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. ADMINISTRATION:

(a)

6. CORPORATE SERVICES:

(a) 1 Port Drive: Seaspan Relocation Memorandum of Understanding

Councillor Yoachim entered the Douglas Rispin Room at 5:51 p.m.

05515 It was moved and seconded that Council:

1. approve the attached Memorandum of Understanding with Seaspan Ferries Corporation;

2. authorize the Mayor and Corporate Officer to execute the agreement; and,

3. direct Staff to report back to Council when negotiations are complete.

The motion carried unanimously.

Council recessed the meeting at 5:58 p.m. with the intention to reconvene in 15 minutes.

The meeting reconvened at 6:14 p.m.

7. COMMUNITY SERVICES:

(a)

8. ADJOURNMENT:

05715 It was moved and seconded at 6:47 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

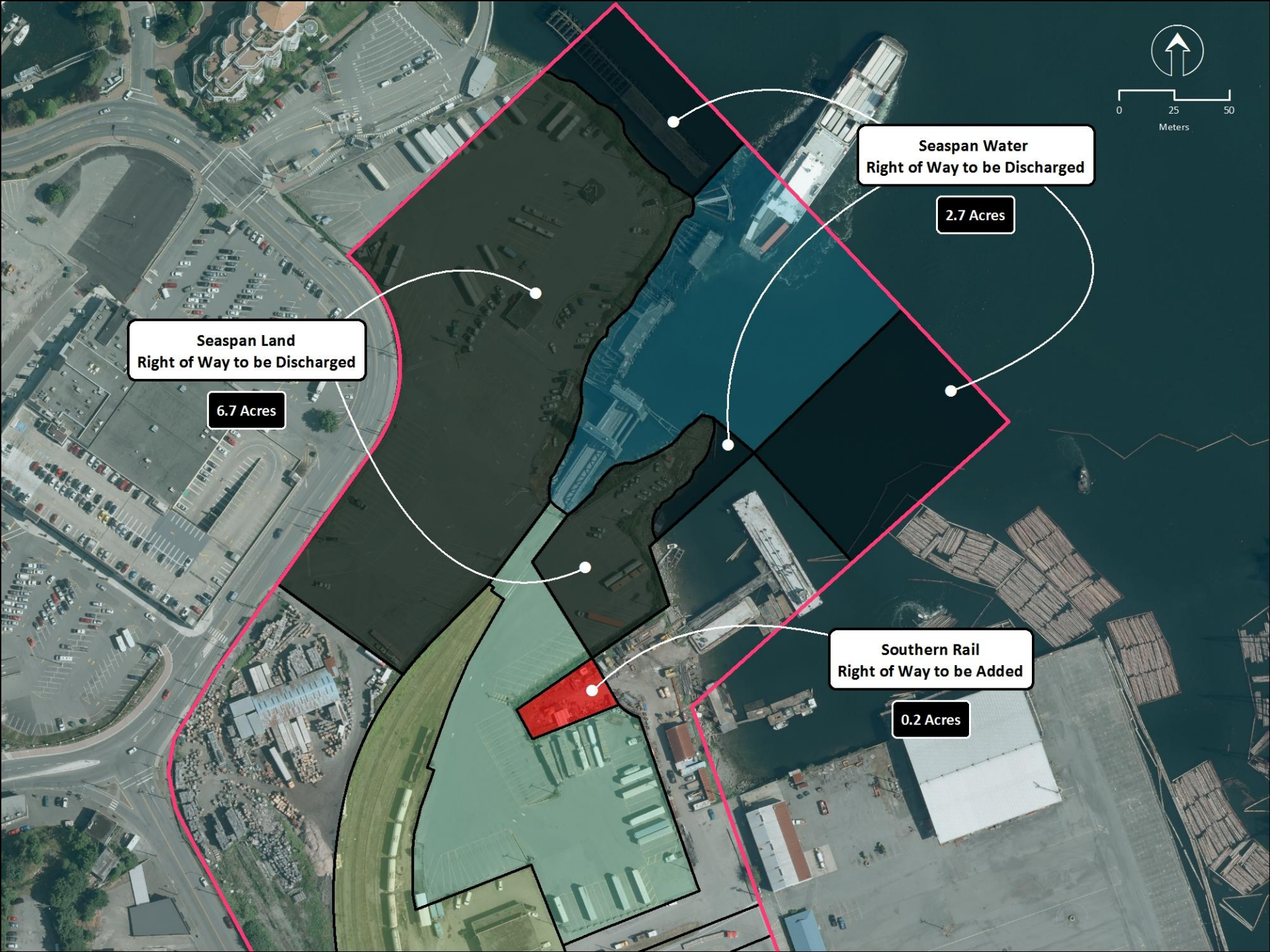
Seaspan/City of Nanaimo MOU Summary Presentation

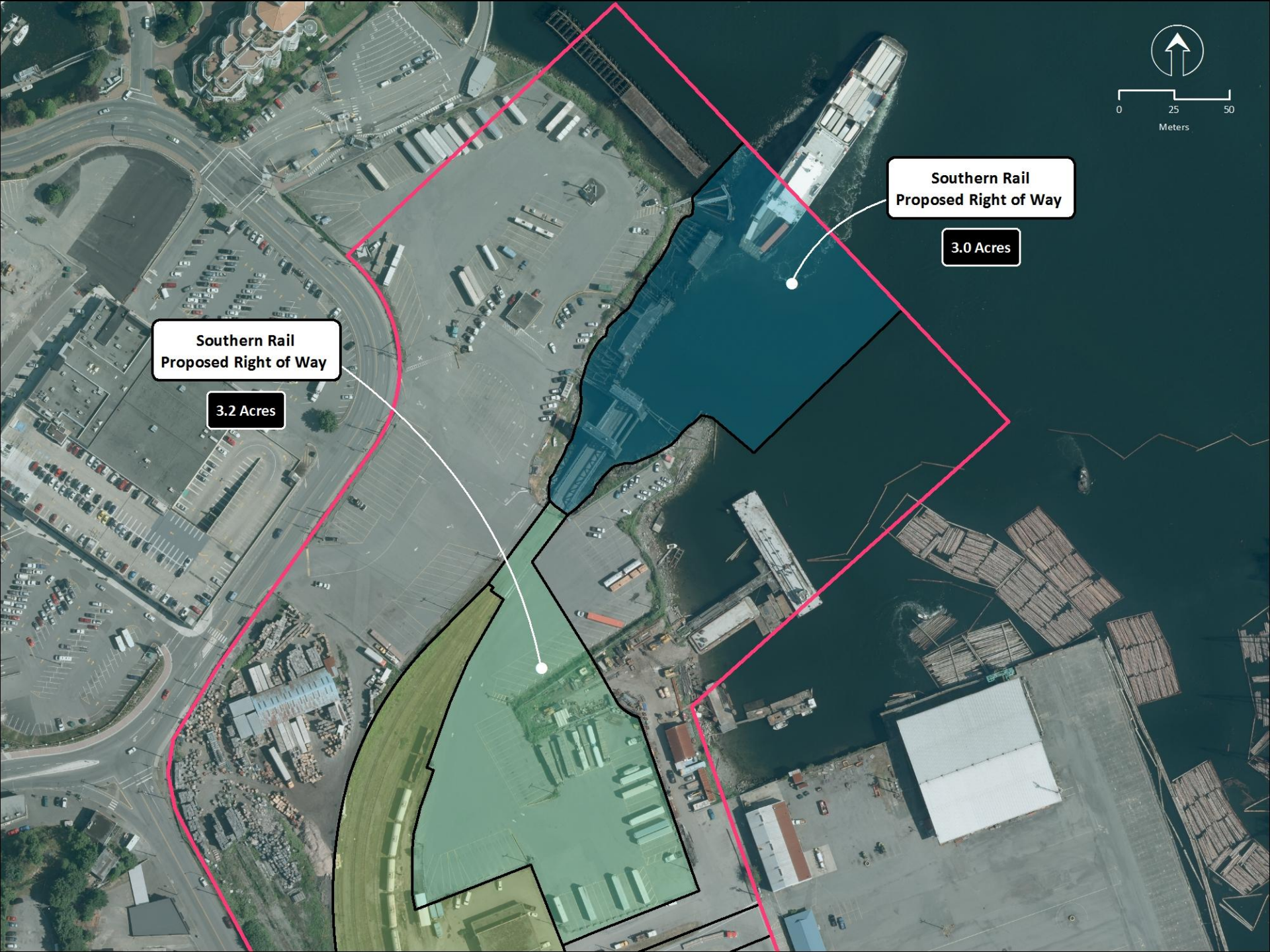
April 20, 2015

Wiard St
Front St
Commercial St
Gordon St
Cameron Rd
Terminal Ave
Front St
Albert St
Victoria Cres
Esplanade
Cavan St
Port Dr
Grace St
Robarts St
Victoria Rd
Nicol St
Halliburton St
Irwin St
Esplanade
Selby St
Finlayson St
Prideaux St
Fry St
0
50
100
Meters

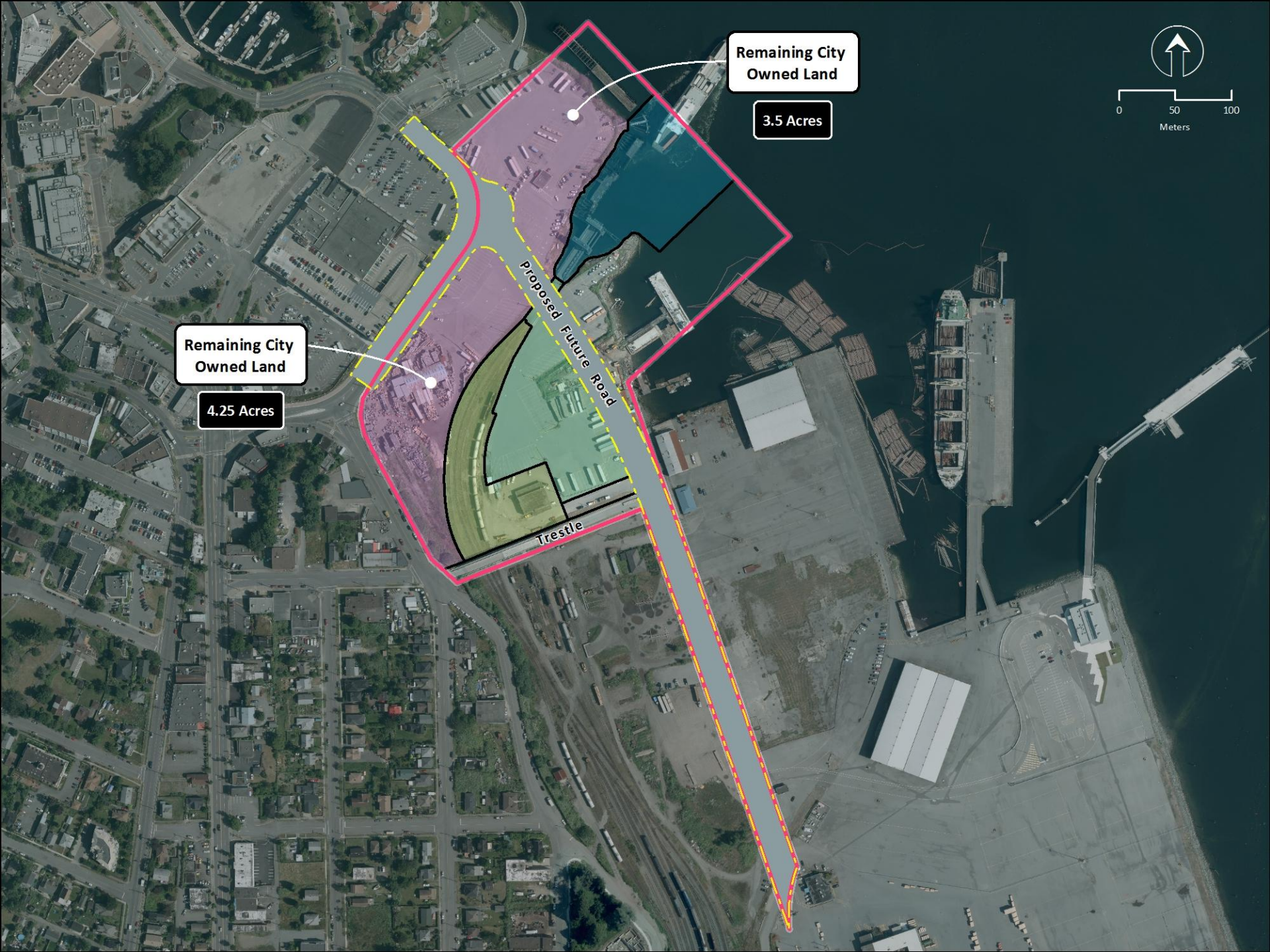
Seaspan Land Right of Way
Seaspan Water Right of Way
Island Pallet Solutions
Gadd Marine
Trestle
ICF Right of Way
Future Road
0
50
100
Meters

Seaspan Water
Right of Way
5.7 Acres
Seaspan Land
Right of Way
9.7 Acres
0
25
50
Meters


Seaspan Water
Right of Way to be Discharged
2.7 Acres
Seaspan Land
Right of Way to be Discharged
6.7 Acres
Southern Rail
Right of Way to be Added
0.2 Acres
0
25
50
Meters


Southern Rail
Proposed Right of Way
3.0 Acres
Southern Rail
Proposed Right of Way
3.2 Acres
0
25
50
Meters

Southern Rail
Proposed Right of Way
Southern Rail
Proposed Right of Way
ICF
Right of Way
Trestle
Future Road
0
50
100
Meters


Remaining City Owned Land
3.5 Acres
Remaining City Owned Land
4.25 Acres
Proposed Future Road
Trestle
0
50
100
Meters

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-22, AT 3:00 P.M.

---

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).

2. **ADMINISTRATION:**

(a) City Solicitor to provide an update regarding the Colliery Dams.

3. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR BRENNAN
2015-MAR-09 to 2015-APR-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-22, AT 3:13 P.M.

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

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

Absent: Councillor G. Fuller

Other: Mr. Reece Harding, Solicitor, Young Anderson

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary
D. Smith, Steno Coordinator

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:13 p.m.

2. ADOPTION OF AGENDA:

05815 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented . The motion carried unanimously.

3. ADMINISTRATION:

(a) Mr. Reece Harding, City Solicitor, provided a legal update regarding the Colliery Dams Appeal and Stay.

4. ADJOURNMENT:

05915 It was moved and seconded at 4:26 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAY-04, AT 5:30 P.M.

---

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2015-APR-15 at 3:00 p.m. *Pg. 3-4*

(b) Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2015-APR-20 at 5:30 p.m. *Pg. 5-7*

(c) Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2015-APR-22 at 3:13 p.m. *Pg. 8*

3. **PRESENTATIONS:**

NONE

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a)

Pg. 9-13

(b) **Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue**

Purpose: To obtain Council approval under Section 31 of the Community Charter to adopt a resolution authorizing the expropriation of road dedication and a statutory right of way for storm water purposes across part of 270 Wakesiah Avenue.

Staff Recommendation: That Council adopt the resolution as described in Attachment A, authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Avenue. *Pg. 14-41*

7. **COMMUNITY SERVICES:**

(a)

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

(a) **Facilitated Dialogue – Building Respectful Workplace Relationships**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-15, AT 3:00 P.M.

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

Members: Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 3:06 p.m., vacated 4:50 p.m.)

Absent: Councillor W. L. Bestwick
Councillor J. A. Kipp

Other: Mr. Reece Harding, Young Anderson Barristers & Solicitors

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services

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

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

2. ADOPTION OF AGENDA:

04915 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 Board Room at 3:06 p.m.

3. ADMINISTRATION:

(a) Colliery Dams – Requests for Appeal and Stay

Council discussion took place.

Councillor Yoachim vacated the Board Room at 4:50 p.m.

(b)

4. ADJOURNMENT:

05115 It was moved and seconded at 5:16 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-APR-20, AT 5:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (entered 5:51 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
P. Humphreys, Steno, Legislative Services
D. Smith, Recording Secretary

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

The Special "In Camera" Meeting was called to order at 5:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add as Item 6 (b) –

3. ADOPTION OF AGENDA:

05215 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:

05315 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAR-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. ADMINISTRATION:

(a)

6. CORPORATE SERVICES:

(a) 1 Port Drive: Seaspan Relocation Memorandum of Understanding

Councillor Yoachim entered the Douglas Rispin Room at 5:51 p.m.

05515 It was moved and seconded that Council:

1. approve the attached Memorandum of Understanding with Seaspan Ferries Corporation;

2. authorize the Mayor and Corporate Officer to execute the agreement; and,

3. direct Staff to report back to Council when negotiations are complete.

The motion carried unanimously.

Council recessed the meeting at 5:58 p.m. with the intention to reconvene in 15 minutes.

The meeting reconvened at 6:14 p.m.

7. COMMUNITY SERVICES:

(a)

8. ADJOURNMENT:

05715 It was moved and seconded at 6:47 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-APR-22, AT 3:13 P.M.

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

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

Absent: Councillor G. Fuller

Other: Mr. Reece Harding, Solicitor, Young Anderson

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary
D. Smith, Steno Coordinator

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:13 p.m.

2. ADOPTION OF AGENDA:

05815 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented . The motion carried unanimously.

3. ADMINISTRATION:

(a) Mr. Reece Harding, City Solicitor, provided a legal update regarding the Colliery Dams Appeal and Stay.

4. ADJOURNMENT:

05915 It was moved and seconded at 4:26 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-MAY-04

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF ROAD DEDICATION AND STATUTORY RIGHT OF WAY TO ACCOMMODATE STORMWATER IMPROVEMENTS AT 270 WAKESIAH AVENUE

STAFF RECOMMENDATION:

That Council adopt the resolution as described in Attachment A, authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Avenue.

PURPOSE:

The purpose of this Staff report is to obtain Council approval under Section 31 of the *Community Charter* to adopt a resolution authorizing the expropriation of road dedication and a statutory right of way for storm water purposes across part of 270 Wakesiah Avenue.

SUMMARY:

The replacement of the existing woodstave culvert where the Cat Stream crosses Wakesiah Avenue is identified under the 2015 capital plan. The project is budgeted at $160,000.

The project includes the installation of new concrete headwalls and a concrete culvert to replace the deteriorating woodstave culvert. As the Cat Stream is a fish-bearing stream, fish baffles will be installed as well as an outlet pool for the fish to rest. In order to meet requirements set out by Department of Fisheries and Oceans (DFO) and Ministry of Environment (MoE) the project must be constructed in the 'fish window' of July 15 to September 15. Attachment B illustrates the key features of the project.

A portion of the works related to the project will occur on privately owned property at 270 Wakesiah Avenue. To protect the work being completed as part of the project, the existing statutory right of way needs to be extended to include the new outlet pool and the culvert headwall. An additional 1.5m road dedication is required to complete Wakesiah Avenues final width. Attachment C shows the lands required as part of the project.

BACKGROUND

Staff have been working with the owners of 270 Wakesiah Avenue for the past six months to acquire the additional land and rights. The owners are supportive of the project but are reluctant to sell or grant additional rights to the City as they plan on placing the property on the market in the summer of 2015.

Given the owners current position, Staff have been unable to negotiate an agreement and are not optimistic that continued discussions will result in a satisfactory agreement.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-MAY-04

Staff have had an appraisal prepared for 270 Wakesiah Avenue and the market value compensation for the road dedication and statutory right of way is $9,650.
In order to be able to construct the project in the 'fish window' timeframe in 2015, Staff recommend that Council expropriate these rights from 270 Wakesiah Avenue.

The *Expropriation Act* outlines a two-step process for a municipality to expropriate land.

The first step requires Council's authorization of the proposed expropriation, and will involve:

- serving a copy of the *Expropriation Act* and Expropriation Notice on the owner;
- Filing the Expropriation Notice in the Land Title Office; and
- Posting of an Expropriation Notification sign on the property.

The second step requires Council to approve the expropriation and authorize the advance payment. Staff will subsequently report to Council on 2015-JUN-01 to fulfill those requirements.

DISCUSSION:

Strategic Plan Considerations
The proposal to improve this storm water infrastructure meets two of the key priorities identified in the 2012-2015 Strategic Plan, including:

Strategy	**Potential Strategies and/or Initiatives**
Asset Management	• Service disruption is minimized • Risk to public health and property is minimized
Taking Responsibility	• Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the City's future.

Recommendations for Release of Information to the Public:

- For release upon conclusion of the expropriation.

Respectfully submitted,

Bill Corsan,
Manager, Real Estate
Community Development

Concurrence by:

Dale Lindsay
Director
Community Development

Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.
Drafted: 2015-APR-15
LD002886
BC/cb

ATTACHMENT A

CITY OF NANAIMO

Resolution Authorizing Expropriation Pursuant to Section 31 of the *Community Charter* and Authorizing Issuance of the Expropriation Notices

---

WHEREAS:

A. The Council of the City of Nanaimo has established a service of providing roads, sidewalks, paths, trails and other public ways within the City;

B. The Council of the City of Nanaimo has established a service of providing water, storm sewer, and sanitary sewer services to lands within the City;

C. Section 31 of the *Community Charter* authorizes a municipality to expropriate real property or an interest in real property, in accordance with the *Expropriation Act*, for the purpose of exercising or performing its powers, duties, and functions;

D. The Council of the City of Nanaimo considers it necessary to expropriate that portion of the land located at 270 Wakesiah Avenue, Nanaimo, British Columbia, and legally described as Parcel Identifier: 000-270-342, Lot 1, Section 1, Nanaimo District, Plan 16090 (the "Land") shown outlined in heavy black on Reference Plan EPP50928 prepared by Douglas Holme, BCLS and certified correct on the 21st day of April, 2015 (a reduced copy of which is attached as Schedule A) and which portion is hereinafter referred to as the "Highway Expropriation Area", for the purpose of establishing, operating, maintaining, altering, constructing, improving, and using the Highway Expropriation Area as a highway; and

E. The Council of the City of Nanaimo considers it necessary to expropriate a statutory right of way under section 218 of the *Land Title Act*, in the form attached to these resolutions as Schedule C (hereinafter referred to as the "Statutory Right of Way"), over that portion of the Land shown outlined in heavy black on Statutory Right of Way Plan EPP50929 prepared by Douglas Holme, BCLS and certified correct on the 21st day of April, 2015 (a reduced copy of which is attached as Schedule B) and which portion is hereinafter referred to as the "SRW Expropriation Area", for the purpose of constructing, laying down, installing, entrenching, operating, maintaining, cleaning, altering, relocating, inspecting, replacing and otherwise establishing all pipes, culverts, retaining walls, retention ponds, wing walls, manholes, meters, pumps, valves, and similar equipment, or any of them, together with all ancillary attachments and fittings (collectively, the "Works") for the purpose of conveying, draining, containing, protecting, metering, and disposing of water, storm water, and sanitary sewage; and

NOW THEREFORE the Council of the City of Nanaimo resolves that:

1. The City of Nanaimo hereby takes and expropriates the Highway Expropriation Area and is hereby authorized to enter on and use the Highway Expropriation Area for the purpose of establishing, operating, maintaining, altering, constructing, improving, and using the Highway Expropriation Area as a highway.

2. The work or purpose for which the Highway Expropriation Area is required is for establishing, operating, maintaining, altering, constructing, improving, and using the Highway Expropriation Area as a highway.

3. The City of Nanaimo hereby takes and expropriates a statutory right of way under section 218 of the *Land Title Act* (in the form of the Statutory Right of Way) over the SRW Expropriation Area and is hereby authorized to enter on and use the SRW Expropriation Area in accordance with and on the terms set out in the Statutory Right of Way.

4. The work or purpose for which the statutory right of way is required is for constructing, laying down, installing, entrenching, operating, maintaining, cleaning, altering, relocating, inspecting, replacing, and otherwise establishing the Works.

5. Expropriation Notices pursuant to the *Expropriation Act* are authorized to be issued in the forms attached as Schedule D and E to this resolution (the "Expropriation Notices").

6. The Corporate Officer is authorized and directed to:

   (a) sign and seal the Expropriation Notices;

   (b) cause the Expropriation Notices to be filed in the Victoria Land Title Office and to execute all documents required in connection with such filing;

   (c) undertake all inquiries, court applications and other steps necessary in order to cause the Expropriation Notices, together with a copy of the *Expropriation Act*, to be served on the current owners of the Highway Expropriation Area and the SRW Expropriation Area;

   (d) cause expropriation signs to be placed on the Highway Expropriation Area and the SRW Expropriation Area in accordance with the *Expropriation Act*; and

   (e) serve the Expropriation Notices on the Approving Authority for this expropriation.

REFERENCE PLAN OF PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090

PLAN EPP50928

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 92G.011

0 2.5 5 10 15 20 25

The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:250

LEGEND

- ● denotes Standard Iron Post found
- ○ denotes Standard Iron Post set
- ⊛ denotes Control Monument found

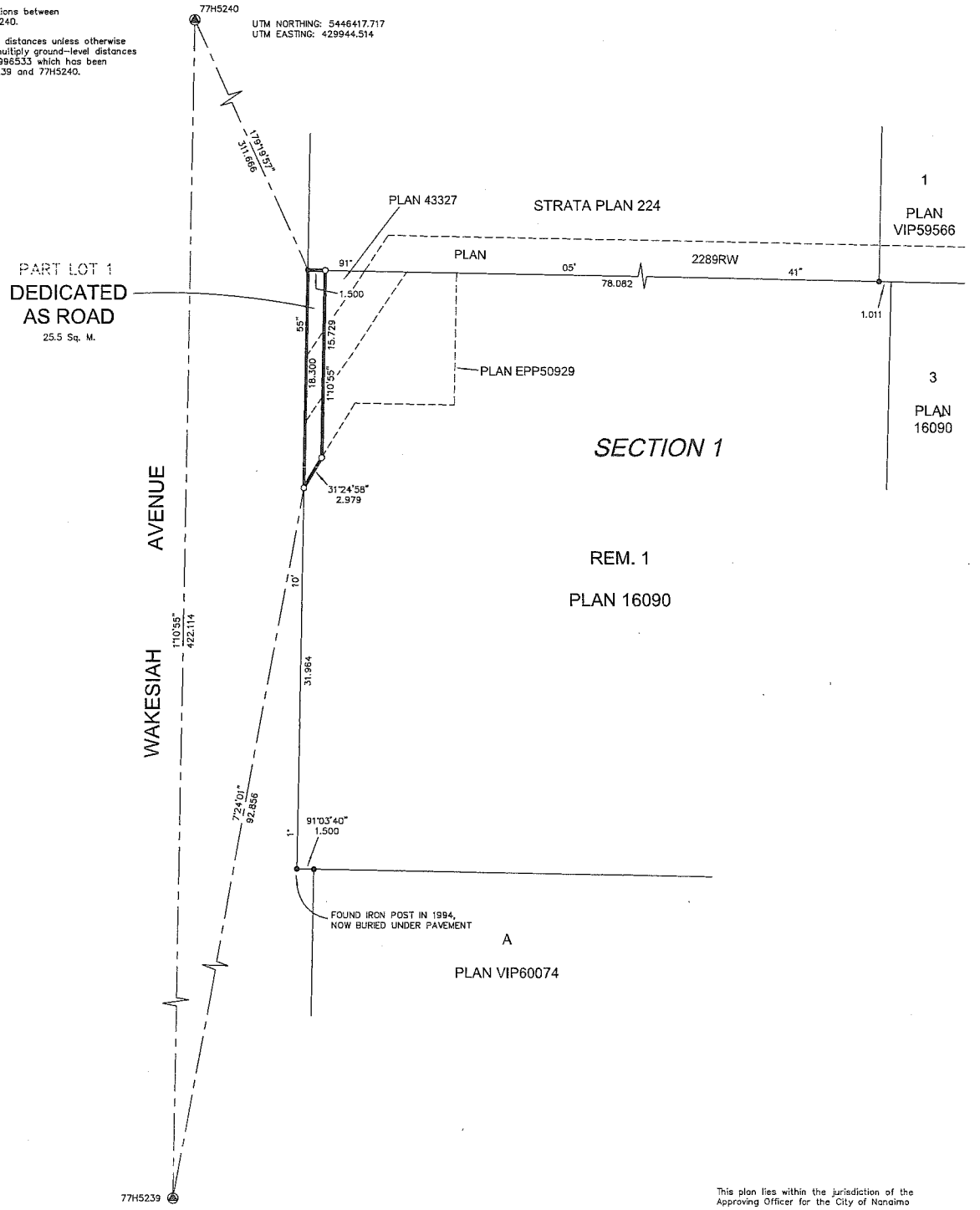
Sq. M. denotes Square Metres

All distances shown are in metres

Integrated Survey Area No. 20, Nanaimo, NAD83 (CSRS) 3.0.0.BC.1.NVI

Grid bearings are derived from observations between control monuments 77H5239 and 77H5240.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9996533 which has been derived from control monuments 77H5239 and 77H5240.



J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria – Nanaimo – Parksville, B.C.
File: 88233

This plan lies within the jurisdiction of the Approving Officer for the City of Nanaimo

This plan lies within the Regional District of Nanaimo

The field survey represented by this plan was completed on the 17th day of April, 2015

Douglas W. Holme, BCLS 792

STATUTORY RIGHT OF WAY PLAN OVER PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090, EXCEPT PART IN PLAN EPP50928

PLAN EPP50929

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 92G.011

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The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:250

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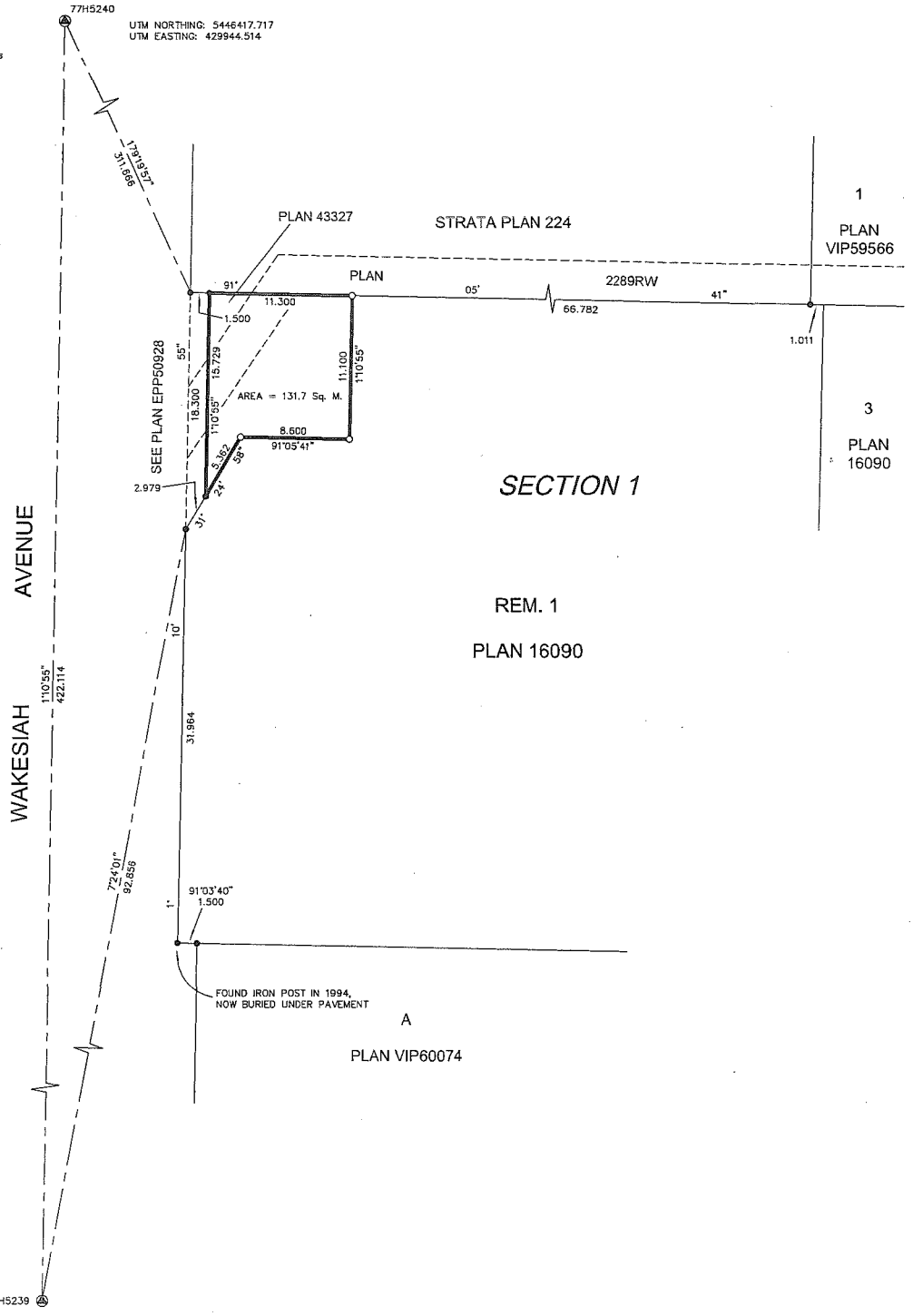

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors -- Consulting Engineers
Victoria – Nanaimo – Parksville, B.C.
File: 88233

This plan lies within the Regional District of Nanaimo

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Douglas W. Holme, BCLS 792

FORM_C_V19 (Charge)

SCHEDULE C

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Joanna Track, Barrister & Solicitor
YOUNG ANDERSON
1616 - 808 Nelson Street
Vancouver BC V6Z 2H2
Phone: (604) 689-7400
File: 37-464

Deduct LTSA Fees? Yes ☑

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

000-270-342 LOT 1 SECTION 1 NANAIMO DISTRICT PLAN 16090

STC? YES ☐

3. NATURE OF INTEREST | CHARGE NO. | ADDITIONAL INFORMATION

Statutory Right of Way over part in plan EPP50929

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☑ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

M.R.B. HOLDINGS LTD. (INC. NO. 424975)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CITY OF NANAIMO
A MUNICIPAL CORPORATION
455 WALLACE STREET
NANAIMO BRITISH COLUMBIA
V9R 5J6 CANADA
Incorporation No
N/A

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Transferor(s) Signature(s)
				M.R.B. HOLDINGS LTD. by its authorized signatory(ies):
				Name:
				Name:

(as to all signatures)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
				CITY OF NANAIMO by its authorized signatory(ies):
				Name:
				Name:
(as to all signatures)				

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT – PART 2

STATUTORY RIGHT OF WAY AGREEMENT

THIS AGREEMENT dated for reference the 1st day of May, 2015

BETWEEN:

M.R.B. HOLDINGS LTD. (Inc. No. 424975), 4308 Crownwood Lane, Victoria, British Columbia, V8X 5E4

(the "Owner")

AND:

CITY OF NANAIMO, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6

(the "City")

GIVEN THAT:

A. The Owner is the registered owner in fee simple of that land and premises located at 270 Wakesiah Avenue, Nanaimo, British Columbia, legally described as:

Parcel Identifier: 000-270-342
Lot 1, Section 1, Nanaimo District, Plan 16090

(the "Land");

B. Section 218 of the *Land Title Act*, R.S.B.C. 1996, c.250, enables the Owner to grant in favour of the City an easement without a dominant tenement to be known as a statutory right of way;

C. The City requires and the Owner wishes to grant to the City a statutory right of way for storm sewer, sanitary sewer, and watermain purposes over a portion of the Land; and

D. This statutory right of way is necessary for the operation and maintenance of the City's undertaking.

NOW THEREFORE in consideration of the premises herein contained, of the sum of $1.00 paid by the City to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, the parties agree as follows:

1. **Grant of Statutory Right of Way** – Pursuant to Section 218 of the *Land Title Act*, the Owner hereby grants and conveys in perpetuity at all times to the City the full, free and uninterrupted right, license, liberty, privilege, easement, and right of way (the "Statutory Right of Way"), in common with the Owner, over that part of the Land (the "Right of Way Area") shown outlined in heavy black line on statutory right of way plan EPP50929 prepared by Douglas Holme, B.C.L.S., and certified correct on the 21st day of April, 2015, a

reduced copy of which plan is attached as Schedule "A" to this Agreement, for the City and its servants, employees, agents and contractors:

(a) to enter over, on, in, and under the Right of Way Area, with or without workers, machinery, vehicles, equipment and materials, to:

(i) conduct surveys and examinations;

(ii) dig up, carry away, remove and replace soil and other surface and subsurface materials and clear trees, growth, structures, and obstructions now or hereafter in existence as may be necessary;

(iii) construct, lay down, install, entrench, operate, maintain, clean, cover with soil, alter, relocate, renew, inspect, replace or otherwise establish transmission lines, pipes, culverts, retaining walls, retention ponds, wing walls, manholes, meters, pumps, valves, and similar equipment, together with all ancillary attachments and fittings (collectively defined as the "Works")

for the purpose of conveying, draining, containing, protecting, metering and disposing of water, storm water, and sanitary sewage; and

(b) to do all acts which, in the opinion of the City, are incidental to the foregoing.

2. **Promises of the Owner** – The Owner covenants and agrees with the City:

(a) that the Owner shall not obstruct, or permit the existence of any obstruction of, the Right of Way Area in a manner which interferes with the rights granted under this Agreement, and in particular, shall not, nor permit any person to, erect, place, install or maintain any part or all of a building or structure on, over or under any portion of the Right of Way Area;

(b) that notwithstanding section 2(a), if the Owner has, as of the date of executing this Agreement, a trailer, shed or other structure or improvement or obstruction already located on the Right of Way Area, the Owner is not required by this Agreement to remove the obstruction, but if the obstruction is removed for any reason, it may not be relocated on the Right of Way Area and if for any reason the City may need to access the Works, the City may move the obstruction, after which the City will relocate the obstruction on another part of the Land;

(c) that the Owner shall not do, or permit to be done, any act or thing which may interfere with, injure or impair the Works or the operating efficiency of the Works, and in particular shall not carry out any excavations on or adjacent to the Right of Way Area or any blasting on the Land without the prior written consent of the City; and

(d) that the Owner shall not substantially add to or diminish the soil cover over or around any of the Works, and in particular, shall not construct open drains or ditches along or across any of the Works without the prior written consent of the City.

3. **Promises of the City** – The City covenants and agrees with the Owner:

   (a) that the City shall use the Statutory Right of Way and carry out any maintenance of the Works in a good and workmanlike manner and shall not cause unnecessary damage or disturbance to the Land or any improvement on or in the Land;

   (b) that the City shall not bury debris or rubbish in excavations or in backfill and shall remove shoring and like temporary structures as backfilling proceeds;

   (c) that the City shall clean up and remove from the Right of Way Area all rubbish, tree trimmings, shrubbery or growth and all construction debris it creates and shall leave the Right of Way Area in a neat and clean condition; and

   (d) that the City shall, as soon as weather and soil conditions permit, and so often as it may exercise its right of entry hereunder to the Land, replace the surface soil or surface cover as nearly as may be reasonably possible to the same condition as it was prior to such entry.

4. **Ownership of Works** – The Works are and shall remain the property of the City, any rule of law or equity to the contrary notwithstanding.

5. **Waiver** – Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default.

6. **Runs with Land** – The Statutory Right of Way shall charge the Land and bind the Land and every part, and shall attach to and run with the Land and each and every part to which the Land may be divided or subdivided, whether by subdivision plan, strata plan or otherwise howsoever. The Statutory Right of Way shall not terminate if and when a purchaser becomes the owner in fee simple of the Land, but shall charge the whole of the interest of such purchaser and shall continue to run with the Land and bind the Land and all future owners of the Land and any portion thereof.

7. **Interpretation** – Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

8. **References** – Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party, wherever the context so requires or allows.

9. **Invalidity** – If any part of this Agreement is for any reason held to be invalid by the decision of a court, the invalid part shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

10. **Agreement in Force** – This Agreement shall enure to the benefit of and be binding on the parties notwithstanding any rule of law or equity to the contrary.

11. **Applicable Law** – This Agreement shall be governed in accordance with the laws of the Province of British Columbia.

12. **Joint Liability** – In the case of the Owner comprising more than one person, the grants, covenants, agreements, and liabilities of each person shall be construed and held to be several as well as joint.

13. **No Connection** – This Statutory Right of Way does not entitle the Owner to connect to the Works without complying with the City's bylaws.

14. **Further Assurances** – The Owner shall, from time to time and at all times upon request, do and execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, conveyances and assurances in law whatsoever for the better assuring unto the City of the rights hereby granted.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

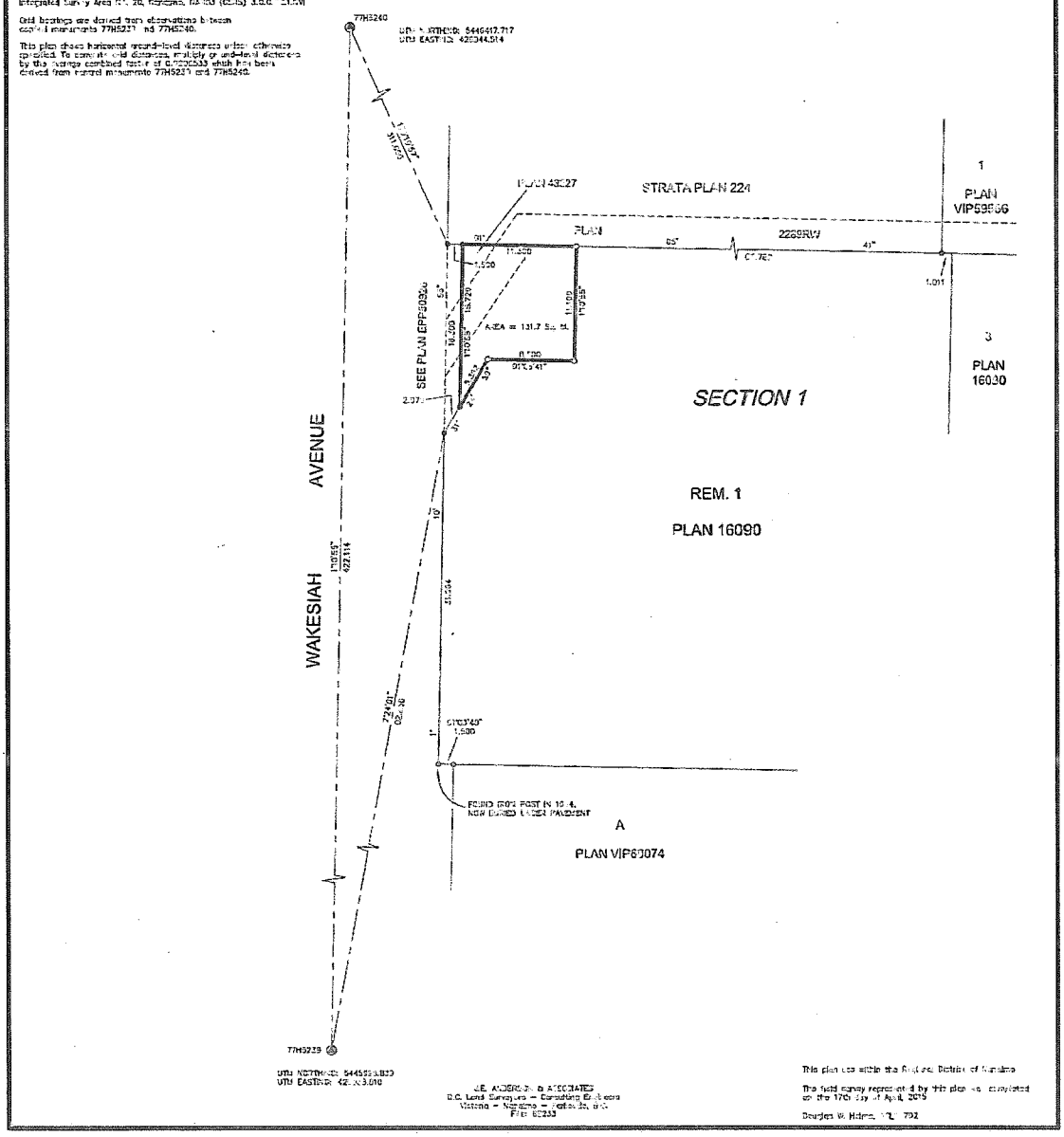
SCHEDULE "A"

STATUTORY RIGHT OF WAY PLAN OVER PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090, EXCEPT PART IN PLAN EPP50928

PLAN EPP50929

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 92G.011



END OF DOCUMENT

SCHEDULE D

Expropriation Act

Form 1

(Section 6(1))

Expropriation Notice

Expropriation Notice No. .....
(to be filled in by Land Title Office)

TO: M.R.B. Holdings Ltd.
4308 Crownwood Lane, Victoria, BC V8X 5E4

AND: Her Majesty The Queen In Right of the Province of British Columbia
c/o Attorney General of British Columbia
Ministry of Justice
Room 232, Parliament Buildings, Victoria, BC V8V 1X4

AND: Greater Nanaimo Sewerage and Drainage District
c/o Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

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

AND: The Toronto-Dominion Bank
55 King Street West, 22nd Floor, Toronto, Ontario M5K 1A2

AND: Registrar
Victoria Land Title Office

TAKE NOTICE that:

1. The City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251 (the "expropriating authority") intends to expropriate an interest in land of which M.R.B. Holdings Ltd. is the registered owner, the particulars of which are as follows:

   That portion of the land legally described as Parcel Identifier: 000-270-342, Lot 1, Section 1, Nanaimo District, Plan 16090, and having a civic address of 270 Wakesiah Avenue, Nanaimo, BC, shown outlined in heavy black on reference plan EPP50928, prepared by Douglas Holme, B.C.L.S., and certified correct on the 21st day of April, 2015, a copy of which is attached hereto as Schedule A.

2. The nature of the interest in the land intended to be expropriated is the fee simple estate.

NOTE: Where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

3. The work or purpose for which the interest in the land is for the establishment, operation, maintenance, alteration, construction, improvement and using of the land as a highway.

4. The approving authority for this expropriation is the City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251.

5. Where an owner is eligible under secton 10 of the *Expropriation Act* to request an inquiry, the minister and the expropriating authority must be served with a Notice of request for Inquiry (Form 2), a copy of which is attached hereto, within 30 days after the date this Expropriationis served on the owner.

6. Where less than an entire parcel is affected by the expropriation and a fee simple interest is intended to be expropriated a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act*.

Dated at Nanaimo, BC this _____ day of _____, 2015.

City of Nanaimo

by_____
Title: Chris Jackson, Corporate Officer

SCHEDULE A

REFERENCE PLAN OF PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090

PLAN EPP50928

PURSUANT TO SECTION 6, EXPROPRIATION ACT

BCGS 92G.011

0 2.5 5 10 15 20 25

The intended plot size of this plan is 432mm in width by 864mm in height (D size) when plotted at a scale of 1:250

LEGEND

- denotes Standard Iron Post found
- denotes Standard Iron Post set
- denotes Control Monument found

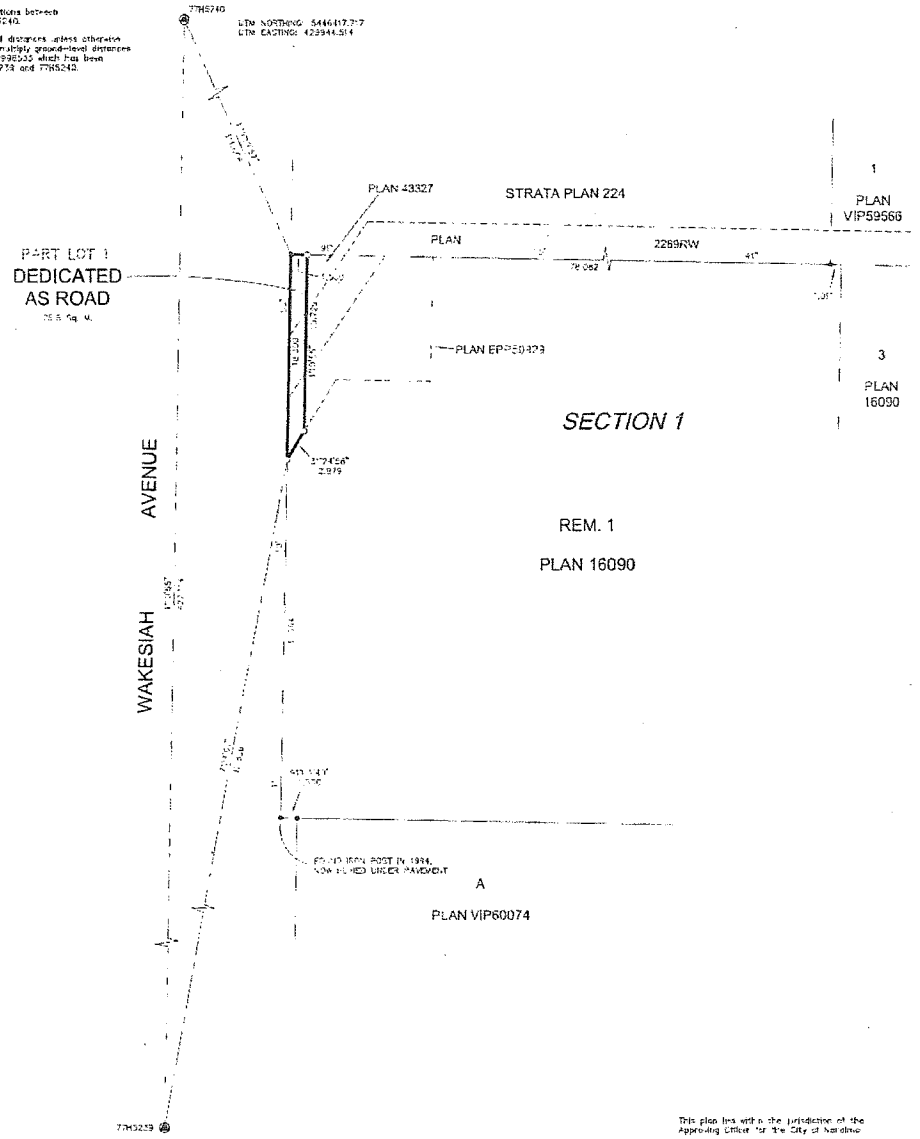
Sq. M. denotes Square Metres

All distances shown are in metres

Integrated Survey Area No. 75, Nanaimo, NAD83 (CSRS) 3.0.0.BC.1.VVI

Grid bearings are derived from observations between control monuments 77H5239 and 77H5240.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9996535 which has been derived from control monuments 77H5239 and 77H5240.



J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors — Consulting Engineers
Victoria — Nanaimo — Fort St. John, B.C.
File: 98253

This plan lies within the jurisdiction of the Approving Officer for the City of Nanaimo

This plan lies within the Regional District of Nanaimo

The field survey represented by this plan was completed on the 17th day of April, 2015

Douglas A. Haime, BCLS 792

SCHEDULE E

Expropriation Act

Form 1

(Section 6(1))

Expropriation Notice

Expropriation Notice No. .....
(to be filled in by Land Title Office)

TO: M.R.B. Holdings Ltd.
4308 Crownwood Lane, Victoria, BC V8X 5E4

AND: Her Majesty The Queen In Right of the Province of British Columbia
c/o Attorney General of British Columbia
Ministry of Justice
Room 232, Parliament Buildings, Victoria, BC V8V 1X4

AND: Greater Nanaimo Sewerage and Drainage District
c/o Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

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

AND: The Toronto-Dominion Bank
55 King Street West, 22nd Floor, Toronto, Ontario M5K 1A2

AND: Registrar
Victoria Land Title Office

TAKE NOTICE that:

1. The City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251 (the "expropriating authority") intends to expropriate an interest in land of which M.R.B. Holdings Ltd. is the registered owner, the particulars of which are as follows:

   That portion of the land legally described as Parcel Identifier: 000-270-342, Lot 1, Section 1, Nanaimo District, Plan 16090, and having a civic address of 270 Wakesiah Avenue, Nanaimo, BC, shown outlined in heavy black on statutory right of way plan EPP50929 prepared by Douglas Holme, B.C.L.S. and certified correct on the 21st day of April, 2015, a copy of which is attached hereto as Schedule A.

2. The nature of the interest in the land intended to be expropriated is a statutory right of way under section 218 of the *Land Title Act* in the form attached hereto as Schedule B.

NOTE: Where an interest less than the fee simple is indicated, the Expropriation Notice must be accompanied by a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

3. The work or purpose for which the interest in the land is required is for constructing, laying down, installing, entrenching, operating, maintaining, cleaning, altering, relocating, inspecting, replacing, and otherwise establishing all pipes, culverts, retaining walls, retention ponds, wing walls, manholes, meters, pumps, valves, and similar equipment, or any of them, together with all ancillary attachments and fittings for the purpose of conveying, draining, containing, protecting, metering, and disposing of water, storm water, and sanitary sewage.

4. The approving authority for this expropriation is the City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251.

5. Where less than an entire parcel is affected by the expropriation and an interest less than the fee simple is intended to be expropriated, a copy of a reference or explanatory plan must be attached to this Expropriation Notice and the application to file the notice in the Land Title Office must be accompanied by a plan package that complies with section 67(s) of the *Land Title Act* unless a description, satisfactory to the Registrar, of the area to be affected by the expropriation is contained in a written instrument in form and substance capable of registration as a charge under the *Land Title Act*.

Dated at Nanaimo, BC this _____ day of _____, 2015.

City of Nanaimo

by_____
Title: Chris Jackson, Corporate Officer

SCHEDULE A

[Copy of SRW Plan]

STATUTORY RIGHT OF WAY PLAN OVER PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090, EXCEPT PART IN PLAN EPP50928

PLAN EPP50929

PURSUANT TO SECTION 6, EXPROPRIATION ACT

SCGS 92G.011

0 2.5 5 10 15 20 25

The intended plot size of this plan is 432mm in width by 561mm in height (C size) when plotted at a scale of 1:250

LEGEND

- denotes standard iron post found
- denotes standard iron post set
- denotes Control Monument found

Sq. M. denotes Square Metres

All distances shown are in metres

Integrated Survey Area No. 20, Nanaimo, NAD83 (CSRS) 3.0.0.BC.1.IHT

Grid bearings are derived from observations between control monuments 27H5239 and 27H5240.

This plan shows horizontal ground-level distances unless otherwise specified. To convert grid distances to ground-level distances multiply by the average combined factor of 0.9996535 which has been derived from control monuments 27H5239 and 27H5240

27H5240

UTM NORTHING: 5449497.247
UTM EASTING: 423344.014

PLAN 43327

STRATA PLAN 224

PLAN VIP59563

PLAN

2269RW

AREA = 131.7 Sq. M.

SEE PLAN EPP60920

SECTION 1

PLAN 16090

AVENUE

WAKESIAH

REM. 1

PLAN 16090

A

PLAN VIP60074

27H5239

UTM NORTHING: 5449865.839
UTM EASTING: 423955.810

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria – Nanaimo – Fort St. John – B.C.
File: 88233

This plan lies within the Regional District of Nanaimo

The field survey represented by this plan was completed on the 17th day of April, 2015

Douglas W. Hetme, BCLS 700

SCHEDULE B

FORM_C_V19 (Charge)

[Form of SRW]

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Joanna Track, Barrister & Solicitor
YOUNG ANDERSON
1616 - 808 Nelson Street
Vancouver BC V6Z 2H2
Phone: (604) 689-7400
File: 37-464

Deduct LTSA Fees? Yes ☑

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

000-270-342 LOT 1 SECTION 1 NANAIMO DISTRICT PLAN 16090

STC? YES ☐

3. NATURE OF INTEREST | CHARGE NO. | ADDITIONAL INFORMATION

Statutory Right of Way over part in plan EPP50929

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☑ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

M.R.B. HOLDINGS LTD. (INC. NO. 424975)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

CITY OF NANAIMO
A MUNICIPAL CORPORATION
455 WALLACE STREET
NANAIMO BRITISH COLUMBIA
V9R 5J6 CANADA
Incorporation No
N/A

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Transferor(s) Signature(s)
				M.R.B. HOLDINGS LTD. by its authorized signatory(ies):
				Name:
				Name:

(as to all signatures)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
				CITY OF NANAIMO by its authorized signatory(ies):
				Name:
				Name:
(as to all signatures)				

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT – PART 2

STATUTORY RIGHT OF WAY AGREEMENT

THIS AGREEMENT dated for reference the 1st day of May, 2015

BETWEEN:

M.R.B. HOLDINGS LTD. (Inc. No. 424975), 4308 Crownwood Lane, Victoria, British Columbia, V8X 5E4

(the "Owner")

AND:

CITY OF NANAIMO, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6

(the "City")

GIVEN THAT:

A. The Owner is the registered owner in fee simple of that land and premises located at 270 Wakesiah Avenue, Nanaimo, British Columbia, legally described as:

Parcel Identifier: 000-270-342
Lot 1, Section 1, Nanaimo District, Plan 16090

(the "Land");

B. Section 218 of the *Land Title Act*, R.S.B.C. 1996, c.250, enables the Owner to grant in favour of the City an easement without a dominant tenement to be known as a statutory right of way;

C. The City requires and the Owner wishes to grant to the City a statutory right of way for storm sewer, sanitary sewer, and watermain purposes over a portion of the Land; and

D. This statutory right of way is necessary for the operation and maintenance of the City's undertaking.

NOW THEREFORE in consideration of the premises herein contained, of the sum of $1.00 paid by the City to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, the parties agree as follows:

1. **Grant of Statutory Right of Way** – Pursuant to Section 218 of the *Land Title Act*, the Owner hereby grants and conveys in perpetuity at all times to the City the full, free and uninterrupted right, license, liberty, privilege, easement, and right of way (the "Statutory Right of Way"), in common with the Owner, over that part of the Land (the "Right of Way Area") shown outlined in heavy black line on statutory right of way plan EPP50929 prepared by Douglas Holme, B.C.L.S., and certified correct on the 21st day of April, 2015, a

reduced copy of which plan is attached as Schedule "A" to this Agreement, for the City and its servants, employees, agents and contractors:

(a) to enter over, on, in, and under the Right of Way Area, with or without workers, machinery, vehicles, equipment and materials, to:

(i) conduct surveys and examinations;

(ii) dig up, carry away, remove and replace soil and other surface and subsurface materials and clear trees, growth, structures, and obstructions now or hereafter in existence as may be necessary;

(iii) construct, lay down, install, entrench, operate, maintain, clean, cover with soil, alter, relocate, renew, inspect, replace or otherwise establish transmission lines, pipes, culverts, retaining walls, retention ponds, wing walls, manholes, meters, pumps, valves, and similar equipment, together with all ancillary attachments and fittings (collectively defined as the "Works")

for the purpose of conveying, draining, containing, protecting, metering and disposing of water, storm water, and sanitary sewage; and

(b) to do all acts which, in the opinion of the City, are incidental to the foregoing.

2. **Promises of the Owner** – The Owner covenants and agrees with the City:

(a) that the Owner shall not obstruct, or permit the existence of any obstruction of, the Right of Way Area in a manner which interferes with the rights granted under this Agreement, and in particular, shall not, nor permit any person to, erect, place, install or maintain any part or all of a building or structure on, over or under any portion of the Right of Way Area;

(b) that notwithstanding section 2(a), if the Owner has, as of the date of executing this Agreement, a trailer, shed or other structure or improvement or obstruction already located on the Right of Way Area, the Owner is not required by this Agreement to remove the obstruction, but if the obstruction is removed for any reason, it may not be relocated on the Right of Way Area and if for any reason the City may need to access the Works, the City may move the obstruction, after which the City will relocate the obstruction on another part of the Land;

(c) that the Owner shall not do, or permit to be done, any act or thing which may interfere with, injure or impair the Works or the operating efficiency of the Works, and in particular shall not carry out any excavations on or adjacent to the Right of Way Area or any blasting on the Land without the prior written consent of the City; and

(d) that the Owner shall not substantially add to or diminish the soil cover over or around any of the Works, and in particular, shall not construct open drains or ditches along or across any of the Works without the prior written consent of the City.

3. **Promises of the City** – The City covenants and agrees with the Owner:

   (a) that the City shall use the Statutory Right of Way and carry out any maintenance of the Works in a good and workmanlike manner and shall not cause unnecessary damage or disturbance to the Land or any improvement on or in the Land;

   (b) that the City shall not bury debris or rubbish in excavations or in backfill and shall remove shoring and like temporary structures as backfilling proceeds;

   (c) that the City shall clean up and remove from the Right of Way Area all rubbish, tree trimmings, shrubbery or growth and all construction debris it creates and shall leave the Right of Way Area in a neat and clean condition; and

   (d) that the City shall, as soon as weather and soil conditions permit, and so often as it may exercise its right of entry hereunder to the Land, replace the surface soil or surface cover as nearly as may be reasonably possible to the same condition as it was prior to such entry.

4. **Ownership of Works** – The Works are and shall remain the property of the City, any rule of law or equity to the contrary notwithstanding.

5. **Waiver** – Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default.

6. **Runs with Land** – The Statutory Right of Way shall charge the Land and bind the Land and every part, and shall attach to and run with the Land and each and every part to which the Land may be divided or subdivided, whether by subdivision plan, strata plan or otherwise howsoever. The Statutory Right of Way shall not terminate if and when a purchaser becomes the owner in fee simple of the Land, but shall charge the whole of the interest of such purchaser and shall continue to run with the Land and bind the Land and all future owners of the Land and any portion thereof.

7. **Interpretation** – Wherever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context so requires.

8. **References** – Every reference to each party is deemed to include the heirs, executors, administrators, successors, assigns, employees, agents, officers, and invitees of such party, wherever the context so requires or allows.

9. **Invalidity** – If any part of this Agreement is for any reason held to be invalid by the decision of a court, the invalid part shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

10. **Agreement in Force** – This Agreement shall enure to the benefit of and be binding on the parties notwithstanding any rule of law or equity to the contrary.

11. **Applicable Law** – This Agreement shall be governed in accordance with the laws of the Province of British Columbia.

12. **Joint Liability** – In the case of the Owner comprising more than one person, the grants, covenants, agreements, and liabilities of each person shall be construed and held to be several as well as joint.

13. **No Connection** – This Statutory Right of Way does not entitle the Owner to connect to the Works without complying with the City's bylaws.

14. **Further Assurances** – The Owner shall, from time to time and at all times upon request, do and execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, conveyances and assurances in law whatsoever for the better assuring unto the City of the rights hereby granted.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.

SCHEDULE "A"

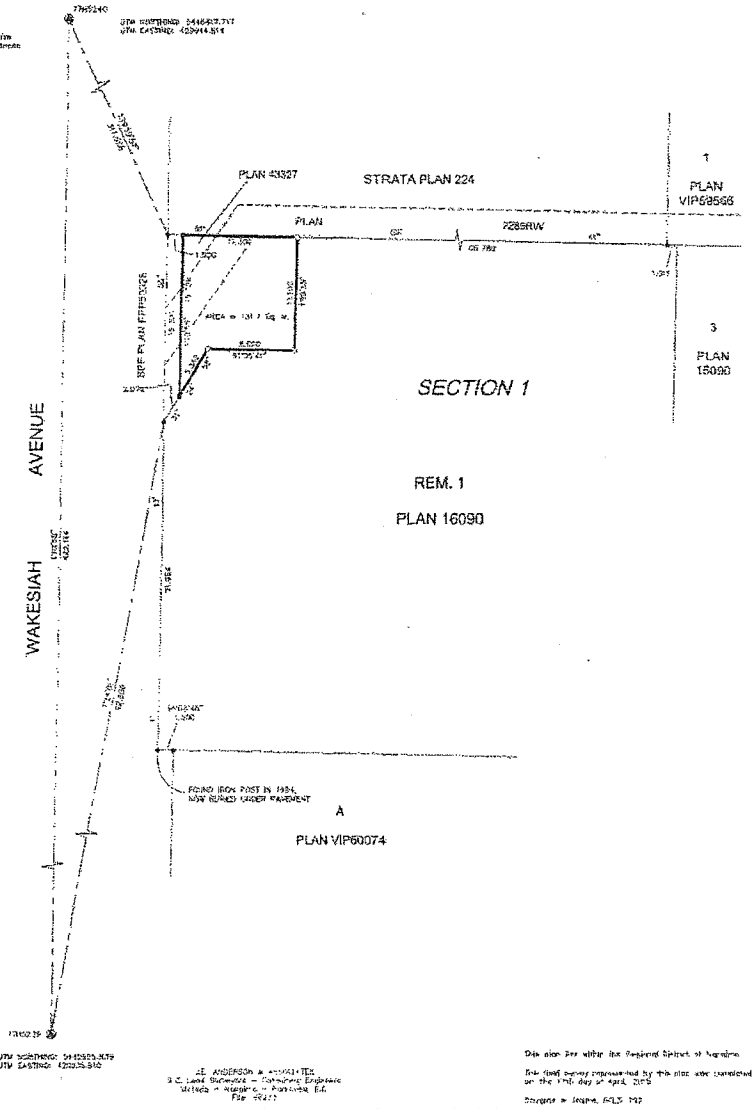
STATUTORY RIGHT OF WAY PLAN OVER PART OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 16090, EXCEPT PART IN PLAN EPP50928

PLAN EPP50929

PURSUANT TO SECTION 6, EXPROPRIATION ACT

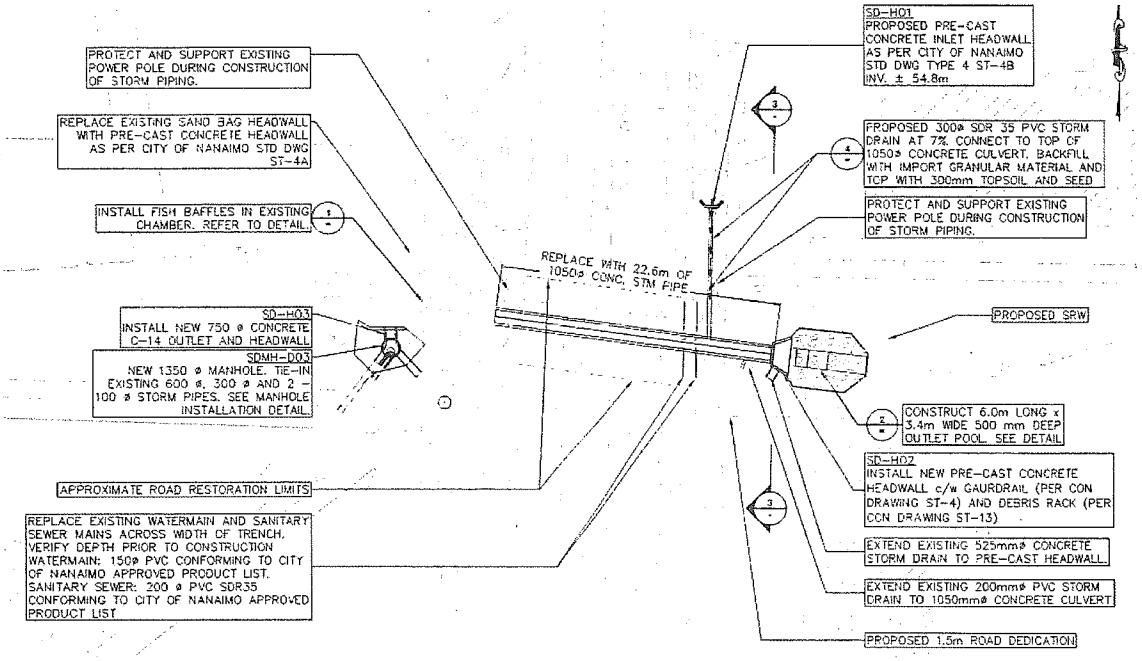
BCGS 92G.011

LEGEND



END OF DOCUMENT

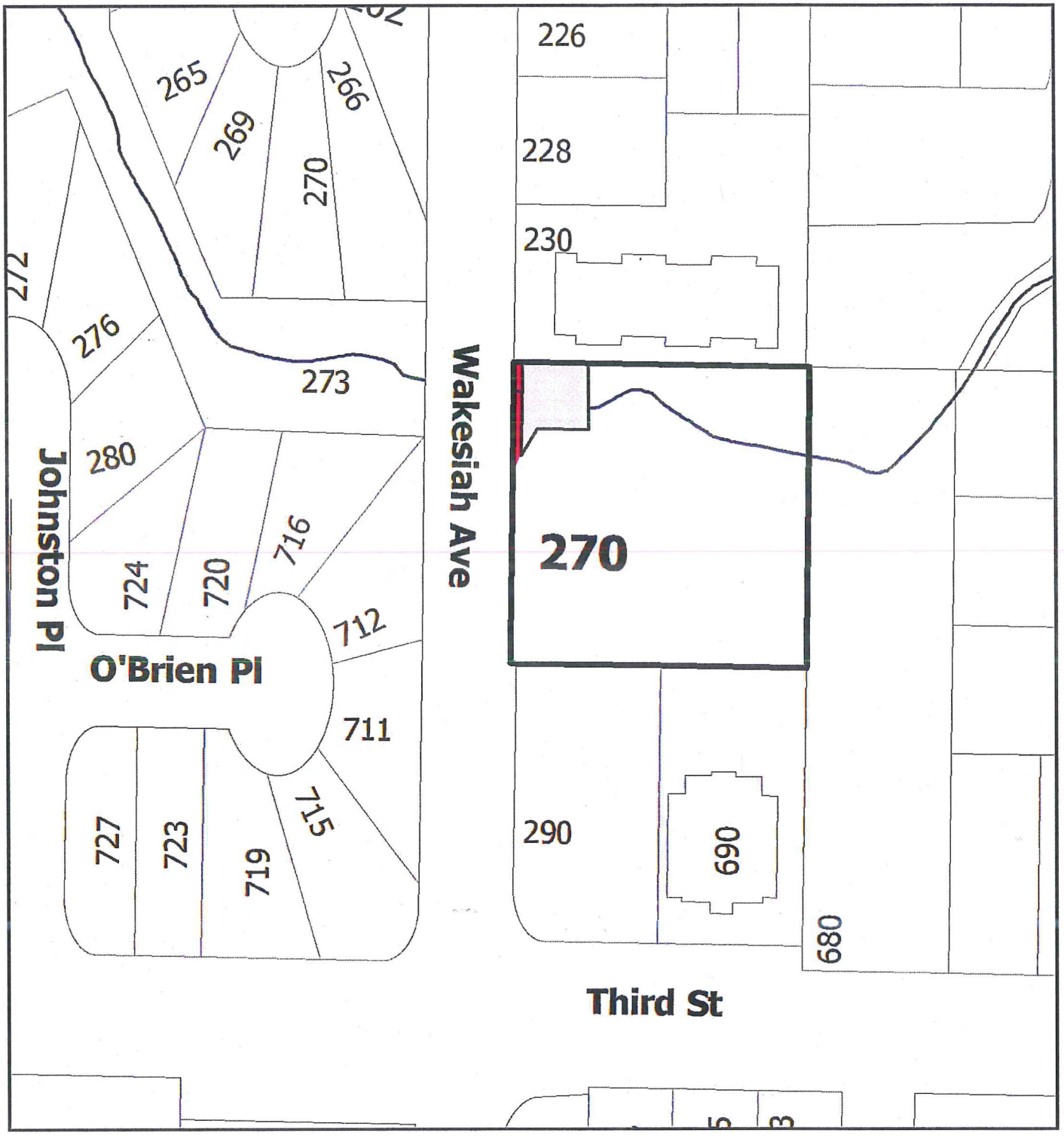
ATTACHMENT B



CULVERT REPLACEMENT PLAN

SCALE: 1:250

Attachment C



N

LOCATION PLAN

Civic: 270 Wakesiah Ave

Road Dedication

Right of Way
Area = 131.7 sq m

Subject Property

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAY-04, AT 4:30 P.M.

---

3. **PRESENTATIONS:**

(a) Move Facilitated Dialogue – Building Respectful Workplace Relationships from 9 (a) Other Business to 3 (a) Presentations.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAY-04, AT 4:30 P.M.

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

Members: Councillor G. W. Fuller
Councillor J. Hong (arrived at 5:01 p.m.)
Councillor J. A. Kipp (arrived at 5:20 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor W. L. Bestwick
Councillor M. D. Brennan

Other: Ms. Heather Mackenzie, Facilitator (vacated 5:40 p.m.)

Staff: E. C. Swabey, City Manager (arrived at 5:40 pm)
T. M. Hickey, General Manager of Community Services (arrived 5:40 p.m.)
T. P. Seward, Director of Social & Protective Services (arrived 5:40 p.m.)
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development (arrived 5:40 p.m.)
G. Goodall, Director of Engineering & Public Works (arrived 5:40 p.m.)
B. Corsan, Manager, Real Estate (arrived 5:40 p.m.)
C. Jackson, Manager of Legislative Services (arrived 5:40 p.m.)
S. Snelgrove, Steno, Legislative Services (arrived 5:40 p.m. and vacated at 6:03 p.m.)
P. Humphreys, Recording Secretary (arrived 5:40 p.m. and vacated at 6:03 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Council Meeting was called to order at 4:38 p.m.

2. INTRODUCTION OF LATE ITEMS:

06015 Agenda Item 9 (a) Facilitated Dialogue – Building Respectful Workplace Relationships - Move to 3 (a) Presentations.

3. ADOPTION OF AGENDA:

06115 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:

06215 It was moved and seconded that Council adopt the following Minutes as circulated:

- Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2015-APR-15 at 3:00 p.m.

- Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2015-APR-20 at 5:30 p.m.

- Minutes of the Special “In Camera” Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2015-APR-22 at 3:13 p.m.

The motion carried unanimously.

5. PRESENTATIONS:

(a) Facilitated Dialogue – Building Respectful Workplace Relationships

Ms. Heather Mackenzie facilitated a discussion regarding building respectful workplace relationships.

Councillor Hong entered the Douglas Rispin Room at 5:01 p.m.

Councillor Kipp entered the Douglas Rispin Room at 5:20 p.m.

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

Staff entered the Douglas Rispin Room at 5:40 p.m.

6. CORPORATE SERVICES:

(a)

(b) Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue

Mr. Bill Corsan, Manager, Real Estate, provided a presentation.

06415 It was moved and seconded that Council adopt the resolution as described in Attachment A of the Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue report, authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Avenue. The motion carried unanimously.

Ms. Peggi Humphreys and Ms. Sky Snelgrove vacated the Douglas Rispin Room at 6:03 pm.

7. COMMUNITY SERVICES

(a)

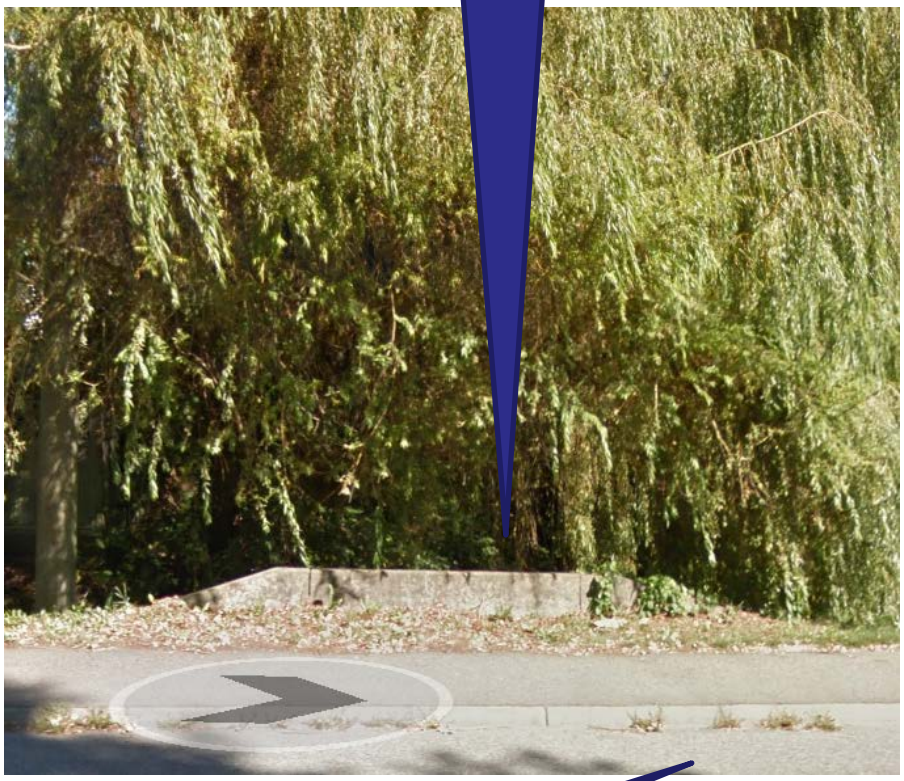
8. ADJOURNMENT:

06615 It was moved and seconded at 6:24 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

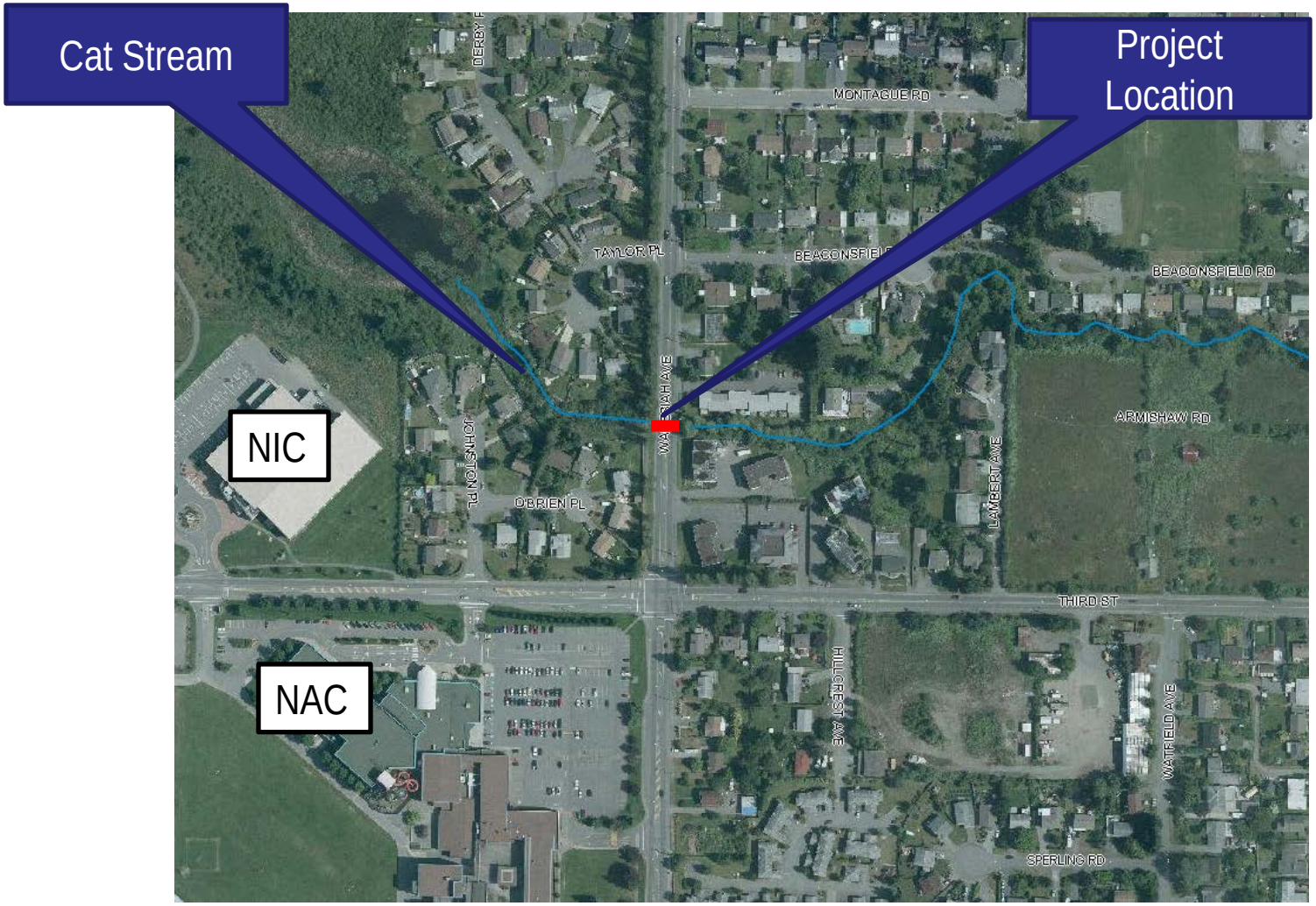
_____
M A Y O R

CERTIFIED CORRECT:

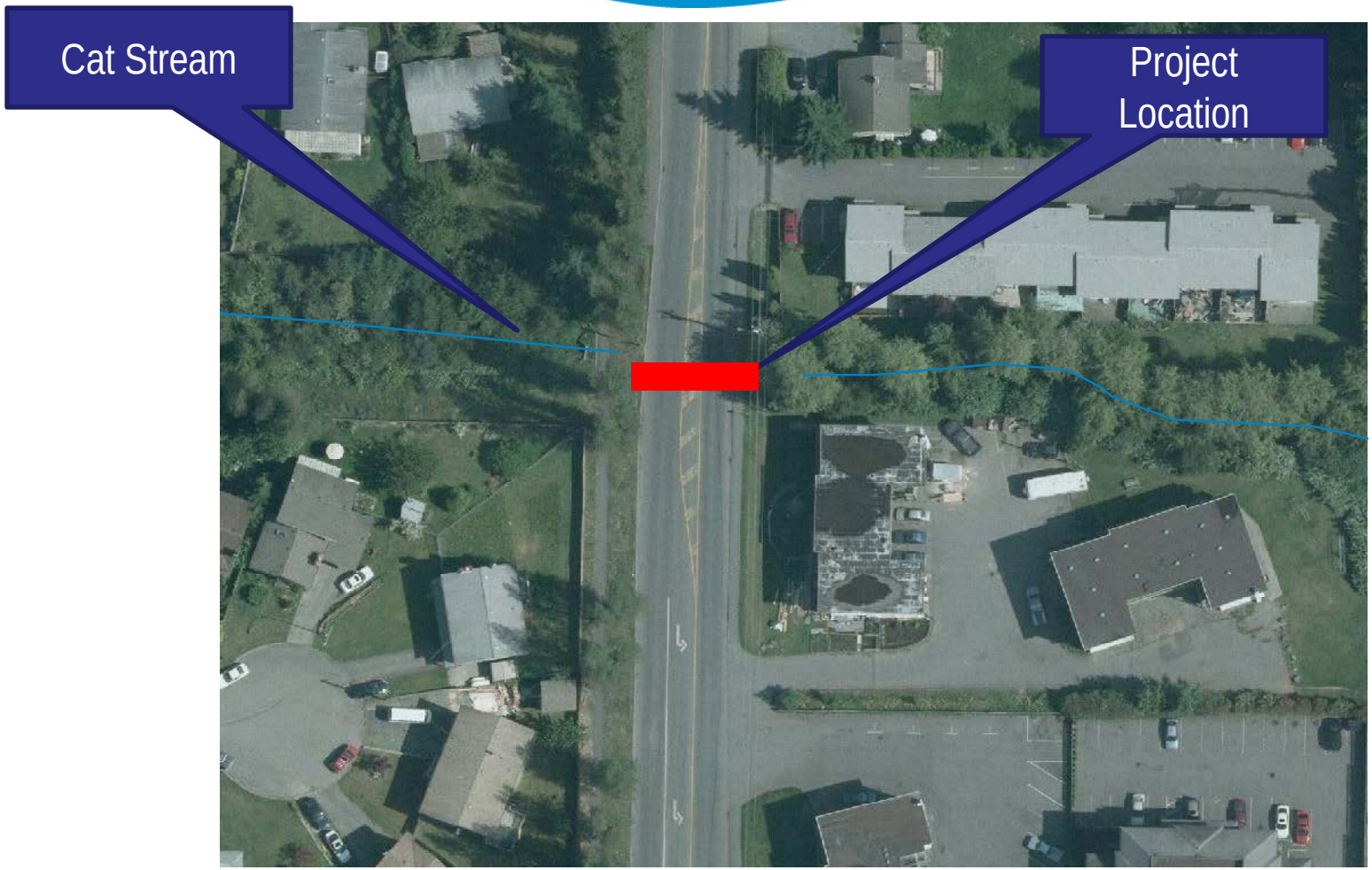
_____
CORPORATE OFFICER

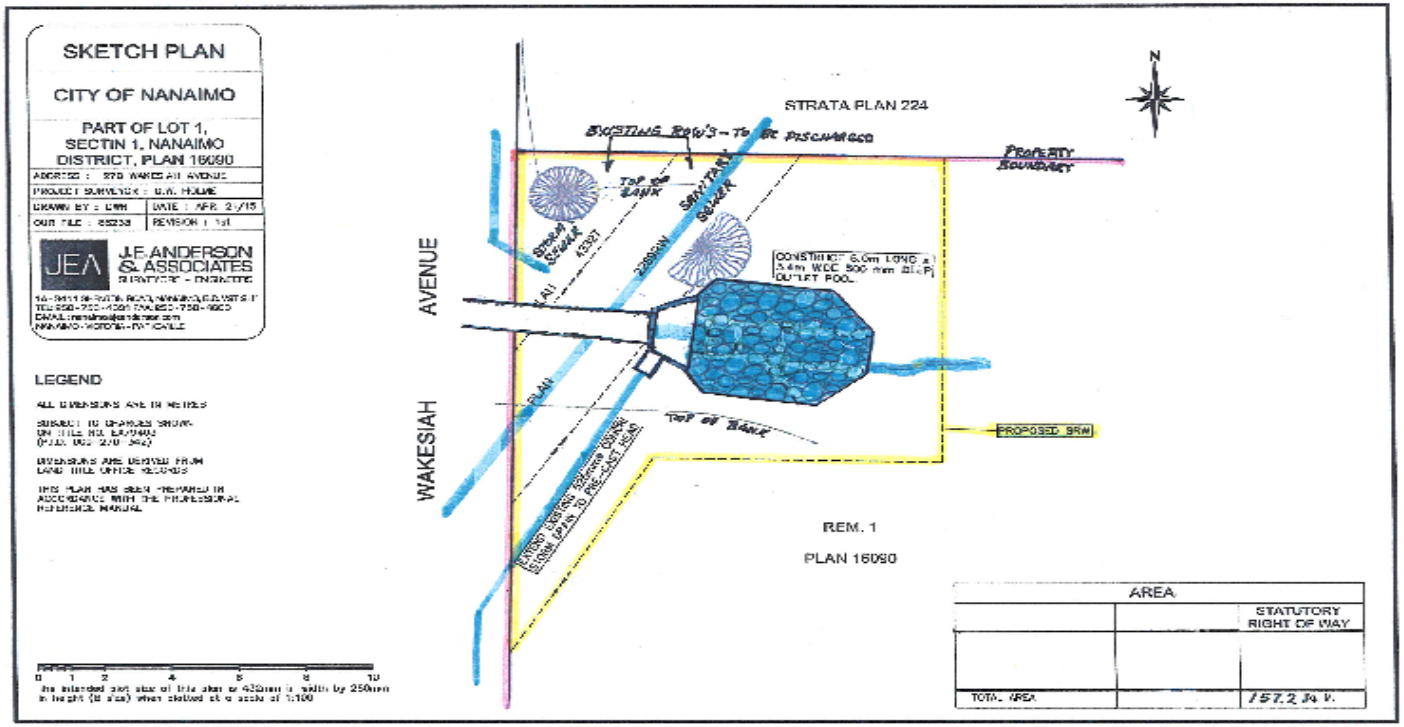

Cat Stream
Wakesiah Avenue

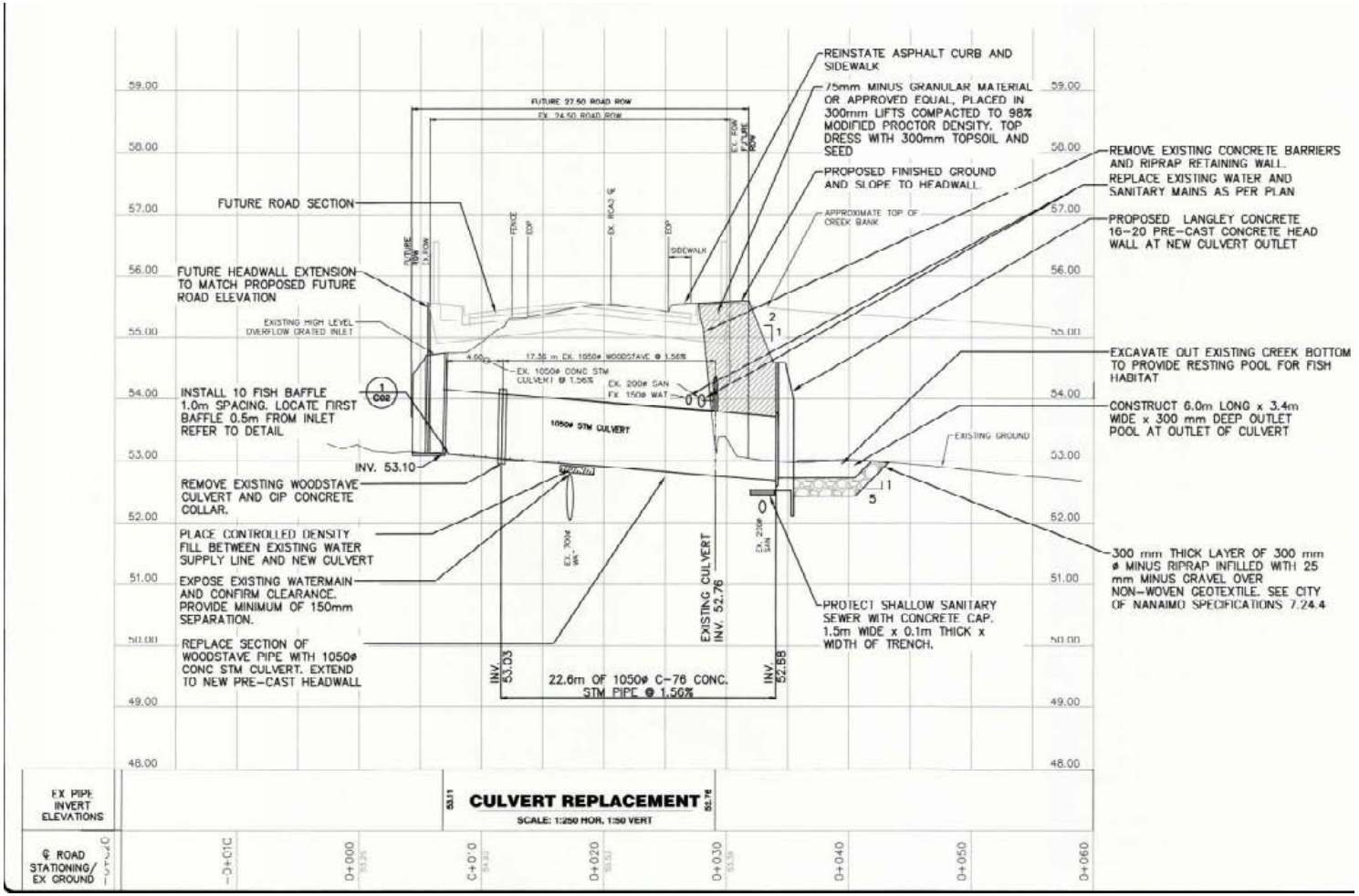
Woodstave Culvert
Cat Stream


Cat Stream
Project Location
NIC
NAC
MONTAGUE RD
TAYLOR PL
BEACONSFIELD RD
ARMISHAW RD
JOHNSTON PL
O'BRIEN PL
LAMBERT AVE
THIRD ST
HILLCREST AVE
WATERFIELD AVE
SPERLING RD

CITY OF NANAIMO
THE HARBOUR CITY




SKETCH PLAN
CITY OF NANAIMO
PART OF LOT 1,
SECTIN 1, NANAIMO
DISTRICT, PLAN 16090
ADDRESS : 970 WAKESIAH AVENUE
PRODUCT SURVEYOR : D.W. HOLME
DRAWN BY : DWH
DATE : APR. 2/15
OUR FILE : 65233
REVISION : 1st
JEA
J.E. ANDERSON & ASSOCIATES
SURVEYORS - ENGINEERS
LEGEND
ALL DIMENSIONS ARE IN METRES
DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS
THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL
0 1 2 4 6 8 10
STRATA PLAN 224
EXISTING Rip's - To BE DISCHARGED
PROPERTY BOUNDARY
TOP OF BANK
SANITARY SEWER
STORM SEWER
4.53m
2.89m
WAKESIAH AVENUE
CONSTRUCT 6.0m LONG x 3.4m WIDE 500 mm Ø C.P. OUTLET POOL
PLAN
TOP OF BANK
PROPOSED SRW
EXISTING CONTOURS (CONTOURS OBTAINED FROM LIDAR TO PRECISE HEIGHT)
REM. 1
PLAN 16090
AREA
STATUTORY RIGHT OF WAY
TOTAL AREA
157.2 sq. m.


REINSTATE ASPHALT CURB AND SIDEWALK
75mm MINUS GRANULAR MATERIAL OR APPROVED EQUAL, PLACED IN 300mm LIFTS COMPACTED TO 98% MODIFIED PROCTOR DENSITY. TOP DRESS WITH 300mm TOPSOIL AND SEED
PROPOSED FINISHED GROUND AND SLOPE TO HEADWALL
FUTURE ROAD SECTION
FUTURE HEADWALL EXTENSION TO MATCH PROPOSED FUTURE ROAD ELEVATION
INSTALL 10 FISH BAFFLE 1.0m SPACING. LOCATE FIRST BAFFLE 0.5m FROM INLET REFER TO DETAIL
REMOVE EXISTING WOODSTAVE CULVERT AND CIP CONCRETE COLLAR.
PLACE CONTROLLED DENSITY FILL BETWEEN EXISTING WATER SUPPLY LINE AND NEW CULVERT
EXPOSE EXISTING WATERMAIN AND CONFIRM CLEARANCE. PROVIDE MINIMUM OF 150mm SEPARATION.
REPLACE SECTION OF WOODSTAVE PIPE WITH 1050ø CONC STM CULVERT. EXTEND TO NEW PRE-CAST HEADWALL
REMOVE EXISTING CONCRETE BARRIERS AND RIPRAP RETAINING WALL.
REPLACE EXISTING WATER AND SANITARY MAINS AS PER PLAN
PROPOSED LANGLEY CONCRETE 16-20 PRE-CAST CONCRETE HEAD WALL AT NEW CULVERT OUTLET
EXCAVATE OUT EXISTING CREEK BOTTOM TO PROVIDE RESTING POOL FOR FISH HABITAT
CONSTRUCT 6.0m LONG x 3.4m WIDE x 300 mm DEEP OUTLET POOL AT OUTLET OF CULVERT
300 mm THICK LAYER OF 300 mm ø MINUS RIPRAP INFILLED WITH 25 mm MINUS GRAVEL OVER NON-WOVEN GEOTEXTILE. SEE CITY OF NANAIMO SPECIFICATIONS 7.24.4
PROTECT SHALLOW SANITARY SEWER WITH CONCRETE CAP. 1.5m WIDE x 0.1m THICK x WIDTH OF TRENCH.
22.6m OF 1050ø C-76 CONC. STM PIPE @ 1.56%
INV. 53.03
INV. 52.88
EXISTING CULVERT INV. 52.76
17.36 m EX. 1050ø WOODSTAVE @ 1.56%
EX. 1050ø CONC STM CULVERT @ 1.56%
EX. 200ø SAN
EX. 150ø WAT
1050ø STM CULVERT
EXISTING GROUND
APPROXIMATE TOP OF CREEK BANK
EXISTING HIGH LEVEL OVERFLOW GRATED INLET
FUTURE 27.50 ROAD ROW
EX. 24.50 ROAD ROW
FENCE
EDP
SIDEWALK
59.00
58.00
57.00
56.00
55.00
54.00
53.00
52.00
51.00
50.00
49.00
48.00
EX PIPE INVERT ELEVATIONS
CULVERT REPLACEMENT
SCALE: 1:250 HOR. 1:50 VERT
℄ ROAD STATIONING/ EX GROUND
0+000
0+010
0+020
0+030
0+040
0+050
0+060

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO SERVICE AND RESOURCE BUILDING,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-MAY-25, AT 3:00 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 2-4*

3. **PRESENTATION:**

(a)

4. **CORPORATE SERVICES:**

(a)

5. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR YOACHIM
2015-APR-27 to 2015-JUN-07

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAY-04, AT 4:30 P.M.

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

Members: Councillor G. W. Fuller
Councillor J. Hong (arrived at 5:01 p.m.)
Councillor J. A. Kipp (arrived at 5:20 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor W. L. Bestwick
Councillor M. D. Brennan

Other: Ms. Heather Mackenzie, Facilitator (vacated 5:40 p.m.)

Staff: E. C. Swabey, City Manager (arrived at 5:40 pm)
T. M. Hickey, General Manager of Community Services (arrived 5:40 p.m.)
T. P. Seward, Director of Social & Protective Services (arrived 5:40 p.m.)
T. L. Hartley, Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development (arrived 5:40 p.m.)
G. Goodall, Director of Engineering & Public Works (arrived 5:40 p.m.)
B. Corsan, Manager, Real Estate (arrived 5:40 p.m.)
C. Jackson, Manager of Legislative Services (arrived 5:40 p.m.)
S. Snelgrove, Steno, Legislative Services (arrived 5:40 p.m. and vacated at 6:03 p.m.)
P. Humphreys, Recording Secretary (arrived 5:40 p.m. and vacated at 6:03 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Council Meeting was called to order at 4:38 p.m.

2. INTRODUCTION OF LATE ITEMS:

06015 Agenda Item 9 (a) Facilitated Dialogue – Building Respectful Workplace Relationships - Move to 3 (a) Presentations.

3. ADOPTION OF AGENDA:

06115 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:

06215 It was moved and seconded that Council adopt the following Minutes as circulated:

- Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2015-APR-15 at 3:00 p.m.

- Minutes of the Special "In Camera" Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2015-APR-20 at 5:30 p.m.

- Minutes of the Special “In Camera” Meeting of Council held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2015-APR-22 at 3:13 p.m.

The motion carried unanimously.

5. PRESENTATIONS:

(a) Facilitated Dialogue – Building Respectful Workplace Relationships

Ms. Heather Mackenzie facilitated a discussion regarding building respectful workplace relationships.

Councillor Hong entered the Douglas Rispin Room at 5:01 p.m.

Councillor Kipp entered the Douglas Rispin Room at 5:20 p.m.

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

Staff entered the Douglas Rispin Room at 5:40 p.m.

6. CORPORATE SERVICES:

(a)

(b) Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue

Mr. Bill Corsan, Manager, Real Estate, provided a presentation.

06415 It was moved and seconded that Council adopt the resolution as described in Attachment A of the Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue report, authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Avenue. The motion carried unanimously.

Ms. Peggi Humphreys and Ms. Sky Snelgrove vacated the Douglas Rispin Room at 6:03 pm.

7. COMMUNITY SERVICES

(a)

8. ADJOURNMENT:

06615 It was moved and seconded at 6:24 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO SERVICE AND RESOURCE BUILDING,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-MAY-25, AT 3:00 P.M.

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1. **PRESENTATIONS:** **PAGES**

   (a) Add Item 3 (b) -

2. **CORPORATE SERVICES:**

   (a)

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE BUILDING,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-MAY-25, AT 3:00 P.M.

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

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

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
B. Corsan, Manager, Real Estate
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
M. Dietrich, Police Services
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

1. Add Item 3 (b) –

2. Item 4. (a) –

3. ADOPTION OF AGENDA:

06715 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:

06815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a)

Councillor Fuller vacated the Board Room at 4:15 pm.

Councillors Bestwick and Pratt vacated the Board Room at 4:16 p.m.

Councillors Bestwick and Pratt returned to the Board Room at 4:16 p.m.

Councillor Fuller returned to the Board Room at 4:17 p.m.

6. CORPORATE SERVICES:

(a)

7. ADJOURNMENT:

07315 It was moved and seconded at 4:31 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD CHAMBERS, REGIONAL DISTRICT OF NANAIMO
6300 HAMMOND BAY ROAD, NANAIMO, BC
MONDAY, 2015-JUN-01, AT 5:30 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-6*

3. **PRESENTATIONS:**

4. **MAYOR'S REPORT:**

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a) **Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements - 270 Wakesiah Avenue**

Purpose: To obtain Council consent under Sections 1(b), 4 and 18 of the Expropriation Act, whereby Council is required as an expropriating authority to approve the expropriation and authorize the advance payment before completing the expropriation of road dedication and a statutory right of way for storm water purposes across part of 270 Wakesiah Avenue.

Staff Recommendation: That Council adopt the resolution as described in Attachment A of the Staff report, authorizing the approval of the expropriation and to authorize the advance payment for the expropriation of road dedication and a statutory right of way across part of 270 Wakesiah Avenue. *Pg. 7-14*

(b) **Vacancies and Appointments to Council Committees**

Purpose: To provide Council with a status update and list of applicants for ratifications where vacancies remain on various Council committees.

Staff Recommendation: That Council: *Pg. 15-27*

1. ratify the following to the Grants Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Dan Appell, with Mr. Mark Robinson as Alternate	Culture and Heritage Commission Recommended Member
Ms. Val Alcock Carter	Social Planning Advisory Committee Recommended Member

2. ratify the following to the Planning and Transportation Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Sean Herold, on behalf of Greater Nanaimo Chamber of Commerce	Business Community Member
Mr. Sean Mahon, on behalf of Canadian Homebuilders' Association Vancouver Island	Development Community Member
Mr. Leonardus Boon, on behalf of Greater Nanaimo Cycling Coalition	Transportation User Group Member

3. ratify the following to the Safer Nanaimo Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Ms. Linda McCandless	Social Planning Advisory Committee Chair

and,

4. instruct Staff to advise applicants of appointments and release appointment information to the public.

7. **COMMUNITY SERVICES:**

(a) **PSAP 9-1-1 Service Delivery Options**

Purpose: To provide Council with a consultant's report regarding options for the continued provision of the Enhanced 911 System (E911) in the Central Vancouver Island area.

Pg. 28-34

Staff Recommendation: That Council receive for information the report pertaining to the PSAP 9-1-1 Service Delivery Options and direct Staff to report with recommendations at the 2015-JUN-15 Regular Council meeting.

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR YOACHIM
2015-APR-27 to 2015-JUN-07

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-MAY-04, AT 4:30 P.M.

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

Members: Councillor G. W. Fuller
Councillor J. Hong (arrived at 5:01 p.m.)
Councillor J. A. Kipp (arrived at 5:20 p.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor W. L. Bestwick
Councillor M. D. Brennan

Other: Ms. Heather Mackenzie, Facilitator (vacated 5:40 p.m.)

Staff: E. C. Swabey, City Manager (arrived at 5:40 pm)
T. M. Hickey, General Manager of Community Services (arrived 5:40 p.m.)
T. P. Seward, Director of Social & Protective Services (arrived 5:40 p.m.)
T. L. Hartley, Director of Human Resources & Organizational Planning
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B. Corsan, Manager, Real Estate (arrived 5:40 p.m.)
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S. Snelgrove, Steno, Legislative Services (arrived 5:40 p.m. and vacated at 6:03 p.m.)
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1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Council Meeting was called to order at 4:38 p.m.

2. INTRODUCTION OF LATE ITEMS:

06015 Agenda Item 9 (a) Facilitated Dialogue – Building Respectful Workplace Relationships - Move to 3 (a) Presentations.

3. ADOPTION OF AGENDA:

06115 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:

06215 It was moved and seconded that Council adopt the following Minutes as circulated:

- Minutes of the Special "In Camera" Meeting of Council held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2015-APR-15 at 3:00 p.m.

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The motion carried unanimously.

5. PRESENTATIONS:

(a) Facilitated Dialogue – Building Respectful Workplace Relationships

Ms. Heather Mackenzie facilitated a discussion regarding building respectful workplace relationships.

Councillor Hong entered the Douglas Rispin Room at 5:01 p.m.

Councillor Kipp entered the Douglas Rispin Room at 5:20 p.m.

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

Staff entered the Douglas Rispin Room at 5:40 p.m.

6. CORPORATE SERVICES:

(a)

(b) Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue

Mr. Bill Corsan, Manager, Real Estate, provided a presentation.

06415 It was moved and seconded that Council adopt the resolution as described in Attachment A of the Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements at 270 Wakesiah Avenue report, authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Avenue. The motion carried unanimously.

Ms. Peggi Humphreys and Ms. Sky Snelgrove vacated the Douglas Rispin Room at 6:03 pm.

7. COMMUNITY SERVICES

(a)

8. ADJOURNMENT:

06615 It was moved and seconded at 6:24 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUN-01

AUTHORED BY: BILL CORSAN, MANAGER, REAL ESTATE

RE: EXPROPRIATION OF ROAD DEDICATION AND STATUTORY RIGHT OF WAY TO ACCOMMODATE STORMWATER IMPROVEMENTS AT 270 WAKESIAH AVENUE

STAFF RECOMMENDATION:

That Council adopt the resolution as described in Attachment A, authorizing the approval of the expropriation and to authorize the advance payment for the expropriation of road dedication and a statutory right of way across part of 270 Wakesiah Avenue.

PURPOSE:

The purpose of this Staff report is to obtain Council consent under Sections 1(b), 4 and 18 of the *Expropriation Act,* whereby Council is required as an expropriating authority to approve the expropriation and authorize the advance payment before completing the expropriation of road dedication and a statutory right of way for storm water purposes across part of 270 Wakesiah Avenue.

SUMMARY:

The replacement of the existing woodstave culvert where the Cat Stream crosses Wakesiah Avenue is identified under the 2015 capital plan. The project is budgeted at $160,000.

The project includes the installation of new concrete headwalls and a concrete culvert to replace the deteriorating woodstave culvert. As the Cat Stream is a fish-bearing stream, fish baffles will be installed as well as an outlet pool for the fish to rest. In order to meet requirements set out by Department of Fisheries and Oceans (DFO) and Ministry of Environment (MoE), the project must be constructed in the 'fish window' of July 15 to September 15. Attachment B illustrates the key features of the project.

A portion of the works related to the project will occur on privately owned property at 270 Wakesiah Avenue. To protect the work being completed as part of the project, the existing statutory right of way needs to be extended to include the new outlet pool and the culvert headwall. An additional 1.5m road dedication is required to complete Wakesiah Avenue's final width. Attachment C shows the lands required as part of the project.

BACKGROUND

Staff have been working with the owners of 270 Wakesiah Avenue for the past six months to acquire the additional land and rights. The owners are supportive of the project but are reluctant to sell or grant additional rights to the City as they plan on placing the property on the market in the summer of 2015.

☒ Council
☐ Committee.....
☐ Open Meeting
☒ In-Camera Meeting
Meeting Date: 2015.Jun.01

Given the owner's current position, Staff has been unable to negotiate an agreement and are not optimistic that continued discussions will result in a satisfactory agreement.

On 2015-MAY-04, Council adopted a resolution authorizing the expropriation for road dedication and a statutory right of way across part of 270 Wakesiah Ave.

The required Expropriation Notice, in Form 1 as required by Section 6(4) of the *Act* and a copy of the *Expropriation Act* has now been served on the owner and the registered charge holders. The Expropriation Notice has been filed in the Victoria Land Title Office and the Expropriation Notification, as required by Section 6(1) of the *Act*, has been posted on a sign on the property.

The next step in the process after the expropriation resolution is adopted, is for Council to serve a Certificate of Approval of Expropriation in Form 5 under the *Act* as the approving authority to notify itself (as expropriating authority) and each owner whose land or interest is being expropriated of the approval.

The City then has 30 days in which to pay a reasonable amount of compensation, called the advance payment, and to deliver to the owner a copy of the appraisal report on which the amount of the advance payment is based. Staff has had an appraisal prepared and the market value compensation for the road dedication and the right of way is $9,650.

In order to be able to construct the project in the 'fish window' timeframe in 2015, Staff recommend that Council expropriate these rights from 270 Wakesiah Avenue.

DISCUSSION:

Strategic Plan Considerations

The proposal to improve this storm water infrastructure meets two of the key priorities identified in the 2012-2015 Strategic Plan, including:

Strategy	Potential Strategies and/or Initiatives
Asset Management	• Service disruption is minimized • Risk to public health and property is minimized
Taking Responsibility	• Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the City's future.

Recommendations for Release of Information to the Public:

- For release upon conclusion of the expropriation with the exception of the underlined text.

Respectfully submitted,

Bill Corsan
Manager, Real Estate
Community Development

Concurrence by:

Dale Lindsay
Director
Community Development

Toby Seward
Acting General Manager
Community Development & Protective Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.
Drafted: 2015-APR-15
LD002886
BC/cb

CITY OF NANAIMO

RESOLUTION

BE IT RESOLVED that pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c. 125 the Council of the City of Nanaimo, as the approving authority for the expropriations contemplated in the Expropriation Notices dated May 5, 2015 registered in the Victoria Land Title Office under numbers CA4392406 and CA4392408, does approve those expropriations.

BE IT FURTHER RESOLVED that the Corporate Officer is authorized and directed to:

(a) sign and seal the Certificates of Approval in the form attached to this resolution as Schedule A;

(b) notify or cause to be notified the expropriating authority and each owner (as defined in the *Expropriation Act*) of the City's approval of the expropriations;

(c) make the advance payment or payments as required under Section 20(1)(d) of the *Expropriation Act* and serve the Notices of Advance Payment in Form 8 along with a copy of the appraisal report(s) on which the advance payments are made;

(d) file or cause to be filed in the Land Title Office Vesting Notices under Section 23 of the *Expropriation Act*;

(e) sign and seal the Notices of Advance Payment and Vesting Notices.

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: M.R.B. Holdings Ltd.
4308 Crownwood Lane, Victoria, BC V8X 5E4

AND: Her Majesty The Queen In Right of the Province of British Columbia
c/o Attorney General of British Columbia
Ministry of Justice
Room 232, Parliament Buildings, Victoria, BC V8V 1X4

AND: Greater Nanaimo Sewerage and Drainage District
c/o Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

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

AND: The Toronto-Dominion Bank
55 King Street West, 22nd Floor, Toronto, Ontario M5K 1A2

TAKE NOTICE that the City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251, has approved the expropriation contemplated in the Expropriation Notice dated May 5, 2015 registered in the Victoria Land Title Office under number CA4392406 and affecting:

> That portion of the land legally described as Parcel Identifier: 000-270-342, Lot 1, Section 1, Nanaimo District, Plan 16090, and having a civic address of 270 Wakesiah Avenue, Nanaimo, BC, shown outlined in heavy black on reference plan registered in the Victoria Land Title Office under number EPP50928.

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Nanaimo, British Columbia this _____ day of _____, 2015.

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6
Telephone: (250) 754-4251

By: _____
Chris Jackson, Corporate Officer

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: M.R.B. Holdings Ltd.
4308 Crownwood Lane, Victoria, BC V8X 5E4

AND: Her Majesty The Queen In Right of the Province of British Columbia
c/o Attorney General of British Columbia
Ministry of Justice
Room 232, Parliament Buildings, Victoria, BC V8V 1X4

AND: Greater Nanaimo Sewerage and Drainage District
c/o Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

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

AND: The Toronto-Dominion Bank
55 King Street West, 22nd Floor, Toronto, Ontario M5K 1A2

TAKE NOTICE that the City of Nanaimo, 455 Wallace Street, Nanaimo, British Columbia, V9R 5J6, (250) 754-4251, has approved the expropriation contemplated in the Expropriation Notice dated May 5, 2015 registered in the Victoria Land Title Office under number CA4392408 and affecting:

> That portion of the land legally described as Parcel Identifier: 000-270-342, Lot 1, Section 1, Nanaimo District, Plan 16090, and having a civic address of 270 Wakesiah Avenue, Nanaimo, BC, shown outlined in heavy black on the plan of statutory right of way registered in the Victoria Land Title Office under number EPP50929.

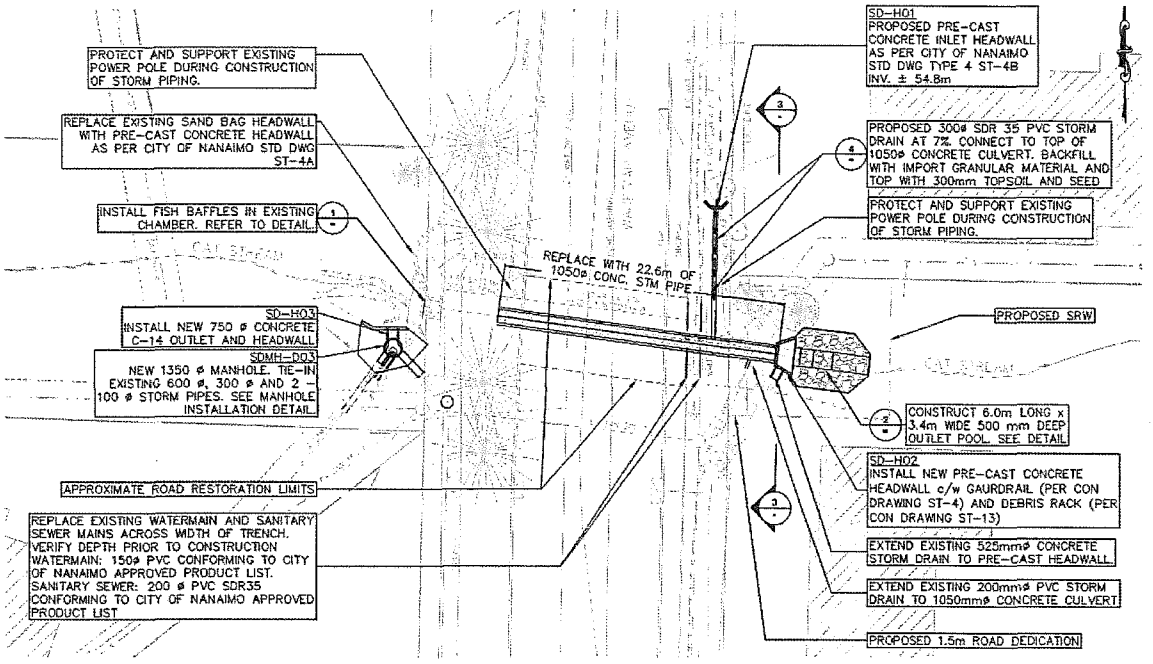
AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Nanaimo, British Columbia this _____ day of _____, 2015.

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6
Telephone: (250) 754-4251

By: _____
Chris Jackson, Corporate Officer

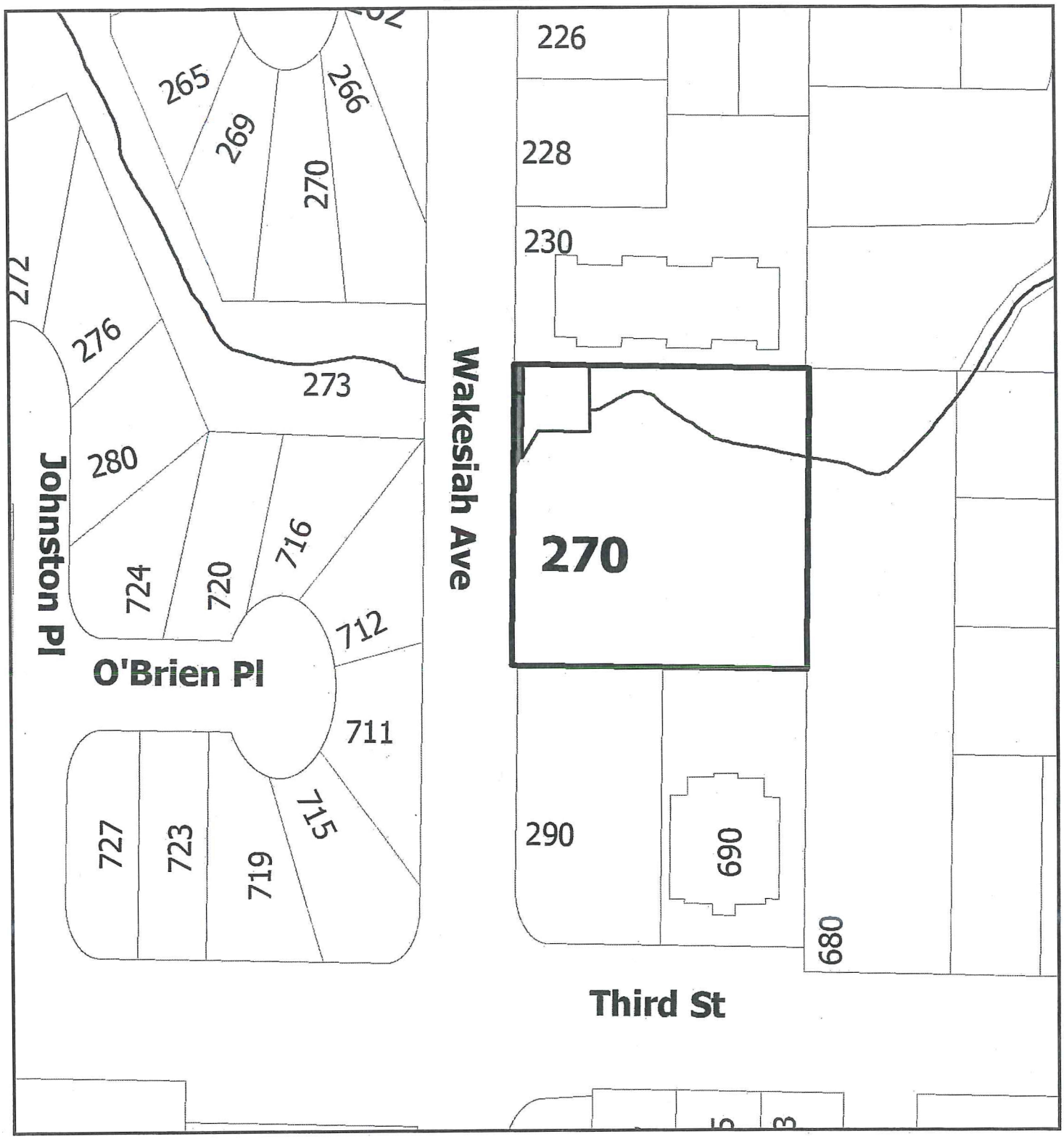
ATTACHMENT B



CULVERT REPLACEMENT PLAN

SCALE: 1:250

Attachment C



N

LOCATION PLAN

Civic: 270 Wakesiah Ave

Road Dedication

Right of Way
Area = 131.7 sq m

Subject Property

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUN-01

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: VACANCIES AND APPOINTMENTS TO COUNCIL COMMITTEES

RECOMMENDATION:

That Council:

1. ratify the following to the Grants Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Dan Appell, with Mr. Mark Robinson as Alternate	Culture and Heritage Commission Recommended Member
Ms. Val Alcock Carter	Social Planning Advisory Committee Recommended Member

2. ratify the following to the Planning and Transportation Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Sean Herold, on behalf of Greater Nanaimo Chamber of Commerce	Business Community Member
Mr. Sean Mahon, on behalf of Canadian Homebuilders' Association Vancouver Island	Development Community Member
Mr. Leonardus Boon, on behalf of Greater Nanaimo Cycling Coalition	Transportation User Group Member

3. ratify the following to the Safer Nanaimo Advisory Commttee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Ms. Linda McCandless	Social Planning Advisory Committee Chair

and,

4. instruct Staff to advise applicants of appointments and release appointment information to the public.

PURPOSE:

To provide Council with a status update and list of applicants for ratifications where vacancies remain on various Council committees.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-JUN-01

BACKGROUND:

At the Regular "In Camera" Committee of the Whole Meeting held 2015-APR-13, most committee, commission and board members where appointed. A number of vacancies remained where organizations had not put forward a recommendation for a representative.

DISCUSSION:

Over the last several weeks, a number of organisations have put names forward for ratification on committees. In addition, some committees and commissions have held their first meeting and selected their representatives who in turn serve on other Council committees.

This report contains attachments, divided by committee, noting where there are committee vacancies and associated applications.

Respectfully submitted,

C. Jackson, Manager
Legislative Services

G. Ferrero, Director
Information Technology & Legislative Services

I. Howat, General Manager,
Corporate Services

CITY MANAGER COMMENT:
I concur with the Staff recommendation.

Advisory Committee on Environmental Sustainability

Vacancy Applicants: None at this time

Vacant	Environmental NGO Representative
Vacant	Snuneymuxw First Nation Representative

Current Membership:

Councillor Brennan	Council Member
Mr. Calvin Tant	Community at Large Member
Mr. Colin Brown	Community at Large Member
Mr. Daniel Appell	Community at Large Member
Mr. Richard Finnegan	Community at Large Member
Mr. Wally Wells, recommended by the Chamber of Commerce.	Business Sector Representative
Mr. Emil Bock, School District No. 68	Local School Representative
Ms. Gail Adrienne, Nanaimo & Area Land Trust	Environmental NGO Representative
Ms. Glenda Hunter	Vancouver Island University Representative

Grants Advisory Committee:

Vacancy Applicants:

Mr. Dan Appell, with Mr. Mark Robinson as Alternate	Culture and Heritage Commission Recommended Member
Ms. Val Alcock Carter	Social Planning Advisory Committee Recommended Member
Vacant	Parks and Recreation Commission Recommended Member

Current Membership:

Councillor Pratt	Council Member
Councillor Thorpe	Council Member
Ms. Sarah Pachkowsky	Community at Large Member
Mr. William Anderson	Community at Large Member
Mr. Don Bonner	United Way Recommended Member

Planning and Transportation Advisory Committee:

Vacancy Applicants:

Mr. Sean Herold, on behalf of Greater Nanaimo Chamber of Commerce	Business Community Member
Mr. Sean Mahon, on behalf of Canadian Homebuilders' Association Vancouver Island	Development Community Member
Mr. Leonardus Boon, on behalf of Greater Nanaimo Cycling Coalition	Transportation User Group Member

Current Membership:

Mayor McKay	Council Member
Councillor Hong	Council Member
Councillor Kipp	Council Member
Mr. Doug Kalcsics	Community at Large Member
Mr. Michael Plavetic	Community at Large Member
Mr. Richard Finnegan	Community at Large Member
Mr. William Forbes	Community at Large Member
Ms. Carey Avender	Neighbourhood Association Member

Safer Nanaimo Advisory Committee:

Vacancy Applicants:

Ms. Linda McCandless	Social Planning Advisory Committee Chair
Vacant	Island Health Representative

Current Membership:

Councillor Brennan	Council Member
Councillor Kipp	Council Member
Councillor Yoachim	Council Member
Mr. Bruce Parker	Community at Large Member
Ms. Sarah Pachkowsky	Community at Large Member
Supt. Mark Fisher, Officer In Charge	RCMP Representative
Mr. Bill Carter	Downtown Business Improvement Association Representative
Ms. Inga Neilson-Cooper	Nanaimo's Working Group on Homelessness Representative

Social Planning Advisory Committee:

Vacancy Applicants: None at this time

Vacant	School Board Representative

Current Membership:

Councillor Brennan	Council Member
Councillor Yoachim	Council Member
Mr. Chris Beaton	Community at Large Member
Ms. Elizabeth Forrester	Community at Large Member
Mr. Ian Kalina	Community at Large Member
Ms. Linda McCandless, Chair	Community at Large Member
Mr. Mike Horn	Community at Large Member
Mr. Ralph Meyerhoff	Community at Large Member
Ms. Suzanne Andre	Community at Large Member
Ms. Velda (Val) Alcock-Carter	Community at Large Member
Mr. William Anderson	Community at Large Member

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUN-01

AUTHORED BY: MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

RE: PSAP 9-1-1 SERVICE DELIVERY OPTIONS

STAFF RECOMMENDATION:

That Council receive the PSAP 911 Service Delivery Options report and direct staff to report with recommendations at the 2015-JUN-15 regular Council meeting.

PURPOSE:

To submit a consultant's report to Council regarding options for the continued provision of the *Enhanced 911 System* (E911) in the central Vancouver Island area.

SUMMARY:

POMAX Consulting was engaged by the *Central Island 9-1-1 Partnership* (CI911P) to study options for the continued provision of the *Enhanced 911 System* (E911) in the central Vancouver Island area. POMAX identified two options considered to be feasible:

1. The E-Comm proposal provides the most cost-effective solution with deep call taking queues, strong technical and operational support and excellent redundancy and backup options. EComm has a dedicated telephony department and is involved in all aspects of operational and technical planning for the next generation of 9-1-1 systems;
2. The Nanaimo FireComm proposal is moderately cost effective and offers the potential benefit of reallocating existing municipal employees who would be displaced if the service was assumed by an outside agency. The addition of an extra position during busy hour periods will also be a benefit to their fire dispatch operation and thus the service that is provided to the partner agencies. There are economies of scale in combining Primary and Secondary PSAP operations for calls that are for Fire service.

The POMAX report is 70 pages and will be sent to Council electronically and hard copies will be available in the Councillor's office.

The following chart summarizes costs of four options included in the POMAX report:

	Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
1.	Nanaimo Detachment	0*	$604,800	$665,279
2.	Nanaimo FireComm	$174,266	$281,310	$309,441
3.	Courtenay OCC		$719,900	$791,900
4.	E-Comm	$16,000	$250,920	$276,012

*unless renovations are required

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-Jun-01

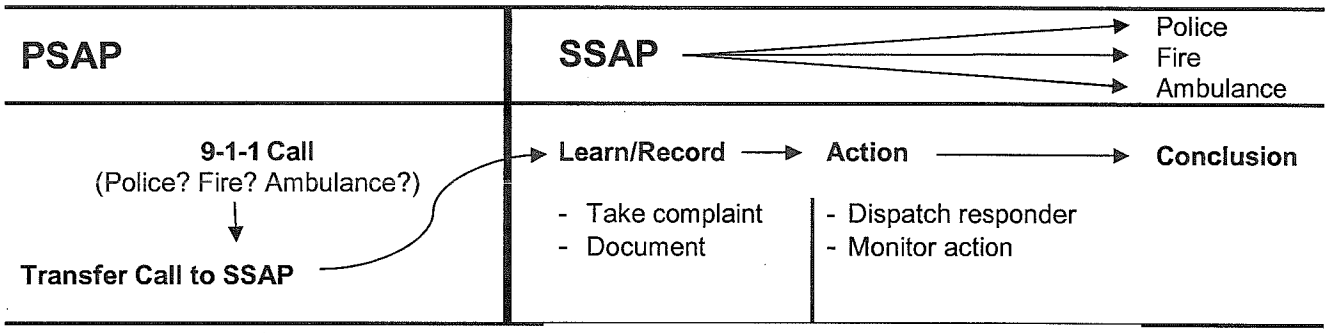
BACKGROUND:

In 1994, the City of Nanaimo, Regional District of Nanaimo and the Cowichan Valley Regional District formed the *Central Island 9-1-1 Partnership* for the purposes of operating and maintaining a 9-1-1 service within the City of Nanaimo, Cowichan Valley Regional District and the southern portion of the Regional District of Nanaimo [i.e.: within School District No. 68 (Nanaimo-Ladysmith)]. Cost sharing between the partners is currently set at: City 45%, CVRD 45%, RDN 10%.

9-1-1 systems are divided into two distinct functions:

1. ***Public Safety Answering Point*** **(PSAP)** - the primary point at which emergency calls to 9-1-1 are answered and then transferred for response to a relevant agency; and
2. ***Secondary Safety Answering Point*** **(SSAP)** - a downstream operation, where an agency such as police, fire and/or ambulance responds to the emergency.

This is a simplified representation of the 911 call answer process:



Occasionally, the PSAP and SSAP are co-located and operate as a single entity as is currently the case in the *RCMP Nanaimo Operational Communications Centre* (OCC). The Nanaimo OCC provides both PSAP (9-1-1 call answer) and SSAP (police complaint taking and dispatch) services to the central Island area (and is coterminous with the central Island fire dispatch area).

In late 2013, the RCMP served notice on all jurisdictions that RCMP management of PSAP's was not a core policing function and would only continue if municipalities and regional districts were willing to sign a Memorandum of Understanding and pay a fee for RCMP management of the PSAP service.

On 2014-FEB-03, Council approved the following resolution:

"It was moved and seconded that Council direct Staff to maintain the current arrangement for Public Safety Answering Point (PSAP, 9-1-1) delivery as follows:

1. By communicating with Central Island 9-1-1 service partners (Cowichan Valley regional District and Regional District of Nanaimo) to confirm Nanaimo's intent to sign a Memorandum of Understanding with the RCMP and request confirmation that both partners also support continuation of 9-1-1 service through the RCMP at this time;

2. By signing a Memorandum of Understanding with the RCMP to provide 9-1-1 service for a five-year period with a one-year cancellation clause option until further evaluation of 9-1-1 service is completed subject to approval by central Island 9-1-1 service partners; and
3. In conjunction with Central Island 9-1-1 service partners, undertake a review to determine the best long-term options for provision of 9-1-1 services and provide a follow-up report to Council in early 2015."

On 2015-MAR-06, the situation changed significantly when the RCMP announced that they plan to close their Nanaimo SSAP (OCC) effective 2015-NOV-30.

Service to the public in terms of police response is expected to be unaffected with this closure as the Courtenay OCC has operated as the back-up for Nanaimo OCC and vice-versa on a seamless basis for years. The RCMP cited financial and technical considerations in their rationale for this decision. Neither the City nor our CI911 partners were consulted during the RCMP's deliberations.

Although the RCMP SSAP is being relocated, the continued operation of the central Island PSAP remains the mandate and responsibility of the Central Island 911 partners.

On March 12, the *Central Island 911 Partnership* engaged POMAX Consultants to study the following:

1. Continue with existing contract service delivery model in which the PSAP is managed by the RCMP's Island District OCC in the RCMP Comox Valley Detachment;
2. Contract the PSAP service to E-Comm (the Emergency Communications Centre for British Columbia Inc.) 9-1-1 located in Metro Vancouver;
3. Contract the PSAP service to a viable PSAP in the Capital Regional District i.e. Victoria Police or Saanich Police;
4. Amalgamate the PSAP function with Nanaimo FireComm (with or without the current police-based 911 staff moving over);
5. Have the Partnership retain the PSAP function in the RCMP Detachment, with existing 911 staff but without the back-up of the RCMP. Determine if this is viable without an increase of staff; and
6. Any other viable option identified during the study period (if applicable).

POMAX Consultants were chosen for their expertise in this field and for their local knowledge, having concluded studies previously for both the *Central Island 911 Partnership* and the *North Island 911 Corporation*.

The report is appended to this and cost $10,000 plus taxes (split 45% Nanaimo, 45% CVRD, 10% RDN).

DISCUSSION:

POMAX Consultants evaluated five options for the continued delivery of PSAP service in the central Island area:

1. A "modified" status quo (ie: continue to operate the PSAP without the SSAP within Nanaimo Detachment);

2. Move the PSAP to Nanaimo FireComm; or
3. Contract out the PSAP to RCMP (Courtenay OCC)
4. Contract out the PSAP to an independent police agency in Greater Victoria; or
5. Contract out the PSAP to EComm 9-1-1 (Vancouver).

Table 1 on page 4 of the POMAX report summarizes the advantages and disadvantages and financial implications of each option. A summary of the options follows, in no specific order:

Option 1 – a "modified" status quo in Nanaimo RCMP Detachment. It is technically possible to continue operating the PSAP from the RCMP Nanaimo Detachment without the RCMP SSAP. This would ensure the continuation of the existing 5.2 FTE CUPE positions however, this allows only one person on shift around the clock answering 9-1-1 emergency calls and down-streaming the calls to the relevant SSAP.

Due to the nature of the PSAP function, especially during a major event such as a forest fire, large traffic accident, multiple concurrent incidents, etc, one single operator would not be able to handle the sheer volume of calls that even one major incident would generate, let alone for any other incidents that may occur at the same time. Ultimately, this could lead to the E911 system becoming overloaded and fail.

To avoid this possibility, the PSAP would require an additional 4 FTE positions to provide adequate PSAP service on a 24/7 basis although some efficiencies may accrue by partnering PSAP staff with police switchboard staff.

Adding additional PSAP staff is not considered cost effective, as under normal circumstances, an average of only 5.06 minutes per hour are usually spent answering 9-1-1 calls.

The CI911Parntership would have to agree to share in the cost of increased staff levels or they would be born in their entirety by the City of Nanaimo.

Furthermore, under this scenario, there is no technical redundancy unless a back-up centre is arranged on a contractual basis, again increasing operational costs.

This option does not allow for NexGen technology upgrades within the basic costs.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Nanaimo Detachment	0*	$604,800	$665,279

*unless renovations are required

This option is discussed in detail on pages 41-43 of the POMAX report.

Option 2 - Nanaimo FireComm. This option is not "turn-key" as there are some start-up costs required in order to move the PSAP to FireComm; however, this option is still the second-most cost effective solution.

The merits of this option include the potential absorption of some of the current CUPE FTE positions.

This would also provide for additional staffing assistance to Nanaimo FireComm during peak load periods.

This proposal would still not necessarily take into account the remaining 4.2 CUPE FTE positions, nor would it allow for technical redundancy unless a back-up centre is arranged on a contractual basis.

This option also does not address many of the NexGen technology upgrades required in the future.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Nanaimo FireComm	$174,266	$281,310	$309,441

This option is discussed in detail on pages 32-40 of the POMAX report.

Option 3 – RCMP Courtenay OCC. This option is not cost effective and does not take into consideration any of the current CUPE positions that would become redundant.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Courtenay OCC		$719,900	$791,900

This option is discussed in detail on pages 44-45 of the POMAX report.

Option 4 – EComm 911 Vancouver. EComm 911 Vancouver is a "turn-key" operation and is considered the best option as it combines significant annual cost saving with highly developed operational and technical expertise

A disadvantage of this option is that it does not address the issue of *911 Emergency Services Communications Operator* redundancies.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
E-Comm	$16,000	$250,920	$276,012

This option is discussed in detail on pages 27-31of the POMAX report.

Collective agreement considerations

There are currently 5.2 FTE *911 Emergency Services Communications Operator* positions employed by the City of Nanaimo on behalf of the Central Island 911 Partnership. Four of these positions are dedicated full time positions scheduled on a rotational basis, 24/7 (i.e.: one per

12 hour shift). The remaining two positions are permanent part-time (PPT) positions which are required to back-fill the full time employees for vacation and sickness relief.

If the CI911Partnership chooses an option that does not include continuation of the current *911 Emergency Service Communications Operator* positions, sections 27(a) and 32 of the City of Nanaimo/CUPE Collective Agreement may become activated.

Funding PSAP 9-1-1

In the future, funding for PSAP 9-1-1 will likely need to come from general taxation. The province has initiated studies through UBCM to determine a province-wide solution to funding for Call Answer Levy (CAL). Staff will provide a report at a future Council meeting to address funding PSAP 9-1-1.

A British Columbia Supreme Court ruling involving the imposition of a CAL against wireless phone carriers in 2012 determined that the CAL is an unlawful tax.

At present, the CAL is being collected by individual agreements with most of the telecommunications providers (Telus Mobility being the exception). Any change in the CAL has the potential of triggering further litigation. This situation has been reviewed with the City solicitor, who confirmed all CAL agreements could be struck down, which would result in PSAP funding being collected through general taxation.

Partnership considerations

It is staff's understanding that the Cowichan Valley Regional District (CVRD) is strongly interested in pursuing a contract with EComm 911. To date they have maintained the present 911 relationship with the other partners however, should the CVRD carry through with their interest, it would significantly impact the remaining partners who would each carry a greater burden of the operation.

NexGen technology

Technology continues to advance in the telephony industry. The future will include not only "Text to 911" (which is currently available through EComm) but will include other forms of social media such as Facebook, Twitter, Skype, Facetime, etc.

Still unknown, are the potential costs associated with "Next Generation" (NexGen) technology as it relates to E911 service however it is anticipated that costs to proceed with NexGen technology for 911 could be as high as $500,000 to implement with significant additional costs required to train staff and maintain operational capabilities in the future.

CONCLUSION:

The EComm 911 proposal presents the best long-term solution to maintaining an *Enhanced 911 System* in the central Vancouver Island partnership area.

Respectfully submitted,

MIKE DIETRICH
MANAGER POLICE SUPPORT SERVICES

Concurrence by:

TOBY SEWARD
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-MAY-10
G:\2015 Files\Police Services\2015JUN01 IC PSAP 911 Service Delivery Options

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD CHAMBERS, REGIONAL DISTRICT OF NANAIMO
6300 HAMMOND BAY ROAD, NANAIMO, BC
MONDAY, 2015-JUN-01, AT 5:30 P.M.

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

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

Absent: Councillor M. D. Brennan

Other: Mr. Blaine Gurrie, President, CUPE 401 (entered 5:37 p.m., vacated 6:34 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
P. Bradley, Labour Relations Manager / A/Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
M. Dietrich, Manager of Police Support Services
Chief C. Richardson, Nanaimo Fire Rescue
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:32 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Councillor Bestwick advised that he would be bringing forward a late item under “Other Business” regarding .

(b) Item 7 (a) PSAP 9-1-1 Service Delivery Options – add delegation from Mr. Blaine Gurrie, President, CUPE 401.

3. ADOPTION OF AGENDA:

06715 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:

06815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. CORPORATE SERVICES:

(a) Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements - 270 Wakesiah Avenue

06915 It was moved and seconded that Council Council adopt the resolution as described in Attachment A of the Staff report, authorizing the approval of the expropriation and to authorize the advance payment for the expropriation of road dedication and a statutory right of way across part of 270 Wakesiah Avenue. The motion carried unanimously.

(b) Vacancies and Appointments to Council Committees

07015 It was moved and seconded that Council:

1. ratify the following to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Dan Appell, with Mr. Mark Robinson as Alternate	Culture and Heritage Commission Recommended Member
Ms. Val Alcock Carter	Social Planning Advisory Committee Recommended Member

2. ratify the following to the Planning and Transportation Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Sean Herold, on behalf of Greater Nanaimo Chamber of Commerce	Business Community Member
Mr. Sean Mahon, on behalf of Canadian Homebuilders' Association Vancouver Island	Development Community Member
Mr. Leonardus Boon, on behalf of Greater Nanaimo Cycling Coalition	Transportation User Group Member

3. ratify the following to the Safer Nanaimo Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Ms. Linda McCandless	Social Planning Advisory Committee Chair

and,

4. instruct Staff to advise applicants of appointments and release appointment information to the public.

The motion carried unanimously.

6. COMMUNITY SERVICES:

(a) PSAP 9-1-1 Service Delivery Options

Mr. Blain Gurrie, President, CUPE 401, entered the Regional District of Nanaimo Board Chambers at 5:37 p.m.

Delegation:

1. Mr. Blaine Gurrie spoke regarding CUPE's concerns related to contracting out the 9-1-1 positions and requirements under the Collective Agreement.

Mr. Blain Gurrie, President, CUPE 401, vacated the Regional District of Nanaimo Board Chambers at 6:34 p.m.

07115 It was moved and seconded that Council receive for information the report pertaining to the PSAP 9-1-1 Service Delivery Options. The motion carried unanimously.

7. OTHER BUSINESS:

(a)

Due to time limitations, Item 7 (a) was not considered and will be placed on the next "In Camera" Agenda.

8. ADJOURNMENT:

07215 It was moved and seconded at 6:57 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

ATTACHMENT A

Central Island

Central Island 9-1-1 Partnership

STUDY OF 9-1-1 CALL TAKING ALTERNATIVES

POMAX CONSULTING

May 13, 2015

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015 Jun 01
Supplemental

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Executive Summary

The Central Island 9-1-1 Partnership (CI911) requested the service of professional, qualified consultants to "identify sustainable options for the provision of Public Safety Answering Point (PSAP) 9-1-1 call answer service delivery to the central Vancouver Island service area".

Pomax worked with four agencies to obtain proposals for handling 9-1-1 calls; these were the RCMP for the Courtenay RCMP Operational Communication Centre (OCC), Nanaimo FireComm, E-Comm 9-1-1 in Vancouver, and the City of Nanaimo for the Nanaimo Detachment. There were two ways for agencies to approach taking on this work and determining costs. The first, which was done by all agencies except E-Comm, was to determine the staffing required and to identify all personnel related costs as well as any ongoing overhead costs which may include equipment maintenance, facility costs such as heating, electrical etc., and any other operating costs. The second approach is to determine a rate per call that the service agency determine covers all of their associated staffing and overhead costs for providing the PSAP function.

For the Courtenay OCC proposal, it is important to note that when evaluating minimum 9-1-1 staffing levels in the RCMP OCC's, the RCMP staffing proposal will handle the Nanaimo workload as "net new". This means that the RCMP have determined the required staffing based on the workload being stand-alone work and not factored in the existing staffing in the OCC. Typically, when existing staffing levels are considered, the additional total number of full time equivalents (FTEs) are less than when considering the workload as net new. As a result, the Courtenay OCC proposal did not achieve any economies of scale and is therefore not a cost-effective option.

Similarly repositioning the Primary PSAP in the Nanaimo Detachment switchboard area had high associated costs since it was necessary to cover the full costs of 5.2 Full Time Equivalent Municipal Employees and a portion of the wages of the switchboard operator who would provide additional 9-1-1 call handling duties and break relief.

For the City of Nanaimo Fire Department (Nanaimo FireComm) proposal, in addition to evaluating 9-1-1 call volumes to determine minimum staffing, the current fire dispatch workload was analyzed by Pomax in order to determine if the Nanaimo FireComm can handle the addition of 9-1-1 call answer workload with the existing staffing while meeting the National Emergency Number Association guidelines for 9-1-1 call answer. Current Nanaimo FireComm staffing is two dispatchers on shift 24 hours a day, 7 days a week.

The existing Nanaimo FireComm fire dispatch workload was analyzed based on the average number of calls received per hour, considering emergency dispatch workload and other typical fire dispatcher activities. The workload analysis considered the staffing level required for the average busy hour for both fire dispatch work and the addition of new 9-1-1 call answer workload.

The resulting analysis reveals that the existing Nanaimo FireComm staffing is not sufficient to handle the addition of 9-1-1 calls and meet the National Emergency Number Association 9-1-1 call answer guidelines. Nanaimo FireComm requires a minimum 15% staffing increase in order to handle this workload.

In order to meet this additional workload, Nanaimo FireComm proposes to add a 10:00 AM to 10:00 PM "swing" shift seven days a week to cover the peak 9-1-1 periods. The additional positon would require additional staff resources and would be scheduled to cover the average busy hours in order to handle the increased 9-1-1 call volumes ensuring that there would be three staff available to handle fire dispatch and 9-1-1 workloads with two staff handling the workload at all other times.

E-Comm 9-1-1 in Vancouver provided a proposal based on an annual cost per call. Their proposal does not detail additional staff required and is not typically part of E-Comm proposals. As part of their standard contract E-Comm includes a Service Level Agreement with guaranteed call handling times of 95% of 9-1-1 calls answered in five seconds or less. This exceeds the National Emergency Number Association (NENA) 9-1-1 call handling standard that 90% of 9-1-1 calls shall be answered within 10 seconds during the busy hour and 95% of calls answered within 20 seconds.

The E-Comm proposal has excellent failover and redundancy options as well as the ability to handle large peaks in call volume. They have a dedicated telephony department supporting the 9-1-1 switching equipment at E-Comm and they are actively involved in all CRTC operational and technical committees related to the next generation of 9-1-1 services which, when the standards are determined, will allow the transmission of multimedia messages including text, pictures, and video to the PSAP.

Based on the analysis completed in this study, Pomax has concluded that the Nanaimo Detachment and Courtenay Operational Communication Centre options are not economically viable, Nanaimo FireComm is moderately cost effective with E-Comm being the most cost effective solution as noted in Table 1.

It is Pomax's opinion that E-Comm also has the best option technically and operationally. They have excellent redundancy and failover options, and work closely with Telus to provide the most robust 9-1-1 network. Based on the number of personnel, they are well equipped to handle the peaks in call volume that normally occur where a single incident can generate 20 – 30 9-1-1 calls or more. E-Comm is involved in the future evolution of the 9-1-1 network and was the pilot site for the provision of Text with 9-1-1 for the Deaf, Hard-of-Hearing and Speech Impaired (DHHSI) Community.

E-Comm has indicated that they can transition the service prior to November 30, 2015.

The Nanaimo FireComm proposal currently does not identify a centre for overflow calls and while they have a backup arrangement with Campbell River for Fire Dispatch they do not have a backup arrangement for 9-1-1. There is a possibility that the Victoria Police PSAP could provide overflow and backup capability in a reciprocal arrangement that would benefit both agencies, however this option is yet to be explored. There are some additional benefits such as the potential reallocation of existing Municipal Employees, and having the partners fund additional staff which will be of benefit to their Fire operations, which is supported by the same funding partners as the 9-1-1 PSAP.

Table 1: Proponent Pros and Cons

Agency	Pros	Cons	One Time Costs	Annual Costs	Annual Costs with Contingency *
E-Comm	Significant depth of call queue Solid redundancy and backup provisions Dedicated telephony personnel maintain the 9-1-1 telephone system Currently capable of taking T9-1-1 calls for the deaf and hearing impaired community Good working relationship with Telus in supporting 9-1-1 service across the province Most cost effective option	Call taking is off island, while this does not have many tangible drawbacks there may be political concerns about the call handling being done remotely. E-Comm will not take any existing Municipal Employees	$16,000	$250,920	$276,012
Nanaimo FireComm	Retains two FTE Municipal Employee positions with potential for others to fill part-time roles Facilities are already in place and some of the technology already exists or is in the process of being updated Retains local control over operational procedures Economies of scale are achieved by combining Primary PSAP and Secondary PSAP functions as it relates to Fire calls There is some additional benefit to Nanaimo FireComm in having additional resources	No overflow capability beyond the two or three positions Unions would have to agree to allow transfer of staff from CUPE to IAFF Review of the new position at FireComm may result in higher IAFF wages applying to the new personnel Starting as a new 9-1-1 Answering Point at a time when the rest of BC & Canada are moving to a consolidated model due the future uncertainties in terms of staffing and expenses to handle next generation 9-1-1	$174,266	$281,310	$309,441

Agency	Pros	Cons	One Time Costs	Annual Costs	Annual Costs with Contingency *
Nanaimo FireComm continued	Moderately cost effective	This is a new line of business for Nanaimo FireComm that will need to be developed, compared to a transition to an existing PSAP FireComm needs to investigate potential overflow call handling with another Fire Dispatch Centre or 9-1-1 PSAP in the province Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1			
Nanaimo Detachment	Retains all Municipal Employees who handle the police call taking currently Takes advantage of the local knowledge of staff	No overflow capability beyond the two positions Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1 Not cost effective		$604,800	$665,279
Courtenay OCC	Can handle abandoned calls directly as the police of jurisdiction Overflow to another OCC (to be determined which one)	The RCMP are moving away from acting as PSAP elsewhere in the province and across the country Courtney OCC will not take any existing Municipal Employees Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1 Not cost effective		$719,900	$791,900

* An annual contingency amount can account for any additional potential costs that may occur due to higher than anticipated call volumes, overtime costs or additional unforeseen operating costs.

Introduction

Purpose of this Study

Pomax was engaged to analyze the existing service delivery model along with other options in order to provide the Central Island 9-1-1 Partnership with the information necessary to develop recommendations for alternate service delivery models for the partnership.

The alternate delivery model would include the following as a minimum similar to what is currently received:

1. Provides an efficient and cost effective service;
2. Maintains the high level of professional service delivery;
3. Answers 9-1-1 calls within recognized industry standards;
4. Includes comprehensive business continuity plans;
5. Allows sufficient redundancy to ensure operations to the Central Island service area in the event of a catastrophe; and,
6. Contains sufficient industry expertise.

This report presents the findings of the 9-1-1 call taking alternatives review.

Scope of Work

The scope of work stated in the Request for Proposal requires the consultant to analyze options, and identify the benefits and challenges of each, for the delivery of PSAP (911 call answer) services in the Central Island 9-1-1 partnership area including but not limited to:

1. Continue with existing contract service delivery model in which the PSAP is managed by the RCMP's Island District OCC in the RCMP Comox Valley Detachment;
2. Contract the PSAP service to E-Comm (the Emergency Communications Centre for British Columbia Inc.) 9-1-1 located in Metro Vancouver;
3. Contract the PSAP service to a viable PSAP in the Capital Regional District i.e. Victoria Police or Saanich Police;
4. Amalgamate the PSAP function with Nanaimo FireComm (with or without the current police-based 9-1-1 staff moving over); and
5. Have the Partnership retain the Primary PSAP function in the RCMP detachment, with existing 91-1 staff but without the back-up of the RCMP. Determine if this is viable without an increase of staff.
6. Any other viable option identified during the study period (if applicable).

The consultant shall prepare a report that includes analysis of the options available, indicates best practices for implementation, considers financial and human resource implications and makes recommendations accordingly.

Methodology

The consulting team completed this review by:

1. Establishing baseline statistics for the existing 9-1-1 call answer service provided by the Nanaimo OCC. These statistics will be used to obtain proposals from the RCMP Courtenay OCC, E-Comm 9-1-1, and any potential Capital Regional District PSAP(s);
2. Determining minimum staffing levels for the present and five year projected call volume for the Central Island 9-1-1 catchment area, based on the industry standard Erlang formulae calculations for call handling / staffing demand;
3. Obtain proposals from any Capital Regional District PSAP(s) that may be interested in providing service;
4. Obtain a written proposal from E-Comm;
5. Review existing call volume and staffing of Nanaimo FireComm to determine if Nanaimo FireComm staff can handle the 911 call volume and meet NENA call answer guidelines. Determine the union implications of City of Nanaimo Municipal Employees who are currently performing 9-1-1 call answer moving to Nanaimo FireComm;
6. Review the 911 call volume and determine the staff required to handle the 911 call volume within NENA call answer guidelines, as a standalone operation remaining at the Nanaimo detachment. Work with the RCMP to determine if this is viable as they may have plans for the space vacated by the move of the OCC;
7. Obtain a written proposal from the RCMP Courtney OCC.

Note that CREST does not provide 9-1-1 call answer service. They provide a public safety radio network that is used by over 50 emergency response agencies in the Capital Regional District. As such they were not contacted regarding potential provision of this service.

9-1-1 Call Handling

Baseline Statistical Review

The existing Nanaimo Operational Communications Centre (OCC) operates with a combined 9-1-1 call taker/police complaint taker roles. For 9-1-1 calls that are determined to be a police emergency are not transferred via the telephone system; rather the role of 9-1-1 call taker ceases and the role of police complaint taker begins. Accordingly, there is no physical transfer of the 9-1-1 call to the police agency and therefore there is no statistical data benchmark that captures this transfer and therefore no true metric of 9-1-1 call lengths.

However, by comparison, in 2013 the Southeast District RCMP OCC had a dedicated 9-1-1 call taker function, where calls for police were always transferred and therefore there was a statistical benchmark capturing the transfer leading to a 9-1-1 call length metric. The previous analysis of the Southeast District RCMP OCC 9-1-1 call data from the TELUS Provincial 9-1-1 Service Call Answer Statistics (2010 to 2012) as well as the complete 2012 Genesis 9-1-1 calls by hour reports.

3.1.1. Call Determinations

For purposes of this report and the detailed 9-1-1 call data statistical analysis and recommendations offered, the amount of involvement reasonably required with respect to making a Call Transfer Determination as part of the 9-1-1 call taking function needed to be established.

In British Columbia, there is no provincial legislation with respect to 9-1-1 and, as such, a fundamental issue i.e. the responsibility for an appropriate Call Transfer Determination for Abandoned Calls is a matter that is negotiated between the 9-1-1 service provider and the Primary Public Safety Answering Point provider. As well, there is no standard business model for 9-1-1 call taking and as this matter ultimately impacts total 9-1-1 call handling times it has an effect on the staffing levels for which the 9-1-1 service providers are financially responsible.

When analysing how Call Transfer Determinations are made, the three basic 9-1-1 call types are:

Regular 9-1-1 Call

The caller is on the line and the ANI/ALI data (including Phase 2 location mapping data) is normally presented with the call. There are no issues with determining the location of the caller and the 9-1-1 call taker confirms the appropriate downstream emergency service and successfully transfers the call or terminates the call in the case of a duplicate or non-emergency.

Trouble Not Known Call

This is one type of abandoned call where there is no one on the line when the call is answered or nothing is said on an open voice call yet the ANI/ALI is presented. These calls are followed up by the 9-1-1 call taker i.e. at least one call back is attempted[1] in order to determine if there is an emergency; if a determination cannot be made (can't talk to anyone) these calls are normally transferred or handled by the police complaint taker for creation of a dispatch call or conclusion by them if they are able to make contact.

Unknown – Data Only Call

This refers to another type of abandoned call where there is no voice call presented (normally a very short duration call); only data from the real time printer showing a call has been received; however, there is insufficient ANI/ALI data presented in order to determine anything about the call (call back number, location, etc.). These calls cannot be followed up and are concluded at that point.

3.1.2. Call Flow

Exhibit 1 to Exhibit 3 details the steps involved in the three 9-1-1 call scenarios:

[1] In 2014, all the Regional Districts that contracted with E-Comm to provide initial 9-1-1 call answer also directed that E-Comm was not to attempt one call back *(industry standard in Canada and many places in the US)*, instead all abandoned calls and the relevant information is verbally provided to the local police dispatch for immediate follow-up and final disposition. Handling abandoned calls this way also reduced the potential for lengthy call determinations which could have impacted staffing cost.

Exhibit 1: Regular 9-1-1 Call Flow Chart

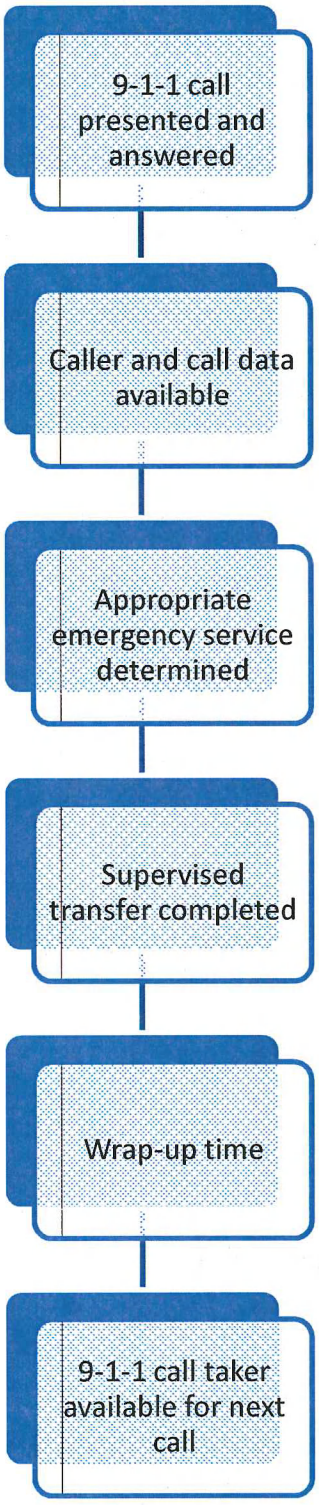


Exhibit 2: Trouble Not Known Call Flow Chart

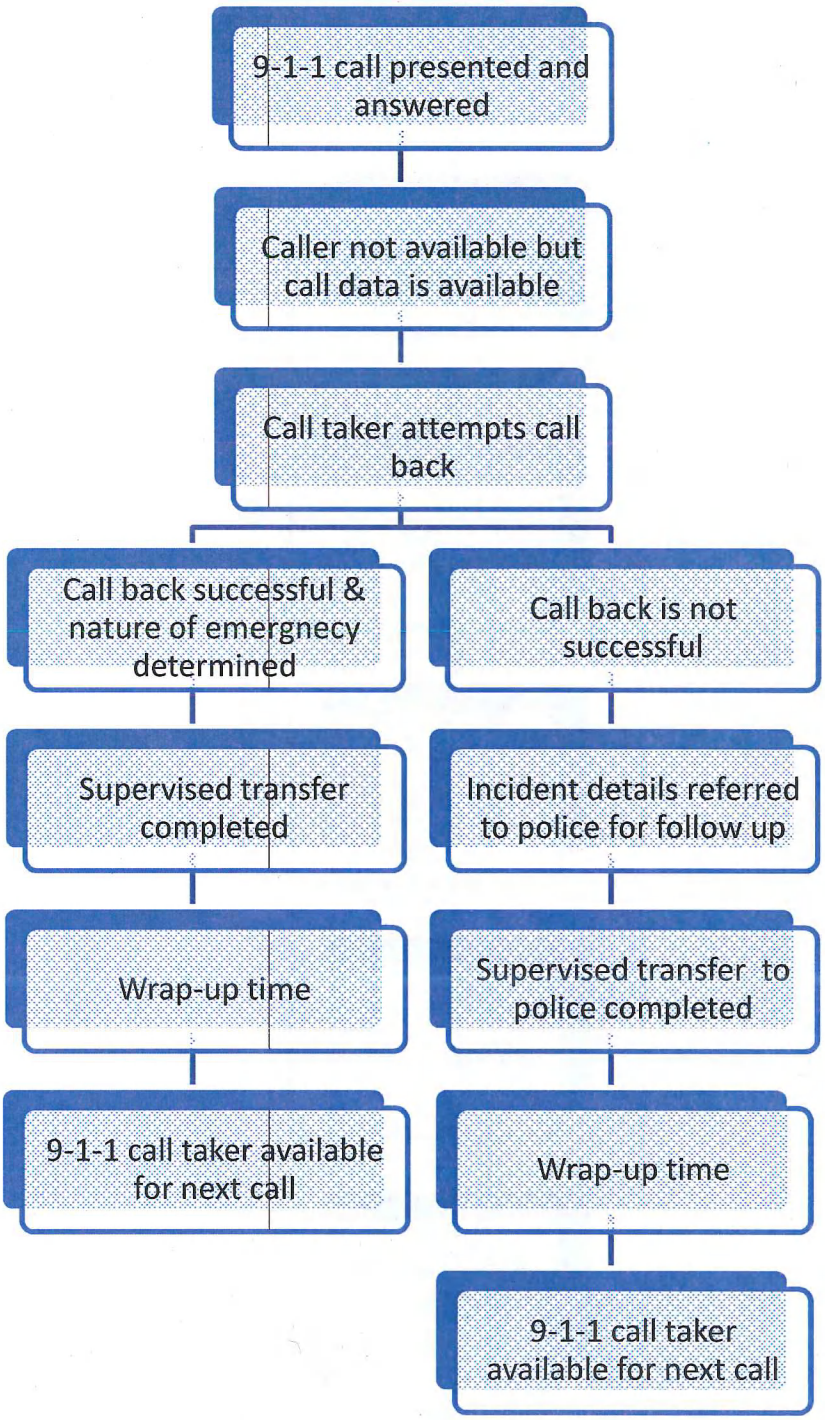
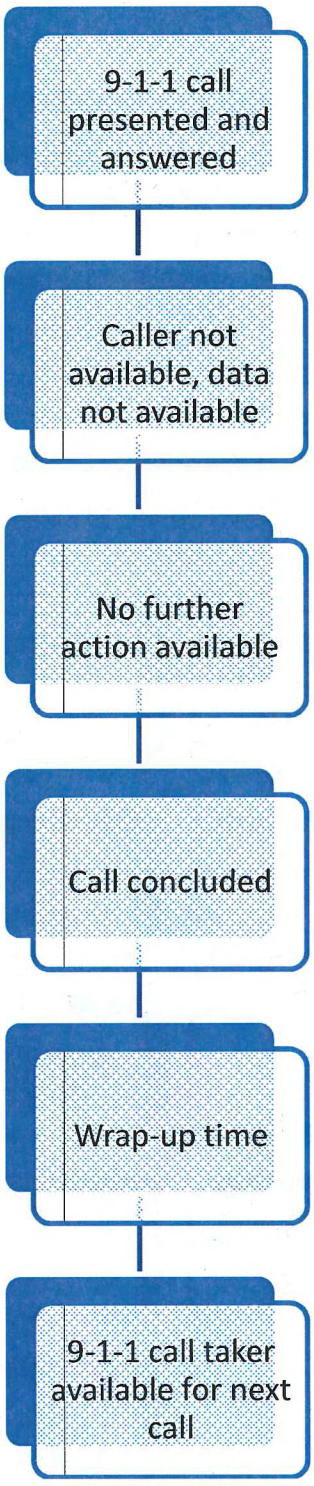


Exhibit 3: Unknown Call - Data Only Received



3.1.3. Call Handling Times

To determine minimum staffing levels, the average length of a 9-1-1 call was calculated using the statistical analysis described in this document. To capture the actual workload of a Primary Public Safety Answering Point, average calls lengths were determined for 9-1-1 calls in which the caller is available and the call data is presented to the call taker, allowing the call taker to determine the appropriate emergency service agency required. For those calls where the caller is not available but a proper call back number is (i.e. Trouble Not Known calls), an additional 30 seconds was added to this call type to account for the attempted call back and any associated activity related to emergency type determination and transfer.

Average 9-1-1 call times have been calculated from previous Pomax studies where data provided from the RCMP Southeast District OCC was used as they operated with dedicated 9-1-1 call takers and this specific telephone call handling data was available for analysis.

To determine the average length of time for regular 9-1-1 calls, as well as Trouble Not Known calls, we analyzed the TELUS 9-1-1 Call Duration reports for the years 2010, 2011, and 2012. TELUS benchmarks the time the 9-1-1 call was answered in the PSAP to the point of successful transfer to a downstream emergency service agency, which allowed us to calculate 9-1-1 call time directly from these reports. With respect to so-called Abandoned Calls, TELUS benchmarks and reports the time a 9-1-1 call was received until a 9-1-1 call taker terminates the call without transferring it.

We determined that the average time for a receiving and transferring a 9-1-1 call is 46 seconds. 36 seconds is directly attributable to handling the 9-1-1 call and 10 seconds is required for administrative wrap-up time.

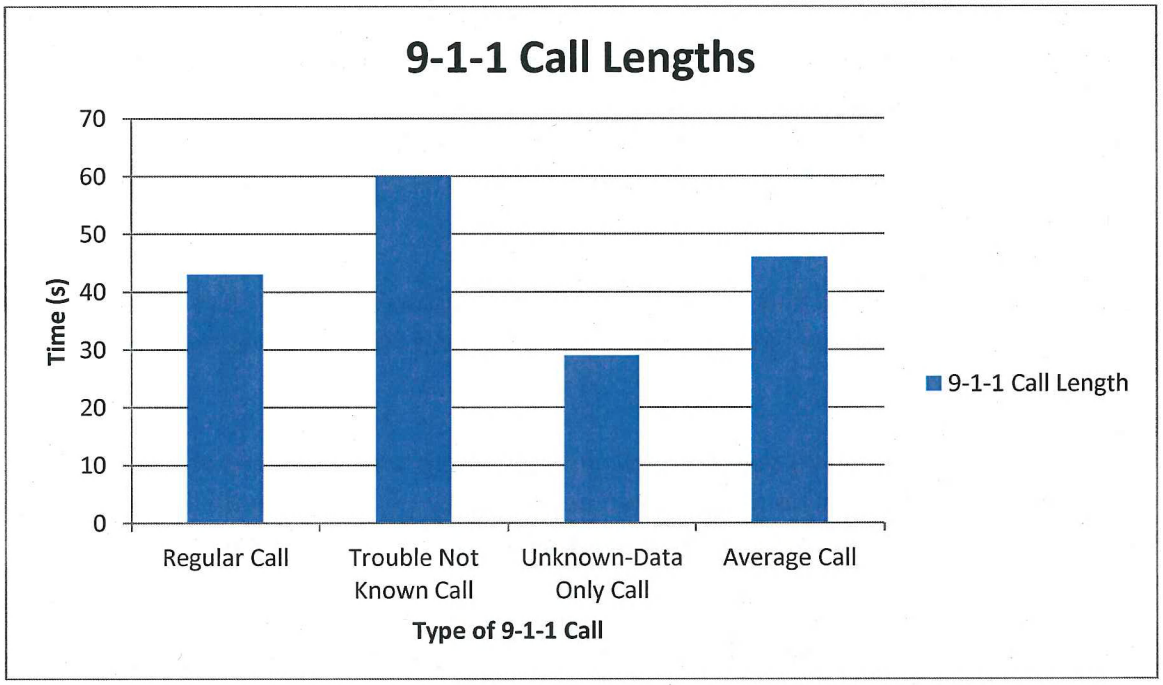
Wrap-up time is a standard consideration in call centre analysis and is defined as the time required for a call taker to complete any post-call activities and be fully available to take another call. While NENA does not prescribe wrap-up time standard, industry best practice is 10 seconds.

As identified in Section 3.1.2, there are different 9-1-1 call types and each type has a specific call length. Table 2, on the next page summarizes the various 9-1-1 call types and their respective call lengths:

Table 2: Various 9-1-1 call types

9-1-1 Call Type	Call Length	Decryption/Addition Information
Regular Call	43 seconds	This represents Regular Calls only. This includes 10 seconds for wrap-up time.
Trouble Not Known Call	60 seconds	This represents Trouble Not Known calls as well as the time required to make one call back attempt. This includes 10 seconds for wrap-up time.
Unknown - Data Only Call	29 seconds	This represents those calls where there is no voice caller as well as insufficient data in order to attempt a call back. This includes 10 seconds for wrap-up time.
Average Call	46 seconds	This represents a proportional combination of Regular 9-1-1 calls and Trouble Not Known calls and is representative of average typical 9-1-1 call lengths. This includes 10 seconds for wrap-up time.

Figure 1: Lengths of 9-1-1 Call Types



The 2013 analysis of TELUS statistical data for the RCMP OCCs shows that on average Regular 9-1-1 calls account for approximately 85% of the total calls, and Trouble Not Known / Unknown – Data Only calls account for the remaining 15% of the total. Of the 15% of Trouble Not Known / Unknown – Data Only calls received at the Southeast District RCMP OCC for 2012 (on average) 67% provided a call back number and 33% had no useable data for call back purposes.

Abandoned Call Handling

The responsibility for 9-1-1 Abandoned Call Handling has been a topic of considerable debate for a number of years as non-police PSAP's such as E-Comm are involved in providing PSAP service. E-Comm for example has advised that under the Greater Vancouver Regional District standard operating procedure for 9-1-1 Abandoned Calls, which they currently operate under, the process is to transfer all 9-1-1 Abandon Calls downstream to the police of jurisdiction, municipal or RCMP agencies, with no call backs i.e. the steps outlined below are the responsibility of the police, not the 9-1-1 primary call taker.

- Call backs to the number to re-establish communication with the caller if the call is terminated with insufficient information from the caller

Call backs can be made from either the Primary PSAP or the police of jurisdiction. What is important to note however is that police policy dictates that all abandoned wired and wireline 9-1-1 calls must be evaluated by the police of jurisdiction for risk assessment and dispatch (following their established policies). Placing a call back from the Primary PSAP and then transferring the caller to a police call taker if contact can be made and then manually and verbally providing the Automatic Number Identification/Automatic Location Information (ANI/ALI) information to the police call taker will provide very limited benefit while introducing redundant questioning of the caller and additional delay and therefore additional risk in handling the call.

- Contacting the Wireless Service Provider to obtain subscriber information

Due to privacy concerns, the Wireless Service Providers will only provide subscriber information if the police of jurisdiction provides the carrier with the nature of the emergency, the name of the police agency and call taker, and in some cases written approval. The Primary PSAP is not in a position to perform this police call evaluation work.

- Obtaining physical locations using latitude and longitude co-ordinates from the ANI/ALI

While this research can be performed and documented as in the first point above, the information which forms a part of the required police risk assessment still needs to be provided to the police of jurisdiction manually and verbally creating additional delay and therefore additional risk in handling the call.

- If warranted, send all the information to the police of jurisdiction

As the risk assessment is the responsibility of a trained police call taker at the police of jurisdiction, PSAP operators do not have the means or responsibility to properly select which situations "warrant" downstreaming other than transferring all calls.

Pomax feels that having a non-police PSAP directly handling call backs instead of transferring to the police of jurisdiction could also leave the partnership open to additional liability if the call

back process resulted in injury or other negative circumstance to a citizen due to a delay in police action. Therefore Pomax recommends that call backs only be handled by the police of jurisdiction, which means that all proponents except Courtenay OCC would transfer such calls to the Courtenay OCC for further call handling.

Staffing Models

Staffing levels were determined using the Erlang C telecommunications traffic formula. Erlang is the accepted calculation method, in the telecommunications industry, for determining traffic load, the number of telephone trunks for a call centre, and appropriate staffing levels. This non-linear equation takes into account the relationship between randomly arriving calls and staff levels, and predicts the resources required to keep caller waiting times within desired service parameters.

The formula considers the relationship among the average number of calls received per hour, the average length of calls, and the specified service level to calculate the minimum number of required call takers.

In public safety telecommunications modelling, strict performance standards, such as answering calls in minimal time, and random call arrival may have a significant effect on increasing staff requirements.

Estimating Resources Required to Perform 9-1-1 Call Taking

The specific NENA standard is that 90% of calls will be answered within 10 seconds during the busy hour and 95% of calls answered within 20 seconds.

Pomax calculated needed staff resources at various call volumes we examined three scenarios. They are:

1. **To determine the minimum hourly staffing levels at the Nanaimo RCMP OCC for the purpose of handling 9-1-1 calls**. The levels shown in column 5 of Table 4 are based on Erlang C calculations and represent the number of staff needed to answer calls *as calculated using Erlang C*, not the actual average workload. Actual average workload can be found in column 4 and is significantly less than what can be handled by each full-time equivalent position.
2. **Assessing the fractional FTE required** to accommodate incoming 9-1-1 call volume, assuming that a centre could staff on a fractional incremental basis.

We used the following parameters within each scenario to determine minimum staffing levels for the 9-1-1 call answer function:

- Average length of 46 seconds for all received 9-1-1 calls (Regular and Trouble Not Known)
- Service standard of 90% of calls answered in 10 seconds or less

Scenario 1 – Hypothetical Staffing Requirements
This hypothetical scenario, shown in Table 3, applies Erlang C calculations to a range of call volumes using the parameters stated above. This includes an average time commitment for both 'Regular' and 'Trouble Not Known/Data Only' calls. The results provides minimum staffing levels based on a general range of annualized 9-1-1 calls and provides results rounded to the nearest number.

Table 3: Minimum staffing based on average of 'Regular' & 'Trouble Not Known' call volumes

Average Annualized Calls	Average Calls per Hour	Percent Answered within 10 seconds	Percent Answered without Queuing	Average No. of Calls in the Queue	Max. Time in Queue (seconds)	Minimum Staffing Level Required
43,800	1-5	95%	94%	0	92	1
43,800	1-5	100%	100%	0	1	2
87,600	6-10	89%	87%	0	135	1
87,600	6-10	99%	99%	0	1	2
131,400	11-15	99%	98%	0	14	2
131,400	11-15	100%	100%	0	1	3

3.4.1. Scenario 2 – Hypothetical Staffing Requirements

Scenario 2 uses the hypothetical staffing requirements found in Table 3 above, applied to the average call volumes at the Nanaimo RCMP centre to determine minimum hourly staffing levels. As this method analyses calls per hour, the results are a more specific and provide fractional results.

The values shown in column 5 of Table 4 are based on Erlang C calculations and represent staff needed to answer calls, not the actual average workload. Actual average workload can be found in column 4 and is significantly less than what can be handled by each full-time equivalent position.

Table 4: Minimum staffing levels based on average of total 9-1-1 calls

1	2	3	4	5
RCMP OCC	Average Annual Call Volume	Equivalent Average Calls per Hour	Average Minutes Worked per Hour based on 46 Seconds per Call Column 3 x 46 Seconds	Minimum Staffing Level per hour
Nanaimo	57,438	6.6	5.06	1

This analysis indicates that Nanaimo requires a maximum of 1.0 FTE 24 hours a day.

Additionally, Erlang C analysis indicates that two 9-1-1 call takers can process over 300,000 annual calls, if the possible queue time is considered acceptable or if an alternative method of handling queued calls, such as call overflow, is implemented. Call overflow is a process whereby 9-1-1 calls, which would normally wait in queue to be answered, ring to another position (e.g. a supervisor or to another centre).

3.4.2. Scenario 3 – Fractional Full Time Equivalents

If staffing requirements were based on call load or actual work time, there may be hours where less than 1.0 FTE is required to answer 9-1-1 calls to the NENA standard. However, Erlang modelling does not calculate fractional staffing levels less than 1.0. Nevertheless, some general guidelines can be offered that provide a reasonable assumption of fractional FTE requirements. This includes actual workload as shown in Column 4 of Table 4 as well as the explanation outlined below.

Readers must remain aware that Erlang C staffing calculations are non-linear and that there is not a direct one-to-one correlation between call volumes and staffing levels. In fact, call volumes are exponentially related to staffing levels such that "X" number of call takers can process an increasing number of calls until a threshold is reached at which point another call taker is required.

With that understanding, based on the average percentage of time per hour a call taker is dedicated to handling 9-1-1 calls, an exponential graph can be used to determine the approximate fractional FTEs based on known FTE count for the Nanaimo OCC.

In order to determine fractional FTE requirements and create an exponential graph, two factors must first be determined:

1. The average amount of time for the Nanaimo centre spent on 9-1-1 call taking duties per hour (expressed as a percentage)

The average amount of time for each centre spent on 9-1-1 call taking is calculated as follows:

Avg. number of calls/hour x Avg. 9-1-1 call length = total time/hour for 9-1-1 call taking

then

Total time per hour for call taking ÷ total seconds in an hour x 100 = percent of time per hour for 9-1-1 call taking

To establish an exponential graph, we used information for average minutes worked per hour from a 2013 study in which we analyzed 9-1-1 staffing levels for five 9-1-1 call answer centres throughout British Columbia, operated by the RCMP. Specifically, the average percentage of time spent on 9-1-1 duties for the Southeast and North District OCC's was used as these were the only two centres that required 1.0 or more FTEs for 9-1-1 call answer duties.

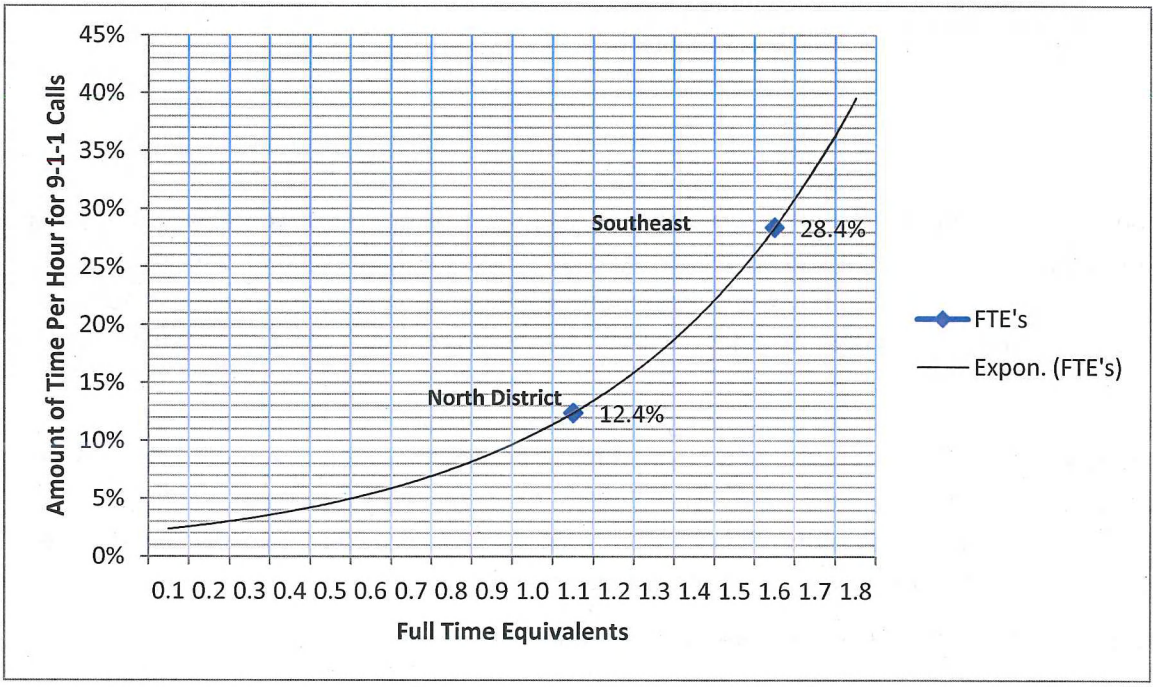
This baseline data is required to establish the exponentiation curve that is used to determine the fractional FTE count for Central Island 911 call volumes.

Based on this formula, the percentage of time spent on 9-1-1 call taking duties for Central Island 911 is calculated as follows:

Table 5: Average percentage of time dedicated to 9-1-1 call taking

RCMP OCC	Calculation of Percentage of Time Spent on 9-1-1 Call Taking Duties Per Hour
Nanaimo	6.6 calls x 46 seconds = 303.6 seconds $\frac{303.6}{3600}$ x 100 = **8.4%**

Figure 2: Baseline staffing curve

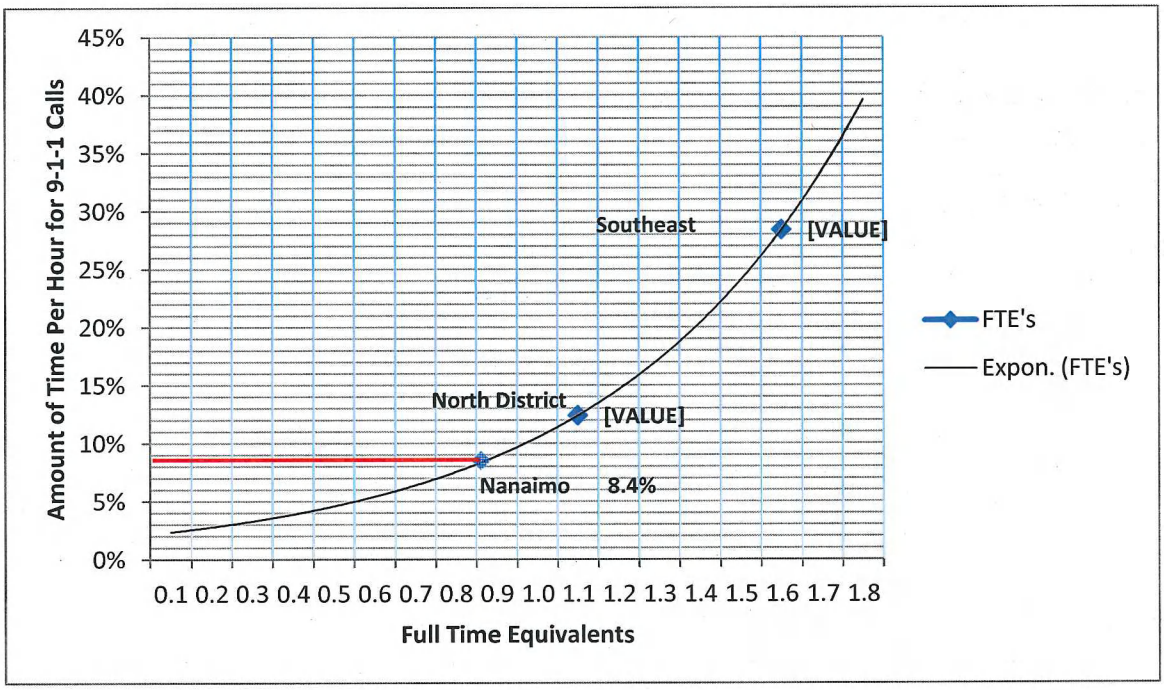


From the chart in Figure 2, approximate FTEs (rounded to the nearest 0.1) based on the percentage of time dedicated to 9-1-1 call taking functions for Nanaimo can be estimated as:

- Nanaimo: 0.8 FTE

The result is demonstrated in Figure 3.

Figure 3: Estimated staff levels based on exponential graph



Actual Staff Requirements

In addition to determining the minimum number of 9-1-1 call takers required based on various call volumes, this staffing level should also be expressed as the total number of staff required. Typically, this is calculated as how many staff members are required to staff one position on 24 hours a day/seven days a week. The net result is referred to as Full-Time Equivalents (FTE).

There is no industry standard for calculating the total number of FTEs required for a public safety answering point. There are a number of different methods and recommendations but the industry accepted method is called the Relief Factor. As part of NENAs PSAP Staffing Guidelines Report[2], a version of the Relief Factor calculation is provided. In order to estimate the total FTEs required, the following factors must be considered:

- Average number of days off per year for each call taker
- Total number of annual earned sick leave days for all call takers
- Total (or estimated) number of annual training days for each call taker
- Total number of annual days off for all call takers

[2] https://c.ymcdn.com/sites/www.nena.org/resource/collection/0ACCC545-208F-4185-BF27-FE2AF801B213/PSAP_Staffing_Report.pdf

To calculate the Relief Factor, the total number of days off is divided by the number of call takers to obtain the average number of days off for each call taker on an annual basis. This value is subtracted from the total number of days in a year (365) to obtain the total number of available work days. Lastly, the total number of days in a year (365) is divided by the calculated value of total available work days to obtain the Relief Factor. Typically, this value should be around 1.4 to 1.7 (maximum). In Pomax's experience and opinion a Relief Factor of 1.4 to 1.5 is reasonable in order to provide effective staffing coverage.

The following Table 6 provides a summary of the previously calculated FTEs based on average 9-1-1 calls per hour using a Relief Factor multiplier of 1.4:

Table 6: Estimated FTEs based on Relief Factor

RCMP OCC	Average Calls per Hour	Minimum Staffing Level	Minimum Staffing Level based on four shifts	Relief Factor	Total FTEs
Nanaimo	6.6	1	4	1.4	5.6

However, if we conduct the same calculation using the fractional FTEs shown in Section 3.4.2, the estimated FTEs would be fewer as shown in Table 7 below:

Table 7: Estimated total FTEs based on Relief Factor for Nanaimo OCC

RCMP OCC	Average Calls per Hour	Minimum Staffing Level	Minimum Staffing Level based on four shifts	Relief Factor	Total FTEs
Nanaimo	6.6	0.8	3.2	1.4	**4.5**

Recommended Staffing Levels vs. Contractual Staffing Levels

This section compares the recommended number of full time equivalents, using Table 7 values, to the contracted equivalents for which Central Island 911 is paying. Table 8 demonstrates the differential:

Table 8: Minimum FTEs vs. Current Contractual FTEs

RCMP OCC	Recommended Minimum FTEs	Current Contractual FTEs	Difference
Nanaimo	4.5	5.2	-0.5

It is important to note that when evaluating minimum 9-1-1 staffing levels in the RCMP OCC's, the RCMP staffing proposal will handle the Nanaimo workload as "net new". This means that the RCMP have determined the required staffing based on the workload being stand-alone work and not factored in the existing staffing in the OCC. Typically, when existing staffing levels are considered, the additional total number of FTEs is less than when considering the workload as net new.

Estimated Population Increase and Minimum Staffing

An estimate of potential population growth for the Central 9-1-1 region has been established. This information is necessary to predict the possible impact on 9-1-1 call answer staffing levels over the next five years.

Statistics Canada data for the 2001, 2006, and 2011 censuses was used to estimate a reasonable expectation of population increase and corresponding 9-1-1 call volumes for the 9-1-1 service area.[3]

Table 9: Estimated Total Population Increase based on Statistics Canada Census Data

Regional District	2001 Population	2006 Population	Percentage Change	2011 Population	Percentage Change	Average Percentage Change
Cowichan Valley[4]	71,998	76,929	6.8%	80,332	4.4%	5.6%
Nanaimo[5]	127,016	138,631	9.1%	146,574	5.7%	7.4%
Total Population	**199,014**	**215,560**		**226,906**		
Average Percentage			**7.95%**		**5.05%**	**6.5%**

The average population change across the Central Island 9-1-1 service area, calculated using the average change of the Cowichan Valley and Nanaimo Regional Districts from 2001 to 2011, was a 6.5% increase.

[3] Census data for the Regional District of Nanaimo includes the City of Nanaimo
[4] http://www.cvrd.bc.ca/DocumentCenter/Home/View/8623
[5] http://www.rdn.bc.ca/cms.asp?wpID=440

To assist in population projections, BC Stats provides regional population projections using a statistically valid model. Based on BC Stats modelling[6], population projections for the Central Island 9-1-1 service area from 2014 to 2020 are:

Table 10: Estimated Total Population Increase based on BC Stats Projections

Regional District	2014 Population	2015 Projected Population	2020 Projected Population
Cowichan Valley	82,690	83,488	88,076
Nanaimo	151,687	153,551	163,922
Total	**234,377**	**237,039**	**251,998**

The projected percentage increase from 2015 to 2020 is calculated as:

2020 Projected Population minus 2014 Projected Population equals Population Increase

Then

$$\frac{\text{Population Increase}}{\text{2015 Projected Population}} \times 100 \text{ equals Percentage Increase}$$

Therefore:

251,998 - 237,039= 14,959

Then

$$\frac{14{,}959}{237{,}039} \times 100 = 6.3\% \text{ increase}$$

The 6.3% increase over a five year period works out to 1.26% annually. This estimated population increase is consistent with the historical population increases from 2001 to 2011 as per the historical Statistics Canada data.

Population is a major component of 9-1-1 call volumes. While there may be local factors that have some effect on call volumes, service area population is typically used to determine expected call volumes.

Therefore, using the total 9-1-1- calls received by the Nanaimo OCC in 2014 as a baseline, estimated 9-1-1 calls in 2020 is calculated as:

Table 11: Estimated Total 9-1-1 Calls in 2020

Year	9-1-1 Service Area Population	Total 9-1-1 Calls
2014	234,377	57,438[7]

[6] http://www.bcstats.gov.bc.ca/StatisticsBySubject/Demography/PopulationProjections.aspx

[7] Based on five year average of calls from 2010 to 2014

2020	252,096	61,057

From this, we can calculate the staffing level required to handle the expected 9-1-1 calls based on average calls per hour.

Table 12: Estimated Minimum Staffing Level Based on 2020 Population Projections

1	2	3	4
Projected Average Annual Call Volume	**Equivalent Average Calls per Hour**	**Average Minutes Worked per Hour based on 46 Seconds per Call Column 2 x 46 Seconds**	**Minimum Staffing Level per hour**
61,057	7.0	5.37	1

The minimum staffing level required for 9-1-1 call answer based on the estimated call volumes in five years (2020) based the estimated total 9-1-1 calls indicates that no additional staffing should be required.

The average 9-1-1 call volume from May of 2013 to April of 2015 by hour and day of week is shown in Table 13.

Table 13: 9-1-1 Call Volume Averages by hour

Day	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Fri	5	4	4	3	2	2	3	4	6	7	8	9	9	9	10	10	9	11	10	9	9	9	8	8
Mon	4	3	3	3	2	2	3	4	6	7	8	7	8	8	8	9	10	9	9	8	7	8	6	5
Sat	8	7	5	5	3	3	3	4	5	6	8	8	10	9	9	9	10	10	9	9	9	9	8	8
Sun	7	7	5	4	3	3	3	4	5	6	7	8	8	8	9	9	10	9	9	9	8	8	6	6
Thu	5	4	3	2	2	2	3	4	5	7	9	8	9	9	8	10	10	9	9	8	8	7	6	5
Tue	4	3	2	2	2	2	3	4	6	7	8	9	8	9	9	9	10	9	9	8	7	7	7	5
Wed	4	4	3	2	3	2	3	4	6	6	7	8	7	8	9	8	9	9	9	9	9	7	7	6

Limitations of Recommended Staffing Levels / Future Demands

Section 0 - Actual Staff Requirements are based on the 9-1-1 call types of Regular, Trouble Not Known, and Unknown – Data Only (as detailed in Section 3.1.1). In 2014 and going forward, new types of 9-1-1 calls were added in Vancouver, and the technology will be coming to other PSAPs shortly, such as Text with 9-1-1 (T9-1-1) for the deaf, hard of hearing, and speech impaired (DHHSI) community. The impact and analysis in terms of call volumes and call length cannot be determined until at least twelve months of 'actual' T9-1-1 call processing data can be captured after full implementation in BC (expected by the end of 2015). What is known from the data captured during the trial leading to the spring 2014 service launch of T9-1-1 is that call processing times were at least three times longer than the average call processing time of 46 seconds for the calls received today.

The staffing model calculations in this study will need to be revisited as experience is gained with new access methods, such as Text with 9-1-1 for the deaf, hard of hearing, and speech impaired community to start, as well as the wider adoption of Text to 9-1-1 for the general public and the processing of rich media i.e. pictures and video (timelines are currently unknown). Depending on the call volumes, the complexity of processing, and the future configuration of 9-1-1 call answer positions funded by the partner agencies, the detailed staffing model calculations will need to be adapted to properly reflect the 'actual' impact on resource demand.

Potential Partner Proposals

There are two ways for a partner agency to charge for the 9-1-1 Call Answer Service. The first is to charge for incremental FTE's required to handle the 9-1-1 call volume, plus Operating and Maintenance costs which may include an allocation of space, telephony system, recording equipment and any other associated costs. For this approach, the agencies may charge for a single additional position, or on the basis of additional personnel during peak periods with the call volume to be absorbed by regular staffing during off hours.

The second is to charge a levy on a per call basis, such that it may be a flat rate per call that may or may not include all associated overhead.

For each proposal the costs are apportioned to each partner as per the existing cost allocation which is as follows:

Table 14: Apportioned Costs by Partner

Jurisdiction	Percentage
City of Nanaimo	45%
Regional District of Nanaimo	10%
Cowichan Valley Regional District	45%

Capital Regional District PSAP Considerations

Although noted as a potential provider in the statement of work, CREST does not provide 9-1-1 call answer services they are only a provider of a digital trunked radio system for public safety agencies in the Capital Region.

PSAPs in the Capital Regional District include Victoria Police, Saanich Police, and the West Shore RCMP Operational Communications Centre (OCC).

Victoria Police reviewed this opportunity and decided not to provide a proposal.

Saanich Police currently handle call volumes less than 50% of the Nanaimo call volume and have never expressed an interest in providing service for other regions. As such they were not considered in this analysis as a potential provider.

The RCMP chose to provide a proposal from the Courtenay OCC, and as such the West Shore OCC was not provided as an option.

E-Comm Proposal

E-Comm has provided their comprehensive proposal as detailed in Appendix 'C', which is based on a cost per call model with some one-time implementation expenses.

4.2.1. E-Comm Methodology

E-Comm would handle CI 911 calls as part of their blended 9-1-1 calls, such that all 9-1-1 calls are presented to E-Comm 9-1-1 call takers in order of arrival. That is the 9-1-1 queue will include all calls for the 23 regional districts and other communities for which they handle 9-1-1 calls.

CI911 calls will be triaged according to their standard protocols and 'downstreamed' (transferred) to the appropriate agency which would be Courtenay OCC for Police calls, Nanaimo FireComm for fire calls, and the British Columbia Ambulance Service (BCAS) Victoria Dispatch for ambulance calls.

E-Comm was the pilot site for Text with 9-1-1 (T911) for the Deaf, Hard-of-Hearing and Speech Impaired (DHHSI) community and can handle these calls for registered users in the CI911 service area. E-Comm is currently able to downstream T911 calls to all of their Secondary Public Safety Answering Point (Secondary PSAP) police and fire agencies currently in the E-Comm facility and to police Secondary PSAPs in the Lower Mainland. Agent511 is the web based software that acts as the Text messaging platform, and the RCMP is ready to rollout Agent511 software and implement the related connectivity at all downstream OCCs. In the interim for all of their Regional Districts and Secondary PSAPs they connect with the DHHSI caller using Agent511 software and Relay the information to the downstream agency.

E-Comm provides 24 hour supervision with 9-1-1 technical resources on call.

Working with Telus, 9-1-1 calls to E-Comm may be queued at the Primary Tandem (a Tandem is the Telus 9-1-1 switch of which there are five across the province) so that an influx of a high volume of calls ensures that the calls are queued and presented to the operators sequentially as operators become available.

E-Comm duty managers can expand the size of the 9-1-1 queue by dynamically expanding the size of the call taking queue by adding available staff. This allows for the ability to easily add more staff to handle a high influx of calls.

E-Comm also operates the same computer aided dispatch as all police agencies across the province, meaning that E-Comm 9-1-1 call takers can communicate quickly with the RCMP call takers and dispatchers at Courtenay OCC.

E-Comm exceeds the NENA standards for 9-1-1 call answer service; their 9-1-1 PSAP service performance in each of the last three years is as follows:

2012 – 98% of 9-1-1 calls answered in 5 seconds or less
2013 – 98% of 9-1-1 calls answered in 5 seconds or less
2014 – 97% of 9-1-1 calls answered in 5 seconds or less

4.2.2. Backup Centre

A major feature of the E-Comm proposal is the hardened facility and the telephony infrastructure. E-Comm has partnered with the BCAS Dispatch Centre in Vancouver to operate a 'warm' backup centre with full functionality for 9-1-1 call taking, dispatch and radio management in the event that an evacuation of the building is required.

Their target time to have 9-1-1 PSAP service, Police and Fire call taking and dispatch restored on backup capabilities is five minutes or less. During transit from the E-Comm building to BCAS, 9-1-1 calls are handled by BCAS operators with call taking and dispatch maintained by E-Comm staff using portable devices to ensure there is an absolute minimum of down time or lack of service if a major event were to occur. The target time to be performing call taking and dispatch capability at the backup site in the event of a need to vacate the primary location is 30 minutes.

E-Comm fully exercises the backup site by operating completely at the BCAS Dispatch Centre twice a year. During those evacuations extensive maintenance routines are undertaken on all key telephony systems.

4.2.3. 9-1-1 Network

E-Comm worked with Telus to design the telephony network from the point of origin to Vancouver with multiple redundancies. The methodology is detailed in their report but is summarized in Table 15.

Table 15: 9-1-1 Network from Central Island to E-Comm

Configuration	Call handling
Normal operation	Calls are routed from the central island communities to the Telus Tandem switch located in Victoria and then to E-Comm and into the 9-1-1 queue at the primary Tandem switch in Vancouver
Telus Tandem Switch failure in Victoria	9-1-1 calls would be routed through the backup Tandem switch located in Surrey and to E-Comm via the BCAS backup centre
Service impairment, failure or evacuation required at E-Comm	The calls would be routed to the BCAS backup centre via the Surrey Tandem switch and BCAS staff will answer and downstream the 9-1-1 calls while E-Comm staff relocate to the BCAS facility which is located 5 kilometers from E-Comm.
Total loss of Telus network service to Vancouver from the Central Island	The 9-1-1 calls would be routed to the Victoria BCAS Dispatch Centre and they will provide the 9-1-1 call answer service until service can be restored by Telus

4.2.4. E-Comm Costs

E-Comm has provided a finance model based on a cost per call, with some one-time implementation costs and an option to include up front technology costs in the annual levy.

There are one-time costs for project management of $16,000 resulting in the following costs for each agency:

Table 16: E-Comm One-Time costs by Agency

Jurisdiction	Percentage	Amount
City of Nanaimo	45%	$ 7,200
Regional District of Nanaimo	10%	$ 1,600
Cowichan Valley Regional District	45%	$ 7,200

In addition, there are equipment and implementation costs totalling $130,500 which E-Comm has included as an annualized cost in Table 17 below; E-Comm notes the advantage of this approach (versus an upfront one-time payment) is that if the contract is renewed beyond five years then some funding is built-in for future technology refresh costs.

Table 17: E-Comm Annualized Equipment Costs

Item	Description	Total
1	Equipment and Implementation Costs	$ 117,220
2	Amortization rate	5 years
3	Interest	4%
	Annualized Cost - Levy Recovery	$ 26,100

The five year levies are shown in Table 18.

Table 18: E-Comm Annual Levies *(including Annualized Equipment Costs)*

Item	Description	Cost
1	2015 Annual Levy	$ 250,920
2	2016 Annual Levy	$ 258,450
3	2017 Annual Levy	$ 266,200
4	2018 Annual Levy	$ 274,190
5	2019 Annual Levy	$ 282,420

E-Comm also offers an alternative pricing option on page 11 of their proposal that reduces the Table 18 – Item 1: 2015 Annual Levy of $250,920 to $224,820 – if the one-time capital costs of $117,220 are paid up-front. However, for the reason noted above by E-Comm, which we concur with, this approach is not recommended.

The annual costs, by partner, based on the 2015 Annual Levy are shown in Table 19.

Table 19: Annual E-Comm costs by Partner

Jurisdiction	Percentage	Amount
City of Nanaimo	45%	$112,914
Regional District of Nanaimo	10%	$ 25,092
Cowichan Valley Regional District	45%	$112,914

The following Table 20 is the estimated annual 9-1-1 call volume increase based on a 9-1-1 service area population increase as calculated in Section 3.6. For purposes of this analysis, the 2014 total 9-1-1 calls is 51,000 as identified in the E-Comm proposal:

Table 20: Projected Annual 9-1-1 Call Volume Increase

Year	9-1-1 Service Area Population	Total 9-1-1 Calls Based on E-Comm Proposal	Annual Total 9-1-1 Call Increase
2014	234,377	51,000	N/A
2015	237,330	51,643	1.26%
2016	240,283	52,294	1.26%
2017	243,236	52,953	1.26%
2018	246,189	53,620	1.26%
2019	249,142	54,297	1.26%
2020	252,095	54,981	1.26%

It is important to note that E-Comm's proposal is not a fixed price contract; it is based on the estimated call volumes as detailed at Note 'b' on page 11 of their proposal; Note 'b' also provides an important caveat with respect to the Processing of Abandoned Calls. E-Comm has reasonable growth estimates included, and only new legislation could result in possible changes to how Abandoned Calls are processed in the future. As such, the annual costs detailed in Table 18 for 2015 to 2019 can be used as stated for financial planning.

4.2.5. E-Comm Pros and Cons

The advantages of the E-Comm proposal are outlined below:

1. Significant depth of call queue – additional 9-1-1 operators can be added to the call taking queue to handle call peaks
2. Solid redundancy and backup provisions – these include technology redundancy as well as off-site backup centre in Vancouver and an alternate call taking arrangement on Vancouver Island with the BC Ambulance Service Dispatch Centre
3. Dedicated personnel maintain the 9-1-1 telephone system – the team is available on call 24x7
4. Currently capable of taking T9-1-1 calls for the deaf and hearing impaired community
5. Good working relationship with Telus in supporting 9-1-1 service across the province
6. Most cost effective option

The disadvantages of the E-Comm proposal are:

1. Call taking is off island, while this does not have many tangible drawbacks there may be political concerns about the call handling being done remotely.
2. E-Comm will not take any existing Municipal Employees

Nanaimo FireComm Proposal

The Central Island 9-1-1 partnership utilizes the fire dispatch centre operated by the City of Nanaimo, known as Nanaimo FireComm, to provide communication and dispatch services to the 27 fire departments within the partners' regions. As such, Nanaimo FireComm is defined as a Secondary Public Safety Answering Point (Secondary PSAP). Nanaimo FireComm was originally built with the capacity of integrating the Primary Public Safety Answering Point (PSAP), so the centre has sufficient workspace to accommodate the additional position for 9-1-1 call taking and the majority of equipment. Nanaimo FireComm presently operates with two dispatchers on duty 24 hours per day, 7 days per week.

4.3.1. Nanaimo FireComm Methodology

Nanaimo FireComm has proposed to include the Primary PSAP function by adding two new full time equivalent positions assigned to a new "swing shift" to cover peak periods. The swing shift would augment the two dispatchers with a third dispatcher from 10:00 AM to 10:00 PM, seven days a week to cover the average busy hour 9-1-1 periods. The additional positon would be added to cover these hours in order to handle the increased call volume for 9-1-1 calls such that during average busy hours there would be three available personnel to handle 9-1-1 calls, and two personnel at all other times. This represents an increase in personnel, or what is referred to by the City of Nanaimo as a higher service level, and this may be met by transferring some of the existing Municipal Employees who are currently acting as Nanaimo RCMP 9-1-1 operators.

The staffing option put forward by Nanaimo FireComm is to relocate two current municipal employees (not federal RCMP staff) from the Nanaimo RCMP Operational Communications Centre (OCC) to Nanaimo FireComm into the two new FTE positions. This staffing option may be subject to labour relation/collective agreement issues, and the potential issues of transferring personnel from CUPE to IAFF and these must be resolved prior to the staff being relocated.

With Nanaimo FireComm acting as the Primary PSAP, the 9-1-1 calls would be received by any of the on duty dispatchers and then transferred to police, ambulance or dealt with directly if the call is fire related.
Nanaimo FireComm has on-site supervision during normal business hours and after hours a supervisor is always available on call.

4.3.2. Backup Arrangements

FireComm presently has a no fee reciprocal back-up agreement for fire dispatch services with the Campbell River Fire Dispatch Centre. If the PSAP function were to transition to Nanaimo FireComm, then a similar agreement would need to be negotiated with another 9-1-11 Centre for back-up, such as the Victoria Police PSAP. Nanaimo Fire has not entered into negotiations for such an arrangement so a cost has not been quantified but they have indicated that it is possible that a no fee reciprocal agreement could be reached with another 911 provider.

4.3.3. Current Nanaimo FireComm Staffing Analysis

As part of the study, Pomax is to review the existing call volume of Nanaimo FireComm to determine if their existing staff can handle the 9-1-1 call volume and meet NENA call answer guidelines.

In order to make this determination, the workload analysis must consider two components:

1. Nanaimo FireComm dispatcher workload based existing call volume
2. Staffing levels required to handle 9-1-1 call volume

Each component requires a unique workload analysis in order to determine the minimum number of staff required. For existing Nanaimo FireComm workload, the minimum number of staff is determined based on the analysis of the total number of minutes spent on typical fire dispatch related duties per hour. For 9-1-1 call answer, Erlang C analysis is used to determine the minimum number of staff required.

To calculate existing Nanaimo FireComm fire dispatch related workload, Pomax analyzed as provided call data for the years 2013 and 2014. From this, we have determined that the average number of fire dispatch related calls per hour/per day of the week:

Table 21: Average Fire calls per hour 00:00 to 12:00

Day of Week	Hour of Day (00:00 to 12:00)											
	0-1	1-2	2-3	3-4	4-5	5-6	6-7	7-8	8-9	9-10	10-11	11-12
Sunday	1.2	1.4	1.1	1.1	0.6	0.7	0.8	0.9	1.3	1.5	1.7	1.7
Monday	0.7	0.9	0.9	0.79	0.7	0.9	0.9	1.0	1.7	1.9	1.8	1.6
Tuesday	0.9	0.7	0.5	0.7	0.5	0.4	0.7	1.0	2.0	1.9	1.8	2.1
Wednesday	1.0	0.6	0.5	0.5	0.6	0.5	0.8	0.9	1.7	1.5	1.5	1.7
Thursday	0.9	0.5	0.8	0.5	0.6	0.7	0.7	1.1	1.3	1.7	2.5	2.1
Friday	0.8	0.6	0.7	0.5	0.6	0.5	0.9	0.8	1.5	1.0	2.0	2.5
Saturday	1.0	1.0	0.8	0.9	0.6	0.7	0.6	1.3	1.5	1.6	1.9	2.0

Table 22: Average Fire calls per hour 12:00 to 24:00

Day of Week	Hour of Day (12:00 to 24:00)											
	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24
Sunday	1.7	2.0	1.8	2.2	2.0	2.60	2.4	2.1	1.6	1.7	1.3	1.0
Monday	1.9	1.7	2.1	1.9	2.2	1.9	2.2	1.7	2.0	1.8	1.4	1.0
Tuesday	1.9	1.8	2.4	1.9	2.0	2.0	2.0	1.8	1.7	1.2	1.2	0.9
Wednesday	1.9	1.8	2.1	2.0	2.1	2.2	1.8	1.9	1.9	1.6	0.3	1.3
Thursday	2.6	2.2	2.2	2.1	2.0	2.0	2.4	1.9	1.9	1.6	1.3	1.1
Friday	2.0	2.2	2.1	2.3	2.0	2.3	2.2	1.9	1.9	1.6	1.5	1.3
Saturday	1.9	1.7	2.0	1.8	1.7	2.0	2.0	1.9	1.7	2.0	1.7	1.4

From this evaluation we determine that the average per hour fire dispatch workload range from a low of 0.5 calls to a maximum of 2.6 calls. Based on Pomax's statistically validated workload analyses from previous dispatch centre workload analysis projects, the following parameters are used to calculate total average dispatcher workload per hour:

- average of 12 minutes per call (combined fire dispatch and other workload tasks)
- dispatcher available 43 minutes per hour

The additional 17 minutes of the hour account for such things as breaks and other activities where the dispatcher is not available for dispatch activities.

The calculation to determine dispatcher workload per hour is:

number of calls per hour times average minutes per call equals dispatcher workload

The calculation to determine total available dispatcher time per hour is

available dispatcher minutes per hour minus dispatcher workload equals total dispatcher workload per hour

Therefore, the average per hour workload range for Nanaimo FireComm dispatch staff is shown in Table 23:

Table 23: Average per hour workload for Nanaimo FireComm

Avg. No. of Calls/Hour	Avg. Minutes/Call	Dispatcher Workload/Hour (mins.)	Available Dispatcher Time/Hour (mins.)	Balance of Available Dispatcher Time/Hour (mins.)
0.5	12	6.0	43.0	36.0
1.0	12	12.0	43.0	31.0
1.5	12	18.0	43.0	25.0
2.0	12	24.0	43.0	19.0
2.5	12	30.0	43.0	13.0
2.6	12	31.2	43.0	11.8

Therefore, based on the average number of calls for 2013 and 2014 handled by Nanaimo FireComm, the maximum workload for a fire dispatcher is 31.2 minutes per hour and when considered against the average dispatcher availability of 43 minutes per hour, 1.0 FTE can handle the average busy hour workload.

If the fire dispatch workload is considered from a fractional perspective, 0.73 FTE is required.

Nanaimo FireComm's current staffing is two dispatchers on shift 24 hours per day, 7 days a week. This model allows for unpredictable incidents such as mass calling events, large fire events, significant weather storms, and others situations that can have a significant workload impact on operations.

With respect to the minimum staffing level required to handle 9-1-1 calls, Section 0 provides the analysis and staffing levels required and determined that a minimum of 0.8 FTE is required, if the staffing is considered on a fractional basis.

We evaluated total 9-1-1 calls between May 2013 and April 2015 and the 9-1-1 calls per hour range from a minimum of three calls to a maximum of nine calls, with the average calls per hours being seven. Based on Erlang C calculations, 1.0 FTE can handle up to, and including, nine 9-1-1 calls per hour while meeting the NENA guideline of 90% of calls answered within 10 seconds. As such, 1.0 FTE can handle nearly 30% more 9-1-1 calls than the expected average per hour 9-1-1 calls.

We further considered the 9-1-1 workload by analyzing the average calls per hour per/day of the week. This analysis provides an accurate representation of expected workload throughout the day and identifies those times where there will be calls per hour that average. This analysis reveals that between the hours of 10:00 AM and 10:00 PM the number of 9-1-1 calls is higher than the per hour average, with the highest calls per hour reaching 11 in one hour as well as a number of hours where the calls are 10.

As per our analysis, we have determined that 1.0 FTE can handle nine calls per hour. In order to handle the maximum average busy hour workload of 11 calls, 1.3 FTE are required.

When considering the average workload per hour, if both the average per hour fire dispatch and 9-1-1 workloads are considered together, the minimum required staffing level is shown in Table 24:

Table 24: Nanaimo FireComm Minimum Staffing Level

Workload Activity	FTE required	Fractional FTE Required
Average Fire Dispatch	1.0	0.73
Average 9-1-1	1.0	0.8
Total	**2.0**	**1.53**

If both the average per hour fire dispatch and the maximum per hour 9-1-1 call workloads are considered together, the minimum required staffing level is shown in Table 25:

Table 25: Nanaimo FireComm Staffing for Fire and 9-1-1 Calls

Workload Activity	FTE required	Fractional FTE Required
Average Fire Dispatch	1.0	0.73
Maximum 9-1-1	2.0	1.3
Total	**3.3**	**2.03**

Based on our analysis of the average busy hour fire dispatch workload and the average busy hour 9-1-1 call workload, the existing Nanaimo FireComm staffing level is not sufficient to handle the addition of 9-1-1 calls while meeting the NENA guidelines. Nanaimo FireComm would require a minimum of a 15% increase in FTEs on order to handle the additional workload.

4.3.5. Nanaimo FireComm Costs

There are one-time costs to upgrade the dispatch workstation so that it matches all other workstations at the centre, which includes a Zetron paging console, upgrading the other consoles to match. Also upgrading the telephone switch to include the additional phone and the changes to support Text to 9-1-1 for the DHHSI community, as well as in call location updates for cellular calls (for moving cell phones such as a caller in a car). It also includes a new CAD licence, computer and chair. This work can be done in time for a transition by the end of November 2015.

The existing Nanaimo FireComm eight FTE's and three relief dispatchers can be trained to handle the 9-1-1 calls as part of their standard shifts as they can be trained at their desks. New employees take four to six blocks of training at 32 hours a block, therefore assuming the rate of $37.15 per hour the cost per block would be $1,188.80 for a maximum of $7,132.80 per new employee. Since the existing Municipal Employees are being transferred, the training would likely be minimized due to their experience, however it has been calculated at six weeks per employee and has been included in the One-Time costs in Table 26. This training would allow

them to act as 9-1-1 call takers and fire call takers and dispatchers. The training would be coordinated by Nanaimo FireComm's Captain of Informatics and Communications, and existing fire dispatchers who are qualified as trainers.

Table 26: Nanaimo FireComm One-Time Costs

Item	Description	Cost	Qty	Total
1	Training for 2 Municipal Employees as Fire Dispatchers	$7,133	2	$ 14,266
2	Zetron Paging Console (equipment, licensing and installation)		1	$ 35,000
3	Upgrade existing Zetron equipment (3 terminals)		3	$ 40,000
4	Upgrade 911 equipment. Includes T9-1-1 and rebid of mobile devices		4	$ 40,000
5	FDM CAD License		1	$ 35,000
6	New computer terminal and equipment to activate fourth workstation		1	$ 10,000
	Total One Time Start Up Costs			**$174,266**

The breakdown of one-time costs by partnership is shown in Table 27 and the annual costs including salaries, O&M and CAD licence maintenance is shown in Table 28.

Table 27: One-Time Costs for Nanaimo FireComm by Partner agency

Jurisdiction	Percentage	Amount
City of Nanaimo	45%	$78,420
Regional District of Nanaimo	10%	$17,426
Cowichan Valley Regional District	45%	$78,420

Table 28: Nanaimo FireComm Annual Costs

Item	Description	Rate	Qty	Total
1	Annual salary per FTE Dispatcher (wages and benefits at 10 year rate)	$101,580	2	$203,160
2	FDM License fee for additional CAD terminal	$ 7,000	1	$ 7,000
3	O&M (Telephone costs, rent, misc. staff costs)			$ 71,150
	Total Annual			**$281,310**

The annual costs for each proposal by partner agency are shown in Table 29.

Table 29: Annual Nanaimo FireComm Costs by Partner Agency

Item	Description	Jurisdiction	Percentage	Amount
1	Staffing plus O&M	City of Nanaimo	45%	$126,590
2	Staffing plus O&M	Regional District of Nanaimo	10%	$ 28,131
3	Staffing plus O&M	Cowichan Valley Regional District	45%	$126,590

Nanaimo FireComm has identified annual increases based on 2.5% wage increases per the IAFF contract, plus contingency as identified in the following Table 30.

Table 30: Annual Increases in Nanaimo FireComm Costs

Item	Description	Total
2016	Annual Operating Costs	$281,310
2017	Annual Operating Costs plus 3% increase from previous year	$289,749
2018	Annual Operating Costs plus 3% increase from previous year	$298,442
2019	Annual Operating Costs plus 3% increase from previous year	$307,395
2020	Annual Operating Costs plus 3% increase from previous year	$316,617

4.3.6. Nanaimo FireComm Pros and Cons

The following advantages and challenges were identified by Nanaimo FireComm in their proposal attached in Appendix 'D'.

"Advantages:

1. Retains two FTE positions from the present Nanaimo OCC with potential for others to fill part-time roles.
2. Facilities are already in place and some of the technology already exists.
3. Allows for flexibility to handle current unknowns related to Provincial CAL initiative and NextGen 9-1-1 service requirements.
4. Provides greater flexibility for future service enhancements and retains local control over operational procedures.
5. Economies of scale are achieved by combining Primary PSAP and Secondary PSAP functions.

Challenges:

1. Staffing and Union contract implications to be reviewed which would likely result in the higher IAFF wages coming into effect.
2. Will require additional cross-training for existing fire dispatchers and 911 call takers.
3. Abandoned calls need to be followed up before forwarding to police.
4. Additional computer aided dispatch equipment.
5. NextGen 911 specifications, timelines and costs remain unknown.
6. A back-up agreement must be reached with another 911 call centre."[8]

Note that the telephone equipment is currently being upgraded. Given the unknowns about the Nextgen 9-1-1 there may be additional upgrades required in the future.

The economies of scale for combining Primary PSAP and Secondary PSAP functions would be related to the handling of fire calls only.

Note that under this proposal the cross trained staff will handle both 9-1-1 calls and fire call taking and dispatch functions.

The partnership may decide that abandoned calls will all be forwarded to the Courtenay OCC as recommended in Section 0.

In relation to item 5 above, the Nanaimo FireComm proposal noted that "consolidation into Nanaimo FireComm will incur future costs as NextGen 911 technology upgrades will be required in future years. Many of these upgrades will already be required in Nanaimo FireComm as a fire dispatch centre because it must be able to receive NextGen 911 calls transferred from the 911 PSAP regardless of its location. The Nanaimo FireComm telephone systems are in the process of being upgraded as part of an existing asset management program. This upgrade makes the centre ready to receive "Text-To-911" equipment which is one of the first elements of NextGen 911. As such, costs for adding Text-To-911 are not yet quantified. Future NextGen 911 elements may include video and other media to connect with 911 however neither the

[8] City of Nanaimo Fire Rescue Department. Estimated cost for Integrating PSAP into Nanaimo FireComm. May 8, 2015

system specifications or timelines for implementation are established, therefore associated costs cannot been fully quantified anywhere in the province".[9]

It should be noted that any proponent is in the same situation. Although some fundamentals are known, such as the requirement for internet protocol telephony and recording, many of the more advanced feature requirements such as multimedia have not been defined. Some providers, such as E-Comm, may have a larger client base upon which to amortize the costs, meaning each client may bear a smaller amount of the increased costs to enhance the technology; however, as noted these enhancements will still be required for the Secondary PSAPs as well and thus these costs will still be incurred. Also by comparison, E-Comm personnel are actively involved in the preparation and planning for the next generation 9-1-1 platforms and are more familiar with the future direction of the technology.

[9] City of Nanaimo Fire Rescue Department. Estimated cost for Integrating PSAP into Nanaimo FireComm. May 8, 2015

Nanaimo Detachment Call Answer Service

This proposal involves allocating existing police call answer staff in a 9-1-1 call answer capacity only and operated by the City of Nanaimo.

4.4.1. Nanaimo Detachment Call Answer Service Methodology

The existing police call answer staff could remain in their current roles in repositioned space but handling only the 9-1-1 call answer portion, and transferring the calls to either the RCMP in Courtenay, FireComm, or BCAS dispatch in Victoria.

The existing switchboard space could be utilized with the addition of another desk for the 9-1-1 call answer work. No physical renovations are anticipated for this solution.

The switchboard position would handle call overflow and break relief, although providing break relief to the 9-1-1 call taker means that only one person is handling both switchboard and 9-1-1 calls.

4.4.2. Nanaimo Detachment Call Answer Service Costs

To calculate the costs we first determined the appropriate Overhead and Maintenance (O&M) based on a pro-rata of the current communication area space, which is 1180 square feet, against the space for the switchboard area of 180 square feet.

The 2015 rate for O&M is $192,388, which includes an annual allowance for equipment maintenance, which would remain, and the RCMP allowance, which would no longer be paid; with these adjustments, a cost of $116,388 for the space or $99 per square foot per annum. The switchboard space would therefore be $17,754 as shown in Table 31.

Table 31: Nanaimo Detachment O&M and Costs Per Square Foot

Item	Description	Cost
1	Operating and Maintenance 2015	$192,388
2	Less equipment maintenance	$ 50,000
3	RCMP allowance	$ 26,000
4	Net cost for space	$116,388
5	Cost per sq. ft. based on 1180 sq. ft.	$ 99
6	Cost for switchboard space based on 180 sq. ft.	$ 17,754

Adding back the equipment maintenance costs results in the following revised O&M costs as shown in Table 32.

Table 32: Nanaimo Detachment Revised O&M Costs

Item	Description	Cost
1	Cost for switchboard space based on 180 sq. ft.	$ 17,754
2	Equipment maintenance	$ 50,000
	Total O&M	**$ 67,754**

The projected costs are outlined in Table 33. Nanaimo based their FTE count on 5.2 and 2088 hours per FTE. The benefit rates are shown for the Full Time and Part time FTEs and the revised O&M total.

The Switchboard operator totals based on 4.75 FTE are shown. These costs are allocated at 25% to the partnership for handling break relief and overflow. This gives a total of $604,800 for the annual costs of providing the call answer service to the CI Partnership.

Table 33: Total 911 Call taker and pro rata Switchboard costs

Item	Description	Rate per hour	FTE Count	Total hours (2088 per FTE)	Total
1	Police Call Taker Salary	$ 32.21	5.2	10858	$ 349,737
2	Benefits Full Time	$ 8.05	4	8352	$ 67,255
3	Benefits Part Time	$ 10.63	1.2	2506	$ 26,638
4	Revised O&M				$ 67,754
5	**Sub-Total**				**$ 511,384**
6	Switchboard Salary	$ 30.14	4.75	9918	$ 298,929
7	Benefits Full Time	$ 7.54	4.75	9918	$ 74,733
8	**Sub-Total**				**$ 373,662**
9	Allocation to CI Partnership at 25%				$ 93,416
10	**Total 911 plus pro-rata Switchboard**				**$ 604,800**

The costs are apportioned to the members of the partnership in Table 34.

Table 34: Nanaimo Detachment Call Answer Costs Allocation to Partners

Jurisdiction	Percentage	Amount
City of Nanaimo	45%	$ 272,160
Regional District of Nanaimo	10%	$ 60,480
Cowichan Valley Regional District	45%	$ 272,160

4.4.3. Nanaimo Detachment Pros and Cons

The following are advantages of the Nanaimo Detachment proposal:

1. Retains all Municipal Employees who handle the police call taking currently
2. Takes advantage of the local knowledge of staff

The following are disadvantages of the proposal:

1. No overflow capability beyond the two positions unless alternate arrangements are made
2. Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1
3. Not cost effective in relation to other proposals

Courtenay RCMP OCC Proposal

The 9-1-1 Call Answer service would be assumed by the Courtenay RCMP OCC. Since the Courtenay OCC recently handled 9-1-1 service there are no one-time setup costs involved with this proposal.

4.5.1. Courtenay RCMP OCC Methodology

The Courtenay RCMP OCC PSAP call answer service would operate similar to how it currently operates in Nanaimo. A blend of call taking and dispatch staff would be responsible for handling the 9-1-1 calls, and transferring Fire and Ambulance calls to Nanaimo FireComm and BCAS Victoria Dispatch.

Overflow calls would be handled by another OCC, which would be determined prior to the switch from Nanaimo to Courtenay.

Courtenay OCC can handled abandoned calls directly as outlined in Section 0.

Supervision would be provided by the on-duty supervisor during business hours and on call outside of those hours.

4.5.2. Courtenay RCMP OCC Costs

The RCMP has provided costing based on the addition of a single position 24 hours a day, using an FTE count of 5.6. O&M costs and Accommodation costs are provided on an FTE basis as shown in Table 35.

Table 35: RCMP Courtenay OCC Costs

Item	Description	Per Capita	FTE Count	Total
1	Pay and Benefits Per Capita	$115,714	5.6	$ 647,999
2	O&M Per Capita	$ 5,438	5.6	$ 30,453
3	Accommodation	$ 7,403	5.6	$ 41,457
	Total			**$ 719,909**

The costs for each partner are shown in Table 36.

Table 36: RCMP OCC Costs by Partner

Jurisdiction	Percentage	Amount
City of Nanaimo	45%	$ 323,959
Regional District of Nanaimo	10%	$ 71,991
Cowichan Valley Regional District	45%	$ 323,959

4.5.3. Courtenay RCMP OCC Pros and Cons

The following are advantages of the Courtenay OCC proposal:

1. Can handle abandoned calls directly as the police of jurisdiction as is the current practice for the Nanaimo OCC
2. Overflow to another OCC (to be determined which one). This has worked well to handle large influxes of calls

The following are disadvantages of the Courtenay proposal:

1. Not cost effective in relation to the other proposals
2. The RCMP are moving away from acting as PSAP elsewhere in the province and across the country
3. Courtney OCC will not take any existing Municipal Employees
4. Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1

Summary of Cost Proposals

One-time costs are shown for each agency for each partner in Table 37. There were no one-time costs for setup of either Nanaimo Detachment call taking or Courtenay OCC. Note that most E-Comm start-up costs are built into the annual levy as an option, although these can optionally be paid directly as one time up-front costs.

Table 37: One Time costs by agency and partner

Item	Agency	Total	City of Nanaimo	Regional District of Nanaimo	Cowichan Valley Regional District
1	E-Comm 9-1-1	$ 16,000	$ 7,200	$ 1,600	$ 7,200
2	Nanaimo FireComm	$174,266	$78,420	$17,427	$78,420
3	Nanaimo Detachment	$ -	$ -	$ -	$ -
4	Courtenay OCC	$ -	$ -	$ -	$ -

The annual costs by agency for each partner are shown in Table 38.

Table 38: Annual Costs by agency and partner

Item	Agency	Total	City of Nanaimo	Regional District of Nanaimo	Cowichan Valley Regional District
1	E-Comm 9-1-1	$250,920	$112,914	$25,092	$112,914
2	Nanaimo FireComm	$281,310	$126,590	$28,131	$126,590
3	Nanaimo Detachment	$604,800	$272,160	$60,480	$272,160
4	Courtenay OCC	$719,909	$323,959	$71,991	$323,959

In addition, the partners may want to consider a contingency of 10% per year for unanticipated costs; this is shown in Table 39.

Table 39: Annual Costs including contingency

Item	Agency	Total	Total with Contingency	City of Nanaimo	Regional District of Nanaimo	Cowichan Valley Regional District
1	E-Comm 9-1-1	$250,920	$276,012	$124,205	$27,601	$124,205
2	Nanaimo FireComm	$281,310	$309,441	$139,249	$30,944	$139,249
3	Nanaimo Detachment	$604,800	$665,279	$299,376	$66,528	$299,376
4	Courtenay OCC	$719,909	$791,900	$356,355	$79,190	$356,355

Proposed Solutions Analysis

The pros and cons of each proponent are shown in Table 40:

Table 40: Proponent Pros and Cons

Agency	Pros	Cons	One Time Costs	Annual Costs	Annual Costs with Contingency *
E-Comm	Significant depth of call queue Solid redundancy and backup provisions Dedicated telephony personnel maintain the 9-1-1 telephone system Currently capable of taking T9-1-1 calls for the deaf and hearing impaired community Good working relationship with Telus in supporting 9-1-1 service across the province Most cost effective option	Call taking is off island, while this does not have many tangible drawbacks there may be political concerns about the call handling being done remotely. E-Comm will not take any existing Municipal Employees	$16,000	$250,920	$276,012
Nanaimo FireComm	Retains two FTE Municipal Employee positions with potential for others to fill part-time roles Facilities are already in place and some of the technology already exists or is in the process of being updated Retains local control over operational procedures Economies of scale are achieved by combining Primary PSAP and Secondary PSAP functions as it relates to Fire calls There is some additional benefit to Nanaimo FireComm in having additional resources	No overflow capability beyond the two or three positions Unions would have to agree to allow transfer of staff from CUPE to IAFF Review of the new position at FireComm may result in higher IAFF wages applying to the new personnel Starting as a new 9-1-1 Answering Point at a time when the rest of BC & Canada are moving to a consolidated model due the future uncertainties in terms of staffing and expenses to handle next generation 9-1-1	$174,266	$281,310	$309,441

Agency	Pros	Cons	One Time Costs	Annual Costs	Annual Costs with Contingency *
Nanaimo FireComm continued	Moderately cost effective	This is a new line of business for Nanaimo FireComm that will need to be developed, compared to a transition to an existing PSAP FireComm needs to investigate potential overflow call handling with another Fire Dispatch Centre or 9-1-1 PSAP in the province Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1			
Nanaimo Detachment	Retains all Municipal Employees who handle the police call taking currently Takes advantage of the local knowledge of staff	No overflow capability beyond the two positions Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1 Not cost effective		$604,800	$665,279
Courtenay OCC	Can handle abandoned calls directly as the police of jurisdiction Overflow to another OCC (to be determined which one)	The RCMP are moving away from acting as PSAP elsewhere in the province and across the country Courtney OCC will not take any existing Municipal Employees Do not have personnel who are familiar with 9-1-1 technology and future direction of Nextgen 9-1-1 Not cost effective		$719,900	$791,900

* An annual contingency amount can account for any additional potential costs that may occur due to higher than anticipated call volumes, overtime costs or additional unforeseen operating costs.

Conclusions

As a result of the detailed review, data analysis, and evaluations the following conclusions are offered by the consulting team:

1. The Nanaimo Detachment Call Taking proposal is not cost effective. It does retain the existing Municipal Employees and takes advantage of their local knowledge.
2. The Courtenay RCMP OCC Call Taking proposal is also not cost effective. The OCC can handle abandoned calls directly as the police of jurisdiction.
3. The E-Comm proposal provides the most cost effective solution with deep call taking queues, strong technical and operational support and excellent redundancy and backup options. E-Comm has a dedicated telephony department and is involved in all aspects of operational and technical planning for the next generation of 9-1-1 systems.
4. The Nanaimo FireComm proposal is moderately cost effective and offers the potential benefit of reallocating existing Municipal Employees who would be displaced if the service was assumed by an outside agency. The addition of an additional position during busy hour periods will also be a benefit to their fire dispatch operation and thus the service that is provided to the partner agencies. There are economies of scale in combining Primary and Secondary PSAP operations for calls that are for Fire service.

Appendix A – Acronyms

Acronyms used in this report are presented below for reference purposes.

ALI	Automatic Location Identification
ANI	Automatic Number Identification
APCO	Association of Public-Safety Communications Officials
BCAS	British Columbia Ambulance Service
CRTC	Canadian Radio-television Telecommunications Commission
DHHSI	Deaf, Hard-of-Hearing and Speech Impaired
ESWG	Emergency Services Working Group (which reports to the CRTC)
FTE	Full Time Equivalent
ME	Municipal Employee
NENA	National Emergency Number Association
OCC	Operational Communication Centre
PSAP	Public Safety Answering Point
RCMP	Royal Canadian Mounted Police
Secondary PSAP	Secondary Public Safety Answer Point
T911	Text with 9-1-1 for the Deaf, Hard-of-Hearing and Speech Impaired community

Appendix B - Call Answer Providers

9-1-1 Service Providers	Call Answer Providers	Providers 9-1-1 Call Answer To:
Victoria Police Department	Victoria Police Department	• Victoria
E-Comm 911	E-Comm 911 Various Police Agencies	• Metro Vancouver • 23 Regional Districts and communities covering 80% of the population of BC
E-Comm 911	Courtenay OCC	• North Island 9-1-1
Nanaimo OCC	Nanaimo FireComm	• City of Nanaimo • District of Nanaimo • Cowichan Valley Regional District

Appendix C - E-Comm 9-1-1 Proposal

E-Comm 9-1-1

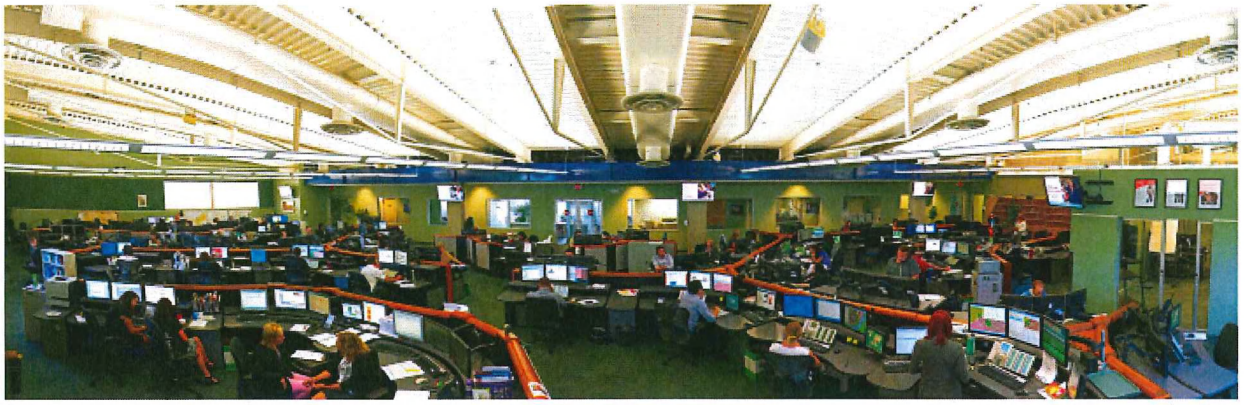
Helping to Save Lives and Protect Property

April 14, 2015

proposal for

9-1-1 Public Safety Point Services for:

- The Central Island 9-1-1 Partnership



E-Comm 9-1-1

Helping to Save Lives and Protect Property

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E-Comm 9-1-1

Helping to Save Lives and Protect Property

Proposal Summary

E-Comm (Emergency Communications for BC Inc.) has provided 9-1-1 call answer services to communities for over 15 years and can expand to also provide 9-1-1 Public Safety Answer Point (PSAP) services to the communities within your Regional Districts professionally, reliably and cost effectively as demonstrated by our extensive experience. Our consistently high service level provided to the Greater Vancouver Regional District, and now 22 other regional districts and other communities demonstrates that E-Comm is well-positioned to provide this critical service to the Central Island 9-1-1 Partnership.

Changes in 9-1-1 service delivery policy by TELUS in the last few years have now made the technical ability for cities and regional districts throughout the province to leverage the service capabilities and cost efficiencies of E-Comm.

Contained in this proposal is a summary of our organizations capabilities and our proposed approach to provide 9-1-1 Public Safety Answer Point services to the Central Island 9-1-1 Partnership.

Overview of E-Comm

E-Comm is the largest emergency communications centre in British Columbia. Through a 9-1-1 PSAP call centre, dispatch operations and radio system, E-Comm currently provides emergency communication services and support systems to emergency responders and the 2.5 million residents of the Lower Mainland they serve in addition to 9-1-1 PSAP services to approximately 1.1 million residents in the Northern, Southern and Central Interiors of B.C., and North Vancouver Island.

E-Comm is now responsible for an anticipated annual 9-1-1 call volume of approximately 1.2 million for 23 regional districts and other communities across British Columbia. This represents 80% of all 9-1-1 calls in the province. E-Comm also provides emergency and non-emergency call-taking and dispatch services for 33 police and fire departments.

E-Comm was created to improve emergency communications in the Lower Mainland following the 1994 Stanley Cup Riot and became operational in 1999. As an essential-service provider, E-Comm is constituted under the British Columbia Emergency Communications Corporations Act. E-Comm operates under a not-for-profit cost-recovery model and is also governed by the E-Comm Members' Agreement and the BC Business Corporations Act.

E-Comm has provided 9-1-1 call-answer and police call-taking and dispatch services to communities as a core function for more than 15 years and is well-positioned to expand 9-1-1 PSAP services to the communities in Central Vancouver Island.

Our Vision:
Safer communities in British Columbia through excellence in public-safety communication.

Our Mission:
To deliver exceptional emergency communication services that help save lives and protect property, and to advance public-safety partnerships.

Our Values:
Respect, accountability, collaboration, integrity, and service.

E-Comm 9-1-1

Helping to Save Lives and Protect Property

About our 9-1-1 Public Safety Answer Point Services

E-Comm's 9-1-1 PSAP service provides a highly-reliable, life-saving emergency service with built-in redundancies.

E-Comm provides the public with a single point-of-contact for police, fire and ambulance when immediate action is required. Today, as the 9-1-1 PSAP provider for 23 regional districts and other communities, with a combined population base of more than 3.6 million, E-Comm is able to receive 9-1-1 calls from landlines, cellular and Voice-over Internet Protocol (VoIP) phones and to also communicate with the speech and hearing impaired through a specialized Text with 9-1-1 system.

E-Comm has operated a 9-1-1 primary PSAP and a secondary PSAP for more than 15 years and has earned a reputation as a leading emergency communications centre in North America, enjoying an 89% confidence rating among residents of Metro Vancouver.

E-Comm is contractually required to answer 95% of the approximately 1.2 million 9-1-1 calls we are now responsible for annually in five-seconds or less. This is a very rigorous call-answer standard and one that past experience shows we can consistently meet or exceed.

In our more than 15 years as a primary and secondary PSAP, E-Comm has been recognized as a leader in emergency communications. Recent examples include:

- First PSAP in Canada to implement Text with 9-1-1 for the Deaf, Hard-of-Hearing and Speech Impaired.
- First multi-agency, multi-jurisdictional PSAP in Canada to implement Wireless Phase 2 – location information from mobile devices.
- Recipient of the first Association of Public-Safety Communication Officials (APCO Canada) Trainer of the Year Award presented to one of our trainers in 2014.

E-Comm 9-1-1

Helping to Save Lives and Protect Property

Current E-Comm 9-1-1 PSAP Partners

LOWER MAINLAND	Metro Vancouver (Greater Vancouver Regional District) District of Squamish Resort Municipality of Whistler Sunshine Coast Regional District Squamish Lillooet Regional District (South)
NORTHERN INTERIOR	Fraser-Fort George Regional District Bulkley-Nechako Regional District Kitimat-Stikine Regional District Cariboo Regional District
CENTRAL AND SOUTHEASTERN INTERIOR	Regional District of Central Okanagan Regional District of Okanagan-Similkameen Regional District of North Okanagan Regional District of Kootenay Boundary Regional District of Central Kootenay Regional District of East Kootenay Columbia-Shuswap Regional District Thompson-Nicola Regional District Squamish Lillooet Regional District (North)
NORTH VANCOUVER ISLAND	Comox Valley Regional District Strathcona Regional District Regional District of Mount Waddington Regional District of Alberni-Clayoquot Regional District of Nanaimo (School District 69) Powell River Regional District

The E-Comm Approach

The concept of consolidating emergency communications began in the early 1990s with events such as the earthquake in San Francisco and the 1994 Stanley Cup riot in Vancouver. These events drew attention to the importance of communications during a natural disaster or major event and helped build a momentum which contributed to the creation of E-Comm.
Since its inception, E-Comm has worked diligently to connect emergency services in British Columbia—be it through our radio network, 9-1-1 call-answer service or the integration of our police dispatch and fire dispatch services. We share the same goals as our partners in regional government, police, fire and ambulance and are proud to work shoulder-to-shoulder with them in creating a safer, more resilient and secure B.C.
The advantages and benefits include:

- 9-1-1, Police and Fire call-taking and dispatch are core service functions
- Experience of answering more than 15 million 9-1-1 calls since 1999
- Knowledge and ability to forecast and implement staffing levels for anticipated call volumes
- 24-hour onsite supervision and oversight
- Large consolidated team enabling staffing and support efficiencies to all participating agencies
- Ability to increase staffing resources to manage significant events
- Professional in-house training program
- Standard Operating Procedures
- Robust call taking and dispatch technology
- Purpose-built facility and operational back-up processes and redundancies
- Bi-annual partner satisfaction survey
- In-house voice records and professional standards
- In-house quality assurance department
- 24/7 Technology Service Desk, with support resources on call at all times

Service Delivery and Back-Up

E-Comm uses a variety of technologies to support 9-1-1 call-answer and has worked very closely with TELUS over the past 15 years to optimize the 9-1-1 call-handling system to ensure that our emergency dispatch centre provides 9-1-1 call answering with the highest levels of service and reliability. E-Comm maintains an ongoing maintenance and upgrade strategy for all critical systems to ensure they are all kept up-to-date.
We have also identified a number of other critical requirements of providing 9-1-1 service.

- E-Comm's primary infrastructure asset is a 60,000 square-foot purpose-built reinforced concrete facility complete with multiple power sources: Hydro power, UPS and diesel generators, and multiple communication redundancies from TELUS to ensure continuous service for its mission-critical operations.
- Off-site back-up capability for all PSAP, call-taking and dispatch operations.
- E-Comm is connected to the TELUS 9-1-1 network through primary 9-1-1 trunks with the ability to queue additional callers at the Primary Tandem serving the specific regional district. There are also additional back-up 9-1-1 trunks provisioned from an alternate Secondary Tandem to ensure continuity of service. With the addition of your PSAP, TELUS will reassess the number of trunks required to ensure the Grade of Service standard is maintained.

- E-Comm also leverages Automatic Call Distribution (ACD) to improve service levels, and utilizes a variety of functions:
    - "Call Force," which eliminates ringing for incoming 9-1-1 calls to increase the speed at which calls are answered.
    - Automatic queuing and prioritization of incoming 9-1-1 calls during periods of high traffic.
    - An integrated contact centre management application (Avaya Aura Contact Centre), to enable on-duty managers to optimize the assignment of call agents to queues.
    - Continuous exporting of call-related data to a variety of other systems in order to track, analyze and optimize service levels.

E-Comm has worked very closely with TELUS to optimize the 9-1-1 call handling system. For example, we have the ability to communicate call answer information (position identifier) seamlessly from our Avaya CS-1000E PBX to the TELUS 9-1-1 network. This is a key benefit of using the Avaya AACC7 telephony and contact centre management system in a 9-1-1 environment. TELUS has established this architecture as the baseline for its 9-1-1 network evolution and E-Comm is the first PSAP in B.C. to implement this industry leading practice. E-Comm also utilizes the Versaterm Computer-Aided Dispatch (CAD) application, provided by PRIME-BC, within its 9-1-1 Primary PSAP and police Secondary PSAP operations. In addition, E-Comm operates an Intergraph CAD system for its fire Secondary PSAP operations which is also used for 9-1-1 Primary PSAP services. Both systems utilize the same mapping database, which is developed and maintained by E-Comm GIS staff.

Backup Centre

In addition to the redundancies of the infrastructure in place at our building serving our communication centre, E-Comm has a complete, warm backup centre at the British Columbia Ambulance Service (BCAS) Dispatch Centre in Vancouver with functionality for 9-1-1; call taking, dispatch and radio management in the unlikely event that an evacuation of the building is required.

Our target time to have 9-1-1 PSAP service, Police and Fire call taking and dispatch restored on backup capabilities is 5 minutes or less.

During transit from the E-Comm building to BCAS, 9-1-1 calls are handled by BCAS operators with Call Taking and Dispatch maintained by E-Comm staff using portable devices to ensure there is an absolute minimum of down time or lack of service if a major event were to occur. The target time to be performing call taking and dispatch capability at the backup site in the event of a need to vacate our primary location is 30 minutes.

Network Enhancements to handle 9-1-1 Calls from Central Island Communities

In preparation of this proposal to provide your 9-1-1 PSAP service, E-Comm worked closely with TELUS to develop an optimum network design. The network design needs to enable routing of 9-1-1 calls from the City of Nanaimo, Regional Districts of Nanaimo and the Cowichan Valley to our emergency communication centre in Vancouver safely, reliably and cost effectively. The network design developed has considered both normal situations as well as reliable back up provisions for multiple possible network impairment or failure possibilities. A short description of each of the network configurations are provided below for your information. A drawing of each is also attached for reference.

- **Configuration 1 – Normal Operation (Figure 1)**

  9-1-1 calls will continue to route from the central island communities into the TELUS Tandem switch in Victoria but instead of routing the calls to the RCMP dispatch centre in Nanaimo as they do today, the calls will be routed to the E-Comm emergency communication centre in Vancouver through the TELUS transport network.

- **Configuration 2 – Service Impairment or Failure of the TELUS Tandem Switch in Victoria (Figure 2)**

  If there ever was an impairment or failure of the TELUS Tandem Switch in Victoria or the TELUS network facilities connecting the central island central offices to Victoria or Victoria to the E-Comm emergency communication centre in Vancouver resulting in a service interruption to 9-1-1, calls would be routed automatically to a second, independent TELUS Tandem switch located in Vancouver. The 9-1-1 calls would then be routed automatically from the back-up tandem switch in Vancouver to the E-Comm emergency communication centre through the E-Comm backup centre facility located at BC Ambulance Service in Vancouver on fully diversified TELUS network facilities from the central island communities.

- **Configuration 3 – Service Impairment or Failure at E-Comm (Figure 3)**

  If there ever was an impairment or failure at E-Comm causing a service interruption to 9-1-1, the calls would be rerouted to the E-Comm backup facility located at the BCAS dispatch centre in Vancouver. Arrangements are in place with BCAS to answer and handle the incoming 9-1-1 calls until E-Comm staff can relocate to the BCAS centre. The target to activate the transfer of 9-1-1 calls and arrange for the temporary answer of the calls by BCAS staff is 5 minutes and the target time to relocate E-Comm staff to BCAS is 30 minutes or less.

- **Configuration 4 – "Fail Safe" provision for a total loss of TELUS network service to the Lower Mainland from the Central Island (Figure 4)**

  The final configuration is a "fail-safe" provision for the very unlikely event that there is a total loss of network connectivity from Vancouver Island to the Lower Mainland. In this case the 9-1-1 calls would be rerouted to an alternate dispatch centre on Vancouver Island. Arrangements with BCAS are in place to perform the 9-1-1 PSAP service from their centre in Victoria if this event were to occur.

Future 9-1-1 Services

Work is currently underway to develop and implement new 9-1-1 service capabilities. Next Generation 9-1-1 or NG9-1-1 is the name given to this North America wide initiative aimed to modernize the 9-1-1 network. While the NG9-1-1 initiative will take years to evolve, work is currently underway to establish the policy, technology and operational process requirements.

E-Comm is an active participant in both the technology and operations forums to help determine and guide how these new NG9-1-1 services should be defined. The first of these new services is Text with 9-1-1 for the Deaf Hard of Hearing and Speech Impaired Community. E-Comm was the first PSAP in Canada to launch this NG9-1-1 service to the DHHSI Community on March 15,

2014. If E-Comm was providing PSAP services to the Central Island 9-1-1 Partnership this service would be available to your DHHSI Community.

Other new services such as Text to 9-1-1 and Video to 9-1-1 are also in the planning stages however, there will be many implications to be considered and resolved. For example how will an operator in a 9-1-1 Centre receive, analyze and manage a live incoming video.

Implementation of these NG9-1-1 services are anticipated to have a significant positive impact on public safety. However, it is important to recognize that a substantial investment in technology to replace, upgrade and add to existing equipment will be required as well as the development of the standards and operational processes to handle and transfer the incoming, text or video in each 9-1-1 centre. It is also expected that an increase in staffing will also be required to handle the incoming calls by video or text.

Due to the involvement by E-Comm in the planning and development of NG9-1-1 services in Canada we anticipate that we will be one of the first centres to be equipped to handle and provide these new 9-1-1 services to the communities of all of our PSAP partners. Smaller centres may have difficulty making these investments.

Personnel

Our staff and management are the foundation that ensures 9-1-1 calls are answered swiftly and effectively:

- E-Comm offers one of the most comprehensive training programs in the industry, resulting in more than 309 highly-trained, professional staff available to support emergency services 24/7. As the largest PSAP in British Columbia, our primary advantage is the size and scope of our centre:
  - 229 regular full-time (RFT) 9-1-1, call-taking and dispatch staff
  - 80 auxiliary 9-1-1, call-taking and dispatch staff
  - 37 support staff working in departments such as Workforce Management, Training, Voice Records, Standards, Policy and Implementation
  - 12 technology specialists support the communication centre
- The combination of our cross-trained workforce and unique ability to quickly shift resources to effectively manage sudden and substantial influxes of 9-1-1 calls helps us to minimize and often eliminate wait times, not always possible in smaller centres.

Key Company Personnel

David Guscott, President & CEO

- Joined E-Comm in 2010
- Former VANOC executive vice-president in charge of partnerships with government bodies
- Former deputy minister of Transportation, Ontario Provincial Government

Doug Watson, Vice-President of Operations

- Joined E-Comm in 2008
- Former vice-president of Field Operations - TELUS

Mike Webb, Vice-President of Technology Services

- Joined E-Comm in 2011 for the second time (Mike was also part of E-Comm from 1998-2000 and was responsible for the implementation of the current regional radio network)

- Former manager, Telecommunications and Specialty Systems, Emergency Management BC

Other key personnel who would support your 9-1-1 Service:
Kim Singh, 9-1-1 Emergency Communication Centre Manager

- Joined E-Comm in 1999
- Former 9-1-1 call-taker and police dispatcher
- Former auxiliary RCMP officer

Kim is in charge of the 9-1-1 emergency communication centre, working closely with another senior Operations manager responsible for standards, policies, practices, staff training and development and data collection/management.

There are four teams drawing from more than 309 RFT and auxiliary 9-1-1 call-taking and dispatch employees within the Operations structure that staff the communication centre 24/7.

Each team has a manager, a team supervisor and a staffing coordinator.

- The team manager is responsible for creating a cohesive and effective team overall, with a significant focus on staff relations
- The team supervisor is primarily focused on the day-to-day operation of the team; and
- The staffing coordinator called an Intraday Analyst, is primarily focused on proactive queue management and call distribution and adjusting staffing requirements in real time, providing for optimal shift coverage 24/7

In addition to the strong frontline operational oversight team on duty 24/7, the communication centre is also supported by managers responsible for staffing, quality assurance, and training. These managers have a combined total of more than 50 years of 9-1-1 call-taking and dispatch experience.

Naomi Arita, our manager of Technology Service Delivery for 9-1-1, has been with E-Comm since 1999 and is an experienced 9-1-1 telephony manager who currently represents Metro Vancouver on the CRTC's Emergency Services Working Group. Naomi and her team of four technical specialists are responsible for ensuring our 9-1-1 systems are in a continued ready state-of-response.

Pricing

E-Comm's pricing model is based upon being a consolidated dispatch centre (the advantages of which have been outlined in the previous pages of this document) and recovering incremental capital and operating costs in a "*Not For Profit Cost Recovery*" model.

E-Comm worked closely with TELUS to develop an optimum network design to route 9-1-1 calls from the City of Nanaimo, the Regional Districts of Nanaimo and the Cowichan Valley to our emergency communication centre in Vancouver safely, reliably and cost effectively. The network design developed has considered both normal situations as well as reliable back up provisions for multiple possible network impairment or failure possibilities. TELUS has confirmed that there will be no additional recurring costs billed for the delivery of 9-1-1 calls to our emergency communication centre rather than to the current Nanaimo RCMP OCC.

To establish the new network routing, back-up and service delivery capabilities there will be initial "make ready" one-time costs required by both TELUS and E-Comm. These total costs have been included in this proposal and bundled into the Levies.

For comparative purposes we have provided a 2015 total annual levy below as well as the anticipated levies for the following four years in the attached appendix.

2015 total annual levy for PSAP Services is $250,920

Note:

1. Further pricing details and the related assumptions are documented in the attached appendix
2. Pricing is based on the written proposal received from TELUS
3. Based on a 5 year agreement

E-Comm 9-1-1

Helping to Save Lives and Protect Property

Pricing Appendix

E-Comm 9-1-1

Emergency Communications for British Columbia Incorporated

Preliminary Estimate for 9-1-1 Public Safety Answer Point Services

April 13, 2015

Agency: Nanaimo 9-1-1

		Estimated Annual Levy	Estimated One Time Transition
			note (d)
2015 Total Annual Levy		$ 250,920	$ 16,000
	% Increase		
2016 Total Annual Levy Estimates	3.00%	$ 258,450	
2017 Total Annual Levy Estimates	3.00%	$ 266,200	
2018 Total Annual Levy Estimates	3.00%	$ 274,190	
2019 Total Annual Levy Estimates	3.00%	$ 282,420	

Notes:

a) *- Based on the 2015 Budget Approved by the E-Comm Board of Directors.*
- % targeted average service 95%/5 seconds for 9-1-1 Call Answer.
- 2016 - 2019 Estimates expected to be 3.0% increase annually.

The above levies assumes a minimum 5 year contract term in order to account for capital recovery. A shorter contract term would result in an increase to the annual estimates noted above, and will be provided upon request.

Capital - Equipment and implementation costs	***Total***	
One time capital costs	*$ 117,220*	*includes net taxes*
Amortization Rate	*5.00*	*yrs*
	4.0%	*interest*
Annualized Cost (Levy Recovery)	*$ 26,100*	

The above capital costs are based on quotes as provided by Telus and other vendors. Should these costs change, the actual costs will be billed to the agencies.

The advantage of including the capital and related costs in the annual levy is that assuming the contract is renewed, technology refresh costs (assuming similar replacements costs) are included as part of the ongoing levy and additional funding would not be required. However, should replacement/refresh costs be less than the original investment, there would be a corresponding reduction in the annual cost and if the replacement/refresh cost is higher there would be an incremental corresponding increase in the annual cost.

The above costs are incremental and required in order to provide the increased capacity to accommodate Nanaimo 9-1-1 at both E-Comm and our Backup facility at BCAS. If additional agencies were to also transition to E-Comm, some of these costs may be further reduced due to the sharing of the infrastructure (effective when others requiring the same infrastructure were to join).

E-Comm 9-1-1
Emergency Communications for British Columbia Incorporated

Preliminary Estimate for 9-1-1 Public Safety Answer Point Services

April 13, 2015

Alternative Option

The agencies (the regional district partners) could choose to pay for the above capital equipment and implementation costs up front, in which case the ongoing annual levy would be reduced as follows:

	Total
Annual cost (including capital recovery)	$ 250,920
Less: annualized capital recovery	$ 26,100
Adjusted Annual Cost (1st year)	**$ 224,820**
Capital - Equipment and implementation costs (1st year only)	**$ 117,220**

However, in this option, at the end of the contract term, the agencies would have to consider technology life cycle refresh costs and either (1) pay up front again or (2) add to the annual levy

b) *The above estimated rates are based on the 9-1-1 call volume of 51,000 inbound 9-1-1 calls per year, the volume provided to us, and an average service level of 95 per cent of calls answered in 5 seconds or less.*
This 9-1-1 call volume is inclusive of abandoned calls which are down-streamed to the Police of Jurisdiction.
Should agency metrics increase by 3% or more, the 9-1-1 Call Answer Levy may be subject to increases higher than the preliminary estimated rates for 2016 to 2019 noted above.

The above assumes that all abandoned 9-1-1 calls will be down-streamed to the Police of Jurisdiction for call- back, investigation and any additional further action, consistent with the standard practice established for the 23 regional districts and other communities that we currently provide PSAP services to. If some alternate model or process is desired, please advise and we will review and provide an updated cost estimate accordingly.

c) *Allocation of Net Corporate and Overhead is factored into the levies.*
Corporate & overhead refer to direct operations management and support costs, and company wide corporate, staffing and system support costs.

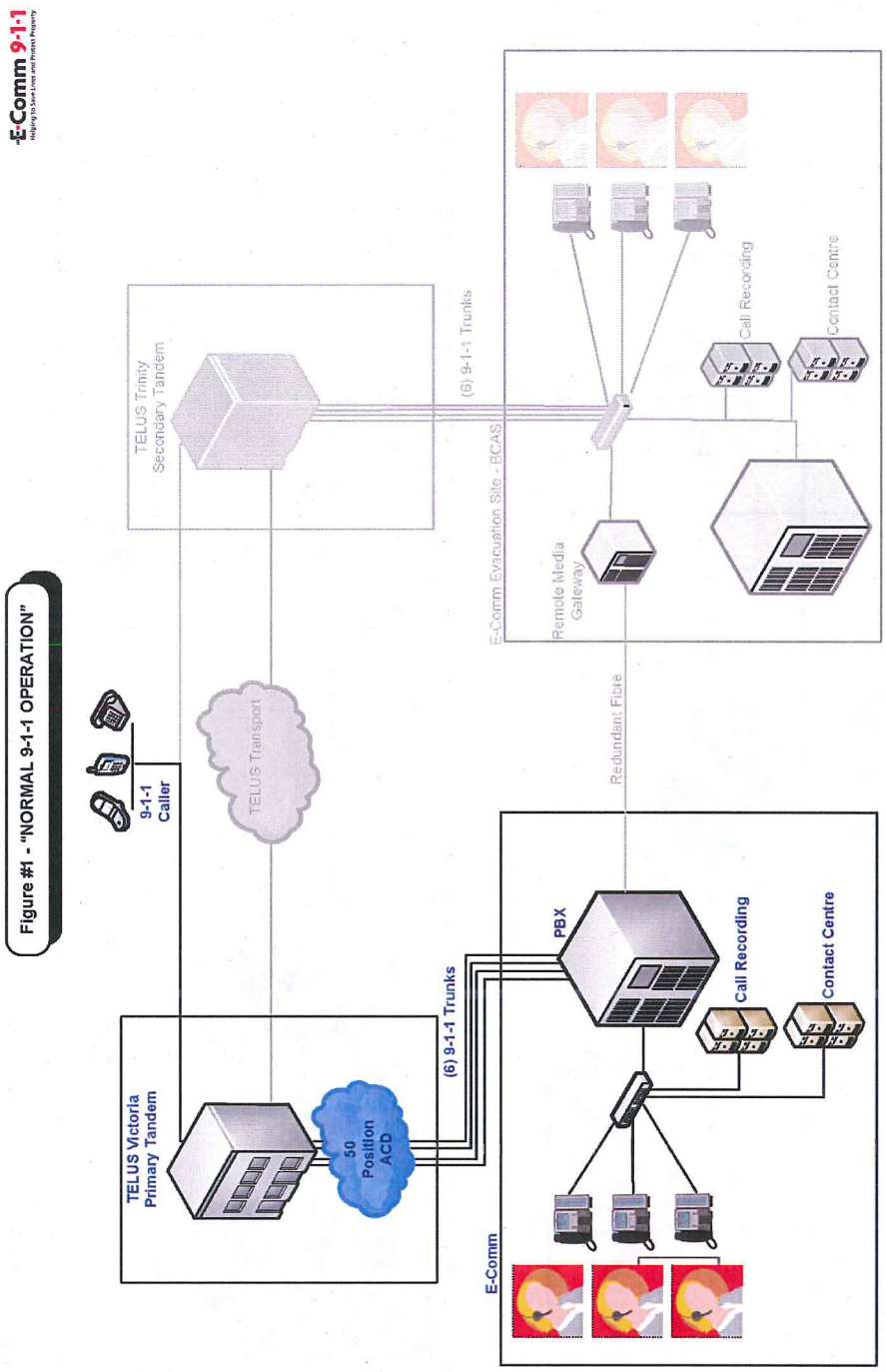
d) *Specific items related to transition that may require funding will be determined during project planning.*
The estimate below relates to one time project management costs.

	Total
One - Time Project Management (Operating) Costs (1st year only)	**16,000**

If any of the above facts and assumptions are incorrect or incomplete, please advise as soon as possible as the attached estimate may change accordingly. This quote is valid for 90 days from date of issue.

Configuration Drawings for Network Enhancements

Figure #1

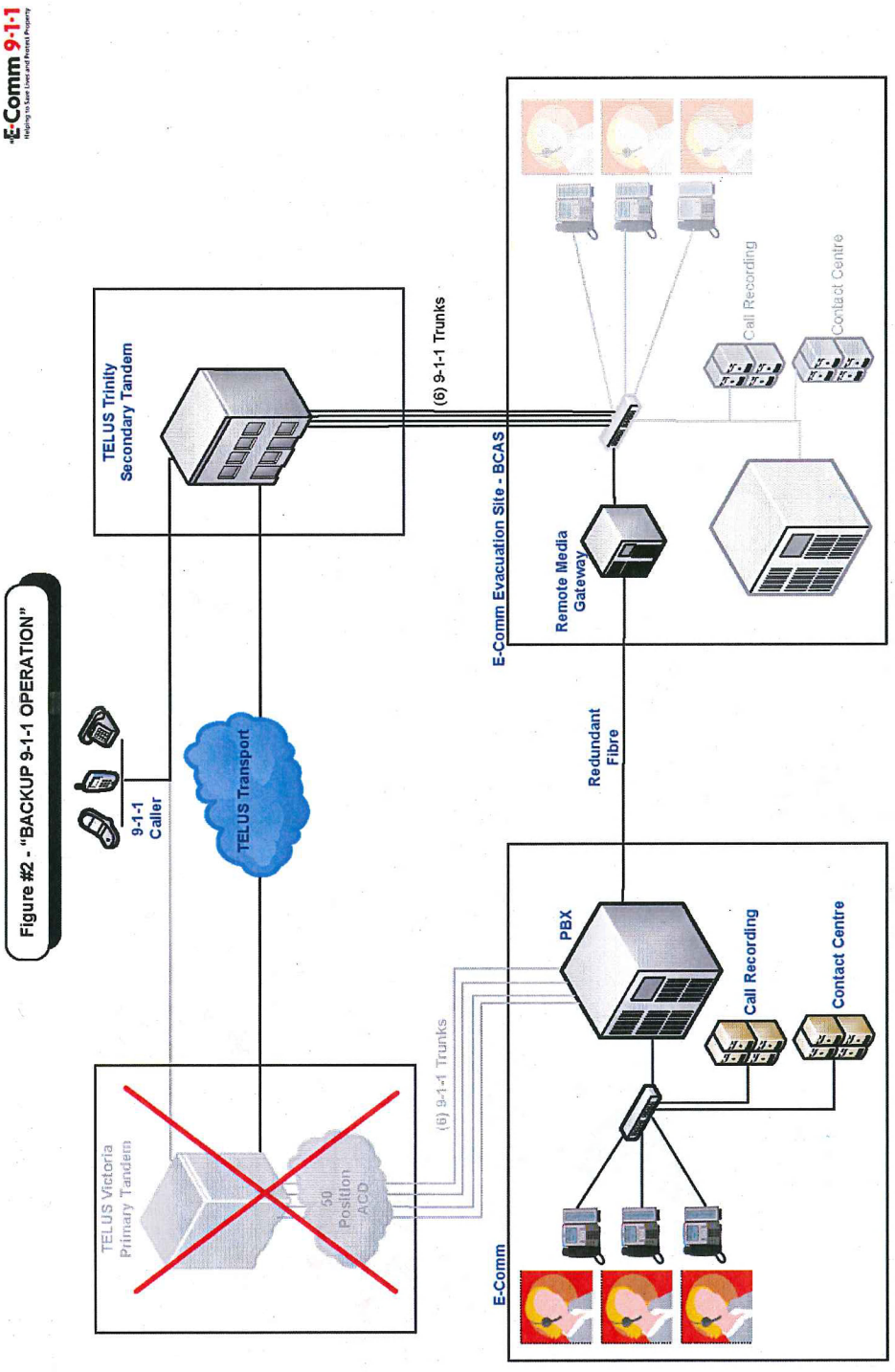


Proposed E-Comm 9-1-1 Solution

For the Communities of the City of Nanaimo, Regional District of Nanaimo and Cowichan Valley Regional District

- 9-1-1 calls will continue to route from the communities in the RDN and CVRD into the TELUS Tandem switch in Victoria but instead of routing the calls to the Nanaimo RCMP dispatch centre as they do today, the calls will be routed to the E-Comm emergency communication centre in Vancouver through the TELUS transport network.

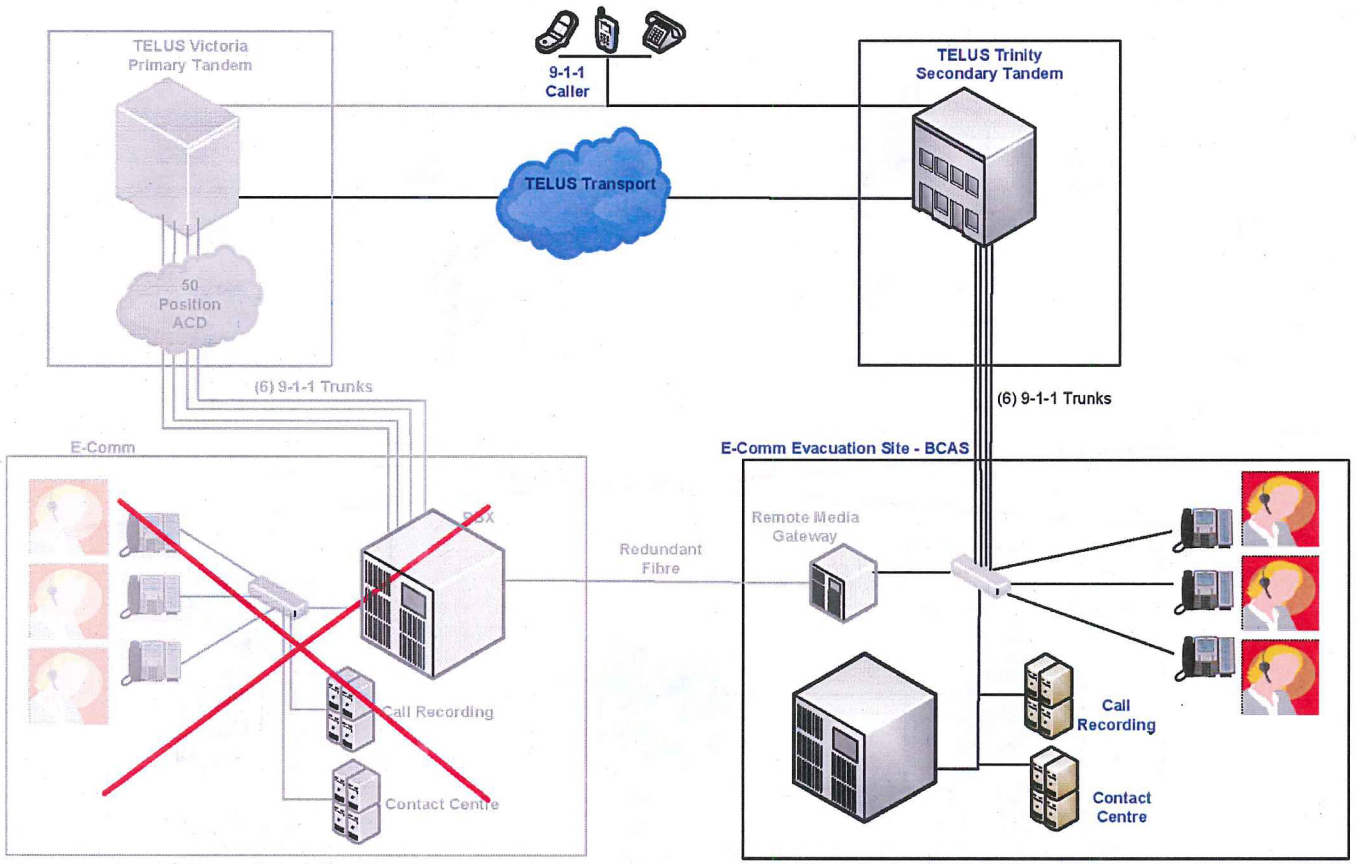
Figure #2



Proposed E-Comm 9-1-1 Solution
For the Communities of the City of Nanaimo, Regional District of Nanaimo and Cowichan Valley Regional District

- If there ever was an impairment or failure of the TELUS Tandem Switch in Victoria or the TELUS network facilities connecting Victoria to the E-Comm emergency communication centre in Vancouver resulting in a service interruption to 9-1-1, calls would be routed automatically or manually (by logging out of the ACD Trunks) to a second, independent TELUS Tandem switch located in Vancouver (as is the situation today). The 9-1-1 calls would then be routed automatically from Vancouver to the E-Comm emergency communication centre through the E-Comm backup centre facility located at BC Ambulance Service in Vancouver on fully diversified TELUS network facilities.

Figure #3 - "E-Comm EVACUATION 9-1-1 OPERATION"

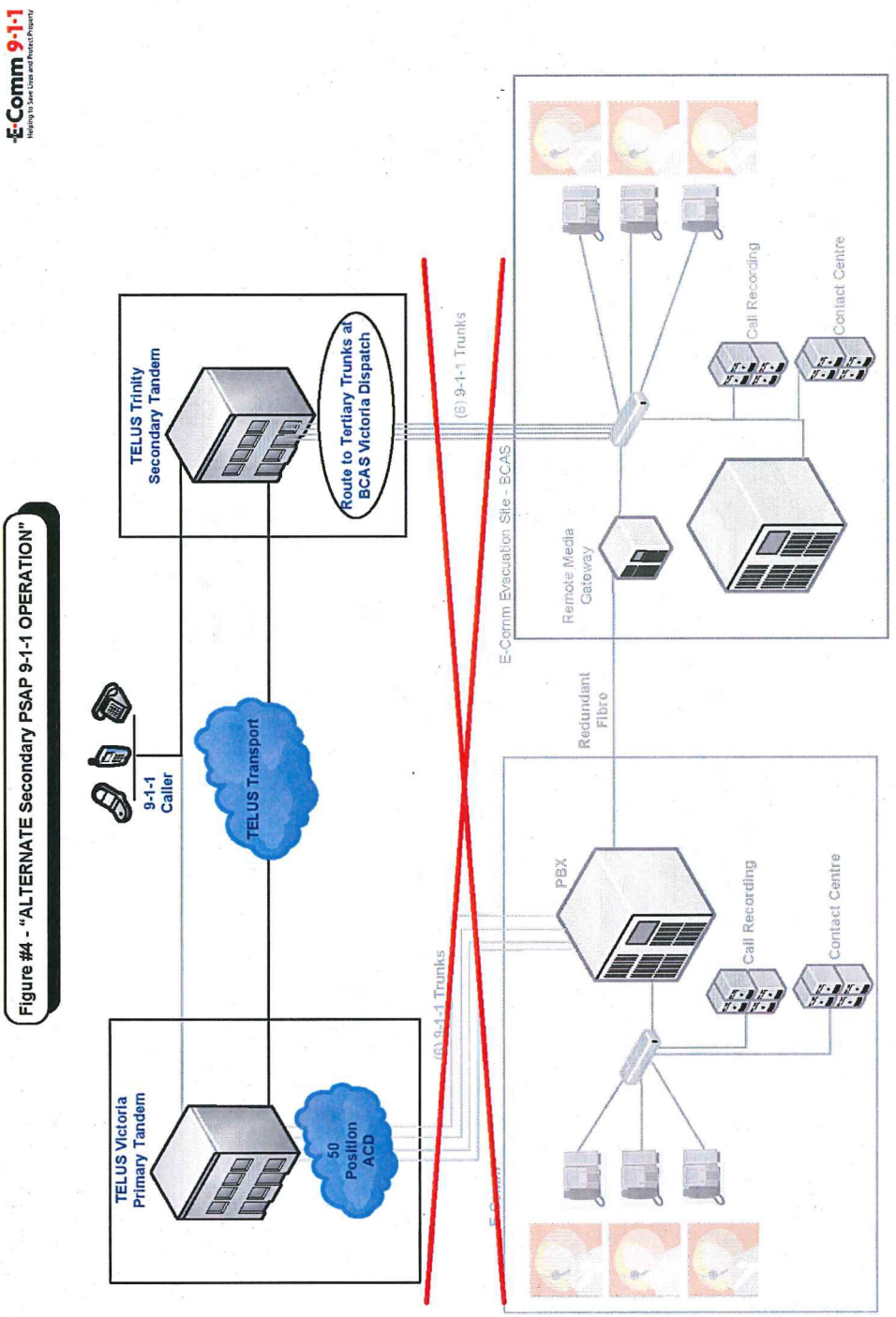


Proposed E-Comm 9-1-1 Solution

For the Communities of the City of Nanaimo, Regional District of Nanaimo and Cowichan Valley Regional District

- If there ever was an impairment or failure at E-Comm causing a service interruption to 9-1-1, the calls would be rerouted to the E-Comm backup facility located at the BCAS dispatch centre in Vancouver. Arrangements are in place with BCAS to answer and handle the incoming 9-1-1 calls until E-Comm staff can relocate to the BCAS centre which is typically 30 minutes or less. The target to activate the transfer of 9-1-1 calls and arrange for the temporary answer of the calls by BCAS staff is 5 minutes and the target time to relocate E-Comm staff to BCAS is 30 minutes or less.

Figure #4



Proposed E-Comm 9-1-1 Solution
For the Communities of the City of Nanaimo, Regional District of Nanaimo and Cowichan Valley Regional District

- The final configuration is a "fail-safe" provision for the very unlikely event that there is a total loss of network connectivity to the Lower Mainland. In this case the 9-1-1 calls would be rerouted to an alternate dispatch centre on Vancouver Island. Arrangements with BCAS are in place to perform the 9-1-1 PSAP service from their centre in Victoria.

Appendix D - Nanaimo FireComm Proposal

Estimated Cost for Integrating PSAP into Nanaimo FireComm

May 2015

Operational Overview:

Central Island 911 is a partnership of the Cowichan Valley Regional District (CVRD) (45%), Regional District of Nanaimo (RDN) (10%), and the City of Nanaimo (45%). The partnership utilizes Nanaimo FireComm, a fire dispatch centre operated by the City of Nanaimo, serving the 27 fire departments within the partners' regions. As such, Nanaimo FireComm is defined as a Secondary Safety Answering Point (SSAP). In its inception, Nanaimo FireComm was built with the capacity of integrating 911 Public Safety Answering Point (PSAP), so the centre has sufficient workspace to accommodate the additional position for 911 call taking and the majority of equipment. Nanaimo FireComm presently operates with two dispatchers on duty 24 hours per day, 7 days per week.

It is possible to include the 911 PSAP function within Nanaimo FireComm by adding two new full time equivalent (FTE) positions assigned to a new "swing shift". This follows a "busy time" staffing model whereby a minimum of two dispatchers are on duty at all times augmented by a third dispatcher from 10:00 am to 10:00 pm when call volume is highest. Relocating two current municipal staff from the Nanaimo RCMP Operational Communications Centre (OCC) to Nanaimo FireComm into new FTE positions will have implications on staffing and Union agreements that will have to be resolved. There may be additional capacity for Nanaimo FireComm to employ remaining municipal OCC staff in a part-time relief role. Under this scenario, the 911 calls would be received by the fire dispatchers and then transferred to Police, Ambulance or dealt with directly.

There are no technical issues preventing the 911 PSAP function from being moved to the Nanaimo FireComm centre from the Nanaimo RCMP OCC however, there are some start-up costs for hardware and cross training of staff. Present municipal OCC staff would need to be trained as Fire Dispatchers but the training would be minimized due to their experience as RCMP Dispatchers. This training is estimated at up to six weeks with additional on the job training. Existing Nanaimo FireComm dispatchers would require training to handle 911 calls which could take place on duty prior to the transition. All training would be facilitated and coordinated by the Nanaimo FireComm's Captain of Infomatics and Communications, and existing fire dispatchers who are qualified as trainers.

Consolidation into Nanaimo FireComm will incur future costs as NexGen 911 technology upgrades will be required in future years. Many of these upgrades will already be required in Nanaimo FireComm as a fire dispatch centre because it must be able to receive NexGen 911 calls transferred from the 911 PSAP regardless of its location. The Nanaimo FireComm telephone systems are in the process of being upgraded as part of an existing asset management program. This upgrade makes the centre ready to receive "Text-To-911" equipment which is one of the first elements of NexGen 911. As such, costs for adding Text-To-911 are not yet quantified. Future NexGen 911 elements may include video and other media to connect with 911 however neither the system specifications or timelines for implementation are established, therefore associated costs cannot been fully quantified anywhere in the province.

All costs would be distributed in accordance with the Central Island 911 partnership agreement. Wages, operational, maintenance, licensing and space use costs for the integration of the 911 PSAP into Nanaimo FireComm would add $281k to the current Nanaimo FireComm annual operating expenses. A

3% contingency is included in future years to reflect wage increases under the IAFF collective agreement. In addition, one time start-up costs of $174k for equipment, training and licensing would be incurred.

FireComm presently has a back-up agreement for fire dispatch services with the Campbell River Fire Dispatch Centre. This agreement is reciprocal in nature with no associated fees. If the 911 PSAP function were to transition to Nanaimo FireComm, then a similar agreement would need to be negotiated with another 911 Centre for back-up. A cost has not been quantified for this back-up but it is possible that a no fee reciprocal agreement could be reached with another 911 provider.

Advantages:

1. Retains two FTE positions from the present Nanaimo OCC with potential for others to fill part-time roles.
2. Facilities are already in place and much of the technology already exists.
3. Allows for flexibility to handle current unknowns related to Provincial CAL initiative and NexGen 911 service requirements.
4. Provides greater flexibility for future service enhancements and retains local control over operational procedures.
5. Economies of scale are achieved by combining PSAP and SSAP functions.

Challenges:

1. Staffing and Union contract implications to be reviewed which would likely result in the higher IAFF wages coming into effect.
2. Will require additional cross-training for existing fire dispatchers and 911 call takers.
3. Abandoned calls need to be followed up before forwarding to police.
4. Additional computer aided dispatch equipment.
5. NexGen 911 specifications, timelines and costs remain unknown.
6. A back-up agreement must be reached with another 911 call centre.

Financial Overview:

One-time Start-up Costs

Item	Description	Cost	Qty.	Total
1	Training - Two new FTEs for swing shift	$7,133	2	$14,266
2	Zetron paging console (equipment, licensing and installation)		1	$35,000
3	Upgrade 3 existing Zetron terminals		3	$40,000
4	Upgrade Telus equipment (NexGen 911 costs, Text-To 911, rebid of mobile devices)		4	$40,000
5	FDM CAD license		1	$35,000
6	New computer terminal and equipment to activate fourth workstation		1	$10,000
	Total One Time Start-up Costs			**$174,266**

Annual Costs - 2016

Item	Description	Cost	Qty.	Total
1	Annual Salary per FTE Dispatcher (Inc. wages and benefits at IAFF 10-year rate)	$101,580	2	$203,160
2	Additional FDM annual license (CAD terminal)		1	$7,000
3	Operating and Maintenance (equipment R&M, rent, support)		1	$71,150
	Total Annual Operating Costs - 2016			**$281,310**

Annual Cost Projections - 5 Years

Item	Description	Cost	Qty.	Total
2016	Annual Operating Costs (IAFF wages known at 2.5% plus contingency)		3%	$281,310
2017	Annual Operating Costs (IAFF wages known at 2.5% plus contingency)		3%	$289,749
2018	Annual Operating Costs (IAFF wages known at 2.5% plus contingency)		3%	$298,442
2019	Annual Operating Costs (IAFF wages known at 2.5% plus contingency)		3%	$307,395
2020	Annual Operating Costs (IAFF wages estimated at 2.5% plus contingency)		3%	$316,617

NexGen 911 Costs

Item	Description	Cost	Qty.	Total
	Text To 911 (hardware, software and training)			unknown
	Video To 911 (hardware, software and training)			unknown
	Other media to 911			unknown

911 Back-up Agreement Costs

Item	Description	Cost	Qty.	Total
	back-up agreement with another 911 PSAP			unknown*

*Costs could range from 'no fee' reciprocal agreement up to an unknown contract fee

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUN-15, AT 5:00 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUN-01 at 5:30 p.m. in the Board Chambers, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC. *Pg. 3-5*

3. **ADMINISTRATION:**

(a) *Pg. 6-7*

4. **COMMUNITY SERVICES:**

(a) **PSAP 9-1-1 Service Delivery Options Addendum**

Purpose: To provide Council with additional information regarding PSAP 911, prior to options being considered by Council at an upcoming open meeting.

Staff Recommendation: That Council direct Staff to report on PSAP 911 Service Delivery options with recommendations at the next open Council meeting. *Pg. 8-18*

(b) *Pg. 19-20*

5. **OTHER BUSINESS:**

(a)

6. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR PRATT
2015-JUN-08 to 2015-JUL-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD CHAMBERS, REGIONAL DISTRICT OF NANAIMO
6300 HAMMOND BAY ROAD, NANAIMO, BC
MONDAY, 2015-JUN-01, AT 5:30 P.M.

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

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

Absent: Councillor M. D. Brennan

Other: Mr. Blaine Gurrie, President, CUPE 401 (entered 5:37 p.m., vacated 6:34 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
P. Bradley, Labour Relations Manager / A/Director of Human Resources & Organizational Planning
D. Lindsay, Director of Community Development
M. Dietrich, Manager of Police Support Services
Chief C. Richardson, Nanaimo Fire Rescue
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:32 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Councillor Bestwick advised that he would be bringing forward a late item under “Other Business” regarding

(b) Item 7 (a) PSAP 9-1-1 Service Delivery Options – add delegation from Mr. Blaine Gurrie, President, CUPE 401.

3. ADOPTION OF AGENDA:

06715 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:

06815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. CORPORATE SERVICES:

(a) Expropriation of Road Dedication and Statutory Right of Way to Accommodate Stormwater Improvements - 270 Wakesiah Avenue

06915 It was moved and seconded that Council Council adopt the resolution as described in Attachment A of the Staff report, authorizing the approval of the expropriation and to authorize the advance payment for the expropriation of road dedication and a statutory right of way across part of 270 Wakesiah Avenue. The motion carried unanimously.

(b) Vacancies and Appointments to Council Committees

07015 It was moved and seconded that Council:

1. ratify the following to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Dan Appell, with Mr. Mark Robinson as Alternate	Culture and Heritage Commission Recommended Member
Ms. Val Alcock Carter	Social Planning Advisory Committee Recommended Member

2. ratify the following to the Planning and Transportation Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Mr. Sean Herold, on behalf of Greater Nanaimo Chamber of Commerce	Business Community Member
Mr. Sean Mahon, on behalf of Canadian Homebuilders' Association Vancouver Island	Development Community Member
Mr. Leonardus Boon, on behalf of Greater Nanaimo Cycling Coalition	Transportation User Group Member

3. ratify the following to the Safer Nanaimo Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review:

Ms. Linda McCandless	Social Planning Advisory Committee Chair

and,

4. instruct Staff to advise applicants of appointments and release appointment information to the public.

The motion carried unanimously.

6. COMMUNITY SERVICES:

(a) PSAP 9-1-1 Service Delivery Options

Mr. Blain Gurrie, President, CUPE 401, entered the Regional District of Nanaimo Board Chambers at 5:37 p.m.

Delegation:

1. Mr. Blaine Gurrie spoke regarding CUPE's concerns related to contracting out the 9-1-1 positions and requirements under the Collective Agreement.

Mr. Blain Gurrie, President, CUPE 401, vacated the Regional District of Nanaimo Board Chambers at 6:34 p.m.

07115 It was moved and seconded that Council receive for information the report pertaining to the PSAP 9-1-1 Service Delivery Options. The motion carried unanimously.

7. OTHER BUSINESS:

(a)

Due to time limitations, Item 7 (a) was not considered and will be placed on the next "In Camera" Agenda.

8. ADJOURNMENT:

07215 It was moved and seconded at 6:57 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUN-15

AUTHORED BY: MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

RE: PSAP 9-1-1 SERVICE DELIVERY OPTIONS ADDENDUM

STAFF RECOMMENDATION:

That Council direct staff to report on PSAP 911 Service Delivery options with recommendations at the next open Council meeting.

PURPOSE:

To provide Council with additional information regarding PSAP 911, prior to options being considered by Council at an upcoming open meeting.

BACKGROUND:

At its "In Camera" meeting on 2015-JUN-01, Council was provided with a staff report (Attachment A) and a report from POMAX Consulting regarding options for the continued provision of the *Enhanced 911 System* (E911) in the central Vancouver Island area.

DISCUSSION:

The following information was requested by Council at the 2015-JUN-01 meeting:

Grievances related to FireComm consolidation in 2003. Staff inquired with the Cowichan Valley Regional District who confirmed that grievances were filed by the CVRD union at the time that FireComm consolidation was entered into. The grievances were settled and CVRD staff were ultimately absorbed into the City of Nanaimo workforce within Nanaimo FireComm.

Next Generation Technology costs for FireComm. Consolidation of the PSAP into Nanaimo FireComm will incur future costs as NexGen 911 technology upgrades will be required in future years.

Many of these upgrades will already be required in Nanaimo FireComm as a fire dispatch centre because it must be able to receive NexGen 911 calls transferred from the 911 PSAP regardless of its location.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-JUN-15

Future NexGen 911 elements may include video and other media to connect with 911; however, neither the system specifications nor timelines for implementation are established, therefore, associated costs cannot be fully quantified anywhere in the province.

In a November 2013 "In Camera" report to Council, those costs were estimated at up to $500k implemented over several years. To date, this cost cannot be further defined so the estimate has not changed. While it is possible that the cost could be covered by the Call Answer Levy (CAL), any remaining balance would be shared by the three CI911 partners (providing the partnership is still in place) in accordance with the agreement.

PSAP Redundancy Requirements. PSAP's require a certain level of operational redundancy in order to maintain public service in the event of equipment failure or extremely high call volumes that may be generated during a major emergency event.

To date, there has not been a situation in the current RCMP operated PSAP where call volume surpassed the capability of the call-takers. It should be noted that the RCMP Nanaimo OCC has six 911 lines with an equal number of staff available to answer, whereas FireComm would have only two or three dispatchers at any one time to answer 911 calls coming into the six 911 lines. If 911 lines are not answered in 10 seconds, they must automatically switch to another location or they will ring busy.

It should also be noted that the number of options for engaging other agencies as a redundant back-up to a Nanaimo based PSAP are becoming increasingly limited as PSAPs continue to consolidate throughout the province.

In terms of technical redundancy required in the event of a system failure, an agreement with another 911 PSAP centre would need to be arranged. Costs for this cannot be fully quantified without negotiating an actual agreement; however, rough estimates are included below.

There are two main options for a backup agreement. The first is a full reciprocal agreement where the FireComm and another agency would agree to back each other up in a "no fee" agreement. This would entail a one-time cost of up to $135k to automate the back-up and to integrate the information management systems between the agencies; followed with an annual software license cost of approximately $18k. These costs are not included in the POMAX report.

A more likely option would be a "fee for service" agreement with another 911 PSAP. The same start-up costs up to $135k and the annual license fee of $18k would apply; as well as a "per-use" fee every time the back-up is used and perhaps an annual administration fee. The "per-use" fee would likely consist of reimbursement of the staffing costs incurred by the back-up agency and the administrative fee would need to be negotiated to fully quantify. As an example, the "per-use" costs based upon a 24-hour technical outage where the back-up agency required two additional staff on overtime could be up to $3k to $5k for each occurrence. These costs are also not included in the POMAX report.

Labour Relations. There are currently 4 full-time and 2 part-time (5.2 FTE) 911 Emergency Services Communications Operator positions, including 2 full-time positions that have been recently vacated.

The duties of the 911 Emergency Services Communications Operator fall under two categories:

1. Answering 911 calls and directing them downstream to the appropriate SSAP (police, ambulance or fire); and

2. Should, the caller respond "police", the operator acts as the complaint taker and dispatcher for police.

It is this secondary role, providing police services that it makes up 90% of their current responsibilities. Further it is the police services complaint taking, dispatching and related responsibilities that have set the classification's pay level. With the police services responsibilities moving out of Nanaimo to the RCMP Courtenay OCC, it is estimated that only 10% of their jobs remain in terms of time and even less in terms of job responsibilities.

It is also important to consider that this decision is made from the framework where the City has no control over the 80-90% of the job responsibilities that are being transferred out.

The Union argues that Article 27(a) and the contracting-out provisions are the two primary clauses of the Collective Agreement that do not allow for the police services work to go to Vancouver EComm.

The City and the Union have an Arbitration Award from 2002 where the City attempted to eliminate a permanent full-time Labourer Relief position; however, the Arbitrator found for the Union in that Award.

The facts that were relied upon by the Union in arguing its case was that there were a number of casual and temporary employees assigned as Labourer Relief through the same period. The Award relies on the obligation of the Employer to maintain the number of employees assigned to a classification unless the number of employees cannot be "gainfully employed". In the case of 911, the substantive portion of the work will be removed by a third-party decision and what remains in our view is not enough to meet the test of gainful employment within the classification.

The 911 call function in Nanaimo exists only as a result of a unique partnership between the Cowichan Valley Regional District, the City of Nanaimo and the Regional District of Nanaimo. If the change is made, it would be a decision of the partnership to have 911 call answer performed by EComm. Additionally, the CVRD may decide to unilaterally contract the service for their geographical area to EComm, thereby removing that work from the City.

The City could be in a position to argue that a decision to contract the 911 function to a third party and eliminate the 911 Emergency Services Operators was a reasonable, objectively based decision that "such a reduction [is] justified owing to the fact that the number of employees in such classification cannot be gainfully employed as such" - not because of its own decision, but because of the collective decision of the partnership, which itself was made necessary by the RCMP's decision to move the substantive majority of the work.

The current employees will be impacted by the decision to move the 911 calls to ECOMM or Fire Dispatch. In either circumstance, there will not be enough work to maintain the current

level of staffing, which could result in bumping by six employees or, if negotiated, the creation of other positions, or severance or salary protection.

Finally, the Union raised the issue of the salary level paid to ECOMM being lower than current staff. We believe this argument would not be supported, given the very narrow responsibilities of the future 911 functions.

Respectfully submitted,

MIKE DIETRICH
MANAGER POLICE SUPPORT SERVICES

Concurrence by:

TOBY SEWARD
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-MAY-10
G:\2015 Files\Police Services\2015JUN15 IC PSAP 911 Service Delivery Options Addendum

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUN-01

AUTHORED BY: MIKE DIETRICH, MANAGER POLICE SUPPORT SERVICES

RE: PSAP 9-1-1 SERVICE DELIVERY OPTIONS

STAFF RECOMMENDATION:

That Council receive the PSAP 911 Service Delivery Options report and direct staff to report with recommendations at the 2015-JUN-15 regular Council meeting.

PURPOSE:

To submit a consultant's report to Council regarding options for the continued provision of the *Enhanced 911 System* (E911) in the central Vancouver Island area.

SUMMARY:

POMAX Consulting was engaged by the *Central Island 9-1-1 Partnership* (CI911P) to study options for the continued provision of the *Enhanced 911 System* (E911) in the central Vancouver Island area. POMAX identified two options considered to be feasible:

1. The E-Comm proposal provides the most cost-effective solution with deep call taking queues, strong technical and operational support and excellent redundancy and backup options. EComm has a dedicated telephony department and is involved in all aspects of operational and technical planning for the next generation of 9-1-1 systems;
2. The Nanaimo FireComm proposal is moderately cost effective and offers the potential benefit of reallocating existing municipal employees who would be displaced if the service was assumed by an outside agency. The addition of an extra position during busy hour periods will also be a benefit to their fire dispatch operation and thus the service that is provided to the partner agencies. There are economies of scale in combining Primary and Secondary PSAP operations for calls that are for Fire service.

The POMAX report is 70 pages and will be sent to Council electronically and hard copies will be available in the Councillor's office.

The following chart summarizes costs of four options included in the POMAX report:

	Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
1.	Nanaimo Detachment	0*	$604,800	$665,279
2.	Nanaimo FireComm	$174,266	$281,310	$309,441
3.	Courtenay OCC		$719,900	$791,900
4.	E-Comm	$16,000	$250,920	$276,012

*unless renovations are required

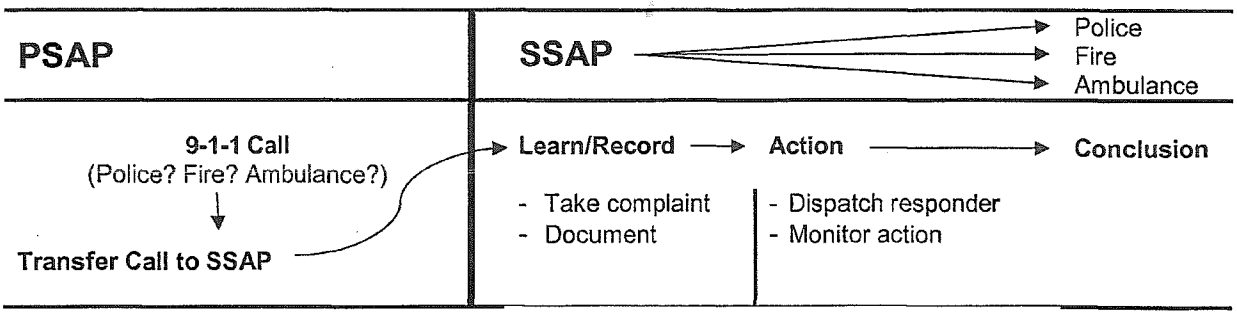
BACKGROUND:

In 1994, the City of Nanaimo, Regional District of Nanaimo and the Cowichan Valley Regional District formed the *Central Island 9-1-1 Partnership* for the purposes of operating and maintaining a 9-1-1 service within the City of Nanaimo, Cowichan Valley Regional District and the southern portion of the Regional District of Nanaimo [i.e.: within School District No. 68 (Nanaimo-Ladysmith)]. Cost sharing between the partners is currently set at: City 45%, CVRD 45%, RDN 10%.

9-1-1 systems are divided into two distinct functions:

1. ***Public Safety Answering Point*** **(PSAP)** - the primary point at which emergency calls to 9-1-1 are answered and then transferred for response to a relevant agency; and
2. ***Secondary Safety Answering Point*** **(SSAP)** - a downstream operation, where an agency such as police, fire and/or ambulance responds to the emergency.

This is a simplified representation of the 911 call answer process:



Occasionally, the PSAP and SSAP are co-located and operate as a single entity as is currently the case in the *RCMP Nanaimo Operational Communications Centre* (OCC). The Nanaimo OCC provides both PSAP (9-1-1 call answer) and SSAP (police complaint taking and dispatch) services to the central Island area (and is coterminous with the central Island fire dispatch area).

In late 2013, the RCMP served notice on all jurisdictions that RCMP management of PSAP's was not a core policing function and would only continue if municipalities and regional districts were willing to sign a Memorandum of Understanding and pay a fee for RCMP management of the PSAP service.

On 2014-FEB-03, Council approved the following resolution:

"It was moved and seconded that Council direct Staff to maintain the current arrangement for Public Safety Answering Point (PSAP, 9-1-1) delivery as follows:

1. By communicating with Central Island 9-1-1 service partners (Cowichan Valley regional District and Regional District of Nanaimo) to confirm Nanaimo's intent to sign a Memorandum of Understanding with the RCMP and request confirmation that both partners also support continuation of 9-1-1 service through the RCMP at this time;

2. By signing a Memorandum of Understanding with the RCMP to provide 9-1-1 service for a five-year period with a one-year cancellation clause option until further evaluation of 9-1-1 service is completed subject to approval by central Island 9-1-1 service partners; and
3. In conjunction with Central Island 9-1-1 service partners, undertake a review to determine the best long-term options for provision of 9-1-1 services and provide a follow-up report to Council in early 2015."

On 2015-MAR-06, the situation changed significantly when the RCMP announced that they plan to close their Nanaimo SSAP (OCC) effective 2015-NOV-30.

Service to the public in terms of police response is expected to be unaffected with this closure as the Courtenay OCC has operated as the back-up for Nanaimo OCC and vice-versa on a seamless basis for years. The RCMP cited financial and technical considerations in their rationale for this decision. Neither the City nor our CI911 partners were consulted during the RCMP's deliberations.

Although the RCMP SSAP is being relocated, the continued operation of the central Island PSAP remains the mandate and responsibility of the Central Island 911 partners.

On March 12, the *Central Island 911 Partnership* engaged POMAX Consultants to study the following:

1. Continue with existing contract service delivery model in which the PSAP is managed by the RCMP's Island District OCC in the RCMP Comox Valley Detachment;
2. Contract the PSAP service to E-Comm (the Emergency Communications Centre for British Columbia Inc.) 9-1-1 located in Metro Vancouver;
3. Contract the PSAP service to a viable PSAP in the Capital Regional District i.e. Victoria Police or Saanich Police;
4. Amalgamate the PSAP function with Nanaimo FireComm (with or without the current police-based 911 staff moving over);
5. Have the Partnership retain the PSAP function in the RCMP Detachment, with existing 911 staff but without the back-up of the RCMP. Determine if this is viable without an increase of staff; and
6. Any other viable option identified during the study period (if applicable).

POMAX Consultants were chosen for their expertise in this field and for their local knowledge, having concluded studies previously for both the *Central Island 911 Partnership* and the *North Island 911 Corporation.*

The report is appended to this and cost $10,000 plus taxes (split 45% Nanaimo, 45% CVRD, 10% RDN).

DISCUSSION:

POMAX Consultants evaluated five options for the continued delivery of PSAP service in the central Island area:

1. A "modified" status quo (ie: continue to operate the PSAP without the SSAP within Nanaimo Detachment);

2. Move the PSAP to Nanaimo FireComm; or
3. Contract out the PSAP to RCMP (Courtenay OCC)
4. Contract out the PSAP to an independent police agency in Greater Victoria; or
5. Contract out the PSAP to EComm 9-1-1 (Vancouver).

Table 1 on page 4 of the POMAX report summarizes the advantages and disadvantages and financial implications of each option. A summary of the options follows, in no specific order:

Option 1 – a "modified" status quo in Nanaimo RCMP Detachment. It is technically possible to continue operating the PSAP from the RCMP Nanaimo Detachment without the RCMP SSAP. This would ensure the continuation of the existing 5.2 FTE CUPE positions however, this allows only one person on shift around the clock answering 9-1-1 emergency calls and down-streaming the calls to the relevant SSAP.

Due to the nature of the PSAP function, especially during a major event such as a forest fire, large traffic accident, multiple concurrent incidents, etc, one single operator would not be able to handle the sheer volume of calls that even one major incident would generate, let alone for any other incidents that may occur at the same time. Ultimately, this could lead to the E911 system becoming overloaded and fail.

To avoid this possibility, the PSAP would require an additional 4 FTE positions to provide adequate PSAP service on a 24/7 basis although some efficiencies may accrue by partnering PSAP staff with police switchboard staff.

Adding additional PSAP staff is not considered cost effective, as under normal circumstances, an average of only 5.06 minutes per hour are usually spent answering 9-1-1 calls.

The CI911Parntership would have to agree to share in the cost of increased staff levels or they would be born in their entirety by the City of Nanaimo.

Furthermore, under this scenario, there is no technical redundancy unless a back-up centre is arranged on a contractual basis, again increasing operational costs.

This option does not allow for NexGen technology upgrades within the basic costs.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Nanaimo Detachment	0*	$604,800	$665,279

*unless renovations are required

This option is discussed in detail on pages 41-43 of the POMAX report.

Option 2 - Nanaimo FireComm. This option is not "turn-key" as there are some start-up costs required in order to move the PSAP to FireComm; however, this option is still the second-most cost effective solution.

The merits of this option include the potential absorption of some of the current CUPE FTE positions.

This would also provide for additional staffing assistance to Nanaimo FireComm during peak load periods.

This proposal would still not necessarily take into account the remaining 4.2 CUPE FTE positions, nor would it allow for technical redundancy unless a back-up centre is arranged on a contractual basis.

This option also does not address many of the NexGen technology upgrades required in the future.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Nanaimo FireComm	$174,266	$281,310	$309,441

This option is discussed in detail on pages 32-40 of the POMAX report.

Option 3 – RCMP Courtenay OCC. This option is not cost effective and does not take into consideration any of the current CUPE positions that would become redundant.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
Courtenay OCC		$719,900	$791,900

This option is discussed in detail on pages 44-45 of the POMAX report.

Option 4 – EComm 911 Vancouver. EComm 911 Vancouver is a "turn-key" operation and is considered the best option as it combines significant annual cost saving with highly developed operational and technical expertise

A disadvantage of this option is that it does not address the issue of *911 Emergency Services Communications Operator* redundancies.

Agency	One Time Costs	Annual Costs	Annual Costs with contingency for unforeseen costs
E-Comm	$16,000	$250,920	$276,012

This option is discussed in detail on pages 27-31of the POMAX report.

Collective agreement considerations

There are currently 5.2 FTE *911 Emergency Services Communications Operator* positions employed by the City of Nanaimo on behalf of the Central Island 911 Partnership. Four of these positions are dedicated full time positions scheduled on a rotational basis, 24/7 (i.e.: one per

12 hour shift). The remaining two positions are permanent part-time (PPT) positions which are required to back-fill the full time employees for vacation and sickness relief.

If the CI911Partnership chooses an option that does not include continuation of the current *911 Emergency Service Communications Operator* positions, sections 27(a) and 32 of the City of Nanaimo/CUPE Collective Agreement may become activated.

Funding PSAP 9-1-1

In the future, funding for PSAP 9-1-1 will likely need to come from general taxation. The province has initiated studies through UBCM to determine a province-wide solution to funding for Call Answer Levy (CAL). Staff will provide a report at a future Council meeting to address funding PSAP 9-1-1.

A British Columbia Supreme Court ruling involving the imposition of a CAL against wireless phone carriers in 2012 determined that the CAL is an unlawful tax.

At present, the CAL is being collected by individual agreements with most of the telecommunications providers (Telus Mobility being the exception). Any change in the CAL has the potential of triggering further litigation. This situation has been reviewed with the City solicitor, who confirmed all CAL agreements could be struck down, which would result in PSAP funding being collected through general taxation.

Partnership considerations

It is staff's understanding that the Cowichan Valley Regional District (CVRD) is strongly interested in pursuing a contract with EComm 911. To date they have maintained the present 911 relationship with the other partners however, should the CVRD carry through with their interest, it would significantly impact the remaining partners who would each carry a greater burden of the operation.

NexGen technology

Technology continues to advance in the telephony industry. The future will include not only "Text to 911" (which is currently available through EComm) but will include other forms of social media such as Facebook, Twitter, Skype, Facetime, etc.

Still unknown, are the potential costs associated with "Next Generation" (NexGen) technology as it relates to E911 service however it is anticipated that costs to proceed with NexGen technology for 911 could be as high as $500,000 to implement with significant additional costs required to train staff and maintain operational capabilities in the future.

CONCLUSION:

The EComm 911 proposal presents the best long-term solution to maintaining an *Enhanced 911 System* in the central Vancouver Island partnership area.

Respectfully submitted,

MIKE DIETRICH
MANAGER POLICE SUPPORT SERVICES

Concurrence by:

TOBY SEWARD
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-MAY-10
G:\2015 Files\Police Services\2015JUN01 IC PSAP 911 Service Delivery Options

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUN-15 AT 5:00 P.M.

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5. **ADMINISTRATION:** **PAGES**

(a) *Pg. 2-4*

7. **COMMUNITY SERVICES:**

(c) Add report - Merle Logan Artificial Turf Replacement Tender Award

Purpose: If a tender has unusual circumstances and/or if the award recommendation is to other than the low bidder, the City's Purchasing Policy requires a Staff Report be provided for Council approval. This report is "In Camera" because of legal issues with the tender award.

Staff Recommendation: That Council: *Pg. 5-6*

1. award the Merle Logan Artificial Turf Replacement contract to Field Turf Inc. for the price of $609,939.48 including tax; and,

2. direct Staff to publish the award on the City's website.

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUNE-15

AUTHORED BY: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES
RICHARD HARDING, DIRECTOR, PARKS RECREATION & ENVIRONMENT

RE: MERLE LOGAN ARTIFICIAL TURF REPLACEMENT TENDER AWARD

STAFF RECOMMENDATION:

That Council:

1. award the Merle Logan Artificial Turf Replacement contract to Field Turf Inc. for the price of $609,939.48 including tax; and,

2. direct Staff to publish the award on the City's website.

PURPOSE:

If a tender has unusual circumstances and/or if the award recommendation is to other than the low bidder, the City's Purchasing Policy requires a Staff Report be provided for Council approval. This report is "In Camera" because of legal issues with the tender award.

BACKGROUND:

Council received an Information Report at the 2015-APR-27 meeting advising of the Merle Logan Artificial Turf Replacement tender.

Tenders were called for the above project on 2015-MAY-01.

Six (6) tenders were received by the Manager of Purchasing and Stores on 2015-MAY-21 which were opened in the Purchasing Department at 3:00 p.m. Tenders were as follows:

CONTRACTOR	TENDER PRICE (including taxes)
Worldwide Turf (Canada) Inc.	$609,000.00
Field Turf Inc.	$609,939.48
Astro Turf West Distributors Ltd.	$614,250.00
Team Rochon Inc./GTR Turf	$618,439.50
Carpell Surfaces	$616,378.58
Sprint Turf LLC	$616,322.66

The tenders were checked and errors were found. The low bidder did not submit an original bid bond, as required.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-JUN-15

DISCUSSION:

The City Solicitor was asked to review the tender documents and has determined that providing a copy of the bid bond is a significant bid defect and one that cannot be waived. The bid bond is stated to be a mandatory requirement and is normally seen to be a significant element of a tender. Therefore, the bid of Worldwide Turf (Canada) Inc. is deemed to be non-compliant.

The next lowest bid is fully compliant.

Staff's recommendation on awarding this tender considers the City's past practice, an assessment of risk, value to the taxpayer, and legal opinion. Because of the legal opinion, Staff recommend the tender is awarded to Field Turf Inc.

The tender award to Field Turf Inc. is within the City's capital budget for this project (P-4204).

Based on this tender, work is planned to be completed by early September. The artificial turf that has been removed will then be available for other uses in the community or for resale.

Respectfully submitted,

Tom Hickey
General Manager, Community Services

Richard Harding
Director, Parks, Recreation & Environment

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUN-15, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick (arrived at 5:17 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived at 5:03 p.m.)

Other: Mr. Blaine Gurrie, President, CUPE Local 401 (arrived at 5:12 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
P. Bradley, Manager, Labour Relations
D. Duncan, Manager Financial Planning
D. Lindsay, Director of Community Development
M. Dietrich, Manager, Police Support Services
J. Birch, Manager, Information Technology
C. Richardson, Fire Chief
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Item 5. (a)

(b) Add Item 7 (c) Merle Logan Artificial Turf Replacement Tender Award

3. ADOPTION OF AGENDA:

07315 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:

07415 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUN-01 at 5:30 p.m. in the Board Chambers, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

Councillor Yoachim entered the Douglas Rispin Room at 5:03 p.m.

5. ADMINISTRATION:

(a)

6. COMMUNITY SERVICES:

(a) PSAP 9-1-1 Service Delivery Options Addendum

Mr. Blaine Gurrie, President, CUPE Local 411, entered the Douglas Rispin Room at 5:12 p.m.

Delegation:

1. Mr. Blaine Gurrie spoke regarding CUPE’s concerns.

Councillor Bestwick entered the Douglas Rispin Room at 5:17 p.m.

07615 It was moved and seconded that Council receive the delegation of Mr. Blaine Gurrie. The motion carried unanimously.

Mr. B. Gurrie left the Douglas Rispin Room at 5:48 p.m.

07715 It was moved and seconded that Council direct Staff to report on PSAP 9-1-1 Service Delivery options with recommendations at the next open Council meeting. The motion carried unanimously.

(b)

(c) Merle Logan Artificial Turf Replacement Tender Award

07915 It was moved and seconded that Council:

1. award the Merle Logan Artificial Turf Replacement contract to Field Turf Inc. for the price of $609,939.48 including tax; and,

2. direct Staff to publish the award on the City's website.

The motion carried unanimously.

7. OTHER BUSINESS:

(a)

8. ADJOURNMENT:

08115 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-06, AT 3:00 P.M.

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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).

2. **ADMINISTRATION:**

(a)

3. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR PRATT
2015-JUN-08 to 2015-JUL-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-06, AT 3:00 P.M.

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

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

Other:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
D. Lindsay, Director of Community Development (vacated 3:46 p.m.)
P. Cooper, Communications Manager
G. Goodall, Director of Engineering & Public Works (arrived 4:03 p.m.)
G. Ferrero, Director of Information Technology & Legislative Services
S. Snelgrove, Recording Secretary (vacated at 4:16 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:05 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

3. ADOPTION OF AGENDA:

08215 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried.
Opposed: Councillors Fuller, Kipp, Yoachim

4. ADMINISTRATION:

(a)

5. ADJOURNMENT:

08615 It was moved and seconded at 4:20 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-20, AT 4:00 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-25 at 3:00 p.m. in the City Hall Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC.

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUN-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

3. **PRESENTATIONS:**

(a)

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

(a)

6. **CORPORATE SERVICES:**

NONE

7. **COMMUNITY SERVICES:**

NONE

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR PRATT
2015-JUN-08 to 2015-JUL-26

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE BUILDING,
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-MAY-25, AT 3:00 P.M.

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

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

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
B. E. Clemens, Director of Finance
D. Lindsay, Director of Community Development
B. Corsan, Manager, Real Estate
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
M. Dietrich, Police Services
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

1. Add Item 3 (b) –

2. Item 4. (a) –

3. ADOPTION OF AGENDA:

06715 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:

06815 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-MAY-04 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a)

Councillor Fuller vacated the Board Room at 4:15 pm.

Councillors Bestwick and Pratt vacated the Board Room at 4:16 p.m.

Councillors Bestwick and Pratt returned to the Board Room at 4:16 p.m.

Councillor Fuller returned to the Board Room at 4:17 p.m.

6. CORPORATE SERVICES:

(a)

7. ADJOURNMENT:

07315 It was moved and seconded at 4:31 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUN-15, AT 5:00 P.M.

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

Members: Councillor W. L. Bestwick (arrived at 5:17 p.m.)
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived at 5:03 p.m.)

Other: Mr. Blaine Gurrie, President, CUPE Local 401 (arrived at 5:12 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
T. P. Seward, Director of Social & Protective Services
P. Bradley, Manager, Labour Relations
D. Duncan, Manager Financial Planning
D. Lindsay, Director of Community Development
M. Dietrich, Manager, Police Support Services
J. Birch, Manager, Information Technology
C. Richardson, Fire Chief
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Item 5. (a)

(b) Add Item 7 (c) Merle Logan Artificial Turf Replacement Tender Award

3. ADOPTION OF AGENDA:

07315 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:

07415 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUN-01 at 5:30 p.m. in the Board Chambers, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

Councillor Yoachim entered the Douglas Rispin Room at 5:03 p.m.

5. ADMINISTRATION:

(a)

6. COMMUNITY SERVICES:

(a) PSAP 9-1-1 Service Delivery Options Addendum

Mr. Blaine Gurrie, President, CUPE Local 411, entered the Douglas Rispin Room at 5:12 p.m.

Delegation:

1. Mr. Blaine Gurrie spoke regarding CUPE’s concerns.

Councillor Bestwick entered the Douglas Rispin Room at 5:17 p.m.

07615 It was moved and seconded that Council receive the delegation of Mr. Blaine Gurrie. The motion carried unanimously.

Mr. B. Gurrie left the Douglas Rispin Room at 5:48 p.m.

07715 It was moved and seconded that Council direct Staff to report on PSAP 9-1-1 Service Delivery options with recommendations at the next open Council meeting. The motion carried unanimously.

(b)

(c) Merle Logan Artificial Turf Replacement Tender Award

07915 It was moved and seconded that Council:

1. award the Merle Logan Artificial Turf Replacement contract to Field Turf Inc. for the price of $609,939.48 including tax; and,

2. direct Staff to publish the award on the City's website.

The motion carried unanimously.

7. OTHER BUSINESS:

(a)

8. ADJOURNMENT:

08115 It was moved and seconded at 6:58 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-20 AT 4:00 P.M.

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3. **PRESENTATIONS:** **PAGES**

(a) Add

5. **ADMINISTRATION:**

(a) Remove

8. **CORRESPONDENCE (not related to a Report to Council):**

(a) Add letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Ms. Pamela Manhas, Barrister and Solicitor, Province of British Columbia, re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement. *2-91*

BRITISH COLUMBIA

July 16, 2015

APPEAL FILE: 2015-WAT-004

VIA EMAIL: harding@younganderson.ca

Young Anderson
#1616 - 808 Nelson Street
Box 12147 Nelson Square
Vancouver, BC V6Z 2H2

Attention: Reece Harding

Dear Mr. Harding:

Re: *Water Act* Appeal - City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement

As you are aware, Nanaimo City Council ("Council") decided this week not to take steps to comply with the Comptroller's Order of April 29, 2015 (the "Order") by the Comptroller's deadline of July 24, 2015. Instead, a majority of Council passed a motion (the "Motion") at the Committee of the Whole meeting on Monday, July 13, 2015 (the "Meeting") to form a "Select Committee" and return to studying options for the dams. The Motion also directed staff to retain GeoStabilization International and seek an overtopping design for the Middle Dam.

I refer you to my correspondence of June 24, 2015, in which I communicated the Comptroller's rejection of a similar proposal set out in a letter from Mayor and Council dated June 23, 2015. Much like that proposal, the Motion passed yesterday does not meet the scope or intention of the Order. The Comptroller remains committed to the terms of the Order. The Motion will not bring the City of Nanaimo into compliance with the Order.

It was also apparent from the Meeting that questions remain among councillors and agents of your client regarding the consequences of not complying with the Order. Before Council meets next Monday, July 20, 2015 (its final scheduled meeting before the Comptroller's July 24 deadline) and given the paucity of time in which to act, we thought it may be of assistance to provide information about the full range of possibilities should a licence holder under the *Water Act,* R.S.B.C 1996, c. 483 (the "Act"), such as the City of Nanaimo, not comply with an order of the comptroller where a stay application to the EAB has been unsuccessful.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-JUL-20

The City holds two licences under the Act relating to the Colliery Dams. These licences are subject to the Act and regulations, the terms of the licences and the orders of the Comptroller (see section 6 of the Act). Section 23 of the Act addresses suspension and cancellation of rights and licences for failing to comply with an order of the Comptroller:

Suspension and cancellation of rights and licences

23 ...

(2) The rights of a licensee under a licence are subject to suspension for any time by the comptroller or a regional water manager, and a licence and all rights under it are subject to cancellation in whole or in part by the comptroller or a regional water manager for any of the following:

...

(g) the licensee's failure to comply with an order of the comptroller or a regional water manager or an engineer;

...

Compliance with orders of the Comptroller is necessary to preserve a licence and retain the amenity of a dam and its surroundings. Cancelling the licence of a dam owner would facilitate the wholesale removal by the Province of works that pose significant ongoing risks to the public.

In addition to providing the Comptroller the option to suspend or cancel water licences, the Act establishes that failing to comply with the Order is an offence, and conviction attracts punitive consequences:

General offences

93 ...

(2) A person who does any of the following commits an offence:

...

(p) fails to do an act or thing required to be done by the person under this Act or under an order of the comptroller, regional water manager, engineer or officer;

...

(4) A person who commits an offence under this section is liable on conviction to the following:

(a) in the case of an offence that is not a continuing offence, a fine of not more than $200 000 or imprisonment for not longer than 6 months, or both;

(b) in the case of a continuing offence, a fine of not more than $200 000 for each day the offence is continued or imprisonment for not longer than 6 months, or both.

Where an order of the Comptroller is proven to be willfully contravened, section 94 applies:

High penalty offences

94 (1) A person who does any of the following commits an offence:

...

(h) willfully contravenes this Act or an order of the comptroller, a regional water manager, an engineer or an officer;

...

(2) A person who commits an offence under this section is liable on conviction to the following:

(a) in the case of an offence that is not a continuing offence, a fine of not more than $1 000 000 or imprisonment for not longer than 1 year, or both;

(b) in the case of a continuing offence, a fine of not more than $1 000 000 for each day the offence is continued or imprisonment for not longer than 1 year, or both.

In addition to the punitive remedies in ss. 93 and 94, we draw your client's attention to the creative sentencing provisions in s. 95 of the *Water Act.*

During the Meeting, questions were raised regarding the personal liability of individual representatives of the City, including councillors and staff. Section 97 of the Act states as follows:

Liability of individuals for offences committed by a corporation

> 97 If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence commits the offence whether or not the corporation is prosecuted for the offence.

Finally, section 86 of the Act provides that where the order of a Comptroller is disobeyed, the Comptroller may authorize another person to do the things ordered—including the removal of works—and recover the expense of so doing from the person to whom the order was directed.

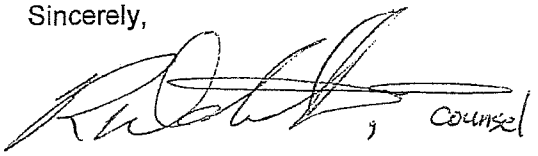
To further assist you and your client in understanding the relevant compliance and enforcement regime, we enclose the following documents:[i]

- *Dam Safety Compliance and Enforcement Policy* – MFLNRO, MOE
- *Strategy and Procedures for Compliance and Enforcement* (Dam Safety Program) – MFLNRO
- *Compliance and Enforcement Policy and Procedure* – MOE

The Comptroller is considering each of the options available to him in the event of non-compliance with the Order.

Effective regulatory regimes depend upon maintaining confidence that non-compliance will be met with enforcement. Ensuring dam owners meet their obligations to address potential safety hazards and preserving public confidence in the regulation of dams both rely on the Comptroller using the statutory remedies set out above to enforce the Act and associated regulations in the face of non-compliance.

Sincerely,



for Pamela Manhas
Barrister and Solicitor

PM/rw

[i] Some of these documents are also available online at: http://www.env.gov.bc.ca/wsd/public_safety/dam_safety/c&e_index.html.

BRITISH COLUMBIA

Ministry of Environment
and
Ministry of Forests, Lands and Natural Resource Operations

NAME OF POLICY:	Dam Safety Compliance and Enforcement Policy
APPLICATION:	This policy applies to all dams that are regulated under the British Columbia Dam Safety Regulation
ISSUANCE:	Director, Water Management Branch, Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Executive Director, Water Protection and Sustainability Branch, Ministry of Environment (MOE) Director, Compliance and Enforcement Branch, MFLNRO
IMPLEMENTATION:	Dam Safety Officers, Natural Resource Officers, and MFLNRO staff
REFERENCES:	Dam Safety Regulation *Water Act* *Offences Act*
RELATED POLICIES:	Dam Safety Audit Program Dam Safety Program Strategy and Procedures for Compliance and Enforcement
RELATIONSHIP TO PREVIOUS POLICY:	None
POLICY AMENDMENT:	Any formal request for an amendment to this policy is to be directed in writing to the Executive Director, Water Protection and Sustainability Branch, Ministry of Environment

14/12/15

Glen Davidson
Director and CWR
Water Management Branch
Ministry of Forests, Lands and Natural
Resource Operations

Date:

2014-12-15.

Lynn Kriwoken
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment

Date:

14/12/15

Kevin Bertram
A/Director
Compliance and Enforcement Branch
Ministry of Forests, Lands and Natural Resource Operations

Date:

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:

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1. POLICY STATEMENT

The Provincial Dam Safety Program seeks to achieve and report a high rate of compliance with the Dam Safety Regulation by the owners of dams in British Columbia. Staff will focus compliance and enforcement resources on dams that have higher consequence classifications and will take prescribed compliance actions with these dam owners. Once it is clear that a dam owner is not complying with the regulation, enforcement action will be taken by the Compliance and Enforcement Branch. This contributes to public safety and environmental protection and provides public assurance that dam safety legislation is being implemented effectively by government.

2. DEFINITIONS

Regulatory Requirement: An obligation, demand or prohibition placed by legislation or regulation on an individual, entity, or activity. This includes authorizations, permits, or other requirements derived from a legislative or regulatory authority.

Relevant definitions under Section 1 Definitions of the Dam Safety Regulation are as follows:

"Dam"

"Dam owner"

3. LEGISLATION AND REGULATION

Water Act:

- Section 5, Rights acquired under licences
- Section 12, Power of comptroller or regional water manager respecting applications
- Section 21, Rights and responsibilities under licence or approval
- Section 23, Suspension and cancellation of rights and licences
- Section 24, Abandonment of rights under a licence
- Section 25, Liability of owner for damage remains
- Section 85, Powers of comptroller and regional water manager
- Section 86, Power of comptroller if disobeyed
- Section 88, Powers of engineers and officers
- Section 93, General offences
- Section 94, Offences
- Section 101, Power to make regulations

Dam Safety Regulation: All sections of the Dam Safety Regulation

Offence Act:

- Section 81 (2), Investigation and prosecution costs

Violation Ticket Administration and Fines Regulation:

- Schedule 1
- Schedule 2

4. REASON FOR POLICY

This policy supports the implementation of the Dam Safety Program Compliance and Enforcement Strategy, which replaces the 2002 LWBC Compliance Strategy. It is also intended to promote consistency across the province and ensure that all dams and all dam owners and operators in British Columbia are subject to the same compliance, monitoring, and enforcement activities.

The policy will provide direction to Dam Safety Officers (DSOs) and Natural Resource Officers (NROs) when dealing with non-compliant dam owners and will support a consistent and fair outcome. The development of the policy is expected to encourage compliance by identifying how compliance with the Dam Safety Regulation and the Dam Safety Program Compliance and Enforcement Strategy can be achieved, and by clarifying what processes will be followed in cases of non-compliance.

5. POLICY APPLICATION

This policy has been developed to implement the Dam Safety Program Strategy and Procedures for Compliance and Enforcement. The policy and related procedures delineate responsibilities and include decision-support tools that are intended for use by DSOs and NROs. These tools complement existing practices and clarify when a dam safety compliance process becomes an enforcement process. This policy does not limit the discretion of the decision-maker to ask for additional relevant information or to work with dam owners to achieve compliance.

The policy will be carried out jointly by DSOs and staff of the Dam Safety Program, and NROs from the Compliance and Enforcement Branch. The decision-support tools include compliance and enforcement procedures and a roles and responsibilities matrix.

6. ROLES AND RESPONSIBILITIES

Dam Owner Responsibility – Dam owners are responsible for the inspection, safe operation, and maintenance of their dams as stipulated in the Dam Safety Regulation.

Role of the Dam Safety Officer (DSO) – The DSO is responsible to ensure that dams under their jurisdiction are designed, constructed, inspected, operated, maintained and classified as required under the Dam Safety Regulation and the Dam Safety Program Policies and Strategies. The DSO is responsible for promoting dam safety and verifying compliance by auditing dams as per the Dam Safety Audit Program. DSOs determine at what point non-compliance is reported to the NRO for enforcement action. The DSO continues to provide technical and administrative support to the NRO during the enforcement process.

Role of the Natural Resource Officer (NRO) – NROs have the authority to enforce a broad range of environmental and natural resource laws, including the *Water Act* and the BC Dam Safety Regulation. NROs serve as the operational enforcement arm of the MFLNRO's mandate.

7. COMPLIANCE AND ENFORCEMENT STRATEGY

The Dam Safety Compliance and Enforcement Strategy is based on a compliance model that includes the following four steps:

1. Setting Requirements,
2. Promoting Compliance,
3. Verifying Compliance, and
4. Enforcing Compliance.

The DSO and NRO will work together and use their discretion when moving from verifying and promoting compliance to enforcing compliance. The procedures and the "Roles and Responsibilities Matrix for DSOs and NROs" will provide guidance. They should take the following steps prior to enforcement action:

1. Determine if promoting compliance again would be beneficial. If so extend deadline.
2. Determine if new information suggests requirements should be amended.
3. Compel compliance through enforcement.

The following broad principles inform the Dam Safety Compliance and Enforcement Policy:

- Use the Risk Levels in the Dam Safety Audit Program Policy when applicable to establish priorities.
- Be accountable, transparent, and consistent with all dam owners and between regions.
- Use the best available information.
- Choose the most appropriate approach.
- Coordinate compliance activities.
- Foster a culture of continuous improvement in dam safety.

8. COMPLIANCE AND ENFORCEMENT PROCEDURES

Roles and Responsibilities – The procedures have been developed to ensure that DSOs and NROs promote, verify, and enforce compliance with the Dam Safety Regulation consistently across the province. A table explaining the roles and responsibilities of DSOs and NROs is attached to the related Dam Safety Program Procedures.

Compliance and Enforcement Options – A wide range of compliance and enforcement options are available to DSOs and NROs. DSOs take a lead role in the Dam Safety Program with the exception of the enforcement process. Enforcement options fall into two main categories: administrative options and prosecution options. The NROs will take the lead role for escalating enforcement options with the exception of the suspension of water licences, which will remain the responsibility of the Comptroller of Water Rights or Regional Water Manager.

Strategy and Procedures for Compliance and Enforcement

Dam Safety Program

Ministry of Forests, Lands and Natural Resource Operations

Last Update: November 2014

A Dam Safety Compliance & Enforcement Policy was endorsed by Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) executive and approved by the Water Policy & Legislation Committee and the Director of the Compliance & Enforcement Branch of MFLNRO in November 2014. The Compliance & Enforcement Strategy and Procedures were prepared by the Dam Safety Section, Water Management Branch in consultation with regional Dam Safety Officers and the Compliance & Enforcement Branch. These two documents are identified in the Policy as related documents and referenced in Sections 7 and 8 of that policy.

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Strategy

Policy

A Dam Safety Compliance & Enforcement Policy was endorsed by Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) executive and approved by the Water Policy & Legislation Committee and the Director of the Compliance & Enforcement Branch of MFLNRO in November 2014. The Compliance & Enforcement Strategy and Procedures were prepared by the Dam Safety Section, Water Management Branch in consultation with regional Dam Safety Officers and the Compliance & Enforcement Branch. These two documents are identified in the Policy as related documents and referenced in Sections 7 and 8 of that policy.

Goal

Dam Owner compliance with all regulatory requirements for the protection of public safety and to minimize impacts to the environment and the economy.

A regulatory requirement is defined as an obligation, demand or prohibition placed by legislation or regulation on an individual, entity or activity. This includes authorizations, permits or other requirements derived from a legislative or regulatory authority. Guidelines and Information Bulletins have been prepared by the Dam Safety Program and partners to assist dam owners to understand and follow these regulatory requirements.

Objectives

- Establish regulatory requirements that are clear, practical, measurable and enforceable.
- Achieve high rates of voluntary compliance.
- Ensure the Ministry has the information necessary to determine compliance.
- Enforce regulatory requirements using a consistent, clear and predictable approach.

Compliance Principles

- Establish priorities (focus on risk)
- Be accountable, transparent and consistent among all dam owners and between regions
- Use the best available information
- Choose the most appropriate approach
- Coordinate compliance activities
- Foster a culture of continuous improvement

Compliance Model

The strategy describes the four steps of the provincial standard Compliance Model, i.e. Setting Requirements and Promoting, Verifying and Enforcing Compliance. Section 4, Enforcing Compliance provides a brief written description and explanation of the compliance and enforcement actions that can be taken by the Dam Safety Officers (DSOs) and/or the Natural Resource Officers (NROs) for non-

compliance by dam owners. The compliance and enforcement actions for non-compliance are described in detail in the Dam Safety Compliance and Enforcement Procedures.

1. Dam Owner Requirements

These regulatory requirements have been set in a manner that:

- Best achieves the desired public safety, environmental, social and economic outcomes
- Can be readily understood and complied with
- Balances the social, environmental and economic costs associated with compliance

The primary legislation for dam owner requirements is the *Water Act (Act)* of British Columbia. The diversion and use of water in British Columbia requires a water license issued pursuant to the *Act* administered by either the Water Management Branch or the Regional Resource Authorizations units of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Further, authorization must be received prior to the construction or rehabilitation of any dam under Section 4 of the BC Dam Safety Regulation. This authorization may be in the form of a water license, approval, order or letter. Under the *Act*, dam owners are required to follow conditions in their water license, or conditions of Orders issued under the *Act*.

The *British Columbia Dam Safety Regulation*, a regulation under the *Act*, was proclaimed in 2000 and amended in November 2011. A "dam owner" is the person who holds a Water License to store or divert water under the *Act*. Under the regulation the dam owner can also be the last licensee, or, if no license was issued, the owner of the land or person who constructed the dam. The regulation specifically addresses the responsibilities of the dam owner for the safe operation of a dam and prescribes documentation requirements, such as Operation, Maintenance & Surveillance Manuals and Emergency Preparedness plans for the dam. It also prescribes surveillance activities, dam safety reviews and operational testing of flow control equipment. Under the regulation, dam owners are required to apply for and receive authorization from the Dam Safety Officer or other designated official for a number of things such as altering or de-commissioning a dam and notifying a Dam Safety Officer if there is a hazardous condition. The regulation includes the determination of the classification of dams based on the consequences of a postulated failure of the dam.

The regulation does not contain any specific technical details pertaining to dam safety engineering. The Canadian Dam Association (CDA) guidelines and technical bulletins provide the bulk of the specific engineering and technical details. Other guidelines and information bulletins have been prepared by the Dam Safety Program and the Association of Professional Engineers and Geoscientists of BC (APEGBC) to assist dam owners to understand and follow these regulatory requirements. Please see Section 2, Promoting Compliance for information on these guidelines.

2. Promoting Compliance

This is the part of the program that increases awareness, educates, motivates, or changes behaviour and most importantly encourages *voluntary* compliance. Voluntary compliance requires that the dam owner is:

- Aware of the requirements and understands the benefits ;
- Understands the requirement and consequences of non-compliance;
- Willing to comply:
  - Risk of getting caught is sufficiently high;
  - It is more costly to pay the fine than not comply;
- Able to comply – environmentally, technically & financially feasible.

To promote compliance with the Regulation, the Dam Safety Program conducts periodic audits, provides education and awareness to dam owners, maintains information on every regulated dam in the province, prepares and publishes guidelines and sends an annual compliance letter to all owners of high, very high and extreme consequence classification dams.

Education and Awareness

Dam Safety Program staff conduct one day courses on inspection and maintenance of dams for dam owners and their representatives. These credited courses are sponsored and partially funded by various stakeholder groups such as the BC Water & Waste Association and the Water Supply Association. On average, four of these courses are offered each year at various locations across the province. Over one thousand people have attended the course since 2001. Additionally, dam safety staff inform stakeholders about the program through dam safety presentations at public meetings including association conferences, local government meetings and other interest group gatherings. Dam Safety Officers also conduct informal training when conducting the regularly scheduled dam audits with dam owners. All of the requirements of the Dam Safety Regulation are covered during the dam audit process. The Victoria Dam Safety Section meets regularly with large dam owners to discuss their dam safety programs and reservoir operations.

Annual Dam Status Report by Dam Owners

At the end of November each year, a letter and dam status reporting form is sent to all owners of high, very high and extreme consequence classification dams. The purpose of the letter is to regularly remind dam owners of their responsibilities under the regulation and to verify compliance (see Section 3, Verifying Compliance). The letter and form promote compliance by providing dam owners with information on their dam owner requirements as described in Section 1, Dam Owner Requirements.

Dam Safety Website

Information on all aspects of the BC Dam Safety Program is posted on the BC Government website for the information of dam owners and the general public. The Dam Safety Annual Report is also posted on this site each year.

Guidelines

The 2007 CDA guidelines and associated technical bulletins provide guiding principles for the management of dams and the technical bulletins suggest methodologies and procedures for use by professional engineers as they carry out dam analyses and safety assessments. The CDA guidelines were developed by working groups of the CDA who represented a cross section of dam engineering professionals across Canada. The CDA guidelines have no legal status in BC, however, the guidelines are considered to be the principal technical guidance document in Canada by all provinces, including BC.

The Association of Professional Engineers and Geoscientists of BC (APEGBC) in partnership with the province prepared professional practice guidelines for Dam Safety Reviews in BC. This guideline was published in July 2013 and replaces the previous provincial Dam Safety Review Guidelines.

A guideline titled "Plan Submission Requirements for Construction and Rehabilitation of Dams" has been developed to assist dam owners to obtain authorization for constructing a new dam or rehabilitating an existing dam. For construction of a new dam this guideline would be used in conjunction with a water license application package.

Construction for decommissioning and/or removal of a dam must be approved by a Dam Safety Officer under Section 9 of the Dam Safety Regulation. The dam owner should contact the Dam Safety Officer directly to discuss the procedure for dam decommissioning. A guide to decommissioning dams will be prepared and made available on the dam safety website in due course. The steps for decommissioning are similar to the steps for rehabilitation as per the plan submission guidelines.

A number of other guidelines have been prepared for dam owners by the Provincial Dam Safety Program, including a guide for inspection and maintenance of dams and a guide for submission of plans for construction and rehabilitation of dams. In addition, the BC Dam Safety Program web site has information bulletins, templates and checklists to assist dam owners to meet the Dam Safety Regulation requirements.

3. Verifying Compliance

Verifying compliance refers to the monitoring and audit activities that the Ministry employs to determine if dam owners are meeting regulatory requirements.

- The progress and effectiveness of these compliance efforts is reported and tracked in the Dam Safety Program Annual Report.
- Information gathered during these compliance efforts is used to update the dam registry.
- The risk level number in the dam registry may be modified to reflect new information about the condition of the dam.
- The frequency and nature of verification may be dictated by risk, resources available and public (community) interest.

Dam Safety Officers are responsible for verifying compliance with Dam Owner Requirements as described in Section 1. The Dam Safety Program is responsible for assessing, evaluating and reporting that compliance. The Natural Resource Officers from the Compliance and Enforcement Branch provide a support role in verifying compliance.

Dam Safety Program Annual Report – Compliance Reporting

The BC Dam Safety Annual Report is a commitment of government to summarize activities of the Province's Dam Safety Program and the progress of dam owners in achieving compliance with the *BC Dam Safety Regulation* (Regulation). Compliance is verified in various ways as described below; progress will continue to be monitored and reported annually.

Annual Compliance Letter

As noted in Section 2, Promoting Compliance, the Comptroller of Water Rights annually sends a letter to all owners of high, very high and extreme consequence classification dams at the end of November of each year. Enclosed with the letter is a dam status reporting form on which the dam owners are required to provide factual information related to their dam safety program including; Formal Inspections, Site Surveillance, Dam Safety Reviews, Operation, Maintenance and Surveillance Manuals, Emergency Preparedness Plans, and indicate whether any new dam safety concerns have been identified in the past year. Those dam owners are required to report on the work they have undertaken over the past year in keeping their dams safe and in compliance with the *BC Dam Safety Regulation*.

Dam Audits

Under the Dam Audit Program, Dam Safety Officers are required to meet with dam owners and conduct a dam audit once every 5 years for High, Very High and Extreme consequence dams and once every 10 years for Significant consequence dams. The audits are an opportunity for Dam Safety Officers to meet with dam owners, review the records being kept and assess the condition of the dams with the dam owner. These audits help determine if the dam owner is aware of and are carrying out requirements under the Regulation. If deficiencies are found, the Dam Safety Officer can usually assist the dam owner in resolving the problem. Where necessary, follow up is done by the Dam Safety Officer or a Natural Resource Officer to ensure that deficiencies are corrected.

Dam Construction

Construction work on a new dam or rehabilitation can only be started following receipt of a "leave to commence construction" letter under a water licence or authorizing order, and, for decommissioning, following receipt an approval letter by a Dam Safety Officer. Dam owners should be following the "Plan Submission Guidelines" as outlined in Section 2 Promoting Compliance. It is important for the dam owner to contact the Dam Safety Officer early in the process to ensure that the owner is aware of and addresses all necessary requirements. The leave to commence construction letter stipulates the reporting requirements to ensure that the owner is complying with the approved design and construction plan. The Dam Safety Officer can also verify compliance by undertaking in construction

inspections. If non-compliance is an issue, Natural Resource Officers can be called on to inspect and investigate the issue.

Unauthorized dam construction has led to serious public safety situations in the past and must be addressed in a timely manner. Dam Safety Officers would not be aware of unauthorized construction until it is reported by the public, other government agents or discovered during assessments of other dams. This type of unauthorized activity is usually dealt with by taking enforcement measures immediately.

4. Enforcing Compliance

Enforcement is necessary to compel compliance when voluntary compliance cannot be achieved. By requiring parties to address non-compliance, enforcement responses can be effective in:

- Creating a level playing field, i.e., ensuring that no party benefits from not complying;
- Creating a deterrence effect for other potential violators; and
- Increasing awareness of dam safety to dam owners and the public.

The NROs in the Compliance and Enforcement Branch, MFLNRO are taking the lead role in enforcing compliance with dam owners who do not voluntarily comply with Dam Owner Requirements as described in Section 1. Enforcement options fall into 2 main categories described below. The NROs will take the lead role for all of these options except for cancellation of water licenses, which will be the responsibility of the DSO or Regional Water Manager. DSOs will provide support and expertise throughout the enforcement phase.

- Administrative Options: advisories, warnings, directives (Orders), and administrative sanctions such as cancelling an authorization.
- Prosecution Options: tickets and court prosecutions.

A table "Roles and Responsibilities Matrix for Dam Safety Officers and Natural Recourse Officers" is at the end of the Procedures section of this document. The table is based on the four components of the Dam Safety Program: compliance; plans review and approval; emergency planning and response; and program management. Lead roles and support roles are identified in the table for all aspects of the dam safety program.

A wide range of compliance and enforcement options are available to DSOs and NROs, see the Procedures page 13. It is important that a consistent, province wide approach be taken to ensure that specific enforcement options are appropriate for non-compliance for the various dam owner requirements. Enforcement responses must be appropriate for the alleged contravention and sufficient to achieve ongoing deterrence. Natural Resource Officers are authorized to use their discretion when applying enforcement and will discuss appropriate action in consultation with a DSO as necessary.

For more information on the Compliance and Enforcement Branch please see the following web links on the Ministry of Forests, Lands and Natural Recourse Operations web site:

The Role of Compliance and Enforcement: http://www.for.gov.bc.ca/hen/program/role.htm

Compliance and Enforcement Options: http://www.for.gov.bc.ca/hen/program/CE%20Actions.htm

Procedures

Background

In June 2010 the Testalinden Dam near the Town of Oliver failed and the resultant flood caused extensive damage to the downstream area. A number of recommendations are made in the Deputy Solicitor General report "Review of the Testalinden Dam Failure", July 2010, to strengthen the dam safety program and to ensure appropriate enforcement and compliance.1 This procedure addresses that recommendation. Reducing the risk of a dam failure is a key component of this procedure.

These procedures have been developed to help DSOs and NROs promote, verify and enforce compliance with the Dam Safety Regulation in a consistent manner across the province. Concurrent with the procedures, a Dam Safety Program Policy has been developed to better address non-compliance with the Dam Safety Regulation. The Policy is a signed agreement between by the Water Policy and Legislation Committee and the Compliance and Enforcement Branch to provide a framework on roles, responsibilities and enforcement options. The Strategy is based on a four step compliance model, i.e. Setting Requirements, Promoting Compliance, Verifying Compliance and Enforcing Compliance. These procedures build on the Policy and the Strategy, and are intended as a tool for DSOs and NROs to promote, verify and enforce compliance in a consistent manner across the province. A table explaining the Roles and Responsibilities for DSOs and NROs is included as an attachment. The table is based on the four components of the Dam Safety Program: compliance, plans review and approval, emergency planning and response and program management. Lead roles and support roles are identified in the table for all aspects of the dam safety program. The intent is to fully integrate the services of the Compliance and Enforcement Branch into the program and provide clear direction to staff on compliance and enforcement in dam safety.

Lead Roles and Support Roles

Dam Safety Officers take a lead role in the Dam Safety Program with the exception of most enforcement options which fall into two main categories described below. Natural Resource Officers will take the lead role in delivery and resolution of the following enforcement options:

- Administrative Options: advisories, warnings, directives (Orders), and administrative sanctions such as cancelling an authorization.
- Prosecution Options: tickets and court prosecutions.

Cancellation of water licenses is an administrative option which is the responsibility of the DSO or Regional Water Manager because a water license cancellation is done under the *Act*. The NRO would take the lead role in enforcing the conditions of the water license cancellation.

DSOs will provide support and provide expertise to the NROs throughout the enforcement phase.

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[1] DSG Report July 2010 p. 15 – Recommendation 7 Dam Safety Regulation

Compliance & Enforcement Action Options

A wide range of compliance and enforcement options are available to DSOs and NROs. It is important that a consistent, province wide approach be taken to ensure that specific enforcement options are appropriate for non-compliance for the various dam owner requirements. Enforcement responses must be appropriate for the alleged contravention and sufficient to achieve ongoing deterrence. Natural Resource Officers are authorized to use their discretion when applying enforcement and will discuss appropriate action in consultation with a DSO as necessary.

Dam Safety Officers and NROs must assess requirements and determine appropriate compliance and escalating enforcement action consistent with Dam Safety Program policy, strategy and procedures. There are a suite of options identified to go along with a comprehensive list of possible non-compliance with the Dam Safety Regulation. Specific actions appropriate for various types of non-compliance are at the discretion of the DSO and NRO. Compliance actions can include the following, provided in escalating order:

1. Letter – clear written communication with the dam owner describing what needs to be done and when it is to be completed.
2. Email reminder
3. Telephone reminder
4. Letter reminder
5. DSO visits site and may conduct a dam audit
6. DSO & NRO visit site together
7. NRO visits dam owner
8. NRO follow-up site visit
9. Write *Water Act* Order
10. Cancellation of the Water License[2]

Enforcement actions include the following, usually in this order. Specific actions appropriate for various types of non-compliance are identified in the options table.

1. Ticket is issued to a dam owner by the NRO. The three types of tickets are: compliance notice, warning ticket and fine ticket.
2. Deliver *Water Act* Order[3] to dam owner to: repair the dam, drain or lower the reservoir or to stop work.
3. Deliver *Water Act* Order[4] or DSO directive to remove the dam.
4. Charges under the *Act*

[2] By the appropriate official under the *Water Act*
[3] Signed by a Dam Safety Officer or the appropriate authority under the *Water Act*

For more information on the Compliance and Enforcement Branch please see the following web links on the Ministry of Forests, Lands and Natural Recourse Operations web site:

The Role of Compliance and Enforcement: http://www.for.gov.bc.ca/hen/program/role.htm
Compliance and Enforcement Options: http://www.for.gov.bc.ca/hen/program/CE%20Actions.htm

Options for Funding Immediate Remediation Work – Owner Unwilling

Under certain circumstances, a Natural Resource Officer may access funds from the Environmental Remediation Sub Account (ERSA), October 12, 2012. The purpose of the ERSA is to provide a mechanism for funding works and to defray investigation costs related to contraventions under the *Forest and Range Practices Act,* the *Wildlife Act* and other referenced acts including the *Water Act.*

In addition, if an owner is unwilling to undertake remedial measures required under a *Water Act* order, the Comptroller can authorize another person to do the work under Section 86, Powers of Comptroller if disobeyed. Also under Section 86, any expenses incurred by that person can be recovered in a court of law by that person.

The Role of other Provincial Government Agencies

Some other provincial government agencies may have a compliance and enforcement role under certain circumstances. The Fish & Wildlife Branch would be involved when a dam owner is required to modify reservoir operation or drain a reservoir. Emergency Management BC, along with the Local Government would be involved in the event that a hazardous condition exists or if reservoir draining involves high or unusual flows downstream.

Future Enhancement to the Compliance and Enforcement Procedures

At present, risk reduction targets are limited to those that can readily be measured such as the return of the annual dam owner compliance forms and the completion of Dam Safety Review reports by the dam owners. Improvements to the dam registry and ongoing auditing and monitoring will allow us to measure other regulation requirements in future, such as acceptance of dam owner Operation, Maintenance and Surveillance Plans and Emergency Preparedness Plans. The dam registry is being improved to allow more effective tracking of compliance by DSOs and NROs. For example, under the *compliance* tab in E-Licensing, the *Compliance with Regulations* options can now be manually set to take into account a broader range of issues. In addition, an "Enforcement" tracking tab has been added to record enforcement activities and to monitor the required timelines and deadlines.

Statutes and Regulations pertaining to Enforcement

Natural Resource Compliance Act:
http://www.bclaws.ca/civix/document/id/complete/statreg/11021_01

Offence Act:
http://www.bclaws.ca/civix/document/id/complete/statreg/96338_01

Offence Act:
Violation Ticket Administration and Fines Regulation: Schedule 1, see *Water Act* under Items 1B, 9B and 28B
http://www.bclaws.ca/civix/document/id/complete/statreg/89_97_02

Offence Act:
Violation Ticket Administration and Fines Regulation: Schedule 2, see *Water Act* under Column 1, pages 43 to 47.
http://www.bclaws.ca/civix/document/id/complete/statreg/89_97_03

Offence Act: under Section 81 (2) of the *Offence Act*
Investigation and Prosecution Costs Regulation, see *Water Act* under Column 1, p. 2
http://www.bclaws.ca/civix/document/id/complete/statreg/227_90

Water Act: Offences under Section 93 and 94
http://www.bclaws.ca/civix/document/id/complete/statreg/96483_01

BC Dam Safety Website

http://www.env.gov.bc.ca/wsd/public_safety/dam_safety/index.html

Additional Resources

Dam Safety Compliance and Enforcement Policy and Dam Safety Audit Policy
http://www.env.gov.bc.ca/wsd/water_rights/policies/water_policies.html

British Columbia Dam Emergency Response Plan – please contact the Victoria Dam Safety Section. Phone: 250-952-6790 or Email: *dam.safety@gov.bc.ca*

Attachment – Dam Safety Program Roles and Responsibilities for Dam Safety Officers and Natural Resource Officers

Attachment - Dam Safety Program – Roles & Responsibilities for DSOs and NROs[4]

Dam Safety Program Component	Dam Safety Program Sub-Component	Dam Safety Officers (DSOs) Lead Roles and Responsibilities	Natural Resource Officers Support Roles & Responsibilities for the Dam Safety Program[5]	Natural Resource Officers Lead Roles & Responsibilities for the Dam Safety Program[1]
Compliance	1. Education & Awareness	Specific On-site training to dam owners during audits and follow-up site visits.	Informing dam owners about the requirements of the Dam Safety Regulation and basic dam inspection & maintenance.	N/A
		Dam Owner Training & Presentations:	N/A	N/A
	2. Annual Compliance Letter	Victoria Dam Safety Function: annually prepare, mail and compile returns. Sends forms to Regional DSOs for action.	Conduct site visit to dam owners who: • Don't answer compliance letters. • Report non-compliance or dam problems on their compliance forms.	Issue tickets and/ or deliver Orders
	3. Dam Auditing Program	Conduct Scheduled Audits as per Policy and follow up on any dam safety issues reported	On-Site Follow-up; confirm compliance or non-compliance.	Issue tickets, deliver Orders or press charges under the *Water Act* for non-compliance.
	4. Dam Registry	Managed by Victoria Dam Safety - Tracking & Reporting	N/A	N/A

[4] This table is an update to the 2011 table "Dam Safety Program – Roles & Responsibilities for Dam Safety Officers and Natural Resource Officers"

[5] For details of specific compliance and enforcement options see the "Compliance and Enforcement Options Table for the Dam Safety Regulation – 2014"

Last Update: November 2014

Dam Safety Program Component	Dam Safety Program Sub-Component	Dam Safety Officers (DSOs) <u>Lead</u> Roles and Responsibilities	Natural Resource Officers <u>Support</u> Roles & Responsibilities for the Dam Safety Program[5]	Natural Resource Officers <u>Lead</u> Roles & Responsibilities for the Dam Safety Program[1]
Project Review & Approval	New Dam Projects	Prepare Water Licences. Review and Accept (or Reject) Design Report & Plans	On-Site: ensure compliance with licence conditions and Leave to Commence Construction (LCC) conditions.	Issue tickets, deliver Orders or press charges under the *Water Act* for non-compliance with licence conditions and LCC conditions.
	Dam Rehabilitation Projects	Prepare Water Licences or Orders. Review and Accept (or Reject) Design Report & Plans	Deliver Orders under the *Water Act.* On-Site: ensure compliance with Orders and LCC conditions.	Issue tickets, deliver Orders or press charges under the *Water Act* for non- compliance with licence conditions and LCC conditions.
	Dam Removal Projects	Prepare approval letter or Orders and Licence Cancellations. Approve (or Reject) Dam Removal Plans.	Deliver Orders under the *Water Act.* On-Site: ensure compliance with Orders and approved dam removal plans.	Issue tickets, deliver Orders or press charges under the *Water Act* for non- compliance with approval letter or Order conditions.
Emergency Planning & Response	Activate Dam Emergency Response Plan (DERP)	<u>Single Incident Report:</u> • Classify as Incident, Alert or Breach. • Follow DERP Procedures. • Assume Site Command as necessary	• Conduct on - site assessment with the DSO or others as requested by the DSO.	• Report any problems discovered during the assessment; initiate emergency action if necessary. • Conduct ongoing surveillance of emergency situations (reservoir levels, seepage readings, etc.) • Provide security as required

Dam Safety Program Component	Dam Safety Program Sub-Component	Dam Safety Officers (DSOs) Lead Roles and Responsibilities	Natural Resource Officers Support Roles & Responsibilities for the Dam Safety Program[5]	Natural Resource Officers Lead Roles & Responsibilities for the Dam Safety Program[1]
Emergency Planning & Response (cont.)		Extreme Natural Event – Flood/Earthquake Follow procedures in the DERP including identifying the dams in the affected area which need to be assessed. Activate Rapid Dam Assessment (RDA) of affected area.	• Proceed as per Single Incident above but for multiple dams.	• Proceed as per Single Incident above but for multiple dams. • Provide security as required
	Other RDA[6]	Organize RDA by helicopter or on ground. Activate and supervise other staff, including C&E Officers as necessary.	Similar to emergency roles & responsibilities above	Similar to emergency roles & responsibilities above
Program Manage-ment		• Compile and Prepare Annual Report • Produce Policies & Guidelines - Website • Internal Training & Education	N/A	N/A

[6] e.g. Freshet or wholesale assessment as per 2010 Testalinden Dam failure Rapid Dam Assessment.

Ministry of Environment

Compliance and Enforcement Policy and Procedure

Version 3
May 2013

BRITISH COLUMBIA | Ministry of Environment

Effective Date:	June, 2005
Replaces:	Version 2: May 2009
Responsible Area:	Compliance Policy & Planning Section, Strategic Policy Branch
Staff Affected:	All staff in the Ministry of Environment engaged in compliance and/or enforcement activities.
Amendments:	Suggested amendments to the policy may be submitted to the Director, Compliance Policy and Planning, Strategic Policy Branch, Ministry of Environment
What's new in this version?	New enforcement tools; new on-line Investigation Referral Form (formerly the Non Compliance Form); 1 - page policy pull-out.

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Introduction

Ensuring compliance with its regulatory requirements is one of the ministry's principal objectives. This is achieved through the use of a variety of compliance tools, giving consideration to using the most appropriate tool necessary to obtain compliance, and when required, to promote general deterrence.

The Compliance and Enforcement Policy and Procedure (*C&E Policy*) prescribes common requirements and procedures for all staff to ensure consistent and risk-based assessment and response to non-compliance with management oversight of complex or sensitive investigations. The *C&E Policy* achieves this in two ways:

i. Through the use of the **Non-compliance Decision Matrix,** a tool that guides staff in their selection of an appropriate response to non-compliance. The matrix ensures staff consider certain criteria and factors when assessing risk and the impacts of the non-compliance and choosing the best tool to address it; and
ii. By promoting **effective communication and collaboration** between ministry staff to achieve the best possible outcomes. Responding to non-compliance is often a complex and iterative process that requires both program staff expertise in the form of environmental impact assessment skills and enforcement staff (Conservation Officers & Park Rangers) expertise in the form of investigative skills. Regardless of the form, communication as a team about a compliance issue and the options to resolve it remains key to ensuring the best approach and outcomes.

Together these measures help to provide greater consistency, increased clarity and predictability regarding the consequences of non-compliance, as well as assurance that ministry resources are directed to the highest priorities. The balanced and principled use of compliance and enforcement tools demonstrates the ministry's commitment to building public confidence through accountable and transparent policies.

Structure of this Document

The *C&E Policy* is divided into eight chapters. Chapters 1 through 3 provide important information for understanding the compliance and enforcement function in the Ministry of Environment. Chapter 4 presents the Non-Compliance Decision Matrix, while Chapters 5-8 focus on procedures:

- Chapter 5 is directed at field staff and explains the process to be followed when responding to non-compliance;
- Chapter 6 is directed at Conservation Officers and explains the process to be followed when responding to non-compliance;
- Chapter 7 provides guidance for Section Heads and COS Sergeants conducting investigation reviews as part of an Investigation Review Team; and
- Chapter 8 provides similar guidance to Regional Directors and COS Inspectors in conducting reviews as part of a Regional Management Team.

While the *C&E Policy* provides guidance on how ministry staff assess non-compliance and respond using a variety of enforcement tools, the Compliance Management Framework outlines the ministry's broader perspectives on overall compliance management within the ministry. This includes establishing regulatory requirements that are clear, practical and enforceable, as well as promoting compliance in ways that achieve high rates of voluntary compliance.

Chapter 1: Enforcement Context

Purpose of this Chapter

1. To emphasize the ministry's commitment to achieving compliance.
2. To explain the application and scope of the Compliance and Enforcement Policy and Procedure.

Introduction

Ministry of Environment staff have a variety of responsibilities and authorities under a number of statutes and their accompanying regulations. The type and extent of staff involvement in ensuring compliance with these requirements varies with each position and its job responsibilities. Program staff in Parks and Protected Areas (PPA), Climate Action Secretariat (CAS) and Environmental Protection (EP), as well as Conservation Officers, are responsible for dealing with non-compliance.

Program staff are generally responsible for conducting inspections which may lead to an administrative enforcement response such as the issuance of an advisory, order, administrative sanction or administrative monetary penalty. The Conservation Officer Service (COS), as the ministry enforcement program, conducts investigations which may also lead to an administrative response, restorative justice measure or prosecutorial response (violation ticket or formal charges). In many cases, collaboration between the COS and a program area is necessary to determine roles and responsibilities and the most appropriate response to non-compliance. In these cases, program staff provide information on the regulatory history or technical expertise on the environmental, human health or safety impact; Conservation Officers provide investigative expertise such as evidence collection through search and seizure and procurement of witness statements. The ministry's enforcement program is also comprised of Park Rangers who conduct investigations within parks and protected areas and use an array of different enforcement tools and approaches, including prosecution.

Ministry staff also work closely with enforcement staff in other government agencies within the natural resource sector and in other levels of government, and may enter into agreements to conduct compliance and enforcement activities on their behalf.

1.0 Social Regulatory Approach

Regulatory requirements administered by the ministry are dealt with in the context of a social regulatory approach as opposed to the command and control approach reflected in the *Criminal Code*. This distinction is important for the development of ministry compliance and enforcement policies as a social regulatory approach allows the program areas and the areas responsible for investigations to be consultative in determining the most appropriate response to non-compliance.

1.1 Ministry Position on Enforcement

The ministry strives to ensure compliance with its regulatory requirements. This is achieved through the use of a variety of compliance tools, giving consideration to using the most appropriate tool necessary to obtain compliance, and when required, to promote general deterrence.

When considering how to respond to non-compliance, ministry staff consider the severity of actual or potential impact to the environment, human health or safety, the factual circumstances of the alleged offence or the compliance history of the offender, as well as how to achieve the best environmental outcome and reduce the likelihood of recidivism. In some cases the ministry uses progressive sanctions when previous enforcement actions have been ineffective.

Additionally, the integrity and effectiveness of the regulatory regime established to protect the environment, human health and safety is highly dependent on compliance with administrative requirements such as the provision of data or licensing information. Failure to comply with these regulatory requirements, even in the absence of environmental damage, may threaten the regulatory regime and staff will consider appropriate responses, up to and including prosecution.

Ultimately the decision of whether a file should be investigated, and subsequently the most appropriate response, rests with the law enforcement arms of the ministry. The Investigation Review Process of this policy ensures that the best information available within the ministry will inform the decision on whether any given file needs to be investigated and which compliance tool is most appropriate. When a file is forwarded to the Criminal Justice Branch, the ultimate decision to lay a charge is the responsibility of Crown Counsel. This policy ensures that the best information available within the ministry will be provided to Crown Counsel to inform their decision. Prosecution is an essential compliance tool to be applied when necessary, but reserved for those situations where alternative compliance efforts are unable to achieve the desired outcomes or where a court hearing would provide broad, general deterrence.

1.2 Application of the Compliance and Enforcement Policy and Procedure

The provisions of the *C&E Policy* apply to:

- All incidents of non-compliance with ministry statutes, regulations and authorizations.
- All Conservation Officers.
- All program staff in the ministry who play a role in ensuring compliance.
- Staff of other government agencies who conduct compliance and/or enforcement activities on behalf of the Ministry of Environment or who rely on COS to provide enforcement services on their behalf.

The *C&E Policy* is not a complete statement of policies and procedures relating to compliance and enforcement within the ministry. In using this policy, staff need to consult division-specific business rules, where applicable, that guide other aspects of compliance management.

1.2.1 Independence of Statutory Decision Makers

Nothing in the *C&E Policy* restricts the discretion and autonomy exercised by ministry Statutory Decision Makers.

Chapter 2: Inspections and Investigations

Purpose of this Chapter

1. To ensure a common understanding of the terms inspection and investigation.
2. To provide information with respect to the roles and responsibilities of staff authorized to conduct inspections and investigations.

Introduction

Inspections and investigations are two important functions used to support the ministry's compliance management activities on the ground.

- The purpose of an **inspection** is to verify compliance with the ministry's regulatory requirements.
- The purpose of an **investigation** is to gather evidence to support enforcement proceedings in cases of suspected non-compliance.

Only designated staff may conduct these activities; however, not all staff who are authorized to conduct inspections are also authorized to conduct investigations. This chapter clarifies the differences between these two activities and touches on how to transition between them.

2.0 Inspections

Inspections can be characterized as any action(s) taken to verify compliance with regulatory requirements. They are generally done on a risk-based priority and are undertaken by program staff and Conservation Officers.

Inspections are typically conducted at regulated sites and facilities or at various other locations in the field such as at the roadside. Inspections include reviewing monitoring data or other materials supplied by the regulated party. They are both scheduled (based on the compliance planning process) and unscheduled, operation-specific or sector based. Unscheduled or additional inspections may also occur in response to information or complaints which come to the attention of the ministry.

Inspections may also be used to determine sectoral compliance rates, or to assess risks and gain technical understanding of new operations, equipment or processes associated with regulated activities. Compliance promotion in the form of information exchange and education is often achieved through conducting inspections. In some circumstances, activities associated with inspections may serve to identify the need for an investigation of non-compliance with regulatory requirements.

2.0.1 Staff Authorized to Conduct Inspections

Designated program staff and Conservation Officers are authorized by legislation to conduct inspections. While conducting inspections, staff are authorized pursuant to specific legislation to undertake certain activities such as entering upon land, as well as examining records, works and materials. The particular legislation should be reviewed with respect to the extent of the authority conferred.

2.0.2 Transition from Inspection to Investigation

A transition from inspection to investigation may take place when non-compliance is detected during an inspection and the purpose shifts from verifying compliance and the potential impacts upon the environment, human health and safety to collecting information and evidence that may be required to support enforcement action. Generally this transition brings with it certain legal consequences with respect to the continued conduct of the investigation. When an inspection is being conducted by staff who are not authorized to conduct an investigation, it is generally appropriate for staff to request the services of an investigator.

2.1 Investigations

Investigations involve a systematic process of collecting evidence and information relevant to a suspected non-compliance for the purposes of enforcement.

The need for an investigation may arise as a result of:

- non-compliance detected through compliance verification activities (monitoring, auditing or inspecting);
- information gathered from sources or informants;
- public reports of suspected offences; or
- referrals from other agencies.

Investigative activities include:

- gathering physical evidence and ensuring its continuity and integrity;
- taking statements and interviewing witnesses;
- conducting surveillance;
- obtaining and executing search warrants; and
- preparing briefs for Crown Counsel or a Statutory Decision Maker authorized to impose administrative sanctions.

2.1.1 Staff Authorized to Conduct Investigations

Designated ministry staff, primarily Conservation Officers and Park Rangers, are authorized to conduct investigations. While conducting investigations, these staff are authorized to conduct specific activities such as executing search warrants and performing search and seizures. Program staff often contribute technical expertise in support of an investigation.

*The basic intent of an **inspection** is not to uncover a breach of a regulatory requirement; it is to confirm compliance with the requirement and thereby protect the environment and human health or safety. It is a subtle distinction, but one that guides how the activity is undertaken. An **investigation** is initiated when there are reasonable grounds to suspect that a breach of a requirement has taken place and evidence is required to confirm it and determine an appropriate response. To gather that evidence an officer must have clear authorities and follow prescribed procedures that assure the individual's or business' rights are not compromised.*

Chapter 3: Tools for Addressing Non-Compliance

Purpose of this Chapter

1. To ensure a common understanding of the purpose and use of compliance tools available to ministry staff.
2. To specify the criteria that should be considered when selecting the most appropriate compliance tool.

Introduction

There are a range of compliance tools available to ministry staff when addressing non-compliance. To select the most appropriate response for individual incidents of non-compliance, it is important that staff understand the purpose of and authority for each of these tools. This chapter briefly describes each compliance tool, including its purpose and the circumstances in which it may be used. In many cases, additional guidance for using these tools can be found elsewhere on the ministry's intranet site.

3.0 Advisory

An advisory notifies the non-compliant party *in writing* that they are not in compliance with a specific regulatory requirement and often recommends a course of action that is expected to achieve compliance. An advisory may:

- include an exchange of information on best management practices or technical solutions. Staff may also attend at the site/facility/development to provide additional insight into the regulatory requirements;
- reference where additional information and educational materials can be sourced; and
- include requests for a description of the cause of the non-compliance, measures being considered to prevent further non-compliance and a remedial action plan.

An advisory is often the first enforcement response taken in cases of minor to moderate non-compliance when there is a high likelihood of achieving compliance. An advisory, like a warning (below) serves as a formal record of the alleged non-compliance and forms an important element of the compliance history of the party in question.

An advisory can be issued in one of a number of formats such as a letter, a pre-printed notice similar in appearance to a violation ticket, or as part of a standardized inspection form in which a copy is provided to the individual or business being inspected.

3.1 Warning

Similar to an advisory, a warning notifies the non-compliant party *in writing* that they are not in compliance with a specific regulatory requirement; however, **the warning differs from an advisory in that it warns of the possibility of an escalating response should non-compliance continue.** Warnings are generally used when it is determined that an exchange of information alone would not be sufficient in achieving compliance.

A warning serves as an important formal record of the alleged non-compliance and forms an important element of the compliance history of the party in question. This becomes particularly relevant when assessing and responding to any subsequent non-compliance by the party. Although verbal warnings in the field are sometimes used, when it is important to have a record of the non-compliance, staff should follow up by issuing a written warning.

A warning may:

- require a description of the cause of the non-compliance, measures being considered to prevent further non-compliance and a remedial action plan;
- require an inspection prior to issuing the warning letter in order to gather sufficient information regarding the non-compliance (a follow-up inspection may also be undertaken in order to verify compliance); and
- request written confirmation from the client that compliance has been achieved.

When issuing a warning, staff are expected to have sufficient information to satisfy themselves that a non-compliance occurred.

3.2 Order

An order is a written, legal instrument (e.g. Dangerous Wildlife Protection Order, Eviction Order, Engineer's Order, Pollution Prevention Order, etc.) issued by designated ministry officials. Orders are an important tool in addressing compliance issues and managing environmental risk. By requiring parties to address non-compliance issues or take proactive measures to protect the environment, orders are effective in:

- Levelling the playing field, i.e., ensuring that no party benefits from not complying;
- Deterring other potential violators; and
- Responding quickly to prevent or stop actual or potential impact to the environment, human health or safety.

An order is issued according to statutorily prescribed criteria and may:

- create a new legal requirement to undertake specific, time bound actions or cease specific actions; and
- outline the consequences for failing to comply with the requirements.

Understanding and applying the principles of administrative fairness is key during the process of drafting and issuing an order. For example, before issuing an order that may impact a person's rights or legal obligations, the director must give the person an opportunity to consider the facts upon which the decision will be based, and a chance to address any perceived inaccuracies.

An inspection may be required prior to issuing the order in order to gather sufficient information; subsequent inspections may be required to confirm compliance with an order. An order and an investigation may be undertaken concurrently, or the use of one may follow the other. Typically, non-compliance with an order creates an offence and may be prosecuted accordingly.

3.3 Administrative Sanction

As authorized by various statutes, Statutory Decision Makers have the authority to impose remedial or punitive administrative sanctions. These can include revocation or suspension of ministry issued permits, licences and other administrative instruments which authorize activities such as pesticide use and commercial operations within parks.

An administrative sanction may be issued when, in the opinion of the Statutory Decision Maker, the authorized party has undertaken activities contravening the conditions of the authorization. The sanction can vary from removing certain allowed activities to total suspension or revocation of an authorization, depending on the level of actual or potential impact to the environment, human health or safety as well as the compliance history of the party.

An administrative sanction is most appropriate when dealing with non-compliant individuals with a poor compliance history who are undertaking regulated activities that will essentially stop if the authorization is cancelled (e.g. fishing and hunting licences, pesticide applicator licences, some park use permits). By contrast, when dealing with a significant industrial operation that is out of compliance the ministry may choose an alternate tool that allows the operation to continue while compelling the operator to remediate any damage and take corrective action going forward. In each case, the level of impact and the past performance of the party will influence the decision whether or not to use an administrative sanction.

3.4 Administrative Monetary Penalty

This tool is currently underdevelopment

As authorized by statute, administrative monetary penalties (AMPs) are discretionary financial penalties that can be imposed by designated ministry Statutory Decision Makers on those failing to comply with a particular provision of a statute, regulation or the terms of an authorization. AMPs can be administered with less onerous procedural and legal requirements than a court prosecution, making them an effective and efficient enforcement option.

An AMP may be an appropriate response to non-compliance where, on a balance of probabilities, a decision maker determines that a regulated party has contravened a requirement of their authorization and

- an advisory, warning or ticket does not adequately reflect the severity of the contravention and therefore would not be an effective deterrent;
- an administrative sanction (e.g. licence cancellation) is not appropriate or would cause undue hardship;
- the time and cost of prosecution is not in the public interest;
- there are mitigating or aggravating circumstances that should be taken into consideration in setting the penalty; or
- it is appropriate to recover the financial benefit the regulated party received as a result of the non-compliance or to recoup the costs to government of remediating damage to Crown resources.

3.5 Restorative Justice

Restorative Justice (RJ) is a set of guiding principles used in dispute resolution. RJ interprets crime as a violation of people, relationships and community values and seeks restorative outcomes rather than assigning blame and punishment. Led by trained facilitators, RJ forums offer a timely and cost effective way to deal with certain environmental offences in an inclusive forum designed to promote offender accountability, repair the harm caused by the offence and restore compliance.

The ministry uses two types of restorative justice forums:

A **Community Justice Forum** (CJF) is a traditional community led restorative justice process most appropriate for individual offenders and smaller files (e.g. loaded firearms). To conduct a CJF the ministry may use its own facilitators or utilize the services of facilitators associated with one of the myriad of Department of Justice or other community-based organizations specializing in restorative justice.

A **Community Environmental Justice Forum (CEJF)** is a process used to respond to environmental offences committed by regulated companies. While founded on the same principles as traditional restorative justice, these forums differ in the amount of pre-forum work done by the facilitator to ensure an outcome commensurate with the violation and acceptable to all participants. Consult the ministry CEJF policy & procedures (COS SharePoint) or CEJF website for more information.

Restorative Justice can be used for a wide range of non-compliance and responsible parties (individuals and companies) subject to ministry policy. Specifically, RJ may be considered for any case of non-compliance where all of the following conditions are met:

- the offender admits fault, takes responsibility for the offence and demonstrates a sincere desire to repair the harm caused by the offence;
- harm has been done, or potentially could have been done, to an individual or community and appropriate representatives can be identified to speak to the harm;
- the offender, community representatives and the investigating officer freely and fully consent to participate; and
- in the opinion of the investigating officer, there is enough prima facie evidence to pursue charges against the individual or company if the forum does not proceed. RJ is not an option to be considered in cases of insufficient evidence or to truncate an investigation.

When using either type of restorative justice forum, staff must have sufficient evidence to satisfy themselves that an offence has occurred. The same burden of proof is required to pursue a restorative justice outcome as is required to pursue a prosecution.

3.6 Ticket

Prosecutions by way of a Ticket Information are a summary means of dealing effectively and quickly with the most minor offences. Prosecution by way of a ticket may be initiated by designated ministry staff. In deciding whether to issue a ticket, authorized ministry officials must determine that the:

- contravention is an offence and is ticketable under provisions such as the Violation Ticket Administration and Fines Regulation, the Contraventions Act (Federal), and the British Columbia Sport Fishing Regulations (Federal Fisheries Act); and

- issuance of a ticket is the most appropriate enforcement option for the situation.

The same standard of proof is required for the issuance of violation tickets as is required for formal charges through the courts. If a ticket is disputed, the Crown is required to prove the offence at trial. The offender who chooses not to contest a ticket is deemed to have pleaded guilty to the offence and is subject to the specified penalty. Tickets may be issued when:

- there has been non-compliance with a regulatory requirement;
- an advisory or warning is not appropriate;
- the evidence supports a reasonable likelihood of conviction;
- the public interest requires legal proceedings, but not a public hearing;
- the set fine is adequate for the offence; and
- there is no substantial damage to the environment, human health or safety or a significant loss of government revenue.

3.7 Court Prosecution

A court prosecution is a legal proceeding initiated against a person or company alleged to have committed an offence(s). The offender is compelled to attend court at a specific time and place to answer to a charge of unlawful activity by either:

i. an appearance notice issued by an enforcement official in the field (typically used when the officer anticipates difficulty tracking the party down in the future); or
ii. being served a summons, signed by a Justice of the Peace in response to a laying of charges.

If an offender does not attend court as required, an arrest warrant may be issued with a charge of 'failing to appear'.

Formal charges may be recommended by ministry staff, but are initiated by Crown Counsel in the exercise of their discretion. A recommendation to the Criminal Justice Branch of a formal charge is appropriate where in the opinion of the investigator there is sufficient evidence to prove the commission of the alleged offence, and one or more of the following apply:

- other methods of enforcement have in the past proven ineffective or there is reason to believe that other enforcement methods will not be effective;
- the potential accused is a repeat offender;
- the action of the offender was wilful, or fell significantly below the standard of due diligence;
- there is more than minimal damage to the environment or human health, or there was substantial potential for damage to the environment or human health;
- the lives or safety of persons were endangered, or there was substantial potential for the lives or safety of persons to be endangered;
- there is a significant non-compliance with regulatory requirements; or
- the public interest in the maintenance of environmental values requires a prosecution.

Crown Counsel is also authorized under the Criminal Code of Canada to pursue alternatives to court prosecution either before or after charges have been laid. Alternative Measures can take a variety of forms, including a restorative justice forum, but always result in a negotiated agreement between the offender and the Crown with respect to restitution for the offence. This option is offered to an offender solely at the discretion of Crown Counsel.

3.8 Additional Tools

Ministry staff have access to a number of other tools that that help to compel compliance or to uphold the integrity of the regulatory regime. Depending on the situation, these tools may be used instead of, or in addition to, other enforcement responses.

3.8.1 Public Reporting of Enforcement Actions

The ministry has become a national leader in environmental enforcement reporting, publishing the **Quarterly Environmental Enforcement Summary** since 2006. The enforcement reporting program has two goals:

- to demonstrate government's commitment to transparency, and
- to promote deterrence among regulated parties and the public by reporting the names of individuals and companies who have violated environmental laws.

The ministry's enforcement reporting currently includes orders, administrative sanctions, violation tickets, court convictions and restorative justice.

In addition to publishing the quarterly summary on the ministry website in PDF format, in 2011 the ministry added the **Environmental Violations Database (EVD)** to its reporting toolkit. The EVD is an online searchable database containing almost 15,000 enforcement actions dating back to 2006. Data can be searched by name of violator, type of enforcement action, location, act, date, etc. Each program area within the ministry has defined business rules for recording and submitting enforcement action data for inclusion in the EVD and subsequent reporting in the summary.

3.8.2 Fine Recovery Processes

In addition to other compliance tools, the ministry relies on financial penalties (tickets, court convictions, administrative penalties) to address non-compliance. In order for these tools to be effective in deterring harmful behaviours, government must maintain a high collection rate. Even when an amount of money owed to the Province is not substantial, pursing collection is critical to uphold the deterrence value of these enforcement tools.

On behalf of the Ministry of Finance, ICBC collects fines for all **violation tickets** issued under legislation and regulations administered by the ministry. When a ticket is unpaid it is sent to an ICBC contracted collections agency. If the fine remains unpaid, ICBC may opt to proceed with actions such as garnisheeing wages or recovering the funds directly from the offender's bank account. Revenue Solutions BC (RSBC) provides a similar service to Court Services Branch with respect to outstanding **court fines**.

Compliance Policy and Planning Section (Strategic Policy Branch) is the ministry lead for monitoring unpaid fines and working with these other agencies on collections.

3.8.3 Civil Forfeiture

This is an administrative enforcement tool where civil court proceedings are used to confiscate assets (cash, real estate, vehicles, etc.) believed to be the instruments or proceeds of unlawful activity. Civil forfeiture cases are handled by the government's civil forfeiture office via a civil suit. The process uses a reverse-onus test that requires defendants to prove they did not gain the asset from unlawful activity; cases are decided on the balance of probabilities. Once a judge decides property is forfeited, it can be sold and the proceeds used by the provincial government to compensate victims of crime, to fund crime prevention programs, to remedy the environmental effects of illegal activity and to cover the costs of administering the act.

Civil Forfeiture may be used when:

- the offender personally benefitted from the crime;
- there is "real property" involved that can be forfeited;
- the action of the offender was deliberate;
- the impact upon human health, safety or the environment was not trivial; and/or
- the offender has had previous violations.

Civil forfeiture is an option that can be used in addition to other enforcement tools or when other enforcement tools have not been successful, as for example, when a case is dismissed by the courts. The ministry could still pursue a civil forfeiture based on a balance of probabilities. This option is explored during the Post-Investigation Review Process, in consultation with the COS Major Investigations Unit (MIU) who manages civil forfeitures on behalf of the ministry.

3.8.4 Referral to Professional Association

The ministry may refer a disciplinary matter to a professional body with or without taking other enforcement action. Professional associations have a duty to monitor and enforce standards of conduct for their members to uphold the reputation of the profession and to safeguard the public interest. To ensure the competence of its members, an association is responsible for investigating allegations of professional misconduct and where warranted, taking subsequent disciplinary action.

With the increasing use of qualified professionals in the environmental field, a disciplinary referral can be an effective way for the ministry to address unsatisfactory performance that results in non-compliance. It allows the ministry to share responsibility for dealing with individuals operating beyond the scope of their qualifications or failing to exercise due diligence with those best positioned to administer consequences.

When deciding whether to refer a disciplinary matter staff must consult with the association in question; every professional association will have a disciplinary process which sets out how to file a complaint.

Chapter 4: Non-Compliance Decision Matrix

Purpose of this Chapter

1. To ensure consistency and fairness in the assessment of and response to non-compliance.
2. To reinforce the ministry's commitment to compliance by ensuring the most appropriate measures are used to achieve compliance - taking into consideration the facts specific to the situation, as well as the need for general deterrence.

Introduction

This chapter presents the Non-Compliance Decision Matrix along with guidelines for its application. The Matrix is a risk-based tool for assessing the variability and severity of factors influencing the selection of compliance tools. These factors include:

- escalating levels of environmental, human health or safety impacts (actual or potential); and
- a diminishing likelihood of achieving compliance.

The Non-Compliance Decision Matrix is a guidance tool that helps to ensure a consistent and principled approach to assessing and responding to regulatory non-compliance; it is to be used with discretion by staff when considering the context and specifics of individual cases of non-compliance.

4.0 Application

4.0.1 Factors for Consideration in Applying the Non-Compliance Decision Matrix

In responding to regulatory non-compliance, it is necessary to examine the available information to determine the full extent of the non-compliance and any related regulatory history. The following factors provide guidance in developing an appropriate response.

a) Effectiveness in achieving the desired result

While each fact pattern will be different in relation to non-compliance, the most important factor in determining an appropriate response is the effectiveness of the tool in achieving compliance as quickly as possible with no recurrence.

Factors to be considered include:

- any related history of non-compliance;
- the person's willingness to co-operate with officials;
- evidence of corrective action already taken; and
- the existence of enforcement actions taken under federal or other provincial statutes.

b) Nature of the non-compliance

This includes consideration of:

- the seriousness of the actual or potential impact to the environment, human health or safety;
- the level of care exercised by the person;
- whether the non-compliance was deliberate;
- whether monetary gain resulted from the commission of the non-compliance;

- whether the non-compliance is a repeated occurrence;
- whether there are attempts to conceal information or otherwise subvert the regulatory requirements; and
- whether there is a need for general deterrence.

c) Consistency in enforcement

Ministry compliance efforts should attempt to achieve consistency in response to non-compliance. Accordingly, where feasible, staff may consider how similar situations have been addressed – recognizing that each case of non-compliance will have different circumstances which may suggest a different response.

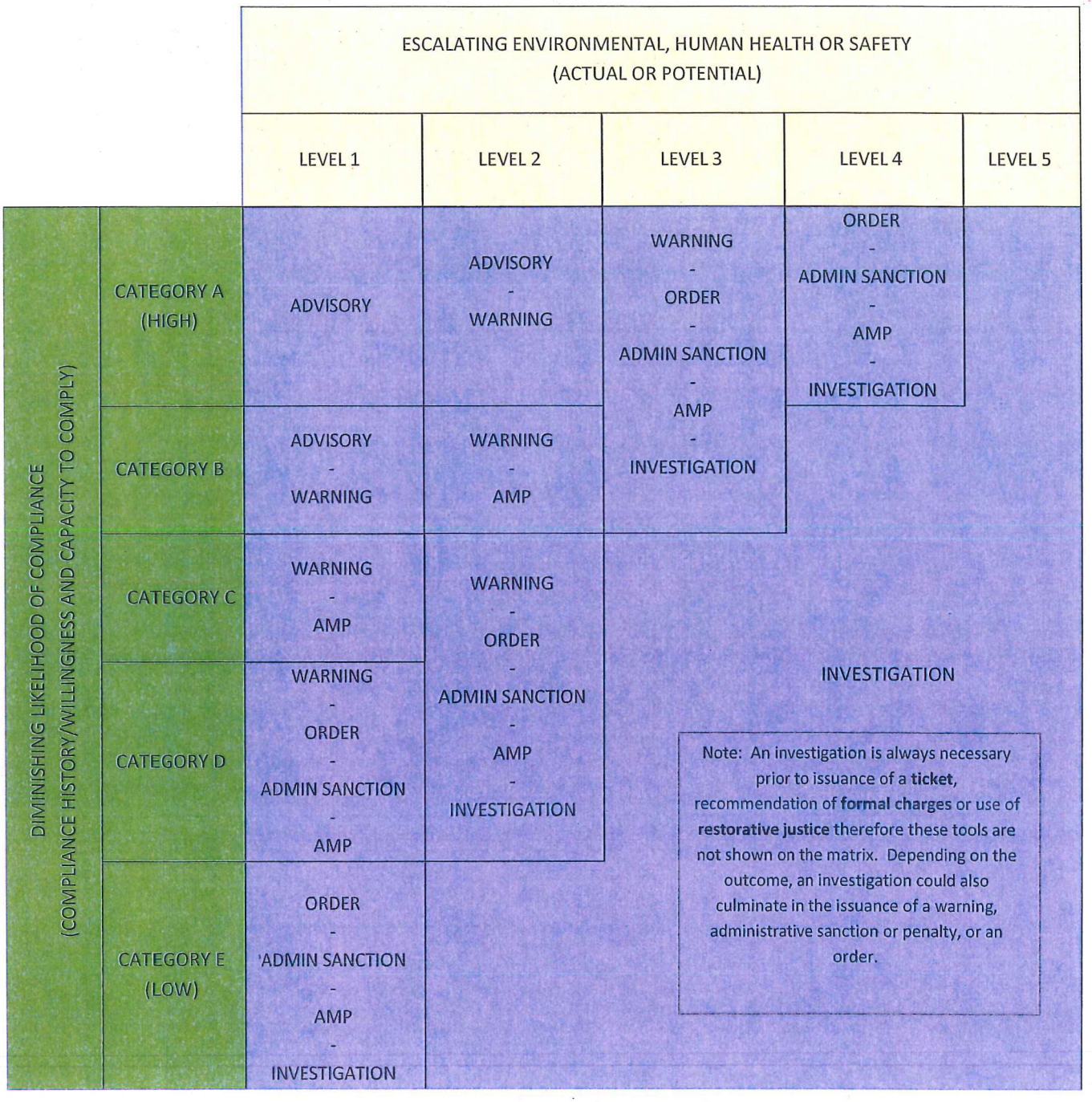
4.0.2 Promotion of General Deterrence

The Non-Compliance Decision Matrix is designed to assist staff in assessing individual cases of non-compliance. Where staff encounter non-compliances which, in isolation, do not warrant an investigation, but the cumulative or collective impact of these non-compliances may require a response by the ministry, staff are to raise these situations with the Investigation Review Team (see chapter 7). This team, in conjunction with the Regional Management Team, is responsible for identifying emerging trends in non-compliance and developing a systematic and coordinated response in order to promote general deterrence.

4.0.3 Independence of Statutory Decision Makers

The Non-Compliance Decision Matrix is a guidance tool; it is in no way to impair the professional judgment, discretion and autonomy exercised by ministry Statutory Decision Makers.

4.1 Non-Compliance Decision Matrix



Levels of Escalating Environmental, Human Health or Safety Impacts
(Actual or Potential)

LEVEL 1
• Non-compliance that does not result or is unlikely to result in any environmental, human health or safety impact; or • Minor administrative non-compliance.

LEVEL 2
• Non-compliance resulting in a minor, temporary impact to the environment or minor, temporary threat to human health or safety; or • Significant administrative non-compliance.

LEVEL 3
• Non-compliance resulting in a moderate, temporary impact to the environment or moderate, temporary threat to human health or safety.

LEVEL 4
• Non-compliance resulting in a significant impact to the environment or significant threat to human health or safety (may be temporary or permanent).

LEVEL 5
• Known or likely human health impact that is severe in effect, i.e. resulting in hospitalization and/or long term human health consequences.

Categories of Likelihood of Compliance

(Compliance History/Willingness and Capacity to Comply)

CATEGORY A - Indications of future and ongoing compliance are very high
• No previous occurrences of non-compliance; • Good demonstrated awareness of and/or capacity to meet regulatory requirement; and/or • Offender has a reasonable and cooperative attitude.

CATEGORY B - Indications of future and ongoing compliance are uncertain
• Few previous occurrences of non-compliance; and/or • Questionable awareness of and/or capacity to meet regulatory requirement.

CATEGORY C - Indications of future and ongoing compliance are unlikely
• Numerous previous occurrences of non-compliance; and/or • Little or no awareness of and/or capacity to meet regulatory requirement.

CATEGORY D - No indication of future and ongoing compliance
• Wilful violation of ministry regulatory requirement; and/or • Little or no demonstrated willingness or capacity to meet regulatory requirement.

CATEGORY E - No indication of future and ongoing compliance
• Hindering or obstructing a ministry official; • Refusing to furnish required information; and/or • Intentionally including false or misleading information in any required document.

Chapter 5: Responding to Non-Compliance Guidance for Program Staff

Purpose of this Chapter

1. To ensure consistency and fairness in the assessment of and response to non-compliance.
2. To provide guidance to program staff in determining when it is advisable to consult with the COS on non-compliance.
3. To provide guidance to program staff on when the Investigation Review Process applies.

Introduction

This chapter outlines the procedure for program staff to follow when they become aware of an incident of regulatory non-compliance. The procedure sets out common steps and decision points that guide staff into one of four "compliance streams", as illustrated in the flow chart on page 23. There are four key steps for staff in determining which stream to follow:

- Assess the non-compliance using the Non-Compliance Decision Matrix;
- Consult the COS, if required;
- Determine if an investigation is warranted (if it is sensitive in nature or requires ongoing program support the investigation is subject to the Investigation Review Process (IRP)); and
- Take alternative steps to address the non-compliance, if an investigation is not warranted.

These steps underscore the importance of cross-divisional collaboration - at both the field and management levels - in determining the most appropriate compliance measure for certain cases of non-compliance. Use of the procedure by all ministry staff helps to ensure that consultation occurs when required, and that non-compliance is addressed in a consistent and effective manner across the ministry.

5.0 Application

5.0.1 General Application

Responding to non-compliance is often a complex and iterative process. This procedure outlines the steps to take in a "textbook" situation. However, depending on the circumstances of the case, some additional steps may be required and/or some steps may occur in a slightly different order. For example, complex files may require dialogue between a number of different compliance partners both within and external to the ministry (e.g., other MoE programs, other natural resource agencies, Local Government, Department of Fisheries and Oceans, RCMP). Program staff may also consult other ministry staff (e.g., Conservation Officer, Park Ranger, Director, Section Head, Regional Director) for advice at any time during the process. Similarly, staff may begin to fill out the Investigation Referral Form (see 7.0.1 for information about when to use the IRF) earlier than noted in the procedure. What is most important is that staff do, in fact, perform the key steps outlined in the procedure.

5.0.2 Exigent/Urgent Circumstances

This policy is not intended to impair the discretion of ministry staff to take immediate investigative action when necessary. In situations where the delay necessary to obtain a review by the IRT would likely result in danger to the environment, human health or safety, or the loss or destruction of evidence, ministry staff may request the involvement of an appropriate ministry investigator, or commence the investigation immediately if they are qualified to do so.

5.0.3 Use of the Non-Compliance Decision Matrix

Irrespective of whether an investigation is subject to the IRP, ministry staff are still expected to use the Non-Compliance Decision Matrix to guide their assessment of the regulatory non-compliance. If staff need additional guidance or advice on addressing an issue of non-compliance, they may choose to refer the matter to the Investigation Review Team (IRT) even if it is not subject to the IRP.

5.0.4 Use of More than One Compliance Tool at a Time

In some circumstances, it is appropriate to consider multiple approaches to non-compliance. For example, a Pollution Prevention Order, issued to address the immediacy of a situation, may be followed by an investigation and further administrative or prosecutorial action, as appropriate. In another example, an administrative sanction may be imposed following a prosecution. The appropriate legislation should be reviewed when considering multiple approaches.

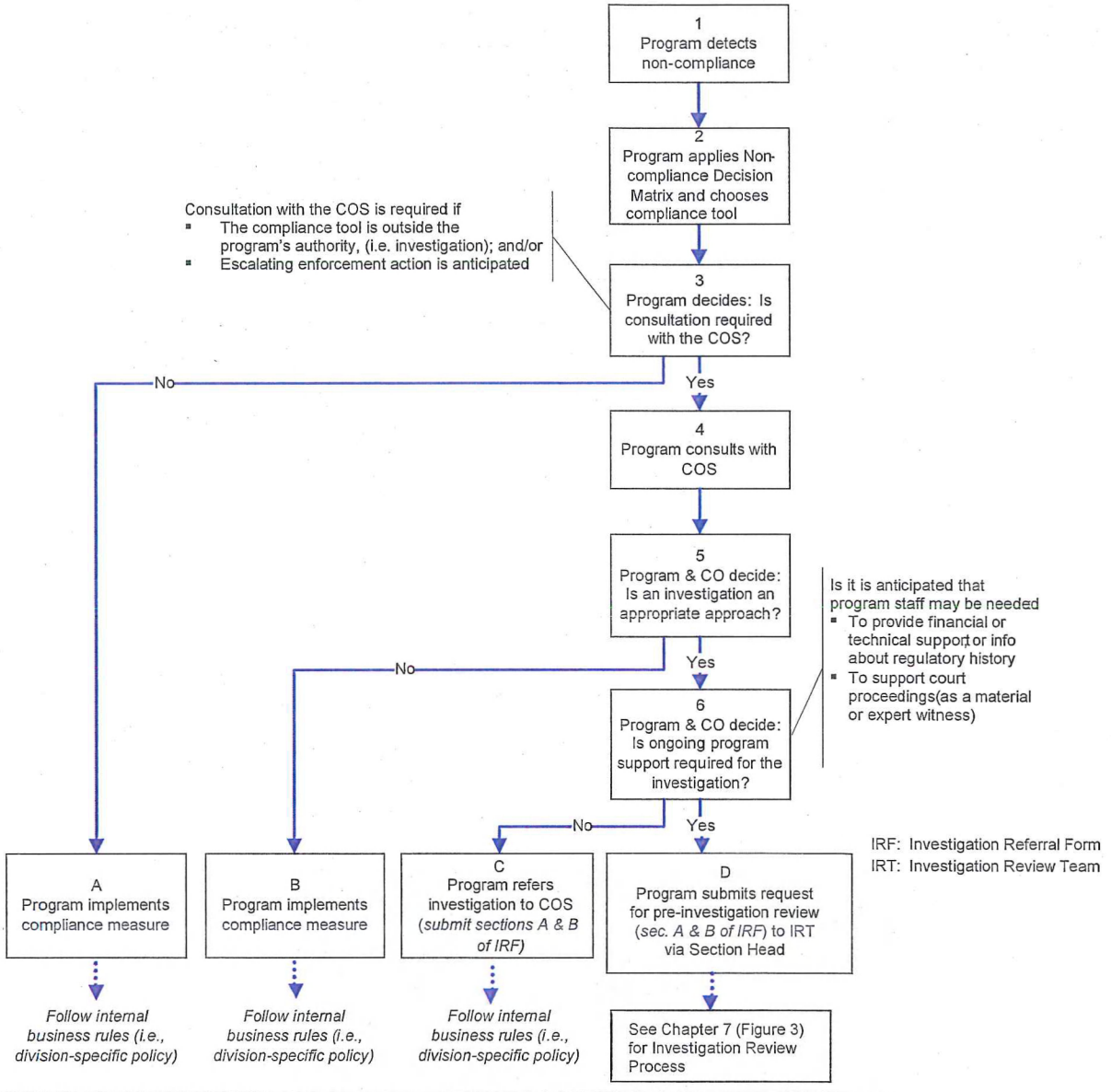
5.0.5 Communication with a Regulated Party during an Investigation

During the investigative process it is important to ensure that communication between program staff and the regulated party do not compromise the investigation. Ongoing communication with the regulated party is often necessary to mitigate environmental, human health or safety impacts, or seek solutions to rectify ongoing non-compliance. In these situations, program staff must ensure that there is dialogue with the investigating officer regarding roles and responsibilities prior to engaging in discussions with the regulated party.

5.0.6 Involvement of the Major Investigations Unit (MIU) - Provincial Investigations Branch

The MIU is a unit of the COS that deals with complex commercial or industrial environmental investigations. Program staff do not refer investigations directly to the MIU. The decision to engage the MIU is made internally by COS Supervisors in consultation with the Inspector, MIU. This decision to refer investigations to the MIU is based on the severity and complexity of the non-compliance coupled with the availability of resources.

Figure1: Procedure for responding to non-compliance
~Program Staff~



Compliance Stream A
Compliance Measure is within program's authority (e.g. advisory, warning, order, administrative remedy) & no consultation with COS is required.

Compliance Stream B
Consultation determines that an investigation is not warranted therefore the non-compliance is addressed by the program.

Compliance Stream C
Consultation determines that investigation (possibly resulting in a ticket or formal charges) is the most appropriate approach but ongoing program support is not required. Priority is given to investigation referrals that link to provincial or regional compliance strategies.

Compliance Stream D
Consultation determines that investigation is the most appropriate approach and ongoing program support is required. Priority is given to investigation referrals that link to provincial or regional compliance strategies

5.1 Procedure

The steps described below correspond with the numbered steps in Figure 1 on page 23.

1. Program staff may detect the non-compliance in the course of their work, or it may be reported to them by a member of the public or another regulatory agency.

2. Program staff will use the Non-Compliance Decision Matrix to assess the non-compliance and select a compliance measure. (See Chapter 4 for guidance in using the matrix.)

3. Irrespective of the compliance measure chosen, program staff will determine if consultation with the Conservation Officer Service (COS) is required. Consultation is required if:
   - the compliance measure selected from the matrix is outside the program's authority (i.e., investigation); and/or
   - it is anticipated that escalating enforcement action may be required in the future.

If consultation with COS is not required ⇨ ***Compliance Stream A***

- Program staff will implement the most appropriate tool for achieving compliance, following division-specific policy. Measures may include issuance of an advisory, warning, order, administrative remedy and/or referral to another agency. (See Chapter 3 for further information about these tools.)
- Program staff will follow division-specific reporting requirements to record the response to non-compliance.
- If a warning or an order is issued, program staff will send a copy to the COS Sergeant for recording in COORS. This is necessary for informational purposes – to create a record of non-compliance - and in the case of orders, because the order creates a new legal requirement. As such, subsequent action may be required by the COS to enforce it.

  As Parks staff are responsible for the enforcement of compliance with the orders that they issue, these orders do not need to be forwarded to COS. Park Rangers will send copies of orders to the PPA Safety, Compliance & Enforcement Officer in Victoria.

- End of procedure -

4. ***If consultation is required,*** program staff will contact a field Conservation Officer (CO) within the specific geographic area in which the non-compliance occurred and provide background relating to the non-compliance. (If unsure who the appropriate field CO is, contact the COS Sergeant in the geographic area in which the non-compliance occurred).

◷ If consultation cannot be done immediately, program staff must contact a field CO within 5 business days of detecting the non-compliance to establish:

- A process and timeline for consultation; or
- A mutually-agreeable date for initiating discussions about the process and timelines for consultation.

Ideally, consultation should be in a form that permits dialogue on the nature and complexity of the issue (e.g., phone call or in-person), with the objectives being to:

- Obtain clarity on the facts to ensure that both program staff and the CO have the same understanding of the non-compliance;
- Discuss the likelihood of achieving compliance and the degree of environmental impact, and come to an agreement on where the non-compliance fits on the Non-Compliance Decision Matrix; and
- Review the compliance history, including what actions have been taken to date, and discuss next steps. Due diligence and officially-induced error should form part of this discussion.

Note: the recipient of a request to consult (i.e. received by phone message or email) should acknowledge the request promptly even if current operational priorities prohibit action on the file at that time. Responding to non-compliance is a priority for all staff; as well, a timely response contributes to building or maintaining effective working relationships within the ministry and/or with partner agencies. Early communication between an investigator and technical program staff can affect whether an investigation proceeds, in accordance with specific actions taken or not taken when the non-compliance is first detected.

5. Program staff and the CO will decide whether an investigation is the most appropriate approach to address the non-compliance. If consensus cannot be reached, the matter must be raised to the program Section Head and COS Sergeant for resolution.

If consultation determines that an investigation is not warranted ⇨ ***Compliance Stream B***

- Program staff will implement the most appropriate tool for achieving compliance, following division-specific policy. Measures may include issuance of an advisory, warning, order, administrative remedy and/or referral to another agency. (See Chapter 3 for further information about these measures.)
- Program staff will follow division-specific reporting requirements to record the response to non-compliance.
- If a warning or an order is issued, program staff will send a copy to the COS Sergeant for recording in COORS. This is necessary for informational purposes – to create a record of non-compliance - and in the case of orders, because the order creates a new legal requirement. As such, subsequent action by the COS might be required to enforce it.

As Parks staff are responsible for the enforcement of compliance with the orders that they issue, these orders do not need to be forwarded to COS. Park Rangers will send copies of orders to the PPA Safety, Compliance & Enforcement Officer in Victoria.

- End of procedure -

6. ***If consultation determines that an investigation is warranted,*** program staff will determine (in consultation with the CO) if:
   a) Ongoing program support is required for the investigation. This would apply if it is anticipated that program staff may be needed:

- to contribute financial or human resources;
- to implement a complementary program-specific compliance measure (e.g., an order); and/or
- to support other administrative or prosecutorial enforcement actions such as a restorative justice forum or court proceedings (i.e., through material or expert witness testimony).

Essentially, the test is to anticipate whether the investigation needs a cross-divisional, collaborative approach to be successfully completed.

or

b) The investigation is sensitive in nature. A sensitive investigation is one that involves an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties.

At this time COS will consider the nature of the file to determine whether the investigation will be undertaken by zone staff or will be referred to the Major Investigations Unit.

If consultation determines that an investigation is warranted, but the investigation is neither sensitive in nature nor requires ongoing program support ⇨ ***Compliance Stream C***

- Program staff will refer the investigation to the COS by completing sections A - B of the Investigation Referral Form (IRF) and forwarding it to the COS Sergeant in the geographical location in which the non-compliance occurred.
- The COS will conduct the investigation in accordance with internal business rules.

- End of procedure -

If consultation determines that an investigation is warranted and the investigation is sensitive in nature and/or it requires ongoing program support ⇨ ***Compliance Stream D***

- This investigation is subject to the Investigation Review Process. Program staff will refer the investigation to the Investigation Review Team (via the Section Head) by completing sections A-B of the Investigation Referral Form.

- Continue to Chapter 7 for guidance about the Investigation Review Process -

5.2 Frequently Asked Questions

5.2.1 Why do the flow charts only show Conservation Officers conducting investigations? I am in a program area and I conduct investigations too.

These two terms - inspections and investigations - are often confused. Investigations involve a systematic process of collecting evidence and information relevant to a suspected non-compliance for the purposes of building a case for possible court prosecution. Consequently, only designated staff, primarily COs and Park Rangers, are authorized to conduct investigations.

This means that what some staff refer to as investigations are actually inspections. Inspections are a type of verification activity used to assess compliance with regulatory requirements (e.g., site and

facility visits, field checks). They are generally done on a risk-based priority and may be undertaken by program staff or COs. An inspection may lead to an administrative enforcement response such as the issuance of an advisory, order, administrative sanction or AMP, or it may lead to an investigation (at which point the services of an investigator should be requested). Inspections themselves are not subject to the IRP.

See Chapter 2 for more information about the differences between inspections and investigations.

5.2.2 What do I do if I encounter a non-compliance that requires immediate investigation?

Take immediate action! This policy is not intended to impair the ability of ministry staff to take immediate investigative action when necessary. In situations where the delay necessary to obtain a review by the IRT would likely result in damage to the environment, or risk to human health or safety, or the loss or destruction of evidence, ministry staff may request the involvement of an appropriate ministry investigator, or commence the investigation immediately if they are qualified to do so. If not, try to document as much information as possible (observe, record and report) and contact a CO as quickly as possible.

5.2.3 What if I have been made aware of a <u>suspected</u> non-compliance, but I cannot get to the location in order to verify if it is serious, i.e. how it might scan out on the Non-Compliance Decision Matrix? Do I need to fill out any forms to request a CO to check on the matter?

You don't need to fill out any forms, but it is helpful to provide the CO with as much information as possible so that they can prioritize its importance against competing demands. If available, it is helpful to provide photos, a sense of the reliability of the information provided, any history at the site, etc. At this stage, the COS will simply be providing you an "eyes and ears" service to verify the information you have. After receiving feedback from COS, you will be required to complete the Investigation Referral Form if you wish to request an investigation.

Some programs may have established business rules and protocols with COS around the routing of and response to public reports of suspected non-compliance.

5.2.4 What if I have confirmed a non-compliance and through discussions, the CO and I agree that program support is not required, but that the CO needs to investigate because it is likely a ticketable offence?

You would refer the investigation to the COS, filling out sections A & B of the Investigation Referral Form. Refer to Stream C in Figure 1: Procedure for responding to incidents of non-compliance - Program Staff, pg 23.

5.2.5 What if it isn't clear who "detected" the non-compliance (as noted in step 1 of the procedure)? In that case, who is responsible for completing the Investigation Referral Form to initiate the IRP?

In general, the person who holds the majority of information about the case (or the person who has the primary relationship with the party) is the person who should assume the role of "initiator" and take responsibility for completing the Investigation Referral Form. Of course, this may not be clear in all cases and the unique circumstances of each case will need to be considered in making this determination. In some cases more than one program could be involved in the initial response to non-compliance (e.g. a spill at a regulated site could involve both an Environmental Emergency

Response Officer (EERO) and Environmental Management or Integrated Pesticide Management staff) and a conversation between them may be necessary to collectively agree on who will complete the IRF.

Uncertainty about "ownership" of a non-compliance should never delay or prevent the submission of a request for investigation. The requirements for the Investigation Referral Form have been kept to a minimum. Any incidents of non-compliance that are determined to be subject to the IRP should be significant enough to justify your time spent completing the form.

5.2.6 How do tickets fit into this process?

Using Figure 2: Procedure for responding to non-compliance –COS on page 33, tickets will be dealt with in one of three ways:

Compliance Stream A

A CO may issue a ticket without consulting the program area in cases where the CO determines that:

- no information regarding regulatory history and/or environmental impact is required from the program area; or
- there is a relevant compliance strategy already in place (i.e., program areas have provided specific written guidance on dealing with these non-compliances).

Compliance Stream C

Following initial consultation with the program area and agreement that an investigation is warranted, but that **ongoing program support is not needed** – a CO may proceed with an investigation and issue a ticket, or possibly proceed to Crown with charges or take no further action.

Compliance Stream D

Following initial consultation with the program area and agreement that an investigation is warranted, and agreement that **ongoing program support is needed** - the investigation would be subject to the IRP. If at the post-investigation stage the investigative team recommends a ticket as the most appropriate compliance measure, and the IRT/RMT supports this recommendation, then a ticket would be issued.

Refer to Figure 2 on page 32 for more information about the compliance streams.

5.2.7 Is a warning an administrative or prosecutorial enforcement response?

The issuance of a warning is a prosecutorial enforcement response. In order to issue a warning, staff need to satisfy themselves, beyond a reasonable doubt, that a non-compliance occurred. In some instances, this information may be readily apparent through the inspection process; in other instances, a significant amount of work may have to be undertaken, such as through the investigation process, in order to determine *beyond a reasonable doubt* that the non-compliance occurred. If the test of "beyond a reasonable doubt" is not met, but based on the "balance of probability" the non-compliance occurred, staff may choose to issue an advisory to the non-compliant party.

5.2.8 What about dealing with non-compliances that aren't subject to the IRP? Why doesn't the C&E Policy provide procedures for dealing with those?

Incidents that fall into compliance streams A, B or C are subject to division- specific business rules, rather than the cross-divisional business rules of the IRP. This means that field staff should follow existing division-specific procedures for issuing advisories, warnings, orders or administrative

sanctions or penalties. If common procedures do not exist, it is the responsibility of the division or region to develop them. While the *C&E Policy*, and the IRP specifically, was put in place as a mechanism to ensure cross-divisional collaboration on certain investigations, staff are encouraged to work collaboratively across divisions to deal proactively with non-compliances whether they are subject to the IRP or not.

Chapter 6: Responding to Non-Compliance – Guidance for Conservation Officer Service

Purpose of this Chapter

1. To ensure consistency and fairness in the assessment of and response to non-compliance.
2. To provide guidance to Conservation Officers in determining it is advisable to consult with program staff on non-compliance.
3. To provide guidance to COS on when the Investigation Review Process applies.

Introduction

This chapter outlines the procedure for Conservation Officers (COs) to follow when they become aware of an incident of regulatory non-compliance. The procedure sets out common steps and decision points that guide COs into one of four "compliance streams", as illustrated in the flow chart on page 32. There are four key steps for determining which stream to follow:

- Assess the non-compliance using **the Non-Compliance Decision Matrix;**
- Consult program staff, if required;
- Determine if an investigation is warranted (if it is sensitive in nature or requires ongoing program support the investigation is subject to **the Investigation Review Process (IRP)**); and
- **Take alternative steps** to address the non-compliance, if an investigation is not warranted.

These steps underscore the importance of cross-divisional collaboration - at both the field and management levels - in determining the most appropriate compliance measure for certain cases of non-compliance. Use of the procedure by all ministry staff helps to ensure that consultation occurs when required, and that non-compliance is addressed in a consistent and effective manner across the ministry.

6.0 Application

6.0.1 General Application

Responding to non-compliance is often a complex and iterative process. This procedure outlines the steps to be taken in a "textbook" situation. However, depending on the circumstances of the case, some additional steps may be required and/or some steps may occur in a slightly different order. For example, complex files may require dialogue between a number of different compliance partners external to the ministry (e.g., FLNRO, Department of Fisheries and Oceans, RCMP) to determine who will take the investigative lead. COs may also consult with one or more program staff at any time during the process. Similarly, COs may begin to fill out the Investigation Referral Form (IRF) earlier than noted in the procedure. What is most important is that COs do, in fact, perform these key steps.

6.0.2 Exigent/Urgent Circumstances

This policy is not intended to impair the discretion of ministry staff to take immediate investigative action when necessary. In situations where the delay necessary to obtain a review by the IRT would likely result in damage to the environment, or risk to human health or safety, or the loss or destruction of evidence, COs may commence the investigation immediately.

6.0.3 Use of the Non-Compliance Decision Matrix

Irrespective of whether an investigation is subject to the IRP, ministry staff are still expected to use the Non-Compliance Decision Matrix to guide their assessment of the regulatory non-compliance. If COs need additional guidance or advice on addressing an issue of non-compliance, they may choose to refer the matter through the Investigation Review Team (IRT) even if it is not subject to the IRP.

6.0.4 Communications with the Program Area during an Investigation

Where an alternative approach to proceeding with charges is being considered during the course of an investigation, the investigating officer and program staff must discuss the options and reach consensus regarding proceeding with an alternative approach prior to discussing the alternative approach with the regulated party under investigation.

6.0.5 Involvement of the Major Investigations Branch (MIU)

Program staff do not refer investigations directly to the MIU; the decision to engage the MIU in an investigation is made internally by COS Sergeants or Inspectors (during the IRP discussions).

6.1 Procedure

The steps described below correspond with the numbered steps in Figure 2 on page 32.

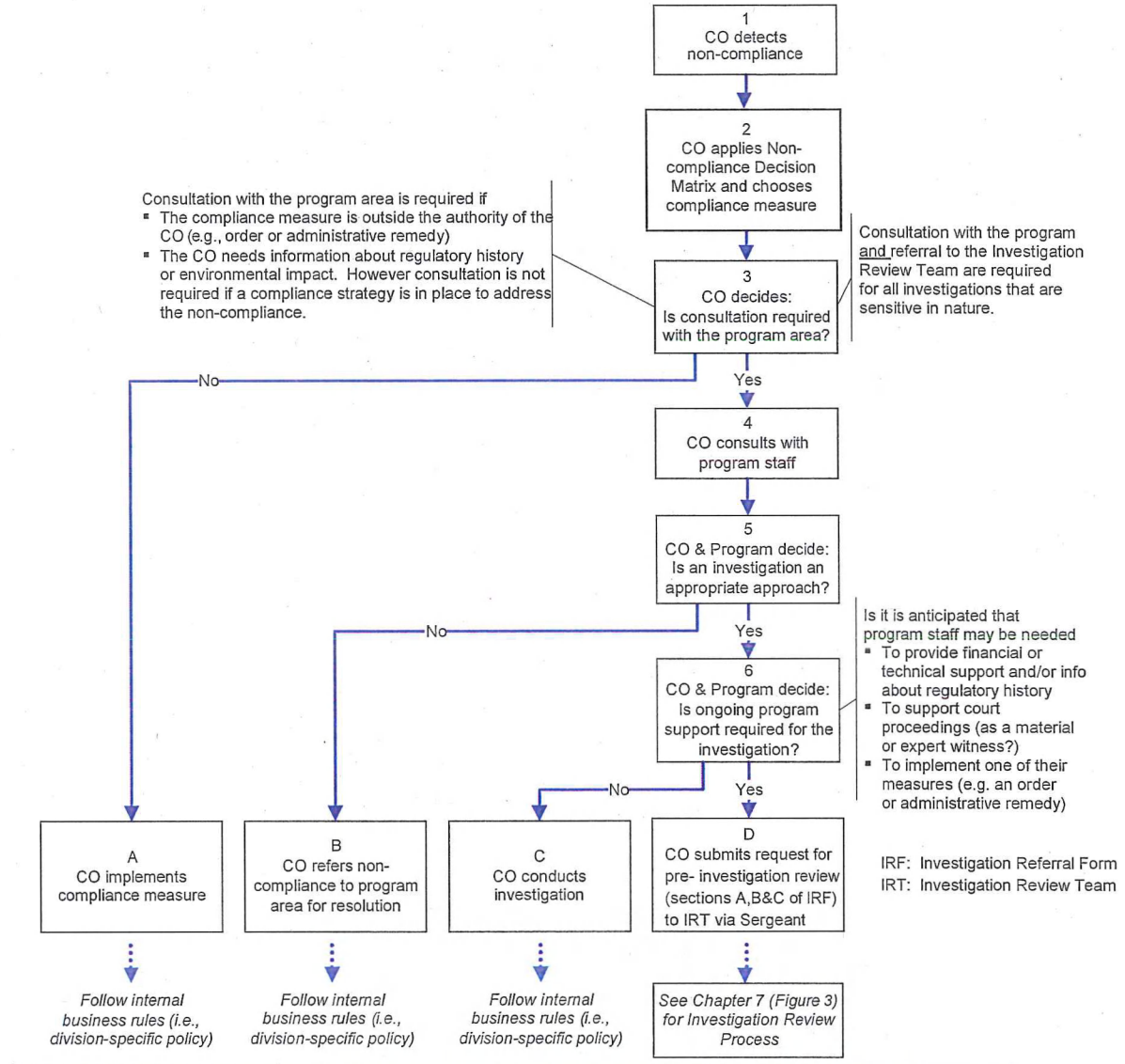
1. COs may detect the non-compliance in the course of their work, or it may be reported to them by a member of the public or another regulatory agency.
2. The CO will use the Non-Compliance Decision Matrix to assess the non-compliance and select a compliance measure. (See Chapter 4 for guidance in using the matrix.)
3. Irrespective of the compliance measure chosen, the CO will determine if consultation with the program area is required. Consultation is required if:
   - the compliance measure selected from the matrix is outside the CO's authority (e.g., Pollution Abatement Order, Administrative Sanction or Administrative Monetary Penalty); and/or
   - the CO needs history about the regulated party and/or technical expertise about the environmental, human health and/or safety impacts of the non-compliance. However, consultation is not required if a compliance strategy is in place to address the non-compliance.

   Regulatory history means there is a substantial likelihood that there is an ongoing relationship between the person/business and the ministry related to permit/license/regulatory administration or a compliance inspection regime.

   Environmental impacts requiring consultation would include situations where environmental values (e.g. fish, wildlife, habitat) are unknown or have not been pre-determined, and/or where an expert witness would be required to confirm environmental impacts.

   Essentially, the test here is to anticipate whether the investigation needs a cross-divisional or cross- agency, collaborative approach to be successfully completed.

Figure 2: *Procedure for responding to non-compliance Conservation Officer Service*



Compliance Stream A
Compliance measure is within COS's authority e.g. warning, investigation (leading to ticket or formal charges) and no consultation is required.

Compliance Stream B
Compliance measure is not within COS's authority (e.g. order, admin remedy); therefore referral to program area is required.

Compliance Stream C
Consultation determines that investigation (possibly resulting in ticket or formal charges) is the most appropriate approach, but ongoing program support is not required.

Compliance Stream D
Consultation determines that investigation is the most appropriate approach and ongoing program support is required.

A detailed explanation of each of these steps begins on page 31.

Consultation with the program area and referral to the Investigation Review Team (IRT) is required for all investigations that are sensitive in nature. A sensitive investigation is one that involves an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties. Referrals to the IRT are made following the procedure for Compliance Stream D.

If consultation is not required ⇨ ***Compliance Stream A***

- The CO will enter an occurrence in COORS.
- The CO will implement the most appropriate tool for achieving compliance, following internal business rules. Responses may include issuing a warning or conducting an investigation. (See Chapter 3 for further information about these measures.)

- End of procedure -

4. ***If consultation is required,*** the CO will contact program staff in the appropriate program role and geographic area and provide background relating to the non-compliance. (If unsure who the appropriate staff member is, contact the Section Head in the geographic area in which the non-compliance occurred).

◷ If consultation cannot be done immediately, the CO must contact program staff within 5 business days of detecting the non-compliance to establish:

- A process and timeline for consultation; or
- A mutually-agreeable date for initiating discussions about the process and timelines for consultation.

Ideally, consultation should be in a form that permits dialogue on the nature and complexity of the issue (e.g., phone call or in-person), with the objectives being to:

- Obtain clarity on the facts to ensure that both the CO and program staff have the same understanding of the non-compliance;
- Discuss the likelihood of achieving compliance and the degree of environmental impact, and come to an agreement on where the non-compliance fits on the Non-Compliance Decision Matrix; and
- Review the compliance history, including what actions have been taken to date, and discuss next steps. Due diligence and officially-induced error should form part of this discussion.

Note: it is expected that the recipient of a request to consult (i.e. received by phone message or email) will acknowledge the request promptly even if current operational priorities prohibit action on the file at that time. Responding to non-compliance is a priority for all staff; as well, a timely response contributes to building or maintaining effective working relationships within the ministry and/or with partner agencies. Early communication between an investigator and technical program staff can affect whether an investigation proceeds, in accordance with specific actions taken or not taken when the non-compliance is first detected.

5. The CO and program staff will decide whether an investigation is the most appropriate approach to address the non-compliance. If consensus cannot be reached, the matter must be raised to the COS Sergeant and program Section Head for resolution.

If consultation determines that an investigation is not warranted ⇨ ***Compliance Stream B***

- The CO will refer the non-compliance to the program area by forwarding an occurrence report to the Section Head.
- Program staff will implement the most appropriate tool for achieving compliance, following division-specific policy. Measures may include issuance of an advisory, warning, order, administrative sanction or administrative monetary penalty and/or referral to another agency. (See Chapter 3 for further information about these measures.)

- End of procedure -

6. ***If consultation determines that an investigation is warranted,*** the CO will determine

i. *in consultation with program staff* – is ongoing program support required to support the investigation? This would apply if it is anticipated that program staff may be needed:

- to provide financial or human resources;
- to provide technical or scientific advice;
- to implement a complementary program-specific compliance measure (e.g., an order); and/or
- to support other administrative or prosecutorial enforcement proceedings (e.g. through material or expert witness testimony).

and

ii. *in consultation with the COS Sergeant* – does the local zone office have the capacity, skills or experience to undertake the investigation, or should it be referred to the Major Investigations Unit?

If consultation determines that an investigation is warranted, but the investigation is not sensitive in nature nor requires ongoing program support or referral to MIU ⇨ ***Compliance Stream C***

The CO will conduct the investigation and record the result in COORS, in accordance with internal business rules.

- End of procedure -

If consultation determines that an investigation is warranted and the investigation is sensitive in nature and/or it requires ongoing program support ⇨ ***Compliance Stream D***

- This investigation is subject to the Investigation Review Process (IRP). The CO will refer the investigation to the IRT by completing sections A-C of the Non-Compliance Form.

- Continue to Chapter 7 for guidance about the IRP -

6.2 Frequently Asked Questions

6.2.1 What do I do if I encounter a non-compliance that requires immediate investigation?

Take immediate action! This policy is not intended to impair the ability of ministry staff to take immediate investigative action when necessary. In situations where the delay necessary to obtain a review by the IRT would likely result in damage to the environment, or risk to human health or safety, or the loss or destruction of evidence, COs may commence the investigation immediately.

6.2.2 What if we don't think consultation is necessary at the start of an investigation, but find out mid-way that it is?

Always begin the consultation process when you first identify the need for it, even if this is mid-way through an investigation. Return to step 4 in Figure 2 and follow the procedure from that point.

6.2.3 What if it isn't clear who "detected" the non-compliance (as noted in step 1)? In that case, who is responsible for completing the Investigation Referral Form to initiate the IRP?

In general, the person who holds the majority of information about the case (or has the primary relationship with the party) is the person who should assume the role of "initiator" and take responsibility for completing the Investigation Referral Form. Of course, this may not be clear in all cases and the unique circumstances of each case will need to be considered in making this determination. In some cases more than one program could be involved in the initial response to non-compliance (e.g. a spill at a regulated site could involve both an Environmental Emergency Response Officer (EERO) and Environmental Management or Integrated Pesticide Management staff) and a conversation between them may be necessary to collectively agree on who completes the IRF.

Uncertainty about "ownership" of a non-compliance should never delay or prevent the submission of a request for investigation. The requirements for the Investigation Referral Form have been kept to the barest minimum possible. Any incidents of non-compliance that are determined to be subject to the IRP should be significant enough to justify your time spent on completing the form.

6.2.4 How do tickets fit into this process?

Using Figure 2: Procedure for responding to incidents of non-compliance- COS on page 32, tickets will be dealt with in one of three ways:

Compliance Stream A

A CO may issue a ticket without consulting the program area in cases where the CO determines that:

- no information regarding regulatory history and/or environmental impact is required from the program area; or
- there is a relevant compliance strategy already in place (i.e., program areas have provided specific written guidance on dealing with these non-compliances).

Compliance Stream C

Following initial consultation with the program area and agreement that an investigation is warranted, but that **ongoing program support is not needed** - a CO may proceed with an investigation and issue a ticket, pursue alternative approaches or take no further action.

Compliance Stream D

Following initial consultation with the program area and agreement that an investigation is warranted, and agreement that **ongoing program support is needed** - the investigation would be subject to the IRP. If at the post-investigation review, the investigative team recommends a ticket as the most appropriate compliance measure, and the IRT/RMT supports this recommendation, then a ticket would be issued.

Refer to Figure 2 on page 32 for more information about the compliance streams.

6.2.5 Do we need to consult with the program area in all cases where the ministry has a regulatory relationship with the person/business?

No, consultation is not required in every case, just when there is a substantial likelihood of an ongoing regulatory relationship. For example:

- *Environmental Management Act* authorizations – these are many and varied. Schedules 1 and 2 of the *Waste Discharge Regulation* set out which activities are regulated under specific types of authorizations, including permits, approvals, regulations, and codes of practice. It is likely that there is an ongoing relationship with the regulated party for at least permits and approvals. Those entities regulated by either regulation and codes of practice may have an ongoing relationship with EP, at least in the context of there being some past compliance assessment. In addition to these general principles, any party presently under pollution prevention, pollution abatement or information orders may be considered to have an ongoing relationship with EP.
- A heliski company that holds a Park Use Permit, Crown Lands Recreation tenure, and is currently under an Environmental Management Act Pollution Prevention Order. The heliski operator may have had non-compliances associated with one or more of these sets of requirements.

Chapter 7: Investigation Review Process – *Investigative Review Teams*

Purpose of this Chapter

1. To provide guidance to program area Section Heads and COS Sergeants in conducting pre and post investigation reviews as part of an Investigation Review Team.
2. To ensure a common understanding by ministry staff of the process for and objectives of the Investigative Review Process.
3. To provide clarity on when and how to use the Investigation Referral Form.

Introduction

The purpose of the Investigation Review Process (IRP) is to ensure that cross-divisional collaboration occurs for all investigations in which the COS requires ongoing support from a program area and/or that are sensitive in nature (see Compliance Stream D, page 24 and 33). These investigations are typically the most complex, that cross-divisional collaboration occurs for all investigations in which the COS requires ongoing support from a program area and/or that are sensitive in nature (see Compliance Stream D, page 23 or 32). These investigations are typically the most complex, resource-intensive and high-profile investigations undertaken by the ministry. Management review, in the form of the IRP, is needed to ensure that consultation between the COS and program area(s) occurs and that the investigations are in keeping with ministry priorities, as well as human and financial resource capacity. In cases where the investigation team is considering the use of one of the ministry's newer enforcement tools such as Community Environmental Justice Forums or administrative monetary penalties, approval is required by the CO Inspector or Regional Director. This is a transitional requirement, necessary only until the ministry develops capacity to fully utilize these new tools.

The **Investigation Review Process** ensures program and enforcement staff effectively communicate when undertaking complex, resource-intensive or sensitive investigations.

This chapter outlines the procedure for investigation reviews conducted by an Investigation Review Team (IRT). The IRT is comprised of the COS Sergeant and the Section Head from the affected program area(s), all from the same geographic area in which the non-compliance occurred. All incidents of non-compliance that fall into Compliance Stream D must be submitted to the IRT for a **pre investigation review**. If the IRT supports the investigation, it may also conduct a post investigation review to ensure that the investigative team selected the most appropriate compliance approach (see page 41 for the objectives of the pre and post investigation reviews and the role of the IRT in these reviews.) The **post investigation review** may be an informal or more formal discussion depending on the circumstances of the investigation and the degree of consensus between the program and COS on the appropriate enforcement response.

The IRT refers requests for investigation to the Regional Management Team (RMT) in cases where it cannot reach consensus, it is unable to resource the investigation and/or the investigation is sensitive in nature. Chapter 8 outlines the process for investigation reviews conducted by the RMT.

A **team debrief** is required for all significant IRP files. This session, which could range from a 20 minute conference call to a full day meeting, gives the investigation team an opportunity to reflect on the process and outcomes in order to both acknowledge successes and address any operational challenges.

7.0 Application

7.0.1 Use of the Investigation Referral Form (IRF)

The electronic IRF is used:

- By MoE program areas when
  - referring a file to the COS for potential investigative action (not an IRP file); or
  - requesting a pre-investigation review by the IRT or RMT (IRP files)
- By the COS when
  - initiating a pre-investigation review by the IRT or RMT
- By other partner agencies (e.g. FLNRO, OGC) when
  - referring a file to COS for investigation

Note: This form is not for typically used by the COS to refer incidents of non-compliance to a program area for potential response. Some regions use an occurrence report for that purpose.

The IRF is located on the Investigation Review Process homepage on the COS SharePoint. Access to this restricted site is granted by COS HQ, Victoria.

7.0.2 Exigent/Urgent Circumstances

This policy is not intended to impair the discretion of ministry staff to take immediate investigative action when necessary. In situations where the delay necessary to obtain a review by the IRT would likely result in damage to the environment, or risk to human health or safety, or the loss or destruction of evidence, ministry staff may request the involvement of an appropriate ministry investigator, or commence the investigation immediately if they are qualified to do so.

7.0.3 Independence of Statutory Decision Makers

Nothing in this policy restricts the discretion and autonomy exercised by ministry Statutory Decision Makers. The IRT and RMT provide a collaborative cross-divisional review of investigations. As a result of those deliberations, the IRT or RMT may recommend that an order or administrative remedy is an appropriate response to the non-compliance. This recommendation is not binding on the Statutory Decision Maker. In accordance with the principles of administrative fairness, it may be necessary to refer the adjudication of an administrative sanction to a Statutory Decision Maker who was not involved in the IRT/RMT deliberations.

7.0.4 Special or Covert Operations

"Special" or "covert" investigations are undertaken by the COS when traditional investigative techniques have failed, or are unlikely to succeed (e.g., trafficking in wildlife), or the urgency of the situation is such that immediate use of this investigative technique is necessary. Due to the sensitive nature of these types of investigations and the risk to officer safety if the offender discovered the true identity of the officer, the dissemination of information regarding these investigations is closely guarded and not discussed outside of the COS. However, the principles within the C&E Policy regarding whether an investigation is required are applied when decisions regarding conducting a "special or covert" investigation are made.

7.0.5 Alternative Compliance Measures

During the course of an investigation, alternative remedies to prosecutorial action may be identified as suitable means to achieving compliance. Therefore, in assessing the results of an investigation, the Non-Compliance Decision Matrix continues to provide guidance in considering the full range of compliance tools. Staff are encouraged to consider alternative responses and may seek guidance from the IRT where those measures involve considerable ministry oversight, i.e. extensive remediation or mitigation plans.

Investigation Review Process

The purpose of the Investigation Review Process (IRP) is to ensure that cross-divisional, or cross-agency (as required) collaboration occurs for all investigations in which the COS requires ongoing support from a program area to provide knowledge about the alleged offender's regulatory history and/or the extent of the environmental, human health or safety impact.

Purpose of the PRE-INVESTIGATION REVIEW

To ensure that:

- Staff in the program areas responsible for protecting environmental values and enforcement officers in the Conservation Officer Service consult when determining the need for an investigation.
- Decisions to undertake investigations subject to the IRP are guided by consideration of the priorities of the ministry, as well as the ministry's human and financial resource capacity.

Role of the INVESTIGATION REVIEW TEAM (IRT)

To review staff decisions to investigate to ensure:

- There has been careful and thorough consideration of the compliance history and complete disclosure of the regulator's previous contact with the regulated party;
- The alleged offence falls within the scope of the ministry's responsibilities or whether it should be referred to another agency such as the FLNRO, RCMP or Department of Fisheries and Oceans;
- Consistency with priorities articulated by ministry programs; and
- Adequate resources (financial and human) are available and assigned to undertake the investigation (i.e., estimation of person hours required, as well as legal sampling and analysis costs).

Purpose of the POST-INVESTIGATION REVIEW

To ensure that the most appropriate compliance approach is selected at the conclusion of an investigation to ensure:

- A high likelihood of ongoing compliance;
- Remediation/mitigation approaches are implemented (where appropriate);
- Public interest is satisfied; and
- General and specific deterrence objectives are met.

Role of the INVESTIGATION REVIEW TEAM (IRT)

To review the investigative findings and recommendation(s) to ensure that the investigative team considered:

- The full suite of compliance alternatives and selected an appropriate approach to achieving compliance; and
- The need to achieve general deterrence, if that is concluded to be necessary.

NOTE: In cases where the investigator and program staff communicate throughout the investigation an informal post-investigation 'check-in' may be all that is required prior to commencing with the enforcement response. A more deliberate IRT discussion is required when the choice of enforcement tool is not apparent or where factors such as resourcing must be considered. In either case, a formal 'post mortem' **team debrief** on every IRP file is required for the benefit of organizational learning and continuous improvement.

In addition to these considerations, the Regional Management Team (RMT) is responsible for conducting pre and post investigation reviews if:

- Members of the IRT cannot reach consensus about the need for an investigation or the most appropriate approach;
- The IRT cannot resource the investigation; and/or
- The investigation is sensitive in nature (i.e., it involves an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties).

7.1 Procedure

The steps described below correspond with the numbered steps in Figure 3 on page 42.

1. **See Compliance Stream D, page 23 and 32:** Request for investigation referred to the IRT by program staff or CO using the electronic Investigation Referral Form (IRF).

2. ***If the program Section Head received the request for investigation,*** the Section Head will convene the IRT by contacting the COS Sergeant in the geographic region in which the non-compliance occurred.

   If the COS Sergeant received the request for investigation, the COS Sergeant will convene the IRT by contacting the applicable program Section Head(s) in the geographic region in which the non-compliance occurred.

   The COS Sergeant will determine if consultation with the Major Investigations Unit is required. Consultation is required if the zone does not have the capacity, experience or expertise to undertake the investigation. If this is the case, both the Inspector, Operations and the Inspector, MIU will participate in the pre-investigation review.

   The IRT will conduct a pre investigation review to consider the request for investigation. The IRT will consider whether:

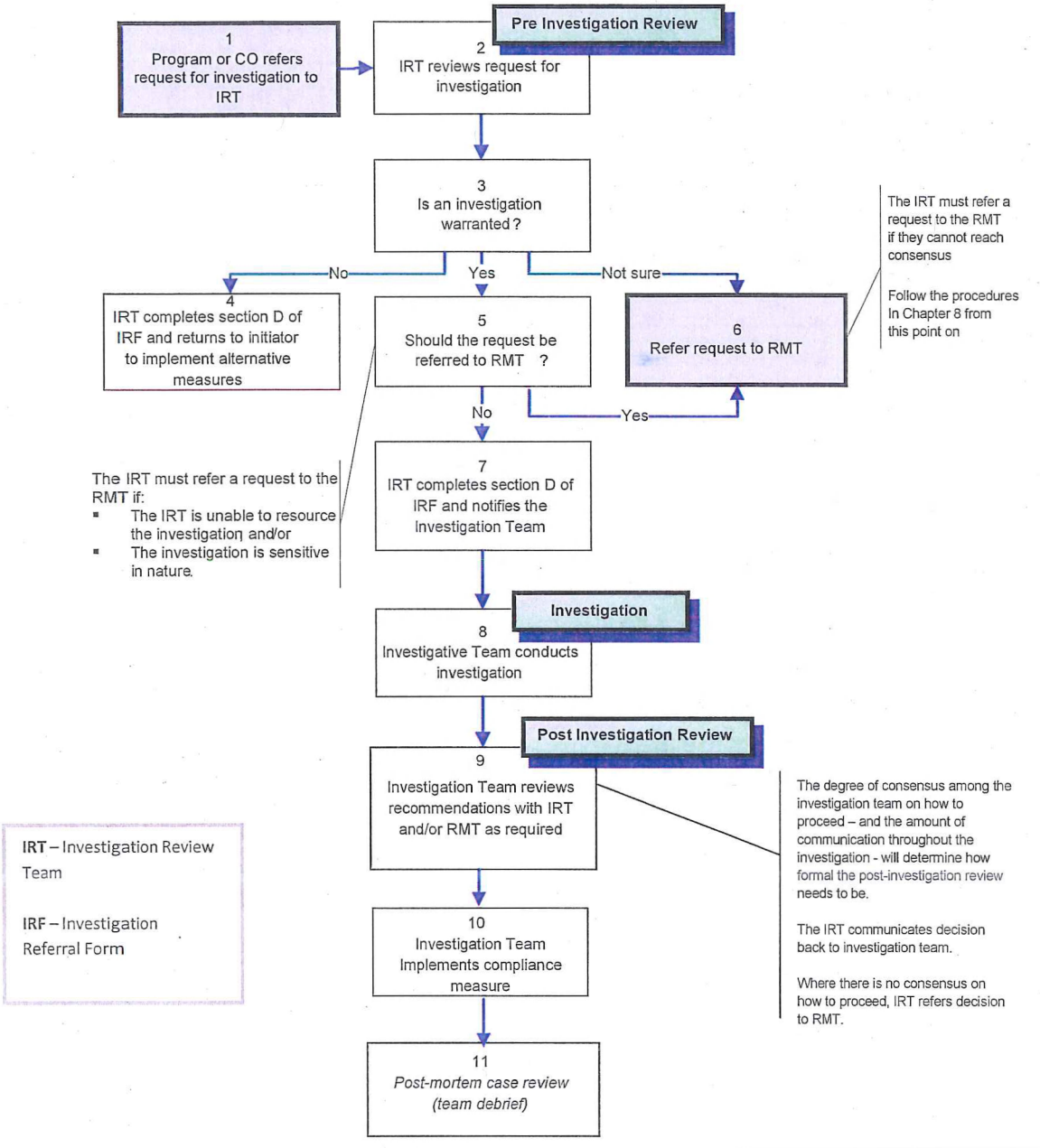
   - There has been careful and thorough consideration of the compliance history and complete disclosure of the regulator's previous contact with the regulated party;
   - The alleged offence falls within the scope of the ministry's responsibilities or whether it should be referred to another agency such as FLNRO, the RCMP or DFO;
   - Proceeding with an investigation is consistent with priorities established by ministry divisions; and
   - Adequate resources (financial and human) are available and assigned to undertake the investigation (e.g., estimation of person hours required, as well as legal sampling and analysis costs).

◷ The IRT must conduct a pre investigation review and make a decision within 15 working days of receiving the IRF unless extended by mutual agreement of IRT members.

   The pre investigation review ***must*** be held verbally (i.e., conference call or in-person), and key team members should be invited to participate. The reason for holding this review verbally rather than electronically is two-fold:

   - to ensure that members of the IRT have a clear understanding and thorough discussion of the case; and
   - to reduce the risk of written information that is either inaccurate or speculative from being disclosed in a court proceeding and/or under the provisions of the *Freedom of Information and Protection of Privacy Act,* and thereby damaging the outcome of the court case.

Figure 3: Investigation Review Process
Reviews conducted by the Investigation Review Team



A detailed explanation of each of these steps begins on page 41.

The IRT will decide whether an investigation is the most appropriate approach to address the non-compliance. **If the IRT cannot reach consensus on whether an investigation is warranted**, the COS Sergeant records the lack of consensus in Section D of the IRF– Is this Investigation Supported by the IRT - and emails the link to the form to the COS Inspector to consult with the Regional Management Team (RMT).

4. ***If the IRT decides that an investigation is not warranted,*** the COS Sergeant will record the decision in section D of the Investigation Referral Form (IRF) – *Is this Investigation Supported by the IRT* - and notifies the initiator to implement an alternative compliance measure. Depending on the circumstances of the case and the chosen measure, either program staff or the COS will implement the measure. Measures may include issuance of an advisory, warning, order, administrative sanction or penalty or referral to another agency. (See Chapter 3 for further information about these measures.)

   Each member of the IRT will advise relevant parties within their division of the IRT's decision and rationale for not supporting the request for investigation.

5. ***If the IRT decides that an investigation is warranted,*** the IRT will consider whether the request should be referred to the RMT. The IRT must refer the request to the RMT if:

   - The IRT is unable to resource the investigation; and/or
   - The investigation is sensitive in nature (i.e., it involves an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties).

6. ***If the IRT must refer the request to the RMT,*** the COS Sergeant will indicate referral is 'Required' in section E of the IRF and email the form to the COS Inspector.

   Go to Chapter 8 and from this point on, follow the procedure outlined on page 47.

7. ***If the IRT does not need to refer the request to the RMT,*** the COS Sergeant will:

   - Complete section D of the IRF, indicating the IRT's support for the investigation and the resources assigned by the IRT for the investigation; and
   - Notify the lead investigator (COS).

   Each member of the IRT will advise relevant parties within their division of the IRT's decision to support the request for investigation.

8. ***The Investigative Team will conduct the investigation.***

   The lead investigator (COS) will consult with program staff on the investigation team through the investigation and help to formulate the recommended response. All pertinent conversations will be documented in the enforcement file.

9. ***The post-investigation review*** provides an opportunity for the investigation team to review the result of an investigation and to confirm the most appropriate enforcement response. In some cases, such as where an investigation is straightforward or where there has been regular communication among the investigation team throughout, the post-investigation review may be a less formal 'check-in'. In cases where the team does not agree on the response, or where there is a resourcing or capacity question – e.g. a Community Environmental Justice Forum is deemed an appropriate way to proceed but requires the assignment of a ministry facilitator - a more formal review with the members of the IRT (and possibly RMT) is required.

   The COS Sergeant will arrange the post investigation review with the members of the IRT. These reviews ***must*** be held verbally (i.e. conference call or in-person), and key team members should be invited to participate. The IRT will review the investigative team's recommended compliance measure. Rather than reviewing details of the procedural aspects of the investigation (e.g., how evidence was collected or how much sampling was done), the IRT should focus on whether the investigative team considered:

   - The full suite of compliance alternatives and selected an appropriate approach to achieving compliance; and
   - The need to achieve general deterrence, if that is concluded to be necessary.

   If the IRT cannot reach consensus as to the most appropriate compliance measure, the COS Sergeant (on behalf of the IRT) will refer the matter to the RMT.

   All pertinent decisions or elements of the IRT post-investigation review conversation at this point should be recorded in the COORS investigation file.

◷ When the IRT conducts a formal post investigation review to decide whether to support the investigative team's recommendation(s), a decision must be communicated to the investigation team within 15 working days of receiving the referral, unless the timeframe is extended by mutual agreement of IRT members.

The IRT members will notify all relevant parties within their division of the final outcome, including those who initiated the investigation if they were not part of the investigative team.

10. The investigative team will implement the compliance measure.
    Where the decision is to proceed with the recommendation of charges to Crown Counsel, the lead investigator will update the investigative team and IRT members electronically as the case moves through the various stages of prosecution.

11. **A post-mortem case review** is required at the conclusion of all IRP files. This debrief brings together members of the investigation team and their supervisors (IRT, possibly RMT) to reflect on what worked well and what could be improved upon. This is a valuable exercise not only for continuous learning and improvement, but also to acknowledge the commitment and contributions of staff, irrespective of the outcome of the file. Considering the ministry's investment of resources in IRP files – the most sensitive or complex cases - taking an hour or two

to debrief is time well spent. These meetings will be organized, facilitated and documented by the Compliance Policy & Planning Section, Strategic Policy Division.

7.2 Frequently Asked Questions

7.2.1 What is the reason for the post investigation review? Is the ministry trying to reduce the number of cases forwarded to Crown Counsel?

Absolutely not. The role of the IRT/RMT at a post investigation review is to ensure that the investigative team considered the full suite of compliance measures and selected the most appropriate approach for achieving compliance. The IRT/RMT will always support a prosecution response for those cases where alternative compliance efforts are not appropriate or will not achieve the desired outcome.

What is important to recognize is that although prosecution is the most serious enforcement action that can be taken, it is not always feasible or the most effective in bringing about compliance. Each case must be assessed on its own merits to determine the most appropriate and effective response.

7.2.2 What is a "sensitive" investigation? Why are these cases automatically subject to the IRP?

Sensitive investigations involve "an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties". Any investigations that meet these criteria, regardless of whether they require cross-divisional collaboration, are subject to the IRP and review by the RMT.

Sensitive investigations are subject to the IRP because there are often additional considerations or processes that the ministry must apply in such cases. For example, when dealing with an aboriginal person asserting aboriginal rights, the ministry may need to contact the Ministry of Justice to determine the merits in proceeding with an investigation. In the case of other government agencies, it may not be in the public interest (and public support may not exist) for one level of government to sanction another level of government.

Note: The definition of sensitive cases is not intended to be exhaustive and may not cover all investigations that are sensitive in nature. If staff undertake an investigation that they feel is sensitive (but is not covered by this definition), they should complete a IRF and forward it to their Section Head (program area) or Sergeant (COS) for submission to the RMT.

7.2.3 Why is it now mandatory to have a have a post-mortem case review at the conclusion of IRP files? This seems time consuming.

Depending on the complexity of the case or the number of parties involved, this debrief could be as short as a 30 minute conference call, or as long as a full day in-person meeting. These file debriefs are only required for IRP files – those investigations involving both enforcement and program staff where the ministry has invested the most time and resources. Taking time to review and evaluate the approach taken and the outcomes of the investigation is valuable for a number of reasons:

- to capture 'lessons learned';
- to engage in substantive discussion on issues that emerged during the file;
- to assist with recognizing emerging organization or sector wide patterns and trends;
- to take the opportunity to recognize the effort and commitment of individual staff involved in the investigation; and
- to highlight effective teamwork or take the time to analyze barriers to teamwork.

Because these sessions will be organized and facilitated by the Compliance Policy & Planning Section, the investment of time and effort on the part of the investigation team is not expected to be unreasonable.

Chapter 8: Investigation Review Process - *Regional Management Teams*

Purpose of this Chapter

1. Provide guidance to Regional Directors and Inspectors in conducting pre and post investigation reviews as part of a Regional Management Team.
2. Ensure a common understanding by ministry staff of the process for and objectives of the IRP.

Introduction

This chapter outlines the procedure for investigation reviews conducted by Regional Management Teams (RMTs). While all requests for investigation are initially submitted to an Investigation Review Team (IRT), the IRT must refer requests for investigation to the RMT in cases where it cannot reach consensus, it is unable to resource the investigation and/or the investigation is sensitive in nature.

The RMT conducts pre and post investigation reviews in the same manner as the IRT. The main difference is that the cases reviewed by the RMT are exceptional in their complexity, sensitivity and/or resource requirements and, therefore, require review by senior management. As exceptions, such investigations are also fewer in number.

The RMT is comprised of the COS Inspector and the Regional Director from the affected program area(s) (EP or PPA), all from the same geographic area in which the non-compliance occurred. Depending on the file, it may also include the Inspector, Major Investigations Unit.

8.0 Application

Same as for reviews conducted by the Investigation Review Team. See Chapter 7, pages 39-40.

8.1 Procedure

The steps described below correspond with Figure 4 on page 49.

1. **See step 6, Chapter 7, page 43:** Request for investigation referred to the RMT by the IRT.

2. The COS Inspector will convene the RMT by contacting the Regional Director(s) of the relevant divisions in the geographic region in which the non-compliance occurred.

   The RMT will conduct a pre investigation review to consider the request for investigation. The RMT will consider whether:

   - There has been careful and thorough consideration of the compliance history and complete disclosure of the regulator's previous contact with the regulated party;
   - The alleged offence falls within the scope of the ministry's responsibilities or whether it should be referred to another agency such as FLNRO, RCMP or Department of Fisheries and Oceans;

- Proceeding with the investigation is consistent with priorities established by ministry divisions; and
- Adequate resources (financial and human) are available and assigned to undertake the investigation (e.g., estimation of person hours required, as well as legal sampling and analysis costs).

◷ RMT must conduct a pre investigation review and make a decision within 15 working days of receiving the Investigation Referral Form (IRF). This timeframe may be extended, if necessary, upon mutual agreement of the RMT keeping in mind the importance of a timely response.

The pre investigation review ***must*** be held verbally (i.e., conference call or in-person), and key team members should be invited to participate.

The reason for holding this review verbally rather than electronically is two-fold:

- To ensure that members of the RMT have a clear understanding and thorough discussion of the case.
- To reduce the risk of written information that is either inaccurate or speculative from being disclosed in a court proceeding and/or under the provisions of the *Freedom of Information and Protection of Privacy Act,* and thereby damaging the outcome of the court case.

3. The RMT will decide whether the investigation is warranted. If the RMT cannot reach consensus as to whether an investigation is warranted, the COS Inspector (on behalf of the RMT) will refer the matter to the Chief Conservation Officer. The Chief CO, after consultation with the relevant Regional Director(s) of Regional Operations, will decide which measure to implement.

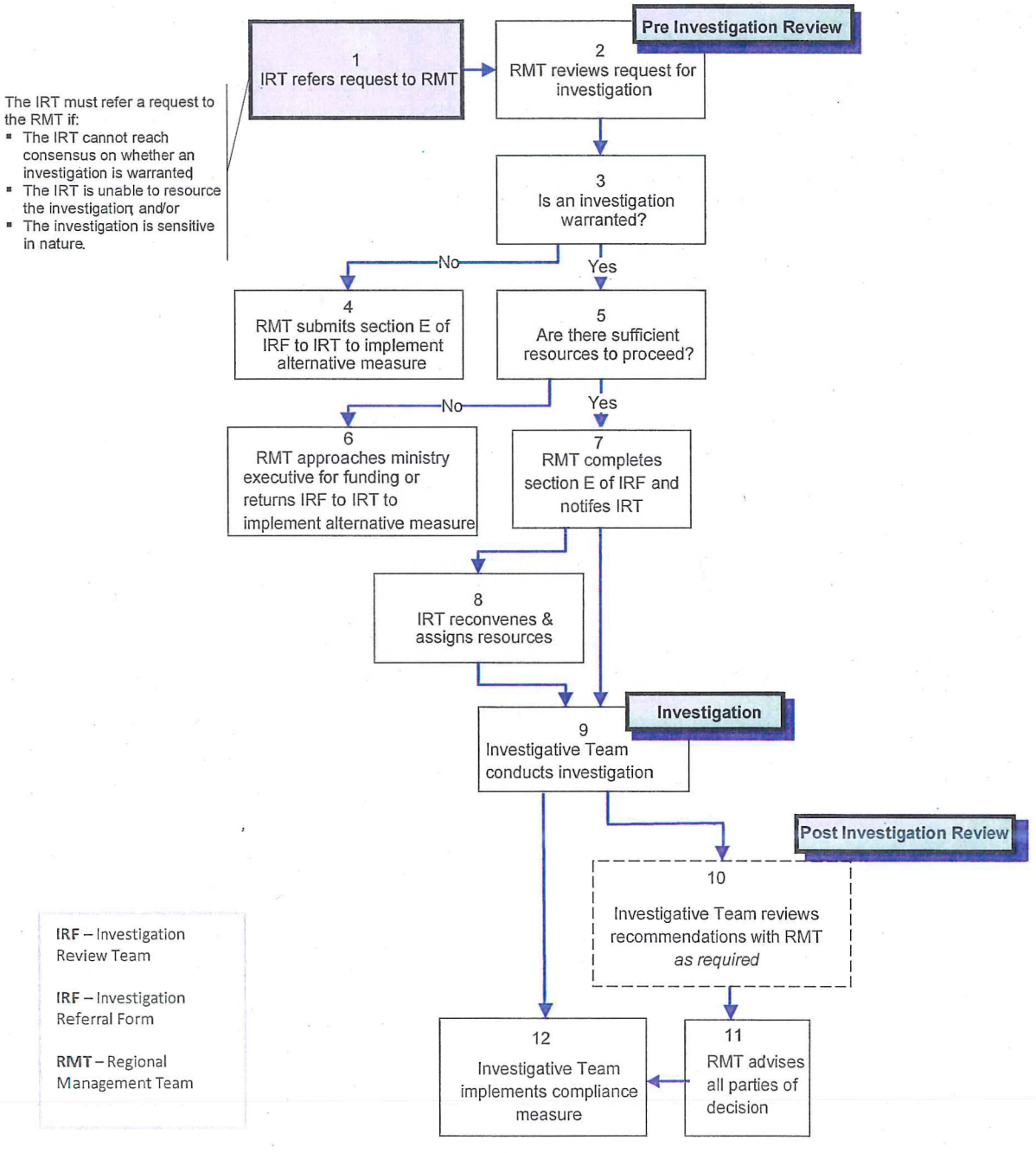
4. ***If the RMT decides that an investigation is not warranted,*** the COS Inspector will complete section E of the Investigation Referral Form (IRF) and RMT will notify their respective members on the IRT. The RMT may direct the IRT to undertake a specific compliance measure or it may request that the IRT determine which measure is most appropriate.

   Each member of the RMT is responsible for advising other relevant parties within their division of the decision and rationale on whether or not to support the request for investigation.

5. ***If the RMT decides that an investigation is warranted,*** the RMT will determine if there are sufficient resources to proceed.

6. ***If there are not sufficient resources to proceed with the investigation,*** the RMT may approach ministry executive to request exceptional resources or it may return the case to the IRT to implement alternative measures.

Figure 4: Investigation Review Process
Reviews conducted by the Regional Management Team



An explanation of each of these steps begins on page 47.

If there are sufficient resources to proceed with the investigation, the COS Inspector will complete section E of the IRF indicating the RMT's support of the investigation. The COS Inspector may also indicate the RMT's assignment of resources, or the RMT may return the form to the COS Sergeant for the purpose of having the IRT assign the investigative resources.

Each member of the RMT will advise relevant parties within their division of the RMT's decision to support the request for investigation.

7. If necessary, the COS Sergeant reconvenes the IRT to assign resources and notifies the lead investigator (COS).

🕒 IRT must assign resources within five days of receiving the referral form. This timeframe may be extended, if necessary, upon mutual agreement of the IRT.

8. The investigative team will conduct the investigation.

The lead investigator (COS) will consult with program staff on the investigation team through the investigation and to formulate the recommended response. All pertinent conversations will be documented in the enforcement file. Where the team does not agree on the response, the matter will be referred to the IRT for post-investigation review.

9. If a post-investigation review is conducted but the IRT cannot agree on the most appropriate response, the COS Inspector will arrange a post investigation review with the members of the RMT. These reviews ***must*** be held verbally (i.e., conference call or in-person), and key team members should be invited to participate. The RMT will review the investigative team's recommended compliance measure. Rather than reviewing details of the procedural aspects of the investigation (e.g., how evidence was collected or how much sampling was done), the RMT should focus on whether the investigative team considered:

   - The full suite of compliance alternatives and selected an appropriate approach to achieving compliance; and
   - The need to achieve general deterrence, if that is concluded to be necessary.

If the RMT cannot reach consensus as to the most appropriate compliance measure, the COS Inspector (on behalf of the RMT) will refer the matter to the Chief Conservation Officer. The Chief CO, after consultation with the relevant Regional Operations Director(s), will decide which measure to implement.

All decisions of the RMT or other pertinent elements of the post-investigation review conversation at this point are recorded in the COORS investigation file.

🕒 When RMT conducts a post investigation review, its decision whether to support the team's recommendation must be made and communicated back to the investigation team within 15

working days of receiving the request. This timeframe may be extended, if necessary, upon mutual agreement of the RMT keeping in mind the importance of a timely response.

10. The RMT members will notify all other relevant parties within their division of the final outcome.

11. The investigative team will implement the compliance measure.
    Where the decision is to proceed with the recommendation of charges to Crown Counsel, the investigating CO will update the investigative team and RMT members electronically as the case moves through the various stages of prosecution.

8.2 Frequently Asked Questions

8.2.1 What is a "sensitive" investigation? Why are these cases automatically subject to the IRP?

Sensitive investigations involve "an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties". Any investigations that meet these criteria, regardless of whether they require cross-divisional collaboration, are subject to the IRP and review by the RMCT.

Sensitive investigations are subject to the IRP because there are often additional considerations or processes that the ministry must apply in such cases. For example, when dealing with an aboriginal person asserting aboriginal rights, the ministry may need to contact the Ministry of Attorney General to determine the merits of proceeding with an investigation. In the case of other government agencies, it may not be in the public interest (and public support may not exist) for one level of government to sanction another level of government.

Note: The definition of sensitive cases is not intended to be exhaustive and may not cover all investigations that are sensitive in nature. If staff undertake an investigation that they feel is sensitive (but is not covered by this definition), they should nevertheless complete an IRF and forward it to their Section Head (program area) or Sergeant (COS) for submission to the RMT.

8.2.2 What is expected of RMT members when extraordinary resources are required (step 6) to fund an investigation?

If members of the RMT agree that an investigation is warranted but are unable to resource it through their existing operating budgets, they may decide to request the additional funds from ministry executive.

8.2.3 What if members of the RMT disagree about how to proceed on any aspect of a case?

See step 10. If members cannot reach consensus, the COS Inspector (on behalf of the RMT) will refer the matter to the Chief Conservation Officer. The Chief CO, after consultation with the relevant Executive Director(s) of Regional Operations, will decide how to proceed.

Abbreviations

AMP – Administrative Monetary Penalty
C&E Policy – Compliance and Enforcement Policy and Procedure
CEJF – Community Environmental Justice Forum
CJF – Community Justice Forum
COORS – Conservation Officer Online Reporting System
COs – Conservation Officers
COS – Conservation Officer Service
CPP – Compliance Policy and Planning Section (Strategic Policy Branch)
DFO – Department of Fisheries and Oceans
EP – Environmental Protection Division
MFLNRO – Ministry of Forest, Lands and Natural Resource Operations
IRF – Investigation Referral Form
IRP – Investigation Review Process
IRT – Investigation Review Team
MIU – Major Investigations Unit (Provincial Investigations Branch)
PPA – Parks & Protected Areas
RCMP – Royal Canadian Mounted Police
RMT – Regional Management Team
RJ– Restorative Justice

Definitions

For the purposes of this policy:

Administrative Monetary Penalty – a financial penalty imposed by a ministry Statutory Decision Maker on a non-compliant party in accordance with legislation. *This tool is currently under development.*

Administrative remedy – refers generally to an administrative (vs. prosecutorial) enforcement action that can be taken by program staff in response to a non-compliance, such as an administrative sanction (e.g. suspending a license or permit) or an administrative monetary penalty.

Administrative sanction - suspension, restriction or cancellation of a ministry authorization, including approvals, licences or permits.

Advisory - a document notifying a party that they are not in compliance with a specific regulatory requirement and that requests the non-compliance be corrected.

Alternative Measures – an alternative to court prosecution offered at the discretion of Crown Counsel either before or after charges have been laid. Alternative Measures are enabled in the *Criminal Code of Canada*

and can take a variety of forms, including a restorative justice forum, but will always result in a negotiated agreement between the offender and the Crown with respect to restitution for the incident. Consideration of this option by Crown occurs after the ministry has submitted a Report to Crown.

Appearance Notice - a form that enforcement officers can serve to an alleged offender in the field that compels them to court to answer to a charge of unlawful activity.

Authorization – refers to rights or privileges granted by government as authorized under legislation or regulations (e.g., licences, permits and approvals).

Balance of Probabilities – the standard of proof test that is required for ministry decision makers to take administrative enforcement action in response to non-compliance. This is a lower standard of proof than what is required to pursue prosecutorial action.

Beyond a Reasonable Doubt – a higher standard of proof test that is required to take prosecutorial action, such as issuing a violation ticket or pursing criminal charges, where responsibility for the contravention must be proved *beyond a reasonable doubt*.

Charge Approval - the decision process where Crown Counsel reviews all the information and evidence submitted to them by way of a Report to Crown Counsel in order to determine if charges (can be proved and meet the public interest standard) are approved for prosecution.

Civil Forfeiture – a civil court proceeding used to 'confiscate' assets believed to be the instruments or proceeds of unlawful activity.

Community Environmental Justice Forum (CEJF) - a problem-solving forum that utilizes the principles of restorative justice to address environmental offences committed by regulated companies. The facilitated forum brings together the offending company, community representatives who can speak to the impact of the offence on the community and the enforcement agency to identify and agree on appropriate restitution for the incident. Although considered an administrative tool, the same standard of proof applies to test to determine if a CEJF is the same as is required for a prosecution,

Community Justice Forums (CJF) - **a** problem-solving forum that utilizes the principles of restorative justice to address environmental offences committed by individuals. The facilitated forum brings together the offender and those members of the community directly harmed by the offence ('victims') to mend relationships and identify appropriate restitution for the offence.

Compliance - conformity with regulatory requirements established by government to protect the environment, human health and safety and/or public resources.

Compliance Measure /Tool- broadly speaking, refers to any action taken on the part of the ministry to encourage compliance with its regulatory requirements including information exchange, education, compliance promotion activities as well as the array of enforcement responses used to compel compliance.

Crown Counsel - a prosecutor employed by, or on contract to, the Criminal Justice Branch of the Ministry of Justice or the Federal Department of Justice.

Due Diligence - taking all reasonable precautions to prevent or avoid a non-compliant incident from occurring. This standard requires that a person take all the care which a reasonable person might have been expected to take in all the circumstances or, in other words, be in no way negligent.

Enforcement tool (administrative) - one type of response in the array of tools that may be used to achieve compliance; it includes advisories, orders, administrative sanctions, administrative monetary penalties, and disciplinary referrals to professional associations. Decisions are based on a *balance of probability* that the non-compliance occurred and the rules of "natural justice" are applied during the decision making process.

Enforcement tool (prosecutorial) - one response in the array of tools that may be used to achieve compliance; it includes warnings, violation tickets and formal charges. Decisions are based on having *reasonable grounds* to believe that the non-compliance occurred and the test of *beyond a reasonable doubt* is used by the Courts to adjudicate an outcome.

Formal Charges - laying of charges by way of a "Form 2 Information" in front of a Justice of the Peace.

General Deterrence - refers to a theory of law enforcement that taking specific enforcement action against a few will deter many others from committing the same or similar non-compliance.

Inspection - activities undertaken to verify compliance with a regulatory requirement.

Investigation – involves the gathering of information and evidence relevant to a suspected non-compliance where the purpose is to build a case for possible prosecution or other enforcement response.

Investigation Referral Form (IRF) – the standardized electronic form used by programs to refer a file to the COS for investigation or by an investigative team to request a pre-investigation review by the Investigation Review Team. When used for the latter, the IRF is intended to secure commitment to the investigation by both the COS and the program. The IRF includes summary details of the contravention, compliance history of the alleged offender and enforcement actions taken or to be taken. *Formerly referred to as the Non-Compliance Form.*

Investigation Review Process (IRP) – a process for ensuring cross-divisional or cross-agency review of all investigations that require ongoing technical support from a program area and/or are sensitive in nature. The process includes pre and post investigation reviews conducted by an Investigation Review Team or a Regional Management Team.

Investigation Review Team (IRT) - includes the Sergeant from the Conservation Officer Service and the Section Head from the affected program area(s) in the geographic location where the non-compliance occurred. Depending on the nature of the issue, it may also include an enforcement supervisor from one or more partner agencies (FLNRO, DFO, RCMP, etc.).

Note:

- For matters relating to the *Integrated Pest Management Act*, the Senior Pesticide Officer is the program area representative on the IRT.
- For matters relating to contaminated sites and land remediation under the *Environmental Management Act*, the Senior Contaminated Sites Officer, Remediation Assurance & Brownfields (Surrey) is the program area representative on the IRT.
- For matters relating to Industry Product Stewardship under the Recycling Regulation, the Section Head, Industry Product Stewardship/ Waste Prevention Section (Victoria) is the program area representative on the IRT.

Investigative Team – the Conservation Officer and program staff assigned by the Investigation Review Team or Regional Management Team to conduct an investigation. It may also include an enforcement officer from one or more partner agencies where an issue is of cross-agency interest or where the other agency offers a particular skill set (FLNRO, DFO, RCMP, etc.).

Non-Compliance - failure by an individual or regulated company to meet regulatory requirements.

Non-Compliance Decision Matrix - a risk-based tool that guides a response to non-compliance, considering the environmental, human health and safety impacts, and the regulated party's likelihood of achieving compliance.

Order - a written, legal instrument issued by designated ministry officials which may be used to address non-compliance.

Post-mortem case review – refers to the team debrief that occurs at the conclusion of all Investigation Review Process files. This debrief brings together members of the investigation team and their supervisors to reflect on what worked well and what could be improved upon for the benefit of continuous learning and improvement, as well as to acknowledge the commitment and contributions of staff.

Program Areas/ Staff – within the Ministry of Environment include Parks and Protected Areas, Environmental Protection and Climate Action Secretariat. May also refer to Ministry of Forests, Lands and Natural Resource Operations program areas (Fish, Wildlife & Habitat, Forests, Lands and Water) or program staff from other agencies where COS is providing enforcement services.

Reasonable Grounds - a set of facts or circumstances that leads one to come to a conclusion beyond that of mere suspicion.

Regional Management Team – for the purposes of this policy and procedures, includes the COS Inspector and the Regional Director(s) from the affected program area(s), in the geographic location in which the non-compliance occurred.

Note:

- For matters relating to contaminated sites and land remediation under the *Environmental Management Act*, the Manager, Brownfields & Remediation Assurance (Surrey) is the program area representative on the RMT.
- For matters relating to Industry Product Stewardship under the Recycling Regulation, the Manager, Waste Prevention Section (Victoria), is the program area representative on the RMT.

Regulatory Requirements - obligation, demand or prohibition placed by legislation or regulation on an individual, entity or activity. This includes authorizations, permits, licences or other requirements derived from a legislative or regulatory authority.

Report to Crown Counsel - a formal document submitted to Crown Counsel containing all the information and evidence necessary for Crown Counsel to make an informed decision on whether a charge meets the Criminal Justice Branch charging standard.

Restorative Justice - a recognized form of dispute resolution that views non-compliance as a violation of people and relationships and where offenders are encouraged to take responsibility for their actions in a meaningful way, by repairing the harm caused by their crime.

Sensitive investigation - involves an aboriginal person asserting aboriginal rights, or a government agency (e.g., municipal, regional, provincial, federal, Crown Corporation), or an employee of a government agency acting in the course of his/her normal duties.

Ticket - a charging document which may be used instead of "formal charges". Generally a ticket responds to minor offences and prescribes a monetary penalty to be paid.

Warning - a document that notifies a party that they are not in compliance with a specific regulatory requirement and warns of escalating response should non-compliance continue.

Appendix 1: Administration and Monitoring of the *C&E Policy*

The effectiveness of the *C&E Policy* relies, in part, on ongoing monitoring to ensure that the policy is being implemented as intended and that any potential enhancements are identified and addressed in a timely manner. Consistent oversight helps to ensure that the policy timelines are being achieved, consultation is occurring as required and all investigations subject to the IRP are, in fact, referred to the IRT. Similarly, there are tasks associated with the ongoing administration of the *C&E Policy* - such as training and staff support -that are also essential to its effective implementation.

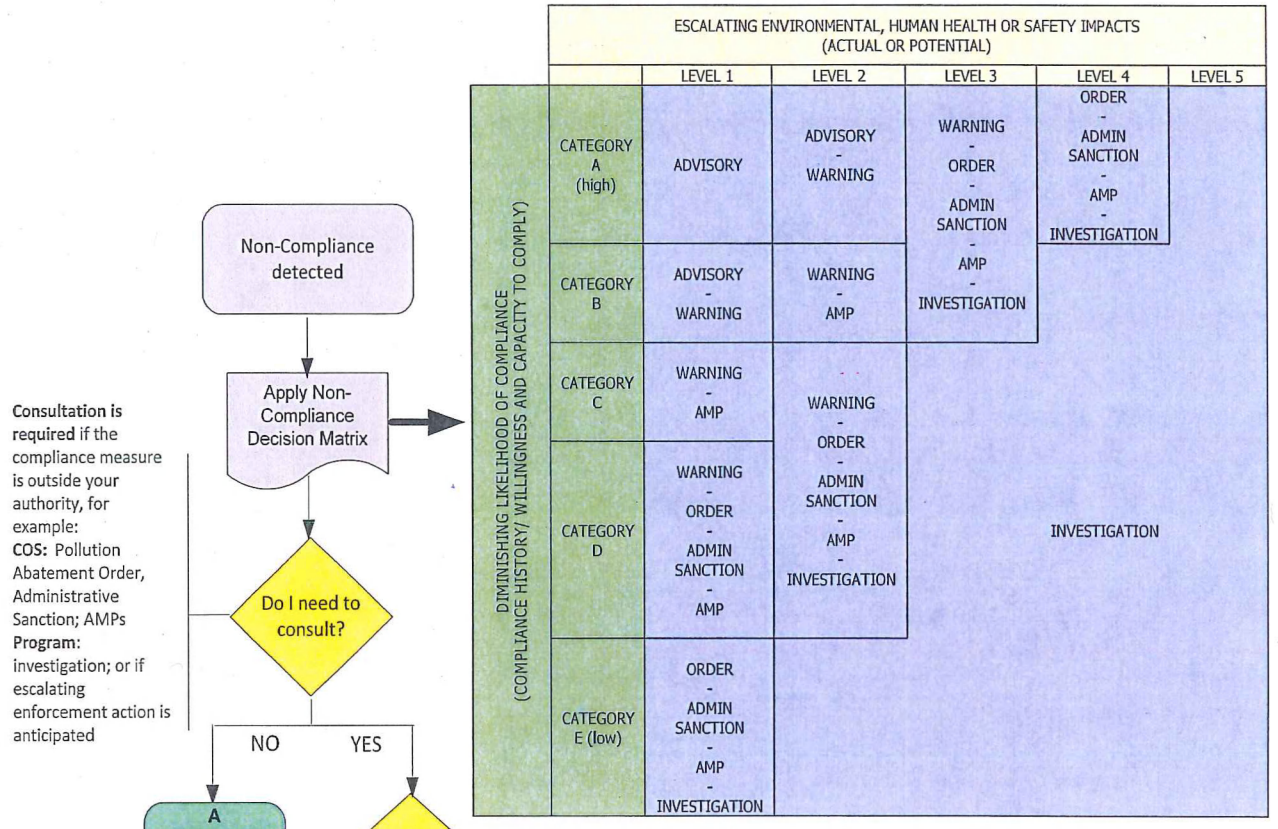
Responsibility Matrix – Administration of the Investigation Referral Form

	TASK	RESPONSIBILITY
Completion of Investigation Referral Form (IRF)	• Completion of Sections A-B (Purpose of Form & Contravention Summary)	Initiator - may be either program area or COS, depending on who detects the non-compliance
	• Completion of Section C (Request for Investigation Supported by COS)	COS Sergeant
	• Completion of Section D – Pre-investigation Review (if required)	COS Sergeant on behalf of the IRT
	• Completion of Section E - Referral to Regional Management Team (if required)	COS Inspector on behalf of RMT
Storage of completed forms	• Forms are stored electronically in COS SharePoint • Form can be downloaded as a 'pdf' and attached to COORS file.	All
Maintenance of IRF and SharePoint ledger	• Granting user access rights • Technical trouble-shooting	COS SharePoint Administrator

Responsibility Matrix - Administration of the C&E Policy

	TASK	RESPONSIBILITY
Implementation Monitoring/ trouble shooting	• Ensuring procedures are implemented as intended • Enforcing timelines • Encouraging effective communication between parties	COS and program leadership teams
Training	• Development and maintenance of training materials • Ad-hoc training initiatives, as required	Compliance Policy & Planning (Strategic Policy Branch)
	• Training new employees on the C&E Policy	Section Heads (programs) Sergeants (COS)
	• Refresher training for staff on the C&E Policy, as required	
Policy materials	• Revisions to the C&E Policy • Policy related materials	Compliance Policy & Planning Strategic Policy Branch)
Post-mortem case review by IRT	• Scheduling the meetings • Facilitating • Recording outcomes	Compliance Policy & Planning (Strategic Policy Branch)

Appendix 2: Compliance & Enforcement Policy & Procedures Pull-Out



Non-Compliance detected

Apply Non-Compliance Decision Matrix

Consultation is required if the compliance measure is outside your authority, for example:
COS: Pollution Abatement Order, Administrative Sanction; AMPs
Program: investigation; or if escalating enforcement action is anticipated

Do I need to consult?

NO

YES

A Implement compliance measure

Compliance measure is within your authority:
Program: advisory, warning, admin sanction, AMP, order
COS: warning, ticket, RJ, formal charges

Is an investigation required?

NO

B Implement compliance measure

Consultation determines an investigation is not warranted; program implements compliance measure

YES

Is on-going program support required for the investigation?

NO

C COS conducts investigation

Consultation determines that investigation is the most appropriate approach, but ongoing program support is not required.

YES

Investigation Review Process (IRP)

Complete Investigation Referral Form (IRF)

Pre-investigation Review

- ✓ Confirms investigation is warranted
- ✓ Confirms investigation team lead, members, resources, scope of investigations and supporting roles and responsibilities

D COS conducts investigation in collaboration with program

Post-investigation Review *as required*

- ✓ Review investigation team's findings and recommendations
- ✓ Confirm resources and plan for implementing compliance approach

Enforcement measure applied

Post-mortem case review (team de-brief)

New! Required for all IRP files

The C&E Policy & Procedures:

⇒ Guides staff in **selecting appropriate tools** to ensure transparency and consistency; and

⇒ Facilitates effective **communication** between enforcement and program staff to achieve the best outcomes.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-20, AT 4:00 P.M.

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

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

Others: Mr. Reece Harding, Young Anderson Barristers and Solicitors.

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, Director of Social & Protective Services
G. Ferrero, Director of Information Technology & Legislative Services
D. Lindsay, Director of Community Development
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 6:48 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:13 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 3 (a) Add

(b) Agenda Item 5 (a) Remove

(c) Agenda Item 8 (a) Add letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Ms. Pamela Manhas, Barrister and Solicitor, Province of British Columbia, re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement.

3. ADOPTION OF AGENDA:

08715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried.
Opposed: Councillor Fuller

4. ADOPTION OF MINUTES:

08815 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-MAY-25 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, and that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUN-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a)

Councillor Pratt vacated the Douglas Rispin Room at 5:36 p.m.

Councillor Pratt returned to the Douglas Rispin Room at 5:37 p.m.

(b)

6. CORRESPONDENCE:

(a) Letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Pamela Manhas, Barrister and Solicitor, Province of British Columbia, Re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement.

Mr. Reece Harding, Young Anderson Barristers and Solicitors, answered questions from Council regarding the letter.

09415 It was moved and seconded that Council release to the public the letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Pamela Manhas, Barrister and Solicitor, Province of British Columbia, Re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement. The motion carried unanimously.

09515 It was moved and seconded that Council receive Mr. Reece Harding's delegation. The motion carried unanimously.

7. ADJOURNMENT:

09615 It was moved and seconded at 6:52 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"IN CAMERA" AGENDA
SPECIAL COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-10, COMMENCING AT 3:00 P.M.

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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).

2. **ADOPTION OF MINUTES:**

3. **PRESENTATIONS:**

NONE

4. **ADMINISTRATION:**

(a)

5. **CORPORATE SERVICES:**

(a) **Appointments to Colliery Dams Select Committee**

(Due to the application deadline of Friday, 2015-AUG-07 at 9:00 a.m., the Staff report with all applications received will be distributed with the Supplemental Agenda.)

(b)

6. **COMMUNITY SERVICES:**

(a)

7. **CORRESPONDENCE (not related to a Report to Council):**

NONE

8. **OTHER BUSINESS:**

9. **ADJOURNMENT:**

ACTING MAYOR: COUNCILLOR HONG
2015-JUL-27 to 2015-SEP-06

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-10 AT 3:00 P.M.

PAGES

5. **CORPORATE SERVICES:**

(a) Appointments to Colliery Dams Select Committee – add Staff report and community-at-large applications. *1-22*

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-AUG-10

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS TO THE COLLIERY DAMS SELECT COMMITTEE

STAFF RECOMMENDATION:

That Council:

1. appoint two members of the public from the following submissions for the Colliery Dams Select Committee community-at-large positions:

2. ratify Mr. Peter Urquhart and Mr. Lorne Gale as the Colliery Dams Preservation Society members;

3. continue to reserve two seats at the Committee table for Snuneymuxw First Nation; and,

4. release the appointments and ratifications to the public at the Special Open Meeting of Council to be held 2015-AUG-10.

PURPOSE:

To provide a list of applicants for Council's consideration for appointment and ratification to the Colliery Dams Select Committee.

BACKGROUND:

At the Special Council Meeting held 2015-JUL-27, the Colliery Dams Select Committee Terms of Reference (attached) were adopted. As a number of urgent matters need to be addressed by the Committee, an accelerated selection process was undertaken, as follows:

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting Addendum
Meeting Date: 2015.aug.10

July 28 – August 7	Ad for Community-At-Large vacancies on the City's website and public notice board
July 29	News Release published including information for members of the public wishing to participate on the Committee
July 29	Advertising on City's Facebook and Twitter accounts
July 29	Mayor McKay contacted the Snuneymuxw First Nation
July 29	Staff contacted the Colliery Dams Park Preservation Society
July 30	Ad for Community-At-Large vacancies in Nanaimo News Bulletin
July 31	Ad for Community-At-Large vacancies in Nanaimo Daily News
August 4	Ad for Community-At-Large vacancies in Nanaimo News Bulletin and Nanaimo Daily News
August 7	9:00 a.m. application submission deadline; Council addendum published, including applications and ratification submissions

DISCUSSION:

The public is usually provided at least two weeks to respond, but in this case, and in order to meet Council's agenda publication deadlines, this process was reduced. Applications received by the deadline are attached to this report.

In accordance with the adopted Terms of Reference, Committee members will be comprised of up to eight Council appointed members, as follows:

- two seats will be held for representatives from Snuneymuxw First Nation if they choose to participate: these seats will remain available;
- up to two representatives from the Colliery Dams Preservation Society: Mr. Peter Urquhart and Mr. Lorne Gale have been put forward by the Society for Council ratification;
- up to two individuals from the community-at-large: as of 9:00 a.m., 2015-AUG-07, the following applications (attached) were received for the two community-at-large positions:
- Two City Councillors: Councillors Kipp and Yoachim were appointed by Council at the 2015-JUL-27 Council meeting.

Recommendation for Release of Information to the Public

For release with severing of personal information, including all attachments and that this information be kept permanently confidential.

Respectfully submitted,

C. Jackson, Manager
Legislative Services

G. Ferrero, Director
Information Technology & Legislative Services

FOZ

I. Howat, General Manager,
Corporate Services

CITY MANAGER COMMENT:
I concur with the Staff recommendation.

CITY OF NANAIMO
THE HARBOUR CITY

COLLIERY DAMS SELECT COMMITTEE
TERMS OF REFERENCE
(adopted 2015-JUL-27)

Mandate

The Colliery Dams Select Committee serves as an advisory body to Council to provide a consultative role prior to and throughout the installation of the Auxiliary Spillway and Middle Colliery Dam remediation processes.

Objectives

The Committee will review, report findings, and provide input with respect to:

- The final design of the Labyrinth/Auxiliary Spillway
- Ensuring that appropriate permitting process has been followed in areas such as environmental, archaeological, fishery, water management, species at risk
- Ensuring that a risk mitigation strategy is developed for the proposed construction inclusive of disruption of construction
- Ensuring that data and reports refer to proposed swale area
- Installation of the labyrinth/box culvert, open channel Auxiliary Spillway
- Landscaping plan for the Auxiliary Spillway: all options will be reviewed to ensure that culturally modified trees will be protected.
- Enhancements to the area around the Auxiliary Spillway
- Any other matter the Committee deems necessary in order to provide a review of the installation of an Auxiliary Spillway at the Lower Colliery Dam
- Preparation of a conceptual plan for the Middle Colliery Dam
- Recommend further studies to increase Council's knowledge of the Colliery Dams, its watershed and its downstream areas

Membership

The Committee members will be comprised of up to eight Council appointed members, as follows:

- Two seats will be held for representatives from Snuneymuxw First Nation (SFN) if they choose to participate (any participation by SFN will not be considered consultation)
- Up to two representatives from the Colliery Dam Park Preservation Society
- Up to two individuals from the community-at-large appointed by Council
- Two City Councillors

The Committee will select a Chair at its first meeting.

The Committee will be supported by a facilitator and Golder Associates as the dam engineering resource. City Staff will function as a technical resource, plus provide administrative support.

Appointment and Term

The Committee term shall expire upon completion of the auxiliary spillway and middle dam remediation.

Meetings

Regular meeting dates and times will be established by the Committee. Special meetings shall be at the call of the Chair.

Governance

The Colliery Dams Select Committee is a select committee of Council, as per the *Community Charter*, and is subject to "Council Procedure Bylaw 2007 No. 7060" and Council's Advisory Committees Terms of Reference, dated 2010-JAN-25.

"IN CAMERA" MINUTES

SPECIAL COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-10 AT 3:02 P.M.

PRESENT: Mayor W. B. McKay, Chair

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

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, A/General Manager of Community Development & Protective Services
P. Bradley, A/Director of Human Resources
D. Duncan, A/Director of Finance
C. Richardson, Chief, Nanaimo Fire Rescue
G. Goodall, Director of Engineering & Public Works
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 4:20 p.m.)

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

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

2. INTRODUCTION OF LATE ITEMS:

(a) Item 5 (a) Appointments to Colliery Dams Select Committee – add Staff report and Community-At-Large applications; and, appointments of representatives from Snuneymuxw First Nation.

3. ADOPTION OF AGENDA:

09715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a)

5. CORPORATE SERVICES:

(a) Appointments to Colliery Dams Select Committee

09915 It was moved and seconded that Council ratify the appointments of Mr. Peter Urquhart and Mr. Lorne Gale as the Colliery Dams Park Preservation Society representatives. The motion carried unanimously.

10015 It was moved and seconded that Council ratify the appointments of Ms. Emmy Manson and Mr. Chris Good as the Snuneymuxw First Nation representatives. The motion carried unanimously.

(b)

Councillor Yoachim vacated the Douglas Rispin Room at 3:42 p.m.

(a) Appointments to Colliery Dams Select Committee **(continued)**

10215 It was moved and seconded that Council appoint Mr. Leon Cake and Mr. Wally Wells as the two community-at-large members to the Colliery Dams Select Committee. The motion carried unanimously.

10315 It was moved and seconded that Council release the appointments and ratifications to the public at the Special Open Council Meeting to be held 2015-AUG-10. The motion carried unanimously.

6. COMMUNITY SERVICES:

(a)

Councillor Yoachim returned to the Douglas Rispin Room at 3:50 p.m.

Donna Smith vacated the Douglas Rispin Room at 4:20 p.m.

7. ADJOURNMENT:

It was moved and seconded at 4:25 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
C H A I R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

From: Shana Manson [mailto:shanam@snuneymuxw.ca]
Sent: August 10, 2015 12:59 PM
To: Michelle Corfield; amyw@snuneymuwx.ca
Cc: Jan Kemp; Amy Wyse
Subject: Notice of SFN committee Appointment to Collier Dam Committee

Please be advised that Emmy Manson and Chris Good, both elected Snuneymuxw Council members have been appointed by the Snuneymuxw Chief and Council to sit as representatives to the Collier Dam committee. A formal letter will follow later this week.

Thank you.

With Respect,
Shana Manson, MA
Interim Executive Director
Tel: 250-740-2300 Ext.2310
Email: shanam@snuneymuxw.ca

Snuneymuxw First Nation
668 Centre St., Nanaimo, B.C. V9R 4Z4
Tel: 250-740-2300 / 1-888-636-8789
Fax: 250-753-3492
Web: http://www.snuneymuxw.ca

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☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015. AUG. 10
Supplemental

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-17, AT 4:30 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUL-06 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 2-3*

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUL-20 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-7*

3. **CORPORATE SERVICES:**

(a)

(b)

4. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR HONG
2015-JUL-27 to 2015-SEP-06

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-06, AT 3:00 P.M.

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

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

Other:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
D. Lindsay, Director of Community Development (vacated 3:46 p.m.)
P. Cooper, Communications Manager
G. Goodall, Director of Engineering & Public Works (arrived 4:03 p.m.)
G. Ferrero, Director of Information Technology & Legislative Services
S. Snelgrove, Recording Secretary (vacated at 4:16 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:05 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

3. ADOPTION OF AGENDA:

08215 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried.
Opposed: Councillors Fuller, Kipp, Yoachim

4. ADMINISTRATION:

(a)

5. ADJOURNMENT:

08615 It was moved and seconded at 4:20 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-JUL-20, AT 4:00 P.M.

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

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

Others: Mr. Reece Harding, Young Anderson Barristers and Solicitors.

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, Director of Social & Protective Services
G. Ferrero, Director of Information Technology & Legislative Services
D. Lindsay, Director of Community Development
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 6:48 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:13 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 3 (a) Add

(b) Agenda Item 5 (a) Remove

(c) Agenda Item 8 (a) Add letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Ms. Pamela Manhas, Barrister and Solicitor, Province of British Columbia, re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement.

3. ADOPTION OF AGENDA:

08715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried.
Opposed: Councillor Fuller

4. ADOPTION OF MINUTES:

08815 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-MAY-25 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, and that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUN-15 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a)

Councillor Pratt vacated the Douglas Rispin Room at 5:36 p.m.

Councillor Pratt returned to the Douglas Rispin Room at 5:37 p.m.

(b)

6. CORRESPONDENCE:

(a) Letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Pamela Manhas, Barrister and Solicitor, Province of British Columbia, Re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement.

Mr. Reece Harding, Young Anderson Barristers and Solicitors, answered questions from Council regarding the letter.

09415 It was moved and seconded that Council release to the public the letter dated 2015-JUL-16 addressed to Mr. Reece Harding, Young Anderson Barristers and Solicitors, from Pamela Manhas, Barrister and Solicitor, Province of British Columbia, Re: *Water Act* Appeal – City of Nanaimo v. April 29, 2015 Order of the Comptroller of Water Rights regarding CWL C061424 & C061423 Colliery Dams – Compliance and Enforcement. The motion carried unanimously.

09515 It was moved and seconded that Council receive Mr. Reece Harding's delegation. The motion carried unanimously.

7. ADJOURNMENT:

09615 It was moved and seconded at 6:52 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-17, AT 4:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt (arrived 4:36 p.m.)
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Corsan, Manager of Real Estate
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 6:41 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:31 p.m.

2. ADOPTION OF AGENDA:

10515 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

10615 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUL-06 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUL-20 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

4. CORPORATE SERVICES:

(a)

Councilor Pratt entered the Douglas Rispin Room at 4:36 p.m.

Ms. Sky Snelgrove, Recording Secretary, vacated the Douglas Rispin Room at 6:41 p.m.

(b)

Due to time constraints this item will be placed on the next “In Camera” Agenda.

5. ADJOURNMENT:

10715 It was moved and seconded at 6:56 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-SEP-14, AT 3:00 P.M.

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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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-AUG-10 at 3:02 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 6-8*

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-AUG-17 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 9-11*

3. **PRESENTATIONS:**

(a)

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a) **Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings**

Recommendation: That Council release to the public the Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings. *Pg.12-17*

(b) **Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public**

Recommendation: That Council release to the public the Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public. *Pg. 18-20*

(c) **Appointments to Committees, Commissions and Boards**

Purpose: To provide Council with a list of applicants for appointments to the Board of Variance, the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Committee.

Staff Recommendation: That Council: *Pg. 21-36*

1. appoint members to the Board of Variance, the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Committee, from the applicants listed in this report for the terms listed in the report, or until otherwise determined through the Core Services Review;
2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-OCT-05 Council meeting agenda; and,
3. instruct Staff to readvertise for any remaining vacancies.

(d) **Recreation Committee Representative – Grants Advisory Committee**

Purpose: To obtain Council ratification of the Parks and Recreation Commission's selected representative to the Grants Advisory Committee.

Staff Recommendation: That Council: *Pg. 37-39*

1. ratify Mr. Barry Sparkes as the Parks and Recreation Commission's Recreation Committee representative to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,
2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public.

(e) **Release of 2015 "In Camera" Meeting Information – First Quarter Report**

Purpose: To provide a summary of "In Camera" release of information during the first quarter of 2015 and obtain Council direction for the release of items in the first quarter where there is no longer a requirement to keep the information confidential and the items have not been authorized for release by Council.

Staff Recommendation: That Council: *Pg. 40-46*

1. direct Staff to release in whole or in part, the 2015 first quarter Council and Committee of the Whole "In Camera" agendas, reports and minutes, by publishing on the City's website the items identified in Attachment A of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy *"Routine Release of "In Camera" Resolutions and Related Reports and Information"*;

2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,

3. direct Staff to place the released report on the next Regular Open Council Agenda.

(f)

Pg. 47-50

(g)

Pg. 51-55

(h)

Pg. 56-66

(i)

Pg. 67-84

(j) **Council Appointed Tax Sale Bidder**

Purpose: To obtain Council authorization to allow the Manager of Real Estate or designate to bid on properties at Tax Sale to avoid the complications associated with a third party bidder and give the current owner every opportunity available to extend the redemption period under the Local Government Act.

Staff Recommendation: That Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale to be held 2015-SEP-28, of the general taxable assessed value of each property. *Pg.85-87*

7. **COMMUNITY SERVICES:**

NONE

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

NONE

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR THORPE
2015-SEP-07 to 2015-OCT-18

"IN CAMERA" MINUTES

SPECIAL COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-AUG-10 AT 3:02 P.M.

PRESENT: Mayor W. B. McKay, Chair

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

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, A/General Manager of Community Development & Protective Services
P. Bradley, A/Director of Human Resources
D. Duncan, A/Director of Finance
C. Richardson, Chief, Nanaimo Fire Rescue
G. Goodall, Director of Engineering & Public Works
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 4:20 p.m.)

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

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

2. INTRODUCTION OF LATE ITEMS:

(a) Item 5 (a) Appointments to Colliery Dams Select Committee – add Staff report and Community-At-Large applications; and, appointments of representatives from Snuneymuxw First Nation.

3. ADOPTION OF AGENDA:

09715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a)

5. CORPORATE SERVICES:

(a) Appointments to Colliery Dams Select Committee

09915 It was moved and seconded that Council ratify the appointments of Mr. Peter Urquhart and Mr. Lorne Gale as the Colliery Dams Park Preservation Society representatives. The motion carried unanimously.

10015 It was moved and seconded that Council ratify the appointments of Ms. Emmy Manson and Mr. Chris Good as the Snuneymuxw First Nation representatives. The motion carried unanimously.

(b)

Councillor Yoachim vacated the Douglas Rispin Room at 3:42 p.m.

(a) Appointments to Colliery Dams Select Committee **(continued)**

10215 It was moved and seconded that Council appoint Mr. Leon Cake and Mr. Wally Wells as the two community-at-large members to the Colliery Dams Select Committee. The motion carried unanimously.

10315 It was moved and seconded that Council release the appointments and ratifications to the public at the Special Open Council Meeting to be held 2015-AUG-10. The motion carried unanimouslv.

6. COMMUNITY SERVICES:

(a)

Councillor Yoachim returned to the Douglas Rispin Room at 3:50 p.m.

Donna Smith vacated the Douglas Rispin Room at 4:20 p.m.

7. ADJOURNMENT:

It was moved and seconded at 4:25 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
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, 2015-AUG-17, AT 4:30 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt (arrived 4:36 p.m.)
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others:

Staff: E. C. Swabey, City Manager
T. P. Seward, Director of Social & Protective Services
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
B. Corsan, Manager of Real Estate
G. Ferrero, Director of Information Technology & Legislative Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 6:41 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:31 p.m.

2. ADOPTION OF AGENDA:

10515 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

10615 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-JUL-06 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

- Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-JUL-20 at 4:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC.

The motion carried unanimously.

4. CORPORATE SERVICES:

(a)

Councilor Pratt entered the Douglas Rispin Room at 4:36 p.m.

Ms. Sky Snelgrove, Recording Secretary, vacated the Douglas Rispin Room at 6:41 p.m.

(b)

Due to time constraints this item will be placed on the next “In Camera” Agenda.

5. ADJOURNMENT:

10715 It was moved and seconded at 6:56 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

YOUNG ANDERSON
BARRISTERS & SOLICITORS

PRIVILEGED AND CONFIDENTIAL

REPLY TO: VANCOUVER OFFICE

VIA EMAIL: ted.swabey@nanaimo.ca

July 13, 2015

Ted Swabey
City Manager
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

Dear Mr. Swabey:

Re: Authority to Address Improper Conduct by Public at Council Meetings
Our File No. 00037-0020

Introduction

We write further to your request for our advice as to the authority of the member of the City Council presiding at a meeting of the City Council to address conduct of members of the public in attendance at the meeting that is believed to be disruptive to the conduct of business at the meeting.

We understand that your request arises specifically in relation to members of the public attending meetings of the City Council, and raising signs and placards during the meeting.

Legal Analysis

As you know, under the *Community Charter*, in order to further the goals of the legislation that local government be transparent and accountable, all meetings of the City Council must be open to the public. However, the *Community Charter* does not cloak members of the public with any general right to participate in the meetings of the City Council. Rather, in requiring that all meetings of the City Council be open to the public, the *Community Charter* simply grants members of the public the right to attend meetings of the City Council and to observe the discussion and decision-making necessary for the City to carry out its business.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In Camera Meeting
Meeting date 2015-SEP-14

It is clear from section 133 of the *Community Charter* that, where members of the public attend meetings of the City Council, the members of the public must conduct themselves properly, and not in a manner that is disruptive to the discussion and decision-making necessary for the City to carry on its business. Section 133 provides that:

> "133 (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.
>
> (2) If a person who is expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a court order."

As can be seen from the language of section 133, the powers of the member of the City Council presiding at a Council Meeting to maintain proper decorum are very broad. First, the language of section 133 confers on the member of the City Council presiding at the meeting the authority to decide whether the conduct of a member of the public attending a meeting of the City Council is improper. Second, the power to expel the member of the public from the meeting is triggered if the presiding member "considers" that the member of the public is acting improperly, by which language the Legislature has conferred a significant deference on the presiding member of the City Council in maintaining proper decorum at the meeting. Finally, the language of section 133, in authorizing a peace officer to enforce the expulsion of a member of the public from a meeting of the City Council as if the expulsion were made by a court order, illustrates the importance that the Legislature has placed on proper decorum at a meeting of the City Council.

The foregoing being said, the power of the member of the City Council presiding at a Council Meeting to expel a member of the public for improper conduct under section 133 of the *Community Charter* is subject to the limits imposed under the *Canadian Charter of Rights and Freedoms*. In this regard, prior to expelling a member of the public from a Council Meeting, the presiding member of the City Council must be satisfied that the member of the public is not engaged in activity that would be protected under *Canadian Charter of Rights and Freedoms.*

In considering whether the authority under section 133 of the *Community Charter* to expel a member of the public for improper conduct is applicable in relation to members of the public attending meetings of the City Council, and raising signs and placards during the meeting, the presiding member of the City Council must be satisfied that the raising of signs and placards during the meeting is disruptive of the meeting and is not protected expression under section 2(b) of the *Canadian Charter of Rights and Freedoms*. As you know, section 2(b) protects freedom of expression rights.

The Supreme Court of Canada has established a three-step inquiry to determine whether an individual's freedom of expression under section 2(b) of the *Canadian Charter of Rights and Freedoms* has been infringed. First, is there expressive content? Second, if so, does the method or location of this expression remove that protection? Third, if the expression is protected by section 2(b), does the government action infringe that protection, either in purpose or effect? If all three of these inquiries are satisfied, the action will be held to be unconstitutional unless it satisfies the standards of justification under section 1 of the *Canadian Charter of Rights and Freedoms*.

With respect to members of the public attending meetings of the City Council and raising signs and placards during the meeting in a manner that the member of the City Council presiding at the meeting considers to be improper and disruptive to the discussion and decision-making necessary for the conduct of the City's business, the first inquiry is whether the action of flashing signs and placards is expressive content. In our view, the answer to this inquiry is "yes". The members of the public are sending a message about their opinion in respect of the conduct of the City's business. The fact that the message may not, in the view of some, be particularly valuable, or may even be offensive, does not deprive it of being considered expressive content.

The foregoing being said, expressive content may fall outside the scope of protection under section 2(b) of the *Canadian Charter of Rights and* Freedoms because of how or where it is delivered. While all expressive content is worthy of protection, the method or location of the expression may not be.

In *Montréal (City) v. 2952-1366 Quebec Inc.*, the Court set out the following test for determining whether expression in a government location is protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*:

> "The basic question with respect to expression on government-owned property is whether the place is a public place where one would expect constitutional protection for free expression on the basis that expression in that place does not conflict with the purposes which s. 2(b) is intended to serve, namely (1) democratic discourse, (2) truth finding and (3) self-fulfillment. To answer this question, the following factors should be considered:
>
> (a) the historical or actual function of the place; and
>
> (b) whether other aspects of the place suggest that expression within it would undermine the values underlying free expression."

Turning to a consideration of whether the historical or actual function would place the expression within the sphere of section 2(b) of the *Canadian Charter of Rights and* Freedoms, City Council chambers are traditionally associated with, or resembles, sites where all persons have a right to express their views by any means at their disposal, and the City Council chambers, being a focal point of civic activity, would in our view be a place where demonstrations of dissent would occur. It functions to promote participation in social and political decision making. However, the "freedom" which an individual may have to communicate in the City Council chambers must necessarily be circumscribed by the interests of the City Council and of the citizens as a whole; the individual will only be free to communicate in the City Council chambers if the form of expression the individual uses is compatible with the principal function or intended purpose of that place. (See: *Commonwealth v. Canada*).

In *R. v. Breedon*, the appellant was convicted of trespass after protesting by holding placards in the lobby of North Vancouver's Courthouse and the foyer of the Municipal Hall. Our Court of Appeal upheld the trial judge's finding that section 2(b) of the *Canadian Charter of Rights and Freedoms* did not afford a defense to the charges. When considering if the appellant's activities were incompatible with the function of the public property in question, the Court referred with approval to the reasoning of the trial judge as follows:

> "Display of signs may be itself less disruptive than use of a bullhorn, for instance, but even the presence of an apparently antagonistic figure with a large, antagonistic, and unavoidable placard must surely be distracting and have a negative effect on the orderly conduct of the business of the place. These were not sidewalks, airport concourses, public arenas or parks."

Even in a public forum, it may not be the content of the speech as much as the deliberate "verbal or visual assault" that limits the scope of section 2(b) of the *Canadian Charter of Rights and Freedoms*. (See: *R. v. Watson,* quoting *Erznoznik v. Jacksonville*). Being forced to observe signs and placards within a confined area is a different scenario than observing a protest on a public street or sidewalk where an audience can avert their eyes or walk away. As was noted by our Court of Appeal in *R. v. Breedon*, "the discomfiting of staff and members of the public going about necessary business in these places is an unwarranted interference with the proper function of these premises."

Moreover, the *Canadian Charter of Rights and Freedoms* does not guarantee an audience for expressive content, and thus a constitutional right to listen must embrace a correlative right *not* to listen. (See: *R. v. Watson*). The concern over a "captive audience" in the context of freedom of expression was raised in *Commonwealth of Canada v. Canada,* where the Court said that the principle behind a constitutional aversion to "captive audiences" is that forced listening "destroys and denies, practically and symbolically, that unfettered interplay and competition among ideas which is the assumed ambient of the communication freedoms". When an

audience is forced to observe material at close range, it tends to undermine truth seeking and democratic discourse, basic *Canadian Charter of Rights and Freedoms* values. A captive audience has been found by the courts to exist where, for example, protests occurred within the access area of an abortion clinic and in the lobby of a courthouse, municipal hall and fire station.

Although Canadian courts have not expressly articulated a test in applying the captive audience doctrine, American jurisprudence indicates that a listener may be considered a captive audience to another's unwanted speech if two factors are present. First, the method of communicating the unwanted speech must thrust the message upon the audience in such a manner that the listener cannot reasonably avoid it. Second, the unwanted speech must be received in a location where the listener has an expectation of privacy. Forcing the unwanted recipient to be exposed to the speech where he or she has a right to quiet enjoyment and privacy intrudes upon the listener's privacy interest in an "essentially intolerable manner".

In our view, where members of the public attending meetings of the City Council are raising signs and placards during the meeting in a manner that the member of the City Council presiding at the meeting considers to be improper and disruptive to the discussion and decision-making necessary for the conduct of the City's business, the expression undermines the values underlying free expression, is incompatible with the principal function or intended purpose of the City Council chambers, and infringes the interests of others. The non-protesting members of the public observing the meeting of the City Council are, in our view, a captive audience because they are constrained within a confined area where they cannot avoid the offending expression and they should reasonably be able to expect that such area should be free of protest that unreasonably impacts their ability to participate in their civic government.

In our view, section 2(b) of the *Canadian Charter of Rights and Freedoms* does not protect expression in the form of signs and placards in front of a captive audience when the expression unreasonably interferes with the function of the City Council chambers.

Conclusion

In conclusion, notwithstanding the protections afforded by section 2(b) of the *Canadian Charter of Rights and Freedoms*, the member of the City Council presiding at a meeting of the City Council has the authority, including under section 133 of the *Community Charter* to address conduct of members of the public in attendance at the meeting that the presiding members reasonably believes to be disruptive to the conduct of business at the meeting.

We trust the foregoing is satisfactory to you.

If you have any questions regarding the foregoing, please do not hesitate to contact the writer.

Yours truly,

YOUNG ANDERSON

Sukhbir Manhas
manhas@younganderson.ca

SM/sm

copy to: Mayor McKay

YOUNG ANDERSON
BARRISTERS & SOLICITORS

PRIVILEGED AND CONFIDENTIAL

REPLY TO: VANCOUVER OFFICE

VIA EMAIL: ted.swabey@nanaimo.ca

September 2, 2015

Ted Swabey
City Manager
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

Dear Mr. Swabey:

Re: Availability of Appeal from Order Expelling Public
Our File No. 00037-0020

We write further to your request for our advice as to whether the appeal process under section 132 of the *Community Charter* applies to a decision of the presiding member under section 133 to expel a member of the public from a council meeting for improper conduct.

For your ease of reference, we have reproduced the relevant portions of sections 132 and 133 below:

> 132 (1) The mayor or the member presiding at a council meeting must preserve order and decide points of order that may arise, subject to an appeal under this section.
>
> (2) On an appeal by a council member from a decision of the presiding member under subsection (1), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.
>
> ...
>
> 133 (1) If the person presiding at a council meeting considers that another person at the meeting is acting improperly, the person presiding may order that the person is expelled from the meeting.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: SEP 08 2015
Sep 02, 2015 9:16 AM/BB

In our opinion, the appeal process under section 132 does not apply to a decision of the presiding member to expel a member of the public from a council meeting for improper conduct.

According to section 132(2), the appeal process under section 132 is "from a decision of the presiding member under subsection (1)". It is not "from a decision of the presiding member under subsection (1) or section 133" or "from a decision of the presiding member under this Division". The words used in section 132(2) plainly preclude an interpretation that extends to orders made under section 133.

It is clear from the wording of the *Charter* that the authority of the presiding member under section 132 does not include the authority to expel a member of the public from a council meeting for improper conduct, such that the appeal process cannot apply to such an order. If the Legislature had intended section 132 to include such authority, it would not have enacted section 133. By including section 133 in the *Community Charter*, the Legislature expressly indicated that its subject matter was not already contained within the scope of section 132. (Indeed, the subject matters are different: section 132 deals with the maintenance of order at the Council table, and section 133 deals with the maintenance of order in the Council chamber. Orders made under section 132 directly engage the interests of Council members as legislators, and an appeal procedure is in accordance with longstanding rules of parliamentary procedure. Orders made under section 133 do not directly engage the interests of Council members as legislators, though in common with all persons who are present at the meeting they have an interest in the maintenance of decorum in the Council chamber.) To interpret section 132 as encompassing the authority to expel persons from the Council chamber for improper conduct, with the result that such orders are subject to appeal under s. 132(2), would render section 133 superfluous, contrary to the principles of statutory interpretation that the Legislature is presumed to not include superfluous words in legislation, and that all words in the legislation must be given a meaning and purpose.

It follows from our opinion that there is no appeal from an order of the presiding member under section 133. The only remedy for a member of the public who has been expelled by the presiding member from a council meeting for improper conduct is to seek judicial review of the presiding member's decision. We note that, on such a judicial review, the court will likely apply a reasonableness standard of review to the presiding member's decision, and will only intervene if the court is satisfied that the decision to expel is one that no individual sitting as the presiding member, acting reasonably, could have made.

We have also considered whether the Council could include standards for the exercise of s. 133 authority to expel persons for improper conduct, in the council procedure bylaw. Section 124 requires a bylaw that establishes "the general procedure to be followed by council and council committees in conducting their business". In our view, this would not be interpreted to include the establishment of a definition of what constitutes "acting improperly" in s. 133, because s.

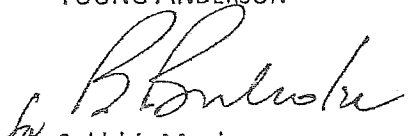
133 is a direct statutory conferral of authority, by the Legislature, on persons presiding at council meetings. The *Community Charter* would not be interpreted as allowing the council to narrow or constrain that authority in any way. As a practical matter, addressing the standard of conduct in the council procedure bylaw so as to control the decisions of the person presiding at a meeting could either require the person presiding to expel for improper conduct a person who they do not consider to be acting improperly, or require them to tolerate the continued presence of a person who they consider to be acting improperly. We don't think the *Community Charter* would be interpreted to allow such situations.

We trust the foregoing is satisfactory to you.

If you have any questions regarding the foregoing, please do not hesitate to contact the writer.

Yours truly,

YOUNG ANDERSON



Sukhbir Manhas
manhas@younganderson.ca
SM/sm

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS

STAFF RECOMMENDATION:

That Council:

1. appoint members to the Board of Variance, the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Committee, from the applicants listed in this report for the terms listed in the report, or until otherwise determined through the Core Services Review;
2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-OCT-05 Council meeting agenda; and,
3. instruct Staff to readvertise for any remaining vacancies.

PURPOSE:

To provide Council with a list of applicants for appointments to the Board of Variance, the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Committee.

BACKGROUND:

From time to time, vacancies arise on Council's committees, commissions and boards and recently the following community-at-large position vacancies have been identified:

Board of Variance (BOV)	1 resignation
Downtown Nanaimo Business Improvement Association (DNBIA)	2 positions (end of term)
Nanaimo Youth Advisory Committee (NYAC)	2 resignations

Advertising was placed in both the Nanaimo News Bulletin and the Nanaimo Daily News on 2015-AUG-27/28 and 2015-SEP-03/04; on the City's website and the public notice board at City Hall beginning 2015-AUG-21; and on the City's Facebook and Twitter pages.

Council's *Advisory Committees Terms of Reference, 2010-JAN-25* applies to all Advisory Committees. The BOV is governed by the Local Government Act and "Board of Variance Bylaw 1988 No. 3152"; the DNBIA is governed by its own Constitution; and the NYAC has created its own Terms of Reference, adopted by Council.

DISCUSSION:

This report includes attachments divided by BOV, DNBIA and NYAC. Each section begins with a cover page followed by applicant submissions. A table of contents is provided on the following page for Council's convenience.

The cover page includes a list of all the names submitted for that committee or board, along with the number of seats available per position. The space to the right of the names is blank and intended as a place where Council may make notes and prepare for deliberations. At the bottom of the page is an appointment motion that can be referenced as appropriate.

Recommendation for Release of Information to the Public

For release with severing of personal information, including all attachments and that this information be kept permanently confidential.

Respectfully submitted,

C. Jackson, Manager
Legislative Services

G. Ferrero, Director
Information Technology & Legislative Services

I. Howat, General Manager,
Corporate Services

CITY MANAGER COMMENT:
I concur with the Staff recommendation.

L:\Drafts\Administration\AdministrativeServices\Chris\Reports in Progress\Council Appointments\Aug 31 BOV_DNBIA_NYAC vacancies\icRPT150914_Council Appointments_BOV_DNBIA_NYAC.docx

TABLE OF CONTENTS

	Pages
Board of Variance (BOV)	24-30
Downtown Nanaimo Business Improvement Association (DNBIA)	31-33
Nanaimo Youth Advisory Council (NYAC)	34-36

Board of Variance:

Members of Council are not permitted to be a member of the Board of Variance.

Applicant	Space for Your Notes
Community at Large (1 to be appointed)	

Draft Motion:

That Council appoint the following individual to the Board of Variance:

1. _____.

Downtown Nanaimo Business Improvement Association:

Non-Voting Ex-Officio Director: Tom Hickey (appointed by City Manager as per DNBIA Constitution)

Applicant	Space for Your Notes
Community at Large (2 to be appointed)	

Draft Motion:

That Council appoint the following individuals to the Downtown Nanaimo Business Improvement Association Board:

1. _____; and,
2. _____.

Nanaimo Youth Advisory Committee:

Council Member Appointed: Councillor Hong

Applicant	Space for Your Notes
Community at Large (2 to be appointed)	

Draft Motion:

That Council appoint the following individuals to the Nanaimo Youth Advisory Committee:

1. _____; and,
2. _____.

IN CAMERA

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: JASON BIRCH, A/DIRECTOR, INFORMATION TECHNOLOGY AND LEGISLATIVE SERVICES

RE: RECREATION COMMITTEE REPRESENTATIVE - GRANTS ADVISORY COMMITTEE

STAFF RECOMMENDATION:

That Council:

1. ratify Mr. Barry Sparkes as the Parks and Recreation Commission's Recreation Committee representative to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public.

PURPOSE:

To obtain Council ratification of the Parks and Recreation Commission's selected representative to the Grants Advisory Committee.

BACKGROUND:

The Parks and Recreation Commission has nominated Mr. Barry Sparkes as its Recreation Committee representative to the Grants Advisory Committee. This position is currently vacant and must be filled by a candidate selected by the Parks and Recreation Commission in accordance with the Terms of Reference of the Grants Advisory Committee. If ratified, the term of Mr. Sparkes' appointment will be until 2018-MAR-31, or until otherwise determined through the Core Services Review.

The Grants Advisory Committee is comprised of various Council appointees who provide a balance of knowledge in their respective areas of service to advise Council on the amount of financial assistance which the municipality should grant to applicants, including permissive taxation exemptions.

Recommendation for Release of Information to the Public

For release with severing of personal information.

Respectfully submitted,

J. Birch,
A/Director, Information Technology
and Legislative Services

Concurrence by:

FOR G. Ferrero
Director,
Information Technology & Legislative Services

I Howat
General Manager,
Corporate Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

Drafted: 2015-SEP-03
JB/ss

Attachment A

Grants Advisory Committee:

Current Membership

Councillor Pratt	Council Member
Councillor Thorpe	Council Member
Ms. Sarah Pachkowsky	Community at Large Member
Mr. William Anderson	Community at Large Member
Mr. Don Bonner	United Way Recommended Member
Mr. Daniel Appell Mr. Mark Robinson (Alternate)	Nanaimo Culture and Heritage Commission
Ms. Val Alcock-Carter	Social Planning Advisory Committee Rep
Vacant	Parks and Recreation Commission, Recreation Committee Representative
Vacant	Nanaimo Alcohol and Drug Action Committee

IN CAMERA

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: RELEASE OF 2015 "IN CAMERA" MEETING INFORMATION – FIRST QUARTER REPORT

STAFF RECOMMENDATION: That Council:

1. direct Staff to release in whole or in part, the 2015 first quarter Council and Committee of the Whole "In Camera" agendas, reports and minutes, by publishing on the City's website the items identified in Attachment A of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy *"Routine Release of "In Camera" Resolutions and Related Reports and Information"*;

2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,

3. direct Staff to place the released report on the next Regular Open Council Agenda.

PURPOSE:

To provide a summary of "In Camera" release of information during the first quarter of 2015 and obtain Council direction for the release of items in the first quarter where there is no longer a requirement to keep the information confidential and the items have not been authorized for release by Council.

DISCUSSION:

Attached is a summary of all "In Camera" meeting information from January to April 2015 and items carried forward from the previous quarter that weren't released but can potentially be released in future (Attachment A). Staff have completed a review of the material to determine what information is still required to be kept confidential and what documents may be released or released with some severing of detail required in accordance with Council Policy and the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. The items have been colour coded as follows:

- blue – Council has previously authorized release in whole or in part;
- green – can be released in whole or in part;
- yellow – can be released at some point in the future (i.e. following completion of negotiations); and,
- red – should not be released.

☑ Council
☐ Committee
☐
In Camera
2015-Sep-14

Pursuant to Section 23 of *FOIPPA*, when considering release of information containing third party information, the third party must be advised of the intended release of the information and provided an opportunity to respond. In the case where the "In Camera" information under review for release contains third party information, rather than advising all third parties and following this process, Staff have severed the information. This process does not preclude members of the public from requesting this information by way of an FOI request for records.

STRATEGIC PLAN IMPLICATIONS:

In Council's Strategic Plan, the Operating Philosophy states that Council is taking responsibility to be an excellent municipal government for Nanaimo, which is identified as a strategic priority for Council. Transparency is a key component of taking responsibility. One of the outcomes to assist in transparency was to develop policies around the release of "In Camera" information. As well as the issue of transparency, another component of taking responsibility is the requirement to protect our citizens and business partners' interests, where appropriate.

RECOMMENDATION FOR RELEASE OF INFORMATION TO THE PUBLIC:

For release following severing of Attachment A and that Attachment A be kept permanently confidential.

Respectfully submitted,

C. Jackson, Manager,
Legislative Services

FOR G. Ferrero, Director
Information Technology & Legislative Services

I. Howat, General Manager,
Corporate Services

CITY MANAGER COMMENT:
I concur with the Staff recommendation.

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IN CAMERA

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: D. HISCOCK, MANAGER, REVENUE SERVICES

RE: COUNCIL APPOINTED TAX SALE BIDDER

STAFF RECOMMENDATION:

That Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale to be held 2015-SEP-28, of the general taxable assessed value of each property.

PURPOSE:

To allow the Manager of Real Estate or designate to bid on properties at Tax Sale to avoid the complications associated with a third party bidder and give the current owner every opportunity available to extend the redemption period under the *Local Government Act.*

BACKGROUND:

The *Local Government Act* requires the City to sell, by public auction, all properties with delinquent taxes. The annual Tax Sale takes place on the last Monday of September of each year. The minimum bid must equal or be greater than the "Upset Price", which is the sum of all outstanding taxes, penalties, interest and administration costs. If there are no successful bidders, the property defaults to the City. The registered owner has one year after the property is sold at Tax Sale to pay the Upset Price plus interest to redeem the property.

Though the intent of the Tax Sale is to recover property taxes due, it is always done with the hope that people are not displaced or lose their home. When properties are purchased by the City, additional options are available to assist the current owner in redeeming their property. Additional time extensions are permitted under the *Local Government Act* when the municipality is the purchaser and there are improvements on the property. These extensions are not permitted when the properties are purchased by a third party.

Prior to Tax Sale, City staff makes many efforts to contact each owner to inform them of the process and urge them to make the necessary payments to avoid the sale. This is done by public announcements, letters and/or phone calls. Through these efforts, the list of properties is greatly reduced, ranging from 7 to 35 properties at the sale over the last 5 years.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-Sep-14

City Bidder at Tax Sale

Section 406 of the *Local Government Act* allows Council to authorize a person to bid at Tax Sale up to a maximum amount. Should Council adopt this recommendation, each property at the sale would be bought by the City (unless outbid).

Some of the rights of the current owner remain; they continue to occupy the property in the same manner as prior to the sale. A charge is added to their property at Land Titles which details that the property was sold at a Tax Sale. The owner still has 1 year to redeem the property.

With the municipality as the purchaser and providing that there are improvements on the property, the one year redemption period may be extended if a 50% payment is made within that first year. This option was exercised in when a property on could only pay-over prior to the redemption period expiring. Fortunately, there were no third parties involved so the redemption period was extended per section 418 of the *Local Government Act* and the owner was able to redeem the property in the extended period.

The Tax Sale process can be complicated and the law surrounding it has not been fully tested in the courts. Although the *Local Government Act* theoretically sets out the responsibilities of the municipality in Tax Sale, where disputes have arisen Courts have regularly sided with the original owner. This generally has imposed a higher duty on municipalities than is contained in the *Act*. Having a third party purchaser at Tax Sale introduces an additional level of complexity that could potentially result in additional costs to the City.

The purpose of this recommended policy is to discourage third party bidders. It will be applied to each property at the sale unless significant and relevant circumstances are brought to Council's attention prior to the sale. Council authorized a City bidder beginning with the 2011 tax sale and Staff believes that the outcome has been very successful.

Other municipalities have successfully utilized a City bidder. These municipalities include Victoria, Tofino and Coquitlam. In the case of properties in rural areas, there is no Tax Sale auction. After three years, the property is automatically deemed to be purchased by the Province without the opportunity for a third party bidder.

Interest

The interest rate paid to the purchaser of a Tax Sale property is currently 5.7% as prescribed by the Province of BC. Interest is charged on the purchase price and must be paid prior to redemption. This interest amount is then payable to the purchaser. The unintended consequence of this recommendation is the interest amount payable could increase if there is a third party bidder who raises the bid over the upset price. Again, it would be the responsibility of the owner to pay this additional interest amount.

Valuation

The total general taxable assessment is made up of land value plus improvements (e.g. A house). It is recommended that a bid of of this value be used as a maximum bid amount. Using this figure reduces the dependence on a single value for an improvement that could potentially be destroyed (eg. a house fire), or using solely the value of the land which potentially excludes the strata properties from this bylaw.

Risk

Many of the properties that go to Tax Sale have encumbrances upon them in addition to those of the City. These can be mortgages, liens, judgments and other claims. Upon sale, most of the encumbrances are forfeited. Those placed by the Crown remain attached to the property and become the responsibility of the buyer.

At risk is the possibility of acquiring a non-redeemed property with all its encumbrances. This is the same risk the City currently has as the default purchaser of properties. Usually, all properties sold at Tax Sale have been redeemed. In the event that a property is unredeemed and transfers to the City, the transaction would be funded from the Property Acquisition Reserve.

If the City purchases these properties at Tax Sale, there is the risk of becoming landlords to various renters. Steps may need to be taken to evict former occupants who have become our tenants. The properties the City acquires could be deemed "unsightly" or "nuisance" properties. The cost to restore these properties would be the responsibility of the City as the City would then be the owner. As noted above, the City already potentially has this risk as the default purchaser.

There may be times when it could be preferable for the City not to bid and instead allow the property to transfer to a third party. Unfortunately these are always unique situations that cannot be covered by policy and may not be discovered until the last minute.

Respectfully submitted,

D. Hiscock
MANAGER
REVENUE SERVICES

Concurrence by:

D. L. Duncan
ACTING DIRECTOR
FINANCE

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-SEP-08
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DH/tw

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-SEP-14, AT 3:00 P.M.

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

Members: Councillor M. D. Brennan
Councillor G. W. Fuller (vacated at 8:12 pm.)
Councillor J. Hong
Councillor J. A. Kipp (vacated at 8:12 pm.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated at 7:30 p.m.)

Absent: Councillor W. L. Bestwick

Other:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, A/General Manager of Community Development & Protective Services
V. Mema, Director of Finance
D. Duncan, Manager of Financial Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Ferrero, Deputy Corporate Officer / Director of Information Technology & Legislative Services
B. Corsan, Manager of Real Estate
M. Dietrich, Manager of Police Support Services
D. Smith, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

(b) Item 9(c) Appointments to Committees, Commissions and Boards – add appointment of alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability.

3. ADOPTION OF AGENDA:

11015 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:

11115 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-AUG-10 at 3:02 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

11215 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-AUG-17 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. The motion carried unanimously.

5. PRESENTATIONS:

(a)

6. CORPORATE SERVICES:

(a) Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings

11415 It was moved and seconded that Council release to the public the Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings. The motion carried unanimously.

(b) Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public

11515 It was moved and seconded that Council release to the public the Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public. The motion carried unanimously.

11615 It was moved and seconded that Council:

1. release to the public the email correspondence dated 2015-SEP-02 to the City Manager from Ms. Michelle Dann, Ministry of Community, Sport & Cultural Development; and,

2. authorize Staff to send the two released legal opinions from Young Anderson, Barristers & Solicitors dated 2015-JUL-13 and 2015-SEP-02 regarding “Authority to Address Improper Conduct by Public at Council Meetings” and “Availability of Appeal from Order Expelling Public” to Ms. Dann and Mr. Jim McDavid, Professor, University of Victoria School of Public Administration. The motion carried unanimously.

(c) Appointments to Committees, Commissions and Boards

11715 It was moved and seconded that Council:

1. appoint the following:

   Mr. Richard Finnegan to the Board of Variance for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review;

   Mr. John Cooper to the Downtown Nanaimo Business Improvement Association for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

   Mr. Michael Ribicic to the Nanaimo Youth Advisory Committee for a term ending 2016-MAY-04, or until otherwise determined through the Core Services Review;

2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-OCT-05 Council agenda; and,

3. instruct Staff to readvertise for remaining vacancies on the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council.

The motion carried unanimously.

11815 It was moved and seconded that Council:

1. appoint Ms. Natalie Cielenga as the Alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(d) Recreation Committee Representative – Grants Advisory Committee

11915 It was moved and seconded that Council:

1. ratify Mr. Barry Sparkes as the Parks and Recreation Commission's Recreation Committee representative to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(e) Release of 2015 “In Camera” Meeting Information – First Quarter Report

12015 It was moved and seconded that Council:

1. direct Staff to release in whole or in part, the 2015 first quarter Council and Committee of the Whole “In Camera” agendas, reports and minutes, by publishing on the City’s website the items identified in Attachment A of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy *“Routine Release of “In Camera” Resolutions and Related Reports and Information”*;

2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,

3. direct Staff to place the released report on the next Regular Open Council Agenda.

The motion carried unanimously.

(f)

D. Smith vacated the Douglas Rispin Room at 4:23 pm.

(g)

RECESS SPECIAL “IN CAMERA” MEETING:

12315 It was moved and seconded that Council recess the Special “In Camera” Meeting at 4:27 pm with the intention of reconvening immediately following the Special Open Council Meeting. The motion carried unanimously.

RECONVENE SPECIAL “IN CAMERA” MEETING:

12415 It was moved and seconded that Council reconvene the Special “In Camera” Meeting at 8:17 pm. The motion carried unanimously.

(h)

(i)

(j) Council Appointed Tax Sale Bidder

12715 It was moved and seconded that Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale to be held 2015-SEP-28, of the general taxable assessed value of each property. The motion carried unanimously.

7. ADJOURNMENT:

12815 It was moved and seconded at 8:23 pm that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

Special "In Camera" Council Meeting
2015-SEP-14
Supplemental Item

From: "Dann, Michelle CSCD:EX" <Michelle.Dann@gov.bc.ca>
Date: September 2, 2015 at 10:18:19 AM PDT
To: Ted Swabey <Ted.Swabey@nanaimo.ca>
Subject: Community Charter s.132 , 133

Hi Ted,

As discussed, here is the response to a media request from the Ministry to this matter.
Regards, Michelle

Under section 132 of the Community Charter the individual presiding over a meeting (usually the Mayor) must preserve order and decide points of order that may arise. Section 132 also provides the process for a member of the council to appeal a decision made by the individual presiding over a meeting. If the presiding member's decision or point of order is challenged, the question of whether to "uphold" or sustain the decision (and therefore the individual's role as presiding member at the meeting) must be put to the council and decided by vote without debate. The presiding member cannot vote on the question. If the presiding member refuses to put the question to the council, then council must appoint a temporary presiding member who must put the question to council immediately.

Section 133 provides that the presiding member may order a person expelled if the presiding member determines an individual is acting improperly. A peace officer may enforce this order as if it were an order of the court.

The interrelationship of section 133 and 132 is not explicit; as such only the courts would ultimately determine the interrelationship between these sections. In any event, an appeal under s. 132 is only available to council members; it is not a public appeal mechanism.

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DODDS NARROWS ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-SEP-16, AT 9:00 A.M.

---

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).

2. **ADMINISTRATION:**

(a) Strategic Relations – discussion with members of the Nanaimo Economic Development Corporation Board regarding , policies and procedures, and general updates.

3. **ADJOURNMENT OF SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR THORPE
2015-SEP-07 to 2015-OCT-18

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DODDS NARROWS ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-SEP-16 AT 09:00 A.M.

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2. **ADMINISTRATION:**

(b) Add Mayor's Update Regarding Fast Ferries

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DODD NARROWS ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-SEP-16, AT 9:00 A.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 9:07 a.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: Mr. Dan Brady, Mr. Brad Jones, Mr. AJ Hustins, Mr. Bill Anderson, Mr. Doug Kalcsics, Mr. Charlie Parker, Mr. Andre Sullivan, Nanaimo Economic Development Corporation Board Members, Mr. Ian Howat – Nanaimo Economic Development Corporation City Appointee

Staff: E. C. Swabey, City Manager
G. Ferrero, Director of IT and Legisltaive Services

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:05 a.m.

Councillor Brennan entered the Dodd Narrows Room at 9:07 a.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 2 (b) Mayor’s Update re: Fast Ferries.

3. ADOPTION OF AGENDA:

10815 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Strategic Relations - members of Council and the Nanaimo Economic Development Corporation Board discussed , policies and procedures, and general updates.

Mr. Andre Sullivan vacated the Dodd Narrows Room at 11:05 a.m. declaring a conflict of interest.

(b) Mayor's Update re: Fast Ferries

Mayor McKay provided a verbal update regarding the fast ferries.

Mr. Andre Sullivan returned to the Dodd Narrows Room at 11:24 a.m.

5. ADJOURNMENT:

10915 It was moved and seconded at 11:29 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-OCT-05, AT 5:00 P.M.

---

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-SEP-14 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 3-8*

(b) Minutes of the Special "In Camera" Meeting of Council held Wednesday, 2015-SEP-16 at 9:00 a.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 9-10*

3. **PRESENTATIONS:**

NONE

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a)

(b) **Extension to Option to Purchase Agreement - 238 Franklyn Street**

Purpose: To obtain Council direction to extend the Option to Purchase Agreement at 238 Franklyn Street (former City Hall Annex) with Cracey Holdings Inc.

Delegations:

1. Mr. Darren Moss and Mr. Bob Moss, Cracey Holdings Inc.

Staff Recommendation: That Council: *Pg. 12-29*

1. direct Staff to amend the existing Option to Purchase Agreement with Cracey Holdings Inc. ("Cracey") and extend the agreement by 2 years subject to the removal of the $40,000 performance bonus payable by the City of Nanaimo to Cracey; and,

2. direct the Corporate Officer and Mayor to execute the necessary document to effect the extension.

7. **COMMUNITY SERVICES:**

(a)

Pg. 30-31

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR THORPE
2015-SEP-07 to 2015-OCT-18

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-SEP-14, AT 3:00 P.M.

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

Members: Councillor M. D. Brennan
Councillor G. W. Fuller (vacated at 8:12 pm.)
Councillor J. Hong
Councillor J. A. Kipp (vacated at 8:12 pm.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated at 7:30 p.m.)

Absent: Councillor W. L. Bestwick

Other:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, A/General Manager of Community Development & Protective Services
V. Mema, Director of Finance
D. Duncan, Manager of Financial Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Ferrero, Deputy Corporate Officer / Director of Information Technology & Legislative Services
B. Corsan, Manager of Real Estate
M. Dietrich, Manager of Police Support Services
D. Smith, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

(b) Item 9(c) Appointments to Committees, Commissions and Boards – add appointment of alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability.

3. ADOPTION OF AGENDA:

11015 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:

11115 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-AUG-10 at 3:02 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

11215 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-AUG-17 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. The motion carried unanimously.

5. PRESENTATIONS:

(a)

6. CORPORATE SERVICES:

(a) Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings

11415 It was moved and seconded that Council release to the public the Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings. The motion carried unanimously.

(b) Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public

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11615 It was moved and seconded that Council:

1. release to the public the email correspondence dated 2015-SEP-02 to the City Manager from Ms. Michelle Dann, Ministry of Community, Sport & Cultural Development; and,

2. authorize Staff to send the two released legal opinions from Young Anderson, Barristers & Solicitors dated 2015-JUL-13 and 2015-SEP-02 regarding “Authority to Address Improper Conduct by Public at Council Meetings” and “Availability of Appeal from Order Expelling Public” to Ms. Dann and Mr. Jim McDavid, Professor, University of Victoria School of Public Administration. The motion carried unanimously.

(c) Appointments to Committees, Commissions and Boards

11715 It was moved and seconded that Council:

1. appoint the following:

   Mr. Richard Finnegan to the Board of Variance for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review;

   Mr. John Cooper to the Downtown Nanaimo Business Improvement Association for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

   Mr. Michael Ribicic to the Nanaimo Youth Advisory Committee for a term ending 2016-MAY-04, or until otherwise determined through the Core Services Review;

2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-OCT-05 Council agenda; and,

3. instruct Staff to readvertise for remaining vacancies on the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council.

The motion carried unanimously.

11815 It was moved and seconded that Council:

1. appoint Ms. Natalie Cielenga as the Alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(d) Recreation Committee Representative – Grants Advisory Committee

11915 It was moved and seconded that Council:

1. ratify Mr. Barry Sparkes as the Parks and Recreation Commission's Recreation Committee representative to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(e) Release of 2015 “In Camera” Meeting Information – First Quarter Report

12015 It was moved and seconded that Council:

1. direct Staff to release in whole or in part, the 2015 first quarter Council and Committee of the Whole “In Camera” agendas, reports and minutes, by publishing on the City’s website the items identified in Attachment A of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy *“Routine Release of “In Camera” Resolutions and Related Reports and Information”*;

2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,

3. direct Staff to place the released report on the next Regular Open Council Agenda.

The motion carried unanimously.

(f)

D. Smith vacated the Douglas Rispin Room at 4:23 pm.

(g)

RECESS SPECIAL “IN CAMERA” MEETING:

12315 It was moved and seconded that Council recess the Special “In Camera” Meeting at 4:27 pm with the intention of reconvening immediately following the Special Open Council Meeting. The motion carried unanimously.

RECONVENE SPECIAL “IN CAMERA” MEETING:

12415 It was moved and seconded that Council reconvene the Special “In Camera” Meeting at 8:17 pm. The motion carried unanimously.

(h)

(i)

(j) Council Appointed Tax Sale Bidder

12715 It was moved and seconded that Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale to be held 2015-SEP-28, of the general taxable assessed value of each property. The motion carried unanimously.

7. ADJOURNMENT:

12815 It was moved and seconded at 8:23 pm that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DODD NARROWS ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-SEP-16, AT 9:00 A.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 9:07 a.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: Mr. Dan Brady, Mr. Brad Jones, Mr. AJ Hustins, Mr. Bill Anderson, Mr. Doug Kalcsics, Mr. Charlie Parker, Mr. Andre Sullivan, Nanaimo Economic Development Corporation Board Members, Mr. Ian Howat – Nanaimo Economic Development Corporation City Appointee

Staff: E. C. Swabey, City Manager
G. Ferrero, Director of IT and Legisltaive Services

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:05 a.m.

Councillor Brennan entered the Dodd Narrows Room at 9:07 a.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 2 (b) Mayor’s Update re: Fast Ferries.

3. ADOPTION OF AGENDA:

10815 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Strategic Relations - members of Council and the Nanaimo Economic Development Corporation Board discussed , policies and procedures, and general updates.

Mr. Andre Sullivan vacated the Dodd Narrows Room at 11:05 a.m. declaring a conflict of interest.

(b) Mayor's Update re: Fast Ferries

Mayor McKay provided a verbal update regarding the fast ferries.

Mr. Andre Sullivan returned to the Dodd Narrows Room at 11:24 a.m.

5. ADJOURNMENT:

10915 It was moved and seconded at 11:29 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"In Camera"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-05

AUTHORED BY: BILL CORSAN, MANAGER OF REAL ESTATE

RE: EXTENSION TO OPTION TO PURCHASE AGREEMENT – 238 FRANKLYN STREET

STAFF RECOMMENDATION:

That Council:

1. Direct Staff to amend the existing Option to Purchase Agreement with Cracey Holdings Inc. ("Cracey") and extend the Agreement by 2 years subject to the removal of the $40,000 performance bonus payable by the City of Nanaimo ("City") to Cracey; and

2. Direct the Corporate Officer and Mayor to execute the necessary documents to effect the extension.

PURPOSE:

The purpose of this report is to seek Council direction to extend the Option to Purchase Agreement at 238 Franklyn Street (former City Hall Annex) with Cracey.

SUMMARY:

On 2014-JAN-14, the former City Hall Annex located at 238 Franklyn Street was transferred from the City to Cracey for $1. This was in recognition that the building is not seismically sound and could not support occupation until either seismic upgrades took place or the building is demolished. Demolition costs of the building are greater than the underlying land value.

The transfer included the registration of a Section 219 Covenant on title that prohibits occupation of the building until it is seismically upgraded or demolished. An Option to Purchase Agreement, in favour of the City, was also registered that requires Cracey to complete the upgrade or demolition work by 2016-JAN-14. If the work is completed by that date, the City will provide a performance bonus of $40,000 to Cracey (an amount equal to 2 years worth of projected property taxes).

In anticipation of the transfer of 238 Franklyn Street, Cracey purchased 290 Franklyn Street on 2013-AUG-15 to be consolidated with 238 Franklyn Street at a later date. A development permit for the entire block was approved by Council in the fall of 2014. The project includes a five-storey, mixed-use building with residential and commercial units (Attachment A).

Cracey has informed Staff that the underlying economics behind the project are not favourable at this point in time and has requested a two year extension to the Option to Purchase Agreement.

Staff has brought this report to Council seeking direction on how best to proceed.

☑ Council
☐ Committee.....
☐ Open Meeting
☑ In-Camera Meeting
Meeting Date: 2015-OCT-05

BACKGROUND:

Reports commissioned by the City in 2009 showed that the City Hall Annex located at 238 Franklyn Street was seismically deficient and the building needed to be seismically upgraded. Costs of the upgrades were estimated to be $6.2 million.

Following a series of staff reports (Attachment B), Council directed Staff to issue an Expression of Interest (EOI) to source office space, either in existing buildings near City Hall or in a new purpose-built structure. As a result of this process, Council chose to proceed with the construction of the new Service and Resource Centre (SARC) Building at 411 Dunsmuir Street.

The former City Hall Annex building became surplus to the City's needs. At the "In Camera" meeting held 2012-FEB-13, Council directed Staff to prepare terms of reference for an EOI that would seek to sell the City Hall Annex land and building (238 Franklyn Street) to a purchaser who would either seismically upgrade the building to a minimum of 60% of the current *BC Building Code* requirements or demolish the building within 24 months of the close of the sale. The EOI was a non-binding agreement and provided Council with an opportunity to test the market to identify parties interested in the property.

The EOI was advertised in the local newspaper, the City's website, the Province's BC Bid website and the Union of BC Municipalities CivicInfo website. The EOI was issued 2012-APR-17 with an 8-week period for proponents to prepare their responses. All responses were due by 2012-JUN-11.

At the 2012-AUG-27 "In Camera" Committee of the Whole Meeting, Council directed Staff to transfer the land and building at 238 Franklyn Street to Cracey. The agreement included a performance bonus of $40,000 payable to Cracy if the building was seismically upgraded or demolished within a two year period. The bonus payment was equivalent to the projected property taxes that would be paid by Cracey over the two year period.

Purchase & Sale Agreement

A Purchase and Sale Agreement, Option to Purchase Agreement in favour of the City and a Section 219 No Occupancy Covenant were part of the sale to Cracey. The salient terms of the agreements include the following:

Purchase Price:	$1
Transfer Date:	2014-JAN-14
Payment for Covenant & Compliance:	The City of Nanaimo will pay $40,000 (the projected total of two year's property taxes) to Cracey as a performance bonus upon removal of the development covenant if the conditions are met within the two-year time frame.
Re-Purchase Option:	City of Nanaimo has the option to re-purchase the land and building if the purchaser has not within 2 years following the closing date completed design and construction of the renovations, modifications and upgrades necessary to render the Building 60% compliant with the seismic requirements of the *Building Code*.

	The Purchaser will compensate the City for liquidated damages in the amount of $10,000 to compensate for the costs of marketing, selling and remarketing and selling the land.
No Occupancy Covenant:	The builder may not occupy the building until the renovations, modifications and upgrades necessary to render the building 60% compliant with the seismic requirements of the *Building Code* have been completed.

DISCUSSION:

In anticipation of the transfer of 238 Franklyn Street, Cracey purchased 290 Franklyn Street on 2013-AUG-15 to be consolidated with 238 Franklyn Street at a later date. This provided Cracey with ownership of the block and permitted a comprehensive redevelopment of the site.

On 2014-NOV-24 Council approved DP00905 which permitted a five storey building that included 32 residential units and five commercial ground floor units. The development permit drawings are contained in Attachment A.

Due to the current market conditions, Cracey is not in a position to advance their project. The company is requesting that Council grant a two year extension to the Option to Purchase Agreement (to 2018-JAN-14). Cracey has committed to updating Council on progress every 6 months on the state of the market and how it relates to their start date.

Options Open to Council

There are three options open to Council at this point in time:

Option 1: Grant 2 Year Extension
Council can provide Cracey with a two year extension. This would extend the current exercise date in the Option to Purchase Agreement to 2018-JAN-14. Staff would recommend that Council amend the agreement to remove the requirement for the City to reimburse Cracey with $40,000 should they complete the seismic upgrades or demolish the building within the two year period. The original $40,000 performance bonus was based on the assumption that the land and building would maintain the same assessed value ($1,776,000) as of the date of transfer, however, BC Assessment have valued the land and building at $1, which means Cracey has not had to pay property taxes.

Option 2: Notify Cracey that the City Will Exercise the Option
Council could provide Cracey with notice that should the building not be demolished or seismically upgraded by 2016-JAN-14, the City will repurchase the building for $1. Cracey would owe the City $10,000 for liquidated damages. If Council provides this direction, Cracey will likely demolish the building this fall and the Option to Purchase Agreement will be discharged and the City will be required to pay the performance bonus ($40,000).

Option 3: Discharge the Option to Purchase
This would enable Cracey to hold the property indefinitely until the market becomes more suitable for the project to proceed. Alternatively, if Council chooses not to exercise the Option to Purchase Agreement after 2015-JAN-14 then the agreement will terminate on its own and the performance bonus is not payable.

Strategic Plan Considerations
A decision on the future of this parcel of land meets two of the key priorities identified in the 2012-2015 Strategic Plan, including;

Strategy	
Asset Management	**Stewardship of Current Infrastructure and Facilities** • The disposition of 238 Franklyn Street removed a facility from the City's land inventory that requires extensive investment that is not justified by the land value
Taking Responsibility	**Potential Strategies and/or Initiatives** • Continuing to facilitate change and overall development consistent with vision and plans; taking action steps to be a catalyst or investment in the City's future.

Recommendations for Release of Information to the Public
To be released to the public following direction from Council.

Respectfully submitted,

Bill Corsan
MANAGER
REAL ESTATE

Concurrence by:

Dale Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT

Toby Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT & PROTECTIVE SERVICES

CITY MANAGER COMMENT:

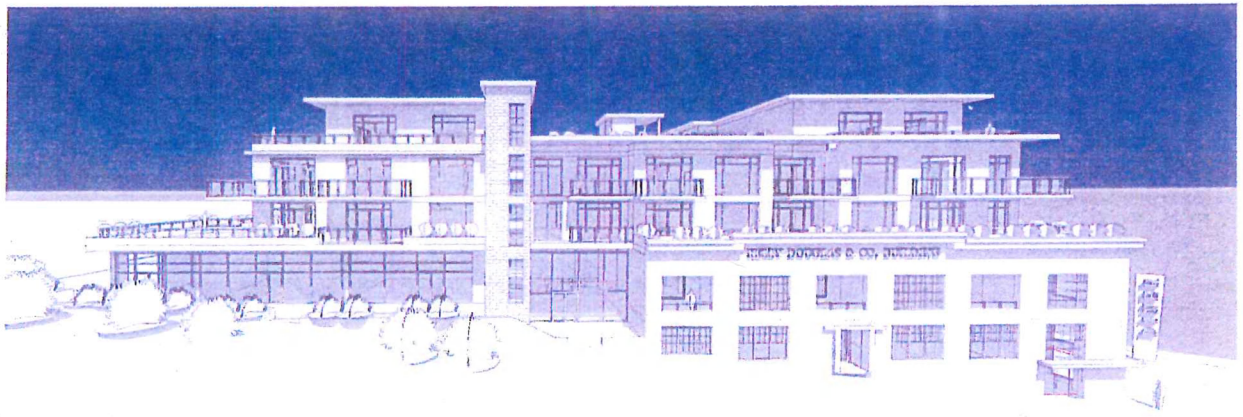
I concur with the Staff recommendation.

Drafted: 2015-SEPT-21
CLL00055
WC/cb

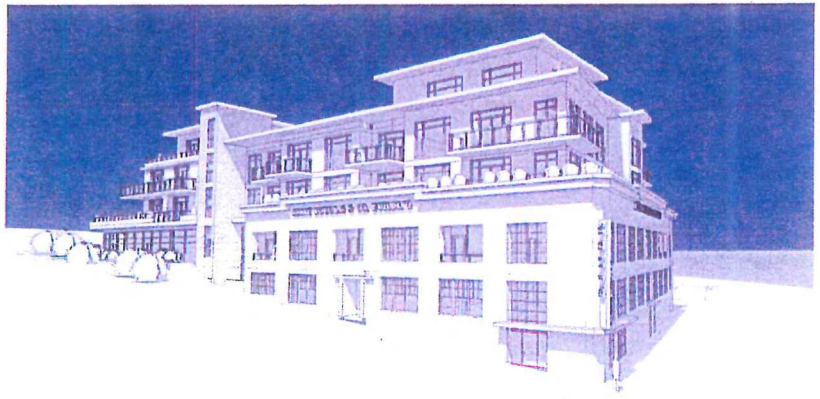
ATTACHMENT A

THE NANAIMO ANNEX

238 FRANKLYN STREET
NANAIMO, BC



① VIEW FROM THE SOUTH



② VIEW FROM THE SOUTHEAST CORNER

KPL James architecture

NANAIMO ANNEX

238 Franklyn Street
Nanaimo, BC

SEAL:

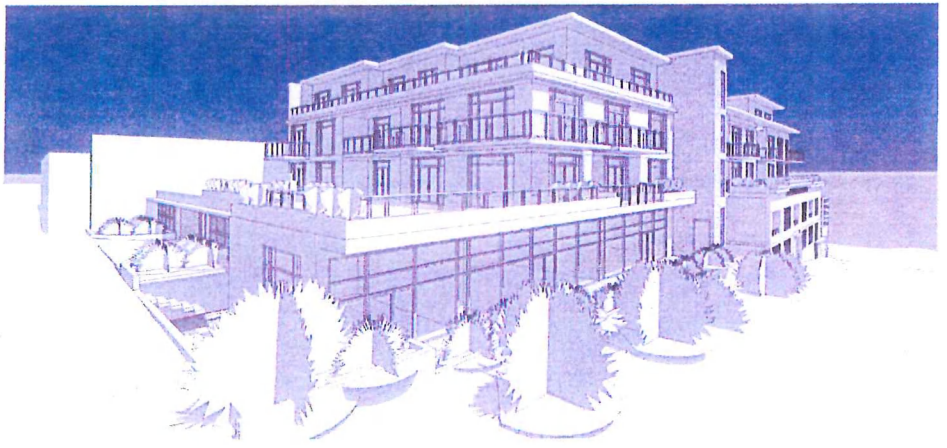
DRAWING TITLE

VIEWS

PROJECT NUMBER:	1311
DRAWN BY:	AG
CHECKED BY	BK
SCALE:	1 : 1
DATE	16 SEP 2014

D0.01

① VIEW FROM THE WEST



② VIEW FROM THE SOUTHWEST

KPL James architecture

NANAIMO ANNEX

238 Franklin Street
Nanaimo, BC

SEAL:

DRAWING TITLE:

VIEWS

PROJECT NUMBER:	1311
DRAWN BY:	AB
CHECKED BY:	BK
SCALE:	
DATE:	15 SEP 2014

D0.02

① VIEW FROM THE NORTHEAST

② VIEW FROM NORTH

KPL James architecture

NANAIMO ANNEX

235 Franklyn Street
Nanaimo, BC

SEAL:

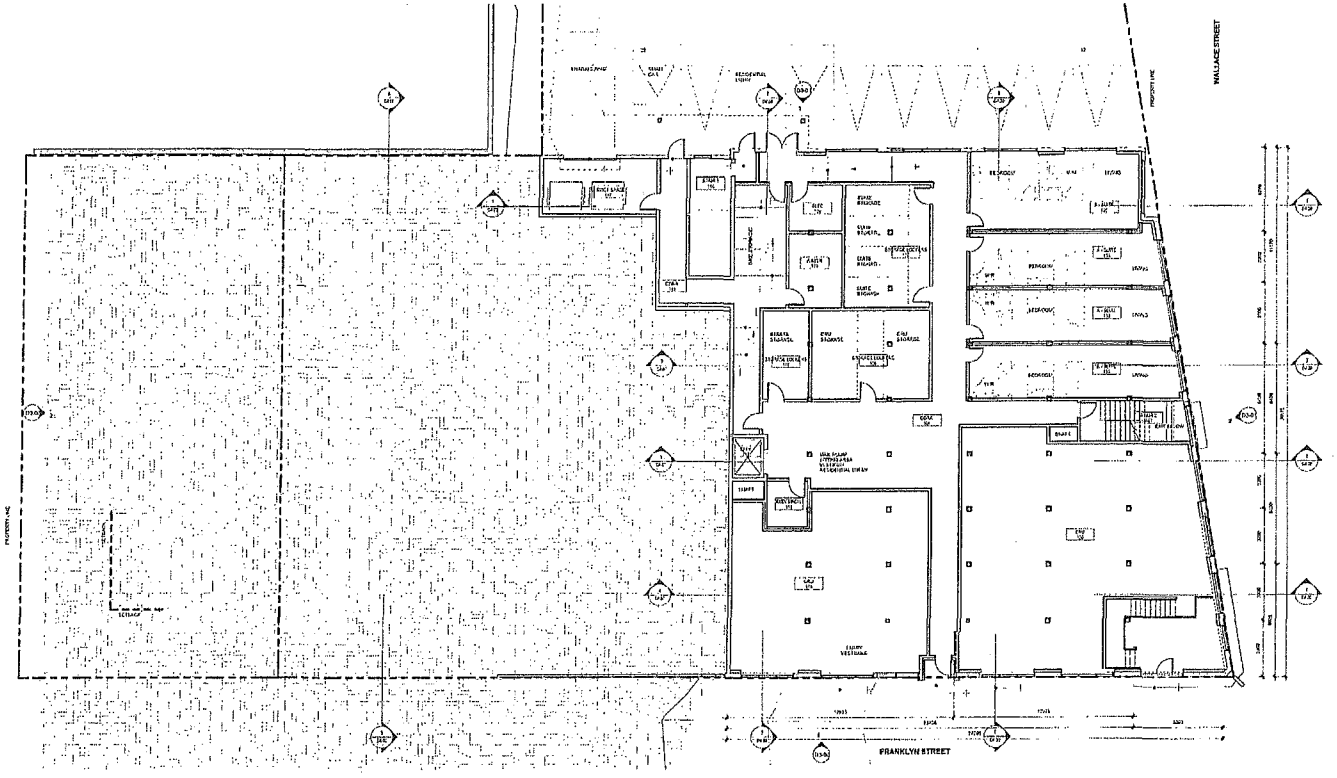
DRAWING TITLE

VIEWS

PROJECT NUMBER	1311
DRAWN BY	Author
CHECKED BY	Checker
SCALE	
DATE	15 SEP 2014

D0.03

ATTACHMENT A



1 FLOOR PLAN - LEVEL 1
1 : 100

KPL:James architecture

NANAIMO ANNEX

238 Franklyn Street
Nanaimo, BC

SEAL

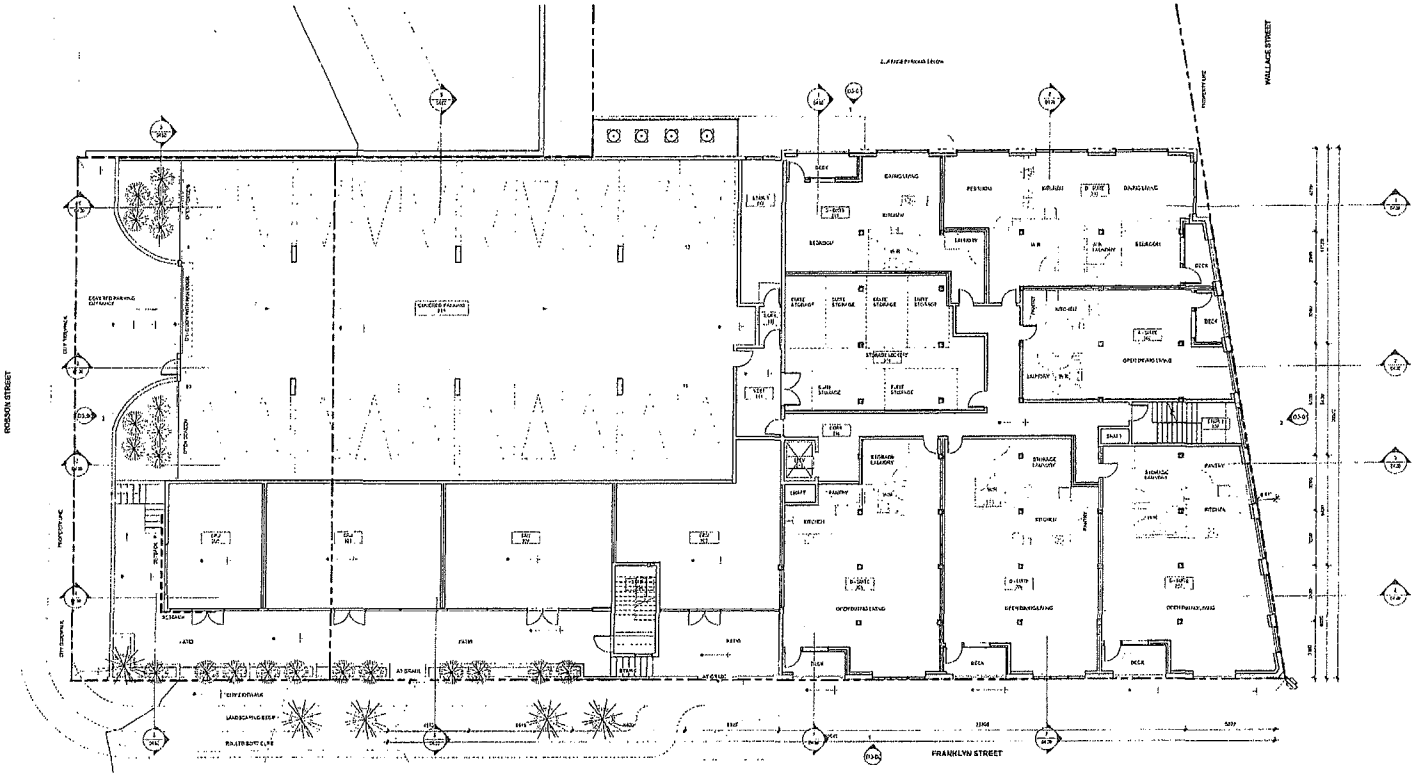
DRAWING TITLE

FLOOR PLAN LEVEL 1

PROJECT NUMBER	1311
DRAWN BY:	AG
CHECKED BY:	BK
SCALE:	1 : 100
DATE	15 SEP 2014

D2.00

ATTACHMENT A



① FLOOR PLAN - LEVEL 2
1 : 100

KPL|James architecture

NANAIMO ANNEX

235 Franklyn Street
Nanaimo, BC

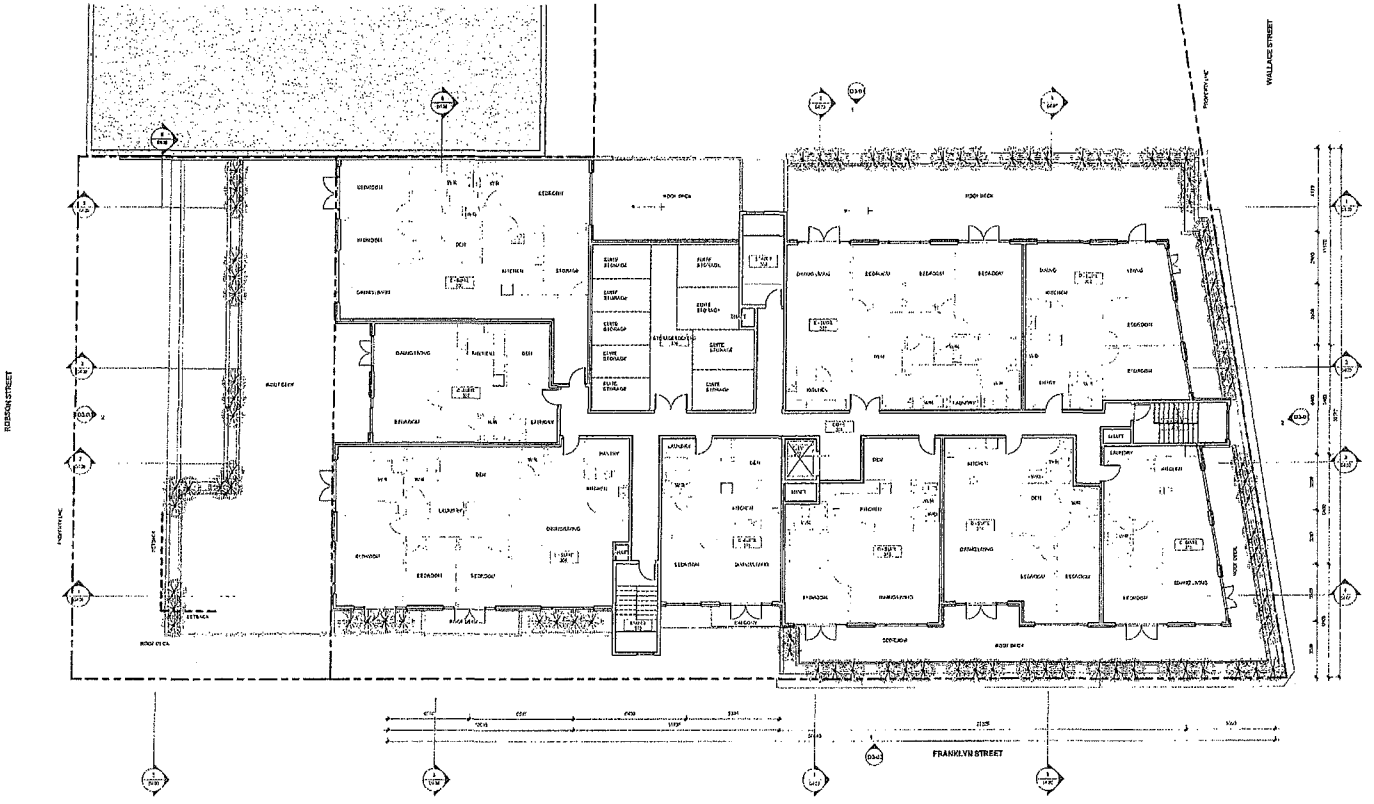
BEAL

DRAWING TITLE:
FLOOR PLAN LEVEL 2

PROJECT NUMBER:	1311
DRAWN BY:	AG
CHECKED BY:	BC
SCALE:	1 : 100
DATE:	15 SEP 2014

D2.01

ATTACHMENT A



1 FLOOR PLAN - LEVEL 3
1 : 100

KPL James architecture

NANAIMO ANNEX

238 Franklyn Street
Nanaimo, BC

SEAL

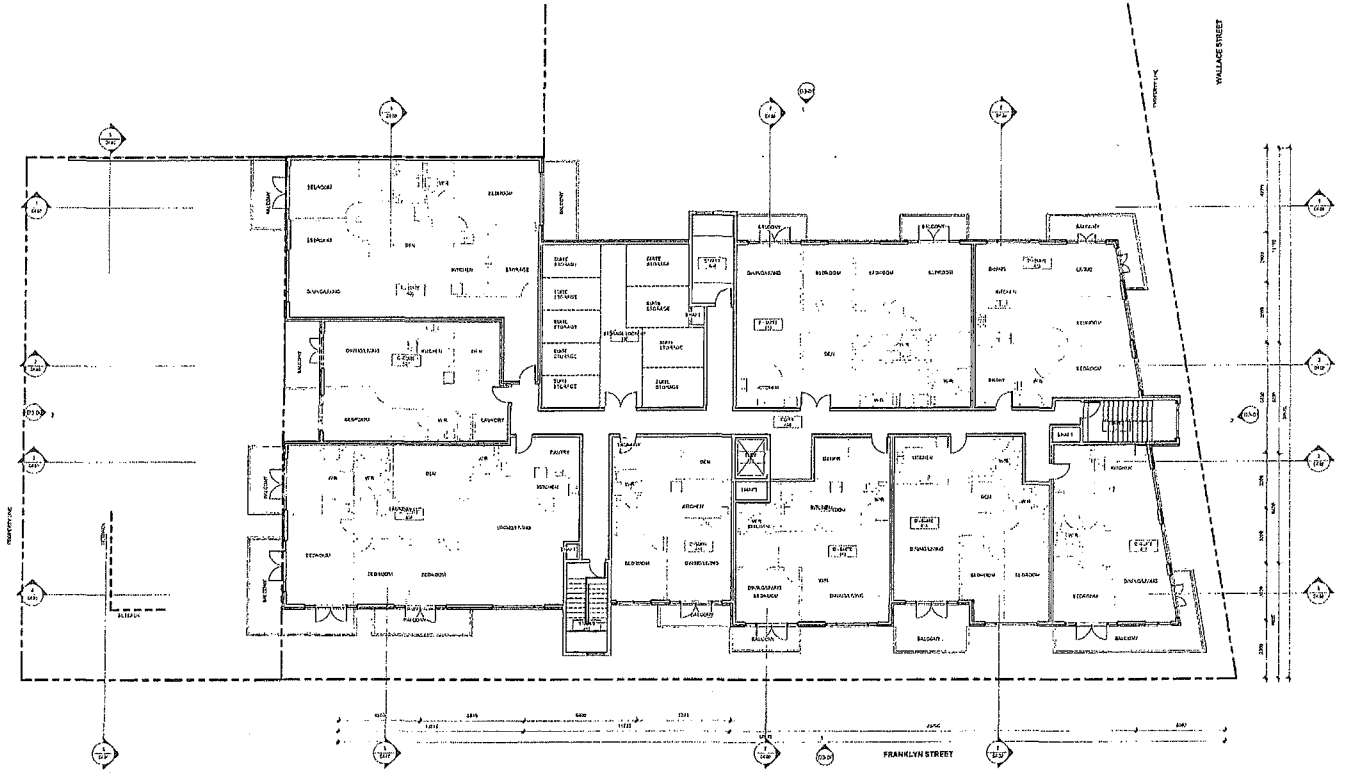
DRAWING TITLE

FLOOR PLAN LEVEL 3

PROJECT NUMBER	1311
DRAWN BY	AG
CHECKED BY	BK
SCALE	1 : 100
DATE	15 SEP 2014

D2.02

ATTACHMENT A



1 FLOOR PLAN - LEVEL 4
1 : 100

KPL:James architecture

NANAIMO ANNEX

236 Franklyn Street
Nanaimo, BC

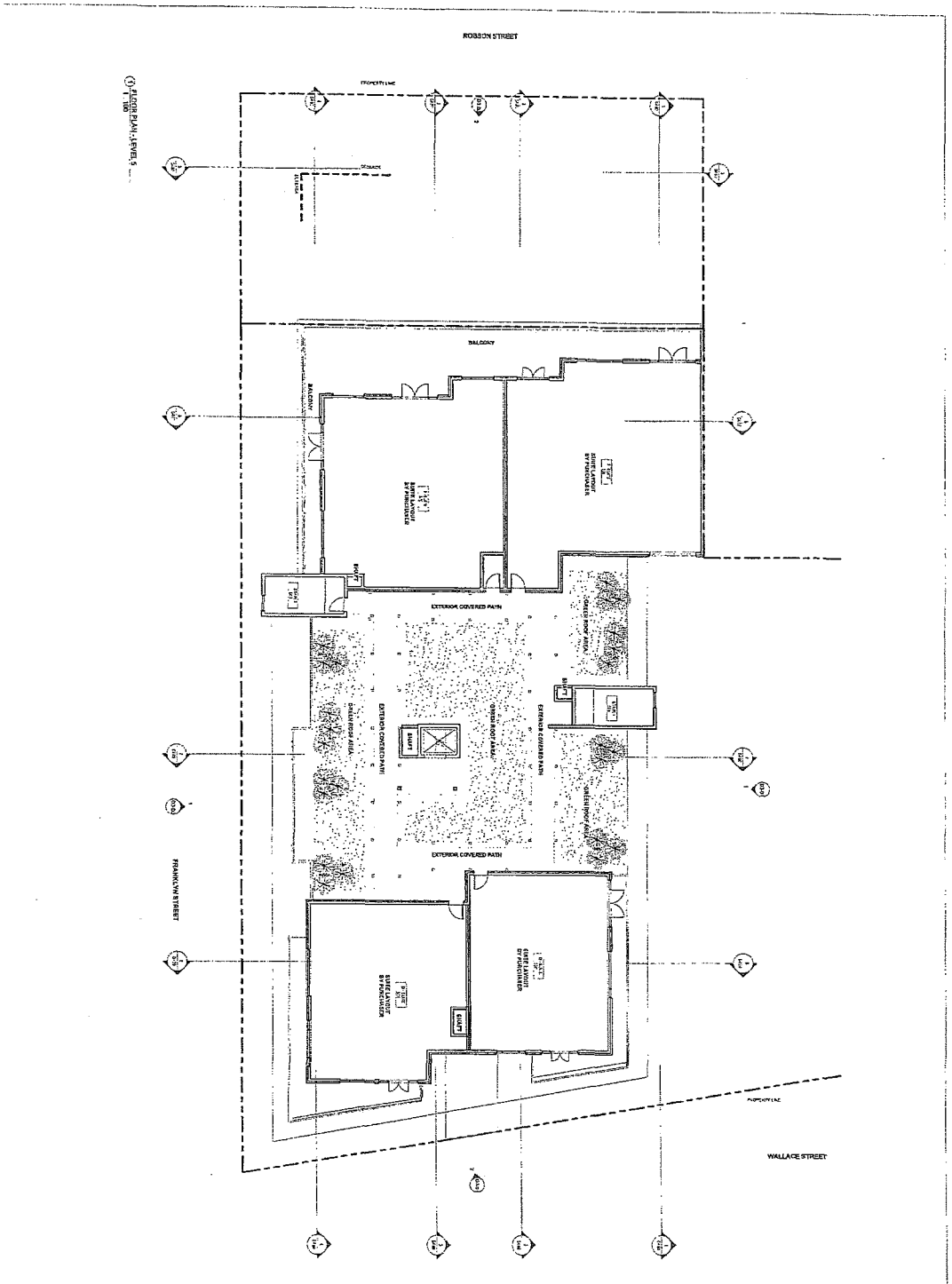
SEAL:

DRAWING TITLE

FLOOR PLAN LEVEL 4

PROJECT NUMBER	1311
DRAWN BY:	AG
CHECKED BY	BK
SCALE:	1 : 100
DATE	15 SEP 2016

D2.03



KPL James architecture

HAMMAD ANNEX

238 Franklyn Street
Nanaimo, BC

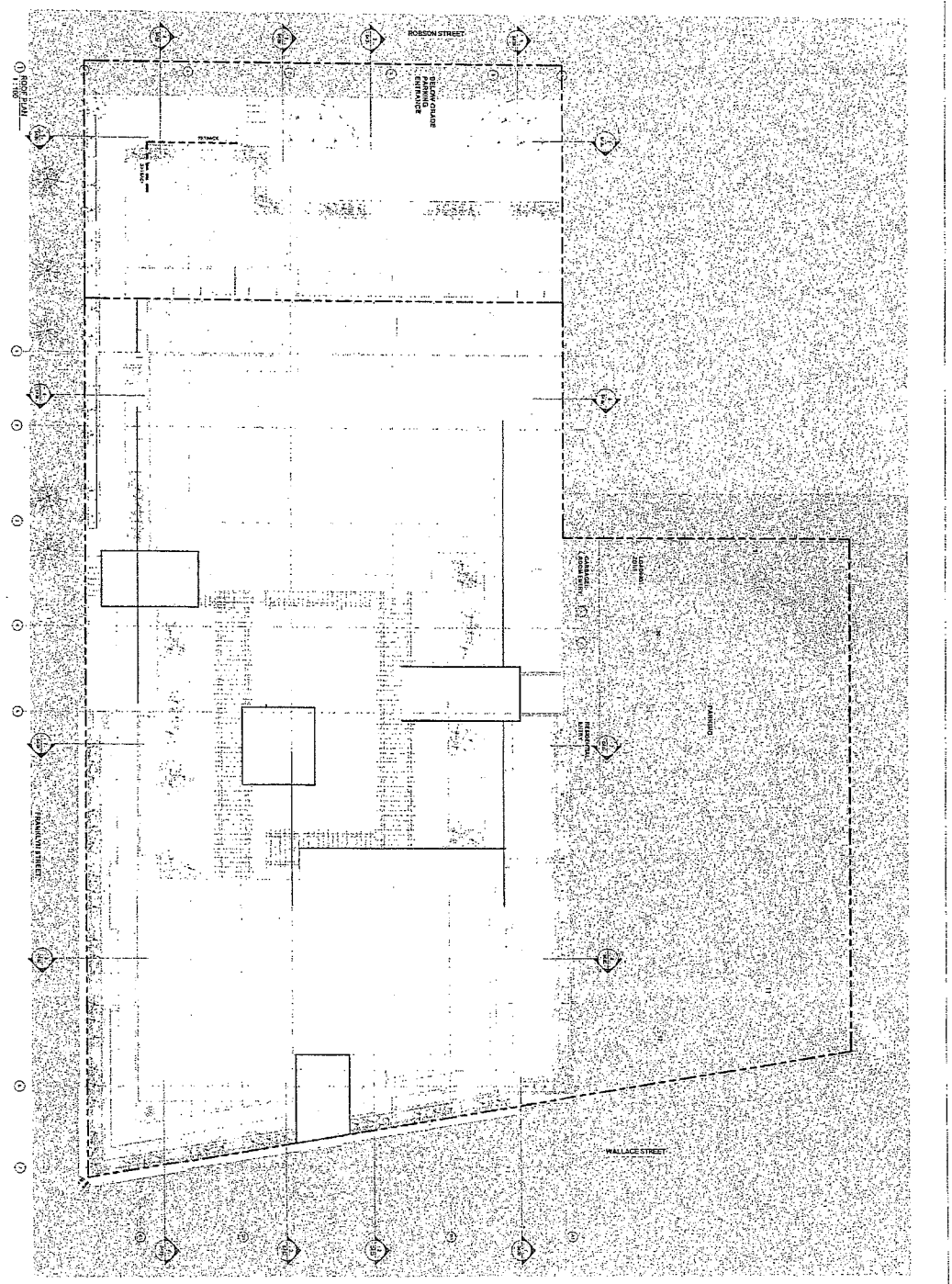
SEAL

DRAWING TITLE:

FLOOR PLAN LEVEL 5

PROJECT NUMBER:	1311
DRAWN BY:	AG
CHECKED BY:	TH
SCALE:	1 : 100
DATE:	15 SEP 2014

D2.04



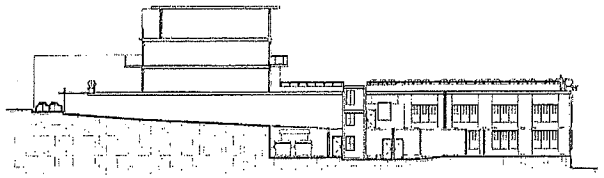
KPL James architecture

NAMMO ANNEX

ROOF PLAN & SITE PLAN

D2.05

ATTACHMENT A



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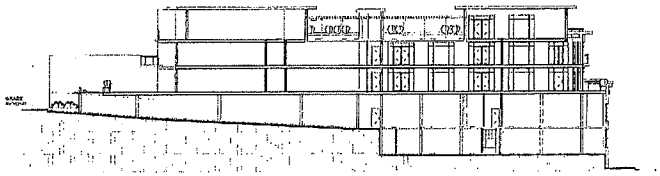

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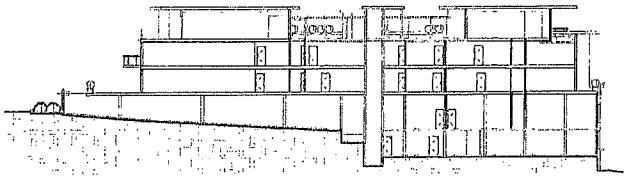

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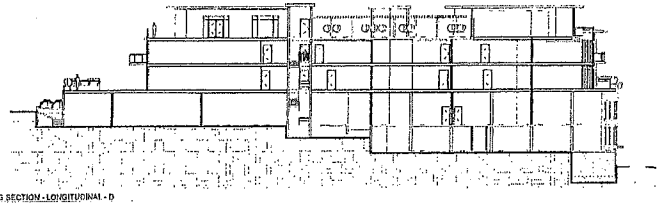

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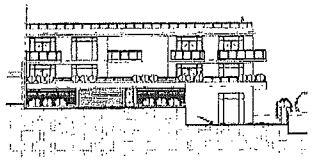

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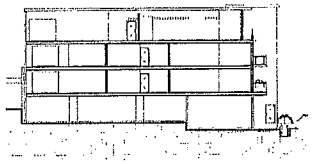

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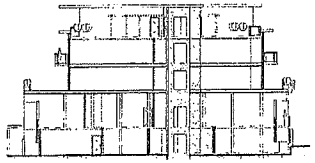

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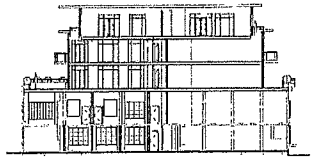


⑧ BUILDING SECTION - TRANSVERSE - D
1 : 200

KPL James architecture

NANAIMO ANNEX

238 Franklyn Street
Nanaimo, BC

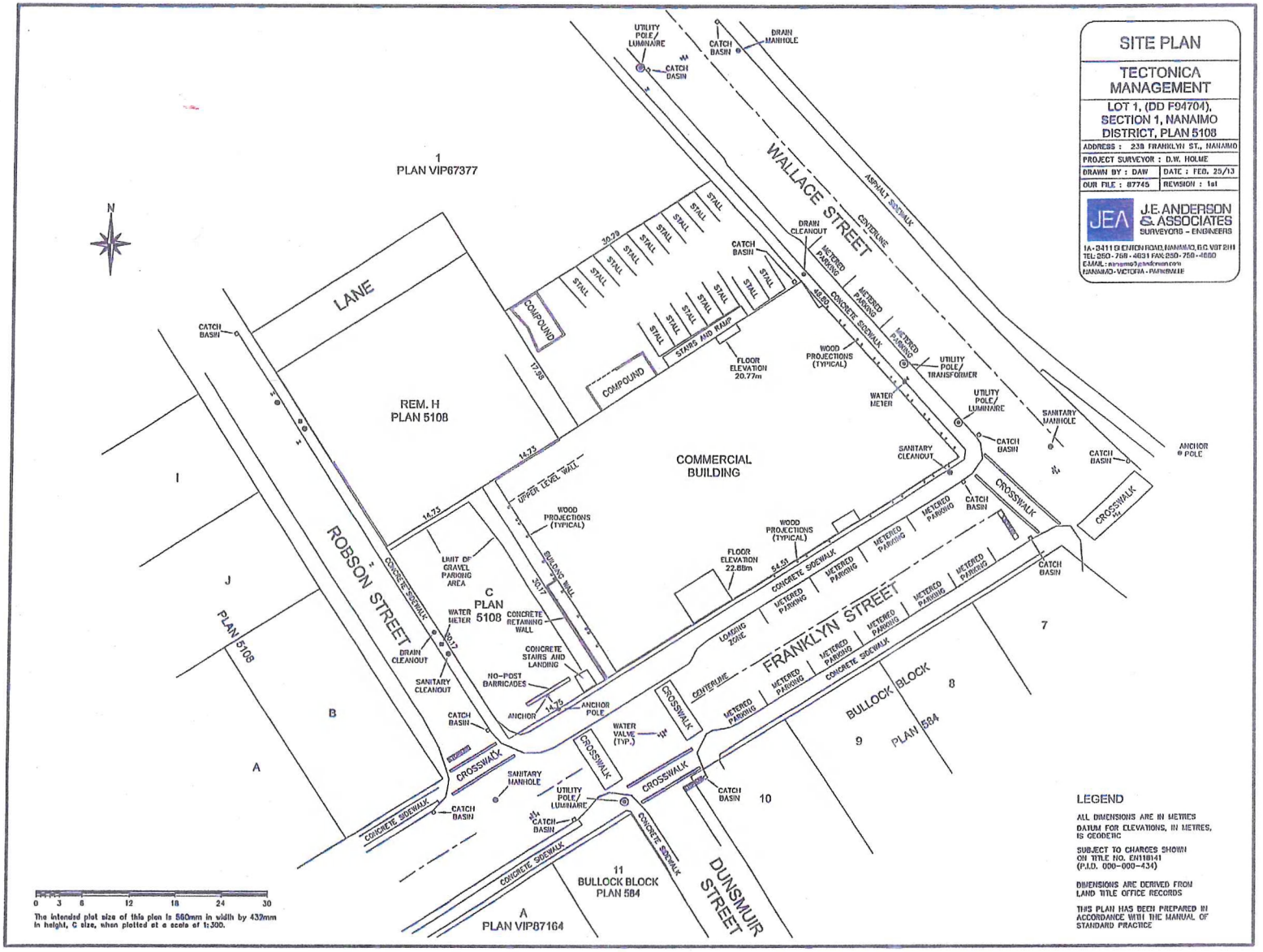
SEAL

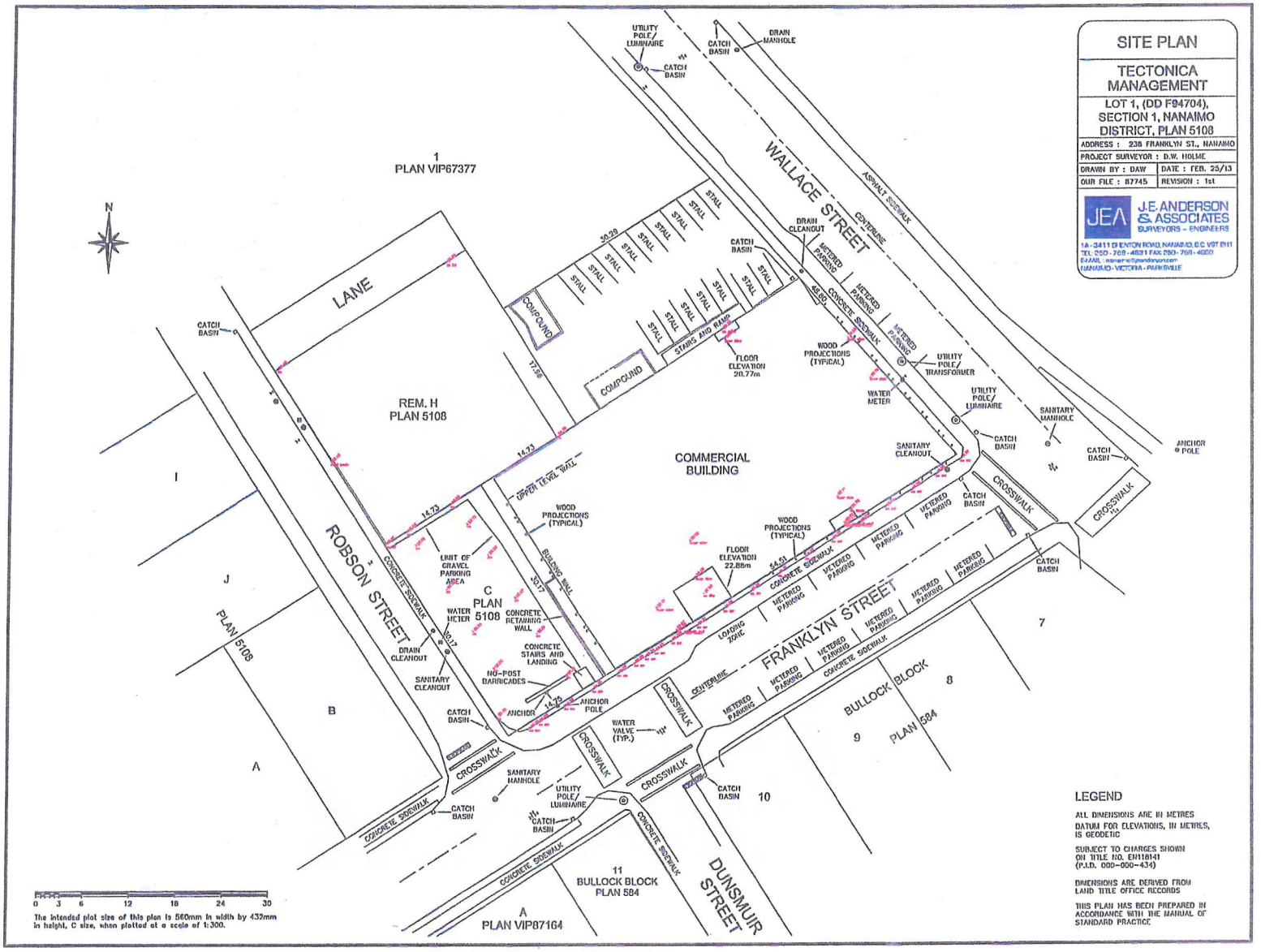
DRAWING TITLE

BUILDING SECTIONS

PROJECT NUMBER	1311
DRAWN BY	AS
CHECKED BY	BK
SCALE	1 : 200
DATE	15 SEP 2014

D4.00


SITE PLAN
TECTONICA MANAGEMENT
LOT 1, (DD F94704), SECTION 1, NANAIMO DISTRICT, PLAN 5108
ADDRESS : 238 FRANKLYN ST., NANAIMO
PROJECT SURVEYOR : D.W. HOLME
DRAWN BY : DAW
DATE : FEB. 25/13
OUR FILE : 87745
REVISION : 1st
J.E. ANDERSON & ASSOCIATES
SURVEYORS - ENGINEERS
1A-2111 ELDON ROAD, NANAIMO, B.C. V9T 2H1
TEL 250-758-4631 FAX 250-758-4660
EMAIL: nanaimo@jeanderson.com
NANAIMO - VICTORIA - PARKSVILLE
1 PLAN VIP67377
REM. H PLAN 5108
LANE
WALLACE STREET
ROBSON STREET
FRANKLYN STREET
DUNSMUIR STREET
COMMERCIAL BUILDING
COMPOUND
STAIRS AND RAMP
FLOOR ELEVATION 20.77m
FLOOR ELEVATION 22.88m
WOOD PROJECTIONS (TYPICAL)
UPPER LEVEL WALL
BUILDING WALL
LIMIT OF GRAVEL PARKING AREA
CONCRETE RETAINING WALL
CONCRETE STAIRS AND LANDING
NO-POST BARRICADES
LOADING ZONE
METERED PARKING
STALL
CROSSWALK
CONCRETE SIDEWALK
ASPHALT SIDEWALK
CENTERLINE
CATCH BASIN
DRAIN MANHOLE
DRAIN CLEANOUT
SANITARY CLEANOUT
SANITARY MANHOLE
UTILITY POLE/ LUMINAIRE
UTILITY POLE/ TRANSFORMER
WATER METER
WATER VALVE (TYP.)
ANCHOR
ANCHOR POLE
C PLAN 5108
PLAN 5108
BULLOCK BLOCK PLAN 584
A PLAN VIP87164
11 BULLOCK BLOCK PLAN 584
LEGEND
ALL DIMENSIONS ARE IN METRES
DATUM FOR ELEVATIONS, IN METRES, IS GEODETIC
SUBJECT TO CHARGES SHOWN ON TITLE NO. EN110141 (P.I.D. 000-000-434)
DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS
THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE
0 3 6 12 18 24 30
The intended plot size of this plan is 560mm in width by 432mm in height, C size, when plotted at a scale of 1:300.


SITE PLAN
TECTONICA MANAGEMENT
LOT 1, (DD F94704), SECTION 1, NANAIMO DISTRICT, PLAN 5108
ADDRESS : 236 FRANKLYN ST., NANAIMO
PROJECT SURVEYOR : D.W. HOLME
DRAWN BY : DAW
DATE : FEB. 25/13
OUR FILE : 87745
REVISION : 1st
J.E. ANDERSON & ASSOCIATES
SURVEYORS - ENGINEERS
1A - 3411 DENTON ROAD NANAIMO B.C. V9T 6N1
TEL 250 - 758 - 4631 FAX 250 - 758 - 4660
E-MAIL : nanaimo@jeanderson.com
NANAIMO - VICTORIA - PARKSVILLE
1
PLAN VIP67377
WALLACE STREET
ASPHALT SIDEWALK
CENTERLINE
LANE
REM. H
PLAN 5108
COMPOUND
STALL
STAIRS AND RAMP
FLOOR ELEVATION 20.77m
COMMERCIAL BUILDING
WOOD PROJECTIONS (TYPICAL)
UPPER LEVEL WALL
BUILDING WALL
UNIT OF GRAVEL PARKING AREA
C
PLAN 5108
CONCRETE RETAINING WALL
CONCRETE STAIRS AND LANDING
NO-POST BARRICADES
ROBSON STREET
CONCRETE SIDEWALK
METERED PARKING
LOADING ZONE
FRANKLYN STREET
CROSSWALK
BULLOCK BLOCK
PLAN 584
DUNSMUIR STREET
A
PLAN VIP87164
11
BULLOCK BLOCK
PLAN 584
UTILITY POLE/ LUMINAIRE
UTILITY POLE/ TRANSFORMER
CATCH BASIN
DRAIN MANHOLE
SANITARY MANHOLE
SANITARY CLEANOUT
DRAIN CLEANOUT
WATER METER
WATER VALVE (TYP.)
ANCHOR
ANCHOR POLE
LEGEND
ALL DIMENSIONS ARE IN METRES
DATUM FOR ELEVATIONS, IN METRES, IS GEODETIC
SUBJECT TO CHARGES SHOWN ON TITLE NO. EN118141 (P.I.D. 000-000-434)
DIMENSIONS ARE DERIVED FROM LAND TITLE OFFICE RECORDS
THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE
0 3 6 12 18 24 30
The intended plot size of this plan is 560mm in width by 432mm in height, C size, when plotted at a scale of 1:300.

ATTACHMENT B

Chronology of Project / Issue

Open Council Meeting 2013-Jan-14
Council approved the disposition of 238 Franklyn Street to Tectonica Management Inc (Cracey). Completion date set for 2014-Jan-14.

Open Council Meeting 2012-DEC-17
Information Only Report – releasing the information from the 2012-DEC-03 "In Camera" Council meeting.

Special "In Camera" Council Meeting 2012-DEC-03
It was moved and seconded that Council:

1. approve the disposition in principal of 238 Franklyn Street to Tectonica Management Inc.;
2. direct the Mayor and Corporate Officer to execute the necessary documents to effect the transfer after the notice period has ended and subsequent approval by Council;
3. direct Staff to return to the next open Council meeting with an "Information Only" Report;
4. direct Staff to issue a Press Release relating to the matter at the next open Council meeting; and
5. Direct Staff to issue a Notice of Disposition as required under Section 26 and 94 of the *Community Charter* following the open Council meeting.

"In Camera" Committee of the Whole Meeting 2012-AUG-27
It was moved and seconded that Council direct Staff to transfer the land and building at 238 Franklyn Street to Tectonica Management Inc. The motion carried unanimously.

Open Council Meeting 2012-APR-16
It was moved and seconded that Council direct Staff:

1. to advertise the Expression of Interest for the sale of the City Hall Annex; and
2. to report back with an evaluation and summary report for Council's consideration.

"In Camera" Finance/Policy Committee of the Whole Meeting 2012-APR-02
It was moved and seconded that Council:

1. direct Staff to advertise the attached Expression of Interest for the Sale of the City Hall Annex;
2. direct Staff a report forward to the open Council meeting of 2012-Apr-16; and
3. direct Staff to report back to a future "In Camera" meeting with an evaluation and summary report for Council's consideration.

Special "In Camera" Council 2012-FEB-13
Council directed Staff to prepare Terms of Reference for an Expression of Interest (EOI) proposal that would seek to sell the land and building at 238 Franklyn Street to a purchaser who would either seismically upgrade the building to a minimum of 60 percent of *Building Code* requirements or demolish the building.

Special "In Camera" Council 2012-MAR-01
It was moved and seconded that Council:

1. direct staff to advertise the attached Expression of Interest for the sale of the City Hall Annex;
2. direct staff to bring this report forward to the Open Council meeting of 2012-APR-16; and
3. direct Staff to report back with an evaluation and summary report for Council's consideration.

Special "In Camera" Council 2012-FEB-13
Council received a staff report outlining future options for 238 Franklyn Street.

Special "In Camera" Council 2011-MAR-07
Council directed staff to proceed with the construction of a new building at 411 Dunsmuir Street and directed to prepare a report on future uses for the existing City Hall Annex at 238 Franklyn.

Special "In Camera" Council 2010-DEC-13
Council directed staff to shortlist down to two options and to negotiate with the two applicants to determine the best option available to the City.

Special "In Camera" Council 2010-OCT-18
Council direct staff to shortlist to six proposals and bring forward an analysis of the six proposals to replace or upgrade the City Hall Annex.

Special "In Camera" Council 2010-OCT-04
Council received a report from staff regarding options to replace the City Hall Annex that included a Funding Option Summary (five options) and site section review (15 proposals on 9 sites).

Special "In Camera" Council 2010-MAY-12
Council directed staff to prepare an expression of interest to seek proposals from the development community to provide office space for staff housed in the City Hall Annex.

Special "In Camera" Council 2010-APR-12
Council directed staff to not proceed with an acquisition of a new office building and directed staff to prepare a report that identifies alternative options within the City, including indentifying costs to construct a new office building in one or two phases to replace the City Hall Annex.

2010-JAN-05, 2010- APR-07, 2009-OCT-28 and 2009-AUG-06 Staff provided reports which reviewed options that included seismically upgrading the City Hall Annex, purchasing a new building, building a new office building on land owned by the City or leasing office space.

SPECIAL "IN CAMERA" ADDENDUM
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-OCT-05 AT 5:00 P.M.

---

6. **CORPORATE SERVICES:**

(a) *Pg. 1-21*

(b) Extension to Option to Purchase Agreement – 238 Franklyn Street – add to delegation from Cracey Holdings Inc., Mr. Bil Derby and Mr. Barry Fairbank.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-OCT-05, AT 5:00 P.M.

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

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

Absent: Councillor J. A. Kipp

Others: Mr. Darren Moss, Mr. Bob Moss, Mr. Bil Derby, Mr. Barry Fairbank, Cracey Holdings Inc. (arrived 6:19 p.m., vacated 6:33 p.m.)

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, A/General Manager of Community Development & Protective Services
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
B. Corsan, Manager of Real Estate
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (vacated 6:44 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:07 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

(b) Agenda Item 6 (b) Extension to Option to Purchase Agreement – 238 Franklyn Street – add delegations Mr. Bil Derby and Mr. Barry Fairbank from Cracey Holdings Inc.

3. ADOPTION OF AGENDA:

11015 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. CORPORATE SERVICES:

(a)

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

Councillor Fuller returned to the Douglas Rispin Room at 6:18 p.m.

Mr. Darren Moss, Mr. Bob Moss, Mr. Barry Fairbank and Mr. Bil Derby entered the Douglas Rispin Room at 6:19 p.m.

(b) Extension to Option to Purchase Agreement - 238 Franklyn Street

Delegations:

1. Mr. Darren Moss, Mr. Bob Moss, Mr. Barry Fairbank and Mr. Bil Derby, Cracey Holdings Inc./Tectonica spoke regarding the proposed development.

Mr. Darren Moss, Mr. Bob Moss, Mr. Barry Fairbank and Mr. Bil Derby vacated the Douglas Rispin Room at 6:33 p.m.

Ms. Sky Snelgrove, Recording Secretary, vacated the Douglas Rispin Room at 6:44 p.m.

11315 It was moved and seconded that Council instruct the Corporate Officer and Mayor to execute the necessary documents to discharge the option to purchase agreement for 238 Franklyn Street. The motion was defeated.
Opposed: Mayor McKay, Councillors Brennan, Hong, Thorpe

11415 It was moved and seconded that Council:

1. direct Staff to amend the existing Option to Purchase Agreement with Cracey Holdings Inc. (“Cracey”) and extend the agreement by 5 years subject to the removal of the $40,000 performance bonus payable by the City of Nanaimo to Cracey; and,

2. direct the Corporate Officer and Mayor to execute the necessary document to effect the extension.

The motion carried unanimously.

5. COMMUNITY SERVICES:

(a)

6. ADJOURNMENT:

11615 It was moved and seconded at 6:48 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-OCT-19, AT 5:00 P.M.

---

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).

2. **ADOPTION OF MINUTES:**

(a) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-SEP-14 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 4-9*

(b) Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-SEP-16 at 9:00 a.m. in the Dodd Narrows Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. *Pg. 10-11*

3. **PRESENTATIONS:**

(a)

Pg. 12

4. **MAYOR'S REPORT:**

NONE

5. **ADMINISTRATION:**

NONE

6. **CORPORATE SERVICES:**

(a)

Pg. 13-15

(b)

Pg. 16-22

(c) **Appointments to the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council**

Purpose: To provide Council with a list of applicants for appointments to the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council.

Staff Recommendation: That Council: *Pg. 23-70*

1. appoint members to the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council, from the applicants listed in this report for the terms listed in the report, or until otherwise determined through the Core Services Review;

2. instruct Staff to advise applications of appointments, release appointment information to the public and include appointments on the 2015-NOV-02 Council meeting agenda; and, if required,

3. instruct Staff to readvertise for any remaining vacancies.

7. **COMMUNITY SERVICES:**

NONE

8. **CORRESPONDENCE:**

NONE

9. **OTHER BUSINESS:**

(a) Mr. E. C. Swabey, City Manager, to provide a presentation regarding personnel issues.

10. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR FULLER
2015-OCT-19 to 2015-NOV-29

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-SEP-14, AT 3:00 P.M.

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

Members: Councillor M. D. Brennan
Councillor G. W. Fuller (vacated at 8:12 pm.)
Councillor J. Hong
Councillor J. A. Kipp (vacated at 8:12 pm.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (vacated at 7:30 p.m.)

Absent: Councillor W. L. Bestwick

Other:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
I. Howat, General Manager of Corporate Services
T. P. Seward, A/General Manager of Community Development & Protective Services
V. Mema, Director of Finance
D. Duncan, Manager of Financial Planning
D. Lindsay, Director of Community Development
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Ferrero, Deputy Corporate Officer / Director of Information Technology & Legislative Services
B. Corsan, Manager of Real Estate
M. Dietrich, Manager of Police Support Services
D. Smith, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:01 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a)

(b) Item 9(c) Appointments to Committees, Commissions and Boards – add appointment of alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability.

3. ADOPTION OF AGENDA:

11015 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:

11115 It was moved and seconded that the Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-AUG-10 at 3:02 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

11215 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-AUG-17 at 4:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. The motion carried unanimously.

5. PRESENTATIONS:

(a)

6. CORPORATE SERVICES:

(a) Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings

11415 It was moved and seconded that Council release to the public the Legal Opinion dated 2015-JUL-13 from Young Anderson Barristers & Solicitors re: Authority to Address Improper Conduct by Public at Council Meetings. The motion carried unanimously.

(b) Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public

11515 It was moved and seconded that Council release to the public the Legal Opinion dated 2015-SEP-02 from Young Anderson Barristers & Solicitors re: Availability of Appeal from Order Expelling Public. The motion carried unanimously.

11615 It was moved and seconded that Council:

1. release to the public the email correspondence dated 2015-SEP-02 to the City Manager from Ms. Michelle Dann, Ministry of Community, Sport & Cultural Development; and,

2. authorize Staff to send the two released legal opinions from Young Anderson, Barristers & Solicitors dated 2015-JUL-13 and 2015-SEP-02 regarding “Authority to Address Improper Conduct by Public at Council Meetings” and “Availability of Appeal from Order Expelling Public” to Ms. Dann and Mr. Jim McDavid, Professor, University of Victoria School of Public Administration. The motion carried unanimously.

(c) Appointments to Committees, Commissions and Boards

11715 It was moved and seconded that Council:

1. appoint the following:

   Mr. Richard Finnegan to the Board of Variance for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review;

   Mr. John Cooper to the Downtown Nanaimo Business Improvement Association for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

   Mr. Michael Ribicic to the Nanaimo Youth Advisory Committee for a term ending 2016-MAY-04, or until otherwise determined through the Core Services Review;

2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-OCT-05 Council agenda; and,

3. instruct Staff to readvertise for remaining vacancies on the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council.

The motion carried unanimously.

11815 It was moved and seconded that Council:

1. appoint Ms. Natalie Cielenga as the Alternate Vancouver Island University representative to the Advisory Committee on Environmental Sustainability for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(d) Recreation Committee Representative – Grants Advisory Committee

11915 It was moved and seconded that Council:

1. ratify Mr. Barry Sparkes as the Parks and Recreation Commission's Recreation Committee representative to the Grants Advisory Committee for a three-year term ending 2018-MAR-31, or until otherwise determined through the Core Services Review; and,

2. instruct Staff to advise the applicant of the appointment and release the appointment information to the public on the 2015-OCT-05 Council agenda.

The motion carried unanimously.

(e) Release of 2015 “In Camera” Meeting Information – First Quarter Report

12015 It was moved and seconded that Council:

1. direct Staff to release in whole or in part, the 2015 first quarter Council and Committee of the Whole “In Camera” agendas, reports and minutes, by publishing on the City’s website the items identified in Attachment A of the report where the requirement for confidentiality has passed and Council authorization has not yet been obtained in accordance with Council Policy *“Routine Release of “In Camera” Resolutions and Related Reports and Information”*;

2. authorize release of this report following severing of Attachment A and that Attachment A be kept permanently confidential; and,

3. direct Staff to place the released report on the next Regular Open Council Agenda.

The motion carried unanimously.

(f)

D. Smith vacated the Douglas Rispin Room at 4:23 pm.

(g)

RECESS SPECIAL “IN CAMERA” MEETING:

12315 It was moved and seconded that Council recess the Special “In Camera” Meeting at 4:27 pm with the intention of reconvening immediately following the Special Open Council Meeting. The motion carried unanimously.

RECONVENE SPECIAL “IN CAMERA” MEETING:

12415 It was moved and seconded that Council reconvene the Special “In Camera” Meeting at 8:17 pm. The motion carried unanimously.

(h)

(i)

(j) Council Appointed Tax Sale Bidder

12715 It was moved and seconded that Council authorize the Manager of Real Estate or designate to bid at the annual Tax Sale to be held 2015-SEP-28, of the general taxable assessed value of each property. The motion carried unanimously.

7. ADJOURNMENT:

12815 It was moved and seconded at 8:23 pm that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DODD NARROWS ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
WEDNESDAY, 2015-SEP-16, AT 9:00 A.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 9:07 a.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Others: Mr. Dan Brady, Mr. Brad Jones, Mr. AJ Hustins, Mr. Bill Anderson, Mr. Doug Kalcsics, Mr. Charlie Parker, Mr. Andre Sullivan, Nanaimo Economic Development Corporation Board Members, Mr. Ian Howat – Nanaimo Economic Development Corporation City Appointee

Staff: E. C. Swabey, City Manager
G. Ferrero, Director of IT and Legisltaive Services

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 9:05 a.m.

Councillor Brennan entered the Dodd Narrows Room at 9:07 a.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 2 (b) Mayor’s Update re: Fast Ferries.

3. ADOPTION OF AGENDA:

10815 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Strategic Relations - members of Council and the Nanaimo Economic Development Corporation Board discussed , policies and procedures, and general updates.

Mr. Andre Sullivan vacated the Dodd Narrows Room at 11:05 a.m. declaring a conflict of interest.

(b) Mayor's Update re: Fast Ferries

Mayor McKay provided a verbal update regarding the fast ferries.

Mr. Andre Sullivan returned to the Dodd Narrows Room at 11:24 a.m.

5. ADJOURNMENT:

10915 It was moved and seconded at 11:29 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

"IN CAMERA"

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-19

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: APPOINTMENTS TO THE DOWNTOWN NANAIMO BUSINESS IMPROVEMENT ASSOCIATION AND THE NANAIMO YOUTH ADVISORY COUNCIL

STAFF RECOMMENDATION:

That Council:

1. appoint members to the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council, from the applicants listed in this report for the terms listed in the report, or until otherwise determined through the Core Services Review;
2. instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-NOV-02 Council meeting agenda; and, if required,
3. instruct Staff to readvertise for any remaining vacancies.

PURPOSE:

To provide Council with a list of applicants for appointments to Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council.

BACKGROUND:

From time to time, vacancies arise on Council's committees, commissions and boards and recently the following community-at-large position vacancies have been identified:

Downtown Nanaimo Business Improvement Association (DNBIA)	1 positions (end of term)
Nanaimo Youth Advisory Committee (NYAC)	2 resignations

This is the second advertisement for both of these committees as not enough applications were received during the first advertising campaign. In the meantime, there has been another resignation from the NYAC.

Advertising was placed in both the Nanaimo News Bulletin on 2015-SEP-24 and 2015-OCT-01, and the Nanaimo Daily News on 2015-SEP-26 and 2016-OCT-03; on the City's website and the public notice board at City Hall beginning 2015-SEP-18; and on the City's Facebook and Twitter pages.

Council's *Advisory Committees Terms of Reference, 2010-JAN-25* applies to all Advisory Committees. The DNBIA is governed by its own Constitution and the NYAC has created its own Terms of Reference, adopted by Council.

DISCUSSION:

The DNBIA appointment term ends 2018-MAR-31, and the NYAC appointment term ends 2016-MAY-04, as per the Terms of Reference adopted by Council. Both terms are subject to change should the Core Services Review determine that is needed.

This report includes attachments divided by DNBIA and NYAC. Each section begins with a cover page followed by applicant submissions. A table of contents is provided on the following page for Council's convenience.

The cover page includes a list of all the names submitted for each vacancy, along with the number of seats available per position. The space to the right of the names is blank and intended as a place where Council may make notes and prepare for deliberations. At the bottom of the page is an appointment motion that can be referenced as appropriate.

Recommendation for Release of Information to the Public

For release with severing of personal information, including all attachments and that this information be kept permanently confidential.

Respectfully submitted,

C. Jackson, Manager
Legislative Services

G. Ferrero, Director
Information Technology & Legislative Services

I. Howat, General Manager,
Corporate Services

CITY MANAGER COMMENT:
I concur with the Staff recommendation.

L:\Drafts\Administration\AdministrativeServices\Chris\Reports in Progress\Council Appointments\Oct 19 DNBIA_NYAC Vacancies\icRPT151019_Council Appointments_DNBIA_NYAC.docx

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Downtown Nanaimo Business Improvement Association	26-63
Nanaimo Youth Advisory Council	64-70

Downtown Nanaimo Business Improvement Association:

Non-Voting Ex-Officio Director: Tom Hickey (appointed by City Manager as per DNBIA Constitution)

Applicant	Space for Your Notes
Community-at-Large (1 to be appointed)	

Draft Motion:

That Council appoint the following individual to the Downtown Nanaimo Business Improvement Association Board:

1. _____.

Nanaimo Youth Advisory Council:

Council Member Appointed: Councillor Hong

Applicant	Space for Your Notes
Community-at-Large (2 to be appointed)	

Draft Motion:

That Council appoint the following individuals to the Nanaimo Youth Advisory Council:

1. _____; and,
2. _____.

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-OCT-19, AT 5:00 P.M.

PRESENT: Acting Mayor G. W. Fuller, Chair

Members: His Worship Mayor W. B. McKay (via telephone)
Councillor W. L. Bestwick (arrived 5:07 p.m.)
Councillor M. D. Brennan
Councillor J. Hong
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor J. A. Kipp

Others:

Staff: E. C. Swabey, City Manager
T. M. Hickey, General Manager of Community Services
J. Van Horne, Director of Human Resources
V. Mema, Director of Finance
D. Lindsay, Director of Community Development
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
J. Birch, Manager of Information Technology
P. Bradley, Manager of Labour Relations
M. Dietrich, Manager of Police Support Services
C. Richardson, Fire Chief, Nanaimo Fire Rescue
B. Corsan, Manager of Real Estate
S. Snelgrove, Recording Secretary (vacated 6:46 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:01 p.m.

2. ADOPTION OF AGENDA:

11715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

3. ADOPTION OF MINUTES:

11815 It was moved and seconded that Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-SEP-14 at 3:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. be adopted as circulated. The motion carried unanimously.

Councillor Bestwick entered the Shaw Auditorium at 5:07 p.m.

11915 It was moved and seconded that Minutes of the Special "In Camera" Meeting of Council held Monday, 2015-SEP-16 at 9:00 a.m. in the Dodd Narrows Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC. be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a)

5. CORPORATE SERVICES:

(a)

(b)

Ms. Sky Snelgrove, Recording Secretary, vacated the Douglas Rispin Room at 6:46 p.m.

(c) Appointments to the Downtown Nanaimo Business Improvement Association and the Nanaimo Youth Advisory Council

12415 It was moved and seconded that Council appoint Ms. Rebecca Kirk to the Downtown Nanaimo Business Improvement Association for a term ending 2018-MAR-31, or until otherwise determined through the Core Services Review. The motion carried unanimously.

12515 It was moved and seconded that Council appoint Mr. Arjan Manhas and Ms. Katriona McColl to the Nanaimo Youth Advisory Council for a term ending 2016-MAY-04, or until otherwise determined through the Core Services Review. The motion carried unanimously.

12615 It was moved and seconded that Council instruct Staff to advise applicants of appointments, release appointment information to the public and include appointments on the 2015-NOV-02 Council meeting agenda. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Mr. E. C. Swabey, City Manager, provided a verbal presentation regarding personnel issues.

7. ADJOURNMENT:

12715 It was moved and seconded at 6:55 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

_____
M A Y O R

CERTIFIED CORRECT:

_____
CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2015-OCT-22, IMMEDIATELY FOLLOWING THE SPECIAL OPEN COUNCIL MEETING

---

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

2. **ADOPTION OF AGENDA:**

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

3. **PRESENTATIONS:**

(a) Mr. E. C. Swabey, City Manager, discussion regarding strategic planning priorities.

4. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR FULLER
2015-OCT-19 to 2015-NOV-29

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO BOARD ROOM, SERVICE AND RESOURCE CENTRE,
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2015-OCT-22, AT 10:57 A.M.

PRESENT: Acting Mayor G. W. Fuller, Chair (vacated at 11:18 a.m.)

Members: Mayor W. B. McKay
Councillor W. L. Bestwick (vacated at 11:50 a.m.)
Councillor M. D. Brennan
Councillor J. Hong
Councillor J. A. Kipp (vacated at 11:36 a.m.)
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Staff: E. C. Swabey, City Manager
I. Howat, General Manager of Corporate Services
C. Jackson, Manager of Legislative Services
P. Humphreys, Recording Secretary

Others: Dr. Ralph Nilson, President, Vancouver Island University
Mr. Andre Sullivan, Chair, Board of Directors, Nanaimo Economic Development Corporation

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

The Special "In Camera" Meeting was called to order at 10:57 a.m. by Acting Mayor Fuller.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Item 3. (a) Invitation to Mayor to Join BC Premier's Trade Mission to China.

3. ADOPTION OF AGENDA:

11715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as presented. The motion carried unanimously.

4. ADMINISTRATION:

(a) Invitation to Mayor to Join BC Premier's Trade Mission to China

A discussion took place regarding a time-sensitive invitation received from the BC Premier's office to join its trade mission to China in early November.

Delegations:

1. Mr. Andre Sullivan, Nanaimo Economic Development Corporation, spoke in favour of joining the BC Premier's mission.

2. Dr. Ralph Nilson, President, Vancouver Island University, spoke of the success the university has had with building relationships in China through its international school program and offered its resources to assist the City with its delegation.

Acting Mayor Fuller vacated the Chair and the Board Room at 11:18 a.m. Mayor McKay assumed the role of Chair.

Dr. Ralph Nilson vacated the Board Room at 11:30 a.m.

Councillor Bestwick vacated the Board Room at 11:34 a.m.

11815 It was moved and seconded that Council receive the delegations of Dr. Ralph Nilson and Mr. Andre Sullivan. The motion carried unanimously.

Mr. Andre Sullivan vacated the Board Room at 11:35 a.m.

Councillor Bestwick returned to the Board Room at 11:35 a.m.

Councillor Kipp vacated the Board Room at 11:36 a.m.

11915 It was moved and seconded that Council agree to send the Mayor with the Premier's trade mission to China in early November. The motion carried.
Opposed: Councillor Hong

12015 It was moved and seconded that the Mayor's participation in the Premier's trade mission to China be made available to the public at the 2015-OCT-26 Committee of the Whole meeting. The motion carried unanimously.

Councillor Bestwick vacated the Board Room at 11:50 a.m.

5. OTHER BUSINESS:

The City Manager requested a discussion with Council regarding personnel issues.

C. Jackson and P. Humphreys vacated the Board Room at 11:51 a.m.

The City Manager announced his resignation as well as the resignation of the General Manager of Corporate Services, both effective 2015-NOV-13.

6. ADJOURNMENT:

12115 It was moved and seconded at 11:54 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" AGENDA
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO TRAINING ROOM, 455 WALLACE STREET, NANAIMO, BC
TUESDAY, 2015-OCT-27, IMMEDIATELY FOLLOWING THE SPECIAL OPEN COUNCIL MEETING

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

2. **ADOPTION OF AGENDA:**

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

3. **CORPORATE SERVICES:**

(a) Personnel Issues Discussion

4. **ADJOURNMENT OF THE SPECIAL "IN CAMERA" MEETING:**

ACTING MAYOR: COUNCILLOR FULLER
2015-OCT-19 to 2015-NOV-29

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
CITY OF NANAIMO TRAINING ROOM, 455 WALLACE STREET, NANAIMO, BC
TUESDAY, 2015-OCT-27, AT 9:00 A.M.

PRESENT: His Worship Mayor W. B. McKay, Chair (vacated at 10:30 a.m.)

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller (assumed the Chair at 10:30 a.m.)
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe (vacated at 9:45 a.m.)
Councillor W. M. Yoachim (arrived at 9:35 a.m.)

Staff: J. Van Horne, Director of Human Resources
G. Ferrero, Director of Information Technology & Legislative Services

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

The Special "In Camera" Meeting was called to order at 9:05 a.m.

2. ADOPTION OF AGENDA:

12215 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. CORPORATE SERVICES:

(a) Personnel Issues - Discussion

Councillor Yoachim entered the Training Room at 9:35 a.m.
Councillor Thorpe vacated the Training Room at 9:45 a.m.

12315 It was moved and seconded that Council direct Staff to undertake a process to hire an interim City Manager. The motion was defeated.
Opposed: Councillors Bestwick, Fuller, Kipp, Yoachim

12415 It was moved and seconded that Council establish a select committee composed of all members of Council, with support from the Director of Human Resources, with a mandate to hire an interim and permanent City Manager. The motion carried unanimously.

12515 It was moved and seconded that Council direct Staff to undertake a process to hire an interim City Manager by compiling a list for the hiring committee of internal and external candidates derived from the LGMA Temporary Employment Database, and submissions received from advertising including CivicInfo BC and the Municipal Information Network. The motion carried unanimously.

Mayor McKay vacated the Chair and the Training Room at 10:30 a.m. Councillor Fuller assumed the Chair.

12615 It was moved and seconded that Council issue a News Release regarding the establishment of a hiring committee and the search for an interim and permanent City Manager. The motion carried unanimously.

4. ADJOURNMENT:

12715 It was moved and seconded at 11:10 a.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-NOV-02, AT 4:00 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim (arrived 4:26 p.m.)

Absent: Councillor J. A. Kipp

Others: Mr. Tom Roper, Roper Greyell LLP (arrived 5:14 p.m. vacated 6:13 p.m.)
Mr. D. Marshall, Island Ferry Services Ltd. (arrived 4:16 p.m. vacated 4:52 p.m.)
Mr. C. S. Vinnells, President & CEO, Island Ferry Services Ltd. (arrived 4:16 p.m. vacated 4:52 p.m.)

Staff: E. C. Swabey, City Manager (arrived 4:16 p.m.)
T. M. Hickey, General Manager of Community Services (arrived 4:16 p.m.)
D. Lindsay, Director of Community Development (arrived 4:16 p.m.)
M. Dietrich, Manager of Police Support Services (arrived 6:13 p.m.)
V. Mema, Director of Finance (arrived 6:13 p.m.)
G. Ferrero, Director of Information Technology & Legislative Services (arrived 6:24 p.m.)
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary (arrived 4:16 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 4:15 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 3 (a) Island Ferry Services Ltd. regarding a proposed passenger ferry service. Renumber as Item 3 (b) Mr. Tom Roper regarding an investigation.

3. ADOPTION OF AGENDA:

12815 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:

12915 It was moved and seconded that the Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-OCT-05 at 5:30 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

E. Swabey, T. Hickey, D. Lindsay and S. Snelgrove entered the Douglas Rispin Room at 4:16 p.m.

Mr. D. Marshall and Mr. C. S. Vinnells entered the Douglas Rispin Room at 4:17 p.m.

Councillor Yoachim entered the Douglas Rispin Room at 4:26 p.m.

5. PRESENTATIONS:

(a) Mr. D. Marshall and Mr. C. S. Vinnells, President & CEO, Island Ferry Services Ltd. provided a verbal update regarding a proposed passenger ferry service.

Mr. D. Marshall and Mr. C. S. Vinnells vacated the Douglas Rispin Room at 4:52 p.m.

13015 It was moved and seconded that Council receive the delegation from Mr. D. Marshall and Mr. C. S. Vinnells. The motion carried unanimously.

All Staff excluding E. Swabey vacated the Douglas Rispin Room at 5:13 p.m.

(b) Mr. Tom Roper, Roper Greyell LLP, spoke regarding an investigation.

Mr. Tom Roper vacated the Douglas Rispin Room at 6:13 p.m.

T. Hickey, D. Lindsay, V. Mema, C. Jackson and S. Snelgrove entered the Douglas Rispin Room at 6:13 p.m.

13115 It was moved and seconded that Council receive the delegation from Mr. Roper. The motion carried unanimously.

G. Ferrero entered the Douglas Rispin Room at 6:24 p.m.

6. CORPORATE SERVICES:

(a) Oceanview Access

7. ADJOURNMENT:

13415 It was moved and seconded at 6:42 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-NOV-16, AT 5:00 P.M.

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

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

Others: Mr. Andre Sullivan, Chair, Mr. Charlie Parker, Vice-Chair, Mr. Dan Kucherka, Treasurer, Mr. Ron Hartmann, Board Member, Nanaimo Economic Development Corporation (arrived at 5:10 p.m. vacated 6:41 p.m.)

Staff: T. M. Hickey, General Manager of Community Services
J. Van Horne, Director of Human Resources
V. Mema, Director of Finance
D. Lindsay, Director of Community Development
S. Samborski, Senior Manager of Culture & Heritage
G. Goodall, Director of Engineering & Public Works
P. Cooper, Communications Manager
G. Ferrero, Director of Information Technology & Legislative Services
M. Dietrich, Manager of Police Support Services
C. Jackson, Manager of Legislative Services
S. Snelgrove, Recording Secretary

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:08 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add correspondence dated 2015-NOV-13 from Dr. Stewart Vinnels, President, Island Ferry Services Ltd. to agenda item 6 (a) Council Direction on Island Ferry Services Ltd.

3. ADOPTION OF AGENDA:

13515 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:

13615 It was moved and seconded that the following Minutes be adopted as circulated:

- Minutes of the Special “In Camera” Meeting of Council held Monday, 2015-OCT-19 at 5:00 p.m. in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC;

- Minutes of the Special “In Camera” Meeting of Council held Tuesday, 2015-OCT-27 at 9:00 a.m. in the City of Nanaimo Training Room, 455 Wallace Street, Nanaimo, BC; and,

- That the Minutes of the Special “In Camera” Meeting of Council held Thursday, 2015-OCT-22 at 10:57 a.m. in the City of Nanaimo Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC be adopted as amended to reflect that Councillor Kipp vacated the Board Room prior to the vote regarding Resolution #11915:

The motion carried unanimously.

Mr. Andre Sullivan, Mr. Charlie Parker, Mr. Dan Kucherka and Mr. Ron Hartmann entered the Douglas Rispin Room at 5:10 p.m.

5. PRESENTATIONS:

(a) Mr. Andre Sullivan provided an update regarding participation in the Premier’s Trade Mission to China, Square One and the Nanaimo Economic Development Corporation’s financial status.

Mr. Sullivan vacated the Douglas Rispin Room at 6:11 p.m. declaring a conflict of interest regarding the discussion of Island Ferry Services Ltd.

Mr. Parker provided an updated regarding Island Ferry Services Ltd.

Councillor Yoachim vacated the Douglas Rispin Room at 6:40 p.m.
Mr. Charlie Parker, Mr. Dan Kucherka and Mr. Ron Hartmann vacated the Douglas Rispin Room at 6:41 p.m.

13715 It was moved and seconded that Council receive the delegation from Mr. Andre Sullivan, Mr. Charlie Parker, Mr. Dan Kucherka and Mr. Ron Hartman. The motion carried unanimously.

Councillor Yoachim returned to the Douglas Rispin Room at 6:42 p.m.

All Staff excluding J. Van Horne and C. Jackson vacated the Douglas Rispin Room at 6:43 p.m.

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

6. ADMINISTRATION:

(a) Interim City Manager

13815 It was moved and seconded that Council hire Ms. Tracy Samra as interim City Manager in accordance with the following:

Note: Due to time constraints Agenda Item 6 (a) Council Direction on Island Ferry Services Ltd. was not considered and will be placed on the 2015-NOV-23 Special “In Camera” Committee of the Whole Agenda.

7. ADJOURNMENT:

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

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-NOV-30, AT 3:02 P.M.

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

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

Absent: Councillor W. L. Pratt

Other: Sandra Carter, Solicitor, Valkyrie Law Group (vacated at 5:30 p.m.)
Dave Marshall, Island Ferry Services Ltd. (entered at 6:07 p.m., vacated at 6:38 p.m.)

Staff: T. Samra, City Manager
G. Ferrero, Director of Information Technology & Legislative Services (vacated at 4:45 p.m.)
D. Lindsay, Director of Community Development (vacated at 6:48 p.m.)
S. Samborski, Senior Manager of Culture & Heritage (vacated at 6:48 p.m.)
P. Cooper, Manager of Communications (vacated at 4:45 p.m.)
B. Corsan, Manager of Real Estate (vacated at 6:48 p.m.)
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 6:48 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

(a) Item 2(e) Corporate Services – add report Officers of the City.

(b) Item 2(f) Corporate Services – add verbal update from City Manager re: Update on WorkSafeBC Respectful Workplace Investigation.

3. ADOPTION OF AGENDA:

14015 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. CORPORATE SERVICES:

(a) 100 Gordon Street – Proposed Option to Purchase Agreement

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

Mayor McKay vacated the Chair and the Board Room at 4:04 p.m. Councillor Bestwick assumed the Chair.

Councillor Bestwick vacated the Chair and the Board Room at 4:05 p.m. Councillor Kipp assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 4:06 p.m.

Councillor Bestwick returned to the Board Room at 4:06 p.m.

14115 It was moved and seconded that Council:

1. approve in principle an Option to Purchase Agreement for the City-owned property at 100 Gordon Street;

2. approve in principle the terms of the development covenant as presented;

3. approve in principle the terms of the Repurchase Agreement with the timeframes as presented;

4. direct Staff to issue a press release and publish a Notice of Disposition in the local newspaper; and,

5. direct Staff to return to the 2015-DEC-14 Special Open Council Meeting for approval of the agreements and to commit to providing parking in the Vancouver Island Conference Centre and not repurposing the Vancouver Island Conference Centre while the Option to Purchase or Repurchase Agreement are valid.

The motion was defeated.
Opposed: Councillors Bestwick, Fuller, Hong, Kipp, Yoachim

Council Resolution re: Rise and Report:
Council discussed and no information should be disclosed at this time regarding 100 Gordon Street – Proposed Option to Purchase Agreement

Mayor McKay vacated the Chair and the Board Room at 4:39 p.m. Councillor Bestwick assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 4:41 p.m.

G. Ferrero and P. Cooper vacated the Board Room at 4:45 p.m.

14215 It was moved and seconded that Council direct Staff to:

1. offer an Option Option to Purchase Agreement for the City owned property at 100 Gordon Street with an expiry date of 2016-DEC-31, and subject to the inclusion of a $100,000 non-refundable deposit, and terms of the development covenant as presented;

2. commit to providing parking in the Vancouver Island Conference Centre and not repurposing the Vancouver Island Conference Centre while the Option to Purchase Agreement is valid;

3. include a Right of First Refusal for the land set at $565,000;

4. include a Right to Repurchase for $565,000, if financing is not secured by 2016-DEC-31;

5. return to Council for approval in principle of the agreements; and,

6. report back to Council by 2016-NOV-30 with proof of construction financing and project update, and at that time Council will consider an extension to the non-repurposing of the Vancouver Island Conference Centre.

The motion carried unanimously.

By unanimous consent, Council agreed to recess the Special “In Camera” Council Meeting at 4:55 p.m. with the intention to reconvene after a short refreshment break.

D. Linday, S. Samborski, B. Corsan and D. Smith vacated the Board Room at 5:00 p.m.

By unanimous consent, Council reconvened the Special “In Camera” Council Meeting at 5:02 p.m.

By unanimous consent, Council agreed to move Item 2(c) forward on the agenda.

(c) *Community Charter* Duties

14315 It was moved and seconded that Council receive the verbal report from Ms. Sandra Carter, Solicitor, Valkyrie Law, regarding her two legal opinions on the duty of confidentiality. The motion carried unanimously.

Ms. Sandra Carter vacated the Board Room at 5:30 p.m.

By unanimous consent, Council agreed to return to Item 2(c) after consideration of Item 2(b) Council Direction on Island Ferry Services Ltd.

D. Linday, S. Samborski, B. Corsan and D. Smith returned to the Board Room at 5:30 p.m.

(b) Council Direction on Island Ferry Services Ltd.

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

14415 It was moved and seconded that Council invite Mr. Dave Marshall, Island Ferry Services Ltd. to enter the meeting. The motion carried.
Opposed: Councillors Bestwick, Fuller, Yoachim

Mr. Dave Marshall entered the Board Room at 6:07 p.m.

Council discussed the status of the Island Ferry Services Ltd. proposal with Mr. Marshall.

Mayor McKay vacated the Chair and the Board Room at 6:07 p.m. Councillor Bestwick assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 6:08 p.m.

Mr. Dave Marshall vacated the Board Room at 6:38 p.m.

14515 It was moved and seconded that Council receive the delegation from Mr. Dave Marshall, Island Ferry Services Ltd. The motion carried unanimously.

14615 It was moved and seconded that Council table any decision on Island Ferry Services Ltd. until Council meets with the Nanaimo Port Authority Board at the earliest convenience. The motion carried unanimously.

Council Resolution re: Rise and Report: Council discussed and no information should be disclosed at this time regarding Council Direction on Island Ferry Services Ltd.

D. Linday, S. Samborski, B. Corsan and D. Smith vacated the Board Room at 6:48 p.m.

By unanimous consent, Council agreed to reorder the remainder of the agenda as follows:

- 2 (e);
- 2 (d);
- 2 (c); and,
- 2 (f).

(e) Officers of the City

Councillor Fuller vacated the Board Room at 6:54 p.m.

14715 It was moved and seconded that Council adopt the following motions:

1. WHEREAS Mr. Ted Swabey tendered his resignation as City Manager on 2015-OCT-23;

   BE IT RESOLVED THAT Council accepts his resignation and hereby rescinds his appointment as the Chief Administrative Officer pursuant to the City of Nanaimo "Officers Appointment and Delegation Bylaw 2006 No. 7031" and confirms his resignation from the position as the City Manager effective 2015-NOV-13; and,

   THAT Council confirms the appointment of Ms. Tracy Samra as the Chief Administration Officer pursuant to the City of Nanaimo's "Officers Appointment and Delegation Bylaw 2006 No. 7031" and her appointment as the City Manager effective 2015-NOV-19.

2. WHEREAS Mr. Ian Howat tendered his resignation as General Manager via e-mail on or about 2015-OCT-23;

   BE IT RESOLVED THAT Council accepts his resignation and hereby rescinds his appointment as a Deputy Corporate Officer pursuant to the City of Nanaimo's "Officers Appointment and Delegation Bylaw 2006 No. 7031" and confirms his resignation from the position as General Manager of Corporate Services effective 2015-NOV-13.

3. WHEREAS Ms. Terry Hartley tendered a letter of retirement as Director of Human Resources on 2015-APR-13 which was accepted by Mr. Ted Swabey in writing on 2015-APR-15;

   BE IT RESOLVED THAT Council accepts her retirement and confirms her retirement from the position of Director of Human Resources and Organizational Planning; and,

The motion carried unanimously.

Councillor Fuller returned to the Board Room at 6:57 p.m.

Council Resolution re: Rise and Report

14815 It was moved and seconded that Council announce the start and end dates of the Officers of the City at the next open Council meeting. The motion carried unanimously.

(d) Interim City Manager Selection Process Rise and Report

A document titled "Speaking Points" was circulated for information.

14915 It was moved and seconded that Council direct Staff to issue a news release within 48 hours regarding the Interim City Manager selection process, have it posted to the City website and sent to both local newspapers. The motion carried unanimously.

(f) Update on WorkSafeBC Respectful Workplace Investigation

T. Samra provided a verbal update on the status of a WorkSafeBC Respectful Workplace investigation.

Council Resolution re: Rise and Report:
Rise and report was discussed. No information on this matter to be disclosed at this time.

(c) *Community Charter* Duties (continued)

T. Samra facilitated a discussion with Council on matters related to the duty to respect confidentiality, defamation and censure.

C. Jackson vacated the Board Room at 7:12 p.m.

15015 It was moved and seconded that in relation to the improper disclosure of "In Camera" information related to the hiring of the interim City Manager, Council request that, with the assistance of the City Manager, Councillors Brennan and Thorpe issue written public apologies and have those apologies read out at an upcoming Council meeting. The motion carried unanimously.

15115 It was moved and seconded that Council direct the City Manager to write a letter to Mr. Don Bonner regarding his obligations as a member of a Council advisory committee and his requirement to meet provisions of Council policies and bylaws, committee terms of reference, and Provincial legislation. The motion carried unanimously.

C. Jackson returned to the Board Room at 8:23 p.m.

5. ADJOURNMENT:

15115 It was moved and seconded at 9:23 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-DEC-07, AT 5:00 P.M.

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

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

Staff: T. Samra, City Manager
D. Lindsay, Director of Community Development (vacated 5:26 p.m.)
C. Jackson, Manager of Legislative Services (vacated 5:26 p.m.)
S. Snelgrove, Recording Secretary (vacated 5:26 p.m.)

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

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

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 5 (a) *Community Charter* Duties.

(b) Remove Agenda Item 6 (a) 1 Port Drive: Seaspan Relocation – Memorandum of Understanding.

(c) Add Agenda Item 6 (a) Council Direction re: Island Ferry Services Ltd.

(d) Add Agenda Item 6 (b) 100 Gordon Street: Proposed Option to Purchase Agreement and replace the version attached to the addendum with an updated version.

15215 It was moved and seconded that Council remove from the agenda Item 6 (a) 1 Port Drive: Seaspan Relocation – Memorandum of Understanding. The motion carried unanimously.

15315 It was moved and seconded that Council add under Agenda Item 6 (b) Council Direction re: Island Ferry Services Ltd.
Opposed: Mayor McKay, Councillor Brennan

15415 It was moved and seconded that Council add under Agenda Item 5 (a) Administration - *Community Charter* Duties. The motion carried unanimously.

15515 It was moved and seconded that Council add under Agenda Item 6 (b) the updated report regarding 100 Gordon Street: Proposed Option to Purchase Agreement . The motion carried unanimously.

3. ADOPTION OF AGENDA:

15615 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:

5. MAYOR'S REPORT:

(a) Council Appointments to the Regional District of Nanaimo Board and the Vancouver Island Regional Library Board

15915 It was moved and seconded that Council:

1. appoint the following Council members to the Regional District of Nanaimo Board of Directors:

Regional District of Nanaimo Board Appointments	
Name	**Weighted Vote**
Mayor McKay	5
Councillor Bestwick	5
Councillor Kipp	5
Councillor Yoachim	5
Councillor Pratt	5
Councillor Hong	5
Councillor Thorpe	4

Alternate Directors	
Councillor Fuller	Primary Alternate
Councillor Brennan	Secondary Alternate

2. instruct Staff to advise the Regional District of Nanaimo; and,

3. instruct Staff to release the appointment information to the public effective immediately and include on a future open Council Agenda.

The motion carried unanimously.

16015 It was moved and seconded that Council:

1. appoint Councillor Brennan as primary and Councillor Pratt as alternate member to the Vancouver Island Regional Library Board;
2. instruct Staff to advise the Vancouver Island Regional Library; and,
3. instruct Staff to release the appointment information to the public effective immediately and include on a future open Council Agenda.

The motion carried unanimously.

16115 It was moved and seconded that Council authorize the Mayor to announce the Regional District of Nanaimo Board appointments during the Regular Council Meeting of 2015-DEC-07. The motion carried unanimously

16215 It was moved and seconded that Council authorize the Mayor to announce the Vancouver Island Regional Library Board appointments during the Regular Council Meeting of 2015-DEC-07. The motion carried unanimously.

All Staff excluding Ms. Samra vacated the Douglas Rispin Room at 5:26 p.m.

6. ADMINISTRATION:

Councillor Brennan requested a second extension in order to have more time to obtain legal advice.

(a) *Community Charter* Duties

16315 It was moved and seconded that Council endorse Mayor McKay's statement. The motion carried.
Opposed: Councillor Brennan

16415 It was moved and seconded that Council endorse Councillor Thorpe's statement. The motion carried.
Opposed: Councillors Brennan, Pratt

16515 It was moved and seconded that Council endorse Councillor Brennan's statement. The motion was defeated.
Opposed: Mayor McKay and Councillors Bestwick, Fuller, Hong, Kipp, Yoachim

16615 It was moved and seconded that Council endorse Mayor McKay's revised statement. The motion carried.
Opposed: Councillor Brennan, Pratt

16715 It was moved and seconded that Council accept termination and withdrawal by Mr. Roper due to a conflict of interest and that a new investigator be appointed regarding the WorkSafeBC Respectful Workplace Investigation. The motion carried unanimously.

7. ADJOURNMENT:

16815 It was moved and seconded at 6:52 p.m. that the “In Camera” Meeting terminate. The meeting carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2015-DEC-14, AT 9:12 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan (vacated at 10:20 p.m.)
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor W. L. Pratt
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Staff: T. Samra, City Manager
C. Jackson, Manager of Legislative Services (vacated at 9:22 p.m.)
D. Smith, Recording Secretary (vacated at 9:22 p.m.)

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

The Special "In Camera" Meeting was called to order at 9:12 p.m.

2. ADOPTION OF AGENDA:

16915 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda. The motion carried unanimously.

3. ADMINISTRATION:

(a) Committee Appointments

C. Jackson and D. Smith vacated the Douglas Rispin Room at 9:22 p.m.

17015 It was moved and seconded that Council remove Mr. Don Bonner, United Way representative, from the Grants Advisory Committee. The motion carried.
Opposed: Mayor McKay, Councillors Brennan, Pratt

17115 It was moved and seconded that Council send a letter to the United Way requesting that it appoint a new representative to the Grants Advisory Committee. The motion carried.
Opposed: Mayor McKay, Councillors Brennan, Pratt

Councillor Brennan vacated the Douglas Rispin Room at 10:20 p.m.

Councillor Pratt vacated the Douglas Rispin Room at 10:30 p.m.

Councillor Pratt returned to the Douglas Rispin Room at 10:32 p.m.

(b) Council Charter and Duties

17315 It was moved and seconded that the Mayor work in a respectful manner with the City Manager and refrain from directing Staff. The motion carried unanimously.

Council discussed the role of the Mayor and provided feedback and expectations with respect to communicating the will of Council. A member of Council requested media training.

17515 It was moved and seconded that Council direct the Director of Human Resources to post the permanent City Manager position using the current job description and report back to Council with process options. The motion carried unanimously.

4. ADJOURNMENT:

17615 It was moved and seconded at 11:00 p.m. that the “In Camera” Meeting terminate. The meeting carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
WEDNESDAY, 2015-DEC-16, AT 5:16 P.M.

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

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan (vacated at 5:36 p.m.)
Councillor G. W. Fuller
Councillor J. Hong (via telephone)
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim (via telephone)

Absent: Councillor W. L. Pratt

Staff: T. Samra, City Manager
T. P. Seward, A/General Manager of Community Development & Protective Services
G. Ferrero, Director of Information Technology & Legislative Services (vacated 5:32 p.m.)
D. Lindsay, Director of Community Development (entered 5:22 p.m., vacated 5:24 p.m.)
J. Van Horne, Director of Human Resources (vacated 5:22 p.m.)
P. Bradley, Manager of Labour Relations (vacated 5:22 p.m.)
C. Richardson, Fire Chief, Nanaimo Fire Rescue (vacated 5:22 p.m.)
S. Snelgrove, Recording Secretary (vacated 5:32 p.m.)

1. CALL THE SPECIAL “IN CAMERA” MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 5:16 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 3 (c) Add Core Services Review – Services Selection and Prioritization.

(b) Agenda Item 3 (d) Add City Manager Selection Committee.

3. ADOPTION OF AGENDA:

17715 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. ADMINISTRATION:

(a) Collective Bargaining Agreement Ratification – International Association of Fire Fighters Local 905

17815 It was moved and seconded that Council ratify the memorandum of agreement between the City of Nanaimo and the International Association of Fire Fighters, Local 905, establishing the collective agreement between these parties for the next four years. The motion carried unanimously.

17915 It was moved and seconded that Council rise and report on the Collective Bargaining Agreement Ratification – International Association of Fire Fighters Local 905 report dated 2015-DEC-16 as follows:

- no disclosure is authorized related to the substance of Council deliberations, Council vote details, and negotiation discussions with IAFF;
- authorize all members of Council the ability to comment on the ratification, but recognize that the Mayor, City Manager and Director of Human Resources are the key spokespersons for enquiries;
- direct Staff to immediately issue a news release based on the report including reference that:
  - the agreement was reached through collective bargaining without resorting to interest arbitration;
  - the collective agreement will be in effect through to the end of 2019;
  - the agreement is the first in approximately twenty years that has been achieved prior to the expiry of the current collective agreement; and,
  - this agreement will ensure predictable labour relations costs for the next four years, and the process through which the parties achieved it has enhanced existing relationships; and,
- announce ratification at the 2016-JAN-18 Open Council meeting.

The motion carried unanimously.

Mr. J. Van Horne, Ms. P. Bradley and Mr. C. Richardson vacated the Board Room at 5:22 p.m. Mr. D. Lindsay entered the Board Room at 5:22 p.m.

Councillor Kipp vacated the Board Room at 5:22 p.m. declaring a conflict of interest as he is a Design Advisory Panel Award Recipient.

Councillor Yoachim disconnected from the meeting at 5:23 p.m.

5. CORPORATE SERVICES:

(a) Design Advisory Panel Award Recipients

18015 It was moved and seconded that Council receive for information the report pertaining to Design Award Recipients – 2013/2014/2015. The motion carried unanimously.

18115 It was moved and seconded that Council rise and report on the Design Award Recipients report dated 2015-DEC-16 as follows:

- no information be disclosed by Council on this matter until after 2016-JAN-04;
- direct Staff to issue a news release in advance of the Design Awards luncheon to be held Thursday, 2016-JAN-28;
- recognize Mayor McKay and Councillor Hong, as the Council representative on the Design Advisory Panel, will be the key spokespersons for Council enquiries; and,
- announce the award recipients during the 2016-FEB-01, Open Council meeting.

The motion carried unanimously.

Councillor Kipp returned to the Board Room at 5:24 p.m.
Mr. D. Lindsay vacated the Board Room at 5:24 p.m.
Councillor Yoachim rejoined the meeting via telephone at 5:26 p.m.

(b) "In Camera" Advisory Committee/Commission Minutes

18215 It was moved and seconded that Council receive for information the Special "In Camera" Minutes of the Combined Meeting of the Cultural Committee and Nanaimo Community Heritage Commission held 2015-JAN-07. The motion carried unanimously.

(c) Core Services Review – Services Selection and Prioritization

18315 It was moved and seconded that Council table consideration of Core Services Review – Services Selection and Prioritization until all members of Council have submitted to the City Manager their selection of items to be reviewed from the document dated 2015-DEC-09 titled City of Nanaimo – Summary of Service Areas and Budgets. The motion carried unanimously.

Mr. G. Ferrero and Ms. S. Snelgrove vacated the Board Room at 5:32 p.m.

(d) City Manager Selection Committee

Councillor Brennan vacated the Board Room at 5:36 p.m.

18415 It was moved and seconded that Council allocate up to $5000 for each Council member and the City Manager to seek independent legal advice related to allegations stated in the letter dated 2015-DEC-10 to Mayor McKay from Ramsay Lampman Rhodes Lawyers. The motion carried unanimously.

18515 It was moved and seconded that Mayor McKay be directed to respond to the letter dated 2015-DEC-10 from Ramsay Lampman Rhodes Lawyers, including comment that Ms. Tracy Samra, City Manager, will not be suspended. The motion carried.
Opposed: Mayor McKay

18615 It was moved and seconded that Council the City Manager be directed to obtain legal advice regarding the interim City Manager hiring process. The motion carried.
Opposed: Mayor McKay

6. ADJOURNMENT:

18715 It was moved and seconded at 7:45 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER