



Notice of Meeting and Meeting Agenda Capital Regional District Board

Wednesday, December 8, 2021

1:10 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. TERRITORIAL ACKNOWLEDGEMENT

2. APPROVAL OF THE AGENDA

3. ADOPTION OF MINUTES

3.1. [21-886](#) Minutes of the November 10, 2021 Capital Regional District Board Meeting

Recommendation: That the minutes of the Capital Regional District Board meeting of November 10, 2021 be adopted as circulated.

Attachments: [Minutes - November 10, 2021](#)

4. REPORT OF THE CHAIR

5. PRESENTATIONS/DELEGATIONS

In keeping with directives from the Province of BC, there is limited space for the public to attend CRD Board meetings in-person at this time. However, the public may continue to view meeting materials and Live Webcasts online. If you wish to attend a meeting in-person, please email legserv@crd.bc.ca.

CRD encourages delegations to participate electronically. Please complete the online application for "Addressing the Board" on our website and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

5.1. Presentations

5.2. Delegations

6. CONSENT AGENDA

6.1. [21-864](#) Parcel Tax Roll Review Panel

Recommendation: 1. That the Parcel Tax Roll Review Panel meeting be held on Wednesday, 9 March 2022, at 12:00 pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria, BC; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2022:
- Colin Plant, CRD Board Chair
- Mike Hicks, Director, Juan de Fuca Electoral Area
- David Howe, Director, Southern Gulf Islands Electoral Area
- Gary Holman, Director, Salt Spring Island Electoral Area
(NWA)

Attachments: [Staff Report: Parcel Tax Roll Review Panel](#)

6.2. [21-858](#) Community Resiliency Initiative Grant: FireSmart Community Funding & Supports

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board: That the Board support an application to the Union of British Columbia Municipalities Community Resiliency Initiative Fund for the FireSmart Community Funding & Supports program and direct staff to provide overall grant management.
(NWA)

Attachments: [Staff Report: Community Resiliency Initiative Grant-FireSmart](#)
[Appendix A: UBCM FireSmart Comm. Funding & Supports Appl.](#)

6.3. [21-698](#) Update to CRD Reporting of Serious Misconduct Policy

Recommendation: [Following discussion at the December 1, 2021 Governance Committee meeting, Appendix A was revised as attached:]
The Governance Committee recommends to the Capital Regional District Board: That the Capital Regional District's Reporting of Serious Misconduct Policy be updated to ensure the involvement of the Chief Financial Officer in any concern that may have real or perceived financial implications.
(NWA)

Attachments: [Staff Report: Reporting of Serious Misconduct Policy](#)
[Revised Appendix A: Reporting of Serious Misconduct Policy](#)
[Appendix A: Reporting of Serious Misconduct Policy](#)

6.4. [21-699](#) Process to Claim Expenses under CRD Board Remuneration and Travel Expense Reimbursement Policy

Recommendation: The Governance Committee recommends to the Capital Regional District Board: That Schedule 1 of the Capital Regional District's Board Remuneration and Travel Expense Reimbursement Policy be updated to include the administrative process for the claiming of expenses, as found in Appendix A.
(NWA)

Attachments: [Staff Report: Board Remuneration and Travel Expense Reimbursement Policy](#)
[Appendix A: Board Remuneration and Travel Expense Reimbursement Policy](#)

- 6.5. [21-814](#) Radio Communication and Broadcasting Antenna Systems Applications for:
1. Section 64, Renfrew District - West Coast Road;
 2. District Lot 348, Renfrew District - West Coast Road; and
 3. District Lot 319, Renfrew District - West Coast Road.

Recommendation: The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

(NWA)

Attachments: [Staff Report: Radio Comm. & Broadcasting Ant. Sys. Appls.](#)
[Appendix A: Subject Property Map LP000028](#)
[Appendix B: Development Proposal LP000028](#)
[Appendix C: Subject Property Map LP000029](#)
[Appendix D: Development Proposal LP000029](#)
[Appendix E: Subject Property Map LP000030](#)
[Appendix F: Development Proposal LP000030](#)
[Appendix G: Evaluation Criteria](#)

- 6.6. [21-890](#) 2022 Juan de Fuca Water Distribution Capital Plan Amendment

Recommendation: That the Juan de Fuca Water Distribution Commission recommends to the Capital Regional District Board:
That the 2022 Juan de Fuca Water Distribution Service Capital Budget and Five Year Capital Plan be amended as shown in Appendix A.
(NWA)

Attachments: [2022 Juan de Fuca Water Distribution Capital Plan Amendment](#)
[Appendix A: Prop. Amendment to the 2022 JDFWD Capital Plan](#)

6.7. [21-849](#) Regional Growth Strategy Indicator Report

Recommendation: The Planning and Protective Services Committee recommends to the Capital Regional District Board:
That the Regional Growth Strategy Indicator Report be received for information.
(NWA)

[At the November 17, 2021 Planning and Protective Services Committee meeting, the following motion arising carried:]

The Planning and Protective Services Committee recommends to the Capital Regional District Board:
That the Regional Growth Strategy Indicator Report be forwarded to municipal councils for information.
(NWA)

Attachments: [Staff Report: Regional Growth Strategy Indicators Report](#)
 [Appendix A: Regional Growth Strategy Indicators Report 2021](#)

**6.8. [21-685](#) Capital Region Emergency Service Telecommunications Inc. (CREST)
Service Agreement Renewal**

Recommendation: The Planning and Protective Services Committee recommends to the Capital Regional District Board:
That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.
(WA)

Attachments: [Staff Report: CREST Agreement Renewal](#)
 [Appendix A: CREST Relationship Diagram](#)
 [Appendix B: Historical Payments](#)
 [Appendix C: Agreement CRD-CREST 2022](#)
 [Appendix D: CREST Members Agreement 2007](#)

6.9. [21-850](#) Mountain Biking Opportunities in Regional Parks

Recommendation: [At the November 24, 2021 Regional Parks Committee meeting, the recommendation and following amendment carried:]
The Regional Parks Committee recommends to the Capital Regional District Board:
1. That the Mountain Biking Opportunities in Regional Parks report be received for information.
2. That the Regional Parks Committee direct staff to report to the Capital Regional District Board in a closed meeting on options for creating a third permitted Mountain Biking area in the region.
(NWA)

Attachments: [Staff Report: Mountain Biking Opportunities in Regional Parks](#)
 [Appendix A: Short-term Actions to Support MBAC Report](#)

6.10. [21-854](#) Regional Parks - Strategic Plan Update

Recommendation: [At the November 24, 2021 Regional Parks Committee meeting, the recommendation and following three amendments carried:]
The Regional Parks Committee recommends to the Capital Regional District Board:
1. That the Board extend the 2012-2021 Regional Parks Strategic Plan's term for eight months and that staff bring back an updated Strategic Plan for Board approval in July 2022.
2. And that a workshop of the Regional Parks Committee members be convened in January 2022 to provide input on the plan.
3. That staff report back at the January workshop with a list of proposed stakeholders for direct engagement.
4. That the committee request that staff, including the First Nations Relations division, engage all First Nations in the region in an early, meaningful and ongoing manner in the development of the plan.
(NWA)

Attachments: [Staff Report: Regional Parks - Strategic Plan Update](#)
 [Appendix A: 2012-2021 – Status of Strategic Priorities](#)

6.11. [21-855](#) CRD Regional Parks - Interpretive Program

Recommendation: The Regional Parks Committee recommends to the Capital Regional District Board:
That the CRD Regional Parks Interpretive Program report be received for information.
(NWA)

Attachments: [Staff Report: CRD Regional Parks – Interpretive Program](#)

6.12. [21-883](#) 2022 Schedule of Regular Board Meetings

Recommendation: That the regular meetings for the Capital Regional District Board will be scheduled in 2022 on the second Wednesday of each month except for the month of September as follows: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10 (at the call of the Chair), September 21 (special), October 12, November 16 (inaugural), December 14.
(NWA)

Attachments: [Staff Report: 2022 Schedule of Reg. Board Meetings](#)

6.13. [21-896](#) 2022 Standing Committee Terms of Reference

Recommendation: That the Board approve the 2022 Terms of Reference for Standing Committees attached as Appendix A.
(NWA)

Attachments: [Staff Report: 2022 Standing Committee Terms of Reference](#)
 [Appendix A: 2022 Standing Committees' Terms of Reference \(redlined\)](#)

6.14. [21-893](#) 2022 Committee and External Membership Appointments

Recommendation: That the Board receive the standing committee appointments and endorse the external appointments and nominations put forward in the attachment.
(NWA)

Attachments: [2022 Board and Committee Membership Appointments](#)

7. ADMINISTRATION REPORTS

7.1. [21-853](#) Archie Galbraith Memorial Scholarship 2021

Recommendation: That the Capital Regional District Board recognize the recommendation of Pearson College Selection Committee to award the 2021 Archie Galbraith Memorial Scholarship to Brooke O'Toole.
(NWA)

Attachments: [Staff Report: Archie Galbraith Memorial Scholarship](#)
[Appendix A: Brooke O'Toole Student Profile](#)

7.2. [21-876](#) Bylaw No. 4466: Update to Water Distribution Local Service Conditions, Fees and Charges

Recommendation: 1. That Bylaw No. 4466, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 11, 2021", be introduced and read a first, second and third time; and
2. That Bylaw No. 4466 be adopted.
(WP - Colwood, Highlands, Langford, Metchosin, Sooke, View Royal, JDF EA, 2/3rds on adoption)

Attachments: [Staff Report: Bylaw No. 4466 Water Distribution Fees and Charges](#)
[Appendix A: Bylaw No. 4466](#)

8. REPORTS OF COMMITTEES

Performing Arts Facilities Select Committee

8.1. [21-877](#) Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process

Recommendation: The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:
That the Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process report be received for information.
(NWA)

Attachments: [Staff Report: Advancing a Regional Performing Arts Facilities Service](#)
[Appendix A: Decision-Making Flowchart](#)
[Appendix B: Letter from Langford](#)
[Appendix C: Bylaw No. 4445 Performing Arts Facilities Service](#)

8.2. [21-878](#) Options for Sub-regional Performing Arts Facilities Services

Recommendation: The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:
That the Royal and McPherson Theatres Services Advisory Committee be directed to reconsider changes to Bylaws No. 2587, "Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998", and No. 2685, "McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999", to create greater budgetary flexibility for the funding of the Royal Theatre and McPherson Playhouse.
(NWA)

Attachments: [Staff Report: Subregional Performing Arts Facilities Service](#)
 [Appendix A: Decision Making Flowchart](#)
 [Appendix B: Bylaw No. 2587 Royal Theatre Service](#)
 [Appendix C: Bylaw No. 2685 McPherson Playhouse Service](#)

Electoral Areas Committee**8.3. [21-846](#) Amendments to Bylaw 2844, Southern Gulf Islands Small Craft Harbours Regulation Bylaw**

Recommendation: The Southern Gulf Islands Harbours Commission recommends the Electoral Areas Committee recommend to the Capital Regional District Board:
1. That Bylaw No. 4469, "Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021" be introduced and read a first, second, and a third time.
2. That Bylaw No. 4469 be adopted.
(NWA, 2/3rds on adoption)

Attachments: [Staff Report: Amendments to Bylaw 2844, SGI Small Craft Harbours Regulation](#)
 [Appendix A: Bylaw 4469, Amendment Bylaw](#)
 [Appendix B: Bylaw 2844, Unofficial Redline Showing Changes](#)

8.4. [21-879](#) Amendment to Bylaw No. 2452, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996."

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4472, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021" be introduced and read a first, second, and third time.
2. That Bylaw No. 4472, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021" be referred to the SGI Electoral Area Director for consent; and,
3. That Bylaw No. 4472, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021" be advanced to the Inspector of Municipalities for approval.
(NWA)

Attachments: [Staff Report: Amendment to Bylaw No. 2452](#)
 [Appendix A: Bylaw No. 2452](#)
 [Appendix B: Amendment Bylaw No. 4472](#)

- 8.5. [21-885](#) Bylaw No. 4441: Pender Islands Health Care Centre Contribution Service Establishment Bylaw - Assent Voting (Referendum) Results and Adoption

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board:
1) That the Chief Election Officer's declaration of official assent voting results be received for information.
2) That Bylaw No. 4441, "Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021" be adopted.
(NWA)

Attachments: [Staff Report: Pender Isl. Referendum Results & Bylaw 4441 Adoption](#)
[Appendix A: Bylaw 4441](#)
[Appendix B: Official Assent Voting Results](#)

Governance Committee

- 8.6. [21-722](#) Review of Delegation Speaking Time in the Board Procedures Bylaw

Recommendation: [At the December 1, 2021 Governance Committee, only recommendation #1 was carried followed by two motions arising:]
The Governance Committee recommends to the Capital Regional District Board:
1. a) That the maximum speaking time for each delegation be reduced to 3 minutes; and
b) That staff review the impact of this procedural change and report back to the committee by the first quarter of 2024.
2. To refer the question of correspondence relating to agenda items back to staff to report back through the Governance Committee.
(NWA)

Attachments: [Staff Report: Review of Delegation Speaking Time](#)
[Appendix A: Minutes Excerpt on Delegations](#)
[Appendix B: Bylaw 3828 CRD Board Proc. \(Consolidated\)](#)
[Appendix C: Jurisdictional Review of Speaking Times](#)

Juan de Fuca Land Use Committee

8.7. [21-813](#) Zoning Amendment Application for Section 42, Otter District, Clark Road & Aythree Way (PID: 009-497-790)

Recommendation: (At its November 16, 2021 meeting the Juan de Fuca Land Use Committee amended the recommendation as noted below.)
The Land Use Committee recommends to the Capital Regional District (CRD) Board:
1. That the referral of proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021" directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; appropriate CRD departments; BC Hydro; District of Sooke; Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch, Ecosystems Branch and Water Protection Section; Island Health; Ministry of Agriculture; Ministry of Transportation & Infrastructure; Otter Point Fire Department; RCMP; Sooke School District #62; and Sc'ianew and T'Sou-ke First Nations be approved and the comments received;
2. That proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw No. 1992, Amendment Bylaw No. 152, 2021", as included in the supplementary agenda be introduced, as amended, and read a first time and read a second time;
3. That in accordance with the provisions of section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No 4422; and
4. That prior to adoption of proposed Bylaw No. 4422, the following conditions be met:
a. Submission of a Section 11 Approval under the Water Sustainability Act for Changes In or About a Stream and/or a Conditions & Impacts Report prepared by a Qualified Environmental Professional, as well as completion of any recommended restoration measures to the satisfaction of the Province and the CRD;
b. Approval of a frontage variance and development permit to authorize the subdivision of Section 42, Otter District.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Staff Report: Zoning Amendment Application](#)
[Appendix A: Subject Property](#)
[Appendix B: Forestry AF Zone](#)
[Appendix C: Subdivision Plan](#)
[Appendix D: Proposed Development](#)
[Appendix E: Bylaw No. 4422](#)
[Appendix F: Referral Comments](#)
[Appendix G: Hydrogeology Report](#)
[Amended Bylaw No. 4422](#)

9. BYLAWS

9.1. [21-907](#) Bylaw 4442 - "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021"

Recommendation: That Bylaw 4442 - "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021" be adopted.
(NWA)

Attachments: [Bylaw No.4442](#)

- 9.2. [21-899](#) Bylaw 4381 - "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020"

Recommendation: That Bylaw 4381 - "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" be adopted.

(NWP - Voting Block A: JDF EA, Colwood, Langford (Blackwell), Metchosin, Sooke)

Attachments: [Bylaw No.4381](#)

10. NOTICE(S) OF MOTION

11. NEW BUSINESS

12. MOTION TO CLOSE THE MEETING

- 12.1. [21-892](#) Motion to Close the Meeting

Recommendation: That the meeting be closed for:

1. Appointments in accordance with Section 90(1)(a) of the Community Charter. [2 items]
2. That the meeting be closed for Labour Relations under Section (90)(1)(c) of the Community Charter. [1 item]
3. Land Acquisition in accordance with Section 90(1)(e) of the Community Charter. [1 item]
4. That such disclosures could reasonably be expected to harm the interests of the Regional District. [1 item]
5. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter. [1 item]

13. ADJOURNMENT

Voting Key:

NWA - Non-weighted vote of all Directors

NWP - Non-weighted vote of participants (as listed)

WA - Weighted vote of all Directors

WP - Weighted vote of participants (as listed)

Meeting Minutes

Capital Regional District Board

Wednesday, November 10, 2021

1:00 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

INAUGURAL MEETING

PRESENT:

C. Plant (Chair), R. Mersereau (Vice Chair), D. Blackwell, S. Brice, B. Desjardins, F. Haynes, L. Helps, M. Hicks (EP), G. Holman, D. Howe (EP), B. Isitt (EP), J. Loveday, R. Martin, C. McNeil-Smith, K. Murdoch, G. Orr, J. Ranns, D. Screech, L. Seaton, M. Tait (1:03 pm), N. Taylor, K. Williams, R. Windsor, G. Young

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; L. Hutcheson, General Manager, Parks and Environmental Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

Guest: R. Bortolin; Stewart McDannold Stuart, Barristers & Solicitors

EP - Electronic Participation

1. CALL TO ORDER

The Chief Administrative Officer called the meeting to order at 1:00 pm.

2. TERRITORIAL ACKNOWLEDGEMENT

The Chief Administrative Officer provided a Territorial Acknowledgement.

3. ELECTION OF CHAIR OF THE BOARD

The Chief Administrative Officer called for nominations for the position of Chair of the Capital Regional District Board for 2022.

Director Murdoch nominated Director Plant. Director Plant accepted the nomination.

The Chief Administrative Officer called for nominations a second time.

Director Martin nominated Director Windsor. Director Windsor accepted the nomination.

The Chief Administrative Officer called for nominations a third time.

Hearing no further nominations, the Chief Administrative Officer invited each

nominee to address the Board.

Ballots were distributed by K. Morley and M. Lagoa, and collected by M. Lagoa.

The ballots were counted by K. Morley, M. Lagoa, and R. Bortolin, Solicitor.

The Chief Administrative Officer declared Director Plant Chair of the Capital Regional District Board.

**MOVED by Director Helps, SECONDED by Director Loveday,
That the ballots be destroyed.
CARRIED**

4. ELECTION OF VICE CHAIR OF THE BOARD

Chair Plant called for nominations of Vice Chair of the Capital Regional District Board for 2022.

Director Helps nominated Director Mersereau. Director Mersereau accepted the nomination.

Chair Plant called for nominations a second time.

Chair Plant called for nominations a third and final time.

Hearing no further nominations, Chair Plant declared Director Mersereau Vice Chair of the Capital Regional District Board by acclamation.

5. RECESS FOR MEETING OF THE CAPITAL REGION HOUSING CORPORATION AND THE CAPITAL REGIONAL HOSPITAL DISTRICT BOARD

**MOVED by Director Brice, SECONDED by Director Loveday,
That the meeting be recessed for the meetings of the Capital Region Housing Corporation Board and Capital Hospital Board.
CARRIED**

The meeting was recessed at 1:21 pm.

6. APPROVAL OF THE AGENDA

The meeting of the Capital Regional District Board reconvened at 1:36 pm.

**MOVED by Director Seaton, SECONDED by Director Mersereau,
That the agenda for the November 10, 2021 Session of the Capital Regional District Board be approved.
CARRIED**

7. INAUGURAL ADDRESS OF THE CHAIR

Thank you for returning me to this position. It is an honour. I have already spoken today at length so I'm going to try to keep my remarks brief and looking forward. The next year is one of opportunities and completions for this Board. We have completed almost all of the work on the region's largest infrastructure project in its history and now face several significant challenges that are going

to require our focus and determination. Our commitment to climate action is one we cannot stop advancing. Our future depends on it. We have an ambitious program planned and the bylaw is currently out for approval with our local governments. I continue to ask you to be champions of this work when it comes to your local table. We also will begin to look at next steps for our solid and liquid waste. While we have adopted a new Solid Waste Management Plan we all know that we have to look at our solid waste as a resource and not as just something to bury. Our first annual review of our Solid Waste Management Plan will happen early next year. Our commitment to a more integrated and climate-friendly regional transportation system cannot waiver. In the last 12 months we have moved from a place of aspirations and goals to one of advocacy and coordination. I believe we must continue to make progress on the transportation file and set the table for the next board to continue this work when the board changes. Our country's need to have Truth and Reconciliation with First Nations should resonate in this room. I believe we are on the right path and need to continue to develop relationships with the First Nations in the region that are based on mutual respect and mutual advancement. This is an endeavour we must all support. It is my intention to keep Committees and the leadership in them the same. That is unless someone wishes to step down from a position of leadership on a committee. There will be an email sent to you shortly that will ask for your preferences but again I am not envisioning making any changes unless you ask to no be on a committee. There are a couple of committees, First Nations Relations being one of them, where there are openings if you are looking for additional opportunities to serve. While it is still a year away, I would offer it is incredibly important topic for us to consider setting the future Board up for success in a number of ways. To that end I would offer our Spring Strategic Priorities check-in will be very crucial. We cannot have the work of this Board not continue with the next Board and in order to have that success we will need to think about how we will hand that off to the next Board. This is something that we will discuss throughout the year. Thank you for listening to my remarks. Let's get on with the business of this meeting.

8. ADOPTION OF MINUTES

- 8.1. [21-822](#) Minutes of the October 13, 2021 and the minutes of the October 27, 2021 Capital Regional District Board meetings

**MOVED by Director Blackwell, SECONDED by Director Screech,
That the minutes of the Capital Regional District Board meetings of October 13,
2021 and October 27, 2021 be adopted as circulated.
CARRIED**

- 8.2. [21-841](#) Minutes of Previous Committee and Commission Meetings

**MOVED by Director Blackwell, SECONDED by Director Mersereau,
1. That the minutes of the Committee of the Whole meeting of May 12, 2021 be
adopted as circulated.
2. That the minutes of the Appointments Advisory Committee meeting of October
6, 2021 be adopted as circulated.
3. That the minutes of the Committee of the Whole meeting of October 27, 2021
be adopted as circulated.
CARRIED**

9. PRESENTATIONS/DELEGATIONS

9.1. Presentations

There were no presentations.

9.2. Delegations

- 9.2.1. [21-851](#) Delegation - Ian Robertson; Representing Greater Victoria Harbour Authority: Re: Agenda Item 13.2.: Motion with Notice: Cruise Industry (Director Brice)

I. Robertson spoke to Item 13.2.

10. CONSENT AGENDA

Item 10.3. was removed from the Consent Agenda and moved to be considered under Reports of Committees as item 12.6.c.

Item 10.4. was removed from the Consent Agenda and moved to be considered under Reports of Committees as item 12.6.b.

MOVED by Director Mersereau, **SECONDED** by Director Martin,
That consent agenda items 10.1. and 10.2 and agenda items 10.5 through 10.17.
be approved.

CARRIED

- 10.1. [21-650](#) 2022 Budget Process for the Royal Theatre Service and the McPherson Playhouse Service

1. That the 2022 Budget Process for the Royal Theatre Service and the McPherson Playhouse Service report be received for information; and
2. That the maximum allowable contribution amount be approved for the Royal Theatre and McPherson Playhouse services.

CARRIED

- 10.2. [21-686](#) Capital Regional District External Grants Update

That the Capital Regional District External Grants Update be received for information.

CARRIED

- 10.5. [21-674](#) Letter from Mayor Helps, City of Victoria, dated October 25, 2021 re: Letter from Regional District of Mount Waddington - Contribution to Lytton Fire Relief

That the correspondence be received for information.

CARRIED

- 10.6. [21-825](#) Motion with Notice: Minimum Time Allocation for Budget Deliberations (Director Isitt)

That the Board direct that beginning in the autumn of 2022 and continuing in future years (until such time as this policy is varied), a minimum of one full

meeting day will be scheduled for the Board's deliberations on the next year's Financial Plan.

CARRIED

10.7. [21-721](#)

Recycling in British Columbia - Extended Producer Responsibility Five-Year Action Plan

That this report be received for information.

CARRIED

10.8. [21-771](#)

Waste Stream Management Licensing

That staff include the investigation of waste stream management licensing as part of the Solid Waste Management Plan Short-Term Implementation Framework.

CARRIED

10.9. [21-706](#)

Development Permit with Variance for Lot 9, Section 129, Sooke District, Plan VIP67208 - 590 Seedtree Road

That Development Permit with Variance DV000083 for Lot 9, Section 129, Sooke District, Plan VIP67208 to authorize the subdivision of land designated as Steep Slope, Riparian, and Sensitive Ecosystems Development Permit Areas; and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum frontage requirement from 10% to 8.49% for proposed Lot A and 10 % to 6.4% for proposed Lot B, as shown on the plans prepared by J.E. Anderson, dated August 30, 2021, be approved.

CARRIED

10.10. [21-717](#)

Liquor Lounge Endorsement Application (10236 West Coast Road)

1. That comments be provided to the LCRB confirming the CRD Board has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community, and public comments received for the proposed lounge endorsement application for Jordan River Brewery (LP000023);
2. That public comments received on application LP000023 be provided to the LCRB;
3. That a recommendation of approval-in-principle for lounge endorsement application for Jordan River Brewery (LP000023) be provided to the LCRB subject to the following conditions:
 - a. final adoption of rezoning Bylaw No. 4381.

CARRIED

10.11. [21-719](#)

Radio Communication and Broadcasting Antenna Systems Applications for:

1. Lot 205, Renfrew District - 6215 Powder Main Road; and
2. Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 - West Coast Road.

1. That a statement of concurrence be provided to Rogers Communications for the proposed 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and
2. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on

Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

CARRIED

- 10.12. [21-677](#) E&N Rail Trail - Humpback Connector

That this report be received for information.

CARRIED

- 10.13. [21-673](#) Ecological Values and Biodiversity in Regional Parks

That the matter be referred to staff to report back to the Committee by January 2022 on the advisability of adopting the conservation strategy on an interim basis pending the updating of that strategy.

CARRIED

- 10.14. [21-794](#) CRD Regional Parks - Mosquito Population Management and Control Program

1. That the Board authorize up to \$15,000 of funding toward a feasibility study for the replacement of the Tsawout flapper gate; and

2. That staff undertake a drainage study for the ditches in Island View Beach Regional Park, share the results with the District of Central Saanich and Tsawout First Nation, and report back.

CARRIED

- 10.15. [21-755](#) Motion with Notice: Lighting and Trail Improvement/Widening Policy (Director Plant)

That this item be referred to staff to report back on current endeavors and the advisability of such new policies.

CARRIED

- 10.16. [21-756](#) Motion with Notice: Construction and Detour Policy (Director Plant)

That this item be referred to staff to report back on current endeavors and the advisability of such new policies.

CARRIED

- 10.17. [21-791](#) Capital Regional District Transportation Working Group Terms of Reference

1. That 4.a) of the Terms of Reference be replaced with the wording, "The Working Group will meet bi-monthly. Additional meetings, as required, may be scheduled by CRD staff. The frequency of meetings will be reviewed after a year."

2. That the Transportation Working Group Terms of Reference be approved as amended.

CARRIED

11. ADMINISTRATION REPORTS

- 11.1. [21-817](#) Bylaw Nos. 4465, 4466, and 4467: Updates to Water Supply, Water Distribution and Bulk Water Fees and Charges Bylaws

MOVED by Director Murdoch, SECONDED by Director Mersereau,
1. That Bylaw No. 4465, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 23, 2021", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Murdoch, SECONDED by Director Mersereau,
2. That Bylaw No. 4465 be adopted.

CARRIED

[Items 3 and 4 for Bylaw 4466 were removed from the agenda.]

MOVED by Director Orr, SECONDED by Director McNeil-Smith,
5. That Bylaw No. 4467, "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 41, 2021", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Orr, SECONDED by Director McNeil-Smith,
6. That Bylaw No. 4467 be adopted.

CARRIED

12. REPORTS OF COMMITTEES

Electoral Areas Committee

12.1. [21-645](#) Bylaw Nos. 4470 and 4471: Fees and Charges (Local Utilities)

MOVED by Director Hicks, SECONDED by Director Mersereau,
1. That Bylaw No. 4470, " Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 15, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Hicks, SECONDED by Director Mersereau,
2. That Bylaw No. 4470 be adopted.

CARRIED

MOVED by Director Hicks, SECONDED by Director Holman,
3. That Bylaw No. 4471, "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 10, 2021", be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Hicks, SECONDED by Director Holman,
4. That Bylaw No. 4471 be adopted.

CARRIED

12.2. [21-838](#) Salt Spring Island Liquid Waste Bylaw Amendment - Composting Facilities

MOVED by Director Holman, SECONDED by Director Hicks,
1. That Bylaw No. 4085, "Salt Spring Island Liquid Waste Disposal Additional Local Service Establishment Bylaw No. 1, 1993, Amendment Bylaw No. 3, 2021", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Holman, SECONDED by Director Hicks,
2. That Bylaw No. 4085 be forwarded to the Inspector of Municipalities for approval.
CARRIED

Finance Committee

- 12.3. [21-762](#) Bylaw No. 4460: Temporary Borrowing (Southern Gulf Islands Harbours Improvements) Bylaw No. 1, 2021

MOVED by Director Brice, SECONDED by Director Williams,
1. That Bylaw No. 4460, "Temporary Borrowing (Southern Gulf Islands Harbours Improvements) Bylaw No. 1, 2021", be introduced and read a first, second and third time.
CARRIED

MOVED by Director Brice, SECONDED by Director Williams,
2. That Bylaw No. 4460 be adopted.
CARRIED

- 12.4. [21-806](#) Bylaw No. 4463: Temporary Borrowing (Florence Lake Water System Upgrades) Bylaw No. 1, 2021

MOVED by Director Brice, SECONDED by Director Seaton,
1. That Bylaw No. 4463, "Temporary Borrowing (Florence Lake Water System Upgrades) Bylaw No. 1, 2021", be introduced and read a first, second and third time.
CARRIED

MOVED by Director Brice, SECONDED by Director Seaton,
2. That Bylaw No. 4463 be adopted.
CARRIED

- 12.5. [21-643](#) Bylaw No. 4456: Financial Plan Amendment Bylaw No. 3, 2021

MOVED by Director Brice, SECONDED by Director Williams,
1. That Bylaw No. 4456, "2021 to 2025 Financial Plan Bylaw, 2021, Amendment Bylaw No. 3, 2021" be introduced and read a first, second, and third time.
CARRIED

MOVED by Director Brice, SECONDED by Director Williams,
2. That Bylaw No. 4456 be adopted.
CARRIED

- 12.6. [21-675](#) Bylaw No. 4461: Revenue Anticipation (General Purpose) Bylaw No. 1, 2021

MOVED by Director Brice, SECONDED by Director Williams,
1. That Bylaw No. 4461, "Revenue Anticipation Borrowing (General Purpose) Bylaw No. 1, 2021" be introduced and read a first, second, and third time.
CARRIED

MOVED by Director Brice, SECONDED by Director Williams,
2. That Bylaw No. 4461 be adopted.

CARRIED**12.6.b. [21-676](#)****Municipal Finance Authority - Debt Issuance Terms**

Discussion ensued on the item requiring further discussion at a Finance Committee meeting.

**MOVED by Director Brice, SECONDED by Director Williams,
That the Municipal Finance Authority - Debt Issuance Terms report be received
for information.
The question was not called.**

**MOVED by Director Young, SECONDED by Director Brice,
That the Municipal Finance Authority - Debt Issuance Terms be referred back to
the Finance Committee for further discussion with regard to implications for the
Municipal Finance Authority.
CARRIED**

12.6.c. [21-687](#)**COVID-19 Safe Restart Grants for Local Governments - Regional Update**

Discussion ensued regarding allocation of funding in Electoral Areas.

**MOVED by Director Brice, SECONDED by Director Loveday,
That the COVID-19 Safe Restart Grants for Local Governments - Regional Update
report be received for information.
CARRIED
Opposed: Holman**

Hospitals and Housing Committee**12.7. [21-815](#)****4734, 4744, 4754 Elk Lake Drive Housing Agreement and Bylaw**

Discussion took place regarding cost of service.

**MOVED by Director Helps, SECONDED by Director Orr,
1. That Bylaw No.4459, "Resale Control and Housing Agreement Bylaw (4734,
4744, 4754 Elk Lake Drive), 2021" be introduced and read for a first, second and
third time.
CARRIED**

**MOVED by Director Helps, SECONDED by Director Orr,
2. That Bylaw No. 4459 be adopted.
CARRIED**

Juan de Fuca Land Use Committee**12.8. [21-816](#)****Public Hearing Report on Bylaw No. 4412, "Land Use Bylaw for the Rural
Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and
Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw
No. 151, 2021"**

**MOVED by Director Hicks, SECONDED by Director Blackwell,
a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4412,
"Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment
Bylaw No. 8, 2021", which are certified as a fair and accurate summary of the**

representations that were made at the public hearing held on October 5, 2021, for Bylaw No. 4412, be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
b) That Bylaw No. 4412 be read a third time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
c) That Bylaw No. 4412 be adopted.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
d) That the minutes that form the Report of the Public Hearing for Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021", which are certified as a fair and accurate summary of the representations that were made at the public hearing held on October 5, 2021, for Bylaw No. 4413, be received.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
e) That Bylaw No. 4413 be read a third time.

CARRIED

MOVED by Director Hicks, **SECONDED** by Director Blackwell,
f) That Bylaw No. 4413 be adopted.

CARRIED

Regional Parks Committee

12.9. [21-801](#) Regional Trails Management Plan - Implementation Update

Director Mersereau spoke to Item 12.9.

Discussion ensued regarding public outreach program for the trails management plan.

MOVED by Director Mersereau, **SECONDED** by Director Seaton,

1. That the report be received for information.

2. That the Board refer strategic action 2 in the Regional Trails Management Plan to the Capital Regional District Transportation Working Group, as a priority for action in 2022 and to refer all outstanding actions from the plan that require local government coordination to the Working Group to consider in advancing regional transportation priorities.

3. That the Committee direct staff to report back in 2022 on options for evaluating the evolution of the regional trail network.

CARRIED

13. NOTICE(S) OF MOTION

13.1. [21-515](#) Motion with Notice: Equity Lens on Transportation Priorities (Director Loveday)

Director Loveday spoke to Item 13.1.

MOVED by Director Loveday, **SECONDED** by Director Helps,
That the CRD Transportation Committee direct staff to report back with a plan to undertake the data collection and analysis that is needed to apply a robust equity lens to transportation priority implementation, advocacy, and future planning.

MOVED by Director Loveday, **SECONDED** by Director Helps,
That the main motion be amended to replace the following words:
"a plan to undertake the data collection and analysis that is needed to apply"
with "implications of applying".
CARRIED

Discussion ensued regarding:

- Equity clarification
- Services delivery and planning
- Existing inequities
- Financial model
- Regional equity
- Regional trail system expansion
- Electoral areas
- First Nations inclusion
- Rail service

The question was called on the main motion as amended:

That the CRD Transportation Committee direct staff to report back with implications of applying a robust equity lens to transportation priority implementation, advocacy, and future planning.
CARRIED

13.2. [21-826](#)

Motion with Notice: Cruise Industry (Director Brice)

Director Brice spoke to Item 13.2.

Discussion ensued regarding:

- Legislation regarding border openings
- Provincial support
- Shipbuilding industry
- Tourism benefits

MOVED by Director Brice, **SECONDED** by Director Windsor,
That CRD support the Greater Victoria Harbour Authority and as the Authority has already done:
Write to the Prime Minister asking that the Government of Canada engage with the US Federal Government to develop a mutually beneficial and responsible approach which addresses the handling of cruise ships in our waters and ports so that any future issues will not result in a significant halt to operations of the Alaska Cruise itinerary.
CARRIED

14. BYLAWS

There were no bylaws for consideration.

15. NEW BUSINESS

There was no new business.

16. MOTION TO CLOSE THE MEETING**16.1. [21-840](#) Motion to Close the Meeting**

MOVED by Director Mersereau, **SECONDED** by Director Loveday,
That the meeting be closed for Appointments in accordance with Section 90(1)(a)
of the Community Charter.
CARRIED

The Capital Regional District Board recessed and moved to the closed session at
2:47 pm.

17. RISE AND REPORT

The Capital Regional District Board rose from the closed session at 2:51 pm and
reported on the following:

- In accordance with Bylaw No. 2647, that the Capital Regional District Board
appoint Marilyn Palmer and Marcus Handman to the Royal & McPherson
Theatres Society Board for a term ending no later than May 31, 2023.

- In accordance with Bylaw No. 2339, that the following persons be appointed to
the Magic Lake Estates Water and Sewer Committee for a term expiring October
31, 2023: Michael FossI and Wally Foster.

18. ADJOURNMENT

MOVED by Director Loveday, **SECONDED** by Director Mersereau,
That the November 10, 2021 Capital Regional District Board meeting be
adjourned at 2:51 pm.
CARRIED

CHAIR**CERTIFIED CORRECT:**

CORPORATE OFFICER

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT Parcel Tax Roll Review Panel

ISSUE SUMMARY

To meet requirements of the *Community Charter* in order to requisition parcel tax revenues by establishing annually a Parcel Tax Roll Review Panel, which includes:

- appointing three Directors and one Alternate to review, confirm and authenticate the Parcel Tax Roll, and
- establishing the time and place for the sitting of the panel.

BACKGROUND

The Capital Regional District (CRD) requisitions revenues by parcel tax in 26 service areas located throughout the Juan de Fuca, Salt Spring Island and Southern Gulf Island electoral areas.

Before a parcel tax can be levied, the Parcel Tax Roll Review Panel must consider any complaints respecting the parcel tax roll and must authenticate the roll in accordance with Sections 204 and 205 of the *Community Charter*.

A person may make a complaint to the Parcel Tax Roll Review Panel on one or more of the following grounds:

- a) an error or omission respecting a name or address on the parcel tax roll;
- b) an error or omission respecting the inclusion of a parcel;
- c) an error or omission respecting the taxable area or the taxable frontage of a parcel; or
- d) an exemption that has been improperly allowed or disallowed.

The 2022 Parcel Tax Roll Review is scheduled for Wednesday 9 March 2022 at 12:00 pm, the same day as the regular March 2022 CRD Board meeting.

ALTERNATIVES

Alternative 1

1. That the Parcel Tax Roll Review Panel meeting be held on Wednesday, 9 March 2022, at 12:00 pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria, BC; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2022:
 - Colin Plant, CRD Board Chair
 - Mike Hicks, Director, Juan de Fuca Electoral Area
 - David Howe, Director, Southern Gulf Islands Electoral Area
 - Gary Holman, Director, Salt Spring Island Electoral Area

Alternative 2

That the Board appoint alternate directors to the Parcel Tax Roll Review Panel.

IMPLICATIONS

Financial Implications

In 2021, parcel tax revenues comprised \$2.7 million of the CRD's requisition to the Rural Property Taxation Branch. In 2022, 26 CRD service areas will requisition revenues by parcel tax. The amount of the requisition will be known when the participating service area budgets are finalized in March 2022.

CONCLUSION

This staff report proposing CRD Board appointments to the Parcel Tax Roll Review Panel and setting the proposed Parcel Tax meeting date is brought forward annually for consideration. The Community Charter requires the CRD to appoint a Parcel Tax Roll Review Panel to adjudicate any complaints and authenticate the Parcel Tax Roll for taxation purposes.

RECOMMENDATION

1. That the Parcel Tax Roll Review Panel meeting be held on Wednesday, 9 March 2022, at 12:00 pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria, BC; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2022:
 - Colin Plant, CRD Board Chair
 - Mike Hicks, Director, Juan de Fuca Electoral Area
 - David Howe, Director, Southern Gulf Islands Electoral Area
 - Gary Holman, Director, Salt Spring Island Electoral Area

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT Community Resiliency Initiative Grant: FireSmart Community Funding & Supports

ISSUE SUMMARY

The Capital Regional District (CRD) assists Electoral Area (EA) communities with wildfire risk reduction through public education, hazard assessment, emergency planning, and cross-agency training. The CRD is applying to the Union of British Columbia Municipalities (UBCM) for funding to increase EA community wildfire resiliency activities. UBCM requires that all grant applications be accompanied by a motion of support from the local government.

BACKGROUND

UBCM provides funding for a range of community based projects, including wildfire preparedness. A 2022 grant opportunity is available to support local governments as they build local capacity. The FireSmart Community Funding & Supports program supports activities that reduce community risk from wildfire. As part of the application process, UBCM requires a motion of support to receive and manage grant funding.

Protective Services staff launched a series of engagements with EA fire departments, emergency programs, and FireSmart committees to inform a grant application. Effective wildfire preparedness programs include seven FireSmart disciplines: education, vegetation management, legislation and planning, development considerations, interagency cooperation, cross-training, and emergency planning.

The CRD has applied for this grant to improve wildfire resiliency in rural EA communities through:

- a FireSmart public education campaign,
- a wood chipping program to provide accessible alternatives to burning,
- a home FireSmart assessment program conducted by local qualified assessors,
- a FireSmart rebate program for residents; and
- dedicated wildfire training for First Responders.

If approved by UBCM, most grant funds would be directed to local volunteers, residents, and businesses. A grant request breakdown is below:

FireSmart Activity	Funding Proposal
Public Education	\$ 38,726
Chipping Program	\$ 37,336
Home Assessments	\$ 73,200
Resident Rebates	\$ 63,100
First Responder Training	\$ 39,256
Development Planning	\$ 8,623
Community Committees	\$ 20,949
Total	\$281,190

ALTERNATIVES*Alternative 1*

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board support an application to the Union of British Columbia Municipalities Community Resiliency Initiative Fund for the FireSmart Community Funding & Supports program and direct staff to provide overall grant management.

Alternative 2

That staff be directed to withdraw the grant application to the Union of British Columbia Municipalities Community Resiliency Initiative FireSmart Community Funding & Supports program.

IMPLICATIONS*Financial Implications*

The grant provides an opportunity for one-time projects that increase community resilience to wildfire, such as homeowner education and wood chipping events and will not impact Fire Department or Emergency Program budgets.

CONCLUSION

The CRD supports community wildfire preparedness in its EAs. The UBCM FireSmart Economic Recovery funding stream is an important opportunity to increase wildfire resilience in the capital region. If supported by the CRD Board, UBCM will consider the CRD's grant application.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Board support an application to the Union of British Columbia Municipalities Community Resiliency Initiative Fund for the FireSmart Community Funding & Supports program and direct staff to provide overall grant management.

Submitted by:	Shawn Carby, CD, BHSc, MAL, Senior Manager, Protective Services
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: UBCM FireSmart Community Funding & Supports Application

Community Resiliency Investment Program

2022 FireSmart Community Funding & Supports

Application Form

Please complete and return the application form and all required attachments by October 8, 2021.

All questions are required to be answered by typing directly in this form. If you have any questions, contact cri@ubcm.ca or (250) 356-2947.

SECTION 1: Applicant Information	CRI- <i>(administrative use only)</i>
Name of Local Government or First Nation: Capital Regional District	Complete Mailing Address: PO Box 1000 Victoria, BC V8W 2S6
Contact Person*: Jonathan Reimer	Position: Manager, Fire and Emergency Programs
Phone: 250-360-3137	E-mail: jreimer@crd.bc.ca

* Contact person must be an authorized representative of the applicant (i.e. staff member or elected official).

SECTION 2: Type of Application – Please identify the type of application you are submitting and provide the required information. Refer to Section 4 in the Program & Application Guide for eligibility.
1. Type of Application (select one only): ☐ Single applicant (as identified in Section 1 of the application form) ☐ Regional Project for Multiple Eligible Applicants. Please list all of the partnering eligible applicants included in this application: ☒ Regional Projects for Regional District Applications Including Multiple Electoral Areas. Please list all electoral areas included in this application and submit a separate Worksheet 1 for each: Juan de Fuca, Southern Gulf Islands, and Salt Spring Island
2. Rationale for Regional Projects (only). Please provide a rationale for submitting a regional project application and describe how this approach will support cost-efficiencies in the total funding request.

SECTION 3: Project Summary
3. Name of the Project: Capital Region FireSmart Program Establishment Project

4. Project Summary. Please provide a summary of your project in 150 words or less.

This project establishes a robust, coordinated FireSmart Program for 12 Capital Regional Electoral Area Communities. Previous programs in Capital Regional rural communities have been uneven or non-existent. This project establishes a broad public education and outreach campaign, new and upgraded woody debris disposal options for residents, a coordinated residential firesmart assessment program using Local FireSmart Representatives from each community, a modest residential rebate program, and training for 12 Fire Departments. It is anticipated that this program will substantially increase community resiliency to the increasing wildfire threat in the Capital Region.

5. Fire Centre (use check boxes). Indicate which Fire Centre the proposed activities are located in (check all that apply).

☐ Cariboo Fire Centre

☒ Coastal Fire Centre

☐ Kamloops Fire Centre

☐ Northwest Fire Centre

☐ Prince George Fire Centre

☐ Southeast Fire Centre

6. Project Cost & Funding Request:

Total project cost: \$283,719.00

Total funding request for FireSmart activities (as indicated on Worksheet(s) 1): \$283,719.00

Total funding request for fuel management activities (as indicated on Worksheet 2): 0

Total project funding request: \$283,719.00

Have you applied for or received funding for this project from other sources? If yes, please provide details below.

No.

7. Progress to Date. If you were approved for funding under the 2019, 2020 and/or 2021 CRI FireSmart Community Funding & Supports programs, or the 2021 FireSmart Economic Recovery Fund, please describe the activities that have been completed to date and/or what activities your community has not yet completed but will be undertaking to increase resiliency.

2019 project: Completed and Final Report accepted. FireSmart Project - Salt Spring, Pender, Saturna, and Juan de Fuca. Established the first community outreach and modest chipping programs in Salt Spring, Pender, and Saturna.

2020 project: Completed and Final Report accepted. FireSmart Project - Galiano and Regional Coordination Committee. Exploring regional coordination and provided chipping and residential assessments on Galiano Island.

2021 projects(s) – FSCFS and/or FSERF: In progress. FSCFS: Community Wildfire Resiliency Plan update. FSERF: Hiring of FireSmart Ambassador, initial coordination of inspection program and woody debris options.

Further, if any activities that were funded under these programs were impacted or delayed by COVID-19 or public health requirements, please describe: Yes, 2020 and 2021 CRI projects experienced minor delays due to altered resident engagement schedules and staff capacity due to Emergency Operations Centre deployment. Extensions were approved and completed by the deadline. Covid impacts have been mitigated in the current application by planning COVID-safe engagement practices and engaging a part-time FireSmart Ambassador support position.

SECTION 4: Requirements for Funding (refer to Section 5 of Program & Application Guide)

- 8. Engagement Prior to Submitting an Application.** In order to qualify for funding, applicants must demonstrate their level of engagement with a BCWS Wildfire Prevention Officer, FNESS Fuel Management Specialist, and, if applicable, the FLNRORD district, region, or relevant Land Manager to ensure project alignment with Land Manager priorities when activities are occurring on Provincial Crown land (including during CWRP development).

Please indicate the name(s) and title(s) of the person(s) you engaged with and describe the extent of that engagement.

BCWS Wildfire Prevention Officer Tony Botica - phone calls and emails throughout September and October 2021.

- 9. Acceptable Plan.** In order to qualify for funding, applicants must have a current and acceptable plan that includes assessment and identification of FireSmart and/or fuel management priorities (i.e. Community Wildfire Resiliency Plan, Community Wildfire Protection Plan, Crown Land WRR Tactical or Fuel Management Plan, etc.).

Please outline how your community meets this requirement. Note: applicants that do not have a current and acceptable plan may apply to develop or update a plan.

All communities have an existing CWPP that are 10 - 15 year old, available by request. In 2021, UBCM approved a grant to modernize these plans.

Attach completed plans, assessments, and/or excerpts from higher-level plans with the application form.

SECTION 5: Wildfire Risk & Rationale

- 10. A. WUI Wildfire Risk Class.** What is the WUI Risk Class (1 – 5) for the general area of interest of your community or proposed activities, including the WUI polygon name, from the risk class map? Refer to Appendix 2 of the Program & Application Guide.

Risk Class 1. Polygon Langford (including East Sooke, Malahat, Willis Point, Otter Point, etc.)

B. If local assessments provide additional evidence of higher wildfire risk than the WUI Risk Class, provide specific evidence of wildfire risk (reference to appropriate section of a CWRP/CWPP or other plan, etc.).

WUI Risk Class analysis excludes hazards on private lands, which makes up the majority of WUI lands on Southern Vancouver Island.

Additional evidence for higher wildfire risk (e.g. CWRP/CWPP extract, copies of assessments, etc.) is required to be submitted with the application form.

C. For the purpose of FireSmart Community Funding & Supports grants, identify the risk category that you are applying under:

- ☐ Lower risk of wildfire (may apply for a base grant of up to \$50,000)
- ☒ Higher risk of wildfire (may apply for a base grant of up to \$150,000)

- 11. Other Rationale.** What other rationale or evidence is there for undertaking the proposed project? This may include local hazards identified in the Emergency Plan; threat levels identified in Hazard Risk & Vulnerability Analysis and/or other risk assessments; demonstrated history of repeated and/or significant interface wildfires and evacuations; or other rationale.

Southern Vancouver Island is an anomaly for Coastal BC because it has an active fire regime that is ecologically significant at landscape scales, particularly in the Coastal Douglas Fire Biogeoclimatic Zone. There is significant intermix exposure within rural communities of the Capital Region Electoral Areas due to increasing population levels. Salt Spring Island is most populous Electoral Area in the Province of BC. WUI Fires in Langford (Mill Hill), Malahat, East Sooke (Mt Mattheson), and Pender Island (Hope Bay) have caused tactical evacuations in recent years. Previous wildfires in the Gulf Islands have displaced several hundred people and damaged residential properties.

Evidence of other rationale (e.g. Local Authority Emergency Plan extract, copies of assessments, etc.) is required to be submitted with the application form.

SECTION 6: Detailed Project Information

12. Proposed Activities. Please refer to Section 6 of the Program & Application Guide for eligibility, and complete Worksheet 1: Proposed Activities & Cost-Estimate. Worksheet 1 is required to be completed for all applications and all projects must include an Education component.

13. Increasing Resiliency. Please indicate how the proposed project will increase community resiliency by undertaking community-based FireSmart planning and activities that reduce the community's risk from wildfire.

(1) FireSmart Education Campaign - promote resident mitigation actions to protect property in the event of wildfire encroachment. (2) Woody debris disposal options - reduce ignition sources and fire behavior in the WUI. (3) FireSmart residential assessment program - provides community-based connection and education on wildfire resilience activities residents can undertake on their own property. (4) Rebate Program - Incentivize FireSmart activities amongst residents. (5) Fire Department Training - increase preparedness and response capacity in First Responder agencies.

14. Partnerships & Collaboration. Please identify any other authorities you will collaborate with on the proposed project (e.g. community or resident organizations, First Nation or Indigenous organizations, or other local governments) and outline how you intend to work together.

The CRD will collaborate with BC Wildfire Service, local improvement district-based fire departments (including Salt Spring, Mayne, Pier, and Sidney Islands), local land use planning authorities such as the Islands Trust, Local Government Emergency Programs, FireSmartBC, and First Nations partners, including Pacheedaht FN. These partners will be engaged in the public education campaign and development planning activities.

15. Additional Information. Please share any other information you think may help support your submission.

Where possible, FireSmart activities will be coordinated with local FireSmart committee and First Responder agencies to increase community buy-in. For example, activities in Salt Spring Island are primarily coordinated through SSI Fire Rescue service.

SECTION 7: Application Check List

Required Submissions	Related Attachments
----------------------	---------------------

☒ Application Form	☐ Completed plans, and/or assessments, or excerpts from higher-level plans, as required in Q. 9 ☐ Other rationale, as required in Q. 10 and 11
☒ Completed Worksheet 1: Proposed Activities & Cost Estimate	☐ Completed FireSmart Assessments for structures proposed for FireSmart Projects for Critical Infrastructure, as required in Q. 7
☐ <u>For fuel management activities only</u> : Completed Worksheet 2: Proposed Fuel Management Activities	☐ Overview map of the community, previously completed treatments, proposed treatments for this application, and planned future treatments ☐ PDF map <u>and</u> Google Earth compatible KML file, at appropriate scale, outlining the area of interest, proposed treatment units, land status and tenure overlaps ☐ If available, current wildfire threat assessment plots and/or fuel loading data and rationale for the proposed treatment unit(s) ☐ <u>For fuel management treatment only</u> , a copy of the completed (signed and sealed) prescription and project spatial layer ☐ <u>For prescribed fire only</u> , a copy of the completed burn plan (in addition to the prescription) and project spatial layer ☐ <u>For fuel management treatment on Provincial Crown land only</u> , an email from the Land Manager indicating information sharing with First Nations has been completed
☐ Council, Board or Band Council resolution, indicating support for the current proposed activities and willingness to provide overall grant management	
☐ <u>For regional projects only</u> : Council, Board or Band Council resolution, from each partnering community that clearly states approval for the applicant to apply for, receive and manage the grant funding on their behalf	
Submit the completed Application Form and all required related attachments as e-mail attachments to cri@ubcm.ca and note “2022 CRI” in the subject line. Submit your application as either a Word or PDF file(s). If you submit by e-mail, hardcopies and/or additional copies of the application are not required.	

SECTION 8: Signature – Applications are required to be signed by an authorized representative of the applicant. Please note all application materials will be shared with the Province of BC and the BC FireSmart Committee.	
I certify that: (1) to the best of my knowledge, all information is accurate and (2) the area covered by the approved project is within the applicant’s jurisdiction (or appropriate approvals are in place).	
Name: Jonathan Reimer	Title: Manager, EA Fire and Emergency Programs

Signature*: <i>A certified electronic or original signature is required.</i>	Date: October 8, 2021
---	-----------------------

* Signatory must be an authorized representative of the applicant (i.e. staff member or elected official).

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Update to CRD Reporting of Serious Misconduct Policy**

ISSUE SUMMARY

To update the Capital Regional District's Reporting of Serious Misconduct Policy, as recommended by the financial auditors.

BACKGROUND

On September 13, 2017, the Capital Regional District (CRD) Board approved a Reporting of Serious Misconduct Policy as the mechanism and approach for the reporting of serious misconduct where no other policies and/or procedures are in place for doing so. In a recent financial audit, the CRD's external auditors recommended an amendment to clarify the role of the Chief Financial Officer (CFO) when allegations of misconduct may have real or perceived financial implications. The CRD Board received a copy of this audit and the auditor's recommendations on May 12, 2021.

To meet this recommendation, it is recommended that the Reporting of Serious Misconduct Policy be updated to:

- 1) Amend to whom concerns are to be reported to, in a manner to limit any potential of bias:
- 2) to include the following within the Procedure (Section 7.1) of the Policy:
"the Chief Administrative Officer (or in part (d) the Senior Manager of Human Resources) shall advise and confer with the Chief Financial Officer of any serious misconduct complaint that has real or perceived financial implications as outlined by the Principles of this Policy." ; and
- 3) to clarify the when an external investigator may need to be engaged to conduct a review as follows (Investigation, Section 7.3.b.1):
"Such an investigation may be conducted by an internal investigator where such impartial and professional skill set exists, or an external investigator where such impartial and professional skill set does not exist or where the circumstances requires such third-party expertise."

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the Capital Regional District's Reporting of Serious Misconduct Policy be updated ensure the involvement of the Chief Financial Officer in any concern that may have real or perceived financial implications.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

There are no implications. Policy amendments are administrative to provide clarity.

CONCLUSION

The CRD Board has established a Policy which outlines the mechanism and approach for the reporting of serious misconduct allegations. The CRD's financial auditors have recommended updates to ensure clarity in the review of allegations.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the Capital Regional District's Reporting of Serious Misconduct Policy be updated ensure the involvement of the Chief Financial Officer in any concern that may have real or perceived financial implications.

Submitted by:	Christopher Neilson, MBA, CPHR, Senior Manager Human Resources
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Reporting of Serious Misconduct Policy (amendments highlighted)

CAPITAL REGIONAL DISTRICT

CORPORATE POLICY AND PROCEDURE

Policy Type	Board		
Section			
Title	REPORTING OF SERIOUS MISCONDUCT		
Adopted Date	September 13, 2017	Policy Number	ADM10
Last Amended			
Policy Owner	Board/Executive Leadership Team		

1. POLICY:

This policy establishes the mechanism and approach for the reporting of serious misconduct involving staff where there are no other policies and/or procedures for doing so.

2. PURPOSE:

The Capital Regional District (CRD) is committed to creating and maintaining a work environment where high standards of business and personal ethics are observed and practiced. This policy sets out guidelines for the reporting and investigation of serious misconduct contrary to these standards, where there are no procedures in place for doing so, and provides protection from retaliation to those who report serious misconduct in good faith using the established process.

3. PRINCIPLES:

- a. Individuals under the CRD's direction are to act in a way that enhances public confidence in the CRD and to fulfill their duty to act honestly and exercise reasonable care and diligence.
- b. Individuals under the CRD's direction have a responsibility to adhere to the Standards of Conduct of the CRD, and report instances of serious misconduct. Serious misconduct that may be reported pursuant to this policy include such concerns as:
 - Manipulation of CRD resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
 - Misappropriating funds, misdirecting or misuse of funds/assets;
 - Misuse and/or improper disclosure of confidential information;
 - Manipulating CRD accounting or audit records or destroying any accounting or audit-related records except as otherwise permitted by CRD corporate records and information management policies;
 - Deliberate actions likely to cause serious harm to persons, public safety, property or the environment;
 - Deliberate actions resulting in the CRD being exposed to liability or significant financial loss; and,

- Deliberately concealing information relating to any of the above.
- c. This policy is intended to supplement existing procedures at the CRD whereby employees may already raise matters of serious concern.

This policy is *not* intended to override or replace existing reporting processes provided for under CRD policies, collective agreements or legislation and does *not* create an independent reporting process or requirement where other reporting processes exist.

- d. Reports made under this policy may be redirected where other more appropriate procedures are applicable such as:
 - Grievance procedures (see applicable collective agreement);
 - Complaint procedures related to human rights or respectful workplace concerns (see human rights legislation and applicable CRD policies)
 - Procedures for reporting safety concerns (see Workers' Compensation Act and Occupational Health & Safety policies)

4. SCOPE:

This policy applies to all employees, elected officials, and volunteers of the CRD.

5. RESPONSIBILITIES

5.1 Chief Administrative Officer (CAO)

The CAO is responsible for the oversight of this policy, and may appoint a designate to be responsible for the day-to-day administration and stewardship of the policy.

5.2 Employees, dependent contractors, elected officials and volunteers

Individuals involved in a complaint, including employees to whom a complaint is made, are expected to and ~~shall~~must participate in the review and investigation of the matter expeditiously and in good faith. Employees ~~shall~~must not purposefully or deliberately impede a review or investigation of a complaint or concern.

6. DEFINITIONS:

- "Complaint" means the reporting of an allegation of serious misconduct in good faith, using the process set out in this policy.
- "Good Faith" means having reasonable and objective grounds for believing an allegation of serious misconduct is true.
- "Bad Faith" means making a complaint that is knowingly false, or which is unreasonably made, or which is malicious in nature or intent.
- "Serious Misconduct" includes such items and concerns as noted in Section 3b of this Policy.

- “Employee” means all paid individuals under the direction of the CRD, including officers, managers, contractors in a CRD-employer/employee relationship (i.e. dependent contractors), and non-management (ie. unionized) staff.
- “Chief Administrative Officer”, “Officer”, “Corporate Officer”, and “General Manager” means those staff designated as such in accordance with CRD Bylaw 3343 or subsequent. For the purposes of this policy, the “Chief Financial Officer” is included in the “General Manager” description.
- “Volunteer” means all unpaid individuals under the direction of the CRD, including those under the direction of CRD employees and the CRD Board.
- “Division Manager” means those management staff responsible for the oversight and leadership of a division within a CRD department.
- “Complainant(s)” means the individual(s) making a complaint alleging serious misconduct under this policy.
- “Respondent(s)” means the individual(s) alleged to have engaged in the serious misconduct under this policy
- “Witness(es)” means the individual(s) who witnessed the alleged serious misconduct under this policy.
- “Preliminary Review” is an assessment of a complaint to determine if (a) the facts as asserted if accurate would constitute serious misconduct under this policy and (b) there is sufficient verifiable information supporting the allegation(s) such that an investigation is warranted.

7. PROCEDURE:

7.1 **REPORTING SERIOUS MISCONDUCT**

- a. Individuals who are aware of serious misconduct have a responsibility to report it in accordance with this policy in good faith.
- b. Reports of alleged serious misconduct ~~shall~~must be reported in the manner outlined in Table 1 (top next page).
- c. A report of alleged serious misconduct must be: (i) in writing, (ii) dated, and (iii) signed.

A complainant *may* be permitted to report alleged serious misconduct verbally if: (i) the Preliminary Reviewer to whom they are reporting makes a written record of the complaint, (ii) dates the concern, and (ii) the complainant confirms its accuracy by signature.

- d. Knowingly making false allegations, or making bad faith allegations, will be viewed as serious misconduct.

Table 1: Reporting and Informing Matrix

	(i) If the subject of the alleged serious misconduct <u>directly</u> involves the following Respondent:	(ii) Then the Complainant shall <u>must</u> report the matter to and will be preliminarily reviewed by the following (hereby referred to as the "Preliminary Reviewer") (see Section 7.3):	(iii) And those who it is reported to shall <u>MUST</u> immediately inform the following (referred hereafter as the "Advisee") (<u>see note*</u>):
(a)	a colleague	the direct manager <u>and/or Senior Manager of Human Resources</u>	the Division Manager, General Manager, Chief Administrative Officer, and Senior Manager of Human Resources
(b)	a supervisor or section manager	the Division Manager <u>and/or Senior Manager of Human Resources</u>	the General Manager, Chief Administrative Officer, and Senior Manager of Human Resources
(c)	a division manager	the General Manager	the Chief Administrative Officer and Senior Manager of Human Resources
(d)	a General Manager or Officer	the Chief Administrative Officer	the Senior Manager of Human Resources
(e)	the Senior Manager of Human Resources	the Chief Administrative Officer	the Corporate Officer
(f)	the Chief Administrative Officer	the CRD Board Chair	the Senior Manager of Human Resources and Corporate Officer

*Note: the Chief Administrative Officer (or in part (d) the Senior Manager of Human Resources) must advise and confer with the Chief Financial Officer of any serious misconduct complaint that has real or perceived financial implications as defined by the Principles section of this Policy.

7.2 CONFIDENTIALITY:

- a. Every effort will be made to ensure confidentiality to those reporting serious misconduct. Individuals making a report under this policy are required to provide their name in confidence, which allows for follow-up questions, clarification and investigation where necessary.

Reports made anonymously will not be investigated if the report does not disclose sufficient information to be investigated or if the respondent(s) will not have a meaningful opportunity to respond.

- b. Confidentiality extends to all records relating to reports, including but not limited to meetings, interviews and investigation results.

Complainants, respondents, witnesses, internal and external investigators, and any other party(ies) are expected to maintain confidentiality. The CRD reserves the right to require confidentiality agreements in place before any third party is involved and/or privy to allegations, investigations,

reports, or related. The absence of a confidentiality agreement does not limit or absolve the requirement to maintain confidentiality.

The complainant who reported the serious misconduct must treat all aspects of the report and the incident generally as strictly confidential and must not discuss it with anyone except the person to whom the report has been made, legal and union advisors, and any investigator.

Breaches of confidentiality may be regarded as serious misconduct and will be treated accordingly, up to and including termination of employment.

- c. Personal information, including the identity of the person reporting the alleged serious misconduct, will be protected in accordance with the *Freedom of Information and Protection of Privacy Act* of BC.
- d. The CRD's records management policies will apply to records in relation to this policy. In addition, disclosure of records relating to reports made under this policy to any other person, and in particular any third party, will require the prior approval of the CRD's Corporate Officer and/or solicitor to ensure that privilege of such documentation is properly maintained.
- e. Confidentiality may be subject to legal disclosure requirements during a court proceeding, arbitration or other legal proceedings, and to circumstances where affected persons have consented to be identified.
- f. The employee who reported the alleged serious misconduct should not contact the subject of the report (outside of regular work contact for normal work reasons) or attempt to investigate the allegations further for any reason.
- g. In the event that an allegation is unsubstantiated, at the request of the respondent, the record of such may be put on the respondent's personnel file. See Section 7.3(c) below for more detail.

7.3 INVESTIGATION

- a. Preliminary Reviewers identified in Section 7.1(b), who receive a report of alleged serious misconduct must:
 - a.1 Step 1: immediately contact the appropriate Advisee listed in section (iii) of the table;
 - a.2 Step 2: within five (5) working days of receipt, confirm confidentially in writing to the complainant that their complaint has been received and will be investigated in accordance with this policy; and
 - a.3 Step 3: within five (5) working days of receipt, advise the respondent(s) to whom the complaint has been made, advise and ensure that the respondent(s) has/have a meaningful opportunity to respond, and commence a preliminary review and report the findings as follows:
 - a.3.1 (*where the respondent is a colleague, supervisor, and/or manager*)
 - report the findings of the preliminary review to their General Manager and the CRD Senior Manager of Human Resources within ten (10) working days; and

- upon receipt of the preliminary review results, the General Manager will report the concern with the preliminary findings to the Chief Administrative Officer; and
- the Chief Administrative Officer will then take further action as deemed required under Section 7.3(b.1).

a.3.2 *(where the respondent is a division manager)*

- report the findings of the preliminary review to the CRD Senior Manager of Human Resources within ten (10) working days.
- upon conclusion of the preliminary review, the General Manager will report the preliminary findings to the Chief Administrative Officer.
- the Chief Administrative Officer will then take further action as deemed required under Section 7.3(b.1).

a.3.3 *(where the respondent is a General Manager, Officer and/or Senior Manager of Human Resources)*

- the Chief Administrative Officer will take further action as deemed required under Section 7.3(b.1). The Chief Administrative Officer may request that the preliminary review be undertaken by the Corporate Officer and/or Senior Manager of Human Resources unless those parties are directly involved.

a.3.4 *(where the respondent is the Chief Administrative Officer)*

- the CRD Board Chair will receive the complaint and review it to determine whether it involves allegations of serious misconduct as defined in this policy and determine whether a review is warranted. The Board Chair may consult with legal counsel to assist in this determination.
- If the Board Chair determines that the complaint does not concern or constitute serious misconduct, or if the Board Chair deems that the complaint can be addressed directly between the Board Chair and the Chief Administrative Officer, the Board Chair will refer the complaint to the Chief Administrative Officer to address as appropriate.
- If the Board Chair determines that a detailed review is warranted, a review will be undertaken by a third-party (see step 4, section 7.3(b.2)).

b. Step 4: Following the conclusion of the preliminary investigation, the following ~~shall~~must apply:

- b.1 *(except where the allegation of serious misconduct directly involves the Chief Administrative Officer):* the Chief Administrative Officer will then determine the appropriate level of a further detailed investigation if required, and if necessary the response to the alleged serious misconduct. If warranted upon review of the preliminary investigation, a detailed investigation will be conducted in an impartial and timely manner. Such an investigation may be conducted by an internal investigator where such impartial and professional skill set

~~exists, or an external investigator where such impartial and professional skill set does not exist or where the circumstances requires such third-party expertise~~
~~If warranted, a detailed investigation will be conducted in an impartial and timely manner. Such an investigation may be conducted by an internal or external investigator.~~

b.2 *(where the allegation of serious misconduct directly involves the Chief Administrative Officer):* the CRD Board Chair will then determine the appropriate level of further investigation required. The Board Chair may retain legal counsel is assisting with this determination and in providing advice. A third-party will be retained to conduct the investigation.

In all cases of an investigation, a report of findings ~~shall~~must be made. This report will generally be in writing, but may be provided verbally if deemed warranted. All reports are deemed confidential.

- c. Step 5: Where the alleged serious misconduct is proven, a response may include disciplinary measures appropriate to the degree of misconduct and terms of employment, and would be consistent with any terms of a collective agreement, if applicable. The CRD may pursue all applicable and appropriate legal remedies, including but not limited to civil or criminal remedies.

Where the alleged serious misconduct is not proven, the respondent(s) ~~shall~~must be informed in writing, and if the respondent so requests will have this placed on their personnel file. Further, if the respondent so requests, the appropriate reporting relationships of the respondent(s) ~~shall~~must also be advised. The complainant ~~shall~~must be advised verbally and/or in writing as deemed appropriate.

Records of the review and its result ~~shall~~must be retained in Human Resources in accordance with CRD Records Retention guidelines.

- d. Step 6: The Chief Administrative Officer ~~shall~~must periodically advise the CRD Board of Directors of the general nature of concerns identified and the results of the review/investigation, and in a manner consistent with the appropriate protection of individuals and procedural fairness.

- e. General principles of investigation: those conducting a preliminary review and more detailed investigation ~~shall~~must:

- Comply with any relevant legislation, policies, and agreements;
- Maintain adequate documentation to support any findings or recommendations made;
- Treat employees with courtesy and sensitivity to their rights;
- Respect the fairness and due process rights of all involved.
- Take all relevant facts into consideration having regard to the particular merits of each case;
- Endeavour to ensure the investigation is done in a prompt and professional manner; and
- Remove themselves from the investigation process if a conflict of interest arises.

7.4 PROTECTION AGAINST RETALIATION

- a. Any form of retaliation, discrimination, or reprisal against a staff member because that person reported serious misconduct in good faith, person acted as a witness, or otherwise participated in an investigation in good faith will be considered a serious violation of this policy. Such retaliatory actions are themselves serious misconduct and may result in discipline, including dismissal.
- b. Individuals who believe they have been retaliated against may report this in writing to the Chief Administrative Officer. If the individual believes the retaliation involves the Chief Administrative Officer, they may report to the Board Chair.

7.5 MALICIOUS OR VEXATIOUS ALLEGATIONS

If an allegation is found to be filed for malicious or vexatious purposes, formal disciplinary action may be taken against the employee involved. Serious allegations based on genuine “good faith” misunderstandings or misinterpretations may not be considered malicious or vexatious unless such form of allegations continue to be filed by an individual after he/she receives education and clarification on the Policy.

7.6 EXCEPTIONS

Where employees come forward to report their own serious misconduct under this policy, they will not be exempt from discipline appropriate to the serious misconduct; however, such reporting will be given appropriate consideration as a mitigating factor and these instances will be dealt with on an individual basis in accordance with this policy.

7.7 SEVERABILITY

In the event that any portion of this policy is inconsistent with a binding CRD collective agreement, bylaw or federal or provincial legislation, that portion and only that portion of the policy will have no application to the extent of that inconsistency. All other portions of the policy will continue in full force and effect.

7.8 RIGHTS

This policy is the administrative process for the reporting and review of allegations of serious misconduct within the workplace. This policy is not intended preclude individuals from pursuing other legally permitted avenues of action available to them, including those as may be allowed of an employee by law.

Approval Date:	September 13, 2017	Approved By:	CRD Board
1. Amendment Date:		Approved By:	
2. Amendment Date:		Approved By:	

3. Amendment Date:		Approved By:	
Next Review Date:	As Required	Reviewed By:	CRD Board for substantive changes / ELT for administrative updates
Supersedes:			

CAPITAL REGIONAL DISTRICT

CORPORATE POLICY AND PROCEDURE

Policy Type	Board		
Section			
Title	REPORTING OF SERIOUS MISCONDUCT		
Adopted Date	September 13, 2017	Policy Number	ADM10
Last Amended			
Policy Owner	Board/Executive Leadership Team		

1. POLICY:

This policy establishes the mechanism and approach for the reporting of serious misconduct involving staff where there are no other policies and/or procedures for doing so.

2. PURPOSE:

The Capital Regional District (CRD) is committed to creating and maintaining a work environment where high standards of business and personal ethics are observed and practiced. This policy sets out guidelines for the reporting and investigation of serious misconduct contrary to these standards, where there are no procedures in place for doing so, and provides protection from retaliation to those who report serious misconduct in good faith using the established process.

3. PRINCIPLES:

- a. Individuals under the CRD's direction are to act in a way that enhances public confidence in the CRD and to fulfill their duty to act honestly and exercise reasonable care and diligence.
- b. Individuals under the CRD's direction have a responsibility to adhere to the Standards of Conduct of the CRD, and report instances of serious misconduct. Serious misconduct that may be reported pursuant to this policy include such concerns as:
 - Manipulation of CRD resources for any illegal, improper or unethical purpose including fraud, theft, embezzling funds, or accepting kickbacks or bribes;
 - Misappropriating funds, misdirecting or misuse of funds/assets;
 - Misuse and/or improper disclosure of confidential information;
 - Manipulating CRD accounting or audit records or destroying any accounting or audit-related records except as otherwise permitted by CRD corporate records and information management policies;
 - Deliberate actions likely to cause serious harm to persons, public safety, property or the environment;
 - Deliberate actions resulting in the CRD being exposed to liability or significant financial loss; and,

- Deliberately concealing information relating to any of the above.
- c. This policy is intended to supplement existing procedures at the CRD whereby employees may already raise matters of serious concern.

This policy is *not* intended to override or replace existing reporting processes provided for under CRD policies, collective agreements or legislation and does *not* create an independent reporting process or requirement where other reporting processes exist.

- d. Reports made under this policy may be redirected where other more appropriate procedures are applicable such as:
 - Grievance procedures (see applicable collective agreement);
 - Complaint procedures related to human rights or respectful workplace concerns (see human rights legislation and applicable CRD policies)
 - Procedures for reporting safety concerns (see Workers' Compensation Act and Occupational Health & Safety policies)

4. SCOPE:

This policy applies to all employees, elected officials, and volunteers of the CRD.

5. RESPONSIBILITIES

5.1 Chief Administrative Officer (CAO)

The CAO is responsible for the oversight of this policy, and may appoint a designate to be responsible for the day-to-day administration and stewardship of the policy.

5.2 Employees, dependent contractors, elected officials and volunteers

Individuals involved in a complaint, including employees to whom a complaint is made, are expected to and shall participate in the review and investigation of the matter expeditiously and in good faith. Employees shall not purposefully or deliberately impede a review or investigation of a complaint or concern.

6. DEFINITIONS:

- "Complaint" means the reporting of an allegation of serious misconduct in good faith, using the process set out in this policy.
- "Good Faith" means having reasonable and objective grounds for believing an allegation of serious misconduct is true.
- "Bad Faith" means making a complaint that is knowingly false, or which is unreasonably made, or which is malicious in nature or intent.
- "Serious Misconduct" includes such items and concerns as noted in Section 3b of this Policy.

- “Employee” means all paid individuals under the direction of the CRD, including officers, managers, contractors in a CRD-employer/employee relationship (i.e. dependent contractors), and non-management (ie. unionized) staff.
- “Chief Administrative Officer”, “Officer”, “Corporate Officer”, and “General Manager” means those staff designated as such in accordance with CRD Bylaw 3343 or subsequent. For the purposes of this policy, the “Chief Financial Officer” is included in the “General Manager” description.
- “Volunteer” means all unpaid individuals under the direction of the CRD, including those under the direction of CRD employees and the CRD Board.
- “Division Manager” means those management staff responsible for the oversight and leadership of a division within a CRD department.
- “Complainant(s)” means the individual(s) making a complaint alleging serious misconduct under this policy.
- “Respondent(s)” means the individual(s) alleged to have engaged in the serious misconduct under this policy
- “Witness(es)” means the individual(s) who witnessed the alleged serious misconduct under this policy.
- “Preliminary Review” is an assessment of a complaint to determine if (a) the facts as asserted if accurate would constitute serious misconduct under this policy and (b) there is sufficient verifiable information supporting the allegation(s) such that an investigation is warranted.

7. PROCEDURE:

7.1 REPORTING SERIOUS MISCONDUCT

- a. Individuals who are aware of serious misconduct have a responsibility to report it in accordance with this policy in good faith.
- b. Reports of alleged serious misconduct shall be reported in the manner outlined in Table 1 (top next page).
- c. A report of alleged serious misconduct must be: (i) in writing, (ii) dated, and (iii) signed.

A complainant *may* be permitted to report alleged serious misconduct verbally if: (i) the Preliminary Reviewer to whom they are reporting makes a written record of the complaint, (ii) dates the concern, and (ii) the complainant confirms its accuracy by signature.
- d. Knowingly making false allegations, or making bad faith allegations, will be viewed as serious misconduct.

Table 1: Reporting and Informing Matrix

	(i) If the subject of the alleged serious misconduct <u>directly</u> involves the following Respondent:	(ii) Then the Complainant shall report the matter to and will be preliminarily reviewed by the following (hereby referred to as the "Preliminary Reviewer") (see Section 7.3):	(iii) And those who it is reported to shall MUST immediately inform the following (referred hereafter as the "Advisee") (<u>see note*</u>):
(a)	a colleague	the direct manager <u>and/or Senior Manager of Human Resources</u>	the Division Manager, General Manager, Chief Administrative Officer, and Senior Manager of Human Resources
(b)	a supervisor or section manager	the Division Manager <u>and/or Senior Manager of Human Resources</u>	the General Manager, Chief Administrative Officer, and Senior Manager of Human Resources
(c)	a division manager	the General Manager	the Chief Administrative Officer and Senior Manager of Human Resources
(d)	a General Manager or Officer	the Chief Administrative Officer	the Senior Manager of Human Resources
(e)	the Senior Manager of Human Resources	the Chief Administrative Officer	the Corporate Officer
(f)	the Chief Administrative Officer	the CRD Board Chair	the Senior Manager of Human Resources and Corporate Officer

*Note: the Chief Administrative Officer (or in part (d) the Senior Manager of Human Resources) shall advise and confer with the Chief Financial Officer of any serious misconduct complaint that has real or perceived financial implications as defined by the Principles section of this Policy.

7.2 CONFIDENTIALITY:

- a. Every effort will be made to ensure confidentiality to those reporting serious misconduct. Individuals making a report under this policy are required to provide their name in confidence, which allows for follow-up questions, clarification and investigation where necessary.

Reports made anonymously will not be investigated if the report does not disclose sufficient information to be investigated or if the respondent(s) will not have a meaningful opportunity to respond.

- b. Confidentiality extends to all records relating to reports, including but not limited to meetings, interviews and investigation results.

Complainants, respondents, witnesses, internal and external investigators, and any other party(ies) are expected to maintain confidentiality. The CRD reserves the right to require confidentiality agreements in place before any third party is involved and/or privy to allegations, investigations,

reports, or related. The absence of a confidentiality agreement does not limit or absolve the requirement to maintain confidentiality.

The complainant who reported the serious misconduct must treat all aspects of the report and the incident generally as strictly confidential and must not discuss it with anyone except the person to whom the report has been made, legal and union advisors, and any investigator.

Breaches of confidentiality may be regarded as serious misconduct and will be treated accordingly, up to and including termination of employment.

- c. Personal information, including the identity of the person reporting the alleged serious misconduct, will be protected in accordance with the *Freedom of Information and Protection of Privacy Act* of BC.
- d. The CRD's records management policies will apply to records in relation to this policy. In addition, disclosure of records relating to reports made under this policy to any other person, and in particular any third party, will require the prior approval of the CRD's Corporate Officer and/or solicitor to ensure that privilege of such documentation is properly maintained.
- e. Confidentiality may be subject to legal disclosure requirements during a court proceeding, arbitration or other legal proceedings, and to circumstances where affected persons have consented to be identified.
- f. The employee who reported the alleged serious misconduct should not contact the subject of the report (outside of regular work contact for normal work reasons) or attempt to investigate the allegations further for any reason.
- g. In the event that an allegation is unsubstantiated, at the request of the respondent, the record of such may be put on the respondent's personnel file. See Section 7.3(c) below for more detail.

7.3 INVESTIGATION

- a. Preliminary Reviewers identified in Section 7.1(b), who receive a report of alleged serious misconduct must:
 - a.1 Step 1: immediately contact the appropriate Advisee listed in section (iii) of the table;
 - a.2 Step 2: within five (5) working days of receipt, confirm confidentially in writing to the complainant that their complaint has been received and will be investigated in accordance with this policy; and
 - a.3 Step 3: within five (5) working days of receipt, advise the respondent(s) to whom the complaint has been made, advise and ensure that the respondent(s) has/have a meaningful opportunity to respond, and commence a preliminary review and report the findings as follows:
 - a.3.1 (where the respondent is a colleague, supervisor, and/or manager)
 - report the findings of the preliminary review to their General Manager and the CRD Senior Manager of Human Resources within ten (10) working days; and

- upon receipt of the preliminary review results, the General Manager will report the concern with the preliminary findings to the Chief Administrative Officer; and
- the Chief Administrative Officer will then take further action as deemed required under Section 7.3(b.1).

a.3.2 *(where the respondent is a division manager)*

- report the findings of the preliminary review to the CRD Senior Manager of Human Resources within ten (10) working days.
- upon conclusion of the preliminary review, the General Manager will report the preliminary findings to the Chief Administrative Officer.
- the Chief Administrative Officer will then take further action as deemed required under Section 7.3(b.1).

a.3.3 *(where the respondent is a General Manager, Officer and/or Senior Manager of Human Resources)*

- the Chief Administrative Officer will take further action as deemed required under Section 7.3(b.1). The Chief Administrative Officer may request that the preliminary review be undertaken by the Corporate Officer and/or Senior Manager of Human Resources unless those parties are directly involved.

a.3.4 *(where the respondent is the Chief Administrative Officer)*

- the CRD Board Chair will receive the complaint and review it to determine whether it involves allegations of serious misconduct as defined in this policy and determine whether a review is warranted. The Board Chair may consult with legal counsel to assist in this determination.
- If the Board Chair determines that the complaint does not concern or constitute serious misconduct, or if the Board Chair deems that the complaint can be addressed directly between the Board Chair and the Chief Administrative Officer, the Board Chair will refer the complaint to the Chief Administrative Officer to address as appropriate.
- If the Board Chair determines that a detailed review is warranted, a review will be undertaken by a third-party (see step 4, section 7.3(b.2)).

b. Step 4: Following the conclusion of the preliminary investigation, the following shall apply:

- b.1 *(except where the allegation of serious misconduct directly involves the Chief Administrative Officer):* the Chief Administrative Officer will then determine the appropriate level of a further detailed investigation if required, and if necessary the response to the alleged serious misconduct. If warranted upon review of the preliminary investigation, a detailed investigation will be conducted in an impartial and timely manner. Such an investigation may be conducted by an internal investigator where such impartial and professional skill set

~~exists, or an external investigator where such impartial and professional skill set does not exist or where the circumstances requires such third-party expertise. If warranted, a detailed investigation will be conducted in an impartial and timely manner. Such an investigation may be conducted by an internal or external investigator.~~

b.2 *(where the allegation of serious misconduct directly involves the Chief Administrative Officer):* the CRD Board Chair will then determine the appropriate level of further investigation required. The Board Chair may retain legal counsel is assisting with this determination and in providing advice. A third-party will be retained to conduct the investigation.

In all cases of an investigation, a report of findings shall be made. This report will generally be in writing, but may be provided verbally if deemed warranted. All reports are deemed confidential.

- c. Step 5: Where the alleged serious misconduct is proven, a response may include disciplinary measures appropriate to the degree of misconduct and terms of employment, and would be consistent with any terms of a collective agreement, if applicable. The CRD may pursue all applicable and appropriate legal remedies, including but not limited to civil or criminal remedies.

Where the alleged serious misconduct is not proven, the respondent(s) shall be informed in writing, and if the respondent so requests will have this placed on their personnel file. Further, if the respondent so requests, the appropriate reporting relationships of the respondent(s) shall also be advised. The complainant shall be advised verbally and/or in writing as deemed appropriate.

Records of the review and its result shall be retained in Human Resources in accordance with CRD Records Retention guidelines.

- d. Step 6: The Chief Administrative Officer shall periodically advise the CRD Board of Directors of the general nature of concerns identified and the results of the review/investigation, and in a manner consistent with the appropriate protection of individuals and procedural fairness.

- e. General principles of investigation: those conducting a preliminary review and more detailed investigation shall:

- Comply with any relevant legislation, policies, and agreements;
- Maintain adequate documentation to support any findings or recommendations made;
- Treat employees with courtesy and sensitivity to their rights;
- Respect the fairness and due process rights of all involved.
- Take all relevant facts into consideration having regard to the particular merits of each case;
- Endeavour to ensure the investigation is done in a prompt and professional manner; and
- Remove themselves from the investigation process if a conflict of interest arises.

7.4 PROTECTION AGAINST RETALIATION

- a. Any form of retaliation, discrimination, or reprisal against a staff member because that person reported serious misconduct in good faith, person acted as a witness, or otherwise participated in an investigation in good faith will be considered a serious violation of this policy. Such retaliatory actions are themselves serious misconduct and may result in discipline, including dismissal.
- b. Individuals who believe they have been retaliated against may report this in writing to the Chief Administrative Officer. If the individual believes the retaliation involves the Chief Administrative Officer, they may report to the Board Chair.

7.5 MALICIOUS OR VEXATIOUS ALLEGATIONS

If an allegation is found to be filed for malicious or vexatious purposes, formal disciplinary action may be taken against the employee involved. Serious allegations based on genuine “good faith” misunderstandings or misinterpretations may not be considered malicious or vexatious unless such form of allegations continue to be filed by an individual after he/she receives education and clarification on the Policy.

7.6 EXCEPTIONS

Where employees come forward to report their own serious misconduct under this policy, they will not be exempt from discipline appropriate to the serious misconduct; however, such reporting will be given appropriate consideration as a mitigating factor and these instances will be dealt with on an individual basis in accordance with this policy.

7.7 SEVERABILITY

In the event that any portion of this policy is inconsistent with a binding CRD collective agreement, bylaw or federal or provincial legislation, that portion and only that portion of the policy will have no application to the extent of that inconsistency. All other portions of the policy will continue in full force and effect.

7.8 RIGHTS

This policy is the administrative process for the reporting and review of allegations of serious misconduct within the workplace. This policy is not intended preclude individuals from pursuing other legally permitted avenues of action available to them, including those as may be allowed of an employee by law.

Approval Date:	September 13, 2017	Approved By:	CRD Board
1. Amendment Date:		Approved By:	
2. Amendment Date:		Approved By:	
3. Amendment Date:		Approved By:	

Next Review Date:	As Required	Reviewed By:	CRD Board for substantive changes / ELT for administrative updates
Supersedes:			

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Process to Claim Expenses under CRD Board Remuneration and Travel Expense Reimbursement Policy**

ISSUE SUMMARY

To provide clarity to the process to claim expenses under the Capital Regional District's Board Remuneration and Travel Expense Reimbursement Policy.

BACKGROUND

The Capital Regional District (CRD) Board has established a policy which outlines the Board remuneration and travel expenses reimbursement guidelines. In a recent financial audit of the 2020 financial statements, as reported to the CRD's Chief Financial Officer in their May 2021 "Reporting on internal control matter", the external auditors KPMG recommended clarity be added on the timing of expense submission and the provision of supporting documentation. Specific KPMG observations were to ensure that submissions of expenses, with receipts/verifications of expenses, be submitted in a timely manner and within the 30-day period required of policy. A copy of the KPMG audit was provided to the CRD Board on May 12, 2021.

To comply it is recommended that the Board Remuneration and Travel Expense Reimbursement Policy be updated to include the standard administrative process for the claiming of expenses. Specific recommended administrative amendments are as follows:

- (a) To best ensure attendance tracking for remunerated events where no external verification of attendance is available, that the Director/Alternate Director shall certify their attendance with CRD Legislative Services;
- (b) To adhere to standard travel expense claims protocols, that Directors/Alternate Directors shall submit these to CRD Legislative Services within thirty (30) calendar days of the period in which the expenses were incurred.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That Schedule 1 of the Capital Regional District's Board Remuneration and Travel Expense Reimbursement Policy be updated to include the administrative process for the claiming of expenses, as found in Appendix A.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

This amendment aligns to the recommendations of the CRD's auditors for best accounting practices. This does not impact or alter what expenses are allowable for reimbursement.

CONCLUSION

The CRD has established a Policy for Board remuneration and travel expenses, and it has been recommended by the CRD's external auditors that this be amended to include the process for the claiming of travel expenses to meet best practice.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That Schedule 1 of the Capital Regional District's Board Remuneration and Travel Expense Reimbursement Policy be updated to include the administrative process for the claiming of expenses, as found in Appendix A.

Submitted by:	Chris Neilson, MBA, CPHR, Senior Manager Human Resources
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Board Remuneration and Travel Expense Policy (Schedule 1 amendments highlighted)

CAPITAL REGIONAL DISTRICT BOARD POLICY

Policy Type	Board		
Section	Policies, Procedures, Manuals		
Title	Board Remuneration and Travel Expense Reimbursement		
Adoption Date	September 9, 2015	Policy Number	BRD03
Last Amended	February 2, 2021	Amended By	HR
Policy Owner	Human Resources		

1. POLICY:

Board of Directors Remuneration and Travel Expense Reimbursement Policy.

2. PURPOSE:

To outline the Board remuneration and travel expense reimbursement guidelines. The CRD Board approved a new Board remuneration framework on September 9, 2015. A primary driver for establishing a CRD Board remuneration philosophy was to recognize the significant amount of commitment required of Directors and to design an approach that would assist with engagement as well as attendance.

3. SCOPE:

The policy applies to all CRD Board Directors, Commission members, First Nations Members and certain Board appointees to external Boards.

4. DEFINITIONS:

“Board Remuneration” means any compensation paid to Board Directors, certain Commission members, First Nations Members and Board appointees to external Boards as approved by the CRD Board in exchange for undertaking CRD business activities.

5. RESPONSIBILITIES:

Human Resources, in consultation with Finance and Technology and Corporate Services, is responsible for the control, coordination, and implementation of the policy. Modifications to the overall policy are to be approved by the Capital Regional District (CRD) Board.

6. PROCEDURE:

1. All Board Directors, certain Commission members, Municipal Councillors, First Nations Members and certain Board appointees to external Boards shall receive an annual stipend and/or a payment per meeting and travel expenses as per CRD Board Remuneration and Travel Expense Reimbursement Policy - Schedule 1.

2. Eligibility for payments is defined in CRD Directors Appointments by Committees, Commissions to External Board - Schedule 2.
3. The remuneration amounts will be adjusted annually, by Financial Services, based on the Consumer Price Index for the Victoria area for the twelve months ending December 31 of the preceding year – Schedule 3.
4. The remuneration structure will be reviewed periodically as directed by the Board.

7. SCHEDULE:

- A. Schedule 1 – CRD Board Remuneration and Travel Expense Reimbursement Policy
- B. Schedule 2 – Remuneration Eligibility Table
- C. Schedule 3 – CRD Board Remuneration Philosophy

8. AMENDMENT(S)

Adoption Date	Description
September 9, 2015 (Revised April 18, 2016)	<i>Approved by the Board</i>
April 12, 2017 (eff. January 1, 2017)	<i>Amendment 1, approved by the Board</i>
May 9, 2018 (eff. January 1, 2019)	<i>Amendment 2, approved by the Board</i>
February 10, 2020 (Schedule 1 and 2 updates)	<i>Amendment 3, approved by Human Resources (eff Jan.2020 Schedule 1; Dec.2019 Schedule 2)</i>
January 13, 2021 (Schedule 2 update)	<i>Amendment 4, approved by the Board</i>
February 2, 2021 (Schedule 1 update)	<i>Amendment 5, approved by Human Resources (eff. Jan.2021)</i>

9. REVIEW(S)

Review Date	Description:
Annually	<i>Review annually for schedule(s) update</i>

10. RELATED POLICY, PROCEDURE OR GUIDELINE:

Board Procedures Bylaw No. 3828

*CRD Board Remuneration and Travel Expense Reimbursement Policy – Schedule 1
Effective January 1, 2021*

	REMUNERATION	EXPENSE ALLOWANCE	TOTAL	
ANNUAL STIPENDS				
Paid periodically throughout the year (currently, biweekly)				
1	CRD / CRHD Board Directors <i>Includes all CRD/CRHD Board meetings, Committee of the Whole Meetings, and two Standing Committee* commitments *where defined as a standing committee in bylaws or terms of reference AND members are appointed by the Board Chair</i>	13,708	6,854	20,562
2	Electoral Area Directors (additional)	26,423	13,212	39,635
3	CRD Board Chair (additional)	20,159	10,080	30,239
4	CRD Board Vice-Chair (additional)	4,031	2,016	6,047
5	CRHD Board Chair (additional) <i>(Not paid if the CRHD Board Chair is also the CRD Board Vice-Chair)</i>	4,031	2,016	6,047
6	Board Standing Committee Chair, CRD Arts Commission Chair & Solid Waste Advisory Commission Chair (additional) <i>(when appointed by CRD Board Chair)</i>	2,016	1,008	3,024
7	Additional Board Standing Committee(s) (additional) <i>(Payable if Standing Committee Membership exceeds the two remunerated in Section 1)</i>	4,031	2,016	6,047
PER MEETING PAYMENTS				
Paid for scheduled attendance at a meeting, except where such meeting has been cancelled in advance (see Footnote 2 – Eligibility Verification)				
8	Alternate CRD/CRHD Board Director and Acting Standing Committee Chair	73	37	110
9	CRD Board Directors - Local & Sub-Regional Commission/Committee Meetings Does not apply when: i. Commission /Committee within the responsibilities of the Electoral Area Director ii. Remuneration is already paid by the Commission iii. The Committee/Commission is not eligible for payment by Act, Regulation, Bylaw or other	73	37	110

10	First Nation Member appointees to eligible CRD Committee	73	37	110
11	CRD Board Directors – appointed by CRD to External Board Does not apply when: i. External Board falls within the responsibilities of the Electoral Area Director ii. Remuneration is already paid by the External Board iii. The External Board is not eligible for payment by Act, Regulation, Bylaw or other	73	37	110
12	CRD Municipal Directors who vote on Part 26 Decisions of Juan de Fuca Electoral Area Applies only when: a. Attendance at a JDFEA land use committee meeting of which the director is a member b. Attendance at any land use public hearing of the JDFEA regarding an area where the director is eligible to vote on decisions at the CRD Board Does not apply to the Electoral Area Director	73	37	110
13	Alternate CRD Electoral Area Director attending formal Local and Sub-Regional Commission meetings in place of the Electoral Area Director	73	37	110
14	All Commissioners - Regional Water Supply Commission	73	37	110
15	Forum of Councils – First Nations, Municipal Councilors and Directors	73	37	110
TRAVEL EXPENSES (see Footnote 3 regarding claim process)				
16	All Director or First Nation Member Travel - to and from meetings where the Director or First Nation Member is a member	\$0.50	Per km. for regularly constituted meetings of Board, Commissions, Standing, and Select Committees	
DIRECTOR TRAVEL Within Capital Region/Vancouver Island and Lower Mainland				
17	Travel by Personal Automobile	\$0.50	Per kilometre	
18	Travel by Bus, Train, Ferry, Air (economy class)	Actual expense	Payable upon receipt	
DIRECTOR TRAVEL Outside Capital Region/Vancouver Island and Lower Mainland				
19	Travel by Personal Automobile	\$0.50	Per kilometre	
20	Travel by Bus, Train, Ferry, Air (economy class), Car Rental (mid-size)	Actual expense	Payable upon receipt	

21	Electoral Area Director Travel - within Electoral Area	\$0.50	For travel greater than 10km from EA Director's residence within the EA or their office, provided the destination is a place to conduct EA business
22	CRD Board Chair, CRHD Board Chair, Standing Committee Chair - including Acting Chairs	\$0.50	For any business travel of the Board or Standing Committee, provided the expenses are incurred outside the municipality or EA which the Chair represents
MEALS			
23	For Travel Requiring Greater-Than 24 Hours from Place of Residence	\$63	Per diem allowance for meals, gratuities, parking, local calls
	For Travel Requiring Less-than 24 Hours from Place of Residence		
24	- Breakfast	\$10.50	See Footnote 1
25	- Lunch	\$21.00	See Footnote 1
26	- Dinner	31.50	See Footnote 1
OTHER			
27	Seminars, Courses, Conferences, Meetings	Actual Cost	Registration Fees paid for single participation (Receipt required)
28	Accommodation	Actual Cost	Based on single occupancy
29	Taxi Expenses	Actual Cost	Receipts are required
30	Long Distance Telephone Calls	Actual Cost	Receipts are required

FOOTNOTES

(1) Meal payments will be paid as follows:

If Departure Prior to:	7:00am	Breakfast, Lunch, Dinner
	12:00noon	Lunch, Dinner
	6:00pm	Dinner
If Return After:	12:30pm	Breakfast, Lunch
	6:00pm	Breakfast, Lunch, Dinner

(2) Eligibility Verification:

For attendance at meetings, seminars, courses, conferences and/or meetings outside of CRD facilities, claimants will confirm their attendance on the CRD Travel Expense Report Claim form and eligibility of expense claims will be approved by Legislative Services.

(3) Travel Expense Claims Process:

Claims for travel expenses are submitted to Legislative Services for approval on the CRD Travel Expense Report Claim form within thirty (30) calendar days of the period in which the expenses were incurred.

CRD Board Remuneration and Travel Expense Reimbursement Policy – Schedule 2

Remuneration Eligibility Table
(as of January 13, 2021)

Regional Board and Standing Committees	See Footnote
Capital Regional District Board	1
Capital Regional Hospital District Board	1
Capital Region Housing Corporation Board	1, 6
Climate Action Inter-Municipal Task Force	7
Committee of the Whole	1
Core Area Liquid Waste Management Committee	1, 2, 8
Electoral Areas Committee	1, 2, 8
Environmental Services Committee	1, 2, 8
First Nations Relations Committee	1, 2, 8
Finance Committee	1, 2, 8
Governance Committee	1, 2, 8
Hospitals and Housing Committee	1, 2, 8
Planning and Protective Services Committee	1, 2, 8
Regional Parks Committee	1, 2, 8
Solid Waste Advisory Committee	7
Transportation Committee	1, 2, 8

Footnotes:

1. Within Director's core responsibilities
2. Eligible for additional Standing Committee payment, if Director already sits on two (2) Standing Committees
3. Eligible for per meeting payment
4. Not eligible for payment: Commission/Board falls within the responsibilities of an Electoral Area Director
5. Not eligible for payment: Commission/Board already makes a payment for attendance
6. Not eligible for payment: Commission/Board ineligible by Act, Regulation, Bylaw or other
7. Not eligible for payment: Sub-Committee to a Standing Committee or other
8. Payments to be made to respective First Nations Governments on behalf of First Nation Member appointees following attendance at the meeting. Payments for attendance and expenses shall not exceed \$8,250 per year per First Nation. Note that First Nation participation is only permitted where the specific Committee Terms of Reference allow.

Director Appointments to Local & Subregional Commissions	See Footnote
Arts Commission	3
East Sooke Fire Protection and Emergency Response Service Commission	4
East Sooke Advisory Planning Commission	4
Fernwood Dock Management Commission	4
Galiano Island Parks and Recreation Commission	4
Juan de Fuca Board of Variance	4
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission	4
Juan de Fuca Land Use Committee	4
Juan de Fuca Water Distribution Commission	3, 4
Lyall Harbour/Boot Cove Water Local Services Committee	4
Magic Lake Estates Water and Sewer Committee	4
Mayne Island Parks and Recreation Commission	4
North Galiano Fire Protection and Emergency Response Service Commission	4
Otter Point Advisory Planning Commission	4
Otter Point Fire Protection and Emergency Response Service Commission	4
Pender Islands Parks and Recreation Commission	4
Peninsula Recreation Commission	3
Port Renfrew Fire Protection and Emergency Response Service Commission	4
Port Renfrew Utility Services Committee	4
Regional Housing Trust Fund Commission	3
Regional Water Supply Commission	5
Saanich Peninsula Wastewater Commission	3
Saanich Peninsula Water Commission	3
Salt Spring Island Community Economic Development Commission	4
Salt Spring Island Electoral Area Emergency Program Advisory Commission	4

Footnotes:

1. *Within Director's core responsibilities*
2. *Eligible for additional Standing Committee payment, if Director already sits on two (2) Standing Committees*
3. *Eligible for per meeting payment*
4. *Not eligible for payment: Commission/Board falls within the responsibilities of an Electoral Area Director*
5. *Not eligible for payment: Commission/Board already makes a payment for attendance*
6. *Not eligible for payment: Commission/Board ineligible by Act, Regulation, Bylaw or other*
7. *Not eligible for payment: Sub-Committee to a Standing Committee or other*

Director Appointments to Local & Subregional Commissions (con't)	See Footnote
Salt Spring Island Parks and Recreation Advisory Commission	4
Salt Spring Island Transportation Commission	4
Saturna Island Parks and Recreation Commission	4
Shirley Fire Protection and Emergency Response Service Commission	4
Shirley/Jordan River Advisory Planning Commission	4
Skana Water Service Committee	4
Sooke and Electoral Area Parks and Recreation Commission	3, 4
Southern Gulf Islands Community Economic Sustainability Commission	4
Southern Gulf Islands Electoral Area Emergency Advisory Commission	4
Southern Gulf Islands Harbours Commission	4
Southern Gulf Islands Public Library Commission	4
SSI - Beddis Water Service Commission	4
SSI - Cedar Lane Water Service Commission	4
SSI - Cedars of Tuam Water Service Commission	4
SSI - Fernwood Water Local Service Commission	4
SSI - Fulford Water Service Commission	4
SSI - Ganges Sewer Local Services Commission	4
SSI - Highland Water and Sewer Services Commission	4
SSI - Salt Spring Island Liquid Waste Disposal Local Service Commission	4
Sticks Allison Water Local Service Committee	4
Surfside Park Estates Water Service Committee	4
Traffic Safety Commission	3
Victoria Family Court and Youth Justice Committee	3
Water Advisory Committee	6
Wilderness Mountain Water Service Commission	4
Willis Point Fire Protection and Recreation Facilities Commission	4

Footnotes:

1. *Within Director's core responsibilities*
2. *Eligible for additional Standing Committee payment, if Director already sits on two (2) Standing Committees*
3. *Eligible for per meeting payment*
4. *Not eligible for payment: Commission/Board falls within the responsibilities of an Electoral Area Director*
5. *Not eligible for payment: Commission/Board already makes a payment for attendance*
6. *Not eligible for payment: Commission/Board ineligible by Act, Regulation, Bylaw or other*
7. *Not eligible for payment: Sub-Committee to a Standing Committee or other*

Regional Board Appointments to External Boards	See Footnote
Capital Regional Emergency Services Telecommunications	5
Greater Victoria Coalition to End Homelessness Society	6
Greater Victoria Harbour Authority Board	5
Greater Victoria Labour Relations Board	3
Gulf Islands National Park Reserve Advisory Board	4
Island Corridor Foundation Board	5
Municipal Finance Authority	5
Pender Islands' Fire Protection Society	4
Regional Representative to the Treaty Table	3
Royal and McPherson Theatres Society Advisory Committee	7
Royal and McPherson Theatres Society Board	3
Salt Spring Island Ferry Advisory Committee	4
Sooke Historical Society	4
Southern Gulf Islands Ferry Advisory Committees	4
Vancouver Island Regional Library	4

Footnotes:

1. *Within Director's core responsibilities*
2. *Eligible for additional Standing Committee payment, if Director already sits on two (2) Standing Committees*
3. *Eligible for per meeting payment*
4. *Not eligible for payment: Commission/Board falls within the responsibilities of an Electoral Area Director*
5. *Not eligible for payment: Commission/Board already makes a payment for attendance*
6. *Not eligible for payment: Commission/Board ineligible by Act, Regulation, Bylaw or other*
7. *Not eligible for payment: Sub-Committee to a Standing Committee or other*

CRD Board Remuneration Philosophy

(Effective January 1, 2016)

- a base Director annual stipend as the average paid to CRD member councillors, which recognizes attendance at all Board meetings and Committee of the Whole meetings plus two Standing Committee commitments; and
- an additional annual stipend to Electoral Area Directors which recognizes all additional Electoral Area work including Electoral Area Commission commitments; and
- an additional annual stipend to the CRD Board Chair consistent with payments made by other Regional Districts, which recognizes all Board Chair responsibilities including all ex-officio responsibilities on Standing Committees; and
- additional annual stipends to recognize the additional commitments of the: CRD Board Vice-Chair; Capital Region Hospital District Chair; Standing Committee Chairs; CRD Directors appointed as a Commission Chair, when such Commission Chair appointment is made directly by the CRD Board Chair *[amended effective January 1, 2017]*; and CRD Directors who are involved on more than two Standing Committees; and
- per meeting payments to CRD Directors appointed to local and sub-regional Commissions and external boards (except where remuneration is already paid and/or not eligible); and
- per meeting payments to Alternate Directors consistent with payments made by other Regional Districts; and
- that the annual cost of living adjustment based on the Victoria Consumer Price Index continue to be applied, and that a regular review be undertaken every three (3) to five (5) years to ensure remuneration remains comparable.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, NOVEMBER 16, 2021

SUBJECT **Radio Communication and Broadcasting Antenna Systems Applications for:**
1. **Section 64, Renfrew District – West Coast Road;**
2. **District Lot 348, Renfrew District – West Coast Road; and**
3. **District Lot 319, Renfrew District – West Coast Road.**

ISSUE SUMMARY

Applications have been received by Rogers Communications for three radio communication towers with attached antennas and lightning rods, for the purpose of expanding telecommunication services.

BACKGROUND

Rogers Communications has requested a statement of concurrence from CRD to construct three radio communications towers on the subject properties, as part of an initiative to expand service between Sooke and Port Renfrew. The three subject properties are owned by the Crown, and the applicant is undergoing a separate application process with the Province to obtain tenure for the proposed towers.

A 63 m radio communication tower with antennas and lightning rod is proposed on Section 64, Renfrew District, located on the north side of West Coast Road, near Newmarch Creek (LP000028) (Appendix A and B).

A 52 m radio communication tower with antennas is proposed on District Lot 348, Renfrew District, located on the north side of West Coast Road, near Loss Creek (LP000029) (Appendix C and D).

A 97 m radio communication tower with antennas secured with guy-lines is proposed on District Lot 319, Renfrew District, located on the east side of West Coast Road, near Parkinson Creek (LP000030) (Appendix E and F).

The properties are designated as Resource Land under the Official Community Plan for the Rural Resource Lands, 2009, Bylaw No. 3591. Portions of each of the properties are within a Watercourses, Wetlands and Riparian Areas Development Permit (DP) area. The properties are zoned Resource Lands (RL) under the Land Use Bylaw for the Rural Resource Lands, 2009, Bylaw. No. 3602.

Staff initiated a 30-day public consultation period for the proposed tower applications on September 2, 2021. No comments were received during that period. As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the applications.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

Alternative 2

The Juan de Fuca Land Use Committee recommends to the CRD Board:

That a statement of non-concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028); for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

Alternative 3

That the applications be referred back to staff for more information.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters that the Minister considers relevant for ensuring the orderly development and efficient operation of radio communication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in Innovation, Science and Economic Development Canada's (ISED) *Spectrum Management and Telecommunications Client Procedures Circular* when installing or modifying an antenna system.

Part of the process includes contacting the land use authority and following the required consultation process. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject properties are located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "Policy") in 2019, which establishes a public consultation process and procedures.

Public Consultation

In accordance with the Policy, a notice was published in the local newspaper and a notice was delivered to property owners and occupants within 500 m of the subject properties to advise of the application and the opportunity to provide written comments and questions. The notice was published on September 2, 2021, and submissions were to be received by 9:00 pm by October 4, 2021. A request for comment was also circulated to relevant CRD departments. No submissions were received during the notification period.

In advance of the November 16, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject properties advising of the second opportunity to be heard and provide additional comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the application. A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant and Industry Canada.

Land Use

As part of the federal review process, proposals for radiocommunication and broadcasting antenna systems require local government concurrence for siting. Public communication towers and antennas for the reception of communication signals are exempted from height limitations set out in the zoning bylaw for the Rural Resource Lands, as stated in Bylaw No. 3602, Section 2.8. Further, Section 2.12 exempts public communication towers and antennas from any setback requirements established by zoning.

The subject properties were selected by the proponent based on consideration for meeting service coverage objectives along Highway 14, the ability to connect to the existing telecommunications network, proximity to end users while being distanced from residences, having an agreeable property owner, and the feasibility of construction.

Development of the sites will involve improving or creating driveway/road accesses, clearing land for erecting the towers, and installing cement pads and fenced compounds. Prior to site alteration, issuance of a development permit may be required to address the watercourses, wetlands and riparian development

permit guidelines in the OCP if the proposed work is within 30 m of a watercourse. CRD Building Inspection has indicated that a building permit is not required for the tower.

Evaluation criteria to be considered by the CRD when reviewing an application for a radio communication and broadcasting antenna system is outlined in the Policy and included in Appendix G.

Rationale for the proposed locations: Rogers Communications states that the service coverage objectives to provide strong and reliable service to Highway 14 corridor and the surrounding community require sites with appropriate elevation, a clear line of site to other towers in the network, as well as proximity to customers while still being distanced from residential buildings. The location also requires a site with good conditions such as electricity, access, and minimal environmental impacts. The subject properties offer many of these requirements compared to other sites considered. The applicant has also applied to the Province to obtain tenure on the Crown parcels for the towers.

Proximity to residential uses, institutions, and public lands: The proposed tower sites for LP000028, LP000029 and LP000030 are on large undeveloped Crown parcels accessed from West Coast Road and in proximity to the Juan de Fuca Provincial Park. There are no buildings or structures located in proximity to the proposed towers.

Visibility and measures to integrate the tower in to local surroundings: The proposed locations of the towers are in areas consisting of forest in various stages of growth. The site will require improvements to existing gravel access roads and may be visible to those travelling along Highway 14.

Security measures: The applicant proposes to install perimeter fencing at the base of the towers to restrict public access to the tower infrastructure.

Alternatives/mitigation measures: The proposed locations for the towers meet the applicant's required siting conditions, including proximity to Highway 14, ease of access, electricity, cleared land and willing property owners. Other locations in the vicinity did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

Hazardous areas: There are no known hazardous conditions in proximity to the proposed tower locations.

Environmentally sensitive areas: Portions of the properties are designated as watercourses, wetlands and riparian development permit areas in the Rural Resource Lands Official Community Plan Bylaw No. 3591. Any land clearing associated with installation of services and construction of the towers within 30 m of a watercourse require issuance of a *Riparian Areas Protection Regulation* report and issuance of a development permit.

Aeronautical safety requirements: The applicant will be required to confirm with Transport Canada regarding any requirement for installing lights on the proposed tower.

Impact on community: The proposed project is part of a larger initiative supported by the Province to provide reliable telecommunications service along the Highway 14 corridor, and to the communities between Sooke and Port Renfrew. Other service providers may co-locate on the towers in future. No comments were received from the public in response during the public consultation period.

Designs that address the guidelines: The proximity of the proposed towers to adjacent residences is greater than three times the tower height, as recommended by the CRD policy.

Based on a review of the application, the proposed tower locations and designs satisfy the evaluation criteria outlined in the CRD's policy. The applicant has presented rationale for the proposed locations, demonstrated consideration of alternatives and mitigation measures. Therefore, staff recommend that statements of concurrence be provided for the proposed 63 m telecommunications tower (LP000028), the proposed 52 m tower (LP000029), and the proposed 97 m tower (LP000030).

CONCLUSION

Applications have been received from Rogers Communications to construct a 63 m telecommunications tower at West Coast Road near Newmarch Creek, a 52 m telecommunications tower at West Coast Road near Loss Creek, and a 97 m telecommunications tower secured with guy-lines at West Coast Road near Parkinson Creek for the purpose of expanding telecommunications coverage in the Port Renfrew area, and as part of a larger initiative to improve service along Highway 14. The proposals address the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. Through the public consultation process, owners and occupants of land in proximity to the subject properties were provided opportunity to comment or ask questions. No submissions were received. Staff recommend that statements of concurrence be provided.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

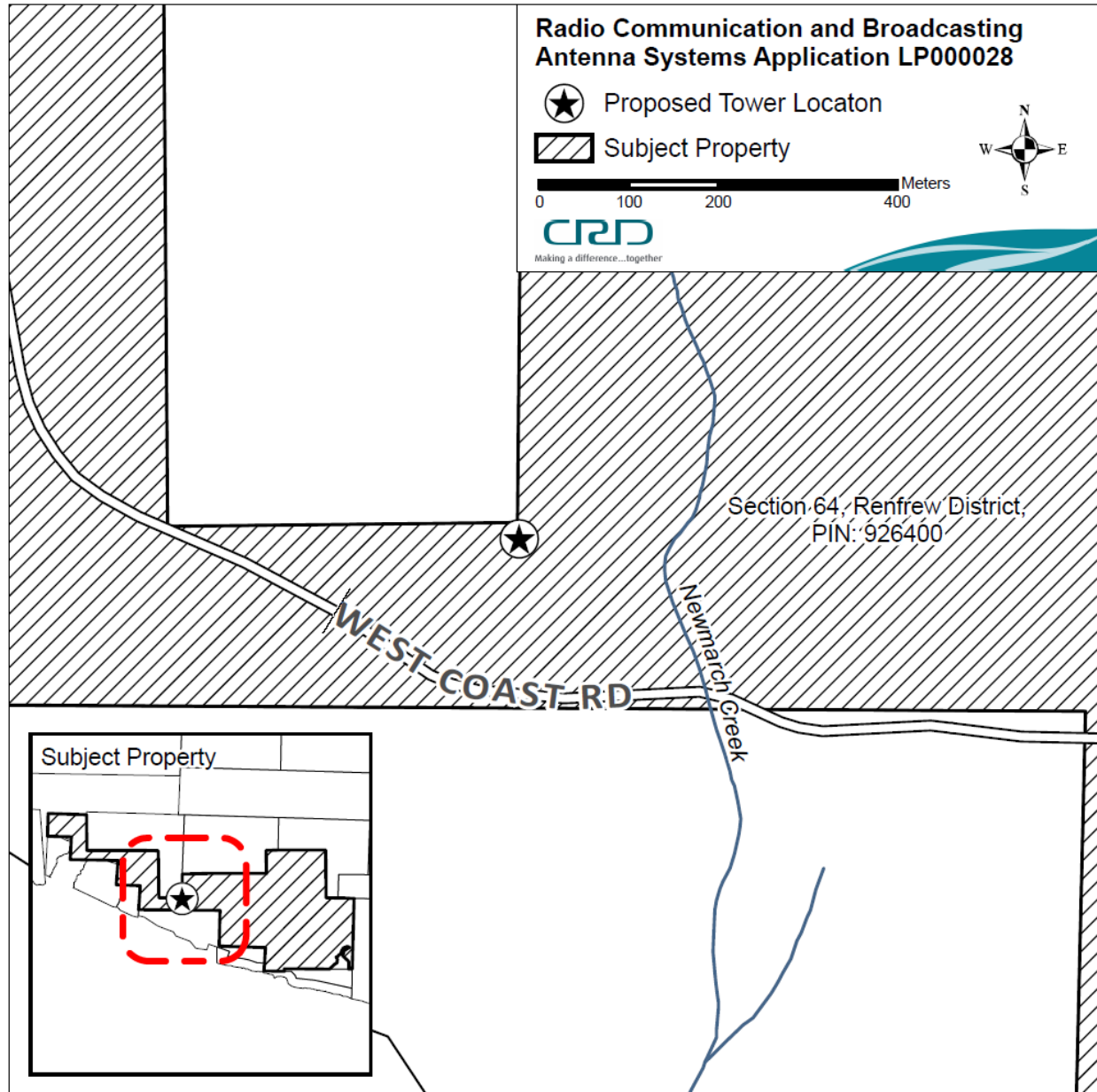
1. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

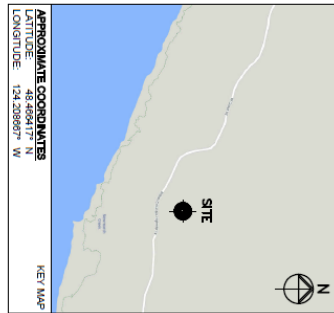
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map LP000028
- Appendix B: Development Proposal LP000028
- Appendix C: Subject Property Map LP000029
- Appendix D: Development Proposal LP000029
- Appendix E: Subject Property Map LP000030
- Appendix F: Development Proposal LP000030
- Appendix G: Evaluation Criteria

Appendix A: Subject Property Map LP000028





SITE NAME: BEAR BEACH NORTH

SITE ID: W6092

LOCATION: APPROX. 18.4km SOUTHEAST OF
PORT RENFREW, BC

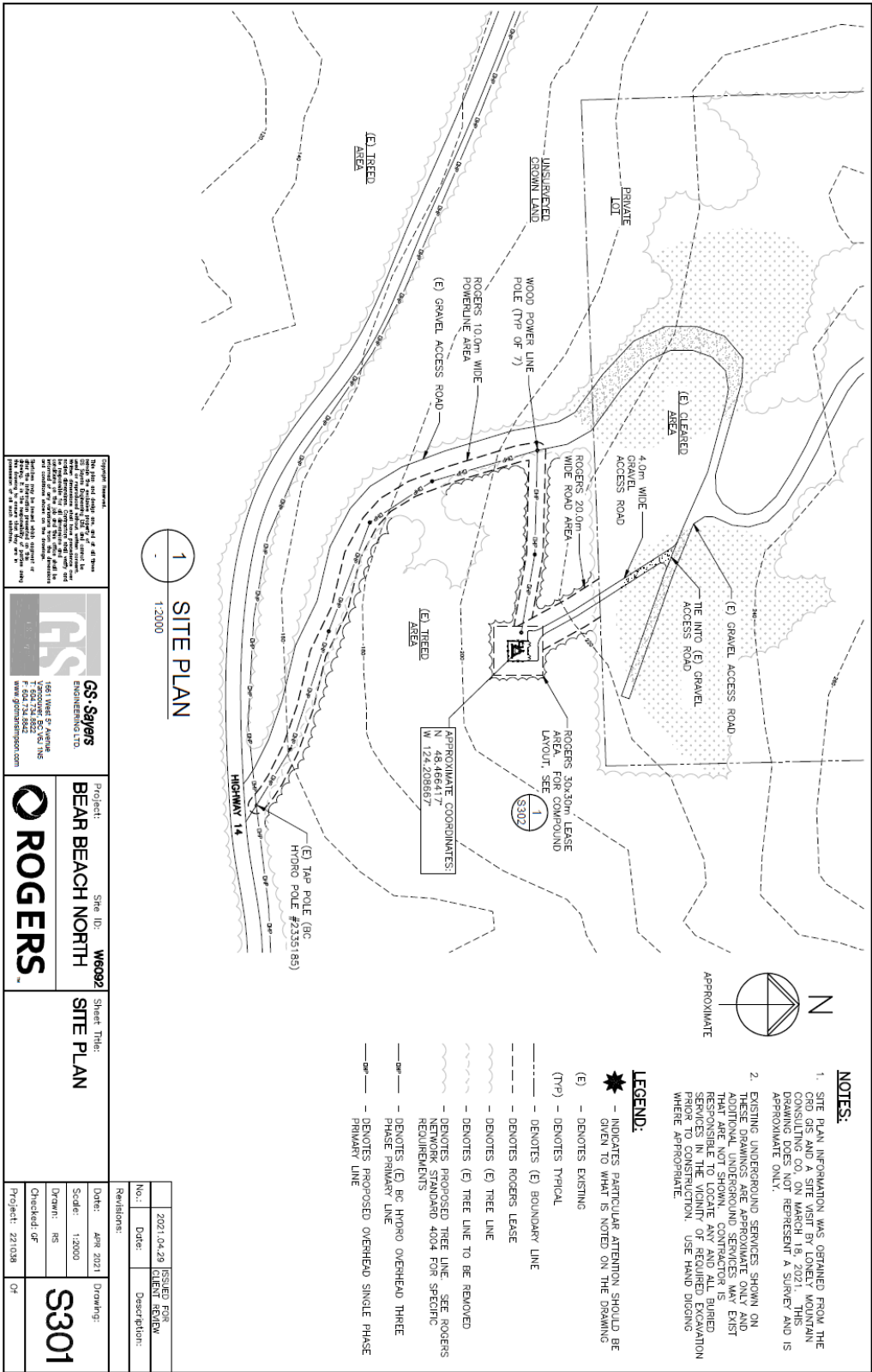
LEGAL: UNSURVEYED CROWN LAND

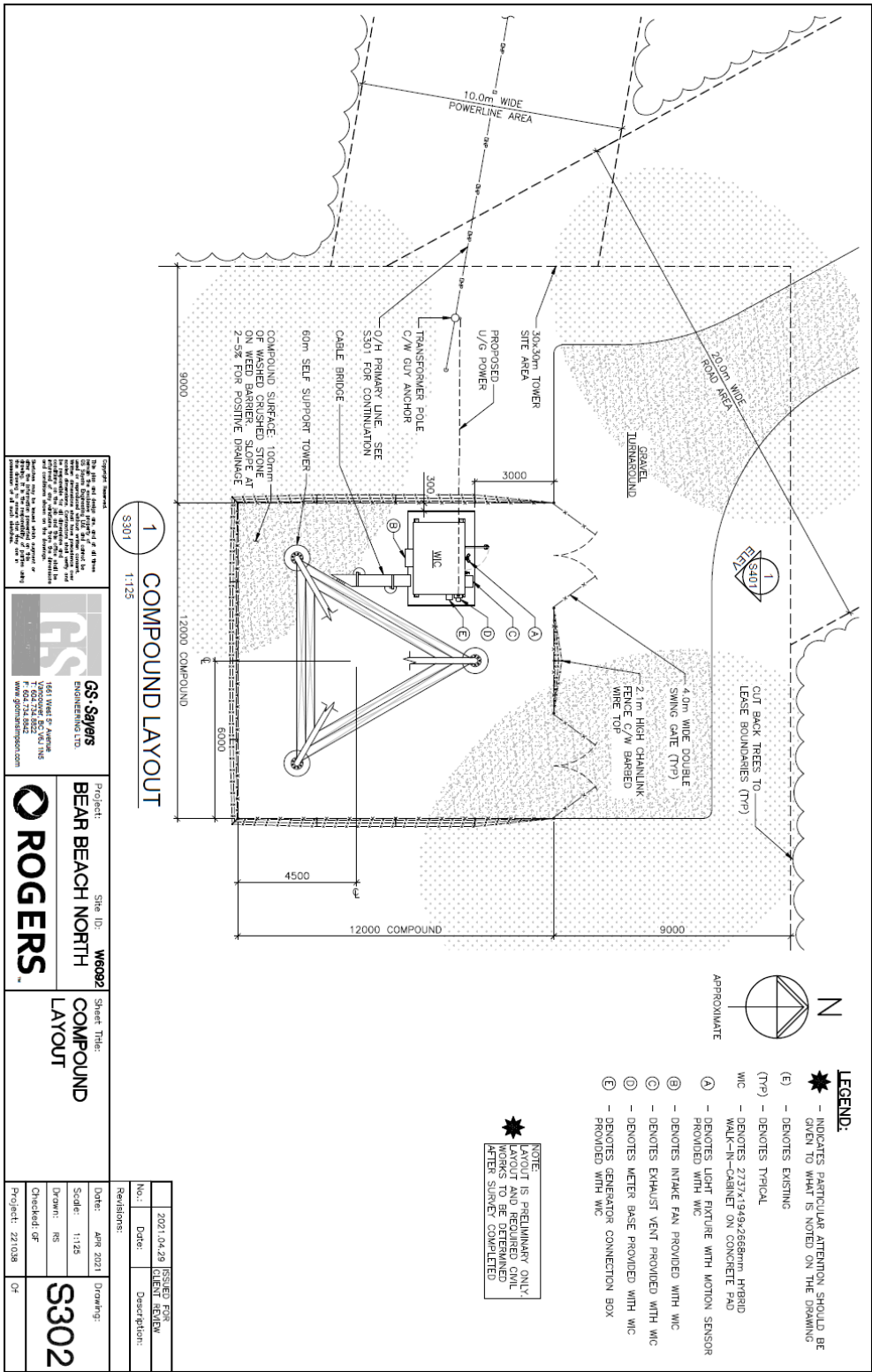
SITE TYPE: 60m SELF SUPPORT TOWER - MIC

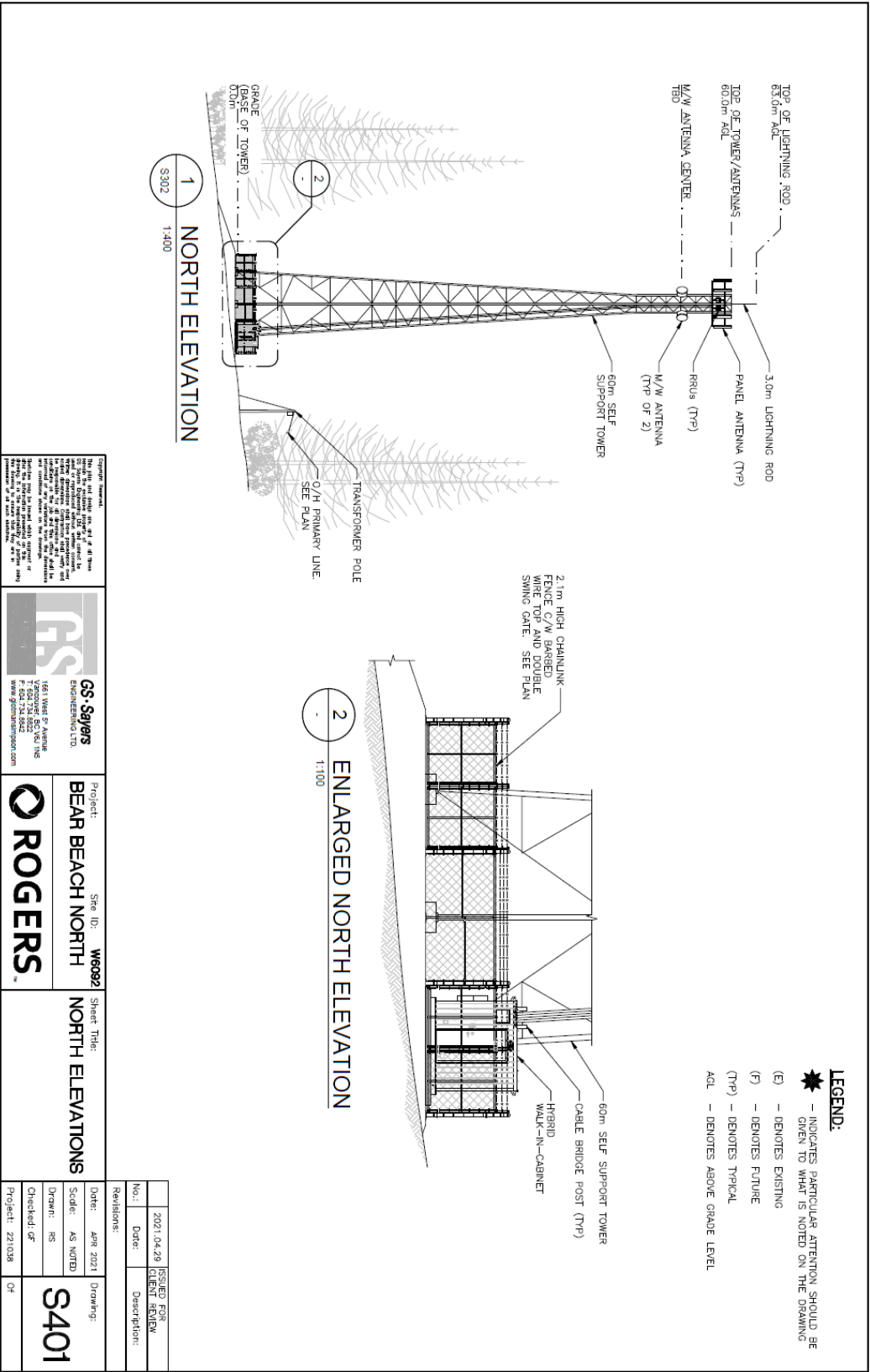
DRAWING LIST:

S101	TITLE PAGE
S301	SITE PLAN
S302	COMPOUND LAYOUT
S401	NORTH ELEVATIONS

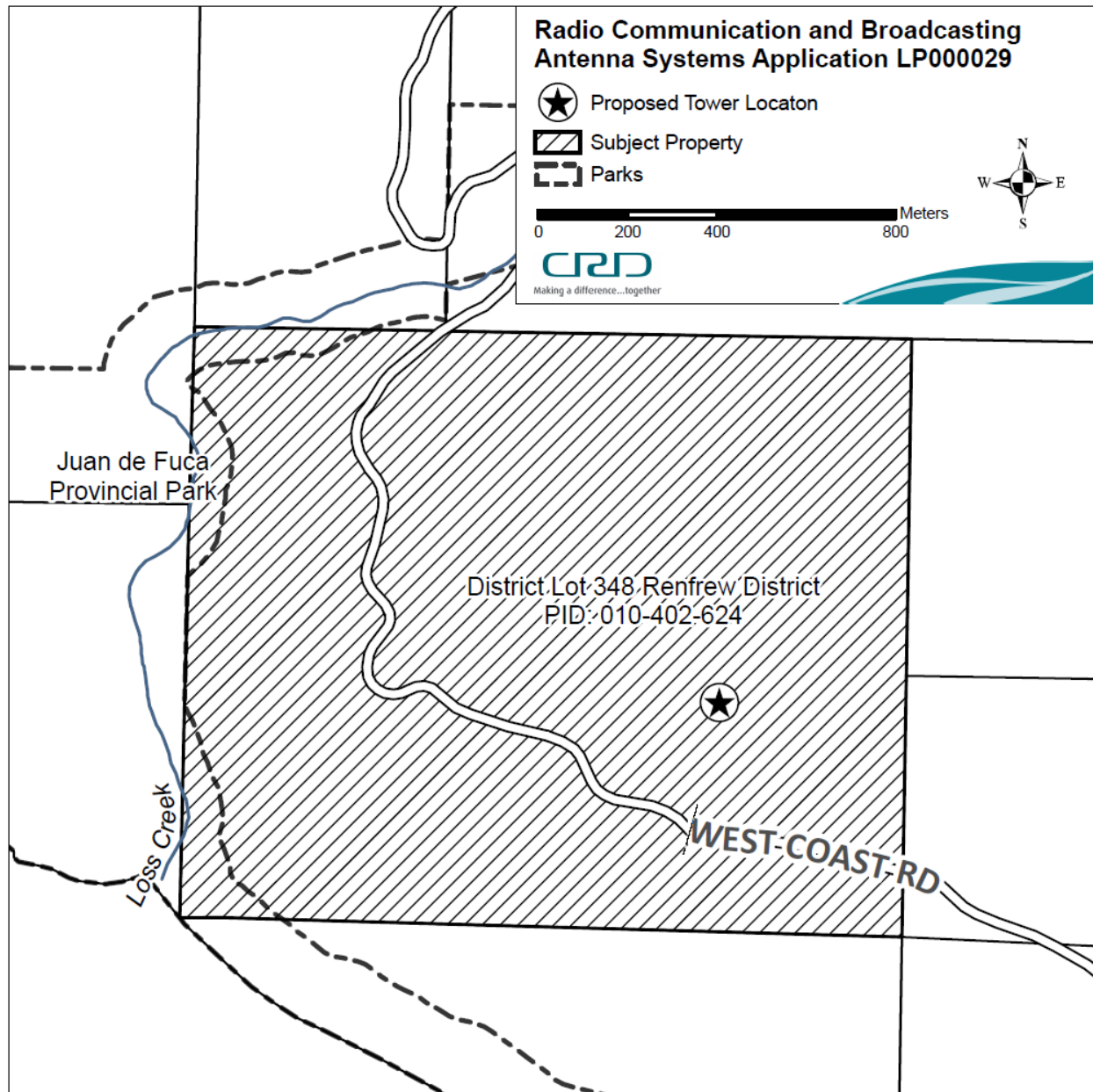
The title and design of this set of drawings shall remain the property of GS-Sayers Engineers Ltd. No part of this drawing shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of GS-Sayers Engineers Ltd. The user of this drawing shall be deemed to have accepted the terms and conditions of use set out in the disclaimer of liability on the back of this drawing. If you are not the intended user of this drawing, you should not use it. If you are the intended user, you should not use it for any purpose other than that for which it was intended. If you are not the intended user, you should not use it. If you are the intended user, you should not use it for any purpose other than that for which it was intended.									
GS-Sayers ENGINEERS LTD 1661 WHEELER AVENUE VANCOUVER, BC V6L 1N5 F: 604.734.6642 www.gs-engineers.com		Project: BEAR BEACH NORTH Site ID: W0692							
		Sheet Title: TITLE PAGE							
Revisions: <table><thead><tr><th>No.:</th><th>Date:</th><th>Description:</th></tr></thead><tbody><tr><td>2021.04.29</td><td></td><td>ISSUED FOR CLIENT REVIEW</td></tr></tbody></table>		No.:	Date:	Description:	2021.04.29		ISSUED FOR CLIENT REVIEW	Drawing: S101	
No.:	Date:	Description:							
2021.04.29		ISSUED FOR CLIENT REVIEW							
Project: 22-0138 Of									



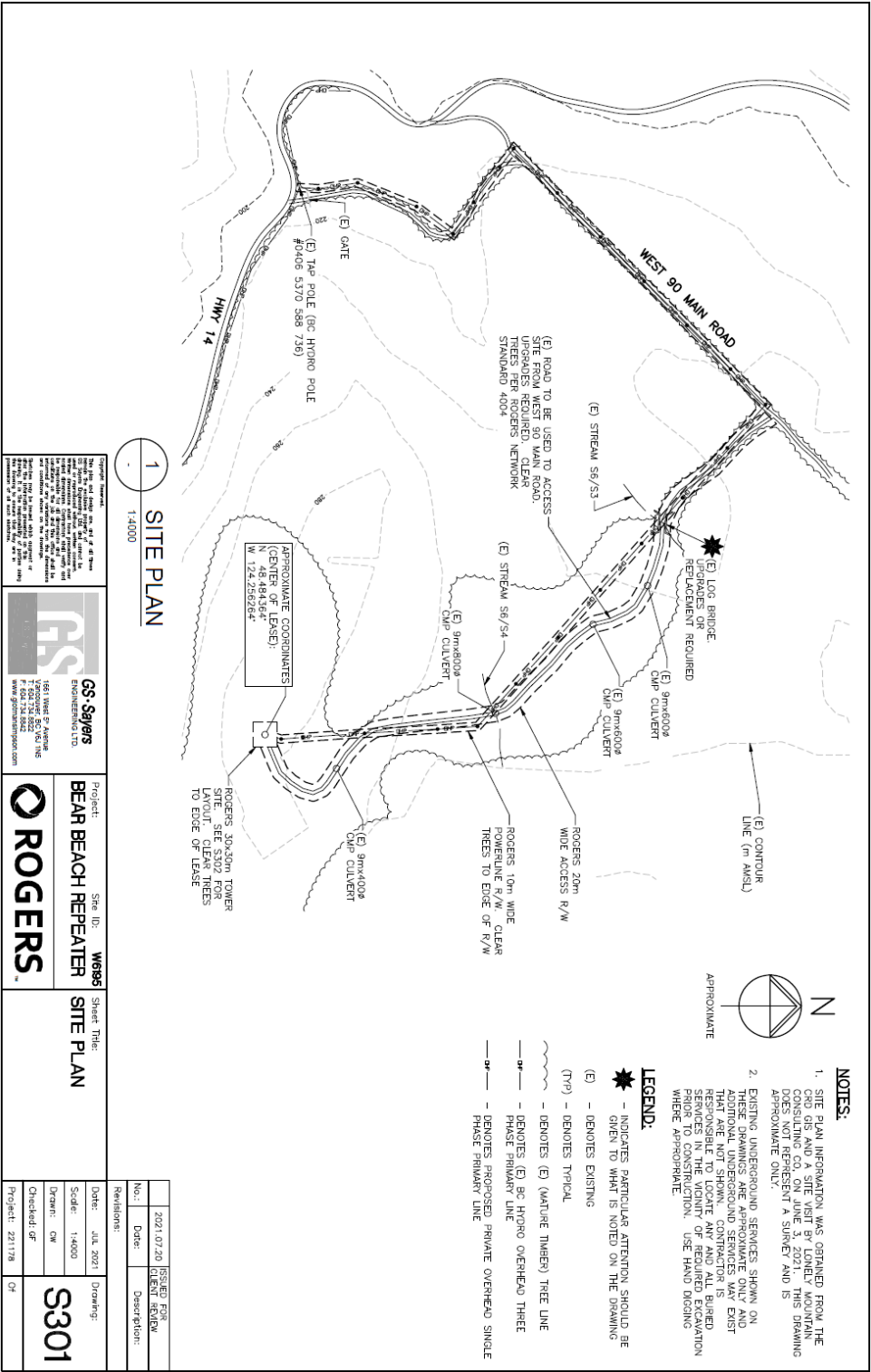


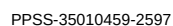


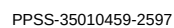
Appendix C: Subject Property Map LP000029



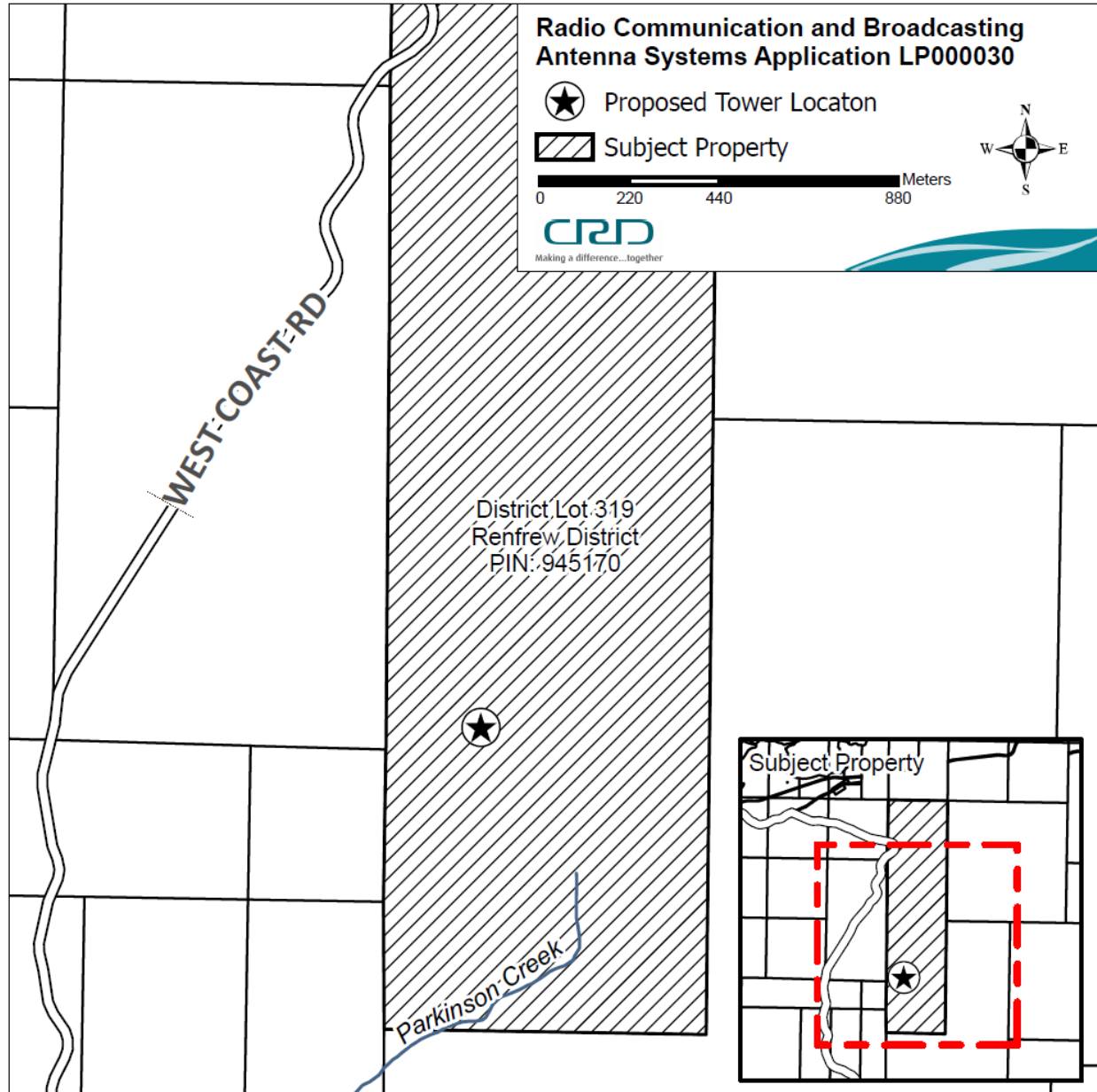
Appendix D: Development Proposal LP000029

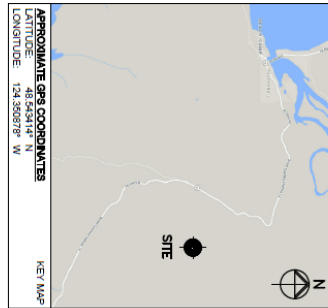






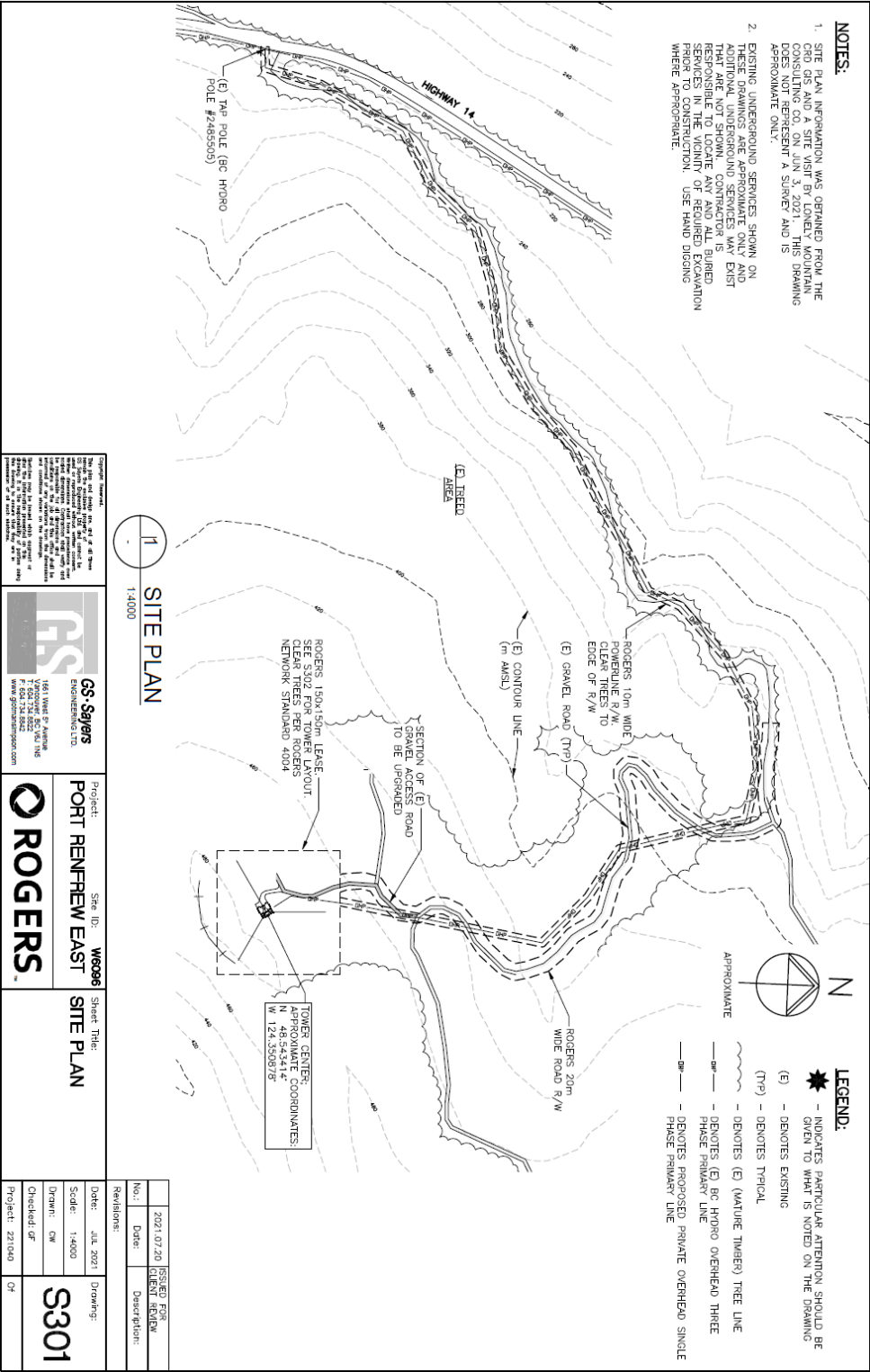
Appendix E: Subject Property Map LP000030

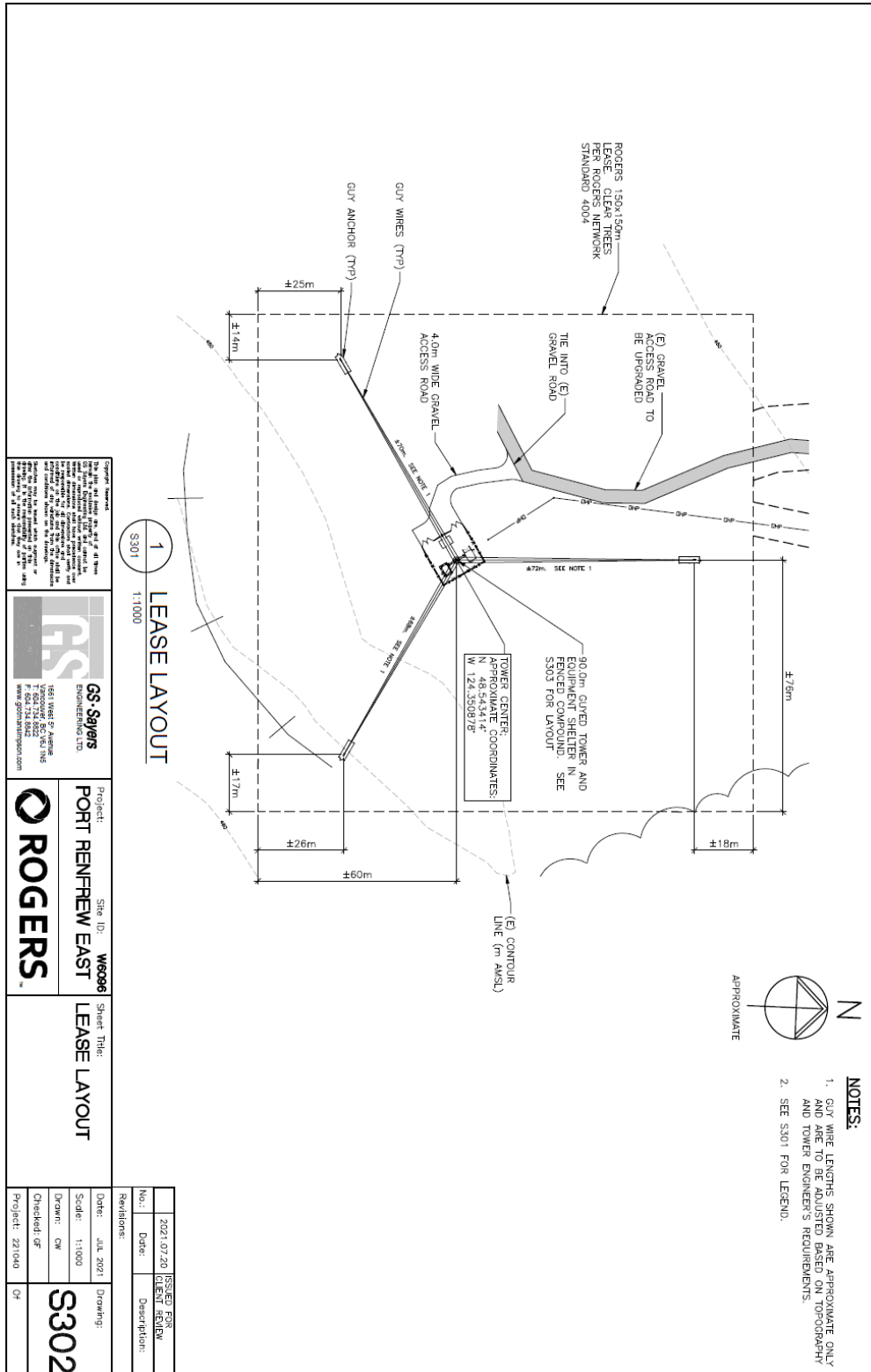


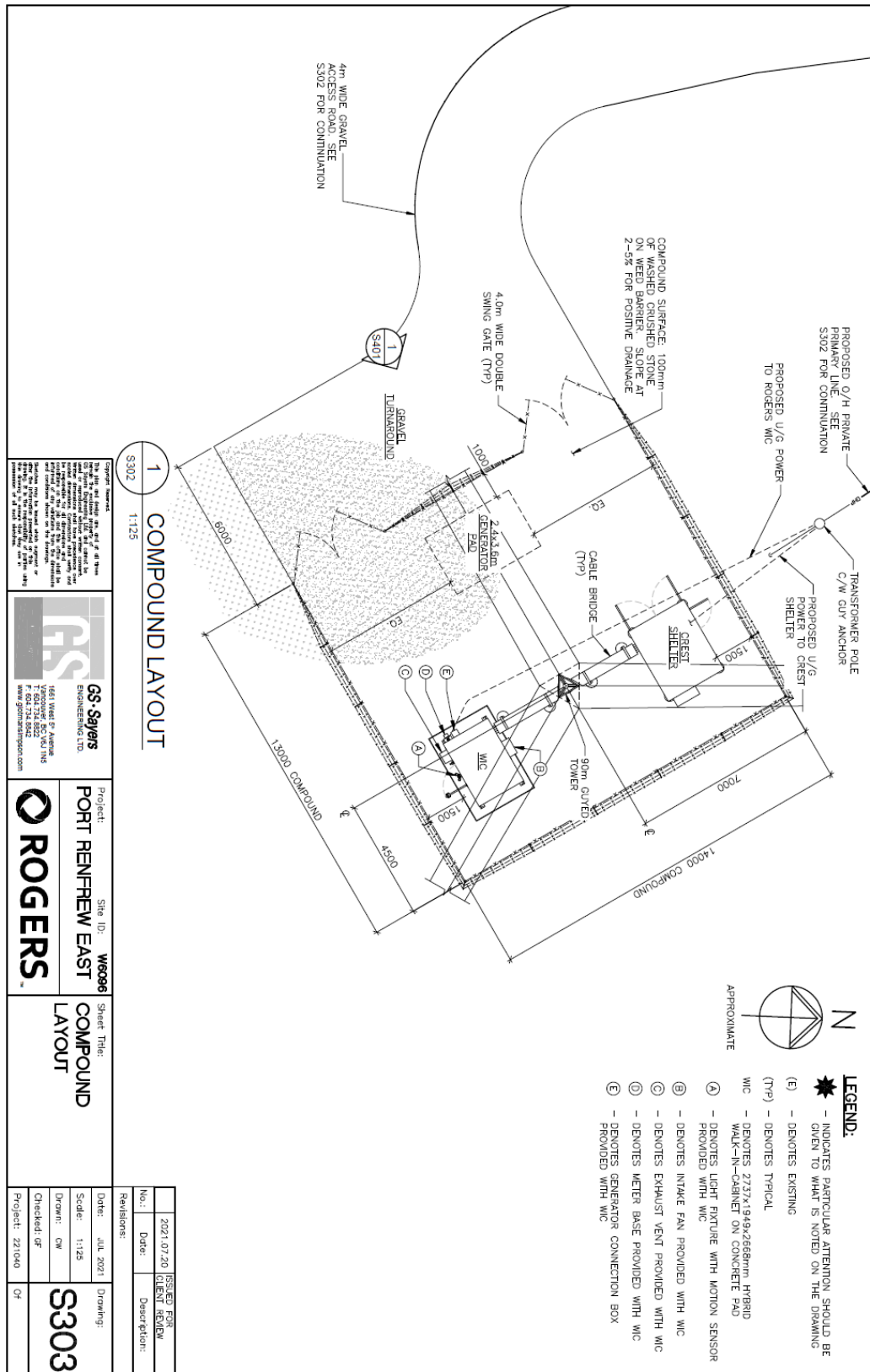


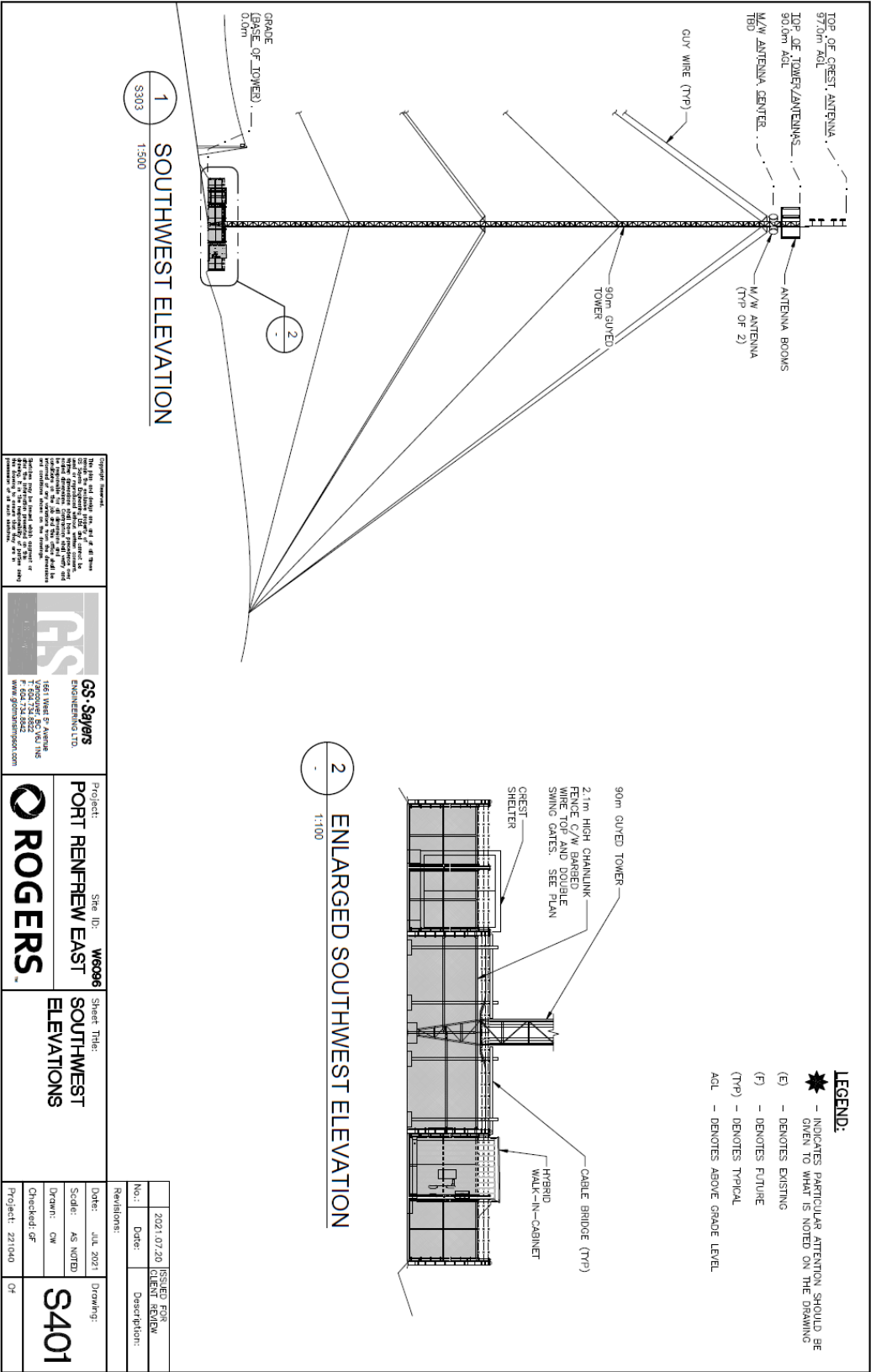
S101	TITLE PAGE
S301	SITE PLAN
S302	LEASE LAYOUT
S303	COMPOUND LAYOUT
S401	SOUTHWEST ELEVATIONS

Copyright, Reproduction This plan and building permit is the property of the City of Irvine. It is loaned to you for your use only. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the City of Irvine. The City of Irvine is not responsible for any errors or omissions in this plan. The user of this plan is responsible for its accuracy and for obtaining all necessary permits and approvals from the appropriate authorities.		GS-Savers ENGINEERS LTD. 1651 West 57 Avenue Vancouver, B.C. V6S 1N5 P: 604.724.8842 www.gs-engineers.com		Project: Site ID: WG086 PORT RENFREW EAST		Sheet Title: TITLE PAGE		<table><tr><td></td><td>2021.07.20</td><td>ISSUED FOR CLIENT REVIEW</td></tr><tr><td>No.:</td><td>Date:</td><td>Description:</td></tr><tr><td colspan="3">Revisions:</td></tr></table>			2021.07.20	ISSUED FOR CLIENT REVIEW	No.:	Date:	Description:	Revisions:								
	2021.07.20	ISSUED FOR CLIENT REVIEW																						
No.:	Date:	Description:																						
Revisions:																								
								<table><tr><td>Date:</td><td>JUL 2021</td><td>Drawing:</td></tr><tr><td>Scale:</td><td>NA</td><td></td></tr><tr><td>Drawn:</td><td>CW</td><td></td></tr><tr><td>Checked for:</td><td></td><td></td></tr><tr><td>Project:</td><td>221040</td><td>Or</td></tr></table>		Date:	JUL 2021	Drawing:	Scale:	NA		Drawn:	CW		Checked for:			Project:	221040	Or
Date:	JUL 2021	Drawing:																						
Scale:	NA																							
Drawn:	CW																							
Checked for:																								
Project:	221040	Or																						
						S101																		









Appendix G: Evaluation Criteria

Evaluation Criteria:

The CRD Board may consider the following when reviewing an application for an antenna system:

1. Rationale for proposed location;
2. Proximity to residential uses, institutions and public lands;
3. Visibility and measures to integrate the antenna system into the local surroundings;
4. Security measures;
5. Alternatives and/or mitigation measures;
6. Hazardous areas;
7. Environmentally sensitive areas;
8. Transport Canada's aeronautical safety requirements;
9. Referral responses including compliance with BC Building Code, if applicable;
10. Comments received through public notification;
11. Potential impact on the community if the application is approved.
12. Designs that address the following guidelines:
 - i) antenna systems are as unobtrusive and inconspicuous as possible;
 - ii) the visual aesthetic impacts on the community is minimized;
 - iii) landscaping or screening is incorporated;
 - iv) displays of any type of lighting are avoided except where required by Transport Canada. Where lighting is proposed for security reasons, it shall be shielded from adjacent properties and kept to a minimum intensity by being of capped, downward facing and motion-sensory designs;
 - v) antenna systems are set back at least three times the height of the antenna system from adjacent dwellings. The CRD may request a different setback due to factors such as buffering topography and vegetation, transportation and utility corridors, watercourses, or public comments.

**REPORT TO JUAN DE FUCA WATER DISTRIBUTION COMMISSION
MEETING OF TUESDAY, DECEMBER 7, 2021**

SUBJECT **2022 Juan de Fuca Water Distribution Service Capital Plan Amendment**

ISSUE SUMMARY

It is proposed to amend the 2022 Capital Plan and adjust the budget for the following projects:

1. Project 20-06 – Sun River Reservoir Replacement
2. Project 20-07 – Goldstream AC Replacement
3. Project 23-01 – Tank 4 and McCallum Pump Station and Pump Station 7 and remaining Supply Main to Skirt Mountain Reservoir

BACKGROUND

On October 5, 2021, the Juan de Fuca (JDF) Water Distribution Commission (Commission) recommended to the Capital Regional District Board, approval of the 2022 Operating and Capital Budget and the Five Year Capital Plan. Since that time, tenders have closed on the Sun River Reservoir Replacement project with the lowest tender received being approximately 29% over budget despite the fact there were 8 bidders. Six bids were within 6% of the lowest tender. Given the competitive nature of the bids, staff feel that the budgets for the above referenced projects need to be increased to ensure adequate approved funding is available to award and complete the projects.

To better understand the volatility of the construction market, staff asked the two consultants delivering the three projects referenced above, Parsons and Stantec, to provide some bid analysis to determine construction market cost drivers in relation to the types of infrastructure projects the Capital Regional District (CRD) is delivering. They were also asked to query contractors and suppliers for their input. A summary of their responses follows:

- Construction inflation has far exceeded the general inflation reported for the region. While general inflation has been reported in the 4-5% range, construction inflation has increased in the 25-30% range for the type of projects the CRD is undertaking in the JDF service.
- The increase in construction inflation is split approximately 80% for materials and 20% for labour. Labour increases are mostly based on upward pressure on compensation due to competition in attracting staff, and the overall shortage of skilled labour. Some specific increases by component are:
 - Labour – 20%
 - Tank materials – 15%
 - Pipe - 40-50% (dependant on pipe material)
 - Fittings – 40%
 - Concrete – 15%
 - Electrical – 40%

Some of the drivers behind these increases include supply chain issues, shortage of materials due to high demand and lack of raw materials available for manufacturing. While the supply chain

issues may resolve in the near future, it is expected material availability will continue to be an issue for some time. Senior levels of Government in both the United States and Canada have contributed to high demands with increased infrastructure spending. Volatility in pricing is expected to continue.

Given the preceding, the request for budget increases, by project, are as follows. A summary of proposed budget increases are included in Appendix A.

1. Project 20-06 – Sun River Reservoir Replacement (Sun River)
 - Original budget approved for 2022 was \$1.3 million, which included design and construction.
 - Funding is provided by \$1.1 million from JDF capital reserves, and \$200,000 from the Sun River developer.
 - Cost of construction was budgeted at \$1.1 million, however the tenders received a low bid of \$1,424,070 + GST.
 - As a result, the project is short by \$324,070 and requires additional funding.
 - To allow for contingency, staff are requesting to increase the budget by \$375,000 to \$1.675 million, which will be funded by \$1.475 million from JDF capital reserves and \$200,000 from the Sun River developer.
 - Tenders closed on November 2, 2021 and are awaiting award subject to funding approval.
2. Project 20-07 – Goldstream Asbestos Cement (AC) Replacement (Goldstream AC)
 - Original budget approved for 2022 was \$5.0 million which included design and construction.
 - Funding is provided entirely from JDF capital reserves.
 - Cost of construction was budgeted at \$4.2 million with the remaining budget of \$800,000 being engineering costs and staff time.
 - Cost escalation is expected to increase construction costs to \$5.0 million with an overall budget request of \$5.8 million for design and construction. This includes a contingency of 10%.
 - Tendering is expected to take place in December 2021.
3. Project 23-01 – Tank 4 and McCallum Pump Station, Pump Station 7 and remaining Supply Main to Skirt Mountain Reservoir (Skirt Mountain Improvements)
 - Original budget approved for 2022 was \$7.11 million which included design and construction.
 - Funding is provided entirely by the JDF Development Cost Charge (DCC) program.
 - Cost of construction was budgeted at \$6.54 million with the remaining budget of \$570,000 being engineering costs and staff time.
 - Cost escalation is expected to increase construction costs to \$8.54 million with an overall budget request of \$9.11 million for design and construction. This includes a contingency of 10%.
 - The Supply Main to Skirt Mountain Reservoir portion of the project was completed on budget in early 2021 by internal CRD staff. Tendering for the remainder of the project is expected to take place in December 2021.

ALTERNATIVES

Alternative 1

That the Juan de Fuca Water Distribution Commission recommends to the Capital Regional District Board, that the 2022 Juan de Fuca Water Distribution Service Capital Budget and Five Year Capital Plan be amended as shown in Appendix A.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

Both the Sun River and the Goldstream AC projects are funded by capital reserves which are able to fund the increased budget requests. In addition, Sun River is also funded with a developer contribution.

The Skirt Mountain Improvements project is funded entirely with DCC program reserves which are available.

Should all three budget requests be approved, there is no expected impact to the 2022 approved water rates.

Service Delivery Implications

All three of the identified projects are instrumental with regards to system hydraulic performance, system resiliency, and the continued provision of potable water to the JDF service.

Project completion in the near future is critical to maintaining overall system performance.

Staff considered deferring the projects to a time in the future when construction costs are lower but given the information available, that is not expected soon.

CONCLUSION

Due to significant increases in the cost of labour and materials, capital budget increases are being requested to deliver the Sun River, Goldstream and Skirt Mountain projects in 2022. Adequate funding is available for the proposed budget amendments associated with all three projects and there is no expected impact to the 2022 approved water rates.

RECOMMENDATION

That the Juan de Fuca Water Distribution Commission recommends to the Capital Regional District Board, that the 2022 Juan de Fuca Water Distribution Service Capital Budget and Five Year Capital Plan be amended as shown in Appendix A.

Submitted by:	Ian Jesney, P.Eng., Senior Manager, Infrastructure Engineering
Concurrence:	Ted Robbins, B. Sc., C. Tech., General Manager, Integrated Water Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Proposed Amendment to the 2022 Juan de Fuca Water Distribution Service Capital Plan

APPENDIX A

PROPOSED AMENDMENT TO THE 2022 JUAN DE FUCA WATER DISTRIBUTION SERVICE CAPITAL PLAN

Project	Current 2022 Budget	Proposed Increase \$	Proposed Increase %	Amended 2022 Budget
Project 20-06 Sun River Reservoir Replacement	\$1.3 million	\$375,000	29%	\$1.675 million
Project 20-07 Goldstream AC Replacement	\$5.0 million	\$800,000	16%	\$5.8 million
Project 23-01 Tank 4, McCallum Pump Station, Pump Station 7, Supply Main to Skirt Mountain Reservoir	\$7.11 million	\$2.0 million	28%	\$9.11 million

**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 17, 2021**

SUBJECT **Regional Growth Strategy Indicator Report**

ISSUE SUMMARY

To receive the Regional Growth Strategy (RGS) Indicator Report.

BACKGROUND

The *Local Government Act (LGA)* section 452 sets out requirements for regional districts with adopted regional growth strategies. Specifically, a regional district must:

- a) establish a program to monitor RGS implementation and the progress made towards its objectives and actions; and
- b) prepare an annual report on that implementation and progress.

The RGS Indicator Report was developed in 2019 to support consistent annual reporting and meet legislative requirements. The report consists of 20 indicators that measure progress towards achieving RGS targets and objectives. Each indicator includes a description of what is being measured, why it is important and a discussion of trends. Over time, the indicators will help identify progress being made toward RGS implementation or alert the region to a need for change if progress is not being seen.

Criteria for selection of indicators included: relevance, data availability, accuracy, cost, and effort. While many indicators use data that is available annually, some indicators rely on Census data that is only available every five years.

For 2021, 14 of the 20 indicators were updated with new data. In addition, several indicators have been edited for clarity and improved understanding of desired trends. See Appendix A for the report and detailed information about the new data.

It should be noted that several of the indicators likely experienced impacts in the 2020 reporting year due to the COVID-19 pandemic. It is also important to note that changes in year-to-year performance do not always equate to a long term trend. It may take several years of data collection to reliably identify a trend.

Following receipt by the Board, the information will be posted on the CRD's website.

ALTERNATIVES

Alternative 1

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Regional Growth Strategy Indicator Report be received for information.

Alternative 2

That the Regional Growth Strategy Indicator Report be referred back to staff for additional information based on Planning and Protective Services Committee direction.

IMPLICATIONS

Regional Growth Strategy Implications

Achieving RGS objectives requires collaborative partnerships between local, regional and provincial levels of government, each with specific jurisdictional authorities. The RGS indicators show how we are doing as a region rather than the performance of a specific CRD service. The region's growth management approach, policies and targets are to be reevaluated during the RGS update process if progress toward RGS implementation is not being seen.

Managing and Balancing Growth, Housing and Community and Climate Action are RGS policy areas where the indicators suggest a need to closely watch for progress against RGS objectives.

1. From a growth management perspective, the region has not expanded the growth area since RGS adoption in 2018 (1.1b), and has built 5.2% of new dwelling units outside of the growth boundary in the past 10 years (1.2a). Regionally, only 20% of growth has been located in areas with greater than 42% active transportation in the past five years (1.1a). This would suggest that focusing new dwellings within the growth boundary alone is not sufficient to create compact complete communities.
2. From a housing affordability perspective the region is making steady progress to increase the supply of affordable housing, adding 2,621 units between 2016 and 2020 (3.2d), 1,046 of which were added between March 2019 to March 2020. However, low rental vacancy rates especially on the low end of the price spectrum indicate a market that is difficult for renters (3.2c). Low vacancy rates are compounded by average rent increases that have outpaced inflation (3.2b).
3. From a climate action perspective the region has made a 9.6% reduction in total greenhouse gas (GHG) emissions since the base year of 2007 (7.1a). The 5% decline in emissions in 2020 over 2018 are largely associated with changes in transportation patterns associated with the COVID-19 pandemic. Our current trend suggests the region is not on track to meet the goal of a 61% reduction in GHG emissions by 2038. While a 9.6% reduction is modest there has been a 23% reduction in per capita emission since the base year which speaks to efforts by the CRD and local governments to reduce GHG emissions.

Alignment with Board & Corporate Priorities

Annual indicator reporting addresses the Planning and Development Community Need, specifically initiative 11a-3 Report on & Advance RGS Implementation/Indicators.

Service Delivery Implications

The legislation stipulates that all services undertaken by a regional district after the Board has adopted a regional growth strategy must be consistent with its RGS. Through 2021, the CRD approved several new service-level strategies that will guide action on a number of indicators, including:

- Solid Waste Management Plan and implementation next steps, developed to reduce the region's waste per capita rate.
- Climate Action Strategy, renewed to reflect the CRD Board's declaration of a climate emergency.
- Regional transportation priorities and implementation strategies for each, developed to reduce congestion, increase mode share and take action on climate change.

Any additional adjustments to service levels in support of achieving RGS objectives can be considered through the CRD's established service planning and budgetary processes. Based on current data, there are no items requiring adjustment.

CONCLUSION

The RGS Indicator Report monitors the region's progress towards the targets outlined in the RGS, and is updated annually. 14 of the 20 indicators were updated with new data in 2021. The RGS Indicator Report will be posted on the CRD website.

RECOMMENDATION

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Regional Growth Strategy Indicator Report be received for information.

Submitted by:	Emily Sinclair, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Regional Growth Strategy Indicator Report 2021

Regional Growth Strategy Indicator Report 2021



Making a difference...together

RGS INDICATORS – AT A GLANCE

Managing and Balancing Growth

Number of net new dwelling units in areas where more than 42% walk/bike/bus to work (*updated 2021*)



Hectares added to the Urban Containment Policy Area (UCPA) Growth Boundary (*updated 2021*)



Percentage of net new dwellings built outside the UCPA (*updated 2021*)



Environment and Infrastructure

Percentage of Sea-to-Sea Green/Blue Belt acquired (*updated 2021*)



Percentage of the Regional Trail Network completed (*updated 2021*)



Compliance with Source Control Bylaw (*updated 2021*)



Number of stormwater discharges with a high public health concern (*updated 2021*)



Waste stream: solid waste disposal (*updated 2021*)



Average residential water consumption (*updated 2021*)



Net new dwelling units in East Sooke and Otter Point Official Community Plan (OCP) areas (*updated 2021*)



Housing and Community

Create safe and complete communities



Reduce core housing need



Average rent for 2-bedroom apartment (*updated 2021*)



Vacancy rate by rental price quartiles (*updated 2021*)



Increase supply of affordable housing (*updated 2021*)



Transportation

Percentage of total trips made by walking, cycling and transit in the Growth Management Planning Area (GMPA)



Economic Development

Jobs to population ratio



Food Systems

Hectares of farmland in the GMPA



Average age of farmer



Climate Action

Community Greenhouse Gas (GHG) emissions (*updated 2021*)



Contents

RGS Indicators - At A Glance

Overview	1
Managing and Balancing Growth	
1.1a Number of net new dwelling units in areas where more than 42% walk/bike/bus to work	3
1.1b Hectares added to the Urban Containment Policy Area (UCPA) growth boundary	5
1.2a Percentage of net new dwellings built outside the UCPA	6
Environment and Infrastructure	
2.1a Percentage of Sea-to-Sea Green/Blue Belt acquired	7
2.1b Percentage of the Regional Trail Network completed	8
2.1c Compliance with Source Control Bylaw	9
2.1d Number of stormwater discharges with a high public health concern	10
2.2a Waste stream: solid waste disposal	11
2.2b Average water consumption	12
2.2c Net new dwelling units in East Sooke and Otter Point Official Community Plan (OCP) areas	13
Housing and Community	
3.1a Create safe and complete communities	14
3.2a Reduce core housing need	15
3.2b Average rent for a 2-bedroom apartment	16
3.2c Vacancy rate by rental price quartiles	17
3.2d Increase supply of affordable housing	18
Transportation	
4.1a Percentage of total trips made by walking, cycling and transit in the Growth Management Planning Area (GMPA)	19
Economic Development	
5.1a Jobs to population ratio	20
Food Systems	
6.1a Hectares of farmland in the GMPA	21
6.1b Average age of farmer	22
Climate Action	
7.1a Community Greenhouse Gas (GHG) emissions	23

The Regional Growth Strategy

The 2018 Regional Growth Strategy (RGS) is a framework developed by municipalities and the regional district to address how communities will work together to enhance regional quality of life and social well-being over the next 20 years.

The provincial government created the growth strategy legislation to “...promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources”.

The RGS includes policies, actions and targets for the reduction of greenhouse gas emissions. The strategy was developed with significant public and stakeholder involvement and responds to the RGS vision of a livable community that stewards the environment and natural resources with care.

The RGS Indicator Report

A robust monitoring program helps the region measure progress towards achieving RGS goals and objectives.

Wherever possible, indicators were selected such that data would be available on an annual basis. Unfortunately, for many of the indicators, information is only available through census data and will therefore only be updated every five years.

Data updated for 2021

Managing and Balancing Growth:

- 1.1a, 1.1b, 1.2a

Environment and Infrastructure:

- 2.1a, 2.1b, 2.1c, 2.1d, 2.2a, 2.2c

Housing and Community:

- 3.2c, 3.2b, 3.2d

Climate Action:

- 7.1a

It should be noted that several of the indicators likely experienced impacts in the 2020 reporting year due to the COVID-19 pandemic.

How to use this report

For each indicator, four key questions are answered:

- What is being measured?
- Why is the indicator important?
- What is the target/desired trend?
- How are we doing?

Indicator performance is described relative to a baseline year. However, it is important to note that changes in year-to-year performance do not always equate to a long-term trend. While performance in any given year may be positive or negative, it may take many years of data to reliably identify a clear trend. Where possible, trend lines are included in the graphs to help illustrate indicator trends.

The RGS indicators evaluated in this report are shown in the following table.

2038 Targets by priority area and objective

PRIORITY AREA	OBJECTIVE	TARGETS BY 2038
1.0 Managing and Balancing Growth	1.1 Keep Urban Settlement Compact 1.2 Protect the Integrity of Rural Communities	Accommodate a minimum of 95% of the region's new dwelling units within the Urban Containment Policy Area.
2.0 Environment and Infrastructure	2.1 Protect, Conserve and Manage Ecosystem Health	- Acquire 100% of the Sea-to-Sea Green/Blue Belt. - Complete 100% of the Regional Trail Network. - Reduce contaminants to fresh and marine water bodies.
	2.2 Deliver Services Consistent with RGS Objectives	Prepare long-term capital plans for Capital Regional District utilities and major infrastructure improvements that take into consideration the conservation of land, water and energy resources and the impacts of climate change and natural hazards.
3.0 Housing and Community	3.1 Create Safe and Complete Communities	Municipal targets for the number of people living in complete communities to be identified by municipalities in Regional Context Statements.
	3.2 Improve Housing Affordability	- Increase the supply of more affordable housing. - Reduce the number of people in core housing need. - Reduce the number of people who are homeless.
4.0 Transportation	4.1 Improve Multi-Modal Connectivity and Mobility	Achieve a transportation system that sees 42% of all trips made by walking, cycling and transit.
5.0 Economic Development	5.1 Realize the Region's Economic Potential	- Achieve a jobs/population ratio of: 0.60 in Core Area 0.53 in Saanich Peninsula 0.36 in West Shore
6.0 Food Systems	6.1 Foster a Resilient Food and Agriculture System	- Increase the amount of land in crop production for food by 5,000 ha to enhance local food security. - Municipal targets to increase the amount of land in crop production for food and to encourage agricultural land to be identified by municipalities in Regional Context Statements.
7.0 Climate Action	7.1 Significantly reduce community based greenhouse gas emissions	Reduce community greenhouse gas emissions by 33% (from 2007 levels) by 2020, and by 61% by 2038.

1.1a Number of net new dwelling units in areas where more than 42% walk/bike/bus to work



What is being measured?

This indicator tracks new dwelling units created in census Dissemination Areas (DA) where at least 42% of trips involve active transportation (walking, biking or taking transit).

Why is this indicator important?

The RGS aims to keep urban settlement compact and directs new growth to be located where it can be efficiently serviced by transit and active transportation.

Target/Desired Trend

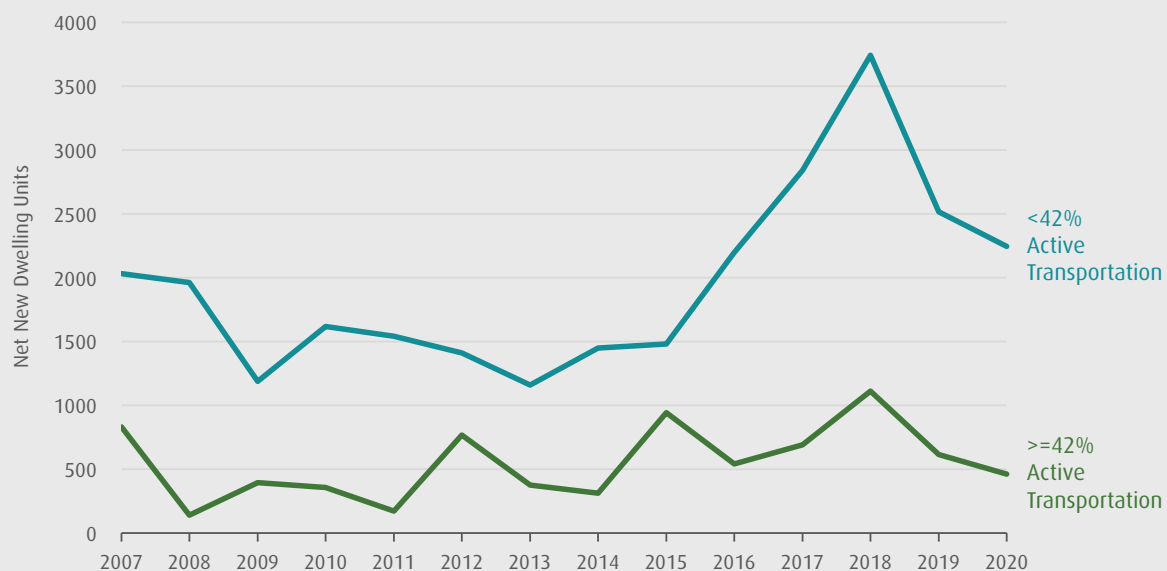
Place growth in areas conducive to walking, cycling and transit.

How are we doing?

Currently, we are not meeting the desired trend.

In the Growth Management Planning Area (GMPA) between 2012-2015, we saw as much as 39% of growth in net new dwelling units in areas with greater than 42% active transportation. In the period of 2016-2020 20% of growth in net new dwelling units was in high active transportation areas.

BC Transit has increased its mode share target from 12% to 15%. Future reporting will see the mode share target and measurement adjusted upwards to 45%.



Source: CRD Building Permit Database and Statistics Canada Census of Population 2016

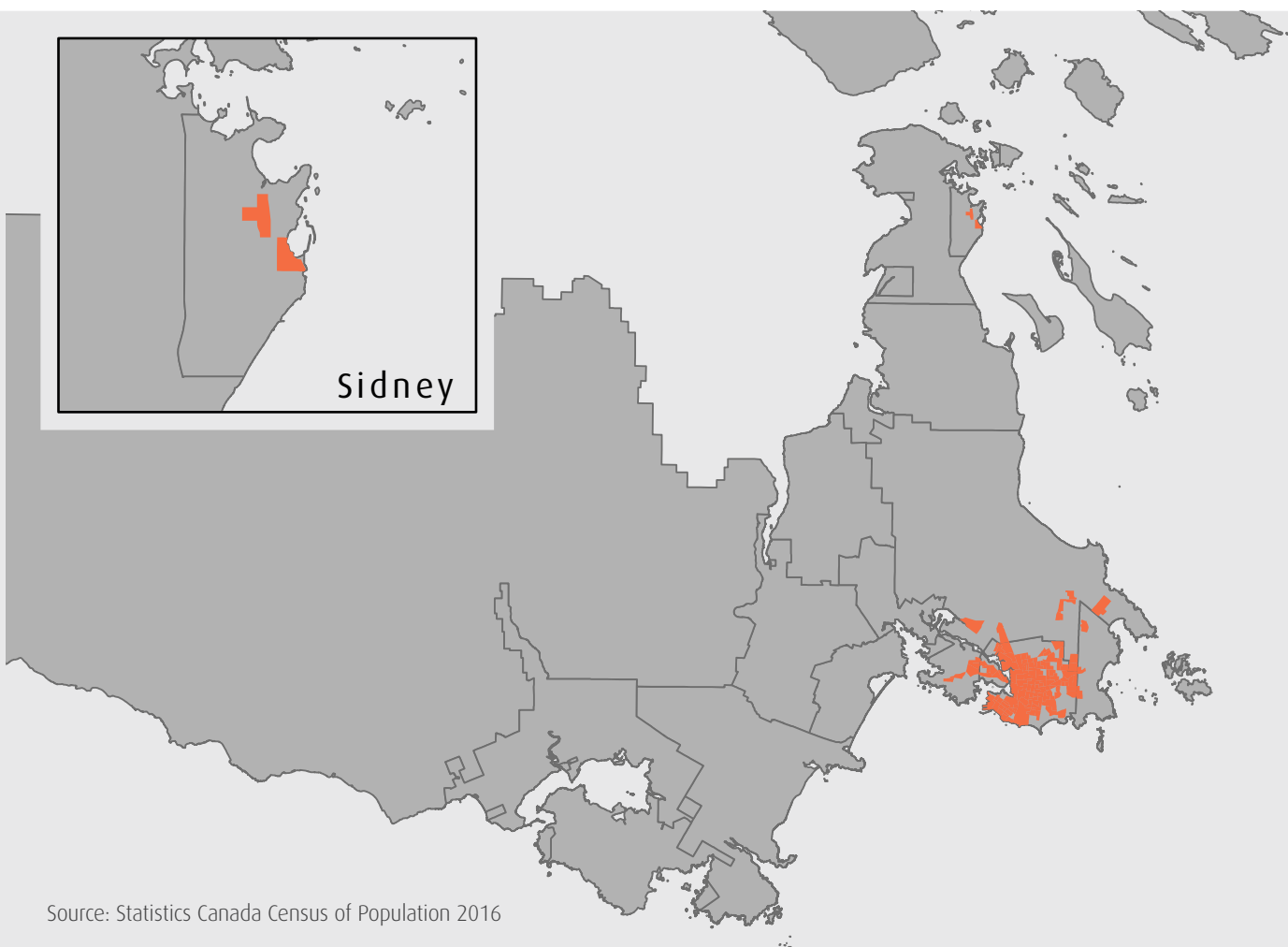
Supplemental map of areas with more than 42% walk/bike/bus to work

What does the map indicate?

This map shows census dissemination areas where more than 42% of residents walk, bike and bus to work, meeting the RGS mode share target.

These areas are mostly located in the region's core in Victoria, and portions of Esquimalt, Oak Bay and Saanich, as well as portions of Sidney.

As noted in Indicator 1.1(a), new growth in these areas is desirable as infrastructure and services are already in place to support high levels of active travel and transit. As the region develops, the desired trend is to see more areas meeting the target.



Source: Statistics Canada Census of Population 2016

1.1b Hectares added to the Urban Containment Policy Area (UCPA) growth boundary



What is being measured?

This indicator measures the net change in the land area of the UCPA. The UCPA is intended to hold a land supply that will accommodate the region's population and employment growth.

Why is this indicator important?

This indicator aligns with the RGS objective to keep urban settlement compact. The RGS includes a policy that generally permits amendment to the UCPA only as an outcome of a comprehensive 5-year review of the RGS.

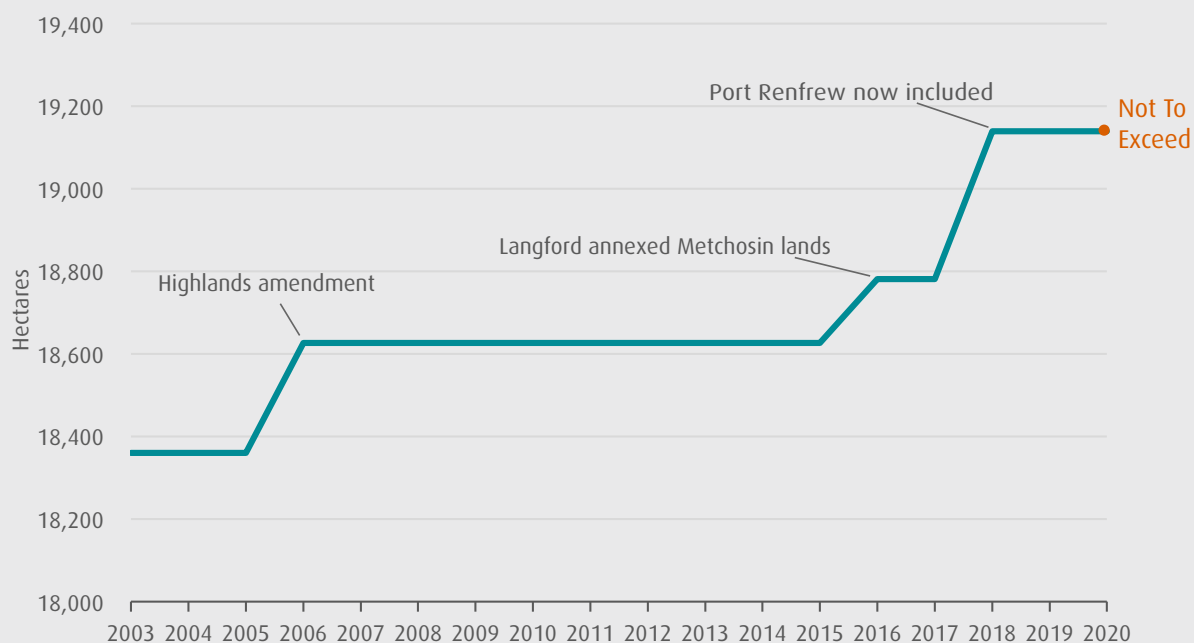
Target/Desired Trend

Minimize change to the UCPA from the date of adoption of the 2018 RGS.

How are we doing?

We are meeting the desired trend.

Since the March 2018 adoption of the RGS, there have been no changes to the UCPA.



Source: CRD Regional Planning

1.2a Percentage of net new dwellings built outside the Urban Containment Policy Area (UCPA)



What is being measured?

This indicator measures the annual share of net new dwelling units located outside the UCPA.

Why is this indicator important?

The RGS aims to keep urban settlement compact and protect the integrity of rural communities.

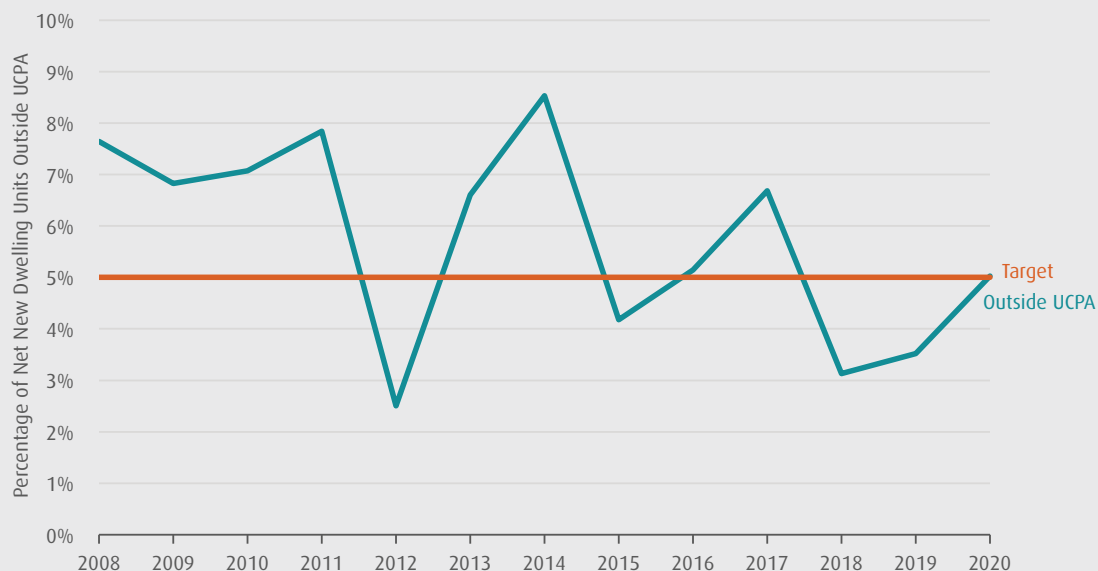
Target/Desired Trend

Accommodate a maximum of 5% of the region's net new dwelling units outside the UCPA (for a minimum 95% of net new dwelling units within the UCPA, as per RGS target).

How are we doing?

We met the target this year.

In the past 10 years the average percentage growth outside the UCPA has been 5.2%.



Source: CRD Building Permit Database

2.1a Percentage of Sea-to-Sea Green/Blue Belt acquired



What is being measured?

This indicator tracks the percentage of land within the regional Sea-to-Sea Green/Blue Belt that has been protected. Acquisition of additional land required to meet the target is to be undertaken by CRD and/or other levels of government.

Why is this indicator important?

The RGS aims to protect, conserve and manage ecosystem health. The protection of the Sea-to-Sea Green/Blue Belt will provide a continuous connected greenbelt network from Tod Inlet to the Sooke Basin.

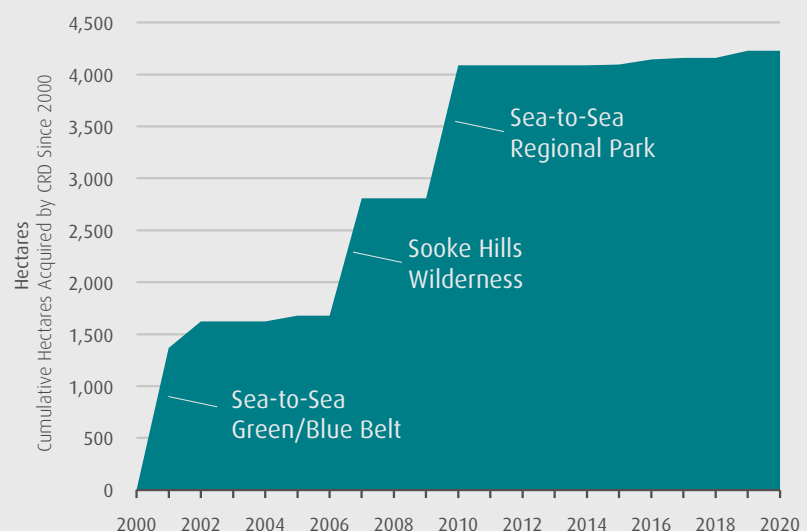
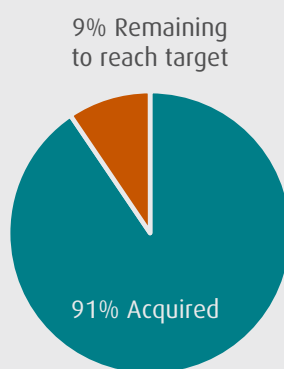
Target/Desired Trend

Acquire 100% of the Sea-to-Sea Green/Blue Belt.

How are we doing?

We have yet to fully meet the target.

As of October 2021, 91% of the proposed 11,310 hectares has been acquired.



Source: CRD Regional Parks

2.1b Percentage of the Regional Trail Network completed**What is being measured?**

This indicator measures the percentage of the Regional Trail Network that has been completed.

Why is this indicator important?

The RGS aims to protect, conserve and manage ecosystem health. The Regional Trail Network represents an integrated trail and linear park system linking urban areas to rural green space and is a key element of the Regional Green/Blue Spaces Strategy.

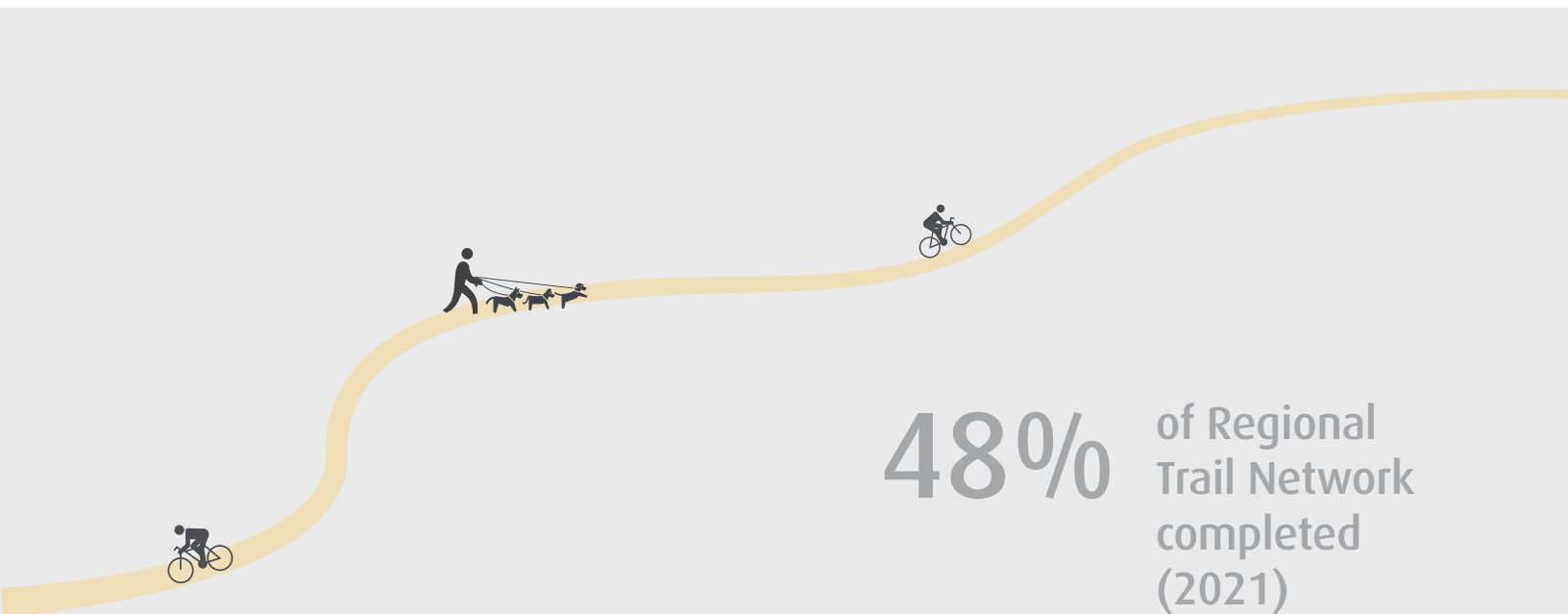
Target/Desired Trend

Complete 100% of the Regional Trail Network as identified in the 2011 CRD Regional Parks Strategic Plan.

How are we doing?

We are making progress towards the target.

As of October 2021, 48% of the proposed 390 kilometres of the Regional Trail Network has been completed.



Source: CRD Regional Parks

2.1c Compliance with Source Control Bylaw



What is being measured?

This indicator measures the percentage of businesses in compliance with Source Control Bylaw standards.

Why is this indicator important?

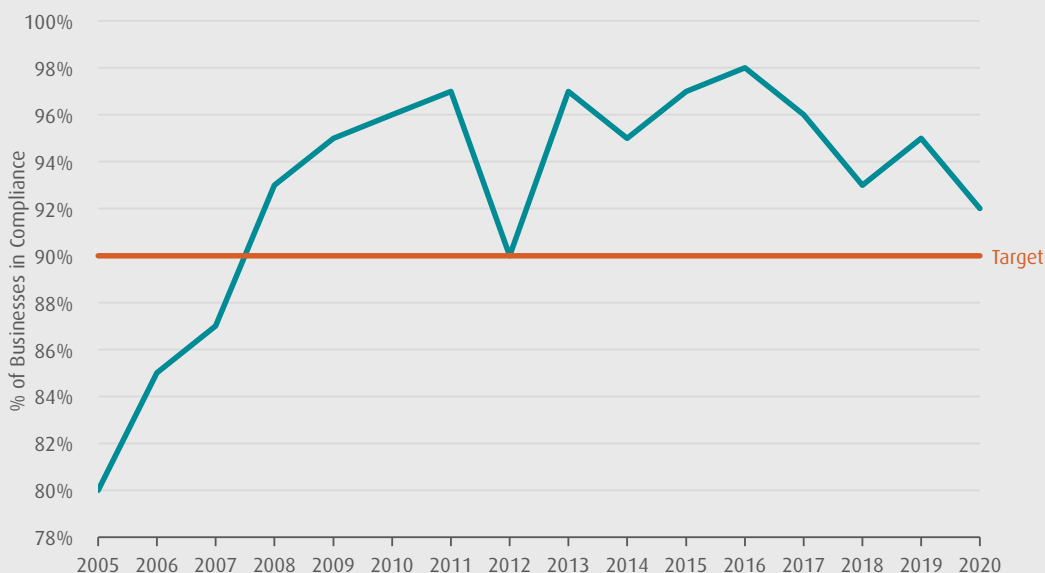
The RGS aims to protect, conserve and manage ecosystem health. A high level of compliance reduces contaminants in fresh and marine regional waterways.

Target/Desired Trend

Maintain compliance of the standards established in the Source Control Bylaw at a rate of 90% or above.

How are we doing?

We are seeing consistently high levels of compliance.



NOTE: Prior to 2014, the indicator tracked proper waste treatment. The new measure, overall compliance, is a stricter standard indicating proper waste treatment facilities that are fully functioning.

Source: CRD Environmental Protection

2.1d Number of stormwater discharges with a high public health concern



What is being measured?

This indicator monitors the number of stormwater discharges with high public health concern.

Why is this indicator important?

The RGS aims to protect, conserve and manage ecosystem health.

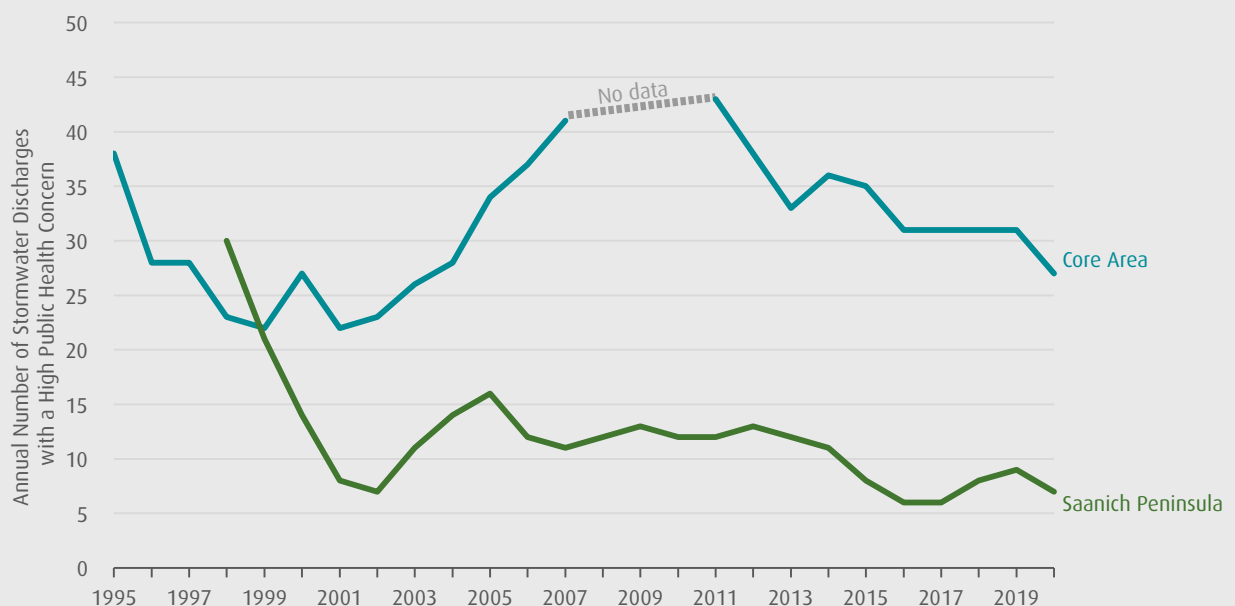
Target/Desired Trend

Reduced bacterial contamination to fresh and marine water bodies.

How are we doing?

We are meeting the desired trend.

The overall number of stormwater discharges with high public health concerns has decreased in the Core Area since 2012 and on the Saanich Peninsula since 2005. However, there were still 27 discharges in the Core Area and 7 in the Saanich Peninsula in 2020.



Source: CRD Environmental Protection

2.2a Waste stream: solid waste disposal



What is being measured?

This indicator measures the per capita amount of solid waste disposed of annually from both residential and non-residential sources.

Why is this indicator important?

The RGS aims to minimize the consumption of renewable and non-renewable resources through efficient use and responsible management.

Target/Desired Trend

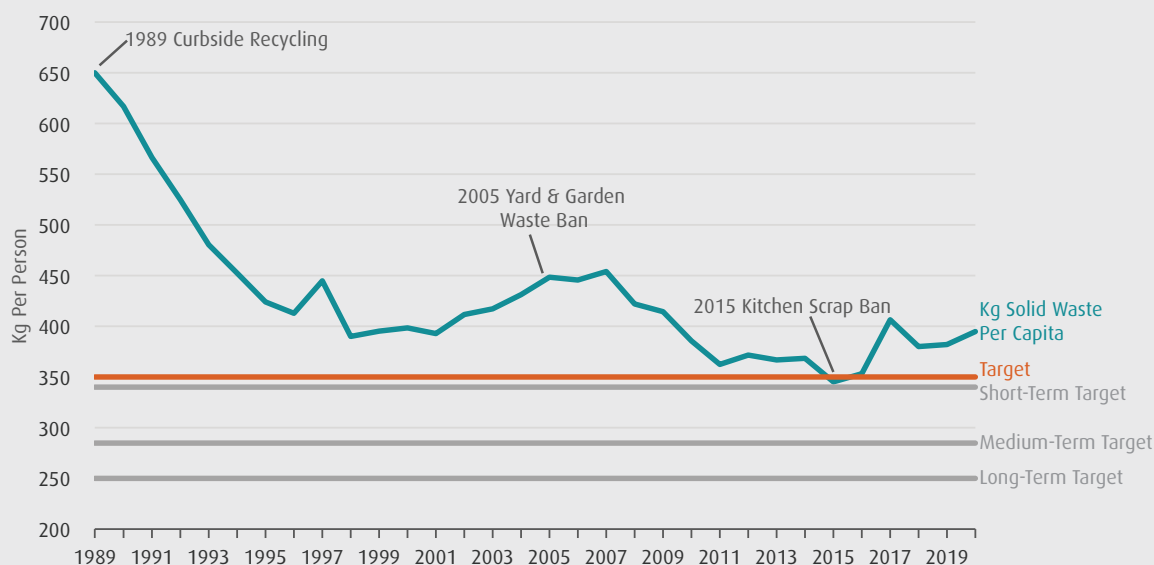
The BC Government has set a 2020 solid waste disposal target rate of 350 kg/person per year which is the current target. In 2022, the target will be from the CRD Solid Waste Management Plan.

This plan identifies three new targets: short-term (3 years) 340 kg/person, medium-term (5 years) 285 kg/person and long-term (10+ years) 250 kg/person.

How are we doing?

Currently, we are not meeting the target.

However we are at less than the provincial average of 501 kg/person (2019), and the CRD has the lowest kg/person in the province. Following years of decline, recent economic activity has resulted in a sustained increase in per capita solid waste disposal.



Source: CRD Environmental Resource Management

2.2b Average residential water consumption



What is being measured?

This indicator measures the average daily consumption of potable water per capita for residential uses.

Why is this indicator important?

The RGS aims to minimize the consumption of renewable and non-renewable resources through efficient use and responsible management.

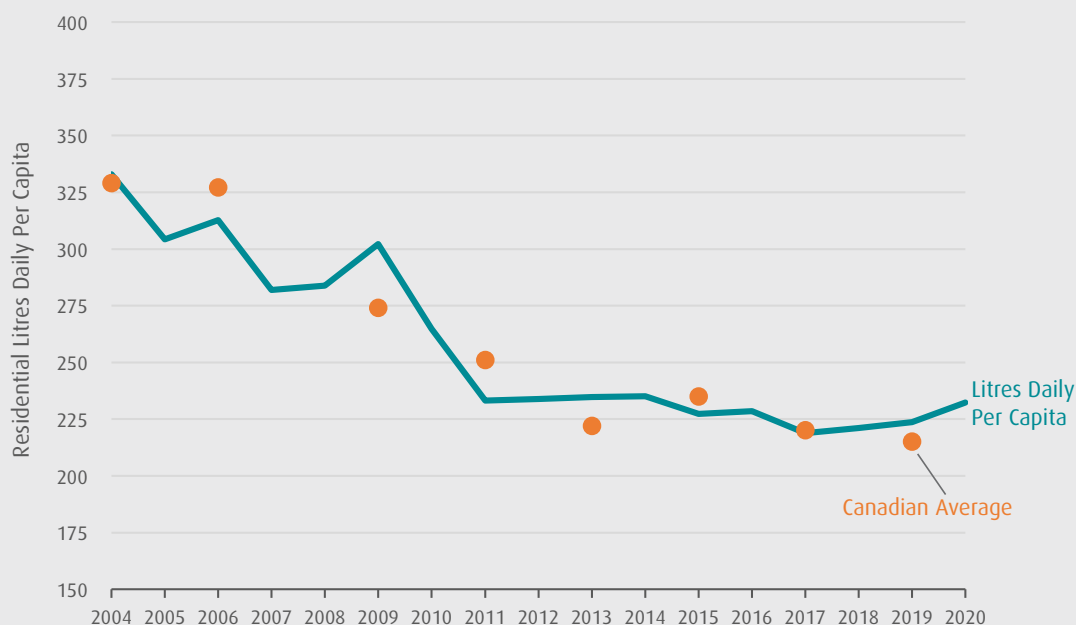
Target/Desired Trend

Decrease per capita consumption of potable water.

How are we doing?

Following a sizable reduction in per capita water consumption in the region, rates have stabilized around the Canadian average.

It is expected that the increase in water consumption observed in 2020 is attributable to changed residential water consumption patterns during the COVID-19 pandemic as people spent significantly more time at home due to office, business and facility closures. It is anticipated that average Canadian residential water use increased 10-20% during the pandemic.



Source: CRD Integrated Water Services, 2004-2009 Environment Canada Municipal Water and Wastewater Survey
2011-2019 Statistics Canada Survey of Drinking Water Plants

2.2c Net new dwelling units in East Sooke and Otter Point Official Community Plan (OCP) areas



What is being measured?

This indicator measures annual net new dwelling units located in the East Sooke and Otter Point OCP areas of the Juan de Fuca Electoral Area.

Why is this indicator important?

The RGS allows for the possible provision of water servicing in East Sooke and Otter Point, and specifies the total number of existing and new units permitted within their Official Community Plans.

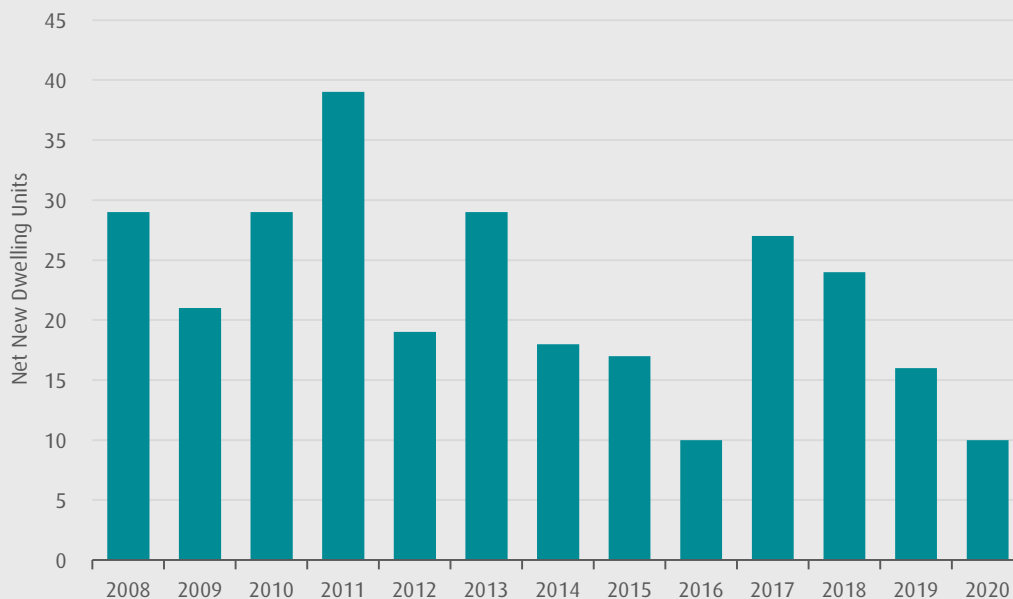
Target/Desired Trend

The total number of units in East Sooke and Otter Point is not to exceed 3,384 units. This includes both existing and new units.

How are we doing?

We are meeting the target.

As of 2020 there are 1,637 dwelling units in East Sooke and Otter Point. There has been minimal expansion, with an average of 21 net new units per year over the past 10 years.



Source: CRD Building Permit Database

3.1a Create safe and complete communities**What is being measured?**

This indicator measures the number of people living in complete communities identified by municipalities in their Official Community Plans (OCP).

Why is this indicator important?

The RGS supports the development of complete communities that allow residents to undertake many daily activities close to home.

Target/Desired Trend

Increase the number of people living in complete communities.

How are we doing?

Achieving the desired trend will be different for each municipality as measures of community completeness are context-specific. Trends would be best reported through OCP monitoring.



3.2a Reduce core housing need



What is being measured?

This indicator measures the percentage of households in core housing need.

A household in core housing need falls below at least one of the housing standards: adequacy (property does not require major repairs); affordability; or suitability (number of bedrooms match household size) *and* it would have to spend 30% or more of its total before-tax income to pay the median rent for housing that is acceptable (meets all three standards).

Why is this indicator important?

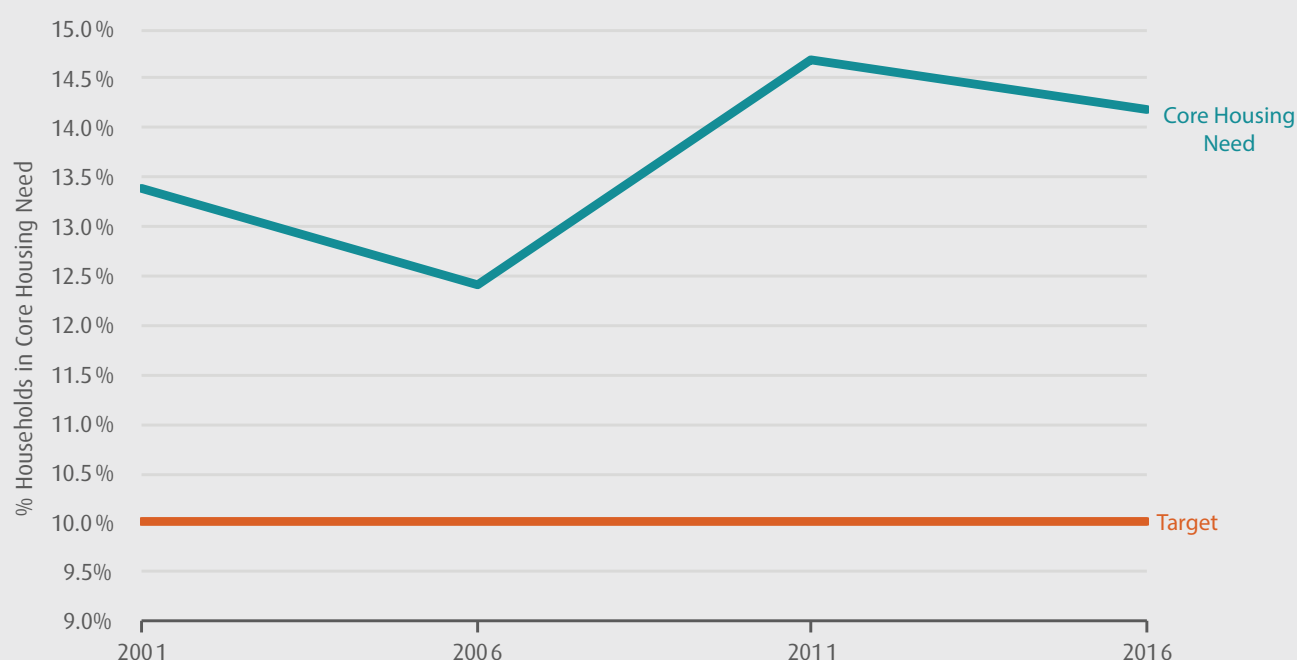
The RGS aims to improve housing affordability.

Target/Desired Trend

Reduce percentage of households in core housing need to 10%.

How are we doing?

Some progress has been made following a large spike in core housing need in 2011, however, we are far from our target.



Source: Statistics Canada, Census of Population, 2001, 2006 and 2016 and National Household Survey, 2011

3.2b Average rent for 2-bedroom apartment



What is being measured?

This indicator measures the average cost of 2-bedroom rental housing in the Victoria Census Metropolitan Area.

Why is this indicator important?

The RGS aims to improve housing affordability.

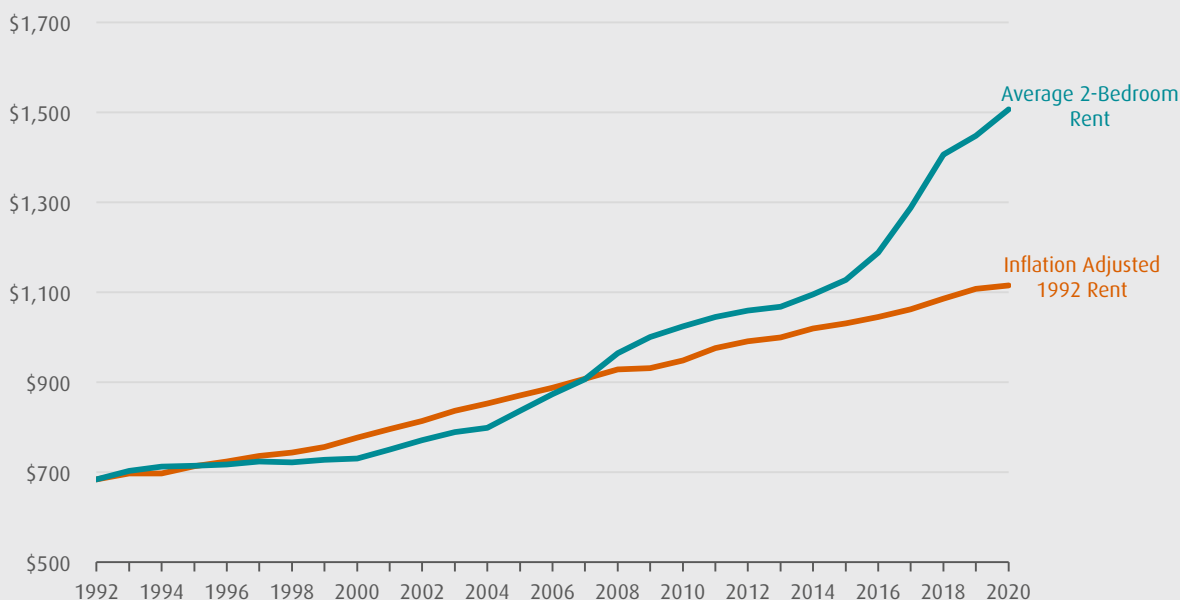
Target/Desired Trend

There is no target for the average cost of rental housing, however, cost increases at or below the level of inflation are preferable.

How are we doing?

We are currently not meeting the desired trend.

The price of a 2-bedroom rental has outpaced inflation since 2008.



Source: CMHC Rental Market Survey

3.2c Vacancy rate by rental price quartiles



What is being measured?

This indicator measures the rental vacancy rate by rental price quartiles in the Victoria Census Metropolitan Area over time.

Why is this indicator important?

The RGS aims to improve housing affordability in the region. The rental vacancy rate by rental price quartiles is an indicator of housing supply and housing affordability in the region.

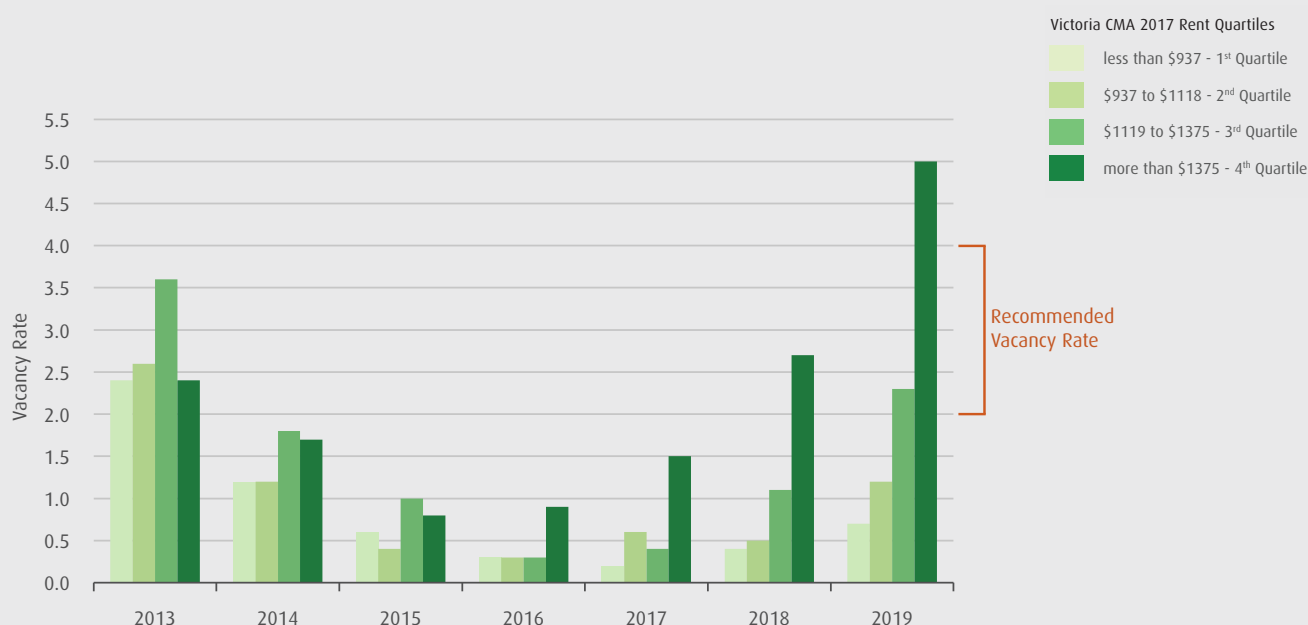
Target/Desired Trend

Higher vacancy rates across all prices are preferable. Recommended vacancy rates range between 2-4%.

How are we doing?

We are currently not meeting the desired trend.

There has been a general trend of very low vacancy rates in the region, especially at the lower price quartiles. Data from the past three years shows a marginal increase in vacancies, most significantly in units renting for more than \$1,119.



Source: CMHC Rental Market Survey

3.2d Increase supply of affordable housing



What is being measured?

This indicator measures the cumulative number of subsidized housing units in the Growth Management Planning Area (GMPA) that have a financial relationship with BC Housing. The units include emergency shelters, housing for the homeless, transitional and supported housing and assisted living, independent social housing and rent assistance in the private market.

Why is this indicator important?

The RGS aims to increase the supply of affordable housing and to reduce the number of people who are experiencing homelessness.

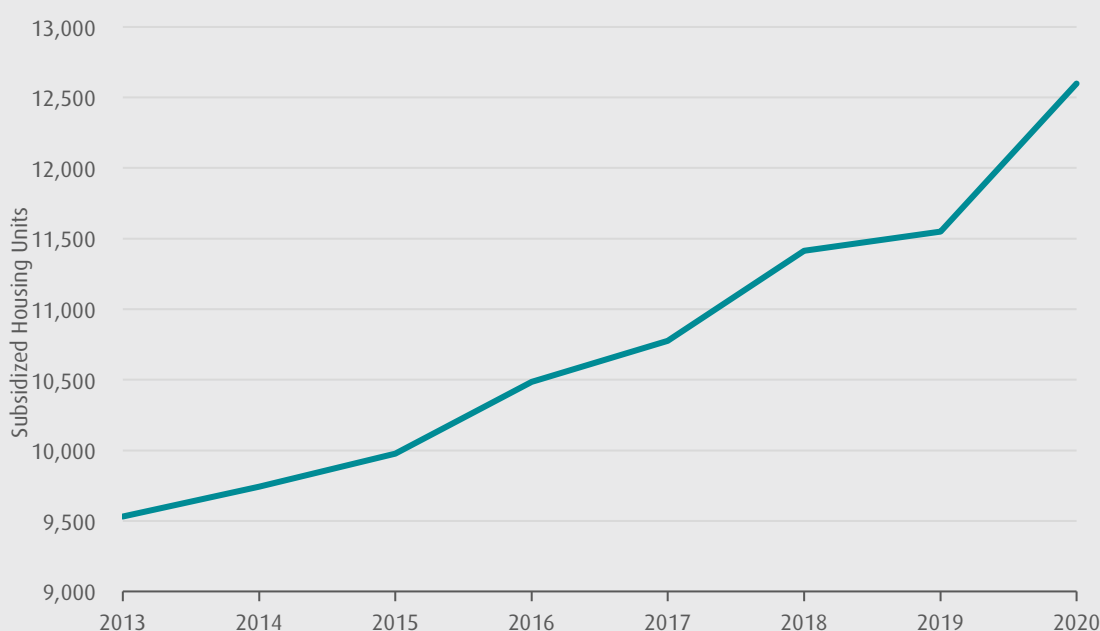
Target/Desired Trend

Increase the cumulative number of subsidized housing units that have a financial relationship with BC Housing.

How are we doing?

Progress is being made toward the desired trend.

As of March 31, 2020 there were 12,957 subsidized housing units in the GMPA, representing an increase of 1046 units in this reporting period.



Source: BC Housing's Research & Corporate Planning Department Unit Count Report March 2019, 2020, 2021

4.1a Percentage of total trips made by walking, cycling and transit in the Growth Management Planning Area (GMPA)



What is being measured?

This indicator measures the percentage of total trips made by cycling, walking and transit in the RGS GMPA.

Why is this indicator important?

The RGS aims to improve multi-modal connectivity and mobility. Mode share percentages provide the necessary data to track transportation choices over time.

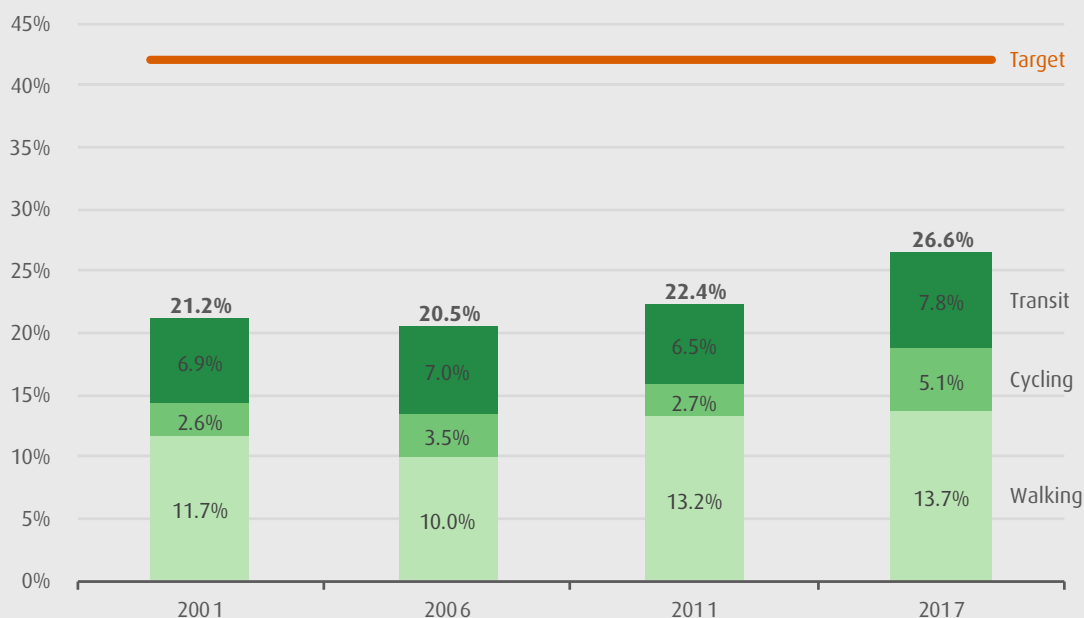
Target/Desired Trend

Achieve a transportation system that sees 42% of all trips made by walking, cycling and transit by 2038.

How are we doing?

Progress is being made toward the target.

The past three Origin Destination Surveys show steady increases in active transportation and transit mode share over the past decade.



Source: CRD Origin Destination Survey 2001, 2006, 2011, 2017

5.1a Jobs to population ratio



What is being measured?

This indicator measures the ratio of employment to population in each CRD sub-region.

Why is this indicator important?

The RGS aims to realize the region's economic potential. A balanced distribution of employment and jobs indicates economic opportunities spread across the region.

Target/Desired Trend

Achieve a jobs to population ratio of:

- 0.60 in the Core Area
- 0.53 in the Saanich Peninsula
- 0.36 in the West Shore

How are we doing?

All three sub-regions have made minor progress towards their targets.



Source: Statistics Canada, Census of population, 2006, 2011, 2016, Place of Residence and Place of Work Tables

6.1a Hectares of farmland in the Growth Management Planning Area (GMPA)



What is being measured?

This indicator measures hectares of farmland in the GMPA.

Why is this indicator important?

The RGS aims to foster a resilient food and agricultural system.

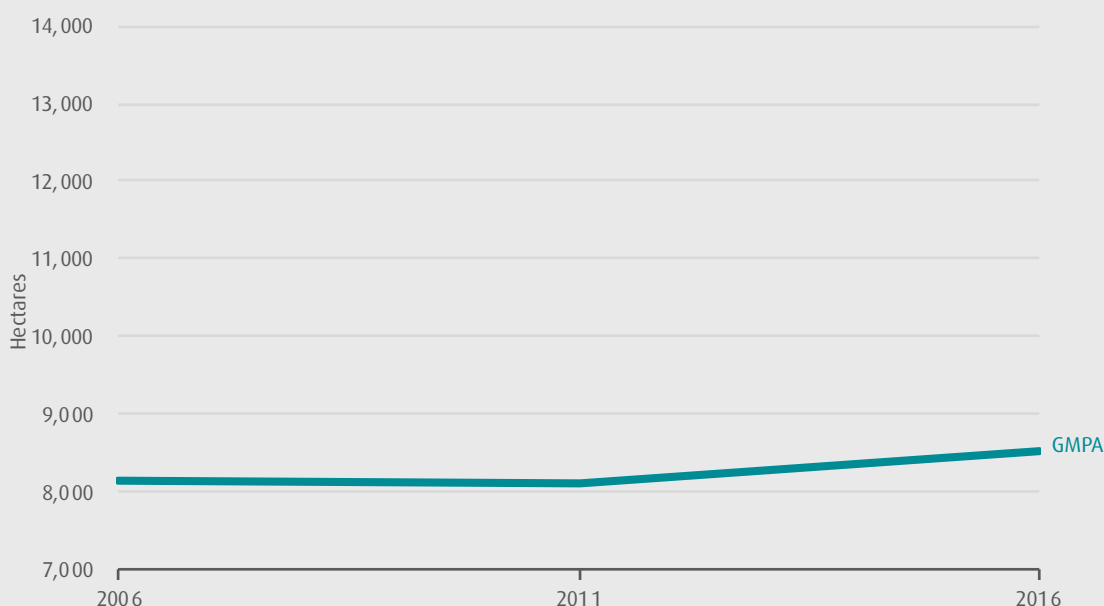
Target/Desired Trend

Increase the amount of land in food crop production by 5,000 ha by 2038.

How are we doing?

Food systems were a new RGS objective, added in 2018. Data from the 2021 census will be the first opportunity to measure progress toward this target following adoption of this new RGS objective.

The most recent statistics from 2016 show there has been a slight increase in land being used for farming.



Source: Statistics Canada, custom tabulation of Census of Agriculture 2006, 2011, 2016

6.1b Average age of farmer



What is being measured?

This indicator measures the average age of farm operators.

Why is this indicator important?

The RGS aims to foster a resilient food and agricultural system. A higher average age of farmers represents a warning sign for the future of food production in the CRD.

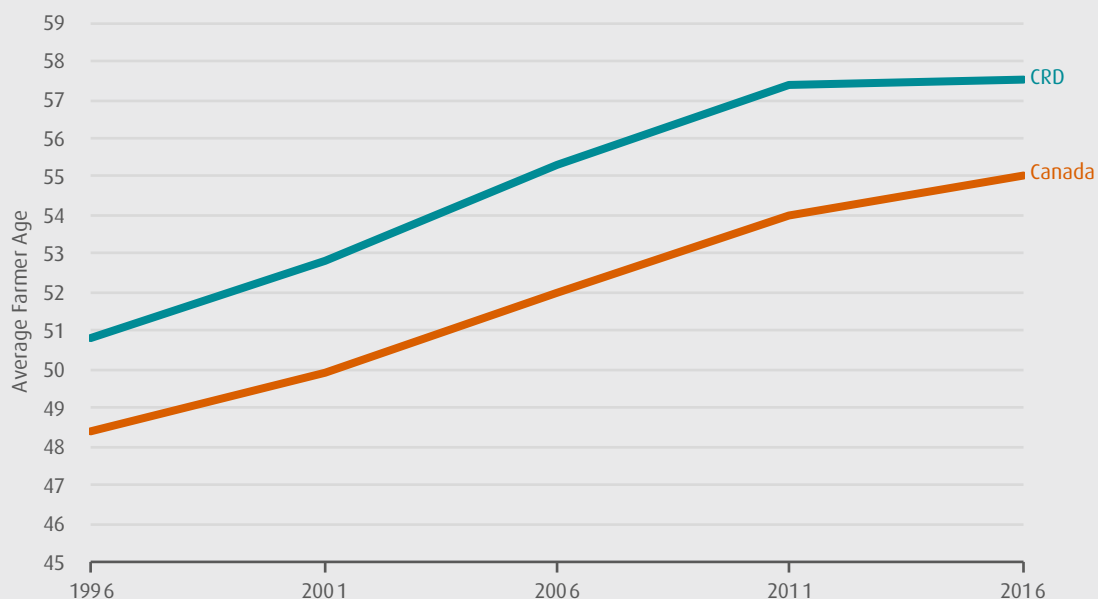
Target/Desired Trend

A lower average age of farmers is desirable.

How are we doing?

Progress toward this desired trend remains static.

The average age of farmers in the CRD remains higher than the Canadian average but after years of steady increases, in recent years the average age has stabilized.



Source: Statistics Canada, Census of Agriculture 1996, 2001, 2006, 2011, 2016

7.1a Community Greenhouse Gas (GHG) emissions



What is being measured?

Community GHG emissions.

Why is this indicator important?

The RGS aims to significantly reduce community GHG emissions.

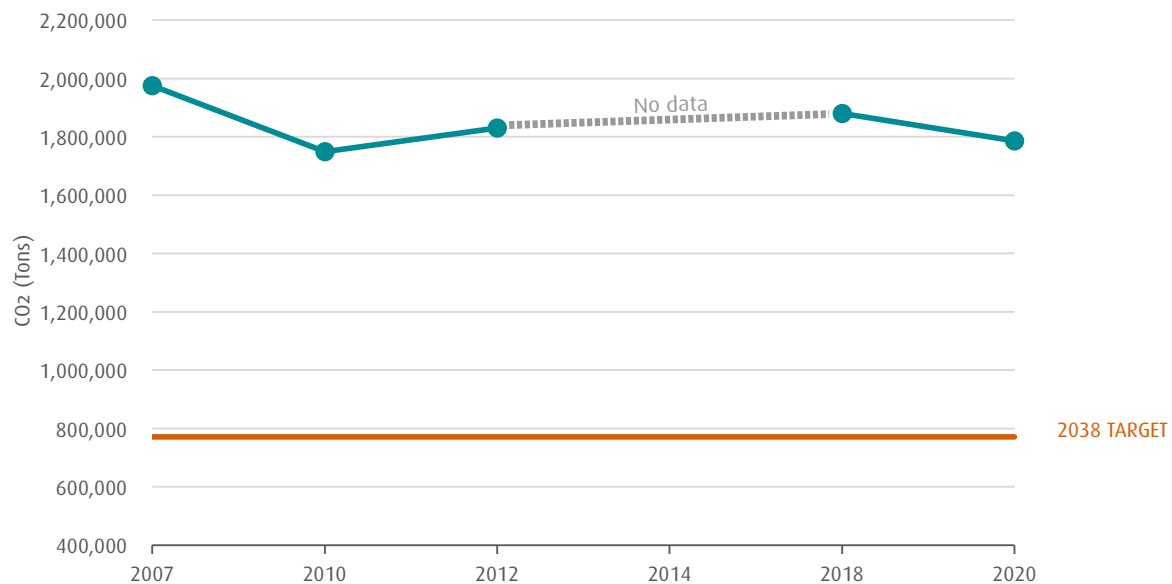
Target/Desired Trend

Decrease community GHG emissions by 33% from 2007 levels by 2020 and 61% by 2038.

How are we doing?

In 2020, the CRD's annual GHG emissions totalled 1,785,814 tCO₂. Representing a 9.6% decline from the 2007 base year GHG emissions, and a 5% decline from 2018. The decline in emission in 2020 over 2018 are largely associated with changes in transportation patterns associated with the COVID-19 pandemic.

On a per capita basis there has been a decline of 23% between 2007 and 2020, which speaks to the efforts by the CRD and CRD local governments to reduce energy consumption and GHG emissions. However, the current trend suggests that we will not meet the target by 2038 unless greater effort is taken.



Source: Capital Regional District 2018 GPC BASIC+ Community Greenhouse Gas (GHG) Emissions Inventory Report



**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 17, 2021**

SUBJECT Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement Renewal

ISSUE SUMMARY

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) is set to expire on Dec 31, 2021, and requires renewal.

BACKGROUND

The CRD has the authority within Bylaw No. 2891, "Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001", to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district.

The CRD under Bylaw No. 2893, "CREST Members' Agreement Bylaw No. 1, 2001", entered into a membership agreement with CREST, together with the other partners. Each member, including municipalities, the Provincial Government, and other public agencies hold a single share except the CRD, where the regional district holds three, one for each Electoral Area (EA). The list of members is included in Appendix D.

Each member appoints a representative to the CREST Board of Directors equal to the number of shares held. For the CRD, the appointees represent each EA and are not required to be the elected official. The CREST Board approves the annual operating and capital budgets, appoints the CREST General Manager and approves all other permanent positions.

Within the Member agreement, the "CRD Charge" is capped at the net fees collected under Bylaw No. 2911, Emergency Communications Charge Bylaw No. 1, 2001". The bylaw establishes a fee charged to consumers with active phone lines each month in the region. Currently the rate is set at 66 cents per land phone line per month, commonly referred to as the Call Answer Levy (CAL). Revenue requirements over and above the "CRD Charge" are recovered from members by way of cost sharing. A graphical summary of agreements and the cost sharing methodology is included in Appendix A.

The CRD is billed for the member share of costs for the Electoral Areas and recovers the costs by raising requisition directly from each EA under Bylaw No. 2891.

CAL Revenues vary by year and have been trending down since 2013. The decline in land phone line revenue creates a difference in CREST's revenue requirements. To balance, the CRD has been requisitioning costs over and above the CAL. Historical contributions are included in Appendix B.

Up until 2014, the CRD contribution to CREST equaled net fees collected from the CAL. In 2015 the contribution to CREST exceeded net fees collected and has since been funded regionally, cost apportioned by population.

The expected value of a 5 year renewal agreement exceeds the delegated authority limit to the Chief Administrative Officer.

ALTERNATIVES

Alternative 1

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

Alternative 2

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That this report be referred back to staff for additional information.

IMPLICATIONS

Service Delivery Implications

Renewal of the service agreement (Appendix C) will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD. Service levels and operational oversight are provided by and approved by the CREST Board annually through their planning approval processes.

Legislative Implications

The review by staff identified the fees and charges collected under Bylaw No. 2911 have been lower than the revenue requested by CREST for a number of years and is now trending significantly lower. A review of the service establishment bylaw, fees and charges bylaw and accompanying membership agreement is recommended and will be included in service planning in future years.

Financial Implications

In 2020, CRD contributions equalled 21.6% or \$1,681,602 of total CREST revenue, compared to \$1,262,187 of CAL revenue collected from telephone land lines, resulting in a regional contribution of \$419,415. The 2021 planned contributions under the expiring agreement are \$1,715,234 (a growth of 2% from prior year). With renewal of the service agreement, beginning in 2022, the annual contribution will be adjusted to actual CPI measured within the calendar year by BC Stats.

As included in the 2022 Provisional Plan, CAL revenues are anticipated to be \$1,191,596. Based on renewal of the current agreement with inflation adjustments, the CREST contribution would be

\$1,749,539. The resulting difference is \$557,943. While the annual CRD contribution grows by CPI, the funding difference between CAL and the total CREST contribution grows at a higher rate due to reductions in telephone land line levies. The resulting difference grew by 19.8% in 2021 and 11.0% in 2022.

CONCLUSION

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) is set to expire on Dec 31, 2021, and requires renewal. The CRD has the authority within Bylaw No. 2891, "Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001", to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district. Renewal of the service agreement will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD.

RECOMMENDATION

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

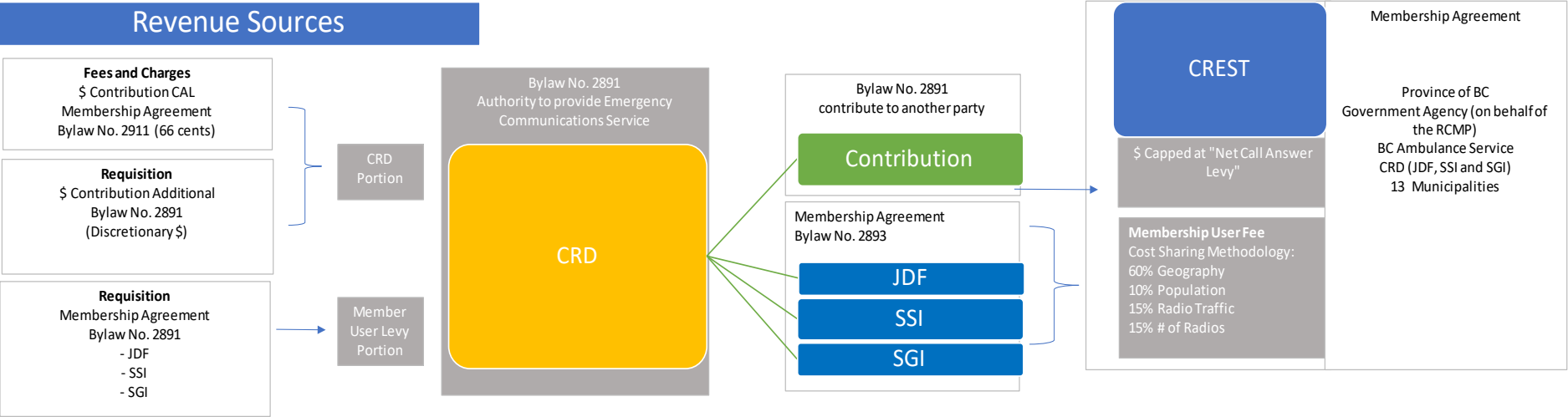
That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

- Appendix A: CREST Relationship Diagram
- Appendix B: Historical Payments to CREST
- Appendix C: Service Agreement between CRD and CREST
- Appendix D: Membership Agreement

CREST Relationship Diagram



Historical Payments to CREST

Year	Member User Levy			CRD Portion		
	JDF	SGI	SSI	CRD Fees and Charges (net Call Answer)	Additional Contribution	Total CRD Payment
2021	110,982	175,447	139,694	1,113,625	601,609	1,715,234
2020	97,172	157,497	86,785	1,262,187	419,415	1,681,602
2019	95,534	154,659	82,983	1,290,424	358,206	1,648,630
2018	93,388	151,186	81,119	1,313,265	303,035	1,616,300
2017	94,117	148,690	83,204	1,334,624	250,266	1,584,890
2016	92,374	145,374	80,428	1,403,593	16,851	1,420,444
2015	88,552	141,971	78,185	1,372,21	22,529	1,394,746
2014	84,817	138,521	75,819	1,330,917	-	1,330,917
2013	83,790	135,422	72,941	1,386,937	-	1,386,937
2012	83,209	133,387	68,281	1,541,858	-	1,541,858
2011	83,264	132,445	60,902	1,409,460	-	1,409,460

EMERGENCY COMMUNICATIONS SERVICE AGREEMENT

(the "Agreement")

THIS AGREEMENT dated for reference the ____ day of ____ 20__

BETWEEN:

CAPITAL REGIONAL EMERGENCY SERVICE TELECOMMUNICATIONS INC.**110 2944 W Shore Pkwy****Victoria, BC****V9B 0B2****("CREST")**

OF THE FIRST PART

AND:

CAPITAL REGIONAL DISTRICT**625 Fisgard Street,****Victoria, BC****V8W 2S6****("CRD")**

OF THE SECOND PART

WHEREAS the CRD Board has adopted Bylaw No. 2891, the Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001 to establish a service of emergency communications in the service area, including contributing to the cost of an emergency communications service operated by a third party;

AND WHEREAS CREST is a non-profit corporation established under the *Emergency Communications Corporations Act*, to provide a unified system of inter-municipal radio and electronic communication services;

AND WHEREAS the CRD Board has also adopted Bylaw No. 2893, the CREST Members' Agreement Bylaw No. 1, 2001 authorizing the CRD to hold three shares in CREST and appoint three Directors annually to the CREST Board;

NOW THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged) the CRD has requested CREST provide the Services defined herein and the CREST has agreed to provide those Services in accordance with the Agreement, as follows:

1. INTERPRETATION

In this Agreement, the following terms have the following meanings:

- (a) **"Service Payment"** means the net monies raised and collected as user fees by the CRD pursuant to Emergency Communications Charge Bylaw No. 01, 2001 (as

amended, re-enacted or replaced) available for disbursement to CREST, and additional payments as determined by the CRD Board.

- (b) **“Service Area”** means the Service Area established under Bylaw No. 2891 “Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001”.

2. TERM

- 2.1 The Term of this Agreement will be for a period of five (5) years commencing on January 1, 2022, and continuing until December 31, 2026, unless sooner terminated pursuant to section 5.

3. SERVICES

- 3.1 In consideration of the CRD making the payments required under this Agreement and performing its other obligations under this Agreement, CREST will provide and maintain a radio communications system to provide emergency communications and related services for municipalities and the CRD as members of CREST (the **“Services”**).

3.2 Inability to Provide Service

Despite any other provision of the Agreement, the CRD acknowledges that CREST is not obliged to provide these Services where its systems are not operational by reason of acts of God, strike, lockout, or other labour dispute, acts of war, terrorism, sabotage or any other causes beyond the reasonable control and not the result of the fault or neglect of CREST.

4. PAYMENT MATTERS

4.1 Payment Amounts

- (i) The CRD will make an annual contribution to CREST (the “Annual Contribution”) in monthly installments. In 2022 the annual contribution amount will be \$1,715,234 based on the 2021 Board approved contribution (One million, seven hundred and fifteen thousand, two hundred and thirty-four dollars) (the “Base Year Fee”) representing the service payment and an additional contribution.
- (ii) Commencing in 2022, and for each year of the Term thereafter, the Annual Contribution will be adjusted in accordance with the percentage change in the All Items Consumer Price Index for Victoria, British Columbia, published by Statistics Canada (the “CPI”) as calculated in accordance with this section. The Base Year Fee will be multiplied by the yearly percentage change in the CPI since 2021 (the “CPI Adjustment”) and will be added to the Base Year Fee to determine the Annual Contribution for that year.

- (iii) If the CPI Adjustment is a negative change for any year in the Term, the Annual Contribution for that year will be the Base Year Fee.
- (iv) Any monthly contribution due in the calendar year prior to the annual release of the CPI will be made in the amount of the previous year's monthly installment, and will be reconciled in the monthly payments due for the remainder of that year.

4.2 Taxes

Any sales, use or goods and services taxes arising with respect to the Services will be paid by the CRD.

4.3 Services as Exempt Supply

The parties have determined, acting in good faith, that the Services are an exempt supply under the Excise Tax Act (Canada).

5. **TERMINATION**

5.1 Termination Rights

- (i) This Agreement will terminate at the end of the term set out in section 2.1
- (ii) CREST will have the right to terminate this Agreement for cause if:
 - a. The CRD fails to pay any amount under the Agreement when due, or
 - b. The CRD commits any material breach of its obligations under this Agreement (other than pursuant to subsection 5.1(ii)(a) above) that is not cured to the satisfaction of CREST, acting reasonably, within 120 (one hundred twenty) days after written notice to the CRD describing the material breach in reasonable detail.
- (iii) The CRD will have the right to terminate this Agreement immediately for cause if CREST commits any material breach of its obligations under this Agreement that is not cured to the satisfaction of the CRD, acting reasonably, within 120 (one hundred twenty) days after written notice to CREST describing the breach in reasonable detail.

5.2 Obligation Upon Termination

Unless the parties enter into a new Agreement, the parties will cooperate fully with each other to provide for an orderly transition of the Services to a successor service

provider. CREST will continue to provide Services and to be paid for such Services during the period of transition to a successor provider to a maximum of 120 (one hundred twenty) days after the effective date of termination.

6. PROTECTION OF PRIVACY

- 6.1 Each party will abide by applicable laws relating to the collection, use and disclosure of personal information or information to which the *Freedom of Information and Protection of Privacy Act* (British Columbia) applies.

7. DISPUTE RESOLUTION

7.1 Process

If there is any dispute arising out of or relating to this Agreement, then the parties will use reasonable good faith efforts to resolve such dispute, first by direct negotiation and then, if that is not successful, by mediation with a neutral third party mediator acceptable to both parties. Each party will bear its own costs and expenses in connection with any mediation and all costs and expenses of the mediator will be shared equally by the parties. Any dispute arising out of or relating to this Agreement that is not settled by agreement between the parties within a reasonable time will, on agreement of both parties, be settled by binding arbitration by a single arbitrator. The location of any arbitration proceeding will be in Victoria, British Columbia. The arbitration will be governed by the *Arbitration Act* (British Columbia). The arbitrator will be selected and the arbitration conducted in accordance with the British Columbia Domestic Arbitration Rules ("Rules"), except that the provisions of this Agreement will prevail over the Rules. The parties will share equally in the fees and expenses of the arbitrator and the cost of the facilities used for the arbitration hearing, but will otherwise each bear their respective costs incurred in connection with the arbitration including each parties own legal fees. The parties will use their best efforts to ensure that an arbitrator is selected promptly and that the arbitration hearing is conducted no later than two (2) months after the arbitrator is selected.

7.2 Award Final

The award of the arbitrator will be final and binding on each party. Judgment upon the award may be entered in any court of competent jurisdiction.

8. GENERAL PROVISIONS

8.1 No Third Party Beneficiaries

Nothing contained in this Agreement will create a duty or liability on the part of CREST, the CRD or their respective directors, officers, members, public officials, employees or agents to any member of the public. There are no third party beneficiaries to this Agreement.

8.2 Notices

Any notice required under the terms of this Agreement must be in writing. Any such notice will be deemed delivered:

- (a) on the day of delivery in person;
- (b) ten (10) days after date of deposit by prepaid registered mail, or upon confirmation receipt;
- (c) on confirmation of delivery by courier;
- (d) on the date sent by electronic mail if receipt is confirmed in writing by other party to whom it is directed, set forth below:

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 2S6
Email: _____

-And-

CREST
110 2944 W Shore Parkway
Victoria, BC V9B 0B2
Email: _____

-Or- to such other address or contact person as that party may notify the other in accordance with this section.

8.3 Assignment

The CRD will not have the right to assign, transfer (whether directly or indirectly) or otherwise dispose of any of its interest in all or any part of this Agreement, whether gratuitously or for consideration, without the prior written consent of CREST and any attempt to do so will be void. CREST will have the right at any time to assign, transfer or otherwise dispose of the whole of this Agreement to any subsidiary or affiliate company, provided that the CRD approves the assignment in writing, not to be unreasonably withheld, and the subsidiary or affiliate company assumes all of the obligations of CREST under this Agreement.

8.4 Benefit

This Agreement will enure to the benefit of and be binding upon the parties and their respective successors and assigns.

8.5 Entire Agreement

This Agreement constitutes the entire agreement of the parties relating to the Services and supersedes any previous agreement with respect to the Services whether written or verbal.

8.6 Severability

If any provision of this Agreement is held to be unenforceable then such provision will be severed from this Agreement and the remaining provisions will remain in full force and effect. The parties will in good faith negotiate a mutually acceptable and enforceable substitute for the unenforceable provision, which substitute will be as consistent as possible with the original intent of the parties.

8.7 Waiver

The failure of either party to require the performance of any obligation hereunder, or the waiver of any obligation in a specific instance, will not be interpreted as a general waiver of any of the obligations hereunder, which will remain in full force and effect.

8.8 Relationship of Parties

This Agreement will not create nor will it be interpreted as creating any association, partnership or any agency relationship between the parties.

8.9 Governing Law

This Agreement is governed by, and if interpreted and construed in accordance with the laws applicable in British Columbia.

8.10 Counterpart

This Agreement may be executed in any number of counterparts. Each executed counterpart shall be deemed to be an original. All executed counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement as of the date first written above.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories:)
)
)
_____)
Name)
)
)
_____)
Name)

)
)
CAPITAL REGION EMERGENCY)
SERVICE TELECOMMUNICATIONS INC.)
by its authorized signatories:)
)
)
)
)
_____)
Name)
)
)
)
_____)
Name)

**MEMBERS' AGREEMENT
(First Amendment and Restatement)**

**CAPITAL REGION EMERGENCY SERVICES TELECOMMUNICATIONS
(CREST)
INCORPORATED**

MEMBERS' AGREEMENT
(First Amendment and Restatement)

TABLE OF CONTENTS

1.	INTERPRETATION.....	1
1.1	Definitions.....	1
1.2	Quantity and Gender	5
1.3	Headings and Captions.....	5
1.4	Severability	5
1.5	Accounting Terminology and Principles.....	5
1.6	Recitals and Schedules	5
2.	THE COMPANY.....	6
2.1	Purpose of the Company	6
2.2	Articles of the Company.....	6
2.3	Share Structure	6
2.4	Votes by Members on Extraordinary Items.....	6
2.5	Acquisition of and Holding of Spectra.....	7
2.6	Use of Radio Spectra.....	8
2.7	Ownership of Equipment.....	8
2.8	Agreement Not to Use Property	8
3.	SHAREHOLDERS, MEMBERS, ADDITIONAL MEMBERS AND CONTRACTED USERS	8
3.1	Current Shareholders.....	8
3.2	Current Members.....	8
3.3	Additional Members.....	8
3.4	Effect Of Being A Member	9
3.5	Contracted Users	10
4.	BOARD OF DIRECTORS	10
4.1	COMPOSITION OF BOARD.....	10
4.2	NOMINATION and Election of Directors.....	10
4.3	Vacancies on Board.....	11
4.4	No Restrictions on Affiliation to Members	11
4.5	Remuneration for Directors.....	11
4.6	Quorum at Directors' Meetings.....	11
4.7	Executive Member of the Board.....	11
4.8	Removal of Director	11
4.9	Meetings of the Board	11
4.10	Board Duties.....	12
4.11	Approvals by the Board.....	13
4.12	Referral to Members.....	13
4.13	Reporting by Directors	14
5.	MANAGEMENT OF THE COMPANY	14
5.1	Officers.....	14
5.2	Specific Duties of Officers	14
5.3	Vacancy of Office	15
5.4	Signing Authority.....	15
5.5	Auditors.....	15
5.6	Financial Year End.....	16

6.	FINANCIAL MATTERS AND RECORDS.....	16
6.1	Books and Records.....	16
6.2	Financial Statements	16
6.3	Authorized Operating Budget	16
6.4	Authorized Capital Budget.....	17
7.	FUNDING BY MEMBERS	17
7.1	Rates for Company Services	17
7.2	Obligation to Pay.....	17
7.3	Appropriation for Provincial Government	18
8.	RESTRICTIONS ON MEMBERS' TRANSFERS	18
8.1	Restrictions on Transfer of Shares	18
9.	WINDING UP OR DISSOLUTION	18
9.1	Winding up or Dissolution	18
9.2	Disposition of Property	19
9.3	Distribution of Monies	19
10.	WITHDRAWAL BY ANY MEMBER	20
10.1	Withdrawal by any One Member	20
10.2	Spectra on Withdrawal	20
11.	TERMINATION	20
11.1	Termination	20
12.	CONFIDENTIALITY	21
12.1	Non-Disclosure of Confidential Information	21
13.	GENERAL	21
13.1	Applicability	21
13.2	Precedence.....	21
13.3	Amendments.....	21
13.4	Assignment.....	21
13.5	Counterparts; Facsimile.....	22
13.6	Entire Agreement	22
13.7	Enurement	22
13.8	Further Assurances.....	22
13.9	No Partnership.....	22
13.10	Notice	22
13.11	Time of the Essence	23
13.12	Waiver	23
13.13	Restatement of Original Agreement.....	23
13.14	Binding Effect	23

Schedule A – Articles of the Company

Schedule B – Agreement to be Bound

Schedule C – Cost Sharing Formula for Company Services

Schedule D – List of Shareholders

Schedule E – List of Members

MEMBERS' AGREEMENT
(First Amendment and Restatement)

This amended and restated Members' Agreement is made effective _____,
200__.

AMONG:

All Members of the Company from time to time

AND:

Capital Region Emergency Service Telecommunications
(CREST) Incorporated, a company duly incorporated under the
laws of the Province of British Columbia

(the "**Company**")

WHEREAS:

- A. The Company was incorporated under the *Company Act* (British Columbia) for the Purpose (as hereinafter defined);
- B. The Shareholders entered into a Members' Agreement dated April 1, 2001, as amended, (the "**Original Agreement**") to govern their relationship as Members and Shareholders and their respective rights and obligations in their capacity as Members and Shareholders with respect to the operating activities and business dealings of the Company;
- C. As a result of the recognition of the Company under the *Business Corporations Act* and to reflect the current status of the Shareholders, the parties wish to make certain amendments to the Original Agreement; and
- D. The parties wish to enter into this Agreement to amend and restate the terms of the Original Agreement:

NOW THEREFORE in consideration of the mutual covenants herein contained and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto), the parties to this Agreement covenant and agree, each with the other, as follows:

1. INTERPRETATION

1.1 DEFINITIONS

Where used in this Agreement, the following words and terms shall have the meanings indicated below:

- 1.1.1 “**Additional Purpose**” has the meaning set forth in Section 2.1.1.2 hereof;
- 1.1.2 “**Agreement**” means this agreement and all Schedules attached hereto;
- 1.1.3 “**Articles**” means the articles of the Company as deposited in the Company’s records office under the *Business Corporations Act*, as amended from time to time;
- 1.1.4 “**Authorized Board Expenditure Amount**” means expenditures that total, in the aggregate for a fiscal year of the Company, less than (i) \$400,000 or (ii) such higher amount approved by the Members pursuant to Section 2.4.6 hereof;
- 1.1.5 “**Authorized Capital Budget**” means, at any time, the annual capital budget of the Company for such time that has received all necessary approvals under Section 6.4.2 hereof;
- 1.1.6 “**Authorized Operating Budget**” means, at any time, the annual operating budget of the Company for such time that has received all necessary approvals under Section 6.3.2 hereof;
- 1.1.7 “**BCAS**” means the Emergency Health Services Commission responsible for operating the British Columbia Ambulance Service under the *Health Emergency Act* (British Columbia);
- 1.1.8 “**Board**” means the board of directors of the Company as constituted from time to time;
- 1.1.9 “**Business Corporations Act**” means the *Business Corporations Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.10 “**Company Services**” means the holding, management and allocation of radio spectra; the provision of radio communications; the management and maintenance of radio systems and related infrastructure and equipment; the provision of emergency disaster communications; the provision of emergency response communications; the provision of emergency management information systems; and the maintenance of management information systems and other technology related to the delivery of emergency services, and any other services permitted by the ECC Act from time to time;
- 1.1.11 “**Confidential Information**” means information having a strategic, economic, or operational value that is not generally known regarding the business, affairs, and operations of the Company or any of the Members whether determined by the ECC Act or otherwise to be property of a Member, and any information whether oral, written or otherwise which is considered of a strategic or confidential nature or which may be withheld from disclosure under applicable privacy laws;

- 1.1.12 “**Contracted User**” means a Person that is not a Member or Potential Member and that enters into a Services Agreement with the Company, for so long as that agreement remains in effect;
- 1.1.13 “**Cost Sharing Formula**” means the cost sharing formula for Company Services set out in Schedule C attached hereto, as amended or replaced from time to time in the manner permitted by this Agreement;
- 1.1.14 “**CRD**” means the Capital Regional District;
- 1.1.15 “**CREST System**” means the wide area radio system operated by the Company, including all rights, properties, infrastructure and equipment related thereto;
- 1.1.16 “**ECC Act**” means the *Emergency Communications Corporations Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.17 “**Emergency Services Agency**” has the same meaning as set out in the ECC Act;
- 1.1.18 “**Federal Government**” means Her Majesty the Queen in Right of Canada;
- 1.1.19 “**Fund Balance**” means the balance of surplus accumulated from operations by the Company at any particular time that is unrestricted as to its future use;
- 1.1.20 “**General Manager**” means the general manager appointed for the Company from time to time;
- 1.1.21 “**Government Agency**” means an agent of, or a corporation that is wholly owned by, the Provincial Government, the Federal Government, a Municipality or a Regional District;
- 1.1.22 “**Inflation Rate**” means the increase in the Consumer Price Index - All Items for the City of Victoria, British Columbia during the preceding 12-month period ending on September 30 of the applicable year;
- 1.1.23 “**Local Government Act**” means the *Local Government Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.24 “**Members**” means, collectively, the Shareholders, the RCMP and any Potential Member that becomes a Member in accordance with Section 3.3, for as long as such Shareholder, the RCMP or Potential Member that becomes a Member holds Shares in the Company or as long as its Special User Agreement remains in effect, as applicable, with the current Members on the date of this Agreement as set out in Schedule E hereto;
- 1.1.25 “**Municipality**” means a municipality established pursuant to the *Local Government Act* within the Territory;

- 1.1.26 “**Notice of Articles**” means the notice of articles of the Company as filed with the Registrar of Companies under the *Business Corporations Act*, as amended from time to time;
- 1.1.27 “**Person**” includes a corporation, partnership, party, Municipality, Regional District, Emergency Services Agency, Government Agency, Provincial Government and Federal Government;
- 1.1.28 “**Policing Agreements**” means the agreements between the Federal Government and the Provincial Government pursuant to which the services of the RCMP are provided to Municipalities and areas of provincial jurisdiction;
- 1.1.29 “**Potential Members**” means any Municipality, Regional District or Emergency Services Agency within the Territory, the Provincial Government, the Federal Government and any Government Agency;
- 1.1.30 “**Primary Purpose**” has the meaning set forth in Section 2.1.1.1 hereof;
- 1.1.31 “**Provincial Government**” means Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister responsible for the *Police Act* (British Columbia);
- 1.1.32 “**Purpose**” means the Additional Purpose and the Primary Purpose as set forth in Section 2.1 hereof;
- 1.1.33 “**Rates**” means the rates assessed by the Company against the Members and payable by them under this Agreement for operating expenses and capital expenditures relating to the Company and the Company Services, as determined pursuant to the Cost Sharing Formula then in effect;
- 1.1.34 “**RCMP**” means Royal Canadian Mounted Police;
- 1.1.35 “**Regional District**” means a regional district under the *Local Government Act*;
- 1.1.36 “**Reserve Fund**” means the amount accumulated and designated for transfer to operations to fund expenditures not provided for in an Authorized Operating Budget or Authorized Capital Budget;
- 1.1.37 “**Services Agreement**” means an agreement between the Company and one or more Contracted Users by which the Company agrees to provide some or all of the Company Services, as such agreement is amended or replaced from time to time;
- 1.1.38 “**Shareholder**” means those Persons who hold Shares of the Company from time to time, as recorded in the Company’s minute book, with the current Shareholders on the date of this Agreement as set out in Schedule D hereto;

1.1.39 “**Special User Agreement**” means an agreement between a federal Government Agency, including the RCMP, and the Company, as amended from time to time; and

1.1.40 “**Territory**” means the geographic area within which a Company Service is or is capable of being provided by the CREST System to a Member or to any Person contracting with the Company at a particular point in time.

1.2 QUANTITY AND GENDER

In this Agreement, the singular number shall include the plural number and vice versa, and any gender herein used shall be deemed to include the feminine, masculine, or neuter gender.

1.3 HEADINGS AND CAPTIONS

The headings and captions of articles, sections, and paragraphs in this Agreement have been inserted for convenience of reference only and such headings and captions are not a part hereof and shall not be deemed in any manner to modify, explain, enlarge, or restrict any of the provisions hereof.

1.4 SEVERABILITY

If any provision of this Agreement shall be held invalid, illegal, or unenforceable in any jurisdiction, such provision shall be severed from this Agreement in such jurisdiction and the validity, legality, and enforceability of the remaining provisions hereof shall not be affected or impaired thereby.

1.5 ACCOUNTING TERMINOLOGY AND PRINCIPLES

All accounting terms not specifically defined herein shall be construed in accordance with the Handbooks of the Canadian Institute of Chartered Accountants and its Public Sector Accounting Board (PSAB) as appropriate, and financial reporting shall be in accordance with Canadian generally accepted accounting principles (GAAP).

1.6 RECITALS AND SCHEDULES

The recitals set forth in this Agreement are true and correct and are deemed to be a part of this Agreement and the Schedules identified below (and any other supplementary schedules, appendices, or exhibits referred to in such Schedules) are hereby incorporated by reference and made a part of this Agreement as fully as if they were set forth in full. The Schedules are identified as follows:

Schedule A – Articles of the Company

Schedule B – Agreement to be Bound

Schedule C – Cost Sharing Formula for Company Services

Schedule D – List of Shareholders

Schedule E – List of Members

2. THE COMPANY

2.1 PURPOSE OF THE COMPANY

2.1.1 The Company has been incorporated for, and will be operated for the following:

2.1.1.1 the provision of emergency communications and related services to its Members (the “**Primary Purpose**”); and

2.1.1.2

(a) the provision of communication and related services, for public safety and public service, to Municipalities, Regional Districts, Emergency Services Agencies, the Provincial Government, the Federal Government, Governmental Agencies, BCAS and the RCMP, whether or not they are Members; and

(b) any other purpose prescribed by regulation under the ECC Act for the Company from time to time;

(collectively, the “**Additional Purpose**”), all in the interests of civic improvement and for the benefit of the public residing within the Territory.

2.1.2 Pursuant to the Purpose, the Company shall provide Company Services to its Members; provide related administrative and technical services; own, hold or lease and manage any property and equipment forming part of the CREST System; and provide technical and other related services and expertise of the Company to other persons.

2.2 ARTICLES OF THE COMPANY

The Articles of the Company are in the form appended as Schedule A hereto.

2.3 SHARE STRUCTURE

The share capital of the Company consists of 500 common shares without par value.

2.4 VOTES BY MEMBERS ON EXTRAORDINARY ITEMS

In addition to any approvals required by the Shareholders pursuant to the *Business Corporations Act* or the Articles, the Company shall not undertake any of the following without the prior approval of at least two-thirds of the Members:

2.4.1 the winding up or dissolution of the Company under Article 9 hereof;

2.4.2 the admission of Members and the allotment of Shares to such Members;

- 2.4.3 any amendment to Section 4.2 hereof relating to the nomination or election of directors;
- 2.4.4 any amendment to the Purpose;
- 2.4.5 the approval of:
 - 2.4.5.1 any annual operating budget for the Company under Section 6.3.2 hereof or any annual capital budget for the Company under Section 6.4.2 hereof; or
 - 2.4.5.2 any amendment to an Authorized Operating Budget under Section 6.3.3 hereof or any amendment to an Authorized Capital Budget under Section 6.4.3 hereof,that will increase the total Rates charged to Members by more than two times the Inflation Rate from those charged in the previous year's Authorized Operating Budget or Authorized Capital Budget, as applicable;
- 2.4.6 any increase in the Authorized Board Expenditure Amount;
- 2.4.7 any expenditure that is not provided for in an Authorized Operating Budget or an Authorized Capital Budget and that exceeds the Authorized Board Expenditure Amount;
- 2.4.8 the approval of all contracts for services to be provided to the Company that require payments thereunder for any fiscal year of the Company that exceed the Authorized Board Expenditure Amount;
- 2.4.9 any transfer to operations from Fund Balance or the Reserve Fund that exceeds the Authorized Board Expenditure Amount;
- 2.4.10 any borrowings of the Company that exceed the Authorized Board Expenditure Amount; and
- 2.4.11 any amendment to the Cost Sharing Formula, provided that such two-thirds approval must include the affirmative vote of those Members who would be obligated to pay not less than 50% of the costs of Company Services in accordance with the amended Cost Sharing Formula.

2.5 ACQUISITION OF AND HOLDING OF SPECTRA

- 2.5.1 Subject to the applicable federal legislation, a Member hereby assigns or transfers to the Company or consents to the assignment or transfer to the Company of all licences and authorities for radio spectra held by the Member that are related to the Company Services which the Company provides to the Member, such assignment or transfer to be effective at such time as required by the Company.

2.5.2 The Company hereby declares that it holds or will hold all radio spectra acquired by it, whether as acquired as contemplated in Section 2.5.1 hereof or otherwise, to be used for the benefit of Members and other Persons as contemplated herein.

2.5.3 If the Company is to be dissolved for any reason, the Company will use its best efforts at its own expense to restore to each Member, licences and authorities for radio spectra comparable to those assigned to or transferred to the Company by each Member, subject to applicable federal legislation.

2.6 USE OF RADIO SPECTRA

The Board may establish rules and regulations for the use of the radio spectra held by the Company.

2.7 OWNERSHIP OF EQUIPMENT

The Members acknowledge that all equipment forming part of the CREST System shall be owned by the Company including all equipment assigned for the exclusive use by a particular Member, and that the Board may establish rules for the use and holding of such equipment.

2.8 AGREEMENT NOT TO USE PROPERTY

Each Member that is a Municipality or a Regional District hereby agrees that in the event of an emergency, disaster or other similar occurrence within its jurisdiction, it will not use any powers or authorities which it may have, by statute or otherwise, to acquire and use, in any manner other than as specifically set forth in this Agreement, any of the property and assets of the Company.

3. SHAREHOLDERS, MEMBERS, ADDITIONAL MEMBERS AND CONTRACTED USERS

3.1 CURRENT SHAREHOLDERS

The Shareholders as at the date of this Agreement are listed in Schedule D hereto.

3.2 CURRENT MEMBERS

The Members as at the date of this Agreement are listed in Schedule E hereto.

3.3 ADDITIONAL MEMBERS

3.3.1 The Board may issue one or more shares of the Company (each, a “**Share**”) to a Potential Member, if the Board determines that the Potential Member has a role in fulfilling the Purpose and that the provision of the Company Services to that Potential Member would be for the benefit of the public, provided that:

3.3.1.1 the CREST System and the Company have sufficient capacity to provide the Company Services to the Potential Member without any significant impairment to the Company Services then being provided to the Members;

3.3.1.2 the Potential Member enters into and agrees to be bound by the terms of this Agreement by execution of an agreement substantially in the form of Schedule B hereto; and

3.3.1.3 the Potential Member pays the applicable subscription price for such Share,

and upon the issue of Share hereunder, that Potential Member shall become a Member and a Shareholder.

3.3.2 The Board may admit a Potential Member that is a federal Government Agency as a Member if that Potential Member is prohibited by law from holding a Share and if the Board determines that the Potential Member has a role in fulfilling the Purpose and that the provision of the Company Services to that Potential Member would be for the benefit of the public, provided that:

3.3.2.1 the CREST System and the Company have sufficient capacity to provide the Company Services to the Potential Member without any significant impairment to the Company Services then being provided to the Members; and

3.3.2.2 the Potential Member enters into and agrees to be bound by the terms of this Agreement by execution of a Special User Agreement in a form acceptable to the Company,

and upon the execution of the Special User Agreement by both the Potential Member and the Company, that Potential Member shall become a Member.

3.3.3 All Shares shall be issued at a price of \$10.00 each.

3.3.4 If a Member that executed a Special User Agreement subsequently becomes a Shareholder under Section 3.3.1, then that Special User Agreement shall terminate effective upon the date that the Member becomes a Shareholder, and that Member hereby agrees to execute and deliver all documents necessary or desirable in the opinion of the Company in order to give effect to such termination.

3.4 EFFECT OF BEING A MEMBER

Upon a Member acquiring a Share or executing a Special User Agreement, that Member shall have agreed to use the Company for the Company Services and to fulfill its financial obligations with respect to those Company Services, when those Company Services can be provided by the Company.

3.5 CONTRACTED USERS

Subject to Sections 4.10.9 and 4.11.3 hereof, the Company may enter into a Services Agreement with one or more Contracted Users if:

- 3.5.1 the Contracted User(s) has a role in fulfilling the Purpose;
- 3.5.2 the provision of the Company Service or Services to that Contracted User(s) would be for the benefit of the public; and
- 3.5.3 the Board determines that the Company has sufficient capacity to provide the Company Service(s) being requested by the Contracted User(s) without any significant impairment to the Company Services then being provided to Members, and anticipated to be provided to Members during the term of the Services Agreement.

At a minimum, the Services Agreement should provide for full recovery of any incremental costs incurred by the Company in providing the Contracted Service(s).

4. BOARD OF DIRECTORS

4.1 COMPOSITION OF BOARD

The Company shall have a Board comprised of not less than three nor more than twenty-five directors, with the actual number of directors as determined by the Shareholders as hereinafter provided.

4.2 NOMINATION AND ELECTION OF DIRECTORS

- 4.2.1 Each Member on the date of this Agreement shall be entitled to nominate as a director one individual for each share in the Company held by it, provided that:

- 4.2.1.1 the CRD must nominate one individual to represent each of:

- (a) Southern Gulf Islands Electoral Area,
 - (b) Salt Spring Island Electoral Area, and
 - (c) Juan de Fuca Electoral Area;

- 4.2.1.2 the individual nominated as a director by BC Transit from time to time must be approved by the Provincial Government; and

- 4.2.1.3 the individual nominated as a director by the RCMP or by the Government Agency on behalf of the RCMP, as applicable, from time to time must be approved by the Police Service Branch of the Provincial Government.

4.2.2 No Potential Member that becomes a Member after the date of this Agreement shall have the right under this Agreement to nominate an individual for election as a director, except as otherwise authorized by the Board.

4.2.3 The Shareholders agree to vote their Shares to elect as directors the individuals nominated pursuant to Sections 4.2.1 and 4.2.2.

4.3 VACANCIES ON BOARD

Any vacancies on the Board created by an individual nominated under Section 4.2.1 shall be filled by an individual nominated by the Member that nominated the individual who is no longer a director.

4.4 NO RESTRICTIONS ON AFFILIATION TO MEMBERS

Directors may be appointed or elected officials from a Member or may be individuals with no affiliation to a Member.

4.5 REMUNERATION FOR DIRECTORS

Directors shall be entitled to fees for acting as a director of the Company, as determined in an Authorized Operating Budget. All directors may be paid reasonable expenses thereof incurred when acting as directors.

4.6 QUORUM AT DIRECTORS' MEETINGS

The quorum for all meetings of the Board shall consist of a majority of the directors. Meetings of the Board shall be held in accordance with the Articles of the Company and as herein provided.

4.7 EXECUTIVE MEMBER OF THE BOARD

The General Manager of the Company shall be an executive member of the Board and as such shall be entitled to be present at all meetings of the Board and to take part in all discussions at meetings of the Board but shall not have any right to vote at any such meeting. The Secretary of the Company shall send notice of all meetings of the Board to such executive member, including all materials provided to the directors, at the same time and in the same manner as notice is provided to such directors.

4.8 REMOVAL OF DIRECTOR

The Members shall not otherwise vote to remove a director unless the Member that nominated such director agrees to such director's removal.

4.9 MEETINGS OF THE BOARD

4.9.1 At least four meetings of the Board shall be held in each calendar year, such meetings to be held on a quarterly basis. Meetings of the Board may also be

called by the Chair of the Board, by the Chair's initiative or if requested by the General Manager. If the General Manager shall request in writing to the Chair of the Board that a meeting of the Board be called, the Chair shall convene a meeting of the Board to be called and held within one month or such other period as is reasonably practicable, of such request; provided however that if such meeting is of a material or emergency nature, the Chair shall convene the meeting of the Board within two weeks of such request.

- 4.9.2 The Chair of the Board shall have a second or casting vote at any meetings of the Board or of the Members.
- 4.9.3 The Secretary of the Company shall give each director and the General Manager, at least 7 days notice of each meeting of the Board and a reasonable description of the matters to be discussed at such meeting, except that failure to receive notice or adequate notice shall not invalidate the proceedings of any meeting if each director gives to the Company, before or after the meeting, a signed waiver of such notice. Notwithstanding the foregoing, notice of any meeting may be waived by consent in writing of all directors.
- 4.9.4 Except as provided in this Section or otherwise by applicable law, all meetings of the Board shall be open to the public. Matters of a confidential nature will be considered by the Board in a separate, closed, or *in camera*, meeting. Any director, including the Chair, will have the right to bring a motion for the Board to consider a matter at an *in camera* meeting.

4.10 BOARD DUTIES

The Board will, subject to the terms of this Agreement, supervise the general management of the business and affairs of the Company to ensure compliance with the Purpose and otherwise, with the authority to overview the general management of the Company, and supervise and give direction to the General Manager in accordance with the Articles, the *Business Corporations Act*, the ECC Act and this Agreement. Notwithstanding the generality of the foregoing, the Board shall be responsible for the following:

- 4.10.1 the appointment of the General Manager and the approval of the contract of employment for the General Manager, including terms and conditions of employment, provided that any contract shall provide for earlier termination by the Board and shall be renewable at the discretion of the Board;
- 4.10.2 the establishment of the duties and authority of the General Manager;
- 4.10.3 subject to Section 2.4.5 hereof, as applicable, the approval of the Authorized Operating Budget, as provided in Section 6.3;
- 4.10.4 subject to Section 2.4.5 hereof, as applicable, the approval of the Authorized Capital Budget, as provided in Section 6.4;

- 4.10.5 subject to Section 2.4 hereof, as applicable, the approval of any transfer to operations from the Fund Balance or the Reserve Fund;
- 4.10.6 the approval of the establishment of a base number of permanent positions within the Company and any increase to that base number of permanent positions thereafter;
- 4.10.7 subject to Section 2.4.5 hereof, as applicable, the establishment of Rates substantially in accordance with the Cost Sharing Formula;
- 4.10.8 the determination and approval of all long term operating and capital plans and related borrowings of the Company;
- 4.10.9 the approval of all Services Agreements and in this regard the Board shall consider the Purpose and shall comply with the requirements of Sections 3.5 and 4.11.3 hereof; and
- 4.10.10 the approval of the unaudited quarterly financial statements received pursuant to Section 6.2.1 hereof and the audited annual financial statements received pursuant to Section 6.2.2 hereof.

4.11 APPROVALS BY THE BOARD

All decisions taken by the Board shall be deemed to have been approved only if passed by the affirmative vote of a majority of the directors present at the meeting of the Board, except for the following matters which shall be deemed to have been approved only if passed by the affirmative vote of not less than two-thirds of the directors present at the meeting:

- 4.11.1 the issuance of any Shares;
- 4.11.2 the entering into, amendment or termination of any Special User Agreement; and
- 4.11.3 the entering into, amendment or termination of any Services Agreement.

4.12 REFERRAL TO MEMBERS

- 4.12.1 Notwithstanding the terms of Section 4.11 hereof but subject to Section 4.12.4 hereof, if a majority of the directors present at a meeting determine that a matter should be presented to the Members for their approval and determination, such directors may, if they give notice in writing (the “**Notice**”) to the General Manager within two business days after the meeting of directors in which that matter was discussed and voted upon, require that the matter to be presented to the Members at a general meeting called for that purpose.
- 4.12.2 The General Manager shall upon receipt of the Notice advise the Chair of the Board and all directors of the receipt of the Notice and shall forthwith, within two

business days, call a meeting of the Members, such meeting to be held not more than one month after the giving of notice thereof.

4.12.3 If any matter referred to Members pursuant to Section 4.12.1 hereof is not approved by the Members at that meeting, that matter may not again be referred to Members pursuant to the provisions of this Section 4.12 hereof.

4.12.4 No matter that has been submitted to the Members for approval pursuant to Section 2.4 hereof shall be referred to the Members under Section 4.12.1 hereof during the same fiscal year of the Company without the approval of at least two-thirds of the directors present at the meeting at which the referral of that matter is considered.

4.13 REPORTING BY DIRECTORS

A director who is elected pursuant to Section 4.2.1 hereof shall not be subject to any restriction imposed by the Company with respect to any reporting on matters conducted at meetings of the Board to the Member that nominated that director.

5. MANAGEMENT OF THE COMPANY

5.1 OFFICERS

The Company may have such officers as determined by the Board and will have at least four officers including a Chair of the Board, a Vice-Chair of the Board, the General Manager and a Secretary.

5.2 SPECIFIC DUTIES OF OFFICERS

5.2.1 The Chair of the Board, if present, shall chair meetings of the Board and of the Members. The Chair of the Board shall be a member of the Board and shall be elected by the Directors.

5.2.2 The Vice-Chair of Board shall be vested with all the powers and shall perform all the duties of the Chair of the Board in the absence or inability or refusal to act of the Chair. The Vice-Chair shall have such other powers and shall perform such other duties as may from time to time be assigned by the Board. The Vice-Chair of the Board shall be a member of the Board and shall be elected by the Directors.

5.2.3 The General Manager shall be the general manager of the Company. Subject to the general supervision and direction of the Board, the General Manager shall be responsible for the general supervision, management and control of the operations of the Company on a day-to-day basis. The General Manager shall, in fulfilling such duties, operate within the Purpose to provide the Company Services.

5.2.4 Within the constraints of the Authorized Budget and the Authorized Capital Budget, and subject to any determination of the Board or the Members, the

General Manager shall implement the decisions as so determined. Notwithstanding the generality of the foregoing, the General Manager will:

5.2.4.1 manage the operations of the Company to meet the requirements of the users within the Purpose;

5.2.4.2 be responsible for the hiring and termination of staff for the Company;

5.2.4.3 prepare and submit an annual operating budget and a capital budget for the approval by the Board or Members, as the case may be;

5.2.4.4 prepare and deliver following approval of the Board, an annual report to the Members and to the Minister under the ECC Act within the time as required thereunder;

5.2.4.5 request proposals for delivery of services to the Company, analyze such proposals and submit recommendations on such proposals to the Board for approval, if such approval is required;

5.2.4.6 ensure proper record keeping of books and records for the Company as required by law or by the Board; and

5.2.4.7 monitor compliance with the Articles, the *Business Corporations Act*, the ECC Act and the Agreement by the Members, the Board and the officers.

The General Manager shall report to the Board, and will be an executive member of the Board as set forth in Section 4.7 hereof.

5.2.5 The Secretary shall prepare the agenda for all meetings of the Members and the Board and shall draw up minutes of such meetings and shall be responsible for the safekeeping of the books and records of the Company.

5.3 VACANCY OF OFFICE

Any vacancy of office caused by the resignation, removal, death or incapacity of an officer shall be filled by appointment of the Board.

5.4 SIGNING AUTHORITY

The authorized signing officers of the Company in respect of legal documents or any bank or other financial institution or the opening of any corporate bank accounts shall be as determined by the Board.

5.5 AUDITORS

The Members shall appoint the auditors of the Company from time to time.

5.6 FINANCIAL YEAR END

Until changed by an ordinary resolution of the Shareholders, the financial year-end of the Company shall be December 31.

6. FINANCIAL MATTERS AND RECORDS

6.1 BOOKS AND RECORDS

The Company shall keep books of account and records in accordance with Canadian generally accepted accounting principles and furnish to each Member copies of such accounting reports and financial statements as herein provided.

6.2 FINANCIAL STATEMENTS

The General Manager shall cause to be delivered to each member of the Board and to the Members the following financial statements, prepared in accordance with Canadian generally accepted accounting principles:

- 6.2.1 as soon as available and in any event, within 30 days after the end of each quarter of each fiscal year, an unaudited balance sheet of the Company as of the end of such quarter, the statements of financial activities and fund balances for the quarter then ended and, if applicable, the six-month period or nine-month period of such fiscal year then ended, with projections to year-end compared to the Authorized Operating Budget and Authorized Capital Budget; and
- 6.2.2 as soon as available and in any event, within 120 days after the end of each fiscal year, the audited balance sheet of the Company as of the end of such fiscal year and the statements of financial activities and fund balances and changes in financial position for the fiscal year then ended, all accompanied by an opinion of the Company's auditors.

6.3 AUTHORIZED OPERATING BUDGET

- 6.3.1 Prior to the beginning of each fiscal year and in sufficient time to permit the implementation thereof, the General Manager shall submit to the Board for its review and approval, a proposed annual operating budget for such fiscal year which will show the revenues and expenses for the day to day operations of the Company and the Rates to be charged to Members for the year.
- 6.3.2 The proposed annual operating budget for a fiscal year shall be approved by the Board following the steps in Section 6.3.1 hereof, prior to the commencement of that fiscal year, in any case with such amendments or variations thereto as the Board shall deem appropriate and approve, provided that:
 - 6.3.1.1 the Board shall recognize the Purpose; and

6.3.1.2 no annual operating budget that requires approval by the Members under Section 2.4.5 hereof will be an Authorized Operating Budget until such approval has been obtained.

6.3.3 Subject to Section 2.4.5, the Board may amend an Authorized Operating Budget from time to time.

6.4 AUTHORIZED CAPITAL BUDGET

6.4.1 Prior to the beginning of each fiscal year and in sufficient time to permit the implementation thereof, the General Manager shall submit to the Board for its review and approval, a proposed annual capital budget for such fiscal year which will provide for all capital expenditures to be made for the Company for that year and any long term capital plans or proposed capital expenditures and borrowings for any subsequent years.

6.4.2 The proposed annual capital budget for a fiscal year shall be approved by the Board following the steps in Section 6.4.1 hereof, prior to the commencement of that fiscal year, in any case with such amendments or variations thereto as the Board shall deem appropriate and approve, provided that:

6.4.1.1 the Board shall recognize the Purpose; and

6.4.1.2 no annual capital budget that requires approval by the Members under Section 2.4.5 hereof will be an Authorized Capital Budget until such approval has been obtained.

6.4.2 Subject to Section 2.4.5, the Board may amend an Authorized Capital Budget from time to time.

7. FUNDING BY MEMBERS

7.1 RATES FOR COMPANY SERVICES

The Members hereby agree that the Rates to be assessed by the Company for Company Services against the Members and payable by the Members for Company Services shall be established by the Board substantially in accordance with the Cost Sharing Formula and that no amendment will be made to the Cost Sharing Formula except in the manner provided in Section 2.4.11 hereof.

7.2 OBLIGATION TO PAY

7.2.1 Each Member hereby agrees to pay all Rates assessed and charged to it by the Company. Rates shall be payable quarterly in advance upon invoicing by the Company.

- 7.2.2 Notwithstanding the foregoing, it is understood that the Provincial Government will not pay any amounts except as billed directly by the RCMP for Company Services for all services provided under the Policing Agreements.
- 7.2.3 If a Municipality that is a Member receives its policing services through the RCMP pursuant to a Policing Agreement, then such Member hereby acknowledges that the RCMP may be assessed Rates by the Company to cover Company Services as part of the policing services provided to that Municipality, and that Member agrees to pay to the RCMP all amounts charged by the RCMP in respect of that Municipality.

7.3 APPROPRIATION FOR PROVINCIAL GOVERNMENT

Any obligation of the Provincial Government to pay money under this Agreement is subject to an appropriation being available in the fiscal year of the Provincial Government during which the payment becomes due.

8. RESTRICTIONS ON MEMBERS' TRANSFERS

8.1 RESTRICTIONS ON TRANSFER OF SHARES

- 8.1.1 Each of the Members agrees that it will not sell, transfer, assign, mortgage, pledge, charge, hypothecate, encumber, alienate or otherwise dispose of, create a security interest in, grant an option on, or cease to be the holder of any Shares of the Company, or any right or interest therein at any time now or hereinafter held or owned by or for them (any one of such actions being herein called a "transfer"), except that if a Municipality is amalgamating with another Municipality, then the Shares of the amalgamating Municipalities will be cancelled and one new Share will be issued in the name of the new amalgamated Municipality, upon that new Municipality executing an agreement substantially in the form of Schedule B hereto, or except as otherwise approved by the Board.
- 8.1.2 Any actual, attempted or purported transfer by any Member of all or any part of its Share that does not comply with the provisions of this Agreement shall be void and of no effect.

9. WINDING UP OR DISSOLUTION

9.1 WINDING UP OR DISSOLUTION

If alternate sources are available for all of the services equivalent to the Company Services then being provided to the Members, and if adequate provision is made for the payment of all outstanding debts and liabilities of the Company and the consent of any major lenders to such winding up or dissolution is obtained, if such consent is required under the terms of any lending agreement with the Company, then the Shareholders may resolve under Section 2.4.1 hereof to wind up or dissolve the Company and to dispose of the property, equipment and assets of the Company as provided in this Agreement.

9.2 DISPOSITION OF PROPERTY

In the event of a winding up or dissolution of the Company pursuant to Section 9.1 hereof, the property, equipment and assets owned and leased by the Company shall be disposed of in the following manner and the Members shall vote to dispose of the property, equipment and assets in the following manner.

- 9.2.1 all property, equipment or assets owned or leased by the Company and assigned for the exclusive use of any one Member (the “**Purchasing Party**”) may be purchased from the Company by the Purchasing Party at the fair market value thereof. The General Manager, with the assistance of consultants or otherwise, shall establish a fair market value to such property, equipment or assets and shall advise the Purchasing Party, by written notice, of the fair market value as established. The Purchasing Party may within ten days of receipt of that notice from the General Manager, dispute the fair market value by notice in writing to the General Manager, in which event within five days of that written notice the General Manager and the Purchasing Party shall agree to appoint a valuator, knowledgeable in the valuation of the property, assets or equipment being purchased, to establish the fair market value. The determination of the valuator, which shall be made within 20 days of the appointment of the valuator, will be final and binding on the Company and the Purchasing Party. The costs of any valuation will be borne by the Purchasing Party and the Company, jointly. Any payment made by a Member hereunder shall be applied by the Company to reduce the debt incurred to purchase that equipment;
- 9.2.2 all property, assets and equipment owned or leased by the Company and not purchased under Section 9.2.1 hereof shall be offered by the General Manager, in blocks as determined by the General Manager, to all Shareholders and to all other Members that have executed a Special User Agreement, pursuant to an auction. The General Manager shall have full authority to establish the rules for and operate any such auction;
- 9.2.3 any property, equipment and assets owned or leased by the Company and not disposed for pursuant to Section 9.2.1 or 9.2.2 hereof may be sold or disposed of by the General Manager or such other person as determined by the General Manager; and
- 9.2.4 with regard to the licences and authorities for radio spectra assigned to or transferred to the Company by the Members, Section 2.5.3 hereof shall apply.

9.3 DISTRIBUTION OF MONIES

All monies realized by the Company on the disposition pursuant to Section 9.2 hereof shall:

- 9.3.1 firstly, be used to satisfy all debts and liabilities of the Company; and

9.3.2 secondly, be used to satisfy the requirement under Section 2.5.3 hereof to employ best efforts with regard to restoration of licences and authorities for radio spectra; and

9.3.3 thirdly, be distributed in the manner provided in Article 24.3 of the Articles.

10. WITHDRAWAL BY ANY MEMBER

10.1 WITHDRAWAL BY ANY ONE MEMBER

Any Member may cease to be a Member of the Company by giving prior written notice (the “**Notice**”) of its desire to cease to be a Member, in which event:

10.1.1 the date (the “**Withdrawal Date**”) on which such Member ceases to be a Member (the “**Withdrawing Member**”) shall be the end of the year next following the year in which the Notice is received by the Company;

10.1.2 the Withdrawing Member shall be obligated to pay to the Withdrawal Date, as a Rate, as requested by the Company, the Withdrawing Member’s proportionate share of any long-term capital obligations, including any lease obligations, or repayments thereof committed to by the Company up to the Withdrawal Date;

10.1.3 upon receipt by the Company of the payment required in Section 10.1.2 hereof, the Company will transfer to the Withdrawing Member all user equipment used by that Member that has been paid for by that Member; and

10.1.4 upon receipt by the Company of the payment required in Section 10.1.2 hereof, the Withdrawing Member shall surrender the Share held by it for cancellation and that Member shall cease to be a Member as at the effective date of cancellation.

10.2 SPECTRA ON WITHDRAWAL

Any radio spectra held by the Company at the time of withdrawal shall not be available for use by a Withdrawing Member. However, the Company will use its best efforts at its own expense to restore to a withdrawing Member licences and authorities for radio spectra comparable to those assigned to or transferred to the Company by that withdrawing Member, subject to applicable federal legislation.

11. TERMINATION

11.1 TERMINATION

This Agreement shall terminate upon:

11.1.1 the completion of the winding-up or dissolution of the Company; or

11.1.2 the agreement of all Members, provided that the Members shall not be permitted to agree to terminate the Agreement unless all debts and liabilities of the Company have been provided for and unless permitted under the ECC Act.

12. CONFIDENTIALITY

12.1 NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

The Members acknowledge the provisions of Section 9 of the ECC Act and in particular Subsection 9(4) of the *ECC Act*. The obligations of the Members and the Company under this Article 12 are subject to the applicable provisions of the ECC Act and the *Freedom of Information and Protection of Privacy Act* (British Columbia). The Members shall, and shall ensure that all of their respective officials and employees shall, hold all Confidential Information of any kind or nature acquired in their course of dealing with the Company and with each other in their capacity as Members in confidence and shall use such Confidential Information solely for purposes related to their capacity as Members and in connection with the Purpose. The Members shall not, and shall ensure that their respective employees shall not, disclose any such Confidential Information at any time or otherwise make use of such Confidential Information for any purpose other than as Members.

13. GENERAL

13.1 APPLICABILITY

Except as otherwise expressly provided in this Agreement, this Agreement applies to each Member only so long as the Member is a Shareholder or has a Special User Agreement, as applicable.

13.2 PRECEDENCE

The Members shall be governed by the provisions of the ECC Act, the Notice of Articles, the Articles, the *Business Corporations Act* and this Agreement. In the event of any inconsistency among the provisions of any such documents, to the extent permitted by law and subject to the ECC Act, the provisions of this Agreement will take precedence and bind the parties and in particular the Members agree that the specific provisions of this Agreement shall override those general provisions in the Articles.

13.3 AMENDMENTS

Subject to the provisions of the ECC Act, this Agreement may be amended by approval of Members holding 50% or more of the Shares, except that any amendment to Section 2.4 hereof shall require the approval of at least two-thirds of the Members.

13.4 ASSIGNMENT

This Agreement may not be assigned by any Member except as provided for specifically herein.

13.5 COUNTERPARTS; FACSIMILE

This Agreement may be executed in any number of counterparts with the same effect as if all parties had all signed the same document. All counterparts will be construed together and will constitute one and the same agreement. This Agreement may be executed by the parties and transmitted by facsimile transmission and if so executed and transmitted this Agreement will be for all purposes as effective as if the parties had delivered an executed original Agreement.

13.6 ENTIRE AGREEMENT

This Agreement, including the Schedules hereto and the agreements referred to herein, constitutes the entire agreement between the parties hereto related to their membership in the Company, it being understood that additional agreements may be entered into relating to equipment and use thereof, use and access to information which may be restricted and other matters as required. There are not and shall not be any verbal statements, representations, warranties, undertakings or agreements between the parties and this Agreement may not be amended or modified in any respect except as provided in Section 13.3 hereof.

13.7 ENUREMENT

This Agreement shall enure to the benefit of and be binding on the respective successors, executors, administrators and permitted assigns of each of the Members and of the Company.

13.8 FURTHER ASSURANCES

The Members shall execute such further assurances and other documents and instruments and do such further and other things as may be necessary to implement and carry out the intent of this Agreement. Each Member that is a Shareholder agrees that it will vote and act at all times as a shareholder of the Company and all Members shall in all other respects use their best efforts and take all steps as may be reasonable within their powers so as to cause the Company to act in the manner contemplated by the provisions of this Agreement and so as to implement to their full extent the provisions of this Agreement (including the entering into of agreements by the Company with one or more of the parties hereto or other Persons).

13.9 NO PARTNERSHIP

Nothing in this Agreement shall be deemed in any way or for any purpose to constitute any party a partner of any party hereto in the conduct of any business or otherwise or a member of a joint venture or a joint enterprise with any other party hereto.

13.10 NOTICE

Any notice or other communication permitted or required under this Agreement must be in writing. Any such notice will be deemed delivered: (i) on the day of delivery in

person; (ii) one day after deposit with an overnight courier, fully prepaid; or (iii) if sent by facsimile transmission during regular business hours on a business day, on the date delivered or sent (or, if delivered or sent after normal business hours on a business day or on a non-business day, on the next business day) and must be sent to:

(a) if to the Company:

Capital Region Emergency Service Telecommunications (CREST) Incorporated
108 - 800 Kelly Road, Suite 482
Victoria, BC V9B 6J9

Attention: General Manager
Fax: (250) 995-5711

(b) if to a Member, at the address or fax number for that Member on record with the Company from time to time or, if no address or fax number for that Member is on record with the Company, to the general mailing address or general fax number for that Member made available to the general public,

or at such other reasonable address or fax number at which personal delivery may be effected of which a party may from time to time give notice in accordance with this Section.

13.11 TIME OF THE ESSENCE

Time shall be of the essence of this Agreement and the transactions contemplated hereby.

13.12 WAIVER

No provision of this Agreement shall be deemed to be waived unless such waiver is in writing. Any waiver of any default by any party hereto in the observance or of the performance of any part of this Agreement shall not extend to or be taken in any manner to affect any other default.

13.13 RESTATEMENT OF ORIGINAL AGREEMENT

This Agreement is the first amended and restated version of the Original Agreement. This Agreement reflects a restatement of the Original Agreement, as amended, as at _____, 200__.

13.14 BINDING EFFECT

This Agreement will be binding upon the Company and all of the current Members upon approval by the Minister in accordance with the requirements of the ECC Act.

SCHEDULE A
ARTICLES OF THE COMPANY

SCHEDULE B

AGREEMENT TO BE BOUND

TO: Capital Region Emergency Services Telecommunications (CREST) Incorporated

AND TO: All Members of the Company, as defined pursuant to a Members' Agreement dated _____, 2007 (the "**Members' Agreement**")

WHEREAS:

A. The Company has been established for the Purpose as set forth in the Members' Agreement;

B. The undersigned wishes to subscribe for Shares in the Company and become a Shareholder and a Member of the Company; and

C. The Members' Agreement requires that prior to the issue of Shares to any person, such person must agree to be bound by the terms of the Members' Agreement.

In consideration of the payment of \$2 by the Company to the undersigned and the issue of a Share to the undersigned (the receipt and sufficiency of which is hereby acknowledged) the undersigned hereby agrees that:

1. The terms as used herein shall have the meaning as set forth in the Members' Agreement.
2. The undersigned hereby subscribes for one Share of the Company.
3. The undersigned hereby pays \$10 for the Share.
4. So long as the undersigned owns the Share, the undersigned hereby agrees with the Company and all other Members to be bound by the terms and conditions of the Members' Agreement as and from the date hereof, as if it had been an original signatory thereto.
5. This Agreement shall bind the undersigned and all successors thereof.
6. If the undersigned is a Municipality the undersigned confirms that it has adopted or is adopting a bylaw as contemplated in Section 4(2)(a) of the *ECC Act* and this subscription will only become effective upon the adoption of such a bylaw.

DATED _____.

SCHEDULE C

COST-SHARING FORMULA FOR COMPANY SERVICES

1.0 OVERVIEW OF COST-SHARING FORMULA

- 1.1 The goal of the Cost-Sharing Formula is to allocate among Members all capital, operating and maintenance costs associated with the provision of Company Services by the Company, including overhead and administration costs and all financing costs associated with capital and operating expenditures, but excluding User Equipment.
- 1.2 There are two major cost components of the CREST System:
 - 1.2.1 Infrastructure Costs; and
 - 1.2.2 User Equipment Charges.
- 1.3 Only the Infrastructure Charge is allocated among User Agencies under the Cost-Sharing Formula described in this Schedule.
- 1.4 Any amendment to the allocation language of the Cost Sharing Formula requires the approval of the Members pursuant to Section 2.4.11 of the Members' Agreement.

2.0 DEFINITIONS

- 2.1 Adjusted Coverage Area means the Coverage Area multiplied by the Area Adjustment Factor.
- 2.2 Agreement means the Members' Agreement (First Amendment and Restatement) to which this Schedule is attached, as amended or replaced from time to time.
- 2.3 Area Adjustment Factor means the percentage(s) applied to the Coverage Area for each User Agency to determine the Adjusted Coverage Area, which, until amended by the Members in accordance with the Agreement, is 150% for police services in all jurisdictions, 45% for BC Transit and 100% for all other User Agencies.
- 2.4 Coverage Area means, with respect to each User Agency, the number of square kilometers that are within the jurisdiction of that User Agency.
- 2.5 CRD Charges means the fees and charges collected by the CRD under the Capital Regional District Emergency Communications Charge Bylaw No. 1, 2001, as amended, supplemented or replaced from time to time, and remitted to CREST by the CRD;
- 2.6 Current User Equipment means the User Equipment registered on the CREST System as at the date of this Agreement;

- 2.7 Infrastructure Costs means, for each fiscal year of the Company, the total of all Company expenses provided for in the Authorized Operating Budget and the Authorized Capital Budget including:
- 2.7.1 the capital costs of the CREST System, including capital expenditures, interest on debt obligations and debt reductions net of additions based on financing rates and terms secured by the Company;
 - 2.7.2 the operating and maintenance costs of the CREST System; and
 - 2.7.3 overhead and administration costs of the Company,
- but excluding User Equipment Charges.
- 2.8 Net Infrastructure Charge means, for each fiscal year of the Company, the Infrastructure Costs for that fiscal year, less the amount of (a) any revenues receivable by the Company from Contracted Users during that fiscal year (b) other revenues and (c) net transfers from the Reserve Fund and Fund Balance during that fiscal year.
- 2.9 New Agency means any User Agency that joins the CREST System after the date of the Agreement.
- 2.10 Population Served means, with respect to each User Agency, the number of people resident within the Coverage Area of that User Agency.
- 2.11 Total Adjusted Coverage Area means the sum of all Adjusted Coverage Areas.
- 2.12 Total Number of Radios means the sum of all User Radios registered on the CREST System.
- 2.13 Total Population Served means the sum of the total Population Served.
- 2.14 Total Radio Traffic means the sum of all User Radio Traffic.
- 2.15 User Agency means any single user on the CREST System that is affiliated with a Member, such as an individual police department, fire department, RCMP detachment or municipal public works department. BC Transit and BCAS are each designated as a single User Agency for the purposes of this Schedule.
- 2.16 User Equipment means all User Radios and peripheral equipment owned by CREST and used by a User Agency to interface with the CREST System, such as mobile and portable radio terminals, and data terminals, including batteries.
- 2.17 User Equipment Charges means, for any fiscal year of the Company, the total of all charges by the Company to User Agencies for the use of User Equipment during that fiscal year provided for in the authorized Operating Budget, including amortization of User Equipment capital costs, radio and base station licensing fees, battery replacement costs and other costs not forming part of the Infrastructure Costs for that fiscal year.

- 2.18 User Radios means the number of voice radios (both portable and mobile units) that are registered on the CREST System by each User Agency, excluding User Equipment.
- 2.19 User Radio Traffic means the monthly average minutes of User Radio use by each User Agency.

Capitalized terms used but not defined in this Schedule will have the meanings assigned to them in the Agreement.

3.0 COST DISTRIBUTION FACTORS

- 3.1 There are four factors that are used to calculate each User Agency's share of the Net Infrastructure Charge:
- 3.1.1 the Adjusted Coverage Area for that User Agency;
 - 3.1.2 Population Served by that User Agency;
 - 3.1.3 User Radio Traffic of that User Agency; and
 - 3.1.4 Number of User Radios used by that User Agency.
- 3.2 Sources and definitions of these cost distribution factors are contained in Table 1.
- 3.3 These cost distribution factors for each agency will be updated on an annual basis, as set out in Table 1.
- 3.4 The percentage allocation of these cost distribution factors to each User Agency's Net Infrastructure Charge is set out in Table 2.

4.0 APPLICATION OF SUBSIDIES AND ADJUSTMENTS

- 4.1 After the Company has allocated the Net Infrastructure Charge for a year among all User Agencies, the CRD Charge and any subsidies (or other payments) received by the Company in respect of that year on account of one or more User Agencies shall be applied to reduce the share of the Net Infrastructure Charge payable by those User Agencies.

5.0	USER EQUIPMENT CHARGES
------------	-------------------------------

- 5.1 User Equipment Charges relate to User Equipment amortization and operating costs determined as follows:

5.1.1 Current User Equipment:

5.1.1.1 Amortization is based on the current inventory of radios and dispatch consoles owned by the Company and allocated to each User Agency, as set out in Table 3.

5.1.1.2 Charges are based on the proportionate capital cost to each User Agency, amortized over a period of seven (7) years at a cost of capital of 5% per year.

5.1.1.3 No amortization is charged to User Agencies that have purchased or supplied their own radios prior to the date of the Agreement.

5.1.2 Replacement User Equipment:

5.1.2.1 As Current User Equipment is replaced or supplemented from time to time, the Company will consult with the User Agencies and the Company will purchase for ownership by the Company and distribution to a User Agency all User Equipment to be used and maintained by that User Agency.

5.1.2.2 Each Member will pay to the Company the capital cost of all such User Equipment distributed to its User Agencies, plus any associated financing costs.

- 5.2 License fees for spectrum for both radios and base stations are paid to Industry Canada by the Company on an annual basis. The Company will allocate to each User Agency its share of such fees, based on the Total Number of Radios.
- 5.3 Battery replacement costs are estimated annually and allocated to User Agencies based on the Total Number of Radios registered on the CREST System.
- 5.4 Only User Equipment purchased by the Company may be used on the CREST System, unless the Company otherwise consents in writing.

6.0 DESIGN OF THE COST SHARING FORMULA

6.1 User Agencies

- 6.1.1 Each User Agency is considered a separate user for the purposes of cost sharing under this Schedule. For example, a single Municipality's police department and fire department are two separate and completely independent User Agencies for the purposes of cost sharing.
- 6.1.2 For the purposes of cost sharing, a single Municipality is limited to three types of municipal User Agencies: a police department (or municipal RCMP detachment), a fire department and a public works department. Public works departments include all municipal public safety agencies, including but not limited to parks, engineering and transit agencies.
- 6.1.3 RCMP Allocation:
 - 6.1.3.1 Each RCMP detachment in the Territory is a User Agency and will be allocated a share of the Net Infrastructure Charge.
 - 6.1.3.2 For those RCMP detachments that provide services in more than one Municipality, the allocation of the Net Infrastructure Charge for those detachments among those municipalities will be calculated by the RCMP and the municipalities served by the RCMP.
 - 6.1.3.3 CREST will bill the RCMP for all costs associated with RCMP User Agencies.

6.2 Allocated Costs

- 6.2.1 The model is designed so that:
 - 6.2.1.1 in each year, the Net Infrastructure Charge are recovered from all User Agencies (through affiliated Members) that are active users of the CREST System in that year; and
 - 6.2.1.2 the addition of a New Agency reduces the share of the Net Infrastructure Charge paid by all other User Agencies.
- 6.2.2 If a Member fails to pay its share of the Net Infrastructure Charge, then the unpaid monies will be reallocated to and collected from the other Members. In that event, the Company will initiate collection proceedings to obtain the unpaid monies from the defaulting Member.

6.3 Timing of Cost Allocations

- 6.3.1 A User Agency begins to pay its share of the Net Infrastructure Charge from the date it becomes an operational user of the CREST System.

- 6.3.2 If a User Agency becomes an operational user of the CREST System at any time other than January 1 of a year, then its share of the Net Infrastructure Charge for that year will be prorated accordingly.

7.0 MEMBERS OBLIGATION TO PAY

- 7.1 Members are responsible for paying all costs and charges associated with its affiliated User Agencies, including both the Net Infrastructure Charges and User Equipment Charges.

TABLE 1 – COST DISTRIBUTION FACTORS IN COST SHARING FORMULA

Factor	Weight	Preliminary Source of Data	User Agencies Serving Multiple Jurisdictions	Area Adjustment Factor	Updating
Geographic Area	60%	2004 CRD Demographic Atlas as applicable; the source may change over time; easily available, accurate and reliable sources will be used.	Coverage areas for User Agencies are added together	<u>Police Agencies</u> = Area x 150% <u>BCAS</u> = Area x 45% <u>All other agencies</u> = Area x 100%	Will be updated on an annual basis using the most recent published “BC Stats” data.
Number of User Radios	15%	Number of radios registered on the CREST radio system as of the time of update			Will be updated on an annual basis using number of radios registered on the CREST radio system as at December 31 of the previous year.
Total Radio Traffic	15%	Analysis of system traffic reports for the first half of 2005.			These cost distribution factors for each agency will be updated on an annual basis, based on radio traffic for the prior calendar year.
Population Served	10%	2004 CRD Demographic Atlas as applicable; the source may change over time; easily available, accurate and reliable sources will be used.	Populations figures for User Agencies are added together		Will be updated on an annual basis using most recent published “BC Stats” data.

TABLE 2 - ALLOCATION OF COST DISTRIBUTION FACTORS TO NET INFRASTRUCTURE CHARGE

User Agency's Share of Net Infrastructure Charge =

[(Net Infrastructure Charge x 60%) x Agency's Share of Total Adjusted Coverage Area (Note below)

+ (Net Infrastructure Charge x 15%) x Agency's Share of Total Number of Radios

+ (Net Infrastructure Charge x 15%) x Agency's Share of Total Radio Traffic

+ (Net Infrastructure Charge x 10%) x Agency's Share of Total Population Served)]

Note: The Adjusted Coverage Area reflects the Area Adjustment Factor as defined in Section 2.4 of this Schedule

TABLE 3 - 2007 AGENCY ALLOCATIONS

Agency	2007 Allocation	PF	CF	TF	RF	Weight	Equip Total	Total
BC Ambulance Service (BCAS) - Other	219,099	2.12%	15.43%	1.42%	1.07%	20.03%	6,051	225,150
BC Transit and HandyDART - Other	125,997	2.12%	4.41%	2.63%	2.37%	11.52%	9,572	135,568
Central Saanich - Fire	10,874	0.10%	0.68%	0.01%	0.21%	0.99%	22,259	33,134
Central Saanich - Police	16,702	0.10%	1.02%	0.23%	0.17%	1.53%	17,702	34,404
CFB Esquimalt - Fire	11,395	0.06%	0.69%	0.01%	0.28%	1.04%	28,549	39,944
CFB Esquimalt - Police	16,189	0.06%	1.03%	0.20%	0.19%	1.48%	19,292	35,482
Colwood - Fire	6,862	0.09%	0.29%	0.04%	0.21%	0.63%	22,245	29,107
CRD East Sooke - Fire	8,458	0.01%	0.66%	0.00%	0.11%	0.77%	11,943	20,401
CRD Galiano Island - Fire	12,035	0.01%	0.95%	0.00%	0.14%	1.10%	15,825	27,859
CRD Gulf Island Emergency Program - Other	843	0.00%	0.00%	0.00%	0.07%	0.08%	7,668	8,511
CRD Mayne Island - Fire	5,900	0.01%	0.38%	0.00%	0.15%	0.54%	15,747	21,647
CRD Otter Point - Fire	7,501	0.01%	0.52%	0.00%	0.15%	0.69%	16,123	23,624
CRD Pender Island - Fire	9,248	0.01%	0.60%	0.01%	0.22%	0.85%	23,391	32,639
CRD Piers Island - Fire	548	0.00%	0.02%	0.00%	0.03%	0.05%	3,855	4,403
CRD Port Renfrew - Fire	-	0.00%	0.00%	0.00%	0.00%	0.00%	-	-
CRD Saltspring Island - Fire	36,917	0.06%	3.18%	0.00%	0.13%	3.38%	14,666	51,583
CRD Saturna Island - Fire	6,411	0.00%	0.50%	0.00%	0.08%	0.59%	9,009	15,420
CRD Shirley - Fire	5,262	0.00%	0.38%	0.00%	0.10%	0.48%	10,780	16,042
CRD Willis Point - Fire	2,251	0.00%	0.09%	0.00%	0.11%	0.21%	11,691	13,942
Esquimalt - Fire	3,678	0.10%	0.12%	0.01%	0.11%	0.34%	10,886	14,564
Highlands - Fire	8,868	0.01%	0.62%	0.01%	0.17%	0.81%	18,116	26,984

Langford - Fire	12,737	0.12%	0.65%	0.06%	0.34%	1.16%	36,496	49,233
Metchosin - Fire	15,294	0.03%	1.17%	0.01%	0.18%	1.40%	19,579	34,872
North Saanich - Fire	10,510	0.07%	0.61%	0.03%	0.25%	0.96%	26,445	36,955
Oak Bay - Fire	6,368	0.11%	0.17%	0.14%	0.16%	0.58%	16,019	22,387
Oak Bay - Police	8,783	0.11%	0.26%	0.30%	0.13%	0.80%	13,478	22,261
Parks Canada - Other	-	0.00%	0.00%	0.00%	0.00%	0.00%	-	-
RCMP Common - Police	96,635	1.52%	5.52%	0.35%	1.46%	8.84%	124,040	220,675
RCMP Saltspring & Southern Gulf Islands - Police	67,864	0.09%	5.63%	0.26%	0.22%	6.20%	19,130	86,995
RCMP Sidney & North Saanich - Police	18,924	0.14%	1.04%	0.34%	0.21%	1.73%	17,724	36,647
RCMP Sooke - Police	31,415	0.08%	2.45%	0.21%	0.12%	2.87%	10,639	42,055
RCMP Westshore - Police	72,263	0.30%	4.46%	1.38%	0.47%	6.61%	40,409	112,672
Saanich - Fire	36,481	0.66%	1.70%	0.45%	0.52%	3.34%	52,318	88,799
Saanich - Police	74,537	0.66%	2.55%	2.49%	1.11%	6.82%	113,667	188,204
Sidney - Fire	3,801	0.07%	0.08%	0.00%	0.19%	0.35%	20,549	24,350
Sooke - Fire	11,960	0.06%	0.80%	0.02%	0.22%	1.09%	23,180	35,139
University of Victoria - Other	3,536	0.02%	0.03%	0.19%	0.09%	0.32%	596	4,132
Victoria - Fire	20,192	0.47%	0.32%	0.17%	0.88%	1.85%	89,366	109,557
Victoria & Esquimalt - Police	81,204	0.58%	0.66%	4.01%	2.18%	7.42%	243,212	324,416
Victoria Airport Authority - Other	1,022	0.00%	0.08%	0.00%	0.02%	0.09%	113	1,135
View Royal - Fire	5,113	0.05%	0.24%	0.02%	0.17%	0.47%	17,964	23,077
	1,093,677	10.00%	60.00%	15.00%	15.00%	100.00%	1,180,291	2,273,969

SCHEDULE D

LIST OF SHAREHOLDERS

Shareholder	Number of Shares
Provincial Government	one (1)
Garry Briggs (on behalf of RCMP)	one (1)
BCAS	one (1)
CRD (Southern Gulf Islands, Salt Spring Island and Juan de Fuca Electoral Areas)	three (3)
Town of Sidney	one (1)
District of Langford	one (1)
Corporation of the Town of Esquimalt	one (1)
City of Colwood	one (1)
District of Metchosin	one (1)
The Corporation of the District of Central Saanich	one (1)
The Corporation of the District of Saanich	one (1)
The Corporation of the District of Oak Bay	one (1)
The Corporation of the District of North Saanich	one (1)
District of Highlands	one (1)
The Corporation of the City of Victoria	one (1)
Town of View Royal	one (1)
District of Sooke	one (1)
BC Transit	one (1)

SCHEDULE E

LIST OF MEMBERS

Provincial Government
BCAS
CRD (Southern Gulf Islands, Salt Spring Island and Juan de Fuca Electoral Areas)
Town of Sidney
District of Langford
Corporation of the Town of Esquimalt
City of Colwood
District of Metchosin
The Corporation of the District of Central Saanich
The Corporation of the District of Saanich
The Corporation of the District of Oak Bay
The Corporation of the District of North Saanich
District of Highlands
The Corporation of the City of Victoria
Town of View Royal
District of Sooke
BC Transit
Royal Canadian Mounted Police

**REPORT TO REGIONAL PARKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 24, 2021**

SUBJECT **Mountain Biking Opportunities in Regional Parks**

ISSUE SUMMARY

This report provides an information update in response to a Notice of Motion on the consideration of mountain biking opportunities in Capital Regional District (CRD) Regional Parks through land acquisition and community input and provides a summary of work done to date since the adoption of the CRD Regional Parks Mountain Biking Guidelines.

BACKGROUND

A Notice of Motion was introduced at the October 23, 2019 Parks & Environment Committee (PEC) meeting recommending that the CRD Board approve a budget, provide staffing and request that staff develop a Terms of Reference (TOR) for an advisory committee with the goal of developing a mountain biking policy for CRD Regional Parks within a defined timeframe.

On October 30, 2019, the CRD Board approved \$40,000 in the 2020 Financial Plan to support the creation of an advisory committee to support the development of a mountain biking policy. The Notice of Motion was approved by the CRD Board on November 13, 2019.

In response to the Notice of Motion, staff developed a draft TOR for an advisory committee to provide advice and guidance for the use of developing mountain biking guidelines in CRD regional parks. On May 27, 2020, the TOR for a Mountain Biking Advisory Committee (MBAC) was presented and approved by the CRD Board. Between September 20, 2020 and February 16, 2021, the MBAC developed the *Mountain Bike Guidelines: Advice & Guidance to CRD Regional Parks* document.

On May 12, 2021, the CRD Board approved the CRD Regional Parks Mountain Biking Guidelines and the short-term actions to support the *Mountain Bike Guidelines: Advice & Guidance Report* with the stipulation that the CRD Regional Parks Mountain Biking Guidelines be reviewed in the context of the Regional Parks Strategic Plan update.

A Motion Arising was introduced and carried at the April 28, 2021 Regional Parks Committee meeting:

1. *That we consider mountain bike opportunities in considering CRD parks acquisitions; and*
2. *That we entertain requests from the mountain biking community for design and construction of mountain bike trails in appropriate locations within CRD parks.*

The CRD Regional Parks Mountain Biking Guidelines were developed with the purpose of providing specific direction and a systematic and consistent decision-making process for planning, developing and managing mountain biking activities throughout CRD regional parks. These guidelines do not provide a plan for where, how and when mountain biking opportunities should occur in regional parks, rather they are forward looking and are intended to guide established

decision-making processes, such as strategic planning, park management planning and land acquisition. A series of updated short-term actions have been provided (Appendix A) to support and enhance mountain biking in regional parks where mountain biking is identified as an acceptable use.

IMPLICATIONS

Alignment with Existing Plans & Strategies

Since 2000, the CRD has acquired land through the Regional Parks Land Acquisition Fund. The acquisition of land has been guided by Board-approved land acquisition strategies, with the latest approved for 2020-2021. These strategies define the principles, criteria and processes that guide staff and the Board in the identification, assessment, prioritization and acquisition of new lands for regional park purposes. These multi-year strategies provide the Board with a roadmap for acquiring land for regional parks and trails and are guided by the CRD Regional Parks Strategic Plan.

The land acquisition criteria help establish the merit of individual parcels in a systematic and transparent way. The criteria are organized around three categories: environmental; outdoor experiences and activities; and management and planning. During property assessment, some of the key criteria used are:

- the naturalness of an area, including connecting to natural environments and protected areas
- the role of the property in addressing climate change mitigation and adaptation
- the significance of an area for outdoor activities and visitor experiences
- the contribution the area makes to the regional growth strategy
- rationalizing existing park boundaries

The objective of the Land Acquisition Strategy is to establish a regional park system that meets the evolving conservation and outdoor recreation needs of residents in the region and anticipates the needs of future generations while providing a range of opportunities for people to connect with nature.

The Regional Parks Strategic Plan 2012-2021 indicates that mountain biking trails are one of the outdoor recreation gaps in the system. The plan also states that “management plans provide strategies to protect the environment, and they define appropriate levels of activities.” Through management planning, the goals, objectives and policies for a regional park are set to guide ongoing development and management actions. Management planning processes are designed to engage First Nations, key stakeholders and the general public.

Appropriate locations for mountain biking in regional parks are determined through the park management planning process. The recent Board-approved CRD Regional Parks Mountain Biking Guidelines are an additional decision-making tool that supports the park management planning process in identifying where mountain biking opportunities may occur.

Environmental & Climate Implications

With 8.5 million visits to the regional parks system in 2020, it is important to manage how recreation and park values interact and minimize possible ecological impacts caused by

recreational activities on parks ecosystems. Protecting sensitive ecosystems and biodiversity are key factors to creating resiliency toward climate change. While the CRD recognizes the importance of mountain biking as one of the recreational opportunities offered in regional parks, it also needs to balance the demands of other recreational users, parks values and previous commitments.

Intergovernmental Implications

Regional parks are part of the mountain biking offer and a region-wide approach is required in order to provide a diversity of mountain biking experiences.

Any consideration of new recreational offers or land-altering works require an understanding of cultural values on the landscape. The CRD works with local First Nations to better understand the cultural values within regional parks and ensure that recreational uses and land-altering works are compatible and follow cultural heritage policies and legislation.

Social Implications

The CRD recognizes there is a gap between the demand for mountain biking and the outdoor recreation offered in the region. Although the full demand may never be met within regional parks, the CRD will continue to play a role in providing mountain biking areas and opportunities when identified through the land acquisition program and park management planning processes. Since the Board approval of the CRD Regional Parks Mountain Biking Guidelines, significant work has been done to implement recommendations from the MBAC report, build positive relationships with mountain biking communities and find opportunities in the system that align with current park management plans.

Financial Implications

As determined by the Board at its May 12, 2021 meeting, all draft management plans presented to the Regional Parks Committee will identify a cost schedule for plan implementation. This cost schedule will form part of the draft management plan for consideration during the decision-making process. This will help the CRD place the planning for, and implementing of, mountain biking trails and supporting infrastructure within the larger context of sustainable service delivery. The financial cost of building and/or enhancing mountain biking trails and supporting infrastructure can be costly. Budgeting for these activities needs to be planned ahead and included in the appropriate budget cycle.

CONCLUSION

The evaluation of land acquisitions currently considers the significance of an area for outdoor activities and visitor experiences, including mountain biking through the Board-approved Land Acquisition Strategy and Land Acquisition Criteria. Appropriate locations for mountain biking are identified utilizing the CRD Regional Parks Mountain Biking Guidelines during the park management planning process. When appropriate locations have been identified, staff will seek further input from the mountain biking community during the management planning process to better understand the desired mountain biking experiences and trail objectives. The CRD will continue to support the mountain biking community while giving consideration to all regional park values.

RECOMMENDATION

The Regional Parks Committee recommends to the Capital Regional District Board:
That the Mountain Biking Opportunities in Regional Parks report be received for information.

Submitted by:	Jeff Leahy, RPF, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Update on the Short-term Actions to Support the Mountain Biking Advisory
Committee Advice and Guidance Report – November 2021

UPDATE ON THE SHORT-TERM ACTIONS TO SUPPORT THE MOUNTAIN BIKING ADVISORY COMMITTEE ADVICE AND GUIDANCE REPORT

November 2021

Short-term Actions

- **Focus on improved relationships between the CRD, mountain biking community and various stakeholders.**

Status: CRD staff have ongoing coordination and field work with the South Island Mountain Bike Society (SIMBS) representatives on trail maintenance and improvements in the designated mountain biking area at Mount Work Regional Park (as per Licence Agreement). Through the management planning process for Mount Work Regional Park, staff have had meetings and site visits with SIMBS directors, and provided an update at the SIMBS annual general meeting. The mountain biking community was included as a key interest group, along with other user groups, in the initial engagement process for the park management planning. Staff have been in communication with the WSÁNEĆ Leadership Council and did a walk through the mountain biking area in Mount Work Regional Park in April of 2021 to look at a number of trail re-alignments, rehabilitation projects, trail improvements and updated standards, as part of the collaborative work with SIMBS to create more sustainable trails while giving consideration to park values and other visitors.

- **Build on the success of the Mountain Biking Advisory Committee (MBAC) relationship by continuing to better understand the needs of the mountain biking community.**

Status: The CRD met with SIMBS to conduct a yearly trail planning exercise and to discuss improvements for the mountain biking area in Mount Work Regional Park. Staff continue to work in the field with SIMBS, identifying project work included in the annual work plan and assessing new trail work undertaken. Staff have started more frequent communications with the Sooke Bike Club regarding the mountain biking trails in Sea to Sea Regional Park.

- **Develop a communication campaign for summer 2021 to bring awareness to the new guidelines, trail etiquette and mountain biking opportunities in the regional parks system.**

Status: This campaign took place over the course of June, July and August 2021 and included a social media campaign with weekly posts and print advertising in the following papers: Times Colonist, Goldstream News Gazette, Victoria News, Oak Bay News, Sooke News Mirror, Peninsula News Review, Saanich News.

- **Create a new mountain biking steward volunteer position.**

Status: A mountain biking steward volunteer position was created to ride regularly in a designated park and report on trail conditions, facilities, observed issues, as well as foster positive relationships with recreational groups and regional park and trail visitors through positive role modelling and provide information about mountain biking etiquette and opportunities.

- **Explore an additional licence agreement at Mount Manuel Quimper within Sea to Sea Regional Park.**

Status: An agreement for trail maintenance of mountain bike rated trails has been developed. The licence agreement has been shared with conservation covenant holders, in accordance with the covenant conditions, and staff have received a letter of consent to proceed with the licence agreement of existing mountain bike rated trails. Sooke Bike Club has reviewed the agreement. The agreement is now undergoing the signing process.

- **Continue to improve the mountain biking trails within the mountain bike area of Mount Work Regional Park, such as upgrades to the technical training area, an overall mountain biking area plan, working with South Island Mountain Bike Society (SIMBS) on trail improvements and improved wayfinding signage.**

Status: As part of the annual work plan with SIMBS, a number of trail improvements and realignments were identified. Key trail improvements completed to date include: upgrades to double black and blue flow trails, including Organ Donor and Sofa King; improvements and re-alignments to climbing/two way trails, including Painless, Heads Up and Southridge Flow; deactivation of a number of trails that were redundant after re-alignments, including Lazy Line and Walk Up; and formalizing a number of previously unsanctioned trails in the mountain biking area, including Diaphragm and Ruff'n Roll. SIMBS and CRD staff are currently working on an overall mountain biking area plan within the existing mountain biking area. The trail plan for the designated mountain biking area is being included in the draft park management plan. Technical training area upgrades are planned to begin this fall/winter to improve the banked wood structures, with further improvements to the area being considered in the draft park management plan. A planning and design workshop will be conducted this fall with members of the mountain bike community to inform an improved offer in the technical training area. A sign package is being installed in the mountain biking area of Mount Work Regional Park to improve wayfinding.

- **Develop mountain biking specific sign standards.**

Status: New sign standards have been created for mountain biking technical trail features, ratings and wayfinding. The sign package being installed in the mountain biking area of Mount Work Regional Park includes technical trail features and ratings along with wayfinding.

- **Organize a training session for key CRD staff with a certified International Mountain Biking Association trail builder to improve capacity and to provide quality mountain biking trails within our existing authorized trail network.**

Status: Two training sessions were held for CRD Regional Parks staff on March 9-10 and March 11-12 with Trail Holistics. Future training is planned in collaboration with mountain biking trail maintenance volunteers.

- **Work with local agencies for improved connectivity and consistency of the trail networks.**

Status: Staff have been working closely with adjacent land managers, such as BC Parks, the Hartland Landfill and the Department of National Defence, through the management planning process and on an ongoing basis to coordinate trail development and standards. The CRD's priority is coordination with BC Parks on the proposed establishment of a formal trail linkage at Patridge Hills, which connects to Mount Work Regional Park trails near Durrance Lake.

- **Create a new sign standard for closing off ecologically sensitive areas for trail rehabilitation.**

Status: A new sign standard has been created and is already being utilized in the mountain biking area of Mount Work Regional Park.

- **Develop an impact assessment process to identify planned land altering work to ensure regional park values are protected.**

Status: An impact assessment process has been drafted and is currently being field tested by staff. This impact assessment process will be utilized when creating any new mountain biking trails.

- **Review mountain biking opportunities in Thetis Lake Regional Park that fit within the existing management plan.**

Status: The existing management plan for Thetis Lake Regional Park identifies as an action to determine locations where a limited number of single track or otherwise challenging cycling-friendly trails could be designated. Staff assessed the trails in Thetis Lake Regional Park and have verified the condition, rider experience and ecological impact of the current sanctioned and unsanctioned trail network. Staff have finalized a plan to improve and formalize over 10 km of cross country trails that fit with management plan direction.

**REPORT TO REGIONAL PARKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 24, 2021**

SUBJECT **Regional Parks – Strategic Plan Update**

ISSUE SUMMARY

To present an update on the renewal of the 2012-2021 Regional Parks Strategic Plan.

BACKGROUND

The development of the Regional Parks Strategic Plan 2012-2021 (Strategic Plan) was initiated in 2009 to replace the Capital Regional District (CRD) Parks Master Plan that had been in effect since 2000. The Strategic Plan expires at the end of 2021 and needs to be updated. The development of the Strategic Plan was staff supported but was primarily led by a volunteer Citizens Advisory Panel and included extensive engagement with stakeholders, the public, government, First Nations and other park agencies.

The Strategic Plan continues to be a well-used guidance document, providing ongoing direction and remaining useful as a “roadmap” for the Regional Parks Division. The vision, mission and goals outlined in the Strategic Plan considered many of the trends, challenges and protected area values that are still relevant today. With respect to plan implementation since 2012, six strategic priorities and 26 associated actions were identified. Of the 26 strategic actions outlined in the document, 22 actions are ongoing, three have been completed, and one has yet to be initiated (Appendix A).

At its February 24, 2021 meeting, the Regional Parks Committee addressed the update of the Strategic Plan with the following motion:

That staff report back on a plan to review and update the Regional Parks Strategic Plan.

Staff have completed an internal assessment of the Strategic Plan and consider the framework of the plan to still be relevant, including the mission of regional parks to establish a diverse and connected system of regional parks that protect the region’s biodiversity and landscapes; to expand the regional trails system to connect communities and provide transportation options; and to provide a range of compatible and accessible non-motorized outdoor visitor experiences and activities for people of all ages and abilities that foster enjoyment, appreciation and respect for the region’s natural environment.

At the same time, many things have changed in the region since the plan was approved in 2012. For example, the CRD is now part of a national movement toward Reconciliation with Canada’s Indigenous peoples, and envisions strong relationships with First Nations across the region based on trust and mutual respect, partnerships and working together on shared goals. The Regional Growth Strategy (RGS) was adopted by the Board in 2018, setting parameters for managing and balancing growth in the region. The CRD declared a climate emergency in 2019 and applies this lens to service-delivery decisions to take meaningful action on climate change. Park acquisitions have added over 300 hectares to the system since 2012, and many more acquisitions are anticipated over the next decade through the Land Acquisition Fund.

Current park management challenges include pressures of increased visitation, environmental protection and striving for sustainable service delivery. Large capital-intensive critical assets, such as bridges, trestles and dams require ongoing inspections and maintenance and, in some cases, extensive rebuilds. The regional trail system continues to expand, with the fourth of the five phases of the E&N Rail Trail to be completed in 2022 and work on the Mayne Island Regional Trail also starting in 2022.

ALTERNATIVES

Alternative 1

The Regional Parks Committee recommends to the Capital Regional District Board:
That the Board extend the 2012-2021 Regional Parks Strategic Plan's term for eight months and that staff bring back an updated Strategic Plan for Board approval in July 2022.

Alternative 2

The Regional Parks Committee recommends to the Capital Regional District Board:
That the Board extend the 2012-2021 Regional Parks Strategic Plan's term for 20 months and that staff bring back an updated Strategic Plan for Board approval in July 2023.

IMPLICATIONS

Alignment with Board & Corporate Priorities

Board Priorities, approved plans, Corporate Priorities and established service mandates drive our work. Initiative 6a-1 in the 2019-2022 Corporate Plan directs staff to "Ensure appropriate funding for parks & trails infrastructure, improvements & maintenance by updating the Regional Parks Strategy with consideration to ecological, recreation & reconciliation principles, land acquisition capacity, & expanded partnerships with First Nations & parks user groups." While the financial planning and operating resources necessary to advance this Board priority have been addressed in the approved provisional financial plan, and the hiring of staff to advance this work is underway, confirmation of mission, values, goals and the proposed strategies and actions to manage and develop regional parks and trails will be identified and approved as part of the planning process.

Alignment with Existing Plans & Strategies

An updated Strategic Plan will reflect outcomes from current CRD plans, reports and strategies, such as the Regional Growth Strategy, Climate Action Strategy, the Regional Transportation Plan, the First Nations Task Force Report, the Land Acquisition Strategy, Regional Trails Management Plan and other completed regional parks management plans. Work is underway to assemble this information in a way that can inform the planning process and be incorporated into the new public engagement platform.

Environmental & Climate Implications

The Strategic Plan is the guiding document for Regional Parks, which forms more than half of the capital region's formally protected areas and regional trails. This parks system is key in helping to achieve the region's climate action, natural resource protection and active transportation goals. These goals will be considered during the plan update. An updated plan will also provide better direction on navigating the balance and potential competing interests between conservation and

recreation, in light of increasing visitation and the public and user group input to be received as part of the planning process.

Service Delivery Implications

Because the Strategic Plan framework continues to provide strong guidance and can be updated to reflect current strategic priorities and challenges, staff propose Alternative 1 to undertake a focused review and refresh of the Strategic Plan over the next eight months. Engagement would be conducted in spring 2022 to determine the level of support for and relevance of the overarching mission, goals and priority actions in the Strategic Plan. Engagement would consist of a focused on-line opportunity for public input using a social media platform. Following public engagement, an updated plan would be developed and presented to the Regional Parks Committee in June 2022 with a recommendation to the CRD Board for approval. This approach would require an extension of the current Strategic Plan through July 2022.

With the addition of a new park planner in January 2022, staff time has been allocated to update the Strategic Plan. Staff will undertake background research and engagement with key information providers and the public to refresh the plan. In this way, the Strategic Plan can be updated at minimal cost and with the least amount of delay between expiration of the existing plan and adoption of an updated plan. This approach is an efficient use of existing resources given that the current Strategic Plan is still largely relevant.

The second alternative would be for staff to update the Strategic Plan using a more in-depth public engagement process. Under this scenario, staff would provide an initial public engagement opportunity to help inform the Strategic Plan update. Following the initial public engagement, staff would prepare a draft strategic plan and seek CRD Board approval to release it for public comment. The draft strategic plan would go through a second round of public engagement to confirm its direction before being finalized and presented for Board approval in July 2023. This alternative would require an extension of the current Strategic Plan through July 2023.

Regardless of the preferred approach, the updated Strategic Plan will address a number of issues, including conservation, recreation, revenue generation, First Nations reconciliation, climate change, accessibility, sustainability, land acquisition and active transportation.

Financial Implications

Costs associated with this Strategic Plan refresh will be covered by the Regional Parks 2022 core budget for Alternative 1, and by the Regional Parks 2022-2023 core budget for Alternative 2.

CONCLUSION

The 2012-2021 Regional Parks Strategic Plan sets the strategic direction for the regional parks service; however, its term ends in 2021. Because much of the current Strategic Plan still remains relevant, staff recommend commencing a Strategic Plan review and update project in December 2021 and submitting an updated plan to the CRD Board for consideration in July 2022.

RECOMMENDATION

The Regional Parks Committee recommends to the Capital Regional District Board: That the Board extend the 2012-2021 Regional Parks Strategic Plan's term for eight months and that staff bring back an updated Strategic Plan for Board approval in July 2022.

Submitted by:	Jeff Leahy, RPF, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: 2012-2021 Regional Parks Strategic Plan – Status of Strategic Priorities

**2012-2021 REGIONAL PARKS STRATEGIC PLAN
STATUS OF STRATEGIC PRIORITIES**

November 2021

Strategic Priority	Strategic Action	2021 Status
Strengthen management of existing parks and trails	Upgrade, maintain, repair or replace major facilities.	ongoing
	Cultivate partnerships, explore new approaches and adopt best management practices and technologies.	ongoing
	Explore opportunities for generating non-tax revenue.	ongoing
	Complete or update park and trail management plans for priority parks and trails.	ongoing
	Complete ecological inventories and conservation plans for priority parks and address priority conservation issues.	ongoing
	Collaborate on the development of a natural area connectivity plan.	underway
	Complete asset, maintenance and operation plans.	ongoing
	Develop an environmental education plan and provide leadership in a review of interpretive facilities in the region.	ongoing
	Develop an outdoor recreation strategy.	not started
Strategically plan for and open existing land banked parks and trails as resources are approved	Develop a park and trail opening strategy.	ongoing
	Continue construction of the E&N Rail Trail.	ongoing
	In partnership with other public agencies, local government and private landowners, initiate planning for the regional trails system on Salt Spring Island and the Southern Gulf Islands.	ongoing
Strengthen community involvement, education and partnerships	Engage the community by providing volunteer and educational experiences for people, including youth and families, to discover, learn about, protect and restore parks and trails.	ongoing
	Foster and initiate partnerships and expand volunteer opportunities.	ongoing
	Integrate First Nations interests into planning for, and management and stewardship of, regional parks and trails.	ongoing
	Undertake a visitor use survey.	underway
	Undertake a survey of residents.	complete

Strategic Priority	Strategic Action	2021 Status
Prepare for future land acquisitions	In partnership with other CRD departments, First Nations and the federal and provincial governments, prepare a sensitive ecosystem inventory for land west of the Sooke River.	ongoing
	Prepare a land acquisition strategy and examine acquisition options to achieve the future regional parks and trails system.	complete
	Prepare a boundary rationalization plan for recent acquisitions prior to park dedication and declare land that does not have regional park or trail value as surplus and sell these lands. Proceeds from the sale of the surplus lands would be used for further park or trail acquisitions.	ongoing
Promote the health benefits of regional parks and trails	Partner with other levels of government and health agencies to promote the health benefits of regional parks and trails to the community.	ongoing
	Undertake a study on the natural capital value of regional park land.	ongoing
	Focus programs on engaging youth and families in park activities.	ongoing
	Provide more accessible opportunities for people of all ages and abilities to connect with nature.	ongoing
Engage in planning for regional sustainability	Bring forward, as part of the process to prepare the Regional Sustainability Strategy, the discussion of the concept that at least half of the region's land base should be managed for nature conservation.	complete
	Partner with CRD Regional Planning to advance Regional Parks' interests into planning for regional sustainability.	ongoing

**REPORT TO REGIONAL PARKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 24, 2021**

SUBJECT **CRD Regional Parks – Interpretive Program**

ISSUE SUMMARY

To provide an informational update on the interpretive program offer at Capital Regional District (CRD) Regional Parks.

BACKGROUND

The interpretation program at CRD Regional Parks was established in 1976, with a focus on nature education for children. Over the past forty-five years, the type of educational programs has widened but the priority to provide opportunities to discover and learn about parks and trails and to connect people to regional parks has remained constant.

The interpretive program within the visitor services section of CRD Regional Parks is comprised of an interpretation coordinator, three full-time interpretive staff, and auxiliary staff, as required, who develop and deliver school programs, guided walks, in-park and community events and training sessions for educators. They develop content for park information kiosks, interpretive signs, articles and social media, as well as oversee three nature centres. Interpretation is a core service that plays a fundamental role in the protection of regional parks and trails. It educates visitors about the natural and cultural history of the region and park management issues through direct experiential learning in regional parks. The interpretive program encourages stewardship and advocates for the regional parks and trails system.

With more than 8.6 million visits annually to regional parks and trails, the interpretive program has increased its role in providing education around responsible park use and the protection of park values. By providing fun and engaging information on key regional parks management issues, such as social distancing, dog management, impacts of off-trail travel, carnivore awareness and wilderness park visit preparedness, park interpreters are an integral part of the education and compliance spectrum. Working together with CRD regional parks rangers, they help to ensure park visitors have a positive, safe and respectful visit in regional parks.

The CRD's boundaries span the traditional territories of over 20 First Nations, whose ancestors have been taking care of the land since time immemorial. Many of CRD regional parks are significant historically, culturally and spiritually for these Nations. First Nations histories, language, culture and perspectives have been under-represented in interpretive programs in CRD regional parks. In March 2020, a new cultural programmer position was created as a first step toward educating the public about traditional cultural values, Indigenous perspectives and the relationship between First Nations and the land. Through this public education, the CRD is supporting regional parks as a culturally safe place for Indigenous community members to practice their traditional rights. Some highlights of the new offer to date include:

- meeting with educators from local Nations to discuss program development.
- developing a cultural display for the Francis/King Nature Centre.
- piloting a live online park program, in partnership with the Royal BC Museum.

- offering a new self-guided walk titled “Exploring Indigenous Perspectives.”
- offering a new guided walk about traditional uses and preparation for ceremonial gatherings
- delivering guided walks on the topic of Indigenous Perspectives throughout the fall/winter 2021.
- contributing engaging social media content that aligns with park messaging and includes Indigenous rights to harvest.
- development and delivery of a school program series called EAGLE (Education and appreciation Garnered through Listening and Exploring).
- drafting five Indigenous school programs for input from the WSÁNEĆ and Ləkʷəŋən people
- evaluating current interpretive program offerings for opportunities to include cultural content and to encourage respectful exploration.
- drafting Indigenous content for park and trail information kiosks and a new interpretive sign for Gonzales Hill Regional Park.
- delivering a professional development workshop for teachers to encourage park stewardship inspired by cultural protocols.
- ongoing work to bring cultural awareness to regional parks staff and to educate staff about traditional rights, including a mandatory cultural awareness video from WSÁNEĆ for park rangers.

The interpretation program aims to connect people to nature and culture within regional parks. Over the last four years, the interpretive program has reached 10,897 students through school programs, 21,956 park visitors through public programs, 6,922 residents through community events, and 23,651 park visitors through pandemic social distancing outreach. In addition, the three nature centres see over 8,000 visitors a year, on average.

IMPLICATIONS

Intergovernmental Implications

Through its reconciliation statement, the CRD recognizes the integral relationship First Nations have with the land. The CRD has made a commitment to work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names. It is understood that a commitment alone is not enough and that action is needed to take measurable steps toward a better relationship with Indigenous peoples. In that spirit, a key component of the cultural program is to work with local First Nations to build relationships, support traditional rights and offer more cultural education programs in regional parks.

Social Implications

With increasing visits to the regional parks system, it is important to manage and minimize possible impacts to ecological and cultural integrity caused by recreational activities. Fostering a deeper connection to regional parks and educating park visitors about their role in parks stewardship is an integral step in protecting sensitive ecosystems, cultural values and biodiversity.

Alignment with Existing Plans & Strategies

The 2012-2021 Regional Parks Strategic Plan identifies that a key mission of regional parks is to “provide environmental and cultural interpretation that focuses on the visitor’s relationship to

nature, natural processes, ecology, the value of natural conditions, and the cultural history and stories of the parklands and trails.”

CONCLUSION

Education in regional parks has a unique role to play in connecting people’s hearts and minds to nature and culture in the regional parks system. Over the last four years, more than 63,000 people participated in interpretive events and programs that have provided opportunities to discover and learn about regional parks and trails and the ecosystems and cultures that depend on them. The interpretative program at CRD Regional Parks is built on a strong 45-year foundation of environmental education and continues to evolve and grow to provide quality programs and meet visitor expectations.

RECOMMENDATION

The Regional Parks Committee recommends to the Capital Regional District Board:
That the CRD Regional Parks Interpretive Program report be received for information.

Submitted by:	Jeff Leahy, RPF, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT 2022 Schedule of Regular Board Meetings

ISSUE SUMMARY

To provide notice of the 2022 meeting schedule for the Capital Regional District Board.

BACKGROUND

In accordance with Bylaw 3828, "*Capital Regional District Board Procedure Bylaw*", regular meetings of the Capital Regional District (CRD) Board shall be held at the CRD Boardroom on the second Wednesday of the month commencing at 1:00 pm unless otherwise determined by a resolution of the Board.

ALTERNATIVES

Alternative 1

That the regular meetings for the Capital Regional District Board will be scheduled in 2022 on the second Wednesday of each month except for the month of September as follows: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10 (at the call of the Chair), September 21 (special), October 12, November 16 (inaugural), December 14.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Housing Corporation and Hospital District Boards

The CRD Board meeting is regularly preceded by meetings of the Capital Region Housing Corporation and Capital Regional Hospital District Board. In 2021, the start time for all three Board meetings was changed to 1:00 pm to reduce the wait time between meetings.

September Board Meeting

The Board meeting in September is scheduled for September 21st (third Wednesday) due to the Union of BC Municipalities taking place throughout the second week of the month. A Committee of the Whole meeting to review the 2023 Service Plans and Provisional Budget will also be held on September 21st. The 2023 Provisional Budget will be reviewed earlier next year due to local government elections taking place on October 15, 2021.

November Inaugural Board Meeting

The first inaugural meeting of the new Board of Directors will be held on November 16, 2022. Municipal councils have until November 10th to hold their inaugural meeting and confirm appointments to the CRD Board.

CONCLUSION

The regular meetings for the Capital Regional District Board will be scheduled in 2022 on the second Wednesday of each month except for the months of September and November when a special meeting is held on the third Wednesday.

RECOMMENDATION

That the regular meetings for the Capital Regional District Board will be scheduled in 2022 on the second Wednesday of each month except for the month of September as follows: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10 (at the call of the Chair), September 21 (special), October 12, November 16 (inaugural), December 14.

Submitted by:	Marlene Lagoa, Manager, Legislative Services and Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services and Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT **2022 Standing Committee Terms of Reference**

ISSUE SUMMARY

The purpose of this report is to provide the 2022 Terms of Reference for the CRD Board's Standing Committees.

BACKGROUND

Under the *Local Government Act* and the CRD Board Procedures Bylaw, the CRD Board Chair has the authority to establish Standing Committees and to appoint members to provide advice and recommendations to the Board.

Terms of Reference (TOR) serve to clarify the mandate, responsibilities and procedures of standing committees and provide a point of reference and guidance for the committees and members.

The annual process for the Standing Committee TOR is as follows:

1. review with the CRD Board Chair,
2. approval by the CRD Board, and
3. distribution to all Standing Committees for information.

This year, there were no changes to the following Standing Committee's TORs:

- Environmental Services Committee
- Finance Committee
- First Nations Relations Committee
- Governance Committee
- Hospitals & Housing Committee
- Planning and Protective Services

For 2022, the mandate for Regional Trails was added to the defined purpose of the Transportation Committee and removed from the Regional Parks Committee TOR.

Housekeeping updates were made to the TOR for the Core Area Liquid Waste Management Committee and the Electoral Areas Committee.

A redlined copy of the 2022 Standing Committee TOR is attached as Appendix A.

CONCLUSION

Terms of Reference (TOR) serve to clarify the mandate, responsibilities and procedures of governing committees and provide a point of reference and guidance for the committees and their members. Any future revisions to the TOR will require ratification by the Board.

RECOMMENDATION

That the Board approve the 2022 Terms of Reference for Standing Committees attached as Appendix A.

Submitted by:	Marlene Lagoa, Manager, Legislative Services and Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services and Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2022 Standing Committees' Terms of Reference (redlined)

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water flow.

CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Core Area Liquid Waste Management Committee (CALWMC) is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding the Core Area Liquid Waste Management Plan and certain aspects of the Core Area Wastewater Treatment Project (CAWTP).

The Committee's official name is to be:

Core Area Liquid Waste Management Committee

1.0 PURPOSE

- a) The mandate of the Committee is to oversee and make recommendations to the Board regarding the:
 - i. Administration and regulatory reporting for the Core Area Liquid Waste Management Plan
 - ii. Core area trunk sewers and sewage disposal systems
 - iii. ~~Receipt of monthly updates from the Project Board and to monitor ongoing budget and risks.~~
- ~~b) The administration of the CAWTP has been delegated to the Core Area Wastewater Treatment Project Board (the "Project Board").~~
- b) ~~e)~~ The Committee will act as the steering committee of the Technical and Community Advisory Committee, as outlined in Appendix A.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration.
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) The membership is comprised of all directors on the CRD Board from the following municipalities that are participants in the Core Area Liquid Waste Management Plan:
 - Colwood
 - Esquimalt
 - Langford
 - Oak Bay
 - Saanich
 - Victoria
 - View Royal
 - An elected representative and alternate from each of the Songhees Nation and Esquimalt Nation Councils (Board Procedures Bylaw No. 3828)
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet quarterly and have special meetings as required at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Integrated Water Services and General Manager, Parks & Environmental Services will act as a liaison to the Committee with support from other departments, as required; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

APPENDIX A

**STEERING THE TECHNICAL AND COMMUNITY ADVISORY COMMITTEE
CORE AREA AND WEST SHORE SEWAGE TREATMENT**

In accordance with the Terms of Reference of the [Technical and Community Advisory Committee Core Area and West Shore Sewage Treatment](#) (TCAC) approved by the Capital Regional District Board (CRD), August 14, 2013, the Core Area Liquid Waste Management Committee (CALWMC) will steer the TCAC as follows:

- Make recommendations to the CRD Board to appoint TCAC members
- Make requests to TCAC for appropriate technical and community consultation advice and input in order to facilitate informed decision-making in a variety of CAWTP matters that have not been delegated to the CAWT Project Board
- Dissolve the TCAC at the end of the planning stage of the Core Area and West Shore sewage treatment project or at a time determined by the CALWMC

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

ELECTORAL AREAS COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Electoral Areas Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding services in the electoral areas.

The Committee's official name is to be:

Electoral Areas Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing and making recommendations to the Board regarding services in the electoral areas including, but not limited to:
 - i. Building inspection
 - ii. Bylaw enforcement
 - iii. Animal control
 - iv. Grants-in-aid
 - v. Soil deposit and removal
 - vi. Stormwater quality
 - vii. Fire protection
 - viii. Local emergency management
 - ix. Local economic development
- b) The Committee also has the authority as delegated by the Board to:
 - i. Hold a hearing to file or cancel a Notice on Title (s. 57 & 58 of the *Community Charter*)
 - ii. Modify, assign or release a covenant registrable under s. 219 of the *Land Title Act*
- c) The Committee may also make recommendations to the Board to advocate to senior levels of government regarding issues of importance to electoral areas.
- d) The local service area committees and commissions as outlined in Appendix A will report through the Electoral Areas Committee.
- e) Any other matter that relates to the electoral areas may be referred to the Committee for consideration.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will include the Director from each of the electoral areas: Juan de Fuca, Salt Spring Island, and Southern Gulf Islands;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis, except August, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Managers of the Planning & Protective Services and Finance & Technology departments will act as liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

APPENDIX A

Juan de Fuca Electoral Area Local Service Area Commissions/Committees:

- East Sooke Fire Protection & Emergency Response Service Commission
- Juan de Fuca Electoral Area Parks & Recreation Advisory Commission
- Otter Point Fire Protection & Emergency Response Service Commission
- Port Renfrew Fire Protection & Emergency Response Service Commission
- Port Renfrew Utility Services Committee
- Shirley Fire Protection & Emergency Response Service Commission
- Wilderness Mountain Water Service Commission
- Willis Point Fire Protection & ~~Emergency Response Service~~ Recreation Facilities Commission

Salt Spring Island Electoral Area Local Service Area Commissions/Committees:

- Beddis Water Service Commission
- Cedar Lane Water Service Commission
- Cedars of Tuam Water Service Commission
- Fulford Water Service Commission
- Ganges Sewer Local Services Commission
- ~~Highland/Fernwood~~ Fernwood and Highland Water ~~Local~~ Service Commission
- Maliview Sewer Local Service Commission
- Salt Spring Island Community Economic Development Commission
- Salt Spring Island Liquid Waste Disposal Local Service Commission
- Salt Spring Island Parks & Recreation Advisory Commission
- Salt Spring Island Transportation Commission

Southern Gulf Islands Electoral Area Local Service Area Commissions/Committees:

- Galiano Island Parks & Recreation Commission
- Lyall Harbour/Boot Cove Water Local Services Committee
- Magic Lake Estates Water & Sewer Committee
- Mayne Island Parks & Recreation Commission
- North Galiano Fire Protection & Emergency Response Service Commission
- Pender Island Community Parks & Recreation Commission
- Saturna Island Parks & Recreation Commission
- Skana Water Service Committee
- Southern Gulf Islands Community Economic Sustainability Commission
- Southern Gulf Islands Electoral Area Emergency Advisory Commission
- Southern Gulf Islands Harbour Commission
- Southern Gulf Islands Public Library Commission
- Sticks Allison Water Local Service Committee
- Surfside Park Estates Water Service Committee

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters "CRD" in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

ENVIRONMENTAL SERVICES COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Environmental Services Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding waste management, resource recovery, climate change and other environmental matters.

The Committee's official name is to be:

Environmental Services Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing and making recommendations to the Board regarding the following functions:
 - i. Regional solid waste function
 - ii. Environmental protection, monitoring and compliance
 - iii. Community climate action
 - iv. Resource recovery opportunities
- b) The Committee will also:
 - i. Serve as the Plan Monitoring Advisory Committee for the current Solid Waste Management Plan (SWMP)
 - ii. Stand as the steering committee for the revised SWMP
- c) The following committees will report through the Environmental Services Committee:
 - i. Climate Action Inter-Municipal Task Force
 - ii. Solid Waste Advisory Committee (SWAC)

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis, except August and December, and have special meetings, as required
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of Parks & Environmental Services will act as liaison to the Committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

FINANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Finance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related financial policy, administration, and reporting. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

Finance Committee

1.0 PURPOSE

- a) To provide advice or make recommendations, or both, to the Board regarding the following functions:
 - i. Corporate budget process
 - ii. Financial monitoring, reporting and forecasting
 - iii. Corporate financial management (including policies) and audit compliance
 - iv. Grants reporting and policies
 - v. Financial impacts related to strategic Board priorities and initiatives
- b) The Committee will provide recommendations to the Board that aim to increase the transparency of the organization and the visibility of financial reporting efforts.
- c) The following committee will report through the Finance Committee
 - Royal & McPherson Theatres Services Advisory Committee

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not to vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a bi-monthly basis, on odd number months, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may request that a matter be placed on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The Chief Financial Officer will act as liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters "CRD" in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

FIRST NATIONS RELATIONS COMMITTEE

PREAMBLE

The Capital Regional District (CRD) spans the traditional territories of over 20 First Nations, of which 11 have Reserve lands and 9 of those are populated. The First Nations Relations Committee is a standing committee established by the CRD Board to provide support to the Board in building strong government-to-government relationships with First Nations, and to provide advice and direction to the Board on matters that directly or indirectly affect those relationships.

The Committee's official name is to be:

First Nations Relations Standing Committee

1.0 PURPOSE

- a) The mandate of the Committee includes providing advice and making recommendations to the Board regarding the following functions relating to First Nation governments:
 - i. Advise on programs and activities that strengthen relationships between the CRD and First Nations within the region;
 - ii. Understand and provide advice to the Board on the implications of the BC Treaty process where it intersects with local government interests;
 - iii. Provide guidance on the coordination of regional events such as a Forum of all Councils;
 - iv. Make recommendations to the Board on the initiatives identified in the First Nations Task Force Final Report; and
 - v. Review progress on Reconciliation with First Nations and make recommendations to support continued efforts.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but

not to vote, in accordance with the CRD Board Procedures Bylaw; and

- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet quarterly and hold special meetings as required;
- b) The agenda shall be finalized in consultation between staff and the Committee Chair and any Committee member may request that a matter be placed on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for considerations;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business; and
- e) The above procedures may be relaxed or suspended by majority vote of the Committee in order to facilitate unstructured discussions and consensus-based outcomes.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of Corporate Services with support from the Manager of First Nations Relations will provide strategic support and act as liaison to the committee; and,
- b) Minutes and agendas are prepared and distributed by Corporate Services.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

GOVERNANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Governance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related to governance and corporate administration. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

Governance Committee

1.0 PURPOSE

- (a) To consider matters and make recommendations to the Board or to the Committee of the Whole regarding the following functions:
 - i. Board, committee and commission governance and meeting procedures;
 - ii. General governance issues such as communication, access and accountability processes;
 - iii. Corporate administration and operations such as but not limited to:
 - Labour Relations and Human Resource Matters
 - Internal and external communications systems
 - Intergovernmental relations
 - iv. Legal and Risk Management;
 - v. Identification of items of regional interest and/or items that are relevant to more than one standing committee that are better suited for consideration at a Committee of the Whole meeting;
- (b) The Committee may also make recommendations to the Board to advocate to provincial and federal governments on matters affecting the Regional District.
- (c) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards.
 - i. The Appointment Advisory Committee is permitted to meet in closed when evaluating public member applications.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Capital Regional District Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet every second month on even months, or at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Corporate Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department; and
- c) The Executive Services Department will provide additional Committee support as required.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters "CRD" in a stylized, bold, sans-serif font, positioned above a series of overlapping, curved lines that suggest a landscape or water.

HOSPITALS AND HOUSING COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Hospitals and Housing Committee is a Standing Committee established by the CRD Board and will oversee and make recommendations to the CRD, Capital Regional Hospital District (CRHD) and Capital Region Housing Corporation (CRHC) boards on matters relating to hospitals and housing, and community health.

The Committee's official name is to be:

Hospitals and Housing Committee

1.0 PURPOSE

- a) The mandate of the Committee includes providing advice or making recommendations, or both, to the CRD, CRHD, and CRHC Boards regarding the following region-wide functions:
 - i. Land Banking and Housing
 - ii. CRHC
 - iii. CRHD
 - iv. Community health planning, regulations and enforcement
 - v. Implementation of various housing affordability models, the potential formation of strategic partnerships and the creation of alternative corporate entities
 - vi. Options for the procurement of health care facilities and housing developments and
 - vii. Real estate matters relating to health care facilities and housing
- b) The following committees will report through the Hospitals and Housing Committee:
 - i. Regional Housing Advisory Committee
 - ii. Tenant Advisory Committee
 - iii. Any other advisory body established by the Committee.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the CRD Board, the CRHD Board, and the CRHC Board, as applicable, for consideration; and
- b) The CRD Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members and should include the Chair of the CRHC and the Chair of the CRHD Board.
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis, except August, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the CRD Board Chair (or CRHC Board Chair, or CRHD Board Chair, as applicable), Committee matters of an urgent or time sensitive nature may be forwarded directly to the appropriate Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of Planning and Protective Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters "CRD" in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

PLANNING AND PROTECTIVE SERVICES COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Planning and Protective Services Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding matters related to planning, protective services, and emergency management matters.

The Committee's official name is to be:

Planning and Protective Services Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing, providing advice and/or making recommendations to the Board regarding the following functions:
 - i. Regional Growth Strategy
 - ii. Protective services – including 911, fire dispatch and hazmat
 - iii. Emergency Preparedness
- b) The following committees will report through the Planning and Protective Services Committee:
 - i. Development & Planning Advisory Committee
 - ii. Local Government Emergency Program Advisory Commission
 - iii. Regional Emergency Program Advisory Commission
 - iv. Regional Food and Agriculture Task Force
 - v. Any other advisory body established by the Committee

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and

- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a bi-monthly basis, except August and December, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of the Planning and Protective Services Department will act as a liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters "CRD" in a bold, sans-serif font, positioned above a stylized, wavy line that represents a landscape or water.

REGIONAL PARKS COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Regional Parks Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding regional parks.

The Committee's official name is to be:

Regional Parks Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing and making recommendations to the Board regarding the following functions:
 - i. Regional parks ~~and trails~~, including land acquisition, management, operations and programs
 - ii. Regional Parks Strategic Plan, Land Acquisition Strategy

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis, except August and December, and have special meetings, as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of Parks & Environmental Services will act as liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the top right corner of the header. It consists of the letters 'CRD' in a stylized, bold, sans-serif font, positioned above a series of three curved, overlapping lines that suggest a landscape or water.

TRANSPORTATION COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Transportation Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding matters related to regional transportation including the establishment of a transportation service for the region.

The Committee's official name is to be:

Transportation Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing, providing advice and/or making recommendations to the Board regarding the following functions:
 - i. Regional transportation matters including regional transportation priorities and regional transportation governance
 - ii. Encouraging a strong regional voice on regional transportation matters including ferries, rail, transit and multi-use regional trails
 - iii. **Regional Trails matters, including land acquisition, management, operations and programs**
- b) The Committee may also make recommendations to the Board to:
 - i. Advocate to senior levels of government to support major multi-modal transportation projects which support the region's sustainability measures; and
 - ii. Advocate for regional transit priorities to the Victoria Regional Transit Commission.
 - iii. Work with other Vancouver Island Regional Districts to support major multi-modal transportation which support transportation and the flow of goods on Vancouver Island.
- c) The following committees will report through the Planning, Transportation and Protective Services Committee:
 - i. Traffic Safety Commission
 - ii. Any other advisory body established by the Committee

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board for consideration; and

- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) At least one member of the committee should be a liaison member of the Regional Parks Committee, the Environmental Services Committee and the Planning and Protective Services Committee.
- c) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- d) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a bi-monthly basis, except August and December, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Manager of the Planning and Protective Services Department will act as a liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board _____

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Capital Regional District Board

Chair: Director Plant

Vice-Chair: Director Mersereau

Capital Regional Hospital District Board

Chair: Director Blackwell

Acting Chair: Director Plant

Capital Region Housing Corporation Board

Chair: Director Loveday

Vice-Chair: Director Screech

Standing Committees

Core Area Liquid Waste Management

Membership consists of all 15 Board members from the seven municipal participants in the Core Area Liquid Waste Management Plan.

Chair: Director Blackwell	Vice Chair: Director Seaton
Director Brice	Director Mersereau
Director Desjardins	Director Murdoch
Director Haynes	Director Plant
Director Helps	Director Screech
Director Isitt	Director Taylor
Director Loveday	Director Young
Director Martin	Councillor Joni Olsen – Tsartlip First Nation

Electoral Areas Committee

Membership consists of all 3 Electoral Area Directors.

Chair: Director Hicks
Vice-Chair: Director Holman
Director Howe
Board Chair (ex-officio)
Councillor Joni Olsen – Tsartlip First Nation

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Environmental Services Committee

Chair: Director Desjardins		Vice-Chair: Director Taylor	
3.	Director Blackwell	8.	Director Ranns
4.	Director Helps	9.	Director Williams
5.	Director Hicks	10.	Director Windsor
6.	Director Holman	Board Chair (ex-officio)	
7.	Director Orr	Councillor Joni Olsen – Tsartlip First Nation	

Finance Committee

Chair: Director Brice		Vice-Chair: Director Williams	
3.	Director Blackwell	8.	Director Taylor
4.	Director Howe	9.	Director Windsor
5.	Director Loveday	10.	Director Young
6.	Director Orr	Board Chair (ex-officio)	
7.	Director Screech	Councillor Joni Olsen – Tsartlip First Nation	

First Nations Relations Committee

Chair: Director Tait		Vice-Chair: Director Desjardins	
3.	Director Haynes	7.	Director Ranns
4.	Director Howe	8.	Director Seaton
5.	Director Isitt	9.	Director Williams
6.	Director Orr	Board Chair (ex-officio)	
		Councillor Joni Olsen – Tsartlip First Nation	

Governance Committee

Chair: Director Murdoch		Vice-Chair: Director Windsor	
3.	Director Brice	8.	Director Ranns
4.	Director Desjardins	9.	Director Tait
5.	Director Isitt	10.	Director Young
6.	Director Martin	Board Chair (ex-officio)	
7.	Director McNeil-Smith	Councillor Joni Olsen – Tsartlip First Nation	

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Hospitals and Housing Committee

Chair: Director Loveday		Vice-Chair: Director Orr	
3.	Director Blackwell	7.	Director Holman
4.	Director Brice	8.	Director Murdoch
5.	Director Haynes	9.	Director Screech
6.	Director Helps	Board Chair (ex-officio)	
		Councillor Joni Olsen – Tsartlip First Nation	

Planning & Protective Services

Chair: Director McNeil-Smith		Vice-Chair: Director Martin	
3.	Director Haynes	8.	Director Tait
4.	Director Hicks	9.	Director Williams
5.	Director Loveday	10.	Director Windsor
6.	Director Mersereau	Board Chair (ex-officio)	
7.	Director Murdoch	Councillor Joni Olsen – Tsartlip First Nation	

Regional Parks Committee

Chair: Director Mersereau		Vice-Chair: Director Young	
3.	Director Holman	8.	Director Seaton
4.	Director Isitt	9.	Director Tait
5.	Director Martin	10.	Director Taylor
6.	Director Ranns	Board Chair (ex-officio)	
7.	Director Screech	Councillor Joni Olsen – Tsartlip First Nation	

Transportation Committee

Chair: Director Screech		Vice-Chair: Director Loveday	
3.	Director Brice	8.	Director Martin
4.	Director Desjardins	9.	Director Mersereau
5.	Director Haynes	10.	Director Seaton
5.	Director Howe	11.	Director Tait
6.	Director Isitt	12.	Director Taylor
7.	Director McNeil-Smith	Board Chair (ex-officio)	
		Councillor Joni Olsen – Tsartlip First Nation	

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Select & Sub-Committees

Performing Arts Facilities Select Committee

(reporting to the CRD Board). Annual appointments.

Director Plant (Chair)	Director Screech (Vice-Chair)
Director Helps	Director Mersereau
Director Holman	Director Murdoch
Director Loveday	Director Taylor
Director Martin	Director Williams
Director McNeil-Smith	

Royal and McPherson Theatres Services Advisory Committee

(reporting to the Finance Committee). Term is for two years.

Participant	Board Member
Saanich	Colin Plant
	Susan Brice
Victoria	Marianne Alto
	Sharmarke Dubow
Oak Bay	Kevin Murdoch

Solid Waste Advisory Committee

(reporting to the Environment Services Committee).

Chair: Director Desjardins	Vice-Chair: Elected from amongst the membership
	Board Chair (ex-officio)

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Other CRD Committees & Commissions

Arts Commission

Members from each of the participants. Term is four years for Directors, two years for Non-Directors.

Participant	Representative	Alternate
Esquimalt	Lynda Hundleby	Meagan Brame
Highlands	Karel Roessingh	None
Metchosin	Sharie Epp	None
Oak Bay	Cairine Green	None
Saanich	Colin Plant	Ned Taylor
Sooke	Dana Lajeunesse	None
Southern Gulf Islands	Wendy Gardner	TBD
Victoria	Jeremy Loveday (Chair)	Sharmarke Dubow
View Royal	Gery Lemon	None

Climate Action Inter-Municipal Task Force

Task Force consists of one elected representative of each municipality and the three electoral areas. Term is for four years unless otherwise noted.

Local Government	Representative	Alternate
Central Saanich	Niall Paltiel	None
Colwood	Michael Baxter	None
Esquimalt	Jacob Helliwell	None
Highlands	Ann Baird	Gord Baird
Metchosin	Andy MacKinnon	Marie-Terese Little
North Saanich	Patricia Pearson	Murray Weisenberger
Oak Bay	Tara Ney	None
Saanich	Judy Brownoff	None
Sidney	Sara Duncan	Barbara Fallot
Sooke	Tony St-Pierre	None
Victoria	Jeremy Loveday	None
View Royal	Gery Lemon	John Rogers
Salt Spring Island	Gary Holman	None
Southern Gulf Islands	Dave Howe	None
Juan de Fuca	Mike Hicks	None

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Emergency Management Committee

Board appointment of the 3 EA Directors, ELT & Senior Manager, Protective Services. Term is for four years.

Electoral Areas	Representative	ELT + Management		
Juan de Fuca	Mike Hicks	Bob Lapham	Larisa Hutcheson	Shawn Carby
Southern Gulf Islands	Dave Howe	Kevin Lorette	Ted Robbins	
Salt Spring Island	Gary Holman	Nelson Chan	Kristen Morley	

Juan de Fuca Water Distribution Commission

Members from each of the participants. Appointed by each of the member councils. Term is for four years.

Participant	Commissioner	Alternate
Colwood	Gordie Logan	Cynthia Day
Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Mike Hicks	Dan Quigley
Langford	Lillian Szpak	Norma Stewart
Langford	Roger Wade	Matt Sahlstrom
Metchosin	Kyara Kahakauwila	Marie-Térèse Little
Sooke	Ebony Logins	Megan McMath
View Royal	John Rogers	Ron Mattson

Peninsula Recreation Commission

Appointed by member Councils. Term is for two years.

Participants	Commissioner	Alternate
Central Saanich	Niall Paltiel	Gord Newton
Central Saanich	Ryan Windsor	None
North Saanich	Geoff Orr	Celia Stock
North Saanich	Heather Gartshore	Jack McClintock
Sidney	Chad Rintoul	Scott Garnett
Sidney	Cliff McNeil-Smith	None

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Regional Housing Trust Fund Commission

One Council member is appointed by each participating municipality. Appointments come forward to the Board Chair from the Senior Manager, Regional Housing and are included with appointments made by Board Chair. The Salt Spring Island and Southern Gulf Islands Electoral Area Directors are also members. Term is for two years.

Participant	Commissioner	Alternate
Central Saanich	Bob Thompson	Zeb King
Esquimalt	Meagan Brame	None
Highlands	Ann Baird	Karel Roessingh
Metchosin	Marie-Térèse Little	None
North Saanich	Celia Stock	Heather Gartshore
Oak Bay	Eric Wood Zhelka	Hazel Braithwaite
Saanich	Zac de Vries	None
Salt Spring Island	Gary Holman	None
Sidney	Terri O'Keeffe	Sara Duncan
Sooke	Ebony Logins	None
Southern Gulf Islands	Dave Howe	Paul Brent
Victoria	Sarah Potts	None
View Royal	David Screech	None

Regional Water Supply Commission

Members from each of the participants. Term is for four years.

Participant	Commissioner	Alternate
Central Saanich	Chris Graham	Zeb King
Colwood	Gordie Logan	Cynthia Day
Esquimalt	Tim Morrison	Lynda Hundleby
Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Mike Hicks	Dan Quigley
Langford	Roger Wade	Matt Sahlstrom
	Lillian Szpak	Norma Stewart
Metchosin	Kyara Kahakuawila	Marie-Térèse Little
North Saanich	Celia Stock	Heather Gartshore
Oak Bay	Eric Zhelka	Esther Paterson

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Saanich	Karen Harper*	Judy Brownoff, Susan Brice, Colin Plant
	Rebecca Mersereau*	Susan Brice, Colin Plant, Judy Brownoff
Saanich	Natalie Chambers*	Colin Plant, Judy Brownoff, Susan Brice
	Zac de Vries	Judy Brownoff, Susan Brice, Colin Plant
	Ned Taylor	Susan Brice, Colin Plant, Judy Brownoff
Sidney	Sara Duncan	Terri O'Keeffe
Sooke	Tony St. Pierre	Megan McMath
Victoria	Sharmarke Dubow	Sarah Potts, Stephen Andrew, Marianne Alto
	Jeremy Loveday*	Sarah Potts, Stephen Andrew, Marianne Alto
	Ben Isitt	Sarah Potts, Stephen Andrew, Marianne Alto
	Geoff Young	Sarah Potts, Stephen Andrew, Marianne Alto
View Royal	John Rogers	David Screech

*Assignment of one additional vote

Saanich Peninsula Wastewater Commission

Members from each of the participants. Appointed by each of the member councils. Term is for two years.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Niall Paltiel
North Saanich	Geoff Orr	Heather Gartshore
North Saanich	Murray Weisenberger	Celia Stock
Sidney	Sara Duncan	Peter Wainwright
Sidney	Cliff McNeil-Smith	Barbara Fallot

Saanich Peninsula Water Commission

Members from each of the participants. Appointed by each of the member councils. Term is for one year, except CRD Directors term being four years.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Niall Paltiel
North Saanich	Geoff Orr	Heather Gartshore
North Saanich	Murray Weisenberger	Celia Stock
Sidney	Sara Duncan	Peter Wainwright
Sidney	Cliff McNeil-Smith	Barbara Fallot

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Traffic Safety Commission

Board appoints one Director as a Representative, and one Director as an Alternate. Term is for two years.

Representative	Alternate
Fred Haynes	Colin Plant

Appointments to External Boards

CREST (Capital Region Emergency Service Telecommunications)

The CRD appoints the 3 Directors representing the Electoral Areas for shareholder votes (proxies are appointed on an annual basis).

Appointed CRD Shareholder	Proxy
Mike Hicks	Jeri Grant
Gary Holman	Charles Nash
Dave Howe	Rob Reeleder

Greater Victoria Coalition to End Homelessness

For the Society Board, 3 Directors from the CRD who are also Mayors representing municipalities in the Core, Peninsula, and Westshore, with one to be nominated as the CRD Co-Chair on the Board. Corporate representation will include up to 4 others including staff. Term is for two years.

Appointed Directors:	Corporate Member Representative:
Lisa Helps	Kevin Lorette, GM, Planning & Protective Services
Geoff Orr	Don Elliott, Senior Manager, Regional Housing
David Screech	Melanie Hope, Manager, Housing Initiatives & Programs

Greater Victoria Harbour Authority Board

Board Chair nominates one Director of CRD Board to be nominated as GVHA Director. Board to also appoint Member representative annually.

Member Representative	Member Representative Alternate	Board Nominee
Rob Martin	None	Susan Brice

Community Liaison Committee - Greater Victoria Harbour Authority

GVHA Member Representative to be appointed.

Member Representative	Member Representative - Alternate
Rob Martin	None

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Greater Victoria Labour Relations Association

Annually the Board appoints one Director as its representative and one Director as alternate.

Representative & AGM Delegate	Alternate
Rob Martin	Ben Isitt

ICET - Central South Island Regional Advisory Committee

Annually the Board appoints either the CRD Board Chair or Juan de Fuca Electoral Area Director as representative.

Member Representative
Mike Hicks

Island Corridor Foundation

Board appoints one Director as Local Government Designated Representative annually. Board nominates one Director for election to the Foundation Board (could be the same person as the Member Representative) at its AGM, held in April, for a two-year term.

Member Representative	Nominee
Barbara Desjardins	Lanny Seaton

Municipal Finance Authority

Board appoints two Directors as representatives and two Directors as alternates. Term is for one year.

Director	Alternate
Geoff Young	Dave Howe
Ken Williams	Kevin Murdoch

Regional Representative to the Te'mexw Treaty Advisory Committee

Annual appointment.

Representative	Alternate
Ryan Windsor	None

2022 Appointments

Board and Committee Membership

Capital Regional District | 2022

Royal and McPherson Theatres Society Board

Appointed by member Councils. Term is for one year.

Participants	Board Member	Alternate
Oak Bay	TBC	TBC
Saanich	Ned Taylor	None
Victoria	Stephen Andrew	None

Sooke and Electoral Area Parks and Recreation Commission

Appointed by member Councils. Term is for one year.

Participants	Commissioner	Alternate
Juan de Fuca	Mike Hicks	Dan Quigley
Sooke	Al Beddows	Dana Lajeunesse

Vancouver Island Regional Library Board

Board appoints. Only Juan de Fuca Area participates in this service function. Term is for one year.

Representative	Alternate
Mike Hicks	Dan Quigley

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT **ARCHIE GALBRAITH MEMORIAL SCHOLARSHIP 2021**

ISSUE SUMMARY

The recipient of the 2021 Archie Galbraith Memorial Scholarship (the scholarship) has been selected.

BACKGROUND

In July 1973, the Capital Regional District (CRD) Board established a scholarship to enable a student to attend Lester B. Pearson College.

Archie Galbraith was the Mayor of Central Saanich and Deputy Chair of the CRD Board. Archie Galbraith died while in office, and in the scholarship has been given in his honour since 1974. The scholarship is \$13,200 and is awarded annually by the college faculty to a student from the capital region or, if that is not possible, to a Canadian recipient.

Brooke O'Toole is the scholarship recipient this year and her student profile is attached as Appendix A.

RECOMMENDATION

That the Capital Regional District Board recognize the recommendation of Pearson College Selection Committee to award the 2021 Archie Galbraith Memorial Scholarship to Brooke O'Toole.

Submitted by:	Carolyn Jenkinson, Manager, Executive Administration
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Brooke O'Toole Student Profile



BROOKE O'TOOLE

Year 47/2022, Canada-BC
Student Profile

Brooke O'Toole is a Canadian student from the small Vancouver Island town of Black Creek, now in her second and final year at Pearson. Brooke had an excellent first year at the College. A great addition to the campus community, she shines the best in leadership roles. At a time when the impact of the pandemic affected many, Brooke's teachers shared that her positive spirit was infectious and made a huge difference to the morale of her peers, both inside and outside the classroom.

Q&A With Brooke:

How was your summer?

My summer was good! When I wasn't spending time on my Extended Essay, I enjoyed lots of time by the ocean with my family. I also had the amazing opportunity to attend the Yale Young Global Scholars, where I was able to converse with highly qualified professors and some really amazing students through a variety of courses.

You mentioned your Extended Essay, what have you learned from the experience so far?*

My Extended Essay is on the book *Beloved*, written by Toni Morrison. The main takeaway I have is surrounding time management. I realized that it can be so valuable to schedule time and develop good working habits to ensure that one does not get too overwhelmed.

**The Extended Essay is an independent, self-directed piece of research, finishing with a 4,000-word paper. It is a mandatory requirement for all International Baccalaureate students.*

What co-curricular activities are you involved with this year?

This year, I am leading both Musical Performance and Global Affairs activities at Pearson. I also just returned from a week-long program off-campus during CAS Week (Creativity, Action and Service) where I had the opportunity to engage in art projects led by 4Cats Arts Studio and Poppet Creative.

What are your plans after graduating from Pearson College UWC?

I am planning to apply to universities in Canada and the United States. I want to study something in the arts -- whether that's fine arts or something related to theatre, and maybe dive into some linguistics programs as well. Although I'm not set on where I want to be after Pearson, I know that I want to solidify another language and spend some time travelling. I am also planning to publish a few songs that I've written on the side.

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT **Bylaw No. 4466: Update to Water Distribution Local Service Conditions, Fees and Charges**

ISSUE SUMMARY

To update the Capital Regional District (CRD) water distribution local service conditions, fees and charges schedule for 2022.

BACKGROUND

On October 27, 2021, the Board approved the 2022 Provisional Financial Plan, inclusive of the commission approved budgets for the Juan De Fuca Water Distribution Service. The service recovers costs through fees and charges for the delivery of water supply. Annually and for the upcoming year, fee schedules are updated based on the approved financial plan.

This report transmits the following amending bylaw as described:

- Juan De Fuca Water Distribution Service: Bylaw No. 4466 to amend Bylaw No. 3889, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013" by deleting Schedule "C" in its entirety and substituting the attached Schedule "C", effective January 1, 2022.

The bylaw if approved establishes the 2022 Fees and Charges for the water service listed above.

ALTERNATIVES

Alternative 1

1. That Bylaw No. 4466, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 11, 2021", be introduced and read a first, second and third time; and
2. That Bylaw No. 4466 be adopted.

Alternative 2

That Bylaw No. 4466 be referred back to staff for additional information.

IMPLICATIONS

Financial Implications and Service Delivery Implications

This bylaw is required to provide the necessary authority for the service to charge the updated fees and charges to customers receiving water distribution. The proposed fees and charges are included in the bylaw for approval and are attached. The adjusted fees and charges have been recommended by the Juan de Fuca Water Distribution Commission.

CONCLUSION

On October 27, 2021, the Board approved the 2022 Provisional Financial Plan, inclusive of the commission approved budgets for the Juan De Fuca Water Distribution Service. Amending Bylaw No. 4466 increases rates charged for water distribution. Approval of these bylaws updates the rate schedules consistent with the 2022 Board approved financial plan and effective January 1, 2022.

RECOMMENDATION

1. That Bylaw No. 4466, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 11, 2021", be introduced and read a first, second and third time; and
2. That Bylaw No. 4466 be adopted.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Acting Chief Financial Officer
Concurrence	Ted Robbins, B. Sc., C. Tech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4466, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 11, 2021"

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4466

A BYLAW TO AMEND BYLAW 3889 TO UPDATE WATER DISTRIBUTION LOCAL SERVICE
CONDITIONS, FEES AND CHARGES BYLAW NO. 1, 2013

(JUAN DE FUCA WATER DISTRIBUTION)

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

1. Bylaw No. 3889, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013" is amended as follows:
 - a) By deleting Schedule "C" in its entirety and substituting the attached Schedule "C", effective January 1, 2022.
2. This Bylaw may be cited for all purposes as the "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 11, 2021".

READ A FIRST TIME THIS	day of	202_
READ A SECOND TIME THIS	day of	202_
READ A THIRD TIME THIS	day of	202_
ADOPTED THIS	day of	202_

CHAIR

CORPORATE OFFICER

Schedule C - Water Rates

- 1. Effective:** The rates set out in section 3 of this Schedule are the Water Charges for invoices received from the CRD for water consumption in the applicable areas described in section 2 of this Schedule, effective 1 January 2022.
- 2. Applicable:** The rates are applicable to water supplied within the Town of View Royal, the City of Langford, the City of Colwood, the District of Metchosin, the District of Highlands, the District of Sooke, the Juan de Fuca Electoral Area, the Esquimalt First Nation, the Songhees First Nation, the Tsouke First Nation, and the Beecher Bay First Nation.
- 3. Water Rates:** The applicable Water Charges are set out below:
 - (a) Subject to sections 3(b) and (c) of this Schedule, the Water Charge for all water supplied by the CRD shall be \$2.4024 per cubic metre or part thereof.
 - (b) The Water Charge for which water has been supplied by the CRD to a Community Allotment Garden shall be \$0.2105 per cubic metre or part thereof.
 - (c) The Water Charge for which water has been supplied by the CRD to a Wild Animal Rehabilitation Facility shall be \$0.7332 per cubic metre or part thereof.

**REPORT TO PERFORMING ARTS FACILITIES SELECT COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT **Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process**

ISSUE SUMMARY

The Capital Regional District (CRD) Board directed staff to review options for establishing a performing arts facilities service with full regional participation that does not involve a region-wide Alternative Approval Process.

BACKGROUND

On September 8, 2021, the CRD Board considered four recommended motions from the Performing Arts Facilities Select Committee to establish a new performing arts facilities service with full regional participation through a region-wide Alternative Approval Process (AAP). Three out of four motions passed, resulting in a mixed outcome with no clear path forward. Directors who did not support the full suite of motions cited either cost or the approval process selected or both as the main rationale for their decision.

On October 13, 2021, the Board considered a staff report that reviewed the outcomes of the September 8, 2021, meeting. The Board passed a motion for an amended recommendation, namely:

1. That staff take no further action related to Bylaw No. 4445 at this time, nor to its proposed approval process as outlined in the recommendations brought to Board on September 8, 2021.
2. That staff be directed to report back to the CRD Arts Facilities committee with options regarding:
 - a. Moving forward with a full regional service that does not include the Alternative Approval Process
 - b. A sub-regional arts facilities service
3. That the following motion be postponed until after the CRD Performing Arts Facilities Select Committee have reviewed the above two options:

That the CRD Board Chair send a letter to all CRD jurisdictions, outlining the benefits of joining the Royal Theatre Service and McPherson Playhouse Service, along with associated costs, and encouraging non participating jurisdictions to join these existing services.

Full regional and sub-regional possibilities for a performing arts facilities service or multiple related services have distinct considerations. This report examines possible options for a full regional service. A separate staff report, "Options for Sub-regional Performing Arts Facilities Services", should be read in conjunction with this report to understand all possible ways forward (see Appendix A for flowchart of decision-making process for all policy options in both reports).

Support for Full Regional Participation

Several jurisdictions have signaled support for the concept of this new service, while others have indicated that they are not interested in participating. On June 21, 2021, Langford City Council sent a letter to the CRD Board, indicating Langford “does not support the establishment of a new performing arts service” (see Appendix B for full letter). On July 14, 2021, Director Holman read into the record a Motion with Notice: Electoral Areas Exclusion from New Regional Arts Facility Service that “the proposed new regional arts facility service exclude electoral areas, while leaving open the possibility that they can opt into the service voluntarily”. On September 8, 2021, at the Electoral Areas Meeting, both Director Holman and Director Hicks voted in favour of this motion, indicating the electoral areas of Salt Spring Island and Juan de Fuca do not support participating in a regional performing arts facilities service.

ALTERNATIVES

Alternative 1

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

That the Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process report be received for information.

Alternative 2

That the Performing Arts Facilities Select Committee recommend to the Capital Regional District Board that:

1. The third reading of Bylaw 4445, “Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021”, is rescinded.
2. That staff draft changes to Bylaw 4445 specifying that electoral approval will be sought through region-wide referendum.
3. That staff report back to the CRD Board with detailed costing and timeline for running a region-wide referendum, including additional requirements for staff capacity.

IMPLICATIONS

Alignment with Board & Corporate Priorities

Board Initiative 12a-1 in the 2019-2022 Corporate Plan indicates there is a priority to:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts functions.”

In 2019, the CRD tasked the Regional Arts Facilities Select Committee with holding discussions on the region’s arts facilities needs and engaging a consultant to design and facilitate a process for public and stakeholder input. The Regional Arts Facilities Select Committee convened five times between November 2019 and March 2021 to hold discussions and advance this work. In 2020 consultations were conducted, which lead to the report *Stage One: A Public Conversation about Performing Arts Facilities in the CRD* as well as an online resource documenting an inventory of arts facilities in the region, including their capacity, location, and functions.

On March 3, 2021, the Regional Arts Facilities Select Committee recommended to the Board that the top recommendation of the report be implemented through the establishment of a new regional performing arts facilities service. On April 14, 2021, the Board approved a recommendation from the Governance Committee to create a Performing Arts Facilities Select Committee whose purpose would be “to define the scope and functions of a regional service that will lead to the drafting of an establishing bylaw for the Performing Arts Facilities Service.” The Performing Arts Facilities Select Committee convened three times between May and September 2021. On September 8, 2021, the Performing Arts Facilities Select Committee reviewed an establishing bylaw, accompanying service plan and financial simulation for a regional performing arts facilities service, and made recommendations to the Board.

Through these two select committees, consultations with stakeholders and the general public, the resultant publically-available report and online inventory of arts facilities in the region, the Board has facilitated discussion of the region’s art facility needs and has fulfilled the scope of work outlined in this Board initiative.

Legislative Implications

Before the new service bylaw can be adopted, it must receive approval of the participating areas and the Inspector of Municipalities. The *Local Government Act (LGA)* provides three ways to obtain approval, to be decided by the Board:

1. *LGA* Section 344: Referendum;
2. *LGA* Section 345: Alternative Approval Process (AAP); or
3. *LGA* Section 346: Consent by Municipal Council (on behalf of electors) and by AAP within the Electoral Areas (Municipal Consent/EAs).

The choice on the method of electoral approval for a regional service is made by the Board, but subject to review of the Inspector of Municipalities at the time of Inspector approval of the bylaw.

Under a municipal consent/EA AAP, lack of support from even one part of the region would mean the establishing bylaw would no longer support a regional service; it would become sub-regional. As indicated through letter (Langford) and through vote at the September 8, 2021, Electoral Area Committee (Salt Spring Island and Juan de Fuca electoral areas voted against), these jurisdictions have already expressed they are not interested in joining a regional performing arts facilities service. As such, municipal consent/EA AAP is not a viable option for electoral approval at this time.

Region-wide AAP has been eliminated as an option for electoral approval by the Board vote on September 8, 2021. Thus, the only remaining option for electoral approval is region-wide referendum.

A region-wide referendum would take approximately four to six months and with an estimated cost of over \$500,000. Running a referendum in conjunction with the 2022 local government elections may not result in significant savings, as the CRD cannot require municipalities to participate by placing the referendum question on their ballots or sharing polling locations. This costing and timeline is an approximation, based on previous experiences with smaller sub-regional referenda. If Alternative 2 of this report were resolved, staff would report back with a more detailed cost estimate and a more precise timeline of next steps.

CRD staff currently do not have the capacity to execute a region-wide referendum as a stand-alone process in the same year as a general election. More staff would need to be hired on a temporary basis to support the legislative requirements of a region-wide referendum.

A motion to pursue a region-wide referendum would also require a two-thirds majority vote at the CRD Board in order to pass.

Bylaw 4445 currently specifies that electoral approval would be sought through region-wide AAP (see Appendix C). In order to advance this initiative by region-wide referendum, the third reading of Bylaw 4445 would need to be rescinded by the CRD Board and staff would need to update the draft of the bylaw to specify that electoral approval is being sought through region-wide referendum.

CONCLUSION

The CRD Board directed the Performing Arts Facilities Select Committee to review options for a performing arts facilities service with region-wide participation that did not involve a region-wide Alternative Approval Process as a way of attaining electoral approval. The staff report details the viability and implications of the two remaining options, municipal consent / alternative approval process in electoral areas and region-wide referendum.

RECOMMENDATION

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

That the Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process report be received for information.

Submitted by:	Chris Gilpin, Manager, Arts and Culture Division
Concurrence:	Rianna Lachance, BCom, CPA, CA, Acting Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

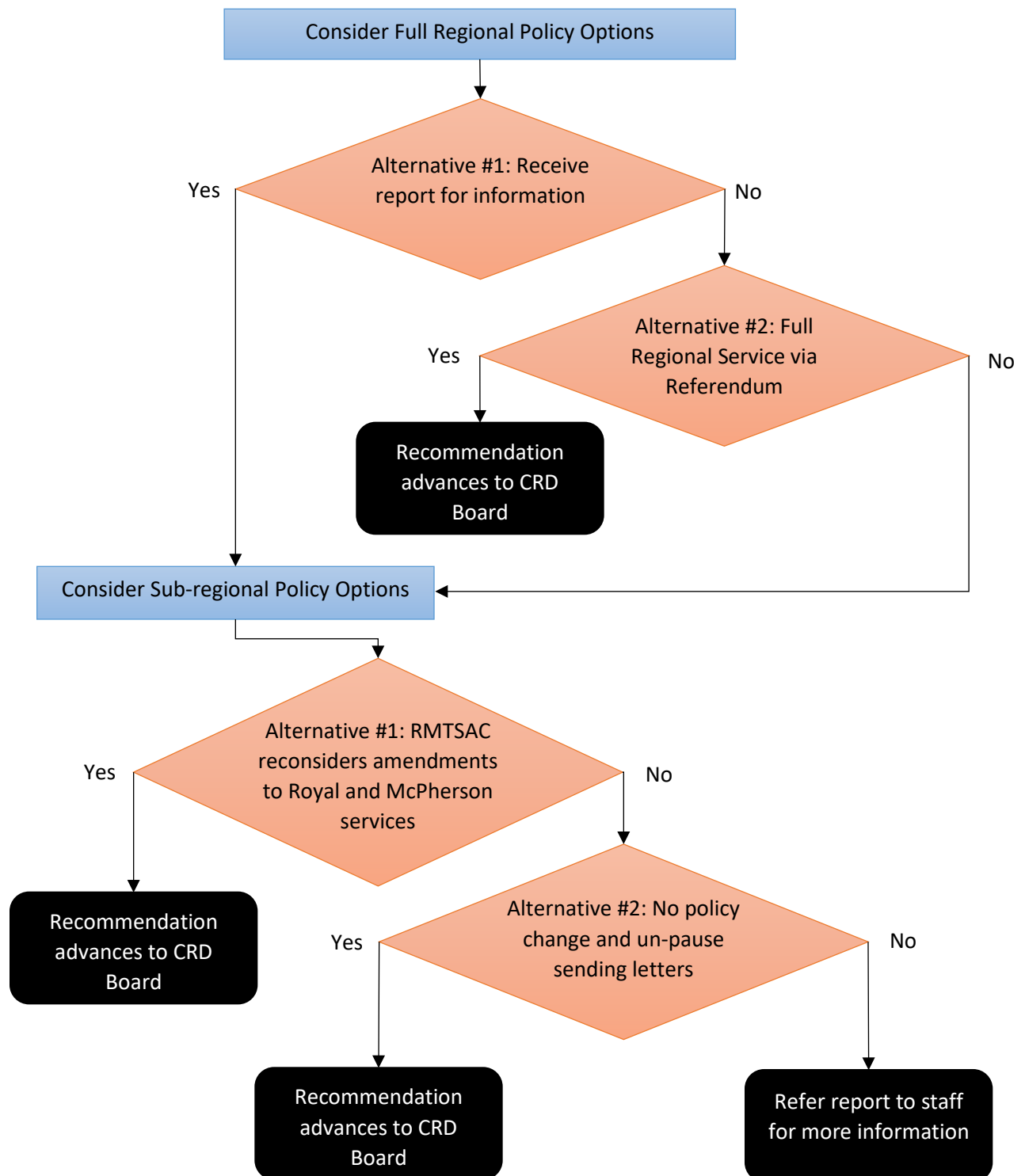
ATTACHMENT(S)

Appendix A: Flowchart of Decision-Making Process for Policy Options

Appendix B: June 21, 2021 Letter from the City of Langford

Appendix C: Bylaw No. 4445, "Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021"

Appendix A: Flowchart of Decision-Making Process for Policy Options



2021/06/21

E-Mail: crdboard@crd.bc.ca

CRD Board
625 Fisgard Street
Victoria, BC V8W 2S6

Dear Board Members,

RE: New CRD Regional Performing Arts Service

At the City of Langford's regular meeting of Council held on June 21, 2021, a report was brought forward to discuss the new CRD regional performing arts service.

At that meeting Council directed staff to provide this letter to you advising that the City does not support the establishment of a new performing arts service.

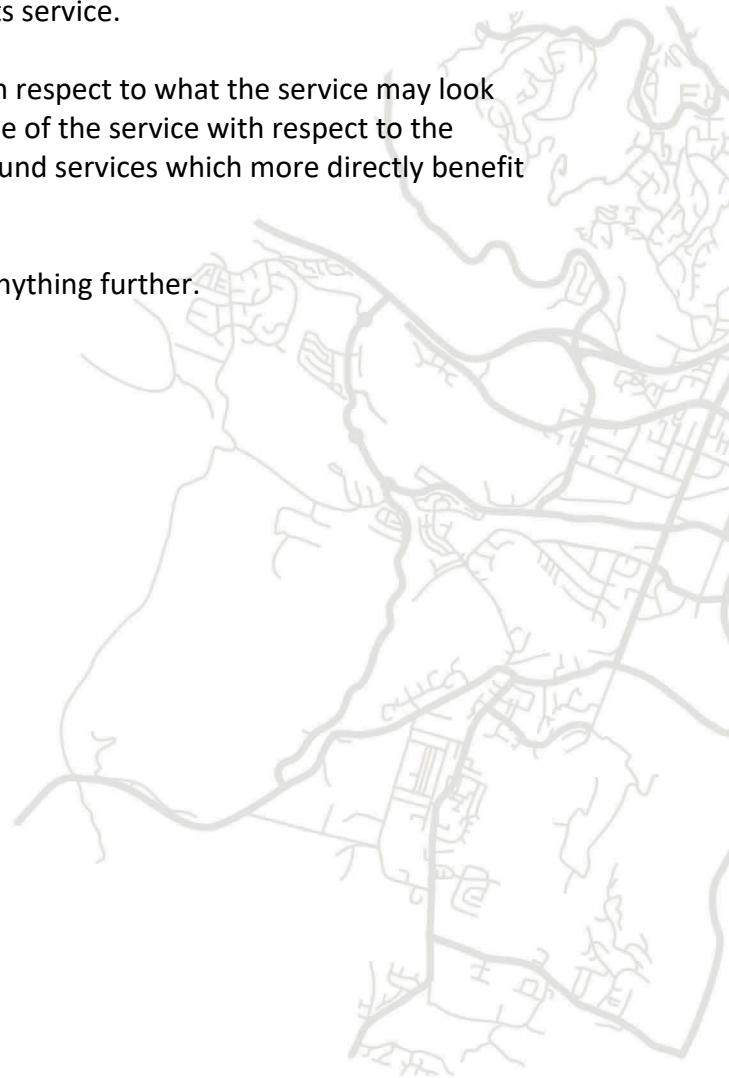
This decision was based on the lack of information with respect to what the service may look like, the potential costs related to the service, the scope of the service with respect to the number and types of facilities and the City's desire to fund services which more directly benefit its residents.

Please don't hesitate to contact me should you need anything further.

Sincerely,



Marie Watmough
Manager of Legislative Services



CAPITAL REGIONAL DISTRICT
BYLAW NO. 4445

A BYLAW TO ESTABLISH A REGIONAL PERFORMING ARTS FACILITIES
OPERATION, FUNDING, AND GRANTING SERVICE

WHEREAS:

- A. Under Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, the Regional Board on behalf of the municipalities of Victoria, Oak Bay, and Saanich established a service to fund, operate, and maintain the Royal Theatre;
- B. Under Bylaw No. 2685, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999, the Regional Board established a local service on behalf of the City of Victoria to fund, operate, and maintain the McPherson Playhouse;
- C. By regional alternative approval process pursuant to ss. 342 and 345 of the *Local Government Act*, the region's electors have approved the creation of a regional performing arts facilities funding service to encompass both the services set out in Bylaws No. 2587 and 2685, as well as the operation and funding of other performing arts facilities with regional impact;
- D. The Board wishes to establish a service to operate and fund the planning, development, capital, and operation of performing arts facilities with regional impact;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

Definitions

- 1. The following definitions are used in this bylaw, both in plural and singular:
 - (a) A "performing arts facility with regional impact" and "regional performing arts facility" means a public venue that:
 - i. is located within the boundaries of the service area, that is, the Capital Regional District;
 - ii. is designed for the primary purpose and function of performing arts presentations;
 - iii. attracts audiences from beyond its local area (e.g. regional or multi-regional draw);
 - iv. functions as a roadhouse-style presentation venue that is available for bookings from a wide range of commercial and community user groups on a year-round basis;
 - v. is not embedded within an educational, religious, or for-profit organization; and
 - vi. is owned or operated by a public authority, non-profit, registered charity, or local government, or a combination thereof.
 - (b) "roadhouse-style presentation venue" means a venue available for rental or use by travelling and local productions, and not possessed or controlled by a single performing arts producing company or organized group of such companies.

Service

- 2. The Capital Regional District hereby establishes a service for the purpose of recreation, leisure, and community use in relation to operation and funding of performing arts facilities with regional impact, including the operation and funding of the planning, development, capital and operating costs of performing arts facilities with regional impact.

3. The scope of the service includes, without limiting the foregoing:
- (a) Annual capital and operating funding for the Royal Theatre and McPherson Playhouse to established minimum levels, being:
 - i. \$400,000 in capital and \$350,000 in operating for the McPherson Playhouse; and
 - ii. \$480,000 in capital and \$100,000 in operating for the Royal Theatre,where capital amounts may be used for but are not limited to the renovation, reconstruction, or rebuilding of the respective theatre facilities, machinery, equipment, reserve fund transfers or annual debt servicing, and where annual operating amounts may also include capital expenditures of the same nature if necessary or desirable;
 - (b) Operation of grant programs benefitting performing arts facilities with regional impact, including:
 - i. for regional facility planning projects;
 - ii. for major and minor capital improvements to regional performing arts facilities, including payment of debt; and
 - iii. for operations of such regional performing arts facilities;
 - (c) Establishment of a capital reserve fund to benefit performing arts facilities with regional impact, including the construction of new facilities, renovation of existing facilities, and payment of debt for capital projects; and
 - (d) Operation of a grants assistance program, to apply for grants on behalf of the CRD for regional performing arts facilities associated with or operated by the service and to assist regional performing arts facilities in applying for planning, capital, operating, and other grants.

Boundaries

4. The boundaries of the Service Area are the boundaries of the Capital Regional District, including all municipalities and electoral areas.

Participating Area

5. The participating areas for the service are the electoral areas and municipalities making up the Capital Regional District: the Electoral Areas of Salt Spring Island, Southern Gulf Islands, and the Juan de Fuca; and the Municipalities of Victoria, Oak Bay, Esquimalt, Saanich, Central Saanich, North Saanich, Sidney, View Royal, Highlands, Colwood, Langford, Sooke, and Metchosin.

Cost Recovery

6. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;
 - (b) fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) revenues received by agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

7. The annual costs recovered by requisition in accordance with this bylaw shall be apportioned among the participants by dividing the costs into two equal parts, one part apportioned on the basis of population, where population is the total population estimate as determined annually by the Regional

District; and one part apportioned on the basis of assessments, where assessments are the annual converted value of land and improvements in the participating areas.

Maximum Requisition

8. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
- (a) Three Million and Sixty Thousand dollars (\$3,060,000); or
 - (b) An amount equal to the amount that could be raised by a property value tax rate of \$0.023 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Transition of Services

9. Despite section 8, if the services established by Bylaw No. 2587, Royal Theatre Local Service Area Establishment Bylaw No. 1, and Bylaw No. 2685, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999 are still operating and are used to requisition funds, the requisition for this service shall be reduced in proportion by the amounts requisitioned under the respective services under Bylaw No. 2587 and 2685. For clarity, should services under Bylaw No. 2587 or 2685 continue to be operated and no requisition of funds occurs under the respective service, the maximum requisition for this service shall not be reduced.

Agreement

10. The Capital Regional District may enter into agreements with one or more organizations to operate regional performing arts facilities held or operated by the service.

Citation

11. This Bylaw may be cited as the "Performing Arts Facilities Service Establishing Bylaw No. 1, 2021".

READ A FIRST TIME THIS	8th	day of	September,	2021
READ A SECOND TIME THIS	8th	day of	September,	2021
READ A THIRD TIME THIS	8th	day of	September,	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS		day of		
APPROVED BY PARTICIPANTS BY ALTERNATIVE APPROVAL PROCESS		day of		
ADOPTED THIS		day of		

CHAIR

CORPORATE OFFICER

**REPORT TO PERFORMING ARTS FACILITIES SELECT COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT Options for Sub-regional Performing Arts Facilities Services

ISSUE SUMMARY

The Capital Regional District (CRD) Board has directed staff to review options for a performing arts facilities service with sub-regional participation.

BACKGROUND

On October 13, 2021, the CRD Board considered a staff report that reviewed the outcomes of the September 8, 2021, CRD Board meeting. The CRD Board passed a motion for an amended recommendation, namely:

1. That staff take no further action related to Bylaw No. 4445 at this time, nor to its proposed approval process as outlined in the recommendations brought to Board on September 8, 2021.
2. That staff be directed to report back to the CRD Arts Facilities committee with options regarding:
 - a. Moving forward with a full regional service that does not include the Alternative Approval Process
 - b. A sub-regional arts facilities service
3. That the following motion be postponed until after the CRD Performing Arts Facilities Select Committee have reviewed the above two options:

That the CRD Board Chair send a letter to all CRD jurisdictions, outlining the benefits of joining the Royal Theatre Service and McPherson Playhouse Service, along with associated costs, and encouraging non participating jurisdictions to join these existing services.

Full regional and sub-regional possibilities for a performing arts facilities service or multiple related services have distinct considerations. This report examines possible options for sub-regional services. A separate staff report, “Advancing a Full Regional Performing Arts Facilities Service without Alternative Approval Process”, should be read in conjunction with this report to understand all possible ways forward (see Appendix A for flowchart of decision-making process for all policy options in both reports).

Performing Arts Facilities with Regional or Sub-regional Impact

The 2020 report, *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, includes an analysis of venues, their capacities and their capabilities. While many smaller venues may have limited impact outside of their local jurisdiction, larger venues that draw audiences from across multiple areas of the CRD show greater evidence of having a strong sub-regional or regional impact. The largest and most significant of these are the venues already supported through sub-regional services, namely the Royal Theatre and McPherson Playhouse. The Royal Theatre is the only venue in the CRD equipped for full theatrical productions with a seating capacity over 1000 people (full seating capacity = 1,416). Similarly, the McPherson Playhouse is

the only venue in the CRD equipped for full theatrical productions with a capacity between 500-1000 people (full seating capacity = 772). There are some educational and outdoor venues of this size that can accommodate musical events with limited technical requirements, but there are no other large venues that can host the full range of performing arts shows (theatre, dance, opera, etc.). An analysis of Royal and McPherson Theatres Society ticket sales provides strong evidence that audiences travel from across the CRD to attend shows in these venues, indicating significant impact beyond the City of Victoria.

The *Stage One* report notes that the Royal Theatre and McPherson Playhouse draw audiences from every jurisdiction in the CRD and that “three municipalities are paying while the benefits are enjoyed by all [CRD] municipalities and their residents”. Consequently, the report recommends a “shift toward shared financial responsibility model for these two theatres”.¹ This provides strong rationale for the expansion of these existing sub-regional services to include new participants. Adding new participants would distribute the cost burden among jurisdictions that benefit from these facilities more fairly and would allow municipalities to come together to leverage scale, distributing the cost of any potential increases to the contribution levels to these performing arts facilities more widely, and thus, making such increases more possible.

Current Sub-regional Services for Performing Arts Facilities

Through two sub-regional services, the CRD provides a total of \$1,330,000 in operating and minor capital funding for the Royal Theatre and McPherson Playhouse (see Table 1). The Royal Theatre is owned by the CRD and the McPherson Playhouse is owned by the City of Victoria. Both facilities are managed by a non-profit organization, the Royal and McPherson Theatres Society (RMTS).

Table 1. Current CRD Funding for Royal Theatre and McPherson Playhouse

Performing Arts Facility	Operating Funding	Minor Capital Funding*	Participants
Royal Theatre	\$100,000	\$480,000	Oak Bay, Saanich, Victoria
McPherson Playhouse	\$350,000	\$400,000	Victoria

* Minor Capital Funding refers to building maintenance, renovation, and accessibility.

The mix of participating areas in the existing sub-regional services demonstrate a desire from jurisdictions to have flexibility in deciding which, if any, of these facilities they wish to support. Separate services—one for each performing arts facility—allows for contribution levels and a mix of participating areas that is more customized and suitable to that specific facility. This approach allows jurisdictions to make their own assessment of the level of impact a performing arts facility has on their local community and base their own level of participation on that assessment.

A sub-regional service that combined contributions for both Royal Theatre and McPherson Playhouse facilities into a single bylaw would provide less choice to potential participating areas and could force some existing participants (Oak Bay, Saanich) into a difficult decision of supporting either both facilities or neither of them. Furthermore, any sub-regional service that attempted to fund all performing arts facilities with sub-regional impact would need to define criteria for what constitutes sub-regional impact. This would be subject to interpretation and potentially stymied by geographical considerations of what constitutes sub-regional impact in different parts of the capital region. For instance, whether or not ArtSpring on Salt Spring Island,

¹ Strategic Moves. (2020). *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*. p. 27.

currently funded by Bylaw No. 3116, “Salt Spring Island Arts Contribution Service Establishment Bylaw No. 1, 2003”, has sub-regional impact on the northern part of the Saanich peninsula and/or other southern gulf islands would require greater analysis.

Having separated sub-regional services—one for each performing arts facility—aligns to the way that the CRD funds recreation facilities and enables greater responsiveness to facility-specific needs in contribution agreements and the mix of participants.

Recent Initiatives to Amend Sub-regional Service Bylaws

Bylaw No. 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998” (Royal Theatre Service), and Bylaw No. 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999” (McPherson Playhouse Service), specify levels of funding that have remained unchanged since 1998 and 1999 respectively (see Appendix B and C for full text of existing bylaws).

In 2019, the CRD’s Royal and McPherson Theatres Services Advisory Committee (RMTSAC), which reports to the Finance Committee, acknowledged that the value of funding received by the theatres through their respective bylaws has eroded over the past 20 years and that the ability to adjust funding levels would be desirable. According to the RMTS, increased funding levels could address the forecasted capital plan deficits for each facility and allow for increased discounts to rental rates for local non-profit community user groups.

On April 23, 2019, the RMTSAC passed a resolution recommending amending the Royal Theatre Service and the McPherson Playhouse Service that would allow the maximum requisition amount to rise over time as the value of property assessments in the CRD increased (“the 2019 sub-regional initiative”), by way of Bylaws No. 4299, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998, Amendment Bylaw No. 1, 2019”) and No. 4300, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999, Amendment Bylaw No. 1, 2019”.

The amending bylaws were circulated to the participants of the respective services for consent with the following outcomes:

- Oak Bay Council provided consent to Bylaw No. 4299 in a letter dated June 6, 2019.
- Saanich Council requested changes to Bylaw No. 4299. Staff correspondence dated June 19, 2019, conveyed Council’s request to limit “the maximum requisition in any given year to the greater of the previous maximum or the previous maximum times a prescribed percentage increase” (note: a CRD bylaw cannot define the maximum requisition as a percent increase, see *Legislative Implications* below).
- Victoria, in correspondence dated January 23, 2020, advised the CRD of the council motion: “That Council direct staff to advise the Capital Regional District staff that the City request the CRD convene a meeting with Victoria, Saanich and Oak Bay staff to discuss funding arrangements for the Royal Theatre service.”

The requested meeting was held at which municipal staff conveyed to CRD staff the following points on which they were in agreement:

- That the existing maximum requisition should be increased,
- That specific allocations for capital and operating should be contained within the bylaw,
- That the intermunicipal formula in the bylaw did not need to be changed; and

- That a limit on maximum requisition be specified within the bylaw.

At the conclusion of the meeting there was agreement that the ability to increase funding was worth further exploring and had clear rationale.

On July 29, 2020, the RMTSAC reviewed these responses through a staff report that noted:

“Since the introduction of bylaws 4299 and 4300 a year ago, COVID19 has introduced significant uncertainty into the operations of the Royal & McPherson Theatres Society and the theatres. Some time may need to pass before the needs can be known in this changed environment.”

At that meeting, the RMTSAC passed a motion not to proceed any further with the approval process for the amending bylaws, which were subsequently withdrawn. Another key factor in halting this process was the creation, in November 2019, of the Regional Arts Facilities Select Committee. The RMTSAC indicated that it would make sense to postpone this sub-regional initiative until the results of the Board initiative to examine full regional policy options had been fully explored.

Options to Create Greater Flexibility Funding Requisition

The CRD's current sub-regional services for performing arts facilities each contain a fixed maximum level of requisition with no option for increases above that maximum. For the Royal Theatre (Bylaw No. 2587), that fixed maximum level is \$580,000. For the McPherson Playhouse, that fixed maximum level is \$750,000.

A typical establishing bylaw provides flexibility in the potential requisition by defining the maximum requisition with two “the greater amount of either” clauses, either a fixed dollar amount or a potential linked to property assessments, which allows the potential requisition to expand with growth in the region. One approach would be to allow the greater of a) the current fixed maximum requisition amount and b) an assessment factor that would provide an amount equal to that current fixed maximum amount based on the most recent property assessments. This would establish baseline funding at the current level and enable future growth based on assessed value.

Also, there is no cost apportionment method set out in Bylaw No. 2685 (McPherson Playhouse Service), as Victoria is the only participant. Revisions to Bylaw No. 2685 should identify a cost apportionment method to enable cost estimates for jurisdictions interested in joining that service.

The current recommendation incorporates outcomes from both the 2019 sub-regional initiative, as well as the Board priority initiative to explore a new full regional performing arts facilities service. Feedback from municipalities on the 2019 sub-regional initiative was never incorporated into a revised version of the amending bylaws in large part due to the disruption of COVID-19 and desire to explore a full regional performing arts facilities service. The CRD Board has now directed staff to provide sub-regional options. A modified version of the 2019 sub-regional initiative that incorporates feedback from municipalities on the first draft of the amending bylaws would both: a) address the key identified need for greater budgetary flexibility in funding the Royal Theatre and McPherson Playhouse and b) reflect input from current participating areas (see Table 2).

Table 2. Comparison of 2019 Sub-regional Initiative to Current Recommendation

Bylaw	2019 Sub-regional Initiative	Current Recommendation	Notes
2587 & 2685	Change requisition formula from based on Intermunicipal formula to based 100% property assessment.	Do not include this change.	Municipal staff from Oak Bay, Saanich, and Victoria indicated the change was not desired.
2587 & 2685	Remove specific spending allocations for operating and capital.	Do not include this change.	Municipal staff from Oak Bay, Saanich, and Victoria indicated the change was not desired.
2587	Change maximum requisition to the greater of \$580,000 or equivalent per \$1,000/assessments.	Include this change.	Creates greater budgetary flexibility to address capital plan deficit and increase discounts to local user groups.
2685	No change to maximum requisition formula.	Include a change to maximum requisition to the greater of \$750,000 or equivalent per \$1,000/assessments.	Creates greater budgetary flexibility to address capital plan deficit and increase discounts to local user groups.
2685	Add details on cost sharing apportionment method and calculation.	Include this change.	Clarifies cost sharing calculation for potential participants.

ALTERNATIVES

Alternative 1

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

That the Royal and McPherson Theatres Services Advisory Committee be directed to reconsider changes to Bylaws No. 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998”, and No. 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999”, to create greater budgetary flexibility for the funding of the Royal Theatre and McPherson Playhouse.

Alternative 2

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That Board initiative 12a-1 has been fully explored; and
2. That the CRD Board Chair send a letter to all CRD jurisdictions, outlining the benefits of joining the Royal Theatre Service and McPherson Playhouse Service, along with associated costs, and encouraging non participating jurisdictions to join these existing services.

Alternative 3

That this report be referred back to staff for other revisions or additional information.

IMPLICATIONS

Financial Implications

This report does not recommend how much funding is needed. It recommends amendments to the establishing bylaws that would provide greater budgetary flexibility.

The case for the amount of funding needed is the responsibility of the RMTS to provide to the RMTSAC. The amount of funding approved is the result of RMTSAC deliberation, their recommendation to the Finance Committee, and approval of the Board through the CRD budget approval process. The changes recommended in this report would allow for more flexibility in the budget approval process, as the allowable requisition in Bylaw 2587 and Bylaw 2685 could result in increases in the overall level of funding to the Royal Theatre and McPherson Playhouse.

The addition of any new participants to either service would result in cost reductions to current participants through a wider distribution of cost sharing.

Alignment with Board & Corporate Priorities

Board Initiative 12a-1 in the 2019-2022 Corporate Plan indicates there is a priority to:

“Facilitate a discussion of the region’s art facility needs & explore partnerships to support 100% participation in the CRD arts functions.”

In 2019, the CRD tasked the Regional Arts Facilities Select Committee with holding discussions on the region’s arts facilities needs and engaging a consultant to design and facilitate a process for public and stakeholder input. The Regional Arts Facilities Select Committee convened five times between November 2019 and March 2021 to hold discussions and advance this work. In 2020, consultations were conducted, leading to a report, *Stage One: A Public Conversation about Performing Arts Facilities in the CRD*, as well as an online resource that documents an inventory of arts facilities in the region, including their capacity, location, and functions.

On April 14, 2021, the CRD Board approved a recommendation from the Governance Committee to create a Performing Arts Facilities Select Committee whose purpose would be “to define the scope and functions of a regional service that will lead to the drafting of an establishing bylaw for the Performing Arts Facilities Service”. The Performing Arts Facilities Select Committee convened three times between May and September 2021. On September 8, 2021, the Performing Arts Facilities Select Committee reviewed an establishing bylaw, accompanying service plan and financial simulation for a regional performing arts facilities service, and made recommendations to the CRD Board.

Through these two select committees, consultations with stakeholders and the general public, the resultant publically-available report and online inventory of arts facilities in the region, the CRD Board has facilitated discussion of the region’s art facility needs and has fulfilled the scope of work outlined in this Board initiative.

Legislative Considerations

Reconciling the 2019 request of Saanich Council to provide incremental percent increases is not possible as the options for defining a maximum requisition are contained in the *Local Government Act*:

339. (1) An establishing bylaw for a service must do the following: [...]
- (e) set the maximum amount that may be requisitioned for the service by
 - (i) specifying a maximum amount,
 - (ii) specifying a property value tax rate that, when applied to the net taxable value of land and improvements in the service area, will yield the maximum amount, or
 - (iii) specifying both a maximum amount and a property value tax rate as referred in the subparagraphs (i) and (ii), in which case the maximum amount is whichever is greater at the applicable time.

Increases cannot be fixed in the bylaw as indexed to inflation or any specific percentage amount.

The mandate of the Royal and McPherson Theatres Services Advisory Committee (RMTSAC) is to advise and make recommendations on CRD services related to the Royal Theatre and McPherson Playhouse. The RMTSAC is composed of representatives from the participating areas of the existing services with two members from Victoria, two members from Saanich, and one member from Oak Bay.

If the recommendation of this report is advanced as proposed, the process for the approval of amending bylaws can be expected to take five to eight months, involving the following steps:

- The CRD Board directs the RMTSAC to reconsider amending Bylaw Nos. 2587 and 2685 to create greater budgetary flexibility,
- The RMTSAC reviews options for amendments, implications for current participating areas, and recommends policy direction to CRD Board,
- The CRD Board directs staff to draft amendments,
- Amending bylaws receive approval and three readings by the CRD Board,
- The respective bylaws are circulated to the current participating areas for consent (2/3 consent is required):
 - For amendments to Bylaw No. 2587 (Royal Theatre Service), two of the three participating areas of Oak Bay, Saanich and Victoria must consent; and
 - For amendments to Bylaw No. 2685 (McPherson Playhouse Service), the sole participating area of Victoria must consent,
- Approval by the Provincial Inspector of Municipalities is sought and if granted; then
- The CRD Board gives final reading and adopts the bylaws.

CONCLUSION

The CRD Board directed the Performing Arts Facilities Select Committee to review options for a sub-regional performing arts facilities service. These options were informed by previous work by the Royal and McPherson Theatres Services Advisory Committee to create amending bylaws for the Royal Theatre and McPherson Playhouse services. Subsequent feedback from current participants was incorporated in the revised approach to amending Bylaw Nos. 2587 and 2685.

RECOMMENDATION

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

That the Royal and McPherson Theatres Services Advisory Committee be directed to reconsider changes to Bylaws No. 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998”, and No. 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999”, to create greater budgetary flexibility for the funding of the Royal Theatre and McPherson Playhouse.

Submitted by:	Chris Gilpin, Manager, Arts and Culture Division
Concurrence:	Rianna Lachance, BCom, CPA, CA, Acting Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

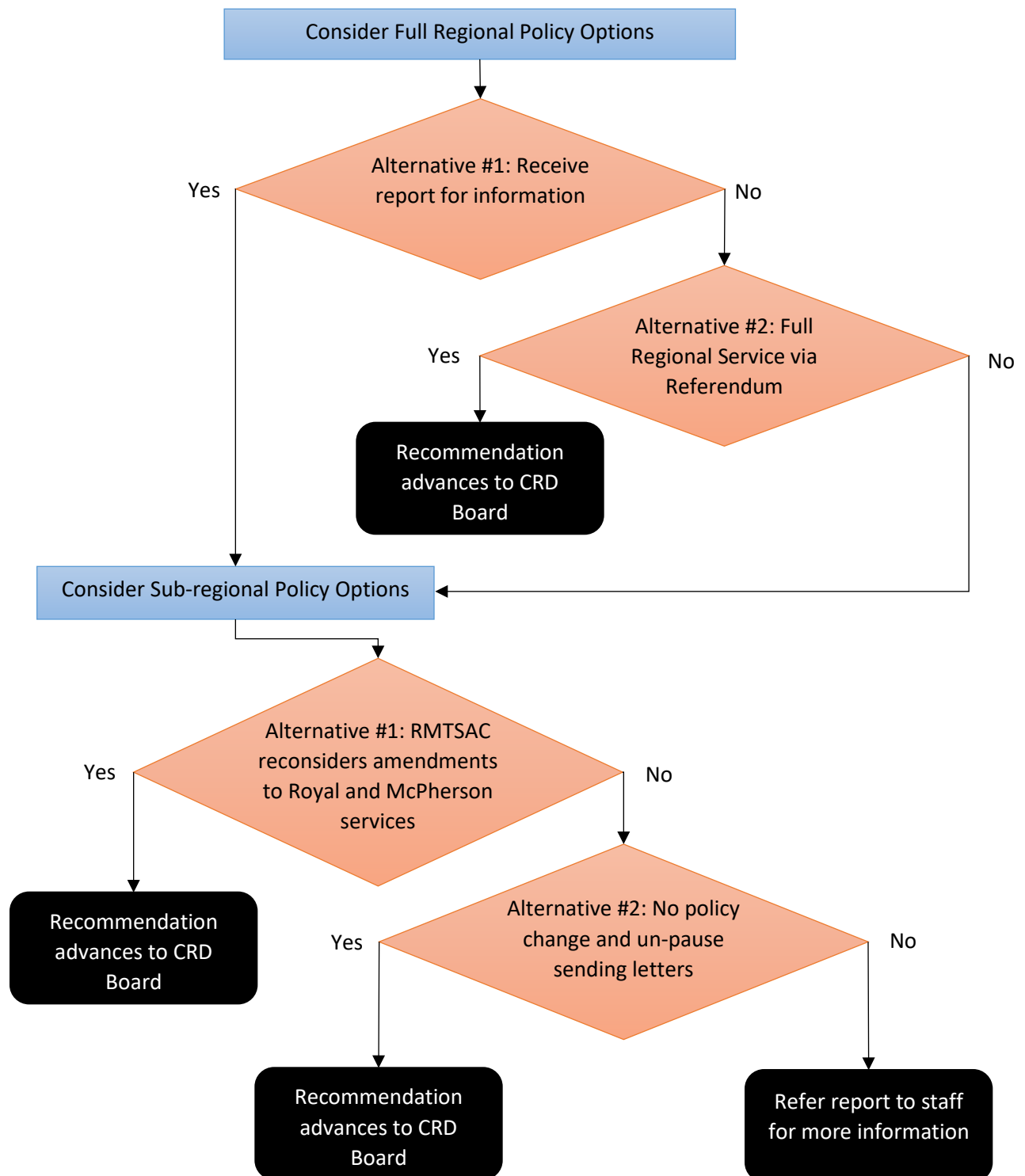
ATTACHMENT(S)

Appendix A: Flowchart of Decision-Making Process for Policy Options

Appendix B: Bylaw 2587, “Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998”

Appendix C: Bylaw 2685, “McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999”

Appendix A: Flowchart of Decision-Making Process for Policy Options



CAPITAL REGIONAL DISTRICT

BYLAW NO. 2587

A BYLAW TO ESTABLISH THE OPERATION OF THE
ROYAL THEATRE AS A LOCAL SERVICE

WHEREAS by Letters Patent, Division XI, dated February 15, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia and, pursuant to that authority, sold the Royal Theatre to the City of Victoria, the District of Saanich and the District of Oak Bay.

AND WHEREAS the Board of the Capital Regional District wishes to reacquire the Royal Theatre from the City of Victoria, the District of Saanich and the District of Oak Bay and to exercise the function granted to it by the Letters Patent in accordance with Part 21 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent;

AND WHEREAS the Board of the Capital Regional District wishes to proceed under section 775 of the *Municipal Act* and establish the service as a local service by bylaw under sections 775(4) and 806 of the *Municipal Act*;

AND WHEREAS the Board of the Capital Regional District has obtained the consent of the Councils of the City of Victoria, the District of Saanich and the District of Oak Bay.

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

Local Service

1. The function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia granted to the Capital Regional District by Letters Patent, Division XI, is hereby converted to a local service for pleasure, recreation and community use and includes, without limitation, all facilities and concessions associated with the Royal Theatre and a parking lot.

Boundaries

2. The boundaries of the service area shall be the boundaries of the City of Victoria, the District of Saanich and the District of Oak Bay.

Participating Area

3. The City of Victoria, the District of Saanich and the District of Oak Bay are the participating areas for this local service.

Cost Recovery

4. The annual costs for the local service, net of grants and other revenues shall be recovered by one or more of the following:
- a) the requisition of money under section 822 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 824(1) of the *Municipal Act*,
 - b) the imposition of a parcel tax imposed under section 824(2) of the *Municipal Act*; and
 - c) the imposition of fees and other charges that may be fixed by separate bylaw

Maximum Requisition

5. The maximum amount that may be requisitioned under section 816(1) of the *Municipal Act* for the annual cost of the local service will be:
- a) for capital expenditures including but not limited to, the renovation, reconstruction or rebuilding of a performing arts theatre, machinery and equipment, reserve fund transfers and annual debt servicing payments. the maximum amount will be Four Hundred and Eighty Thousand (480,000) Dollars.
 - b) for annual operating expenditures which may also include expenditures of a nature referred to in a) above, the maximum amount will be One Hundred Thousand (100,000) Dollars.

Apportionment

- 6.(1) In this section the following definitions apply:

population means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Affairs

grantable crown land means land and improvements owned by the crown or an agent of the crown in the previous year if the municipality received a grant in lieu of taxes for that land and improvements in the year before the current year and where the grant in lieu of taxes was equal to the property tax that would have been payable under section 331(1)(a), (b) and (c) if the land and improvements were not Crown Land

grantable crown land value means for grantable crown land owned by:

- a) the Province of British Columbia, excluding land owned by the British Columbia Hydro and Power Authority, the previous year's assessed value under the *Assessment Act*
- b) the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act*, 2 years previous to the current year
- c) the Government of Canada, the value of land and improvements, 2 years previous to the current year

net taxable value of land and improvements means the prior year's net taxable value of land and improvements for general municipal purposes under the *Assessment Act*

converted value of land and improvements means, within each municipality, the net taxable value of land and improvements multiplied by the percentages listed below for each property class added to the grantable crown land values multiplied by the percentages listed below for each property class:

Class of Property	Multiple
1	10 %
2	35 %
3	40 %
4	34 %
5	34 %
6	24.5 %
7	30 %
8	10 %
9	10 %

6.(2) The amount of the annual operating and capital costs recovered by requisition shall be apportioned among the participants on the basis of:

- a) 50% on the basis of the converted value of land and improvements as defined above.
- b) 50% on the basis of population as defined above

Grants in Lieu of Taxes

For the purpose of 814 (4), (5) and (6) of the *Municipal Act* funds paid to the Regional District in respect of the local service will be held to the credit of the participant making the payment.

Committee and Operation

- 8.(1) Despite sections 2 and 16 of the Letters Patent, the Board of the Regional District may maintain, operate, equip and sell the Royal Theatre in accordance with the applicable provisions of the *Municipal Act*.
- (2) Despite sections 5 to 15 of the Letters Patent, the Board of the Regional District may by bylaw provide for the establishment of a committee for the purpose of managing the administration and operation of the Royal Theatre and may, in relation to the committee, exercise the powers of the Regional Board under section 795(2) of the *Municipal Act*.

Citation

9. This Bylaw may be cited as "Royal Theatre Local Service Area Establishment Bylaw No 1, 1998".

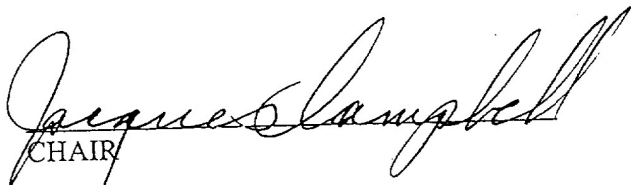
READ A FIRST TIME THIS 11th day of February 1998

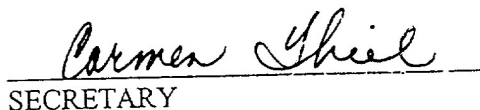
READ A SECOND TIME THIS 11th day of February 1998

READ A THIRD TIME THIS 11th day of February 1998

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS 6th day of March 1998

ADOPTED THIS 25th day of March 1998


CHAIR


SECRETARY

Filed with the Inspector of Municipalities this 27th day of March 1998

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2685

A BYLAW TO ESTABLISH THE OPERATION OF THE
MCPHERSON PLAYHOUSE AS A LOCAL SERVICE

WHEREAS:

- A. A Regional District may, by bylaw, establish a local service under Section 798 (1)(f) of the *Municipal Act* to provide services for pleasure, recreation and other community use;
- B. The Regional Board of the Capital Regional District wishes to establish a local service for the purpose of purchasing, maintaining, equipping and operating the McPherson Playhouse in Victoria, British Columbia;
- C. The approval of the Inspector of Municipalities is required under Section 807 (1)(a) of the *Municipal Act*;
- D. The Regional Board has obtained the consent of the Council of the City of Victoria as required under Sections 807(2)(a)(ii) and 810(1) and (2) of the *Municipal Act*;

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled,
ENACTS AS FOLLOWS:

Local Service

- 1. The Capital Regional District hereby establishes a local service for pleasure, recreation and community use, and includes, without limitation, the McPherson Playhouse and all facilities and concessions associated with the McPherson Playhouse

Boundaries

- 2. The boundaries of the local Service Area shall be coterminous with the boundaries of the City of Victoria.

Handwritten signature and date: 11/1/19

Participating Area

3. Only the City of Victoria is a participating area for this Local Service.

Cost Recovery

4. The annual costs for the local service, net of grants and other revenues shall be recovered by one or more of the following:
 - a) the requisition of money under section 822 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 824(1) of the *Municipal Act*,
 - b) the requisition of money under Section 822 of the *Municipal Act* to collected by the imposition of a parcel tax imposed under section 824(2) of the *Municipal Act*; and
 - c) the imposition of fees and other charges that may be fixed by separate bylaw

Maximum Requisition

5. The maximum amount that may be requisitioned under section 816(1) of the *Municipal Act* for the annual cost of the local service will be:
 - a) for capital expenditures including but not limited to, the renovation, reconstruction or rebuilding of a performing arts theatre, machinery and equipment, reserve fund transfers and annual debt servicing payments. The maximum amount will be Four Hundred Thousand (400,000) Dollars.
 - b) for annual operating expenditures which may also include expenditures of a nature referred to in a) above, the maximum amount will be Three Hundred Fifty Thousand (350,000) Dollars.

Apportionment

6. No apportionment of costs is necessary because there is only one participating area.

Committee and Operation

7. The Board of the Regional District will establish a committee for the purpose of managing the administration and operation of the McPherson Playhouse under Sections 798(9) and 616 of the *Municipal Act*.

8 This bylaw may be cited as "McPherson Playhouse Local Service Area Establishment Bylaw No 1, 1999".

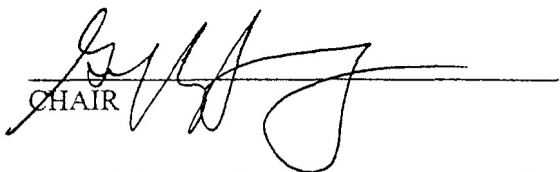
READ A FIRST TIME THIS 27th day of January 1999

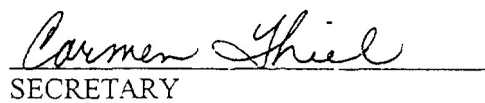
READ A SECOND TIME THIS 27th day of January 1999

READ A THIRD TIME THIS 27th day of January 1999

APPROVED BY THE INSPECTOR
OF MUNICIPALITIES THIS 5th day of March 1999

ADOPTED THIS 10th day of March 1999


CHAIR


SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 15TH DAY OF MARCH 1999

**846REPORT TO SOUTHERN GULF ISLANDS HARBOURS COMMISSION
MEETING OF THURSDAY, NOVEMBER 18, 2021**

SUBJECT Amendments to Bylaw 2844, Southern Gulf Islands Small Craft Harbours Regulation Bylaw

ISSUE SUMMARY

To advance Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021”, to revise certain portions and fees included in Bylaw No. 2844, “Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000”.

BACKGROUND

Under Order-in-Council 100/97, dated January 24, 1997, and within the *Capital Regional District Regulation*, the Capital Regional District was granted the additional power to establish, acquire, and operate a service of small craft harbour facilities, and established the service under Bylaw No. 2614, “Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998”.

Under Bylaw No. 2844, “Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000”, the Regional Board established a system of regulations and operations of the function of Small Craft Harbours in the Southern Gulf Islands. The service is administered by the Southern Gulf Islands Harbours Commission, established under Bylaw No. 2844, “Capital Regional District Southern Gulf Islands Harbours Commission Regulation Bylaw No. 1, 2000”.

At the September 24, 2021 meeting of the Southern Gulf Islands Harbours Commission the existing bylaw was reviewed and recommendations were made to progress with amending the bylaw and return for approval of the changes.

Bylaw No. 2844 has not been updated since 2012. Suggested changes, both from the Commission and CRD staff, include:

- Replacement of the role of the “Ports Manager” with CRD generally;
- Revision of fees, charges, and license language, including increases to insurance requirements;
- Updating of certain provisions of the bylaw, such as calculation of the length of vessels, emergency use of facilities, and the ability to dispose of the vessels and obstructions by means other than public auction.

ALTERNATIVES

Alternative 1:

The Southern Gulf Islands Harbours Commission recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021” be introduced and read a first, second, and a third time.
2. That Bylaw No. 4469 be adopted.

Alternative 2:

That the report be referred back to staff for additional information.

IMPLICATIONS

Governance Implications

The current bylaw has not been updated since 2012 and was in need of some revisions. The new bylaw will ease the administration of the facilities, modernize the language, and provide new insurance amounts and fee schedule. The insurance rates and fee schedule have not been changed since 2012 and are revised to be more consistent with industry standards and to account for inflation and cost escalations associated with operating the service. Updated fees will continue to be collected from the users of the facilities. Combined, these changes will further improve the ability to manage the service and increase the financial resources available.

Fee Modifications

In general, fees have been increased by 30% (inclusive of applicable taxes), rounding-up. Fees have not been adjusted for 10 years. Coupon books and monthly commuter passes, which were difficult to administer and not regularly used, have been eliminated. Fees for emergency vessel use, when acting in an emergency, are no longer payable. Licenses are still required. Fees for removal and impoundment of obstructions and abandoned boats have been increased, and may substitute the actual cost plus 10% for administration where necessary.

Legal Implications

Additional powers relating to sale of vessels, chattels, or obstructions have been inserted, permitting the CRD to sell or dispose of the vessel by methods other than public auction. Such disposal methods may be preferred if CRD undertakes enforcement on its own or if working with BC Bailiffs. Minor modifications have been made to make clear the bylaw applies to all leased, licensed, or operated facilities of the Service.

CONCLUSION

Bylaw No. 4469 amends “Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000” to update language and fees that have not been updated in nearly 10 years. Updating the bylaw will ease the administration, modernize the language and ensure industry appropriate levels of insurance coverage by licensed users and enable additional funds to be available to maintain, repair and operate the docks.

RECOMMENDATIONS

The Southern Gulf Islands Harbours Commission recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021” be introduced and read a first, second, and a third time.
2. That Bylaw No. 4469 be adopted.

Submitted by:	Stephen Henderson, BSc, P.G.Dip. Eng., MBA, Manager of Real Estate Services
Concurrence:	Ted Robbins, B.Sc., C.Tech., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

/SNC

ATTACHMENTS

- Appendix A: Bylaw 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021”
- Appendix B: Bylaw 2844, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000”, unofficial redline showing changes.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4469**

**A BYLAW TO AMEND THE REGULATIONS OF THE SOUTHERN GULF ISLANDS SMALL CRAFT
HARBOURS SERVICE (BYLAW NO. 2844)**

WHEREAS:

- A. Under Order-in-Council 100/97, dated January 24, 1997, and within the *Capital Regional District Regulation*, the Capital Regional District was granted the additional power to establish, acquire, and operate a service of small craft harbour facilities, and established the service under Bylaw No. 2614, "Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998";
- B. Under Bylaw No. 2844, "Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000", the Regional Board established a system of regulations and operations of the function of Small Craft Harbours in the Southern Gulf Islands;
- C. The Board wishes to amend Bylaw No. 2844 to update fees and charges; modernize language; and make certain other changes to the operation and regulation of the service;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 2844, "Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000" is hereby amended as follows, with the effective date of January 1, 2022:
 - (a) By re-numbering section 1, Definitions In This Bylaw, to section 1.1, and making the following replacements and insertions in alphabetical list order:
 - i. Replacing the definition of "abandoned" with:

"abandoned" means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of 45 days or within a 30 day notice period failure to remove the vessel under its own power for a period of at least 1 hour in the presence of the wharfinger or CRD;
 - ii. Replacing the definition of "airport" with:

"airport" means a dock or portion of a dock designated for use by seaplanes and identified by a red triangle on the dock surface, or yellow painted tie rail or other identifying marking;
 - iii. Replacing the definition of "authorized personnel" with:

"authorized personnel" includes the wharfingers, Royal Canadian Mounted Police and Capital Regional District bylaw enforcement officers;
 - iv. Replacing the definition of "dock" with:

"dock" means a landing pier for vessels and watercraft, including a wharf, floating or fixed structures, and includes those facilities listed in Schedule "B";
 - v. Replacing the definition of "explosive" with:

“explosive” has the same meaning as in the *Explosives Act*, RSC 1985, c E-17;

- vi. Inserting as “overall length of vessel”:

“overall length of vessel” means the overall measurement of the vessel’s length, including bowsprit and engine, and includes any other extensions or attachments of the vessel from the bow or stern, including pod engines, tenders, or attachments.

- vii. Replacing the definition of “liquor” with:

“liquor” has the same meaning as in the *Liquor Control and Licensing Act*, SBC 2015 c 19 of British Columbia;

- viii. Replacing the definition of “loading zone” with:

“loading zone” means that area of a dock used solely for loading and unloading, emergency use, passengers, supplies or freight and identified by a yellow painted tie-rail or other identifying marking;

- ix. Inserting the definition of “Service”:

“Service” means the CRD service established under Bylaw No. 2614, “Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998”;

- x. Removing the definition of “Ports Manager”;

- xi. Replacing the section reference in the definition of “resident” from 52 of the *Local Government Act* to section 67 of the *Local Government Act*;

- xii. By inserting the definition of “transient moorage”:

“transient moorage” means that area of a dock used solely for short-term moorage of not greater than 3 consecutive days, or 7 days in a month, and identified by a blue painted tie-rail or other identifying markings;

- xiii. By inserting into the definition of “wharfinger” after “a person contracted”, the words “or appointed”;

- (b) By inserting as section 1.2, Application, the following:

1.2. This bylaw applies to all docks, waterlots and other facilities or lands owned, operated, leased, or licenced by CRD for the purposes of the Service.

- (c) By amending section 9, Noisy Activities, after the words “at a dock”, the following words “or while in the waterlot around a dock,”;

- (d) By amending section 11, Signs, to remove the words “or the Ports Manager”;

- (e) By replacing section 28, Responsibility, with the following:

For the purpose of these regulations, the person having charge of a vessel or watercraft is deemed to be responsible for the vessel or watercraft and the action of its crew or passengers, as directed by signage at the facility.

- (f) In sections 30 and 31, Dock Management, replacing the words “Ports Manager” when they appear with “CRD”;

- (g) In section 34, Abandonment, replacing the first occurrence of the words "Ports Manager" when they appear with "CRD or wharfinger" and the second appearance with "wharfinger".
- (h) In sections 35, 36, 37, and 38, Obstruction, replacing "Ports Manager" whenever it appears with "CRD";
- (i) In section 39, Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions, replacing "Ports Manager" with "CRD and wharfinger" and replacing "wharf" with "dock";
- (j) In section 41:
 - i. replacing "Ports Manager" whenever it appears with "CRD";
 - ii. inserting, after "public auction" whenever it appears ", other means preferred by CRD,";
 - iii. inserting into 41(2), after "if the identity of the owner is not determined" the words "or if delivery under 41(1) cannot be confirmed";
- (k) In section 43, inserting after the words "public auction" the words "or means preferred by CRD," and inserting as a new sentence at the end of the paragraph "The failure to post such a sign or ensure it remains posted shall not impair the CRD's ability to recover fees, costs, or expenses under this bylaw nor shall it impair the ability to remove, impound, sell, or otherwise dispose of vessels, chattels, and obstructions.
- (l) In section 44, inserting after the words "impound and auction" the words "or otherwise dispose of".
- (m) Replacing the heading of sections 45 to 48, Public Auction, with the heading "Public Auction and Sale";
- (n) In section 45 and 47, Public Auction and Sale, replacing the words "Ports Manager" with "CRD";
- (o) In section 47, inserting after the word "auction" the words "or that other means are preferred by CRD to dispose of the property, such as private sale or sale through a broker";
- (p) Replacing the heading of section 49, Ports Manager and Wharfinger, with the heading "CRD and Wharfinger";
- (q) Replacing section 49(1) with the following:

The wharfinger, under the direction of the CRD, is responsible for the operational oversight and administration of the docks and may post notices and give such orders, in respect of the operation of the dock, as are authorized by these regulations.
- (r) In section 49(2), (3), and (4), replacing the words "Ports Manager" with "CRD";
- (s) In section 49(5), replacing the words "Ports Manager" with "wharfinger";
- (t) By replacing all references to the following schedules, where they appear, with corrected references as follows:
 - i. Schedule A or "Schedule A" shall be replaced with "Schedule A";
 - ii. Schedule B or "Schedule B" shall be replaced with "Schedule B";
 - iii. Schedule C or "Schedule C" shall be replaced with "Schedule C";
 - iv. Schedule D or "Schedule D" shall be replaced with "Schedule D";
 - v. Schedule E or "Schedule E" shall be replaced with "Schedule E";

- (u) By replacing Schedules "A" and "B" with the Schedules "A" and "B" attached to this bylaw, as applicable.
- (v) Revising Schedule "C", Moorage License Agreement, as follows:
 - i. In 2(d), removing references to the "Ports Manager";
 - ii. In 2(k), replacing "one million dollars" with "two million dollars" for proof of comprehensive liability insurance;
 - iii. In 2(l), replacing "Ports Manager" with "CRD" and replacing "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - iv. In 2(q), inserting after "overboard" the words ", discharged,";
 - v. In 2(r), replacing "Ports Manager" with "Coast Guard and CRD";
 - vi. In 2(s), 2(w), and 2(x), replacing "Ports Manager" with CRD;
 - vii. In 2(x), replacing the words "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - viii. Inserting as 2(y) the sentence "Live-aboards are not permitted at the docks unless authorized in writing by the CRD."
 - ix. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";
- (w) Revising Schedule "D", Water Taxi, Charter Boat, Emergency Services Vessel or Business Moorage License Agreement, as follows:
 - i. In 2(d), removing references to the "Ports Manager";
 - ii. In 2(k), replacing "two million dollars" with "three million dollars" for proof of comprehensive liability insurance;
 - iii. In 2(l), replacing "Ports Manager" with "CRD" and replacing "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - iv. In 2(r), inserting after "overboard" the words ", discharged,";
 - v. In 2(s), replacing "Ports Manager" with "Coast Guard and CRD";
 - vi. In 2(t), 2(x), and 2(y), replacing "Ports Manager" with CRD;
 - vii. In 2(y), replacing the words "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - viii. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";
- (x) Revising Schedule "E", Seaplane License Agreement, as follows:
 - i. In 2(c), removing references to "Ports Manager";
 - ii. In 2(e), removing references to "Ports Manager";
 - iii. In 2(n), inserting after "overboard" the words ", discharged,";
 - iv. In 2(o), replacing "Ports Manager" with "Coast Guard and CRD";
 - v. In 2(s), replacing "Ports Manager" with "CRD";
 - vi. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";

2. This bylaw may be cited for all purposes as "Capital Regional District Southern Gulf Islands Harbours Commission Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

SCHEDULE "A"
Bylaw No. 2844

Capital Regional District Southern Gulf Islands Harbours

FEES AND LICENSES

1. DEFINITIONS

"charter boat" means any vessel or watercraft used to transport passengers who have paid a fee for tourism services including, but not limited to, fishing, whale watching, sightseeing or diving;

"dinghy" means an open boat with a maximum length of 12 feet, excluding outboard motor, having a beam of no more than 6 feet and a motor of not more than 25 horsepower and the dry weight/hull weight is at, or under, 300 pounds;

"emergency service vessel" means a police, fire, search and rescue, or ambulance vessel and any other vessel acting in the aforementioned capacities;

"length" means the overall length of a vessel or watercraft as determined by the Ports Manager or wharfinger;

"month" means a period commencing on a date in one month and terminating on the day immediately preceding the same date in the next month or, if there is no corresponding date in the next month, terminating on the last day of that month;

"moorage" means a charge for mooring;

"quarter" means three months;

"reserved berth" means a section of a dock identified by a 'Reserved' sign on the tie-rail;

"resident" means person who satisfies the conditions of residency established in section 67 of the *Local Government Act* in respect of the Southern Gulf Islands Electoral Area;

"short-term zone" means a section of a dock identified by a "short-term zone" sign on the tie rail;

"springline" means a special moorage arrangement where the vessel is bow tied to the dock and stern tied to an approved, weighted pulley line.

"water taxi" means any vessel or watercraft used to transport passengers or material for a fee.

2. MOORAGE FEES (All moorage fees include applicable taxes)

- (a) (i) Moorage Fees from 2 to 12 hours, normally commencing and ending between **8:00 AM** and **8:00 PM** of the same day:

\$0.5 per lineal foot per day.

- (ii) Moorage Fees from 12+ to 24 hours or overnight:

\$1 per lineal foot.

(b) Prepaid Long-Term Moorage Fees

- (i) The prepaid monthly moorage fee is \$5.80 per lineal foot per month.
- (ii) The prepaid quarterly moorage fee is \$15.40 per lineal foot per quarter.
- (iii) The prepaid annual moorage fee is \$55.30 per lineal foot per year.
- (iv) Despite subsections (i), (ii) and (iii), no person in control of a vessel or watercraft shall moor at a Short-Term Zone or at the Swartz Bay dock for longer than 72 consecutive hours in a 30-day period.
- (v) Where a resident has obtained a monthly, quarterly or annual moorage license prescribed in Schedule "C", that resident may apply for a monthly, quarterly or annual moorage for the same vessel at a second dock for an additional payment of one half the moorage fee paid at the first dock.

(c) Long-term moorage fees for a dinghy bow-tied at a dock area posted with a sign saying "dinghies only" shall be as follows:

- (i) The prepaid monthly moorage fee is \$30.00.
- (ii) The prepaid quarterly moorage fee is \$80.00.
- (iii) The prepaid annual moorage fee is \$280.00.

(d) Springline Moorage Fees

Where a springline moorage system has been approved by the CRD the following rates will apply for boats up to 14 feet in length and 8 feet wide:

- (i) Monthly fee is \$75.00 per month.
- (ii) Quarterly fee is \$210 per quarter.

(e) Short-Term Zone Fees

Where a short-term zone exists on a dock, the daily rate will apply. No monthly, quarterly or annual rates are available for these zones.

3. WATER TAXI AND CHARTER BOATS MOORAGE FEES

- (a) A person in control of a water taxi or charter boat mooring or landing at a dock shall obtain from the CRD in the form prescribed in Schedule "D" a license at a cost of \$62.50 per annum in addition to the fees set out in section 3(b) and (c) below.

(b) (i) Loading and Unloading Water Taxis and Charter Boats:

Landings/month/dock	Monthly Fee	Annual Fee
0-2	No charge	N/A
3-15	\$27.00	\$260.00

16-30	\$45.00	\$440.00
31+	\$72.00	\$720.00

(ii) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the CRD or wharfinger may make an adjustment to the fee based on actual usage.

- (c) The moorage fees for water taxis or charter boats are the same as prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) and 2(d) except the monthly, quarterly and annual fees, moorage coupon books and commuter passes are available only to an operator of a water taxi or charter boat who is a resident of the Southern Gulf Islands Electoral Area.
- (d) Where a person has obtained a license to operate a water taxi or charter boat and pays monthly or annual landing fees and provides a regularly scheduled published service between two docks listed in Schedule "B" using the same vessel no landing fees are required on the second dock.

4. SEAPLANES

- (a) The loading and unloading fee for casual use by seaplanes is \$20.00 per landing in excess of 2 landings per airport per year.
- (b) A person in control of a seaplane shall obtain from the CRD a license prescribed in Schedule "E" for a fee of \$62.50 per annum and in addition, may pay to the CRD the following prepaid annual fee for recurring use:

Landings per year per Airport	Annual Fee per Airport
3 – 48	\$270
49 – 200	\$520
200+	\$720

- (c) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the CRD or wharfinger may make an adjustment to the fee based on actual usage.
- (d) Seaplane Moorage Fees: Not Available

5. EMERGENCY VESSEL MOORAGE FEES

- (a) A person in control of an emergency services vessel shall apply for a license as prescribed in Schedule "D" each year.
- (b) Emergency Service Vessels, when not performing emergency services, shall be subject to the same moorage fees as prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).
- (c) Emergency Service Vessels, while actively performing emergency services, will not be subject to the fees prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).

6. RESERVED BERTHS

The moorage fee for reserved berths is 1.5 times the applicable (quarterly and annual) moorage fee as prescribed in Schedule "A".

7. REMOVAL AND IMPOUNDMENT

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Sections 39 to 44 of this Bylaw:

(a)	Impoundment Fee	\$150 or actual cost
(b)	Towing Fee per hour (for towing or removal to storage location)	\$275 or actual cost
(c)	Hauling Out Fee per hour	\$275 or actual cost
(d)	Fee for Placing on Blocks/Removal from Trailer (fee per hour)	\$275 or actual cost
(e)	Storage Costs for Vessel (rate per day per foot)	\$5.25 or actual cost

At CRD's option, it can select the fee or the actual cost, whichever is greater. "Actual cost" is the actual cost if provided directly by CRD or by a third party contractor, calculated on a cost recovery basis, including any applicable fees, charges, or taxes. CRD may charge an additional 10% on top of fees or actual costs to cover administrative tasks and time spent.

SCHEDULE "B"
Bylaw No. 2844

Capital Regional District Southern Gulf Islands Harbours

DOCKS ADMINISTERED BY THE CRD IN THE SOUTHERN GULF ISLANDS

- GALIANO ISLAND: Sturdies Bay
 Montague Harbour
 Retreat Cove
 Spanish Hills
- MAYNE ISLAND: Miners Bay
 Horton Bay
 Anson Road
- NORTH PENDER ISLAND: Port Washington
 Browning Harbour
 Hope Bay
- PIERS ISLAND: Piers Island
- SATURNA ISLAND: Lyall Harbour
- VANCOUVER ISLAND: Swartz Bay

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2844**

**CAPITAL REGIONAL DISTRICT
SOUTHERN GULF ISLANDS SMALL CRAFT HARBOURS
REGULATION BYLAW NO. 1, 2000**

*A Bylaw to Regulate Docks Operated by the Capital Regional District on the
Southern Gulf Islands*

For technical enquiries regarding this bylaw, please contact:

CRD, Manager of Southern Gulf Island Small Craft Harbours
Telephone 250.360-3000

For reference to original bylaws and amendments, or for further details,
please contact Legislative Services, Capital Regional District,
625 Fisgard Street, PO Box 1000, Victoria, BC V8W 2S6

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2844

Capital Regional District Southern Gulf Islands Harbours Commission Regulation Bylaw

WHEREAS the Capital Regional District has established the local service to acquire and operate small craft harbour facilities;

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

1.1. DEFINITIONS IN THIS BYLAW

- “abandoned” means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of 45 days or within a 30 day notice period failure to remove the vessel under its own power for a period of at least 1 hour in the presence of the ~~w~~Wharfinger or ~~Ports Manager~~CRD-;
- “airport” means a dock or portion of a dock designated for use by seaplanes and identified by a red triangle on the dock surface, or yellow painted tie rail or other identifying marking;
- “authorized personnel” includes the ~~Ports Manager~~, wharfingers, RCMP-Royal Canadian Mounted Police and Capital Regional District bylaw enforcement officers;
- “berth” means a location at a dock where a vessel or watercraft may be moored;
- “Board” means the Board of Directors of the Capital Regional District;
- “business” means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit;
- “Commission” means the Southern Gulf Islands Harbours Commission as established by the Southern Gulf Islands Harbour Commission Bylaw, 2002, whose duties include planning, acquisition, development, restructure maintenance and operation of said harbours to serve the residents of the Southern Gulf Islands;
- “CRD” means the Capital Regional District;
- “dangerous goods” means dangerous goods as defined in section 1 of the *Transport of Dangerous Goods Act*;
- “dock” means a landing pier for vessels and watercraft, including a wharf, floating or fixed structures, and includes those facilities listed in Schedule “B”;
- “emergency personnel” includes any person, group or organization required by provincial or federal statute to respond to emergency situations;
- “emergency vehicle” means police vehicle, ambulance or fire department vehicle;
- “explosive” has the same meaning as in the *Explosives Act*, RSC 1985, c E-17;

- “overall length of vessel” means the overall measurement of the vessel’s length, including bowsprit and engine, and includes any other extensions or attachments of the vessel from the bow or stern, including pod engines, tenders, or attachments.
- “liquor” has the same meaning as in the *Liquor Control and Licensing Act*, SBC 2015 c 19 of British Columbia;
- “loading zone” means that area of a dock used solely for loading and unloading, emergency use, passengers, supplies or freight and identified by a yellow painted tie-rail or other identifying marking;
- “moor” means to secure a vessel or watercraft by means of lines, cables or anchors;
- “Service” means the CRD service established under Bylaw No. 2614, “Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998”;
- “Southern Gulf Islands Electoral Area” means the area of land defined as the Southern Gulf Islands Electoral Area in the Capital Regional District Letters Patent;
- “proof of residency” means:
 - (a) a British Columbia drivers license containing an address in the Southern Gulf Islands Electoral Area; or
 - (b) a real property tax notice issued under the *Local Government Act* or the *Taxation (Rural Area) Act* to an address in the Southern Gulf Islands Electoral Area; or
 - (c) a utility bill issued for the supply of electricity, natural gas, water, telephone services or ~~eo-axle~~ cable services to an address in the Southern Gulf Islands Electoral Area;
- ~~“Ports Manager” means the person contracted by the CRD to manage the operation of all docks overseen by the Commission;~~
- “resident” means a person who satisfies the conditions of residency established in section ~~52-67~~ of the *Local Government Act* in respect of the Southern Gulf Islands Electoral Area;
- “raft” means the mooring of one vessel or watercraft along side another;
- “seaplane” means an aircraft on floats whether operated privately or commercially;
- “springline” means a special moorage arrangement where the vessel is bow tied to the dock and stern tied to an approved, weighted pulley line;
- “transient moorage” means that area of a dock used solely for short-term moorage of not greater than 3 consecutive days, or 7 days in a month, and identified by a blue painted tie-rail or other identifying markings;
- “vessel” means any ship or boat or any other description of vessel which is or can be propelled by machinery, except a seaplane, and used or designed to be used in navigation;
- “watercraft” means any ship or boat or any other description of vessel that is not propelled by machinery and is used or designed to be used in navigation;
- “wharfinger” means a person contracted or appointed by the CRD to collect moorage and to conduct day to day operation of a dock or docks.

Formatted: Font: Not Italic

Formatted: Font: 11 pt

Formatted: Not Highlight

Formatted: Font: Not Bold, Not Italic

APPLICATION

1.2. ~~This bylaw applies to all docks, waterlots and other facilities or lands owned, operated, leased, or licenced by CRD for the purposes of the Service.~~

ENFORCEMENT POWERS

2. All authorized personnel may enforce this bylaw in the course of their duties.
3. Any authorized personnel may order a person who does anything contrary to this bylaw to leave a dock immediately, or within a period of time specified by the authorized personnel, and every person so ordered shall comply with the order and leave the dock immediately or within the specified time period.
4. No person shall hinder, oppose, molest or obstruct authorized personnel in the discharge of their duties.
5. Authorized personnel and emergency personnel, while acting in the course of their duties, as well as emergency vehicles, are exempt from the provisions of this bylaw.

FINES

6. A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than \$50.00 and not more than the maximum prescribed by the *Offence Act*.

PUBLIC CONDUCT

7. No person shall obstruct or interfere with any person, vessel or watercraft lawfully using a dock.
8. No person shall behave in a disorderly, dangerous or offensive manner including, but not limited to, diving or jumping from a dock, wharf or pier or swimming in the water-lot around the dock.

NOISY ACTIVITIES

9. No person shall while on or moored at a dock, ~~or while in the waterlot around a dock,~~ make or cause noises or sounds including the playing of musical instruments, radios, tape players, compact disc players or similar devices or operate any equipment, vehicles, vessels, watercraft or machinery which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

LIQUOR

10. No person shall possess an open container of liquor on a dock.

SIGNS

11. No person shall place, post or erect a sign on a dock unless with permission of the CRD ~~or the Ports Manager.~~

DAMAGE

12. No person shall remove, destroy or damage any dock or structure or sign attached to a dock.
13. No person shall remove, destroy or damage any notices, rules or regulation posted on a dock by or under the authority of the CRD.

Formatted: Space Before: 0 pt, After: 0 pt, No bullets or numbering

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.27 cm, Space Before: 0 pt, After: 0 pt, No bullets or numbering

Formatted: Font: 11 pt

Formatted: Space Before: 0 pt, After: 0 pt, No bullets or numbering

Formatted: Tab stops: 14.4 cm, Left + Not at 1.27 cm + 17.78 cm

14. No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a dock or in the water surrounding a dock.

STORAGE

15. No person shall store any material of any kind, including a watercraft, to or on the surface of a dock unless it is designated by a sign as a storage area.

LOADING ZONE

16. No person shall cause a vessel or watercraft to be left unattended at a loading zone.
17. No person shall cause a vessel or watercraft to remain moored in a loading zone for a period in excess of 15 minutes and every person not in possession of a valid ~~"Schedule D"~~ "Schedule "D" licence shall immediately vacate a loading zone to make room for a person in possession of a ~~"Schedule D"~~ "Schedule "D" licence.

AIRPORT

18. No person shall moor to an airport, except where the airport includes a loading zone.
19. Notwithstanding section 18, where an airport includes a loading zone, the person having control of a vessel or watercraft being moored in the airport which includes the loading zone shall immediately vacate the loading zone upon the approach of an aircraft intending to use the airport.

VEHICLES

- 20.
- (1) No person shall drive a vehicle on a dock except for the express purpose of loading or unloading or the vehicle is being used for the purpose of repairing or maintaining the dock.
 - (2) Despite section 20.(1), the CRD may cause to be posted a sign prohibiting a person from driving a vehicle on a dock for any purpose.
21. No person shall park a vehicle or leave a vehicle unattended on a dock.

COMMERCIAL SERVICES

22. No person shall sell, expose or display for sale any goods or materials including refreshments, or conduct any business on a dock except where authorized by the CRD.
23. Persons conducting any business authorized by the CRD shall obtain and pay for a license in accordance with ~~Schedule A~~ "Schedule "A".

CONSTRUCTION

24. No person shall build upon or place any structure on a dock except where authorized by the CRD.

FEES

- 25.

- (1) A person in control of a vessel or watercraft, which is moored at a dock for less than two hours in any 24-hour period, shall not pay a moorage fee.
- (2) A person in control of a vessel or watercraft moored at a dock in excess of two hours but less than 12 hours in a 24 hour period shall pay to the CRD the moorage fees prescribed in ~~“Schedule A”~~ “Schedule A” section 2(a)(i), shall pay with a coupon as prescribed in ~~“Schedule A”~~ “Schedule A” section 2(b) or shall pay with a commuter pass as prescribed in ~~“Schedule A”~~ “Schedule A” section 2(c).
- (3) A person in control of a vessel or watercraft moored at a dock in excess of 12 hours in any 24-hour period or after 8 p.m. shall pay to the CRD the moorage fees prescribed in ~~“Schedule A”~~ “Schedule A” section 2(a)(ii).
- (4) A person in control of a vessel or watercraft moored at a dock shall pay to the CRD all applicable moorage fees within two hours of mooring the vessel or watercraft to a dock.
- (5) A person in control of a vessel or watercraft who is a resident of the Southern Gulf Islands Electoral Area and can show proof of residency to the CRD and who intends to moor at a dock in excess of 24 hours may obtain from the CRD a monthly, quarterly or annual license as prescribed in ~~“Schedule C”~~ “Schedule C” and pay to the CRD the moorage fees as prescribed in ~~“Schedule A”~~ “Schedule A” section 2(d), (e) or (f) whichever section is applicable.
- (6) A person in control of a seaplane, water taxi, emergency vessel, or charter vessel or watercraft, intending to use a dock shall obtain from the CRD a license as prescribed in Schedules “D” or “E” and pay to the CRD the fees prescribed in ~~“Schedule A”~~ “Schedule A” section 3, section 4 or section 5 whichever section is applicable.”

DANGEROUS GOODS

26. No vessel or watercraft carrying dangerous goods or explosives shall moor at a dock for longer than is necessary to effect immediate loading or unloading.
27. No vessel or watercraft carrying dangerous goods or explosives moored at a dock shall be left unattended.

RESPONSIBILITY

28. For the purpose of these regulations, the person having charge of a vessel or watercraft is deemed to be responsible for ~~the~~ vessel or watercraft and the action of its crew ~~or passengers, as directed by signage at the facility.~~

RESERVED BERTH

29. At the discretion of the CRD, a section of dock may be reserved for the exclusive use of a vessel or watercraft on condition that the person in control of the vessel or watercraft obtain a license from the CRD prescribed in Schedule C or D and pay to the CRD the moorage fees prescribed in ~~Schedule A~~ Schedule “A”, section 6.

DOCK MANAGEMENT

30. In order to facilitate the proper management, control and use of a dock, the CRD may establish specific mooring conditions to various sections of a dock, and a Wharfinger or ~~Ports Manager~~ CRD may order a vessel or watercraft to move or alter its position.

31. The wharfinger or ~~Ports Manager~~CRD, at their discretion, may order that any vessel or watercraft is not allowed to moor to the dock.
32. When required by limited mooring space any person in charge of a vessel or watercraft may raft the vessel or watercraft provided that no more than two vessels or watercrafts are rafted or such lower or higher number of vessels or watercrafts as specified by the CRD and sign posted at the dock.

ABANDONMENT

33. No person shall abandon a vessel or watercraft at a dock.
34. Where the ~~Ports Manager~~CRD or wharfinger believes a vessel or watercraft has been abandoned at a dock, and has made reasonable efforts to obtain the name and address of the owner or person last in charge of the vessel or watercraft, the ~~Ports Manager~~wharfinger shall make a report to the CRD with recommendations for the removal of the abandoned vessel or watercraft.

OBSTRUCTION

35. The ~~Ports Manager~~CRD or a wharfinger may direct the position, time, place and manner in which a vessel or watercraft may be moored, loaded or unloaded at a dock.
36. Except as permitted by the ~~Ports Manager~~CRD or wharfinger, no person shall moor a vessel or watercraft at a dock in such a manner as to unduly obstruct the movement of other vessels or watercraft.
37. Except as permitted by the ~~Ports Manager~~CRD or wharfinger, the lines fastening a vessel or watercraft to a dock shall not cross the dock or be attached to anything other than the fastenings provided for the purpose.
38. Except as permitted by the ~~Ports Manager~~CRD or wharfinger, no person shall:
 - (1) use the surface of a dock for any major maintenance or repair work; or
 - (2) do any other thing in such a manner as to impede the use of the dock.

REMOVAL AND IMPOUNDMENT OF VESSELS, WATERCRAFT, CHATTELS, AND OBSTRUCTIONS

39. The ~~Ports Manager~~CRD and wharfinger is authorized to remove and impound, or cause to be removed and impounded, any vessel, chattel or obstruction that occupies a ~~wharf~~dock or waterlot in contravention of this Bylaw. —
40. Any vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the CRD in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
41. If a vessel, chattel or obstruction is removed and impounded, the ~~Ports Manager~~CRD shall make reasonable efforts to obtain the name and address of the owner of the vessel, chattel or obstruction and:
 - (1) If the name and address of the owner is determined, the ~~Ports Manager~~CRD shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the vessel, chattel or obstruction and the date for sale by public auction, other means preferred by CRD, or disposition under section 42,

as applicable, if unclaimed; or

- (2) if the identity of the owner is not determined or if delivery under 41(1) cannot be confirmed, the ~~Ports Manager~~CRD shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the vessel and the planned date for sale by public auction, other means preferred by CRD, or disposition under section 42, as applicable, if unclaimed.

42. The fees, costs and expenses payable by the owner of a vessel, chattel or obstruction removed and impounded under this section are set out in Schedule “A” to this Bylaw.
43. A sign at each wharf shall notify the public that vessels, chattels and obstructions occupying the wharf and surrounding waterlot in contravention of this Bylaw, may be removed and impounded by or on behalf of the CRD at the cost of the owner and may be sold at public auction or means preferred by CRD, or otherwise disposed of if unclaimed. The failure to post such a sign or ensure it remains posted shall not impair the CRD’s ability to recover fees, costs, or expenses under this bylaw nor shall it impair the ability to remove, impound, sell, or otherwise dispose of vessels, chattels, and obstructions.
44. The CRD may engage the services of a bailiff to remove, impound and auction or otherwise dispose of vessels, chattels and other obstructions under this section and sections 45 to 48.

(Bylaw 3586)

PUBLIC AUCTION AND SALE

45. Any vessel, chattel or obstruction not claimed by its owner, including where the ~~Ports Manager~~CRD has been unable to determine the owner’s identity, within 30 days of notice under section 41 may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least bi-monthly in the Southern Gulf Island Electoral Area.
46. The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw.
47. If any vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the CRD from the owner.
48. If the ~~Ports Manager~~CRD considers that a vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction or that other means are preferred by CRD to dispose of the property, such as private sale or sale through a broker, subsequent to the Commission’s approval by resolution, the ~~Ports Manager~~CRD may dispose of the vessel, chattel or obstruction if unclaimed after 2 months following notice under section 41 and any money obtained through such disposition shall be dealt with in accordance with section 40.

PORTS MANAGERCRD AND WHARFINGER

- 49.
- (1) The ~~wharfinger~~~~Ports Manager~~, under the direction of the CRD, is responsible for the operation al ~~oversight and~~ administration ~~and management~~ of the docks and may post ~~signs~~ notices and give such orders, ~~either orally or in writing~~, in respect of the operation of the dock, as are authorized by these regulations.
- (2) No person shall contravene:
- (a) an order of the ~~Ports Manager~~CRD or a wharfinger given under subsection (1); or

- (b) the directions or instructions on any sign posted under subsection (1).
- (3) Where a vessel, watercraft or goods are not removed from a dock immediately after the removal thereof is ordered by the ~~Ports Manager~~CRD or a wharfinger, the ~~Ports Manager~~CRD or wharfinger may have the vessel, watercraft or goods removed from the dock at the owner's expense.
- (4) An order of the ~~Ports Manager~~CRD prevails over an order of a wharfinger.
- (5) The ~~wharfinger~~ ~~Ports Manager~~ is authorized to administer and sign on behalf of the CRD the License Agreements contained in Schedules "C", "D" and "E".
- (6) The Wharfingers are authorized to administer and sign on behalf of the CRD the License Agreement contained in Schedule "C".

SEVERANCE

50. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

SCHEDULES

51. Schedules "A" to "E" inclusive of this Bylaw are attached hereto and form part of this Bylaw.

CITATION

52. This Bylaw may be cited as "Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000".

READ A FIRST TIME THIS	22nd	day of	November	2000
READ A SECOND TIME THIS	22nd	day of	November	2000
READ A THIRD TIME THIS	22nd	day of	November	2000
ADOPTED THIS	13th	day of	December	2000.

Christopher M. Causton
CHAIR

Carmen I. Thiel
SECRETARY

SCHEDULE "A"
Bylaw No. 2844

Capital Regional District Southern Gulf Islands Harbours
FEES AND LICENSES

1. DEFINITIONS

“charter boat” means any vessel or watercraft used to transport passengers who have paid a fee for tourism services including, but not limited to, fishing, whale watching, sightseeing or diving;

“dinghy” means an open boat with a maximum length of 12 feet, excluding outboard motor, having a beam of no more than 6 feet and a motor of not more than 25 horsepower and the dry weight/hull weight is at, or under, ~~250~~ 300 pounds;

“emergency service vessel” means a police, fire, search and rescue, or ambulance vessel and any other vessel acting in the aforementioned capacities;

“length” means the overall length of a vessel or watercraft as determined by the Ports Manager or wharfinger;

“month” means a period commencing on a date in one month and terminating on the day immediately preceding the same date in the next month or, if there is no corresponding date in the next month, terminating on the last day of that month;

“moorage” means a charge for mooring;

“quarter” means three months;

“reserved berth” means a section of a dock identified by a ‘Reserved’ sign on the tie-rail;

“resident” means person who satisfies the conditions of residency established in section 52 of the *Local Government Act* in respect of the Southern Gulf Islands Electoral Area;

“short-term zone” means a section of a dock identified by a “short-term zone” sign on the tie rail;

“springline” means a special moorage arrangement where the vessel is bow tied to the dock and stern tied to an approved, weighted pulley line.

“water taxi” means any vessel or watercraft used to transport passengers or material for a fee.

Schedule "A" to Bylaw No. 2844 (cont'd.)

2. MOORAGE FEES (All moorage fees include applicable taxes)

- (a) (i) Moorage Fees from 2 to 12 hours, normally commencing and ending between **8:00 AM** and **8:00 PM** of the same day;

\$0.5 per lineal foot per day.

BOAT LENGTH			BOAT LENGTH		
FEET	METRES	FEE	FEET	METRES	FEE
5 to 6	to 1.8	\$2.50	33 to 34	to 10.4	\$12.75
7 to 8	to 2.4	\$3.00	35 to 36	to 11.0	\$13.50
9 to 10	to 3.0	\$3.75	37 to 38	to 11.6	\$14.25
11 to 12	to 3.7	\$4.50	39 to 40	to 12.2	\$14.75
13 to 14	to 4.3	\$5.25	41 to 42	to 12.8	\$15.75
15 to 16	to 4.9	\$6.00	43 to 44	to 13.4	\$16.50
17 to 18	to 5.5	\$6.75	45 to 46	to 14.0	\$17.25
19 to 20	to 6.1	\$7.50	47 to 48	to 14.6	\$18.25
21 to 22	to 6.7	\$8.25	49 to 50	to 15.2	\$18.75
23 to 24	to 7.3	\$9.00	51 to 52	to 15.8	\$19.50
25 to 26	to 7.9	\$9.75	53 to 54	to 16.5	\$20.25
27 to 28	to 8.5	\$10.50	55 to 56	to 17.1	\$21.00
29 to 30	to 9.1	\$11.25	57 to 58	to 17.7	\$21.75
31 to 32	to 9.8	\$11.75	59 to 60	to 18.3	\$22.50

- (ii) Moorage Fees from 12+ to 24 hours or overnight:-

\$1 per linear foot.

BOAT LENGTH			BOAT LENGTH		
FEET	METRES	FEE	FEET	METRES	FEE
5 to 6	to 1.8	\$5.00	33 to 34	to 10.4	\$25.50
7 to 8	to 2.4	\$6.00	35 to 36	to 11.0	\$27.00
9 to 10	to 3.0	\$7.50	37 to 38	to 11.6	\$28.50
11 to 12	to 3.7	\$8.75	39 to 40	to 12.2	\$30.00
13 to 14	to 4.3	\$10.25	41 to 42	to 12.8	\$31.25
15 to 16	to 4.9	\$11.50	43 to 44	to 13.4	\$32.75
17 to 18	to 5.5	\$13.50	45 to 46	to 14.0	\$34.50
19 to 20	to 6.1	\$14.75	47 to 48	to 14.6	\$36.00
21 to 22	to 6.7	\$16.25	49 to 50	to 15.2	\$37.50
23 to 24	to 7.3	\$18.00	51 to 52	to 15.8	\$38.75

25 to 26	to 7.9	\$19.25	53 to 54	to 16.5	\$40.50
27 to 28	to 8.5	\$21.00	55 to 56	to 17.1	\$41.75
29 to 30	to 9.1	\$22.50	57 to 58	to 17.7	\$43.50
31 to 32	to 9.8	\$24.00	59 to 60	to 18.3	\$44.75

Schedule "A" to Bylaw No. 2844 (cont'd.)

(b) Moorage Coupon Book Fees

A Moorage Coupon Book contains 20 coupons. Each coupon entitles a person who is a resident in control of a vessel or watercraft to moor for a single 12-hour continuous period. Coupons may not be used to pay for two consecutive 12-hour periods. The following will be charged for each coupon book:

Vessel or Watercraft Length:

Up to 16 ft.	Over 16 ft. up to 20	Over 20 ft. up to 24	Over 24 ft. up to 28	Over 28 ft. up to 32
\$54.00	\$62.50	\$74.50	\$88.00	\$102.00

(c) Monthly Commuter Pass

A Monthly Commuter Pass, entitling a person who is a resident in control of a vessel or watercraft to moor for up to 12 hours in a 24-hour period at any dock operated by the CRD, may be purchased for the following fees:

(i) \$2.25 per lineal foot per month.

(ii) If the resident currently has prepaid long-term moorage at a dock operated by the CRD the fee is \$1.50 per lineal foot per month.

(db) Prepaid Long-Term Moorage Fees

(i) The prepaid monthly moorage fee is \$5.580-4.40 per lineal foot per month. (need to add taxes).

(ii) The prepaid quarterly moorage fee is \$165.0040-44.80 per lineal foot per quarter. (need to add taxes).

(iii) The prepaid annual moorage fee is \$6055.30-42.50 per lineal foot per year. (need to add taxes).

(iv) Despite subsections (i), (ii) and (iii), no person in control of a vessel or watercraft shall moor at a Short-Term Zone or at the Swartz Bay dock for longer than 72 consecutive hours in a 30-day period.

(v) Where a resident has obtained a monthly, quarterly or annual moorage license prescribed in "Schedule C" Schedule "C", that resident may apply for a monthly, quarterly or annual moorage for the same vessel at a second dock for an additional payment of one half the moorage fee paid at the first dock.

(ec) Long-term moorage fees for a dinghy bow-tied at a dock area posted with a sign saying "dinghies only" shall be as follows:

Formatted: Indent: Left: -0.63 cm, First line: 0.63 cm, Right: -1.75 cm

Formatted: Indent: Left: -0.63 cm, First line: 0.63 cm, Right: -1.75 cm

Formatted: Right: -1.75 cm

Formatted: Indent: Left: 0 cm, Right: -1.75 cm

Commented [SH1]: Need input

Formatted: Right: -1.75 cm, No bullets or numbering, Tab stops: 1.27 cm, Left + Not at 2.64 cm

Formatted: Right: -1.75 cm

- (i) The prepaid monthly moorage fee is ~~\$2230.00~~.
- (ii) The prepaid quarterly moorage fee is ~~\$59-2580.00~~.
- (iii) The prepaid annual moorage fee is ~~\$213-25280.00~~.

Schedule "A" to Bylaw No. 2844 (cont'd.)

(~~d~~) Springline Moorage Fees

Where a springline moorage system has been approved by the CRD the following rates will apply for boats up to 14 feet in length and 8 feet wide:

- (i) Monthly fee is \$75.00 per month.
- (ii) Quarterly fee is \$210 per quarter.
- (i) ~~Annual fee is \$800 (formerly a fee of \$682.30 per year as per below).~~
- (i) ~~Four month period from May 15th to September 15th each year is \$157.50~~
- (ii) ~~When permitted, any additional period is \$65.60 per month.~~

(~~g~~) Short-Term Zone Fees

Where a short-term zone exists on a dock, the daily rate will apply. No monthly, quarterly or annual rates are available for these zones.

3. WATER TAXI AND CHARTER BOATS MOORAGE FEES

- (a) A person in control of a water taxi or charter boat mooring or landing at a dock shall obtain from the CRD in the form prescribed in "~~Schedule D~~" Schedule "D" a license at a cost of \$62.50 per annum in addition to the fees set out in section 3(b) and (c) below.
- (b) (i) Loading and Unloading Water Taxis and Charter Boats:

Landings/month/dock	Monthly Fee	Annual Fee
0-2	No charge	N/A
3- 10 5	\$20.50 27.00	\$205.00 260.00
16-30	\$45.00	\$440.00
31+	\$72.00	\$720.00
10+ 16-30	\$34.00 \$90	\$340.00 \$1000
31+	\$55.00	\$550.00

Formatted: Indent: Left: 3.91 cm, No bullets or numbering

Formatted: Indent: Left: -1.27 cm

Formatted: Indent: Left: 0 cm

- (ii) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the ~~Ports Manager~~ CRD or wharfinger may make an adjustment to the fee based on actual usage.
- (c) The moorage fees for water taxis or charter boats are the same as prescribed in ~~"Schedule A"~~ "Schedule A" sections 2(a)(i) and (ii), 2(b), 2(c) and 2(d) except the monthly, quarterly and annual fees, moorage coupon books and commuter passes are available only to an operator of a water taxi or charter boat who is a resident of the Southern Gulf Islands Electoral Area.
- (d) Where a person has obtained a license to operate a water taxi or charter boat and pays monthly or annual landing fees and provides a regularly scheduled published service between two docks listed in "Schedule B" using the same vessel no landing fees are required on the second dock.

Schedule "A" to Bylaw No. 2844 (cont'd.)

4. SEAPLANES

- (a) The loading and unloading fee for casual use by seaplanes is ~~\$13.50~~ \$20.00 per landing in excess of 2 landings per airport per year.
- (b) A person in control of a seaplane shall obtain from the CRD a license prescribed in ~~"Schedule E"~~ "Schedule E" for a fee of \$62.50 per annum and in addition, may pay to the CRD the following prepaid annual fee for recurring use:

Landings per year per Airport	Annual Fee per Airport
3 – 2448 <u>48</u>	\$205.00 <u>\$400.270</u>
24+49 – 200 <u>49 – 200</u>	\$410.00 <u>\$1,000.520</u>
200+	\$720
200 +	\$550.00

- (c) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the ~~Ports Manager~~ CRD or wharfinger may make an adjustment to the fee based on actual usage.
- (d) Seaplane Moorage Fees: Not Available

5. EMERGENCY VESSEL MOORAGE FEES

- (a) A person in control of an emergency services vessel shall ~~purchase~~ apply for a license as prescribed in ~~"Schedule D"~~ "Schedule D" ~~at a cost of \$62.50 per annum~~ each year.
- (b) Emergency Service Vessels, when not performing emergency services, shall be subject to the same moorage fees as prescribed in ~~"Schedule A"~~ "Schedule A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).
- (c) Emergency Service Vessels, while actively performing emergency services, will not be subject to the fees prescribed in ~~"Schedule A"~~ "Schedule A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).

6. RESERVED BERTHS

The moorage fee for reserved berths is 1.5 times the applicable ~~(quarterly and annual)~~ moorage fee as prescribed in ~~"Schedule A"~~ "Schedule A". ~~OR DO WE DELETE??~~

7. REMOVAL AND IMPOUNDMENT -

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Sections 39 to 44 of this Bylaw:

- (a) Impoundment Fee ~~\$141~~50.00 OR ACTUAL COST
- (b) Towing Fee per hour (for towing or removal to storage location) ~~\$170.50~~275 OR MARKET
ACTUAL COST WHICHEVER IS GREATER?
- (c) Hauling Out Fee per hour ~~\$170.50~~275 OR MARKET-ACTUAL COST WHICHEVER IS GREATER?
- (d) Fee for Placing on Blocks/Removal from Trailer (fee per hour) ~~\$170.50~~275 OR MARKET
ACTUAL COST WHICHEVER IS GREATER?
- (e) Storage Costs for Vessel (rate per day per foot) ~~\$4.00~~5.25 OR MARKETACTUAL COST WHICHEVER IS GREATER?

At CRD's option, it can select the fee or the actual cost, whichever is greater. "Actual cost" is the actual cost if provided directly by CRD or by a third party contractor, calculated on a cost recovery basis, including any applicable fees, charges, or taxes. CRD may charge an additional 10% on top of fees or actual costs to cover administrative tasks and time spent.

SCHEDULE "B"
Bylaw No. 2844

(Bylaw 2905, 3295, 3417, 3586, 3651, 3814)

Capital Regional District Southern Gulf Islands Harbours
DOCKS ADMINISTERED BY THE CRD IN THE SOUTHERN GULF ISLANDS

- GALIANO ISLAND: Sturdies Bay
Montague Harbour
Retreat Cove
Spanish Hills
- MAYNE ISLAND: Miners Bay
Horton Bay *(By Agreement)*
Anson Road
- NORTH PENDER ISLAND: Port Washington
Browning Harbour
Hope Bay
- PIERS ISLAND: Piers Island
- SATURNA ISLAND: Lyall Harbour
- ~~SOUTH PENDER ISLAND~~ ~~Bedwell Harbour (By Agreement)~~
- VANCOUVER ISLAND: Swartz Bay

SCHEDULE "C"
Bylaw No. 2844

(Bylaw 3417, 3586, 3651)

Capital Regional District Southern Gulf Islands Harbours
MOORAGE LICENSE AGREEMENT ("the Agreement")

This non-assignable license is granted by the Capital Regional District ("the CRD") on: _____
 _____ (date)

TO: Name _____
 Address _____ City _____ Prov. _____
 Postal Code _____ Telephone (home) _____ (cell) _____

("the Licensee")

Name of Vessel _____ Registration No. _____
 Length _____ Port of Registry _____ Boat Make _____

("the Vessel")

For permission to moor the Vessel to a dock or docks operated by the CRD and known as:

_____ **("the Dock")**

For the period of _____ to _____ **("the Term")**

Emergency Contact _____ Phone _____

Moorage Fees Paid \$ _____

1. In consideration of the payment of the fees as prescribed in Schedule "A" of Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000 ("**the Bylaw**"), the CRD grants the Licensee permission to moor the Vessel at the Dock during the Term. The Licensee may on 30 days notice, cancel use of any unused portion of prepaid fees and receive a pro rata refund of the prepaid fees.
2. In consideration of this license, the Licensee agrees that:
 - a. No transfer or assignment of the Agreement or of any rights hereunder will be made by the Licensee;
 - b. Any reference to the Licensee in this Agreement will be deemed to be a reference also to the person in charge of the Vessel where such person is not included in the Agreement;
 - c. All fees are payable in advance of berthing the Vessel;
 - d. The Licensee must obey all orders of the CRD, ~~Ports Manager~~ and the wharfingers whether verbal or in writing and must obey all signs posted by the CRD, ~~Ports Manager~~ or the wharfingers;
 - e. The Licensee must comply with and conform to the requirements of all lawful rules, regulations and bylaws of local government or any other government enactment in any manner affecting the Vessel or Licensee at the Dock;
 - f. The CRD may terminate this Agreement immediately in the event of any failure to comply with the Bylaw or any other local government, provincial or federal enactment which applies;
 - g. The CRD reserves the right to terminate this Agreement immediately in the event of an emergency, or for any reason on 30 days notice to the Licensee. In the event of a termination by the CRD, the CRD shall provide a pro rata refund of prepaid fees.
 - h. The Licensee acknowledges that moorage fees paid to the CRD are only for the rental of the water space occupied by the Vessel and in no way creates a tenancy or any obligation on the part of the CRD or any of its employees or agents for the care, custody and/or safety of the Vessel, its contents or any of its occupants;
 - i. The Licensee releases and must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which the Licensee or anyone else may incur, suffer or allege by reason of the use of the Dock by the Licensee or by any person carrying on at the Dock any activity in relation to the Licensee's use of the Dock;

Schedule "C" to Bylaw No. 2844 (cont'd.)

- j. The Licensee must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which may be caused to the CRD by the presence of the Vessel at the Dock;
- k. When requested the Licensee must provide proof of comprehensive liability insurance in the amount of not less than ~~one-two~~ million dollars per single occurrence and regardless of whether proof is requested the Licensee must maintain said policy for the duration of the Term;
- l. The Licensee affirms that the Vessel is fit for its intended purpose, does not pose an environmental risk to the Dock or the area surrounding the Dock, and shore power is not required to keep the Vessel afloat. Where the Vessel is unfit or poses a risk to the Dock, and the ~~Ports Manager~~CRD has made reasonable efforts to contact the Licensee or such other person as may reasonably take control of the Vessel, the CRD may, at its discretion and at the Licensee's own cost and risk, remove the Vessel from the Dock and impound, store, ~~or auction,~~ sell by other means preferred by CRD, or dispose of the Vessel in accordance with the Bylaw.
- m. In the event that the Vessel runs aground, sinks or if goods fall overboard in the area of the Dock, the Licensee must remove such forthwith. If the Licensee fails to do so, the CRD may remove the Vessel or goods at the Licensee's expense and risk.
- n. The CRD reserves the right to rearrange the position of the Vessel while moored at the Dock or as necessary for the efficient operation of the marina facility, or for other causes such as safety or emergency or for any other reason, without previous notice to the Licensee and at the Licensee's expense and risk;
- o. The Licensee must not do or permit to be done anything which may damage or injure the Dock and the Licensee must, at the Licensee's own expense, maintain and repair the Dock whenever it is damaged as a result of the permission hereby given, other than ordinary wear and tear as determined by the CRD;
- p. The Licensee shall at all times keep the Vessel in a sanitary, clean and tidy condition, in all respects to the entire satisfaction of the CRD;
- q. No garbage, refuse, empty or broken bottles, cans, paper, animal excrement, litter or other waste material will be thrown overboard, ~~or discharged,~~ or left on the Dock except in the receptacles provided for such a purpose;
- r. No gasoline or other flammable liquids, oily rags, or other combustible material will be stored or left on the Dock. Any spillage of environmentally hazardous substances must be reported immediately to the ~~Ports Manager~~Coast Guard and CRD or a wharfinger, and cleaned up immediately by and at the expense of the Licensee. The Licensee must indemnify the CRD from and against any and all costs including penalties and fines associated with the containment and cleanup of any environmentally hazardous substances that originate from the Vessel or any act or omission of the Licensee;
- s. When required by the ~~Ports Manager~~CRD or a wharfinger, the Licensee must raft the Vessel alongside another vessel, provided that no more than two vessels are rafted, or such lower or higher number as specified by the CRD or any sign posted at the Dock;
- t. The Licensee must not leave the Vessel unattended in a loading zone, and must not remain moored in a loading zone for more than 15 minutes;
- u. The Licensee must not moor to an airport, except where the airport includes a loading zone. The Vessel must not be left unattended in a loading zone and the Licensee must vacate the loading zone immediately on the approach of an aircraft intending to use the airport;
- v. The Licensee and his/her guests shall not carry or permit to be carried on any activity that, in the opinion of the CRD, may be detrimental to the safety or enjoyment of others using the CRD's facilities, or be deemed a nuisance or disturbance, including but not limited to diving or jumping from a dock, wharf or pier or swimming in the water-lot around the Dock;
- w. If the Vessel is moored at the Dock without payment of moorage fees for a period in excess of 45 days or, within a 30 day notice period the Vessel is not removed from the Dock under its own power for a period of at least one hour in the presence of a wharfinger or the ~~Ports Manager~~CRD, the Vessel will be deemed to be abandoned;
- x. Where the ~~Ports Manager~~CRD believes a Vessel has been abandoned as defined in Section "w" above, and has made reasonable efforts to contact the Licensee or such other person as may reasonably take control of the Vessel, the CRD may, at its discretion and at the Licensee's own cost and risk, remove the Vessel from the Dock and impound, store, ~~or auction,~~ sell by other means preferred by CRD, or dispose of the Vessel in accordance with the Bylaw.
- y. Live-aboards are not permitted except at the docks unless authorized in writing by at the discretion of the CRD.

Signature of Licensee _____ Date _____

Issued per CRD _____ Date _____
(~~Ports Manager~~CRD or wharfinger)

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the issuing of this license agreement and for the management of docks operated by the CRD. Enquiries about the collection or use of information in this form can be directed to the Freedom of Information and Protection of Privacy contact: Capital Regional District, Senior Coordinator, FOIPP (250) 360-3000.

SCHEDULE "D"
Bylaw No. 2844

(Bylaw 3417, 3586, 3651)

Capital Regional District Southern Gulf Islands Harbours
WATER TAXI, CHARTER BOAT, EMERGENCY SERVICES VESSEL OR BUSINESS MOORAGE AND
LICENSE AGREEMENT ("the Agreement")

This non-assignable license is granted by the Capital Regional District ("the CRD") on: _____
 _____ (date)

TO: Name _____
 Address _____ City _____ Prov. _____
 Postal Code _____ Telephone (home) _____ (cell) _____
 ("the Licensee")

Name of Vessel _____ Registration No. _____
 Length _____ Port of Registry _____ Boat Make _____
 ("the Vessel")

For permission to moor the Vessel to a dock or docks operated by the CRD and known as:
 _____ ("the Dock")

For the period of _____ to _____ ("the Term")

Moorage Fees Paid \$ _____

1. In consideration of the payment of the fees as prescribed in Schedule "A" of Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000 ("the Bylaw"), the CRD grants the Licensee permission to moor or land the Vessel at the Dock during the Term. The Licensee may on 30 days notice, cancel use of any unused portion of prepaid fees and receive a pro rata refund of the prepaid fees.
2. In consideration of this license, the Licensee agrees that:
 - a. No transfer or assignment of the Agreement or of any rights hereunder will be made by the Licensee;
 - b. Any reference to the Licensee in this Agreement will be deemed to be a reference also to the person in charge of the Vessel where such person is not included in the Agreement;
 - c. All fees are payable in advance of berthing the Vessel. Prepaid annual fees as prescribed in Schedule "A" of the Bylaw are based on estimated annual usage. Usage is subject to audit and the CRD may make an adjustment to the fee based on actual usage;
 - d. The Licensee must obey all orders of the CRD, ~~Ports Manager~~ and the wharfingers whether verbal or in writing and must obey all signs posted by the CRD, ~~Ports Manager~~ or the wharfingers;
 - e. The Licensee acknowledges that moorage fees paid to the CRD are only for the rental of the water space occupied by the Vessel and in no way creates a tenancy or any obligation on the part of the CRD or any of its employees or agents for the care, custody and/or safety of the Vessel, its contents or any of its occupants;
 - f. The Licensee must comply with and conform to the requirements of all lawful rules, regulations and bylaws of local government or any other government enactment in any manner affecting the Vessel or Licensee at the Dock;
 - g. The CRD may terminate this Agreement immediately in the event of any failure to comply with the Bylaw or any other local government, provincial or federal enactment which applies;
 - h. The CRD reserves the right to terminate this Agreement immediately in the event of an emergency, or for any reason on 30 days notice to the Licensee. In the event of a termination by the CRD, the CRD shall provide a pro rata refund of prepaid fees.
 - i. The Licensee releases and must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which the Licensee or anyone else may incur, suffer or allege by reason of the use of the Dock by the Licensee or by any person carrying on at the Dock any activity in relation to the Licensee's use of the Dock;

Schedule "D" to Bylaw No. 2844 (cont'd.)

- j. The Licensee must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which may be caused to the CRD by the presence of the Vessel at the Dock;
- k. The Licensee must provide proof of a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Dock by the Licensee in the amount of not less than ~~two~~ **three million dollars** per single occurrence and must maintain said policy for the duration of the Term;
- l. The Licensee affirms that the Vessel is fit for its intended purpose, does not pose an environmental risk to the Dock or the area surrounding the Dock, and shore power is not required to keep the Vessel afloat. Where the Vessel is unfit or poses a risk to the Dock, and the ~~Ports Manager~~ **CRD** has made reasonable efforts to contact the Licensee or such other person as may reasonably take control of the Vessel, the CRD may, at its discretion and at the Licensee's own cost and risk, remove the Vessel from the Dock and impound, store, ~~or auction, sell by other means preferred by CRD, or dispose of~~ the Vessel in accordance with the Bylaw.
- m. In the event that the Vessel runs aground, sinks or if goods fall overboard in the area of the Dock, the Licensee must remove such forthwith. If the Licensee fails to do so, the CRD may remove the Vessel or goods at the Licensee's expense and risk.
- n. The Licensee is responsible for the actions of his or her crew, agents and/or employees;
- o. The CRD reserves the right to rearrange the position of the Vessel while moored at the Dock or as necessary for the efficient operation of the marina facility, or for other causes such as safety or emergency or for any other reason, without previous notice to the Licensee and at the Licensee's expense and risk;
- p. The Licensee must not do or permit to be done anything which may damage or injure the Dock and the Licensee must, at the Licensee's own expense, maintain and repair the Dock whenever it is damaged as a result of the permission hereby given, other than ordinary wear and tear as determined by the CRD;
- q. The Licensee must comply with any direction from the CRD regarding the position, time, place and manner in which in which a vessel or watercraft may be moored, loaded or unloaded at a dock;
- r. No garbage, refuse, empty or broken bottles, cans, paper, animal excrement, litter or other waste material will be thrown overboard, ~~or discharged~~, or left on the Dock except in the receptacles provided for such a purpose;
- s. No gasoline or other flammable liquids, oily rags, or other combustible material will be stored or left on the Dock. Any spillage of environmentally hazardous substances must be reported immediately to the ~~Ports Manager~~ **Coast Guard and CRD** or a wharfinger, and cleaned up immediately by and at the expense of the Licensee. The Licensee must indemnify the CRD from and against any and all costs including penalties and fines associated with the containment and cleanup of any environmentally hazardous substances that originate from the Vessel or any act or omission of the Licensee;
- t. When required by the ~~Ports Manager~~ **CRD** or a wharfinger, the Licensee must raft the Vessel alongside another vessel, provided that no more than two vessels are rafted, or such lower or higher number as specified by the CRD or any sign posted at the Dock;
- u. The Licensee must not leave the Vessel unattended in a loading zone, and must not remain moored in a loading zone for more than 15 minutes;
- v. The Licensee must not moor to an airport, except where the airport includes a loading zone. Vessels must not be left unattended in a loading zone and the Licensee must vacate the loading zone immediately on the approach of an aircraft intending to use the airport;
- w. The Licensee shall not carry or permit to be carried on any activity that, in the opinion of the CRD, may be detrimental to the safety or enjoyment of others using the CRD's facilities, or be deemed a nuisance or disturbance, including but not limited to diving or jumping from a dock, wharf or pier or swimming in the water-lot around the Dock;
- x. If the Vessel is moored at the Dock without payment of moorage fees for a period in excess of 45 days or, within a 30 day notice period the Vessel is not removed from the Dock under its own power for a period of at least one hour in the presence of a wharfinger or the ~~Ports Manager~~ **CRD**, the Vessel will be deemed to be abandoned;
- y. Where the ~~Ports Manager~~ **CRD** believes a Vessel has been abandoned as defined in Section "x" above, and has made reasonable efforts to contact the Licensee or such other person as may reasonably take control of the Vessel, the CRD may, at its discretion and at the Licensee's own cost and risk, remove the Vessel from the Dock and impound, store, ~~or auction, sell by other means preferred by CRD, or dispose of~~ the Vessel in accordance with the Bylaw.

Signature of Licensee _____ Date _____

Issued per CRD _____
(~~Ports Manager~~ **CRD**)

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the issuing of this license agreement and for the management of docks operated by the CRD. Enquiries about the collection or use of information in this form can be directed to the Freedom of Information and Protection of Privacy contact: Capital Regional District, Senior Coordinator, FOIPP (250) 360-3000.

SCHEDULE "E"
Bylaw No. 2844

(Bylaw 3586, 3651)

Capital Regional District Southern Gulf Islands Harbours
SEAPLANE LICENSE AGREEMENT ("the Agreement")

This non-assignable license is granted by the Capital Regional District ("the CRD") on: _____
 (date)

TO: Name _____
 Address _____ City _____ Prov. _____
 Postal Code _____ Telephone (home) _____ (cell) _____
 ("the Licensee")

For permission to moor the Seaplane to any dock or portion of a dock operated by the CRD that has been designated for use by seaplanes and identified by a red triangle on the dock surface ("the Airport")

For the period of _____ to _____ ("the Term")

Annual Fee Paid \$ _____

1. In consideration of the payment of the annual fee as prescribed in Schedule "A" of Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000 ("the Bylaw") the CRD grants the Licensee permission to land the Seaplane at an Airport during the Term. The Licensee may on 30 days notice, cancel use of any unused portion of prepaid annual fee and receive a pro rata refund of the prepaid annual fee.
2. In consideration of this license, the Licensee agrees that:
 - a. No transfer or assignment of the Agreement or of any rights hereunder will be made by the Licensee;
 - b. Any reference to the Licensee in this Agreement will be deemed to be a reference also to the person in charge of the Seaplane where such person is not included in the Agreement;
 - c. The Licensee shall not land, moor, load or unload the Seaplane at any dock other than a designated Airport. The Licensee must comply with any direction from the CRD, ~~Ports Manager~~ and the wharfingers regarding the position, time, place and manner in which in which a Seaplane may be moored, loaded or unloaded at an Airport;
 - d. All fees are payable in advance of berthing the Seaplane. Prepaid annual fees as prescribed in Schedule "A" of the Bylaw are based on estimated annual usage. Actual usage is subject to audit and the CRD may make an adjustment to the fee based on actual usage;
 - e. The Licensee must obey all orders of the CRD, ~~Ports Manager~~ and the wharfingers whether verbal or in writing and must obey all signs posted by the CRD, ~~Ports Manager~~ or the wharfingers;
 - f. The Licensee acknowledges that moorage fees paid to the CRD are only for the rental of the water space occupied by the Seaplane and in no way creates a tenancy or any obligation on the part of the CRD or any of its employees or agents for the care, custody and/or safety of the Seaplane, its contents or any of its occupants;
 - g. The Licensee must comply with and conform to the requirements of all lawful rules, regulations and bylaws of local government or any other government enactment in any manner affecting the Seaplane or Licensee while at a dock or docks owned by the CRD, including those portions designated as an Airport ("the Dock");
 - h. The CRD may terminate this Agreement immediately in the event of any failure to comply with the Bylaw or any other local government, provincial or federal enactment which applies;

Schedule "E" to Bylaw No. 2844 (cont'd.)

- i. The CRD reserves the right to terminate this Agreement immediately in the event of an emergency, or for any reason on 30 days notice to the Licensee. In the event of a termination by the CRD, the CRD shall provide a pro rata refund of prepaid fees.
- j. The Licensee releases and must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which the Licensee or anyone else may incur, suffer or allege by reason of the use of the Dock by the Licensee or by any person carrying on at the Dock any activity in relation to the Licensee's use of the Dock;
- k. The Licensee must indemnify and save harmless the CRD, its elected and appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability, fees (including legal fees on a solicitor and own client basis) or loss which may be caused to the CRD by the presence of the Seaplane at the Dock;
- l. The Licensee must provide proof of a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Seaplane by the Licensee in the amount of not less than five million dollars per single occurrence and must maintain said policy for the duration of the Term;
- m. The Licensee must not do or permit to be done anything which may damage or injure the Dock and the Licensee must, at the Licensee's own expense, maintain and repair the Dock whenever it is damaged as a result of the permission hereby given, other than ordinary wear and tear as determined by the CRD;
- n. No garbage, refuse, empty or broken bottles, cans, paper, animal excrement, litter or other waste material will be thrown overboard, or discharged, or left on the Dock except in the receptacles provided for such a purpose;
- o. No gasoline or other flammable liquids, oily rags, or other combustible material will be stored or left on the Dock. Any spillage of environmentally hazardous substances must be reported immediately to the Ports Manager Coast Guard and CRD or a wharfinger, and cleaned up immediately by and at the expense of the Licensee. The Licensee must indemnify the CRD from and against any and all costs including penalties and fines associated with the containment and cleanup of any environmentally hazardous substances that originate from the Seaplane or any act or omission of the Licensee;
- p. The Licensee must not leave the Seaplane unattended in an Airport, and must not remain moored in an Airport for more than 30 minutes;
- q. The Licensee shall not carry or permit to be carried on any activity that, in the opinion of the CRD, may be detrimental to the safety or enjoyment of others using the CRD's facilities, or be deemed a nuisance or disturbance, including but not limited to diving or jumping from a dock, wharf or pier or swimming in the water-lot around the Dock;
- r. The CRD may, at its discretion, determine whether the Seaplane is too large, too heavy or is otherwise unsuitable to use or occupy an Airport.
- s. The Licensee affirms that the Seaplane is fit for its intended purpose, does not pose an environmental risk to the Dock or the area surrounding the Dock, and shore power is not required to keep the Seaplane afloat. Where the Seaplane is unfit or poses a risk to the Dock, and the Ports Manager CRD has made reasonable efforts to contact the Licensee or such other person as may reasonably take control of the Seaplane, the CRD may, at its discretion and at the Licensee's own cost and risk, remove the Seaplane from the Dock and impound, store, or auction the Seaplane in accordance with the Bylaw.
- t. In the event that the Seaplane runs aground, sinks or if goods fall overboard in the area of the Dock, the Licensee must remove such forthwith. If the Licensee fails to do so, the CRD may remove the Seaplane or goods at the Licensee's expense and risk.

Signature of Licensee _____

Date _____

Issued per CRD _____

(Ports Manager CRD)

Date _____

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the issuing of this license agreement and for the management of docks operated by the CRD. Enquiries about the collection or use of information in this form can be directed to the Freedom of Information and Protection of Privacy contact: Capital Regional District, Senior Coordinator, FOIPP (250) 360-3000.

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT Amendment to Bylaw No. 2452, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996."

ISSUE SUMMARY

To advance Bylaw No. 4472 to enable service enhancements to the Southern Gulf Islands Stormwater Quality Monitoring Service (Bylaw No. 2452).

BACKGROUND

Since 1996, the Capital Regional District (CRD) has provided the Southern Gulf Islands Electoral Area (SGI EA) with a stormwater monitoring service under CRD Bylaw No. 2452 (Appendix A). The program was designed to be parallel to the Salt Spring Island (SSI) stormwater service, and works to find stormwater contamination issues related to septic fields and other land-based contaminant discharges to stormwater that affect many surface waters and selected sections of shoreline.

In 2017, the Salt Spring Island Electoral Area's stormwater service's role was amended to protect and improve water resources on SSI. This change has enabled a broader scope that supports watershed protection, groundwater monitoring and protection, and supports programs for reclaiming stormwater on Salt Spring Island. Under this newly expanded scope, among other things, SSI has been able to partner with community organizations and participate in projects such as a rain barrel rebate program aimed at advancing groundwater conservation. Under the limited authority of the SGI Stormwater Bylaw No. 2453, the Southern Gulf Islands is currently unable to participate in such programs or to apply and/or receive grants in areas related to groundwater, water capture/reuse or watershed protection activities not directly related to stormwater quality. The SGI Electoral Area Director has requested Bylaw No. 2453 be amended to be consistent with the Salt Spring Island Stormwater Bylaw.

Bylaw No. 4472, "Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021" (Appendix B) amends the SGI Stormwater Quality Program service to be parallel the SSI service by adding the following to the scope of the service:

- Watershed assessment, protection and enhancement;
- groundwater monitoring, assessment and protection;
- investigation and implementation of reclaimed water programs;
- other related activities.

ALTERNATIVES

Alternative 1:

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be introduced and read a first, second, and third time.
2. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be referred to the SGI Electoral Area Director for consent; and,
3. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be advanced to the Inspector of Municipalities for approval.

Alternative 2:

That the Electoral Areas Committee request staff report back with additional information.

IMPLICATIONS

This request supports CRD Board priorities for water conservation, specifically priority 10b-1: *Improve water conservation through demand management programs* and priority 5a-6: *Evaluate & respond to climate change impacts & risks to water supply*.

The expanded scope of the stormwater bylaw for the SGI EA will also position SGI to advance goals of the CRD Climate Action Strategy and support freshwater sustainability on the islands in the context of drought and climate change. It will enable SGI to participate in partnerships with groups already undertaking climate action in the region.

This new service scope will be undertaken within a proposed 2022 project budget of \$38,640. Any future work that exceeds the requisitions in the 2022 proposed budget would be subject to the maximum requisition amount of \$47,700 and would require Board approval.

Administratively, this request can be supported with existing resources and core service mandates.

CONCLUSION

Expanding the scope of the stormwater bylaw in the SGI Electoral Area will enable climate change adaptation and resilience by supporting the protection and management of freshwater. Bylaw No. 4472 amends the SGI Stormwater Service to enable:

- Watershed assessment, protection and enhancement;
- groundwater monitoring, assessment and protection;
- investigation and implementation of reclaimed water programs;
- other related activities.

RECOMMENDATIONS

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be introduced and read a first, second, and third time.
2. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be referred to the SGI Electoral Area Director for consent; and,
3. That Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021” be advanced to the Inspector of Municipalities for approval.

Submitted by:	Justine Starke, MCIP, RPP, Manager, SGI Service Delivery, Corporate Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 2452, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996.”

Appendix B: Amendment Bylaw No. 4472, “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021.”

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2452

**A BYLAW TO ESTABLISH AN EXTENDED SERVICE AREA WITHIN THE OUTER GULF ISLANDS
ELECTORAL AREA OF THE CAPITAL REGIONAL DISTRICT FOR THE PURPOSE OF CONTROL OF
POLLUTION IN STORMWATER RUNOFF**

WHEREAS the Regional Board of the Capital Regional District may, by bylaw, establish and operate an extended service under section 789 (1) (b) of the *Municipal Act* for control of pollution;

AND WHEREAS the Regional Board wishes to establish an extended service for the purpose of controlling pollution in stormwater runoff from land by means of investigation, monitoring and reporting on stormwater quality, sediment quality, near-shore marine waters and discharges to stormwater; prioritization of areas for investigation; public education; coordination of stormwater quality management programs; liaison with other government agencies and other related activities;

AND WHEREAS the Regional Board pursuant to section 800 (1) (b) of the *Municipal Act* has waived the assent requirement of section 795 (2) (a) (i);

AND WHEREAS the Director for the Electoral Area of Outer Gulf Islands pursuant to section 800 (2) of the *Municipal Act* has consented in writing to adoption of this Bylaw;

AND WHEREAS the approval of the Inspector of Municipalities is required under section 795 (1) (a) of the *Municipal Act*.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled ENACTS AS FOLLOWS:

1. Extended Service

- (a) The extended service being established, and to be operated, is the control of pollution in stormwater runoff from land.
- (b) In this bylaw, "stormwater runoff" includes seepage, overland flow, and stormwater runoff within ditches, streams, rivers, ponds, lakes and other watercourses.

2. Service Area

The boundaries of the service area are the boundaries of the Electoral Area of Outer Gulf Islands.

3. Participating Area

The participating area includes all of the Electoral Area of Outer Gulf Islands.

4. Cost Recovery

The annual operating costs for the extended service, net of grants and other revenue, shall be recovered by either or both of the following:

- (a) the imposition of fees and other charges that may be fixed by separate bylaw;

- (b) the requisition of money under section 809.1 of the *Municipal Act*, to be collected by a property value tax to be levied and collected under section 810.1 (1) of the *Municipal Act*.
5. This Bylaw may be cited as the "Outer Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996."

READ A FIRST TIME THIS	27th	day of	November	1996
READ A SECOND TIME THIS	27th	day of	November	1996
READ A THIRD TIME THIS	27th	day of	November	1996
RECEIVED CONSENT ON BEHALF OF THE ELECTORS UNDER SECTION 800 OF THE <i>MUNICIPAL ACT</i> THIS	27th	day of	November	1996
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	21st	day of	February	1997
ADOPTED THIS	26th	day of	February	1997

CHAIRPERSON

SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS	6th	day of	March	1997
---	-----	--------	-------	------

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4472**

**A BYLAW TO AMEND THE SOUTHERN GULF ISLANDS STORMWATER
QUALITY MONITORING SERVICE (BYLAW NO. 2452)**

WHEREAS:

- A. Under Bylaw No. 2452, "Outer Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996", the Regional Board established a service to control pollution in stormwater runoff from land (the "Service");
- B. On December 7, 2001, the name of the Outer Gulf Islands Electoral Area was changed to Southern Gulf Islands Electoral Area by Order-in-Council 1049/2001; and
- C. The Board wishes to amend Bylaw No. 2452 to provide further clarification on what is contained as part of the operation of the Service and to modernize language now required in establishing bylaws under the *Local Government Act*, RSBC 2015, c 1, and the Electoral Area Director has consented in writing per s. 349(2) and 347 of the *Local Government Act*;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 2452, "Outer Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996" is hereby amended as follows:
 - (a) By replacing section 1(a) in its entirety with the following:
 - 1(a) The extended service being established, and to be operated is:
 - i. the control of pollution in stormwater runoff from land;
 - ii. watershed assessment, protection and enhancement;
 - iii. groundwater monitoring, assessment, and protection;
 - iv. investigation and implementation of reclaimed water programs; and
 - v. other related activities.
 - (b) By inserting subsection 1(c) as follows:
 - 1(c) In this bylaw, "reclaimed water" means water that is used more than one time before it passes into the natural water cycle.
 - (c) By renumbering sections 4 and 5 as sections 5 and 6 respectively, and inserting as section 4:

4. Cost Recovery

The annual costs for the Service may be recovered by the following:

- a) By the requisition of money under Sections 385 and 387 of the *Local Government Act*, to be collected by a property value tax, based on land and improvements levied and collected under Sections 386 and 388 of the *Local Government Act*;
- b) Fees and charges imposed under Section 397 of the *Local Government Act*;

- c) Revenues raised by other means authorized under the *Local Government Act* or another Act; or
- d) Revenues received by agreement, enterprise, gift, grant, or otherwise.

(d) By replacing section 5 in its entirety with the following:

5. Maximum Requisition

In accordance with Section 339 of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- a) \$47, 700.00 or
- b) A property value tax rate of \$0.0135 Dollars per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

(e) In section 6, replacing the citation reference to “Outer” with “Southern”.

2. This bylaw may be cited for all purposes as “Southern Gulf Islands Stormwater Quality Management Extended Service Establishment Bylaw No. 1, 1996, Amendment Bylaw No. 1, 2021”.

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	th	day of	20__
APPROVED BY THE ELECTORAL AREA DIRECTOR THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 08, 2021**

SUBJECT **Bylaw No. 4441: Pender Islands Health Care Centre Contribution Service Establishment Bylaw – Assent Voting (Referendum) Results and Adoption**

ISSUE SUMMARY

The purpose of this report is to present the official results for the Pender Islands Health Care Centre Contribution Service Establishment Bylaw Assent Voting (referendum) and the adoption of Bylaw No. 4441 (Appendix A).

BACKGROUND

On July 14, 2021 the CRD Board approved proceeding to a referendum on North and South Pender Islands to obtain elector approval for Bylaw No. 4441, “*Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021*”. Voting opportunities were advertised as per the requirements in the Local Government Act in the Driftwood Newspaper and in addition to a full page ad in the Pender Post. A referendum was held on November 20, 2021 with advance voting on November 17th. All eligible electors also had the opportunity to vote by mail ballot.

The wording of the question on the ballot was as follows:

Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4441, “Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021”, authorizing the CRD to establish a service to contribute to the costs incurred by the Pender Islands Health Care Society in operating the Pender Islands Health Care Centre and to raise a maximum annual requisition up to the greater of TWO HUNDRED and THIRTY FIVE THOUSAND DOLLARS (\$235,000) or \$0.1803 per ONE THOUSAND DOLLARS (\$1,000.00) of taxable land and improvements for the purpose of funding the operating costs of the service.

YES or NO?

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board:

- 1) That the Chief Election Officer’s declaration of official assent voting results be received for information.
- 2) That Bylaw No. 4441, “*Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021*” be adopted.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Official Results

Approval of the electors was obtained with 791 YES votes and 142 NO votes. The Chief Election Officer's declaration of official assent voting results is attached as Appendix B.

In total, 933 votes were cast as follows: 546 votes on general voting day; 348 votes at advanced voting opportunity; and 39 votes via mail ballot. Voter turnout was 39% based on the lists of registered resident and non-resident property electors totaling 2,378.

Bylaw

Under Bylaw 4441, the service includes an annual maximum allowable requisition of the greater of \$235,000 or \$0.1803 per one thousand dollars of taxable land and improvements in the service area of North and South Pender Islands.

Bylaw 4441 is now ready for adoption having received third reading on July 14th, approval of the Inspector of Municipalities on September 7th, and assent of the electors on November 20, 2021. Once adopted the bylaw will be filed with the Inspector of Municipalities.

Contribution Agreement

The total cost of the referendum will be paid for in the 2022 service requisition. Prior to advancing any funds through the new service, staff will enter into a contribution service agreement with the Society which will outline the conditions of the service funding and how it may be utilized. The agreement will also outline the budget process and financial reporting obligations of the Society.

CONCLUSION

Approval of the electors by way of referendum was obtained on November 20, 2021 for Bylaw No. 4441 "*Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021*", with 791 YES votes and 142 NO votes. The purpose of the bylaw is to establish a contribution service to fund the operation of the Pender Islands Health Care Centre. The maximum annual requisition for the service is set at \$235,000. Following adoption of the bylaw, a contribution service agreement will be executed with Pender Islands Health Care Society.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

- 1) That the Chief Election Officer's declaration of official assent voting results be received for information.
- 2) That Bylaw No. 4441, "*Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021*" be adopted.

Submitted by:	Marlene Lagoa, Manager, Legislative Services and Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services and Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw 4441 – Third Reading

Appendix B: Declaration of Official Assent Voting (Referendum) Results

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4441

A BYLAW TO ESTABLISH A CONTRIBUTION SERVICE FOR
THE PENDER ISLANDS HEALTH CARE CENTRE

WHEREAS:

- A. The Capital Regional District may, under section 332 of the *Local Government Act*, RSBC 2015, c 1, establish and provide any service that the Board considers necessary or desirable for all or part of the Capital Regional District;
- B. The Regional Board of the Capital Regional District wishes to establish a service for the purpose of contributing financially to the administration and operation of the Pender Islands Health Care Centre which is owned and managed by the Pender Islands Health Care Society;
- C. Participating area approval is required and assent of the electors will be obtained under Section 336 of the *Local Government Act*;
- D. The approval of the Inspector of Municipalities is required under Section 341(1)(a) of the *Local Government Act*.

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

Service

- 1. The Capital Regional District hereby establishes a service for the purpose of contributing to the costs of administration and operation of the Pender Islands Health Care Centre.

Boundaries

- 2. The boundaries of the Service Area are shown on the map attached hereto as Schedule A.

Participating Area

- 3. The participating areas for the service are North and South Pender Islands, being a portion of the Southern Gulf Islands Electoral Area, as shown in Schedule A.

Cost Recovery

- 4. As provided in Section 378 of the *Local Government Act*, the annual costs of providing the Service, net of grants and revenue, shall be recovered by one or more of the following:
 - (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*], Part 11 of the *Local Government Act*;
 - (b) Fees and charges imposed under Section 397 of the *Local Government Act*;
 - (c) Revenues raised by other means authorized under the *Local Government Act* or another Act;
 - (d) Revenues received by agreement, enterprise, gift, grant or otherwise.

Maximum Requisition

5. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
- a) Two Hundred and Thirty Five Thousand Dollars (\$235,000); or
 - b) An amount equal to the amount that could be raised by a property value tax rate of \$0.1803 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the Service.

Agreement

6. A contribution agreement will be established between the Capital Regional District and the Pender Islands Health Care Society.

Citation

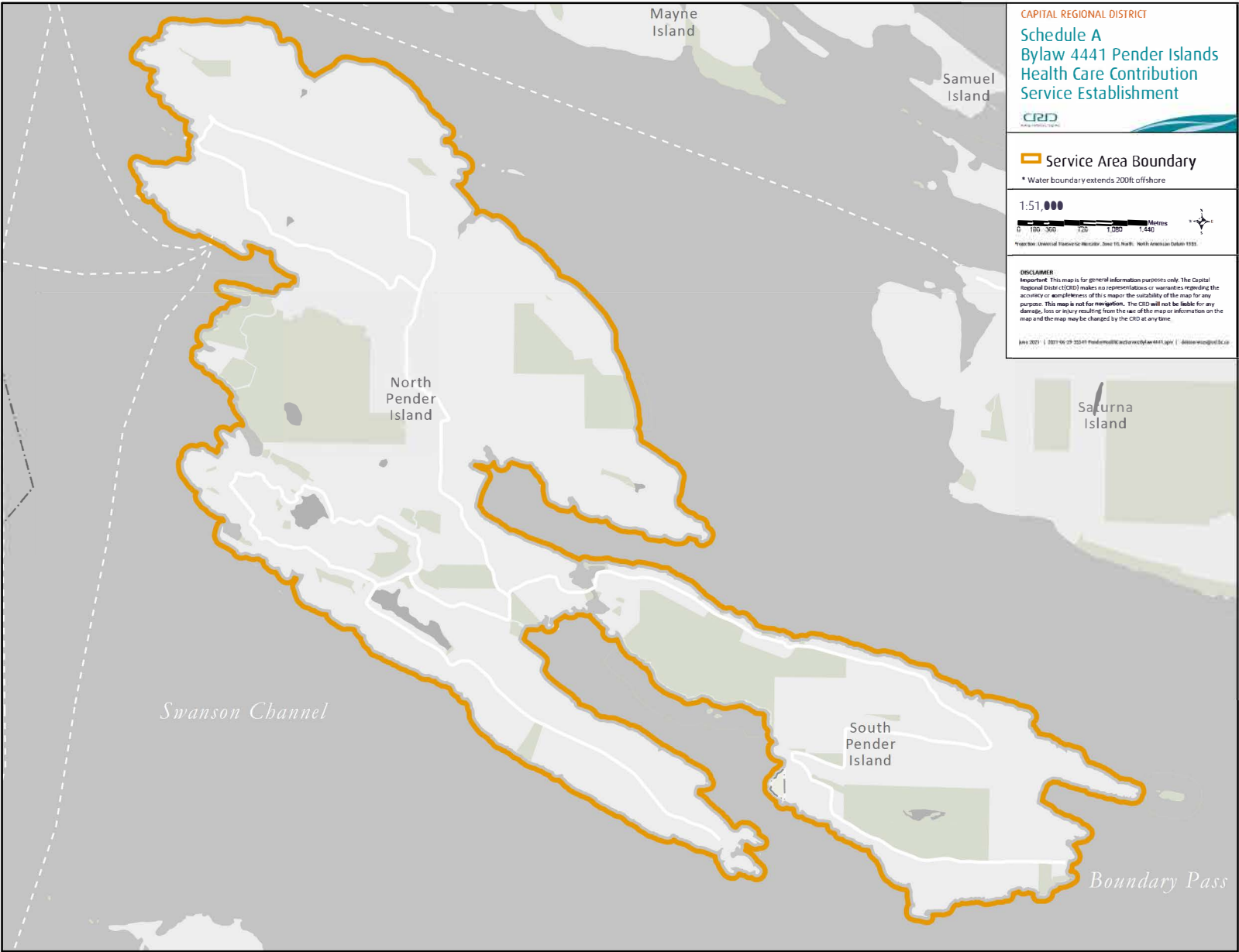
7. This Bylaw may be cited as the "Pender Islands Health Care Centre Contribution Service Establishment Bylaw No. 1, 2021".

READ A FIRST TIME THIS	14 th	day of	July	2021
READ A SECOND TIME THIS	14 th	day of	July	2021
READ A THIRD TIME THIS	14 th	day of	July	2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	7 th	day of	September	2021
RECEIVED THE ASSENT OF THE ELECTORS UNDER SECTION 336 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS	20 th	day of	November	2021
ADOPTED THIS		day of		202_

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS ___ day of 202_





Form No. 10-9(B)
LGA s.146(2)(a)
VC s.108(2)(a)

CAPITAL REGIONAL DISTRICT

DECLARATION OF OFFICIAL ASSENT VOTING RESULTS

Pender Islands Health Care Centre Referendum – November 20, 2021

I, Kristen Morley, Chief Election Officer, do hereby declare the results of the assent vote to be as follows:

Yes **791** votes

No **142** votes

Dated at Victoria, BC

this 22nd day of November, 2021.


Chief Election Officer

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 06, 2021**

SUBJECT **Review of Delegation Speaking Time in the Board Procedures Bylaw**

ISSUE SUMMARY

The Governance Committee was referred a motion with notice to review options for the public to appear as delegations before Boards and Committees while also giving consideration to the limited time for meetings.

BACKGROUND

At the June 2, 2021 Governance Committee meeting, the following Motion with Notice was carried:

That the Governance Committee be requested to review Section 13 of the Procedures Bylaw related to Delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time.

At the same meeting, the following motions arising were also carried:

- 1. That staff bring back any information previously prepared, and information related to today's discussion, to the next Governance Committee to allow us to continue this discussion; and,*
- 2. Invite staff to bring back any other recommendations on amendments to the Procedure Bylaw.*

The notice of motion was originally served during the adjourned May 12, 2021 CRD Board meeting which was continued on May 26. The CRD Board received 30 applications by the deadline to appear as a delegation at the May 12 meeting. At the meeting, the Board passed a 2/3 vote to suspend the rules in order to reduce the maximum time allotted for each delegation to 3 minutes instead of 4 minutes. In addition, there was one late delegation that was not permitted to speak as the Procedures Bylaw required unanimous approval of the Board.

Staff conducted a review of the previous meeting minutes for the Governance Committee (formerly Governance and Finance Committee) since 2018. In regards to delegations, in March 2019 a new business item was defeated and later a notice of motion was withdrawn in May 2019. Excerpts of the meeting minutes is attached as Appendix A.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That the maximum speaking time for each delegation be reduced to 3 minutes;
2. That no more than 10 delegations be heard per meeting;

3. That delegations be registered on a first come, first served basis;
4. That late delegation requests only be considered when the maximum number of delegations has not been reached;
5. That delegations be limited to speaking only once on an agenda item, except to introduce new and material information; and
6. That staff report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw as directed.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That staff report back with options on limiting the number of delegations that a Committee or Board will hear on a single agenda item.

Alternative 3

The Governance Committee recommends to the Capital Regional District Board:
That staff report back with options on establishing different procedures for delegations that appear before Board versus Committees and Commissions.

Alternative 4

That this report be referred back to staff for additional information.

IMPLICATIONS

Bylaw 3828: Board Procedures Bylaw

Currently, a person wishing to address the Board would submit their application in writing after the agenda is published (i.e. Friday). The application must indicate the meeting and agenda item they wish to speak to, what municipality/electoral area they reside in, the reason for the presentation, and the organization they represent (if applicable). Applications are due no later than 4:30 pm on the Monday prior to the meeting. All applications received by the deadline are placed in the order they were received on the meeting agenda. Each delegation is limited to 4 minutes unless a 2/3 vote is passed to extend the time.

Delegation requests that are received after the deadline are considered late and require unanimous vote of the Board to be heard. For more information on delegations, see Section 13 of the *CRD Board Procedures Bylaw* (attached as Appendix B).

Jurisdictional Review of Speaking Times

A jurisdictional review of delegation (public input) procedures among CRD member municipalities and select regional districts was conducted (attached as Appendix C). The review found that there is no consistent time limit for delegations. Delegation times ranged from 2 to 10 minutes, and in some cases there being no limit at all. A key finding was that 9 of the 13 CRD member municipalities, and half of the regional districts reviewed, have set a total maximum time for delegations/public input per meeting. A second key finding was that regional districts had fewer opportunities for the public to participate in a meeting compared to municipal councils.

Recommendations & Alternatives on Delegation Speaking Times

The staff recommendation is to amend delegation procedures in the Bylaw as follows: reducing the time limit per delegation; setting a total maximum number for delegations per meeting (including late delegations); registering delegations on a first come, first served basis; and limiting delegations to speaking only once on an agenda item.

In order to provide an opportunity for the Board to hear from as many stakeholders as possible, staff recommend reducing the time limit per delegation from 4 minutes to 3 minutes. At the direction of the Governance Committee, this time limit can be further reduced to 2 minutes per delegation.

To ensure the Board has adequate time to deal with the business matters on an agenda, staff recommend that the delegation portion of a meeting be no longer than 30 minutes or 10 delegations at 3 minutes each. The Bylaw limits meetings to 3 hours unless the time is extended by a majority vote. At the direction of the Governance Committee, this time limit can be further reduced while keeping in mind the impact of the individual delegation speaking time. For example, 15 minutes for delegations that are up to 3 minutes each would result in a maximum of 5 delegations being heard per meeting.

If a maximum number of delegations per meeting is established, staff recommend that applications be approved on a first come, first served basis. This approach is recommended as the most transparent and efficient to administer. At the direction of the Governance Committee, a recommendation can be made to the Board that delegations be selected by lot if there were more applications received by the deadline than time allowed. Another alternative is directing staff to report back on limiting the number of delegations that a Committee or Board will allow on a single agenda item (presented as Alternative 2).

To eliminate the possibility of the same delegation being heard when an agenda item is considered by Committee and then again at Board, staff recommend that delegations be registered to speak only once on an agenda item. The one exception would be to introduce new and material information (at the discretion of the Corporate Officer). In most cases, new and material information would only be considered if the recommendation from the Committee to the Board had changed significantly from the staff recommendation. Another alternative is directing staff to report back on establishing different procedures for delegations at committee meetings versus board meetings (presented as Alternative 3).

Publication of Written Submissions from Delegations on the Agenda

Currently written submissions to the Board on agenda items are circulated through the Board Correspondence Portal. When a high volume of correspondence is received directly before a meeting, staff endeavor to ensure Directors are aware of the correspondence with an email prompt to review the portal. It is not the practice at CRD to publish written submissions from the public with the agenda item and staff are not recommending any changes to the current practice. Doing so would require that the correspondence be redacted prior to publication to remove any personal information and to screen for any comments that could be considered defamatory. Given the high volume of correspondence that is received for hot button issues, often within a day or two of the meeting date, the required redaction and screening of correspondence would prompt a service level change and require additional staff resources.

Additional Amendments to Delegation Procedures

If direction is given to amend the Board Procedures Bylaw for delegations, staff recommend that section 13(1) be modernized to remove the option of having the Corporate Officer provide hard copies of written submissions to Board or Committee Members. All correspondence from delegations should be provided electronically and is distributed via the Board Correspondence Portal.

Staff also recommend that section 13(3) be amended to clarify that delegations cannot be by video presentations only; however, they are permitted as part of a delegation's address and will count towards the speaking time allotted. Staff recommend a further amendment to clarify that all video presentations need to be reviewed and approved by the Corporate Officer in advance of the meeting. This is the current practice and allows staff to screen for appropriateness of the material before it is publically displayed in an open meeting.

CONCLUSION

The Governance Committee was directed to review Section 13 of the Procedures Bylaw related to delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time for conducting meetings. Staff were also directed to bring back information previously prepared on the issue and any other recommended amendments to the Bylaw. Staff are recommending that the Board Procedures Bylaw be amended to reduce the time limit per delegation, to set a total maximum number of delegations per meeting, to register delegations on a first come, first served basis; and to limit delegations to speaking only once on an agenda item. Staff will report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That the maximum speaking time for each delegation be reduced to 3 minutes;
2. That no more than 10 delegations be heard per meeting;
3. That delegations be registered on a first come, first served basis;
4. That late requests to appear as a delegation only be considered when the maximum number of delegations has not been reached;
5. That delegations be limited to speaking only once on an agenda item, except to introduce new and material information; and
6. That staff report back through the Governance Committee with a draft bylaw to amend the Board Procedures Bylaw as directed.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Excerpt of Previous Committee Minutes

Appendix B: Bylaw 3828 - CRD Board Procedures Bylaw (Consolidated for Convenience)

Appendix C: Jurisdictional Review of Delegates Speaking Times

Excerpt of Previous Governance and Finance Committee Minutes

GFC 6 2019-03-06	New Business Chair Plant brought forward the following motion: "That the Governance and Finance Committee ask staff to report back on options on how to manage delegations at Committees and Board meetings and to recommend potential changes to the Capital Regional District Board Procedures Bylaw." Discussion ensued on the following: - the procedures for allowing a Notice of Motion on the table for debate - suspending the rules of procedure to allow the motion on the table by a two thirds majority vote - waiting for the next meeting to see if the pattern of extra delegations occurs and continue to monitor delegations requests MOVED by Board Chair Plant, SECONDED by Director Blackwell, That the proposed motion put on the table by Board Chair Plant be allowed for debate. DEFEATED OPPOSED: Brice, Windsor, Murdoch, Desjardins, Isitt The proposed motion was considered a Notice of Motion for discussion at the next Governance and Finance Committee meeting.
GFC 2019-06-05 5.8 (19-458)	Motion with Notice (Chair Plant) That the Governance and Finance Committee ask staff to report back on options on how to manage delegations at Committees and Board meetings and to recommend potential changes to the Capital Regional District Board Procedures Bylaw. Chair Plant withdrew motion as issue has been deemed resolved. This Motion with Notice was withdrawn.
2021-06-02 GC 7.1. (21-464)	Motion with Notice: Review of Time Allocation for Delegations (Directors Isitt, Windsor, Murdoch) MOVED by Director Isitt, and SECONDED by Director Windsor, That the Governance That the Governance Committee be requested to review Section 13 of the Procedures Bylaw related to Delegations, with the goal of providing fair access to delegations and a reasonable use of the Board's time. CARRIED Opposed: Ranns Discussion ensued regarding: - Statistical information regarding delegations - Public engagement and accessibility - Meeting length pertaining to procedure bylaw - Procedure bylaw MOVED by Director Windsor, and SECONDED by Director Isitt 1. That staff bring back any information previously prepared, and information related to today's discussion, to the next Governance Committee to allow us to continue this discussion; and, 2. Invite staff to bring back any other recommendations on amendments to the Procedure Bylaw.



Making a difference...together

BYLAW NO. 3828

CAPITAL REGIONAL DISTRICT BOARD PROCEDURES BYLAW, 2012

(as amended by Bylaw No. 3951, 3999, 4024, 4044, 4129, 4206, &
4262, 4312, 4313, 4353, 4368)

**A bylaw to regulate the proceedings
of the Capital Regional District Board**

For further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T 250-360-3128, F 250-360-3130, www.crd.bc.ca

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3828
REGIONAL DISTRICT PROCEDURES BYLAW**

Contents

BYLAW NO. 3828	1
CAPITAL REGIONAL DISTRICT BOARD	1
PROCEDURES BYLAW, 2012	1
PART 1 – INTRODUCTION	4
DEFINITIONS	4
APPLICATION OF RULES OF PROCEDURE	5
SUSPENSION OF RULES OF PROCEDURE	5
PART 2 – BOARD MEETINGS	6
INAUGURAL MEETING	6
ELECTION OF CHAIR AND VICE CHAIR	6
MEETINGS AND ADJOURNMENT	7
QUORUM	7
NOTICE OF REGULAR MEETINGS	8
NOTICE OF SPECIAL MEETINGS	8
NOTICE OF COMMITTEE MEETINGS	8
NOTICE OF COMMISSION MEETINGS	9
AGENDA	9
PART 3 – BOARD PROCEEDINGS	9
DELEGATIONS	9
PRESENTATIONS	10
ORDER OF PROCEEDINGS AND BUSINESS	10
MINUTES	12
CORRESPONDENCE	12
ATTENDANCE OF PUBLIC AT MEETINGS	12
CLOSED MEETINGS	13
USE OF VIDEO RECORDING DEVICES	13
CHAIR AND PRESIDING OFFICERS	13
RULES OF ORDER	14
MOTIONS	14
RECONSIDERATION OF AN ADOPTED BYLAW, RESOLUTION OR PROCEEDING	15
DEBATE AND CONDUCT	15
VOTING	16
PART 4 – COMMITTEES AND COMMISSIONS	17
BOARD STANDING COMMITTEES	17
ADVISORY COMMITTEES	17
SELECT COMMITTEES	18
COMMISSIONS	18
ELECTRONIC PARTICIPATION AT COMMISSION MEETINGS	18
ELECTRONIC PARTICIPATION IN CASE OF EMERGENCY OR SPECIAL CIRCUMSTANCE	19
ATTENDANCE AT COMMITTEE MEETINGS	19
COMMITTEE REPORTS	19
QUORUM	19

VOTING AT MEETINGS	20
OPERATION	20
PART 5 – COMMITTEE OF THE WHOLE.....	20
PROCEDURES FOR COW MEETINGS	20
PART 6 – BYLAWS	21
PART 7 – RESOLUTIONS	21
PART 8 – GENERAL	21

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3828

**A BYLAW TO REGULATE THE PROCEEDINGS
OF THE CAPITAL REGIONAL DISTRICT BOARD**

The Board of the Capital Regional District enacts as follows:

PART 1 – INTRODUCTION

Definitions

1. In this Bylaw:

“Board” means the governing and executive body of the CRD;

“Chair” means the Chair or Vice Chair of the CRD elected pursuant to section 215 of the *Local Government Act* or other person presiding at a meeting of the Board or committee, as the context requires;

(Bylaw No. 4262)

“Committee” means a standing, advisory, select, or other committee of the Board, but does not include Committee of the Whole or a local service committee or a service committee;

“Commission” means a commission established by the Board under section 263(1)(g) of the *Local Government Act* and a local service committee and a service committee established by the Board.

(Bylaw No. 4262)

“Corporate Officer” means the officer of the CRD assigned the corporate administration responsibilities of section 236 of the *Local Government Act*, and includes that officer’s designate;

(Bylaw No. 4262)

“COW” means the Committee of the Whole Board;

“CRD” means the Capital Regional District;

“CRD Offices” means the CRD located at 625 Fisgard Street, Victoria, BC;

“CRD Website” means the information resource found at an internet address provided by the CRD;

“Delegation” means an individual or an organization addressing the Board, a committee or commission about a specific item on the agenda of a meeting;

"First Nation Member" means a First Nations' elected representative who is permitted to participate on an Advisory Committee, Select Committee, or Standing Committee by the relevant Terms of Reference and includes their alternate if acting in the place of a First Nation Member;
(Bylaw No. 4368)

"Member" means a Member of the Board, whether a municipal director or an electoral area director, and includes their alternates if acting in the place of a Member;

"Presenter" means a person(s) or organization(s) invited by the CRD to make a presentation to the Board. It also includes a request to speak by a First Nations Elder or Chief and a federal, provincial or local government elected official.
(Bylaw No. 4024)

"Public Notice Posting Place" means the notice board, whether electronic or not, located in the front foyer of the CRD offices and the CRD Website; and, in the case of a Commission, means a consistent local public location designated by the Commission;

"Vice Chair" means the Member elected as Vice pursuant to section 215 of the *Local Government Act*.
(Bylaw No. 4262)

Application of Rules of Procedure

2.
 - (1) The provisions of this Bylaw govern the proceedings of the Board, COW, all standing and select committees of the Board and all commissions, as applicable.
 - (2) In cases not provided for under this Bylaw, The Newly Revised Robert's Rules of Order, 11th edition, 2011, apply to the proceedings of the Board, COW, committees and commissions to the extent that those rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw, the *Local Government Act* or the *Community Charter*.
 - (3) No provision of this bylaw relating to the procedure of the Board shall be altered unless notice of the proposed amendment is given in accordance with section 225 of the *Local Government Act*.

Suspension of Rules of Procedure

3. Except for those provisions of this Bylaw that are statutorily mandated, the rules of procedure contained in this Bylaw may be suspended for a temporary time period specified by the Board with a 2/3 vote of those Members present.

PART 2 – BOARD MEETINGS

Inaugural Meeting

4. (1) The Board shall meet in an inaugural meeting during the month of November at such time as shall be advised by the Corporate Officer in writing.
- (Bylaw No. 4129)*
- (2) The presiding officer of the inaugural meeting shall be the Chief Administrative Officer until such time as the Chair has been elected.
- (3) The Chief Administrative Officer shall announce results of elections and confirm that new Members have completed the Oath of Office set out in the *Local Government Act*, following which the Chair shall be elected from among the Members of the Board.

Election of Chair and Vice Chair

5. (1) The Chief Administrative Officer shall call for nominations for Chair and conduct a vote by secret ballot in which the person receiving a majority vote of those Members present shall be elected Chair. Each Member shall have only one vote. If only one candidate is nominated for an office, that candidate shall be declared elected by acclamation. The call for nominations for the office of Vice Chair shall be called by the Chair.
- (2) Nominations do not need to be seconded and a candidate must consent to the nomination.
- (3) If a candidate is not present at the meeting, his or her written consent to the nomination must be provided to the Corporate Officer at the meeting.
- (4) At the close of nominations, if more than one candidate has been nominated, each candidate will be given a maximum of four (4) minutes to address the Board in favour of his/her candidacy in the order of his/her nomination. If a candidate is not present at the meeting, he or she may have their nominator deliver a prepared speech on his or her behalf not to exceed three minutes in duration.
- (5) At the conclusion of the candidates' speeches, the Corporate Officer and Deputy Corporate Officer or designate will circulate a ballot box in which the completed ballots will be placed. When all of the ballots have been collected the Corporate Officer will remove the ballot box to a separate room and the ballots will be counted in accordance with subsection (6).
- (6) The counting of the ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. Either the CRD's legal counsel or a judicial justice appointed under the *Provincial Court Act* will be present to observe the counting of the ballots.
- (7) Following the counting of the ballots, the Corporate Officer shall advise the Chief Administrative Officer of the candidate that has received a majority of the votes.
- (8) The number of votes received by each candidate will not be disclosed to the Board unless

a resolution requiring disclosure is passed.

- (9) In the event that there are more than two candidates for the election of Chair or Vice Chair and if no person receives a majority of the votes of those Members present, the candidate receiving the least number of votes shall be eliminated and subsequent ballots shall be taken until one candidate receives the majority of votes of those Members present; unless there is a tie between the two candidates with the least votes of those Members present, in which case, subsequent ballots shall be taken until one candidate receives the least number of votes of those Members present and is eliminated. If the tie for the least number of votes of those Members present continues after three elections have been held, the candidate who shall be eliminated will be decided by a lot between the candidates as outlined in section 5(3). The voting on subsequent ballots will then proceed without the eliminated candidate until one candidate receives the majority of votes of those Members present.
- (10) In the event of a tie vote for the most votes of two (2) or more candidates, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three (3) elections have been held, then the majority vote shall be deemed to be determined by a lot between the candidates as follows:
 - (a) the names of the candidates shall be written on separate pieces of paper and placed in a container;
 - (b) the Corporate Officer shall be asked to withdraw one paper; and
 - (c) the candidate whose name is on the withdrawn paper shall be declared elected.
- (11) Once a candidate has been declared elected, the ballots shall be destroyed by way of a Board resolution.
- (12) Following the election of the Chair, the CRD Board shall elect one of its Members to be Vice Chair. The procedure for determining the Member to be elected Vice Chair shall be as set out in sections 5(1) to (11) for electing the Chair of the Board.

(Bylaw No. 4044)

Meetings and Adjournment

6. Regular meetings shall be held at the CRD Board Room, 625 Fisgard Street, Victoria, BC on the second Wednesday of the month commencing at 1:00 pm unless otherwise determined by resolution of the Board.

(Bylaw No. 4262)

- 6.1 Regular and special meetings shall be adjourned no later than three (3) hours from the scheduled start time of the meeting unless the Board resolves to proceed beyond that time by an affirmative vote of the majority of the members present.

(Bylaw No. 3951)

Quorum

7. (1) The quorum for a meeting of the Board shall be a majority of all the Members.

- (2) At the appointed time for commencement of the meeting, the Chair or, in his/her absence, the Vice Chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the Chair nor the Vice Chair is present within fifteen (15) minutes after the time appointed for a meeting, the Corporate Officer shall call the Members to order, ascertain that a quorum is present and, if so, the Board shall appoint an Acting Chair who shall preside during the meeting or until the arrival of the Chair or Vice Chair. Such person appointed as Acting Chair shall have all the powers and be subject to the same rules as the Chair.
- (3) If a quorum has not been made within sixteen (16) minutes after the appointed time, the Corporate Officer shall record the names of the Members then present and the Board shall stand adjourned until the next meeting date or until another meeting shall have been called in accordance with this bylaw or to such time as the Chair shall appoint.

Notice of Regular Meetings

8. At least seventy-two (72) hours before a regular meeting of the Board, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice and agenda posted at the Public Notice Posting Place.

Notice of Special Meetings

9. (1) Except where notice of a special meeting is waived by a unanimous vote of all Members under section 220(3) of the *Local Government Act*, before a special meeting of the Board, the Corporate Officer shall:
 - (a) at least twenty-four (24) hours in advance, give notice of the general purpose, time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place; and
 - (b) at least five (5) days before the date of the meeting, mail to each Member the notice of the general purpose, time, place and date of the meeting.

(Bylaw No. 4262)
- (2) Despite section 9(1), in the case of an emergency, notice of a special meeting may be given in accordance with section 220(4) of the *Local Government Act*.

(Bylaw No. 4262)

Notice of Committee Meetings

10. (1) At least seventy-two (72) hours before a regular meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- (2) At least twenty-four (24) hours before a special meeting of a committee or COW, excluding a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.

Notice of Commission Meetings

11. (1) At least seventy-two (72) hours before a regular meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.
- (2) At least twenty-four (24) hours before a special meeting of a commission, public notice must be given of the time, place and date of the meeting by way of a notice posted in a consistent public location in the area served by the commission.

Agenda

12. (1) The Corporate Officer, under the direction of the Chair, shall prepare an agenda and shall circulate a copy of the agenda to each Member at least four (4) days before the meeting. If necessary, a supplementary agenda for a meeting of the Board will be circulated at least 24 hours before the meeting. At any meeting other than a special meeting, the Chair may add items of an emergent or time sensitive nature to the agenda.
(Bylaw No. 4262)
- (2) At a meeting, a Member may, at the time adoption of the agenda is being considered, propose to place an additional item of an emergent or time sensitive nature on the agenda. The item must be added to the agenda only if the resolution is adopted by at least two thirds of the votes cast.

PART 3 – BOARD PROCEEDINGS

Delegations

13. (1) The Board may, by resolution, allow a delegation to address the meeting in person on the subject of an agenda item, provided written application on a prescribed form has been received by the Corporate Officer no later than 4:30 pm two (2) calendar days prior to the meeting. Each address shall be limited to four (4) minutes unless a longer period is agreed to by 2/3 vote of those Members present. The order of speakers will be based on the order in which the request was received. The Corporate Officer may determine the number of copies of any written submissions to be provided by each delegation to the Board. Each delegation shall provide the number of copies as determined by the Corporate Officer, for distribution at the time of the delegation's appearance.
 - (a) As an alternative to addressing a meeting as a delegation, a person may submit their comments in writing to the Corporate Officer for circulation to Members in advance of the next meeting.
(Bylaw No. 3951)
- (2) Where written application has not been received as prescribed in section 13(1), an individual or delegation may address the meeting if approved by a unanimous vote of the Members present.
- (3) Any video presentations used as part of a delegation's address to the Board will count toward the time limit permitted for the delegation.

- (4) If a delegation has registered to address a meeting but is no longer able to attend the meeting, a different delegation will not be permitted to address the meeting in substitution.
- (5) The Board shall not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
- (6) The Board shall not permit a delegation to address a meeting of the Board regarding a matter to be dealt with as a grievance under a collective agreement, or that is within the exclusive mandate of the Greater Victoria Labour Relations Association Board.
- (7) The subject matter upon which a delegation wishes to speak must:
 - (a) be within the jurisdiction of the Board; and
 - (b) be within the terms of reference of the Committee or Commission for which the delegation wishes to appear.
- (8) The Chair may deny any delegation the right to address a meeting if, in the Chair's opinion, the spokesperson or any Member of the delegation:
 - (a) immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs; or
 - (b) addresses issues not contained within the written application of the individual or delegation.

Presentations

14. (1) The CRD may, with the Chair's approval, invite a person, persons, or organization(s) to make a presentation to the Board. Time permitting, the Corporate Officer shall include the subject of the presentation and the designated speaker on the meeting agenda.
- (2) With the Chair's approval, the Corporate Officer shall include a request to speak by a presenter on the meeting agenda.
- (3) All presentations shall be limited to 10 minutes unless a longer period is approved by a majority vote of those Members present.

(Bylaw No. 4024)

Order of Proceedings and Business

15. (1) The order of business at all regular meetings shall be as follows:
 1. Territorial Acknowledgement
 2. Approval of Agenda
 3. Adoption of Minutes of Previous Meeting

4. Report of the Chair
5. Presentations/Delegations
6. Consent Agenda
7. Administration Reports
8. Reports of Committees (not included in the Consent Agenda)
9. Correspondence
10. Bylaws and Resolutions
11. Motions for Which Notice Has Been Given
12. New Business
13. Motion to close the meeting in accordance with the applicable provisions of the *Community Charter*
14. Adjournment

(Bylaw No. 4262, 4312)

- (2) The order of business at all special meetings shall be as follows:

1. Territorial Acknowledgement
2. Approval of Agenda
3. Presentations/Delegations
4. Special Meeting Matters
5. Motion to close meeting in accordance with the applicable provisions of the *Community Charter*
6. Adjournment

(Bylaw No. 4312)

- (3) The order of business at all closed meetings whether regular or special shall be as follows:

1. Approval of Agenda
2. Approval of Minutes of Previous Closed Meeting
3. Closed Meeting Matters
4. Rise and Report
5. Adjournment

- (4) A change to the prescribed order of business other than a special meeting may be ordered by the Chair or moved by a Member, with unanimous consent.

- (5) The Consent Agenda portion of the agenda shall consist of staff or committee report items that contain clear take action, give approval, or receive for information recommendations.

- (6) Members may vote on and adopt in one motion all recommendations appearing on the Consent Agenda that are subject to the same voting rule.

- (7) At approval of the Consent Agenda, a Member may for the purpose of:
- (a) debate or discussion;
 - (b) voting in opposition to a recommendation on the consent agenda or to propose an amendment to the motion; or

- (c) declaring a conflict of interest with respect to an item on the consent agenda;

request that an item be removed from the consent agenda, without debate or vote of the Members.

(Bylaw No. 4262)

Minutes

16. (1) Minutes of all proceedings of the Board shall be kept by the Corporate Officer; such minutes to be concise and to detail proceedings of the Board. The minutes shall be legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair, Vice Chair, or the person presiding at such meeting or at the next meeting at which they are adopted.
- (2) Minutes of proceedings of standing and select committees, and commissions shall be legibly recorded and signed by the Chair, or Member presiding.
- (3) Subject to section 16(4), and in accordance with sections 97(1)(b) and (c) of the *Community Charter*, minutes of the proceedings of the Board or of a body referred to in section 17(2) must be open for public inspection at the CRD Offices, Legislative Services, during their regular office hours and may be posted to the CRD website.
- (4) Section 16(3) does not apply to minutes of a Board meeting or a meeting of a body referred to in section 17(2) for that part of the meeting from which persons were excluded under section 90 of the *Community Charter*.

Correspondence

- 16.1 (1) Following consultation with the Chair or other person who is to preside at the applicable meeting, the Corporate Officer may place correspondence from another government or government agency that requests an action from the Board, on the agenda of the next convenient Board meeting, or on an agenda of the meeting of a committee or commission whose mandate or terms of reference includes the requested action, together with any report from Regional District staff that the Chair or the Chief Administrative Officer consider advisable.
- (2) Any other correspondence to the Board not accounted for in section 16.1(1), including but not limited to written comments received pursuant to section 13(a), may be placed on the meeting agenda at the request of the Chair or such other person who is to preside at the meeting where the correspondence is to be considered, or by way of Notice of Motion made in accordance with section 22(6).

(Bylaw No. 3951)

Attendance of Public at Meetings

17. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Board meetings must be open to the public. Before a meeting or part of a meeting is closed to the public, the Board must pass a resolution in the public meeting in accordance with section 92 of the *Community Charter*.
- (2) The requirement in section 17(1) applies to meetings of bodies referred to in section 93 of the *Community Charter* including, without limitation:

- (a) Advisory Commissions
- (b) Advisory Committees
- (c) a Commission established under s. 263(1)(g) of the *Local Government Act*
- (d) Board of Variance
- (e) Parcel Tax Review Panel
- (f) Select Committees
- (g) Standing Committees
- (h) Committee of the Whole
- (i) a body that under the *Local Government Act* or another *Act* may exercise the powers of the CRD or its Board

(Bylaw No. 4262)

- (3) Despite section 17(1), the Chair may expel or exclude a person from a Board meeting or meeting of a body listed in section 17(2) of this Bylaw in accordance with section 133 of the *Community Charter*.

Closed Meetings

- 18 (1) No Member shall disclose to the public the proceedings of a closed meeting, unless a resolution has been passed at the closed meeting to allow disclosure.
- (2) As soon as practicable, the Corporate Officer shall review and determine whether to seek a resolution of the Board for the release of closed minutes and related information that would no longer undermine the reason for discussing it in a closed meeting.
- (3) Minutes of a closed meeting shall be kept in the same manner as a regular meeting but shall not be filed with the minutes of regular meetings.
- (4) The Board must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Use of Video Recording Devices

- 19. (1) The Chair shall preserve order and decorum at a meeting and at his/her discretion may require that any video recording devices be placed in a designated location while being used and remain in that location during the course of the meeting. This applies to the Chairs of Board, Committee, Commission and COW meetings.

Chair and Presiding Officers

- 20. (1) The Chair, if present, shall preside at meetings of the Board. Any Member of the Board may preside at a COW.
- (2) The Vice Chair shall preside in the absence of the Chair or when the Chair vacates the chair.
- (3) In the event that neither the Chair nor the Vice Chair is able to take the chair, the presiding officer shall be such person, as the Board may choose.

- (4) The Chair shall preserve order and decorum and shall rule on all points of order, stating his/her reasons and the authority for ruling when making a ruling. The ruling of the Chair shall be subject to an appeal to the Board without debate.
- (5)
 - (a) If an appeal be taken from the decision of the Chair, the question "Shall the Chair be sustained?" shall be put forthwith and decided without debate by a simple majority of the Members present (exclusive of the Chair) and in the event of the votes being equal, the question shall pass in the affirmative. The names of the Members of the Board voting for or against the question shall be recorded in the minutes.
 - (b) If the Chair refuses to put the question "Shall the Chair be sustained?", the Board shall forthwith appoint the Vice Chair or, in his/her absence, one of the Members, to preside temporarily in lieu of the Chair. The Vice Chair, or Member so appointed, shall proceed in accordance with paragraph 20(5)(a).
- (6) The Chair shall vote at the same time as the other Members of the Board.

Rules of Order

- 21.
 - (1) The Chair's ruling on a point of order shall be based on rules of order as stated in section 2 herein.
 - (2) All questions shall be decided by a vote on motion.
 - (3) The Chair shall have the discretion to call the question on completion of debate and the Chair shall then advise that the debate is closed. Following closure of debate no Member shall speak further to the question.

Motions

- 22.
 - (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
 - (2) The Chair may divide a motion containing more than one subject if the Chair feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
 - (3) A motion to adjourn the meeting or to adjourn the debate shall always be in order.
 - (4) An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed at one time and the same shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.
 - (5) Any Member desiring to bring before the Board any new matter, other than a point of order or privilege, shall do so by way of motion; provided, however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be referred to a Board Standing Committee agenda by the Chair, or may be ruled by the Chair as a notice of motion and shall be dealt with as provided by section 22(6).

- (6) Any Member may give notice of a motion to the Board by providing the Corporate Officer with a written copy of much motion before or during a meeting, and the Corporate Officer shall, upon the Member being acknowledged by the Chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a notice of motion and shall add the motion the agenda of the next regular Board meeting, or to the agenda of a special Board meeting scheduled for that purpose.
- (7) Notwithstanding section 12(2), a motion under section 22(6) shall only be decided at its meeting of introduction if all of the following are met:
 - (a) the motion's subject matter falls into one or more of the following classes:
 - (i) those items with an urgent deadline;
 - (ii) those items of minor organization impact (e.g. simple advocacy or letters of support); or
 - (iii) those items supporting the position of member local governments;
 - (b) the Members present vote with a two-thirds majority to consider it.

(Bylaw 4313)

Reconsideration of an Adopted Bylaw, Resolution or Proceeding

- 23. (1) The Chair may require a matter to be reconsidered in accordance with Section 217 of the *Local Government Act* and if it has not been acted on by an officer, servant or agent of the Board.

(Bylaw No. 4262)
- (2) The Chair may state his/her reasons to the Board. The Corporate Officer shall record in the Minute Book the reasons, suggestions or amendments of the Chair.
- (3) The Board shall, as soon as convenient, consider the reasons and either reaffirm or reject the bylaw, resolution or proceeding, and if rejected, it is deemed repealed and is of no force or effect.
- (4) The rejected bylaw, resolution or proceeding shall not be reintroduced to the Board for six (6) months, except with the unanimous consent of the Board.
- (5) The conditions which apply to the passage of the original bylaw, resolution or proceeding apply to its rejection.

Debate and Conduct

- 24 (1) Debate shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule.
- (2) No Member shall speak until recognized by the Chair.
- (3) Every Member desiring to speak shall address himself to the Chair. No Member shall interrupt a person speaking except to raise a point of order.

- (4) A matter of privilege (a matter dealing with the rights or interests of the Board as a whole or of a Member personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- (5) Members speaking at a Board meeting:
 - (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated; and
 - (d) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board in connection with the rules and points of order.
- (6) If a Member does not adhere to section 24(5) or the Chair considers the Member to be acting improperly, the Chair may order the Member to leave the Member's seat.
- (7) A Member may speak to a question, or speak in reply, for no longer than fifteen (15) minutes unless the majority of the votes of the Board support a time extension.
- (8) A Member may speak more than once in connection with the same question only if:
 - (a) every other Member has spoken, or has had the opportunity to speak; and
 - (b) if the Member has already spoken for fifteen (15) minutes, the Member who wishes to speak a second time may request to do so by making a motion that must be approved by at least two-thirds of the votes cast by the Board.
- (9)
 - (a) a Member may not speak for longer than a total time of fifteen (15) minutes unless the Member has done so in accordance with sections 24(7) and (8); and
 - (b) a Member speaking for a second time under section 24(8) shall speak for a maximum of five (5) minutes only.
- (10) The conflict of interest guidelines (*disclosure of conflict and restrictions on participation*) shall be in accordance with section 100 of the *Community Charter*.

Voting

25. (1) Voting rules will be in accordance with the *Local Government Act*.
- (2) On any question where the numbers of votes, including the vote of the person presiding, are equal, the question is defeated.
- (3) Where a Member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.

- (4) Whenever a vote of the Board is taken, after the vote is taken the Chair must then state the names of those Members voting in the negative, and the Corporate Officer must enter those names in the minutes.

PART 4 – COMMITTEES AND COMMISSIONS

Board Standing Committees

26. (1) The Chair may establish a Board Standing Committee as a regular permanent committee whose mandate will be in relation to a CRD service or potential service.
- (2) The Chair shall appoint only Board Members to a Board Standing Committee with the following exceptions:
- (a) Unless the authorizing legislation or Letters Patent for the Board Standing Committee defines its membership; and
- (b) Where a Board Standing Committee Terms of Reference allow a First Nation Member to participate.
- (Bylaw No. 4368)*
- (3) The general duties of Board Standing Committees shall be as follows:
- (a) To consider and report to the Board from time to time or whenever desired by the Board and as often as the interest of the CRD may require, on all matters referred to them by the Chair of the Board, or coming within their purview, and to recommend such action by the Board in relation thereto as they, the Committee, deem necessary or expedient.
- (b) To carry out the instructions of the Board expressed by resolution in regard to any matter referred by the Board to any Committee for immediate action thereon, but in such cases the instruction of the Board shall be specific and the Committee shall report its action in detail at the next regular or other meeting of the Board thereafter as specified in the instructions of the Board Advisory Committees.

Advisory Committees

27. (1) The Board, or Board Standing Committees, may establish an Advisory Committee to provide advice and recommendations to the Board, or to a Board Standing Committee, on matters determined to be within approved terms of reference or within a specific resolution of the Board.
- (2) Members of an Advisory Committee shall be appointed by the Board, a Board Standing Committee, or the appointments may be delegated by the Board to the Chair.
- (3) Persons who are not Members may be appointed to an Advisory Committee but each Advisory Committee should include at least one (1) Member of the Board.
- (4) The term of any person who is appointed to an Advisory Committee who is not a Member

of the Board shall not exceed three (3) years.

Select Committees

28. (1) The Board may establish a Select Committee to consider or inquire into any matter dealing with a specific subject or issue referred to it by the Board and report its findings, opinions and recommendations to the Board, following its consideration and inquiry. Select Committees must have terms of reference approved by the Board.
- (2) The Select Committee will cease to exist once it has reported its findings, opinions and recommendations to the Board.
- (3) The Board may delegate to the Chair the establishment of a Select Committee and the appointment of its Members.

Commissions

29. (1) The Board may establish a Commission regarding a CRD service within the authorities delegated to it and as mandated by the Board by bylaw.

Electronic Participation at Commission Meetings

- 29.1 (1) A member of a Commission may participate in a regular or special meeting by means of electronic or other communication facilities that:
- (a) enable the meeting's participants to hear, or watch and hear, each other;
- (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the member participating by electronic or other communication facilities.
- (2) The person presiding at the Commission meeting must not participate electronically.
- (3) A person participating in a Commission meeting electronically is deemed to be present at the meeting as though they were physically present.
- (4) The recording secretary shall record in the minutes the persons present including those participating electronically.
- (5) Subject to section 29.1(9), no more than one person at one time may participate electronically.
- (6) The person wishing to participate in a Commission meeting electronically must advise the Corporate Officer at least 24 hours in advance of the meeting;
- (7) Subject to section 29.1(9), if more than one person wishes to participate electronically at a Commission meeting, the Corporate Officer will by lot choose the person who is entitled to participate electronically.

(Bylaw No. 4206)

(Bylaw Nos. 4206, 4262)

- (8) Electronic participation will only be permitted where existing technical facilities at the location of the Commission meeting accommodate electronic participation.

(Bylaw No. 3951)

- (9) Sections 29.1(5) and 29.1(7) do not apply to meetings of a Commission that operates a service that includes the entire Southern Gulf Islands Electoral Area as the service area.

(Bylaw No. 4206)

Electronic Participation in case of Emergency or Special Circumstance

- 29.2 (1) In an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meet in one location, members or persons appointed by the Board may participate in a meeting by means of electronic or other communication facilities that:

- (a) enable the meeting's participants to hear, or watch and hear, each other; and,
- (b) except for a meeting that is closed to the public, enable the public to hear, or watch and hear, the member(s) and person(s) participating by electronic or other communication facilities.

- (2) Meetings called under subsection (1) will be at the call of the Board Chair.

- (3) Special meetings called under subsection (1) will be in accordance with section 9 of this bylaw and will comply with the requirements set out in subsection 2(2)(d) of the *Regional District Electronic Meetings Regulations*, B.C. Reg. 118/2018.

(Bylaw No. 4353)

Attendance at Committee Meetings

30. Members of the Board who are not Members of a Committee may attend meetings of that Committee and may take part in any discussion or debate by permission of a majority of the Committee Members present but may not vote.

Committee Reports

31. A Standing or Select Committee of the Board may report to the Board at any regular meeting or shall report as required by the Board.

Quorum

32. The quorum in a Standing or Select Committee shall be the majority of the Persons appointed to the Committee, but shall not include First Nation Members.

(Bylaw No. 4368)

Voting at Meetings

33. (1) On a vote in a Committee each person shall have only one (1) vote.
- (2) (a) The Chair shall be a Member of all Committees and entitled to vote on all matters.
- (b) Despite section 33(2)(a) the Chair, when in attendance, may be counted as one Member for the purpose of constituting a quorum.
- (c) First Nation Members are permitted to abstain from voting on an item, provided that they declare their abstention prior to the vote being called on the item.
(Bylaw No. 4368)
- (d) When an abstention from voting on an item is declared by a First Nation Member, it shall be noted in the meeting minutes and the total number of votes on the item shall not include those First Nation Members who have abstained from voting.
(Bylaw No. 4368)

Operation

34. No Committee or Commission will operate outside of its expressed mandate or terms of reference without prior approval of the Board.

PART 5 – COMMITTEE OF THE WHOLE

Procedures for COW Meetings

35. (1) The Board may resolve to sit as a COW at any time.
- (2) The Chair may appoint another Member to preside over the COW who shall maintain order therein and report the proceedings thereof to the Board.
- (3) The rules of the Board shall be observed in COW as far as may be applicable. Motions shall be seconded and the names of Members shall not be recorded in case of a division. Divisions in COW shall be decided by a show of hands. A motion in COW to rise without reporting, or that the Chair of the Committee do leave the Chair, shall always be in order and shall take precedence over any other motion. A motion to rise without reporting, if affirmed shall be considered as disposing of the matter before the Committee in the negative.
- (4) When all matters referred to the COW have been considered, a motion to rise and report shall be adopted. The Committee may report progress and ask leave to sit again if the matter before it has not been disposed of. On the Committee rising, the Chair shall report to the Board and an adoption of the report shall be moved.
- (5) Discussion in COW shall be strictly relevant to the item or clause under consideration.
- (6) First Nation Members may attend COW when invited in advance by the Board Chair.
(Bylaw No. 4368)

PART 6 – BYLAWS

36. (1) Bylaws shall be passed by the following stages:
- (a) Introduction and first reading shall be decided by the motion "that Bylaw No. _____ be introduced and read a first time". The question shall be decided without amendment or debate.
 - (b) Second Reading - Debate on second reading shall be limited to the general principle of the bylaw.
 - (c) Third Reading - A bylaw may be amended at third reading and passed upon the motion "that Bylaw No. _____ (as amended or as presented) be read a third time".
 - (d) Despite sections 36(1)(a), (b) and (c) every proposed bylaw may be introduced and given first, second, and third readings at the same meeting by one motion for all three readings.
 - (e) Adoption - Not less than one clear day after third reading, the bylaw shall be adopted upon the motion "that Bylaw No. _____ be adopted", unless the Board adopts the bylaw in accordance with subsection (2) and section 228 of the *Local Government Act*.
- (Bylaw No. 4262)
- (2) A bylaw that does not require approval, consent or assent under the *Local Government Act* or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading, so long as the motion for adoption receives at least two thirds of the votes cast.
- (3) A copy of every bylaw shall be endorsed by the Corporate Officer with a record of the stages through which it has proceeded and shall be kept among the records of the Board. A copy of every adopted bylaw signed, sealed and where necessary bearing evidence of registration by the Inspector of Municipalities shall be kept with the records of the Board.

PART 7 – RESOLUTIONS

37. A resolution may be introduced at a Board meeting only if a written copy is given to each Member before consideration unless the Board waives this requirement.

PART 8 – GENERAL

38. The rules of the Board shall be observed in proceedings of the Capital Regional Hospital District Board, and Standing and Select Committees of the Board as far as may be applicable.
39. The provisions of sections 22 and 24 of this bylaw that apply to Members shall apply to First Nation Members.
- (Bylaw No. 4368)

40. The following bylaw is repealed: Bylaw No. 3708, "Capital Regional District Board Procedures Bylaw, 2010", and any amendments thereto.
41. This Bylaw may be cited as "Capital Regional District Board Procedures Bylaw, 2012".

READ A FIRST TIME THIS	19 th	day of	September,	2018
READ A SECOND TIME THIS	19 th	day of	September,	2018
READ A THIRD TIME THIS	19 th	day of	September,	2018
ADOPTED THIS	10 th	day of	October,	2018

[Original signed by] _____
CHAIR

[Original signed by] _____
CORPORATE OFFICER

Jurisdictional Review of Delegates Speaking Times

Local Government	Time Per Speaker	Total Time Max.	Notes
CRD Municipalities			
Central Saanich	Delegation = 10 mins Public Questions = 2 mins Invited presentations or speakers to (their own) correspondence on agenda = 2 mins	Delegation = 2 per Regular Council Meeting	• Application Req. •
Colwood	Presentation = 5 mins Public Participation = no maximum	Public Participation Period = 20 min	• Must be residents or property owners, unless approved by 2/3 of Council • Where two or more delegations apply to address Council on the same subject, only one delegation may address Council either in favour or against the subject. • Organizations or associations are not permitted more than one delegation every six months on the same issues unless prior consent has been obtained by a resolution of Council.
Esquimalt	Public Input/Comment Period = 2 mins Delegations = 5 mins Presentations = 10 mins	Presentations = 2 per meeting	
Highlands	Delegation = 5 mins		• Delegation application
Langford	• Must be limited to agenda items	• Public Participation = 20 mins	• May be specified in next Procedure Bylaw update
Metchosin	Public Participation = 4 mins Presentation = 10 mins Question Period = no limit	Public Participations = 45 mins Presentation = no limit Question Period = 20 mins	• Includes standing committees • Presentation by written request
North Saanich	Public Participation = 3 mins Delegations = 5 mins	Public Participation = 20 mins	• Delegation may be scheduled for advisory body if

APPENDIX C

			appropriate
Oak Bay	Public Input @ Council = 3 mins / agenda item Public Input @ COTW = 3 mins Public Comment & Question Period @ COTW = 2 mins Delegations = 5 mins Presentation = 10 mins	Public Comment & Question Period @ COTW = 30 mins max Delegations = 2 people per meeting Presentation = 1 person per meeting	- Delegations at COTW only - Presentations by invitation only
Saanich	Delegation = 10 mins Public Input Council & CW Meetings = 3 mins Neighborhood Comm. Assoc @ COTW = 6 mins	Delegation = 1 people at each COW Meeting .	- Application Req. - Neighborhood Assoc. must have carried out an engagement process. - Where two or more delegations apply to address Council on the same subject, only one delegation may address Council either in favour or against the subject. - Organizations or associations are not permitted more than one delegation every six months on the same issues unless prior consent has been obtained by a resolution of Council.
Sidney	Public Input = 4 mins Presentation/Delegation = 10 mins	Public Input = 20 mins	
Sooke	Delegation = 5 mins Public Input = 2 mins	Delegation – 2 people per Regular Council meeting Public Question & Comment Period = 10 mins	Council or the Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council or if the same subject matter has been presented by the same

APPENDIX C

			individual or delegation in the past six (6) months.
Victoria	Individual or Delegation w/notice = 5 mins Individual or Delegation w/o notice= 2 mins	Not specified	• Application req. • First 6 speakers are heard prior to the HEARINGS section of the meeting, all other speakers requests will be added to the second section, which takes place after the HEARINGS section of the Council meeting.
View Royal	Delegation = 15 mins. Public Participation = 5 mins Question Period = 2 mins	Public Participation = 30 mins Question Period = 15 mins	• Application req. • Where a delegation has addressed Council on a particular matter, if a subsequent request to address Council is received from the same delegation on the same matter within three (3) months of having address Council, and no significantly new information is to be provided, the Corporate Officer may refuse to place the delegation on the agenda, but will circulate the information submitted to Council under

			separate cover.
Regional Districts			
Central Okanagan	Delegations = 10 mins Presenters = 15 mins Land Use Applicant with negative recommendation = 5 mins Public Input = 5 mins	Delegations = 2 people Presenters = 2 people except where 2 delegations are previously scheduled, then presentations will be limited to 1 per meeting Public Input = not indicated	• Application req.
Comox Valley	Delegations = 10 mins	Delegations = 3 people	• Application req.
Cowichan Valley	Delegations = 10 mins Public Input = 3 mins	Delegations = 2 people* Public Input = 5 people	• Application req. • *Additional delegations may address the meeting if approved unanimously by the members present.
Fraser Valley	Delegations = 10 mins Public Question Period = no limit (at end of agenda) or submitted in writing the day before meeting	Not specified	• Application req. • The Chair must approve all delegations before they are set on the agenda.
Metro Vancouver	Delegations = 5 mins Presenter = not indicated	Not specified	• Application req.
Nanaimo	Delegations = 5 mins	Not specified	• Application req. • Delegations speaking to items not on the agenda will be placed at the end of the agenda. • No person(s) may appear more than once to the same item except to introduce new & material information.
North Coast	Delegations = 10 mins	Delegations = 2 people	• Application req.
Strathcona	Delegations = 10 mins	Not specified	• Application req. • Public input on

APPENDIX C

			agenda items is by correspondenc e only
Thompson-Nicola	Delegations = 10 mins Presenters = not indicated	Delegations = 2 people	• Application req.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, NOVEMBER 16, 2021

SUBJECT Zoning Amendment Application for Section 42, Otter District, Clark Road
 & Aythree Way (PID: 009-497-790)

ISSUE SUMMARY

The owner has applied to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

BACKGROUND

The approximately 55 hectare (ha) subject property is located on Clark Road and Aythree Way in Otter Point (Appendix A). The property is designated as Rural Land in the Otter Point Official Community Plan (OCP), Bylaw No. 3891, and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix B). The parcel is within the Otter Point Fire Protection Service Area and outside a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and watercourses and wetlands development permit areas in Bylaw No. 3819.

There is a single-family dwelling being constructed on the property under an active development permit (DP000291), and the land is the subject of an 8-lot subdivision application (SU000704) (Appendix C). The CRD Board recently provided a statement of concurrence for the location of a radio communication tower on a portion of the subject property (LP000021) as part of a provincially funded project being undertaken by Rogers Communications to expand cellular service from Sooke to Port Renfrew.

The owner has submitted an application to rezone an 11 ha portion of the property, proposed as Lot 2 in the subdivision application, to permit agriculture, an equestrian riding facility with ancillary campground, and a residential density of one one-family dwelling and one suite per 4 ha (Appendix D). Staff have prepared Bylaw No. 4422 for consideration (Appendix E).

At its meeting of June 15, 2021, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Otter Point Advisory Planning Commission (APC), CRD departments, BC Hydro, District of Sooke, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch and Water Protection Section, Island Health, Ministry of Agriculture, Ministry of Transportation & Infrastructure, Otter Point Fire Department, RCMP, Sooke School District #62, Sc'ianew and T'Sou-ke First Nations. Comments have been received and are included in Appendix F.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. That the referral of proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021" directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; appropriate CRD departments; BC Hydro; District of Sooke; Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch, Ecosystems Branch and Water Protection Section; Island Health; Ministry of Agriculture; Ministry of Transportation & Infrastructure; Otter Point Fire Department; RCMP; Sooke School District #62; and Sc'ianew and T'Sou-ke First Nations be

approved and the comments received;

2. That proposed Bylaw No. 4422, “Juan de Fuca Land Use Bylaw No, 1992, Amendment Bylaw No. 152, 2021” be introduced and read a first time and read a second time;
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No 4422; and
4. That prior to adoption of proposed Bylaw No. 4422, the following conditions be met:
 - a. Submission of a Section 11 Approval under the *Water Sustainability Act* for Changes In or About a Stream and/or a Conditions & Impacts Report prepared by a Qualified Environmental Professional, as well as completion of any recommended restoration measures to the satisfaction of the Province and the CRD;
 - b. Approval of a frontage variance and development permit to authorize the subdivision of Section 42, Otter District.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4422.

Alternative 3

That the proposed Bylaw be referred back to staff more information based on Committee direction.

IMPLICATIONS

Legislative

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act* (LGA). The Otter Point APC considered the application at its meeting on July 6, 2021.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the LGA will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

A water licence is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning.

Regional Growth Strategy

Section 445 of the LGA requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Otter Point OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the Otter Point OCP.

Referral Comments

Referrals were sent to 13 agencies, to CRD departments and to the Otter Point APC. Comments received are summarized below and included in Appendix F.

BC Hydro stated no issue as there is no right of way involved.

CRD Building Inspection will require building permits and approvals prior to the construction of any buildings or structures.

CRD Bylaw Enforcement recommended increased clarity regarding the regulations for campsite uses and densities, and that campsites have potential to result in nuisance complaints to CRD.

District of Sooke stated interests unaffected.

Island Health stated no objection provided the applicant complies with the *Drinking Water Protection Act/Regulation* and *Sewerage System Regulation*.

Ministry of Agriculture indicated support for the proposal provided that agriculture is permitted.

Ministry of Forests, Lands, Natural Resources and Rural Development (FLNR) provided the following comments:

Archaeology Branch provided information about the requirements to protect archaeological sites under the *Heritage Conservation Act*.

Ecosystems Branch commented that the *Riparian Areas Protection Regulation* applies to watercourses on the property and that a Conditions and Impacts report prepared by a Qualified Environmental Professional (QEP) should be completed that provides measures on how the Streamside Protection and Enhancement Areas will be protected from encroachment to facilitate the re-establishment of riparian vegetation in areas cleared during past forest harvesting activities. Stream crossings require approval under the *Water Sustainability Act*.

Water Protection Section provided the following information:

- Aquifer 606, the primary source of water for the subject property, has very low productivity and available water to provide for the proposed development is likely to be limited.
- A water licence is required under the *Water Sustainability Act* for non-domestic water use.
- As Aquifer 606 is highly vulnerable to contaminants, sources of nutrient and bacterial contamination such as animal grazing areas, paddocks and locations of manure storage, should be set back at least 30 m from wells and surface water sources in accordance with the *Public Health Act* and *Health Hazard Regulation*, as well as the Code of Practice for Agricultural Environmental Management.
- Development plans should clearly map and identify all water courses and the applicants should be advised of regulatory requirements affecting the development, including access over and setbacks to watercourses.

Ministry of Transportation & Infrastructure stated no objection.

Otter Point Fire Department provided comment advising that Covenant CA6074834 requires installation of a 14,000 imperial gallon tank for water storage dedicated for firefighting purposes, and that access to all buildings be constructed and maintained for firefighting purposes.

RCMP stated no comment.

Sooke School District #62 stated no concern.

The Otter Point APC met on July 6, 2021, to consider the application. Ten members of the public were in attendance. One letter of support and six letters in opposition to the proposal were received. The Otter Point APC moved the following motion:

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee that it recommends:

- closer review of the Agriculture 2 Zone (AG-2) to limit impact of equestrian and campsite uses
- closer review of the Agriculture 2 Zone (AG-2) to review the scope of agricultural use
- more information on the community's hydrology

CARRIED

LAND USE IMPLICATIONS

The Otter Point OCP, Bylaw No. 3819, designates the subject property as Rural Lands. The primary use for the Rural Lands policy area is to protect renewable resources such as agriculture and forestry. OCP policies are supportive of development proposals where the development has minimal impact on existing features, surface runoff is controlled, depletion and contamination of wells is prevented, and vegetation is retained. In consideration of an application for rezoning, community support is more likely where it can be demonstrated that community values and features can be protected as outlined in section 4.2.1(6) of the Otter Point OCP.

The property is zoned AF in Bylaw No. 2040, which permits silviculture, residential and ancillary uses (Appendix B). The applicant is requesting rezoning of an 11 ha portion of the property, proposed as Lot 2 in a concurrent subdivision application to permit, silviculture, agriculture, an equestrian riding facility and ancillary campground, and a residential density of one dwelling and suite per 4 ha of land (Appendix D). Staff have drafted a new Agriculture 2 (AG-2) zone to reflect the applicant's proposal. Proposed Bylaw No. 4422 is included as Appendix E for consideration and has been revised to more clearly regulate the equestrian and campground uses and densities.

A new definition for *equestrian facility* is proposed as follows:

EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals.

The proposed AG-2 zone proposes a 10 ha minimum parcel size for subdivision and a residential density of one dwelling plus a secondary suite or detached accessory suite per 4 ha of land, which is consistent with the Rural Lands designation and the density permitted under the existing AF zone. A floor area ratio of 0.0085 is proposed for all buildings used for agriculture, farming and equestrian riding facilities, which equates to approximately 935 m² on 11 ha of land.

The applicant proposes that camping spaces be permitted for temporary accommodation of the travelling public in conjunction with the other permitted uses outlined in the AG-2 zone, and particularly the equestrian facility. The Rural Lands designation does not explicitly support commercial tourist accommodation, so consideration of such use would need to be of a minor scale and ancillary to the primary renewable resource function of the land in order to be consistent with the OCP policy direction. Bylaw No. 4422 includes a proposed density of one camping space per 2 ha as an accessory use. A total of five camping spaces would be permitted in the 11 ha area.

Land clearing within riparian areas was conducted by previous property owners in contravention of Development Permit DP000176 (Reference File: DP-29-11). Staff have requested a Conditions and Impacts report prepared by a QEP from the present owner; however, Provincial staff have advised that an approval under Section 11 of the *Water Sustainability Act* for Changes In and About a Stream may also be required. Staff recommend that any remediation measures recommended by the QEP or specified in a Section 11 approval be completed prior to adoption of the Bylaw. Future development and land alteration, including subdivision works, in designated

development permit areas will require a development permit and relevant professional reports including a *Riparian Areas Protection Regulation* (RAPR) report.

Referral comments indicate concern for lack of information about existing watercourses on the property and availability of water to support the proposed development. The applicant has provided a preliminary report prepared by a Qualified Professional Hydrogeologist that provides an outline of the hydrogeological setting, a review of existing water wells and groundwater quality, and well locations for the proposed subdivision (Appendix G). A licence will be required for non-domestic groundwater use that will involve additional hydrogeological review by provincial staff. This analysis is not a precondition for zoning and would be required at such time as the use is undertaken.

APC discussion included consideration of public trails to support the proposed equestrian riding facility use and the equestrian community generally. Policies in the Otter Point OCP express interest in additional trail networks throughout the community and state that applications for rezoning are more likely to be supported where it can be demonstrated that community values and features can be protected as an amenity. The subject property has historically been a gateway for the public to access trail networks on Crown and resource lands. Areas of Crown Land that transect the subject property to the north and that are located between the property and Otter Point Road to the south, could offer opportunity to expand trail connectivity; however, applications to the Province would need to consider First Nations' territorial interests and ongoing treaty processes.

Should the rezoning of proposed Lot 2 be supported, staff recommend that the AG-2 zone boundary be aligned with the final parcel boundaries of the proposed subdivision so that no split-zoned parcels will be created. Therefore, staff recommend that adoption of the rezoning be withheld pending issuance of a frontage variance and development permit to authorize subdivision.

Based on the information provided by the applicant, the policies of the Otter Point OCP, and referral comments, staff have revised the proposed Bylaw No. 4422 and recommend that the CRD Board consider first and second reading of the bylaw and direct that a public hearing be held.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone an 11 ha portion of the subject property from Forestry (AF) to a new Agricultural 2 (AG-2) zone to permit agriculture, an equestrian riding facility with an ancillary campground, and two dwelling units with up to either two secondary suites or two detached accessory suites. Staff have prepared proposed Bylaw No. 4422 and recommend receipt of referral comments from the Otter Point Advisory Planning Commission, First Nations, CRD departments and agencies; that the Board consider first and second reading of proposed Bylaw No. 4422; and that the Bylaw proceed to public hearing. Final adoption of the Bylaw should be withheld pending submission of a Conditions & Impacts Report and completion of any recommended restoration measures, and approval of a development permit with variance to authorize the subdivision.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

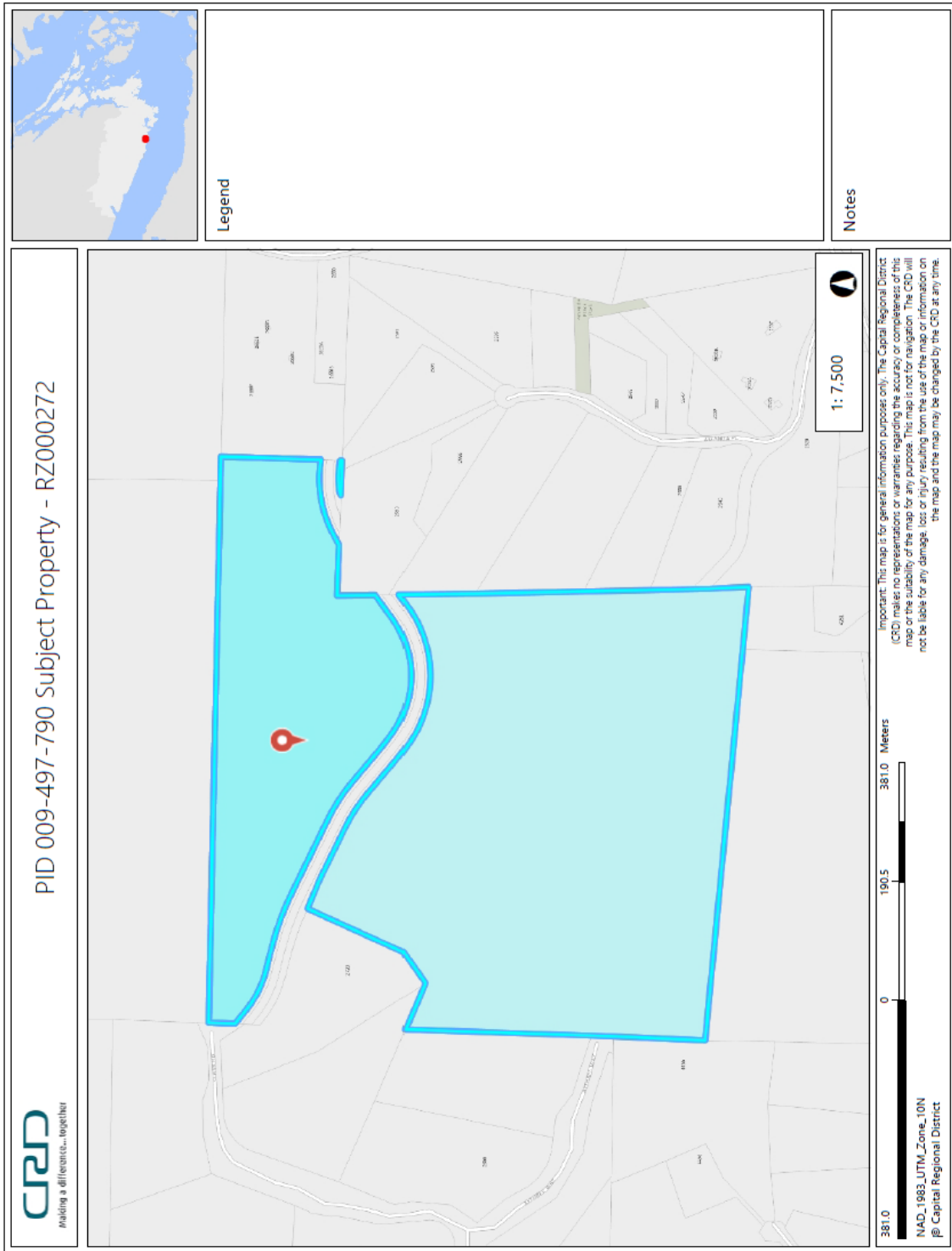
1. That the referral of proposed Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021” directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; appropriate CRD departments; BC Hydro; District of Sooke; Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch, Ecosystems Branch and Water Protection Section; Island Health; Ministry of Agriculture; Ministry of Transportation & Infrastructure; Otter Point Fire Department; RCMP; Sooke School District #62; and Sc’ianew and T’Sou-ke First Nations be approved and the comments received;
2. That proposed Bylaw No. 4422, “Juan de Fuca Land Use Bylaw No, 1992, Amendment Bylaw No. 152, 2021” be introduced and read a first time and read a second time;
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No 4422; and
4. That prior to adoption of proposed Bylaw No. 4422, the following conditions be met:
 - a. Submission of a Section 11 Approval under the *Water Sustainability Act* for Changes In or About a Stream and/or a Conditions & Impacts Report prepared by a Qualified Environmental Professional, as well as completion of any recommended restoration measures to the satisfaction of the Province and the CRD;
 - b. Approval of a frontage variance and development permit to authorize the subdivision of Section 42, Otter District.

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, RPP, MCIP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property
Appendix B: Forestry AF Zone
Appendix C: Subdivision Plan
Appendix D: Proposed Development
Appendix E: Bylaw No. 4422
Appendix F: Referral Comments
Appendix G: Hydrogeology Report

Appendix A: Subject Property



Appendix B: Forestry AF Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 **FORESTRY ZONE - AF**

3.01 **Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

3.02 **Minimum Parcel Size for Subdivision Purposes**

The minimum lot size is 4ha;

3.03 **Density**

One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

3.04 **Height**

Maximum height shall be 11m.

3.05 **Lot Coverage**

Maximum lot coverage shall be 10 percent.

3.06 **Maximum Size of for Residential Buildings**

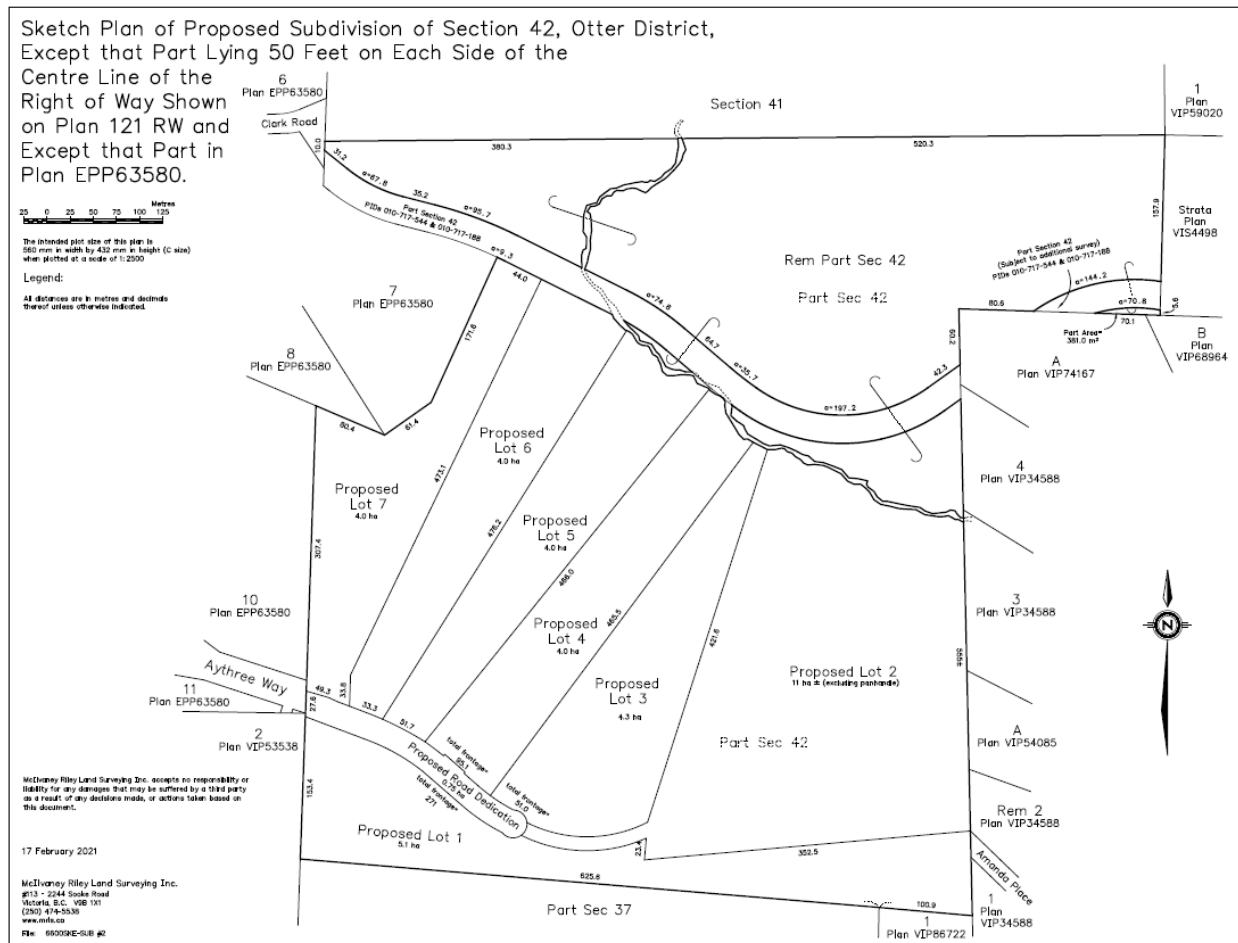
Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 **Yard Requirements**

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

Appendix C: Subdivision Plan



Appendix D: Proposed Development

GRAYLAND CONSULTING LTD.

May 11th, 2021

Juan de Fuca Community Planning
3-7450 Butler Road,
Sooke B.C.
V9Z 1N1

To Whom it may Concern:

RE: PROPOSED REZONING PROPOSED LOT 2 OF SECTION 42 OTTER DISTRICT

On behalf of the owners of Section 42, Otter Point, Homeward Bound Sales Ltd, Rachael Sansom of Grayland Consulting Ltd. is making application to rezone proposed lot 2 from the existing AF Forestry Zone to the RU2 Rural 2 Zone.

Salient Facts

Legal Description	Proposed Lot 2, Section 42, Otter District Except that part lying 50 feet on each side of the centreline of the right of way shown on Plan 121 RW and except that part in Plan EPP63580
PID	009-497-790
Lot Size	11 hectares
Existing Zone	AF Forestry
Existing Use	Vacant – previously logged
DP Areas	Riparian, Steep Slopes



GRAYLAND CONSULTING LTD.

Previous Site Activity

The property was logged in 2017. A subdivision application by the previous owner was submitted in 2019 and has been slightly revised by the current owner for fewer lots than originally contemplated.

A soil deposit permit was issued in 2019 to the previous owners and will be completed and signed off by the CRD when the site has been left in a suitable condition (Spring 2021).

Proposed Rezoning

A comparison of the existing and proposed uses is as follows:

	AF Forestry (Existing)	RU2 Rural 2 Zone (Proposed)
Permitted Uses	Silviculture except within 300m of a highway. Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture. One-family dwelling. Home Based Business Categories One, Two and Three; Bylaw 3705 Two Boarders or lodgers. Secondary Suite pursuant to Part 1, ss 4.19; Bylaw 3849 Detached Accessory Suite pursuant to Part 1, ss 4.20.	Agriculture Farm Building on Farms Residential One Family Dwelling
Accessory Uses		Accessory Buildings (Part 1, s 4.01) Secondary Suite Part 1, s 4.19 Detached Accessory Suite (part 1, s 4.20) Home based business (1,2 and 3) Two boarders or Lodgers One RV Composting of Waste in Site
Minimum Parcel Size	4 ha (10 ac approx)	4 ha (10 ac approx)
Density	One -One family dwelling One Secondary Suite (may be detached)	Two single family dwellings with suites per lot, on lots greater than 10 ha.
Height	11m	11m
Lot Coverage	10%	10%
Maximum Size of Residential Buildings	On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m ² , whichever is less; On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.	Farm Buildings and Structure not to exceed a total floor area 1000m ² . Residential floor area not to exceed 418m ²

[illegible]

Agriculture means the growing, rearing, producing or harvesting agricultural crops or livestock, apiculture, horticulture, silviculture, the use and storage of associated farm machinery, implements and agricultural supplies, includes the ancillary sale storage and processing on a parcel of the primary products harvested, reared or produced on that parcel, excludes intensive agriculture – medical marihuana, licenced cannabis production pursuant to the Cannabis Act, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

Farm Building means a structure which does not contain a residential occupancy and is :i) associated with and located on land devoted to the practice of farming and 11) used essentially for the housing of agricultural crops or equipment of livestock including storage and processing of agricultural products on site, but excludes, abattoirs, indoor equestrian riding arenas and buildings for the confinement of livestock or animals of any kind.

PPSS-35010459-2539

GRAYLAND CONSULTING LTD.

The owner would also like the ability to host small equestrian events and overnight camping with or without horses, for a limited number of spaces as deemed appropriate by the Regional District.

Density

The owner wishes to have the ability to build two single families on the parcel. Currently one single family dwelling with a suite is permitted on a 4 acre parcel. Two single family dwellings with suites on the 11 hectare parcel would actually be a decrease in density.

Site Servicing

The property will be serviced by in-ground septic disposal and drilled domestic water wells. Fire fighting ponds or reservoirs will be provided in accordance with the requirements of the Fire Department.

The additional uses would have to be supported by adequate water supply to be verified by a professional hydro geotechnical engineer, and these uses must be proving to have no negative impact to ground water.

Storm Water Management and Erosion and Sediment Control plans will be prepared by Professional Engineers as required.

The property is accessed via Aythree Road.

Environmental Considerations

This property was logged under the existing Forestry Zone by previous owners. Trees and undergrowth are gradually starting to repopulate, as are small and large mammals, birds and insects.

Any roads, driveways and structures will be located more than 30m from riparian areas in accordance with the Riparian Area Protection Regulation; an analysis of the riparian area has been performed by WSP Canada, and widely respected environmental consulting firm. Damage to the riparian areas was caused by logging practices two owners previous.

Steep slopes will be avoided, and all works and building areas will be analysed and certified by a professional Geotechnical Engineer.

Public Engagement

On behalf of the owners, and considering the ongoing COVID restrictions, we will send by mail letters to the surrounding neighbourhoods with project and contact information so that we may collect the opinions and concerns and respond to these prior to Board consideration. If conditions permit, public open houses may be hosted on site.

We look forward to working with Juan de Fuca Planning Staff, Committee and Board members and the public on this application. Please do not hesitate if you require additional information.

Best Regards,

Rachael Sansom

Rachael Sansom A.Sc.T, agent for
Homeward Bound Sales Ltd.

Appendix E: Bylaw No. 4422

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4422**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 2 – DEFINITIONS

- (a) By adding a new definition after the definition of ELECTRONIC MESSAGE CENTER SIGN, as follows:

"EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals."

B. SCHEDULE A, PART 1, SECTION 3.07

- (a) By adding the words "AG-2 Agricultural 2" after the words "AG Agricultural".

C. SCHEDULE A, PART 2 - ZONING DISTRICTS

- (a) By adding a new section 3B.0 Agricultural 2 Zone – AG-2 as follows:

3B.0 Agriculture 2 Zone – AG-2

3B.01 Permitted Uses & Buildings

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted by the Agricultural 2 AG-2 Zone:

Principal Uses:

- (a) Agriculture;
- (b) Farm Buildings;
- (c) Residential;
- (d) One-family Dwelling;
- (e) Equestrian Riding Facility;

Accessory Uses:

- (f) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (g) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (h) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (i) Home Based Business Categories One, Two and Three;
- (j) Two Boarders or Lodgers;
- (k) One recreation vehicle may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (l) Composting of organic waste generated on site.

**3B.02 Minimum Lot Size for
Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes shall be 4.0 ha.

CRD Bylaw No. 4422

2

3B.03 Lot Coverage

- (a) The maximum lot coverage shall be 10%.

3B.04 Density

- (a) One one-family dwelling per 4 hectares is permitted;
(b) One secondary suite or one detached accessory suite per 4 hectares is permitted;
(c) The Floor Area Ratio of all Farm Buildings, buildings and structures devoted to Agriculture, and Equestrian Riding Stables shall not exceed 0.025;
(d) Residential buildings and structures shall not exceed a Floor Area Ratio of 0.01.
(e) One campsite per 2 ha and a maximum of 60 m² total floor area of all accessory buildings and structures devoted to the campground use.

3B.05 Height

- (a) The maximum height of principal buildings and structures shall be 11 m.

3B.06 Required Yards

- (a) Residential buildings and structures shall be set back a minimum of:
i) 7.5 m from the front lot line;
ii) 6 m from side lot lines;
iii) 10 m from the rear lot line;
iv) 6 m CTS from flanking lot lines.
(b) Except for grazing of livestock and growing of agricultural crops, Farm Buildings, buildings and structures devoted to Agriculture, and Equestrian Riding Stables shall be set back a minimum of:
i) 30 m from the front lot line;
ii) 15 m from side, rear and flanking lot lines.
(c) Campgrounds shall be set back a minimum of 30 m from the front, side, rear and flanking lot lines.

3B.07 Watercourse Setbacks

- (a) Farm buildings, buildings and structures devoted to Agriculture and Equestrian Riding Stables shall be a minimum of 15 m from the natural boundary of a watercourse.

E. SCHEDULE A, PART 3, SECTION 5.0 LAND USE AND PARKING SPACES REQUIRED

- (a) By adding the words "Equestrian Riding Stable 5 plus 1 per 2 employees" below the words "Equipment Sales/Rentals (See Retail Uses of the same size)"; and

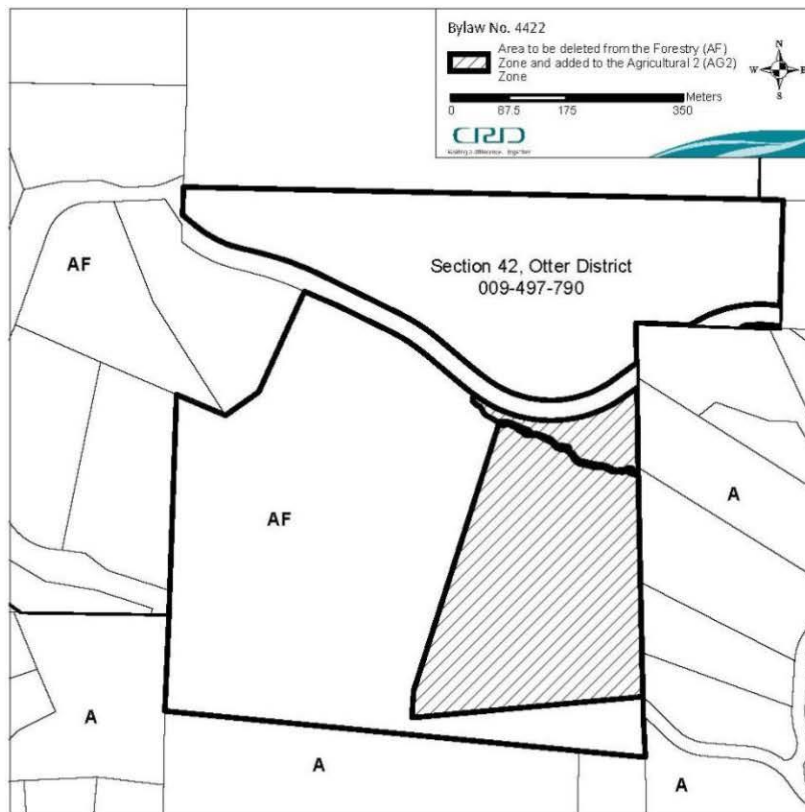
F. SCHEDULE B, ZONING MAPS

- (a) By deleting that portion of Section 42, Otter District, except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 from the Forestry AF zone and add it to the Agricultural 2 (AG-2) zone, as shown in Plan No. 1.

CRD Bylaw No. 4422

3

Plan No. 1 of Bylaw No. 4422, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021".

READ A FIRST TIME THIS day of , 2021.

READ A SECOND TIME THIS day of , 2021.

READ A THIRD TIME THIS day of , 2021.

ADOPTED THIS day of , 2021.

CHAIR

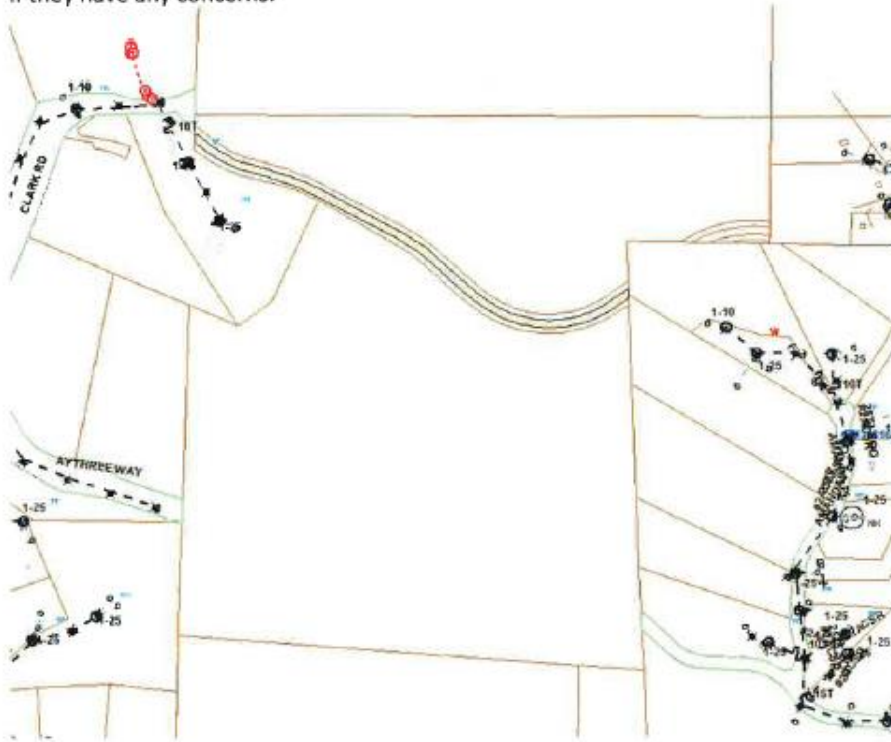
CORPORATE OFFICER

Appendix F: Referral Comments

BC Hydro

Hi Wendy,

BC Hydro Property Rights Services have no issue with the amendment to the zoning amendment as there is no right of way involved. I am copying South Vancouver Island Distribution Design for their review who can comment back directly if they have any concerns.



Thank you.

Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island

CRD Building Inspection

Wendy Miller

From: Mike Taylor
Sent: Friday, June 18, 2021 10:27 AM
To: Wendy Miller
Subject: RE: Referral - Zoning Amendment Application RZ000272

Hi, Wendy. I'm sorry this is late. I have no comments or concerns regarding this proposal. Of course appropriate building permits and supporting approvals would be required prior to any construction within the development. Please contact me if additional information is needed. Thank you.
Mike

CRD Bylaw Enforcement

Wendy Miller

From: Shayne Gorman
Sent: Wednesday, July 14, 2021 8:29 AM
To: Wendy Miller
Cc: Wilf Marquis
Subject: RE: Referral - Zoning Amendment Application RZ000272

Good Morning Wendy

Please find attached our response to the Zoning Amendment Application. Thank you Wilf for all your efforts.

CRD Bylaw Enforcement Services has reviewed the staff report for Zoning Amendment Application RZ000272, proposed Bylaw No. 4422 to amend Bylaw No. 2040 to rezone an 11 ha portion of the subject property from the Forestry (AF) zone to a new Agricultural 2 (AG-2) zone to permit two dwelling units and up to either two secondary suites or two detached accessory suites, agriculture, and an equestrian riding facility with an ancillary campground. Additionally the proposed bylaw was amended by the LUC to add campground as a permitted accessory use.

In the report to the Land Use Committee dated June 15, 2021 it is noted that the proposed zoning amendment is consistent with the policies of the OCP. The proposed AG-2 zone maintains minimum parcel size and residential density consistent with the Rural lands designation and density in the existing AF zone. Creation of this AG-2 zone is intended to allow for campsites for temporary accommodation of the traveling public in conjunction with an equestrian riding ring subject to regulatory conditions such as numbers, size, density and siting.

Seeing that commercial tourist accommodation is not consistent with Rural Land designation or explicitly support such use, the report points out the need to be of minor scale or ancillary to the primary renewable resource function. With the conditions required under AG-2 zone, including density and required yards, these requirements should assist in making this use ancillary to the principal uses.

However, within the proposed Bylaw No. 4422 we believe there needs to be more clarity regarding what defines the area of a campsite or campground for defining setback requirements. The wording also does not also appear clear as to whether the density requirement is up to 5 campsites (1 per 2 ha.) or whether a singular campsite location could be located with up to 5 campsites given the 11 ha. size. There could be advantages or disadvantages with each approach. The installation of campsites we believe has the potential to result in nuisance type complaints dependent on the locations (setbacks) and oversight of the operator.

CRD Bylaw Enforcement does not have any significant objections to this application as it is mostly consistent with the OCP or density and use concerns, aside from clarity regarding the campsite definitions, related setbacks and controls to mitigate nuisance.

District of Sooke



2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
Phone: 250-642-1634 Fax: 250-642-0541 Email: info@sooke.ca Website: www.sooke.ca

CRD Rezoning Application Referral to District of Sooke Planning Department

Tuesday, July 13, 2021

DOS File No.: CRD Referral

Juan de Fuca Community Planning
3-7450 Butler Road
Sooke, BC V9Z 1V1

Via Email: wmiller@crd.bc.ca

Dear Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning

Re: Referral Comments on rezoning application to amend Bylaw No. 2040 to rezone from Forestry (AF) to the RU2 zone (rural residential) and a new AG-2 (Agriculture 2) zone for the purposes of allowing proposed Lot 2 to permit a residential density of one dwelling and suite per 4 ha of land, silviculture, agriculture, equestrian riding facility and an ancillary campground.

Upon review of the proposed bylaw amendment to Bylaw No. 2040, Planning staff have determined that the District of Sooke's interest are unaffected by the proposed bylaw amendment RZ000272.

Thank you for providing the opportunity to comment on the proposed rezoning application.

If you have any further questions, please do not hesitate to contact me at the email provided below.

Yours Truly,

Kasha Janota-Bzowska, Planner I
Planning and Development Department
2205 Otter Point Road
Sooke, BC, V9Z 1J2

Email: kjanotabzowska@sooke.ca
Web: www.sooke.ca

CC: Matthew Pawlow, RPP, MCIP, Director of Planning and Development Services

Island Health

Wendy Miller

From: Takeuchi, Kazuhiro <Kazuhiro.Takeuchi@VIHA.CA>
Sent: Monday, July 12, 2021 4:00 PM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000272 - CRD Referral

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,

Our office has no objections to this rezoning provided the applicant complies with the Drinking Water Protection Act/Regulation (DWPA/R) and Sewerage System Regulation.

Note that the DWPA/R applies to all water systems other than "one single family residences". Unless the aforementioned secondary suites, dwellings and accessory suites are each on their individual well, a water system would like be created and thus a drinking water system operating permit from this office would be needed.

If you have any questions regarding the above information, feel free to reach out to me at 250-519-3655.

Sincerely,

Kazuhiro Takeuchi, B.Sc., B.Tech., CPHI(C)
Environmental Health Officer
Gateway Village Health Unit
Suite 201 – 771 Vernon Avenue, Victoria, BC. V8X 5A7
Phone: (250) 519-3401 Ext 33655
Email: Kazuhiro.Takeuchi@viha.ca

Ministry of Agriculture



July 7, 2021

Iain Lawrence
Manager of Community Planning
Capital Regional District

Sent by email

Dear Iain:

Re: File RZ000272 – Rezoning Application at Section 42, Otter District, Clark Road and Aythre Way (PID: 009-497-790) – The Subject Property

Thank you for providing the opportunity for the Ministry of Agriculture, Food and Fisheries (Ministry) to comment on File RZ000272 that proposes to rezone 11 ha of the 55 ha Subject Property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground. From an agricultural perspective, the Ministry offers the following comments:

- The Subject Property is not located within the Agricultural Land Reserve (ALR) nor does it border land in the ALR.
- The Subject Property is currently zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, 1992. The AF zone does not allow agriculture as either a permitted use or an accessory use. The applicant proposes to rezone the Subject Property to a new Agriculture 2 (AG-2) zone which allows agriculture as a permitted use.
- Ministry staff support the rezoning application given that, if approved, agriculture will be permitted on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

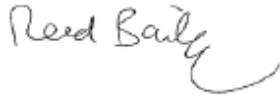
Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Ministry of Agriculture, Extension and Support
Food and Fisheries Services Branch

Mailing Address:
PO Box 9120, Stn Prov Gov
Victoria, BC V8W 9B4

-2-

Sincerely,



Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca



Emily Carmichael
Resource Development Agrologist
778 666-2437
Emily.Carmichael@gov.bc.ca

Cc: Shannon Lambie, Regional Planner – Agricultural Land Commission

FLNR – Archaeology

Wendy Miller

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Wednesday, July 07, 2021 5:26 PM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000272 - CRD Referral

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Wendy,

Sorry this is late – we're getting caught up but there's still more requests coming in than going out!

Thank you for your referral regarding the property legally described as SECTION 42, OTTER DISTRICT EXCEPT THAT PART LYING 50 FEET ON EACH SIDE OF THE CENTRE LINE OF THE RIGHT OF WAY SHOWN ON PLAN 121 RW AND EXCEPT THAT PART IN PLAN EPP63580, PID 009497790. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this referral response.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,

Diana



Please note that subject lot boundaries (yellow) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.



Diana Cooper
Archaeologist/ Archaeological Information Administrator
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website www.gov.bc.ca/archaeology

FLNR – Ecosystems

RESPONSE SUMMARY – REZONING APPLICATION RZ000272

☒ Interest Potentially Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Page 11 of "Report to the Juan de Fuca Land Use Committee Meeting of Tuesday, June 15, 2021 states, "Any roads, driveways and structures will be located more than 30 m from riparian areas in accordance with the Riparian Areas Protection Regulation...". If this changes, then the Riparian Areas Protection Regulation would apply and a Conditions and Impacts Report prepared by a Qualified Environmental Professional should be completed for any proposed non-institutional developments. The report should provide measures on how the Streamside Protection and Enhancement Areas will be protected from encroachment to facilitate the re-establishment of riparian vegetation in areas cleared during past forest harvesting activities. Ideally, the report would propose restoration activities (e.g., planting of native species, pruning, thinning, fertilization and invasive plant species control) to speed the re-establishment of riparian vegetation.

Should a stream crossing or future development be proposed below the high water mark of a stream (includes, lakes, ponds, wetlands and springs) then the submission of an Authorized Change (Notification) or Change Approval under the Water Sustainability Act is required before the start of work.



Ecosystem Biologist

Signed

Title

August 3, 2021

FLNRORD – West Coast, Ecosystems

Date

Agency

FLNR – Water Protection

Referral 58000-35/CRD 20210715 Rezoning Bylaw No 4422

RESPONSE SUMMARY – REZONING BYLAW No 4422

X Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

The Ministry of Lands and Natural Resources Water Protection Section has received a referral with respect to proposed land use change of the subject parcel (PID: 009-497-790).

The primary source of water in the area of the subject parcel is Aquifer 606 (AQ606 Fact Sheet: <https://apps.nrs.gov.bc.ca/gwells/aquifers/606>). This aquifer is made up of fractured volcanic bedrock, known to have a very low productivity, in particular in wells constructed at higher elevation. Available water to provide for higher water use needs such as a small water system (campground) and equestrian facility is likely to be limited. The median depth of bedrock wells registered in the Groundwater Wells database (GWELLS <https://apps.nrs.gov.bc.ca/gwells/well/63472>) within 1 km of this site is 165 m (540 ft), ranging from 30 m (100 ft) up to 347 m (1140 ft), and more than 50% of wells are greater than 150 m (500 ft) deep. Approximately 72% of the wells within 1 km have an estimated yield (driller air-lift estimate at time of well construction) of 2 USgpm or less.

As this area does not have a local water service provider, the applicants should be advised that a water licence (for surface water or for non-domestic groundwater use) is required under the *Water Sustainability Act* (<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015>) for some of the proposed land use (campground and equestrian facility). Larulla Creek has a water allocation restriction indicating that it is Fully Recorded. For more information on water licensing and rights refer to: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>. A groundwater license for domestic use on a single lot is not required for domestic parcels serviced by individual wells.

Due to the presence of a shallow overburden, the aquifer is also classified as having an overall high vulnerability to contaminants introduced at the land surface. Intrinsic vulnerability mapping (<https://catalogue.data.gov.bc.ca/dataset/drastic-aquifer-intrinsic-vulnerability>) indicates that aquifer vulnerability to contamination in the area of the subject parcel may be lower, primarily due to deeper groundwater levels. Animal grazing areas, paddocks and locations of manure storage can be a source of nutrient and bacterial contamination of surface and groundwater sources, therefore adequate (minimum 30 m) setbacks of these contaminant source from wells and surface water sources is required (in accordance with *Public Health Act*, Health Hazard Regulation

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/216_2011), and agricultural best practices (Code of Practice for Agricultural Environmental Management) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/8_2019) to reduce runoff of contaminants are recommended to be employed. At the same time, this upland area is a groundwater recharge zone, therefore the site design should minimize impervious surfaces which would limit natural infiltration and groundwater recharge.

It is noted that several surface water features including a wetland, spring and streams (Brent Spring, Larulla Creek, and headwaters of King Creek) are located on or immediately adjacent to the subject parcel. The subdivision map does not identify or map the boundaries of the riparian features. Development plans should clearly map and identify all water course and the applicants should be advised of regulatory requirements that could affect the development and siting considerations. The site and lot design should consider access considerations to minimize disturbance of the riparian areas, including adequate building site setbacks from the riparian boundaries. For example, it is not clear how landowners of proposed Lots 3-7 would access the portion of the lot on the opposite side of the wetland or stream, without interference with or alteration of the riparian area. A qualified environmental professional (QEP) is required to assess building plans to ensure development is compliant with the [Riparian Areas Protection Regulation](https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation) (more information at: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation>) and related local bylaws.

No additional concerns are noted with respect to the proposed bylaw.

Signed : Sylvia Barroso  _____

Title: Regional hydrogeologist

Ministry of Lands and Natural Resource Operations

Date: July 20, 2021

Refer to Figures 1, 2, and 3 below.



Figure 1: Aerial imagery (2013) of subject site from Capital Regional District Online Map.

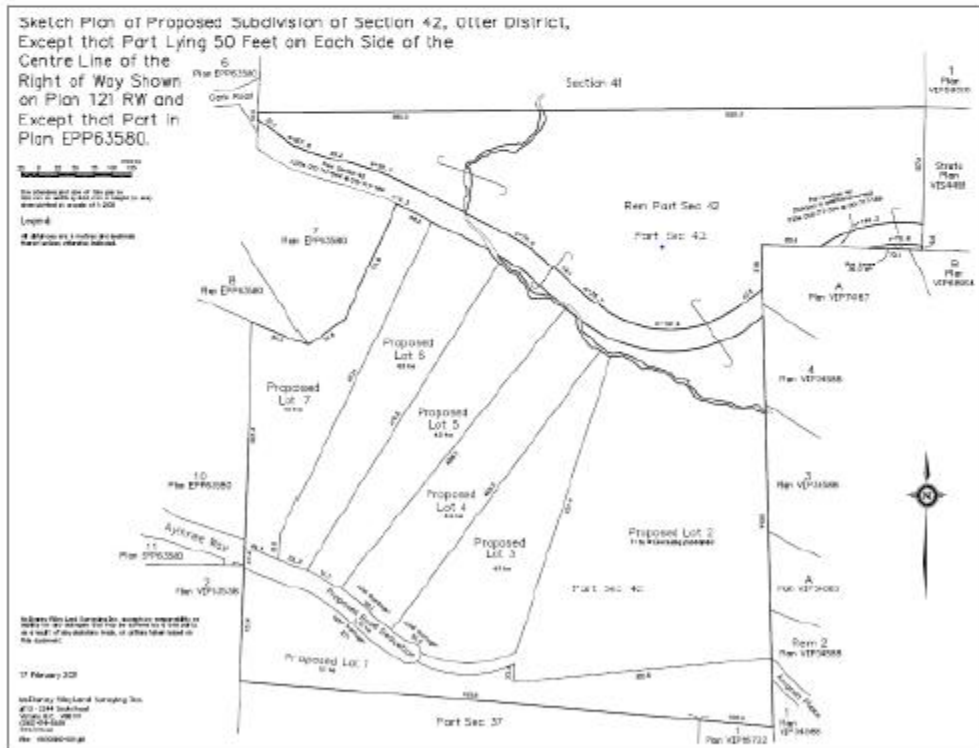
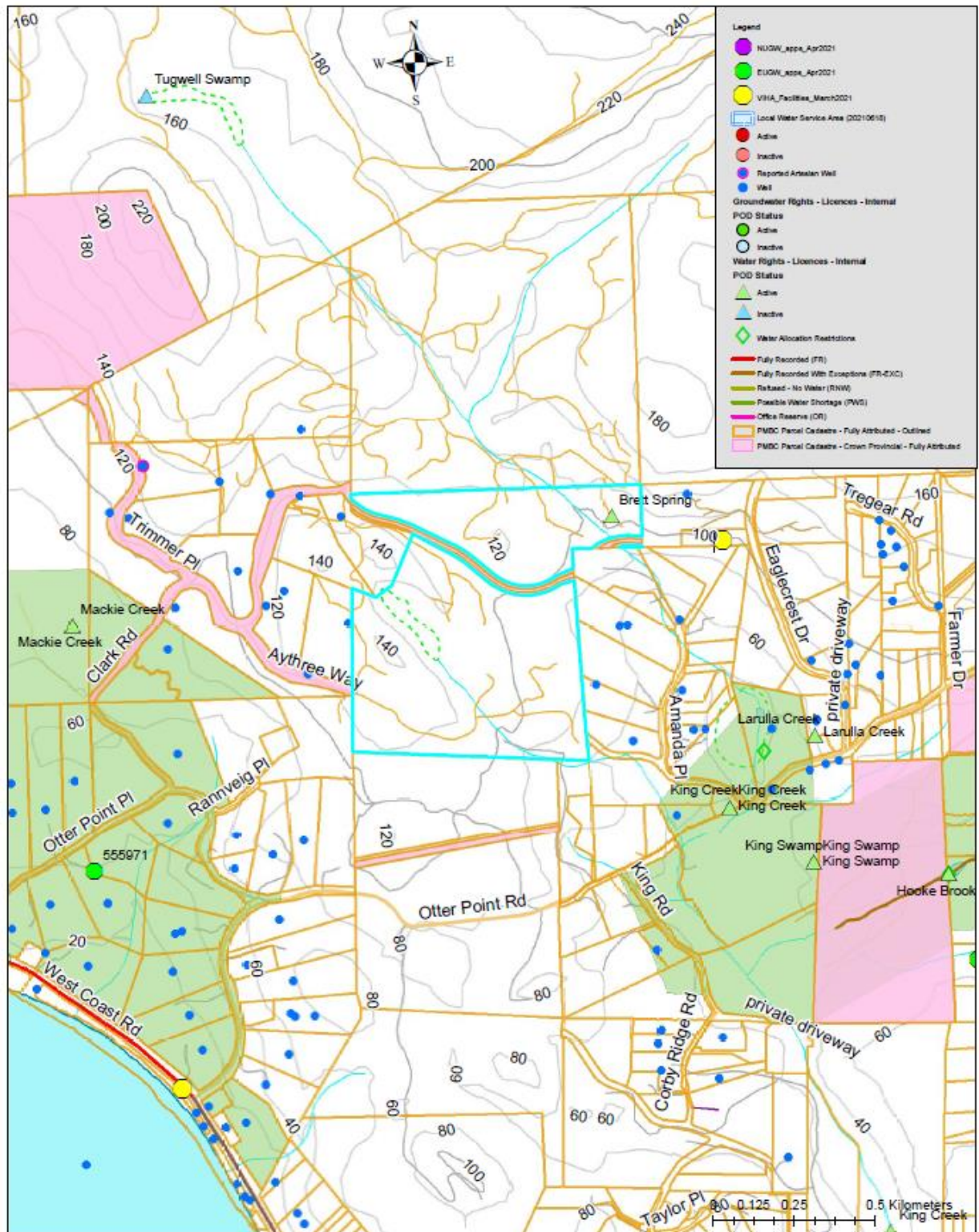


Figure 2: Proposed lot layout from referral package

Figure 3: Water sources in the area of PID 009-497-790, Sooke, B.C.



Ministry of Transportation & Infrastructure

Wendy Miller

From: Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>
Sent: Thursday, June 24, 2021 3:57 PM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000272 - CRD Referral

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

File #2021-03599

Hi Wendy,

Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed rezoning of Section 42, Otter District.

The Ministry has no objections to the rezoning as proposed.

Thank you for the opportunity to comment. Should further discussion be needed, please feel free to contact me.

Best,
Owen Page
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District
Ph: 236-478-1552



Ministry of
Transportation
and Infrastructure

WEBSITE FOR DEVELOPMENT APPROVALS:

www.th.gov.bc.ca/Development_Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

Otter Point Fire Department

OTTER POINT VOLUNTEER FIRE DEPARTMENT

Thursday, 7-9 p.m.
Office Phone 642-6211
Office Fax 642-2673

3727 Otter Point Road
Sooke, B. C. VZ OK1
www.otterpointfire.bc.ca

July 9, 2021

C.R.D. Building Inspection Services
#3 – 7450 Butler Road.
Sooke, BC V9Z 1N1

Folio Number 762-29030.980

Re: 8 lot subdivision and zoning amendment application

Property at the end of Aythree Way
Section 42
PID 009-497-790,
EPP63580

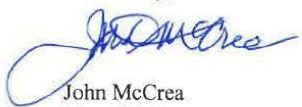
I have reviewed the proposed 8 lot subdivision of Section 42, Otter District, PID 009-497-790 and the Otter Point Fire Department has only 2 concerns with this proposal:

1. That access to all buildings on these properties are constructed and maintained to Fire Department standards to allow access for firefighting purposes, and
2. That Fire Protection Works Covenant CA6074834 is adhered to with a 14,000 imp. gallon tank (or larger) being added to the storage reservoir within the Lot 8 right of way as stated in the covenant..

I have also reviewed the proposed bylaw no. 4422. Once again my only concerns are the two listed above .

If you have any further questions please contact me at the above number or by email at jmccrea@otterpointfire.bc.ca

Yours truly,



John McCrea
Fire Chief



RCMP

No comments or concerns on our part.

Brett

S/Sgt Brett SINDEN
Detachment Commander
Sooke RCMP
250-642-5241 extension 2227

Sooke School District #62

Wendy Miller

From: Pete Godau <pgodau@sd62.bc.ca>
Sent: Monday, July 12, 2021 9:04 AM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000272 - CRD Referral

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thanks Wendy,

The school District does not have any concerns with this referral.

Thank you,

Pete

Peter Godau
Director of Facilities | School District # 62
P (250)474-9840 Ext 203 | C (250)361-7330 | pgodau@sd62.bc.ca
Shaping Tomorrow Today

Otter Point Advisory Planning Commission

Otter Point Advisory Planning Commission Meeting Minutes
July 6, 2021

2

6. Zoning Amendment Application

a) RZ000272 – Section 42, Otter District (Clark Road & Aythre Way)

Emma Taylor spoke to the request to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Emma Taylor reported that the subject property is also subject to an active subdivision application (SU000704), soil deposit permit (SP000092), development permit (DP000291), and radio communication tower application (LP000021).

Emma Taylor highlighted the subject property and subdivision layout. It was advised that the applicants propose to rezone proposed Lot 2.

A member of the public stated:

- the proposed subdivision plan incorrectly notes that the subdivision will be accessed by Amanda Place
- the road incorrectly identified as Amanda Place is an unconstructed public road referred to as Blue Grouse Way

The applicants responded to questions from the APC stating:

- the subject property is accessed from Clark Road and Aythre Way
- the access referred to as Blue Grouse Way is a riparian area
- the provincial Approval Officer did not support access from Blue Grouse Way when it was proposed by the previous owner of Section 42
- seven lots are currently proposed
- a hydrological study has been completed for the full property
- the hydrological study reports that there is water available for residential subdivision
- the proposed equestrian use will use less water than a single-family residential use
- the fire department has been on site
- there is a portable water truck on site, as well as 5,000 gallons of stored water for fire protection
- additional water storage for fire protection is proposed as part of the subdivision
- the equestrian use is considered to be in keeping with a hobby farm as horses will be limited to six
- campground use will be limited by bylaw
- equestrian events will be limited to day trips, birthday parties and equestrian-assisted therapy
- campsites will be limited to tent camping
- campsite amenities will be limited to a communal fire pit
- showers and a sani-station will not be provided
- they have not received any complaints from adjacent property owners regarding the proposal
- it is understood that the Ministry of Transportation and Infrastructure has directed that Clark Road cannot be widened

Iain Lawrence confirmed that:

- the subject property is within the Otter Point Fire District
- the hydrological study was not provided as part of the application intake
- Regional Director Mike Hicks supports use of Community Works Funds to support a groundwater study for areas in Otter Point that are outside the community water system

Otter Point Advisory Planning Commission Meeting Minutes
July 6, 2021

3

- there is a covenant registered on the title of the subject property that requires fire protection works in the form of a 14,000 gallon tank, installed to the satisfaction of the CRD, as a condition of subdivision

The Chair directed attention to the concerns received in the supplementary submissions including:

- environmental impact
- fire
- single road access and increased traffic
- flammability of animal feed
- animal runoff
- the size of the proposed equestrian facility and the potential for the zoning to set precedence for future facilities

The applicants stated:

- there are horses already in the area
- the Province regulates manure management
- four vehicles are anticipated a day
- the density proposed on Lot 2 is less than if the property was developed for residential use
- the owner will be residing on proposed Lot 2
- the indoor equestrian facility will be 30 x 50 feet
- the overall facility will be used for training and therapy use in the winter or when it rains
- the water table is 340 feet deep
- blasting for road development is not anticipated to impact the water table

Emma Taylor responded to a question from the public advising that proposed Bylaw No. 4422 limits campsites to one site per 2 ha. A total of five sites would be permitted on the subject area based on this density.

Bev Brow, Otter Point, stated:

- has attended horse shows and understands horse owners wishing to camp on site to care for their horses
- understands that agricultural zoning permits tourism
- tourism includes camping
- submitted a rezoning application (Z-07-10) for campground use that was denied due to concerns regarding water and traffic
- has been a resident for 30 years
- application Z-07-10 should be re-opened if this proposal proceeds

Iain Lawrence responded to questions from the public advising that:

- the subject property is designated Rural by the Otter Point Official Community Plan
- the Rural designation supports forestry and agriculture
- the Juan de Fuca Land Use Committee supported the campground use being an accessory use as the Rural designation does not support tourism as a principal use
- rezoning proposals are considered on individual merit
- the previous speaker is not restricted from submitting a new rezoning application

Howard Taylor, Otter Point, stated:

- supports the concept proposed by the current property owner
- concerned about the scale of the operation should the current owner sell
- a larger operation will require more water

PPSS-35010459-2544

Otter Point Advisory Planning Commission Meeting Minutes
July 6, 2021

4

- the proposed AG-2 zone is too broad

Emma Taylor responded to a question from the public advising that, at present, the Juan de Fuca Land Use Bylaw does not limit the number of livestock except for rabbits.

Heather Phillips, Otter Point, stated:

- water is a big issue
- the CRD commissioned an aquifer study in 2004 for the Juan de Fuca Electoral Area
- the report provides very little information for the subject property as at that time the subject property was Forest Land
- the hydrological study commissioned by the owner should be shared before a decision on the rezoning is made
- the study proposed by the Director should be received before a decision on the rezoning is made
- development is moving from the low lands into the high lands
- the impacts of high land development are not known
- it is understood that the Sooke-Metchosin Aquifer is surface water charged
- the subject property is in the catchment area for King Creek and Orveas Creek
- King Creek and Orveas Creek are fish-bearing creeks
- the Regional Growth Strategy limits community water systems in the Juan de Fuca Electoral Area
- more information is required before rezoning is approved
- support for release of the proponent's hydrological study
- rezoning should not be considered until the Official Community Plan is reviewed

The applicants stated that houses will be serviced by individual wells not by a community water system.

Rich Mably, Otter Point, stated:

- has been a resident for 35 years
- the area adjacent to the subject property is residential
- the proposal is commercial in nature
- the development will be a new load on the aquifer
- concern regarding water runoff from the equestrian and campground use
- wishes continued quiet enjoyment of his property
- the development will result in increased visitor and service traffic
- the development will result in increased fire risk
- concern that facility visitors wishing to explore more trails will result in increased trespass onto adjacent properties
- concerned about the scale of the operation, should the current owner sell
- opposition to the proposal as currently presented
- support for release of the hydrological study

Sheila Hubbard, Otter Point, stated:

- owns property that backs onto the proposed campground area
- concerned about fire, noise, trespass and water
- water is a concern for everyone
- opposition to the proposal

Otter Point Advisory Planning Commission Meeting Minutes
July 6, 2021

5

Sharon Sterling, Otter Point, stated:

- owns property that backs onto the proposed equestrian facility area
- had horses in past and likes the idea of an equestrian facility
- support for the trails being developed on the subject property being open to local residents through park dedication
- park dedication would provide a benefit to the community
- the current proposal is limited to being a private enterprise

The applicants stated:

- insurance and liability would be an issue, if the property was opened to public use
- support for dialogue with the CRD regarding dedication of trails on the property
- there are properties in the immediate vicinity that are being used for agriculture
- the area subject to the rezoning proposal has the potential to be subdivided into three lots
- the proposal is small scale and will be an asset to the community

APC comments included:

- new zones set precedence
- the proposed new Agriculture 2 Zone (AG-2) does not provide a limit to the number of horses
- the subject property is not agricultural land
- the subject property will not have enough water to support agricultural use
- the AG-2 zone was developed to support agricultural use, but the zoning amendment proposes a commercial operation
- Otter Point is an equestrian community but the AG-2 zone is too broad
- although there has been increased interest from the general public in more camping opportunities, local residents have concerns regarding the proposed campground use on the subject property
- residents have expressed interest in having a greater understanding of the aquifer
- community concerns include concerns for water, fire risk, issues related to campground use and scale of the operation, should the current owner sell

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee that it recommends:

- closer review of the Agriculture 2 Zone (AG-2) to limit impact of equestrian and campsite use
- closer review of the Agriculture 2 Zone (AG-2) to review the scope of agricultural use
- more information on the community's hydrology

CARRIED

7. Adjournment

The meeting adjourned at 8:21 pm.

Chair

Appendix G: Hydrogeology Report



File: 2012191

June 5, 2021

Attention: [REDACTED]

Re: Preliminary Groundwater Assessment, Section 42, Otter Point Estates

As requested, Hy-Geo Consulting has completed a preliminary assessment of the groundwater conditions at the above property. This report summarizes available information on the groundwater conditions, quantity and quality aspects, prospects and proposed locations for developing water supplies from wells. The subject property was visited on three occasions to examine the general site conditions, local geology, drainage conditions, access conditions for a drilling rig, and to select potential drilling locations.

Land Use Bylaw 2040 (CRD, 2018) requires 1400 litres per day (0.26 USgpm) from a well on each lot and this may be met by submission of the driller's record indicating a yield of this quantity or greater for each well. A water sample for each well would also need to be obtained for submission to the CRD Health officer to prove water potability.

Site Location

The property of interest is situated within the King Creek watershed in the Otter Point area north west of Orveas Bay along the south facing flank of the Sooke Hills (Figure 1). The land parcel is designated as PID 9497790 and is approximately 552151.1 m² (552.15 hectares) in area. Topography across the property slopes moderately south-easterly with elevations falling from 140 to 120 m along the north and north-western boundaries to 80 m at the southeast corner of the property as shown in Figure 1. The property is also close to the eastern topographic divide of the Orveas Creek watershed. The proposed subdivision layout for the property is shown in Figure 2.

There is a relatively large wetland in the south-western quarter of the property that is shown on existing CRD (2021) mapping, draining south-easterly (Figure 3). The drainage from the south end of the wetland, however, is blocked by an abandoned logging road grade from draining towards the southeast. It likely drains north-easterly towards tributaries of King Creek.

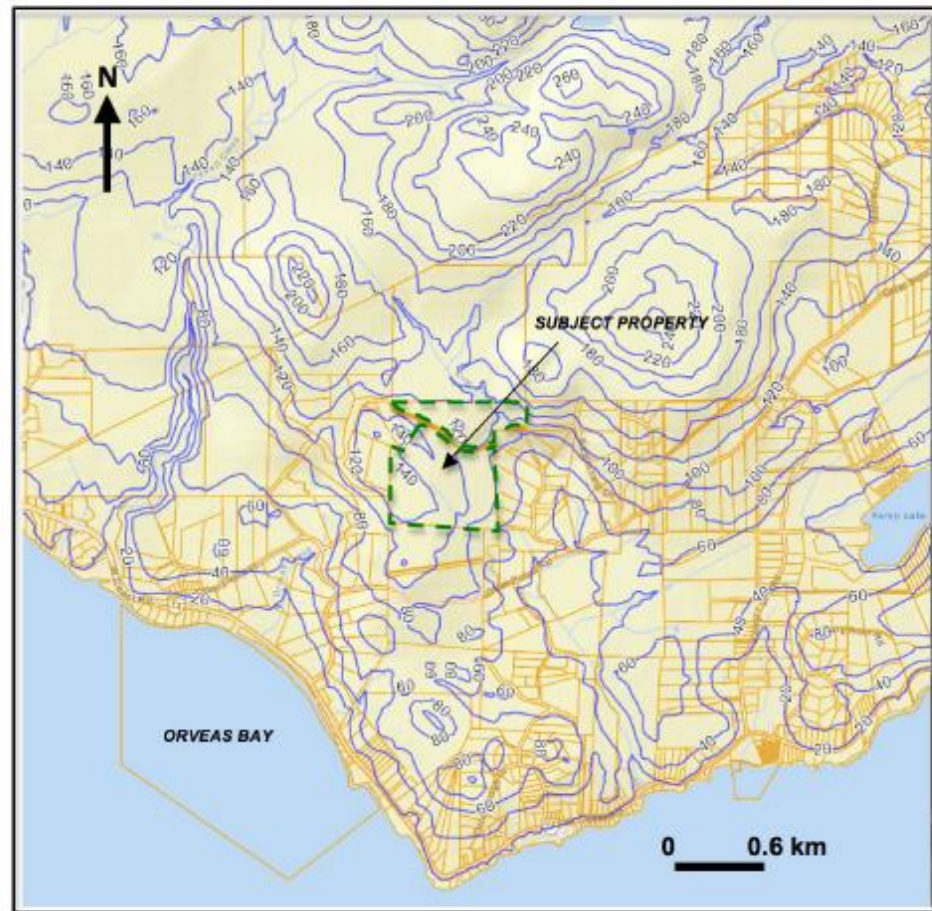


Figure 1. Location of subject property and regional topography. Contour interval = 20 m. Basemap from Province of British Columbia (2021).

Climate

The region is situated in a cool Mediterranean climatic zone with mild wet winters and dry summers. Monthly normal precipitation for the nearby William Head weather station for the 1981-2010 period has been reported by the Government of Canada (2021) for climate station 1018935 as shown in Figure 4. The area receives about 994 mm of precipitation on an annual basis (Government of Canada, 2021). Precipitation normally follows a seasonal cycle, with highest rainfall during the fall, winter and early spring months while the summer months are subject to drought conditions.

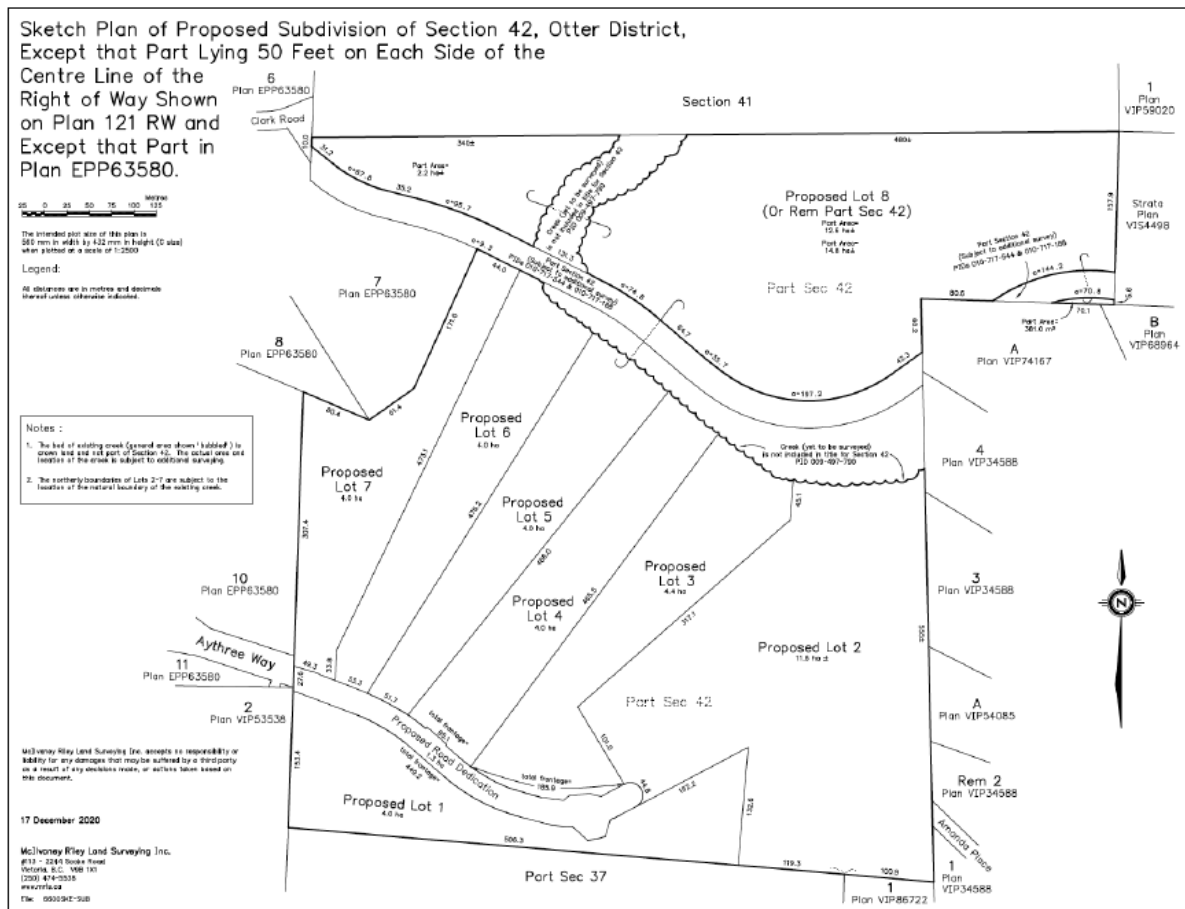


Figure 2. Proposed subdivision layout for the property.



Figure 3. Area of proposed subdivision and location of major wetland. Basemap from Google Maps (2021).

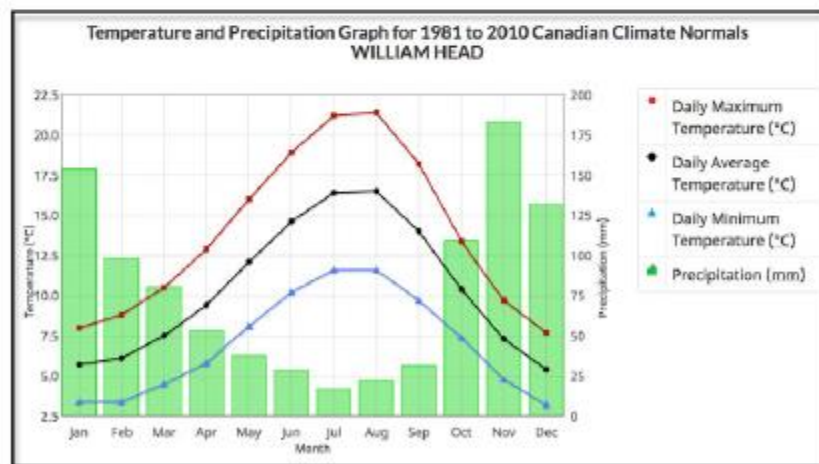


Figure 4. Graph of monthly normal precipitation for William Head station (Climate ID. 1018935). Graph from Government of Canada (2021).

Bedrock Geology and Hydrogeological Setting

The subject property is underlain by a fractured crystalline bedrock aquifer designated as the *Sooke-Metchosin Aquifer 606* (Province of British Columbia, 2021). Aquifer 606 occupies much of the land area in the municipalities of Metchosin, Colwood, Langford and Sooke, including the East Sooke Peninsula. The rocks include gabbroic and basaltic bedrock of Paleocene to Eocene origin, 50-56 million years in age belonging to the *Metchosin Igneous Complex* (Massey, 1994). The *Metchosin Igneous Complex* is a layered gabbro and leucogabbro (light-coloured feldspar and quartz-rich gabbro) including sheeted gabbroic and dioritic dykes that extend upward into fine-grained pillow and flow basalts. The unit also contains minor tuff, breccia, and rare limestone (Massey, 1994; Yorath and Nasmith, 1995).

Groundwater is found primarily in open fractures in the bedrock as they are encountered during drilling of water wells. These fractures constitute the major zones for groundwater storage and movement. Exposures of the volcanic rock in the region generally show relatively massive blocks of tightly fractured rocks with discrete zones of more intense fracturing in some places. See photos 1 to 4 in Appendix A.

Figure 5 shows some of the major bedrock lineaments present in the region that likely represent large fracture zones and joint systems. These lineaments trend in two dominant directions, namely northwest to southeast and southwest to northeast. Larger capacity wells are often situated along or close to these fracture trends and where lineaments intersect.

The fractured bedrock aquifer is classified as a IIIA aquifer with a low level of development and high degree of vulnerability to contamination from surface sources (Province of British Columbia, 2021). Groundwater is likely recharged by infiltration of precipitation, streams and ponds on the slopes of the Sooke Hills with groundwater moving southerly towards lower lying areas and ultimately discharging to the ocean.

Existing Water Wells

Reported water wells at and in the vicinity of the subject property reported in the *British Columbia Water Resources Atlas* (Province of British Columbia 2021) are shown in Figure 6. Each well has an assigned well tag number (WTN) or well identification number (WID) in the provincial WELLS database. The wells shown in Figure 5 do not necessarily comprise all existing wells in the area and all well locations have not been necessarily verified in the field. As the available data is historic it may not necessarily represent current conditions in the area. A summary of all the wells in the vicinity of the subject property as shown in Figure 6 is provided in Table 1.

The geometric mean well yield of the 32 reported bedrock wells is 0.089 L/s (1.42 USgpm). The median depth of the 32 bedrock wells is 170.8 metres (561 feet) while the range of bedrock well depths is from 30.48 to 396.24 metres (100 to 1300 feet). Generally speaking, well yields in the volcanic rocks in the region tend to be relatively

Table 1. Summary of well record information at and in the vicinity of the subject property.

Well Tag Number	Well ID Plate	Street Address	Year Drilled	Finished Well Depth (ft)	Finished Well Depth (m)	Diameter (in)	Diameter (cm)	Water Depth (ft)	Water Depth (m)	Bedrock Depth (ft)	Bedrock Depth (m)	Well Yield (Usgpm)	Well Yield (L/s)	Comments
46477		4090 Otter Point Road	1980	125		6.25	15.88					0.5		gravel and clay to 124 ft
50544		AMANDA PL	1982	225	68.58	6	15.24	195	59.44	11	3.35	3	0.190	sandstone 11-32 ft, limestone 32-195 ft, and granite 195-225 ft. 3 gpm at 195 ft
50545		AMANDA PLCE	1982	300	91.44	6	15.24			21	6.40	2	0.126	sand and gravel 0-21 ft, limestone 21-178 ft, granite 178-300 ft. 0.5 gpm at 178 ft. 1.5 gpm at 270 ft
65208		OTTER POINT ROAD	1979	30	9.14	6.125	15.56	8	2.44			3		gravel 15-30 ft
71910		OTTER POINT ROAD	1980	290	88.39	6	15.24	30	9.14	13	3.96	2	0.126	bedrock 13-290 ft. 0.5 gpm at 50 ft. 1 gpm at 110 ft. 2 gpm at 150-290 ft
71911		OTTER POINT ROAD	1980	350	106.68	6	15.24			35.5	10.82	2	0.126	bedrock 35.5 to 350 ft. 0.5 gpm at 310 ft. 2 gpm at 330 ft
80683		CLARK ROAD	1989	780	237.74	6	15.24			95	28.96	3	0.190	volcanic rock 100-640 ft. 3 gpm at 765 ft
80688		OTTER POINT ROAD	1989	450	137.16	6	15.24			25	7.62	6	0.379	volcanic rock to 25-400 ft. 1 gpm at 405 ft, increased to 6 gpm at 430 ft
80719		OTTER POINT PLACE	1990	760	231.65					5	1.52	0.5	0.032	0.5 gpm at 600 ft
80730		4470 OTTER POINT ROAD	1990	620	188.98	6	15.24			5	1.52	0.75	0.047	hard rock, 0.75 gpm at 585 ft
80731		4500 OTTER POINT ROAD	1990	860	262.13	6	15.24			6	1.83	0.40	0.025	hard rock to 800 ft, softer rock 800-840 ft. 0.33 to 0.5 gpm from 800-860 ft
80736		OTTER POINT ROAD	1990	560	170.69	6	15.24			5	1.52	0.75	0.047	0.75 gpm at 540 ft
81771		4520 Otter Point Road	2002	385	117.35	6.625	16.83			15	4.57	8	0.505	volcanic rock 45-220 ft. 1 gpm at 240-260 ft, increasing to 8 gpm at 370 ft
90566	18559		2006	420	128.02	6.625	16.83			7	2.13	2	0.126	grey medium-hard volcanic
92509		4559 OTTER POINT ROAD & OTTER POINT PLACE	1999	775	236.22	6	15.24			20	6.10	2	0.126	fracture at 668 ft, fracturing 50, 100, 225 and 325 ft
93450		OTTER POINT ROAD	1980	510	155.45	6	15.24			26	7.92	0.75	0.047	bedrock
100176		4179 OTTER POINT ROAD	1991	540	164.59	6.125	15.56			51	15.54	1.5	0.095	volcanic 51-400 ft. 0.25 gpm at 400 ft, increasing to 1.5 gpm at 510 ft
101915		OTTER POINT ROAD	1980	250	76.20	6	15.24	25	7.62	13	3.96	12	0.758	bedrock 13-250 ft. 1 gpm at 230 ft. 12 gpm at 230-250 ft
105846	26568	2565 AMANDA PLACE	2009	180	54.86	6.625	16.83			5	1.52	9	0.569	volcanic, 7 gpm at 150 ft. 2 gpm at 175 ft
105890	26524	2660F EAGLE CREST DRIVE	2009	400	121.92	6.625	16.83			6	1.83	1	0.063	volcanic, 0.5 gpm at 220 ft. 0.5 gpm at 380 ft
111280	42516		2015	600	182.88	6	15.24			20	6.10	0.33	0.021	grey to green bedrock, 0.5 L at 290-300 ft. 1 L at 300-430 ft. 1.75 L at 430-600 ft
111282	42457		2015	601	183.18	6	15.24			5.5	1.68	0.75	0.047	grey to green bedrock, fractured increased well yield from 0.125 to 0.75 gpm
111404	40576		2016	660	201.17	6	15.24	18	5.49	4	1.22	4	0.253	volcanic green bedrock, artesian flow
111405	40578		2016	901	274.62	6	15.24			22	6.71	0.2	0.013	green bedrock, fractured at 800 ft, hydrofractured
111427	42525		2015	660	201.17	6	15.24			34	10.36	0.1	0.006	grey and green bedrock
111432	42535		2015	34	10.36	6	15.24	4.66	1.42	33.5	10.21	20	1.263	sand and gravel 21-33.5 ft
111433	42542		2015	100	30.48	6	15.24	8.5	2.59	14	4.27	2.5	0.158	grey and green bedrock, 0.5 gpm at 36 ft. 1.5 gpm at 60 ft. 2 gpm at 80 ft. 2.5 gpm at 100 ft
111434	42451		2015	160	48.77	6	15.24			29	8.84	1.5	0.095	green and grey bedrock, 0.75 gpm at 120 ft. 1.5 gpm at 140 ft. 2 gpm at 160 ft
111435	42543		2015	920	280.42	6	15.24			13	3.96	2	0.126	grey, green volcanics, 2 gpm at 890 ft
112814	42446	CLARK RD	2015	561	170.99	6	15.24	36.3	11.06	8	2.44	10	0.632	grey and green rock, 10 gpm at 537 ft
112815	42544	CLERK RD	2015	600	182.88	6	15.24			13	3.9624	3	0.190	grey and green, fracture 576-578 ft
112816	40577	CLARK RD	2016	1020	310.90	6	15.24			21	6.40	0.2	0.013	bedrock
112830	42524		2015	1140	347.47	6	15.24			12	3.66	0.2	0.013	green, grey rock, fractured increased yield from 0.1 to 0.2 gpm
62880		Ayrthree Way	2021	1300	396.24	6	15.24			3	0.91	0.13	0.008	green and grey volcanic rock
62882		Ayrthree Way	2021	385	117.35	6	15.24	40	12.19	3	0.91	2.5	0.158	1.5 gpm at 225 ft. 2 gpm at 280 ft. 2.5 gpm at 345 ft. 3 to 150 ft, orange siltstone/shale, 150 to 385 ft, green volcanic, 4 inch liner from 2 to 385 ft, perforated from 185 to 385 ft

low for the most part, although there are some exceptions. A number of the low-producing wells have been hydro-fractured to improve yields.

Two wells recently drilled on the property (WID 62880 and WID 62882) were completed to depths of 1300 and 385 feet (396.2 and 117.4 m) respectively. WID 62880 was very low yielding, 0.13 USgpm (0.008 L/s) while WID 62882 was more productive at 2.5 USgpm (0.158 L/s) at a shallower depth. These wells illustrate the high variability that can occur in the region.

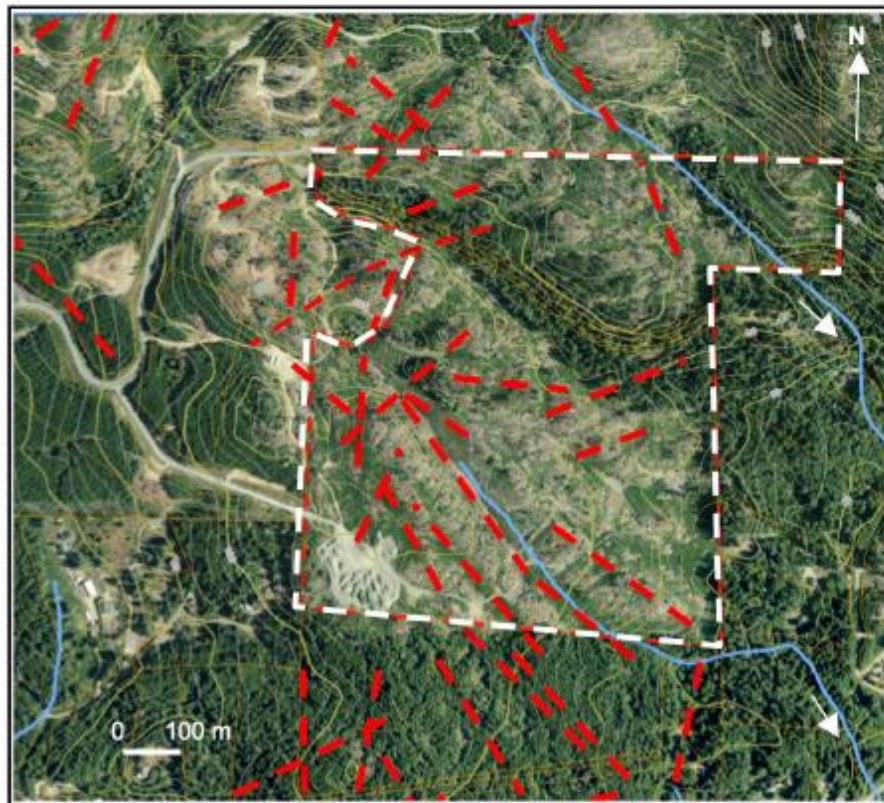


Figure 5. Interpreted major bedrock lineaments in region. Basemap from CRD (2021).

Groundwater Quality

Groundwater quality in the region may vary significantly depending upon well depths and might be expected to be moderately mineralized with total dissolved solids < 300 mg/l, low in sodium and chloride and with moderate levels of calcium and magnesium. Iron and manganese is often a common constituent in groundwater in the region.

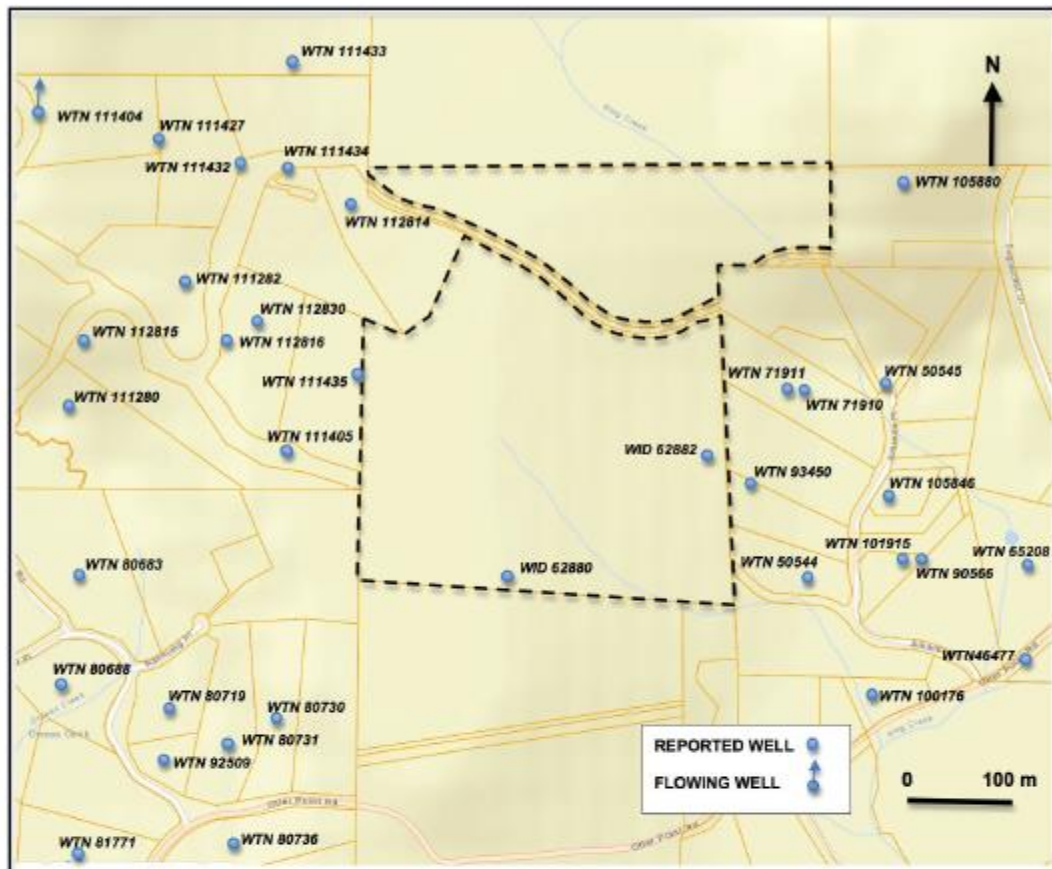


Figure 6. Location of subject property and reported neighbouring wells. Basemap from Province of British Columbia (2021).

Potential Well Drilling Sites

Based on the current proposed subdivision layout and geologic conditions observed in the field a number of recommended potential drilling sites are shown in Figure 7. It may not be necessary to drill at all of these locations.

Approximate coordinates for the proposed well locations are:

Site A: 48° 22.863' N, 123° 49.583'W Lot 7

Site B: 48° 22.846' N, 123° 49.613'W Lot 7

Site C: 48° 22.814' N, 123° 49.562'W Lot 6



Figure 7. Proposed test drilling sites. Basemap from Province of British Columbia (2021).

Site D:	48° 22.806' N,	123° 49.537'W	Lot 5
Site E:	48° 22.768 N,	123° 49.484'W	Lot 4
Site F:	48° 22.751 N,	123° 49.488'W	Lot 1
Site G:	48° 22.757 N,	123° 49.415'W	Lot 3
Site H:	48° 22.741 N,	123° 49.332'W	Lot 1
Site I:	48° 22.778 N,	123° 49.295'W	Lot 2
Site J:	48° 22.858 N,	123° 49.192'W	Lot 2
Site K:	48° 22.900 N,	123° 49.159'W	Lot 2
Site L:	48° 22.896 N,	123° 49.194'W	Lot 3

Each of the sites except Site J has been marked in the field with blue tapes. Currently most sites should be relatively accessible for a drilling rig with minimal road fill, grading and/or culvert installations. Access to site L would require some road work due to steepness of the slope. The sites should be inspected by the drilling contractor prior to mobilizing the drilling rig.

Conclusions

The following conclusions can be made regarding the groundwater conditions on the property and neighbouring region.

1. The subject property and region are underlain by a fractured crystalline bedrock aquifer designated as the *Sooke-Metchosin Aquifer 606* comprised of gabbroic and basaltic rocks of the *Metchosin Igneous Complex*. These rocks are fairly massive with discrete fracture zones that may be water-bearing.
2. The area is especially challenging for drilling as many of the existing wells tend to be very deep and very low producing.
3. Bedrock exposures on the property show discrete zones of intense fracturing in several areas. These zones where encountered at depth may be favourable targets for obtaining sufficient groundwater to meet the individual residential water requirements of 1400 L/day (0.26 USgpm).
4. Twelve drilling sites are proposed that are situated in proximity to zones of intense fracturing.

5. Groundwater quality on the property is anticipated to be low in overall mineralization with total dissolved solids < 300 mg/L with the possibility of iron and manganese being present.

Recommendations

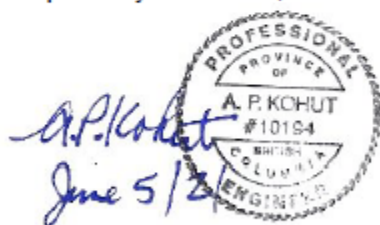
The following recommendations are provided for consideration:

1. Test drilling a number of individual wells to depths of 121.92 m (400 feet) may be more advantageous than drilling wells below this depth if sufficient water is not encountered within this depth zone.
2. The specific location of the test drilling sites may need to be adjusted to ensure adequate separation distances of 30 m from any planned septic disposal areas are achieved.

Closure

This report was prepared in accordance with generally accepted engineering, hydrogeological and consulting practices. It is intended for the prime use of the property owner in connection with its purpose as outlined under the scope of work for this project. This report is based on data and information available to the author from various sources at the time of its preparation and the findings of this report may therefore be subject to revision. Data and information supplied by others has not been independently confirmed or verified to be correct or accurate in all cases. Any errors, omissions or issues requiring clarification should be brought to the attention of the author. The author retains full copyright of the material contained in the report. The author and Hy-Geo Consulting accepts no responsibility for damages suffered by any third party as a result of any unauthorized use of this report.

Respectfully submitted,



Alan P. Kohut PEng.
Principal and Senior Hydrogeologist

HY-GEO CONSULTING

References

- CRD. 2018. Bylaw 2040. Juan de Fuca Land Use Bylaw, 1992. Consolidated for Convenience Only, March 14, 2018. Victoria, British Columbia.
- CRD. 2021. *CRD Regional Map*. Internet website
<https://maps.crd.bc.ca/Html5Viewer/?viewer=public>
- Google Earth. 2021. <https://www.google.com/earth/>
- Government of Canada. 2021. *Canadian Climate Normals*. 1981-2010 Climate Normals & Averages. Internet website
https://climate.weather.gc.ca/climate_normals/index_e.html
- Massey, N.W.D. 1994. Geological Compilation, Vancouver Island, British Columbia (NTS 92 B, C, E, F, G, K, L, 102 I) (1:250,000). Map. Victoria, BC: B.C. Ministry of Energy, Mines and Petroleum Resources, Open File 1994-6, digital files and legend.
- Province of British Columbia. 2021. *British Columbia Water Resources Atlas*. Internet website: <https://maps.gov.bc.ca/ess/hm/wrbc/>
- Yorath, C.J. and Nasmith, H.W. 1995. The geology of Southern Vancouver Island. Victoria, BC: Orca Book Publishers.

APPENDIX A

Site Photographs



Photo 1. Outcrop of fractured basalt looking northwesterly along north side of Aythree Way extension near entrance to Otter Point Estates, April 25, 2021.



Photo 2. West side of large near vertical fault zone with soft pulverized rock looking northerly near western boundary of proposed Lot 2, April 25, 2021.



Photo 3. East side of large near vertical fault zone with soft pulverized rock looking northerly near western boundary of proposed Lot 2, April 25, 2021.



Photo 4. Fractured basalt in central portion of proposed Lot 2, April 25, 2021.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4422**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 2 – DEFINITIONS

- (a) By adding a new definition after the definition of ELECTRONIC MESSAGE CENTER SIGN, as follows:

"EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals."

- (b) By amending the definition of CAMPING SPACE by adding the words "no greater than 125m²" after the word "area".

B. SCHEDULE A, PART 1, SECTION 3.07

- (a) By adding the words "AG-2 Agricultural 2" after the words "AG Agricultural".

C. SCHEDULE A, PART 2 - ZONING DISTRICTS

- (a) By adding a new section 3B.0 Agricultural 2 Zone – AG-2 as follows:

3B.0 Agriculture 2 Zone – AG-2

3B.01 Permitted Uses & Buildings

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted by the Agricultural 2 AG-2 Zone:

Principal Uses:

- (a) Agriculture;
- (b) Farm Buildings;
- (c) Residential;
- (d) One-family Dwelling;
- (e) Equestrian Riding Facility;

Accessory Uses:

- (f) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (g) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (h) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (i) Home Based Business Categories One, Two and Three;
- (j) Two Boarders or Lodgers;
- (k) Composting of organic waste generated on site;
- (l) Campground accessory to an Equestrian Riding Facility.

**3B.02 Minimum Lot Size for
Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes shall be 10.0 ha.

3B.03 Lot Coverage

- (a) The maximum lot coverage shall be 10%.

3B.04 Density

- (a) One one-family dwelling per 4 hectares is permitted;
- (b) One secondary suite or one detached accessory suite per 4 hectares is permitted;
- (c) The Floor Area Ratio of all Farm Buildings, and buildings and structures devoted to Agriculture or an Equestrian Facility shall not exceed 0.0085;
- (d) Residential buildings and structures shall not exceed a Floor Area Ratio of 0.01;
- (e) One camping space per 3 ha and a maximum total floor area of 60 m² for all accessory buildings and structures devoted to the campground use;
- (f) The maximum number of persons per camping space shall be 10.

3B.05 Height

- (a) The maximum height of principal buildings and structures shall be 11 m.

3B.06 Required Yards

- (a) Residential buildings and structures shall be set back a minimum of:
 - i) 7.5 m from the front lot line;
 - ii) 6 m from side lot lines;
 - iii) 10 m from the rear lot line;
 - iv) 6 m CTS from flanking lot lines.
- (b) Buildings and structures devoted to Agriculture and Equestrian Riding Stables shall be set back a minimum of:
 - i) 30 m from the front lot line;
 - ii) 15 m from side, rear and flanking lot lines.
- (c) Campgrounds shall be set back a minimum of 30 m from the front, side, rear and flanking lot lines.

3B.07 Watercourse Setbacks

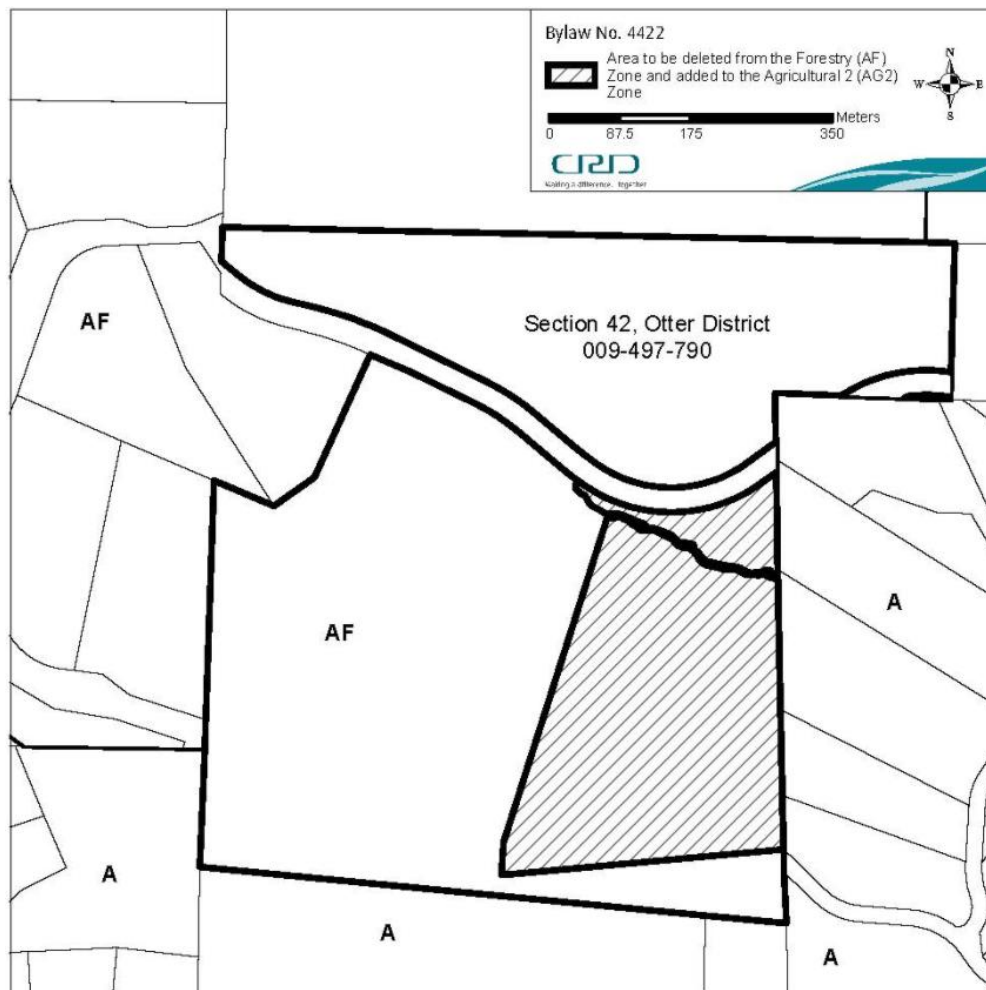
- (a) Farm buildings, buildings and structures devoted to Agriculture or an Equestrian Riding Facility, and manure storage areas shall be setback a minimum of 30 m from the natural boundary of a watercourse.

E. SCHEDULE A, PART 3, SECTION 5.0 LAND USE AND PARKING SPACES REQUIRED

- (a) By adding the words "Equestrian Riding Facility 5 plus 1 per 2 employees" below the words "Equipment Sales/Rentals (See Retail Uses of the same size)"; and

F. SCHEDULE B, ZONING MAPS

- (a) By deleting that portion of Section 42, Otter District, except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 from the Forestry AF zone and add it to the Agricultural 2 (AG-2) zone, as shown in Plan No. 1.

Plan No. 1 of Bylaw No. 4422, an amendment to Bylaw No. 2040

2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”.

READ A FIRST TIME THIS _____ day of _____, 2021.

READ A SECOND TIME THIS _____ day of _____, 2021.

READ A THIRD TIME THIS _____ day of _____, 2021.

ADOPTED THIS _____ day of _____, 2021.

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4442**

**PORT RENFREW WATER SUPPLY LOCAL SERVICE ESTABLISHMENT
BYLAW NO. 1, 1989, AMENDMENT BYLAW NO. 5, 2020**

WHEREAS:

- A. Under Bylaw No. 1747, Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, the Regional Board established a local water service in the Port Renfrew area;
- B. The Board wishes to amend the service area set out in Bylaw No. 1747 to extend water service to portions of properties legally described in Schedule "A", commonly known as the Pacific Gateway Marina and the Port Renfrew Development Area, with such portions shown in heavy outline in the attached Schedule "B";

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 1747, "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989", is hereby amended by deleting Schedule "A" to Bylaw No. 1747 and replacing it with Schedule "C" to this bylaw, to include in the service area portions of the properties legally described in Schedule "A" to this bylaw and more particularly shown in Schedule "B" to this bylaw.
- 2. This Bylaw may be cited as "Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Amendment Bylaw No. 5, 2021".

READ A FIRST TIME THIS	14 th	day of	July, 2021
READ A SECOND TIME THIS	14 th	day of	July, 2021
READ A THIRD TIME THIS	14 th	day of	July, 2021
CONSENTED TO BY THE DIRECTOR OF THE JUAN DE FUCA ELECTORAL AREA THIS	28 th	day of	July, 2021
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	29 th	day of	July, 2021
ADOPTED THIS		day of	

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS _____ DAY OF _____, 2021

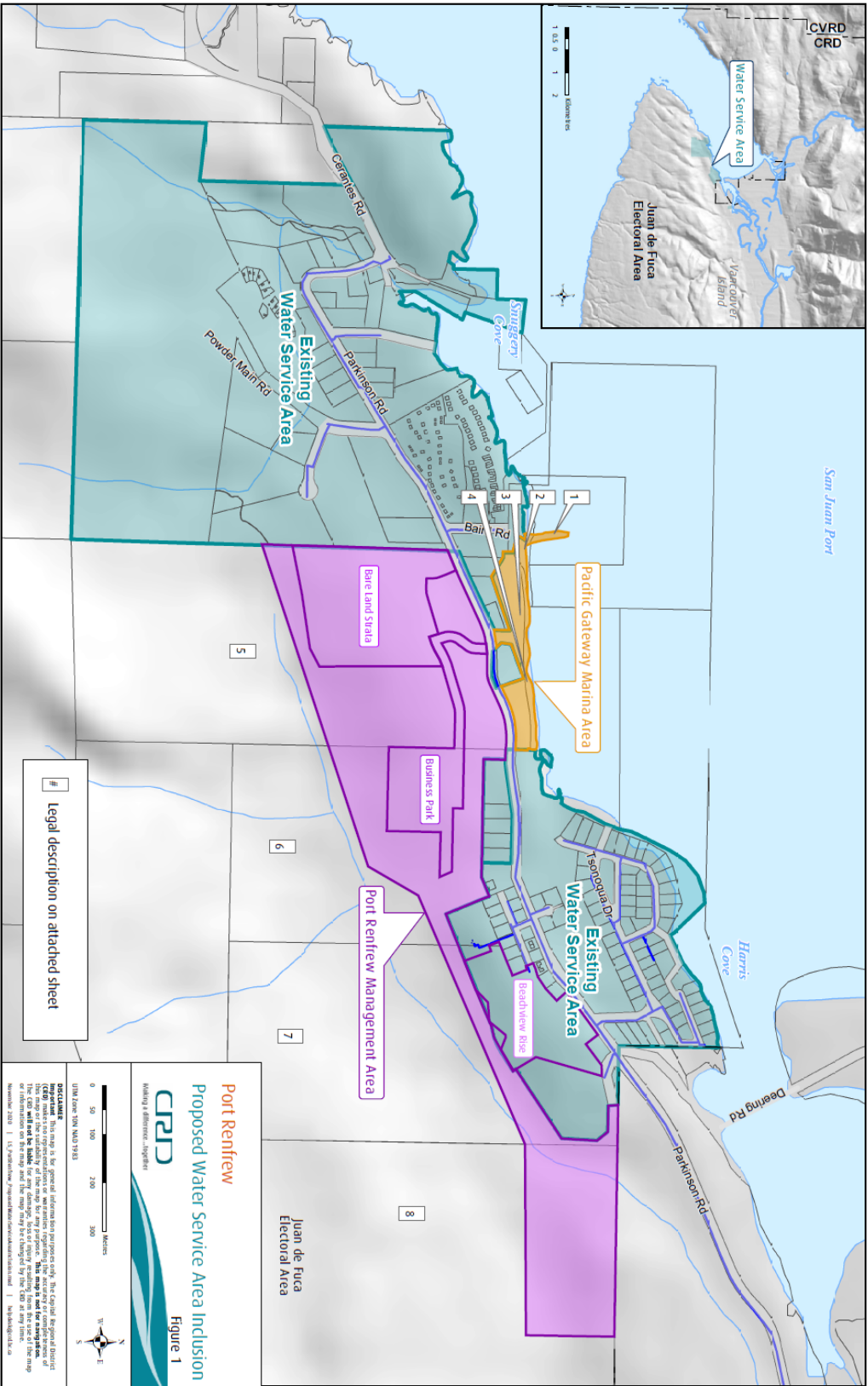
SCHEDULE "A"

Legal Description of parcels, portions of which are to be serviced, are:

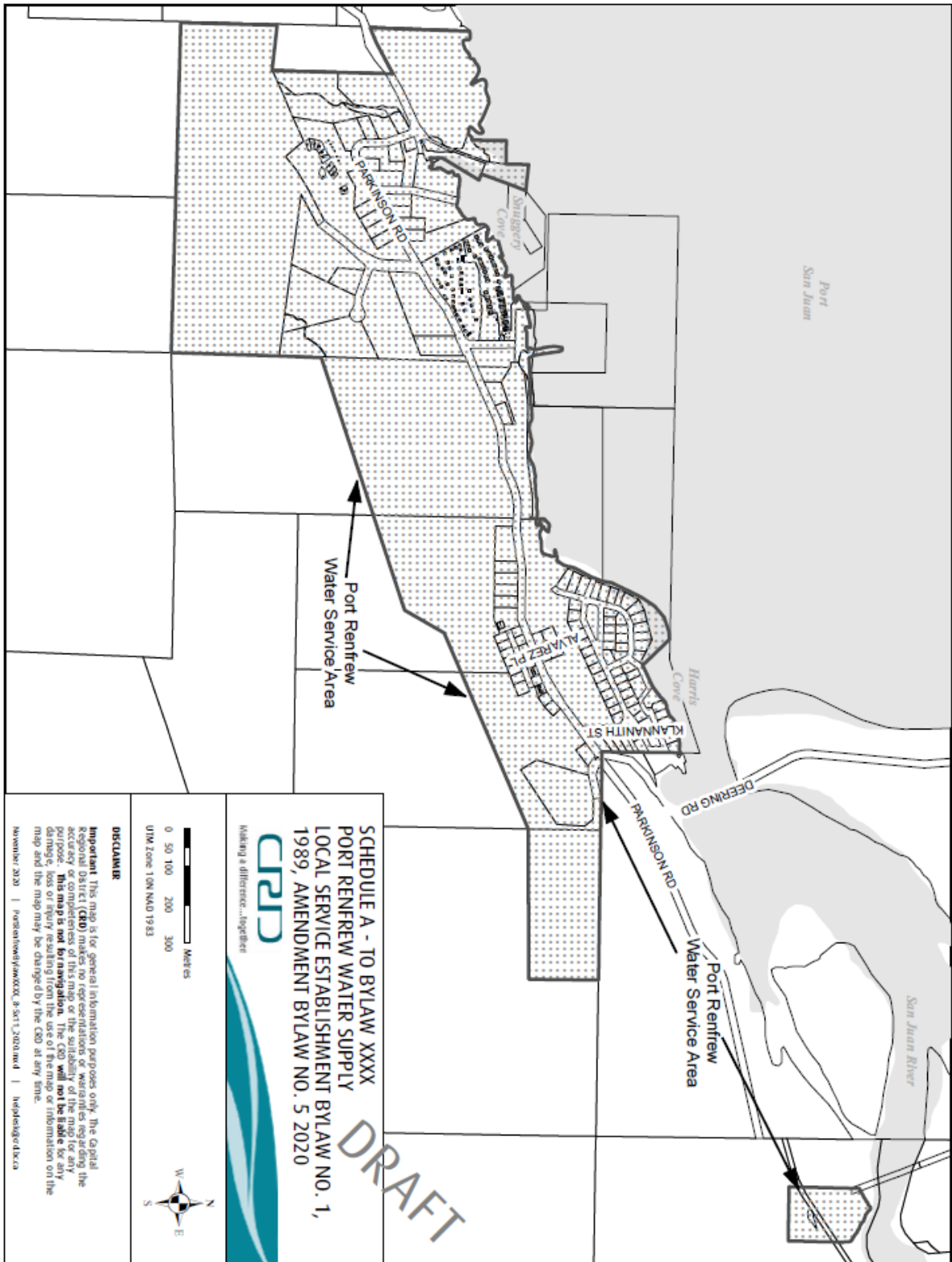
- 1) PIN 528031 (Crown Land), BLOCK A, DISTRICT LOT 751, RENFREW DISTRICT
- 2) PIN 10247701 (Crown Land), BLOCK B, DISTRICT LOT 751, RENFREW DISTRICT
- 3) PID: 028-991-125, LOT 1, SECTION 97, RENFREW DISTRICT, PLAN EPP24972
- 4) PID: 009-592-342, THAT PART OF SECTION 97, RENFREW DISTRICT AS SHOWN COLOURED RED ON PLAN 344R;
- 5) PID: 009-592-423, PARCEL A (DD 143426I) OF SECTION 97, RENFREW DISTRICT, EXCEPT THAT PART IN PLANS 15462, VIP77871 AND EPP24972
- 6) PID: 009-565-787, THE WEST ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 519, 24267 AND 24755
- 7) PID: 000-468-291, THE EASTERLY ½ OF THE NORTH WEST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 346-R AND EXCEPT THOSE PARTS IN PLANS 22475, 24267, 24755, 29515, 41154, 50819 AND VIP59967
- 8) PID: 009-565-752, THE NORTH EAST ¼ OF SECTION 36, TOWNSHIP 13, RENFREW DISTRICT

The serviced portions are as set out in Schedule "B" to this bylaw, with the complete service area shown in Schedule "C" in heavy outline.

SCHEDULE "B"



SCHEDULE "C"
(Replacing the Schedule "A" in Bylaw 1747)



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4381**

A BYLAW TO AMEND BYLAW NO. 2040, THE “JUAN DE FUCA LAND USE BYLAW, 1992”

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the “Juan de Fuca Land Use Bylaw, 1992” is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 2 – DEFINITIONS

- (a) By deleting the definition of “COUNTRY MARKET” and replacing it with a new definition as follows:

“COUNTRY MARKET means a food and craft market with multiple vendors in a fixed location occurring on a temporary basis offering goods for sale that are grown, processed or produced by the vendors that may include fruits, vegetables, herbs, flowers; baked products, and original crafts, as well as the sale of prepared food for human consumption on the premises, on-site preparation of foods and operation of a movable food stand; excludes the sale of used or second hand material or antiques or commercial products for resale;”

B. SCHEDULE A, PART 2, SECTION 6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE – C-1A

- (a) By amending section 6G.01 Permitted Uses by adding new subsections under Principal Uses as follows:

“(d) food and beverage processing;

(e) country market;”

- (b) By amending section 6G.01 Permitted Uses by adding a new subsection under Accessory Uses as follows:

“(g) Onsite store, picnic area, lounge and special event area accessory to a manufacturer liquor licence subject to the *Liquor Control and Licensing Act.*”;

- (c) By amending section 6G.07 Maximum Size of Principal Buildings by deleting “1,000 m²” and replacing with “2,000 m².”

C. SCHEDULE A, PART 3 – PARKING AND LOADING REQUIREMENTS

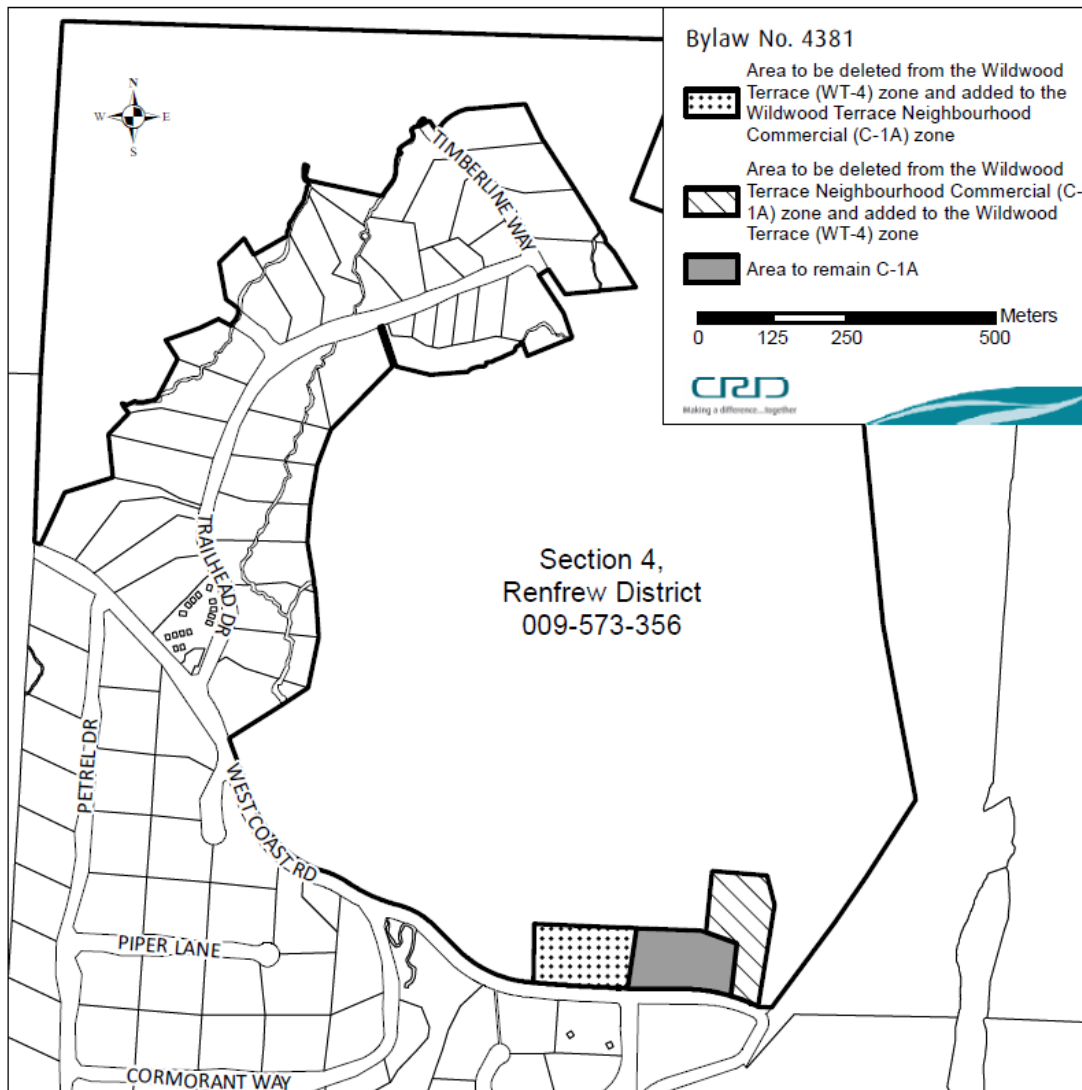
- (a) By amending section 5.0 by inserting after “Equipment sales/Rentals” the following:

“Food and Beverage processing 1 per 2 employees”.

D. SCHEDULE B, MAP NO. 2 – SHIRLEY JORDAN RIVER ZONING MAP

- (a) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace 4 (WT-4) Zone, and adding to the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, as shown on Plan No. 1.

- (b) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, and adding to the Wildwood Terrace 4 (WT-4) Zone, as shown on Plan No. 1.

Plan No. 1 of Bylaw No. 4381, an amendment to Bylaw No. 2040

2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020”.

READ A FIRST TIME THIS	14 th	day of	July,	2021
READ A SECOND TIME THIS	14 th	day of	July,	2021
READ A THIRD TIME THIS	9 th	day of	September,	2021
ADOPTED THIS		day of		2021

 CHAIR

 CORPORATE OFFICER