Capital Regional District

625 Fisgard St.,
Victoria, BC V8W 1R7

Notice of Meeting and Meeting Agenda
Capital Regional District Board

Wednesday, December 13, 2023 | **1:05 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. 23-926 Minutes of the November 8, 2023 Capital Regional District Board Meeting

Recommendation: That the minutes of the Capital Regional District Board meeting of November 8, 2023 be adopted as circulated.

Attachments: Minutes - November 8, 2023

4. REPORT OF THE CHAIR

5. PRESENTATIONS/DELEGATIONS

5.1. Presentations

5.1.1. 23-998 Presentation: Marie-Terese Little, Vice Chair of CRD Board Re: Archie Galbraith Bursary (Pearson College)

5.1.2. 23-997 Presentation: Jodi Dong, (Executive Project Director, Strategic Planning, Strategy & Engagement) and Carrie McIntosh (Director of Engagement) Re: BC Ferries, Charting the Course, A Vision for Coastal Ferries

Attachments: Presentation: BC Ferries - Charting the Course

5.2. Delegations

5.2.1. 23-1003 Delegation - Travis Moreau; Resident of Sooke: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.2. 23-1004 Delegation - Andrew Gage; Representing West Coast Environmental Law: Re: Agenda Item 6.6. Motion with Notice: Class Action Lawsuit Sue Big Oil (Director Holman)

5.2.3. 23-1005 Delegation - Nancyjane Hewitt; Resident of Juan de Fuca Electoral Area: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.4. 23-1006 Delegation - Eric Hughes; Resident of Sooke: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.5. 23-1009 Delegation - Aidan Byrne; Resident of Saanich: Re: Agenda Item 6.6. Motion with Notice: Class Action Lawsuit Sue Big Oil (Director Holman)

5.2.6. 23-1010 Delegation - Francois Brassard; Resident of Esquimalt: Re: Agenda Item 6.4. Financial Support for Township of Esquimalt Integrated Resource Management - Biochar Testing.

5.2.7. 23-1011 Delegation - Ron King; Resident of Juan de Fuca Electoral Area: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.8. 23-1013 Delegation - Shandelle Conrad; Resident of Sooke: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.9. 23-1014 Delegation - Jonathan O'Riordan; Representing of Creatively United for the Planet Society: Re: Agenda Item 6.4. Financial Support for Township of Esquimalt Integrated Resource Management - Biochar Testing.

5.2.10. 23-1012 Delegation - Liv Desaulniers; Representing Greenwave Radio 1291956 BC ULC: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.11. 23-1002 Delegation - Greg Gillespie, Gillespie Land Management; Representing, Linda Gordon, Property Owner: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

5.2.12. 23-1008 Delegation - Jay Vinden; Representing Cowichan Valley Amateur Radio Society: Re: Agenda Item 8.7. Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

6. CONSENT AGENDA

6.1. 23-846 Archie Galbraith Memorial Scholarship 2023

Recommendation: There is no recommendation. This report is for information only.

Attachments: Staff Report: Archie Galbraith Memorial Scholarship 2023

Appendix A: Sofia Auger Nybida Student Profile

6.2. 23-995 Staff Appreciation - J.Reimer

Recommendation: [At the November 8, 2023 Electoral Areas Committee meeting, the following new business item was directed to be part of the consent agenda of the December 2023 Board meeting:]
The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board thank J. Reimer for his service to the electoral areas and Capital Regional District.
(NWA)

6.3. 23-923 Household Hazardous Waste Pickup in Electoral Areas - Update

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board:
That household hazardous waste collection not be expanded, and Electoral Area residents continue to take their household hazardous waste to the specialized regional infrastructure at the Hartland Depot.
(NWA)

Attachments: Staff Report: Household Hazardous Waste Pickup in Electoral Areas - Update

Appendix A: Staff Report - HHW Pickup in Electoral Areas - Sept 13, 2023

6.4. 23-858 Financial Support for Township of Esquimalt Integrated Resource Management - Biochar Testing

Recommendation: The Environmental Services Committee recommends to the Capital Regional District Board:
That the Capital Regional District provide $50,000 to the Township of Esquimalt in support of municipal solid waste biochar testing costs.
(WA)

Attachments: Staff Report: Financial Support for Esquimalt IRM - Biochar Testing

6.5. 23-862 Tendering of Hartland Landfill Heavy Equipment Operations Services Contract

Recommendation: The Environmental Services Committee recommends to the Capital Regional District Board:
That tendering Heavy Equipment Operations Services at the Hartland Landfill for a term of up to seven years be approved, with optional pricing for shredding services.
(WA)

Attachments: Staff Report: Tendering of Hartland Landfill Heavy Equipment Ops Services

6.6. 23-871 Motion with Notice: Class Action Lawsuit Sue Big Oil (Director Holman)

Recommendation: [At the November 15, 2023 Environmental Services Committee meeting, the following motion with notice was amended to add "role of" and carried as follows:]
The Environmental Services Committee recommends to the Capital Regional District Board:
That staff report on the feasibility, merits and role of joining other local governments in a proposed class action lawsuit to recover a fair share of climate costs from 'big oil'.
(NWA)

Attachments: Appendix A: Suing Fossil Fuel Giants: An Introduction

Appendix B: When Regional Districts Sue Big Oil

6.7. 23-826 Forum of All Councils Summary Report

Recommendation: There is no recommendation. This report is for information only.

Attachments: Staff Report: Forum of All Councils Summary Report

Appendix A: Forum of All Councils Summary Report

6.8. 23-825 Archaeology and Heritage Conservation Update

Recommendation: There is no recommendation. This report is for information only.

Attachments: Staff Report: Archaeology and Heritage Conservation Update

6.9. 23-971 Appointment of Liaison to Accessibility Advisory Committee

Recommendation: [At the December 6, 2023 Governance Committee meeting, a motion was carried to appoint the Chair of the Governance Committee.]
The Governance Committee recommends to the Capital Regional District Board:
That the Chair of the Governance Committee be appointed as the Governance Committee liaison to the Accessibility Advisory Committee for a one-year term ending December 31, 2024.
(NWA)

Attachments: Staff Report: Appointment of Liaison to Accessibility Advisory Committee

Appendix A: Accessibility Advisory Committee TOR

Appendix B: Previous Staff Report: April 5, 2023

6.10. 23-994 Notice of Motion: Engagement Platforms Utilized by CRD (Director Goodmanson)

Recommendation: [At the December 6, 2023 Governance Committee, Director Tobias presented on the provincial engagement tool and the following notice of motion received same day consideration and carried:]
That staff report back on current engagement platforms utilized by CRD and the implications of implementing the provincial engagement tool presented by Director Tobias.
(NWA)

6.11. 23-909 Motion with Notice: Short Term Rentals in Salt Spring Island Electoral Area (Director Holman)

Recommendation: The Hospitals and Housing Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board request the Province to include Salt Spring Island in the new provincial legislation regarding short term vacation rentals.
(NWA)

6.12. 23-898 Regional Parks - Interim Management Guidelines

Recommendation: [At the November 22, 2023 Regional Parks Committee meeting, the report was presented for information. The Committee passed the following motion arising:]
The Regional Parks Committee recommends to the Capital Regional District Board:
Request staff to prioritize the development of the Interim Management Guidelines for Royal Oak Golf Course ahead of Wrigglesworth Lake and Mountain Forest.
(NWA)

Attachments: Staff Report: Regional Parks – Interim Management Guidelines
Appendix A: Pathway for RP&T Mgmt Planning (Mar 2006)
Appendix B: Mill Farm RP – Interim Mgmt Guidelines (Nov 2019)

6.13. 23-896 Regional Parks and Trails Resident Survey - Update

Recommendation: There is no recommendation. This report is for information only.

Attachments: Staff Report: Regional Parks and Trails Resident Survey - Update
Appendix A: Regional Parks & Trails Resident Survey - Methodology

6.14. 23-668 Motion with Notice: Intersection Safety Camera Program (Directors Kobayashi and Thompson)

Recommendation: [At the November 15, 2023 Transportation Committee meeting, the motion with notice was passed with the following revised wording:]
The Transportation Committee recommends to the Capital Regional District Board:
That the CRD advocate to the provincial government to expand the Intersection Safety Camera Program, installing new red light and speeding cameras in the Capital Region in locations with high levels of casualty crashes.
(NWA)

Attachments: Appendix A: Memo Re Traffic Safety Cameras

6.15. 23-845 Parcel Tax Roll Review Panel

Recommendation: 1. That the Parcel Tax Roll Review Panel meeting be held on Wednesday, 13 March 2024, at 12:00pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria British Columbia; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2024:
Colin Plant, Capital Regional District Chair
Al Wickheim, Director, Juan de Fuca Electoral Area
Paul Brent, Director, Southern Gulf Island Electoral Area
Gary Holman, Director, Salt Spring Island Electoral Area
(NWA)

Attachments: Staff Report: Parcel Tax Roll Review Panel

6.16. 23-947 2024 Schedule of Regular Board Meetings

Recommendation: That the regular meetings for the Capital Regional District Board be scheduled in 2024 on the second Wednesday of each month as follows: January 10, February 14, March 13, April 10, May 8, June 12, July 10, August 14 (at the call of the Chair), September 11, October 9, November 13 (inaugural), December 11.
(NWA)

Attachments: Staff Report: 2024 Schedule of Regular Meetings

6.17. 23-948 2024 Terms of Reference for Standing Committees

Recommendation: That the 2024 Terms of Reference for Standing Committees be approved as attached in Appendix A.
(NWA)

Attachments: Staff Report: 2024 TOR for Standing Committees

Appendix A: 2024 TOR Standing Committees (Redlined)

6.18. 23-932 2024 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: 2024 Board & Committee Membership Appts.

7. ADMINISTRATION REPORTS

7.1. 23-924 Capital Regional District Emergency Management Organization Appointments - Deputy Emergency Manager

Recommendation: That for the purpose of compliance with the Emergency and Disaster Management Act and in accordance with Capital Regional District Bylaw No. 3447, Corey Anderson, Manager, Emergency Programs, be appointed as Deputy Emergency Manager.
(NWA)

Attachments: Staff Report: CRD Emerg Mgmt Org Appoint-Deputy Emerg Mgr

7.2. 23-849 Bylaw No. 4589: 2023 to 2027 Financial Plan Bylaw, 2023, Amendment No. 3, 2023

Recommendation: 1. That Bylaw No. 4589, "2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023", be introduced and read a first, second, and third time.
(WA)
2. That Bylaw No. 4589 be adopted.
(WA, 2/3rds on adoption)

Attachments: Staff Report: Bylaw No. 4589 2023-2027 Fin Plan Amend No. 3

Appendix A: Bylaw No. 4589 Financial Plan Amend 3

7.3. 23-844 Bylaw No. 4581: Temporary Borrowing (Saanich Peninsula Water Supply Waterworks)

Recommendation: 1. That Bylaw No. 4581 Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023, be introduced and read a first, second and third time; and
(WA)
2. That Bylaw No. 4581 be adopted.
(WA, 2/3rds on adoption)

Attachments: Staff Report: Bylaw No. 4581 Temp Borrowing-San Pen Water Supply

Appendix A: Bylaw No. 4581

7.4. 23-816 Bylaw Nos. 4578, 4579, and 4580: Updates to Water Supply, Bulk Water Fees and Charges and Water Distribution Bylaws

Recommendation: 1. That Bylaw No. 4578, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 25, 2023", be introduced and read a first, second and third time; and
(WP - All except SGI & SSI)
2. That Bylaw No. 4578 be adopted.
(WP - All except SGI & SSI, 2/3rds on adoption)
3. That Bylaw No. 4579, "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 43, 2023", be introduced and read a first, second and third time; and
(WP - Central Saanich, North Saanich & Sidney)
4. That Bylaw No. 4579 be adopted.
(WP - Central Saanich, North Saanich & Sidney, 2/3rds on adoption)
5. That Bylaw No. 4580, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 13, 2023", be introduced and read a first, second and third time; and
(WP - Colwood, Highlands, Langford, Metchosin, Sooke, View Royal, JDF)
6. That Bylaw No. 4580 be adopted.
(WP - Colwood, Highlands, Langford, Metchosin, Sooke, View Royal, JDF, 2/3rds on adoption)

Attachments: Staff Report: Bylaws 4578-80 Update to Wtr. Supply, Bulk Water Fees

Appendix A: Bylaw No. 4578

Appendix B: Bylaw No. 4579

Appendix C: Bylaw No. 4580

7.5. 23-872 Bylaw No. 4593: Capital Regional District Recreation Services and Facilities Fees and Charges 2023-2024

Recommendation: 1. That Bylaw No. 4593, cited as "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 18, 2023" be introduced and read a first, second and third time;
(WP - Central Saanich, North Saanich, Sidney)
2. That Bylaw 4593 be adopted.
(WP - Central Saanich, North Saanich, Sidney, 2/3rds on adoption)

Attachments: Staff Report: Bylaw No. 4593 Recreation Fees

Appendix A: Bylaw No. 4593

Appendix B: SR Pen Rec Comm. Oct. 26, 2023

7.6. 23-990 Alternative Approval Process for Bylaw 4552 - Borrowing for Land Assembly, Housing and Land Banking Service

Recommendation: 1. That in accordance with section 86(3) of the Community Charter, the date of February 5, 2024 be confirmed as the deadline by which elector responses, under the regional alternative approval process for CRD Bylaw No. 4552, must be submitted to the Capital Regional District by qualified electors within the Capital Regional District;
2. That the attached Synopsis of Bylaw No. 4552 (Appendix B), Notice of Alternative Approval Process (Appendix C), and the Elector Response Form (Appendix D) be approved; and
3. That the total number of registered electors within the service area is 331,905 and that 10% of that number is 33,191 electors.
(NWA)

Attachments:
- Staff Report: AAP for Bylaw No. 4552 - Borrowing for Land and Housing
- Appendix A: Bylaw No. 4552 at Third Reading
- Appendix B: Synopsis of Bylaw No. 4552
- Appendix C: Notice of AAP Bylaw No. 4552
- Appendix D: Elector Response Form for Bylaw No. 4552
- Appendix E: Previous Staff Report dated 13 Sept 2023

7.7. 23-921 Curbside Collection of Packaging and Printed Products - Update

Recommendation: There is no recommendation. This report is for information only.

Attachments: Staff Report: Curbside Collection of Packaging and Printed Products - Update

8. REPORTS OF COMMITTEES

Electoral Areas Committee

8.1. 23-814 Bylaw Nos. 4586 and 4587: Fees and Charges Bylaw Amendments for Utilities within the Three Electoral Areas

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4586, "Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 17, 2023", be introduced and read a first, second, and third time; and
(NWA)
2. That Bylaw No. 4586 be adopted.
(NWA, 2/3rds on adoption)
3. That Bylaw No. 4587, "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 12, 2023", be introduced and read a first, second and third time; and
(WP - JDF & SGI)
4. That Bylaw No. 4587 be adopted.
(WP - JDF & SGI, 2/3rds on adoption)

Attachments: Staff Report: Bylaws Nos. 4586-4587 Fees Charges

Appendix A: Bylaw 4586 and Schedules

Appendix B: Bylaw 4587 and Schedules

Appendix C: Changes to Fees and Charges Summary

8.2. 23-983 Bylaw No. 4574 to Expand Shirley Fire Protection and Emergency Response Service Area Boundary (Bylaw No. 1927)

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That the attached Certificate of Results of the petition to expand the service area boundary for the Shirley Fire Protection and Emergency Response Service be received;
(NWA)
2. That Bylaw No. 4574, "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 3, 2023", be read a first, second, and third time; and
(NWA)
3. That elector approval be obtained by Electoral Area Director consent on behalf.
(NWA)

Attachments: Staff Report: Bylaw 4574-Expand Shirley Fire Prot'n & Emerg Boundary

Appendix A: Map of Proposed Shirley Fire Prot'n Area Amendm't

Appendix B: Certification of Petition Results

Appendix C: Bylaw No. 4574

Environmental Services Committee

8.3. 23-840 Hartland Landfill Policy Changes and Adoption of Bylaw Nos. 4497 and 4567

Recommendation: [A typographical error, reflected in both Appendix B and D, was corrected, and attached as SUPPLEMENTAL. The correction was made to page 6 of Bylaw No. 4497, the $135/tonne hauler incentive rates will come into effect on January 1, 2025 and not 2026 as previously published.].
The Environmental Services Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4497, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023", be read a first, second and third time;
(WA)
2. That Bylaw No. 4497 be adopted;
(WA, 2/3rds on adoption)
3. That Bylaw No. 4567, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023", be read a first, second and third time; and
(WA)
4. That Bylaw No. 4567 be adopted.
(WA, 2/3rds on adoption)

Attachments:
- Staff Report: Hartland Landfill Policy Changes & Adoption of Bylaws 4497/4567
- Appendix A: Staff Report re Proposed Hartland Bylaw Amendments (May 10)
- Appendix B: Bylaw No. 4497
- Appendix C: Bylaw No. 4567
- Appendix D: Bylaw No. 3881 - Redlined
- Appendix E: Bylaw No. 1857 - Redlined
- Presentation: Material Stream Diversion, Policy Changes & Bylaw Updates
- SUPPLEMENTAL - Appendix B: Bylaw No. 4497 (Revised)
- SUPPLEMENTAL - Appendix D: Bylaw No. 3881 - Redlined (Revised)

8.4. 23-789 Bylaw No. 4575 - Regional Coordination of Biodiversity and Environmental Stewardship

Recommendation: That the Environmental Services Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4575, "Biodiversity and Environmental Stewardship Coordination Establishing Bylaw No. 1, 2023", be introduced and read a first, second and third time;
(NWA)
2. That participating area approval be obtained by regional alternative approval process; and
(NWA, 2/3rds on regional AAP)
3. That Bylaw No. 4575 be forwarded to the Inspector of Municipalities for approval.
(NWA)

Attachments:
- Staff Report: Bylaw 4575 - Regnl Coordination - Biodiversity & Env. Stewardshi
- Appendix A: Bylaw 4575 - Biodiversity & Env. Stewardship Coordination
- Appendix B: Participants Cost Apportionment

Governance Committee

8.5. 23-717 Code of Conduct - Next Steps

Recommendation: [At the October 4, 2023 Governance Committee meeting, this report was referred to the next Governance Committee meeting without discussion due to lack of time:]
The Governance Committee recommends to the Capital Regional District Board:
1. That staff report back with a draft Code of Conduct bylaw that includes the following elements:
a. Standards of conduct will be applicable to Board Directors, Alternate Directors, and elected members of CRD Committees and Commissions;
b. Allows for complaints to be made by Directors, Alternate Directors, and elected members on CRD Committees and Commissions;
c. Includes a clear process for filing complaints;
d. Allows for complaints to be referred to and adjudicated by a third-party investigator;
e. Has a preliminary screening mechanism, an informal and formal resolution process;
f. Allows for the imposition of remedies and sanctions;
g. Includes guidelines for confidentiality in investigations and provides for the public release of investigative reports;
h. Provides for the discretionary reimbursement of legal expenses.
(NWA)

Attachments:
- Staff Report: Code of Conduct - Next Steps
- Appendix A: UBCM Model Code of Conduct
- Appendix B: Code of Conduct Comparison Tables (CRD & BC)
- Appendix C: Esquimalt Policy: Council Code of Conduct
- Appendix D: Langford Policy: Council Code of Conduct Policy
- Appendix E: Saanich Policy: Code of Conduct
- Appendix F: Sidney Bylaw: Council Code of Conduct Bylaw No. 2249, 2023
- Appendix G: Comox Valley Regional District Policy: Board Code of Conduct
- Appendix H: Nanaimo Bylaw: City of Nanaimo Bylaw No. 7348
- Appendix I: Surrey Bylaw: Council Code of Conduct Bylaw 2020, No. 20020
- Appendix J: Vancouver Bylaw: Code of Conduct No. 12886
- Presentation: Code of Conduct Next Steps

8.6. 23-982 Bylaw No. 4548: Victoria Family Court Committee - Amendment of Commission Bylaw No. 4453

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4548, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2023", be introduced, and read a first, second, and third time;
(WP - All except SGI & SSI, and 2/3rds vote on delegated commission)
2. That Bylaw No. 4548 be adopted.
(WP - All except SGI & SSI, and 2/3rds vote on adoption)

Attachments:
- Staff Report: Bylaw No. 4548: VFCYJC Amendment of Commission Bylaw
- Appendix A: Bylaw No. 4548
- Appendix B: Bylaw No. 4453 - Redlined Unofficial Consolidation

Juan de Fuca Land Use Committee

8.7. 23-010 Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road

Recommendation: [At the January 17, 2023 Juan de Fuca Land Use Committee meeting, the committee passed Alternative #2 (statement of non-concurrence).
At the February 8, 2023 CRD Board meeting, the following referral motion was passed: "That the issue be referred back to the Juan de Fuca Land Use Committee to provide more clarity to the committee and area residents on the intention of the application."

At the November 21, 2023 Juan de Fuca Land Use Committee meeting, the committee received the attached SUPPLEMENTAL report outlining the additional information provided by the applicant. At that meeting, the Juan de Fuca Land Use Committee recommended to sustain its recommendation to the Capital Regional District Board:]

The Land Use Committee recommends to the Capital Regional District Board:
That a statement of non-concurrence be provided to 1291956 BC UCL. for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Goodmanson), Metchosin, Sooke)

Attachments:
- Staff Report: Radiocomm. & Broadcasting Ant. Systems App. LP000034
- Appendix A: Subject Property Map
- Appendix B: Development Proposal
- Appendix C: Public Submissions and Applicant Responses
- Appendix D: Response Matrix
- Appendix E: Referral Comments
- Appendix F: Evaluation Criteria
- SUPPLEMENTAL REPORT

Regional Parks Committee

8.8. 23-870 Pay Parking at Thetis Lake and Sooke Potholes Regional Parks

Recommendation: [At the November 22, 2023 Regional Parks Committee meeting, the recommendation was carried as amended by removing the word "continue"; changing "with" to "receive", and adding "and to continue" before "over three years". Attached as SUPPLEMENTAL is a table of the recommended gradual increases to parking fees.]
The Regional Parks Committee recommends to the Capital Regional District Board:
That pay parking at Thetis Lake and Sooke Potholes regional parks receive a gradual rate adjustment to fair market value starting in 2025, and to continue over three years, and the introduction of a short-term rate.
(WP - All)

Attachments:
- Staff Report: Pay Parking at Thetis Lake & Sooke Potholes RPs
- SUPPLEMENTAL: Pay Parking Gradual Increases

8.9. 23-996 Water Safety at CRD Parks

Recommendation: [At the November 22, 2023 Regional Parks Committee, Island Health presented on water safety in CRD Lakes and the following motion was carried:]
The Regional Parks Committee recommends to the Capital Regional Board:
That staff work with partners including Island Health to review and update data and reports and provide a report back on opportunities on water safety at CRD Parks.
(NWA)

Transportation Committee

8.10. 23-863 Regional Transportation Governance - What We Heard and Next Steps

Recommendation: [At the November 15, 2023 Transportation Committee meeting, the recommendation was amended by adding parts 4 and 5 and carried:]
The Transportation Committee recommends to the Capital Regional District Board:
1. That staff be directed to initiate concept development and analysis work as set out in the Regional Transportation Governance - What We Heard and Next Steps report based on level one and level two governance change.
2. That the CRD Board endorse, as set out in the Regional Transportation Governance - What We Heard and Next Steps report, three guiding principles on transportation governance.
3. That staff be directed to develop an engagement plan and schedule a workshop by Q2 2024 with local governments, electoral areas, partner agencies and interested First Nations.
4. That connectivity, grants, and traffic flow and congestion be included in stage 2 for the concept development and analysis and be brought through the engagement and other next steps.
5. That staff investigate options and tools needed for including transportation planning in the regional approach to transportation governance changes.
(NWA)

Attachments: Staff Report: Rg'l Trans Gov-What We Heard
Appendix A: What We Heard Report
Appendix B: Engagement Workbook Package & Responses
Presentation: Trans Gov Engagement - What We Heard

9. BYLAWS

9.1. 23-934 Adoption of Bylaw 4551 - “Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023”

Recommendation: That Bylaw 4551 - "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023" be adopted.
(NWA)

Attachments: Bylaw No. 4551

10. NOTICE(S) OF MOTION

10.1. 23-988 Motion with Notice: Performing Arts Facilities Select Committee (Board Chair Plant)

Recommendation: That staff report back to the Capital Regional District Board on the work completed by past select committees on establishing a regional performing arts facilities service and recommend a scope of work for re-establishing a new Performing Arts Facilities Select Committee.
(NWA)

10.2. 23-989 Motion with Notice: Presentation on BC Clean Transportation Action Plan (Director Thompson)

Recommendation: [At the November 15, 2023 Transportation Committee meeting, the following Notice of Motion was provided to be discussed at the CRD Board meeting:]
That the Board direct staff to deliver a presentation on the new BC Clean Transportation Action Plan including the Vehicle Kilometres Travelled target and other targets and goals from the Regional Transportation Plan, and Climate Action Strategy, and other plans early in the new year.
(NWA)

Attachments: Memo: Motion with Notice - CTAP Background

11. NEW BUSINESS

12. MOTION TO CLOSE THE MEETING

12.1. 23-943 Motion to Close the Meeting

Recommendation: 1. That the meeting be closed for Appointments in accordance with Section 90(1)(a) of the Community Charter. [1 item]
2. That the meeting be closed for Labour Relations in accordance with Section (90)(1)(c) of the Community Charter. [1 item]
3. That the meeting be closed for 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 items]
5. That the meeting be closed for a Legal Update in accordance with Section 90(1)(i) of the Community Charter. [2 items]

14. ADJOURNMENT

Votinq 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)

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Capital Regional District

625 Fisgard St.,
Victoria, BC V8W 1R7

Meeting Minutes

Capital Regional District Board

Wednesday, November 8, 2023 **1:00 PM** **6th Floor Boardroom**
625 Fisgard Street
Victoria, BC

PRESENT
DIRECTORS: C. Plant (Chair), M. Alto (EP), J. Bateman (for M. Tait), J. Brownoff, J. Caradonna, C. Coleman, Z. de Vries, B. Desjardins, R. Fenton (for P. Brent), S. Goodmanson, G. Holman, P. Jones, D. Kobayashi, M. Little, C. McNeil-Smith, K. Murdoch, D. Murdock, L. Szpak, D. Thompson, S. Tobias, M. Westhaver (for S. Brice), A. Wickheim (EP), K. Williams, R. Windsor

STAFF: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; A. Fraser, General Manager, Integrated Water Services; L. Hutcheson, General Manager, Parks and Environmental Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; M. Barnes, Senior Manager, Health and Capital Planning Strategies; D. Elliott, Senior Manager, Regional Housing; S. Henderson, Senior Manager, Real Estate; C. Nielson, Senior Manager, Human Resources; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP - Electronic Participation

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

Regrets: Directors Brent, Brice, Tait

The meeting was called to order at 1:00 pm.

1. TERRITORIAL ACKNOWLEDGEMENT

The Chief Administrative Officer provided the Territorial Acknowledgement.

2. CALL TO ORDER

The Chief Administrative Officer called the meeting to order.

3. ELECTION OF CRD BOARD CHAIR

The Chief Administrative Officer called for nominations for the position of Chair of the Capital Regional District Board for 2024.

Director Szpak nominated Director Kobayashi. Director Kobayashi accepted the nomination.

The Chief Administrative Officer called for nominations a second time.

Director McNeil-Smith nominated Director Plant. Director Plant 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 Coleman, SECONDED by Director Brownoff
That the ballots be destroyed.
CARRIED

4. ELECTION OF CRD BOARD VICE CHAIR

Chair Plant called for nominations of Vice Chair of the Capital Regional District Board for 2024.

Director Kobayashi nominated Director Little. Director Little 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 Little Vice Chair of the Capital Regional District Board by acclamation.

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

MOVED by Director Williams, SECONDED by Director Tobias,
That the meeting be recessed for the meetings of the Capital Region Housing Corporation Board and Capital Regional Hospital District Board.
CARRIED

The meeting recessed at 1:20 pm.
The meeting reconvened at 1:41 pm.

Director Goodmanson left the meeting at 1:41 pm.

6. INAUGURAL ADDRESS OF THE CHAIR

I truly appreciate the confidence you have collectively shown in me and I thank Director Kobayashi for offering to serve as Board Chair. It is healthy for organizations, and a good sign for democracy, when there is a campaign for Chair as it allows for the Board to choose a way forward. Equally important is that we now move forward united. I pledge to work with all of you in a way that is respectful and purposeful. When I did my master's degree in educational leadership I learned about the concept of Servant leadership. It is a system of leadership where leadership style that prioritizes the growth, well-being, success and empowerment of those they lead. It is a way of operating that I believe works well on a Board such as ours. While I have said many things already during my speech I want to add a few items. While it is my intention to solicit your input, it is not my intention to change any committee leadership positions or committee membership. I think two years in a committee is a good length of time to fully understand the portfolio of issues that are overseen by a committee. While I acknowledge that we will be reviewing our strategic priorities in the spring, I think the topic of First Nations Relations remains important. What I want to offer is that I believe the opportunity to develop Memorandums of Understanding with each nation should be something we pursue. This shows our First Nations partners that we are moving beyond talk and are interested in formalizing our relationships so that they can flourish and grow over time beyond that which we as elected officials sit together. Over the next few months we are going to face some difficult decisions but I would ask you to please remember that while we can disagree on policy, let's keep the debate elevated and never make it personal. To me this is a sign of a healthy board and the past year has largely been a very successful year. And finally I want to encourage both the board and staff in their work in the upcoming year to reflect on our renewed vision statement.

7. APPROVAL OF THE AGENDA

MOVED by Director Desjardins, SECONDED by Director Coleman,
That the agenda for the November 8, 2023 Session of the Capital Regional District Board be approved.
CARRIED

8. ADOPTION OF MINUTES

8.1. 23-841 Minutes of the October 11, 2023 and the minutes of the October 25, 2023 Capital Regional District Board meetings

MOVED by Director Szpak, SECONDED by Director Little,
That the minutes of the Capital Regional District Board meetings of October 11, 2023 and October 25, 2023 be adopted as circulated.
CARRIED

8.2. 23-843 Minutes of Previous Committee and Commission Meetings

MOVED by Director Szpak, SECONDED by Director Little,
That the minutes of the of the Committee of the Whole meeting of October 25, 2023 be adopted as circulated.
CARRIED

9. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

10 CONSENT AGENDA

MOVED by Director McNeil-Smith, SECONDED by Director Szpak,
That consent agenda items 10.1. through 10.9. be approved.
CARRIED

10.1. 23-804 Appointment of Officers

That for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act and in accordance with Capital Regional District Bylaw No. 2681, Michael Simard and Dania Vivash, be appointed as Assistant Bylaw Enforcement Officers.
CARRIED

10.2. 23-828 Community Emergency Preparedness Fund Grant: Volunteer & Composite Fire Department Training & Equipment 2023 Application

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting grant funds and overseeing grant management for the proposed project.
CARRIED

10.3. 23-829 British Columbia Active Transportation Network Planning Grant Application - Active Transportation Network Plan for Juan de Fuca

1) That an application to the British Columbia Active Transportation Network Planning Grant Program for the purpose of developing an Active Transportation Network Plan for the Juan de Fuca Electoral Area, be supported;
2) That the funding provided through the British Columbia Active Transportation Network Planning Grant Program will be matched by an equal amount from the Juan de Fuca Electoral Area Parks and Recreation service; and
3) That staff be instructed to apply for, negotiate, and if successful, enter into an agreement and do all such things necessary for accepting the British Columbia Active Transportation Network Planning Grant funds and overseeing grant management for the proposed project.
CARRIED

10.4. 23-818 British Columbia Active Transportation Infrastructure Grant Application - Schooner Way School Trail for Southern Gulf Islands

1) That an application to the British Columbia Active Transportation Infrastructure Grant Program for the purpose of constructing the shovel-ready, priority Schooner Way School Trail on North Pender Island be supported;
2) That the funding provided through the British Columbia Active Transportation Infrastructure Grant Program will be matched by an equal or greater amount from the Southern Gulf Islands Electoral Area, Pender Island Parks and Recreation service; and
3) That staff be instructed to apply for, negotiate, and if successful, enter into an agreement and do all such things necessary for accepting the British Columbia Active Transportation Infrastructure Grant funds and oversee grant management for the proposed project.
CARRIED

10.5. 23-851 Salt Spring Island Candidate Disqualification (Elections BC)

This report was received for information.

10.6. 23-713 Implications of Regulating Curbside Organics Collection

That staff continue implementing the organics diversion strategy as currently outlined in the new Solid Waste Management Plan, and evaluate and report to committee on pathways to mandatory separation of curbside collection and diversion of organics.
CARRIED

10.7. 23-649 Capital Regional District External Grants Update

This report was received for information.

10.8. 23-526 2024 Budget for the Royal Theatre Service and the McPherson Playhouse Service

1. That the maximum allowable contribution amount of $580,000 be approved for the Royal Theatre service; and
2. That the maximum allowable contribution amount of $750,000 be approved for the McPherson Playhouse service.
CARRIED

10.9. 23-584 2023/24 B.C. Active Transportation Infrastructure Grant Application - Merchant Mews Pathway

That approval be given to submit a 2023/24 Active Transportation Infrastructure grant application for the Salt Spring Island Merchant Mews pathway project in the amount of $160,000; and further that the project proceed as soon as project funding is approved and local weather conditions allow.
CARRIED

11. ADMINISTRATION REPORTS

11.1. 23-746 Bylaw No. 4572 - Management of Onsite Sewage Systems Service Establishment Bylaw, 2007, Amendment Bylaw No. 1, 2023

L. Hutcheson spoke to Item 11.1.

MOVED by Director Jones, SECONDED by Director Windsor,
1. That Bylaw No. 4572, "Management of Onsite Sewage Systems Service Establishment Bylaw, 2007, Amendment Bylaw No. 1, 2023", be introduced and read a first, second and third time.
CARRIED

MOVED by Director Jones, SECONDED by Director Windsor,
2. That participating area approval be obtained from two-thirds consent of participants;
3. That Bylaw No. 4572 be forwarded to the local public health officer for comment; and
4. That Bylaw No. 4572 be referred to the Inspector of Municipalities for approval.
CARRIED

11.2. 23-819 British Columbia Active Transportation Infrastructure Grant Application - Regional Trestles Renewal, Trails Widening and Lighting Project (Section A, Phase A)

L. Hutcheson spoke to Item 11.2.

Discussion ensued regarding the grant application prioritization related to the regional district and electoral areas.

MOVED by Director Murdock, SECONDED by Director Szpak,
1) That the Board support the application to the British Columbia Active Transportation Infrastructure Grant Program for the priority Regional Trestles Renewal, Trail Widening and Lighting Project (Section A, Phase A);
2) That the funding provided through the British Columbia Active Transportation Infrastructure Grant Program will be matched by an equal or greater amount from the Regional Parks service; and
3) That staff be instructed to apply for, negotiate, and if successful, enter into an agreement and do all such things necessary for accepting British Columbia Active Transportation Infrastructure Grant funds and oversee grant management for the proposed project.
CARRIED

12. REPORTS OF COMMITTEES

Finance Committee

12.1. 23-750 Bylaw Nos. 4585, 4583 and 4584: Amendments to Operating Reserve Fund Bylaw Nos. 4102, 4144 and 4146.

MOVED by Director Jones, SECONDED by Director Williams,
1. That Bylaw No. 4585 cited as the "Capital Regional District Regional Services Operating Reserve Fund Bylaw No. 1, 2016, Amendment Bylaw No. 4, 2023" be introduced and read a first, second and third time.
CARRIED

Director Windsor left the meeting at 1:59 pm.

MOVED by Director Jones, SECONDED by Director Williams,
2. That Bylaw No. 4585 be adopted.
CARRIED

MOVED by Director Jones, SECONDED by Director Williams,
3. That Bylaw No. 4583 cited as the "Capital Regional District Sewer and Water Services Operating Reserve Fund Bylaw No. 1, 2016, Amendment Bylaw No. 3, 2023" be introduced and read a first, second and third time.
CARRIED

MOVED by Director Jones, SECONDED by Director Williams,
4. That Bylaw No. 4583 be adopted.
CARRIED

MOVED by Director Jones, SECONDED by Director Williams,
5. That Bylaw No. 4584 cited as the "Capital Regional District Electoral Area Services Operating Reserve Fund Bylaw No. 1, 2016, Amendment Bylaw No. 4, 2023" be introduced and read a first, second and third time.
CARRIED

MOVED by Director Jones, SECONDED by Director Williams,
6. That Bylaw No. 4584 be adopted.
CARRIED

Directors Goodmanson and Windsor returned to the meeting at 2:01 pm.

12.2. 23-744 Bylaw No. 4577: Revenue Anticipation (General Purpose) Bylaw No. 1, 2023

MOVED by Director Jones, SECONDED by Director Windsor,
1. That Bylaw No. 4577, "Revenue Anticipation Borrowing (General Purpose) Bylaw No. 1, 2023" be introduced and read a first, second, and third time.
CARRIED

MOVED by Director Jones, SECONDED by Director Windsor,
2. That Bylaw No. 4577 be adopted.
CARRIED

Planning & Protective Services Committee

12.3. 23-696 Canvas Local Governments for Participants in the Foodlands Access Service

MOVED by Director de Vries, SECONDED by Director Windsor,
That staff be directed to canvas local governments for interest in participation in a new Foodlands Access Service, receive feedback about the proposed service and draft a service establishment bylaw based on input, and that additional cost apportionment be a part of the package and available to municipalities and electoral areas based on full regional participation.

Discussion ensued regarding:
- consultation with farmers market producers and conveners related to the proposed service
- consultation process with local governments and regional participation

MOVED by Director McNeil-Smith, SECONDED by Director Jones,
That the main motion be amended to replace it in its entirety with the following:
Staff bring forward a Foodlands Access Service Bylaw with options for Bylaw approval.
CARRIED
Opposed: Holman, Kobayshi, Murdoch, Williams, Wickheim

The question was called on the main motion as amended:
Staff bring forward a Foodlands Access Service Bylaw with options for Bylaw approval.
CARRIED
Opposed: Holman, Kobayshi, Wickheim

13. BYLAWS

There were no bylaws for consideration.

14. NOTICE(S) OF MOTION

14.1. 23-810 Motion with Notice: Regional Growth Strategy Update (Director de Vries)

Discussion ensued regarding:
- impact of housing targets on regional growth strategy
- 2026 regional growth strategy update

MOVED by Director de Vries, SECONDED by Director Windsor,
That staff report back on the timing and implications of the work required to consider an update to the Regional Growth Strategy in 2026.
CARRIED

14.2. 23-910 Notice of Motion: Performing Arts Facilities Select Committee (Chair Plant)

Chair Plant provided the following Notice of Motion for consideration at the next meeting of the Capital Regional District Board meeting:

"That staff report back to the Capital Regional District Board on the work completed by past select committees on establishing a regional performing arts facilities service and recommend a scope of work for re-establishing a new Performing Arts Facilities Select Committee".

14.3. 23-869 Notice of Motion: Class Action Lawsuit Sue Big Oil (Director Holman)

Director Holman proposed the following Notice of Motion for consideration at the next meeting of the Environmental Services Committee:

“That staff report on the feasibility and merits of joining other local governments in a proposed class action lawsuit to recover a fair share of climate costs from ‘big oil’.”

15. NEW BUSINESS

There was no new business.

16. MOTION TO CLOSE THE MEETING

16.1. 23-728 Motion to Close the Meeting

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

MOVED by Director Little, SECONDED by Director Murdoch,
2. That the meeting be closed for Labour Relations in accordance with Section 90(1)(c) of the Community Charter.
CARRIED

MOVED by Director Little, SECONDED by Director Murdoch,
3. That the meeting be closed for Proposed Service in accordance with Section 90(1)(k) of the Community Charter.
CARRIED

MOVED by Director Little, SECONDED by Director Murdoch,
4. That such disclosures could reasonably be expected to harm the interests of the Regional District.
CARRIED

MOVED by Director Little, SECONDED by Director Murdoch,
5. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter.
CARRIED

The Capital Regional District Board moved to the Closed Session at 2:40 pm.

17. RISE AND REPORT

The Capital Regional District Board rose from the closed session at 3:26 pm and reported on the following:

- That staff issue an Invitational Request for Proposals (RFP) to the six proponents that have demonstrated their abilities to thermally process biosolids and or mixed feed stocks and that the RFP require a triple bottom line analysis: Pyrocal, VOW ASA, Waste Management, Green Impact Partners, IQ Energy and Pivotal IRM.

- In accordance with the Technical and Community Advisory Committee Terms of Reference, that the following be appointed to the Technical and Community Advisory Committee for a term to expire December 31, 2024: Edward Brown and Richard Ding.

18. ADJOURNMENT

MOVED by Director Coleman, SECONDED by Director Little,
That the November 8, 2023 Capital Regional District Board meeting be adjourned at 3:27 pm.
CARRIED

_____

CHAIR

CERTIFIED CORRECT:

_____

CORPORATE OFFICER



Charting the Course

A VISION FOR COASTAL FERRIES

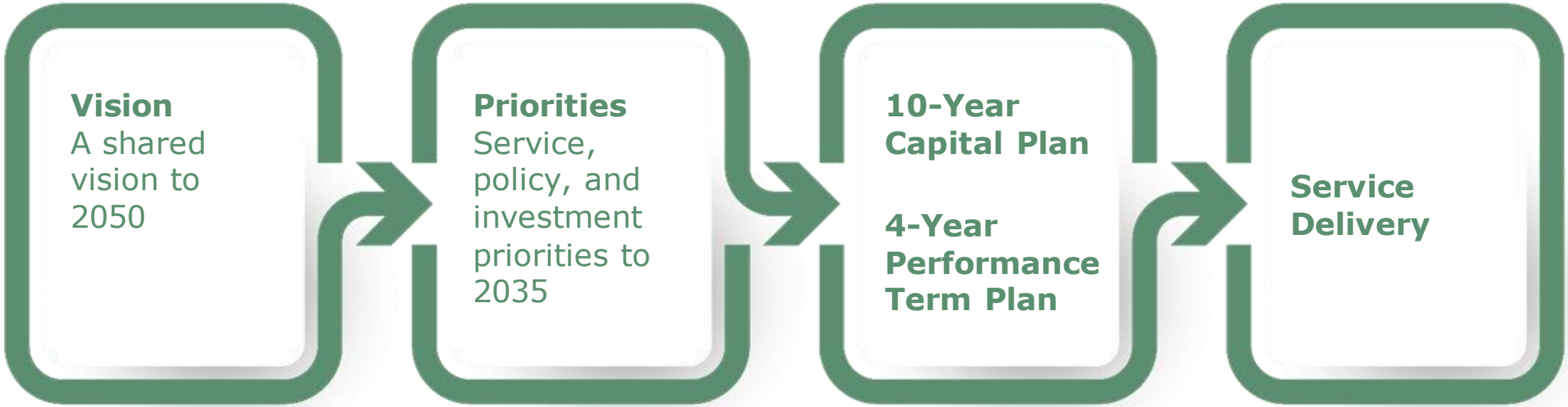
Regional District Boards



Purpose

- Overview of BC Ferries Long-Term Vision initiative
- Engagement opportunities

Planning framework



Future forces and trends



Population and Employment



Shared & Micro-mobility



Tourism and Recreation



Digitization



Commercial & Goods Movement



Work from Home



Automated, Connected & Electric Vehicles



Public Policy Goals

Phase 1 Engagement

-Relative importance of each of the draft goals



Reliable



Integrated



Safe



Climate Sensitive



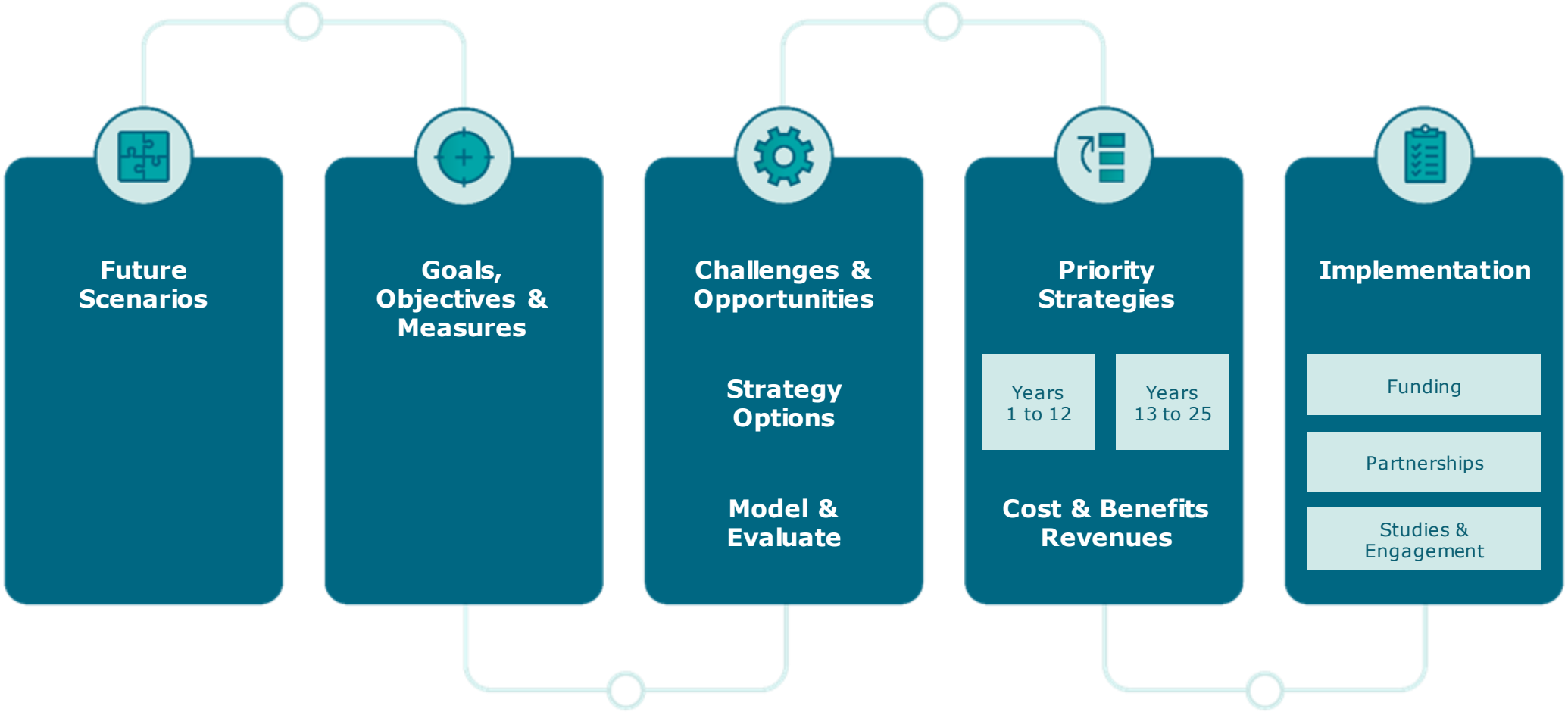
Affordable & efficient



User-Focused

-Other considerations for future ferry service

What Will the Strategy Include?



Project Site

Home / Charting the Course

Charting the Course



Transportation, transit and ferry systems around the world are under pressure resulting from the pandemic, population growth, climate change, inflation and other factors. BC's coastal ferry system is no exception, and BC Ferries is responding with actions to address current operational issues. BC Ferries is also embarking on a long-term transformative journey to reshape our coastal ferry services in response to the evolving needs of the communities we serve. *Charting the Course* aims to define what is needed to keep people, goods, and services in coastal communities connected and moving through to 2050 and beyond. Recognizing the challenges and opportunities posed by long-term trends in population growth, affordability, technological advances, the rise of electric vehicles and climate change impacts, we are committed to creating a ferry system that's sustainable, resilient and equipped to serve future generations.

Hearing from you is an important part of this initiative to help us build a more sustainable and resilient ferry system. We believe that the coastal ferry service should be a vital component of British Columbia's extensive transportation network, and your input is invaluable in helping us achieve this.

Take Survey

Your voice matters!

FAQ

Charting the Course - FAQ (111 KB) (pdf)

Key Dates

Phase one: Engagement Open
November 08 → November 28 2023

Workshops
November 2023

Phase one: Engagement Summary Report, early 2024
January → February 2024

Phase two: Engagement Open, spring 2024
March → April 2024

Final Charting the Course vision: Published, summer 2024
June → August 2024

Promotional Toolkit

Promotional Toolkit Instructions (148 KB) (pdf)

Bcferriesprojects.ca

Project Timelines

- Phase 1 Engagement: November 8 to November 28
- Engagement summary report: January 2024
- Phase 2 Engagement: March to April 2024
- Vision published: June 2024

Thank you!

Jodi Dong
Executive Project Director,
Strategy & Planning
British Columbia Ferry Services Inc.
jodi.dong@bcferries.com



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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **ARCHIE GALBRAITH MEMORIAL SCHOLARSHIP 2023**

ISSUE SUMMARY

The recipient of the 2023 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 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.

Sofia Auger Nybida is the scholarship recipient this year and her student profile is attached as Appendix A.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Carolyn Jenkinson, Manager, Executive Operations
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Sofia Auger Nybida Student Profile



Sofia Auger Nybida

Year 49 / 2024 (Canada-Squirrel Cove, BC)
Archie Galbraith Memorial Scholar



A recipient of the CRD's generosity in 2022, Sofia continues her studies in her final year at Pearson College. From her remote hometown of Squirrel Cover, BC, Sofia applied to the College because she not only felt intrigued about immersing herself in Pearson's unique experiential education but also felt inspired at the once-in-a-lifetime opportunity to learn alongside students of diverse cultures from all over the world.

Sofia has found that there are a lot of differences between her eduational experience at Pearson and in Squirrel Cove, where the size of the town was so small that she needed to be homeschooled as the local school only taught up to grade 9. She loves being around so many people and says that she's never felt more at home. With roommates from Germany, Cuba, and China, Sofia has felt like she's learned about many different cultures and also been able to teach others about her own culture while on campus. For Sofia, seeing how hard her classmates are working for their future is the most positive things she has ever witnessed.

When Sofia graduates in 2024, she still hopes to pursue a degree in social work or counselling for youth. We know that Sofia will go far and have a bright future thanks to the support of funders like the CRD. We can't wait to see her thrive in her final year at Pearson!

In her own words, "Thank you so much for giving me such an incredible opportunity to get an amazing education and live in a community that has changed me in such a positive way and impacted my entire world view!"

Pearson College proudly celebrates the support from the CRD and the Archie Galbraith Memorial Scholarship.

Thank you!

Making a difference...together

ERM 23-52

REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Household Hazardous Waste Pickup in Electoral Areas – Update**

ISSUE SUMMARY

To report back on discussions with Electoral Area fire departments regarding the storage of household hazardous waste (HHW) in the Electoral Areas.

BACKGROUND

At the June 14, 2023 CRD Board meeting, staff were asked to investigate the cost and feasibility of Hartland funding a one-time HHW pickup on four islands in the Southern Gulf Islands, Juan de Fuca and Salt Spring Island.

The September 13 Electoral Areas Committee (EAC) staff report (Appendix A) indicated that preliminary estimates to have a qualified third party conduct mobile collection events in these communities range from $20,000 to $50,000 per community, depending on volume and type of products received, as well as travel logistics and subsequent transport of material to sorting and processing facilities. The Environmental Resource Management (ERM) budget for the HHW service is limited to the Hartland Depot operation and community education; costs for mobile collection events are not currently included in the ERM budget. The total cost to provide one-time HHW events in the six Electoral Area communities is estimated to be $200,000.

The acceptance of both provincially-regulated (Extended Producer Responsibility) and non-regulated HHW at the Hartland Depot offers residents a one-stop drop for their unwanted products, and provides for safe and efficient collection, consolidation and packaging for transportation to processing. Cost for delivery of the service is approximately $800,000 per year.

The CRD's Protective Services staff reached out to Electoral Area fire chiefs, and the collective feedback was that there is no heightened level of concern for firefighter safety due to storage of HHW. They did indicate that a local public drop-off opportunity would be appreciated by the Electoral Areas.

ALTERNATIVES

Alternative 1
The Electoral Areas Committee recommends to the Capital Regional District Board:
That household hazardous waste collection not be expanded, and Electoral Area residents continue to take their household hazardous waste to the specialized regional infrastructure at the Hartland Depot.

Alternative 2
The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That the regional household hazardous waste management be expanded to include a final one-time mobile collection event in the Capital Regional District's Electoral Areas; and
2. That the 2024 Environmental Resource Management budget be amended to include $200,000 to fund the one time mobile collection event.

IMPLICATIONS

Financial Implications

The cost for the delivery of the regional HHW collection service at the Hartland Depot is approximately $800,000 per year.

The estimated cost to conduct mobile collection events in the Electoral Area communities ranges from $20,000 to $50,000 per community. The total cost to provide one-time HHW event in the six Electoral Area communities is estimated to be $200,000.

CONCLUSION

At the September 13, 2023 Electoral Areas Committee meeting, Capital Regional District staff were asked to speak to fire departments within the Electoral Areas to examine if they have any concerns with the storage of household hazardous waste (HHW) in the Electoral Areas. The collective feedback from fire chiefs was that there is no heightened level of concern for firefighter safety due to storage of HHW. Staff recommend that HHW collection not be expanded to the Electoral Areas and that residents continue to take their HHW to the specialized regional infrastructure at the Hartland Depot.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:
That household hazardous waste collection not be expanded, and Electoral Area residents continue to take their household hazardous waste to the specialized regional infrastructure at the Hartland Depot.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Staff Report: Household Hazardous Waste Pickup in Electoral Areas – Electoral Areas Committee (September 13, 2023)

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APPENDIX A

ERM 23-33

REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 13, 2023

SUBJECT **Household Hazardous Waste Pickup in Electoral Areas**

ISSUE SUMMARY

At the June 14, 2023 Capital Regional District (CRD) Board meeting, staff were asked to investigate the cost and feasibility of Hartland funding a one-time household hazardous waste (HHW) pickup on the four islands in the Southern Gulf Islands, Juan de Fuca and also on Salt Spring Island.

BACKGROUND

In 2004, the CRD launched a HHW collection program at the Hartland Depot to support residents of the region with safe end-of-life management of their unwanted and expired HHW products. This no-charge program includes both products covered under Extended Producer Responsibility (EPR) through the *BC Recycling Regulation*, such as paint and motor oil, as well as non-EPR products (orphans) like propane tanks and pool chemicals.

Subsequently, the HHW collection area at the Hartland Depot was retrofitted in 2009 to support this growing service, with a focus on safety for the public, staff and contractors and improvements for receipt, sorting, storage and subsequent transport of material. The ability to receive and manage orphan materials at the Hartland Depot is a unique service our region provides to residents and is heavily reliant on the infrastructure investment, staffing and contractor services to support this operation. The cost for delivery of this service is approximately $800,000 per year (2023 numbers) net of revenue from the services agreements for products covered under EPR. A complete list of HHW items currently accepted at the Hartland Depot is included as Appendix A.

In addition to the Hartland Depot program, and in support of a proactive strategy to remove additional residual HHW products from the waste stream, the CRD had also facilitated and funded collection of HHW from municipal yards, non-profit reuse organizations and gulf island recycling depots. Between 2006 and 2015, the CRD provided 26 mobile round-up events in Electoral Area communities. These ancillary collection programs were discontinued in 2016. This decision was made due to a number of factors, including: concerns around safety at these collection sites; decreasing volumes collected; a decision to focus resources towards the collection infrastructure available for residents region-wide at the Hartland Depot; and expansion of provincial EPR programs providing collection for many HHW products in Electoral Area communities, making the mobile round-up events somewhat redundant.

Education materials were developed and distributed in 2016 to communities impacted by the discontinuation of the biennial mobile HHW round-up events on the Gulf Islands. Residents were encouraged to take a “pack-in, pack-out” approach to managing their unwanted HHW products, as most of these items would have been purchased from off-island locations. This communication also included information about allowances and restrictions for both regular and dangerous goods sailings on the BC Ferries.

The range of products included in provincial EPR programs, and the associated collection of these materials within Electoral Areas, has expanded over the years, as well as the number of collection points throughout the province and in our region. A list of locations within Electoral Area

communities that accept this material on an ongoing basis can be found in Appendix B. Through expansion of the *BC Recycling Regulation*, it is expected that by 2025, collection programs will be operational in the province for orphan items such as compressed canisters (fuel, adhesives, bear spray) propane tanks, fire extinguishers and more aerosols, battery types and electronic accessories, providing additional return opportunities for consumers.

Reinstatement of mobile HHW collection service within the Electoral Area communities would involve the following key items:

- securing locations and dates for events
- hiring a contractor to manage the events including all aspects of collection, packaging, transportation and processing as well as site safety
- advertising and promotion

Preliminary estimates provided by a qualified third party to conduct mobile collection events in these communities range from $20,000 to $50,000 per community, depending on volume and type of products received, as well travel logistics and subsequent transport of material to sorting and processing facilities. The Environmental Resource Management (ERM) budget for the HHW service is limited to the Hartland Depot operation and community education; costs for mobile collection events are not currently included in the ERM budget. The total cost to provide one-time HHW events in the six Electoral Area communities is estimated to be $200,000.

CONCLUSION

The acceptance of both provincially-regulated (Extended Producer Responsibility) and non-regulated household hazardous waste at the Hartland Depot offers residents a one-stop drop for their unwanted products, and provides for safe and efficient collection, consolidation and packaging for transportation to processing. Cost for delivery of the service is approximately $800,000 per year. Off-site Capital Regional District collection programs were conducted between 2006 and 2015, but discontinued due to concerns around site safety, reducing volumes and a renewed focus on the centralized collection infrastructure at the Hartland Depot. Through expansion of the *BC Recycling Regulation*, it is expected that by 2025, collection programs will be operational for items such as compressed canisters (fuel, adhesives, bear spray) propane tanks, fire extinguishers and more aerosols, battery types and electronic accessories.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Hartland Depot – Accepted Household Hazardous Waste Products
Appendix B: Household Hazardous Waste Collection Locations within Electoral Areas
Appendix C: BC Ferries – Dangerous Goods Information

What is Household Hazardous Waste?

Household hazardous waste (HHW) is any waste from your home that you consider to be dangerous or unsure of. It includes any leftover household products that are marked flammable, corrosive, explosive or poisonous. Common examples include pesticides, varnishes, paints, cleaners, and batteries.

Items accepted at the Hartland HHW facility:

Automotive Products
Air conditioning refrigerants
Antifreeze
Autobody filler
Automobile batteries – lead acid
Brake fluid
Carburetor cleaner
Car wax with solvent
Diesel fuel
Chrome polish
Engine degreaser
Fuel additives
Gasoline (in ULC approved container)
Grease
Hardeners (MEKP)
Oil filters
Starter fluids
Transmission fluid
Used motor oil and containers
Windshield washer fluid

Batteries
General household batteries
Lead acid batteries
Lithium-ion Batteries
Small Ni-Cad batteries (re-chargeable)
E-mobility batteries

Glues & Cements
Liquid glues only
(dispose of hardened glue as regular garbage)

Hobby Supplies
Chemistry sets
Kerosene
Photography chemicals

Household Products
Abrasive cleaners
Aerosol products
All-purpose cleaners
Ammonia
Disinfectants
Bleach
Drain cleaner
Floor wax strippers
Furniture polish and waxes
Linseed oil
Metal cleaners
Oven cleaners
Rust remover
Shoe polish (liquid)
Spot and stain remover
Toilet bowl cleaner
Upholstery and rug cleaners
Lighter fluid
Muriatic acid
Tub and tile cleaners
Window cleaners

Tanks & Containers
Butane tanks
Gas tanks
Helium tanks
Kerosene containers
Pesticide containers
Propane tanks
Fire extinguishers

Gardening and Pest Control
All fungicides
All herbicides
All insecticides
Chemical fertilizers
Flea/tick pet products
P.C.P Act
Rat poison
Slug bait
Wood preservatives

Mercury Items
Compact fluorescent light bulbs (CFLs)
Fluorescent tubes/ballasts
Metal halide lamps
Thermometers
Thermostats
Ultraviolet lamps
Pure Mercury

Miscellaneous
Barbecue starters
Smoke detectors
Swimming pool and spa/hot tub chemicals
Cell phones
Electronics with re-chargeable batteries
Home heating oil

Paints & Solvents
Acetone
Empty containers
Latex paint
Lead based paint
Marine paint
Oil-based paint
Paint thinner and strippers
Plastic
Spray paint
Varnish or lacquer
Other solvents

Personal Care Products
Antibacterial soap
Foot powder
Hair dye
Hairspray
Hydrogen peroxide
Jewelry cleaner
Nail polish and remover
Perm lotion or solution
Rubbing alcohol

Items NOT accepted at the Hartland HHW facility:

Ammunition
Call your local police/ fire department for information.

Flares
Visit myrecyclopedia.ca and search flares for events and facilities that accept flares.

Pharmaceuticals
Return all unused medication to pharmacies participating in the return program, free of charge.


Flammable


Corrosive


Explosive


Poison

For more information on Household Hazardous Waste please visit our website at **www.crd.bc.ca/hhw** or call the CRD Infoline at **250.360.3030.**

HOUSEHOLD HAZARDOUS WASTE COLLECTION LOCATIONS WITHIN ELECTORAL AREAS

Electoral Area	Household Hazardous Waste – Extended Producer Responsibility Materials	Household Hazardous Waste – Non-Extended Producer Responsibility
SOUTHERN GULF ISLANDS		
Galiano Island		
Galiano Island Recycling Depot	• Paint • Light bulbs/tubes • Smoke and CO Alarms • Single-use batteries • Rechargeable batteries • Oils/filters/containers (2024)	
Mayne Island		
Mayne Island Recycling Depot	• Paint • Light bulbs/tubes • Smoke and CO Alarms • Electronics • Single-use batteries • Rechargeable batteries • Empty oil/antifreeze jugs	• Inkjet/toner cartridges
Pender Island		
Pender Island Recycling Depot	• Paint • Light bulbs/tubes • Smoke and CO Alarms • Single-use batteries • Rechargeable batteries • Oils/filters/containers • Antifreeze • Automotive batteries • Thermostats	
Pender Island Firehall		• Propane cylinders/tanks
Saturna Island		
Saturna Island Recycling Depot	• Paint • Electronics • Household batteries • Lightbulbs/tubes • Motor oil/antifreeze	• Inkjet/toner cartridges
Darryl’s and James’s Digs	• Automotive batteries • Antifreeze • Smoke and CO Alarms • Thermostats	• Propane cylinders/tanks

Electoral Area	Household Hazardous Waste – Extended Producer Responsibility Materials	Household Hazardous Waste – Non-Extended Producer Responsibility
SALT SPRING ISLAND		
Salt Spring Island Recycling Depot	• Paint • Pesticides, solvents, gasoline • Light bulbs/tubes • Smoke and CO Alarms • Electronics • Single-use batteries • Rechargeable batteries • eMobility batteries • Automotive batteries • Thermostats	• Inkjet/toner cartridges
Pharmasave/Lower Ganges	• Single-use batteries • Rechargeable batteries	
Harbour Authority Salt Sprint Island	• Oils/filters/containers	
Salt Spring Garbage & Recycling		• Propane cylinders/tanks
JUAN DE FUCA		
Port Renfrew Garbage & Recycling Depot	• Paint • Paint plus • Electronics • Light bulbs/tubes • Motor oil • Cooking oil	• Propane tanks and canisters • Fire extinguishers

Travel advisory:
All Routes Status

Common dangerous goods

Carefully review the list below. If you plan to travel with dangerous goods, or you're shipping a trailer with dangerous cargo, you need to complete a dangerous goods shipping document ahead of travel. Print your completed document and present it to the ticket agent when you arrive at the terminal.

Diesel, gasoline and propane do not require dangerous goods documentation if within the limits described in the list below.

Complete dangerous goods shipping document
PDF 77 KB | 2 pages

If your particular product is not listed or you have any questions about travelling with dangerous good, you can email us at dg.bcf@bcferries.com, call 250-978-1152, or fax 250-386-1652.

Aerosols no larger than 1 litre are allowed.

Automotive antifreeze is not considered dangerous and can be carried in any amount.

Auxiliary fuel tanks that form an integral part of the vehicle, connected by a fuel line to the engine fuel system, and firmly secured and protected from external damage, are permitted. Auxiliary fuel tanks are not to be confused with spare gas tanks (see Gasoline).

Adhesive products containing flammable liquid, such as contact cement, have special

requirements. Check with the terminal staff for information on acceptable quantities.

Air bottles, scuba tanks and enriched air

- *Oxygen* for personal use is allowed in cylinders up to 5 litre water capacity. No transferring between containers is permitted.
- *Scuba tanks* (compressed air) for personal use is unlimited and must be declared
    - All full or partially-full tanks require a dangerous goods shipping document
    - All full or partially-full tanks are to be transported in closed, locked vehicles, or in open vehicles, provided the tanks are out of sight
- *Enriched air* must be declared and fully documented
    - The number of enriched air tanks may not exceed 8 per consignment (tank size not to exceed 20 kg). Enriched air tanks follow the same conditions of transportation as Scuba tanks for safe stowage in vehicles.
- Empty tanks not containing air are not considered dangerous goods under the *Transport of Dangerous Goods Regulations*, as long as the valves are open and not under pressure
- Foot passengers may take these tanks on board, provided the tanks are taken immediately to the main vehicle deck for stowage during the voyage. The vessel's officer will identify to foot passengers a safe stowage area on the vessel.
- These tanks are not considered baggage and our employees are not permitted to handle them or to transport them in our baggage vans

Ammunition for small arms, rifles and shotguns are permitted on our ferries in small quantities, provided they are securely packaged and carried separately from the firearm.

Batteries for automobiles are permitted. New vehicle batteries and up to 3 used batteries can be transported.

Boat/RV gas can be carried in spare tanks. See gasoline for the amounts of gas which can be carried in spare tanks.

Coleman's fuel, naphtha and white gas products used to fill camp stoves and lanterns are permitted in 5 litre metal containers in vehicles, but foot passengers are prohibited from carrying them.

Cleansers like bleach and other household cleansers may be carried on our ferries in a carton designed to keep them upright and secure to avoid spillage and harmful fumes.

Diesel fuel in tidy tanks of 450 litres or less is permitted. No dangerous goods documentation required if you travel with amounts of diesel fuel within this limit.

Firearms may be transported under strict conditions.

- Firearms must be transported in compliance with Canadian Firearms Regulations. Firearms transported in vehicles must be:
  - Unloaded
  - Not visible from outside the vehicle
  - Locked inside vehicle when unattended
- Foot passengers are not permitted to transport firearms, except on sailings between Port Hardy (Bear Cove) and Prince Rupert, and between Prince Rupert and Graham Island (Skidegate) on Haida Gwaii. On these routes, foot passengers with firearms must:
  - Declare firearms to the ship's officer once on board
  - Be responsible for securing the firearms in a locker designated by the ship's officer
- Airsoft guns, pellet guns, crossbows, bow and arrows, axes and similar items of concern are subject to restrictions, including:
  - Foot passengers are not permitted to transport any items of concern with them; if they have any, these must be stored in checked luggage
- Items of concern transported in vehicles must be:
  - Not visible from outside the vehicle
  - Locked inside the vehicle when unattended
- On-duty police officers, armoured car personnel, or peace officers authorized to carry restricted firearms in the performance of their duties are permitted by law to possess and transport firearms

Fire extinguishers can be carried on BC Ferries as long as they are firmly packaged or secured to prevent them from moving.

Fireworks are prohibited on BC Ferries. Some pyrotechnics are permitted if they are used as safety equipment for a vehicle or are equipment being transported. These pyrotechnics will normally fall under the category of Class 1 - 1.4S.

Foot passenger carry-on commodities are allowed on the car deck, as long as the deck officer gives their authority, and a suitable storage area is available on the car deck.

- Passengers may carry outboard motors, chain saws, etc. onto the car deck only. This type of equipment is not permitted in passenger areas.
- A foot passenger may carry no more than 1 cylinder of propane, not exceeding 15 kg (30 litres). The cylinder must be carried on board by the customer and must be stowed on the car deck in a location designated by the ship's officer.

Fuel oils in tank truck quantities can be transported as long as the flash point of products is not less than 37.8°C for the following fuels:

- UN 1202
- UN 1223
- UN 1267
- UN 1268
- UN 1300
- UN 1863

Gasoline in approved containers is permitted on BC Ferries in limited amounts, not exceeding 25 litres. However, foot passengers are not allowed to carry gasoline on board the ferry.

- The following may carry 1 spare container of gasoline:
  - RVs and vehicles
  - Vehicle carrying a boat on top
  - Vehicle carrying or towing jet skis or quads
- The following may carry 2 spare containers of gasoline:
  - Boat towed behind a vehicle

Note: No dangerous goods documentation required if you travel with amounts of gasoline within the limits above.

Gases, including most compressed gases and some liquefied gases, are acceptable. To prevent damage, cylinders must be properly secured within the vehicle.

Hay bales may be carried, but must be secured within a closed vehicle or the load must be completely tarped to prevent random ignition. A dangerous goods shipping document is required and is transported under UN 1327, and in addition Class 4.1 placarding must be displayed when transporting over 500kgs (1100lbs).

Helium can be transported aboard BC Ferries. All full or partially full tanks require a dangerous goods shipping document, and must be transported in closed, locked vehicles; or in open vehicles, provided the tanks are out of sight.

Kirpans are permitted for all of our passengers who are practicing members of the Sikh religion. All passengers travelling with Kirpans must do the following while aboard our ferries:

- Keep the Kirpan sheathed
- Keep the Kirpan worn underneath clothing
- Keep the Kirpan not visible to other passengers

Marine pollutants are hazardous to aquatic life and humans; therefore, all marine pollutants must be identified on a dangerous goods shipping document.

Methanol in the fuel tank of a race car is permitted up to a maximum of 25 litres. A maximum of 2 additional containers are permitted, but must be completely secured and labelled.

Oxygen for personal medical use is permitted, but cylinders may not exceed 5 litre water capacity.

- Cylinders that are not in a portable unit must be secured within the transport vehicle
- The transfer of liquid oxygen from the liberator or bulk container to the stroller or portable container on board the vessel is prohibited
- Please notify terminal staff if you are carrying personal medical oxygen

Paint and related paint products, including lacquer, enamel, stain, shellac, varnish, polish, liquid filler and liquid lacquer base, paint thinners or reducing compounds are allowed for personal use, and if purchased at a public retail outlet.

- If you're transporting commercial quantities, check with the terminal of departure for details of flash point limits for flammable products
- Latex or water-based paint is not subject to regulations

Propane valves must be closed and sealed with the tags issued at the ticket booth, and the cylinders must be upright and firmly secured to prevent tipping.

- Commercial vehicles are prohibited from carrying propane tanks
- RVs are permitted:
    - 2 x 25 kg cylinders (50 litre water capacity each) connected to a regulator and secured in or on the vehicle
    - 1 x 15 kg (30 litre water capacity) for a barbecue
- Passenger vehicles are permitted:
    - 1 x 15 kg (30 litre water capacity)

- *Important propane safety alert:*
    - The brass valve in a propane cylinder will be damaged if it comes in contact with anhydrous ammonia. This deterioration will lead to cracking of the valve body or its components and can ultimately result in a violent, unexpected expulsion of the valve from the cylinder, causing personal injury or death.

Note: No dangerous goods documentation required if you travel with amounts of propane within the limits above.

Service vehicles, including welding, refrigeration and plumbing vehicles, or any vehicle having a service repair function, may be classed as a service vehicle. Service vehicles travelling in marine mode are required to present a shipping document for dangerous goods. Call the terminal of departure for details on limits.

Wheelchairs (motorized) have no restrictions when they are in use, but there are some precautions when they are carried as cargo or freight:

- The battery must be securely in place, disconnected, with the terminals insulated to prevent short-circuiting
- The chair itself must be securely anchored so that it will not move

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ERM 23-49

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 15, 2023

SUBJECT **Financial Support for Township of Esquimalt Integrated Resource Management – Biochar Testing**

ISSUE SUMMARY

The Township of Esquimalt has reached out to the Capital Regional District (CRD) to confirm the continued availability of previously offered Integrated Resource Management funding.

BACKGROUND

The Township of Esquimalt has been exploring an Integrated Resource Management approach to managing municipal solid waste, kitchen scraps and yard and garden waste using thermal technologies at its public works yard since 2019.

At the July 14, 2021 CRD Board meeting, staff were directed to support the business case process the Township of Esquimalt was undertaking to explore feasibility and gasification of solid waste, and $50,000 was identified to support this work.

At the September 25, 2023 Township of Esquimalt council meeting, an Integrated Resource Management Update was provided to Esquimalt Council and they moved:

> *That Council postpone consideration of this matter pending receipt of a proposal for biochar testing costs and confirmation of availability of funds from the Capital Regional District to undertake this testing.*

ALTERNATIVES

Alternative 1
The Environmental Services Committee recommends to the Capital Regional District Board:
That the Capital Regional District provide $50,000 to the Township of Esquimalt in support of municipal solid waste biochar testing costs.

Alternative 2
The Environmental Services Committee recommends to the Capital Regional District Board:
That the Capital Regional District not provide funding to the Township of Esquimalt in support of municipal solid waste biochar testing costs.

IMPLICATIONS

Financial Implications

In 2021, CRD staff identified $50,000 from the Core Area Liquid Waste Planning Operational Reserve Fund to support the Township of Esquimalt's pilot project which, at that time, included evaluation of potential co-processing of biosolids.

Township of Esquimalt staff have confirmed that the proposed biochar testing would be conducted on municipal solid waste, and not biosolids. Staff have identified an alternative source of funds ($50,000) within the Hartland Landfill operating budget that could be provided to the Township of Esquimalt in support of municipal solid waste biochar testing costs.

CONCLUSION

At the July 14, 2021 Capital Regional District Board meeting, staff were directed to support the business case process the Township of Esquimalt was undertaking to explore feasibility and gasification of waste. To support this work, $50,000 was identified. The Township of Esquimalt has approached the Capital Regional District requesting confirmation of the availability of funds. If directed, staff will allocate $50,000 from the Hartland Landfill operating budget to the Township of Esquimalt in support of biochar testing costs.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:
That the Capital Regional District provide $50,000 to the Township of Esquimalt in support of municipal solid waste biochar testing costs.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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EFE 23-50

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 15, 2023

SUBJECT **Tendering of Hartland Landfill Heavy Equipment Operations Services Contract**

ISSUE SUMMARY

To request approval to issue an Invitation to Tender for Heavy Equipment Operations Services at the Hartland Landfill.

BACKGROUND

Heavy equipment services for daily landfilling operational tasks at Hartland have been contracted out since the Capital Regional District (CRD) assumed operation of the facility in 1985. The current five-year term expires on June 30, 2025 and, due to the long lead times for equipment delivery, the procurement process must be initiated soon to ensure a new contract is in place and the equipment available by then.

The scope of work includes all equipment, labour and materials for:

- daily landfilling operations, including:
  - bulldozing solid waste
  - compacting solid waste
  - excavating and backfilling controlled waste trenches
  - excavating and hauling daily cover
  - covering waste at the end of each day
- snow removal throughout the site
- emergency equipment support (i.e., landfill fires, spills, etc.)
- maintenance of site roads and ditches, including dust suppression
- installing horizontal landfill gas collection pipes

Historically, this contract had a term of five years, but due to improvements in technology that enhance equipment service life, staff believe there is potential value to the CRD in extending the contract term by up to two years. This would be included as options in the contract, with pricing provided for two one-year extensions. The decision to extend the contract would be determined by the overall condition of the equipment at the 3.5 and 4.5 year marks, respectively.

In 2022 and 2023, the CRD initiated a pilot trial to learn more about the benefits of shredding bulky waste (i.e., furniture) and Construction and Demolition (C&D) waste. Staff learned that shredding is a machine-intensive process that will result in an estimated additional annual operational cost of $1M-$1.5M. The economic and operational benefits far outweigh the additional cost of shredding. Staff estimate the economic benefits to be $2M-$3M annually based upon higher compaction (representing up to $1M in airspace savings) and the use of shredded waste in lieu of aggregates produced onsite for a portion of the daily cover requirements (representing up to $2M in airspace and aggregate cost savings). Operational benefits include reducing the need to tarp the waste each day, improved workability and better compaction of the solid waste. The savings on airspace will also extend the life of the landfill by several years, with a more

accurate estimation to be determined following regular shredding over a 1-2 year period. As the new diversion initiatives (carpet, wood and asphalt shingles) will have an impact on future C&D feedstock, staff recommend including shredding services in the tender as an optional item to be activated based on the availability of the appropriate type and volume of solid waste.

ALTERNATIVES

Alternative 1
The Environmental Services Committee recommends to the CRD Board:
That tendering Heavy Equipment Operations Services at the Hartland Landfill for a term of up to seven years be approved, with optional pricing for shredding services.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

The average annual cost over the last three years for the current contract was approximately $3,000,000. Staff anticipate the rates for the next contract will be significantly higher based on recent inflationary pressures, but predicting the impact on the future annual cost is difficult at this point due to uncertainties in the economy.

The 2025 Environmental Resource Management Hartland Landfill operating budget will fund this contract. Results from the tender will inform the 2024 budget process to ensure sufficient operational funding in 2025.

The total value of this contract will exceed the delegated authority limit of the CRD's Chief Administrative Officer, so Board approval is required.

Environmental Implications

Modern diesel-powered heavy equipment is designed to meet the latest emissions requirements by requiring the use of Selective Catalytic Reduction technology (to eliminate NOx) and Diesel Particulate Filters. This has been a federal requirement since 2010. As the tender will require all new equipment, there is no risk of having high emission equipment provided in response to this tender.

The only piece of equipment in this equipment category that is available for electrification is the hybrid bulldozer. It is proposed to request optional pricing for this hybrid version in the tender.

Service Implications

Performing this work with CRD resources has been considered and determined to be well beyond the current capabilities of the CRD. Bringing this work "in-house" would require a major investment of time and resources to establish a specialized heavy equipment operation that can provide these services on a safe and consistent basis.

CONCLUSION

Hartland Landfill's current heavy equipment operations services contract expires on June 30, 2025 and, based on anticipated long lead times for the critical equipment, a tender must be issued by late 2023 to ensure business continuity at the landfill. Bringing this service in-house was considered but was deemed to be far beyond the current capabilities of the CRD. Waste shredding trials at the landfill demonstrate there are significant economic and operational benefits to shredding a portion of the C&D solid waste and this should be included as an optional item to be activated based on the availability of appropriate solid waste. Issuing a tender by the end of 2023 for Heavy Equipment Operations Services will ensure a contract is in place in time for the specialized heavy equipment to be available by the end of the current contract.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:
That tendering Heavy Equipment Operations Services at the Hartland Landfill for a term of up to seven years be approved, with optional pricing for shredding services.

Submitted by:	Steve May, Senior Manager, Facilities Management & Engineering Services
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

SUE BIG OIL

February 2023
For more information see:
www.suebigoil.ca

SUING FOSSIL FUEL GIANTS: AN INTRODUCTION

Andrew Gage, Staff Lawyer, West Coast Environmental Law

The Sue Big Oil campaign calls on BC's local governments to band together to sue global fossil fuel companies to recover a share of the climate-related costs that our communities are experiencing. This campaign builds on the experience of dozens of similar lawsuits filed in United States and other countries. This document outlines how such lawsuits work and how they can help BC communities build a safer, healthier future.

Why do climate lawsuits matter to our communities and our planet?

Wildfires, flooding and heat waves have shown us that BC communities face millions, and collectively, billions, of dollars in costs to prepare for and recover from events made worse by climate change. Canada is warming twice as fast as the global average, and the Insurance Bureau of Canada estimates that local governments need so spent about $5.3 billion each year to prepare for the coming climate impacts,[1] not counting the huge costs when cities burn or are flooded, much of it attributable to climate change.[2] Failing to pay these costs will lead to even bigger climate costs down the road.

Fossil fuel companies — Chevron, Shell and other global corporations — have known for decades that their products cause this type of harm, but because they don't pay, they continue to operate business as usual, filling our atmosphere with greenhouse gases, while lobbying hard against action on climate change. Right now taxpayers are paying climate costs, while these huge companies escape paying their fair share. As long as their ledgers show someone else paying for the costs of climate change, these businesses appear hugely profitable to investors and governments, even as oil, gas and coal bake our planet.

Climate lawsuits force corporations, investors and governments to incorporate the costs that fossil fuels impose on our communities into their business decisions, while potentially generating the much-needed funds for our communities to prepare for the impacts of climate change. Corporate behaviour and investment is already shifting as a result of climate litigation in other jurisdictions, with companies investing more in renewable energy and notifying their investors of risks of climate lawsuits.

Like climate change, climate litigation has a global impact

Climate litigation targets global fossil fuel companies for their *global* operations, giving local governments the power to demand accountability beyond Canada's borders. Canadian law on international disputes allows BC municipalities to sue global companies in Canadian courts because harm is experienced in BC.[3]

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1 Insurance Bureau of Canada. *Investing in Canada's Future: The Cost of Climate Adaptation at the Local Level*. (February 2020).

2 "Severe Weather Causes $1.9B in Insured Damage in 2018" (Jan. 16, 2019): Canadian governments pay out $3 to recover public infrastructure for every $1 of insured loss. $1.9B insured losses means $5.7 billion in taxpayer costs.

3 Gage, A. and Wewerinke, M. *Taking Climate Justice into our own Hands*. (Vancouver: West Coast Environmental Law, 2015).

What might a class action lawsuit look like?

The specifics would be up to the local governments and their lawyers. However, based on our research, and with input from senior litigation specialists, the lawyers at West Coast Environmental Law have the following general recommendations:

A class action	A class action would reduce the costs of multiple lawsuits by allowing plaintiffs to work together to settle key questions of fossil fuel company responsibility for climate change. BC's class action rules protect parties from having to pay the other side's legal fees if they lose.
Brought by local governments for climate adaptation costs	Legally, to protect their citizens, local governments must build infrastructure now to withstand future climate patterns, based on the best available science. A court is likely to accept the link between current costs and climate change, giving the municipalities the right to sue to recover the costs.
In nuisance	Nuisance is unreasonable interference with property, including municipal infrastructure (private nuisance) or with our common rights and interests in a healthy global atmosphere (public nuisance).
Against fossil fuel companies	Just five companies (Chevron, Exxon Mobil, Saudi Aramco, British Petroleum and Shell) are responsible for approximately 14% of historic greenhouse gas emissions.[4] A lawsuit could claim a contribution from each company based on their respective percentage as well as the efforts of companies to mislead the public and delay action on climate change.

Can we win?

In 2019 28 law professors from across Canada wrote an open letter to BC local governments encouraging them to sue fossil fuel companies. They wrote:

> "Such a case would be novel in the same way that the first court cases demanding recognition of indigenous rights or gay marriage, or claiming compensation against tobacco or asbestos companies, were novel. … In our view, existing legal principles could form a solid basis for a lawsuit filed by a local government against fossil fuel companies for local climate costs."[5]

In other countries lawsuits against fossil fuel giants for climate costs are proceeding. In the Netherlands, the environmental organization MillieuDefensie won its lawsuit against Shell, although the company is appealing. German courts are currently investigating a claim against the coal company RWE brought by a Peruvian farmer for climate costs suffered by his town. And twenty local governments, and three states, in the U.S. are suing fossil fuel companies.

Big Tobacco, Big Asbestos, and Big Pharma all learned that if you sell products that you know will cause massive harm, sooner or later you will be sued. We can win against Big Oil too!

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4 R. Heede. *Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010,* Climatic Change [Vol. 122: 1-2, January 2014], pp. 229-241.

5 https://allard.ubc.ca/sites/default/files/2020-08/Climate-Litigation-LawProfsLetter_final2.pdf.

How can we manage costs of litigation?

It is natural to be concerned about the cost of a lawsuit, which will be significant costs. However, because local governments would work together to bring one class action, they would share the costs. There are several options for funding the lawsuit.

- Sue Big Oil calls on local governments to set aside $1 per resident to help pay for litigation.
- Lawyers will likely be willing to work at a lower cost or partly on a "contingency basis" (only getting paid if they win).
- Private foundations, philanthropists or independent investors may be willing to contribute funds.
- Crowdfunding and other community fundraising can help raise funds.

The first stage of a class action lawsuit asks a judge to certify that the case should proceed as a class action. Successful certification confirms that the case has value, raising its profile and increasing options for funding (including encouraging settlements which could help fund litigation against the remaining companies).

Parties in class action lawsuits in BC are not generally required to pay the other side's legal costs if they lose (as in other types of lawsuits).

Why sue fossil fuel companies?

There's no way around it: solving climate change means dealing with our fossil fuel dependency. Plentiful and deceptively cheap energy from fossil fuels has benefitted modern society, but we're now realizing that there were enormous deferred costs to our communities.

In a society relying on fossil fuels, we're all responsible for climate change. But right now taxpayers carry the entire burden of climate costs caused by fossil fuels, while fossil fuel producers continue to make a lot of money selling them. Asking companies to bear *some* of those costs is not about blaming the industry or denying individual responsibility – it's about acknowledging our shared responsibility.

Chevron, Exxon Mobil and other fossil fuel companies knew in the 1960s that their products would cause devastating climate impacts around the world. Still, they:

- funded and participated in misinformation campaigns designed to mislead the public (consumers) on climate science;
- failed to use the patents they held for solar, wind and low-emission vehicle technologies (among others) that could have offered consumers less-polluting choices;
- lobbied against laws and international agreements to fight climate change.[6]

Won't climate litigation take too long?

On average class action lawsuits in Canada take three to four years, but complex litigation against fossil fuel companies could take significantly longer. However, once a class action is filed it would have immediate impacts.

Companies are required by law to inform their investors of lawsuits that represent a risk to their investments. Chevron warned its shareholders[7] before the first lawsuit was even filed against it,

[6] CIEL. *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis* (November 2017), last accessed 10 April 2019.

[7] ThinkProgress. "Chevron is first oil major to warn investors of risks from climate change lawsuits" (Mar. 2, 2017).

and even state-owned companies like Saudi Aramco [8] have warned investors to factor climate litigation into investment decisions.

One of the first steps that the BC Supreme Court takes in a class action is to confirm that there is an arguable case, which will increase the pressure on companies to notify the investors of the risks and could lead to a settlement. It also paves the road for the companies to have to answer difficult questions, and disclose confidential documents, related to what they knew about climate change, when, and what they did about it.

Litigation can change corporate behaviour even in the short-term, but in the longer term the Sue Big Oil campaign also wants to help BC communities pay to protect themselves from future climate disasters. But to do that, we need to start now.

Why litigate instead of passing laws?

We need every tool in the tool box to fight climate change, including both laws and litigation. However, governments have been slow to enact laws (or even stop subsidies) to reign in a fossil fuel industry that appears to be making a lot of money (since the harm from its products doesn't appear on its balance sheets.)

Ideally international treaties would place a global price on carbon for the actual costs of burning fossil fuels. Such a price would shift investment decisively to renewables, and could provide funding for communities harmed by climate change.[9] A global price would not allow companies to move around to avoid it.

But global pricing systems – for example, the International Oil Spill Compensation Funds – have often emerged *as the result* of national efforts to secure liability (through courts or legislation) against international polluters.[10]

Without the possibility of litigation, fossil fuel producing countries have so far opposed global carbon pricing proposals. Canada has imposed a national carbon price, but it applies only to emissions within Canada, leaving most global GHG emissions unaffected.

In the absence of strong global action to regulate greenhouse gases, litigation – which can claim compensation for harm caused by emissions that occur beyond Canada's borders – is a way for communities to build momentum for corporate and government climate action.

Conclusion

A lawsuit by BC's local governments against global fossil fuel companies for climate costs will ensure that governments, corporations and investors start to address the true costs of fossil fuels in their financial decisions. Knowing that they may need to pay for the harm caused by their products gives these companies a strong incentive to invest their considerable expertise and resources in building a sustainable future. At the same time climate litigation helps ensure our communities have the resources needed to protect themselves from climate change.

Let's Sue Big Oil!

8 Climate Home News. "Saudi Aramco says climate lawsuits 'could result in substantial costs'" (Apr. 2, 2019).

9 https://www.boell.de/en/carbon-levy-project.

10 P.D. Lowry. *The Shipowner and Oil Pollution Liability.* McGill Law Journal (1972) Vol 18(4) 577.

March 2023
For more information see:
www.suebigoil.ca

When Regional Districts Sue Big Oil

What could be the role of *regional districts* in the Sue Big Oil campaign?

The Sue Big Oil campaign calls on local governments to file a class action lawsuit against Big Oil. This brief builds on the information contained in the Suing Fossil Fuel Giants: An Introduction for Local Governments (read it first), but responds to specific questions about whether and how regional districts can participate.

Can regional districts join the Sue Big Oil class action lawsuit?

Yes. Like other local governments, regional districts are experiencing increased climate costs associated with damage to their infrastructure as well as the costs of building new infrastructure to withstand future climate impacts. Taxpayers and regional districts shouldn't bear the full brunt of these costs.

Municipalities and regional districts are legally similar, but different, and we recommend that local governments bringing the case include both a municipality and a regional district as representative plaintiffs.[1] The legal team selected by local governments to bring the case may recommend a separate "sub-class" representing regional districts, to make it easier for the court to address any issues unique to regional districts; however, these are details that can be worked out as the case moves forward.

There is no legal barrier to regional districts joining the class action lawsuit. Becoming involved early in the process can help ensure that the particular circumstances of regional districts are considered in the design of the lawsuit.

Regional District services and climate litigation

Unlike municipalities, which have a broader authority, regional districts focus on offering specific services to some or all of their residents. For example, a regional district may offer services related to waste disposal, water systems, fire services or other matters. These services may be offered throughout the regional district, in the areas which are not incorporated into a municipality, or in just part of the regional district. Each regional district is unique.

We've heard some people argue that "climate litigation" is not a service that regional districts offer, or that a new "climate litigation" service would be required before a regional district could join a lawsuit. But this argument misunderstands the nature of the Sue Big Oil class action. The legal focus of the case is on compensating the regional district (or municipality) for costs that they are incurring, or will incur, **within the services** that they offer.

For example, a regional district offering community water service may need to drill deeper wells or find and build new sources of water infrastructure to address climate-fueled drought, or may need to increase water treatment capacity to keep up with winter storms. Many other common regional district

[1] "Representative plaintiffs" are the lead plaintiffs who bring a class action lawsuit on behalf of the other participating governments.

services are also being negatively impacted by climate change, including sewers, fire protection, parks and recreation, and emergency services, to mention a few. It would be fiscally irresponsible of the Directors to simply allocate taxpayer dollars to these increased costs of services without attempting to recover them from Big Oil.

Financial logistics for regional districts' participation in the class action

The Sue Big Oil campaign is asking local governments to pay $1 per resident towards the costs of the class action lawsuit. But what does that mean for regional districts, given that they generally include several municipalities within their boundaries, each of which are also being asked to pay $1 per resident. Who should pay for the overlapping residents?

Moreover, what if several services offered by a regional district are suffering climate impacts? Which service or services should pay the $1 per resident? Although we do need all levels of local government to step up and provide some level of funding, the important thing is that each local government signal its support for, and willingness to participate in, the class action lawsuit. Each regional district and its member municipalities should come up with solutions that work for their unique circumstances.

We offer the following suggestions for consideration:

- Unless a regional district and their member municipalities come up with a different arrangement, regional districts should be responsible for funding an amount equal to their residents in unincorporated areas, while municipal governments pay for their residents.
- Most regional districts offer emergency services that need to be ready to respond to climate (and other) emergencies affecting the regional district's residents, and incur expenses when flooding, fires or other impacts occur. This type of service may be well placed to provide funds for, and liaise with other local governments regarding, the litigation.
- A regional district, through its general governance service, could work to calculate the financial losses that each of its services face due to climate change. This could provide a basis to apportion contributions to the class action across multiple services.
- A regional district could select one service that is facing particularly large climate costs (perhaps water or emergency management, for example) to budget for the costs of participating in the lawsuit and to take the lead in liaising with other local governments.

Given the differences in governance amongst BC's regional districts, regional districts will need to determine how best to structure their participation in a potential class action lawsuit. We trust that regional district directors and staff will work in good faith to determine what funding and administrative arrangement will work best for their community.

Conclusion

Regional districts generally control a large area, often without a dense tax-base. As such, they are even more vulnerable than municipalities to the costs of climate change. Infrastructure spread over a large area may be more expensive to repair or upgrade to address climate change. Far from being beyond a regional district's authority, participation in the class action lawsuit against fossil fuel companies may be one of the few options open to regional districts to get much needed resources to protect the residents served by their services and infrastructure.

Making a difference...together

REPORT TO FIRST NATIONS RELATIONS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 22, 2023

SUBJECT **Forum of All Councils Summary Report**

ISSUE SUMMARY

To provide a summary report of the recent Forum of All Councils.

BACKGROUND

The CRD Special Task Force on First Nations Relations Final Report (2018) recommended an annual Forum of All Councils to bring together leadership from First Nations, municipalities, and electoral areas. A Forum of All Councils was held in late 2019 and then paused in recent years due to pandemic health restrictions and the General Local Election in 2022.

On October 14th, 2023 the CRD once again hosted a Forum of All Councils to bring together First Nations' leadership with local government elected representatives to build relationships and explore ways to work together. The theme of this year's Forum was Indigenous self-determination in the context of relationships with local governments. Participants included First Nations, Mayors and Councillors, and Electoral Area Directors.

The Summary Report (Appendix A) outlines the structure and agenda of the Forum, provides an overview of what was shared by First Nations and guest speakers, and summarizes the feedback received from participants. A draft of the Summary Report was provided to the First Nation participants who attended the Forum and to certain First Nation staff who provided feedback and guidance that helped to shape the agenda for the day.

IMPLICATIONS

Alignment with Board Priorities, Existing Plans & Strategies
By providing a forum for First Nations to share their priorities and perspectives with local government representatives, the Forum of All Councils supported the Board Priority of hearing more from First Nations' governments as to how they would like the CRD to approach reconciliation. Inviting guidance from First Nations on understanding and developing new mechanisms for working together also supported the Priority of strengthening government-to-government decision-making that uplifts Indigenous self-determination.

First Nations Reconciliation & Intergovernmental Implications
Participating in the Forum and listening to the perspectives of local First Nations as well as the guest speakers demonstrates a commitment from local government representatives to ongoing learning, which is a critical component to strengthening government-to-government relationships and implementing the Board's Statement of Reconciliation. While there was limited attendance from First Nation Chiefs and Councilors, the message staff received from those who did attend was that there is value in creating a platform for dialogue with interested Nations, even if participation is limited.

Service Delivery Implications
Priority topics raised by First Nations at the Forum relate to service delivery, environmental protection, capacity challenges, and governance. The themes heard will be shared internally by staff to inform the Government-to-Government Relationship Building Initiative, Inclusive Governance Initiative, ongoing dialogue between CRD Divisions and First Nations related to related aspects of service delivery, and the eventual development of a CRD Reconciliation Action Plan.

CONCLUSION

The Forum of All Councils Summary Report provides an overview of the 2023 Forum that brought together First Nations' leadership with local government elected representatives to build relationships and explore ways to work together.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Caitlyn Vernon, MES, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Forum of All Councils Summary Report

Summary Report

Forum of All Councils 2023

Capital Regional District | Prepared by the CRD's First Nations Relations Division



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Chief Abraham Pelkey and Chair Plant

All photography is by Greg Forsberg, Yuwii Media

BACKGROUND

Territorial Acknowledgement

The CRD conducts its business within the traditional territories of many First Nations, including but not limited to BOḰEĆEN (Pauquachin), MÁLEXEŁ (Malahat), P'a:chi:da?aht (Pacheedaht), Spune'luxutth (Penelakut), Sc'ianew (Beecher Bay), Songhees, SȾÁUTW̱ (Tsawout), T'Sou-ke, W̱JOŁEŁP (Tsartlip), W̱SIKEM (Tseycum), and xʷsepsəm (Esquimalt), all of whom have a long-standing relationship with the land and waters from time immemorial that continues to this day.

CRD Commitment to Reconciliation

The CRD Board's Statement of Reconciliation focuses on self-determination, shared prosperity, and relationship with the land and water. The CRD Board's Special Task Force on First Nations Relations, established in 2015, released a Final Report 2018. The Board approved eight recommendations from the Task Force that aimed to build government-to-government relationships between the CRD and First Nations governments. One of the recommendations was a commitment to host an annual Forum of All Councils to bring First Nations and Local Governments together to discuss issues of importance.

Forum of All Councils

The previous Forum of All Councils concluded with suggestions for future Forums, including focusing on actions, roles, responsibilities, and resources, policy discussions, networking opportunities, field trips to First Nation reserves, frequent and shorter meetings, and centring Indigenous voices. This feedback was taken into consideration when planning the 2023 Forum.

In addition, the CRD's First Nations Relations Division made efforts to engage First Nations on their preferred content, structure, and timing of the Forum. Some input was received before the Forum that was incorporated into planning the event, and additional feedback has since been received that will inform future gatherings.

The Forum of All Councils also supports the implementation of the CRD's 2023-2026 Board Priorities, which include initiatives to support building strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

This 2023 Forum of All Councils Summary Report was prepared by the CRD's First Nations Relations Division.

FORUM OF ALL COUNCILS SUMMARY

Run of the Day

The 2023 Forum of All Councils was held on Saturday, October 14th, at the Songhees Wellness Centre on the Traditional Territory of the lək̓ʷəŋə n peoples, **Songhees** and **xʷsepsəm** (Esquimalt) Nations. The 2023 Forum of All Councils theme was **First Nations Self-Determination in Relation to Local Governments**. The agenda was designed to allow maximum sharing from those local First Nations who could attend.

Traditional Speaker Ivy Seward, a member of the W̱JOŁEŁP (Tsartlip) First Nation who is also a lək̓ʷəŋən language teacher for the Songhees Nation, opened the day on behalf of the CRD. A traditional speaker is asked by the host family, in this case, the CRD, to open the floor for the excellent work done that day. Ivy welcomed participants in the lək̓ʷəŋən language and offered her best wishes for relationship building. Throughout the morning, Ivy invited speakers, supported the gifting protocols, and offered her reflections on what was being shared.

Eugene Sam from the Songhees Nation offered an opening prayer and a song, and then the Lək̓ʷəŋən Traditional Dancers took the floor to share their songs and dances. Chair Plant offered a CRD welcome and introduced the local governments in the room. The Chair thanked the First Nations present for participating and spoke about the importance of building a deeper understanding of Indigenous self-determination and how local governments can co-create new ways of working with First Nations on a respectful government-to-government basis.

During the First Nations Roundtable, First Nations shared their perspectives and priorities regarding Indigenous self-determination in working with local governments. The key themes are summarized below.

Guest speakers KWAST-en-ayu (Maynard Harry) and Stewart Alsgard spoke about their experiences developing the Tla'amin Nation – City of Powell River Community Accord.



Chair Plant and Ivy Seward



Eugene Sam, lək̓ʷəŋən Traditional Dancers



Chief Ron Sam, Songhees Nation



KWAST-en-ayu and Stewart Alsgard, Guest Speakers

Run of the Day *(continued)*

Throughout the day, gifts of blankets and honoraria were offered to recognize the work being done. In addition, all participants were gifted a tote bag and a water bottle and were invited to take home K'exmin seeds as an offering to each of the participants to honour the work being done and to acknowledge their collective role in contributing to a healthier region, and an abundant, resilient future.

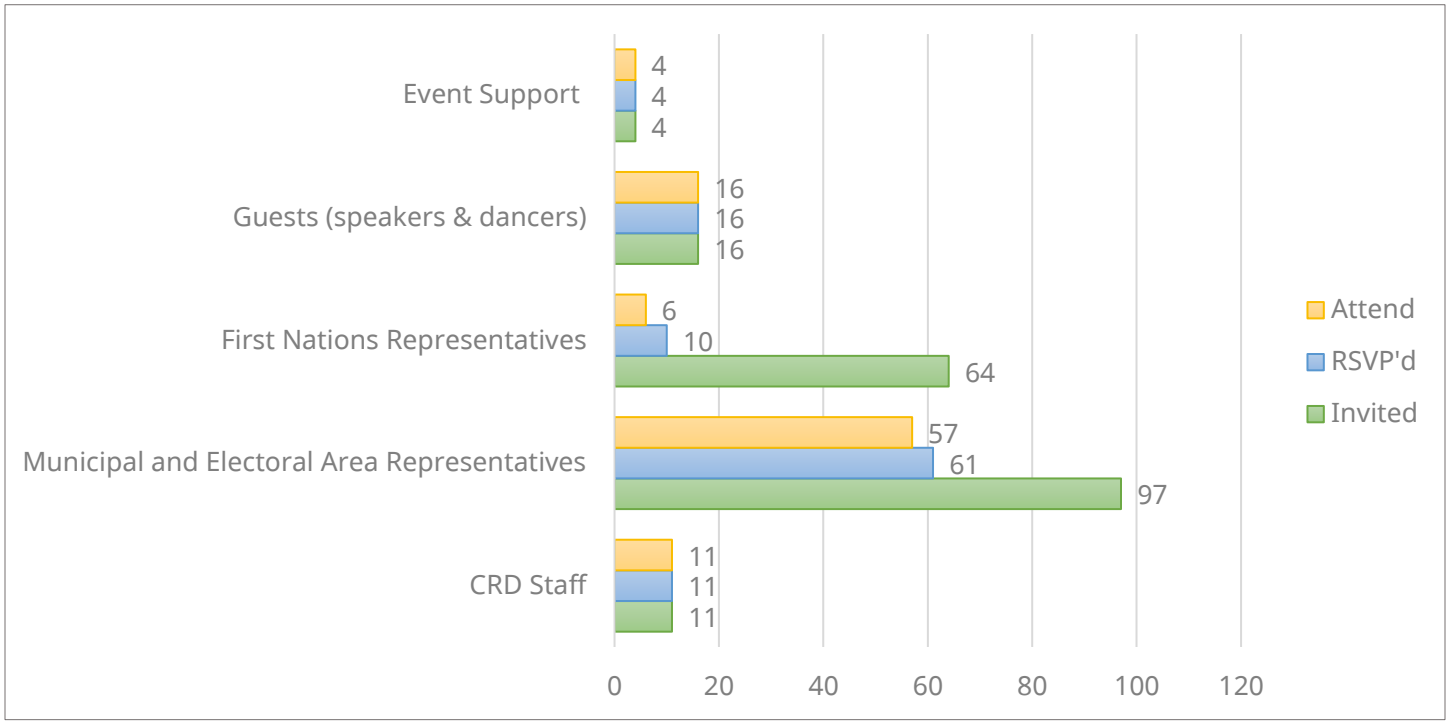
Sharing food is an essential component of relationship building, and participants enjoyed a delicious breakfast and lunch provided by Songhees Catering. Two Worlds Consulting provided event facilitation and notetaking.

Participants were asked to complete a feedback questionnaire to provide input for future events and relationship building. A summary of the feedback is provided below.

Participation

The Forum of All Councils intends to bring together leadership from First Nations, the Capital Regional District Board of Directors, and Municipalities with the support of Capital Regional District staff, guest speakers and other support personnel. **One hundred ninety-two** people were invited, **one hundred and two** RSVP'd yes, and **ninety-two** attended the event.

Participants included elected leadership from Songhees Nation and SȾÁUTW (Tsawout) First Nation, City of Colwood, City of Langford, City of Victoria, District of Central Saanich, District of Highlands, District of Metchosin, District of North Saanich, District of Oak Bay, District of Saanich, District of Sooke, Town of Sidney, Town of View Royal, Township of Esquimalt, the Southern Gulf Islands Electoral Area, and the Juan de Fuca Electoral Area. Staff from the W̱SÁNEĆ Leadership Council also attended.



First Nations Roundtable: Themes Heard

Water Quality	▪ Beach pollution, primarily from agricultural land, water runoff, and pollution, poses future food security issues and requires effective water management within municipalities. ▪ Municipalities need to ensure beaches are clean enough to support harvesting.
Capacity	▪ First Nations have limited capacity, which impedes the ability to participate in every engagement request. ▪ Inundated with a high volume of requests, e.g., requests to one Nation from 6 municipalities plus provincial and federal governments. ▪ Thirty days for reviewing is not enough. ▪ Suggest a job swap between local government and First Nations staff to understand capacity issues better.
Communication & Decision-Making	▪ Effective communication and collaboration with Nations, particularly in land and water issues, require community accords and having a voice at the table. ▪ Create a table so there is a suitable pathway for working together. ▪ We have a responsibility to the land and water to protect it. Our land and lives matter. We want to be good neighbours but must be on a level playing field. ▪ There is a huge responsibility to work with Nations and care for the land and water. We need to have our voices in the conversation. ▪ For decades, we have advocated for dialogue between local governments and First Nations. ▪ We must fight so much for so little. ▪ Letters are not an adequate form of communication. Need active, not passive, consultation. Make a concerted effort to include Nations during a process instead of after. ▪ Hold a Forum on regional issues, with Nations meeting first rather than with municipalities. ▪ Form an Indigenous land stewardship commission with the CRD regarding park acquisition. ▪ Hold regular forums to discuss issues and the good things.
Access to Land	▪ People need to respect the privacy of Indigenous people when they are using the land for harvesting or spiritual or cultural uses. ▪ Municipalities need to consider new approaches to land acquisition to avoid court challenges. ▪ Land back is crucial for First Nations people. ▪ Our people need land for hunting, harvesting, gathering, and firewood. ▪ Exclusive parkland affects harvesting. Consider exclusive areas for First Nations. ▪ Co-management regimes are needed for Indigenous Protected and Conserved Areas. ▪ Consider an Indigenous land trust.

First Nations Roundtable: Themes Heard *(continued)*

Reconciliation Action	▪ Reconciliation is everyone's work and cannot be solely driven by Nations. Reconciliation is about unity and collective work for a better future. ▪ Reconciliation is realizing we are all here together and we can work together in a good way. ▪ The elders say things have not changed in 30 years and don't see change coming. There needs to be more than land acknowledgements; there needs to be action. ▪ The City of Victoria has shown progress in reconciliation efforts. ▪ The CRD is listening regarding archaeology. This should have happened a long time ago.
Self-Determination	▪ The lack of large industry in this region means fewer opportunities to tap into to support our Nation. There are wealthy houses, but governments are reluctant to tap this. ▪ How do you become self-determining without land or economy? ▪ First Nations are good for the economy. CRD and municipalities should support nations in obtaining land back and treaties, as it can benefit the economy.
Bureaucracy	▪ Indigenous names mean something to us. The bureaucracy involved in renaming is a barrier to making change happen. ▪ There are many hoops to jump through to grow at the same rate as municipalities. It feels like we are being left behind and left out. ▪ The Local Government Act impacts the ability to have impact benefit agreements. ▪ Need to cut red tape and create mechanisms for action. ▪ The Additions to the Reserve process can take over 15 years.
Development	▪ The rapid state of development is hard on our Nations. Archaeological sites being disturbed. ▪ Nations are on the outside looking in and need to be involved more. ▪ The rapid pace of development is pushing Nations to go farther and farther away to access land for harvesting and other uses. ▪ What is the vision? Is it forever growth? The goal of reducing waste at the Hartland landfill conflicts with increasing development. ▪ The growth of municipalities is the death of our culture.

Guest Speakers

Guest speakers KWAST-en-ayu (Maynard Harry) and Stewart Alsgard ('Qoqoq') shared their experiences building relationships between the Tla'amin Nation and the City of Powell River, which led to the development of the Powell River & Tla'amin Nation Community Accord.

KWAST-en-ayu is a citizen of the Tla'amin Nation, Founder of Indigenous Insight, and Partner of Mighty Raven Technology. KWAST-en-ayu received his ancestral name from his Elders on May 10, 2003, immediately before the signing of the historic Sliammon First Nation – City of Powell River 'Community Accord. KWAST-en-ayu has been elected as his Nation's Chief Councillor and councillor. Maynard brings 27+ years of practical knowledge and experience from direct exposure to Canada's Indian Act Indian Reserve System and being of a family directly impacted by Canada's Indian Residential School System. Maynard understands his nation's culture, history, territory, land, and resources from working with his elders, negotiators, and traditional land and resource use experts. Maynard is active in the following areas: small business and economic development, intergovernmental relationship building, reconciliation, leadership/governance/decision-making, Aboriginal rights, and title. KWAST-en-ayu's reconciliation work has been recognized on a regional level by the City of Powell River with a Freedom of the City (2008), nationally Queen's Diamond Jubilee Medal (2013) by Canada's Governor General Johnson.

Stewart Alsgard ('Qoqoq') is a UBC graduate, secondary level teacher, domestic and international; Graduate of the National Defence College of Canada; Retired naval Captain; Officer of the Order of Military Merit (OMM); UBC Senate (Order in Council); UBC Faculty of Medicine (community member admissions committee); Provincial Coroner (1990-2005); Former Mayor, City of Powell River (1999 -2011); Signatory to 2003 and 2018 Tla'amin Nation – City of Powell River Community Accord; 2004 Protocol Agreement on Economic Development and Cultural Heritage Resource Protection; Queen's Silver and Diamond Jubilee Medal; 2004 Bestowed with Honorary ancestral name ('Qoqoq' meaning 'Snow Owl'), Tla'amin Nation; and Volunteer guide, Townsite Heritage Society.

Highlights from Their Talk

- Stories and examples of relationship building behind the development and evolution of the Powell River & Tla'amin Nation Community Accord, a living document that outlines a process and principles for how the two governments work together.
- The need for fearlessness and creativity in relationship building.
- The importance of 'living agreements' between municipalities and First Nations.
- Involving youth participation in decision-making.
- Relationship building can require the courage to make unpopular decisions.
- The ongoing negative impacts of colonization and intergenerational trauma cannot be separated from the importance of relationship building.
- Municipalities must recognize they are on land taken from First Nations and that their growth has ongoing impacts on First Nations.
- Truth and acknowledgement of unearned privileges must come before reconciliation.
- Importance of education and the need to reinvent and rethink systems.
- That bureaucracy can have harmful impacts on reconciliation efforts.
- Moving beyond land acknowledgements to action.
- The Indian Act and Indian reserve lands do not define First Nations people, and have limited economic opportunities because of them.
- There are opportunities for municipalities to drive reconciliation efforts and learn from past mistakes.

FEEDBACK

Before and after the event, in meetings with First Nations, the First Nations Relations Division solicited feedback and suggestions about the Forum of All Councils. This included discussions with representatives from P'a:chi:da?aht (Pacheedaht) First Nation, Songhees Nation, T'Sou-ke Nation, xʷsepsəm (Esquimalt) Nation, Sc'ianew First Nation, and the W̱SÁNEĆ Leadership Council.

The Forum of All Councils participants were asked to fill out a feedback questionnaire about expectations, takeaways, successful aspects, suggestions for improvement, learning opportunities, and recommendations for facilitating relationship-building and networking between First Nations and local governments.

Feedback Summary

Learnings & Takeaways	Get more involved to grow relationships. Beyond words, actions are essential. Awareness of the complexity of referrals and the capacity of the Nations and that land is essential to self-determination and collaboration. Be open. Take responsibility. Recognize white privilege. Awareness of the frustration of First Nations that governance/policies are used as barriers to progress and that there is still much work to do. They are learning about their priorities from First Nations leadership. Be present, be involved where you can, and be invited by the community.
Forum Content	Many participants appreciated the opportunity to hear directly from local First Nations about their challenges and priorities related to self-determination. Nations expressed frustration at being repeated the same thing for decades. Local government representatives shared that what they heard provides helpful guidance. When local government representatives sat with First Nations, meaningful and collaborative discussions were held on relevant problems and potential resolutions. Many participants also mentioned that hearing the stories and experiences of the guest speakers was a highlight of the day. A few participants found the speakers challenging and irrelevant to the current-day context of Indigenous relations. Many participants found the speakers' direct and frank approach to speaking their truth refreshing and inspirational. Given the sensitive and complex nature of the discussion, more could have been done to prepare the audience in advance and debrief afterwards. Appreciations were also given for the cultural sharing, the connections, the conversations, and the opportunity to share a terrific meal.

Feedback Summary *(continued)*

Forum Structure	Many participants expressed disappointment with the low turnout from First Nations. First Nations representatives acknowledged the importance of this type of forum. They noted the low attendance due to cultural commitments, harvesting season, losses in the community, recent elections, other events, and overall capacity. They suggested continuing to hold forums and that Nations would come when they could. Recommendations included more table discussion, mingling, and facilitated problem-solving as a region; facilitated discussion on significant issues facing the region to learn from each other on new ways of looking at problems, which helps overcome misinformation and constraints; sharing of best practices and tangible results; more speakers, including local presenters; collect questions from Nations and local government representatives in advance; more time for questions; encourage First Nations and municipalities to sit together; fewer participants; have a different First Nation host each year; organize a First Nation's caucus to meet in advance of the Forum and support conversations with local governments; include higher levels of government to elevate the importance of the gathering; inviting staff; having more of a conference-style agenda; include opportunity for social connections; and instead of a forum, focus on tangible on-the-ground reconciliation actions rather than talking.
Suggestions for Future Learning Opportunities and Relationship Building	Participants suggested knowledge sharing and learning opportunities on numerous topics, including climate change, food security, conflict resolution related to agricultural needs and traditional harvesting, a review of the CRD Task Force recommendations and progress to date, a KAIROS blanket exercise for elected leaders, the Moosehide project, tools or guidance to bridge the gap between colonial and First Nations governance models, a presentation on CRD initiatives and current priorities, wastewater, emergency management planning, building codes, opportunities for reflection, consideration of how to start making change, understanding government legislation constraints and opportunities and recent legal changes, and learning more from a First Nations roundtable. Recommendations for how the CRD might facilitate relationship building between First Nations and local governments included: continuing to hold an annual Forum, perhaps hosted by each local government in turn; quarterly meetings between First Nations and local governments; discuss more specific topics; facilitate land back to First Nations; implement an Indigenous land and water stewardship commission; address carrying capacity of the lands and waters in the region; more joint learning sessions; find a way to acknowledge our wrongs, make right where we can and move forward together; CRD lead a process with First Nations and local governments to propose approaches that address the capacity required for relationship building; host meals where there is no agenda other than meeting and mingling; informal time together that includes staff on all sides; try out job sharing and secondments; engage with Nations prior to land acquisition; seats for First Nations on the Board; provide standing opportunities for Indigenous leadership to share stories at the Board and committees and all gatherings; support Tribal Journeys; and create a forum where issues vital to First Nations can be discussed and meaningful work accomplished.

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REPORT TO FIRST NATIONS RELATIONS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 22, 2023

SUBJECT **Archaeology and Heritage Conservation Update**

ISSUE SUMMARY

To provide a summary of the CRD's approach to archaeology and heritage conservation.

BACKGROUND

At the 2023 Forum of All Councils, Chief Ron Sam from the Songhees Nation indicated that the CRD 'is listening' when it comes to archaeology, and that this should have been done a long time ago. This report provides the context to this remark as well as an update on current archaeological and heritage conservation initiatives.

Heritage conservation in BC is legislated by the provincial Heritage Conservation Act (HCA). The provincial government has guidelines and templates for local governments regarding archaeological resource management.

All archaeological sites, whether recorded or as-yet unidentified, on private and public land, intact or disturbed, are protected by legislation and may not be altered, damaged, moved, excavated in, or disturbed in any way without a permit issued under the HCA. If unanticipated archaeological resources are found, the proponent/developer must stop work immediately and contact the Archaeology Branch for further direction. The HCA authorizes compliance and enforcement actions that may be taken against those who damage, desecrate, or alter heritage sites or objects without authorization. The HCA also contains provisions authorizing the Province to enter into agreements with First Nations with respect to additional mechanisms to conserve and protect heritage sites and objects that represent their cultural heritage.

The *Heritage Conservation Act* Transformation Project, currently underway, aims to bring the legislation into alignment with the provincial Declaration on the Rights of Indigenous Peoples Act. This process is intended to support reconciliation while increasing certainty and stability for First Nations, landowners, proponents, developers, and government. It is anticipated that changes to the HCA will provide increased clarity, direction and support to local governments regarding the level of archaeological oversight required at the local government level.

First Nations are increasingly asserting their own management and approaches to heritage conservation. Important cultural places, including archaeological sites, still hold great significance to and are actively managed by First Nations. Many First Nations are asking local governments to involve the Nations' in management and decision-making related to heritage conservation, in addition to implementing the HCA. First Nations often expand the definition of heritage sites to include intangible cultural resources, such as a location with historical or cultural significance, in addition to registered archaeological sites.

The CRD's *Protection and Conservation of Heritage Sites Policy* was adopted in 2020. The policy facilitates the protection and conservation of heritage and archaeological sites within the CRD and ensures corporate compliance with the HCA. The policy also directs staff to engage with First

Nations with respect to the management and protection of archaeological sites.

In March of 2022 the CRD created a new position and hired a Manager of Archaeology. The in-house archaeologist works closely with First Nations, regulators and operational staff across all Divisions to provide direction, technical support and training to CRD initiated projects, train CRD staff and volunteers, develop and refine CRD policy and guidelines, collaborate with First Nations to support their cultural heritage management objectives, and ensure compliance with provincial legislation and best practices.

IMPLICATIONS

First Nations Reconciliation
Working in collaboration with First Nations on the management and protection of archaeological sites and areas of cultural importance is a significant component of reconciliation. First Nations care deeply about their ancestral lands, the belongings of their ancestors and protection of ancestral burial sites. It has been communicated to CRD that the protection and care of the land as related to archaeological sites and cultural landscapes is an inherited duty and an integral part of being Indigenous. CRD projects and service delivery have the potential to impact and harm First Nations communities through the disturbance of ancestral sites and burial grounds. Working with First Nation communities on how best to protect ancestral sites has provided CRD with an opportunity to advance reconciliation and strengthen relationships.

Intergovernmental Implications
Provincial guidelines outline two essential areas of archaeological resource management that can be conducted by municipalities and regional districts: integration of archaeological information into project planning and delivery as well as providing notification to applicants during the development and building permit application and approval process. Given that only a fraction of archaeological sites have been registered with the province, effective planning must include both known site locations and areas with the potential to contain protected but unrecorded archaeological sites.

The province has provided local governments with access to archaeological data and previous assessment results to aid in the planning of projects and other works. By raising the profile of archaeological site management within official community plans, local governments can flag archaeological issues at the earliest stages of development planning. Awareness helps to avoid or reduce damage to archaeological sites and early knowledge of archaeological constraints can reduce the potential for increased development costs and delays, negative press, and conflict within the community.

Service Delivery Implications
The CRD's approach to the management and respectful treatment of archaeological sites applies across the organization. The CRD Archaeology Manager provides technical oversight and direction to all divisions that involves risk reviews, development of archaeological scopes of work, attending bidders meetings, providing input into tender documents, managing archaeological consultant contracts, development and delivery of training to internal crews and contractors, collaboration with involved First Nations, report review and facilitation of First Nation involvement in field work.

Archaeology training offered to internal teams, volunteers and contractors includes archaeology awareness, archaeology policy and process, archaeological site identification, and archaeological chance find management. The trainings aim to increase awareness around First Nation expectations and to ensure that regulatory obligations are understood and followed.

The CRD Conservation and Protection of Heritage Sites policy and associated training reduce the risk of impacting known and as-yet unknown archaeological sites during project work. This in turn results in cost savings and increased project certainty, which in today's volatile construction environment is critical to achieving project success and maintaining relationships with involved First Nations.

Where new archaeological sites are identified on CRD-held properties by staff, volunteers or First Nations, the sites are registered in the provincial database. Because there is often a delay before sites are uploaded to the provincial database, as an interim measure the newly identified sites are also added to the internal CRD map so that operational staff are aware of the location and can prevent inadvertent impacts.

CRD staff are collaborating with First Nations to determine protection measures for registered archaeological sites. At times this assessment can result in boundary changes of the registered site, for example due to erosion or lack of full documentation when first recorded. In one community park where unregistered sites have been identified, CRD is partnering with First Nations to survey and record all sites in the park. This information will support park management and is an opportunity for knowledge sharing and reconciliation in action. In another location, CRD staff are working closely with First Nations to determine protection measures for registered archaeological sites in a regional park, to inform park management planning. Protection measures may at times include interpretive signage or information about the importance of the site however more often they include requests to not publicize the location and to adjust park management and operations to reduce public access to the site. CRD staff are implementing on-the-ground tangible actions in response to First Nations' requests, and First Nations have communicated their appreciation to CRD staff for taking heritage conservation stewardship seriously.

Where possible, CRD staff are establishing processes for regular meetings with First Nations staff (lands managers, guardians) and technical experts (archaeologists, biologists, ecologists, etc) to bring forward land altering works that have the potential to impact archaeological sites in their territory. Where archaeological consultants have been retained by the CRD, they lead the engagement with First Nations. Projects brought forward by staff have undergone internal review by the CRD Archaeology Manager, who works closely with CRD project managers to determine how the proposed work may impact archaeological sites or areas of cultural significance – design avoidance is discussed internally to help mitigate potential impacts, but if impacts are unavoidable the projects are brought forward to the Nations for discussion.

At these meetings the archaeological management approach is developed, data is shared, and a plan made on how/if the Nations or their preferred consultants are to be involved. Collaborating on the archaeological approach and sharing expectations early in the project lifecycle increases project certainty and supports long-term trust and relationship building.

Participation in field work is often requested, and when working in shared territories it is common and culturally appropriate for more than one First Nation to be represented on site.

Discussions between CRD staff and First Nations also inform policy and best practices, such as archaeological chance find management and communication protocols, the respectful treatment of ancestral remains, and archaeological site protection measures.

Through meetings, site visits, field work, informal discussions and formal gatherings, CRD staff continue to learn from First Nations' cultural workers, language holders and technical experts. Gaining a better understanding of each other's perspectives, roles and responsibilities allows for more trusted relationships to be built. The opportunity for staff to hear directly from cultural workers and First Nation representatives leads to an enriched work environment that fosters respect. In recognition that not all Nations have the capacity to meet with CRD on a regular basis, the approach remains flexible to meet the needs of involved First Nations.

Financial Implications
The in-house archaeologist is funded through the First Nations Relations annual budget. Cost and schedule savings to other CRD divisions include technical expertise to support project design, the ability to secure professional archaeological support within project timelines, and support for small scale works (e.g. service connections, water meters, culvert and trail repairs) that have the potential to impact archaeological sites but may not have sufficient budgets to engage with external resources. In-house technical expertise coupled with having and developing close working relationships with First Nation communities helps keep projects on time and reduces risk of inadvertent impacts to archaeological sites. Unauthorized impacts to archaeological sites can result in harm to First Nation communities and can also lead to criminal charges, imprisonment and significant fines under the HCA of up to $1,000,000.

CRD operations continue to retain external archaeological consultants where needed for capital projects and other works. The CRD has pre-qualified four archaeological firms who are endorsed and trusted by First Nations in the CRD. Each service area covers their own costs associated with contracting archaeological consultants and hiring First Nation representatives to permit, conduct field work and carry out the appropriate technical analysis and reporting as per provincial requirements.

CONCLUSION

The CRD's approach to archaeology and heritage site conservation includes policy, guidelines, training, external consultants, evolving collaborations with First Nations, and an in-house archaeologist. The CRD works closely with First Nations and the province to collaboratively manage and protect archaeological and heritage sites as guided by provincial legislation and First Nations' expectations and as a step towards reconciliation.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Shauna Huculak, M.A., RPCA, Manager, Archaeology
Concurrence:	Caitlyn Vernon, MES, Manager, First Nations Relations
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 06, 2023

SUBJECT **Appointment of Liaison to Accessibility Advisory Committee**

ISSUE SUMMARY

Appoint a liaison between the Accessibility Advisory Committee and the Governance Committee.

BACKGROUND

On April 12, 2023, the CRD Board approved the Accessibility Advisory Committee (AAC) Terms of Reference (Appendix A). The Terms of Reference states that "*The Governance Committee will recommend AAC member appointments to the CRD Board for up to a two-year term; and appoint a member as the liaison between the AAC and the Governance Committee.*"

The Governance Committee must appoint one of its members to the Accessibility Advisory Committee for one or two-year term. The Committee meets every two months on the third Tuesday at 1:00 pm. The next meeting is January 16, 2024. For additional information, please refer to the previous staff report dated April 5, 2023 (Appendix B).

ALTERNATIVES

Alternative 1
The Governance Committee recommends to the Capital Regional District Board:
That Director [X] be appointed as the Governance Committee liaison to the Accessibility Advisory Committee for a one-year term ending December 31, 2024.

Alternative 2
That this report be referred back to staff for additional options on appointing a CRD liaison to the Accessibility Advisory Committee.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That Director [X] be appointed as the Governance Committee liaison to the Accessibility Advisory Committee for a one-year term ending December 31, 2024.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Accessibility Advisory Committee Terms of Reference
Appendix B: Previous Staff Report dated April 5, 2023

Terms of Reference

CRD ACCESSIBILITY ADVISORY COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Accessibility Advisory Committee (AAC) is an advisory committee of the CRD Governance Committee created further to the *Accessible British Columbia Act.* The AAC is established to provide recommendations on improving accessibility to the Governance Committee on CRD policies, programs, services, built environments, infrastructure, and outdoor spaces that to improve the livability, inclusivity, and accessibility for persons with disabilities in the capital region.

The Committee's official name is to be:

Accessibility Advisory Committee

1.0 PURPOSE

The Accessibility Advisory Committee will:

a) Provide recommendations on the development of an accessibility plan.

b) Identify barriers of access to CRD services and programs for persons with disabilities in the community and recommend solutions for consideration by the CRD.

c) Be available as a resource to the CRD on matters relating to accessibility and participate in community engagement activities in an objective and unbiased manner, as needed, and avoid reflecting preferred outcomes.

d) Collaborate and share information and best practices with other committees and organizations focused on supporting persons with disabilities.

e) Provide input and advice to the Governance Committee on the best methods to engage the public and stakeholders.

f) Ensure that the accessibility plan and community engagement are neutral, balanced and inclusive.

g) Ensure that adequate information is provided to community members to enable them to provide informed feedback.

h) Remain objective and unbiased while overseeing the process of community education and participation.

i) Review CRD accessibility plan every three (3) years.

2.0 ESTABLISHMENT AND AUTHORITY

a) The Governance Committee will:

- Recommend AAC member appointments to the CRD Board for up to a two-year term; and
- Appoint a member as the liaison between the AAC and the Governance Committee.

b) The AAC will appoint a Chair and a Vice-Chair on an annual basis.

c) The AAC will report its input to the Governance Committee for consideration. The CRD Board is the final decision-making authority.

3.0 COMPOSITION OF VOTING MEMBERSHIP

a) To the extent that it is possible, members will be people from diverse backgrounds, including Indigenous peoples, no less than half of whom must either be persons with disabilities or persons representing a disability-serving organization.

b) The AAC will be composed of at least five (5), and up to 11, members.

c) The AAC may include both members external and internal to the CRD organization.

d) Members will be appointed for a 2-year term (except in the first year when 3 citizen appointments will be appointed for a 1-year term to allow for staggered expiration terms).

e) A term will equal 2 years, and members will serve no more than 3 consecutive terms (i.e. 6 years).

f) Public members of the AAC will receive an honorarium in the amount of $110.00 per meeting and reimbursement of any necessary travel expenses. Honoraria are not intended for members who are representatives of organizations or businesses where they are employed.

g) AAC vacancies will be publicly posted for a minimum of 30 days and appointments will be made in accordance with the CRD Appointment of Public Members to External Boards Policy.

4.0 PROCEDURES

a) The CRD Board Procedures Bylaw will apply.

b) The AAC shall meet at a minimum of every two (2) months at the call of the Chair and have special meetings, as required.

c) The agenda will be finalized in consultation between staff and the Chair.

d) A quorum is a majority of the committee membership and is required to conduct committee business.

e) AAC meetings will be held in a manner which is as accessible as possible by default, including but not limited to: accessible meeting locations; use of accessible hybrid virtual meeting technology; provision of accessibility supports including ASL interpreters and live caption services; and other as identified by the AAC.

5.0 RESOURCES AND SUPPORT

a) The Senior Manager, Human Resources and Corporate Safety, will lead the coordination and allocation of resources to the Committee.

b) Appropriate CRD staff and resources will be provided to assist with the activities of and support to the AAC.

c) Minutes and agendas are prepared and distributed by the Legislative Services division.

Approved by the CRD Board on April 12, 2023

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REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, APRIL 05, 2023

SUBJECT **Establishment of an Accessibility Advisory Committee**

ISSUE SUMMARY

To approve a Terms of Reference (TOR) to establish an Accessibility Advisory Committee (AAC), consistent with the *Accessible British Columbia Act*.

BACKGROUND

In June 2021, the *Accessible British Columbia Act* became law and provides a framework to identify, remove, and prevent barriers to accessibility. To advise the province on matters related to accessibility and to support the development of accessibility standards, the Province of British Columbia established the Provincial Accessibility Committee. This included the creation of a forward-looking, three-year government accessibility plan, determining which other organizations the law will apply to and developing a feedback tool to ensure people throughout the province can provide input on identifying, preventing and removing barriers.

In September 2022, new regulations came into force which require local governments to establish by September 2023: (1) an accessibility committee; (2) an accessibility plan; and (3) a tool to receive feedback on accessibility. By the regulations:

(1) Accessibility committees, to the extent possible, should have at least half of its members be persons with disabilities; represent a disability-serving organization. Membership should also reflect the diversity of British Columbians and have Indigenous representation. Committees may include members from inside or outside of the organization.

(2) An accessibility plan should outline how the organization will identify, remove and prevent barriers to people in the organization or interacting with it. The plan must be reviewed and updated at least once every three years. In developing or updating the accessibility plan, an organization must consult with its accessibility committee and consider specified principles: inclusion; adaptability; diversity; collaboration; self-determination; and universal design. In updating the accessibility plan, an organization must also consider comments received through its public feedback mechanism.

(3) A tool to receive feedback on accessibility will be developed and vetted through the AAC.

The attached TOR (Appendix A) has been prepared as the first step of creating an AAC. Consistent with the regulatory requirements, the key purpose of the AAC will be to:

a) Provide recommendations on the development of an accessibility plan.

b) Identify barriers of access to CRD services and programs for persons with disabilities in the community and recommend solutions for consideration by the CRD.

c) Be available as a resource to CRD on matters relating to accessibility and participate in community engagement activities in an objective and unbiased manner, as needed, and avoid reflecting preferred outcomes.

d) Collaborate and share information and best practices with other committees and organizations focused on supporting persons with disabilities.

e) Provide input and advice to the Governance Committee on the best methods to engage the public and stakeholders.

f) Ensure that the accessibility plan and community engagement are neutral, balanced and inclusive.

g) Ensure that adequate information is provided to community members to enable them to provide informed feedback.

h) Remain objective and unbiased while overseeing the process of the community education and participation.

i) Review CRD accessibility plan every three (3) years.

The AAC will report its input to the CRD Governance Committee for consideration, with the CRD Board as the final decision-making authority. The Governance Committee will recommend AAC member appointments to the CRD Board, for up to a two-year term, and will appoint a member as the liaison between the AAC and the Governance Committee.

Recruitment of AAC members will be advertised for a minimum of 30 days in accordance with the CRD policy on Appointment of Public Members to External Boards and shortlisted by the Appointments Advisory Committee, which will in turn recommend appointments to the CRD Board.

Public members of the AAC would receive an honorarium in the amount of $110.00 per meeting and reimbursement of any necessary travel expenses. Honoraria are not intended for members who are representatives of organizations or businesses where they are employed. AAC meetings will be held at a minimum of every two months, and in a manner which is as accessible as possible by default.

ALTERNATIVES

Alternative 1
The Governance Committee recommends to the Capital Regional District Board:

1. that the TOR for the Accessibility Advisory Committee (AAC) be adopted;
2. that staff be directed to proceed with recruitment of AAC members in accordance with the requirements of the CRD Appointment of Public Members to External Boards Policy;
3. that the TOR for Governance Committee be amended to include consideration of matters related to accessibility;

4. that public members of the AAC receive an honorarium in the amount of $110.00 per meeting and reimbursement of any necessary travel expenses; and
5. that staff report back on resources required to support the AAC as part of 2024 service planning.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Social Implications
As required of the *Accessible British Columbia Act* and Regulation, the AAC will provide the CRD with recommendations on policies, programs, services, built environments, infrastructure, and outdoor spaces that improve the livability, inclusivity, and accessibility for persons with disabilities in the capital region. The AAC must be established and have undertaken work on an accessibility plan by September 2023.

Given the legislated timelines, staff will begin working on an interim accessibility plan to ensure the plan is in place prior to September 2023, with the intention of reviewing it with the AAC once appointed. Staff anticipate the initial plan would be further developed and refined by the AAC members in accordance with the AAC's mandate and identified priorities.

Financial Implications
AAC members would receive an honorarium for their service. The CRD Board budget will be amended to account for this payment.

The establishment of this new committee will require additional staff time and other resources necessary to assist with administration of the committee meetings and implement the recommendations of the AAC. The required resources will be advanced through the 2024 service planning process and incorporated into the 2023-2027 Financial Plan.

Service Delivery Implications
Resources to lead the coordination and outcomes of the AAC will require replanning of other service requirements and will be evaluated for the 2024 service and financial planning process.

CONCLUSION

In September 2022, new regulations of the Province of British Columbia came into force which require local governments to establish, by September 2023, an accessibility committee, an accessibility plan and a tool to receive feedback on accessibility. Adoption of a TOR for an AAC and recruitment of committee members is the first step in meeting this new legislated requirement.

RECOMMENDATION

The Governance Committee recommends to the CRD Board:
1. that the TOR for the Accessibility Advisory Committee (AAC) be adopted;
2. that staff be directed to proceed with recruitment of ACC members in accordance with the requirements of the CRD Appointment of Public Members to External Boards Policy;
3. that the TOR for the Governance Committee be amended to include consideration of

matters related to accessibility;

4. that public members of the AAC receive an honorarium in the amount of $110.00 per meeting and reimbursement of any necessary travel expenses; and
5. that staff report back on resources required to support the AAC as part of 2024 service planning.

Submitted by:	Chris Neilson, MBA, CPHR, Senior Manager Human Resources & Corporate Safety
Concurrence:	Steve Carey, Acting General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: CRD Accessibility Advisory Committee Terms of Reference

Terms of Reference

CRD ACCESSIBILITY ADVISORY COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Accessibility Advisory Committee (AAC) is an advisory committee of the CRD Governance Committee created further to the *Accessible British Columbia Act.* The AAC is established to provide recommendations on improving accessibility to the Governance Committee on CRD policies, programs, services, built environments, infrastructure, and outdoor spaces that to improve the livability, inclusivity, and accessibility for persons with disabilities in the capital region.

The Committee's official name is to be:

Accessibility Advisory Committee

1.0 PURPOSE

The Accessibility Advisory Committee will:

a) Provide recommendations on the development of an accessibility plan.

b) Identify barriers of access to CRD services and programs for persons with disabilities in the community and recommend solutions for consideration by the CRD.

c) Be available as a resource to the CRD on matters relating to accessibility and participate in community engagement activities in an objective and unbiased manner, as needed, and avoid reflecting preferred outcomes.

d) Collaborate and share information and best practices with other committees and organizations focused on supporting persons with disabilities.

e) Provide input and advice to the Governance Committee on the best methods to engage the public and stakeholders.

f) Ensure that the accessibility plan and community engagement are neutral, balanced and inclusive.

g) Ensure that adequate information is provided to community members to enable them to provide informed feedback.

h) Remain objective and unbiased while overseeing the process of community education and participation.

i) Review CRD accessibility plan every three (3) years.

2.0 ESTABLISHMENT AND AUTHORITY

a) The Governance Committee will:

- Recommend AAC member appointments to the CRD Board for up to a two-year term; and
- Appoint a member as the liaison between the AAC and the Governance Committee.

b) The AAC will appoint a Chair and a Vice-Chair on an annual basis.

c) The AAC will report its input to the Governance Committee for consideration. The CRD Board is the final decision-making authority.

3.0 COMPOSITION OF VOTING MEMBERSHIP

a) To the extent that it is possible, members will be people from diverse backgrounds, including Indigenous peoples, no less than half of whom must either be persons with disabilities or persons representing a disability-serving organization.

b) The AAC will be composed of at least five (5), and up to 11, members.

c) The AAC may include both members external and internal to the CRD organization.

d) Members will be appointed for a 2-year term (except in the first year when 3 citizen appointments will be appointed for a 1-year term to allow for staggered expiration terms).

e) A term will equal 2 years, and members will serve no more than 3 consecutive terms (i.e. 6 years).

f) Public members of the AAC will receive an honorarium in the amount of $110.00 per meeting and reimbursement of any necessary travel expenses. Honoraria are not intended for members who are representatives of organizations or businesses where they are employed.

g) AAC vacancies will be publicly posted for a minimum of 30 days and appointments will be made in accordance with the CRD Appointment of Public Members to External Boards Policy.

4.0 PROCEDURES

a) The CRD Board Procedures Bylaw will apply.

b) The AAC shall meet at a minimum of every two (2) months at the call of the Chair and have special meetings, as required.

c) The agenda will be finalized in consultation between staff and the Chair.

d) A quorum is a majority of the committee membership and is required to conduct committee business.

e) AAC meetings will be held in a manner which is as accessible as possible by default, including but not limited to: accessible meeting locations; use of accessible hybrid virtual meeting technology; provision of accessibility supports including ASL interpreters and live caption services; and other as identified by the AAC.

5.0 RESOURCES AND SUPPORT

a) The Senior Manager, Human Resources and Corporate Safety, will lead the coordination and allocation of resources to the Committee.

b) Appropriate CRD staff and resources will be provided to assist with the activities of and support to the AAC.

c) Minutes and agendas are prepared and distributed by the Legislative Services division.

Approved by the CRD Board on _____

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REPORT TO REGIONAL PARKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 22, 2023

SUBJECT **Regional Parks – Interim Management Guidelines**

ISSUE SUMMARY

To provide information on interim management guidelines that are used to inform the management of CRD-owned parkland prior to a park management plan being in place.

BACKGROUND

The CRD established a management planning process in 2006 with the development of The Pathway for Regional Parks and Trails Management Planning (see Appendix A). Utilizing this process, management plans take on average 3+ years to develop from project initiation to completion. Depending on the number of management planning processes underway, it may take multiple years before a management planning process can be initiated after a new acquisition.

To guide the development and use of CRD-owned parkland prior to a management plan being in place, staff develop interim management guidelines (IMGs) for each newly-acquired park. IMGs provide direction for engagement with First Nations and gathering information needed to inform the development of a park management plan, while protecting and promoting park values.

To date, IMGs have been developed for Ayum Creek, Sooke Potholes, and Mill Farm regional parks. The Mill Farm Regional Park Reserve Interim Management Guidelines (see Appendix B) were the last IMGs approved by the Parks & Environment Committee in 2019. Plans are in place to develop a set of similar IMGs for Wrigglesworth Lake, Mountain Forest and Royal Oak Golf Course regional parks.

IMPLICATIONS

First Nations Reconciliation

The Regional Parks and Trails Strategic Plan 2022-2032 (Strategic Plan) establishes that the CRD is to form *strong, collaborative and mutually beneficial relationships with First Nations through working in partnership*. The use of IMGs supports this goal by providing guidance and expanded timelines to engage with First Nations to learn how First Nations knowledge and practices can be incorporated into the future management and operation of regional parks. This includes maintaining an open dialogue with First Nations to confirm that cultural values and traditional uses are respected, and management priorities and actions are relevant and meaningful. The CRD is having active discussions with local First Nations on the future of the Royal Oak Golf Course regional park.

Social Implications

While an IMG is in place, a precautionary approach is taken when considering developing park infrastructure and sanctioning visitor uses to ensure park values are protected. A broader range and higher intensity of development and use may be considered after sufficient site information

has been gathered and vetted through a management planning process.

Financial Implications

Identifying budget allocations to implement interim management actions will occur through the CRD's regular annual budgeting planning process.

Service Delivery Implications

The IMGs improve service delivery in the following ways:

- Management direction is provided that guides the development of basic park infrastructure and sanctioning of low-impact visitor uses that utilizes existing infrastructure until such time that a management planning process is undertaken;
- A public-facing IMGs document is prepared for each park, which includes a park development concept drawing and list of interim management actions that are to be completed; and
- Interim park management is standardized and incorporates direction from the Strategic Plan.

Environmental & Climate Implications

The IMGs are intended to ensure environmental values are identified and not negatively impacted through interim development or public use. The IMGs also outline ecological and archaeological information that will be gathered in advance of the development of a future park management plan.

Alignment with Existing Plans & Strategies

The use of IMGs supports the following Strategic Plan Climate Action & Resiliency priority:

> 4-4 Ensure the long-term and consistent management of regional parks and protected natural areas.

The following action was developed to meet the above priority, and is further supported by utilizing IMGs:

> 4.4b Engage and involve First Nations governments, stakeholders and the public in the preparation and implementation of park management plans to ensure transparency, knowledge sharing and adaptability.

An IMG is monitored, evaluated and revised, as necessary, to ensure alignment with ongoing First Nations engagement and to adapt to new information or changing priorities.

CONCLUSION

CRD staff prepare IMGs to guide the development and use of newly acquired parkland. IMGs prioritize relationship-building with First Nations, information-gathering, and protecting park values until such time that a management planning process is undertaken, and a greater diversity and intensity of uses may be considered. Plans are in place to develop IMGs for Wrigglesworth Lake, Mountain Forest and Royal Oak Golf Course regional parks and will be brought to the Regional Parks Committee for decision.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Jeff Leahy, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: The Pathway for Regional Parks and Trails Management Planning (March 2006)
Appendix B: Mill Farm Regional Park Reserve – Interim Management Guidelines (November 27, 2019)

CAPITAL REGIONAL DISTRICT
Regional Parks

1 CRD Regional Parks Management Planning
Context of Regional Parks Management Planning

2 Regional Parks Management Planning Model

3 Regional Parks Management Planning Process
Regional Parks Management Zone Guidelines

4 Writing the Plan
Regional Parks Management Plan Template

the pathway

MARCH 2006

FOR REGIONAL PARKS AND TRAILS
MANAGEMENT PLANNING

> *Guidance for regional park management requires formal plans that clearly state goals, objectives, and standards and prescribe specific actions necessary for meeting those objectives and standards.*

CRD Regional Parks Management Planning

INTRODUCTION

The CRD Parks Master Plan (Master Plan) sets out broad strategic goals for regional parks. It is system-wide in scope and provides the vision and purpose of CRD Parks. The Plan establishes a framework for managing regional parks and trails through the creation of park management plans.

Park management plans describe goals, objectives, and actions for protecting the natural environment and cultural features in a regional park or regional trail. The plan also identifies the types of permitted outdoor recreation uses and where they will be allowed, the types and locations of park facilities, and types of services. Lack of a plan leaves parks without management direction. This can negatively affect the protection of natural and cultural features, visitor services, facilities management, and budgeting.

Until now, CRD Parks has not had a defined process for preparing park management plans. Although the general process and goals for park management planning is presented in the Master Plan, the specific process for preparing individual park management plans has been defined in the terms of reference for each planning project. Although this provided guidance for individual planning processes, there was no over riding specific policy about park management planning. At its June 1, 2005 meeting, the Parks Committee approved a Terms of Reference (TOR) for conducting a review of the park management planning process including:

- reviewing how other agencies conduct their planning processes
- consulting with municipal, provincial, and federal parks and planning staff
- consulting with the Parks Committee to ensure that the plans meet the committee's needs and
- consulting with the staff of CRD Parks

The Parks Committee also directed staff to report back with the results of the review and provide recommendations for a new planning process that would:

- be within the staff and financial resources of CRD Parks
- meet professional planning values
- reach for excellence in planning, and
- be efficient, effective and inclusive

The park management planning process review is now complete. CRD Parks has developed a planning process that meets the required criteria and incorporates the results of the consultation process and other agency best practices. This document highlights the key features of the recommended CRD Parks management planning process. It gives an overview of the context for and logic of park management planning and describes the planning process model, park management zones, and the framework for the planning document.

Context of Regional Parks Management Planning

NEED FOR PARK PLANNING

Guidance for regional park and trail management requires formal plans that clearly state goals, objectives, and standards and that prescribe specific actions necessary for meeting those objectives and standards. The park management plan translates the more general direction of the CRD Parks Master Plan into direction that guides management of individual parks and trails.

Through planning, managers can reconcile differences in management philosophy and ideas before taking actions that have long-range effects on the park resource. Good plans have a stabilizing influence on management. Consistent outcomes in park management depend on plans that establish clear, attainable, measurable, and acceptable objectives and standards for a park and the actions involved in pursuing such objectives. In the coming decades, successful park management will depend a great deal on the quality of plans that guide management actions.

LINKS WITH OTHER PLANS

Park management plans comprise only one part of an agency's strategy for managing park systems. They roll out of strategic plans that define the overall agency mandate, purpose, vision, and focus. They

CONTINUED ON PAGE 2

also spur the development of implementation or action plans. Implementation plans describe methods for achieving objectives in the park management plan, whereas park management plans describe the basic management philosophy for the entire park unit and provide strategies for addressing issues and achieving management objectives for a ten-year period.

PLANNING VALUES

The Canadian Institute of Planners (CIP) has adopted a set of values that provides a useful foundation for CRD Parks planning. The values of the CIP are based on the assumption that planners work for the public good; that planning includes a concern for equity, efficiency, and a respect for the land as a community resource; and that planning contributes to the conservation of natural and cultural heritage, promotes healthy communities, and improves the quality of life for all people. In order to achieve excellence in planning, CRD Parks has embedded its management planning process within these core values.

PLANNING PRINCIPLES

In addition to the above set of core values, CRD Parks will adhere to the following set of planning principles:

- Procedural fairness
- Consultation before action
- Access to information
- Systematic procedure
- Plans address issues
- Plans are science-based
- Defined decision-making authority
- Responsive to changing conditions

These planning principles provide the foundation for the development of consistent and useful park management plans that are in line with the overall purposes of the regional park system.

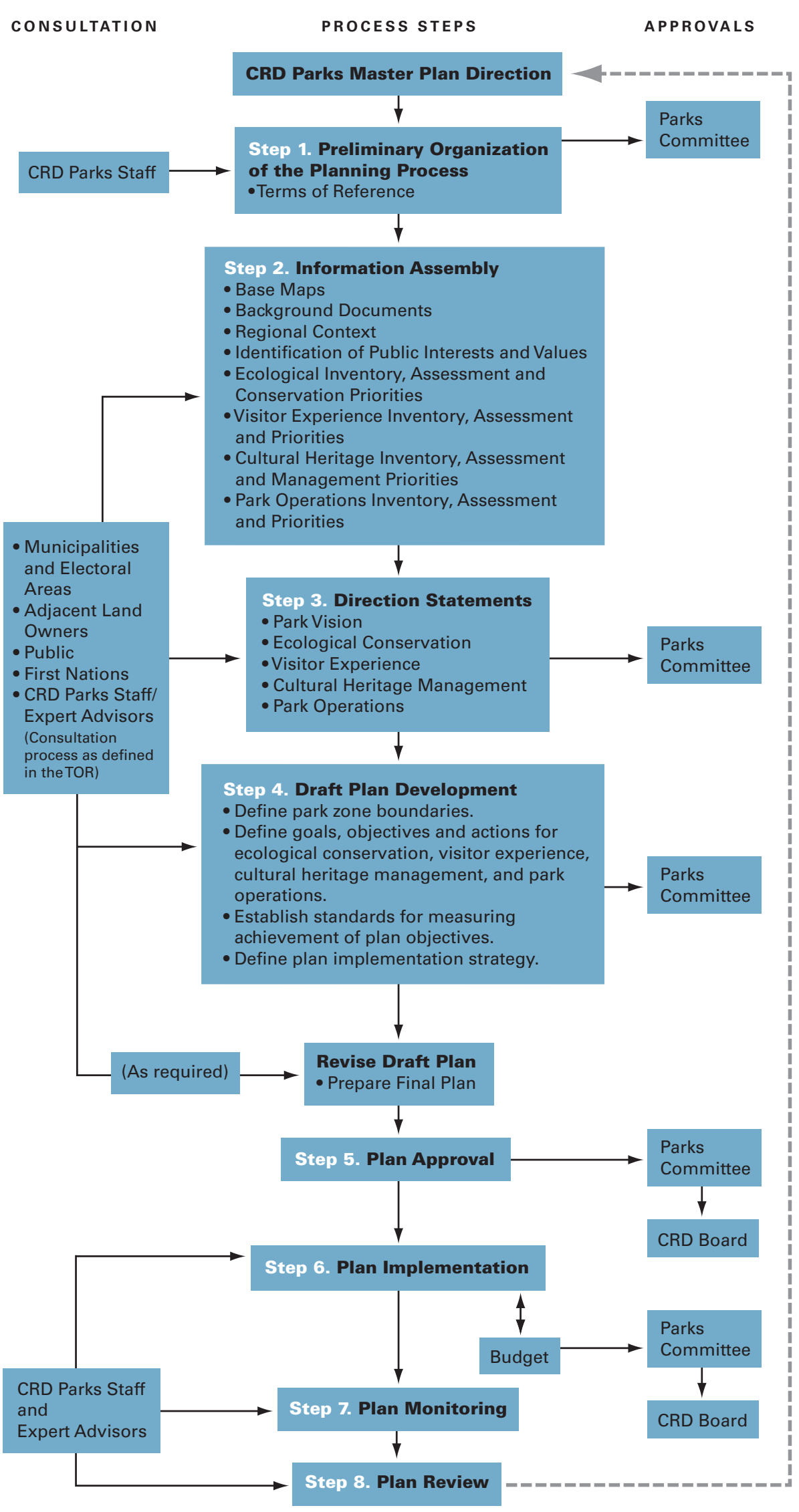
CONSULTATION

Consultation is especially important for the management of regional parks and trails. If park management plans are to have credibility and acceptance, the public must have an opportunity to help formulate these documents. Involving the public is an integral part of the CRD's park management plan decision-making process.

FIRST NATION PARTICIPATION

CRD Parks encourages First Nations participation in its management planning processes to ensure that decisions are sensitive to aboriginal interests. It is important for CRD Parks to participate in meaningful consultation and address First Nations interests in its regional parks and trails when CRD Parks planning processes affect these interests. One of the best ways to accomplish this goal is to build solid, lasting, respectful, and mutually beneficial relationships with First Nations.

REGIONAL PARKS MANAGEMENT PLANNING MODEL





Photographs (L to R): *Sooke Hills; On top of Mt. Manuel Quimper*

Regional Parks Management Planning Process

CRD Parks is adopting a park management planning process based on three main activity streams: (1) consultation; (2) process steps; and (3) approvals. The CRD Parks Management Planning Model on page 2 highlights these activity streams. The Planning Model illustrates how the CRD will conduct the process of park management planning and incorporates the principle of flexibility as fundamental in designing a planning process. The principle of flexibility exists to adjust planning and public involvement procedures to suit specific situations and the requirements of various planning participants.

Each project's Terms of Reference (TOR) defines the scope of consultation. Consultation can range from simply informing the public about the planning process to full collaboration with the public in the decision-making process. Consultation may include the creation of an advisory committee. The project's TOR defines the advisory committee's selection process and decision-making authority and requires the approval of the Parks Committee. Municipalities and Electoral Areas in which the park or trail is located will be directly involved throughout the consultation process.

First Nations consultation is important to the management planning process. The planning project's TOR will define how CRD Parks and First Nations will work together on the park management plan.

Planning projects involve CRD staff and may involve outside consultants. The project's TOR defines the nature and scope of this participation. For each project, CRD Parks will put together a core project management team and a technical team. These teams provide supervision and advice throughout the planning process and during the implementation of the plan. CRD Parks may also hire expert advisors to provide professional advice and services as required.

Consideration and approval by the Parks Committee and CRD Board is an integral component of the planning process. There are key stages in each planning process that require Committee or Board approval. The Parks Committee must approve the project's TOR, direction statements, draft plan, final plan, and budget. The CRD Board approves the final plan and budget when recommended by the Parks Committee.

Although the steps in the planning process follow a logical sequence, the planning group may undertake a number of activities concurrently depending upon the nature of the project.

WHAT'S KEY?

CRD Parks' planning process is distinctive in at least four fundamental ways:

- More time is spent up-front collecting information and establishing park management priorities based on science
- The public consultation process is customized to fit each planning situation in the recognition that every planning situation is unique
- Once background information and priorities have been established through consultation, the planner sets to the task of preparing the plan
- Plan implementation is built into the planning process to ensure that plan implementation is timely and efficient

Regional Parks Management Zone Guidelines

The CRD Parks Master Plan sets out the general management direction for each regional park through park classifications. Providing more precise land management for particular areas within a park requires more detailed reviews of different areas that take into account specific environmental needs and unique features. A specific park management unit, or park management "zone," may include regional parks with natural areas that have common ecological factors. Zones define which activities the park or trail can accommodate and what type of visitor experience the management of the zone aims to provide.

Management Zones	Objectives	Environmental Values	Visitor Experience and Activities	Typical Infrastructure
Environmental Protection Zone	• To protect ecologically significant areas within regional parks through long term science-based land stewardship	• Areas with rare or endangered species and ecosystems needing the highest degree of ecological protection • In some areas, visitor access may be restricted.	• Nature study • Environmental interpretation • Visitor experience is centered around appreciation of natural features.	• Low-impact nature trails and other infrastructure that enhance appreciation of the natural feature(s)
Cultural Heritage Protection Zone	• To protect culturally significant areas and features through a long term cultural resource management strategy	• Ecological features associated with culturally significant sites may be protected as part of the culturally significant features of the park or trail (e.g. heritage orchards)	• Cultural appreciation and interpretation • Historical appreciation • Visitor experience is one of appreciating and understanding the cultural context of the feature	• Low-impact nature trails and other infrastructure that enhance appreciation of the cultural feature(s)
Regional Wilderness Zone	• To keep large natural systems functioning and provide a regional wilderness experience for park visitors	• Contiguous land areas large enough to protect the natural values • Areas with outstanding natural features that create a memorable visitor experience • Ecosystems are functioning in a sustainable fashion	• Activities dispersed over a wide area • Some backcountry areas could be available for hiking, cycling, and horseback riding • Visitor experience is one of being in a wilderness setting • Backcountry camping may be permitted	• Long distance hiking, equestrian and cycling trails • Trails to viewpoints
Natural Environment Zone	• To provide easily-accessible natural areas within the parks • To provide areas within the parks that can be used for more active recreational pursuits	• Areas where outdoor activities take place in conjunction with protection of natural features • Less remote than wilderness • Can act as a buffer between wilderness and recreation zones	• Activities less dispersed than in a wilderness zone, and more accessible to visitors • Horseback riding, cycling and hiking, shoreline activities • Visitor experience is one of participating in outdoor activities in a natural setting.	• Hiking, walking, equestrian and cycling trails • Viewpoints • Pathways • Picnic areas • Open fields
Outdoor Recreation Zone	• To provide areas within a regional park that can accommodate concentrated recreation use	• Outstanding recreation features • Natural values may be compromised to allow higher level of activity	• Activities more concentrated-e.g., beach activities, swimming, boating, fishing, picnicking, multi-use trails, group picnic areas • Visitor experience includes active participation in outdoor recreation activities	• Change rooms • Concessions, • Boat launch sites • Beaches • Group picnic shelters • Nature houses
Park Services Zone	• To provide areas within a park needed to support park services	• Natural values secondary to park service needs • Considerable landscape modification allowed	• Visitor-oriented and park operation services	• Parking lots • Storage areas • Washroom buildings • Park operations buildings

Writing the Plan

GOAL-ACHIEVEMENT FRAMEWORK

CRD Parks has adopted a goal-achievement framework for park management. This framework emphasizes planning as a process for making decisions that will enable management to achieve clearly stated goals and objectives. Goals and objectives serve two purposes within a plan: (1) they are criteria for determining what management policies and actions are necessary, and (2) they are the targets against which to measure the effectiveness of park management.

The goal-achievement framework that CRD Parks has adopted for organizing and writing park management plans is a framework that supports a management-by-objectives approach. It features clear statements of goals and objectives followed by the management actions needed to achieve them.

PLANNING LOGIC AND TERMINOLOGY

Regional parks and trails management planning incorporates basic planning concepts. These concepts provide a terminology for discussing the direction of management, from goals and objectives to specific actions. The relationship among the components of the framework—the planning logic—is important; for example, planned actions are the means of pursuing goals and objectives. The planning concepts are as follows:

Goals are general portraits of ideal ends or effects. They limit the range of potential objectives by providing direction and purpose. Goals are often lofty statements of intent.

Objectives are attainable in the short-term and are more specific than goals. The goals shape the objectives. Clearly stated objectives are the key to effective park management plans.

Actions are specific management policies and practices used to achieve objectives within the constraints of agency policy and regulations.

Policies are explicit expressions of intent that describe what management will do to attain objectives. Sometimes a policy describes what management will not do or otherwise prescribes constraints on management activity.

Standards are measurable statements—based on the objectives—that define minimally acceptable conditions. They serve as reference points that can trigger corrective management actions if conditions are not acceptable.

Most of the substantive content of CRD Regional Parks management plans will consist of goals and objectives and associated actions to achieve these objectives.

Regional Parks Management Plan Template

CRD Parks has developed a template for writing park management plans. The intent of the template is to serve as a basis for preparing park management plans while retaining enough flexibility to adapt to the needs of a particular planning project.

As much as possible, planners will follow the template in order to make CRD Parks management plans comparable and ensure that each plan includes core information necessary to provide management direction.

MANAGEMENT PLAN TEMPLATE

Introduction

1. Introduction – provides a brief description of the plan area, the purpose for undertaking the plan, and the organization of the plan.

Background

2. Relationship to the Regional Parks and Trails System – states how the park or trail fits into the overall system.
    - 2.1. Role of the Park or Trail – describes the role of the park within the regional system.
    - 2.2. Park Classification – defines the park classification according to criteria set out in the CRD Parks Master Plan.
3. Background Information – provides necessary background information on the history of the park, ecological values, visitor use, cultural resources, regional context, demographics, and other information that may affect the park.
4. Consultation – describes the consultation process.
5. First Nations Consultation – describes the process for consultation with First Nations and any agreements or Memorandums of Understanding (MOU) with First Nations.
6. Links to Other Plans – states how this park management plan links to other CRD Parks plans, including the Master Plan, conservation plan, infrastructure plan, communications plan, universal access plan, interpretive plan, and volunteer services plan. It may also link this plan to outside management plans prepared by other agencies.

The Plan

7. Park Direction Statements – defines the management direction for ecological conservation, visitor experience, cultural heritage management, and park operations.
8. Park Vision – defines the vision for the park.
9. Planning Principles – lists the principles used to guide the planning process.
10. Park Zoning – provides a description and map of park zones.
11. Management Goals, Objectives, Actions, Policies, and Standards – the bulk of the planning document. Defines management goals, objectives, actions, policies, and standards for the following major areas.
    - 11.1. Ecological Conservation
    - 11.2. Cultural Heritage Management
    - 11.3. Visitor Experience
        - 11.3.1. Visitor Experiences and Activities
        - 11.3.2. Visitor Services
        - 11.3.3. Communications
    - 11.4. Park Operations
        - 11.4.1 Park Infrastructure
        - 11.4.2 Park Maintenance and Development
        - 11.4.3 Other Operational Issues

Plan Implementation, Monitoring, and Review

12. Plan Implementation – describes the plan's implementation strategy.
13. Plan Monitoring and Evaluation – describes the plan's monitoring and evaluation strategy.
14. Plan Review – describes the method and time frame for reviewing the plan.

Summary

The vision of Regional Parks is to protect our natural environment while giving us the means to remain in close touch with nature. Regional Parks will continue to serve as a leading advocate for the protection of the region's green and blue spaces, fostering in all of us a better understanding of nature, our place in the natural environment, and a healthy lifestyle through outdoor experiences and activities.

CAPITAL REGIONAL DISTRICT
Regional Parks
490 Atkins Avenue
Victoria BC V9B 2Z8
T 250.478.3344 | F 250.478.5416
www.crd.bc.ca

Making a difference...together

Mill Farm Regional Park Reserve
Interim Management Guidelines

November 27, 2019



Capital Regional District | Regional Parks
490 Atkins Avenue, Victoria BC V9B 2Z8
T: 250.478.3344 | www.crd.bc.ca/parks

Making a difference...together

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1 Context

Purpose

These Interim Management Guidelines (IMGs) provide management direction for the protection, development and use of the park reserve until a park management plan is approved. They also provide guidance on research, development, and other actions needed or anticipated in the next five years.

Mill Farm Land Acquisition

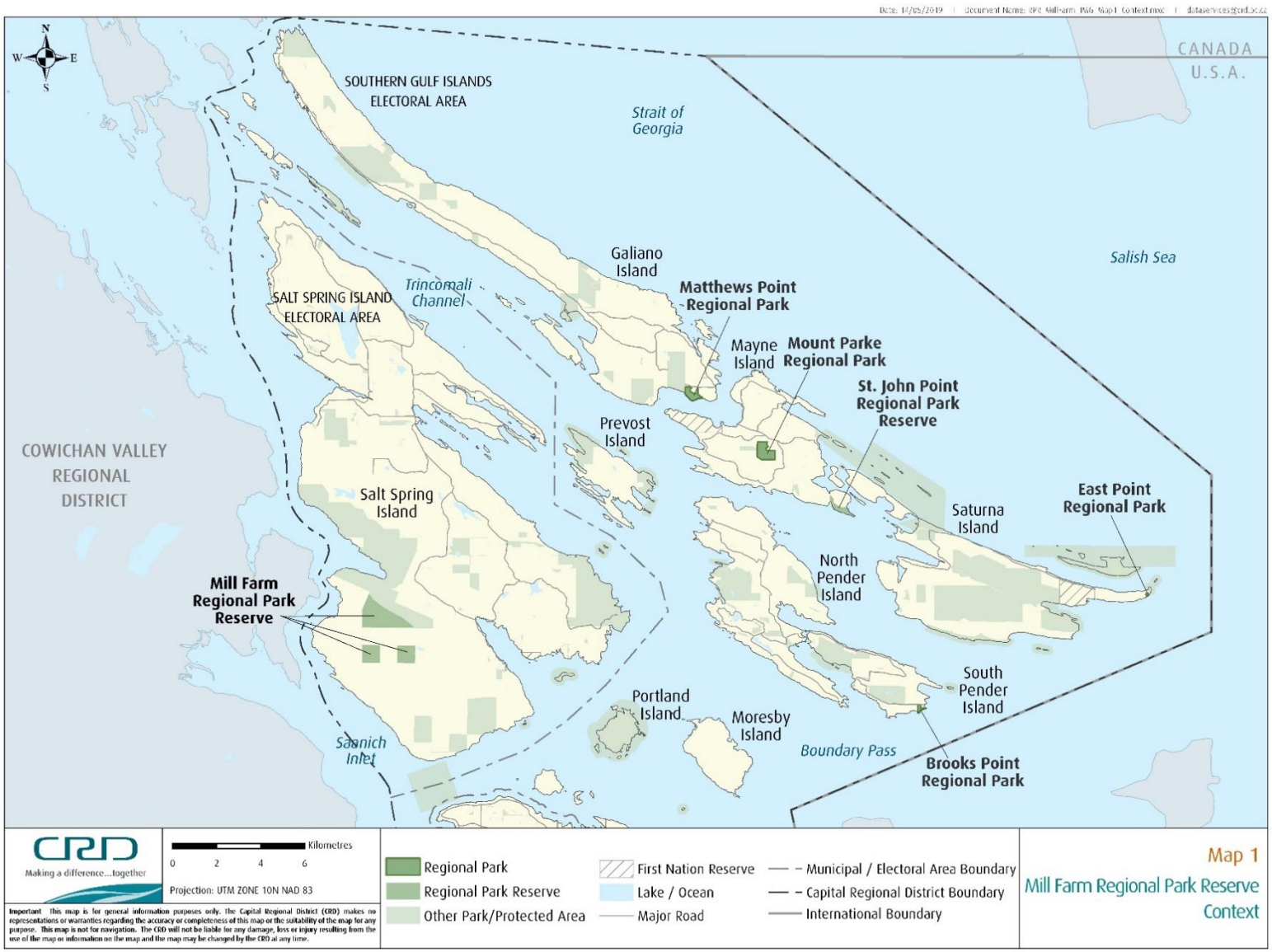
Mill Farm Regional Park Reserve is 315 hectares in size and one of six regional parks/park reserves in the Gulf Islands (Map 1). The initial parcel was acquired in 1996 (southwest block), with additions in 1999 (triangular Mount Sullivan parcel), 2001 (northeast slopes of Mount Sullivan/Mount Bruce, later transferred to the Province for provincial park purposes), and 2004 (southeast block, acquired through the land transfer with the Province). The Province of BC holds a covenant over the southwest block, requiring that it be used, managed and maintained for park purposes.

The establishment of Mill Farm Regional Park Reserve was part of a larger conservation vision developed by the Salt Spring Island Conservation Partnership in the late 1990s and early 2000s. The Conservation Partnership was a consortium of all levels of government and several conservation organizations working together to establish parks and protected areas. At that time, the vision for Salt Spring Island included a regional park stretching north from Musgrave Landing to Burgoyne Bay and east-west connecting Hope Hill, Mount Bruce and Mount Sullivan and a provincial park linking Burgoyne Bay with Mount Maxwell Provincial Park, Mount Maxwell Ecological Reserve and other protected lands to the north of Burgoyne Bay.

Park Values

First Nations peoples have used Burgoyne Bay, Fulford Harbour, the Burgoyne Valley, and associated uplands for thousands of years to access fish, wildlife and plants. These areas may also have included a village site or ceremonial sites. Areas of high potential for archaeological features exist within all three parcels that make up the regional park reserve.

The southwest block of the park reserve is in the Coastal Douglas fir biogeoclimatic zone. The other two blocks are within the Coastal Western Hemlock biogeoclimatic zone. Currently, the park reserve includes a mix of young, mature and old Douglas fir and cedar forests, fir-arbutus woodlands, wetlands,


Date: 14/05/2019 | Document Name: CRD Mill Farm PARS Map1 Context.mxd | dataservices@crd.bc.ca
N
W
E
S
CANADA
U.S.A.
SOUTHERN GULF ISLANDS
ELECTORAL AREA
Strait of
Georgia
Salish Sea
Galiano
Island
Trincomali
Channel
SALT SPRING ISLAND
ELECTORAL AREA
Matthews Point
Regional Park
Mayne
Island
Mount Parke
Regional Park
St. John Point
Regional Park
Reserve
Prevost
Island
COWICHAN VALLEY
REGIONAL
DISTRICT
Salt Spring
Island
East Point
Regional Park
Saturna
Island
North
Pender
Island
Mill Farm
Regional Park
Reserve
South
Pender
Island
Portland
Island
Moresby
Island
Saanich
Inlet
Boundary Pass
Brooks Point
Regional Park
CRD
Making a difference...together
Kilometres
0 2 4 6
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Regional Park
Regional Park Reserve
Other Park/Protected Area
First Nation Reserve
Lake / Ocean
Major Road
Municipal / Electoral Area Boundary
Capital Regional District Boundary
International Boundary
Map 1
Mill Farm Regional Park Reserve
Context

and rocky outcrops with sensitive soils and vegetation. The park reserve provides climate change resilience by providing ecological services (e.g., clean water, carbon storage and sequestration) and a range of habitat gradients (elevations) for of flora and fauna. Limited species surveys have been undertaken on the park lands but the southwest section of Salt Spring Island is known for its ecological values, including many species of significance under the *Species at Risk Act*.

The regional park is part of a larger protected area network and links to other protected areas—Burgoyne Bay Provincial Park to the north, Alvin Indridson Nature Reserve (Salt Spring Island Conservancy) to the south, and Crown land between the three parcels of Mill Farm Regional Park.

A network of former logging roads and informal trails exist in the regional park reserve. Some of them provide recreational value and are used informally by hikers, cyclists and equestrians. Because of the elevations in the park, scenic vistas over Samsun Narrows exist in some areas.

2 Park Classification & Role

The Regional Parks Strategic Plan 2012-2021 classifies Mill Farm Regional Park Reserve as a regional natural area. The natural area classification protects key greenspaces that are important to the natural character of the region.

The role of regional natural areas is to protect the natural environment and provide opportunities for a range of appropriate outdoor experiences and activities. Any sensitive or threatened ecosystems within a regional natural area are to be identified and conservation is to be the priority in those areas.

3 Issue Identification

Existing issues include:

- access and unmanaged use, including various access points, unauthorized motorized use, informal trails, opportunistic cutting/removal of downed trees
- little or dated ecological information
- a changing climate regime impacting ecosystems and forest ecology
- little knowledge of First Nations use
- limited knowledge of current level of use
- the park has been in reserve status for 23 years with no development and limited management or consideration of emergency needs

4 Interim Goals

Protecting Ecological Values

1) Protect ecologically sensitive areas from disturbance from development and use.
2) Gather baseline ecological information needed for park management planning.

Protecting Cultural Values

3) Protect known archaeological sites and key archaeological areas from disturbance from development and use.
4) Gather baseline archaeological information needed for park management planning.

Providing Visitor Opportunities

5) Provide interim/base opportunities for low-impact, non-motorized outdoor recreation experiences.
6) Gather baseline social science information needed for park management planning.

Identifying and Building Relationships

7) Build working relationships with key First Nations and provincial staff (BC Parks, FLNRO, and Transportation & Infrastructure).
8) Build relationships with key Salt Spring Island groups needed for park management planning.

5 Interim Management Direction

During the interim period:

1) A multi-disciplinary team approach will be used for decision-making and management of the park reserve.
2) Until adequate environmental and archaeological data are in place, a precautionary approach will be used to ensure that park values are protected.
3) Visitor facilities will be limited to those identified in the interim development concept.
4) Where visitor facilities are, or are proposed, proximate to known archaeological features, areas with high potential for archaeological features, or known species at risk or sensitive habitats, additional study will be undertaken to determine the appropriate location and any mitigation measures.
5) Hiking, cycling and equestrian use will be permitted on the designated interim park trails.
6) Regional park regulations/prohibitions (e.g., no fires, no camping, no alcohol, no motorized vehicles, dogs under control) and standard enforcement practices will apply.

7) The Musgrave Road access will be considered the primary access to the park reserve, with Mount Bruce Road and Burgoyne Bay park trail as secondary accesses.

6 Interim Management Actions

- As necessary, undertake research regarding archaeological and cultural values.
- Assess public safety hazards (fire, emergency services, park terrain) and undertake actions and establish protocols needed to address them.
- Work with provincial staff to consider options relating to the existing informal trail across provincial land that links the proposed regional park trail, as shown in the development concept.
- Prepare all mapping products.
- Prepare public information and messaging, as needed.
- Implement the interim development concept.
- Undertake research to identify significant/sensitive ecological or habitat areas within the park to ensure on-going protection (e.g., species at risk).
- Conduct a baseline visitor survey and levels of use information in advance of development of the management plan.

7 Interim Development Concept

The interim development concept outlined below is illustrated on Map 2. It includes a small amount of parking and an orientation sign at the primary access on Musgrave Road and three designated, signed interim trails—Mill Farm Trail, linking the Musgrave Road regional park access to the Burgoyne Bay Provincial Park, Lookout Trail, leading from Mill Farm Trail to the lookout location on the northwest side of the park and Forest Trail, leading from Mount Bruce Road to Alvin Indridson Nature Reserve.

More specifically, interim developments includes:

Gates/Barriers

- In addition to existing gates and rock barriers, additional gates/barriers may be added at key locations, including the park entrance from Mount Bruce Road, to preclude motorized access to the park reserve.

Trail System

- Formalize a base trail system to link the Musgrave Road primary access point to Burgoyne Bay Provincial Park, to the viewpoint on the northwest side of the regional park, and through the east block of the park reserve, connecting Mount Bruce Road to the Conservancy's Alvin

Indridson Nature Reserve, using former logging roads. Minor reroutes will be used where best addressed or where the reroute is an alternative along a former logging road. Ecological assessments should be considered when determining the best location for any reroutes.

- Assess the potential to create a loop trail opportunity between the viewpoint and the trail access to/from Burgoyne Bay Provincial Park.
- Work with the Province of BC regarding the trail that crosses Crown land and links two sections of Mill Farm Trail.
- Install limited wayfinding signs at key decision points, including an orientation map for those accessing the regional park reserve at the Musgrave Road parking area, from Mount Bruce Road and from Burgoyne Bay Provincial Park.
- Install regulatory and other cautionary or information signs as needed.
- Install trail counter(s) to monitor interim use levels.

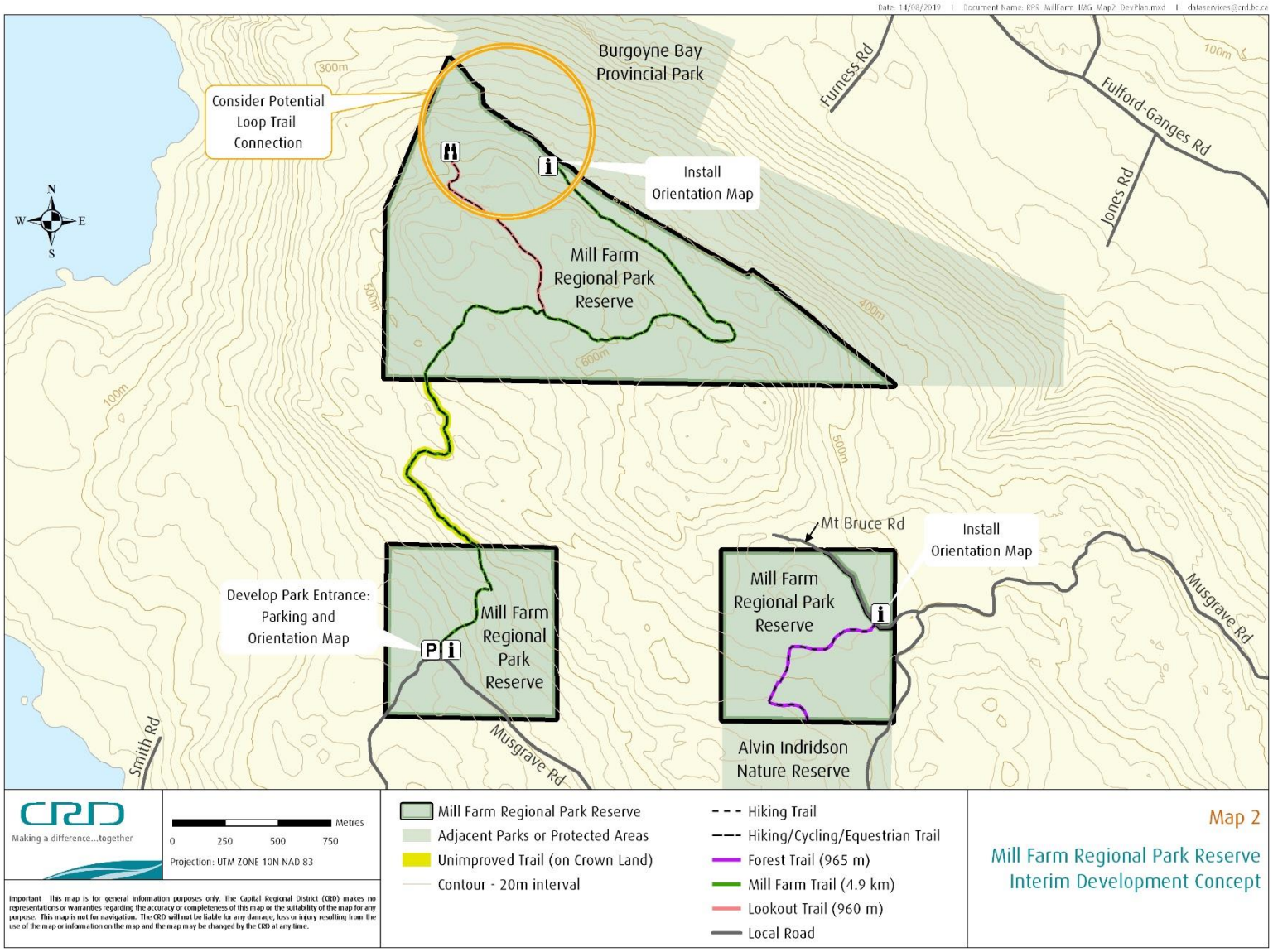
Parking

- Create a parking area for five vehicles at the Musgrave Road primary access (southwest block). The parking design should include parking for at least two vehicles with horse trailers.

Toilet

- A temporary toilet will be installed at the Musgrave Road access.




Burgoyne Bay
Provincial Park
Consider Potential
Loop Trail
Connection
Install
Orientation Map
Mill Farm
Regional Park
Reserve
Furness Rd
Fulford-Ganges Rd
Jones Rd
300m
500m
600m
400m
100m
N
W
E
S
Develop Park Entrance:
Parking and
Orientation Map
Mill Farm
Regional
Park
Reserve
Mt Bruce Rd
Install
Orientation Map
Mill Farm
Regional Park
Reserve
Musgrave Rd
Smith Rd
Alvin Indridson
Nature Reserve
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Mill Farm Regional Park Reserve
Adjacent Parks or Protected Areas
Unimproved Trail (on Crown Land)
Contour - 20m interval
Hiking Trail
Hiking/Cycling/Equestrian Trail
Forest Trail (965 m)
Mill Farm Trail (4.9 km)
Lookout Trail (960 m)
Local Road
Map 2
Mill Farm Regional Park Reserve
Interim Development Concept

8 Implementation Strategy

Implementation of the IMGs is subject to available resources and Regional Parks' capital and work planning processes.

Action	Anticipated Timeframe	Lead*
Undertake initial archaeological research (RADD)	**2019**	PRMD
Assess and address public safety hazards and danger trees along interim trail routes	**2019**	OPS
Add additional gates/barriers as necessary	**2019-2020**	OPS
Work with the Province (Crown Lands) regarding the trail across Crown land that links two sections of the Mill Farm Trail	**2019-2020**	OPS – initial operational discussions PRMD – if application for tenure on Crown Land is desired
Undertake initial ecological research	**2020**	PRMD
Undertake additional archaeological assessment as needed	**2020-2022**	PRMD
Develop park maps, orientation map and website information	**2020**	PRMD – maps VSCD – website text OPS - installation
Formalize two interim trails for multiple use (Mill Farm Trail and Lookout Trail). A third trail may be improved if necessary, for hiking only, but is lower priority (Forest Trail).	**2020**	OPS
Develop and install interim trail signage for three trails and access points	**2020**	OPS
Develop parking lot	**2020**	OPS

Install toilet at Musgrave Rd access/parking area	**2021**	OPS
Install trail counter(s)	**2021**	OPS
Undertake ecological surveys	**2022**	PRMD
Undertake social science research	**2022**	VSCD

* PRMD-Planning, Resource Management & Development
OPS-Park Operations Services
VSCD-Visitor Services & Community Development

These IMGs should be reviewed, and updated as necessary, after five years if a management plan is not completed.



Appendix 1: Interim Roles

Implementation of these interim management guidelines falls to all sections of the Regional Parks Division. The outline below identifies what each section takes the lead on.

Planning, Resource Management & Development

- Gather needed ecological information.
- Develop mapping products for park reserve management and public awareness.
- Through the Regional Parks Land Acquisition Strategy, consider potential land acquisition opportunities.
- Liaise with provincial staff regarding Crown land interests/tenures, as needed.
- Build relationships for park management and planning.
- Track implementation of the IMGs and review and update the IMGs as required.

Park Operations Services

- Assess and address public safety needs.
- Formalize interim visitor and operational facilities.
- Provide operational services to monitor and maintain interim visitor facilities and enforce park regulations.
- Build relationships for park management and operations, including liaison with the Salt Spring Island Conservancy regarding the link to the Alvin Indridson Nature Reserve and any impacts and mitigation needed and provincial staff regarding regional park trail operations and implications for adjacent Crown lands.

Visitor Services & Community Development

- Provide key communication services and products for public awareness and orientation.
- Gather baseline social science information.
- Identify opportunities and build relationships for future volunteer or visitor programming.

Making a difference...together

REPORT TO REGIONAL PARKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 22, 2023

SUBJECT **Regional Parks and Trails Resident Survey – Update**

ISSUE SUMMARY

To inform the Regional Parks Committee that a Regional Parks and Trails resident survey is being prepared in 2023 and will be mailed to 7,650 Capital Regional District (CRD) households in early 2024.

BACKGROUND

CRD Regional Parks conducted resident surveys in 1992, 1998, 2005 and 2017. The surveys helped document public satisfaction, confirm visitor activities in the parks, assess understanding of the benefits of parks for conservation and recreation and to get feedback on priorities for park management and facilities.

Data collected through the surveys provided guidance for the conservation and management of natural environments (i.e., management plans), helped develop new recreational activities and transportation routes, and supported land acquisitions. Understanding public needs and interests, and monitoring changes over time, is key when setting priorities and being responsive to public expectations.

The last survey was completed seven years ago. In line with Priority Action 3-1c of the Regional Parks and Trails Strategic Plan 2023-2032, it is time to obtain up-to-date feedback through a statistically valid resident survey.

CRD staff have obtained a third-party vendor, Malatest, with expertise in Diversity, Equity and Inclusion, in the development of the 2024 survey. The survey will be approximately 30 questions (with multiple statements to be replied to) and is designed to take 15 to 25 minutes to complete. The survey will remain open for a minimum of four weeks and may be extended, depending on survey response rates.

The survey invitation will be mailed to 7,650 randomly selected households in the five geographic sub-regions of the CRD: Southern Gulf Islands and Salt Spring Island, Saanich Peninsula, Core Communities, Westshore, and the District of Sooke and Juan de Fuca Electoral Area. Based on past survey response rates, a 25-30% response rate is expected. All information collected will follow the *Freedom of Information and Protection of Privacy Act* and any incentives offered will adhere to the federal *Competition Act* and *British Columbia's Gaming Control Act.*

Results of the resident survey will be presented to the Regional Parks Committee in summer 2024.

IMPLICATIONS

Social Implications

The aim of the resident survey is to better understand regional parks and trails use, and to measure public values, attitudes, expectations and satisfaction toward the protected area system and regional services, over time.

Following the adoption of the 2023-2026 Board Priorities and the approval of the Regional Parks and Trails Strategic Plan 2022-2032, residents will participate in a survey that collects up-to-date information about public priorities for outdoor recreation (visitor use) and environmental conservation, while gathering information on the additional strategic priorities of reconciliation, climate action and resiliency, and access and equity.

The survey will:

- estimate the frequency of use of regional parks and trails.
- document the type of activities residents participate in while in regional parks and on regional trails.
- assess understanding of the importance and benefits of regional parks and trails.
- determine residents' views about the management of regional parks and trails and management priorities.
- explore the role of regional trails as transportation routes.
- explore residents' support for the Regional Parks and Trails Strategic Plan 2023-2032 priorities.
- include new and revised demographic questions on accessibility, income, gender and household type.
- include new questions that address access and equity, reconciliation and climate resiliency.

The survey methods described in the Regional Parks and Trails Resident Survey – Methodology (Appendix A) offer the rationale behind the sample methodology, size and area proposed to conduct the survey with statistically valid results.

Financial Implications

The estimated cost to complete the resident survey is $65,000 and is being funded through the Regional Parks core budget. Costs include a Diversity, Equity and Inclusion review of the questionnaire and the production of a mail-out survey package (an invitation to a web-based or telephone questionnaire using a unique code, with an option for a physical questionnaire to be mailed on request). The physical mail-out will include a cover letter, frequently asked questions letter, reminder postcards, and the option for a physical questionnaire with a postage-paid return envelope. The third-party contractor will administer the survey, track the web, phone and physical questionnaire responses, and manage incentives, data entry, statistical analysis and reporting.

Alignment with Existing Plans & Strategies

Initiating the resident survey is identified as a priority action in the Regional Parks and Trails Strategic Plan 2022-2032 (3-1c), specifically to "Undertake resident surveys to assess visitor use satisfaction and emerging trends related to regional parks and regional trails" (every five years).

CONCLUSION

The Regional Parks and Trails resident survey will collect up-to-date information about residents' use of regional parks and trails and their opinions about priorities for conservation, recreation (visitor experience), reconciliation, climate action and resiliency and access and equity. This will guide staff in planning for the future and adjusting delivery of services. Results of the resident survey will be presented to the Regional Parks Committee in summer 2024.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Jeff Leahy, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Regional Parks and Trails Resident Survey – Methodology

APPENDIX A

REGIONAL PARKS AND TRAILS
RESIDENT SURVEY – METHODOLOGY

November 2023

The resident survey will be a mail-out survey administered in early 2024 that follows a similar statistical sampling method to that used in the 1992, 1998, 2005 and 2017 surveys. However, to increase survey responses, provide a more diverse and inclusive set of options for delivering the survey and to reduce costs, a primarily online survey will be offered in 2024, with options for a telephone survey and a physical questionnaire. This approach differs from previous surveys in that the main response option was a physical questionnaire, with an online option offered for the first time in 2017.

The package will be mailed to 7,650 Capital Regional District (CRD) residents in early 2024. Based on past resident surveys conducted with a similar initial sample size and methodology, the CRD expects to obtain a response rate of approximately 25 to 30%, which allows the outcomes of the survey to be generalized to the whole CRD. A minimum of 400 responses are needed per selected area to obtain a sample that best represents all people living in the capital region.

Questionnaire Design

The questionnaire will include questions used in previous surveys, as well as new questions. The survey will include questions about values, attitudes, regional parks and regional trails use, satisfaction, management and demographic characteristics of respondents. Quantitative questions will be used to make it quick and easy for respondents to respond. Voluntary, open-ended questions will also be used to allow some respondents to expand on their comments, if they wish.

Sample Selection

It is not practical or necessary to send surveys to all residents of the CRD. Only a sample of the population is required. The survey sample will be representative of the region's population by geography, land use patterns, municipal and resident interests and demographics (i.e., age, gender, income, etc.).

The survey sample will be selected randomly by using postal codes and mailing addresses. No personal information will be included in the survey. For the purposes of the survey, the region will be divided into five sub-regions. This approach respects the different geographic areas, land-use patterns and municipal and resident interests, and aligns with Regional Planning. The five sub-regions are:

1) Southern Gulf Islands and Salt Spring Island
2) Saanich Peninsula (District of North Saanich, District of Central Saanich, Town of Sidney)
3) Core Communities (District of Saanich, District of Oak Bay, City of Victoria, Township of Esquimalt)
4) Westshore (Town of View Royal, City of Colwood, City of Langford, District of Highlands and District of Metchosin)
5) District of Sooke and Juan de Fuca Electoral Area

All information will be collected in compliance with the *Local Government Act* and the *Freedom of Information and Protection of Privacy Act*. Any incentives offered will adhere to the federal *Competition Act* and *British Columbia's Gaming Control Act*.

Survey Data Analysis

A third-party contractor will administer the survey, including tracking the web, phone and physical questionnaire responses, managing incentives, data entry, statistical analysis and reporting. Social Science software will be used to analyze both qualitative and quantitative results. A summary and a technical report will be completed in spring 2024 and will be presented to the Regional Parks Committee in summer 2024.

Memorandum

To: CRD Transportation Committee

From: Mayor Doug Kobayashi and Councillor Dave Thompson, Committee members

Re: November meeting – motion regarding Intersection Safety Camera Program

Date: 2023-10-29

This memo provides further information for a motion that will be considered in the Committee's November meeting.

Background

At the September 13 Committee meeting, during the Traffic Safety Commission agenda item (3.1), the provincial Intersection Safety Camera Program was discussed. This Program helps reduce the risk of the most common types of crashes that cause serious injuries and death, and supports cost-effective enforcement of existing laws prohibiting speeding and running red lights.

At that meeting, the a notice of motion was read in asking that the CRD advocate to the provincial government to expand the Intersection Safety Camera Program. The Committee Chair remarked that it would be considered at the November meeting of the Committee.

Casualty crash data

ICBC data[1] shows that in the Capital Region, during the period 2018 to 2022, there were twelve thousand casualty crashes (crashes resulting in injury or fatality, as opposed to crashes involving only property damage). The number of property-damage-only crashes is significantly higher.

Casualty Crashes in the Capital Region, 2018-2022

Central Saanich	332	Oak Bay	230
Colwood	449	Saanich	4134
Esquimalt	289	Sidney	166
Highlands	22	Sooke	315
Langford	1410	Victoria	4087
Metchosin	58	View Royal	481
North Saanich	117	**TOTAL**	**12090**

The Intersection Safety Camera Program

As noted by the Government of BC:

- "Most crashes in British Columbia happen at intersections. To reduce injuries and save lives, B.C. installs intersection safety cameras—sometimes called red light cameras—at intersections where crashes occur frequently. Warning signs let drivers know the intersection has cameras.

[1] https://public.tableau.com/app/profile/icbc/viz/VancouverIslandCrashes/VIDashboard, accessible at ICBC, "Statistics" https://wwVictoria w.icbc.com/about-icbc/newsroom/Pages/Statistics.aspx

Stopping for red lights and observing the speed limits help to reduce collisions, injuries and fatalities."[2]

- "There are intersection safety cameras at 140 high-crash intersections province-wide. 105 monitor red light violations, 35 monitor both red light and speed violations."[3]
- "The cameras are proven to be effective at reducing side-impact, head-on and pedestrian crashes, and are located where red light running and high speed cause serious crashes."[4]

There are only two (2) intersections in the region with red light cameras, and none with speed cameras. Those two cameras are in Saanich at TransCanada Hwy at Tillicum Road, and in Victoria at Hillside Avenue and Shelbourne Street.[5] More than 98% of the casualty crashes in the Region during 2018-2022 occurred at locations other than those two intersections.[6]

Motion

Committee members Kobayashi and Thompson respectfully request that the Committee adopt the following motion:

> *"that the CRD advocate to the provincial government to expand the Intersection Safety Camera Program, installing new red light and speeding cameras in the Capital Region in locations with high levels of casualty crashes."*

Respectfully submitted,

Colwood Mayor Doug Kobayashi and Victoria Councillor Dave Thompson

[2] https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/intersection-safety-cameras
[3] https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/intersection-safety-cameras/statistics
[4] https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/intersection-safety-cameras/where-the-cameras-are
[5] https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/intersection-safety-cameras/where-the-cameras-are/vancouver-island
[6] https://public.tableau.com/app/profile/icbc/viz/VancouverIslandCrashes/VIDashboard

Making a difference...together

REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Parcel Tax Roll Review Panel**

ISSUE SUMMARY

To meet requirements of the *Community Charter,* in order to requisition parcel tax revenues a Parcel Tax Roll Review Panel needs to be established annually. The process requires:

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

BACKGROUND

The Capital Regional District (CRD) requisitions revenues by parcel tax in 27 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 2024 Parcel Tax Roll Review is scheduled for Wednesday, 13 March 2024 at 12:00pm, the same day as the regular March 2024 CRD Board meeting.

ALTERNATIVES

Alternative 1

1. That the Parcel Tax Roll Review Panel meeting be held on Wednesday, 13 March 2024, at 12:00pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria, British Columbia; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2024:

   Colin Plant, CRD Board Chair
   Al Wickheim, Director, Juan de Fuca Electoral Area
   Paul Brent, 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 2023, parcel tax revenues comprised $3.1 million of the CRD's requisition to the Rural Property Taxation Branch. In 2024, 27 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 2024.

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, 13 March 2024, at 12:00pm in Room 652 of the Capital Regional District offices, 625 Fisgard Street, Victoria, British Columbia; and
2. That the following individuals be appointed to the Parcel Tax Roll Review Panel for the year 2024:

   Colin Plant, Capital Regional District Board Chair
   Al Wickheim, Director, Juan de Fuca Electoral Area
   Paul Brent, 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:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **2024 Schedule of Regular Board Meetings**

ISSUE SUMMARY

To provide notice of the 2024 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 be scheduled in 2024 on the second Wednesday of each month as follows: January 10, February 14, March 13, April 10, May 8, June 12, July 10, August 14 (at the call of the Chair), September 11, October 9, November 13 (inaugural), December 11.

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.

RECOMMENDATION

That the regular meetings for the Capital Regional District Board be scheduled in 2024 on the second Wednesday of each month as follows: January 10, February 14, March 13, April 10, May 8, June 12, July 10, August 14 (at the call of the Chair), September 11, October 9, November 13 (inaugural), December 11.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **2024 Terms of Reference for Standing Committees**

ISSUE SUMMARY

To approve the 2024 Terms of Reference for the CRD Board's Standing Committees.

BACKGROUND

Under the *Local Government Act* and Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012", 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 Committees TOR is as follows:

1. review with the CRD Board Chair,
2. approval by the CRD Board, and
3. distribution to all Committees for information.

There were no changes to the following Standing Committee's TORs:

- Governance Committee
- Finance Committee
- First Nations Relations Committee
- Hospitals and Housing Committee
- Planning and Protective Services Committee
- Regional Parks Committee

For 2024, there are changes to the following Standing Committee's TORs:

- Electoral Areas Committee
- Core Area Liquid Waste Management Committee
- Environmental Services Committees
- Technical and Community Advisory Committee
- Transportation Committee

A redlined copy of the 2024 Terms of Reference for Standing Committee is attached as Appendix A.

ALTERNATIVES

Alternative 1
That the 2024 Terms of Reference for Standing Committees be approved as attached in Appendix A.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Housekeeping Updates

The Electoral Areas Committee TOR was updated to remove the Salt Spring Island Local Community Commission as the Commission's reporting structure is directly to the CRD Board.

The Environmental Services Committee TOR was updated to include the Solid Waste Management Plan under its regional solid waste function mandate.

The Transportation Committee mandate was updated to include providing input on trails in the Regional Parks and Trails Strategic Plan.

Long-term Biosolids Management

Clarity on long-term biosolids management was added to the TORs for the Core Area Liquid Waste Management Committee (CALWMC), the Technical and Community Advisory Committee (TCAC), and the Environmental Services Committee.

The Environmental Services Committee mandate on resource recovery opportunities now includes the long-term Biosolids Management Plan. While CALWMC will continue to serve as the steering committee for TCAC, the TCAC will report through the Environmental Services Committee on long-term biosolids management planning.

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 2024 Terms of Reference for Standing Committees be approved as attached in Appendix A.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2024 Terms of Reference for Standing Committees (redlined)

Terms of Reference

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 (CALWMP). Recommendations related to long-term biosolids management planning in the CALWMP shall be referred to the Environmental Services Committee.

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

b) 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; 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, 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

In accordance with the Terms of Reference of the Technical and Community Advisory Committee (TCAC) approved by the Capital Regional District Board (CRD), October 11, 2023, the Core Area Liquid Waste Management Committee (CALWMC) will steer the TCAC as follows:

- Make requests to TCAC for appropriate technical and community consultation advice and input in order to facilitate informed decision-making in a variety of CALWMP matters
- Dissolve the TCAC at a time determined by the CALWMC

Terms of Reference

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 & 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
- Fernwood and Highland Water Service Commission
- Maliview Sewer Local Service Commission
- ~~Salt Spring Island Local Community 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 Islands 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 Harbours Commission
- Southern Gulf Islands Public Library Commission
- Sticks Allison Water Local Service Committee
- Surfside Park Estates Water Service Committee

Terms of Reference

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, including the Solid Waste Management Plan
ii. Environmental protection, monitoring and compliance
iii. Community climate action
iv. Resource recovery opportunities, including the Long-term Biosolids Management Plan

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)
~~ii.~~iii. Technical and Community Advisory Committee (TCAC)

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

CRD

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

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

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. Matters related to accessibility;

vi. 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 effecting the Regional District.

(c) The following committee will report through the Governance Committee

- Accessibility Advisory Committee

(d) 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 and the Accessibility Advisory Committee.

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

CRD

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

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

CRD

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, 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

TECHNICAL AND COMMUNITY ADVISORY COMMITTEE

PREAMBLE

The CRD has a mission to be local government leaders in providing cost effective, innovative and environmentally responsible sewage treatment to the residents in the core area (Esquimalt, Colwood, Langford, Oak Bay, View Royal, Saanich, Victoria, and Songhees and Esquimalt First Nations).

With the Core Area Wastewater Treatment Program now in operation, future decisions will be needed in a number of areas related to the service, including the following:

- Inflow and infiltration program
- Sanitary sewer overflows
- Biosolids management and beneficial use

The Capital Regional District (CRD) Technical and Community Advisory Committee (TCAC) is an advisory committee established by the CRD Board and will assist the Core Area Liquid Waste Management Committee (the steering committee) in making appropriate recommendations to the CRD Board in the areas outlined above.

The Committee's official name is to be:

Technical and Community Advisory Committee

1.0 PURPOSE

The mandate of the Committee is to respond to requests from the steering committee for technical and community consultation advice and input in order to facilitate informed decision-making in a variety of areas, including those outlined above.

2.0 ESTABLISHMENT AND AUTHORITY

a) The committee will provide advice and input in an advisory capacity to the Core Area Liquid Waste Management Committee for review, comment and decision;

b) On matters related to long-term biosolids management planning, the committee will provide advice and input in an advisory capacity to the Environmental Services Committee for review, comment and decision;

~~b)~~c) The Chair and Vice Chair shall be the Chair and Vice Chair of the Core Area Liquid Waste Management Committee; and

~~c)~~d) The term of the Committee will be for the period required to address the matters, as determined by the CALWMC.

3.0 COMPOSITION

a) Members will be appointed by the CRD Board;

b) Members will serve without remuneration; and

c) Including the chair, there will be 26 members:

1 - Chair of the Core Area Liquid Waste Management Committee – TCAC Chair
1 - Vice-Chair of the Core Area Liquid Waste Management Committee – TCAC Vice-Chair
7 - municipal engineering or other technical representatives
5 - members at large via public advertisement
2 - members nominated by environmental groups
2 - members nominated by the Esquimalt and Songhees First Nations
1 - member nominated by the Department of National Defence
1 - member nominated by the Greater Victoria Chamber of Commerce
1 - member nominated by the West Shore Chamber of Commerce
1 - member from a post secondary institute
1 - member from the Victoria Labour Council
1 - member from Tourism Victoria
1 - member from CRD Solid Waste Advisory Committee
1 - member nominated by the Esquimalt Chamber of Commerce

4.0 PROCEDURES

a) The Committee shall meet on monthly basis and have special meetings, as required, at the call of the 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) A quorum is a majority of the Committee membership and is required to conduct Committee business; and

d) The CRD Board rules of order will apply.

5.0 RESOURCES AND SUPPORT

a) The Senior Manager of the Environmental Protection division will act as a liaison to the Committee;

b) Minutes and agendas are prepared and distributed by the Environmental Protection division; and

c) The Environmental Protection division will provide additional administrative support as required.

d) Staff representatives from the following organizations will be invited to attend Committee meetings to provide information as required:

- Ministry of Environment and Climate Change Strategy
- Environment Canada
- Vancouver Island Health Authority

e) A consulting engineering expert in sewage treatment and related matters will also attend Committee meetings to provide advice and information.

Approved by CRD Board _____

Terms of Reference

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, multi-use regional trails, and roads
iii. Regional Trails matters (mobility and recreation), including land acquisition, policy, management, operations and programs for the Galloping Goose, the Lochside and the E&N trails
iv. Providing input to the Regional Parks and Trails Strategic Plan

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 climate action and sustainability goals; 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 Transportation Committee:

i. Traffic Safety Commission
ii. Transportation Working Group
iii. 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 _____

2024 Appointments

Board and Committee Membership

Capital Regional District | 2024

Capital Regional District Board

Chair: Director Plant
Vice Chair: Director Little

Capital Regional Hospital District Board

Chair: Director Murdoch
Acting Chair: Director McNeil-Smith

Capital Region Housing Corporation Board

Chair: Director de Vries
Vice Chair: Director Caradonna

Board of Directors

Participant	Director	Alternate Director
Central Saanich	R. Windsor	S. Riddell
Colwood	D. Kobayashi	I. Ward
Esquimalt	B. Desjardins	K. Armour
Highlands	K. Williams	K. Roessingh
JDF EA	A. Wickheim	J. Grant
Langford	S. Goodmanson	C. Harder, M. Wagner
Langford	L. Szpak	C. Harder, M. Wagner
Metchosin	M. Little	S. Epp
North Saanich	P. Jones	C. Stock
Oak Bay	K. Murdoch	H. Braithwaite
Saanich	S. Brice	M. Westhaver/ N. Chambers / K. Harper / T. Phelps Bondaroff
Saanich	J. Brownoff	T. Phelps Bondaroff / M. Westhaver / N. Chambers / K. Harper
Saanich	Z. de Vries	K. Harper / T. Phelps Bondaroff / M. Westhaver / N. Chambers
Saanich	D. Murdock	M. Westhaver / N. Chambers / K. Harper / T. Phelps Bondaroff
Saanich	C. Plant	N. Chambers / K. Harper / T. Phelps Bondaroff / M. Westhaver
SGI EA	P. Brent	R. Fenton
Sidney	C. McNeil-Smith	C. Rintoul
Sooke	M. Tait	J. Bateman
SSI EA	G. Holman	M. Richardson
Victoria	M. Alto	S. Hammond / S. Kim / M. Dell / K. Loughton / M. Gardiner
Victoria	J. Caradonna	S. Hammond / S. Kim / M. Dell / K. Loughton / M. Gardiner
Victoria	C. Coleman	S. Hammond / S. Kim / M. Dell / K. Loughton / M. Gardiner
Victoria	D. Thompson	S. Hammond / S. Kim / M. Dell / K. Loughton / M. Gardiner
View Royal	S. Tobias	J. Rogers

2024 Appointments

Board and Committee Membership

Capital Regional District | 2024

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 Coleman
Director Alto
Director Brice
Director Brownoff
Director Caradonna
Director de Vries
Director Desjardins
Director Goodmanson

Vice Chair: Director Kobayashi
Director K. Murdoch
Director D. Murdock
Director Plant
Director Szpak
Director Thompson
Director Tobias

Electoral Areas Committee

Membership consists of all 3 Electoral Area Directors.

Chair: Director Brent
Vice Chair: Director Holman
Director Wickheim
Board Chair (ex-officio)

Environmental Services Committee

Chair: Director Desjardins
3. Director Brownoff
4. Director Caradonna
5. Director Holman
6. Director Kobayashi
7. Director Murdock

Vice Chair: Director Tobias
8. Director Tait
9. Director Thompson
10. Director Wickheim

Board Chair (ex-officio)

Finance Committee

Chair: Director Brice
3. Director Brent
4. Director Coleman
5. Director Goodmanson
6. Director Kobayashi

Vice Chair: Director Jones
7. Director Little
8. Director Williams
9. Director Windsor

Board Chair (ex-officio)

First Nations Relations Committee

Chair: Director Tait
3. Director Alto
4. Director Brent
5. Director Desjardins
6. Director Goodmanson

Vice Chair: Director Windsor
7. Director Little
8. Director K. Murdoch
9. Director Williams

Board Chair (ex-officio)

2024 Appointments

Board and Committee Membership

Capital Regional District | 2024

Making a difference...together

Governance Committee

Chair: Director Little

3. Director Brice
4. Director Coleman
5. Director Desjardins
6. Director Holman
7. Director Jones

Vice Chair: Director Goodmanson

8. Director K. Murdoch
9. Director D. Murdock
10. Director Tobias

Board Chair (ex-officio)

Hospitals and Housing Committee

Chair: Director Murdoch

3. Director Alto
4. Director Brent
5. Director Brice
6. Director de Vries
7. Director Holman

Vice Chair: Director Caradonna

8. Director Jones
9. Director Kobayashi
10. Director McNeil-Smith
11. Director Szpak

Board Chair (ex-officio)

Planning & Protective Services

Chair: Director de Vries

3. Director Desjardins
4. Director Little
5. Director McNeil-Smith
6. Director Thompson

Vice Chair: Director Williams

7. Director Wickheim
8. Director Windsor

Board Chair (ex-officio)

Regional Parks Committee

Chair: Director McNeil-Smith

3. Director Coleman
4. Director Goodmanson
5. Director Holman
6. Director Szpak
7. Director Tait

Vice Chair: Director Brownoff

8. Director Tobias
9. Director Williams
10. Director Windsor

Board Chair (ex-officio)

Transportation Committee

Chair: Director Murdock

3. Director Brent
4. Director Brice
5. Director Caradonna
6. Director de Vries
7. Director Desjardins
8. Director Goodmanson

Vice Chair: Director Szpak

9. Director Kobayashi
10. Director McNeil-Smith
11. Director Tait
12. Director Thompson

Board Chair (ex-officio)

2024 Appointments

Board and Committee Membership

Capital Regional District | 2024

Making a difference...together

Select & Sub-Committees

Accessibility Advisory Committee

Governance Committee member is appointed as liaison. Term is up to two years.

Director
Director Little

Royal and McPherson Theatres Services Advisory Committee

(reporting to the Finance Committee). Term is for one year.

Participant	Board Member
Saanich	Colin Plant
	Susan Brice
Victoria	TBC
	TBC
Oak Bay	TBC

Solid Waste Advisory Committee

(reporting to the Environmental Services Committee).

Chair: Director Desjardins	Vice Chair: Elected from amongst the membership
Colin Plant	Board Chair (ex-officio)

Technical and Community Advisory Committee

Chair and Vice Chair shall be the Chair and Vice Chair of the Core Area Liquid Waste Management Committee. Term expires no later than December 31, 2024.

Representative
Director Coleman (Chair)
Director Kobayashi (Vice Chair)

Victoria Family Court and Youth Justice Committee

(reporting to the Governance Committee) Members appointed from each of the participants. Term is two years.

Participant	Member
Central Saanich	Zeb King
Colwood	Cynthia Day
Esquimalt	Darlene Rotchford
Highlands	Marcie McLean
Langford	Kimberley Guiry
Metchosin	Marie-Térèse Little
North Saanich	Jack McClintock
Oak Bay	Esther Paterson
Saanich	Mena Westhaver
Sidney	Terri O'Keeffe
Sooke	Jeff Bateman
Victoria	Krista Loughton
View Royal	Ron Mattson

Other CRD Committees & Commissions

Arts Commission

Members appointed from each of the participants. Term is four years for Directors, two years for Non-Directors.

Participant	Representative	Alternate
Esquimalt	Duncan Cavens	Andrea Boardman
Highlands	Karel Roessingh	None
Metchosin	Sharie Epp	None
Oak Bay	Carrie Smart	Cairine Green
Saanich	Colin Plant	Nathalie Chambers
Sooke	Dana Lajeunesse	Jeff Bateman
Southern Gulf Islands	Paul Brent	None
Victoria	Marianne Alto (Chair)	None
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.

Local Government	Representative	Alternate
Central Saanich	Sarah Riddell	None
Colwood	David Grove	Cynthia Day
Esquimalt	Duncan Cavens	None
Highlands	Ann Baird	None
Langford	Mary Wagner	None
Metchosin	Steve Gray	None
North Saanich	Peter Jones	All Councillors
Oak Bay	Carrie Smart	Lesley Watson
Saanich	Judy Brownoff	None
Sidney	Steve Duck	Sara Duncan
Sooke	Tony St-Pierre	None
Victoria	Marg Gardiner	None
View Royal	Alison MacKenzie	Gery Lemon
Salt Spring Island	Gary Holman	None
Southern Gulf Islands	Paul Brent	None
Juan de Fuca	Al Wickheim	None

Emergency Management Committee

Board appointment of the 3 EA Directors, ELT & Senior Manager, Protective Services. Term is four years.

Electoral Areas	Representative	ELT + Management		
Juan de Fuca	Al Wickheim	Ted Robbins	Larisa Hutcheson	Shawn Carby
Southern Gulf Islands	Paul Brent	Kevin Lorette	Alicia Fraser	
Salt Spring Island	Gary Holman	Nelson Chan	Kristen Morley	

Juan de Fuca Water Distribution Commission

Members appointed from each of the participants. Term is four years.

Participant	Commissioner	Alternate
Colwood	David Grove	Misty Olsen
Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Al Wickheim	Jeri Grant
Langford	Colby Harder	Keith Yacucha, Mark Morley
Langford	Mary Wagner	Keith Yacucha, Mark Morley
Metchosin	Shelly Donaldson	Steve Gray
Sooke	Kevin Pearson	Dana Lajeunesse
View Royal	John Rogers	Ron Mattson

Peninsula Recreation Commission

Members appointed from each of the participants. Term is four years for Directors, two years for Non-Directors.

Participants	Commissioner	Alternate
Central Saanich	Niall Paltiel	Gord Newton
Central Saanich	Ryan Windsor	Sarah Riddell
North Saanich	Phil DiBattista	Kristine Marshall
North Saanich	Peter Jones	Celia Stock
Sidney	Scott Garnett	Steve Duck
Sidney	Cliff McNeil-Smith	Chad Rintoul

Regional Housing Trust Fund Commission

One Council member is appointed by each participating municipality. The Salt Spring Island and Southern Gulf Islands Electoral Area Directors are also members. Term is two years.

Participant	Commissioner	Alternate
Central Saanich	Bob Thompson	Sarah Riddell
Esquimalt	Ken Armour	None
Highlands	Ann Baird	None
Metchosin	Shelly Donaldson	None
North Saanich	Celia Stock	Irene McConkey
Oak Bay	Lesley Watson	Carrie Smart
Saanich	Zac de Vries	None
Salt Spring Island	Gary Holman	None
Sidney	Richard Novek	Terri O'Keeffe
Sooke	Tony St. Pierre	None
Southern Gulf Islands	Paul Brent	None
Victoria	Krista Loughton	None
View Royal	Sid Tobias	None

Regional Water Supply Commission

Members appointed from each of the participants. Term is four years.

Participant	Commissioner	Alternate
Central Saanich	Chris Graham	Zeb King
Colwood	Kim Jordison	Misty Olsen
Esquimalt	Tim Morrison	Duncan Cavens

Highlands	Gord Baird	Karel Roessingh
Juan de Fuca EA	Al Wickheim	Jeri Grant
Langford	Kimberly Guiry	Colby Harder, Keith Yacucha
	Mary Wagner	Colby Harder, Keith Yacucha
Metchosin	Steve Gray	Shelly Donaldson
North Saanich	Celia Stock	Irene McConkey
Oak Bay	Cairine Green	Esther Paterson
Saanich	Teale Phelps Bondaroff	None
	Nathalie Chambers*	Colin Plant, Susan Brice, Judy Brownoff
	Zac de Vries*	Judy Brownoff, Colin Plant, Susan Brice
	Karen Harper*	Susan Brice, Judy Brownoff, Colin Plant
	Mena Westhaver*	Susan Brice, Judy Brownoff, Colin Plant
Sidney	Sara Duncan	Steve Duck
Sooke	Dana Lajeunesse	Kevin Pearson
Victoria	Jeremy Caradonna	None
	Chris Coleman	None
	Stephen Hammond	None
	Susan Kim	None
View Royal	John Rogers	Ron Mattson

**Assignment of one additional vote*

Saanich Peninsula Wastewater Commission

Members appointed from each of the participants. Term is two years.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Sarah Riddell
North Saanich	Peter Jones	Celia Stock
North Saanich	Sanjiv Shrivastava	Kristine Marshall
Sidney	Cliff McNeil-Smith	Chad Rintoul
Sidney	Sara Duncan	Steve Duck

Saanich Peninsula Water Commission

Members appointed from each of the participants. Term is for one year, except if CRD Directors, then term is four years.

Participant	Commissioner	Alternate
Central Saanich	Zeb King	Chris Graham
Central Saanich	Ryan Windsor	Sarah Riddell
North Saanich	Peter Jones	Celia Stock
North Saanich	Sanjiv Shrivastava	Kristine Marshall
Sidney	Cliff McNeil-Smith	Chad Rintoul
Sidney	Sara Duncan	None

Traffic Safety Commission

Board appoints one Director as a Representative, and one Director as an Alternate. Term is two years.

Representative	Alternate
Director D. Murdock	Director de Vries

Appointments to External Boards

Alliance to End Homelessness in the Capital Region

(previously 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 two years.

Appointed Directors:	Corporate Member Representative:
Director McNeil-Smith (Peninsula)	Kevin Lorette, GM, Planning & Protective Services
Director K. Murdoch (Core)	Don Elliott, Senior Manager, Regional Housing
TBC (Westshore)	TBC

CREST (Capital Region Emergency Service Telecommunications)

The CRD Board appoints Electoral Area Directors for shareholder votes for a four-year term. Proxies are appointed annually.

Appointed CRD Shareholder	Proxy
Al Wickheim	Jeri Grant
Gary Holman	John Wakefield
Paul Brent	Rob Releeder

Greater Victoria Harbour Authority Board

CRD Board Chair nominates up to three CRD Board Directors to be nominated as GVHA Director for a four-year term. Board appoints Member representative annually.

Member Representative (One Year Term)	Member Representative Alternate (One Year Term)	Board Nominee (Four Year Term)
Director Goodmanson	Director Plant	Director Brice

Community Liaison Committee - Greater Victoria Harbour Authority

GVHA Member Representative to be appointed.

Member Representative	Member Representative - Alternate
Director Goodmanson	Director Plant

Greater Victoria Labour Relations Association

The CRD Board appoints one Director as its representative, and one Director as alternate. Annual appointment.

Representative & AGM Delegate	Alternate
Director Coleman	Director Goodmanson

ICET – Island Coastal Economic Trust

The Board appoints either the CRD Board Chair or Director as representative. Annual appointment.

Member Representative
Director Brent

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 May, for a two-year term.

Member Representative	Nominee
Barb Desjardins	Barb Desjardins

Municipal Finance Authority

CRD Board appoints two Directors as representatives and two Directors as alternates. Annual appointment.

Director	Alternate
Director Brent	None
Director Kobayashi	None

Regional Representative to the Te'mexw Treaty Advisory Committee

Annual appointment.

Representative	Alternate
Director Wickheim	None

Royal and McPherson Theatres Society Board

Appointed by member Councils. Annual appointment.

Participants	Board Member	Alternate
Oak Bay	TBC	TBC
Saanich	Teale Phelps Bondaroff	None
Victoria	TBC	TBC

Salt Spring Island Ferry Advisory Committee

Appointed by BC Ferries - Ferry Advisory Committee. Term is two years.

Representative
Director Holman

Sooke and Electoral Area Parks and Recreation Commission

Appointed by member councils. CRD Board Directors terms are four-years. Council appointees are annual.

Participants	Commissioner	Alternate
Juan de Fuca	Al Wickheim (CRD Board Director)	Jeri Grant
Sooke	Maja Tait (CRD Board Director)	Jeff Bateman
Sooke	Al Beddows (Sooke Council Appointed)	Kevin Pearson

Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) Steering Committee

Elected Official(s) to be appointed for a four-year term.

Representative	Alternate
Director Thompson	None

Vancouver Island Regional Library Board

CRD Board appoints. Only Juan de Fuca Area participates in this service function. Annual appointment.

Representative	Alternate
Al Wickheim	Jeri Grant

Making a difference...together

REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Capital Regional District Emergency Management Organization Appointments – Deputy Emergency Manager**

ISSUE SUMMARY

The Capital Regional District (CRD) Emergency Management Bylaw requires the CRD Board to appoint several positions which includes the CRD Deputy Emergency Manager.

BACKGROUND

The *Emergency and Disaster Management Act* requires local authorities to establish and maintain an emergency management organization. The CRD Emergency Management Bylaw No. 3447 includes both an Emergency Management Committee, appointed by the CRD Board, and an Emergency Coordinating Committee (ECC), appointed by the Chief Administrative Officer (CAO). Additionally, the Bylaw also requires the appointment of an Emergency Manager and Deputy Emergency Manager by the CRD Board.

Corey Anderson has recently been hired into the role of Manager, Emergency Programs for the CRD as of November 20, 2023 and will be acting in the Deputy Emergency Manager role as anticipated by Bylaw No. 3447.

ALTERNATIVES

Alternative 1
That for the purpose of compliance with the *Emergency and Disaster Management Act* and in accordance with Capital Regional District Bylaw No. 3447, Corey Anderson, Manager, Emergency Programs, be appointed as Deputy Emergency Manager.

Alternative 2
That the Capital Regional District Emergency Management Organization Appointments – Deputy Emergency Manager report be referred back to staff for further information based on CRD Board direction.

IMPLICATIONS

Alignment with Board & Corporate Priorities
The appointment of the Deputy Emergency Manager contributes to the Board's desired outcome to "Protect public safety and cooperatively mitigate against, prepare for, respond to and recover from emergencies".

Alignment with Existing Plans & Strategies
This appointment aligns with the requirements of the Corporate Emergency Plan and assists in meeting the regulatory requirements of an effective emergency management organization as required by legislation.

CONCLUSION

Appointment by the Board of the Deputy Emergency Manager is required by the CRD Emergency Management Bylaw No. 3447 and reflects changes in staffing with the Protective Services Division.

RECOMMENDATION

That for the purpose of compliance with the Emergency and Disaster Management Act and in accordance with Capital Regional District Bylaw No. 3447, Corey Anderson, Manager, Emergency Programs, be appointed as Deputy Emergency Manager.

Submitted by:	Shawn Carby, CD, BHSc, MAL, Senior Manager Protective Services
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT Bylaw No. 4589: 2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023

ISSUE SUMMARY

The 2023 to 2027 Financial Plan was adopted on March 29, 2023. Amendments to the plan are required to authorize revised operating and capital expenditures.

BACKGROUND

The Capital Regional District (CRD) Board approved Bylaw No. 4537, "2023 to 2027 Financial Plan Bylaw, 2023," on March 29, 2023, and subsequently approved amending Bylaw No. 4558, "2023 to 2027 Financial Plan Bylaw, Amendment Bylaw No. 1, 2023" on July 12, 2023 and amending Bylaw No. 4570, "2023 to 2027 Financial Plan Bylaw, Amendment Bylaw No. 2, 2023" on September 13, 2023.

Amendments are required in accordance with Section 374(2) of the *Local Government Act* (LGA), which states that the financial plan may be amended at any time by bylaw to incorporate changes in budget for certainty. As new information becomes available, and pursuant with Section 374 of the LGA, the CRD Board may further revise the financial plan.

The following table highlights the 2023 impact of the required amendments to the five-year 2023-2027 Financial Plan since the last amendment.

SERVICE	DESCRIPTION	BUDGET	FUNDING	NET IMPACT	COMMITTEE / COMMISSION APPROVAL
Juan de Fuca Water Distribution	Electric Vehicle Replacements	Capital	Equipment Replacement Fund	$207,000	Juan de Fuca Water Distribution Commission 03-Oct-2023
Regional Water Supply	Emergency Watermain Repair	Capital	Water Capital Fund	$311,000	Regional Water Supply Commission 18-Oct-2023
SEAPARC	Replace Sooke Road Electronic Display Sign	Capital	Capital Reserve Fund	$45,000	CRD Board 10-Oct-2023

The proposed Financial Plan amendment Bylaw No. 4589 incorporates these changes, and is attached as Appendix A, inclusive of an updated Schedule B.

ALTERNATIVES

Alternative 1
1. That Bylaw No. 4589, "2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023", be introduced and read a first, second, and third time; and
2. That Bylaw No. 4589 be adopted.

Alternative 2
That Bylaw No. 4589 be deferred pending further analysis by Capital Regional District staff.

IMPLICATIONS

Financial Implications

Juan de Fuca Water Distribution

On October 3, 2023, the Juan de Fuca Water Distribution Service approved a $207,000 increase in funding from $1,080,000 to $1,287,000 for electric vehicle replacements. Current fleet asset replacement requirements for Juan de Fuca Distribution service requires an increase in 2023 funding for early replacement of vehicles due to failure and incremental costs associated with electric vehicles. This will be funded from the Equipment Replacement Fund.

Regional Water Supply

On October 18, 2023, staff provided a verbal report to the Regional Water Supply Commission on the emergency repair work required to the Watermain No. 4 supply pipe.

In early September a leak was detected in Watermain No. 4 at McTavish Road, which is the primary feed to the Saanich Peninsula. The leak was identified to the Commission as a significant incident since repairs would require specialized materials and it would be challenging to isolate the portion of the main requiring repair without impacting residents of the Saanich Peninsula. A specialized line stop was used to redirect flow, a public service announcement was issued asking residents to reduce consumption and crews worked around the clock to successfully undertake the emergency replacement of a previously repaired section of the watermain. An amendment is required to recognize the $311,000 cost of the unplanned work, which will be funded from the service's Water Capital Fund.

Sooke and Electoral Area Parks and Recreation Commission (SEAPARC)

The CRD Board approved replacement of the SEAPARC electronic signage on October 10, 2023, previously recommended by SEAPARC on October 3, 2023. One of the light-emitting diode (LED) panels recently failed on the existing electronic sign (located on Sooke Road). The sign is at end of life and cannot be repaired, replacing the entire sign is the only option. As a result, this will be advanced from the 2024 capital plan and added to the capital plan for 2023. Funding will come from the Capital Reserve Fund.

CONCLUSION

In compliance with the *Local Government Act*, the proposed amending Bylaw No. 4589 authorizes the changes required to Bylaw No. 4537, "2023 to 2027 Financial Plan Bylaw, 2023," which the CRD Board approved on March 29, 2023, subsequently amended on July 12, 2023 and then amended again on September 13, 2023.

RECOMMENDATION

1. That Bylaw No 4589, "2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023", be introduced and read a first, second, and third time; and
2. That Bylaw No. 4589 be adopted.

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:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Bylaw No. 4589, "2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023" with Schedule B

APPENDIX A

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4589

****

A BYLAW TO AMEND THE FIVE-YEAR FINANCIAL PLAN FOR THE YEARS 2023 – 2027

****

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 4537, "2023 to 2027 Financial Plan Bylaw, 2023", is hereby amended by replacing Schedule B with the Schedule B attached to this bylaw.

2. This Bylaw may be cited as “2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 3, 2023”.

READ A FIRST TIME THIS	day of	20__
READ A SECOND TIME THIS	day of	20__
READ A THIRD TIME THIS	day of	20__
ADOPTED THIS	day of	20__

_____ _____

CHAIR CORPORATE OFFICER

Attachment: Schedule B

SCHEDULE B

CAPITAL REGIONAL DISTRICT

CAPITAL EXPENDITURE PLAN SUMMARY - 2023 to 2027

	EXPENDITURE / FUNDING SUMMARY (ALL SERVICES)	2023	2024	2025	2026	2027	TOTAL
	EXPENDITURE						
B	Buildings	35,126,021	18,992,500	20,901,000	10,166,000	3,248,000	88,433,521
E	Equipment	30,267,727	10,051,481	8,818,390	8,931,767	3,295,900	61,365,265
L	Land	13,983,000	6,465,000	6,075,000	5,340,000	5,220,000	37,083,000
S	Engineered Structures	138,578,429	129,092,631	91,294,652	93,155,794	61,985,000	514,106,506
V	Vehicles	9,391,688	3,412,000	3,076,000	2,744,000	3,064,100	21,687,788
		227,346,865	**168,013,612**	**130,165,042**	**120,337,561**	**76,813,000**	**722,676,080**
	SOURCE OF FUNDS						
C	Capital Funds on Hand	54,934,155	35,597,175	27,442,483	29,315,483	26,683,745	173,973,041
D	Debenture Debt (New Debt Only)	53,864,000	83,113,262	74,969,306	66,660,000	26,142,000	304,748,568
E	ERF	13,148,067	7,871,400	5,362,429	5,139,806	4,740,977	36,262,679
G	Grants (Federal, Provincial)	20,892,960	15,936,960	8,254,500	10,777,368	11,810,278	67,672,066
R	Reserve Fund	66,161,774	23,236,619	11,421,324	8,244,904	7,436,000	116,500,621
O	Other	18,345,909	2,258,196	2,715,000	200,000	-	23,519,105
		227,346,865	**168,013,612**	**130,165,042**	**120,337,561**	**76,813,000**	**722,676,080**

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2023

Schedule B

		CAPITAL EXPENDITURE												
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.011	Board Expenditures	282,500					282,500			282,500				282,500
1.014	Chief Administrative Officer	22,352					22,352			22,352				22,352
1.015	Real Estate	-					-			-				-
1.016	Human Resources	1,143,833					1,143,833	1,116,000		27,833				1,143,833
1.017	Finance	282,110					282,110	200,000		82,110				282,110
1.018	Health & Capital Planning Strategies	2,180					2,180			2,180				2,180
1.022	Information Technology	2,504,542	100,000				2,604,542	2,450,500		154,042				2,604,542
1.024	GM - Planning & Protective Services	2,701					2,701			2,701				2,701
1.025	Corporate Emergency	6,000					6,000			6,000				6,000
1.027	Aboriginal Initiatives	9,541					9,541			3,791		5,750		9,541
1.105	Facilities Management	25,000	300,000				325,000	50,000		275,000				325,000
1.106	Facilities and Risk		90,000	1,717,000	125,000		1,932,000	602,000		90,000		1,240,000		1,932,000
1.107	Corporate Satellite Facilities			25,000			25,000					25,000		25,000
1.109	JDF Admin. Expenditures	-					-			-				-
1.110	SGI Admin. Expenditures	4,000					4,000			4,000				4,000
1.111	SSI Admin. Expenditures	17,900	-	8,000			25,900			25,900				25,900
1.118	Corporate Communications	179,881					179,881			4,881		175,000		179,881
1.123	Family Court Building			1,266,800			1,266,800	46,800			700,000	520,000		1,266,800
1.137	Galiano Island Community Use Building			10,000			10,000					10,000		10,000
1.141	SSI Public Library			10,000			10,000					10,000		10,000
1.226	Health Facilities - VIHA	440,000		2,910,000	-		3,350,000	665,000				2,485,000	200,000	3,350,000
1.235	SGI Small Craft Harbour Facilities				821,000		821,000	506,000			60,000	225,000	30,000	821,000
1.236	SSI Small Craft Harbour (Fernwood Dock)				53,000		53,000				-	53,000		53,000
1.238A	Community Transit (SSI)				50,000		50,000				-	50,000		50,000
1.238B	Community Transportation (SSI)	45,000			346,400		391,400				200,000	191,400		391,400
1.280	Regional Parks	2,214,300	1,155,000	136,000	11,078,460	10,000,000	24,583,760	1,725,400	3,575,000	659,300	5,107,682	13,290,378	226,000	24,583,760
1.290	Royal Theatre	218,000		1,599,000			1,817,000	95,000			-	927,000	795,000	1,817,000
1.295	McPherson Theatre	187,000		2,697,500			2,884,500	157,500				2,727,000		2,884,500
1.297	Arts Grants and Development	-					-			-				-
1.309	Climate Action and Adaptation	284,023					284,023	103,745			180,278			284,023
1.310	Land Banking and Housing	4,000		17,104,721			17,108,721		-	4,000	4,200,000		12,904,721	17,108,721
1.313	Animal Care Services	80,000	100,188	200,000	65,000		445,188			30,000			415,188	445,188
1.318	Building Inspection	90,300	95,000				185,300			185,300				185,300
1.323	ByLaw Services	1,010	150,000				151,010			151,010				151,010
1.324	Regional Planning Services	43,000					43,000			43,000				43,000
1.325	Community Planning	37,700			200,000		237,700			37,700	200,000			237,700
1.335	Geo-Spatial Referencing	210,000					210,000			210,000				210,000
1.350	Willis Point Fire	8,970	580,000	-			588,970			586,000		2,970		588,970
1.352	South Galiano Fire	15,000	185,000	40,000			240,000	40,000		200,000		-		240,000
1.353	Otter Point Fire	28,300		40,000			68,300			28,300		40,000		68,300
1.356	Pender Island Fire	15,000	215,000	15,000			245,000			230,000		15,000		245,000
1.357	East Sooke Fire	33,295	300,000	10,000			343,295			316,295		27,000		343,295
1.358	Port Renfrew Fire	35,000					35,000			15,000		20,000		35,000
1.359	North Galiano Fire	-					-			-				-
1.360	Shirley Fire Department	10,000					10,000			10,000				10,000
1.371	SSI Emergency Program	19,317					19,317			7,000		12,317		19,317
1.372	Emergency Planning Coordination	-	-				-			-				-
1.373	SGI Emergency Program	60,000					60,000					60,000		60,000
1.375	Hazardous Material Incident Response	88,000	-				88,000			88,000				88,000
1.377	JDF Search and Rescue	92,000					92,000			92,000				92,000
1.405	JDF EA Community Parks & Recreation				575,000	50,000	625,000				615,000	10,000		625,000
1.40X	SEAPARC	394,000	20,000	184,000	240,000	-	838,000	67,000	-	133,000	-	638,000		838,000
1.44x	Panorama Recreation	919,872	92,000	1,624,000	565,000		3,200,872	715,000	953,000	616,872	15,000	901,000		3,200,872
1.455	SSI Community Parks	30,000	75,000		340,000		445,000		-	30,000	305,000	110,000		445,000
1.458	SSI Community Recreation	10,000			30,000		40,000			5,000	-	35,000	-	40,000
1.459	SSI Park Land & Rec Programs	422,500	40,000	146,000	350,000	45,000	1,003,500		-	62,500	675,000	266,000		1,003,500

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2023

Schedule B

Service #	Service Name	CAPITAL EXPENDITURE												TOTAL
		Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	
1.465	Saturna Island Community Parks				50,000		50,000					50,000		50,000
1.475	Mayne Island Community Parks	-		53,000	24,000		77,000				30,000	47,000		77,000
1.485	Pender Island Community Parks				179,810		179,810					179,810		179,810
1.495	Galiano Community Parks	5,000			35,000		40,000			5,000		35,000		40,000
1.521	Environmental Resource Management	849,000		-	35,298,149		36,147,149	1,250,000	8,700,000	1,149,000		25,048,149		36,147,149
1.523	Port Renfrew Refuse Disposal				12,000		12,000					12,000		12,000
1.575	Environmental Administration Services	18,500					18,500			18,500				18,500
1.576	Environmental Engineering Services	40,000	195,000				235,000	55,000		180,000				235,000
1.577	IW - Environmental Operations	200,000	1,902,500				2,102,500			2,082,500	20,000			2,102,500
1.578	Environmental Protection	932,500	655,000				1,587,500	380,000		1,207,500				1,587,500
1.911	911 Call Answer	-					-			-				-
2.610	Saanich Peninsula Water Supply	590,000			4,746,000		5,336,000		-	220,000		5,116,000		5,336,000
2.620	Highland Water (SSI)				70,000		70,000	70,000						70,000
2.621	Highland & Fernwood Water (SSI)	40,000			663,235		703,235	165,235	-		463,000	75,000		703,235
2.622	Cedars of Tuam Water (SSI)	-			270,000		270,000		92,000		178,000	-		270,000
2.624	Beddis Water (SSI)	242,600			115,000		357,600	126,600	-		178,000	53,000		357,600
2.626	Fulford Water (SSI)	74,000			270,000		344,000	70,000	-		260,000	14,000		344,000
2.628	Cedar Lane Water (SSI)	22,000		-	165,000		187,000		90,000		95,000	2,000		187,000
2.630	Magic Lake Estates Water (Pender)	295,000			25,000		320,000	185,000			15,000	120,000		320,000
2.640	Lyall Harbour Boot Cove Water (Saturna)	66,000			350,000		416,000		58,000		335,000	23,000		416,000
2.642	Skana Water (Mayne)	75,000			80,000		155,000	65,000	75,000		-	15,000		155,000
2.650	Port Renfrew Water	10,000			30,000		40,000		-		-	40,000		40,000
2.665	Sticks Allison Water (Galiano)				5,000		5,000					5,000		5,000
2.667	Surfside Park Estates (Mayne)	25,000			-		25,000		-			25,000		25,000
2.670	Regional Water Supply	14,650,000	1,315,000	5,290,000	18,025,875	3,478,000	42,758,875	28,758,875	9,600,000	995,000	40,000		3,365,000	42,758,875
2.680	JDF Water Distribution	1,105,000	1,487,000	40,000	25,565,000		28,197,000	11,130,000	9,200,000	1,287,000		6,170,000	410,000	28,197,000
2.682	Seagirt Water System				2,350,000		2,350,000	150,000	2,100,000		100,000			2,350,000
2.691	Wilderness Mountain Water Service				5,000		5,000	5,000						5,000
3.701	Millstream Site Remediation					410,000	410,000	250,000			160,000			410,000
3.705	SSI Septage / Composting				35,000		35,000				-	35,000	-	35,000
3.718	Saanich Peninsula Wastewater	210,000			2,850,000		3,060,000		-	480,000		2,580,000		3,060,000
3.798C	Debt - Core Area Wastewater Treatment Program	300,000	263,000		23,568,000		24,131,000	1,896,000	19,080,000	800,000	-	2,355,000		24,131,000
3.810	Ganges Sewer Utility (SSI)		77,000		292,500		369,500	107,500	-		182,000	80,000		369,500
3.820	Maliview Sewer Utility (SSI)				2,330,000		2,330,000		341,000		1,989,000	-		2,330,000
3.830	Magic Lake Sewer Utility (Pender)	-			6,230,000		6,230,000	1,730,000			4,500,000	-		6,230,000
3.850	Port Renfrew Sewer				100,000		100,000		-		90,000	10,000		100,000
TOTAL		**30,267,727**	**9,391,688**	**35,126,021**	**138,578,429**	**13,983,000**	**227,346,865**	**54,934,155**	**53,864,000**	**13,148,067**	**20,892,960**	**66,161,774**	**18,345,909**	**227,346,865**

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2024

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.011	Board Expenditures	37,000					37,000			37,000				37,000
1.014	Chief Administrative Officer	5,923					5,923			5,923				5,923
1.015	Real Estate	2,180					2,180			2,180				2,180
1.016	Human Resources	8,055					8,055	-		8,055				8,055
1.017	Finance	231,445					231,445	200,000		31,445				231,445
1.018	Health & Capital Planning Strategies	1,611					1,611			1,611				1,611
1.022	Information Technology	1,457,600	-				1,457,600	1,411,000		46,600				1,457,600
1.024	GM - Planning & Protective Services	-					-			-				-
1.025	Corporate Emergency	8,000					8,000			8,000				8,000
1.027	Aboriginal Initiatives	1,611					1,611			1,611		-		1,611
1.105	Facilities Management	10,000	50,000				60,000	-		60,000				60,000
1.106	Facilities and Risk		-	100,000	125,000		225,000	-		-		225,000		225,000
1.107	Corporate Satellite Facilities			-			-					-		-
1.109	JDF Admin. Expenditures	-					-			-				-
1.110	SGI Admin. Expenditures	5,000					5,000			5,000				5,000
1.111	SSI Admin. Expenditures	7,400	-	-			7,400			7,400				7,400
1.118	Corporate Communications	228,222					228,222			3,222		225,000		228,222
1.123	Family Court Building			85,000			85,000	-			-	85,000		85,000
1.137	Galiano Island Community Use Building			-			-					-		-
1.141	SSI Public Library			-			-					-		-
1.226	Health Facilities - VIHA	-		925,000	-		925,000	-				550,000	375,000	925,000
1.235	SGI Small Craft Harbour Facilities				229,000		229,000	179,000			-	50,000	-	229,000
1.236	SSI Small Craft Harbour (Fernwood Dock)				150,000		150,000				50,000	100,000		150,000
1.238A	Community Transit (SSI)				40,000		40,000				5,000	35,000		40,000
1.238B	Community Transportation (SSI)	-			302,500		302,500				275,000	27,500		302,500
1.280	Regional Parks	63,800	575,000	95,000	3,848,436	5,000,000	9,582,236	56,063	5,000,000	638,800	1,145,254	2,742,119	-	9,582,236
1.290	Royal Theatre	-		700,000			700,000	-			-	350,000	350,000	700,000
1.295	McPherson Theatre	-		300,000			300,000	-				300,000		300,000
1.297	Arts Grants and Development	-					-			-				-
1.309	Climate Action and Adaptation	792,961					792,961	211,483			581,478			792,961
1.310	Land Banking and Housing	10,000		11,000,000			11,010,000		11,000,000	10,000	-		-	11,010,000
1.313	Animal Care Services	5,000	25,000	-	-		30,000			30,000			-	30,000
1.318	Building Inspection	5,500	-				5,500			5,500				5,500
1.323	ByLaw Services	1,030	-				1,030			1,030				1,030
1.324	Regional Planning Services	4,000					4,000			4,000				4,000
1.325	Community Planning	4,800			-		4,800			4,800	-			4,800
1.335	Geo-Spatial Referencing	-					-			-				-
1.350	Willis Point Fire	6,000	-	-			6,000			6,000		-		6,000
1.352	South Galiano Fire	10,000	400,000	-			410,000	-		410,000		-		410,000
1.353	Otter Point Fire	15,000		40,000			55,000			15,000		40,000		55,000
1.356	Pender Island Fire	28,000	-	-			28,000			28,000		-		28,000
1.357	East Sooke Fire	16,551	160,000	-			176,551			176,551		-		176,551
1.358	Port Renfrew Fire	-					-			-		-		-
1.359	North Galiano Fire	-					-			-				-
1.360	Shirley Fire Department	-					-			-				-
1.371	SSI Emergency Program	-					-			-		-		-
1.372	Emergency Planning Coordination	2,500	-				2,500			2,500				2,500
1.373	SGI Emergency Program	-					-					-		-
1.375	Hazardous Material Incident Response	10,000	-				10,000			10,000				10,000
1.377	JDF Search and Rescue	-					-			-				-
1.405	JDF EA Community Parks & Recreation				-	50,000	50,000				50,000	-		50,000
1.40X	SEAPARC	152,500	-	329,500	1,085,000	-	1,567,000	-	-	147,500	750,000	669,500		1,567,000
1.44x	Panorama Recreation	409,672	-	2,136,000	4,482,908		7,028,580	-	4,400,000	379,672	2,012,908	236,000		7,028,580
1.455	SSI Community Parks	20,000	-		105,000		125,000		-	20,000	75,000	30,000		125,000
1.458	SSI Community Recreation	5,000			800,000		805,000			5,000	200,000	100,000	500,000	805,000
1.459	SSI Park Land & Rec Programs	35,000	-	150,000	25,000	585,000	795,000		-	35,000	25,000	735,000		795,000

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2024

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.465	Saturna Island Community Parks				6,000		6,000					6,000		6,000
1.475	Mayne Island Community Parks	-		2,000	10,000		12,000				-	12,000		12,000
1.485	Pender Island Community Parks				75,000		75,000					75,000		75,000
1.495	Galiano Community Parks	1,000			11,000		12,000			1,000		11,000		12,000
1.521	Environmental Resource Management	353,000		350,000	33,831,000		34,534,000	600,000	19,213,000	853,000		13,868,000		34,534,000
1.523	Port Renfrew Refuse Disposal				-		-					-		-
1.575	Environmental Administration Services	6,000					6,000			6,000				6,000
1.576	Environmental Engineering Services	40,000	80,000				120,000	-		120,000				120,000
1.577	IW - Environmental Operations	125,000	369,000				494,000			494,000	-			494,000
1.578	Environmental Protection	127,000	55,000				182,000	-		182,000				182,000
1.911	911 Call Answer	1,000,000					1,000,000			1,000,000				1,000,000
2.610	Saanich Peninsula Water Supply	350,000			2,870,000		3,220,000		2,550,000	80,000		590,000		3,220,000
2.620	Highland Water (SSI)				-		-	-						-
2.621	Highland & Fernwood Water (SSI)	-			792,000		792,000	-	465,000		307,000	20,000		792,000
2.622	Cedars of Tuam Water (SSI)	10,000			1,494,000		1,504,000		508,000		996,000	-		1,504,000
2.624	Beddis Water (SSI)	231,000			53,000		284,000	-	-		210,000	74,000		284,000
2.626	Fulford Water (SSI)	113,000			-		113,000	-	-		102,000	11,000		113,000
2.628	Cedar Lane Water (SSI)	-		-	107,000		107,000		-		92,000	15,000		107,000
2.630	Magic Lake Estates Water (Pender)	-			140,000		140,000	-			-	140,000		140,000
2.640	Lyall Harbour Boot Cove Water (Saturna)	-			340,000		340,000		340,000		-	-		340,000
2.642	Skana Water (Mayne)	694,120			35,000		729,120	-	182,262		546,858	-		729,120
2.650	Port Renfrew Water	10,000			100,000		110,000		-		100,000	10,000		110,000
2.665	Sticks Allison Water (Galiano)				-		-					-		-
2.667	Surfside Park Estates (Mayne)	20,000			15,000		35,000		-			35,000		35,000
2.670	Regional Water Supply	1,925,000	843,000	2,740,000	28,450,000	830,000	34,788,000	11,645,000	14,100,000	843,000	7,200,000		1,000,000	34,788,000
2.680	JDF Water Distribution	265,000	855,000	40,000	11,510,000		12,670,000	7,095,000	4,700,000	855,000		20,000	-	12,670,000
2.682	Seagirt Water System				-		-	-	-		-			-
2.691	Wilderness Mountain Water Service				-		-	-						-
3.701	Millstream Site Remediation					-	-	-			-			-
3.705	SSI Septage / Composting				344,158		344,158				303,462	7,500	33,196	344,158
3.718	Saanich Peninsula Wastewater	1,120,000			1,225,000		2,345,000		1,450,000	170,000		725,000		2,345,000
3.798C	Debt - Core Area Wastewater Treatment Program	-	-		33,902,000		33,902,000	12,577,000	19,205,000	1,120,000	-	1,000,000		33,902,000
3.810	Ganges Sewer Utility (SSI)		-		58,000		58,000	-	-		25,000	33,000		58,000
3.820	Maliview Sewer Utility (SSI)				41,000		41,000		-		32,000	9,000		41,000
3.830	Magic Lake Sewer Utility (Pender)	60,000			2,475,629		2,535,629	1,622,629			853,000	60,000		2,535,629
3.850	Port Renfrew Sewer				15,000		15,000		-		-	15,000		15,000
TOTAL		**10,051,481**	**3,412,000**	**18,992,500**	**129,092,631**	**6,465,000**	**168,013,612**	**35,597,175**	**83,113,262**	**7,871,400**	**15,936,960**	**23,236,619**	**2,258,196**	**168,013,612**

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2025

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.011	Board Expenditures	96,500					96,500			96,500				96,500
1.014	Chief Administrative Officer	3,791					3,791			3,791				3,791
1.015	Real Estate	-					-			-				-
1.016	Human Resources	3,222					3,222	-		3,222				3,222
1.017	Finance	133,991					133,991	100,000		33,991				133,991
1.018	Health & Capital Planning Strategies	-					-			-				-
1.022	Information Technology	1,991,000	70,000				2,061,000	1,939,000		122,000				2,061,000
1.024	GM - Planning & Protective Services	-					-			-				-
1.025	Corporate Emergency	-					-			-				-
1.027	Aboriginal Initiatives	-					-			-		-		-
1.105	Facilities Management	10,000	50,000				60,000	-		60,000				60,000
1.106	Facilities and Risk		-	200,000	125,000		325,000	-		-		325,000		325,000
1.107	Corporate Satellite Facilities			-			-					-		-
1.109	JDF Admin. Expenditures	-					-			-				-
1.110	SGI Admin. Expenditures	-					-			-				-
1.111	SSI Admin. Expenditures	4,000	50,000	-			54,000			54,000				54,000
1.118	Corporate Communications	5,401					5,401			5,401		-		5,401
1.123	Family Court Building			10,000			10,000	-			-	10,000		10,000
1.137	Galiano Island Community Use Building			-			-					-		-
1.141	SSI Public Library			-			-					-		-
1.226	Health Facilities - VIHA	-		955,000	75,000		1,030,000	-				370,000	660,000	1,030,000
1.235	SGI Small Craft Harbour Facilities				125,000		125,000	-			-	125,000	-	125,000
1.236	SSI Small Craft Harbour (Fernwood Dock)				-		-				-	-		-
1.238A	Community Transit (SSI)				40,000		40,000				5,000	35,000		40,000
1.238B	Community Transportation (SSI)	-			30,000		30,000				-	30,000		30,000
1.280	Regional Parks	60,900	270,000	480,000	4,751,734	5,000,000	10,562,634	-	5,000,000	330,900	2,645,410	2,586,324	-	10,562,634
1.290	Royal Theatre	450,000		2,187,000			2,637,000	112,000			680,000	790,000	1,055,000	2,637,000
1.295	McPherson Theatre	-		300,000			300,000	-				300,000		300,000
1.297	Arts Grants and Development	-					-			-				-
1.309	Climate Action and Adaptation	792,961					792,961	211,483			581,478			792,961
1.310	Land Banking and Housing	4,000		14,500,000			14,504,000		14,500,000	4,000	-		-	14,504,000
1.313	Animal Care Services	5,000	25,000	-	-		30,000			30,000			-	30,000
1.318	Building Inspection	4,500	-				4,500			4,500				4,500
1.323	ByLaw Services	-	-				-			-				-
1.324	Regional Planning Services	4,000					4,000			4,000				4,000
1.325	Community Planning	3,250			-		3,250			3,250	-			3,250
1.335	Geo-Spatial Referencing	30,000					30,000			30,000				30,000
1.350	Willis Point Fire	6,000	-	-			6,000			6,000		-		6,000
1.352	South Galiano Fire	10,200	85,000	-			95,200	-		10,200		85,000		95,200
1.353	Otter Point Fire	15,000		40,000			55,000			15,000		40,000		55,000
1.356	Pender Island Fire	105,000	-	-			105,000			105,000		-		105,000
1.357	East Sooke Fire	19,512	-	-			19,512			19,512		-		19,512
1.358	Port Renfrew Fire	-					-			-		-		-
1.359	North Galiano Fire	150,000					150,000			150,000				150,000
1.360	Shirley Fire Department	-					-			-				-
1.371	SSI Emergency Program	-					-			-		-		-
1.372	Emergency Planning Coordination	-	-				-			-				-
1.373	SGI Emergency Program	-					-					-		-
1.375	Hazardous Material Incident Response	10,000	-				10,000			10,000				10,000
1.377	JDF Search and Rescue	-					-			-				-
1.405	JDF EA Community Parks & Recreation				-	-	-				-	-		-
1.40X	SEAPARC	155,500	-	409,000	200,000	500,000	1,264,500	-	500,000	125,500	-	639,000		1,264,500
1.44x	Panorama Recreation	541,662	-	250,000	-		791,662	-	-	406,662	-	385,000		791,662
1.455	SSI Community Parks	20,000	130,000		70,000		220,000		-	60,000	105,000	55,000		220,000
1.458	SSI Community Recreation	10,000			-		10,000			5,000	-	5,000	-	10,000
1.459	SSI Park Land & Rec Programs	50,000	-	140,000	-	50,000	240,000		-	30,000	35,000	175,000		240,000

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2025

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.465	Saturna Island Community Parks				6,000		6,000					6,000		6,000
1.475	Mayne Island Community Parks	-		-	20,000		20,000				-	20,000		20,000
1.485	Pender Island Community Parks				85,000		85,000					85,000		85,000
1.495	Galiano Community Parks	1,000			4,000		5,000			1,000		4,000		5,000
1.521	Environmental Resource Management	355,000		-	5,475,000		5,830,000	225,000	2,650,000	355,000		2,600,000		5,830,000
1.523	Port Renfrew Refuse Disposal				-		-					-		-
1.575	Environmental Administration Services	6,000					6,000			6,000				6,000
1.576	Environmental Engineering Services	40,000	45,000				85,000	-		85,000				85,000
1.577	IW - Environmental Operations	125,000	676,000				801,000			801,000	-			801,000
1.578	Environmental Protection	81,000	140,000				221,000	-		221,000				221,000
1.911	911 Call Answer	-					-			-				-
2.610	Saanich Peninsula Water Supply	300,000			6,474,000		6,774,000		5,550,000	80,000		1,144,000		6,774,000
2.620	Highland Water (SSI)				-		-	-						-
2.621	Highland & Fernwood Water (SSI)	-			372,000		372,000	-	-		300,000	72,000		372,000
2.622	Cedars of Tuam Water (SSI)	-			25,000		25,000		-		20,000	5,000		25,000
2.624	Beddis Water (SSI)	-			2,443,000		2,443,000	-	2,180,000		150,000	113,000		2,443,000
2.626	Fulford Water (SSI)	165,000			25,000		190,000	-	-		150,000	40,000		190,000
2.628	Cedar Lane Water (SSI)	-		-	128,000		128,000		68,000		60,000	-		128,000
2.630	Magic Lake Estates Water (Pender)	-			22,000		22,000	-			-	22,000		22,000
2.640	Lyall Harbour Boot Cove Water (Saturna)	-			350,000		350,000		350,000		-	-		350,000
2.642	Skana Water (Mayne)	-			-		-	-	-		-	-		-
2.650	Port Renfrew Water	260,000			1,838,918		2,098,918		991,306		1,082,612	25,000		2,098,918
2.665	Sticks Allison Water (Galiano)				-		-					-		-
2.667	Surfside Park Estates (Mayne)	-			500,000		500,000		500,000			-		500,000
2.670	Regional Water Supply	1,525,000	630,000	1,390,000	37,975,000	525,000	42,045,000	16,915,000	21,200,000	630,000	2,300,000		1,000,000	42,045,000
2.680	JDF Water Distribution	165,000	905,000	40,000	8,355,000		9,465,000	7,940,000	600,000	905,000		20,000	-	9,465,000
2.682	Seagirt Water System				-		-	-	-		-			-
2.691	Wilderness Mountain Water Service				-		-	-						-
3.701	Millstream Site Remediation					-	-	-			-			-
3.705	SSI Septage / Composting				-		-				-	-	-	-
3.718	Saanich Peninsula Wastewater	1,100,000			900,000		2,000,000		1,750,000	150,000		100,000		2,000,000
3.798C	Debt - Core Area Wastewater Treatment Program	-	-		19,050,000		19,050,000	-	17,650,000	400,000	-	1,000,000		19,050,000
3.810	Ganges Sewer Utility (SSI)		-		1,680,000		1,680,000	-	1,330,000		140,000	210,000		1,680,000
3.820	Maliview Sewer Utility (SSI)				-		-		-		-	-		-
3.830	Magic Lake Sewer Utility (Pender)	-			-		-	-			-	-		-
3.850	Port Renfrew Sewer				150,000		150,000		150,000		-	-		150,000
TOTAL		**8,818,390**	**3,076,000**	**20,901,000**	**91,294,652**	**6,075,000**	**130,165,042**	**27,442,483**	**74,969,306**	**5,362,429**	**8,254,500**	**11,421,324**	**2,715,000**	**130,165,042**

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2026

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.011	Board Expenditures	215,000					215,000			215,000				215,000
1.014	Chief Administrative Officer	5,402					5,402			5,402				5,402
1.015	Real Estate	1,090					1,090			1,090				1,090
1.016	Human Resources	3,222					3,222	-		3,222				3,222
1.017	Finance	131,312					131,312	100,000		31,312				131,312
1.018	Health & Capital Planning Strategies	3,222					3,222			3,222				3,222
1.022	Information Technology	2,120,650	-				2,120,650	2,059,000		61,650				2,120,650
1.024	GM - Planning & Protective Services	2,088					2,088			2,088				2,088
1.025	Corporate Emergency	-					-			-				-
1.027	Aboriginal Initiatives	1,611					1,611			1,611		-		1,611
1.105	Facilities Management	10,000	-				10,000	-		10,000				10,000
1.106	Facilities and Risk		-	135,000	-		135,000	-		-		135,000		135,000
1.107	Corporate Satellite Facilities			-			-					-		-
1.109	JDF Admin. Expenditures	2,000					2,000			2,000				2,000
1.110	SGI Admin. Expenditures	4,000					4,000			4,000				4,000
1.111	SSI Admin. Expenditures	9,400	-	-			9,400			9,400				9,400
1.118	Corporate Communications	2,701					2,701			2,701		-		2,701
1.123	Family Court Building			-			-	-			-	-		-
1.137	Galiano Island Community Use Building			-			-					-		-
1.141	SSI Public Library			-			-					-		-
1.226	Health Facilities - VIHA	-		937,500	-		937,500	-				737,500	200,000	937,500
1.235	SGI Small Craft Harbour Facilities				50,000		50,000	-			-	50,000	-	50,000
1.236	SSI Small Craft Harbour (Fernwood Dock)				-		-				-	-		-
1.238A	Community Transit (SSI)				40,000		40,000				5,000	35,000		40,000
1.238B	Community Transportation (SSI)	-			96,000		96,000				60,000	36,000		96,000
1.280	Regional Parks	71,600	305,000	-	7,801,894	5,000,000	13,178,494	260,000	5,000,000	376,600	5,165,890	2,376,004	-	13,178,494
1.290	Royal Theatre	-		93,000			93,000	-			-	93,000	-	93,000
1.295	McPherson Theatre	-		238,000			238,000	-				238,000		238,000
1.297	Arts Grants and Development	-					-			-				-
1.309	Climate Action and Adaptation	792,961					792,961	211,483			581,478			792,961
1.310	Land Banking and Housing	4,000		-			4,000		-	4,000	-		-	4,000
1.313	Animal Care Services	5,000	25,000	-	-		30,000			30,000			-	30,000
1.318	Building Inspection	6,000	50,000				56,000			56,000				56,000
1.323	ByLaw Services	-	-				-			-				-
1.324	Regional Planning Services	8,000					8,000			8,000				8,000
1.325	Community Planning	-			-		-			-	-			-
1.335	Geo-Spatial Referencing	-					-			-				-
1.350	Willis Point Fire	6,000	-	-			6,000			6,000		-		6,000
1.352	South Galiano Fire	10,800	85,000	-			95,800	-		95,800		-		95,800
1.353	Otter Point Fire	20,000		40,000			60,000			20,000		40,000		60,000
1.356	Pender Island Fire	18,000	-	-			18,000			18,000		-		18,000
1.357	East Sooke Fire	41,578	-	-			41,578			41,578		-		41,578
1.358	Port Renfrew Fire	-					-			-		-		-
1.359	North Galiano Fire	-					-			-				-
1.360	Shirley Fire Department	-					-			-				-
1.371	SSI Emergency Program	-					-			-		-		-
1.372	Emergency Planning Coordination	-	-				-			-				-
1.373	SGI Emergency Program	-					-					-		-
1.375	Hazardous Material Incident Response	-	-				-			-				-
1.377	JDF Search and Rescue	-					-			-				-
1.405	JDF EA Community Parks & Recreation				-	-	-				-	-		-
1.40X	SEAPARC	1,597,500	-	227,500	28,000	-	1,853,000	-	-	92,500	1,250,000	510,500		1,853,000
1.44x	Panorama Recreation	436,630	-	310,000	-		746,630	-	-	436,630	-	310,000		746,630
1.455	SSI Community Parks	15,000	-		5,095,000		5,110,000		5,000,000	15,000	50,000	45,000		5,110,000
1.458	SSI Community Recreation	5,000			5,000		10,000			5,000	-	5,000	-	10,000
1.459	SSI Park Land & Rec Programs	40,000	-	8,070,000	-	50,000	8,160,000		8,000,000	40,000	25,000	95,000		8,160,000

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2026

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.465	Saturna Island Community Parks				-		-					-		-
1.475	Mayne Island Community Parks	4,000		-	-		4,000				-	4,000		4,000
1.485	Pender Island Community Parks				80,000		80,000					80,000		80,000
1.495	Galiano Community Parks	-			4,900		4,900			-		4,900		4,900
1.521	Environmental Resource Management	385,000		-	1,950,000		2,335,000	200,000	300,000	385,000		1,450,000		2,335,000
1.523	Port Renfrew Refuse Disposal				-		-					-		-
1.575	Environmental Administration Services	6,000					6,000			6,000				6,000
1.576	Environmental Engineering Services	40,000	45,000				85,000	-		85,000				85,000
1.577	IW - Environmental Operations	125,000	630,000				755,000			755,000	-			755,000
1.578	Environmental Protection	77,000	55,000				132,000	-		132,000				132,000
1.911	911 Call Answer	-					-			-				-
2.610	Saanich Peninsula Water Supply	300,000			4,810,000		5,110,000		4,500,000	80,000		530,000		5,110,000
2.620	Highland Water (SSI)				-		-	-						-
2.621	Highland & Fernwood Water (SSI)	-			2,215,000		2,215,000	-	2,215,000		-	-		2,215,000
2.622	Cedars of Tuam Water (SSI)	-			435,000		435,000		415,000		-	20,000		435,000
2.624	Beddis Water (SSI)	-			2,090,000		2,090,000	-	2,000,000		-	90,000		2,090,000
2.626	Fulford Water (SSI)	-			1,450,000		1,450,000	-	1,450,000		-	-		1,450,000
2.628	Cedar Lane Water (SSI)	-		35,000	330,000		365,000		290,000		-	75,000		365,000
2.630	Magic Lake Estates Water (Pender)	-			145,000		145,000	-			-	145,000		145,000
2.640	Lyall Harbour Boot Cove Water (Saturna)	-			-		-		-		-	-		-
2.642	Skana Water (Mayne)	-			-		-	-	-		-	-		-
2.650	Port Renfrew Water	10,000			-		10,000		-		-	10,000		10,000
2.665	Sticks Allison Water (Galiano)				-		-					-		-
2.667	Surfside Park Estates (Mayne)	-			1,500,000		1,500,000		1,500,000			-		1,500,000
2.670	Regional Water Supply	1,880,000	775,000	40,000	47,375,000	290,000	50,360,000	18,595,000	27,390,000	775,000	3,600,000		-	50,360,000
2.680	JDF Water Distribution	165,000	774,000	40,000	7,705,000		8,684,000	7,890,000	-	774,000		20,000	-	8,684,000
2.682	Seagirt Water System				-		-	-	-		-			-
2.691	Wilderness Mountain Water Service				-		-	-						-
3.701	Millstream Site Remediation					-	-	-			-			-
3.705	SSI Septage / Composting				50,000		50,000				40,000	10,000	-	50,000
3.718	Saanich Peninsula Wastewater	350,000			150,000		500,000		250,000	150,000		100,000		500,000
3.798C	Debt - Core Area Wastewater Treatment Program	-	-		8,400,000		8,400,000	-	7,000,000	400,000	-	1,000,000		8,400,000
3.810	Ganges Sewer Utility (SSI)		-		-		-	-	-		-	-		-
3.820	Maliview Sewer Utility (SSI)				-		-		-		-	-		-
3.830	Magic Lake Sewer Utility (Pender)	-			-		-	-			-	-		-
3.850	Port Renfrew Sewer				1,350,000		1,350,000		1,350,000		-	-		1,350,000
TOTAL		**8,931,767**	**2,744,000**	**10,166,000**	**93,155,794**	**5,340,000**	**120,337,561**	**29,315,483**	**66,660,000**	**5,139,806**	**10,777,368**	**8,244,904**	**200,000**	**120,337,561**

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2027

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.011	Board Expenditures	-					-			-				-
1.014	Chief Administrative Officer	10,852					10,852			10,852				10,852
1.015	Real Estate	-					-			-				-
1.016	Human Resources	4,833					4,833	-		4,833				4,833
1.017	Finance	57,110					57,110	25,000		32,110				57,110
1.018	Health & Capital Planning Strategies	2,180					2,180			2,180				2,180
1.022	Information Technology	295,000	-				295,000	245,000		50,000				295,000
1.024	GM - Planning & Protective Services	1,090					1,090			1,090				1,090
1.025	Corporate Emergency	-					-			-				-
1.027	Aboriginal Initiatives	4,881					4,881			4,881		-		4,881
1.105	Facilities Management	10,000	-				10,000	-		10,000				10,000
1.106	Facilities and Risk		-	100,000	-		100,000	-		-		100,000		100,000
1.107	Corporate Satellite Facilities			-			-					-		-
1.109	JDF Admin. Expenditures	-					-			-				-
1.110	SGI Admin. Expenditures	2,000					2,000			2,000				2,000
1.111	SSI Admin. Expenditures	-	-	-			-			-				-
1.118	Corporate Communications	4,881					4,881			4,881		-		4,881
1.123	Family Court Building			-			-	-			-	-		-
1.137	Galiano Island Community Use Building			-			-					-		-
1.141	SSI Public Library			-			-					-		-
1.226	Health Facilities - VIHA	-		-	-		-	-				-	-	-
1.235	SGI Small Craft Harbour Facilities				-		-	-			-	-	-	-
1.236	SSI Small Craft Harbour (Fernwood Dock)				-		-				-	-		-
1.238A	Community Transit (SSI)				40,000		40,000				5,000	35,000		40,000
1.238B	Community Transportation (SSI)	-			106,000		106,000				60,000	46,000		106,000
1.280	Regional Parks	54,300	120,000	45,000	6,095,000	5,000,000	11,314,300	-	5,000,000	174,300	3,070,000	3,070,000	-	11,314,300
1.290	Royal Theatre	-		-			-	-			-	-	-	-
1.295	McPherson Theatre	-		-			-	-				-		-
1.297	Arts Grants and Development	-					-			-				-
1.309	Climate Action and Adaptation	164,023					164,023	43,745			120,278			164,023
1.310	Land Banking and Housing	4,000		-			4,000		-	4,000	-		-	4,000
1.313	Animal Care Services	5,000	25,000	-	-		30,000			30,000			-	30,000
1.318	Building Inspection	6,000	-				6,000			6,000				6,000
1.323	ByLaw Services	-	-				-			-				-
1.324	Regional Planning Services	3,000					3,000			3,000				3,000
1.325	Community Planning	2,700			-		2,700			2,700	-			2,700
1.335	Geo-Spatial Referencing	-					-			-				-
1.350	Willis Point Fire	12,000	-	16,500			28,500			12,000		16,500		28,500
1.352	South Galiano Fire	9,700	-	-			9,700	-		9,700		-		9,700
1.353	Otter Point Fire	20,000		40,000			60,000			20,000		40,000		60,000
1.356	Pender Island Fire	23,000	-	-			23,000			23,000		-		23,000
1.357	East Sooke Fire	18,850	-	-			18,850			18,850		-		18,850
1.358	Port Renfrew Fire	-					-			-		-		-
1.359	North Galiano Fire	-					-			-				-
1.360	Shirley Fire Department	-					-			-				-
1.371	SSI Emergency Program	-					-			-		-		-
1.372	Emergency Planning Coordination	-	70,000				70,000			70,000				70,000
1.373	SGI Emergency Program	-					-					-		-
1.375	Hazardous Material Incident Response	20,000	300,000				320,000			320,000				320,000
1.377	JDF Search and Rescue	-					-			-				-
1.405	JDF EA Community Parks & Recreation				-	-	-				-	-		-
1.40X	SEAPARC	58,500	-	336,500	-	-	395,000	-	-	58,500	-	336,500		395,000
1.44x	Panorama Recreation	-	349,100	-	335,000		684,100	-	-	349,100	-	335,000		684,100
1.455	SSI Community Parks	15,000	20,000		40,000		75,000		-	15,000	30,000	30,000		75,000
1.458	SSI Community Recreation	10,000			-		10,000			5,000	-	5,000	-	10,000
1.459	SSI Park Land & Rec Programs	40,000	-	2,630,000	-	-	2,670,000		-	40,000	2,525,000	105,000		2,670,000

CAPITAL REGIONAL DISTRICT - CAPITAL EXPENDITURE PLAN

2027

Schedule B

		CAPITAL EXPENDITURE						SOURCE OF FUNDING						
Service #	Service Name	Equipment	Vehicles	Buildings	Engineered Structures	Land	TOTAL	Capital Funds on Hand	Debenture Debt	Equipment Repl Fund	Grants	Capital Reserves	Other	TOTAL
1.465	Saturna Island Community Parks				-		-					-		-
1.475	Mayne Island Community Parks	-		-	-		-				-	-		-
1.485	Pender Island Community Parks				50,000		50,000					50,000		50,000
1.495	Galiano Community Parks	-			32,000		32,000			-		32,000		32,000
1.521	Environmental Resource Management	385,000		-	1,500,000		1,885,000	-	-	385,000		1,500,000		1,885,000
1.523	Port Renfrew Refuse Disposal				-		-					-		-
1.575	Environmental Administration Services	-					-			-				-
1.576	Environmental Engineering Services	40,000	-				40,000	-		40,000				40,000
1.577	IW - Environmental Operations	125,000	615,000				740,000			740,000	-			740,000
1.578	Environmental Protection	97,000	-				97,000	-		97,000				97,000
1.911	911 Call Answer	-					-			-				-
2.610	Saanich Peninsula Water Supply	100,000			610,000		710,000		300,000	80,000		330,000		710,000
2.620	Highland Water (SSI)				-		-	-						-
2.621	Highland & Fernwood Water (SSI)	-			2,215,000		2,215,000	-	2,215,000		-	-		2,215,000
2.622	Cedars of Tuam Water (SSI)	-			415,000		415,000		415,000		-	-		415,000
2.624	Beddis Water (SSI)	-			2,422,000		2,422,000	-	2,422,000		-	-		2,422,000
2.626	Fulford Water (SSI)	-			1,450,000		1,450,000	-	1,450,000		-	-		1,450,000
2.628	Cedar Lane Water (SSI)	-		-	290,000		290,000		290,000		-	-		290,000
2.630	Magic Lake Estates Water (Pender)	-			75,000		75,000	-			-	75,000		75,000
2.640	Lyall Harbour Boot Cove Water (Saturna)	-			-		-		-		-	-		-
2.642	Skana Water (Mayne)	-			-		-	-	-		-	-		-
2.650	Port Renfrew Water	10,000			200,000		210,000		200,000		-	10,000		210,000
2.665	Sticks Allison Water (Galiano)				-		-					-		-
2.667	Surfside Park Estates (Mayne)	-			-		-		-			-		-
2.670	Regional Water Supply	1,260,000	855,000	40,000	34,305,000	220,000	36,680,000	19,825,000	10,000,000	855,000	6,000,000		-	36,680,000
2.680	JDF Water Distribution	170,000	710,000	40,000	6,355,000		7,275,000	6,545,000	-	710,000		20,000	-	7,275,000
2.682	Seagirt Water System				-		-	-	-		-			-
2.691	Wilderness Mountain Water Service				-		-	-						-
3.701	Millstream Site Remediation					-	-	-			-			-
3.705	SSI Septage / Composting				-		-				-	-	-	-
3.718	Saanich Peninsula Wastewater	250,000			1,450,000		1,700,000		1,250,000	150,000		300,000		1,700,000
3.798C	Debt - Core Area Wastewater Treatment Program	-	-		3,600,000		3,600,000	-	2,200,000	400,000	-	1,000,000		3,600,000
3.810	Ganges Sewer Utility (SSI)		-		-		-	-	-		-	-		-
3.820	Maliview Sewer Utility (SSI)				-		-		-		-	-		-
3.830	Magic Lake Sewer Utility (Pender)	-			-		-	-			-	-		-
3.850	Port Renfrew Sewer				400,000		400,000		400,000		-	-		400,000
TOTAL		**3,295,900**	**3,064,100**	**3,248,000**	**61,985,000**	**5,220,000**	**76,813,000**	**26,683,745**	**26,142,000**	**4,740,977**	**11,810,278**	**7,436,000**	**-**	**76,813,000**

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Bylaw No. 4581: Temporary Borrowing (Saanich Peninsula Water Supply Waterworks)**

ISSUE SUMMARY

Approval of temporary borrowing bylaw authorizing short-term funds for projects included in the approved five-year capital plan for the Saanich Peninsula Water Supply Service.

BACKGROUND

At its meeting June 9, 2021, the Capital Regional District (CRD) Board adopted Loan Authorization Bylaw No. 4411, intended to fund the planned infrastructure and improvements within the Saanich Peninsula Water Supply system. A temporary borrowing bylaw is required to facilitate capital expenditures authorized for debt funding by the loan authorization bylaw.

Long-term debt will be issued near or at completion of the project when the total borrowing amount is known. The conversion of temporary borrowings to long-term debt is an additional and subsequent approval by the Board. The proposed temporary borrowing bylaw No. 4581 authorizes temporary borrowing against Bylaw No. 4411 "Saanich Peninsula Water Supply Water Works Facilities Loan Authorization Bylaw No. 1, 2021". When ready for a long-term issue, a Security Issuing Bylaw will be brought forward by staff and will require approval by the Board in advance of the regular Municipal Finance Authority (MFA) spring or fall long-term debt issues.

The following temporary borrowing bylaw Is proposed:

Service Area	Action	Purpose	Bylaw
2.610	Temporary Borrowing Bylaw No. 4581	Short-term funding of Saanich Peninsula Water Supply System Upgrade and Expansion arising from the approved capital plan	4581 Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023

ALTERNATIVES

Alternative 1

1. That Bylaw No. 4581 Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023, be introduced and read a first, second and third time; and
2. That Bylaw No. 4581 be adopted.

Alternative 2

That Bylaw No. 4581 be deferred to a future meeting pending further information.

IMPLICATIONS

Financial Implications

The proposed temporary borrowing bylaws will give the CRD access to interim financing according to the terms specified in Loan Authorization Bylaw No. 4411. Borrowing will not exceed the difference between the total $12,900,000 authorized by the loan authorization bylaw No. 4411 and the amount previously borrowed under this authority. The use of the temporary borrowing will be based on the timing of approved capital expenditures. The associated financing costs will be monthly variable interest-only payments. Currently, MFA's short-term borrowing rate is 5.62% (variable rate as of November 20, 2023). The cash flows required to service short-term debt are in the approved financial plan.

CONCLUSION

Temporary borrowing authority, through the approval of the Temporary Borrowing (Saanich Peninsula Water Supply) Bylaw No. 4581 is required to access interim financing to fund the Saanich Peninsula Water Supply system upgrade and expansion. Timely access to borrowed funds is critical to meeting the approved five-year capital program. All temporary borrowings will be either repaid within five years or converted to long-term debt up to the maximums stated in the approved Loan Authorization Bylaw No. 4411.

RECOMMENDATION

1. That Bylaw No. 4581 Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023, be introduced and read a first, second and third time; and
2. That Bylaw No. 4581 be adopted.

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:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Bylaw No. 4581, Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023

APPENDIX A

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4581

****

A BYLAW TO AUTHORIZE TEMPORARY BORROWINGS
FOR THE SAANICH PENINSULA WATER SUPPLY WATERWORKS

WHEREAS:

A. It is provided by Section 409 of the *Local Government Act* that the Board may where it has adopted a loan authorization bylaw, without further assents or approvals, borrow temporarily from any person under the conditions therein set out;

B. The Board has adopted Bylaw No. 4411, "Saanich Peninsula Water Supply Water Works Facilities Loan Authorization Bylaw No. 1, 2021", in the amount of Twelve Million, Nine Hundred Thousand Dollars ($12,900,000).

C. The issuance of the said Security Issuing bylaw has been temporarily deferred.

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

1. The Board is hereby authorized and empowered to borrow an amount or amounts not exceeding the sum of Twelve Million, Nine Hundred Thousand Dollars ($12,900,000) as the same may be required, at the prevailing interest rate.

2. The money so borrowed shall be used solely for the purpose set out in the said Bylaw No. 4411.

3. The proceeds from the Security Issuing bylaw, or so much thereof as may be necessary, shall be used to repay the money so borrowed.

4. This Bylaw may be cited as the "Temporary Borrowing (Saanich Peninsula Water Supply Waterworks) Bylaw No. 1, 2023".

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

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Bylaw Nos. 4578, 4579, and 4580: Updates to Water Supply, Bulk Water Fees and Charges and Water Distribution Bylaws**

ISSUE SUMMARY

To update the Capital Regional District (CRD) water supply and water distribution and bulk water fees and charges schedules for 2024.

BACKGROUND

On October 25, 2023 the Board approved the 2024 Provisional Financial Plan, inclusive of the commission approved budgets for:

- Regional Water Supply Service
- Saanich Peninsula Water Service
- Juan De Fuca Water Distribution Service

Each 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 outlines the following amending bylaws as described:

1) Regional Water Supply Service: Bylaw No. 4578 to amend Bylaw No. 2570, “Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997” by deleting Schedule “A” in its entirety and substituting the attached Schedule “A”, effective January 1, 2024.

2) Saanich Peninsula Water Service: Bylaw No. 4579 to amend Bylaw No. 376, being "Bulk Water Rates Bylaw, 1977" by deleting Schedule “A” in its entirety and substituting the attached Schedule “A”, effective January 1, 2024.

3) Juan De Fuca Water Distribution Service: Bylaw No. 4580 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, 2024.

The bylaws, if approved, establish the 2024 Fees and Charges for each of the water services listed above.

ALTERNATIVES

Alternative 1

1. That Bylaw No. 4578, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 25, 2023", be introduced and read a first, second and third time; and
2. That Bylaw No. 4578 be adopted.
3. That Bylaw No. 4579, "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 43, 2023", be introduced and read a first, second and third time; and
4. That Bylaw No. 4579 be adopted.
5. That Bylaw No. 4580, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 13, 2023", be introduced and read a first, second and third time; and
6. That Bylaw No. 4580 be adopted.

Alternative 2

That the one or more proposed fees and charges amending bylaws be referred back to staff for additional information.

IMPLICATIONS

Financial Implications and Service Delivery Implications

The bylaws are required to provide the necessary authority for services to charge the updated fees and charges to customers receiving water supply, bulk water and water distribution. The proposed fees and charges are included in each bylaw for approval and are attached. The adjusted fees and charges have been recommended by the respective Commissions.

CONCLUSION

On October 25, 2023, the Board approved the 2024 Provisional Financial Plan, inclusive of the commission approved budgets for the Regional Water Supply Service, the Juan De Fuca Water Distribution Service and the Saanich Peninsula Water Service. Amending bylaws No. 4578, 4579 and 4580 rates charged for water supply, bulk water and water distribution. Approval of these bylaws updates the rate schedules consistent with the 2024 Board approved financial plan and effective January 1, 2024.

RECOMMENDATION

1. That Bylaw No. 4578, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 25, 2023", be introduced and read a first, second and third time; and
2. That Bylaw No. 4578 be adopted.
3. That Bylaw No. 4579, "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 43, 2023", be introduced and read a first, second and third time; and
4. That Bylaw No. 4579 be adopted.
5. That Bylaw No. 4580, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 13, 2023", be introduced and read a first, second and third time; and
6. That Bylaw No. 4580 be adopted.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Alicia Fraser, P. Eng., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4578, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 25, 2023"
Appendix B: Bylaw No. 4579, "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 43, 2023"
Appendix C: Bylaw No. 4580, "Water Distribution Local Service Conditions, Fees and Charges Bylaw No. 1, 2013, Amendment Bylaw No. 13, 2023

APPENDIX A

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4578

****

A BYLAW TO AMEND BYLAW 2570, WATER SUPPLY LOCAL SERVICE AREA FEE AND CHARGE BYLAW No. 1, 1997

(REGIONAL WATER SUPPLY)

****

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 2570, "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997" is amended as follows:

   a) By deleting Schedule "A" in its entirety and substituting the attached Schedule "A", effective January 1, 2024.

2. This Bylaw may be cited for all purposes as the "Water Supply Local Service Area Fee and Charge Bylaw No. 1, 1997, Amendment Bylaw No. 25, 2023".

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 "A"

For each cubic metre of water supplied to the District of Oak Bay, the District of Saanich, the City of Victoria/Town of Esquimalt, the Juan de Fuca Water Distribution service, and the Saanich Peninsula Water Service.

1.	Bulk Water	$ 0.8094
2.	Agriculture Water	$ 0.2105

APPENDIX B

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4579

****

A BYLAW TO AMEND BYLAW NO. 376, BULK WATER RATES BYLAW, 1977 (SAANICH PENINSULA WATER)

****

The Board of the Capital Regional District in open meeting assembled, enacts as follows:

1. Bylaw No. 376, being "Bulk Water Rates Bylaw, 1977" is further amended as follows:

    a) By deleting Schedule "A" in its entirety and substituting the attached Schedule “A”.

2. This Bylaw shall take effect January 1, 2024.

3. This Bylaw may be cited as "Bulk Water Rates Bylaw, 1977, Amendment Bylaw No. 43, 2023".

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 "A"

For each cubic metre of water supplied to the District of Central Saanich, the District of North Saanich and the Town of Sidney, the rate of $1.1978 is effective January 1, 2024.

For each cubic metre of water supplied to the Department of Agriculture Research Station, located at 8801 East Saanich Road, Sidney, BC, the rate of $1.2330 is effective January 1, 2024.

APPENDIX C

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4580

****

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, 2024.

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. 13, 2023".

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 2024.

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 $2.6927 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 $0.8094 per cubic metre or part thereof.

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Bylaw No. 4593: Capital Regional District Recreation Services and Facilities Fees and Charges 2023-2024**

ISSUE SUMMARY

To update the Capital Regional District (CRD) recreation services and facilities fees and charges scheduled for the Panorama Recreation Centre.

BACKGROUND

The CRD charges fees for access to recreation services and facilities, which are updated annually. Fee schedules are currently in place for the following recreation facilities: Panorama Recreation Centre, Sooke and Electoral Area Parks and Recreation Commission (SEAPARC), Salt Spring Island Parks and Recreation, Juan de Fuca Electoral Area Community Parks and Port Renfrew Community Recreation Centre. The 2023-2024 season was updated on July 12, 2023 under Bylaw No. 4557.

On October 26, 2023, after the adoption of Bylaw No. 4557, the Peninsula Recreation Commission voted in favour of the inclusion of a new fee rate for the 2023-2024 recreation season. This new fee would create an additional family pass rate reducing the admission for one adult and up to four youths to $475.50. Appendix B includes the staff report to the Peninsula Recreation Commission.

Bylaw No. 4593 updates the annual (2023-2024) fees and charges scheduled for the Panorama Recreation Centre (Appendix A).

ALTERNATIVES

Alternative 1

1. That Bylaw No. 4593, cited as “Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 18, 2023”, be introduced and read a first, second and third time; and
2. That Bylaw No. 4593 be adopted.

Alternative 2

That the proposed fees and charges be referred back to staff for further information.

IMPLICATIONS

This bylaw is required to provide the necessary authority before the service can collect the updated fees and charges from patrons using these facilities. There is only one change included in this bylaw, the addition of a family pass of one adult and up to four youths at $475.50. The proposed fees and charges have been recommended by the Peninsula Recreation Commission. The reduced rate is anticipated to have an immaterial effect on fee revenue for the service, as the anticipated uptake on the use of this pass is expected to be low.

CONCLUSION

The proposed fees and charges bylaw includes the fee schedule as approved by the Peninsula recreation Commissions for the 2023-2024 season.

RECOMMENDATION

1. That Bylaw No. 4593, cited as "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 18, 2023", be introduced and read a first, second and third time; and
2. That Bylaw No. 4593 be adopted.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc.,C. Tech., Chief Administrative Officer

ATTACHMENTS:

Appendix A: Bylaw No. 4593, "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 18, 2023"
Appendix B: Staff Report to the Peninsula Recreation Commission, October 26, 2023

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4593

****

A BYLAW TO AMEND BYLAW NO. 3623
TO UPDATE THE RECREATION SERVICES AND FACILITIES FEES FOR 2023-2024

****

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3623, the “Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009” is amended as follows:

   a) As of January 1, 2024, by deleting Schedule “A” in its entirety and replacing it with the attached Schedule “A”:

      Schedule “A” – Panorama Recreation Centre;

2. This Bylaw may be cited as "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 18, 2023”.

READ A FIRST TIME THIS	DAY OF	2023
READ A SECOND TIME THIS	DAY OF	2023
READ A THIRD TIME THIS	DAY OF	2023
ADOPTED THIS	DAY OF	2023

_____ _____

CHAIR CORPORATE OFFICER

SCHEDULE "A"

PANORAMA RECREATION CENTRE FEES AND CHARGES
Effective January 1, 2024

DROP- IN FEES (swim, skate, weight room, aerobic classes) Admission fees inclusive of tax		
Adult (19 – 59)	Single Admission	$ 7.00
	10x	$ 63.00
	25x	$ 148.75
	50x	$ 280.00
Term Passes (19+)	1 month	$ 60.00
	12 month	$ 390.50
	Continuous Pass-Month 1	$ 60.00
	Continuous Pass-Monthly	$ 32.50
Senior (60 plus)	Single Admission	$ 5.75
	10x	$ 51.75
	25x	$ 122.25
	50x	$ 230.00
Senior (90 plus)	Lifetime Membership	Free
Children and Youth (6 – 18)	Single Admission	$ 3.75
	10x	$ 33.75
	25x	$ 79.75
	50x	$ 150.00
	12 month	$ 85.00
	With Valid Parent Adult Annual Pass	Free
Family (Max. 5; 2 adults & 3 youth)	Single Admission	$ 14.00
	12 month	$ 781.00
	Continuous Pass-Month 1	$ 120.00
	Continuous Pass-Monthly	$ 65.00
Family (Max. 5,1 adult & 4 youth)	12 month	$ 475.50

Other Drop-in Fees inclusive of tax		
Yoga	Single Admission	$ 13.00

Greenglade fees inclusive of tax		
Pottery	Single Admission	$ 9.00
	10x	$ 81.00
	10x (youth)	$ 75.90
	25x	$ 191.25
	25x (youth)	$ 180.40
	6 Month	$ 252.00
	1 Year	$ 399.00

RACQUET SPORTS (fees Inclusive of tax)	
Rates per hour unless otherwise noted*	
Outdoor Convertible Court (JSMSC)	$ 6.25
Outdoor Basketball Court (JSMSC)	$ 12.50
Outdoor Multi Sport Complex	$ 25.00
Outdoor Tennis	$ 6.25
Tennis – Prime	$ 28.75
Tennis – Economy	$ 26.75
Tennis – Non-Prime	$ 16.50
Squash – Prime (45 minutes)	$ 16.00
Squash – Non-Prime (45 minutes)	$ 12.75
Rates per day	
Complex – Off Season	$ 1,729.75
Complex – In Season	$ 2,420.50
Complex – Off Season Commercial	$ 2,420.50
Complex – In Season Commercial	$ 2,891.75
*See Panorama Recreation brochure for the definition of prime, non-prime and economy. Off Season is defined as being between May 1st and September 30th. Off Season court rental per hour fees at 50% (excluding outdoor courts)	

AQUATICS (fees inclusive of tax)	
Rates per hour	
Pool Rental – Youth	$ 123.50
Pool Rental – Adult	$ 166.50
Pool Rental – Commercial	$ 187.50
Pool Rental – Lifeguard/Instructor (additional staff) **	$ 40.50
Lane Rental – Youth	$ 15.75
Lane Rental – Adult	$ 23.00
Lane Rental – Commercial	$ 26.50
**Lifeguard/Instructor is additional charge at times outside of normal operating hours and where additional staff is needed. Max participants = 35 (additional lifeguard charges apply to larger groups). Pool Rentals do not include slide use. Slide use will require an additional 2 lifeguards.	

ARENA FACILITY (fees inclusive of tax)	
Rates per hour unless otherwise noted	
Ice – Adult Prime*	$ 238.75
Ice – Adult Non-Prime	$ 193.00
Ice – Adult Midnight**	$ 125.75
Ice – Youth Prime	$ 130.00
Ice – Youth Non-Prime	$ 109.25
Junior B Game/Practice ****	$ 141.00
Ice – Commercial (Tournament rate e.g. Pacific Cup, Salsa)****	$ 252.00
Dry Floor – Adult	$ 78.25
Dry Floor – Adult League	$ 76.00
Dry Floor – Youth	$ 50.75
Dry Floor – Youth League	$ 48.50
Dry Floor – Commercial (Trade Show)	$ 80.50
Skate Rental	$ 3.75
Skate Sharpening	$ 5.75
Skate Sharpening 10x	$ 51.75
Arena Staff	$ 40.50
Rates per day	
Complex – Ice Season Commercial (per day)	$ 2,976.75
Complex – Dry Floor Commercial (per day)	$ 1,207.25

* See the Peninsula Recreation Commission Ice Allocation Policy for the definition of prime time.
** Adult Midnight is charged between 12:00am and 5:00am Monday to Friday
***Commercial rate may vary depending on market demand (fee is charged for both Prime and Non-Prime times)
****Additional $25 per hour to be charged if Panther's do not supply security

PANORAMA ROOM RENTAL (fees inclusive of tax)	
Rates per hour unless otherwise noted	
Boardroom – Youth	$ 23.75
Boardroom – Adult	$ 30.75
Boardroom – Commercial and Birthday Party	$ 36.50
Island Room – Youth	$ 22.50
Island Room – Adult	$ 29.25
Island Room – Commercial and Birthday Party	$ 38.50
Fitness Studio – Youth	$ 32.00
Fitness Studio – Adult	$ 47.50
Fitness Studio – Commercial and Birthday Party	$ 57.25
Spin Room - Youth	$ 30.75
Spin Room - Adult	$ 46.25
Spin Room – Commercial and Birthday Party	$ 53.00
Lobby/Concourse	$ 13.25
Poolside Room - Youth	$ 19.25
Poolside Room – Adult	$ 29.25
Poolside Room – Commercial and Birthday Party	$ 38.50
ARC Room – Youth	$ 19.25
ARC Room – Adult	$ 29.25
ARC Room – Commercial and Birthday Party	$ 38.50
Parking Lot - Commercial	Negotiated
Parking Lot per zone/day	$ 78.50

CENTRAL SAANICH CULTURAL CENTRE (fees inclusive of tax)	
Rates per hour unless otherwise noted	
Cultural Centre Room A – Youth	$ 30.75
Cultural Centre Room A – Adult	$ 38.50
Cultural Centre Room A – Commercial *	$ 47.50
Cultural Centre Room B – Youth	$ 28.75
Cultural Centre Room B – Adult	$ 36.50
Cultural Centre Room B – Commercial *	$ 45.25
*Bookings 3 days or more, 1st 8 hours at commercial rate, remaining days at adult rate	

GREENGLADE COMMUNITY CENTRE (fees inclusive of tax)	
Rates per hour unless otherwise noted	
Classroom – Youth	$ 26.00
Classroom – Adult	$ 32.00
Classroom – Commercial and Birthday Party *	$ 47.50
Fitness/Dance Studio (Rm 4) - Youth	$ 32.00
Fitness/Dance Studio (Rm 4) - Adult	$ 39.75
Fitness/Dance Studio (Rm 4) - Commercial/Birthday Party	$ 57.25
Gymnasium – Youth	$ 39.75
Gymnasium – Adult	$ 47.50
Gymnasium – Commercial and Birthday Party	$ 77.25
Gymnasium – Court Rental Fee (Pickleball, Badminton)	$ 18.00
Teen Lounge	$ 46.25
Staff Supervision	$ 38.50
Playing Field	$ 16.50
*Bookings 3 days or more, 1st 8 hours at commercial rate, remaining days at adult rate	

NORTH SAANICH MIDDLE SCHOOL (fees inclusive of tax)	
Rates per hour unless otherwise noted*	
Science Classroom – Youth*	$ 26.00
Science Classroom – Adult*	$ 32.00
Science Classroom – Commercial*	$ 47.50
Multipurpose – Youth***	$ 76.00
Multipurpose – Adult***	$ 87.00
Multipurpose – Commercial***	$ 133.50
Gymnasium – Youth**	$ 55.25
Gymnasium – Adult**	$ 68.25
Gymnasium – Commercial and Birthday Party**	$ 104.75
Staff Supervision	$ 38.50
* Home Ec. Room used for Panorama Recreation Centre Programs ** Half Gymnasium rental is half the regular fee *** One third of Multipurpose rental is one third the regular fee	

MISCELLANEOUS (fees inclusive of tax)	
Rates per day unless otherwise noted*	
Table Rental Fee	$ 3.25
Chair Rental Fee	$ 0.75
Fitness/aquatic fitness staff	$ 49.50/hr
Maintenance staff	$ 49.50/hr
Event Power (special events/tournament)	Negotiated
Dumpster (special events/tournament)	Negotiated
Damage Deposit – Major Event/Tournament	20% of contract
Facility rental for commercial film rental	Negotiated

MISCELLANEOUS ADMINISTRATION (Inclusive of tax)	
NSF Cheque/Declined Credit Card Fee	$ 25.00
Card Replacement	$ 10.50
Loonie Admission	$ 1.00
Toonie Admission	$ 2.00
Locker (small/medium)	$ 0.25
Locker (large)	$ 0.50

ADVERTISING FEES	
BROCHURE ADVERTISING (fees inclusive of tax)	
Banner Ad (2 x 7.25)	$ 257.25
Banner Ad (2 x 7.25) three brochures (20% discount)	$ 645.75
Banner Ad (4 x 7.25)	$ 425.25
Banner Ad (4 x 7.25) three brochures (20% discount)	$ 1,055.25
Front/Back lnside Cover (full gloss 9.5 x 7.25)	$ 1,128.75
Front/Back lnside Cover (full gloss 9.5 x 7.25) three brochures	$ 2,798.25
Back Cover (full gloss 9.5 x 7.25)	$ 1,338.75
Back Cover (full gloss 9.5 x 7.25) three brochures	$ 3,360.00
lnside Full Page	$ 840.00
Design Fee (per hour)	$ 78.75
FACILITY ADVERTISING (fees inclusive of tax)	
Rink Board A (per year)	Negotiated
Wall Board A (per year)	Negotiated
Rink Board B (per year)	Negotiated
Wall Board B (per year)	Negotiated
Electronic Road Sign Daily	Negotiated
Weekly	Negotiated
Aquatic Wall Board	Negotiated
Tennis Wall Board	Negotiated
LCD Display	Negotiated
Panther's Arena B Advertising Exclusivity	Negotiated
Arena B Screen	Negotiated
Hanging Banner (per year)	Negotiated
Title Sponsor of Event	Negotiated

SPECIAL EVENTS (fees inclusive of tax)	
Slider & Handler- Community/Non-Profit*	$ 55.25
Slider & Handler- Commercial*	$ 82.75
Staff-Face Painting & Games-Community/Non-Profit*	$ 33.75
Staff-Face Painting & Games-Commercial*	$ 49.50
Mini-Inflatable & 1 Staff-Community/Non-Profit*	$ 54.00
Mini-Inflatable & 1 Staff-Commercial*	$ 81.00
Inflatable & 3 Staff-Community/Non-Profit**	$ 270.00
Inflatable & 3 Staff-Commercial**	$ 405.25
*Minimum 1 hour event & 2 hour callout **Minimum 2 hour event & 3 hour callout	
PARTNERSHIPS (fees inclusive of tax)	
Military Participant Fee	$ 236.25
Partners of Panorama	Negotiated

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REPORT TO PENINSULA RECREATION COMMISSION
MEETING OF THURSDAY, OCTOBER 26, 2023

SUBJECT **Panorama Recreation Services - 2023-2024 Fees and Charges Update**

ISSUE SUMMARY

To provide the Commission with options to address community feedback on the new Family Pass that was adopted in the 2023-2024 Fees and Charges Bylaw for Panorama Recreation Services.

BACKGROUND

At its March 28, 2023 meeting, the Peninsula Recreation Commission (the Commission) recommended to the Capital Regional District Board that the proposed fees and charges be approved for inclusion in the 2023-2024 Fees and Charges Bylaw for Panorama Recreation Services. The Board approved the 2023-2024 Fees and Charges at its July 12, 2023 meeting.

During the implementation of the new passes on September 1, 2023, staff received feedback from the community about how the changes impact single-adult households with multiple children. This information was shared with the Commission at its September 28, 2023 meeting and staff were directed to come back with options to address the community feedback.

The discontinued adult Pass Plus provided access to one adult and unlimited youth aged 6-18 years in the household for $420 per year ($38 more than an adult membership), with no income or household composition-based requirements. The new Family Pass aligns Panorama Recreation's family membership fee structure with other family membership rates in the region, which are based on two adult admissions.

Staff are not recommending any changes to the approved 2023-2024 Fees and Charges Bylaw. Families with only one participating adult now purchase separate passes for each participating household member. Panorama Recreation's youth pass remains the most discounted in Greater Victoria. The Leisure Involvement for Everyone (LIFE) program is available to provide no cost and low-cost recreation opportunities for individuals and families on limited incomes.

ALTERNATIVES

Alternative 1
The Peninsula Recreation Commission recommends no change to the 2023-2024 Fees and Charges Bylaw for Panorama Recreation Services.

Alternative 2
The Peninsula Recreation Commission recommends to the Capital Regional District Board:
That the 2023-2024 Fees and Charges Bylaw for Panorama Recreation be amended to add a One-Adult Family Pass fee at a rate of $475.50 per year.

IMPLICATIONS

Social Implications

The approved 2023-2024 Fees and Charges ensure fees remain comparable across Greater Victoria, while striving to keep recreation accessible to our community members and encourage them in a healthy lifestyle.

Financial Implications

The user fees collected by Panorama Recreation are used to reduce the tax requisition and for the delivery of recreation services. Recreation fees and charges continue to be reasonable and affordable for most residents and visitors to this area. The approved 2023-2024 Fees and Charges will generate sufficient revenue to achieve a return to the desired funding ratio of 50% user pay for the 2024 budget year and are in alignment with user fees across Greater Victoria.

CONCLUSION

The user fees collected by Panorama Recreation are used to reduce the tax requisition and for the delivery of recreation services. Recreation fees and charges continue to be reasonable and affordable for most residents and visitors to this area.

RECOMMENDATION

The Peninsula Recreation Commission recommends no change to the 2023-2024 Fees and Charges Bylaw for Panorama Recreation Services.

Submitted by:	Katherine Beck, Manager, Program Services
Concurrence:	Lorraine Brewster, M.A., Senior Manager, Panorama Recreation

ATTACHMENTS

Appendix A: Panorama Recreation Fees & Charges – Alternative 1 and 2

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Appendix A: Panorama Recreation Fees & Charges Alternative 1 and 2

	Alternative 1	Alternative 2
Option	No change to approved 2023-2024 Fees and Charges Bylaw	Introduce a second rate for the Family Pass, for one-adult households
Detail		***NEW Family Pass: One Adult*** For one adult and up to four children. $475.50 ($390.50 +$85) ***Family Pass: Two Adult*** For two adults and up to three children. $781 ($390.50 x 2)
2023-2024 Annual Fees *As approved in Fees and Charges Bylaw.*	$781.00 Family Pass $390.50 Adult Pass $85.00 Youth Pass	$781.00 Family Pass: Two Adult $390.50 Adult Pass $85.00 Youth Pass
New fees recommended to CRD Board for approval	N/A	$475.50 Family Pass: One Adult ($390.50 +$85)

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Alternative Approval Process for Bylaw 4552 – Borrowing for Land Assembly, Housing and Land Banking Service**

ISSUE SUMMARY

The CRD Board must establish the process for conducting an alternative approval process (AAP) by establishing the total number of electors, approving the deadline to receive elector responses, approving a synopsis for the bylaw, the statutory notice, and the elector response form.

BACKGROUND

At its meeting held September 13, 2023, the Capital Regional District (CRD) Board gave third reading to Bylaw No. 4552, *"Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023"* (Appendix A).

The purpose of Bylaw No. 4552 is to authorize the borrowing of eighty-five million dollars ($85,000,000) for the purposes of the Land Assembly, Housing and Land Banking Service, including to support future housing partnership opportunities and to increase the supply of affordable, inclusive, and adequate housing in the region. The debt servicing cost will be recovered over a period not exceeding 30 years through annual requisition for the service.

Elector approval is required before the Board can adopt the bylaw. On September 13, 2023, the CRD Board amended Bylaw No. 4552 to obtain participating area approval for the entire service area by alternative approval process. The service area applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands.

The following documents have been prepared in accordance with the applicable sections of the *Local Government Act* and the *Community Charter* and must be approved by the CRD Board:

- Synopsis of Bylaw No. 4552 (Appendix B)
- Notice of AAP for Bylaw No. 4552 (Appendix C)
- Elector Response Form for Bylaw No. 4552 (Appendix D)

With an AAP, the Board may proceed with adopting the bylaw if less than 10% of electors submit a signed Elector Response Form indicating that the Board must obtain the assent of the electors by way of assent voting (referendum). The total number of electors in the Land Assembly, Housing and Land Banking Service (i.e. Capital Regional District) is determined to be 331,905 of which 10% is 33,191 electors.

The proposed deadline to receive elector responses is 12 noon on February 5, 2024.

For additional information, please refer to the previous staff report dated September 13, 2023 (Appendix E).

ALTERNATIVES

Alternative 1

1. That in accordance with section 86(3) of the *Community Charter*, the date of February 5, 2024 be confirmed as the deadline by which elector responses, under the regional alternative approval process for CRD Bylaw No. 4552, must be submitted to the Capital Regional District by qualified electors within the Capital Regional District;

2. That the attached Synopsis of Bylaw No. 4552 (Appendix B), Notice of Alternative Approval Process (Appendix C), and the Elector Response Form (Appendix D) be approved; and

3. That the total number of registered electors within the service area is 331,905 and that 10% of that number is 33,191 electors.

Alternative 2

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

IMPLICATIONS

Financial Implications

The debt servicing cost for the $85 million in borrowing will be recovered over a period not to exceed 30 years through annual requisition for the service under Bylaw No. 3712, *"Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010"*.

At its December 13, 2023 meeting, the CRD Board will vote on adoption of Bylaw No. 4551 "*Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023,"* to increase maximum requisition under Bylaw No. 3712 to be up to a maximum that is the greater of $11,500,000 or a property value tax rate of $0.062 per $1,000 on the net taxable value of land and improvements in the capital region. The proposed requisition increase will result in an estimated tax increase to a maximum of $26 for the average household.

CONCLUSION

The CRD Board had previously approved obtaining participating area approval for the entire service area by alternative approval process for Bylaw No. 4552, *"Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023."* Prior to conducting the alternative approval process, the Board must confirm the deadline to receive elector responses as February 5, 2024, establish the number of eligible electors, and approve the Synopsis of Bylaw No. 4552 (Appendix B), Notice of Alternative Approval Process (Appendix C), and the Elector Response Form (Appendix D).

RECOMMENDATION

1. That in accordance with section 86(3) of the *Community Charter*, the date of February 5, 2024 be confirmed as the deadline by which elector responses, under the regional alternative approval process for CRD Bylaw No. 4552, must be submitted to the Capital Regional District by qualified electors within the Capital Regional District;

2. That the attached Synopsis of Bylaw No. 4552 (Appendix B), Notice of Alternative Approval Process (Appendix C), and the Elector Response Form (Appendix D) be approved; and

3. That the total number of registered electors within the service area is 331,905 and that 10% of that number is 33,191 electors.

Submitted by:	Marlene Lagoa, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Rianna Lachance, BCom, CPA, CA, Acting Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4552 at Third Reading
Appendix B: Synopsis of Bylaw No. 4552
Appendix C: Notice of AAP for Bylaw No. 4552
Appendix D: Elector Response Form for Bylaw No. 4552
Appendix E: Previous Staff Report dated September 13, 2023

Appendix A

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

****

A BYLAW TO AUTHORIZE THE BORROWING OF EIGHTY-FIVE MILLION DOLLARS ($85,000,000) FOR FUTURE HOUSING PARTNERSHIPS

****

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;

B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");

C. It is deemed desirable to borrow additional funds in the amount of Eighty-Five Million Dollars ($85,000,000) for the Service, which is the amount of debt intended to be authorized under this Bylaw, for use to support future housing partnership opportunities and advance the CRD Board priority of increasing supply of affordable, inclusive and adequate housing in the region;

D. It is proposed that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between it and the CRD;

E. Pursuant to section 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process for the entire service area under section 345 of the *Local Government Act*; and,

F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

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

1. The Board is hereby empowered and authorized to borrow upon the credit of the Capital Regional District a sum not exceeding Eighty-Five Million Dollars ($85,000,000) for the purposes of Land Assembly, Housing and Land Banking, including to support future housing partnership opportunities and to increase supply of affordable, inclusive and adequate housing in the region, and do all things necessary in connection therewith and without limiting the generality of the forgoing, to acquire all such real property, easements,

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years.

3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023".

READ A FIRST TIME THIS	10th	day of	May,	2023
READ A SECOND TIME THIS	10th	day of	May,	2023
READ A THIRD TIME THIS	13th	day of	September,	2023
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	25th	day of	September,	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	___th	day of	_____	2024
ADOPTED THIS	___th	day of	_____	2024

_____ _____

CHAIR CORPORATE OFFICER

Appendix B

Synopsis of Bylaw No. 4552, "*Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023*"

The purpose of Bylaw No. 4552 is to authorize the borrowing of eighty-five million dollars ($85,000,000) for the purposes of the Land Assembly, Housing and Land Banking Service, including to support future housing partnership opportunities and to increase the supply of affordable, inclusive, and adequate housing in the region. The debt servicing cost will be recovered over a period not exceeding 30 years through annual requisition for the service.

The service area applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands. Participating area consent will be obtained by conducting a region wide alternative approval process.

Please note that this synopsis of Bylaw No. 4552 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District office located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.bc.ca/landbanking-aap

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NOTICE TO ELECTORS
WITHIN THE CAPITAL REGIONAL DISTRICT

Alternative approval process for Bylaw No. 4552 to authorize the borrowing of $85,000,000 for the purpose of Land Assembly, Housing and Land Banking Service in the capital region

Notice is hereby given that the Board of Directors of the Capital Regional District ("CRD") proposes to adopt Bylaw No. 4552, “Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023.” The service area applies to all municipalities and electoral areas of the CRD.

As many households in the capital region continue to struggle with housing affordability, in September 2023, the CRD Board unanimously voted to seek elector approval on Bylaw No. 4552 to authorize borrowing of up to $85,000,000 for the CRD’s Land Assembly, Housing and Land Banking Service. The purpose would be to permit additional investment into the creation of new affordable rental housing supply and the assembly of land for future use as well as the protection of existing affordable rental housing. Debt will not be incurred, nor requisition increased until specific partnerships and project opportunities are identified and approved through the annual CRD budget process.

The purpose of Bylaw No. 4552 is to authorize the borrowing of eighty-five million dollars ($85,000,000) for the purposes of the Land Assembly, Housing and Land Banking Service, including to support future housing partnership opportunities and to increase the supply of affordable, inclusive, and adequate housing in the region. The debt servicing cost will be recovered over a period not exceeding 30 years through annual requisition for the service.

The service area applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands. Participating area consent will be obtained by conducting a region wide alternative approval process.

Please note that this synopsis of Bylaw No. 4552 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District office located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.bc.ca/landbanking-aap

Take further notice that the CRD may proceed with Bylaw No. 4552 unless at least 33,191 electors (constituting 10% of eligible electors) within the Capital Regional District indicate, by signing the elector response form, that the Board must obtain the assent of the electors by way of an assent vote (referendum) before proceeding to adopt Bylaw No. 4552.

The elector response must be in the form as established by the CRD and is available from the CRD on request or from the CRD website at www.crd.bc.ca/landbanking-aap. The only persons entitled to sign elector response forms are electors of the area to which the alternative approval process opportunity applies. The alternative approval process applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands.

The deadline for submitting signed elector response forms, in relation to Bylaw No. 4552, to the CRD is **12:00 pm (noon) on Monday, February 5, 2024**. Forms must be received by the deadline to be counted.

A copy of the elector response form may be downloaded from: www.crd.bc.ca/landbanking-aap

To obtain an elector response form, or for questions about the alternative approval process, contact Legislative Services, 625 Fisgard Street, Victoria, BC, V8W 1R7, email legserv@crd.bc.ca, telephone 250.360.3024 or toll free 1.800.663.4425 from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays).

Questions regarding Bylaw No. 4552 may be directed to Don Elliott, Senior Manager, Regional Housing, 625 Fisgard Street, Victoria, BC, 250.360.3371, delliott@crd.bc.ca, from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until February 5, 2024.

Qualifications for Resident and Non-Resident Property Electors

Resident Elector*:* You are entitled to submit an elector response form as a Resident Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for at least 6 months and currently reside in the Capital Regional District prior to signing the elector response form.

Non-Resident Property Elector*:* You may submit an elector response form as a Non-Resident Property Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for 6 months, have owned and held registered title to property in the Capital Regional District for 30 days and do NOT qualify as a Resident Elector. If there is more than one registered owner of the property (either as joint tenants or tenants in common) only one individual may, with the written consent of the majority, submit an elector response form.

Elector response forms, a copy of Bylaw No. 4552, and a copy of this Notice may be inspected during regular office hours, 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until **12:00 pm (noon) on Monday, February 5, 2024** at the following CRD locations:

- CRD headquarters, 625 Fisgard Street, Victoria
- on the CRD website: www.crd.bc.ca/landbanking-aap

Given under my hand at Victoria, BC this 3rd day of January 2024.

Kristen Morley
Corporate Officer

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ELECTOR RESPONSE FORM

Appendix D

Alternative approval process for Bylaw No. 4552 to authorize the borrowing of $85,000,000 for the purpose of Land Assembly, Housing and Land Banking Service

By completing this elector response form **I oppose** the Capital Regional District's intention to adopt **Bylaw No. 4552, *"Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023,"*** which authorizes the borrowing of up to $85,000,000 to be repaid over a period not exceeding 30 years in order to finance the costs of the Land Assembly, Housing and Land Banking Service, unless a vote is held.

Please print using BLOCK LETTERS

Full name of elector _____

Signature _____

Address _____

Choose one (see next page for eligibility requirements):

□ I am a resident elector

□ I am a non-resident property elector who lives in another community in British Columbia and owns property in the jurisdiction located at the below address*:

_____

The deadline for submitting this elector response form to the local government is:
12:00 p.m. (noon) on Monday, February 5, 2024.

Address: c/o Legislative Services, CRD, 625 Fisgard Street, Victoria, BC, V8W 1R7
Phone: 250.360.3024
E-mail: LegServ@crd.bc.ca (please scan a legible signed copy as PDF)

The Capital Regional District may obtain Electoral Area approval for Bylaw No. 4552, *"Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023"* unless 33,191 electors sign and submit a completed copy of this elector response form to the Capital Regional District by the deadline. *A person must not sign more than one elector response form for this alternative approval process.*

Additional information can be found on the next page of this form about the subject of this alternative approval process as well as the elector qualifications.

Notes for non-resident property elector(s):

- *Section 86(7) of the Community Charter requires the elector's full name and residential address or the address of the property in relation to which the person is entitled to register as a non-resident property elector in order for this response form to be counted.*

- *Only one non-resident property elector may sign an elector response form per property, regardless of how many people own the property; and, that owner must have the written consent of a majority of the other property owner(s) to sign the response form on their behalf. Property owned in whole or in part by a corporation does not qualify under the non-resident property elector provisions.*

Personal information collected by this form is authorized under the Freedom of Information and Protection of Privacy Act sections 26(a) and 26(c) and will be used only for the purpose of conducting an alternative approval process pursuant to Section 86 of the Community Charter. If you have any questions about the collection and use of this information, please contact Marlene Lagoa, Deputy Corporate Officer, Capital Regional District, 625 Fisgard Street, Victoria, 250.360.3127 OR LegServ@crd.bc.ca.

Bylaw No. 4552 – AAP Information Sheet

As many households in the capital region continue to struggle with housing affordability, in September 2023, the CRD Board unanimously voted to seek elector approval on Bylaw No. 4552 to authorize borrowing of up to $85,000,000 for the CRD's Land Assembly, Housing and Land Banking Service. The purpose would be to permit additional investment into the creation of new affordable rental housing supply and the assembly of land for future use as well as the protection of existing affordable rental housing. Debt will not be incurred, nor requisition increased until specific partnerships and project opportunities are identified and approved through the annual CRD budget process.

Therefore, the Capital Regional District (CRD) intends to adopt **Bylaw No. 4552, "*Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023.*"** The purpose of Bylaw No. 4552 is to authorize the borrowing of eighty-five million dollars ($85,000,000) for the purposes of the Land Assembly, Housing and Land Banking Service, including to support future housing partnership opportunities and to increase the supply of affordable, inclusive, and adequate housing in the region. The debt servicing cost will be recovered over a period not exceeding 30 years through annual requisition for the service.

The service area applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands. Participating area consent will be obtained by conducting a region wide alternative approval process.

Please note that this synopsis of Bylaw No. 4552 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and reports summarizing the purpose of the service requisition increase may be viewed at Capital Regional District office located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.bc.ca/landbanking-aap

Additional Information About Elector Eligibility

In order to sign an elector response form, a person must either be a resident elector or a non-resident property elector.

A **resident elector** is an individual who is entitled to sign an elector response form during an AAP by virtue of living within that jurisdiction. *When signing an elector response form*, a resident elector must: • be 18 years of age or older; • be a Canadian citizen; • have been a resident of British Columbia for at least six months; • be a resident of the jurisdiction (e.g., municipality or electoral area); • live in the area defined for the AAP (i.e. Capital Regional District); and, • not be disqualified under the *Local Government Act,* or any other enactment from voting in a local election or be otherwise disqualified by law.	A **non-resident property elector*** is an individual that does not live in a jurisdiction and who is entitled to sign an elector response form during an AAP by virtue of owning property in that jurisdiction. *When signing an elector response form*, a non-resident property elector must: • be at least 18 years of age; • be a Canadian citizen; • have been a resident in British Columbia for at least six months; • be a registered owner of property in the area defined for the AAP (i.e. Capital Regional District); for at least 30 days; and, • not be disqualified under the *Local Government Act*, or any other enactment from voting in a local election or be otherwise disqualified by law.

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REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, SEPTEMBER 13, 2023

SUBJECT **Regional District Wide AAP for Bylaw 4552 - Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023**

ISSUE SUMMARY

To revise Bylaw No. 4552 to obtain participating area approval by alternative approval process for the entire service area.

BACKGROUND

On May 10, 2023 Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023" was read three times. Then on June 14, 2023, the CRD Board rescinded third reading, amended the bylaw to include the statutory requirement for a maximum borrowing term of 30 years and gave third reading as amended. The bylaw authorizes borrowing of $85 million for future housing partnerships for a term of 30 years. The borrowing will create new funding capacity to address the CRD Board priority of increasing the supply of affordable, inclusive, and adequate housing in the region.

As part of the legislative process, the bylaw was submitted to the Inspector of Municipalities for review. The Province recommended that the CRD consider making the approval process easier by separating the approval process for long-term borrowing (Bylaw No. 4552) from the approval process to amend the service's maximum annual requisition under Bylaw No. 4551, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023".

To adopt Bylaw No. 4551, and amend the service establishing bylaw annual maximum requisition, will require two-thirds approval of the combined municipal and electoral area participants in accordance with Section 349(1)(b) of the *Local Government Act*. To adopt Bylaw No. 4552, and authorize long-term borrowing, will require full approval of all participants in accordance with Section 180 of the *Community Charter*.

Staff recommend that the CRD Board rescind third reading of Bylaw No. 4552, amend it to obtain elector approval by alternative approval process for the entire service area (i.e. CRD). An updated copy of Bylaw No. 4552 is attached as Appendix A. A redlined copy showing track changes is attached at Appendix B.

For additional information on the bylaws and the future planned use of the funds, please refer to the two previous staff reports dated May 3, 2023 (Appendix C) and June 14, 2023 (Appendix D).

ALTERNATIVES

Alternative 1

1. That elector approval for long-term borrowing under Bylaw No. 4552 be obtained by alternative approval process for the entire service area, as per section 345 of the *Local Government Act*;

2. That third reading of Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023," be rescinded;
3. That Bylaw No. 4552 be amended by replacing in its entirety Whereas Clause E with the following:

   "E. Pursuant to section 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process for the entire service area under section 345 of the *Local Government Act*; and,"
4. That Bylaw No. 4552 be read a third time as amended;
5. That Bylaw No. 4552 as amended be referred to the Inspector of Municipalities.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

Due to the need for 100% elector approval on the loan authorization bylaw, there is a risk that the amendment to the service establishing bylaw (No. 4551) will pass and that the loan authorization bylaw (No. 4552) will fail to proceed to adoption.

The priority is to adopt the service establishing bylaw amendment to enable a requisition of additional service funding in the 2024 budget should the Board choose to do so. Loan authorization bylaws can be advanced at any time of the year and reflected in quarterly bylaw amendments to the 5-year financial plan. A region wide alternative approval process will be initiated immediately following the adoption of service establishment amending Bylaw No. 4551.

Elector Approval Method – Past Practice

In recent years, the CRD has conducted successful regional district wide alternative approval processes for the following bylaws:

- Bylaw No. 4522, "Canada Goose Management Service Establishment Bylaw No. 1, 2022"
- Bylaw No. 4515, "Solid Waste Disposal Loan Authorization Bylaw No. 1, 2022"
- Bylaw No. 4382, "Regional Water Supply Water Works Facilities Loan Authorization Bylaw No. 5, 2020"

In 2020, the CRD successfully passed a borrowing bylaw and increased the maximum annual requisition for the Land Assembly, Housing and Land Banking Service to fund the Regional Housing First Program using municipal consent and AAP in the electoral areas. However, there is no guarantee the same approach will be successful as borrowing bylaws require approval from all 16 participants.

CONCLUSION

The CRD Board is being asked to consider obtaining approval for Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023," by conducting an alternative approval process for the entire service area (i.e. CRD). Before the proposed borrowing

bylaw can be adopted, the CRD must first amend the service establishment bylaw to increase the maximum requisition.

Participant approval for Bylaw No. 4551, ""Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023" will be obtained with two-thirds consent on behalf of the municipal and electoral area participating areas this fall.

To adopt Bylaw No. 4552, and authorize long-term borrowing, will require full approval of all participants in accordance with Section 180 of the *Community Charter*. Staff recommend that the CRD Board rescind third reading of Bylaw No. 4552, amend it to obtain elector approval by alternative approval process for the entire service area (i.e. CRD), and refer the amended bylaw back to the Inspector of Municipalities for approval.

RECOMMENDATION

1. That elector approval for long-term borrowing under Bylaw No. 4552 be obtained by alternative approval process for the entire service area, as per section 345 of the *Local Government Act*;
2. That third reading of Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023," be rescinded;
3. That Bylaw No. 4552 be amended by replacing in its entirety Whereas Clause E with the following:

   "E. Pursuant to section 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process for the entire service area under section 345 of the *Local Government Act*; and,"
4. That Bylaw No. 4552 be read a third time as amended;
5. That Bylaw No. 4552 as amended be referred to the Inspector of Municipalities.

Submitted by:	Marlene Lagoa, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4552
Appendix B: Bylaw No. 4552 Redlined
Appendix C: Previous Staff Report dated May 3, 2023
Appendix D: Previous Staff Report dated June 14, 2023

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

****

A BYLAW TO AUTHORIZE THE BORROWING OF EIGHTY-FIVE MILLION DOLLARS ($85,000,000) FOR FUTURE HOUSING PARTNERSHIPS

****

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;

B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");

C. It is deemed desirable to borrow additional funds in the amount of Eighty-Five Million Dollars ($85,000,000) for the Service, which is the amount of debt intended to be authorized under this Bylaw, for use to support future housing partnership opportunities and advance the CRD Board priority of increasing supply of affordable, inclusive and adequate housing in the region;

D. It is proposed that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between it and the CRD;

E. Pursuant to section 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process for the entire service area under section 345 of the *Local Government Act*; and,

F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

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

1. The Board is hereby empowered and authorized to borrow upon the credit of the Capital Regional District a sum not exceeding Eighty-Five Million Dollars ($85,000,000) for the purposes of Land Assembly, Housing and Land Banking, including to support future housing partnership opportunities and to increase supply of affordable, inclusive and adequate housing in the region, and do all things necessary in connection therewith and without limiting the generality of the forgoing, to acquire all such real property, easements,

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years.

3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023".

READ A FIRST TIME THIS	10th	day of	May,	2023
READ A SECOND TIME THIS	10th	day of	May,	2023
READ A THIRD TIME THIS	___ th	day of	_____	2023
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	___ th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	___ th	day of	_____	2023
ADOPTED THIS	___ th	day of	_____	2023

_____ _____

CHAIR CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

****

A BYLAW TO AUTHORIZE THE BORROWING OF EIGHTY-FIVE MILLION DOLLARS ($85,000,000) FOR FUTURE HOUSING PARTNERSHIPS

****

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;

B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");

C. It is deemed desirable to borrow additional funds in the amount of Eighty-Five Million Dollars ($85,000,000) for the Service, which is the amount of debt intended to be authorized under this Bylaw, for use to support future housing partnership opportunities and advance the CRD Board priority of increasing supply of affordable, inclusive and adequate housing in the region;

D. It is proposed that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between it and the CRD;

E. Pursuant to section 407 of the *Local Government Act*, participating area approval is required for this borrowing and shall be obtained by alternative approval process for the entire service area under section 345 of the *Local Government Act*; and,

~~E. Pursuant to Section 407 of the *Local Government Act*, participating area approval is required and shall be obtained in the municipalities by consent on behalf and in the electoral areas by Alternative Approval Process under Sections 345 and 346 of the *Local Government Act*; and,~~

F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

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

1. The Board is hereby empowered and authorized to borrow upon the credit of the Capital Regional District a sum not exceeding Eighty-Five Million Dollars ($85,000,000) for the purposes of Land Assembly, Housing and Land Banking, including to support future housing partnership opportunities and to increase supply of affordable, inclusive and adequate housing in the region, and do all things necessary in connection therewith and without limiting the generality of the forgoing, to acquire all such real property, easements,

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years.

3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023".

READ A FIRST TIME THIS	10th	day of	May,	2023
READ A SECOND TIME THIS	10th	day of	May,	2023
READ A THIRD TIME THIS		day of		2023
	~~14th~~		~~June~~,	
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	___ th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	___ th	day of	_____	2023
ADOPTED THIS	___ th	day of	_____	2023

CHAIR

CORPORATE OFFICER

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REPORT TO HOSPITALS AND HOUSING COMMITTEE
MEETING OF WEDNESDAY, MAY 03, 2023

SUBJECT **Future Housing Partnerships Alternative Approval Process and Bylaw Amendments**

ISSUE SUMMARY

To permit the borrowing of up to $85 million (M) through the Land Assembly, Housing and Land Banking service in support of partnership opportunities related to increasing the supply of affordable, inclusive, and adequate housing in the region.

BACKGROUND

In September 2019, the Capital Regional District (CRD) Board authorized staff to amend Bylaw No. 3712, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010" (Appendix A – showing track changes from proposed Bylaw No. 4551 amendment) to remove a borrowing maximum of $25M under the service as well as remove a 25-year limit on the length of time a housing agreement could be entered into. At the same meeting, the CRD Board also authorized staff to proceed with obtaining elector assent for Loan Authorization Bylaw No. 4327 to permit the borrowing of $10M in support of the Regional Housing First Program (RHFP). The amendment bylaw and the loan authorization bylaw were adopted in March 2020.

As the RHFP was moving toward full program build out, staff advanced a white paper, *Future Housing Priorities and Partnerships* (FHPP), in July 2022. The white paper identified three areas of focus including:

- **Acquisition fund** to increase and preserve the supply of affordable rental and create future redevelopment opportunities, purchase of shovel-ready developments or acquire land for development of affordable housing;
- **Rural Housing Strategy** to increase, preserve and broaden the supply of affordable housing in small and rural communities, recognizing the need to approach housing solutions in rural communities with different assumptions than those used for conventional housing interventions in growing urban regions; and,
- Increase the supply of **housing with supports for people with complex needs** currently not adequately supported by the traditional model as a compliment to new provincial Complex Care Housing initiative.

The Board endorsed the FHPP and directed staff to develop a program framework and identification of funding partnership contributions to address unmet housing needs in the capital region based on the priorities identified in the white paper. The Board included a fourth area of focus which is to ensure the rapid and ongoing expansion of newly built publicly owned affordable housing in the CRD. Staff will report out on the program framework in Q4 2023.

On September 21, 2022, as part of provisional budget review, the Board directed staff to report back on options for increasing funding for land acquisition for housing. This report was received at the Hospitals and Housing Committee (HHC) as an information report on March 1, 2023 (Appendix B). The HHC passed a referral motion directing staff to report back on the implications of amending Bylaw No. 3712, which was received by the Board on April 12, 2023, where the Board then passed the following motions:

1. *That staff be directed to bring forward a report with an amendment to Bylaw No. 3712, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010" to increase the allowable annual maximum requisition by $5 million to $10 million; and,*
2. *Create a loan authorization bylaw to enable the financing of up to $85 million from the increase of the allowable annual maximum requisition of $5 million.*

Due to recent changes in interest rates as well as assessed property values, the estimated annual requisition to support $85 million in borrowing now stands at $5.3M. As a result, the proposed amendment of $0.062 per $1,000 of assessed value equates approximately to a new maximum requisition of $11.5M instead of the $10.0M referenced in the Board motion.

Bylaw No. 4551, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023" is attached as Appendix C and the Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023" is attached as Appendix D to this staff report.

ALTERNATIVES

Alternative 1
The Hospitals and Housing Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4551, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023", be introduced, read a first, second, and third time;
2. That Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023", be introduced, read a first, second, and third time; and,
3. That participating area approval for Bylaws No. 4551 and No. 4552 in the municipalities be obtained via council consent on behalf of electors, and by alternative approval process in the electoral areas, and if successful, that staff provide the bylaws to the Inspector of Municipalities for approval.

Alternative 2
That the Future Housing Partnerships Alternative Approval Process and Bylaw Amendments report be referred to staff for additional information based on Hospitals and Housing Committee direction.

IMPLICATIONS

Intergovernmental Implications
On January 12, 2023, the Province announced the creation of a $500M fund administered by a newly created Rental Protection Fund Society (RPFS) to enable non-profits to purchase buildings and protect affordability for current and future tenants. Though there remain key details that have yet to be announced, staff have engaged BC Non-Profit Housing Association (BCNPHA), who is actively working with other stakeholders to develop the RPFS.

Preliminary discussions have identified a viable path toward a possible partnership between the CRD and the RPFS to acquire and protect existing Naturally Occurring Affordable Housing (NOAH) within the capital region. However, as the RPFS is a newly formed society, more extensive discussions are on hold until it has a Chief Executive Officer (CEO) in place, which is

expected by the midway point of 2023 and the CRD has a demonstrated capacity to consider investment into a potential partnership.

Focusing more broadly on general land acquisition and potential partnerships, the province recently released its 2023 provincial budget, which included the following:

- $394M over three years in new capital funds to acquire lands for future affordable and market housing development along main transit corridors. Full details on how these funds are to be deployed and the constraints/targets informing this investment have yet to be released. Forthcoming information will inform ongoing work related to FHPP.
- $4.2 billion (B) over three years with $2.2B in operating and $2B in capital funding to support Building BC programs. It is important to note that this $4.2B includes the previously mentioned $394M to support land acquisition along transit corridors as well as a range of other investments. Budget 2023 identifies $260M as new capital investment over three years to support Building BC and BC Housing programs, such as the Community Housing Fund (CHF).
- $169M over three-years in capital funding to help create additional complex-care beds to support individuals with complex mental-health and substance-use challenges and whose needs are not being met through the current intervention landscape. Budget 2023 also includes $97M in operating funding to provide clients of this intervention with health-focused supports and services.

Building on the funding commitments made through Budget 2023, the province released Homes for People: An action plan to meet the challenges of today and deliver more homes for people, faster. A summary overview of the four pillars of the action plan, action items and potential connections to current or future CRD initiatives is attached as Appendix E.

On April 12, 2023, the province and the Metro Vancouver Regional District (MVRD) announced a Memorandum of Understanding (MOU) that will help to advance 2,000 units of rental housing over 10-years under the new Homes for People program. Phase 1 of this partnership includes an investment of $158M over three-years from the provincial government and is expected to support 660 new units at five sites identified by MVRD. Foundational to this partnership is a commitment from MVRD of land and cash equity totaling $217M over 10-years.

Though still in the early stages, staff are actively engaging a range of key stakeholders to explore partnership opportunities in the following areas:

- Protect and preserve NOAH in partnership with the RPFS;
- Acquire lands for future affordable housing development along transit corridors;
- Working through the Capital Region Housing Corporation (CRHC), apply for any funding programs as available to advance the acquisition of lands and/or fund the capital costs associated with developing new affordable rental units;
- Develop scoping and feasibility for a Rural Housing Program, including advancing partnerships with other agencies and pursuing funding opportunities;
- Working in partnership with the Capital Regional Hospital District (CRHD), collaborate with Island Health (IH) and the Ministry of Mental Health and Addictions to explore partnerships related to complex-care housing; and,
- Look to the model of MVRD to consider a longer-term MOU that could leverage CRD-investment, if available.

Service Delivery Implications
As the current capacity under Bylaw No. 3712 is fully committed to already approved initiatives, consideration of any additional projects will require new resourcing. The recent announcements from the provincial government provide several areas of opportunity that staff are actively exploring. Should the CRD create the capacity to invest into potential partnerships, it will demonstrate an enhanced commitment to addressing key regional challenges and will also provide staff with the ability to signal to prospective partners the opportunity to leverage and layer funds to achieve a greater impact than would otherwise be possible.

It is also important to note that any efforts to advance work related to FHPP involved two related, but distinct steps. The first is to create the capacity, which involves an amendment to Bylaw No. 3712 and a new loan authorization bylaw. The second step will be to authorize debt on a project-by-project basis or as a part of the annual financial plan approval process.

Alignment with Board & Corporate Priorities
On April 12, 2023 the CRD Board approved the 2023-2026 Corporate Plan. The following initiatives under the Housing Priority are directly related to advancing the recommendations contained within this staff report:

5a-1 Increase supply of affordable, inclusive and adequate housing across the region;
5a-2 Pursue funding opportunities and matching funds to deliver more housing;
5b-1 Support continued investment into existing housing stock to preserve and enhance the quality of the buildings and units; and,
5b-2 Protect existing market rental housing to preserve affordability.

Financial Implications
To access additional funds under this service, the amendment to Bylaw No. 3712 along with the new loan authorization bylaw require approval and adoption.

Upon adoption of both bylaws and before any funds can be expended, the financial plan will need to be updated to include revenue, expenses and borrowings. In addition, before any funds can be borrowed against the loan authorization, the board will be asked to approve a Security Issuing Bylaw.

Bylaw No. 3712 currently has a maximum requisition limit (based on property assessment values) and an existing loan authorization bylaw. The borrowing limit currently authorized is $35M and is entirely committed in support of approved RHFP projects, after which the bylaws will no longer be active.

To establish the capacity to borrow up to an additional $85M, the maximum requisition will need to increase to accommodate the estimated cost of the annual debt repayment. Given recent shifts in interest rates and assessed property values, the estimated annual requisition to support $85 million in borrowing is $5.3M. Based on this estimate and for certainty, the amended maximum acquisition proposed is $11.5M or $0.062/$1,000 of assessed value. The estimated debt servicing costs will be based on the specific future projects and related borrowings, as approved within future Financial Plan Bylaws. For example, if the full $85M were borrowed at the MFA's current indicative interest rate of 4.4% (as of April 24, 2023), the estimated annual debt servicing cost would be approximately $5.3M, with an amortization term of 30 years. Debt servicing costs are funded by requisition, and actual borrowings in each of the next five years will depend on that year's cash flow requirements.

Legislative Implications
To borrow funds long-term (i.e., beyond five years), the approval of a loan authorization bylaw and subsequently, and separately, a security issuing bylaw are required under the *Local Government Act*. As part of the loan authorization bylaw approval process, the bylaw requires elector approval. Elector approval can be obtained through consent on behalf of municipal participants and electoral participating areas (by sub-regional AAP), a referendum, or by a regional alternative approval process (AAP) for the entire service area. Consent on behalf of municipal participants, and by alternative approval process in the electoral areas, is initiated when the loan authorization bylaw has received third reading by the Board and approval by the Inspector of Municipalities and are the preferred methods administratively in this instance. These processes will be undertaken concurrently, and are expected to take six months, including the eight weeks of waiting on provincial approval of the assent method and the approval of the service amendment and loan authorization bylaws.

To ensure optimization of interest and timing of long-term debt, issuance of a temporary borrowing will be proposed if Ministerial approval is obtained, and the elector approval process proves successful. The timing of the debt issuance will be based on the timing of expenditures and will be dependent on prevailing interest rates at the time. Before long-term debt issuance can be exercised, a security issuing bylaw will be brought forward for approval. The term of debt issuance under the loan authorization will be 30 years.

CONCLUSION

The current requisition capacity of Bylaw No. 3712 is fully committed to approved initiatives. New initiatives and resourcing will require an establishing bylaw amendment and a new loan authorization bylaw. Both bylaws require Inspector of Municipalities approval and elector assent. If the recommendations within this staff report are approved, staff will seek consent on behalf of electors in the municipalities and will undertake an AAP for the electoral areas.

As part of continuing to advance efforts related to the FHPP, staff have been actively exploring a range of partnerships related to acquiring and preserving NOAH, acquiring lands on or near transit corridors, working through the CRHC to acquire and/or advance affordable housing projects, scoping a rural housing program, working in partnership with the CRHD on complex-care housing, and looking to longer-term partnership opportunities with senior levels of government.

The ability of the CRD to demonstrate a willingness to invest into prospective partnerships will significantly advance these exploratory discussions. Debt will not be incurred, nor requisition increased, until approved on a specific project or through the annual service planning and financial planning processes.

RECOMMENDATION

The Hospitals and Housing Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4551, “Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023”, be introduced, read a first, second, and third time;
2. That Bylaw No. 4552, “Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023”, be introduced, read a first, second, and third time; and,

3. That participating area approval for Bylaws No. 4551 and No. 4552 in the municipalities be obtained via council consent on behalf of electors, and by alternative approval process in the electoral areas, and if successful, that staff provide the bylaws to the Inspector of Municipalities for approval.

Submitted by:	Don Elliott, MUP, BA, Senior Manager, Regional Housing
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS:

Appendix A: Bylaw No. 3712, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010"
Appendix B: Staff Report: Capital Regional District Land Banking and Housing Land Acquisition Financing, March 1, 2023
Appendix C: Bylaw No. 4551, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023"
Appendix D: Bylaw No. 4552, " Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023"
Appendix E: Summary: Homes for People: An action plan to meet the challenges of today and deliver more homes for people, faster

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3712

A BYLAW TO CONVERT THE AUTHORITY FOR LAND ASSEMBLY, HOUSING AND LAND BANKING TO AN ESTABLISHING BYLAW FOR LAND ASSEMBLY, HOUSING AND LAND BANKING

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing, pursuant to the provisions of the National Housing Act, the Municipal Act of the Province of British Columbia, the Housing Act of British Columbia, and other legislations of the Province of British Columbia pertaining to land assembly and, public housing, as if the regional district were a municipality;

B. The Board of the Capital Regional District wished to exercise the function granted to it by the Letters Patent in accordance with Part 24 of the Local Government Act subject to all of the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent within all member municipalities and electoral areas.

C. The Board of the Capital Regional District wished to proceed under section 774.2 of the Local Government Act and convert the service to a service exercised under the authority of a bylaw for the Regional District by bylaw under sections 774.2(3) and 796 of the Local Government Act;

D. The Board of the Capital Regional District has obtained the consent on behalf of the electors under section 801.4 and 801.5 of the Local Government Act.

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

1. Service

a) The service established by this Bylaw is the conversion of the Authority for Land Assembly, Housing and Land Banking to an Establishment Bylaw for Land Assembly, Housing and Land Banking and includes:

i) The power to undertake land assembly for the purpose of housing, either public or private, and public housing;
ii) Authorizing the Regional Board to create one or more corporations to undertake land assembly for the purpose of housing, either public or private and, public housing;
iii) Authorizing the Regional Board to act as a guarantor for one or more corporations established under ii) above;
iv) Authorizing the Regional Board to borrow on behalf of the service or for corporations established under ii) above;
v) Authorizing the Regional Board to participate in any Provincial or Federal government or related agencies' housing program as if the Capital Regional District were a municipality;
vi) Authorizing the Regional Board to enter into housing-related agreements and housing agreements for any duration, pursuant to the provisions of the Local Government Act;

(BL 4326)

2. Boundaries

The boundaries of the service are the boundaries of the Capital Regional District.

3. Participating Area

The participating areas of the service include all municipalities and electoral areas of the Capital Regional District.

4. Cost Recovery and Apportionment of Costs

The annual costs for the service may be recovered by one or more of the following:

a) Property value taxes imposed in accordance with Division 4.3 or Part 24 of the Local Government Act;
b) Fees and charges imposed under section 363 of the Local Government Act;
c) Revenues raised by other means authorized by the Local Government Act or another Act;
d) Revenues received by agreement, enterprise, gift, grant or otherwise.

5. Reporting

The Regional Board shall establish operating and financing reporting requirements for any and all corporations as established under Section 1 of this bylaw.

6. Maximum Requisition

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

~~a) Two million four hundred twenty-three dollars ($2,423,000);~~
~~b) A property value tax rate of $.031 per one thousand ($1,000) dollars 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.~~

In accordance with Section 339(1)(e) of the *Local Government Act,* the maximum amount that may be requisitioned for the cost of the Service is the greater of:

a) Eleven million five hundred thousand dollars ($11,500,000); or
b) A property value tax rate of $0.062 per one thousand ($1,000) dollars 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.

(BL 4551)

7. Citation

This Bylaw may be cited as the “Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010”.

CONSENTED TO by two/thirds of the councils of the Municipalities of Victoria, Saanich, Esquimalt, Oak Bay, Sidney, North Saanich, Central Saanich, View Royal, Highlands, Colwood, Langford, Metchosin, Sooke, and the Directors of the Electoral Areas of Juan de Fuca, Salt Spring Island and the Southern Gulf Islands.

READ A FIRST TIME THIS	14th	day of	July	2010
READ A SECOND TIME THIS	14th	day of	July	2010
READ A THIRD TIME THIS	14th	day of	July	2010
APPROVED BY THE INSPECTOR OF MUNCIPALITIES	27th	day of	October	2010
ADOPTED THIS	10th	day of	November	2010

Original signed by Geoff Young
CHAIR

Original signed by Sheila Norton
CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS 17th day of November 2010

Making a difference...together

REPORT TO HOSPITALS AND HOUSING COMMITTEE
MEETING OF WEDNESDAY, MARCH 01, 2023

SUBJECT **Capital Regional District Land Banking and Housing Land Acquisition Financing**

ISSUE SUMMARY

To report on options to fund land acquisitions for affordable housing.

BACKGROUND

On September 21, 2022, the Capital Regional District (CRD) Board passed a motion directing staff *to report back on options for increasing funding for land acquisition for housing*.

On July 13, 2022, the Board directed staff to proceed on priorities identified in the *Future Housing Priorities and Partnerships* report, which included land acquisition for affordable housing.

Land values in the capital region continue to appreciate annually, increasing economic barriers to develop affordable housing. Front loading land acquisition can mitigate downstream costs by leveraging the time value of land, enabling greater flexibility to deliver more affordable housing.

Since receiving Board direction, staff have begun exploring the possibility of establishing an acquisition fund with the intention of working collaboratively with other levels of government to preserve existing Naturally Occurring Affordable Housing (NOAH). Staff are also seeking to acquire land that provide “shovel ready” development opportunities or could be held for future residential development.

Through the remainder of 2023, staff will continue to advance a range of activities including the exploration of funding alternatives, business cases, eligibility criteria, roles and responsibilities of potential funding partners and plans for monitoring and reporting as well as other related activities. Once complete, staff will report back to the Hospital and Housing Committee for direction.

This information report focuses on options to fund land acquisition for housing purposes and is intended to support continued exploration of a potential acquisition fund that is still under development.

IMPLICATIONS

Analysis

Authority

Under Bylaw No. 3712, the Land Banking and Housing (LBH) Service (Service No. 1.310) has authority to acquire and assemble land for the purpose of housing. The existing service establishment bylaw currently has a maximum requisition limit (based on property assessment values) and has an existing loan authorization bylaw. The borrowing limit currently authorized is $35 million and is entirely committed to the existing program approved in the service and financial

plans. Incremental commitments would require service establishment amendments and a new loan authorization bylaw. Regional cost apportionment for this service is based on property assessments.

Under Bylaw No. 3266, the Regional Housing and Trust (RHTF) Service (Service No. 1.311) has authority to raise up to $1 million and contribute those funds to projects that include funds from other partners. The existing cost apportionment is 50% property assessments and 50% population. Additionally, there is an option for a participant to voluntarily increase their contribution. The service currently has sub-regional participation consisting of 11 municipalities and two electoral areas. The available capacity within this service is limited to the maximum requisition of $1 million, has no borrowing authority and is not authorized to directly acquire or hold property. Its purpose is to act in the limited capacity as a contributor, assisting with the acquisition and pursuit of affordable housing projects.

The Capital Regional Housing Corporation (CRHC) is a wholly owned not-for-profit organization of the CRD providing affordable housing in the region. The CRHC is also able to finance land purchases for the purpose of developing and operating affordable housing, however, the CRHC has limited borrowing and revenue capacity based on the inherent operating model.

Economic Indicators

While interest rates and the cost of borrowing are increasing and subsequently translating to higher costs, there has been an offsetting impact on real estate valuation in the region. Additionally, domestic interest rate forecasts are signaling stabilization in the coming year. With local demand continuing to show year-over-year increases in real estate values, analysis supports asset value growth net of financing costs.

Capacity

The LBH service can increase requisition regionally to increase funding for land acquisition. Requisition funding can be used to pay cash or to service debt borrowed for acquisitions. Borrowing can increase the amount of purchases through leverage and is advantageous when appreciation exceeds the cost of debt.

Two alternatives (listed below) simulate scenarios to increase funding for acquisition where each is incremental to existing program commitments.

Alternative 1 considers requisition to fund acquisitions directly. Paying cash provides immediate funding for acquisitions or to be set aside in an acquisition fund. Table 1 below provides estimated impact of increasing requisition by $0.5 million, $1 million and $5 million:

Table 1: Revenue Implications – Cash for Acquisitions

Description	2023 Financial Plan	Scenario					
		A		B		C	
LBH $ Requisition	$1.4 million	+$0.5 million		+$1.0 million		+$5.0 million	
LBH Change per Avg HH	$7	+$3	+34%	+$5	+68%	+$26	+338%
Total CRD Cost/Avg HH	$509	$512	+0.6%	$514	+1%	$535	+5%

Alternative 2 considers requisition to fund acquisitions by repaying debt over time. Table 2 shows total principal available with the same increased requisition funding as considered in Table 1.

Table 2: Revenue Implications – Borrowing for Acquisitions

Description	2023 Financial Plan	Scenario					
		A		B		C	
LBH Borrowing		$8.5 million		$20 million		$85 million	
LBH $ Requisition	$1.4 million	+$0.5 million		+$1.0 million		+$5.0 million	
LBH Change per Avg HH	$7	+$3	+34%	+$5	+68%	+$26	+338%
Total CRD Cost/Avg HH	$509	$512	+0.6%	$514	+1%	$535	+5%

Revenue implications in Table 1 and Table 2 indicate a general impact on revenue and borrowing capacity only, they do not represent acquisition cost estimates and do not reflect size and scale of an acquisition program. These estimates can be used by Committee in considering appropriate affordable housing strategies. A report addressing program development will be brought back to a future Committee meeting.

CONCLUSION

On September 21, 2022, the CRD Board passed a motion directing staff to report back on options for increasing funding for land acquisition for affordable housing. On July 13, 2022, the Board directed staff to proceed on priorities as identified in the *Future Housing Priorities and Partnerships* report, which included land acquisition for affordable housing. This information report focuses on options to fund land acquisition for housing purposes and is intended to support the acquisition fund currently under development. An increase to funding for land acquisition, beyond

the existing revenue and authorized capacity already committed, would require a service establishment bylaw amendment and potentially the approval of a new loan authorization.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4551

****

A BYLAW TO AMEND THE LAND ASSEMBLY, HOUSING AND LAND BANKING SERVICE ESTABLISHMENT BYLAW NO. 1, 2010

****

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;

B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");

C. The Board desires to increase the maximum requisition, in order to implement housing initiatives in the Capital Regional District, and Bylaw No. 4552, “Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023”, details anticipated borrowing to be supported by the increased requisition;

D. Under Sections 345 and 346 of the *Local Government Act*, participating area approval in the municipalities shall be obtained by consent on behalf and in the electoral areas by Alternative Approval Process; and

E. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

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

1. Bylaw No. 3712, “Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010” is hereby amended by replacing Section 6, Maximum Requisition, in its entirety as follows:

   In accordance with Section 339(1)(e) of the *Local Government Act,* the maximum amount that may be requisitioned for the cost of the Service is the greater of:

   a) Eleven million five hundred thousand dollars ($11,500,000); or

   b) A property value tax rate of $0.062 per one thousand ($1,000) dollars 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.

2. This Bylaw may be cited as the “Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 2, 2023”.

READ A FIRST TIME THIS	__th	day of	_____	2023
READ A SECOND TIME THIS	__th	day of	_____	2023
READ A THIRD TIME THIS	__th	day of	_____	2023
ADOPTED BY THE INSPECTOR OF MUNICIPALITIES THIS	__th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	__th	day of	_____	2023
ADOPTED THIS	__th	day of	_____	2023

_____ _____

CHAIR CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

****

A BYLAW TO AUTHORIZE THE BORROWING OF EIGHTY-FIVE MILLION DOLLARS ($85,000,000) FOR FUTURE HOUSING PARTNERSHIPS

****

WHEREAS:

A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;

B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");

C. It is deemed desirable to borrow additional funds in the amount of Eighty-Five Million Dollars ($85,000,000) for the Service, which is the amount of debt intended to be authorized under this Bylaw, for use to support future housing partnership opportunities and advance the CRD Board priority of increasing supply of affordable, inclusive and adequate housing in the region;

D. It is proposed that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between it and the CRD;

E. Pursuant to Section 407 of the *Local Government Act*, participating area approval is required and shall be obtained in the municipalities by consent on behalf and in the electoral areas by Alternative Approval Process under Sections 345 and 346 of the *Local Government Act*; and,

F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

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

1. The Board is hereby empowered and authorized to borrow upon the credit of the Capital Regional District a sum not exceeding Eighty-Five Million Dollars ($85,000,000) for the purposes of Land Assembly, Housing and Land Banking, including to support future housing partnership opportunities and to increase supply of affordable, inclusive and adequate housing in the region, and do all things necessary in connection therewith and without limiting the generality of the forgoing, to acquire all such real property, easements,

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. This Bylaw may be cited as the “Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023”.

READ A FIRST TIME THIS	__th	day of	_____	2023
READ A SECOND TIME THIS	__th	day of	_____	2023
READ A THIRD TIME THIS	__th	day of	_____	2023
ADOPTED BY THE INSPECTOR OF MUNICIPALITIES THIS	__th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	__th	day of	_____	2023
ADOPTED THIS	__th	day of	_____	2023

_____ _____

CHAIR CORPORATE OFFICER

Summary Homes for People

HOMES FOR PEOPLE: An action plan to meet the challenges of today and deliver more homes for people, faster

"A fast-growing population combined with the effects of the pandemic on the housing market means we have to do more – a lot more – to ensure every person and family in B.C. has a home that they can afford and meets their needs."

- Home for People (p. 4)

Homes for People is built on four priorities that provide a range of potential partnership opportunities that relate directly to the CRD's approved 2023-2026 Corporate Plan.

PILLAR	NOTES
Unlocking more homes faster	• More small scale, multi-unit housing (townhomes, duplexes, and triplexes) • Make it easier and more affordable for people to rent out secondary/basement suites – CRD: Part of work related to SGI Housing Strategy & Rural/Remote – Could be expanded to support broader regional efforts. Starting in early 2024, homeowners can access a 5-year forgivable loan up to 50% of the cost of renovations to a max of $40K. CRD may be able to administer these though the Housing Agreement Program. • Work with municipalities to make sure more homes are built in communities, faster • Speed up permitting and approvals to get homes built faster • Become a North American leader in digital permitting • Deliver more homes and services near transit – CRD/CRHC: Part of work related to acquisition stream of Housing Priorities & Partnership. Province is targeting 10,000 units at or near transit over 10-15 years. • Launch BC Builds – A new program dedicated to delivering homes for middle-income people – CRD/CHRC: Could apply and/or look to increase stock depending on program design/eligibility parameters. • Expand B.C.'s construction workforce and spur innovation • Explore new ways to get more rentals built – CRD/CRHC: Partnership opportunities under the Housing Priorities & Partnerships. • Build more homes with mass timber
Delivering better, more affordable homes	• Thousands more social housing units – CRD/CRHC: Can increase activity subject to available funds & capacity. Province working to create 6,000 more subsidized rental home though expanded CHF. Province entered MOU with Metro Vancouver Housing Corp. • Deliver 4,000 additional on-campus rooms for post-secondary students • End discriminatory age and rental restrictions in stratas

	• Protect affordable rental units through $500 million fund – CRD/CRHC: Look to partner under the acquisition stream of the Housing Priorities & Partnerships work. • Create more housing through partnerships with Indigenous communities – CRD/CRHC: Areas of opportunity include RHI though CRD and housing operation support though CRHC. • Revitalize co-op housing
Supporting those with the greatest housing need	• New income tested renter's tax credit • More homes to support people experiencing homelessness – CRD: Continued support though RHI in partnership with Gov of Canada. CRHD: Efforts to work in support of Complex Care. Province is targeting 240 additional Complex Care beds in 12 locations across BC. • New actions to close encampments • Partner to redevelop and replace single room occupancy units in DTES • Revitalize and expand aging BC Housing properties • More Rent Bank support to help tenants in crisis keep their homes – CRD: Continued support though Reaching Home Program.
Creating a housing market for people, not speculators	• Implement a "Flipping Tax" • Stricter enforcement on short-term rentals • Solve renter/landlord disputes faster and get tougher on bad-faith evictions • Turn more empty units into homes by expanding the Speculation and Vacancy Tax to additional areas • Crack down on criminal activity in real estate • Offer more protections for renters displaced by redevelopment – CRHC: Already included within the CRHC policy.

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Appendix D

REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JUNE 14, 2023

SUBJECT **Bylaw No. 4552: Land Assembly, Housing and Land Banking Loan Authorization - Revision**

ISSUE SUMMARY

To revise Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023" to include a maximum term provision.

BACKGROUND

On May 10, 2023, Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023", was read three times. This Bylaw authorized an increased maximum requisition of $85 million for supporting future housing partnership opportunities and to further the CRD Board priority of increasing the supply of affordable, inclusive, and adequate housing in the region.

As part of the legislative process, it was submitted to the Inspector of Municipalities for review. The Province indicated the maximum borrowing term was missing from the Bylaw. A loan authorization bylaw must contain the maximum term for which the debentures may be issued, and requested Bylaw No. 4552 be amended to include the maximum term.

ALTERNATIVES

Alternative 1

1. That third reading of Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023", be rescinded;
2. That Bylaw No. 4552 be amended as follows:
    a. By renumbering section 2 to 3;
    b. By inserting the following section in numerical order:

        "2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years."

3. That Bylaw No. 4552 be read a third time as amended; and
4. That Bylaw No. 4552 as amended by referred to the Inspector of Municipalities.

Alternative 2
That this matter be referred to staff for further information.

IMPLICATIONS

The borrowing term is a legislative requirement for loan authorization bylaws. Without amending the bylaw to include the maximum borrowing term, the Inspector of Municipalities will not be able to approve the bylaw. A minor oversight in selecting the correct bylaw template caused the issue which can be easily fixed with the amendment noted above. This will not affect participant

approval timelines in any way.

CONCLUSION

Bylaw No. 4552 must be amended to include the maximum term of the loan provision as required by legislation.

RECOMMENDATION

1. That third reading of Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023", be rescinded;
2. That Bylaw No. 4552 be amended as follows:
    a. By renumbering section 2 to 3;
    b. By inserting the following section in numerical order:

        "2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years."

3. That Bylaw No. 4552 be read a third time as amended; and
4. That Bylaw No. 4552 as amended by referred to the Inspector of Municipalities.

Submitted by:	Steven N. Carey, B.Sc, J.D., Senior Manager, Legal Services & Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Bylaw No. 4552, "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023" (as amended)
Appendix B: Bylaw No. 4552 (Redlined)

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

*****

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years.

3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023".

READ A FIRST TIME THIS	__th	day of	_____	2023
READ A SECOND TIME THIS	__th	day of	_____	2023
READ A THIRD TIME THIS	__th	day of	_____	2023
ADOPTED BY THE INSPECTOR OF MUNICIPALITIES THIS	__th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	__th	day of	_____	2023
ADOPTED THIS	__th	day of	_____	2023

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CHAIR CORPORATE OFFICER

APPENDIX B

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4552

*****

rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 30 years.

~~2.~~3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Loan Authorization Bylaw No. 3, 2023".

Formatted: Justified

READ A FIRST TIME THIS	__th	day of	_____	2023
READ A SECOND TIME THIS	__th	day of	_____	2023
READ A THIRD TIME THIS	__th	day of	_____	2023
ADOPTED BY THE INSPECTOR OF MUNICIPALITIES THIS	__th	day of	_____	2023
RECEIVED THE ASSENT OF THE ELECTORS THIS	__th	day of	_____	2023
ADOPTED THIS	__th	day of	_____	2023

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CHAIR CORPORATE OFFICER

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ERM 23-51

REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Curbside Collection of Packaging and Printed Products – Update**

ISSUE SUMMARY

To provide an update with respect to the new six-year contract for the provision of residential curbside collection of packaging and printed products blue box service beginning January 1, 2024 and ending December 31, 2029.

BACKGROUND

Effective Monday, January 2, 2024, GFL Environmental Incorporated will begin delivering the Capital Regional District's (CRD) curbside blue box collection program, which provides recycling collection services to 132,000 single family homes in the region.

The CRD issued the contract to GFL Environmental Incorporated in October 2022, 15 months prior to service beginning, to allow for the time necessary to procure, manufacture and deliver the collection vehicles, and to ensure a smooth transition between service providers. While accepted materials remain the same, some scheduled collection days will change. Residents impacted by route changes will be notified directly.

Glass pickup will not be available between January 2 to February 1, 2023 due to a labour disruption that is impacting the delivery of GFL's new 25-vehicle fleet. A communications plan has been developed to ensure residents are aware of the January service disruption.

The program is paid for by Recycle BC, a non-profit stewardship organization that represents producers of packaging and paper products in BC. The BC Recycling Regulation requires producers of packaging and paper products in BC to be responsible for the recycling costs associated with the material, not residential taxpayers.

CONCLUSION

The January transition to the new curbside blue box collection contractor will be impacted by a labour disruption at a truck assembly facility that will delay delivery of a number of the contractor's new collection trucks. As a result, residents will be advised that glass pickup will not be available for the month of January 2023, with full curbside recycling service resuming in February.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

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REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Bylaw Nos. 4586 and 4587: Fees and Charges Bylaw Amendments for Utilities within the Three Electoral Areas**

ISSUE SUMMARY

To update the utility rates for the three electoral areas as recommended by the respective Commissions and Committees, and as included in the 2024 Financial Plan.

BACKGROUND

Amendments to the Electoral Area utilities fees and charges bylaws are recommended annually to reflect the rates included in the service budgets and preliminary financial plan for the forthcoming year. All local service Commissions and Committees have recommended their respective 2024 budgets, inclusive of the changes to fees and charges.

The proposed fee and charges amendments are intended to cover the projected net cost of service delivery inclusive of reserve contributions for the upcoming year. Board approval is required in advance of the effective billing period January 1 through December 31, 2024.

With final surplus and deficits not yet completed, results will be monitored to identify any material impact, and these would be incorporated into a rate adjustment and bylaw amendment after final year end results.

Appendix C contains a comparison of changes to rates contained in each of the two bylaws: Bylaw No. 4586 (Appendix A) and Bylaw No. 4587 (Appendix B).

Bylaw No. 4586 covers all Salt Spring Island Electoral Area Sewer, Water and Liquid Waste Disposal Fees and Charges. Bylaw No. 4587 covers all Southern Gulf Islands and Juan de Fuca Electoral Areas Sewer, Water and Street Lighting Fees and Charges.

ALTERNATIVES

Alternative 1
The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4586, "Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 17, 2023", be introduced and read a first, second, and third time; and
2. That Bylaw No. 4586 be adopted.
3. That Bylaw No. 4587, "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 12, 2023", be introduced and read a first, second, and third time; and
4. That Bylaw No. 4587 be adopted.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Financial Implications

Changes in fees and charges are required for local utility services in the three Electoral Areas to maintain adequate levels of funding for annual operating costs inclusive of reserve contributions and debt servicing. The recommended rates are effective January 1 through December 31, 2024 and reflect estimates of the 2023 surpluses and/or deficits.

CONCLUSION

Utilities within the Electoral Areas require changes to fees and charges, to reflect user fees required to fund operating and capital budgets. The Commissions and Committees have recommended their respective 2024 service budget for Board approval; this approval is required prior to January 1, 2024, to attain the revenue targets specified in the 2024 service budgets.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4586, "Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 17, 2023", be introduced and read a first, second, and third time; and
2. That Bylaw No. 4586 be adopted.
3. That Bylaw No. 4587, "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 12, 2023", be introduced and read a first, second, and third time; and
4. That Bylaw No. 4587 be adopted.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Alicia Fraser, P. Eng., General Manager, Integrated Water Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4586 and Schedules
Appendix B: Bylaw No. 4587 and Schedules
Appendix C: Changes to Fees and Charges Summary

APPENDIX A

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4586

****

A BYLAW TO AMEND BYLAW 3864 TO UPDATE FEES AND CHARGES FOR UTILITY SERVICES AND LIQUID WASTE DISPOSAL WITHIN THE SALT SPRING ISLAND ELECTORAL AREA

****

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3864 "Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012" is amended as follows:

   a) By removing SCHEDULE “B” in its entirety and replacing it with SCHEDULE “B” attached hereto.

   b) By removing SCHEDULE “C” in its entirety and replacing it with SCHEDULE “C” attached hereto.

2. Citation:

   This Bylaw may be cited as “Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 17, 2023”.

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__

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CHAIR CORPORATE OFFICER

SCHEDULE "B"

1. Water Service Turn On and Turn Off Fee

Pursuant to Section 4, the fee for turning on or turning off the water supply at the curb stop is the following. The fees payable herein shall be paid to the CRD on application for the service.

(a) During Normal Working Hours (07:30 – 16:00) Monday through Friday (non-inclusive of statutory holidays): $75.00
Fulford Water only $150.00

(b) During Non-Working Hours: $200.00

(Schedule "B" continued on next page)

2. Water and Sewer User Fees

The user fees payable shall include a fixed fee and a variable consumption charge based on the volume of water metered as outlined below:

(a) Fixed Fee

Service Area	Annual Charge, 25% of which is billed each three months
Cedars of Tuam	$2,297.71 per single family dwelling unit or equivalent
Cedar Lane	$1,559.79 per single family dwelling unit or equivalent
Beddis	$1,092.48 per single family dwelling unit or equivalent
Highland	$0 per single family dwelling unit or equivalent
Fernwood	$0 per single family dwelling unit or equivalent
Highland and Fernwood	$1,289.82 per single family dwelling unit or equivalent
Maliview	$1,983.06 per single family dwelling unit or equivalent
Fulford	$1,729.38 per single family dwelling unit or equivalent Other: No Fixed Fee

(b) Consumption Charge based on volume of water metered

The Consumption Charge for water or sewer will be the total volume of water metered to the water service connection, measured in cubic metres (or other units converted to cubic metres) over a three-month billing period, at a rate as follows:

Service Area	Volume of Water	Charge
Cedars of Tuam	First 38.0 cubic metres or portion	$9.00 per cubic metre
	Greater than 38.0 cubic metres	$18.00 per cubic metre
Cedar Lane	First 30.0 cubic metres or portion	$2.50 per cubic metre
	31.0 to 60.0 cubic metres or portion	$9.00 per cubic metre
	Greater than 61 cubic metres	$25.00 per cubic metre
Beddis	First 38.0 cubic metres or portion	$3.10 per cubic metre
	Next 68.0 cubic metres or portion	$6.30 per cubic metre
	Greater than 106 cubic metres	$8.50 per cubic metre
Highland and Fernwood	First 38.0 cubic metres or portion	$0.64 per cubic metre
	Next 68.0 cubic metres or portion	$2.00 per cubic metre
	Greater than 106 cubic metres	$5.13 per cubic metre
Maliview	$1.75 per cubic metre of total water provided or delivered to the single family dwelling unit or equivalent served by the sewer connection to the CRD Highland Water System	
Fulford	Single Family Residential: No Consumption Charge Other: $3.60 per cubic metre Minimum Consumption Charge per three months is $432.35 per service connection.	

SCHEDULE "C"

Liquid Waste Receiving Facility

1. Disposal Fees and Charges

Every Hauler depositing Liquid Waste at the Liquid Waste Receiving Facility shall pay the following fees and charges:

Fees:	
Septage	$119.88 per cubic metre ($0.545 per imperial gallon)
Sewage	$119.88 per cubic metre ($0.545 per imperial gallon)
Facility User Permit	$50.00 per Septage waste disposal truck per annum (valid for a period from January 1 of each year until December 31 of the subject year). This fee is not pro-rated in the first year of this schedule coming into force.
Charges:	
Call Out Charge	$75.00 per hour; minimum charge $150 first 2 hours
After Hours Call Out	$75.00 per hour; minimum charge $150 first 2 hours

2. Definitions:

The following terms, words and phrases when used in this schedule shall have the meanings set forth in this contained in this schedule:

"**CRD**" means the Capital Regional District.

"**Call Out Charge**" means a charge issued to any person who uses the Liquid Waste Receiving Facility due to an event directly attributable to a person(s) actions requiring CRD personnel to attend the Liquid Waste Receiving Facility.

"**Discharge**" means to directly or indirectly introduce a substance into a Sewer or sewage facility by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.

"**Facility Access Permit**" means a Facility Access Permit issued by the CRD.

"**Generator**" means an owner or occupier of property from which the Liquid Waste originates that is being trucked to a facility for disposal.

"**Hauler**" means a person or company who transports Liquid Waste from a Generator to a Liquid Waste facility for disposal.

"**Local Service Area**" means the Local Service Area established under bylaw 2118 Salt Spring Island Liquid Waste Disposal Additional Local Service Establishment Bylaw No. 1, 1993.

"**Load of Liquid Waste**" means the Liquid Waste being delivered by the hauling vehicle.

"**Liquid Waste**" means Septage and/or Sewage Sludge.

"**Liquid Waste Receiving Facility**" means the Salt Spring Liquid Waste facility that receives Trucked Liquid Waste, more particularly described as located off Burgoyne Bay Road, Salt

Spring Island (part of the North ½ of Section 4, Range 1, South Salt Spring Island, Cowichan District).

"**Measured volume**" means the actual volume of Liquid Waste Discharged at the designated Liquid Waste Receiving Facility as measured by the flow meter installed at the facility.

"**Municipality**" means a municipality or electoral area participating in the Local Service Area and/or the CRD itself.

"**Prohibited Waste**" means Hazardous Waste as defined by the *Hazardous Waste Regulation*.

"**Septage**" means a combination of liquid and solid wastes and/or settled solids from residences, businesses, institutions and industries normally collected in a Septic Tank or holding tank.

"**Septic Tank**" means a chamber made of concrete, fiberglass, PVC or plastic, through which domestic wastewater flows for primary treatment

"**Sewage Sludge**" means the primary or secondary Sewage Sludge from a sewage treatment plant.

"**Sewer**" means all pipes, conduits, drains and other equipment and facilities owned or otherwise under the control or jurisdiction of the CRD for collecting, pumping and transporting wastewater, either to a Sewage Facility or otherwise.

"**Trucked Liquid Waste**" means any Liquid Waste that is collected and transported from the site where the Liquid Waste originated by means other than Discharge to a Sewer, including but not limited to: Septic Tank waste, chemical toilet contents, oil and grease from interceptors or traps and other sludges of organic or inorganic origin.

"**Trucked Waste Manifest**" means a form provided by the CRD to be completed by the Generator, or agent acting on behalf of the Generator, and Hauler of Septage as a condition of using a Liquid Waste Receiving Facility.

3. User Fees:

a) The Liquid Waste disposal fee set out in Section 1 will be imposed on every Hauler depositing Liquid Waste at the Liquid Waste Receiving Facility and shall be paid in accordance with this bylaw.

b) The fees charged will be calculated by multiplying the measured volume of Liquid Waste Discharged by the unit rate set out in Section 1. Where no measured volume is available, the fees charged will be calculated by multiplying the unit rate by the volume of a full load of Liquid Waste from the Haulers truck as specified in the operator's manual for the Haulers truck.

4. Credit:

a) Persons depositing Liquid Waste at the Liquid Waste Receiving Facility on a regular basis may apply to the CRD for credit. If the CRD is satisfied of the credit worthiness of the

Hauler, credit may be granted, in which case payment of the user fees imposed under Section 3 shall be made and credit extended under the following conditions:

i. The person receiving credit shall pay to the CRD all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The CRD will invoice monthly for Liquid Waste delivered during the preceding month. The invoice amount will be based on the total quantity of the waste delivered during the month, and the posted rates in effect at the time of delivery.

ii. Late payment(s) will be subject to an interest penalty of 1.5% per month.

iii. The CRD reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment or other justified cause as judged solely by the CRD.

5. Regulations:

a) Persons, including Generators or Haulers of Liquid Waste, shall only use the Liquid Waste Receiving Facility upon the following conditions:

i. That they agree to comply with all provisions within this Bylaw.

ii. They have received a Facility Access Permit from the CRD.

iii. That the Liquid Waste meets the operating criteria to be received and processed at the facility.

iv. That they agree to comply with all operating protocols governing the use of the Liquid Waste Receiving Facility as prescribed in Section 6, as stated on any signage or materials published by the CRD, or as directed by an employee or agent of the CRD.

b) Any person making a Discharge at the Trucked Liquid Waste Receiving Facility shall immediately stop the Discharge at the instructions of an employee of the CRD if that employee has reasonable grounds to believe the Discharge does not meet the provisions of this bylaw or any other enactment.

c) A Hauler or other person is liable for any damage to a Liquid Waste Receiving Facility or CRD property caused by the Hauler or other person or caused by the functioning or operation of a Hauler or other person's vehicle, tank, or equipment.

d) The CRD may suspend or revoke a permit to access and use of the Liquid Waste Receiving Facility if the Generator or Hauler falsifies or omits information on a Trucked Waste Manifest.

e) Sections 5 (a) to 5 (d) do not apply to a Municipality or agent of a Municipality, where Liquid Waste is removed from a water, Sewer or sewage facility or the Liquid Waste Receiving Facility for purposes of maintenance activities on the water, Sewer or sewage facility or the Liquid Waste Receiving facility.

6. Operating Protocols:

a) The Liquid Waste Receiving Facility is an unattended facility and is controlled by a locked gate. In order to access the site a Hauler must have a valid Facility Access Permit.

i. Permits can be obtained by making application to the CRD on the application form attached hereto in Schedule "E", and paying the annual fee as set out in section 1.

ii. Each vehicle owned by the Hauler that is used for the purposes of Septage waste disposal at the Liquid Waste Receiving Facility must be listed on the Facilty Access Permit.

iii. Once approved a Facility Access Permit sticker, gate access key and/or codes will issued to the Hauler.

iv. A Facility Access Permit Sticker will be issued for each vehicle listed on the Facility Access Permit.

v. The CRD may suspend or revoke a Facility Access Permit:

(1) for any or all vehicles licensed to any one Hauler for any violation of, or noncompliance with, the terms and conditions of this bylaw, or any enactment applicable to the Discharge of waste into a Liquid Waste Receiving Facility, when the violation or noncompliance interferes with the operation of the Liquid Waste Receiving Facility.

(2) if a Generator or Hauler falsifies or omits information regarding the source, type, or quality of Septage Discharged at the Liquid Waste Receiving Facility.

(3) for any or all vehicles licensed to any one Hauler for failure to pay fees described in this bylaw within 60 days of being invoiced by the CRD or the Operator.

b) While on site at the Liquid Waste Receiving Facility, all Haulers, persons, employees, and agents of the CRD shall abide by WorkSafeBC and CRD protocols and regulations, and conduct their activities in a safe and respectful manner.

c) The designated intake connection at the Liquid Waste Receiving Facility must be used. Discharging Liquid Waste directly or indirectly into any other point at the Liquid Waste Receiving Facility is strictly prohibited and may result in suspension or revocation of a Facility Access Permit.

d) Information regarding the Liquid Waste to be Discharged including the waste manifest must be properly entered into the log-in Hauler's panel or may result in suspension or revocation of a Facility Access Permit.

e) The solid to Liquid Waste content shall not contain any solid rocks or debris larger than 38mm in diameter. Failure to comply with this requirement may lead to Call Out Charges as set out in Section 1, if CRD staff are required to attend the Liquid Waste Receiving Facility, and could result in liability to repair the facility if damage is caused.

f) Should the Liquid Waste Receiving Facility alarm go into effect and the inlet valve close, Haulers must wait until the Liquid Waste Receiving Facility has been reset before

continuing to off-load. No Liquid Waste shall be deposited anywhere else on site while waiting for CRD personnel to respond.

g) All hauling vehicles using the site must have connection devices compatible with those of the facility.

h) The Hauler is responsible for connecting and disconnecting hoses from the hauling vehicle to the facility Discharge coupling, and the operation of the equipment associated with the hauling vehicle.

i) The Discharge of Liquid Waste shall be conducted without spillage. Hoses shall not be drained to the ground. In the event that an environmental spill occurs, the Hauler must immediately discontinue discharging and contact the CRD and report the a) date / time; b) volume; c) material spilled.

j) Each vehicle owned by the Hauler that is used for the purpose of waste disposal at the Liquid Waste Receiving Facility must provide sufficient containment of loads to prevent spillage in transit, including spillage from hoses and other appurtenances.

k) Parking for Haulers' or other persons' vehicles on site is permitted only while discharging Liquid Waste.

l) There is a limited supply of water to operate the Liquid Waste Receiving Facility. No person shall use water for washing or servicing their vehicles.

m) The Hauler shall designate on the Trucked Waste Manifest the type of Liquid Waste being Discharged.

n) Users shall observe and comply with all posted speed limit requirements on the road access and on the Liquid Waste Receiving Facility.

o) Hours of Operation:

i. Liquid Waste will only be accepted at the Liquid Waste Receiving Facility during regular hours of operation.

ii. The regular hours of operation at the Liquid Waste Receiving Facility are as follows:

Monday to Friday, excluding statutory holidays	7:30 am to 4:00 pm

iii. During the regular hours of operation, the Liquid Waste Receiving Facility will be open for Haulers to dispose of Liquid Waste. CRD staff will only be available to respond to any issues or alarms during regular hours of operation.

iv. After hours access may be considered under emergency situations.

v. No person shall make use of the Liquid Waste Receiving Facility at any time other than the regular hours and days of operation, unless:

(1) that person is an employee, contractor or agent of the CRD; or

(2) there is an emergency situation, and the person using the Liquid Waste Receiving Facility pays the after hour charges as set out in Section 1.

p) A flow meter is provided and shall be used to measure the volume of each Discharge. The CRD will bill each Hauler based on the total volume of Liquid Waste Discharged.

7. Offences and Penalties:

a) A person who contravenes this bylaw is guilty of an offence and is liable, upon conviction, to a fine not exceeding $10,000.

b) Where an offence is committed, or continues on for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding $10,000, may be imposed for each day on or during which an offence occurs or continues.

Nothing in this bylaw shall limit the CRD from utilizing any other remedy that would otherwise be available to the CRD at law.

APPENDIX B

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4587

****

A BYLAW TO AMEND BYLAW 3847 TO UPDATE FEES AND CHARGES FOR UTILITY SERVICES WITHIN THE SOUTHERN GULF ISLANDS AND JUAN DE FUCA ELECTORAL AREAS

****

The Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3847 "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012" is amended as follows:

   a) By removing SCHEDULE “C” in its entirety and replacing it with SCHEDULE “C” attached hereto.

2. Citation:

   This Bylaw may be cited as "Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges Bylaw No. 1, 2012, Amendment Bylaw No. 12, 2023".

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"

1. Water, Sewer, and Port Renfrew Street Lighting

a) For Single Family Equivalent, the user fees payable by Service Area shall be:

Service Area	Annual Charge • 25% of which is billed each 3 months
Skana Water	$1,233.85 per Single Family Equivalent connected to the water system
Surfside Park Estates Water	$1,497.89 per Single Family Equivalent connected to the water system
Lyall Harbour/ Boot Cove Water	$772.98 per Single Family Equivalent connected to the water system
Magic Lake Estates Sewer	$447.08 per Single Family Equivalent connected to the sewer system
Magic Lake Estates Water	$369.62 per Single Family Equivalent connected to the water system
	Quarterly Consumption Charge >50 m^3 = $0.50 m^3 >80 m^3 = $1.50 per m^3
Sticks Allison Water	$1,702.08 per Single Family Equivalent connected to the water system
	Excess Consumption Fee – for metered water use per service connection in excess of 110 cubic metres per three months: $5.00 per cubic metre
Wilderness Mountain Water	Consumption Charge: $21.80 per month for each Single Family Equivalent connected to the water system Annual User Charge: $1082.51 per annum for each Single Family Equivalent connected to the water system
Port Renfrew Water Annual User Charge	$223.74 per Unit (see Section 1b) billed in four equal payments
Port Renfrew Sewer Annual User Charge	$685.27 per Unit (see Section 1b) billed in four equal payments
Port Renfrew Street Lighting	$43.24 per User

(Schedule "C" continued on next page)

b) For other Consumers, the annual charge, 25% of which is billed each three months, is calculated as "N" times the total annual Single Family Equivalent. "N" is determined as outlined in the following chart, except as noted in Sections 1c and 1d.

Use	**"N"**
Bed and Breakfast – each building	1.00
Hotel/Motel – each housekeeping unit	1.00
Cabin – each unit	1.00
Mobile home park – per space	1.00
Commercial building housing 1 business	
Up to 3 employees	1.25
4 or more employees	1.50
Commercial building housing more than 1 business	
Each business up to 3 employees	1.25
Each business 4 or more employees	1.50
Restaurant	2.00
Church	1.00
School – for each classroom	1.00
Hospital – for each bed	1.00
Other – for each 1,360 litres of daily winter water consumption. Estimated flows will be based on regulations or guidelines issued pursuant to the BC *Health Act*.	1.00

c) For the Lyall Harbour/Boot Cover Water Service Area

Use	**"N"**
Commercial building housing 1 business	
Up to 3 employees	1.00
4 or more employees	2.00
Commercial building housing more than 1 business	
Each business up to 3 employees:	1.00
Each business with 4 or more employees:	2.00

d) For Port Renfrew Water and Sewer Service Areas:
If the Single Family Equivalent has not been designated in 1b, the unit calculation will be based on the **Minimum Daily Design Flow** as specified in the *Sewerage System Standard Practice Manual*, Version 2, September 21, 2007, prepared by the BC Onsite Sewage Association.

Appendix C

Changes to Fees & Charges, Bylaws No. 4586 and 4587

Purpose: To summarize changes to Fees and Charges for 2024 in the three Electoral Areas.

Bylaw No. 4586:
To Amend Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges

Changes to Schedule "B" (2) a) Water and Sewer User Fees - Fixed Fees

Service Area	2024 Annual Charge (per SFE)	2023 Annual Charge (per SFE)	Committee/Commission Recommendation
Cedars of Tuam Water	$2,297.71	$1,941.18	Cedars of Tuam Water Service Commission October 30, 2023
Cedar Lane Water	$1,559.79	$1,417.95	Cedar Lane Water Service Commission October 17, 2023
Beddis Water	$1,092.48	$1,021.02	Beddis Water Service Commission October 16, 2023
Highland Water	No Change	$0	Fernwood and Highland Water Service Commission October 31, 2023
Fernwood Water	No Change	$0	
Highland & Fernwood Water	$1,289.82	$1,217.09	
Maliview Sewer	$1,983.06	$1,888.61	Maliview Sewer Local Service Commission October 31, 2023
Fulford Water	$1,729.38	$1,572.18	Fulford Water Service Commission October 30, 2023

Bylaw No. 4586:
To Amend Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges

Changes to Schedule "B" (2) b) Water and Sewer User Fees - Consumption Charge based on volume of water metered

Service Area	2024 Consumption Charge	2023 Consumption Charge	Committee/Commission Recommendation
Cedars of Tuam Water	First 38 m^3 =$9.00/$m^3$ >38 m^3 = $18.00/$m^3$	First 38 m^3 =$7.00/$m^3$ >38 m^3 = $18.00/$m^3$	Cedars of Tuam Water Service Commission October 30, 2023
Cedar Lane Water	No Change	First 30 m^3 =$2.50/$m^3$ >30 m^3 = $9.00/$m^3$ >61 m^3 = $25.00/$m^3$	Cedar Lane Water Service Commission October 17, 2023
Beddis Water	No Change	First 38 m^3 =$3.10/$m^3$ Next 68 m^3 = $6.30/$m^3$ >106 m^3 = $8.50/$m^3$	Beddis Water Service Commission October 17, 2023
Highland and Fernwood Water	No Change	First 38 m^3 =$0.64/$m^3$ Next 68 m^3 = $2.00/$m^3$ >106 m^3 = $5.13/$m^3$	Fernwood and Highland Water Service Commission October 31, 2023
Maliview Sewer	No Change	$1.75/$m^3$ of total water provided or delivered to the single family dwelling unit or equivalent served by the sewer connection to the CRD Highland Water System	Maliview Sewer Local Service Commission October 31, 2023
Fulford Water	Single Family Residential: No Consumption Charge Other: $3.60/$m^3$ Minimum Consumption Charge per three months is $432.35 per service connection.	Single Family Residential: No Consumption Charge Other: $3.27/$m^3$ Minimum Consumption Charge per three months is $393.04 per service connection.	Fulford Water Service Commission October 30, 2023

Bylaw No. 4586:
To Amend Salt Spring Island Liquid Waste, Sewer, and Water Fees and Charges

Changes to Schedule "C" (1) Disposal Fees and Charges

Service Area	2024 Fees	2023 Fees	Committee/Commission Recommendation
Septage	$119.88 per cubic metre ($0.545 per imperial gallon)	$104.49 per cubic metre ($0.475 per imperial gallon)	Salt Spring Island Local Community Commission November 23, 2023
Sewage	$119.88 per cubic metre ($0.545 per imperial gallon)	$104.49 per cubic metre ($0.475 per imperial gallon)	Salt Spring Island Local Community Commission November 23, 2023

Bylaw No. 4587:
To Amend Southern Gulf Islands and Juan de Fuca Electoral Areas Utilities and Street Lighting Fees and Charges

Changes to Schedule “C” (1) a) Water, Sewer and Port Renfrew Street Lighting

Service Area	2024 Annual Charge	2023 Annual Charge	Committee/Commission Recommendation
Skana Water	$1,233.85 (per SFE)	$1,181.80 (per SFE)	Skana Water Service Committee November 9, 2023
Surfside Park Estates Water	$1,497.89 (per SFE)	$1,447.72 (per SFE)	Surfside Park Estates Water Service Committee November 14, 2023
Lyall Harbour/Boot Cove Water	$772.98 (per SFE)	$730.88 (per SFE)	Lyall Harbour/Boot Cove Water Local Services Committee November 20, 2023
Magic Lake Estates Sewer	$447.08 (per SFE)	$416.04 (per SFE)	Magic Lake Estates Water and Sewer Committee November 14, 2023
Magic Lake Estates Water	$369.62 (per SFE) Consumption Charge >50 m^3 = $0.50/$m^3$ >80 m^3 = $1.50/$m^3$	$356.38 (per SFE) Consumption Charge >50 m^3 = $0.50/$m^3$ >80 m^3 = $1.00/$m^3$	
Sticks Allison Water	$1,702.08 (per SFE) No Change	$1,749.70 (per SFE) > 110 m^3 per 3 months = 5.00/m^3	Sticks Allison Water Local Service Committee November 7, 2023
Wilderness Mountain Water	$1,082.51 (per SFE) Consumption Charge = $21.80 (Monthly per SFE)	$992.80 (per SFE) Consumption Charge = $20.00 (Monthly per SFE)	Wilderness Mountain Water Service Commission November 10, 2023
Port Renfrew Water Annual User Charge	$223.74 (per Unit)	$209.93 (per Unit)	Port Renfrew Utility Services Committee November 10, 2023
Port Renfrew Sewer Annual User Charge	$685.27 (per Unit)	$662.10 (per Unit)	
Port Renfrew Street Lighting	$43.24 (per User)	$41.78 (per User)	

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REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 13, 2023

SUBJECT **Bylaw No. 4574 to Expand Shirley Fire Protection and Emergency Response Service Area Boundary (Bylaw No. 1927)**

ISSUE SUMMARY

The proposed bylaw amendment expands the Shirley Fire Protection Local Fire Service boundary to a single parcel of land with the civic address of 10440 West Coast Road.

BACKGROUND

One property in the Shirley area of the Juan de Fuca Electoral Area is currently excluded from the Shirley Fire Protection and Emergency Response service area. This property owner has worked with staff to prepare a petition to the Capital Regional District (CRD) to be included in the Shirley Fire Protection and Emergency Response service area boundary. The property boundary amendment would include the property located at 10440 West Coast Road (Appendix A).

The portions of the individual parcels and owner's names to be included into fire protection are:

Owner	Property ID	Civic Address
Funky Forest Inc	023-414-308	10440 West Coast Road

The petition process was concluded on October 27, 2023. The property owner provided unanimous support to the amended service area and results have been certified by the CRD Corporate Officer (Appendix B).

The proposed bylaw amendment ensures the property receives timely life-safety services and increases the tax base of the service. There are no operational concerns with the addition of the property. The proposal is supported by staff and the Shirley Fire Protection and Emergency Response Commission.

ALTERNATIVES

Alternative 1
The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That the attached Certificate of Results of the petition to expand the service area boundary for the Shirley Fire Protection and Emergency Response Service be received;
2. That Bylaw No. 4574, "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 3, 2023", be read a first, second, and third time; and
3. That elector approval be obtained by Electoral Area Director consent on behalf.

Alternative 2
That this report be referred back to staff for additional information based on Electoral Areas Committee direction.

IMPLICATIONS

Financial Implications
This bylaw is not expected to negatively impact the service requisition.

Service Delivery Implications
No negative impact to service area participants or volunteer firefighters is expected. The level of service provided to the property would be consistent with the policies and operating guidelines of the Shirley Fire Department.

Legal Implications
All establishing bylaw amendments require elector approval prior to adoption. As this is a service entirely within the Juan de Fuca Electoral area, the most cost-effective method to obtain this is by way of Electoral Area Director consent on behalf.

The *Regional District Establishing Bylaw Approval Exemption Regulation,* BC Reg 113/2007, exempts an establishing bylaw amendment only adding a parcel to a service area from the need for Inspector of Municipalities approval before adoption. However, s.135 of the *Community Charter* and s. 228 of the *Local Government Act* require one clear day between third reading and adoption, where assent, consent, or approval is required. As this bylaw requires elector assent, the Board can read it three times then adopt it at a future meeting.

CONCLUSION

The proposed bylaw amendment expands the Shirley Fire Protection Local Fire Service boundary to a single parcel of land with the civic address of 10440 West Coast Road. Staff recommend adoption of the attached local fire protection area service area amendment Bylaw 4574 (Appendix C).

RECOMMENDATION

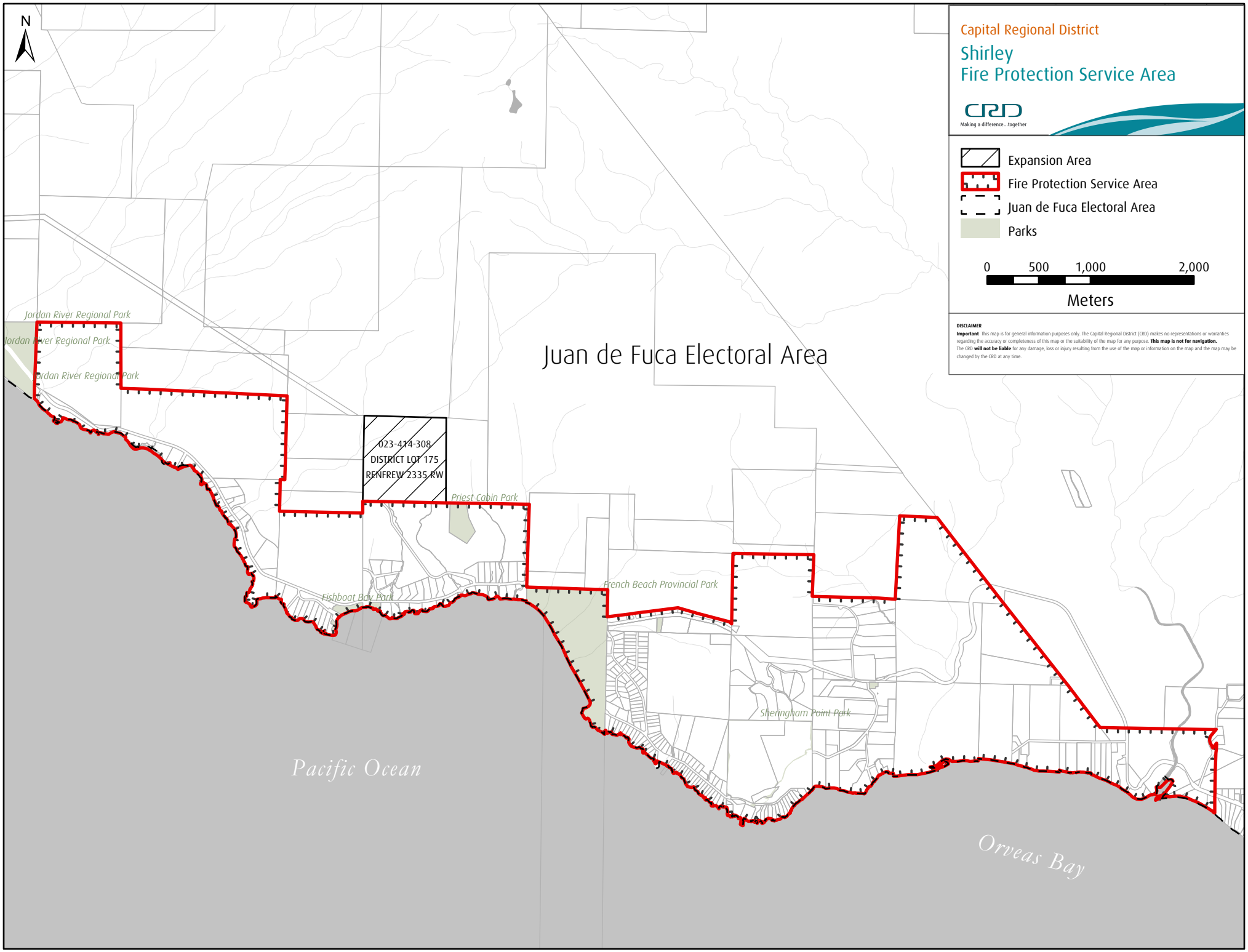
The Electoral Areas Committee recommends to the Capital Regional District Board:
1. That the attached Certificate of Results of the petition to expand the service area boundary for the Shirley Fire Protection and Emergency Response Service be received;
2. That Bylaw No. 4574, "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 3, 2023", be read a first, second, and third time; and
3. That elector approval be obtained by Electoral Area Director consent on behalf.

Submitted by:	Shawn Carby, CD, MAL, Senior Manager, Protective Services
Concurrence:	Kevin Lorette, P.ENG., MBA., General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Map of Proposed Shirley Fire Protection Local Service Area Amendment
Appendix B: Certification of Petition
Appendix C: Bylaw No. 4574, "Shirley Fire Protection Local Service Area Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 3, 2023"

Appendix A


N
Capital Regional District
Shirley
Fire Protection Service Area
CRD
Making a difference...together
Expansion Area
Fire Protection Service Area
Juan de Fuca Electoral Area
Parks
0
500
1,000
2,000
Meters
DISCLAIMER
Important This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation.
The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.
Juan de Fuca Electoral Area
Jordan River Regional Park
Jordan River Regional Park
Jordan River Regional Park
023-414-308
DISTRICT LOT 175
RENFREW 2335 RW
Priest Cabin Park
Fishboat Bay Park
French Beach Provincial Park
Sheringham Point Park
Pacific Ocean
Orveas Bay

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CAPITAL REGIONAL DISTRICT

CERTIFICATION OF RESULTS

SHIRLEY FIRE PROTECTION, EMERGENCY RESPONSE AND RECREATION SERVICE – PETITION TO INCLUDE 10440 WEST COAST ROAD

I, Kristen Morley, Corporate Officer for the Capital Regional District, do hereby declare that a petition was signed by 100% of the owners of the property located at 10440 West Coast Road requesting expansion of the service area boundary under Bylaw 1927, *"Shirley Point Fire Protection, Emergency Response and Recreation Service Establishment Bylaw No. 1, 1991"*.

The requirements for the petition as set out in section 337 of the *Local Government Act* and 212 of the *Community Charter* have been satisfied.

Dated at Victoria, BC
this 27th day of October, 2023.

Kristen Morley
Corporate Officer

Appendix C

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4574

****

A BYLAW TO AMEND SHIRLEY FIRE PROTECTION AND EMERGENCY RESPONSE SERVICE AREA ESTABLISHMENT BYLAW NO. 1, 1991

****

WHEREAS:

A. Under Bylaw No. 1927, "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991", the Regional Board established a service to provide fire protection service to residents of the Local Service Area (the "Service");

B. By petition under section 337 of the *Local Government Act* and under section 2 of the *Regional District Establishing Bylaw Approval Exemption Regulation*, a landowner requests inclusion into the service area and has provided a compliant petition;

C. The Electoral Area Director for the Juan de Fuca Electoral Area has consented to the modifications to the establishing bylaw under ss. 347 and 349 of the *Local Government Act*; and

D. The Board wishes to amend Bylaw No. 1927 to ensure fire protection and emergency response in the community;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 1927, "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991" is hereby amended by replacing Schedule "A" in its entirety with the attached amended Schedule "A".

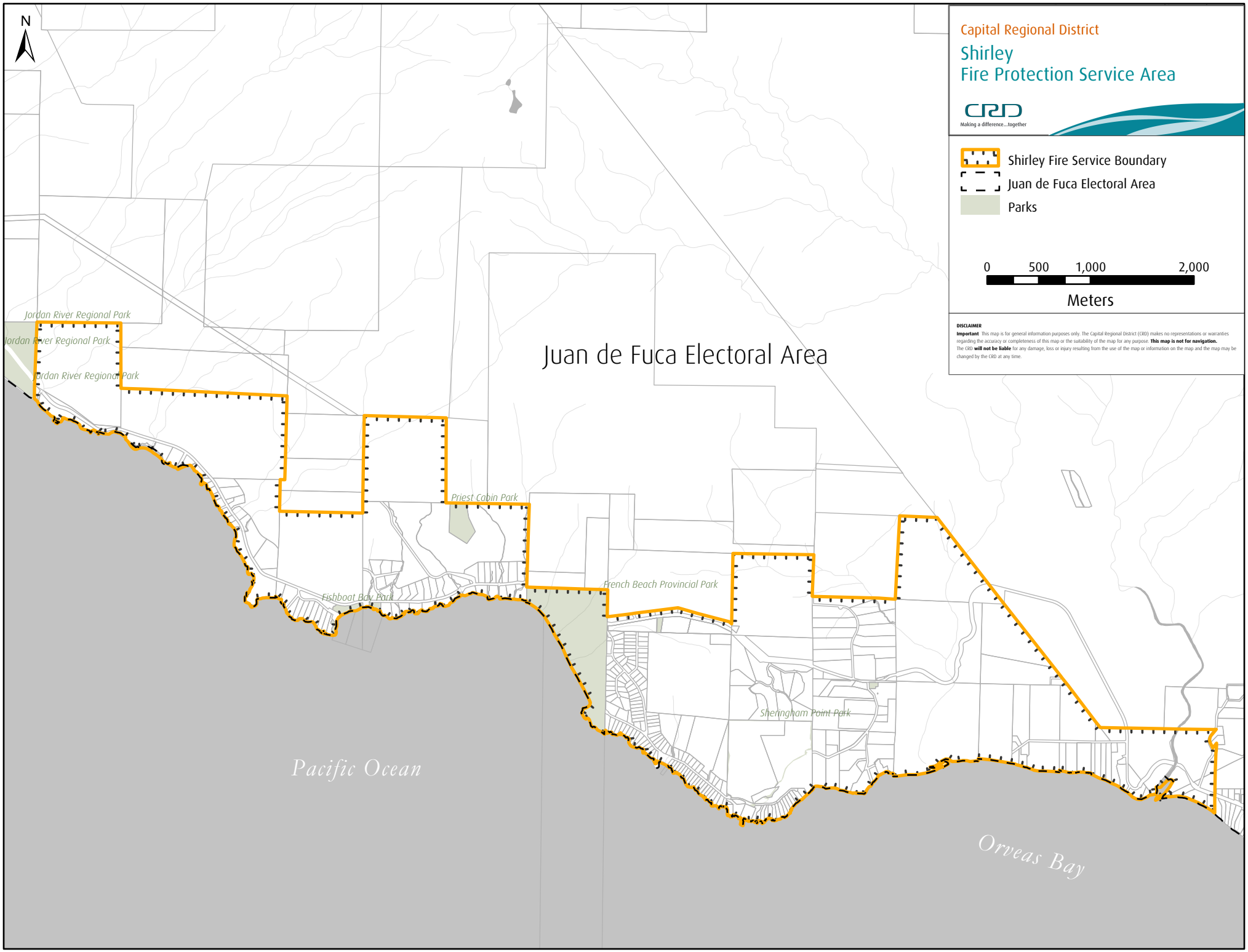
2. This Bylaw may be cited for all purposes as "Shirley Fire Protection and Emergency Response Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 3, 2023".

READ A FIRST TIME THIS	th	day of	2023
READ A SECOND TIME THIS	th	day of	2023
READ A THIRD TIME THIS	th	day of	2023
APPROVED BY THE ELECTORAL AREA DIRECTOR THIS	th	day of	2023
ADOPTED THIS	th	day of	2023

CHAIR

CORPORATE OFFICER

Schedule A


N
Capital Regional District
Shirley
Fire Protection Service Area
CRD
Making a difference...together
Shirley Fire Service Boundary
Juan de Fuca Electoral Area
Parks
0
500
1,000
2,000
Meters
DISCLAIMER
Important This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation.
The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.
Juan de Fuca Electoral Area
Jordan River Regional Park
Jordan River Regional Park
Jordan River Regional Park
Priest Cabin Park
Fishboat Bay Park
French Beach Provincial Park
Sheringham Point Park
Pacific Ocean
Orveas Bay

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ERM 23-48

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 15, 2023

SUBJECT **Hartland Landfill Policy Changes and Adoption of Bylaw Nos. 4497 and 4567**

ISSUE SUMMARY

To provide an update on implementation of the Hartland Policy Changes endorsed by the Capital Regional District (CRD) Board in May 2023, and to present associated amendments to Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013", and Schedule 19 of Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990", for Board consideration.

BACKGROUND

On May 10, 2023, the CRD Board endorsed new policies to come into effect in 2024 to divert materials from Hartland Landfill in alignment with the Solid Waste Management Plan. The 2024 policy changes at Hartland Landfill include new landfill bans on wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles; modernization of the Hartland Landfill tipping fee schedule; and increasing fine rates for various offences.

Staff were also directed to identify adjusted service levels for the 2024 and future budget years to implement the new waste diversion policies. These adjustments have been made in the 2024 budget that was considered by the Committee of the Whole on October 25, 2023. The May 10, 2023 staff report is included as Appendix A.

Based on the work to date, including feedback received through ongoing procurement of processing and transport of materials that will be banned from landfilling, staff recommend implementing the 2024 Hartland Policy Changes in two phases, as follows:

Phase 1: January 1, 2024
- ban clean wood from landfill (source-separated clean wood will be accepted at Hartland for recycling/energy recovery at a rate of $80/tonne)
- increase the general refuse tipping fee to $150/tonne
- introduce new hauler incentive rate ($125/tonne in 2024) to promote multi-stream collection, incent voluntary self-reported waste collection data sharing and minimize the financial impact of increases to the general refuse tipping fees
- increase international high risk cruise ship waste to $500 per tonne (directed by the CRD Board July 13, 2022)
- increase fine rates including a $500 fine for improper disposal of banned materials
- introduce warning system: bylaw staff will issue warning tickets for first two offences, and focus primarily on education, with enforcement where necessary
- introduce 25% discount on some fines paid within 30 days

Phase 2: July 1, 2024
- ban on treated wood, carpet and underlay, asphalt shingles from Hartland Landfill (will still be accepted at Hartland at a rate of $110/tonne for reuse/recycling/energy recovery)
- ban on salvageable wood (this will be accepted at no charge at Hartland for reuse/recycling/energy recovery)

- introduce new $300/tonne tipping fee for loads of unsorted renovation and demolition materials that contain mandatory recyclables (including wood waste)
- continued implementation of warning system, increased focus on enforcement by bylaw staff

On May 10, 2023, the CRD Board directed staff to return to the Board in Autumn 2023 with amended bylaws for Board approval. Bylaw amendments for Bylaw No. 3881, (Bylaw No. 4497, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023", attached as Appendix B) and Bylaw No. 1857 (Bylaw No. 4567, "Capital Regional District Ticket Information Authorization Bylaw No. 1990, Amendment Bylaw No. 78, 2023", attached as Appendix C) have been drafted and are consistent with the direction provided by the Board, except for the following modifications for board consideration:

1. Both bylaw amendments have been drafted to incorporate phased implementation, as discussed above.
2. The bylaw amendment for the Ticket Information Authorization Bylaw does not include a graduated ticket approach.

Appendix D and Appendix E provide a 'redline' version of the proposed bylaw amendments.

ALTERNATIVES

Alternative 1
The Environmental Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4497, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023", be read a first, second and third time;
2. That Bylaw No. 4497 be adopted;
3. That Bylaw No. 4567, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023", be read a first, second and third time; and
4. That Bylaw No. 4567 be adopted.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Service Delivery Implications

To support the execution of the material stream diversion strategy, staff have initiated procurement for the design, build and five-year operation of a material diversion transfer station located at Hartland Landfill, which will pre-process and transfer to end markets (reuse, recycle or energy recovery) diverted materials including wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles. Early indications from vendors indicate that due to supply chain constraints, equipment lead time, seasonal availability of some construction contracts, including asphalt paving, and negotiations with end markets, the Material Diversion Transfer Station is not expected to be operational until mid-2024. The Request for Proposals results will come to the CRD Board for consideration in Quarter 1, 2024. Staff have identified an opportunity to expand a pilot on diversion of clean wood waste that is currently underway at Hartland Landfill. This allows for a ban on clean wood waste to come into effect January 1, 2024, in advance of the construction of the Material Diversion Transfer Station.

Following the July 19, 2023 Environmental Services Committee meeting, staff obtained a legal opinion on the proposed fine payment model, which identified there is uncertain legislative authority to apply increased fines for second and subsequent bylaw offences in BC. To avoid that uncertainty, staff have removed the graduated system of fines for repeat offenders from the

proposed Bylaw No. 4567 (Appendix C) and replaced the associated fines with the highest fine level of $500/infraction. Operationally, CRD Bylaw staff will use their discretion as peace officers to utilize a warning system, whereby, depending on severity, the first two infractions will result in a $0 penalty, creating a similar 'graduated' outcome for the offenders. The 2024 implementation will focus primarily on education, with enforcement where necessary. This will have the same impact as a graduated fine amount. Officers retain discretion to issue a fine on a first offence.

Staff have developed a communications plan and approach to support the roll out of the new policies. Communications and outreach will include an update to the CRD Hartland and Rethink Waste webpages, info sheets, new signage at Hartland, digital and print advertising, social media campaigns, targeted outreach to Hartland customers including webinar, hand-outs included in invoices and a refresh of the Hartland education program and tours content.

Staff will return to the Environmental Services Committee on a regular basis with an implementation update, and recommend any adjustments, as necessary.

Financial Implications

Detailed implications were presented at the May 10, 2023 Board meeting. Staff have incorporated the financial implications of the revised material diversion policies into the 2024-2028 budget process. The Environmental Resource Management (ERM) budget remains balanced for each of the years in the next five-year cycle. At the September 27, 2023 Environmental Services Committee meeting, staff presented the ERM 2024 Operating and Capital Budget. The implementation of the new material stream diversion policy will increase the operations required to support the diversion services on site. Additionally, capital funding has increased to support the Solid Waste Management Plan diversion project to construct a new diversion transfer station.

CONCLUSION

On May 10, 2023, the Capital Regional District (CRD) Board endorsed new policies to come into effect in 2024 to divert materials from Hartland Landfill, in alignment with the Solid Waste Management Plan. Based on market feedback, staff recommend implementing these policies in a two-phase approach. If the bylaw amendments are passed by the CRD Board, policy changes at Hartland Landfill in 2024 will include new landfill bans on wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles; modernization of the Hartland Landfill tipping fee schedule, and increasing fine rates for various offences. Staff will return to the Environmental Services Committee on a regular basis with an implementation update, and recommend any adjustments, as necessary.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4497, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023", be read a first, second and third time;
2. That Bylaw No. 4497 be adopted;
3. That Bylaw No. 4567, "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023", be read a first, second and third time; and
4. That Bylaw No. 4567 be adopted.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Staff Report: Proposed Hartland Bylaw Amendments – Material Stream Diversion – May 10, 2023 CRD Board Meeting
Appendix B: Bylaw No. 4497, Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023
Appendix C: Bylaw No. 4567, Capital Regional District Ticket Information Authorization Bylaw, Amendment Bylaw No. 78, 2023
Appendix D: Bylaw No. 3881 Hartland Tipping Fee and Regulation Bylaw No. 6, 2023 (Red-lined)
Appendix E: Bylaw No. 1857 Capital Regional District Ticket Information Authorization Bylaw, 1990 (Schedule 19 Red-lined)

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APPENDIX A

ERM 23-18

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, APRIL 19, 2023

SUBJECT **Proposed Hartland Bylaw Amendments – Material Stream Diversion**

ISSUE SUMMARY

To seek direction on the implementation of new material stream diversion strategies for Hartland Landfill, in alignment with the Solid Waste Management Plan (SWMP).

BACKGROUND

The SWMP, approved by the Capital Regional District (CRD) Board in May 2021, targets an annual disposal rate of 250 kg per capita by 2031, a reduction of more than one-third from current levels. Other goals include extending the landfill to 2100 and beyond, and engaging and informing citizens while ensuring solid waste services are financially sustainable in support of zero waste and a circular economy.

In response to this direction, the CRD has retained a technical advisor and issued a Request for Expressions of Interest (RFEOI) to understand the processing and marketing capacity for a range of divertible materials. The technical advisor reviewed results of the RFEOI, the CRD's 2022 Solid Waste Stream Composition Study and analyzed the CRD's current system compared to available data from neighbouring jurisdictions. Results of this analysis are included as Appendix A. Based on this work, staff recommend a series of policy changes and corresponding bylaw amendments summarized below.

ALTERNATIVES

Alternative 1

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That the Hartland Landfill Tipping Fee and Regulation Bylaw No. 3881 be amended and come into effect January 1, 2024 to:
    a) Ban wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles from Hartland's active face, and classify these materials as mandatory recyclable;
    b) Modernize the tipping fee schedule to align with the proposed tipping fee schedule (Appendix B), including increasing the general refuse tipping fee to $150/tonne, and introduce a new 'double charge' category for loads of unsorted renovation and demolition materials that contain mandatory recyclables (including wood waste) to motivate source-separation of these materials;
    c) Introduce hauler incentive rates to promote multi-stream collection, incent voluntary self-reported waste collection data sharing, and minimize the financial impact of increases to the general refuse tipping fees;

2. That the Ticket Information Authorization Bylaw No. 1857 be amended and come into effect January 1, 2024 to:
   a) increase fine rates for various offences;
   b) introduce a graduated ticket structure with higher fines for more egregious infractions and/or repeated infractions from a designated source or waste hauler;
   c) allow for denial of service for chronic repeat offenders;

3. That service levels be adjusted to enhance enforcement capacity resources to implement the new waste diversion policies, to be reflected in the 2024 preliminary budget; and

4. That staff return with the amended bylaws for Board approval in the fall.

Alternative 2

The Environmental Services Committee recommends to the Capital Regional District Board:
That staff bring back alternative policy based on committee direction.

IMPLICATIONS

Environmental & Climate Implications

Implementation of the proposed recommendations has the potential to divert up to 40,500 tonnes of waste per year from Hartland's active face (equivalent to 22% of all waste received at Hartland in 2022), complementing other current and future CRD waste reduction and diversion programs and initiatives, in support of meeting the 2031 waste disposal target of 250 kg per capita. Solid waste contributed approximately 3.7% of the CRD's greenhouse gas emissions (2020 CRD Community Greenhouse Gas Emissions Inventory Report). Implementing the strategies of the SWMP to reuse, recycle or recover materials will encourage diversion from the landfill, reducing the landfill's contribution to greenhouse gas emissions.

Financial Implications

The Hartland general refuse tipping fee has remained between $107 and $110/tonne since 2011, significantly lower than neighbouring jurisdictions (Cowichan Valley Regional District - $192/tonne; Comox Valley Regional District - $145/tonne; and Regional District of Nanaimo - $145/tonne, as of April 2023).

Under the policy framework recommended by the CRD's technical advisor (Appendix A), the Hartland tipping fee schedule would be modernized to promote diversion of material from the landfill, and provide better alignment with neighbouring jurisdictions and market conditions. The full proposed tipping fee schedule is included as Appendix B. Key changes recommended by staff are summarized below.

Rate Category	Current Rate (per tonne)	Proposed Rate (per tonne)	Description
General Refuse	$110	$150	General refuse rate is increased to align with neighbouring jurisdictions, and fund increased processing costs for mandatory recyclable materials.

Rate Category	Current Rate (per tonne)	Proposed Rate (per tonne)	Description
2024* General Refuse Hauler Incentive Rate	N/A	$125	Private and municipal haulers are eligible for a reduced rate if they have programs in place to ensure that organics and recyclable materials aren't going into the general refuse stream and voluntarily self-report waste collection data. This time-limited rate will minimize the financial impact of the general refuse rate increase.
2025* General Refuse Hauler Incentive Rate	N/A	$135	Private and municipal haulers are eligible for a reduced incentive rate if they have programs in place to ensure that organics and recyclable materials aren't going into the general refuse stream and voluntarily self-report waste collection data. This time-limited rate will minimize the financial impact of the general refuse rate increase.
Mandatory Recyclables: treated wood, asphalt shingles, carpet and underlay	N/A	$110	These materials are currently accepted as general refuse at $110/tonne. Under the proposed fee structure, source-separated mandatory recyclable materials will be accepted at $110/tonne to incent source separation of these materials. When these materials arrive at Hartland under the mandatory recyclable category, they will be reused, recycled or recovered through contracts with the private sector.
Mandatory Recyclables: clean wood	N/A	$80	These materials are currently accepted as general refuse at $110/tonne. They include wood products that are untreated, unstained and unpainted, such as dimensional lumber, pallets, crating, wood fencing, wood shingles and wooden doors
Mandatory Recyclables: salvageable wood	N/A	$0	Salvageable wood will be processed off-site for reuse and accepted at the Hartland depot free of charge.
Clean Renovation and Demolition Waste	$110	$150	Renovation and demolition material is currently accepted at the general refuse rate of $110. Clean renovation and demolition, that does not include mandatory recyclable materials, will be accepted at the new general refuse rate of $150/tonne.
Unsorted Renovation and Demolition Waste (double charge)	$110	$300	Renovation and demolition material that includes mandatory recyclable materials (wood, asphalt shingles and carpet and backing) will be subject to a 'double charge' rate of $300/tonne. The rate will help offset the increased processing costs for mandatory recyclable materials and incent source separation of these materials in support of the Solid Waste Management Plan targets.

* Incentive rates beyond 2025 will be evaluated by the CRD Board and may be extended.

Potential financial impacts are challenging to predict prior to observing actual market response based on the new tipping fee schedule and will ultimately depend on the volume of waste received at Hartland. CRD staff have analyzed the potential financial impact of the proposed Hartland tipping fee schedule under a range of scenarios and in all cases the proposed fee schedule sufficiently addresses risk to quantity and total revenue while still ensuring the landfill remains financially viable.

Staff recommend monitoring the effect of policies on solid waste tonnage and revenue over time and returning to the committee on a quarterly basis for information and/or any recommended policy modifications, as needed, to align with the market conditions and ensure financial sustainability of the solid waste system. If the policies do not achieve the desired diversion, or if waste appears to be migrating out of the region, staff will return to the committee for consideration of flow control policies.

Service Delivery Implications

Appendix A also evaluates Ticket Information Authorization Bylaw No. 1857. Based on this analysis, staff recommend revisions to Schedule 19 of the bylaw. Proposed amendments for additional enforcement measures include:

- increased fine rates from $50-$200 to $100-$500 for various offences
- a graduated ticket structure with higher fines for more egregious infractions and/or repeated infractions from a designated source or waste hauler
- denial of service for chronic repeat offenders

Implementation of the new policies may require improvements and updates to scale house data collection and equipment, and additional staff will be required to support site operations and bylaw enforcement. Depending on how traffic flow at the site is modified to accommodate drop off of mandatory recyclables, residential quantities of all materials in this classification may need to be accepted at a flat rate, or no charge, at the Hartland depot. If the proposed policies are approved by the Board, the additional resource requirements will be identified through the 2024 budget process, and funded through tipping fee revenues. Staff will also issue a Request for Proposals for the processing of newly-banned materials.

As a consequence of the increased tipping fees for general refuse and mixed material streams, and fines for non-compliance under certain volume scenarios, additional revenue may be generated with the potential to support new and enhanced waste diversion and reduction programs, infrastructure and initiatives that align with the SWMP. These could include investments into recycling depots and infrastructure, enhancements to the rethink waste grant program, and support for increasing diversion from the industrial, commercial and institutional sector. Staff will monitor the effect of policies, and if additional revenues are generated, will recommend programming aligned with the SWMP in future budget years.

Results of the 2022 Solid Waste Stream Composition Study indicate that organic waste makes up the second-largest category of waste being received at Hartland Landfill (16.7%), second only to wood and wood products (18.9%). Addressing organic waste will be critical to meeting the SWMP target. While this report indirectly addresses organic waste through the proposed hauler incentives for multi-stream collection and enhanced enforcement capabilities, it does not directly address organic waste. Staff will return to committee in the future with proposed policies to address organic waste, in line with the SWMP.

In July 2022, the Board endorsed an increase to the tipping fee for international high-risk cruise ship waste to $500 per tonne, effective January 1, 2024. The fee increase for high-risk waste may incentivize the cruise ship industry to find alternative disposal methods, as well as enhance recycling and waste diversion efforts.

Social Implications

The CRD's technical advisor has indicated that modernization of Hartland's tipping fee schedule is necessary to incent diversion to achieve the targets within the SWMP and to fund the increased costs associated with processing source-separated mandatory recyclable materials. By bringing the new tipping fee schedule into effect January 1, 2024, Hartland customers will have time to prepare for the changes. A communications plan and education campaign will be initiated to educate Hartland customers of the new tipping fee schedule. As the new rates roll out, customers will first be provided with a warning before being issued a ticket or double charge.

To minimize the short-term impact of rate increases on the public, it is proposed that a hauler incentive reduced rate would be available, at a minimum, for the first two years. This rate would be eligible to private and municipal haulers that have programs in place to require multi-stream collection (e.g., curbside collection of organics and recyclables, in addition to general refuse) and voluntarily self-report waste collection data. The incentive program will be available for waste coming from the single-family, multi-family and industrial, commercial and industrial sectors, and will be designed to allow customers to obtain multi-stream collection from more than one hauler, and to recognize backyard composting as a form of multi-stream collection.

CONCLUSION

Capital Regional District staff are working to advance the goals and strategies of the Solid Waste Management Plan. Working with a technical advisor, staff have identified a series of proposed policy changes and corresponding bylaw amendments to incent diversion of materials from Hartland Landfill that could be otherwise recycled, reused or recovered. Recommended changes include modernizing the Hartland tipping fee schedule, classifying wood waste, carpet and asphalt shingles as mandatory recyclable materials and enhancing bylaw enforcement capacity and capability. If directed, staff will amend the Hartland Landfill Tipping Fee and Regulation Bylaw No. 3881. The policy changes are expected to divert up to 40,500 tonnes of waste per year from Hartland's active face.

RECOMMENDATION

The Environmental Services Committee recommends to the Capital Regional District Board:

1. That the Hartland Landfill Tipping Fee and Regulation Bylaw No. 3881 be amended and come into effect January 1, 2024 to:
    a) Ban wood waste (clean, treated and salvageable), carpet and underlay and asphalt shingles from Hartland's active face, and classify these materials as mandatory recyclable;
    b) Modernize the tipping fee schedule to align with the proposed tipping fee schedule (Appendix B), including increasing the general refuse tipping fee to $150/tonne, and introduce a new 'double charge' category for loads of unsorted renovation and demolition materials that contain mandatory recyclables (including wood waste) to motivate source-separation of these materials;
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2. That the Ticket Information Authorization Bylaw No. 1857 be amended and come into effect January 1, 2024 to:
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3. That service levels be adjusted to enhance enforcement capacity resources to implement the new waste diversion policies, to be reflected in the 2024 preliminary budget; and

4. That staff return with the amended bylaws for Board approval in the fall.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Waste Diversion Framework Memo – GHD (April 4, 2023)
Appendix B: Proposed Hartland Landfill Tipping Fee Schedule

APPENDIX A

Technical Memorandum

April 4, 2023

To	Liz Ferris	**Contact No.**	
Copy to	Deacon Liddy	**Email**	
From	Riley Kieser, Laura Hnatiuk/ra/1	**Project No.**	12590255
Project Name	Technical Advisor - Biosolids Beneficial Use and Resource Recovery Strategies		
Subject	CRD Framework Memo		

1. Introduction

The Capital Regional District (CRD) has requested a framework proposing an approach to waste management that is aligned with the waste reduction hierarchy, modernized with current market conditions and supported by best practices throughout BC and neighbouring jurisdictions. This approach will support increasing processing costs, preserve landfill airspace, and support the CRD's Solid Waste Management Plan (SWMP) commitment to increasing waste reduction and diversion.

The framework includes recommended amendments to the Hartland Tipping Fee and Regulation Bylaw No. 3881 (Bylaw) that will promote waste reduction and diversion. Recommendations include updates to the current tipping fee schedule, increased enforcement capacity, and a series of waste reduction and diversion initiatives and policies. The framework outlines the associated high level financial and operational implications as well as next steps for the CRD and the Hartland Landfill (Landfill) should the proposed approach be taken.

2. Background

The SWMP, approved by the CRD Board in May 2021, targets an annual disposal rate of 250 kg per capita by 2031. Other goals include extending the Landfill past the year 2100 while ensuring solid waste services are financially sustainable. In 2022, the Landfill accepted approximately 180,000 tonnes of solid waste for disposal and diverted over 16,640 tonnes of materials at the Hartland Public Drop-off Depot. The 2022 disposal rate was 409 kg per capita.

The SWMP enables the CRD to take action in several interconnected areas to increase diversion of materials from the landfill in support of waste reduction targets. On this basis, staff propose implementing a suite of policies designed to divert material from the mixed general refuse (garbage) stream at the Landfill and recycle, repurpose or recover these materials for beneficial use, supporting a circular economy.

An updated Bylaw that encourages increased waste reduction and diversion aligns with the goals and objectives set forth in the 2021 CRD SWMP. The Bylaw was last amended in 2016 to address out-of-region asbestos and kitchen scraps, and tipping fees to garbage has not been updated since 2015. The Bylaw requires updates to promote the source separation of materials, bans, and tipping fee structures that align with current market conditions and best practices throughout BC, as demonstrated by neighbouring jurisdictions.

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The proposed approach within this framework includes amendments to the current Bylaw, tipping fee schedule and implementation of additional service delivery programs. The framework provides an overview of the impacts should this approach not be taken (status quo), which focuses on maintaining financial sustainability of the CRD's waste management infrastructure by updating the tipping fee schedule to align with rising inflation only.

3. Current System

The CRD currently accepts general refuse, including renovation and demolition (R&D) materials, for landfill disposal at $110, a rate that has not been increased since 2015 (Bylaw 3917). The CRD's landfill disposal rates for garbage and R&D materials are currently the lowest on Vancouver Island. Neighbouring jurisdictions of Cowichan Valley Regional District (CVRD) and Comox Valley Regional District (Comox) have updated their tipping fees as of January 1, 2023, and charge $192 per tonne and $145 per tonne for general refuse respectively. The Regional District of Nanaimo (RDN) currently charges $140 per tonne with rates increasing to $145 in April 2023. See Table 2 for jurisdictional benchmarking. The CRD has landfill bans in place for some materials but can expand these categories and update tipping fee structures to incentivize source separation and increase diversion.

Figure 1 below shows the CRD's general refuse tipping fee for the past 20-years compared to available historic data for CVRD, Comox, and RDN. Table 1 shows that the CRD consistently increased their fee from 2004 to 2011, and there have been no changes since 2015. Comox and the CVRD have increased their garbage tipping fee on a consistent basis dating back to 2013 and 2019 respectively, as demonstrated below.

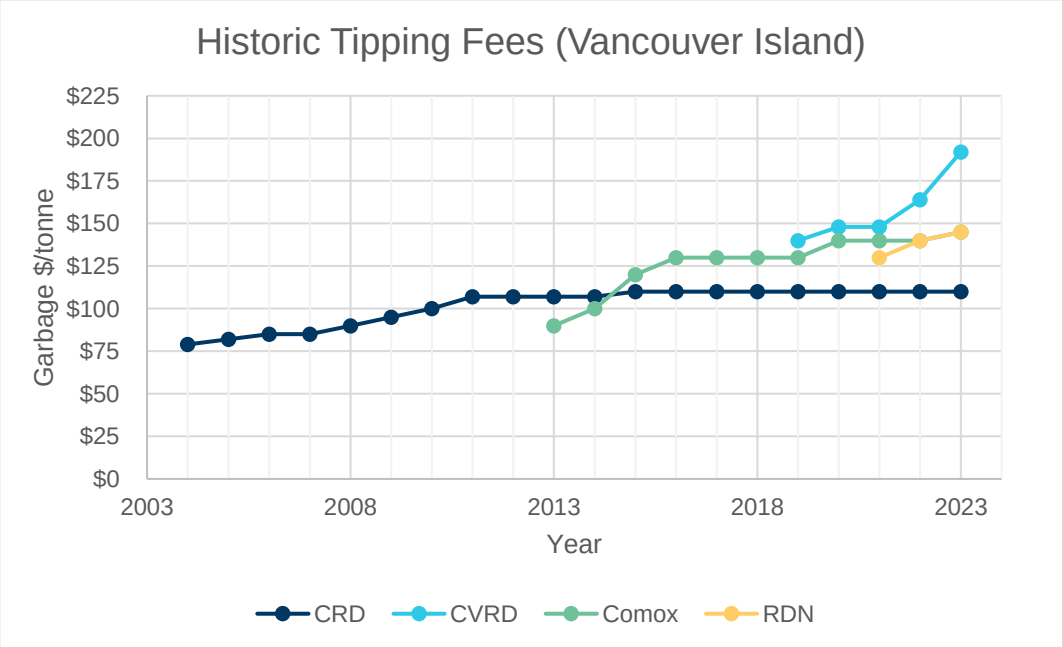


Figure 1 *General Refuse Tipping Fee Increases on Vancouver Island*

Table 1 *CRD General Refuse Tipping Fee History*

Year	2004	2005	2006-2007	2008	2009	2010	2011-2014	2015-2023
General Refuse Tipping Fee Rate	$79	$82	$85	$90	$95	$100	$107	$110

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The combination of low landfill tipping fees along with the absence of incentives for source separation of materials promotes landfill disposal as a convenient and affordable option, which includes a variety of materials that are suitable for reuse, recycling and recovery options.

The CRD Board acknowledges the potential for increased waste reduction and diversion as they endorsed the CRD report titled *Meeting the Solid Waste Management Plan Targets through Material Stream Diversion*. CRD staff are actively exploring programs, policies and initiatives to understand the feasibility of implementation, impact on diversion rates, and the associated legislative, operational and financial impacts:

– Since 2021, the CRD has been undertaking a wood waste shredding pilot in which shredded materials are beneficially reused locally as HOG fuel.
– A R&D shredding pilot has been underway since 2022, in effort to reduce bulk and increase landfill airspace. Studies to explore the feasibility to thermally recover this material is currently underway.
– In 2022-2023 the CRD undertook a waste audit and feedstock analysis to understand the types and quantities of divertible materials currently going to landfill.
– The CRD is currently engaging businesses in an RFP process for the beneficial reuse and recovery of various highly divertible materials identified within the feedstock analysis (e.g., R&D materials).
– Exploration of Waste-to-Energy systems for post-recycled Municipal Solid Waste.
– Review and analysis of current tipping fee rates and structure, landfill bans, and jurisdictional benchmarking to identify areas of opportunity for increased waste reduction and diversion.

It is proposed that the CRD align their policies with B.C. best practices and modernize their tipping fee structure to achieve the targets set out in the revised SWMP. By implementing policies to reduce waste and increase diversion, the region's annual disposal rate will continue to lower which in turn extends the lifespan of the Landfill.

3.1 Tipping Fee Benchmarking

Tipping fees for general refuse and R&D waste has been evaluated against the CRD's neighbouring jurisdictions of the CVRD, RDN and Comox:

– CVRD charges $192 per tonne of general refuse and does not accept R&D waste.
– Comox and RDN charge $145 per tonne of municipal solid waste and $145 per tonne of R&D waste without recyclable/prohibited materials.
– Comox charges a fee of $330 per tonne for R&D waste containing recyclables/prohibited materials.
– The RDN applies a 20% surcharge for R&D waste containing recyclables/prohibited materials.

Tipping fees and costs of processing R&D materials from the private sector were evaluated from the Request for Expression of Interest process undertaken by the CRD in 2023. On a per material basis, the costs ranged from:

– Clean and Treated Wood - $90-$160 per tonne for processing through waste-to-energy
– Carpet and Underlay - $90-$300 per tonne depending on waste-to-energy or recycling
– Asphalt Shingles - $90-$300 per tonne for processing through recycling
– Salvaged Wood - $0 - $200 per tonne for reclaimation/reuse.

GHD has proposed tipping fees in Section 5 that reflect private processing costs but are currently incentivized to increase program participation.

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A tipping fee database was compiled to reference tipping fees in other B.C. jurisdictions and is provided in Table 2 below.

Table 2 Jurisdictional Tipping Fee Benchmarking

Municipality	Site Name	Waste Material	Tipping Fee ($/tonne)	Additional Notes
Vancouver Island				
CRD	Hartland Landfill	Garbage, Renovation & Demolition Waste	$110	$254 (bulky waste) Out-of-region waste is prohibited.
RDN	Nanaimo	Garbage, Renovation & Demolition Waste	$145	Increasing to $145 on April 1, 2023 from $140. Out-of-region waste is prohibited.
CVRD	Cowichan Valley Transfer Stations	Garbage	$192	Increased as of January 1, 2023 from $164. Out-of-region waste is prohibited, with the exception of manager approval at a tipping fee of $500/tonne.
Comox Valley Regional District	Comox Strathcona Waste Management Landfills	Garbage, Renovation & Demolition Waste	$145 (regional) $290 (out of region)	Increased as of January 1, 2023 from $140. Out-of-region MSW from regional districts is only accepted upon request from their respective Board, and authorized by the Comox Strathcona Waste Management Board at a rate of $290/tonne.
Lower Mainland				
City of Vancouver	Vancouver Landfill	Solid Waste, other than municipal garbage Garbage (municipal) Renovation & Demolition Waste	$113 – 161 $127 $150	Solid waste, other than municipal garbage: $161 (under 1 tonnes) $139 (1-8 tonnes) $113 (8+ tonnes) Increase as of January 3, 2023. Does not accept out-of-region waste.
Private	Eco Waste	Renovation & Demolition Waste	$163	
Metro Vancouver	Metro Vancouver Recycling and Waste Centers	Solid Waste, other than municipal garbage Garbage (municipal) Renovation & Demolition Waste	$113 – 161 $127 $150	Solid waste, other than municipal garbage: $161 (under 1 tonnes) $139 (1-8 tonnes) $113 (8+ tonnes) Increase as of January 3, 2023. Does not accept out-of-region waste.

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Okanagan				
City of Kelowna	Glenmore	Garbage, Renovation & Demolition Waste	$104	No out-of-region restrictions.
RDOS	Campbell Mountain	Garbage Renovation & Demolition Waste	$110 $110 - 700	Renovation & Demolition Waste varies based on mixed load assessment. Out-of-region materials are charged two times the rate for refuse, or two times the highest rate for any solid waste contained in the load, (whichever is greater) with a $20 minimum charge.

4. Impact on Diversion

The proposed framework focuses on divertible materials currently being sent to the Landfill. These materials are largely found in ICI and R&D bins and the current Bylaw and tipping fee schedule does not incentivize separation but rather mixed disposal. The actions within the proposed framework will complement other current and future CRD waste reduction and diversion programs and initiatives, and in conjunction, supports meeting the 2031 waste disposal target of 250 kg per capita. Should the CRD's disposal per capita goals be achieved, the Landfill can expect to receive approximately 118,000 tonnes of waste per year, down from 180,000 tonnes per year disposed in 2022. This represents a decrease of approximately 62,000 tonnes of waste per year, or 34% from 2022 levels.

Through the actions proposed within this framework, it is expected that banning carpet and underlay, clean wood, treated wood, and asphalt shingles, the CRD has the potential to divert up to 40,500 tonnes of materials per year, approximately 22% of the current mixed waste stream going to Landfill:

– Carpet and underlay – up to 4,000 tonnes
– Clean wood – up to 5,500 tonnes
– Treated wood – up to 22,000 tonnes
– Asphalt shingles – up to 9,000 tonnes

5. Modernization of Tipping Fee Schedule

Of the proposed action items and initiatives, the main driver will be amending the Bylaw to include landfill bans and update the tipping fee schedule to promote waste reduction and diversion. Updates to the Bylaw will systematically divert additional materials from Landfill and a revised tipping fee schedule will generate additional revenue from incoming waste, all with considerations to mitigate waste migration out of the region. The CRD should review and implement Bylaw amendments in 2023.

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5.1 Bylaw Amendments & Tipping Fee Revisions

The first phase in the framework is to amend the Bylaw to include updated material definitions, landfill bans and tipping fee rates to align with 2023 market conditions and other regional districts throughout BC. Proposed amendments to the Bylaw include:

Updated tipping fees and definitions for the following waste materials (see Table 4):

- General Refuse
- Clean Renovation and Demolition Waste (not containing mandatory recyclable materials)
- Unsorted Renovation and Demolition Waste (containing mandatory recyclable materials)
- Clean Wood Waste
- Kitchen Scraps
- Salvaged Wood Waste
- Mattresses and Boxsprings

Updated definitions for the following waste materials (see Table 4):

- Asphalt Roofing Shingles
- Carpet and Underlay
- Treated Wood and Wood Products
- Engineered Wood Products
- Large Rigid Plastics

Inclusion of the following materials within SCHEDULE F "Mandatory Recyclable Material" category:

- Asphalt Roofing Shingles
- Carpet and Underlay
- Clean Wood
- Treated Wood and Wood Products

The practice of banning the disposal of specific wastes from the Landfill when viable recycling alternatives are in place, has been used by the CRD since 1991, shown in Table 3 below**Error! Bookmark not defined.**. In support of the updated Bylaw and potential Landfill bans, the CRD is undertaking a Request for Proposal process to explore new and expanded material diversion and recovery options available within the region to ensure that banned materials end up in alternative processing streams or end markets. Proposed Bylaw amendments required to enforceme the additional measures are included in the bylaw enforcement capacity section.

Table 3 Materials Banned from Landfill

Year Banned	1991	1993	1995	1998	2006	2011	2015
Material	Drywall	Cardboard Directories Large appliances Tires	Scrap metal Fill Aggregate Concrete Asphalt Rubble Clean soil	Paper fibres	Yard and garden waste	EPR materials (current and future)	Kitchen scraps

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Hauler Incentive Rates

An incentive rate is proposed for haulers who are undertaking three stream collection, and reporting data to the CRD. It is proposed that the CRD apply a two-year discounted tipping fee rate on general refuse for eligible haulers:

– Year 1: $25/tonne discount on the $150 per tonne rate
– Year 2: $15/tonne discount on the $150 per tonne rate

These specialized rates will be available to private and municipal haulers within the region who can attest that their collection program requires three stream collection from their customers (e.g. garbage, organics and recycling) andself-report waste collection data requested by the CRD. More information on the hauler incentive programs is provided in Section 6.3.

The key updates to the tipping fee schedule are as follows:

– Increase the General Refuse fee of $110 per tonne to $150 per tonne, aligning with neighbouring jurisdictions.
– Introduction of differential tipping fees and surcharges
– Surcharge for loads containing Mandatory Recyclable Materials
– Preferential rates/discounts for sorted materials

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Table 4 Proposed Landfill Tipping Fee

Material Categories	Current Waste Type	Proposed Waste Type	Currently Banned Material	Proposed Banned Material	Current Tipping Fee ($/tonne)	Proposed Tipping Fee ($/tonne)	Hauler Incentive Rate Year 1 ($25/tonne discount)	Hauler Incentive Rate Year 2 ($15/tonne discount)	Considerations
Clean wood: Clean wood includes wood products that are untreated, unstained and unpainted such as pallets, crating, wood fencing, wood shingles, wooden doors, and clean renovation and demolition wood waste	Recyclable	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110.00	$80.00	-	-	As a mandatory recyclable, the incentive of source separation will be higher with the lower tipping fee. Neighbouring municipalities accept clean wood for $95-100 per tonne.
Treated wood and wood products: Treated wood includes engineered wood products or pressure treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners.	Recyclable (under clean wood)	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110.00	$110.00	-	-	Treated wood waste is expected to be a large volume of material and will require a higher tipping fee compared to clean wood waste (difference in processing). CVRD accepts treated wood under pilot at $192/tonne at Bings Creek Recycling Centre only.
Asphalt roofing shingles: Roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added.	General	Recyclable	No	Mandatory Recyclable	$110.00	$110.00	-	-	Currently material would be considered under clean demolition waste. Propose to create separate category for asphalt shingles under mandatory recyclable. CVRD accepts for $120/tonne and CSWM for $145/tonne. Cost will need to incentivize separation.
Carpet and underlay: Flooring material made of woven wool or synthetic fibres and foam padding underlayment where tack stripping material has been removed.	General	Recyclable	No	Mandatory Recyclable	$110.00	$110.00	-	-	RFEOI identified the opportunity for 50% of this material to be recyclable. Other 50% may be used as WTE. Propose to make specific recyclable carpets mandatory and charge rate of $110/tonne. Other carpet types would go to WTE (or all could go to WTE).
Salvaged wood: Clean dimensional lumber greater than 4 feet in length. Unpainted.	Recyclable	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110.00	$0.00	-	-	A new category within clean wood, only for larger timbers and lumber. Charge $10 scale fee at $0/tonne for drop-off. Contractors may remove from site for a small fee.

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Material Categories	Current Waste Type	Proposed Waste Type	Currently Banned Material	Proposed Banned Material	Current Tipping Fee ($/tonne)	Proposed Tipping Fee ($/tonne)	Hauler Incentive Rate Year 1 ($25/tonne discount)	Hauler Incentive Rate Year 2 ($15/tonne discount)	Considerations
Clean renovation, and demolition waste (not containing Mandatory Recyclable materials): Material that results from the demolition of all or part of a building that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Product.	General	General	No	No	$110.00	$150.00	-	-	The clean renovation and demolition waste that does not include recyclable materials will be charged at the general lower rate to incentivize material separation. CSWM charges $145 for general refuse and clean R&D waste. CVRD does not accept R&D.
Unsorted renovation, and demolition waste (Containing Mandatory Recyclable materials): Material that results from the demolition/renovation of all or part of a building that contains Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Products.	General	General	No	No	$110.00	$300.00	-	-	The unsorted renovation and demolition waste that includes mandatory recyclable materials will be charged at the higher rate to increase material separation. CSWM charges $330 for R&D waste with recyclable material.
General Refuse	General	General	No	No	$110.00	$150.00	$125.00	$135.00	The general refuse rate at the CVRD is $192/tonne and CSWM is $145. The CRD rate should increase to align with the clean renovation and demolition waste.
Mattresses and Box springs	Recyclable	Recyclable	Yes	Yes	$110.00	$20 per unit	-	-	Changing the tip fee to a per unit basis is in line with best practises. The RDN charges $20/unit, Metro Vancouver charges $15/unit with a maximum of 4 units. The SCRD charges $25/piece and $30 for wet.

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5.2 Mitigation of Waste Migration

Waste migration may be a potential consequence of the increased tipping fees and additional policies. The CRD must remain competitive with the current market conditions (public and private) to ensure financial viability of operations. As stated above, the CVRD charges $192 per tonne and Comox and RDN charge $145 per tonne for municipal solid waste.

The GFL Victoria commercial recycling facility accepts mixed commercial, renovation and demolition (CR&D) materials at a rate of $292 per tonne, and the CRD proposes rates of $300 for contaminated CR&D materials.

The CRD estimates the cost of transporting and disposing waste off Vancouver Island is approximately $190 (i.e. CVRD tipping fees represent full cost recovery of waste export). Landfills within neighboring jurisdicitons, such as the RDN and Metro Vancouver, do not accept out-of-region waste, or accept out-of-region materials only with Manager or Board approval at high rates, such as the CVRD and Comox Valley Regional District.

The proposed increased General Refuse tipping fee will remain competitive for the CRD to continue as a cost-effective disposal option for the region. The CRD will monitor the impacts of the new tipping fees after implementation, and should it be required, explore the potential of flow control mechanisms and/or change tipping fees to respond to market conditions.

6. Potential Updates to Service Delivery

As a consequence of increased tipping fees for general refuse and mixed material streams, and fines for non-compliance, additional revenue will be generated with the potential to support new and enhanced waste diversion and reduction programs, infrastructure and initiatives. The following proposed actions will work in conjunction to target various waste streams and sectors. These include enhanced systems and equipment for improved data collection and enforcement, increased access to recycling depots, increased Bylaw enforcement capacity, partnerships with local non-profits to target the commercial sector, and waste hauler incentive programs for multi-stream collection and data reporting.

The potential proposed actions are detailed further in the following sections. The actions proposed below may be implemented in a phased approach over time, and the CRD may elect to proceed with all, or a select number proposed actions.

6.1 Improvements to Scale House Data Collection and Equipment

The CRD will likely require improvements and software updates to their Landfill scale house to ensure data collection is detailed and accurate. It is proposed the existing scale house software be updated to include additional waste material categories such as asphalt roofing shingles, carpet and underlay, etc. and variable rates, such as surcharges applied to contaminated R&D loads containing recyclable materials or discounts for specific waste haulers.

The collection of accurate data will be integral to tracking disposal and diversion metrics for specific waste haulers and the region. This data will enable the CRD to improve their ability to monitor progress against their performance metrics by increasing the quality and quantity of key data. With detailed classification of waste going to landfill, potential patterns for generators or materials might emerge allowing for new diversion opportunities.

It is recommended that scale house staff undergo a training session to understand the newly implemented definitions and the application of variable tipping fees.

Scale house cameras should be installed for staff to confirm incoming loads are consistent with descriptions provided by residents and commercial haulers. Camera screenshots can be attached to scale tickets as a confirmation if surcharges have been applied.

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Key next steps to consider in undertaking this initiative include:

– Confirm new categories as per amended Bylaw and develop codes to be tracked
– Update existing software with new categories and codes
– Purchase and install new equipment (e.g., cameras)
– Undergo staff training program, including a guidance document

6.2 Zero Waste Coaching for Businesses

Non-profit organizations have great potential to make significant change. Hiring community-based, non-profit, social enterprise organizations is an effective and unique approach to supplement the CRD's resources and capacity and reach a wider and more diverse range of sectors in a meaningful way. Engaging non-profits to support and facilitate waste reduction and diversion within the ICI sector aligns with Action A within the CRD's SWMP Strategy # 9: to Increase Industrial, Commercial and Institutional Diversion, to "allocate resources to increase ICI diversion for example a business waste reduction liaison"**Error! Bookmark not defined.**.

Non-profits have the expertise and the ability to provide targeted services and support in an innovative and creative manner, with the time and capacity to thoroughly engage, consult, and empower the community, and support the ongoing development of new programs and services.

In 2022, the CRD piloted the "Rethink Waste Community Grant Program which provides up to $50,000 in funding annually, for the development and implementation of community-based projects aligned with the 5R pollution prevention hierarchy[1]. The CRD may be interested in expanding this program to develop a separate stream targeting the ICI sector specifically. Non-profits such as the Synergy Foundation provides waste reduction educational services and support throughout BC, and within the CRD, through their Circular Economy Business Consulting program[2]. The CRD may wish to partner with the Synergy Foundation by providing annual funding to support the expansion of this program to the ICI sector, or in the development of a new program.

Ocean Ambassadors Canada is a non-profit that works with local business communities to launch a variety of single-use plastics reduction initiatives, with the financial support from local municipalities. Their Zero Waste Coaching for Small Businesses program offers free zero waste coaching for small businesses in BC residing within the sponsoring municipality[3]. Representatives from the program will meet with businesses on site to review materials used and operations and provide suggestions to decrease volumes of single-use items, and increase recycling and organics diversion. The program will offer alterative suggestions and solutions to single-use materials, provide educational support for staff and customers, and help solve problems and challenges through research and expert consultation.

Non-profit business liaison services may include the following support to local small businesses on their pathway to zero waste:

– Waste reduction and diversion assessments and recommendations for improvement
– Guidance in reducing waste generation, reuse, recycling and composting
– Waste audits
– Procurement and sourcing
– New revenue from waste
– Staff and customer education and training
– New program and initiative implementation
– Marketing, media and promotional materials, strategies

[1] Capital Regional District. 2022. Rethink Waste Community Grant. Accessed online from https://www.crd.bc.ca/service/waste-recycling/reduce-reuse/waste-reduction-grant
[2] Synergy Foundation. 2022. Our Services. Accessed online from https://www.synergyfoundation.ca/services
[3] Ocean Ambassadors Canada. 2022. Zero Waste Coaching for Small Businesses. Accessed online from https://oceanambassadorscanada.org/zero-waste-programming/

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– Launches and public events
– Ongoing program monitoring and troubleshooting
– Data collection, performance monitoring and reporting
– Program recognition (e.g. decals, logos, etc.)

Financial support for a non-profit business liaison program may be administered on a term basis (e.g., $1 million per year for a 5-10 year term). Non-profits have the ability to leverage funding to secure commitment for other funding sources, extending their impact even further.

The CRD may wish to expand the Rethink Waste Community Grant to increase annual funds and target the ICI sector, or develop a new CRD ICI zero-waste business coaching program and contract non-profits for program delivery. The CRD also has the opportunity to partner in an existing program, such as the Circular Economy Business Consulting as a funding partner.

Key next steps to consider in undertaking this initiative include:

– Determine approach (i.e. in-house program or enrolling in existing program)
– Develop Terms of Reference
– Market sounding exercise with existing non-profits
– Develop Request For Proposal
– Enter into an agreement

6.3 Hauler Incentives

The CRD has an opportunity to provide financial incentives to waste haulers to promote participation in new programs that will assist the CRD in gaining detailed waste generation and disposal location data and information, and increase multi-stream collection region wide. By providing voluntary incentivized programs, the CRD can prepare haulers before long term, mandatory programs are considered.

6.3.1 Short-Term Programs

Multi-Stream Collection Incentives

Providing financial incentives to haulers through discounted tipping fee rates to promote three-stream collection (organics, recycling and garbage) to their residential and commercial customers is motivation to increase multi-stream collection region wide, filling in gaps where organics may not currently be collected. The CRD proposes to provide incentives in the form of a two-year tipping fee reduction ($25/tonne in year one and $15/tonne in year two), to haulers who collect multi-stream from customers and self report data. Haulers may have to provide the CRD with the number of locations in which they provide three-stream collection, which will be applied to the companies account, and the discount then applied at the scale when disposing general refuse. The hauler will have to attest that the information is current and true and notify the CRD of any changes to number of locations.

Backyard composting has added benefits such as the production of a usable product for home gardening or landscaping and is currently being used by households throughout the region. Should a household opt out of curbside organics collection for this reason, haulers may still include these addresses in their report to the CRD. For a hauler or municipality to gain this information, a survey or form may be sent out to households within the collection program offering the new collection service (if not already in place), with an option to opt out of the curbside organics collection. If a household chooses to opt out, a reason must be provided, with an option to select their participation in backyard composting.

Additional funding or tipping fee deductions may be provided to haulers for the production and distribution of educational materials to promote organics collection, or in the development of additional waste reduction and diversion services (e.g., curbside textile collection). By incentivizing education, recycling and organics programs, the CRD empowers waste haulers to raise awareness and increase source separation for businesses, multi-family units and institutions.

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Data Collection to Support Potential Flow Control Program

Flow control is a policy in which local governments can use to manage the disposal location of waste generated both in and outside of the region, through restrictions and surcharges. The implementation of flow control would require Bylaw amendments to include a new category for out-of-region waste, at a rate higher than general refuse to discourage disposal, and could include restrictions on the exportation of regional waste for disposal out of region. This process would require an amendment to the CRD's SWMP to include flow control, and SWMP approval by the Ministry of Environment and Climate Change Strategy prior to flow control implementation.

As a first step in the pre-design of a flow control policy, the CRD may wish to collect data and information from haulers on a voluntary basis, such as the address and waste type, to understand the original location from which the waste is generated from. Haulers who choose to self-report will be eligible for the two-year hauler discounted tipping fee rate.

To gain a comprehensive understanding of where waste is generated and where it is managed, the CRD may consider implementing a waste hauler licensing program over the next 3-4 years. This would require haulers to report detailed location and waste type information. The voluntary submission of information in the short term will prepare haulers for the upcoming waste hauler licencing program, which will require all haulers to report information.

The voluntary program may involve the development of a self-reported, waste data collection system in which waste haulers can enrol to receive the tipping fee discount in exchange for location information. Incentives may also include other privileges such as access to automated scale lanes.

The information and data collected has potential to be used in mapping exercises, financial modelling of flow control surcharges and restrictions, and the associated impacts.

Potential information and data be included in the voluntary program that may improve the CRD's understanding of waste origin and type may include the following:

– Location of generation (e.g., addresses material is collected from)
– Generating sector (e.g. residential, commercial, etc.)
– Material category
– Quantity

6.3.2 Long-term Programs

Waste Hauler Licensing

Waste hauler licensing is a mechanism of flow control that works to shift the economic incentive away from landfill disposal and disposal out-of-region, mandates collection of recycling or organics alongside garbage, and requires the submission of hauler data and information. Licensed haulers may receive discounted tipping fees for waste that excludes recyclables or divertible materials. The policy can incorporate disposal levies on waste that is landfilled, sent for waste-to-energy or disposed out of region, encouraging haulers to increase source separation, and manage materials within the region. The requirement to report the origin and destination of loads not delivered to regional disposal facilities allows for increased visibility into regional waste flow, and assist in the collection of a generator or disposal levy, which may apply to waste loads disposed of out-of-region.

In 2022, the RDN submitted an update to their Waste Stream Management Licensing bylaw for waste hauler licensing and mandatory commercial recycling and organics source separation for approval from the BC Ministry of Environment and Climate Change, to achieve their goal of 90% diversion as set out in the RDN's SWMP and improve data collection and waste flow visibility. The licensing bylaw will require for-profit waste haulers to apply for a license that requires them to report monthly on[4]:

[4] Regional District of Nanaimo. 2022. Mandatory Waste Source Separation and Waste Hauler Licensing Bylaws. Accessed from https://www.getinvolved.rdn.ca/solid-waste-

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– Total tonnage of Mixed MSW deposited at RDN Facilities,
– Total tonnage of Mixed MSW deposited at non-RDN Facilities including destination details (name and address of the disposal, waste-to-energy or material recovery facility),
– Amount of the Disposal Levy owed to the District for the calendar month.

The RDN's updated bylaw will also require that all businesses, multi-family buildings and institutions have both separate recycling and organics collection alongside garbage and require that licensed waste haulers assist their commercial customers in complying with the mandated recycling and organics collection.

Another function of waste hauler licensing is to allow for the collection of a levy to offset the loss of revenue from out-of-region waste disposal. This is proposed by the RDN within their new bylaw and is currently in place within Metro Vancouver. Metro Vancouver's Generator Levy is set at $59/tonne and is built into the garbage tipping fee at regional facilities[5]. Should a waste hauler dispose of garbage at an out-of-region facility, or a facility within the region that is not owned and operated by Metro Vancouver, the waste haulers delivering garbage to those facilities would collect the Generator Levy from waste generators and remit it to Metro Vancouver. In 2017 and 2019, Metro Vancouver proposed a waste hauler licensing bylaw, in which all waste haulers collecting more than 10 tonnes per month of MSW using mechanically unloaded vehicles are required to register for licenses at $100, with an annual renewal fee. The bylaw would require approximately 50 licensed haulers to provide recycling containers alongside garbage.

Waste hauler licensing allows the region to track the flow of waste, provides data to inform on waste diversion metrics, and allows for the collection of levies. To implement waste hauler licensing or a generator levy, the CRD would first need to gain Board approval and proceed to update their SWMP to include the waste hauler licensing program and levies, which would then require a public consultation process. Once the consultation process has been undertaken, the amended SWMP must be submitted for approval from BC Ministry of Environment and Climate Change. Once approved, the bylaws could be put forth and adopted by CRD Board.

The proposed Bylaws should undergo a stakeholder consultation process to gain feedback from the public and industry. In 2017, Metro Vancouver's proposed waste hauler licensing and generator levy bylaws were met with opposition from the Waste Management Association of BC, siting inadequate consultation, concerns over competitive disadvantage, and economic burden on taxpayers. The RDN held their open consultation period from March through November of 2021 to ensure all feedback was received prior to the review process.

Key next steps to consider in undertaking the short-term initiatives include:

– Survey and interviews to private haulers, residential and commercial customers to gain feedback to inform voluntary multi-stream incentive and data reporting program design.
– Draft hauler incentive program for both multi-stream collection and data collection.
– Create information upload template or form to be used for reporting by haulers.
– Inform haulers of new program.
– Undertake trend analysis every 6-12 months to monitor performance, determine data needs and gaps, and potential program adjustments.
– Begin public and stakeholder consultation process for waste hauler licensing program.

6.4 Decentralized Regional Recycling Depots

Key factors influencing the participation of waste diversion programs are user convenience and accessibility. Various regions throughout BC such as Metro Vancouver and the Cariboo Regional District operate a network of decentralized facilities across the region to provide residents access to a wide range of recycling and waste services within a reasonable distance to their locale.

bylaws#:~:text=Waste%20Hauler%20Licensing%20%E2%80%93%20Businesses%20that%20haul%20waste,for%20separating%20and%20collecting%20organics%2C%20recycling%20and%20garbage.

[5] Metro Vancouver. 2023. Generator Levy. Accessed online from http://www.metrovancouver.org/services/Permits-regulations-enforcement/solid-waste/generator-levy/Pages/default.aspx

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Metro Vancouver and the City of Vancouver run a network of Recycling and Waste Centres throughout the region, providing residents, municipalities, and haulers throughout the region with access to recycling and waste services within a 30-minute drive time. There are eight Recycling and Waste Centres located throughout Metro Vancouver, six which are owned and operated by Metro Vancouver, and two which are owned and operated by the City of Vancouver. By 2025, each Recycling and Waste Centre will have a dedicated recycling depot located ahead of the scales. Metro Vancouver works collaboratively with the host municipalities in the procurement of land, design and development of these facilities.

In 2021, Metro Vancouver updated their funding model to support the development of the new Metro Vancouver recycling depots, as well as municipalities operating depots within the region. The funding strategy distributes the full costs associated with building, operating and maintaining a recycling depot across users by incorporating these costs into the garbage tipping fee, at an increase of $4.00[6]. The model also provides municipalities that fund their own municipal recycling depots with an annual garbage tipping fee credit on a per population basis, or per volume of recyclables collected, to reduce the costs on the municipality, and further encourage waste diversion. More information on Metro Vancouver's updated funding model in support of regional recycling depots can be found in **Attachment 1**.

The CRD may wish to establish a series of CRD owned and operated recycling depots located throughout the region, and/or explore potential partnerships with municipalities in which the CRD provides annual funding or tipping fee credits for municipalities operating recycling depots. To adopt the user pay approach, an analysis of the revenue, direct costs and indirect costs of a recycling depot should be determined, and the Bylaw amended to include the cost in an updated general refuse tipping fee.

The CRD may wish to relocate the current recycling depot located at the Landfill to another more accessible area, which creates space on site at the Landfill for other diversion or recovery purposes. To determine the most optimal locations for regional accessibility, a recycling service level mapping exercise should be undertaken.

There may be challenges to the acquisition of land within the region for this purpose and should be considered when exploring this initiative. As an alternative program, there is potential to explore the feasibility of establishing CRD recycling collection services at existing private or member municipality recycling collection sites, or providing funding or annual tipping fee credits to private or member municipalities to collect additional materials for diversion at their sites.

Overall, this approach works together with existing regional programs and services provided by member municipalities, extended producer responsibility programs, non-profits, and the private sector to increase access to recycling services.

Key next steps to consider in undertaking this initiative include:

– Understand the full costs associated with building, operating and maintaining a recycling depot.
– Financial modelling to determine the annual funding or tipping fee credits to be distributed to municipalities operating recycling depots.
– Mapping of existing services and identification of general locations (e.g. 10 km^2) where the development of a depot would result in optimal access across the CRD.
– Identify conceptual area needed (e.g. m^2).
– For each area, identify development options. This could be the CRD, member municipality, or private company already operating a waste facility.
– Engagement with member municipalities and private waste facilities to gauge interest and gain feedback.
– Amend Bylaw to update tipping fee to include cost of recycling depot.
– Report back to the Board for feedback on potential collaboration opportunities, or CRD development.

[6] Metro Vancouver. 2021. Recycling Depot Funding Strategy. Accessed online from http://www.metrovancouver.org/boards/ZeroWaste/ZWA_2021-Apr-16_AGE.pdf

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6.5 Increased Enforcement Capacity

As the Bylaw amendments introduce banned materials and differentiated tip fee structures for mixed and source separated materials, there will be a need for enhanced, consistent Bylaw enforcement and training. The Landfill currently has one Bylaw Enforcement Officer who is on site Monday to Saturday. To meet the objectives of the Bylaw, the CRD will require increased enforcement capacity through the hiring of additional Bylaw officers. This likely will require one to two full-time officers present at the Landfill's active face and public bins , with another for general enforcement.

The officers will be required to provide public education and guidance at the Landfill recycling depot to support residents in understanding the new categories and sorting requirements. Additional officers will also be required to monitor for activities such as disposal of banned materials and identify mixed loads and take appropriate measures for enforcement.

Revisions to Schedule 19 of the CRD's Ticket information Authorization Bylaw 1857 will be required. Proposed amendments for additional enforcement measures include:

– Increased fine rates from $50 - $200 to $100 - $500 for the various offences, detailed in Table 5, to further reinforce diversion behaviour and align with inflation.
– A graduated ticket structure with higher fines for more egregious infractions and/or repeated infractions from a designated source or waste hauler.
– Denial of service until CRD fines have been payed.
– Denial of service for chronic repeat offenders.
– Restrictions on visitors use of photography or videography on site.
– After 30 days, late payments wll be charged an interest penalty fee of 1.5% per month thereafter to be consistent with unpaid fees as stated in Schedule C.

Table 5 Proposed Updates to Fines

Offence #	Offence	Current Fine	Proposed Fine
3.	Non-district waste[1]	$100.00	$500.00
8.	Deposit recyclable material	$100.00	$200.00 (first offence) $300.00 (second offence) $500.00 (third offence)
9.	Improper deposit mandatory recyclable	$50.00	$200.00
10.	Improper deposit voluntary recyclable	$50.00	$200.00
13.	Improper deposit EPR material	$50.00	$200.00
17.	Deposit unsorted renovation and demolition waste	$200.00	$300.00
18.	Improper deposit sorted renovation and demolition waste	$100.00	$200.00
20.	Fail to source separate solid waste[2]	$100.00	$200.00 (first offence) $300.00 (second offence)

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			$500.00 (third offence)
(new)	Failure to pay fine[3]	N/A	Ban from site until fines are paid
(new)	Unauthorized use of photography or filming[4]	N/A	$100.00

1. Out-of-region waste is currently banned, increase fine to discourage disposal.
2. Fines remain at $500 for 4+ offences.
3. Banned from Landfill until payment has been made.
4. To protect privacy on site.

To support Bylaw enforcement capacity, the Landfill will require improvements to equipment and technology at the scale house, such as cameras to observe and photograph incoming loads, as described in Section 6.1.

A Bylaw guidance document should be developed to educate and assist officers on the required steps of enforcement (e.g., public education, warnings, tickets, etc.) and an updated threshold for tickets for consistency in applying the enforcement measures of the Bylaw amendments.

6.6 Summary of Actions

The following table summarizes the benefits, outcomes and proposed timelines for the key actions outlined above.

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Table 6 Summary of Proposed Actions

Program / Initiative	Goals	Key Actions	Proposed Timeline
Improvements to Scale House Data Collection and Equipment	Allow implementation of the updated tipping fee schedule. Track detailed information on categories, quantities, and sources.	Define categories codes Update software with categories and codes Train staff Purchase equipment (cameras)	Short term (0-3 years)
Zero Waste Coaching for Businesses	Increased waste reduction and diversion from businesses, institutions, and commercial sectors. Enhanced community engagement, education and awareness. Reduces reliance on CRD staff resources and capacity while developing green jobs.	Engage with non-profits in zero waste coaching for businesses. Understand opportunities through market sounding exercise. Determine approach (expanding the Rethink Waste Community Grant program or use of existing non-profit program). Enter into agreement.	Short – Long Term (0-10 years)
Hauler Incentives	Increased waste diversion from municipalities, businesses, institutions, and commercial sectors. Prepare hauler for waste hauler licensing. Informs out-of-region waste flow and future flow control.	Incentive program for multi-stream collection. Incentive program for voluntary data reporting (flow control light). Stakeholder consultation on waste hauler licencing with multi-stream collection and data reporting. Draft waste hauler licensing bylaw. Draft generator levy bylaw. Amendment to SWMP. SWMP submission to Ministry of Environment and Climate Change for approval.	Short term (0-3 years) Short term (0-3 years) Medium term (3-4 years) Medium term (3-4 years)
Decentralized Regional Recycling Depots	Increased usable space at Hartland Landfill. Increased recycling system access and capacity.	Relocation of the Hartland Recycling Depot. Construction of distributed CRD owned recycling depots.	0-3 years 1-2 recycling depots (0-5 years), 2-4 recycling depots (5-10 years)

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Program / Initiative	Goals	Key Actions	Proposed Timeline
	Increased waste diversion. Financial incentive for municipal recycling depots.	Partnerships with member municipalities or private sector depots. Bylaw amendments to reflect user pay funding model. Subsidies provided to member municipalities to support recycling depots.	0-3 years 0-3 years 0-10 years
Increased Enforcement Capacity	Increased source separation and diversion. Public education and awareness. Effective enforcement of Bylaw. Increased revenue. Behaviour change.	Deployment of 2-3 additional Bylaw officers for on-site education and enforcement. Bylaw enforcement guidance document on new categories. Officer training.	Short term (0-3 years)

7. Status Quo

The CRD may elect to not proceed with the proposed framework to modernize the tipping fee schedule and align with BC best practices. In this case, Landfill disposal will continue as a convenient and affordable option but will not reflect the increasing cost of processing and disposal and remain the lowest cost disposal option on Vancouver Island. Without incentives to source separate, materials within the mixed general refuse stream that are suitable for reuse, recycling or recovery will continue to be landfilled.

Financial Implications

The CRD's tipping fee has remained constant since 2015. A constant tipping fee structure does not reflect the increasing processing, fuel and disposal costs of the Landfill. At a minimum, tipping fees should align with inflation. The annual CPI increase in 2022 was 6.8%, however typical inflation is around 2-3%.

Service Delivery Implications

There will be no service disruptions to CRD operations as the current material categories of prohibited waste, controlled waste, and recyclable materials will remain the same.

EPR in BC is continually expanding which may allow for new materials to be diverted within the next 5-years, such as mattresses and foundations, and exploring the introduction of commercial and institutional paper and packaging products[7]. However, it is unlikely for this to result in the significant reduction of bulky wastes such as the R&D materials that the CRD is targeting.

[7] Ministry of Environment and Climate Change Canada. 2021. Advancing Recycling in B.C. Extended Producer Responsibility Five-Year Action Plan 2021-2026. Accessed online from https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended_producer_five_year_action_plan.pdf

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Should the CRD choose to continue with the current system, the disposal rate per capita is likely to remain constant, and the CRD will have difficulty achieving their landfill life extension, and waste reduction and diversion goals outlined within the SWMP.

8. Closing

It is proposed that the CRD align their policies with BC best practices and modernize their tipping fee structure to achieve the targets set out in the revised SWMP. The CRD SWMP is aligned with the Ministry of Environment's Waste Reduction Hierarchy, to manage materials first through reduction, reuse and recycling, prior to considering landfill disposal, an approach that is mirrored by the actions proposed within this framework.

The CRD has an opportunity to reduce waste to Landfill, generate revenue, and explore a variety of actions to further enhance the understanding of solid waste generation within the region, while engaging in partnerships with the private sector, non-profit sector and wider community.

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APPENDIX B

PROPOSED HARTLAND LANDFILL TIPPING FEE SCHEDULE

April 2023

Material Categories[1]	Current Waste Type	Proposed Waste Type	Currently Banned Material	Proposed Banned Material	Current Tipping Fee ($/tonne)	Proposed Tipping Fee ($/tonne)
Clean wood: (Clean wood includes wood products that are untreated, unstained and unpainted, such as dimensional lumber, pallets, crating, wood fencing, wood shingles, wooden doors, and clean construction, renovation and demolition wood waste)	Recyclable	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110	$80
Treated wood and wood products: (Treated wood includes engineered wood products or pressure-treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners)	Recyclable (under clean wood)	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110	$110
Asphalt roofing shingles: (means roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added)	General	Recyclable	No	Mandatory Recyclable	$110	$110
Carpet and underlay: (means flooring material made of woven wool or synthetic fibers and foam padding underlayment where tack stripping material has been removed)	General	Recyclable	No	Mandatory Recyclable	$110	$110
Salvaged wood: (means clean dimensional lumber greater than 4 feet in length. Unpainted, free of nails.)	Recyclable	Recyclable	Voluntary Recyclable	Mandatory Recyclable	$110	$0
Clean renovation and demolition waste (Not containing Mandatory Recyclable materials) means material that results from the construction, renovation or demolition of all or part of a building that does not contain surface coating waste, hazardous waste, prohibited waste, mandatory recyclable materials or an extended producer responsibility product.	General	General	No	No	$110	$150

[1] Material categories and definitions subject to minor modification in the final bylaw amendment.

Material Categories[1]	Current Waste Type	Proposed Waste Type	Currently Banned Material	Proposed Banned Material	Current Tipping Fee ($/tonne)	Proposed Tipping Fee ($/tonne)
Unsorted renovation and demolition waste (Containing Mandatory Recyclable materials) means material that results from the demolition of all or part of a building that contains hazardous waste, prohibited waste, mandatory recyclable materials or an extended producer responsibility product	General	General	No	No	$110	$300
2024 General Refuse- Hauler Incentive Incentive rate available to private and municipal haulers collecting **general refuse** originating from residential, commercial or institutional sources, who attest they have a program in place to ensure that organics and recyclable materials aren't going into the general refuse stream and voluntarily self-report waste collection data.	General	No	No	No	$110	$125
2025 General Refuse- Hauler Incentive Rate Incentive rate available to private and municipal haulers collecting **general refuse** originating from residential, commercial or institutional sources, who attest they have a program in place to ensure that organics and recyclable materials aren't going into the general refuse stream and voluntarily self-report waste collection data.	General	No	No	No	$110	$135
General Refuse Refuse originating from residential, commercial and institutional sources, but does not include renovation or demolition waste, yard and garden, hazardous/liquid, controlled wastes, prohibited, kitchen scraps, mandatory recyclable materials or extended producer responsibility products as defined by this Bylaw.	General	No	No	No	$110	$150

APPENDIX B

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4497

****

A BYLAW TO AMEND BYLAW NO. 3881, HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

****

WHEREAS:

A. Under Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013", the Regional Board established fees and regulations for the operations of the Hartland Landfill; and

B. The Board wishes to amend Bylaw No. 3881 to ensure existing practices relating to enforcement at the Hartland Landfill to ensure public and staff safety and orderly site operations are documented.

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013" is hereby amended as follows:

(a) By inserting into SECTION 1-DEFINITIONS in alphabetical order:

"Asphalt Roofing Shingles" means roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added, but does not include tar and gravel roofing.

"Carpet and underlay" means flooring material made of woven wool, silk, cotton or synthetic fibers and foam padding underlayment where tack stripping material has been removed.

"Clean Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility product.

"Hauler Incentive Rate" means a reduced tipping rate available for private and municipal haulers who conform to the requirements of the hauler incentive program.

"International High Risk Cruise Ship Waste" means any item, material, or load originating from a Cruise Ship that is identified as High Risk Material by Canadian Border Services Agency and/or the Canadian Food Inspection Agency.

"International Waste" means any item, material, or load that is defined as International Waste under the International Waste Directive or as identified by the Canadian Food Inspection Agency and/or the Canadian Border Services Agency.

"Non-EPR Rigid Plastics" means rigid plastic items, such as children's toys, lawn chairs, and car seats that are not an Extended Producer Responsibility Product.

"Out-of-Region Waste" means municipal solid waste that is originating from outside the boundaries of the Capital Regional District but is not International Waste.

"Salvaged Wood Waste" means Clean Wood Waste:

1) that is dimensional lumber greater than 4 feet in length; and

2) that may or may not contain nails.

"Treated Wood and Wood Products" means engineered wood products or pressure treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners.

"Unsorted Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste but may contain Wood Waste, Asphalt Shingles, and Carpet and Underlay.

(b) By replacing the definition of Clean Wood Waste in its entirety with:

"Clean Wood Waste" means wood products such as dimensional lumber, pallets, crating, and salvaged wood waste:

1) that is untreated, unstained, unpainted and
2) that does not include any antisapstain, coating, glues, or resins.

(c) By replacing the definition of Commercial Hauler in its entirety with:

"Commercial Hauler" means a person whose business collects and receives for a fee Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, or Weeds for Disposal, or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, and who delivers those materials for Disposal at the Disposal Site.

(d) By replacing the definition of Mixed Paper in its entirety with:

"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories**;** calendars; postcards; shredded paper; cardboard storage boxes; cardboard storage; cardboard moving boxes; paper gift boxes; paper bags; paper lunch bags; paper pinata; paper gift bags; paper part hat; paper party décor; but excluding paperback and hardcover books; waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable.

(e) By replacing the definition of Uncontaminated Demolition Waste in its entirety with:

"Uncontaminated Demolition Waste" means material that results from the demolition of all or part of a building or a structure that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility Product.

(f) By inserting into Schedule "B", Site Regulations, section 1.1, Vehicles, as section 1.1(e):

1.1(e) the Vehicle is owned, leased, operated, licensed, utilized or otherwise associated with a person that is restricted from accessing, has been refused entry to, or has been prohibited re-entry to, the Disposal Site, whether under this bylaw or the *Trespass Act,* RSBC 2018 c 3.

(g) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.10:

3.10 No person shall obstruct, intimidate, interfere, or harass Capital Regional District staff or officers who are performing their duties.

(h) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.11:

3.11 Clean wood, treated wood, salvageable wood, carpet and underlay and asphalt shingles must be source separated prior to arriving to Hartland landfill.

(i) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.12:

3.12 No person shall record audio and/or video or take photographs at the Disposal Site without the permission of the manager.

(j) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.2:

5.2 Where a person has unpaid fines or amounts owing to the Capital Regional District resulting from violation of this bylaw, and any such amounts are outstanding for more than 45 days from the date of conviction or deemed conviction, Capital Regional District staff may refuse access or prohibit re-entry to the Disposal Site until such amounts are paid. Where the person operates a waste disposal, hauling, or other commercial waste generating business or is associated with such a business, this refusal may be extended to those entities or vehicles owned, leased, or operated by those entities, which in the opinion of Capital Regional District staff, are affiliated, associated, controlled, owned-by in part or in whole, conducting business on behalf of, or otherwise related to that person, corporately or by degree of co-sanguinity or family relationship, despite those persons not having unpaid fine amounts, amounts owing, or separate legal personality.

(k) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.3:

5.3 The Manager is authorized to enforce all site rules, regulations, and bylaws at Hartland Landfill. They may also prohibit or restrict a person(s) who contravenes this Bylaw from attending the Hartland Landfill.

(l) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.4:

5.4 A person is entitled to a 25% reduction in monetary penalty resulting from violation of this bylaw if fines or fees are paid within 30 days from issue.

(m) By deleting Schedule “C” in its entirety and substituting the attached amended Schedule” C”.

(n) By deleting Schedule “D” in its entirety and substituting the attached amended Schedule” D”.

(o) By deleting Schedule “E” in its entirety and substituting the attached amended Schedule “E”.

(p) By deleting Schedule “F” in its entirety and substituting the attached amended Schedule “F”.

(q) By deleting Schedule “G” in its entirety and substituting the attached amended Schedule “G”.

2. Effective January 1, 2024, Clean Wood Waste is included in the definition of Mandatory Recyclable Material.

3. Effective July 1, 2024, Asphalt Shingles, Carpet and Underlay, Treated Wood and Wood Products and Salvaged Wood Waste are included in the definition of Mandatory Recyclable Materials.

4. This bylaw may be cited for all purposes as “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023”.

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 "C"

TIPPING FEES

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

FEES

1. The fees for depositing solid waste at the Disposal Site are:

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Asbestos Containing Material	As directed by CRD staff	$157		$20
Asphalt Roofing Shingles (effective July 1, 2024)	Public Drop Off Area	$110	$10 bin fee	
Asphalt Roofing Shingles (effective July 1, 2024)	As directed by CRD staff	$110		$10
Bicycle tires and tubes	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Bulky Waste	Active Face	$254		$10
Carpet and Underlay (effective July 1, 2024)	Public Drop off Area	$110	$10 bin fee	
Carpet and Underlay (effective July 1, 2024)	As directed by CRD staff	$110		$10
Clean Renovation and Demolition Waste (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Clean Renovation and Demolition Waste (effective January 1, 2024)	As directed by CRD staff	$150		$10
Clean Wood Waste (effective January 1, 2024)	Public Drop off Area	$80	$10 bin fee	
Clean Wood Waste (effective January 1, 2024)	As directed by CRD staff	$80		$10
Controlled Waste	As directed by CRD staff	As listed in Schedule "E"		$20
Cooking oil and grease	Public Drop Off Area	No fee		No fee

Extended Producer Responsibility Product listed in Schedule “G” (excluding tires on rims)	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule “G” tires on rims	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Hauler Incentive Rates (effective January 1, 2024)		$125		
Hauler Incentive Rates (effective January 1, 2026)		$135		
Household Hazardous Waste	Public Drop Off Area	No fee		No fee
International Low Risk Waste	As directed by CRD staff	$135		
Kitchen Scraps until December 31, 2021	Kitchen Scraps Transfer Station	$120		
Kitchen Scraps effective January 1, 2022	Kitchen Scraps Transfer Station	$140		
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Public Drop Off Area	$300	$10 bin fee	
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Active Face	$300		$20

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Mattresses and boxsprings	Public Drop Off Area	$110	$10 bin fee	
Propane tanks and fire extinguishers	Public Drop Off Area	No fee		No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by non-commercial hauler)	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by Commercial Hauler)	Public Drop Off Area	No fee	$26 recycling area entry fee	No fee
Refuse	Active Face	$110		$10
Refuse	Public Drop Off Area	$110	$10 bin fee	
Scrap Metal	Public Drop Off Area	No fee	No fee	
Stumps and Branches	As directed by CRD staff	$110		$10
Treated Wood and Wood Products	As directed by CRD staff	$110	$10 bin fee	
Waste Asbestos which originates outside the CRD	As directed by CRD staff	$500		$20
Weeds (Source separated)	Active Face	$59		$10
Weeds (not Source –separated in Refuse)	Active Face	$110		$10
Weeds (not Source –separated in Refuse)	Public Drop Off Area	$110	$10 bin fee	
Weeds (Source separated)	Public Drop Off Area	$59		$10
Yard and Garden Materials	As directed by CRD staff	$59		$10
Uncovered or unsecured loads	All fees applicable to the Load are doubled			

GENERAL

2. Per tonne fees are based on weight as measured on the scale, based on the difference in weight between the loaded weight and the weight of the empty Vehicle.

3. Where a dollar amount per tonne is indicated, it is to be interpreted as allowing a proportionate fee for a portion of a tonne in 10 kg increments.

4. All fees shall be rounded up or down to the nearest quarter of a dollar.

5. In the event that the weigh scales provided at the Disposal Site are not operational, or in the event of traffic congestion, or at the discretion of the Manger, weights shall be as estimated based on volume by the Manager or Capital Regional District staff.

6. If a person disposes a Load containing Source-separated Recyclable Materials, Extended Producer Responsibility Products, Yard and Garden Material, Household Hazardous Waste, or other Refuse at the Public Drop Off Area and chooses not to weigh out after disposal of each class of material, they are subject to pay a tipping fee for Refuse for the entire Load.

7. All fees payable under this Bylaw shall be paid to the Capital Regional District in cash, by cheque, debit, or credit card at the time the disposal is made.

8. Notwithstanding Section 7, any person disposing Solid Waste, except Recyclable Materials, at the Disposal Site on a regular basis may apply to the Capital Regional District for credit, and, if the treasurer is satisfied of the credit worthiness of the person, he or she may grant credit to the person, in which case payment of the fee imposed under Section 1 shall be made and the credit extended on the following conditions.

   (a) the person receiving credit shall pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The Capital Regional District will invoice monthly for Solid Waste disposed during the preceding month. The invoice amount will be based on the total quantity of Solid Waste delivered during the month and the posted disposal rates in effect at the time of delivery;

   (b) late payment(s) will be subject to an interest penalty fee of 1.5% per month;

   (c) the Capital Regional District reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment, or other justified cause as judged solely by the treasurer;

   (d) if the person receiving credit fails to pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month in which an invoice has been issued, the Capital Regional District may withhold monies equivalent to those fees, plus interest, that are owed by the Capital Regional District to the person receiving credit under a separate contract, agreement, or offer between the Capital Regional District and the person receiving credit; and

   (e) the Capital Regional District reserves the right to refuse access to the Disposal Site to a person receiving credit until outstanding fees are paid.

SCHEDULE "D"

PROHIBITED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Prohibited Waste
Aggregate
Asphalt Roofing Shingles, except as permitted in this Bylaw
Asbestos Containing Material, except as permitted in this bylaw
Asphalt and Rubble
Biomedical Waste
Carpet and Underlay, except as permitted in this Bylaw
Clean Soil
Concrete
Contaminated Demolition Waste
Gypsum Board or Wallboard, except as permitted in this bylaw
Ignitable Waste
Kitchen Scraps, except as permitted in this Bylaw
Liquids, except as permitted in this Bylaw
Motor vehicle bodies and farm implements
Radioactive Waste
Reactive wastes
Sharps, except as permitted in this Bylaw
Specified Risk Material
Vermiculite Insulation, except as permitted in this Bylaw
Waste that is on fire or smouldering
Waste containing PCBs, except as permitted in this bylaw
Wood Waste, except as permitted in this Bylaw

SCHEDULE "E"

CONTROLLED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

The fees for disposing of Controlled Waste at the Disposal Site are:

Controlled Waste	Disposal Fee
Animal Fecal Waste	$157 per tonne
Catch Basin Waste	$157 per tonne
Commercial Load of Uncontaminated Demolition Waste	$110 per tonne
Condemned or Spoiled Foods	$157 per tonne
Contaminated Gypsum Board or Wallboard	$311 per tonne
Contaminated Gypsum Board or Wallboard originating outside the CRD effective January 1, 2017	$500 per tonne
Contaminated Soil	$157 per tonne
Dead Animal	$254 per tonne
Fibre Optic Cable	$157 per tonne
Food Processing Wastes	$157 per tonne
Health Hazard Waste	$157 per tonne
International High Risk Cruise Ship Waste	$500 per tonne
Knotweed	$59 per tonne
Miscellaneous Controlled Waste	$157 per tonne
Pumpings from septage treatment facilities containing residual sludge	$157 per tonne
Pumpings from sewage treatment plants, pump stations and sewer lines	$157per tonne
Screenings from sewage treatment plants, septage treatment facilities and pump stations	$157 per tonne
Sharps	$254 per tonne
Slurries which may contain non-hazardous solids, soil, sand, gravel, fibres, fats, oils and grease or mineral oil and grease	$157 per tonne
Soot and Ash	$157 per tonne
Spent charcoal from water purification plants and odour filters	$157 per tonne
Surface Coating Waste	$157 per tonne
Vehicle Washing Facility Waste	$157 per tonne
Vermiculite Insulation	$157 per tonne
Waste Sludge from sewage treatment plants containing no more than 80% total moisture	$121 per tonne

SCHEDULE "F"

RECYCLABLE MATERIALS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Mandatory Recyclable Material
EPR Products
Clean Wood Waste (Effective January 1, 2024)
Asphalt Roofing Shingles (Effective July 1, 2024)
Carpet and Underlay (Effective July 1, 2024)
Treated Wood and Wood Products (Effective July 1, 2024)
Salvaged Wood Waste (Effective July 1, 2024)
Non-EPR Corrugated Cardboard
Propane Tanks and fire extinguishers
White Goods
Non-EPR Mixed Paper
Scrap Metal
Yard and Garden Material
Voluntary Recyclable Material
Books (textbooks, novels, soft and hardcover books)
Non-EPR Film plastic
Non-EPR Glass containers
Large rigid plastics
Mattresses and boxsprings
Rigid plastic containers
Non-EPR Polystyrene
Non-EPR Polycoated containers
Bicycle tubes and tires

SCHEDULE "G"

EXTENDED PRODUCER RESPONSIBILITY PRODUCTS RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT BYLAW NO. 3881

Product Category	Materials Accepted at Hartland
Beverage container	• ready-to-serve beverage containers made of aluminium, glass, paper, plastic and/or steel
Solvent and flammable liquids, Gasoline, Pesticide, Lubricating oil, oil filter, Paint product, Lead acid battery, antifreeze	• flammables, • gasoline and pesticides • lubricating oil and empty oil containers • used oil filters • paint • lead acid batteries • antifreeze
Electronic and electrical	• display products and accessories (TV, monitor, remote) • desktop computers and accessories (CPU, keyboard, mouse, cable) • portable computers and accessories (laptop, netbook, tablet) • printing, scanning and multifunction devices (printer, fax machine, scanner) • audio products and accessories (radio, record player/stereo, walkie talkie, MP3, earphones) • video products and accessories (camera, video console, VCR/DVD/PVR) • video gaming systems and accessories (game console, controller, joystick, cable) • non-cellular telephones and answering machines • aftermarket vehicle audio and video systems (speaker, vehicle display, GPS) • electronic musical instruments (guitar, drum set, keyboard) • IT and Telecom devices (router, Ethernet switch, telecom bridge, cash register • medical monitoring and control devices (thermometer, blood pressure device, stethoscope, microscope) • small appliances and power tools (kitchen countertop, personal care, floor cleaning, weight measurement, garment care, air treatment, time measurement, sports and leisure, power tools, sewing and textile, exercise machines)

	• residential lights (fluorescent tubes and bulbs (CFLs), halogen and incandescent lamps, light emitting diode (LED) lamps, light ballasts (that may contain PCB), High Intensity Discharge (HID) and other mercury containing lamps) • residential light fixtures and products (bike lights, ceiling fixtures, chandeliers, flashlights, floor lamps, light strings, outdoor fixtures, recessed/pot lights) • batteries for use in electronic and electrical products listed in this section including primary and rechargeable batteries
Tire	• automotive tires (unrimmed)
Printed Paper and Packaging from Residential Premises but not from **Industrial Commercial Institutional** operations	• Cardboard storage box • Cardboard storage • Cardboard moving boxes • Paper gift boxes • Paper bag • Paper lunch bag • Paper pinata • Paper gift bag • Paper party hat • Paper party décor • Newspapers • Newspaper Inserts • Magazines • Catalogues • Telephone Directories • Other Printed Media • Residential Printed Paper • Miscellaneous Printed Paper • Old Corrugated Cardboard • Paper cup (hot) (Polycoated liner) • Paper Cup (hot) (biodegradable liner) • Paper Cup (cold) (waxed) • Paper Cup (cold) (2-sided Polycoated) • Polycoated Milk Cartons • Aseptic Containers • Multi-laminated Paper Packaging • Old Boxboard (OBB) • Wet Strength Boxboard • Moulded Pulp • Kraft Papers • Polycoated Boxboard • High-density polyethylene Films • Low-density polyethylene / Linear Low-density polyethylene Films • Polystyrene Clamshells Expanded polystyrene • Polystyrene Trays/Plates Expanded polystyrene • Polystyrene Meat Trays Expanded polystyrene • Polystyrene Hot Drink Cups Expanded polystyrene • Polystyrene Cushion Packaging Expanded polystyrene

	• Polyethylene terephthalate Bottles (non-beverage) • Polyethylene terephthalate Jars • Polyethylene terephthalate Clamshells • Polyethylene terephthalate Trays • Polyethylene terephthalate Tubs & Lids • Polyethylene terephthalate Cold Drink Cups • High-density polyethylene Bottles (non-beverage) • High-density polyethylene Jars • High-density polyethylene Pails • High-density polyethylene Trays • High-density polyethylene Tubs & Lids • High-density polyethylene Planter Pots • Polyvinyl chloride Bottles • Polyvinyl chloride Jars • Polyvinyl chloride Trays • Polyvinyl chloride Tubs & Lids • Low-density polyethylene Bottles (non-Beverage) • Low-density polyethylene Jars • Low-density polyethylene Tubs & Jars • Polypropylene Bottles (non-beverage) • Polypropylene Jars • Polypropylene Clamshells • Polypropylene Trays • Polypropylene Tubs & Lids • Polypropylene Cold Drink Cups • Polypropylene Planter Pots • Polystyrene Bottles (non-beverage) • Polystyrene Clamshells (rigid) • Polystyrene Trays (rigid) • Polystyrene Tubs & Lids (rigid) • Polystyrene Tubs & Lids (high impact) • Polystyrene Cold Drink Cups (rigid) • Polystyrene Planter Pots • Other[1] Plastic Bottles (non-beverage) • Other Plastic Jars • Other Plastic Clamshells • Other Plastic Trays • Other Plastic Tubs & Lids • Other Plastic Cold Drink • Other Plastic Planter Pots • Steel Cans (non-beverage) • Steel Aerosol Cans • Spiral Would Cans (steel ends) • Aluminum Cans (non-beverage) • Aluminum Aerosol Cans

[1] 'Other' plastic packaging is typically: manufactured from a combination of recycled resins; manufactured with a barrier layer; or, lacking a resin code mark.

	• Aluminum Foil and Foil Containers • Bimetal Containers/Aerosols • Clear Glass Bottles and Jars (non-beverage) • Coloured Glass Bottles and Jars (non-beverage)

APPENDIX C

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4567

****

A BYLAW TO AMEND BYLAW NO. 1857, CAPITAL REGIONAL DISTRICT TICKET INFORMATION AUTHORIZATION BYLAW, 1990

****

WHEREAS:

A. Under Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990", the Regional Board established fine rates for solid waste offences at Hartland Landfill; and

B. The Board wishes to update Schedule 1, item 18 of the Ticketing Bylaw to reference "Hartland Landfill Tipping Fee and Regulation Bylaw No.6, 2013" rather than "Bylaw No. 5, 2003"; and

C. The Board wishes to amend Bylaw No. 1857 Schedule 19 to modernize the fine rates and include a single fine rate of $500 per infraction for offence numbers 3 (Non-District waste), 8 (deposit of recyclable material) and 20 (fail to source separate solid waste).

D. The Board wishes to amend Bylaw No. 1857 Schedule 19 to include an early fine payment model.

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 1857, "Capital Regional District Ticket Information Authorization Bylaw, 1990" is hereby amended as follows:
   (a) In Schedule 1 of the Bylaw No.1857, replacing at section 18 in column 1, Designated Bylaw, the following:

   Hartland Landfill Tipping
   Fee and Regulation Bylaw
   No. 6, 2013

   (b) By deleting Schedule 19 to bylaw No.1857 in its entirety and replacing with the following amended Schedule 19.

2. This bylaw may be cited for all purposes as "Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 78, 2023".

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 19 TO BYLAW NO. 1857

HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

	WORDS OR EXPRESSIONS DESIGNATING OFFENCE	SECTION	FINE	EARLY PAYMENT*
1.	Disobey Site Regulations	2.1	$100.00	
2.	Fail to follow Site Regulations	2.2	$100.00	
3.	Non-district waste	2.3	$500.00	$375.00
4.	Deposit Prohibited waste	2.5	$200.00	
5.	Deposit Hazardous waste	2.8	$100.00	
6.	Improper disposal asbestos	2.11	$200.00	
7.	Deposit controlled waste	2.12	$300.00	
8.	Deposit recyclable material	2.14	$500.00	$375.00
9.	Improper deposit mandatory recyclable	2.15	$200.00	$150.00
10.	Improper deposit voluntary recyclable	2.16	$200.00	$150.00
11.	Improper deposit weeds	2.18	$50.00	
12.	Deposit EPR material	2.19	$200.00	
13.	Improper deposit EPR material	2.20	$200.00	$150.00
14.	Deposit HHW by commercial hauler	2.21	$200.00	
15.	Deposit HHW	2.22	$100.00	
16.	Improper deposit of HHW	2.23	$50.00	
17.	Deposit Contaminated Demo Waste	2.25	$300.00	$225.00
18.	Improper Deposit Sorted Demo Waste	2.26	$200.00	$150.00
19.	Improper deposit kitchen scraps	2.27	$200.00	
20.	Fail to source separate solid waste	2.28	$500.00	$375.00
21.	Fail to pay fee	3.1	$300.00	
22.	Deposit while charge unpaid	3.2 (b)	$100.00	
23.	Uncovered/unsecured load	Sch. B, Reg. 2.1	$100.00	
24.	Load not ready for disposal	Sch. B, Reg. 2.3	$100.00	
25.	Drive off designated roads	Sch. B, Reg. 3.1	$100.00	
26.	Fail to obey signs	Sch. B, Reg. 3.2	$100.00	
27.	Fail to follow directions	Sch. B, Reg. 3.3	$100.00	
28.	Scavenging	Sch. B, Reg. 3.5	$100.00	
29.	Loitering on site	Sch. B, Reg. 3.6	$100.00	
30.	Vehicle washing	Sch. B, Reg. 3.7	$100.00	
31.	Disorderly conduct	Sch. B, Reg. 3.8	$100.00	
32.	Overweight vehicle	Sch. B, Reg. 3.9	$100.00	
33.	Children at site	Sch. B, Reg. 4.2	$50.00	
34.	Pets at site	Sch. B, Reg. 4.3	$50.00	
35.	Smoking at disposal site	Sch. B, Reg. 4.4	$100.00	
36.	Use electronic device while driving	Sch. B, Reg. 4.7	$100.00	
37.	No protective equipment	Sch. B, Reg. 4.8	$50.00	
38.	Unauthorized videotaping or photography on site	Sch. B. Reg 3.12	$100.00	

*Early Payment: Fine if Paid on or Before the 30th day from the date on which the ticket is served.

APPENDIX D

Making a difference...together

BYLAW NO. 3881

HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

Consolidated for Public Convenience

(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED APRIL 10, 2013
(Consolidated with Amending Bylaws 3917, 4100, 4420, 4497)

For reference to original bylaws or further details, please contact the Capital Regional District, Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

Amending Bylaws Consolidated

Bylaw No.	Adopted	Purpose
4497	December 13, 2023	To amend the tipping fee rates; to update the definitions; to enact bans on asphalt roofing shingles, carpet and underlay, and wood waste; to make bylaw housekeeping edits; and, to update bylaw enforcement language.
4420	June 9, 2021	To address the Kitchen Scraps tipping fee by replacing Schedule C.
4100	May 8, 2016	To address tipping fees for asbestos containing material, kitchen scraps and to make bylaw housekeeping changes.
3917	Jan. 14, 2015	To enact a kitchen scraps ban, the stewardship program for packaging and printed paper (PPP) and to amend the tipping fee rate.

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3881

****

A BYLAW FOR THE PURPOSE OF ESTABLISHING A TIPPING FEE AND REGULATIONS FOR SOLID WASTE DISPOSAL AT HARTLAND LANDFILL

****

WHEREAS:

A. By Supplementary Letters Patent, dated 04 October 1973, the Capital Regional District was granted the function of Refuse Disposal under Division X of its Letters Patent;

B. The Capital Regional District has by bylaw, converted the function of Solid Waste Disposal to a local service for all of the Regional District;

C. The Capital Regional District is empowered to establish a scale of fees payable for depositing Solid Waste and Recyclable Materials at a Disposal Site;

D. The Regional Board of the Capital Regional District deems it advisable to enact regulations pertaining to Solid Waste and Recyclable Materials and to establish fees for depositing Solid Waste and Recyclable Materials.

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

SECTION 1 – DEFINITIONS

Note: Defined terms are capitalized in this bylaw.

In this Bylaw, unless the context otherwise requires:

"**Active Face**" means that area of the Disposal Site where active landfilling of Solid Waste takes place.

"**Aggregate**" means inert granular fill material.

"**Animal Fecal Waste**" means animal feces collected by a commercial business or generated at a site where animals are kept for commercial purposes, including, but not limited to, boarding kennels, animal shelters, stables, and similar operations.

"Asbestos Containing Material" means waste containing any amount of asbestos including waste asbestos as defined in the bylaw.

(Bylaw 4100)

"**Asbestos Cement**" means shingles, tiles, siding, board or pipe containing asbestos material tightly bound within a solid matrix not easily crumbled by hand but which is easily crumbled and friable by equipment during landfill Disposal.

"**Asphalt**" means recyclable asphaltic concrete originating from roadways, driveways, parking areas and other paved surfaces.

"Asphalt Roofing Shingles" means roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added, but does not include tar and gravel roofing.

(Bylaw 4497)

"**Biomedical Waste**" means waste as defined in the Hazardous Waste Regulation as Biomedical Waste.

"**Bulky Waste**" means individual articles of Refuse with a volume greater than one-and-a-half (1.5) cubic metres or greater than two and a half (2.5) metres in length.

"CRD" means Capital Regional District.

"Carpet and underlay" means flooring material made of woven wool, silk, cotton or synthetic fibers and foam padding underlayment where tack stripping material has been removed.

(Bylaw 4497)

"**Catch Basin Waste**" means the contents of catch basins or similar devices that detain and pre-treat stormwater to allow solids to settle and oily materials to float to the surface and be retained in the device while treated stormwater is discharged.

"Clean Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility product.

(Bylaw 4497)

"**Clean Soil**" means soil, sediment or fill material which contains the substances specified in Schedule 7, Column IV of the Contaminated Sites Regulation but in quantities less than those specified.

~~**"Clean Wood Waste"** means wood products such as dimensional lumber, plywood, particle board, fibre board, oriented strand board, pallets, crating, wood fencing, wood shingles, wooden doors, demolition Wood Waste, painted wood and wooden furniture that may or may not contain nails or other metal fasteners.~~

"Clean Wood Waste" means wood products such as dimensional lumber, pallets, crating, and salvaged wood waste:

1) that is untreated, unstained, unpainted, and
2) that does not include any antisapstain, coating, glues, or resins.

(Bylaw 4497)

~~"**Commercial Hauler**" means a person whose business includes the collection or receiving of Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, Weeds, for Disposal of Small Loads at the Public Drop Off Area or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products except for Printed Paper and Packaging, and who delivers those materials for Disposal of Small Loads at the Public Drop Off Area.~~

~~*(Bylaw 3917)*~~

"Commercial Hauler" means a person whose business collects and receives for a fee Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, or Weeds for Disposal, or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, and who delivers those materials for Disposal at the Disposal Site.

(Bylaw 4497)

"**Commercial Load**" means Uncontaminated Demolition Waste to be Disposed of at the Disposal Site brought into the Disposal Site in a Vehicle which with the Uncontaminated Demolition Waste has a gross vehicle weight greater than 5,500 kg.

"**Concrete**" means a hardened mixture of cement with sand and gravel.

"**Condemned or Spoiled Foods**" means food confiscated or quarantined, or designated as international high risk waste, by the Canadian Food Inspection Agency or the Canadian Border Service Agency and spoiled food from a commercial operation or spoiled food greater than 50 kilograms from a domestic residence.

"Contaminated Demolition Waste" means material that results from the demolition of all or part of a building that contains Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Product.

"**Contaminated Gypsum Board or Wallboard**" means Gypsum Board or Wallboard that is contaminated by oil, tar, fungus, mould, has been burned, or had other materials affixed to it.

"**Contaminated Sites Regulation**" means the Contaminated Sites Regulation, B.C. Regulation 395/96, enacted under the *Environmental Management Act*.

"**Contaminated Soil**" means soil or sediment or fill material containing substances in quantities or concentrations equal to or greater than those specified in Schedule 7, Column IV of the Contaminated Sites Regulation but which is not a Hazardous Waste under the Hazardous Waste Regulation.

"Contaminated Wood Waste" means wood products such as wood contaminated with asphalt shingles, wood painted with lead based paint, creosote wood products, pressure treated wood, or laminate flooring that is not Hazardous Waste due to the proportion of surface coatings or preservatives.

"**Controlled Waste**" means a material, substance or object listed in Schedule "E" which may be Disposed of if special handling and Disposal techniques are used to avoid creating health hazards, nuisances or environmental pollution excluding Hazardous Waste under the Hazardous Waste Regulation.

"**Corrugated Cardboard**" means recyclable paper that consists of a fluted corrugated sheet and one or more flat linerboards including pizza boxes free of food residue, but excluding materials which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which will render the Corrugated Cardboard Unmarketable.

"**Dead Animal**" means the carcass or part of the carcass of an animal excluding Hazardous Waste under the Hazardous Waste Regulation and Specified Risk Material.

"Designated Location" means the location at the Disposal Site designated by the Manager and identified as the location for Disposal of specific types of Solid Waste.

"**Dispose**"; "**Disposal**" means leaving Solid Waste at the Disposal Site for the purpose of landfilling, composting, or recycling.

"**Disposal Site**" means the Hartland Landfill site, more particularly described in Schedule "A".

"**Environmental Management Act**" means the *Environmental Management Act* SBC 2003 c.53.

"**Extended Producer Responsibility Product**" means any material defined as a product in a "product category" listed in the Recycling Regulation for which a "product plan" as defined in the regulation has been "approved" and is operating.

"**Fibre Optic Cable**" means a cable consisting of a bundle of glass or plastic threadlike fibres used for the transmission of information by light impulses wrapped in layers of treated paper and plastic or metal cladding.

"Food Processing Waste" means waste, residues, byproducts or waste treatment residuals from

commercial food manufacturing or packaging operations.

"Glass" means clear or coloured food and beverage containers made of glass but does not include plate glass, window glass, laminated glass, or safety glass.

"**Gypsum Board or Wallboard**" means a panel used for interior walls and ceilings made up of a liner typically made of paper with a core of gypsum plaster and additives.

"Hauler Incentive Rate" means a reduced tipping rate available for private and municipal haulers who conform to the requirements of the hauler incentive program. *(Bylaw 4497)*

"**Hazardous Waste**" means any chemical compound, mixture, substance, or article defined as a Hazardous Waste in the Hazardous Waste Regulation.

"**Hazardous Waste Regulation**" means Hazardous Waste Regulation, BC Reg. 63/88 enacted under the *Environmental Management Act*.

"**Health Hazard Waste**" means a gaseous, liquid or solid material, substance or object which, because of its inherent nature and quantity, may be a health hazard and includes, but is not limited to: infectious wastes that originate from foreign countries, including, without limiting the generality of the foregoing, waste confiscated at customs stations or received from ships or planes and which is not a Biomedical Waste.

"Household Hazardous Waste" means a class of Hazardous Waste that results from any of the following involving anything in a "product category" as defined in the Recycling Regulation:

(a) a domestic activity at a residence;
(b) personal use; or
(c) a person's use in relation to his or her own residence.

"**Ignitable**" means substances liable to spontaneous combustion or substances that on contact with water emit flammable gases having the properties of:

(a) flammable gas;
(b) flammable liquid; or
(c) flammable solids,

and as defined in the Hazardous Waste Regulation.

"Industrial Commercial Institutional" includes any industrial or commercial operations of any size including manufacturing, processing and packing and small businesses with one or more employees such as retail stores, offices, strip malls, vacation facilities, hotels, motels and resorts and institutional operations such as schools, student residences, correctional facilities, churches, community buildings, hospitals, licensed care facilities and hospices, but does not include residential premises.

(Bylaw 3917)

"International High Risk Cruise Ship Waste" means any item, material, or load originating from a Cruise Ship that is identified as High Risk Material by Canadian Border Services Agency and/or the Canadian Food Inspection Agency.

(Bylaw 4497)

"International Waste" means any item, material, or load that is defined as International Waste under the International Waste Directive or as identified by the Canadian Food Inspection Agency and/or the Canadian Border Services Agency.

(Bylaw 4497)

"**Invasive Species Plants**" means plants set out in the Schedule to the Spheres of Concurrent

Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004.

"Kitchen Scraps" means compostable waste generated by residential, business, institutional and commercial sources such as fruits, vegetables, meat, meat by-products, dairy products, baked goods, cereal, grains, pasta, bones, egg shells, coffee grounds and filters, tea bags, nuts and shells, houseplants and cut and dried flowers, and soiled paper products such as paper towels, tissues, food packaging, plates and cups but does not include Controlled Waste. *(Bylaw 3917)*

"Kitchen Scraps Transfer Station" means a facility at Hartland landfill designated for receipt and the transfer of **Kitchen Scraps** to another location. *(Bylaw 3917)*

"**Knotweed**" means 8imalaya knotweed (*follopia japonica*), 8imalayan knotweed (*persicaria wallichi*), giant knotweed (*fallopian sachalinensis*), bohemian knotweed (*fallopian x bohemica*) plants including stems, seeds, and rhizome fragments.

"**Lead Acid Battery**" means an electro-chemical cell contained in a plastic case consisting of lead and lead oxide plates and containing a mixture of acids which is used to supply an electric power source.

"**Load**" means Solid Waste which arrives at the Disposal Site in a Vehicle.

"**Manager**" means the General Manager of the Environmental Sustainability department of the Capital Regional District or his or her authorized agent.

"Mandatory Recyclable Material" means a Recyclable Material listed in Schedule "F".

"**Marketable**" means Recyclable Material which can be disposed of through an existing Capital Regional District program or a commercial market for recycling.

"Miscellaneous Controlled Waste" means a material, substance or object that the Manager considers to be an environmental or health and safety hazard and should be Disposed of as Controlled Waste but excludes Hazardous Waste under the Hazardous Waste Regulation.

~~"**Non-EPR**" means a material that is not in the specific form or category set out in the Extended Producer Responsibility Product list in Schedule "G". *(Bylaw 3917)*~~

~~"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories; calendars; postcards; shredded paper; paperback and hardcover books; but excluding waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable.~~

"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories; calendars; postcards; shredded paper; cardboard storage boxes; cardboard storage; cardboard moving boxes; paper gift boxes; paper bags; paper lunch bags; paper pinata; paper gift bags; paper part hat; paper party décor; but excluding paperback and hardcover books; waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable. *(Bylaw 4497)*

"**Non-EPR**" means a material that is not in the specific form or category set out in the Extended Producer

Responsibility Product list in Schedule "G".
(Bylaw 3917)

"Non-EPR Rigid Plastics" means rigid plastic items, such as children's toys, lawn chairs, and car seats that are not an Extended Producer Responsibility Product.

(Bylaw 4497)

"**Noxious Weeds**" means weeds designated within the Provincial and Regional Noxious Weeds Lists of the Weed Control Regulation.

"Out-of-Region Waste" means municipal solid waste that is originating from outside the boundaries of the Capital Regional District but is not International Waste.

(Bylaw 4497)

"**PCB**" means any monochlorinated, dichlorinated or polychlorinated biphenyl or any mixture that contains one or more of these.

"Printed Paper and Packaging" means the materials listed in Schedule "G" of this Bylaw under the heading **Printed Paper and Packaging originating from residential premises**.

(Bylaw 3917)

"**Prohibited Waste**" means a gaseous, liquid, or solid material, substance or object as listed in Schedule "D".

"**Propane Tank**" means a refillable or non-refillable metal container rated at a capacity of less than 46 kg (100 lbs.) which is used to contain flammable hydrocarbon gases used as fuel.

"**Public Drop Off Area**" means that area of the Disposal Site containing Designated Locations for the Disposal of Small Loads of Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, Weeds, or Household Hazardous Waste.

"Pumpings" means liquid and semi-solid materials collected by a vactor truck or pump and transported by vactor truck, tanker truck or other container to the Disposal Site.

"**Radioactive Waste**" means waste containing a prescribed substance as defined in the *Atomic Energy Control Act* (Canada) in sufficient quantity or concentration to require a licence for possession or use under that Act and regulations made under that Act.

"**Reactive**" means a gaseous, liquid or solid material, substance or object which is:

(a) explosive, oxidizing or so unstable that it readily undergoes violent change in the presence of air or water;
(b) generates toxic gases, vapours, or fumes by itself or when mixed with water; or
(c) polymerized in whole or in part by chemical action and causes damage by generating heat or increasing in volume,

and as defined in the Hazardous Waste Regulation.

"**Recyclable Material**" means Solid Waste that has been sorted by material, substance or object and that satisfies at least one of the following criteria:

(a) is organic material from residential, commercial, or institutional sources and is capable of being composted, at a site;
(b) is Marketable;
(c) is being used in the manufacture of a product that has an established market or is being processed as an intermediate stage of an existing manufacturing process; or
(d) has been identified as a Recyclable Material in the solid waste management plan,

and includes Mandatory Recyclable Material and Voluntary Recyclable Material.

"**Recycling Regulation**" means the Recycling Waste Regulation BC 449/2004 enacted under the *Environmental Management Act*.

"**Refuse**" means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Prohibited Waste, Kitchen Scraps, Hazardous Waste, Mandatory Recyclable Materials and Extended Producer Responsibility Products.

(Bylaw 3917)

"**Regional Board**" means the Board of the Capital Regional District.

"**Residential Premises**" includes houses, apartments, condominiums, townhomes, and other premises in which persons reside but does not include institutional or commercial accommodations.

(Bylaw 3917)

"**Rubble**" means gravel, brick, Concrete block, refractory material, road asphalt or rock, or a combination of any or all of these.

(Bylaw 3917)

"Salvaged Wood Waste" means Clean Wood Waste:

1) that is dimensional lumber greater than 4 feet in length; and
2) that may or may not contain nails.

(Bylaw 4497)

"**Scrap Metal**" means ferrous and non-ferrous metallic materials, including, but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, garbage cans, metal furniture, tire rims.

"**Screenings**" means the material and debris captured by screens used in the treatment or processing of sewage or septage.

"**Sharps**" means needles and syringes, from domestic sources.

"**Site Regulations**" means regulations set out in Schedule "B" that regulate the conduct of a person using the Disposal Site.

"Small Appliances" means small electronic or electrical appliances as defined in the Recycling Regulation.

"**Small Load**" means Solid Waste to be Disposed of at the Disposal Site brought onto the Disposal Site in a Vehicle which, with the Solid Waste, has a gross vehicle weight of no more than 5,500 kgs.

"**Solid Waste**" means Refuse, Voluntary Recyclable Materials, Mandatory Recyclable Materials, Extended Producer Responsibility Products, Weeds, Kitchen Scraps, Hazardous Waste as permitted in this bylaw and Controlled Waste, but excludes Prohibited Waste. *(Bylaw 3917)*

"**Soot and Ash**" means black carbonaceous residue of wood, coal, oil and other fossil fuels originating in chimney linings, boilers, furnaces and other burners, residuals from burning fossil fuels, and includes material collected from duct cleaning and chimney cleaning.

"**Source-separated**" means materials, substances or objects that are separated by means of a barrier or containers into separate distinguishable accumulations of the same kind of materials, substances, or objects.

"Specified Risk Material" means any waste containing the Specified Risk Material as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages.

"**Stumps and Branches**" means wood material, substances or objects which have not been processed or manufactured and includes stumps, tree trunks and branches greater than 75 mm (3 in.) in diameter.

"Surface Coating Waste" means stucco, plaster, brick, or other unconsolidated or similar material coated with lead based paint that may present a respiratory hazard due to the presence of lead particulate and also includes paint chips, hull coatings and spent sandblast media generated from scraping, power washing or sandblasting from, but not limited to, ships, boats, cars, buildings, bridges and storage tanks. *(Bylaw 4100)*

"**Tires**" means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of less than 42 centimetres.

"Treated Wood and Wood Products" means engineered wood products or pressure treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners. *(Bylaw 4497)*

"**Treasurer**" means the Director of Finance of the Capital Regional District or her or his authorized agent.

~~**"Uncontaminated Demolition Waste"** means material that results from the demolition of all or part of a building that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Product.~~ ~~*(Bylaw 4100)*~~

"Uncontaminated Demolition Waste" means material that results from the demolition of all or part of a building or a structure that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility Product. *(Bylaw 4497)*

"**Unmarketable**" means Recyclable Materials which cannot be Disposed of through an existing Capital Regional District recycling program or a commercial market due to contamination.

"Unsorted Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste but may contain Wood Waste, Asphalt Shingles, and Carpet and Underlay. *(Bylaw 4497)*

"**Used Oil Filter**" means a spent cylindrical metal container housing a filter element which is used on a motor vehicle to remove impurities from its engine lubricating oil.

"**Vehicle**" means a Vehicle, as defined in the *Motor Vehicle Act,* R.S.B.C. 1996, c.318.

"Vehicle Washing Facility Waste" means Pumpings from sumps which collect effluent from vehicle washing facilities, but not from facilities used for maintenance or lubrication or automobile components or where solvents or sand blasting are employed for removal of paint, grease or oil.

"Vermiculite Insulation" means a mineral which expands greatly when heated and creates pockets of air that was used as an insulation material. *(Bylaw 4100)*

"**Visitor**" means a person who arrives at the Disposal Site for purposes other than to Dispose of Solid Waste.

"Voluntary Recyclable Material" means a Recyclable Material Listed in Schedule "F".

"**Waste Asbestos**" means waste containing friable asbestos fibres or asbestos dust and as defined in the Hazardous Waste Regulation and includes Asbestos Cement.

"Waste Sludge" means the residual material resulting from chemical treatment, coagulation, flocculation, sedimentation, floatation or biological treatment of wastewater.

"Weed Control Regulation" means the *Weed Control Regulation* BC Reg 66/85 under the *Weed Control Act*.

"**Weeds**" means Invasive Species Plants and Noxious Weeds as defined in this bylaw and other plants with similar properties but excludes Knotweed.
"White Goods" means appliances such as refrigerators, stoves, freezers, metal dishwashers, water coolers and air conditioners.

"**Yard and Garden Material**" means organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 mm (3 inches) in diameter, but does not include:

(a) Invasive Species Plants
(b) Noxious Weeds
(c) plants or growing media that may have been identified by the Canadian Food Inspection Agency from time to time as infectious or potentially infectious and of which notice has been sent to the Capital Regional District or publicized by the Canadian Food Inspection Agency; or
(d) plant or tree material in municipal street sweepings.

SECTION 2 - CONDITIONS

2.1 No person shall Dispose of Solid Waste at the Disposal Site except in accordance with this Bylaw and the Site Regulations.

2.2 All persons attending the Disposal Site shall act in accordance with this Bylaw and Site Regulations.

2.3 No person shall Dispose of Solid Waste at the Disposal Site which originated outside the Capital Regional District.

2.4 Despite section 2.3, a person may Dispose of Solid Waste at the Disposal Site which originates outside the Capital Regional District if it is Waste Asbestos or Contaminated Gypsum Board or Wallboard.

2.5 Subject to 2.6 and 2.7, no person shall dispose of Prohibited Waste at the Disposal Site.

2.6 Despite section 2.5 and 2.8, a person may dispose of Asbestos Containing Material in accordance with Section 2.11, and Contaminated Gypsum Board or Wallboard, liquids, Sharps, or Vermiculite Insulation as Controlled Waste in accordance with section 2.12.

(Bylaw 4100)

2.7 Despite section 2.5, a person may dispose of light ballasts that may contain PCB as an Extended Producer Responsibility Product in accordance with section 2.20.

2.8 Subject to sections 2.9, 2.10, and 2.11, no person shall dispose of a Hazardous Waste at the Disposal Site.

2.9 Despite section 2.8, a person may Dispose of Household Hazardous Waste at a Designated Location in the Public Drop Off Area if it is:

(a) a Small Load; and
(b) Source-separated.

2.10 Despite section 2.8, a person may Dispose of an Extended Producer Responsibility Product listed in Schedule "G" that is a Hazardous Waste at a Designated Location in the Public Drop Off Area if it is:

(a) a Small Load; and
(b) Source-separated.

2.11 Despite section 2.8, a person may Dispose of Asbestos Containing Material at a Designated Location provided that:

(a) The disposal of Waste Asbestos is manifested as required by the British Columbia Ministry of Environment and Transport Canada;
(b) the Disposal is in accordance with the Occupational Health and Safety Regulation BC Reg 296/97 enacted pursuant to the Workers Compensation Act;
(c) the Disposal of Waste Asbestos is in accordance with the Hazardous Waste Regulation.
(d) the Disposal of Waste Asbestos is in accordance with the Transportation of Dangerous Goods Regulation.
(e) documentation has been submitted upon request of the Manager to confirm the presence of Asbestos Containing Material in the load.
(f) an appointment for Disposal is made with Capital Regional District staff a minimum of twenty-four (24) hours prior to Disposal, regular appointment hours for Asbestos Containing Material are Monday to Friday 9 a.m. to 2:30 p.m. excluding statutory holidays.

(Bylaw 4100)

2.12 No person shall Dispose of a Controlled Waste at the Disposal Site other than at a Designated Location and provided that:

(a) the person who is to Dispose of the Controlled Waste has made an application to the Manager for permission:
  (i) on a Controlled Waste permit application form provided by the Manager; and
  (ii) the application is received a minimum of 30 days prior to the requested Disposal date
(b) the Manager has issued a Controlled Waste permit for the waste including any terms and conditions of Disposal;
(c) the Controlled Waste has been inspected and accepted by designated Capital Regional District staff prior to being Disposed of;
(d) the Controlled Waste is one type and from no more than one source unless the Manager gives written permission otherwise in the Controlled Waste permit;
(e) an appointment for Disposal is made with Capital Regional District staff a minimum of twenty-four (24) hours prior to Disposal of Controlled Waste, regular controlled waste appointment hours are Monday to Friday 9 a.m. to 2:30 p.m. excluding statutory holidays;
(f) the person who is to Dispose of the Controlled Waste has submitted a Declaration By Waste Carrier form provided by the Manager prior to Disposal;
(g) if the terms and conditions of the Controlled Waste permit are not met, or the Declaration By Waste Carrier form is not complete, Capital Regional District staff may refuse to allow Disposal;
(h) the Controlled Waste is not Marketable;
(i) the Disposal is conducted so as to minimize health and safety risks associated with the Disposal of the Controlled Waste; and
(j) the amount of Controlled Waste does not exceed the operational capacity of the Disposal Site including, without limitation, the Disposal is consistent with the provisions of the Solid Waste Management Plan or Operating Plan as amended from time to time.

2.13 Despite subsection 2.12(a)(ii) and 2.12(e), in cases of an emergency or hardship the Manager may permit the Disposal of Controlled Waste before the 30 day application period expires and

without a minimum of twenty-four (24) hours' notice and outside regular appointment hours.

2.14 No person shall dispose of Mandatory Recyclable Material at the Active Face.

2.15 No person shall Dispose of Mandatory Recyclable Material at the Disposal Site other than at a Designated Location in the Public Drop Off Area provided that it is:

(a) a Small Load; and
(b) Source-separated.

2.16 A person may Dispose of Voluntary Recyclable Material at the Active Face as Refuse or at the Disposal Site at a Designated Location in the Public Drop Off Area provided that it is:

(a) a Small Load; and
(b) Source-separated.

(Bylaw 3917)

2.17 A person may Dispose of Weeds at the Active Face provided they are:

(a) Source-separated; or
(b) if not Source-separated, as refuse.

2.18 A person may Dispose of Weeds at a Designated Location in the Public Drop Off Area provided they are in:

(a) a Small Load and Source-separated; or
(b) if not Source-separated, as refuse.

2.19 No person shall Dispose of an Extended Producer Responsibility Product at the Active Face.

2.20 No person shall Dispose of an Extended Producer Responsibility Product other than those listed in Schedule "G" and other than at a Designated Location in the Public Drop Off Area provided that it: *(Bylaw 3917)*

(a) is a Small Load; and
(b) is Source-separated.

2.21 No Commercial Hauler shall Dispose of Household Hazardous Waste at the Disposal Site.

2.22 No person shall dispose of Household Hazardous Waste at the Active Face.

2.23 No person shall Dispose of Household Hazardous Waste at the Disposal Site except at a Designated Location in the Public Drop Off Area and provided that it is:

(a) a Small Load; and
(b) Source-separated.

2.24 A person may Dispose of Refuse at the Active Face or in Small Loads at a Designated Location in the Public Drop Off Area.

2.25 No person shall Deposit Contaminated Demolition Waste at the Disposal Site.

2.26 No person shall Deposit Uncontaminated Demolition Waste at the Disposal Site other than:

(a) as a Controlled Waste in accordance section 2.12 and provided that it is a Commercial Load; or,
(b) at the Public Drop Off Area and provided it is a Small Load and Source-separated.

2.27 Effective January 1, 2015, no person shall deposit Kitchen Scraps at the Disposal Site except at the Kitchen Scraps Transfer Station and provided that they are Source-separated.

(Bylaw 3917)

2.28 No person shall deposit Solid Waste at the Disposal Site that is not Source- separated when this Bylaw requires that it be Source-separated.

(Bylaw 3917)

2.29 No person shall Deposit Vermiculite Insulation at the Disposal Site other than as a Controlled Waste in accordance with Section 2.12.

(Bylaw 4100)

SECTION 3 - FEES

3.1 Every person depositing Solid Waste at the Disposal Site shall pay to the Capital Regional District the applicable fees in the amounts, and in accordance with the terms and conditions set out in Schedules "C", and "E".

3.2 Where a fee is not paid within the time specified in Schedule "C" for its payment, the person liable to pay such fee shall:

(a) pay interest on the fee at the rate set out in Schedule "C" from the date the fee was due to the date of payment; and
(b) not Dispose of any Solid Waste on or at the Disposal Site until such fee with interest owing has been paid in full.

SECTION 4 - VIOLATIONS & PENALTIES

4.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than $2,000, the costs of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act* (British Columbia). Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

4.2 The penalties imposed under Section 4.1 shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law, or regulation.

SECTION 5 - SEVERANCE

5.1 If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court in competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

5.2 Schedules "A," "B," "C," "D","E", "F" and "G" are attached to and form part of this Bylaw.

SECTION 6 - REPEAL

6.1 Hartland Tipping Fee and Regulation Bylaw No. 5, 2003 is hereby repealed except insofar as it repeals any other bylaw.

SECTION 7 - TITLE

7.1 This Bylaw may be cited as "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023".

READ A FIRST TIME THIS	13th	DAY OF	March	2013
READ A SECOND TIME THIS	13th	DAY OF	March	2013
READ A THIRD TIME THIS	13th	DAY OF	March	2013
ADOPTED THIS	10th	DAY OF	April	2013

Original signed by Alastair Bryson
CHAIR

Original signed by Sonia Santarossa
CORPORATE OFFICER

SCHEDULE "A"

DISPOSAL SITE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

DISPOSAL SITE means the Hartland Landfill site, more particularly described as:

PID: 023-851-457
Lot 1, Sections 54, 55 and 65, Highland District, Plan VIP64898

SCHEDULE "B"

SITE REGULATIONS

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

PURPOSE:

To ensure a safe and orderly environment for the staff and public at the Disposal Site.

POLICY:

These Site Regulations shall be observed by a person while on the Disposal Site.

REGULATIONS:

1. **VEHICLES**

1.1 Capital Regional District staff may refuse to allow a Vehicle to enter the Disposal Site or require a Vehicle to leave the Disposal Site if:

(a) the Vehicle's Load exceeds the permitted weight limits set out in the regulations passed pursuant to the *Motor Vehicle Act*, or the *Commercial Transport Act*; or
(b) the Vehicle is noisy due to improper or poor muffling and braking systems; or
(c) the Load is poorly secured so as to be noisy or dangerous.
(d) the Vehicle is in unsafe conditions due to excessive tire wear, broken mirrors, or inadequate door restraint system.
(e) the Vehicle is owned, leased, operated, licensed, utilized, or otherwise associated with a person that is restricted from accessing, has been refused entry to, or has been prohibited re-entry to, the Disposal Site, whether under this bylaw or the *Trespass Act*, RSBC 2018 c 3.

(Bylaw 4497)

2. **LOADS**

2.1 All Loads of Solid Waste entering the Disposal Site shall be covered and secured. A cover shall be a tarpaulin or other overlay that is used to confine the load to the vehicle.

2.2 Despite Section 2.1, the following items are permitted at the disposal site without covers:

(a) stumps - chained on flat bed or within confines of truck box;
(b) Bulky Wastes strapped on flat beds or within confines of truck box.

2.3 A person must ensure that all Loads are ready for Disposal, including being Source-separated, before the Disposal Site closes for the day; otherwise they will not be permitted to Dispose of the Load. *(Bylaw 3917)*

3. DISPOSAL SITE

3.1 No person while driving a Vehicle at the Disposal Site shall drive their Vehicle on any part of the Disposal Site other than on the roads and paved areas designated by the Capital Regional District.

3.2 No person while driving a Vehicle on the Disposal Site shall exceed the speed limits posted at the Disposal Site; or fail to obey posted signs.

3.3 No person delivering Solid Waste to the Disposal Site shall Dispose of Solid Waste except in such a place and in such a manner as directed by the Capital Regional District staff or the landfill contractor.

3.4 All Solid Waste Disposed of at the Disposal Site shall become the property of the Capital Regional District.

3.5 No person shall remove Solid Waste from the Disposal Site except with written approval of the Manager.

3.6 No person shall loiter at the Disposal Site. Vehicles must proceed directly to the Designated Location and then leave the Disposal Site as soon as possible after Disposal.

3.7 No person shall use the wheel wash facility unless their Vehicle was used to attend the active face. No person shall wash out the interior of truck boxes or wash the exterior of a Vehicle other than the wheels and wheel wells at the Wheel Wash Facility.

3.8 No person shall act with conduct that is disorderly or offensive including but not limited to excessive and loud use of offensive language or drunkenness.

3.9 No person shall enter the Disposal Site where the Vehicle Load exceeds the permitted weight limits set out in the regulations passed pursuant to the *Motor Vehicle Act*, or the *Commercial Transport Act*.

3.10 No person shall obstruct, intimidate, interfere, or harass Capital Regional District staff or officers who are performing their duties.

(Bylaw 4497)

3.11 Clean wood, treated wood, salvageable wood, carpet and underlay and asphalt shingles must be source separated prior to arriving to Hartland landfill.

(Bylaw 4497)

3.12 No person shall record audio and/or video or take photographs at the Disposal Site without the permission of the manager.

(Bylaw 4497)

4. SAFETY

4.1 Any person entering the Disposal Site does so at their own risk. The Capital Regional District accepts no responsibility or liability for damage or injury to person or to property.

4.2 Children are not permitted at the Disposal Site except when they are either inside a Vehicle or attending an event or education program supervised by CRD staff.

4.3 Pets or livestock are not permitted at the Disposal Site except when they are inside a Vehicle.

4.4 Smoking is not permitted at the Disposal Site.

4.5 All visitors to the Disposal Site must check in at the site office and complete the appropriate waiver forms.

4.6 Any person delivering Solid Waste to the Disposal Site shall Dispose of the waste in a manner that conforms with WorkSafe BC Board regulations.

4.7 No person shall use electronic devices as defined in the *Motor Vehicle Act* while driving a Vehicle at the Disposal Site except in a manner permitted by the *Motor Vehicle Act*.

4.8 No person shall attend the Active Face without personal protective equipment as required by WorkSafe BC Board regulations including but not limited to steel toed boots and a high visibility vest.

5. GENERAL

5.1 Every person who contravenes these regulations, fails to obey orders or directions given by Capital Regional District staff or fails to comply with the posted notices and signs on the Disposal Site may be refused or prohibited re-entry onto the Disposal Site.

5.2 Where a person has unpaid fines or amounts owing to the Capital Regional District resulting from violation of this bylaw, and any such amounts are outstanding for more than 45 days from the date of conviction or deemed conviction, Capital Regional District staff may refuse access or prohibit re-entry to the Disposal Site until such amounts are paid. Where the person operates a waste disposal, hauling, or other commercial waste generating business or is associated with such a business, this refusal may be extended to those entities or vehicles owned, leased, or operated by those entities, which in the opinion of Capital Regional District staff, are affiliated, associated, controlled, owned-by in part or in whole, conducting business on behalf of, or otherwise related to that person, corporately or by degree of co-sanguinity or family relationship, despite those persons not having unpaid fine amounts, amounts owing, or separate legal personality.

(Bylaw 4497)

5.3 The Manager is authorized to enforce all site rules, regulations, and bylaws at Hartland Landfill. They may also prohibit or restrict a person(s) who contravenes this Bylaw from attending the Hartland Landfill.

(Bylaw 4497)

5.4 A person is entitled to a 25% reduction in monetary penalty resulting from violation of this bylaw if fines or fees are paid within 30 days from issue.

(Bylaw 4497)

~~SCHEDULE "C"~~
~~TIPPING FEES~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~
SCHEDULE "C"

TIPPING FEES

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

(Bylaw 4497)

FEES

1. The fees for depositing solid waste at the Disposal Site are:

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Asbestos Containing Material	As directed by CRD staff	$157		$20
Asphalt Roofing Shingles (effective July 1, 2024)	Public Drop Off Area	$110	$10 bin fee	
Asphalt Roofing Shingles (effective July 1, 2024)	As directed by CRD staff	$110		$10
Bicycle tires and tubes	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Bulky Waste	Active Face	$254		$10
Carpet and Underlay (effective July 1, 2024)	Public Drop off Area	$110	$10 bin fee	
Carpet and Underlay (effective July 1, 2024)	As directed by CRD staff	$110		$10
Clean Renovation and Demolition Waste (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Clean Renovation and Demolition Waste (effective January 1, 2024)	As directed by CRD staff	$150		$10
Clean Wood Waste (effective January 1, 2024)	Public Drop off Area	$80	$10 bin fee	
Clean Wood Waste (effective January 1, 2024)	As directed by CRD staff	$80		$10
Controlled Waste	As directed by CRD staff	As listed in Schedule "E"		$20

Cooking oil and grease	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule "G" (excluding tires on rims)	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule "G" tires on rims	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Hauler Incentive Rates (effective January 1, 2024)		$125		
Hauler Incentive Rates (effective January 1, 2026)		$135		
Household Hazardous Waste	Public Drop Off Area	No fee		No fee
International Low Risk Waste	As directed by CRD staff	$135		
Kitchen Scraps until December 31, 2021	Kitchen Scraps Transfer Station	$120		
Kitchen Scraps effective January 1, 2022	Kitchen Scraps Transfer Station	$140		
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Public Drop Off Area	$300	$10 bin fee	
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Active Face	$300		$20

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Mattresses and boxsprings	Public Drop Off Area	$110	$10 bin fee	
Propane tanks and fire extinguishers	Public Drop Off Area	No fee		No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by non-commercial hauler)	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by Commercial Hauler)	Public Drop Off Area	No fee	$26 recycling area entry fee	No fee
Refuse (effective January 1, 2024)	Active Face	$150		$10
Refuse (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Salvaged Wood Waste	As directed by CRD staff	No Fee		No fee
Scrap Metal	Public Drop Off Area	No fee	No fee	
Stumps and Branches	As directed by CRD staff	$110		$10
Treated Wood and Wood Products (effective July 1, 2024)	As directed by CRD staff	$110	$10 bin fee	
Waste Asbestos which originates outside the CRD	As directed by CRD staff	$500		$20
Weeds (Source separated)	Active Face	$59		$10
Weeds (not Source –separated in Refuse)	Active Face	$150		$10
Weeds (not Source –separated in Refuse)	Public Drop Off Area	$150	$10 bin fee	
Weeds (Source separated)	Public Drop Off Area	$59		$10
Yard and Garden Materials	As directed by CRD staff	$59		$10
Uncovered or unsecured loads	All fees applicable to the Load are doubled			

GENERAL

2. Per tonne fees are based on weight as measured on the scale, based on the difference in weight between the loaded weight and the weight of the empty Vehicle.

3. Where a dollar amount per tonne is indicated, it is to be interpreted as allowing a proportionate fee for a portion of a tonne in 10 kg increments.

4. All fees shall be rounded up or down to the nearest quarter of a dollar.

5. In the event that the weigh scales provided at the Disposal Site are not operational, or in the event of traffic congestion, or at the discretion of the Manger, weights shall be as estimated based on volume by the Manager or Capital Regional District staff.

6. If a person disposes a Load containing Source-separated Recyclable Materials, Extended Producer Responsibility Products, Yard and Garden Material, Household Hazardous Waste, or other Refuse at the Public Drop Off Area and chooses not to weigh out after disposal of each class of material, they are subject to pay a tipping fee for Refuse for the entire Load.

7. All fees payable under this Bylaw shall be paid to the Capital Regional District in cash, by cheque, debit, or credit card at the time the disposal is made.

8. Notwithstanding Section 7, any person disposing Solid Waste, except Recyclable Materials, at the Disposal Site on a regular basis may apply to the Capital Regional District for credit, and, if the treasurer is satisfied of the credit worthiness of the person, he or she may grant credit to the person, in which case payment of the fee imposed under Section 1 shall be made and the credit extended on the following conditions.

   (a) the person receiving credit shall pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The Capital Regional District will invoice monthly for Solid Waste disposed during the preceding month. The invoice amount will be based on the total quantity of Solid Waste delivered during the month and the posted disposal rates in effect at the time of delivery;

   (b) late payment(s) will be subject to an interest penalty fee of 1.5% per month;

   (c) the Capital Regional District reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment, or other justified cause as judged solely by the treasurer;

   (d) if the person receiving credit fails to pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month in which an invoice has been issued, the Capital Regional District may withhold monies equivalent to those fees, plus interest, that are owed by the Capital Regional District to the person receiving credit under a separate contract, agreement, or offer between the Capital Regional District and the person receiving credit; and

   (e) the Capital Regional District reserves the right to refuse access to the Disposal Site to a person receiving credit until outstanding fees are paid.

~~SCHEDULE "D"~~

~~(Bylaw 4100)~~

~~PROHIBITED WASTE~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~

~~Prohibited Waste~~
~~Aggregate~~
~~Asbestos Containing Material, except as permitted in this bylaw~~
~~Asphalt and Rubble~~
~~Biomedical Waste~~
~~Clean Soil~~
~~Concrete~~
~~Contaminated Demolition Waste~~
~~Gypsum Board or Wallboard, except as permitted in this bylaw~~
~~Ignitable Waste~~
~~Kitchen Scraps, except as permitted in this Bylaw~~
~~Liquids, except as permitted in this Bylaw~~
~~Motor vehicle bodies and farm implements~~
~~Radioactive Waste~~
~~Reactive wastes~~
~~Sharps, except as permitted in this Bylaw~~
~~Specified Risk Material~~
~~Vermiculite Insulation, except as permitted in this Bylaw~~
~~Waste that is on fire or smouldering~~
~~Waste containing PCBs, except as permitted in this bylaw~~

SCHEDULE "D"

(Bylaw 4497)

PROHIBITED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Prohibited Waste
Aggregate
Asphalt Roofing Shingles, except as permitted in this Bylaw
Asbestos Containing Material, except as permitted in this bylaw
Asphalt and Rubble
Biomedical Waste
Carpet and Underlay, except as permitted in this Bylaw
Clean Soil
Concrete
Contaminated Demolition Waste
Gypsum Board or Wallboard, except as permitted in this bylaw
Ignitable Waste

Kitchen Scraps, except as permitted in this Bylaw
Liquids, except as permitted in this Bylaw
Motor vehicle bodies and farm implements
Radioactive Waste
Reactive wastes
Sharps, except as permitted in this Bylaw
Specified Risk Material
Vermiculite Insulation, except as permitted in this Bylaw
Waste that is on fire or smouldering
Waste containing PCBs, except as permitted in this bylaw
Wood Waste, except as permitted in this Bylaw

SCHEDULE "E"

CONTROLLED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

(Bylaw 4497)

The fees for disposing of Controlled Waste in the Disposal Site are:

Controlled Waste	Disposal Fee
Animal Fecal Waste	$157 per tonne
Catch Basin Waste	$157 per tonne
Commercial Load of Uncontaminated Demolition Waste	$110 per tonne
Condemned or Spoiled Foods	$157 per tonne
Contaminated Gypsum Board or Wallboard	$311 per tonne
Contaminated Gypsum Board or Wallboard originating outside the CRD effective January 1, 2017	$500 per tonne
Contaminated Soil	$157 per tonne
Dead Animal	$254 per tonne
Fibre Optic Cable	$157 per tonne
Food Processing Wastes	$157 per tonne
Health Hazard Waste	$157 per tonne
International High Risk Cruise Ship Waste	$500 per tonne
Knotweed	$59 per tonne
Miscellaneous Controlled Waste	$157 per tonne
Pumpings from septage treatment facilities containing residual sludge	$157 per tonne
Pumpings from sewage treatment plants, pump stations and sewer lines	$157per tonne
Screenings from sewage treatment plants, septage treatment facilities and pump stations	$157 per tonne
Sharps	$254 per tonne
Slurries which may contain non-hazardous solids, soil, sand, gravel, fibres, fats, oils and grease or mineral oil and grease	$157 per tonne
Soot and Ash	$157 per tonne
Spent charcoal from water purification plants and odour filters	$157 per tonne
Surface Coating Waste	$157 per tonne
Vehicle Washing Facility Waste	$157 per tonne
Vermiculite Insulation	$157 per tonne
Waste Sludge from sewage treatment plants containing no more than 80% total moisture	$121 per tonne

~~SCHEDULE "F"~~

~~(Bylaw 3917)~~

~~RECYCLABLE MATERIALS~~
~~RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION~~
~~AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~
~~SCHEDULE "F"~~

(Bylaw 4497)

RECYCLABLE MATERIALS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION
AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Mandatory Recyclable Material
EPR Products
Clean Wood Waste (Effective January 1, 2024)
Asphalt Roofing Shingles (Effective July 1, 2024)
Carpet and Underlay (Effective July 1, 2024)
Treated Wood and Wood Products (Effective July 1, 2024)
Salvaged Wood Waste (Effective July 1, 2024)
Non-EPR Corrugated Cardboard
Propane Tanks and fire extinguishers
White Goods
Non-EPR Mixed Paper
Scrap Metal
Yard and Garden Material
Voluntary Recyclable Material
Books (textbooks, novels, soft and hardcover books)
Non-EPR Film plastic
Non-EPR Glass containers
Large rigid plastics
Mattresses and boxsprings
Rigid plastic containers
Non-EPR Polystyrene
Non-EPR Polycoated containers
Bicycle tubes and tires

~~SCHEDULE "G"~~

~~(Bylaw 3917)~~

~~EXTENDED PRODUCER RESPONSIBILITY PRODUCTS~~
~~RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION~~
~~AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~
~~SCHEDULE "G"~~

(Bylaw 4497)

EXTENDED PRODUCER RESPONSIBILITY PRODUCTS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION
AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Product Category	Materials Accepted at Hartland
Beverage container	• ready-to-serve beverage containers made of aluminium, glass, paper, plastic and/or steel
Solvent and flammable liquids,	• flammables,
Gasoline, Pesticide,	• gasoline and pesticides
Lubricating oil, oil filter, Paint product, Lead acid battery, antifreeze	• lubricating oil and empty oil containers • used oil filters • paint • lead acid batteries • antifreeze
Electronic and electrical	• display products and accessories (TV, monitor, remote) • desktop computers and accessories (CPU, keyboard, mouse, cable) • portable computers and accessories (laptop, netbook, tablet) • printing, scanning and multifunction devices (printer, fax machine, scanner) • audio products and accessories (radio, record player/stereo, walkie talkie, MP3, earphones) • video products and accessories (camera, video console, VCR/DVD/PVR) • video gaming systems and accessories (game console, controller, joystick, cable) • non-cellular telephones and answering machines • aftermarket vehicle audio and video systems (speaker, vehicle display, GPS) • electronic musical instruments (guitar, drum set, keyboard) • IT and Telecom devices (router, Ethernet switch, telecom bridge, cash register

	• medical monitoring and control devices (thermometer, blood pressure device, stethoscope, microscope) • small appliances and power tools (kitchen countertop, personal care, floor cleaning, weight measurement, garment care, air treatment, time measurement, sports and leisure, power tools, sewing and textile, exercise machines) • residential lights (fluorescent tubes and bulbs (CFLs), halogen and incandescent lamps, light emitting diode (LED) lamps, light ballasts (that may contain PCB), High Intensity Discharge (HID) and other mercury containing lamps) • residential light fixtures and products (bike lights, ceiling fixtures, chandeliers, flashlights, floor lamps, light strings, outdoor fixtures, recessed/pot lights) • batteries for use in electronic and electrical products listed in this section including primary and rechargeable batteries
Tire	• automotive tires (unrimmed)
Printed Paper and Packaging from Residential Premises but not from **Industrial Commercial Institutional** operations	• Cardboard storage box • Cardboard storage • Cardboard moving boxes • Paper gift boxes • Paper bag • Paper lunch bag • Paper pinata • Paper gift bag • Paper party hat • Paper party décor • Newspapers • Newspaper Inserts • Magazines • Catalogues • Telephone Directories • Other Printed Media • Residential Printed Paper • Miscellaneous Printed Paper • Old Corrugated Cardboard • Paper cup (hot) (Polycoated liner) • Paper Cup (hot) (biodegradable liner) • Paper Cup (cold) (waxed) • Paper Cup (cold) (2-sided Polycoated) • Polycoated Milk Cartons • Aseptic Containers • Multi-laminated Paper Packaging • Old Boxboard (OBB) • Wet Strength Boxboard • Moulded Pulp • Kraft Papers • Polycoated Boxboard • High-density polyethylene Films • Low-density polyethylene / Linear Low-density polyethylene Films

	• Polystyrene Clamshells Expanded polystyrene • Polystyrene Trays/Plates Expanded polystyrene • Polystyrene Meat Trays Expanded polystyrene • Polystyrene Hot Drink Cups Expanded polystyrene • Polystyrene Cushion Packaging Expanded polystyrene • Polyethylene terephthalate Bottles (non-beverage) • Polyethylene terephthalate Jars • Polyethylene terephthalate Clamshells • Polyethylene terephthalate Trays • Polyethylene terephthalate Tubs & Lids • Polyethylene terephthalate Cold Drink Cups • High-density polyethylene Bottles (non-beverage) • High-density polyethylene Jars • High-density polyethylene Pails • High-density polyethylene Trays • High-density polyethylene Tubs & Lids • High-density polyethylene Planter Pots • Polyvinyl chloride Bottles • Polyvinyl chloride Jars • Polyvinyl chloride Trays • Polyvinyl chloride Tubs & Lids • Low-density polyethylene Bottles (non-Beverage) • Low-density polyethylene Jars • Low-density polyethylene Tubs & Jars • Polypropylene Bottles (non-beverage) • Polypropylene Jars • Polypropylene Clamshells • Polypropylene Trays • Polypropylene Tubs & Lids • Polypropylene Cold Drink Cups • Polypropylene Planter Pots • Polystyrene Bottles (non-beverage) • Polystyrene Clamshells (rigid) • Polystyrene Trays (rigid) • Polystyrene Tubs & Lids (rigid) • Polystyrene Tubs & Lids (high impact) • Polystyrene Cold Drink Cups (rigid) • Polystyrene Planter Pots • Other1 Plastic Bottles (non-beverage) • Other Plastic Jars • Other Plastic Clamshells • Other Plastic Trays • Other Plastic Tubs & Lids • Other Plastic Cold Drink • Other Plastic Planter Pots

[1] 'Other' plastic packaging is typically: manufactured from a combination of recycled resins; manufactured with a barrier layer; or, lacking a resin code mark.

	• Steel Cans (non-beverage) • Steel Aerosol Cans • Spiral Would Cans (steel ends) • Aluminum Cans (non-beverage) • Aluminum Aerosol Cans • Aluminum Foil and Foil Containers • Bimetal Containers/Aerosols • Clear Glass Bottles and Jars (non-beverage) • Coloured Glass Bottles and Jars (non-beverage)

SCHEDULE 19 TO BYLAW NO. 1857

(Bylaw 2163, 2281, 2359, 3140, 3899, 4003, 4567)

HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

	WORDS OR EXPRESSIONS DESIGNATING OFFENCE	SECTION	FINE
1.	Disobey Site Regulations.	2.1	$100.00
2.	Fail to follow Site Regulations	2.2	$100.00
3.	Non-district waste	2.3	$100.00
4.	Deposit Prohibited waste	2.5	$200.00
5.	Deposit Hazardous waste	2.8	$100.00
6.	Improper disposal asbestos	2.11	$200.00
7.	Deposit controlled waste	2.12 (a to j)	$300.00
8.	Deposit recyclable material	2.14	$100.00
9.	Improper deposit mandatory recyclable	2.15	$50.00
10.	Improper deposit voluntary recyclable	2.16	$50.00
11.	Improper deposit weeds	2.18	$50.00
12.	Deposit EPR material	2.19	$200.00
13.	Improper deposit EPR material	2.20	$50.00
14.	Deposit HHW by commercial hauler	2.21	$200.00
15.	Deposit HHW	2.22	$100.00
16.	Improper deposit of HHW	2.23	$50.00
17.	Deposit contaminated demo waste	2.25	$200.00
18.	Improper deposit demo waste	2.26	$100.00
19.	Improper deposit kitchen scraps	2.27	$200.00
20.	Fail to source separate solid waste	2.28	$100.00
21.	Fail to pay fee	3.1	$300.00
22.	Deposit while charge unpaid	3.2 (b)	$100.00
23.	Uncovered/unsecured load	Sch. B, Reg. 2.1	$100.00
24.	Load not ready for disposal	Sch. B, Reg. 2.3	$100.00

~~25.~~	~~Drive off designated roads~~	~~Sch. B, Reg. 3.1~~	~~$100.00~~	
~~26.~~	~~Fail to obey signs~~	~~Sch. B, Reg. 3.2~~	~~$100.00~~	
~~27.~~	~~Fail to follow directions~~	~~Sch. B, Reg. 3.3~~	~~$100.00~~	
~~28.~~	~~Scavenging~~	~~Sch. B, Reg. 3.5~~	~~$100.00~~	
~~29.~~	~~Loitering on site~~	~~Sch. B, Reg. 3.6~~	~~$100.00~~	
~~30.~~	~~Vehicle washing~~	~~Sch. B, Reg. 3.7~~	~~$100.00~~	
~~31.~~	~~Disorderly conduct~~	~~Sch. B, Reg. 3.8~~	~~$100.00~~	
~~32.~~	~~Overweight vehicle~~	~~Sch. B, Reg. 3.9~~	~~$100.00~~	
~~33.~~	~~Children at site~~	~~Sch. B, Reg. 4.2~~	~~$50.00~~	
~~34.~~	~~Pets at site~~	~~Sch. B, Reg. 4.3~~	~~$50.00~~	
~~35.~~	~~Smoking at disposal site~~	~~Sch. B, Reg. 4.4~~	~~$100.00~~	
~~36.~~	~~Use electronic device while driving~~	~~Sch. B, Reg. 4.7~~	~~$100.00~~	
~~37.~~	~~No protective equipment~~	~~Sch. B, Reg. 4.8~~	~~$50.00~~	

	WORDS OR EXPRESSIONS DESIGNATING OFFENCE	SECTION	FINE	EARLY PAYMENT*
1.	Disobey Site Regulations	2.1	$100.00	
2.	Fail to follow Site Regulations	2.2	$100.00	
3.	Non-district waste	2.3	$500.00	$375.00
4.	Deposit Prohibited waste	2.5	$200.00	
5.	Deposit Hazardous waste	2.8	$100.00	
6.	Improper disposal asbestos	2.11	$200.00	
7.	Deposit controlled waste	2.12	$300.00	
8.	Deposit recyclable material	2.14	$500.00	$375.00
9.	Improper deposit mandatory recyclable	2.15	$200.00	$150.00
10.	Improper deposit voluntary recyclable	2.16	$200.00	$150.00
11.	Improper deposit weeds	2.18	$50.00	
12.	Deposit EPR material	2.19	$200.00	
13.	Improper deposit EPR material	2.20	$200.00	$150.00
14.	Deposit HHW by commercial hauler	2.21	$200.00	
15.	Deposit HHW	2.22	$100.00	

16.	Improper deposit of HHW	2.23	$50.00	
17.	Deposit Contaminated Demo Waste	2.25	$300.00	$225.00
18.	Improper Deposit Sorted Demo Waste	2.26	$200.00	$150.00
19.	Improper deposit kitchen scraps	2.27	$200.00	
20.	Fail to source separate solid waste	2.28	$500.00	$375.00
21.	Fail to pay fee	3.1	$300.00	
22.	Deposit while charge unpaid	3.2 (b)	$100.00	
23.	Uncovered/unsecured load	Sch. B, Reg. 2.1	$100.00	
24.	Load not ready for disposal	Sch. B, Reg. 2.3	$100.00	
25.	Drive off designated roads	Sch. B, Reg. 3.1	$100.00	
26.	Fail to obey signs	Sch. B, Reg. 3.2	$100.00	
27.	Fail to follow directions	Sch. B, Reg. 3.3	$100.00	
28.	Scavenging	Sch. B, Reg. 3.5	$100.00	
29.	Loitering on site	Sch. B, Reg. 3.6	$100.00	
30.	Vehicle washing	Sch. B, Reg. 3.7	$100.00	
31.	Disorderly conduct	Sch. B, Reg. 3.8	$100.00	
32.	Overweight vehicle	Sch. B, Reg. 3.9	$100.00	
33.	Children at site	Sch. B, Reg. 4.2	$50.00	
34.	Pets at site	Sch. B, Reg. 4.3	$50.00	
35.	Smoking at disposal site	Sch. B, Reg. 4.4	$100.00	
36.	Use electronic device while driving	Sch. B, Reg. 4.7	$100.00	
37.	No protective equipment	Sch. B, Reg. 4.8	$50.00	
38.	Unauthorized videotaping or photography on site	Sch. B. Reg 3.12	$100.00	

*Early Payment: Fine if Paid on or Before the 30th day from the date on which the ticket is served.

Material Stream Diversion, Policy Changes and Bylaw Updates

Environmental Services Committee

November 15, 2023

Phase 1 – January 1, 2024

Active Face Material Bans (Banned from General Refuse)	Tipping Fee Changes	Fines and Bylaw Enforcement*
• Clean wood	• General refuse will increase to $150/tonne • Hauler incentive rate of $125/tonne for general refuse will be introduced • Clean wood will be accepted at $80/tonne • The international high-risk cruise ship waste will increase to $500/tonne	• Fine rates will increase (up to a max of $500) • Bylaw staff will issue warning tickets and focus on education • Introduction of a 25% discount on some fines paid within 30 days

**This has been modified since the original Board direction in May 2023.*

Phase 2 – July 1, 2024

Active Face Material Bans (Banned from General Refuse)	Tipping Fee Changes	Fines and Bylaw Enforcement
• Treated wood • Carpet and underlay • Asphalt shingles	• The following materials will be accepted at $110/tonne: - Treated wood - Carpet and underlay - Asphalt shingles • Salvageable wood will be accepted for free • A new tipping fee of $300/tonne will be introduced for unsorted renovation & demolition materials	• Bylaw staff will increase enforcement

What's Next?

1. Communications Plan

2. Hartland Material Stream Transfer Station
   - Request for Proposals – award Q1 2024
   - Transfer Station development and operation – July 2024

3. Quarterly staff reports to the Environmental Services Committee and Board on the impact of the changes on solid waste tonnages and revenue over time



Thank you

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 Capital Regional District

 CRDVictoria

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CAPITAL REGIONAL DISTRICT
BYLAW NO. 4497

****

A BYLAW TO AMEND BYLAW NO. 3881, HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

****

WHEREAS:

A. Under Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013", the Regional Board established fees and regulations for the operations of the Hartland Landfill; and

B. The Board wishes to amend Bylaw No. 3881 to ensure existing practices relating to enforcement at the Hartland Landfill to ensure public and staff safety and orderly site operations are documented.

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 3881, "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013" is hereby amended as follows:

(a) By inserting into SECTION 1-DEFINITIONS in alphabetical order:

"Asphalt Roofing Shingles" means roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added, but does not include tar and gravel roofing.

"Carpet and underlay" means flooring material made of woven wool, silk, cotton or synthetic fibers and foam padding underlayment where tack stripping material has been removed.

"Clean Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility product.

"Hauler Incentive Rate" means a reduced tipping rate available for private and municipal haulers who conform to the requirements of the hauler incentive program.

"International High Risk Cruise Ship Waste" means any item, material, or load originating from a Cruise Ship that is identified as High Risk Material by Canadian Border Services Agency and/or the Canadian Food Inspection Agency.

"International Waste" means any item, material, or load that is defined as International Waste under the International Waste Directive or as identified by the Canadian Food Inspection Agency and/or the Canadian Border Services Agency.

"Non-EPR Rigid Plastics" means rigid plastic items, such as children's toys, lawn chairs, and car seats that are not an Extended Producer Responsibility Product.

"Out-of-Region Waste" means municipal solid waste that is originating from outside the boundaries of the Capital Regional District but is not International Waste.

"Salvaged Wood Waste" means Clean Wood Waste:

1) that is dimensional lumber greater than 4 feet in length; and

2) that may or may not contain nails.

"Treated Wood and Wood Products" means engineered wood products or pressure treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners.

"Unsorted Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste but may contain Wood Waste, Asphalt Shingles, and Carpet and Underlay.

(b) By replacing the definition of Clean Wood Waste in its entirety with:

"Clean Wood Waste" means wood products such as dimensional lumber, pallets, crating, and salvaged wood waste:

1) that is untreated, unstained, unpainted and
2) that does not include any antisapstain, coating, glues, or resins.

(c) By replacing the definition of Commercial Hauler in its entirety with:

"Commercial Hauler" means a person whose business collects and receives for a fee Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, or Weeds for Disposal, or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, and who delivers those materials for Disposal at the Disposal Site.

(d) By replacing the definition of Mixed Paper in its entirety with:

"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories**;** calendars; postcards; shredded paper; cardboard storage boxes; cardboard storage; cardboard moving boxes; paper gift boxes; paper bags; paper lunch bags; paper pinata; paper gift bags; paper part hat; paper party décor; but excluding paperback and hardcover books; waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable.

(e) By replacing the definition of Uncontaminated Demolition Waste in its entirety with:

"Uncontaminated Demolition Waste" means material that results from the demolition of all or part of a building or a structure that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility Product.

(f) By inserting into Schedule "B", Site Regulations, section 1.1, Vehicles, as section 1.1(e):

1.1(e) the Vehicle is owned, leased, operated, licensed, utilized or otherwise associated with a person that is restricted from accessing, has been refused entry to, or has been prohibited re-entry to, the Disposal Site, whether under this bylaw or the *Trespass Act,* RSBC 2018 c 3.

(g) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.10:

3.10 No person shall obstruct, intimidate, interfere, or harass Capital Regional District staff or officers who are performing their duties.

(h) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.11:

3.11 Clean wood, treated wood, salvageable wood, carpet and underlay and asphalt shingles must be source separated prior to arriving to Hartland landfill.

(i) By inserting into Schedule "B", Site Regulations, section 3, Disposal Site, as section 3.12:

3.12 No person shall record audio and/or video or take photographs at the Disposal Site without the permission of the manager.

(j) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.2:

5.2 Where a person has unpaid fines or amounts owing to the Capital Regional District resulting from violation of this bylaw, and any such amounts are outstanding for more than 45 days from the date of conviction or deemed conviction, Capital Regional District staff may refuse access or prohibit re-entry to the Disposal Site until such amounts are paid. Where the person operates a waste disposal, hauling, or other commercial waste generating business or is associated with such a business, this refusal may be extended to those entities or vehicles owned, leased, or operated by those entities, which in the opinion of Capital Regional District staff, are affiliated, associated, controlled, owned-by in part or in whole, conducting business on behalf of, or otherwise related to that person, corporately or by degree of co-sanguinity or family relationship, despite those persons not having unpaid fine amounts, amounts owing, or separate legal personality.

(k) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.3:

5.3 The Manager is authorized to enforce all site rules, regulations, and bylaws at Hartland Landfill. They may also prohibit or restrict a person(s) who contravenes this Bylaw from attending the Hartland Landfill.

(l) By inserting into Schedule "B", Site Regulations, section 5, general, as section 5.4:

5.4 A person is entitled to a 25% reduction in monetary penalty resulting from violation of this bylaw if fines or fees are paid within 30 days from issue.

(m) By deleting Schedule “C” in its entirety and substituting the attached amended Schedule” C”.

(n) By deleting Schedule “D” in its entirety and substituting the attached amended Schedule” D”.

(o) By deleting Schedule “E” in its entirety and substituting the attached amended Schedule “E”.

(p) By deleting Schedule “F” in its entirety and substituting the attached amended Schedule “F”.

(q) By deleting Schedule “G” in its entirety and substituting the attached amended Schedule “G”.

2. Effective January 1, 2024, Clean Wood Waste is included in the definition of Mandatory Recyclable Material.

3. Effective July 1, 2024, Asphalt Shingles, Carpet and Underlay, Treated Wood and Wood Products and Salvaged Wood Waste are included in the definition of Mandatory Recyclable Materials.

4. This bylaw may be cited for all purposes as “Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023”.

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 "C"

TIPPING FEES

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

FEES

1. The fees for depositing solid waste at the Disposal Site are:

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Asbestos Containing Material	As directed by CRD staff	$157		$20
Asphalt Roofing Shingles (effective July 1, 2024)	Public Drop Off Area	$110	$10 bin fee	
Asphalt Roofing Shingles (effective July 1, 2024)	As directed by CRD staff	$110		$10
Bicycle tires and tubes	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Bulky Waste	Active Face	$254		$10
Carpet and Underlay (effective July 1, 2024)	Public Drop off Area	$110	$10 bin fee	
Carpet and Underlay (effective July 1, 2024)	As directed by CRD staff	$110		$10
Clean Renovation and Demolition Waste (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Clean Renovation and Demolition Waste (effective January 1, 2024)	As directed by CRD staff	$150		$10
Clean Wood Waste (effective January 1, 2024)	Public Drop off Area	$80	$10 bin fee	
Clean Wood Waste (effective January 1, 2024)	As directed by CRD staff	$80		$10
Controlled Waste	As directed by CRD staff	As listed in Schedule "E"		$20
Cooking oil and grease	Public Drop Off Area	No fee		No fee

Extended Producer Responsibility Product listed in Schedule “G” (excluding tires on rims)	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule “G” tires on rims	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Hauler Incentive Rates (effective January 1, 2024)		$125		
Hauler Incentive Rates (effective January 1, 2025)		$135		
Household Hazardous Waste	Public Drop Off Area	No fee		No fee
International Low Risk Waste	As directed by CRD staff	$135		
Kitchen Scraps until December 31, 2021	Kitchen Scraps Transfer Station	$120		
Kitchen Scraps effective January 1, 2022	Kitchen Scraps Transfer Station	$140		
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Public Drop Off Area	$300	$10 bin fee	
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Active Face	$300		$20

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Mattresses and boxsprings	Public Drop Off Area	$110	$10 bin fee	
Propane tanks and fire extinguishers	Public Drop Off Area	No fee		No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by non-commercial hauler)	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by Commercial Hauler)	Public Drop Off Area	No fee	$26 recycling area entry fee	No fee
Refuse	Active Face	$110		$10
Refuse	Public Drop Off Area	$110	$10 bin fee	
Scrap Metal	Public Drop Off Area	No fee	No fee	
Stumps and Branches	As directed by CRD staff	$110		$10
Treated Wood and Wood Products	As directed by CRD staff	$110	$10 bin fee	
Waste Asbestos which originates outside the CRD	As directed by CRD staff	$500		$20
Weeds (Source separated)	Active Face	$59		$10
Weeds (not Source –separated in Refuse)	Active Face	$110		$10
Weeds (not Source –separated in Refuse)	Public Drop Off Area	$110	$10 bin fee	
Weeds (Source separated)	Public Drop Off Area	$59		$10
Yard and Garden Materials	As directed by CRD staff	$59		$10
Uncovered or unsecured loads	All fees applicable to the Load are doubled			

GENERAL

2. Per tonne fees are based on weight as measured on the scale, based on the difference in weight between the loaded weight and the weight of the empty Vehicle.

3. Where a dollar amount per tonne is indicated, it is to be interpreted as allowing a proportionate fee for a portion of a tonne in 10 kg increments.

4. All fees shall be rounded up or down to the nearest quarter of a dollar.

5. In the event that the weigh scales provided at the Disposal Site are not operational, or in the event of traffic congestion, or at the discretion of the Manger, weights shall be as estimated based on volume by the Manager or Capital Regional District staff.

6. If a person disposes a Load containing Source-separated Recyclable Materials, Extended Producer Responsibility Products, Yard and Garden Material, Household Hazardous Waste, or other Refuse at the Public Drop Off Area and chooses not to weigh out after disposal of each class of material, they are subject to pay a tipping fee for Refuse for the entire Load.

7. All fees payable under this Bylaw shall be paid to the Capital Regional District in cash, by cheque, debit, or credit card at the time the disposal is made.

8. Notwithstanding Section 7, any person disposing Solid Waste, except Recyclable Materials, at the Disposal Site on a regular basis may apply to the Capital Regional District for credit, and, if the treasurer is satisfied of the credit worthiness of the person, he or she may grant credit to the person, in which case payment of the fee imposed under Section 1 shall be made and the credit extended on the following conditions.

   (a) the person receiving credit shall pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The Capital Regional District will invoice monthly for Solid Waste disposed during the preceding month. The invoice amount will be based on the total quantity of Solid Waste delivered during the month and the posted disposal rates in effect at the time of delivery;

   (b) late payment(s) will be subject to an interest penalty fee of 1.5% per month;

   (c) the Capital Regional District reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment, or other justified cause as judged solely by the treasurer;

   (d) if the person receiving credit fails to pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month in which an invoice has been issued, the Capital Regional District may withhold monies equivalent to those fees, plus interest, that are owed by the Capital Regional District to the person receiving credit under a separate contract, agreement, or offer between the Capital Regional District and the person receiving credit; and

   (e) the Capital Regional District reserves the right to refuse access to the Disposal Site to a person receiving credit until outstanding fees are paid.

SCHEDULE "D"

PROHIBITED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Prohibited Waste
Aggregate
Asphalt Roofing Shingles, except as permitted in this Bylaw
Asbestos Containing Material, except as permitted in this bylaw
Asphalt and Rubble
Biomedical Waste
Carpet and Underlay, except as permitted in this Bylaw
Clean Soil
Concrete
Contaminated Demolition Waste
Gypsum Board or Wallboard, except as permitted in this bylaw
Ignitable Waste
Kitchen Scraps, except as permitted in this Bylaw
Liquids, except as permitted in this Bylaw
Motor vehicle bodies and farm implements
Radioactive Waste
Reactive wastes
Sharps, except as permitted in this Bylaw
Specified Risk Material
Vermiculite Insulation, except as permitted in this Bylaw
Waste that is on fire or smouldering
Waste containing PCBs, except as permitted in this bylaw
Wood Waste, except as permitted in this Bylaw

SCHEDULE "E"

CONTROLLED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

The fees for disposing of Controlled Waste at the Disposal Site are:

Controlled Waste	Disposal Fee
Animal Fecal Waste	$157 per tonne
Catch Basin Waste	$157 per tonne
Commercial Load of Uncontaminated Demolition Waste	$110 per tonne
Condemned or Spoiled Foods	$157 per tonne
Contaminated Gypsum Board or Wallboard	$311 per tonne
Contaminated Gypsum Board or Wallboard originating outside the CRD effective January 1, 2017	$500 per tonne
Contaminated Soil	$157 per tonne
Dead Animal	$254 per tonne
Fibre Optic Cable	$157 per tonne
Food Processing Wastes	$157 per tonne
Health Hazard Waste	$157 per tonne
International High Risk Cruise Ship Waste	$500 per tonne
Knotweed	$59 per tonne
Miscellaneous Controlled Waste	$157 per tonne
Pumpings from septage treatment facilities containing residual sludge	$157 per tonne
Pumpings from sewage treatment plants, pump stations and sewer lines	$157per tonne
Screenings from sewage treatment plants, septage treatment facilities and pump stations	$157 per tonne
Sharps	$254 per tonne
Slurries which may contain non-hazardous solids, soil, sand, gravel, fibres, fats, oils and grease or mineral oil and grease	$157 per tonne
Soot and Ash	$157 per tonne
Spent charcoal from water purification plants and odour filters	$157 per tonne
Surface Coating Waste	$157 per tonne
Vehicle Washing Facility Waste	$157 per tonne
Vermiculite Insulation	$157 per tonne
Waste Sludge from sewage treatment plants containing no more than 80% total moisture	$121 per tonne

SCHEDULE "F"

RECYCLABLE MATERIALS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Mandatory Recyclable Material
EPR Products
Clean Wood Waste (Effective January 1, 2024)
Asphalt Roofing Shingles (Effective July 1, 2024)
Carpet and Underlay (Effective July 1, 2024)
Treated Wood and Wood Products (Effective July 1, 2024)
Salvaged Wood Waste (Effective July 1, 2024)
Non-EPR Corrugated Cardboard
Propane Tanks and fire extinguishers
White Goods
Non-EPR Mixed Paper
Scrap Metal
Yard and Garden Material
Voluntary Recyclable Material
Books (textbooks, novels, soft and hardcover books)
Non-EPR Film plastic
Non-EPR Glass containers
Large rigid plastics
Mattresses and boxsprings
Rigid plastic containers
Non-EPR Polystyrene
Non-EPR Polycoated containers
Bicycle tubes and tires

SCHEDULE "G"

EXTENDED PRODUCER RESPONSIBILITY PRODUCTS RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT BYLAW NO. 3881

Product Category	Materials Accepted at Hartland
Beverage container	• ready-to-serve beverage containers made of aluminium, glass, paper, plastic and/or steel
Solvent and flammable liquids,	• flammables,
Gasoline, Pesticide,	• gasoline and pesticides
Lubricating oil, oil filter, Paint product, Lead acid battery, antifreeze	• lubricating oil and empty oil containers • used oil filters • paint • lead acid batteries • antifreeze
Electronic and electrical	• display products and accessories (TV, monitor, remote) • desktop computers and accessories (CPU, keyboard, mouse, cable) • portable computers and accessories (laptop, netbook, tablet) • printing, scanning and multifunction devices (printer, fax machine, scanner) • audio products and accessories (radio, record player/stereo, walkie talkie, MP3, earphones) • video products and accessories (camera, video console, VCR/DVD/PVR) • video gaming systems and accessories (game console, controller, joystick, cable) • non-cellular telephones and answering machines • aftermarket vehicle audio and video systems (speaker, vehicle display, GPS) • electronic musical instruments (guitar, drum set, keyboard) • IT and Telecom devices (router, Ethernet switch, telecom bridge, cash register • medical monitoring and control devices (thermometer, blood pressure device, stethoscope, microscope) • small appliances and power tools (kitchen countertop, personal care, floor cleaning, weight measurement, garment care, air treatment, time measurement, sports and leisure, power tools, sewing and textile, exercise machines)

	• residential lights (fluorescent tubes and bulbs (CFLs), halogen and incandescent lamps, light emitting diode (LED) lamps, light ballasts (that may contain PCB), High Intensity Discharge (HID) and other mercury containing lamps) • residential light fixtures and products (bike lights, ceiling fixtures, chandeliers, flashlights, floor lamps, light strings, outdoor fixtures, recessed/pot lights) • batteries for use in electronic and electrical products listed in this section including primary and rechargeable batteries
Tire	• automotive tires (unrimmed)
Printed Paper and Packaging from Residential Premises but not from **Industrial Commercial Institutional** operations	• Cardboard storage box • Cardboard storage • Cardboard moving boxes • Paper gift boxes • Paper bag • Paper lunch bag • Paper pinata • Paper gift bag • Paper party hat • Paper party décor • Newspapers • Newspaper Inserts • Magazines • Catalogues • Telephone Directories • Other Printed Media • Residential Printed Paper • Miscellaneous Printed Paper • Old Corrugated Cardboard • Paper cup (hot) (Polycoated liner) • Paper Cup (hot) (biodegradable liner) • Paper Cup (cold) (waxed) • Paper Cup (cold) (2-sided Polycoated) • Polycoated Milk Cartons • Aseptic Containers • Multi-laminated Paper Packaging • Old Boxboard (OBB) • Wet Strength Boxboard • Moulded Pulp • Kraft Papers • Polycoated Boxboard • High-density polyethylene Films • Low-density polyethylene / Linear Low-density polyethylene Films • Polystyrene Clamshells Expanded polystyrene • Polystyrene Trays/Plates Expanded polystyrene • Polystyrene Meat Trays Expanded polystyrene • Polystyrene Hot Drink Cups Expanded polystyrene • Polystyrene Cushion Packaging Expanded polystyrene

	• Polyethylene terephthalate Bottles (non-beverage) • Polyethylene terephthalate Jars • Polyethylene terephthalate Clamshells • Polyethylene terephthalate Trays • Polyethylene terephthalate Tubs & Lids • Polyethylene terephthalate Cold Drink Cups • High-density polyethylene Bottles (non-beverage) • High-density polyethylene Jars • High-density polyethylene Pails • High-density polyethylene Trays • High-density polyethylene Tubs & Lids • High-density polyethylene Planter Pots • Polyvinyl chloride Bottles • Polyvinyl chloride Jars • Polyvinyl chloride Trays • Polyvinyl chloride Tubs & Lids • Low-density polyethylene Bottles (non-Beverage) • Low-density polyethylene Jars • Low-density polyethylene Tubs & Jars • Polypropylene Bottles (non-beverage) • Polypropylene Jars • Polypropylene Clamshells • Polypropylene Trays • Polypropylene Tubs & Lids • Polypropylene Cold Drink Cups • Polypropylene Planter Pots • Polystyrene Bottles (non-beverage) • Polystyrene Clamshells (rigid) • Polystyrene Trays (rigid) • Polystyrene Tubs & Lids (rigid) • Polystyrene Tubs & Lids (high impact) • Polystyrene Cold Drink Cups (rigid) • Polystyrene Planter Pots • Other1 Plastic Bottles (non-beverage) • Other Plastic Jars • Other Plastic Clamshells • Other Plastic Trays • Other Plastic Tubs & Lids • Other Plastic Cold Drink • Other Plastic Planter Pots • Steel Cans (non-beverage) • Steel Aerosol Cans • Spiral Would Cans (steel ends) • Aluminum Cans (non-beverage) • Aluminum Aerosol Cans

[1] 'Other' plastic packaging is typically: manufactured from a combination of recycled resins; manufactured with a barrier layer; or, lacking a resin code mark.

	• Aluminum Foil and Foil Containers • Bimetal Containers/Aerosols • Clear Glass Bottles and Jars (non-beverage) • Coloured Glass Bottles and Jars (non-beverage)

Making a difference...together

BYLAW NO. 3881

HARTLAND LANDFILL TIPPING FEE AND REGULATION BYLAW NO. 6, 2013

Consolidated for Public Convenience

(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED APRIL 10, 2013
(Consolidated with Amending Bylaws 3917, 4100, 4420, 4497)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

Amending Bylaws Consolidated

Bylaw No.	Adopted	Purpose
4497	December 13, 2023	To amend the tipping fee rates; to update the definitions; to enact bans on asphalt roofing shingles, carpet and underlay, and wood waste; to make bylaw housekeeping edits; and, to update bylaw enforcement language.
4420	June 9, 2021	To address the Kitchen Scraps tipping fee by replacing Schedule C.
4100	May 8, 2016	To address tipping fees for asbestos containing material, kitchen scraps and to make bylaw housekeeping changes.
3917	Jan. 14, 2015	To enact a kitchen scraps ban, the stewardship program for packaging and printed paper (PPP) and to amend the tipping fee rate.

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CAPITAL REGIONAL DISTRICT

BYLAW NO. 3881

****

A BYLAW FOR THE PURPOSE OF ESTABLISHING A TIPPING FEE AND REGULATIONS FOR SOLID WASTE DISPOSAL AT HARTLAND LANDFILL

****

WHEREAS:

A. By Supplementary Letters Patent, dated 04 October 1973, the Capital Regional District was granted the function of Refuse Disposal under Division X of its Letters Patent;

B. The Capital Regional District has by bylaw, converted the function of Solid Waste Disposal to a local service for all of the Regional District;

C. The Capital Regional District is empowered to establish a scale of fees payable for depositing Solid Waste and Recyclable Materials at a Disposal Site;

D. The Regional Board of the Capital Regional District deems it advisable to enact regulations pertaining to Solid Waste and Recyclable Materials and to establish fees for depositing Solid Waste and Recyclable Materials.

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

SECTION 1 – DEFINITIONS

Note: Defined terms are capitalized in this bylaw.

In this Bylaw, unless the context otherwise requires:

"**Active Face**" means that area of the Disposal Site where active landfilling of Solid Waste takes place.

"**Aggregate**" means inert granular fill material.

"**Animal Fecal Waste**" means animal feces collected by a commercial business or generated at a site where animals are kept for commercial purposes, including, but not limited to, boarding kennels, animal shelters, stables, and similar operations.

"Asbestos Containing Material" means waste containing any amount of asbestos including waste asbestos as defined in the bylaw.

(Bylaw 4100)

"**Asbestos Cement**" means shingles, tiles, siding, board or pipe containing asbestos material tightly bound within a solid matrix not easily crumbled by hand but which is easily crumbled and friable by equipment during landfill Disposal.

"**Asphalt**" means recyclable asphaltic concrete originating from roadways, driveways, parking areas and other paved surfaces.

"Asphalt Roofing Shingles" means roofing shingles composed of a felt mat saturated with asphalt, with small rock granules added, but does not include tar and gravel roofing.

(Bylaw 4497)

"**Biomedical Waste**" means waste as defined in the Hazardous Waste Regulation as Biomedical Waste.

"**Bulky Waste**" means individual articles of Refuse with a volume greater than one-and-a-half (1.5) cubic metres or greater than two and a half (2.5) metres in length.

"CRD" means Capital Regional District.

"Carpet and underlay" means flooring material made of woven wool, silk, cotton or synthetic fibers and foam padding underlayment where tack stripping material has been removed.

(Bylaw 4497)

"**Catch Basin Waste**" means the contents of catch basins or similar devices that detain and pre-treat stormwater to allow solids to settle and oily materials to float to the surface and be retained in the device while treated stormwater is discharged.

"Clean Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility product.

(Bylaw 4497)

"**Clean Soil**" means soil, sediment or fill material which contains the substances specified in Schedule 7, Column IV of the Contaminated Sites Regulation but in quantities less than those specified.

~~**"Clean Wood Waste"** means wood products such as dimensional lumber, plywood, particle board, fibre board, oriented strand board, pallets, crating, wood fencing, wood shingles, wooden doors, demolition Wood Waste, painted wood and wooden furniture that may or may not contain nails or other metal fasteners.~~

"Clean Wood Waste" means wood products such as dimensional lumber, pallets, crating, and salvaged wood waste:

1) that is untreated, unstained, unpainted, and
2) that does not include any antisapstain, coating, glues, or resins.

(Bylaw 4497)

~~**"Commercial Hauler"** means a person whose business includes the collection or receiving of Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, Weeds, for Disposal of Small Loads at the Public Drop Off Area or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products except for Printed Paper and Packaging, and who delivers those materials for Disposal of Small Loads at the Public Drop Off Area.~~

~~*(Bylaw 3917)*~~

"Commercial Hauler" means a person whose business collects and receives for a fee Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, or Weeds for Disposal, or a person whose business generates Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, and who delivers those materials for Disposal at the Disposal Site.

(Bylaw 4497)

"**Commercial Load**" means Uncontaminated Demolition Waste to be Disposed of at the Disposal Site brought into the Disposal Site in a Vehicle which with the Uncontaminated Demolition Waste has a gross vehicle weight greater than 5,500 kg.

"**Concrete**" means a hardened mixture of cement with sand and gravel.

"**Condemned or Spoiled Foods**" means food confiscated or quarantined, or designated as international high risk waste, by the Canadian Food Inspection Agency or the Canadian Border Service Agency and spoiled food from a commercial operation or spoiled food greater than 50 kilograms from a domestic residence.

"Contaminated Demolition Waste" means material that results from the demolition of all or part of a building that contains Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Product.

"**Contaminated Gypsum Board or Wallboard**" means Gypsum Board or Wallboard that is contaminated by oil, tar, fungus, mould, has been burned, or had other materials affixed to it.

"**Contaminated Sites Regulation**" means the Contaminated Sites Regulation, B.C. Regulation 395/96, enacted under the *Environmental Management Act.*

"**Contaminated Soil**" means soil or sediment or fill material containing substances in quantities or concentrations equal to or greater than those specified in Schedule 7, Column IV of the Contaminated Sites Regulation but which is not a Hazardous Waste under the Hazardous Waste Regulation.

"Contaminated Wood Waste" means wood products such as wood contaminated with asphalt shingles, wood painted with lead based paint, creosote wood products, pressure treated wood, or laminate flooring that is not Hazardous Waste due to the proportion of surface coatings or preservatives.

"**Controlled Waste**" means a material, substance or object listed in Schedule "E" which may be Disposed of if special handling and Disposal techniques are used to avoid creating health hazards, nuisances or environmental pollution excluding Hazardous Waste under the Hazardous Waste Regulation.

"**Corrugated Cardboard**" means recyclable paper that consists of a fluted corrugated sheet and one or more flat linerboards including pizza boxes free of food residue, but excluding materials which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which will render the Corrugated Cardboard Unmarketable.

"**Dead Animal**" means the carcass or part of the carcass of an animal excluding Hazardous Waste under the Hazardous Waste Regulation and Specified Risk Material.

"Designated Location" means the location at the Disposal Site designated by the Manager and identified as the location for Disposal of specific types of Solid Waste.

"**Dispose**"; "**Disposal**" means leaving Solid Waste at the Disposal Site for the purpose of landfilling, composting, or recycling.

"**Disposal Site**" means the Hartland Landfill site, more particularly described in Schedule "A".

"**Environmental Management Act**" means the *Environmental Management Act* SBC 2003 c.53.

"**Extended Producer Responsibility Product**" means any material defined as a product in a "product category" listed in the Recycling Regulation for which a "product plan" as defined in the regulation has been "approved" and is operating.

"**Fibre Optic Cable**" means a cable consisting of a bundle of glass or plastic threadlike fibres used for the transmission of information by light impulses wrapped in layers of treated paper and plastic or metal cladding.

"Food Processing Waste" means waste, residues, byproducts or waste treatment residuals from

commercial food manufacturing or packaging operations.

"Glass" means clear or coloured food and beverage containers made of glass but does not include plate glass, window glass, laminated glass, or safety glass.

"**Gypsum Board or Wallboard**" means a panel used for interior walls and ceilings made up of a liner typically made of paper with a core of gypsum plaster and additives.

"Hauler Incentive Rate" means a reduced tipping rate available for private and municipal haulers who conform to the requirements of the hauler incentive program. *(Bylaw 4497)*

"**Hazardous Waste**" means any chemical compound, mixture, substance, or article defined as a Hazardous Waste in the Hazardous Waste Regulation.

"**Hazardous Waste Regulation**" means Hazardous Waste Regulation, BC Reg. 63/88 enacted under the *Environmental Management Act*.

"**Health Hazard Waste**" means a gaseous, liquid or solid material, substance or object which, because of its inherent nature and quantity, may be a health hazard and includes, but is not limited to: infectious wastes that originate from foreign countries, including, without limiting the generality of the foregoing, waste confiscated at customs stations or received from ships or planes and which is not a Biomedical Waste.

"Household Hazardous Waste" means a class of Hazardous Waste that results from any of the following involving anything in a "product category" as defined in the Recycling Regulation:

(a) a domestic activity at a residence;
(b) personal use; or
(c) a person's use in relation to his or her own residence.

"**Ignitable**" means substances liable to spontaneous combustion or substances that on contact with water emit flammable gases having the properties of:

(a) flammable gas;
(b) flammable liquid; or
(c) flammable solids,

and as defined in the Hazardous Waste Regulation.

"Industrial Commercial Institutional" includes any industrial or commercial operations of any size including manufacturing, processing and packing and small businesses with one or more employees such as retail stores, offices, strip malls, vacation facilities, hotels, motels and resorts and institutional operations such as schools, student residences, correctional facilities, churches, community buildings, hospitals, licensed care facilities and hospices, but does not include residential premises.
(Bylaw 3917)

"International High Risk Cruise Ship Waste" means any item, material, or load originating from a Cruise Ship that is identified as High Risk Material by Canadian Border Services Agency and/or the Canadian Food Inspection Agency.
(Bylaw 4497)

"International Waste" means any item, material, or load that is defined as International Waste under the International Waste Directive or as identified by the Canadian Food Inspection Agency and/or the Canadian Border Services Agency.
(Bylaw 4497)

"**Invasive Species Plants**" means plants set out in the Schedule to the Spheres of Concurrent

Jurisdiction – Environment and Wildlife Regulation, B.C. Reg. 144/2004.

"Kitchen Scraps" means compostable waste generated by residential, business, institutional and commercial sources such as fruits, vegetables, meat, meat by-products, dairy products, baked goods, cereal, grains, pasta, bones, egg shells, coffee grounds and filters, tea bags, nuts and shells, houseplants and cut and dried flowers, and soiled paper products such as paper towels, tissues, food packaging, plates and cups but does not include Controlled Waste. *(Bylaw 3917)*

"Kitchen Scraps Transfer Station" means a facility at Hartland landfill designated for receipt and the transfer of **Kitchen Scraps** to another location. *(Bylaw 3917)*

"**Knotweed**" means 8imalaya knotweed (*follopia japonica*), 8imalayan knotweed (*persicaria wallichi*), giant knotweed (*fallopian sachalinensis*), bohemian knotweed (*fallopian x bohemica*) plants including stems, seeds, and rhizome fragments.

"**Lead Acid Battery**" means an electro-chemical cell contained in a plastic case consisting of lead and lead oxide plates and containing a mixture of acids which is used to supply an electric power source.

"**Load**" means Solid Waste which arrives at the Disposal Site in a Vehicle.

"**Manager**" means the General Manager of the Environmental Sustainability department of the Capital Regional District or his or her authorized agent.

"Mandatory Recyclable Material" means a Recyclable Material listed in Schedule "F".

"**Marketable**" means Recyclable Material which can be disposed of through an existing Capital Regional District program or a commercial market for recycling.

"Miscellaneous Controlled Waste" means a material, substance or object that the Manager considers to be an environmental or health and safety hazard and should be Disposed of as Controlled Waste but excludes Hazardous Waste under the Hazardous Waste Regulation.

~~"**Non-EPR**" means a material that is not in the specific form or category set out in the Extended Producer Responsibility Product list in Schedule "G". *(Bylaw 3917)*~~

~~"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories; calendars; postcards; shredded paper; paperback and hardcover books; but excluding waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable.~~

"**Mixed Paper**" includes, but is not limited to, newspaper and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping and packing paper; magazines; catalogues; directories; calendars; postcards; shredded paper; cardboard storage boxes; cardboard storage; cardboard moving boxes; paper gift boxes; paper bags; paper lunch bags; paper pinata; paper gift bags; paper part hat; paper party décor; but excluding paperback and hardcover books; waxed paper; carbon paper; and other paper which are impregnated with blood, grease, oil, chemicals, food residue or have polyethylene, polystyrene, foil or other non-paper liners or attachments or are contaminated with a material which will render the paper fibres Unmarketable. *(Bylaw 4497)*

"**Non-EPR**" means a material that is not in the specific form or category set out in the Extended Producer

Responsibility Product list in Schedule "G".
(Bylaw 3917)

"Non-EPR Rigid Plastics" means rigid plastic items, such as children's toys, lawn chairs, and car seats that are not an Extended Producer Responsibility Product.

(Bylaw 4497)

"**Noxious Weeds**" means weeds designated within the Provincial and Regional Noxious Weeds Lists of the Weed Control Regulation.

"Out-of-Region Waste" means municipal solid waste that is originating from outside the boundaries of the Capital Regional District but is not International Waste.

(Bylaw 4497)

"**PCB**" means any monochlorinated, dichlorinated or polychlorinated biphenyl or any mixture that contains one or more of these.

"Printed Paper and Packaging" means the materials listed in Schedule "G" of this Bylaw under the heading **Printed Paper and Packaging originating from residential premises**.

(Bylaw 3917)

"**Prohibited Waste**" means a gaseous, liquid, or solid material, substance or object as listed in Schedule "D".

"**Propane Tank**" means a refillable or non-refillable metal container rated at a capacity of less than 46 kg (100 lbs.) which is used to contain flammable hydrocarbon gases used as fuel.

"**Public Drop Off Area**" means that area of the Disposal Site containing Designated Locations for the Disposal of Small Loads of Refuse, Voluntary Recyclable Material, Mandatory Recyclable Material, Extended Producer Responsibility Products, Weeds, or Household Hazardous Waste.

"Pumpings" means liquid and semi-solid materials collected by a vactor truck or pump and transported by vactor truck, tanker truck or other container to the Disposal Site.

"**Radioactive Waste**" means waste containing a prescribed substance as defined in the *Atomic Energy Control Act* (Canada) in sufficient quantity or concentration to require a licence for possession or use under that Act and regulations made under that Act.

"**Reactive**" means a gaseous, liquid or solid material, substance or object which is:

(a) explosive, oxidizing or so unstable that it readily undergoes violent change in the presence of air or water;
(b) generates toxic gases, vapours, or fumes by itself or when mixed with water; or
(c) polymerized in whole or in part by chemical action and causes damage by generating heat or increasing in volume,

and as defined in the Hazardous Waste Regulation.

"**Recyclable Material**" means Solid Waste that has been sorted by material, substance or object and that satisfies at least one of the following criteria:

(a) is organic material from residential, commercial, or institutional sources and is capable of being composted, at a site;
(b) is Marketable;
(c) is being used in the manufacture of a product that has an established market or is being processed as an intermediate stage of an existing manufacturing process; or
(d) has been identified as a Recyclable Material in the solid waste management plan,

and includes Mandatory Recyclable Material and Voluntary Recyclable Material.

"**Recycling Regulation**" means the Recycling Waste Regulation BC 449/2004 enacted under the *Environmental Management Act*.

"**Refuse**" means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Prohibited Waste, Kitchen Scraps, Hazardous Waste, Mandatory Recyclable Materials and Extended Producer Responsibility Products**.**

(Bylaw 3917)

"**Regional Board**" means the Board of the Capital Regional District.

"**Residential Premises**" includes houses, apartments, condominiums, townhomes, and other premises in which persons reside but does not include institutional or commercial accommodations.

(Bylaw 3917)

"**Rubble**" means gravel, brick, Concrete block, refractory material, road asphalt or rock, or a combination of any or all of these.

(Bylaw 3917)

"Salvaged Wood Waste" means Clean Wood Waste:

1) that is dimensional lumber greater than 4 feet in length; and
2) that may or may not contain nails.

(Bylaw 4497)

"**Scrap Metal**" means ferrous and non-ferrous metallic materials, including, but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, garbage cans, metal furniture, tire rims.

"**Screenings**" means the material and debris captured by screens used in the treatment or processing of sewage or septage.

"**Sharps**" means needles and syringes, from domestic sources.

"**Site Regulations**" means regulations set out in Schedule "B" that regulate the conduct of a person using the Disposal Site.

"Small Appliances" means small electronic or electrical appliances as defined in the Recycling Regulation.

"**Small Load**" means Solid Waste to be Disposed of at the Disposal Site brought onto the Disposal Site in a Vehicle which, with the Solid Waste, has a gross vehicle weight of no more than 5,500 kgs.

"**Solid Waste**" means Refuse, Voluntary Recyclable Materials, Mandatory Recyclable Materials, Extended Producer Responsibility Products, Weeds, Kitchen Scraps, Hazardous Waste as permitted in this bylaw and Controlled Waste, but excludes Prohibited Waste. *(Bylaw 3917)*

"**Soot and Ash**" means black carbonaceous residue of wood, coal, oil and other fossil fuels originating in chimney linings, boilers, furnaces and other burners, residuals from burning fossil fuels, and includes material collected from duct cleaning and chimney cleaning.

"**Source-separated**" means materials, substances or objects that are separated by means of a barrier or containers into separate distinguishable accumulations of the same kind of materials, substances, or objects.

"Specified Risk Material" means any waste containing the Specified Risk Material as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages.

"**Stumps and Branches**" means wood material, substances or objects which have not been processed or manufactured and includes stumps, tree trunks and branches greater than 75 mm (3 in.) in diameter.

"Surface Coating Waste" means stucco, plaster, brick, or other unconsolidated or similar material coated with lead based paint that may present a respiratory hazard due to the presence of lead particulate and also includes paint chips, hull coatings and spent sandblast media generated from scraping, power washing or sandblasting from, but not limited to, ships, boats, cars, buildings, bridges and storage tanks. *(Bylaw 4100)*

"**Tires**" means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of less than 42 centimetres.

"Treated Wood and Wood Products" means engineered wood products or pressure treated, stained, or painted wood and wooden furniture that may or may not contain nails or other metal fasteners. *(Bylaw 4497)*

"**Treasurer**" means the Director of Finance of the Capital Regional District or her or his authorized agent.
~~**"Uncontaminated Demolition Waste"** means material that results from the demolition of all or part of a building that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials or an Extended Producer Responsibility Product.~~

~~*(Bylaw 4100)*~~

"Uncontaminated Demolition Waste" means material that results from the demolition of all or part of a building or a structure that does not contain Surface Coating Waste, Hazardous Waste, Prohibited Waste, Mandatory Recyclable Materials, or an Extended Producer Responsibility Product. *(Bylaw 4497)*

"**Unmarketable**" means Recyclable Materials which cannot be Disposed of through an existing Capital Regional District recycling program or a commercial market due to contamination.

"Unsorted Renovation and Demolition Waste" means material that results from the construction, renovation or demolition of all or part of a building or structure that does not contain Surface Coating Waste, Asbestos Containing Material, Hazardous Waste, Prohibited Waste but may contain Wood Waste, Asphalt Shingles, and Carpet and Underlay.

(Bylaw 4497)

"**Used Oil Filter**" means a spent cylindrical metal container housing a filter element which is used on a motor vehicle to remove impurities from its engine lubricating oil.

"**Vehicle**" means a Vehicle, as defined in the *Motor Vehicle Act,* R.S.B.C. 1996, c.318.

"Vehicle Washing Facility Waste" means Pumpings from sumps which collect effluent from vehicle washing facilities, but not from facilities used for maintenance or lubrication or automobile components or where solvents or sand blasting are employed for removal of paint, grease or oil.

"Vermiculite Insulation" means a mineral which expands greatly when heated and creates pockets of air that was used as an insulation material. *(Bylaw 4100)*

"**Visitor**" means a person who arrives at the Disposal Site for purposes other than to Dispose of Solid Waste.

"Voluntary Recyclable Material" means a Recyclable Material Listed in Schedule "F".

"**Waste Asbestos**" means waste containing friable asbestos fibres or asbestos dust and as defined in the Hazardous Waste Regulation and includes Asbestos Cement.

"Waste Sludge" means the residual material resulting from chemical treatment, coagulation, flocculation, sedimentation, floatation or biological treatment of wastewater.

"Weed Control Regulation" means the *Weed Control Regulation* BC Reg 66/85 under the *Weed Control Act*.

"**Weeds**" means Invasive Species Plants and Noxious Weeds as defined in this bylaw and other plants with similar properties but excludes Knotweed.
"White Goods" means ~~a~~ppliances such as refrigerators, stoves, freezers, metal dishwashers, water coolers and air conditioners.

"**Yard and Garden Material**" means organic materials, substances or objects including, but not necessarily limited to, grass, lawn and hedge clippings, grass sod, flowers, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 mm (3 inches) in diameter, but does not include:

(a) Invasive Species Plants
(b) Noxious Weeds
(c) plants or growing media that may have been identified by the Canadian Food Inspection Agency from time to time as infectious or potentially infectious and of which notice has been sent to the Capital Regional District or publicized by the Canadian Food Inspection Agency; or
(d) plant or tree material in municipal street sweepings.

SECTION 2 - CONDITIONS

2.1 No person shall Dispose of Solid Waste at the Disposal Site except in accordance with this Bylaw and the Site Regulations.

2.2 All persons attending the Disposal Site shall act in accordance with this Bylaw and Site Regulations.

2.3 No person shall Dispose of Solid Waste at the Disposal Site which originated outside the Capital Regional District.

2.4 Despite section 2.3, a person may Dispose of Solid Waste at the Disposal Site which originates outside the Capital Regional District if it is Waste Asbestos or Contaminated Gypsum Board or Wallboard.

2.5 Subject to 2.6 and 2.7, no person shall dispose of Prohibited Waste at the Disposal Site.

2.6 Despite section 2.5 and 2.8, a person may dispose of Asbestos Containing Material in accordance with Section 2.11, and Contaminated Gypsum Board or Wallboard, liquids, Sharps, or Vermiculite Insulation as Controlled Waste in accordance with section 2.12.

(Bylaw 4100)

2.7 Despite section 2.5, a person may dispose of light ballasts that may contain PCB as an Extended Producer Responsibility Product in accordance with section 2.20.

2.8 Subject to sections 2.9, 2.10, and 2.11, no person shall dispose of a Hazardous Waste at the Disposal Site.

2.9 Despite section 2.8, a person may Dispose of Household Hazardous Waste at a Designated Location in the Public Drop Off Area if it is:

(a) a Small Load; and
(b) Source-separated.

2.10 Despite section 2.8, a person may Dispose of an Extended Producer Responsibility Product listed in Schedule "G" that is a Hazardous Waste at a Designated Location in the Public Drop Off Area if it is:

(a) a Small Load; and
(b) Source-separated.

2.11 Despite section 2.8, a person may Dispose of Asbestos Containing Material at a Designated Location provided that:

(a) The disposal of Waste Asbestos is manifested as required by the British Columbia Ministry of Environment and Transport Canada;
(b) the Disposal is in accordance with the Occupational Health and Safety Regulation BC Reg 296/97 enacted pursuant to the Workers Compensation Act;
(c) the Disposal of Waste Asbestos is in accordance with the Hazardous Waste Regulation.
(d) the Disposal of Waste Asbestos is in accordance with the Transportation of Dangerous Goods Regulation.
(e) documentation has been submitted upon request of the Manager to confirm the presence of Asbestos Containing Material in the load.
(f) an appointment for Disposal is made with Capital Regional District staff a minimum of twenty-four (24) hours prior to Disposal, regular appointment hours for Asbestos Containing Material are Monday to Friday 9 a.m. to 2:30 p.m. excluding statutory holidays.

(Bylaw 4100)

2.12 No person shall Dispose of a Controlled Waste at the Disposal Site other than at a Designated Location and provided that:

(a) the person who is to Dispose of the Controlled Waste has made an application to the Manager for permission:
  (i) on a Controlled Waste permit application form provided by the Manager; and
  (ii) the application is received a minimum of 30 days prior to the requested Disposal date
(b) the Manager has issued a Controlled Waste permit for the waste including any terms and conditions of Disposal;
(c) the Controlled Waste has been inspected and accepted by designated Capital Regional District staff prior to being Disposed of;
(d) the Controlled Waste is one type and from no more than one source unless the Manager gives written permission otherwise in the Controlled Waste permit;
(e) an appointment for Disposal is made with Capital Regional District staff a minimum of twenty-four (24) hours prior to Disposal of Controlled Waste, regular controlled waste appointment hours are Monday to Friday 9 a.m. to 2:30 p.m. excluding statutory holidays;
(f) the person who is to Dispose of the Controlled Waste has submitted a Declaration By Waste Carrier form provided by the Manager prior to Disposal;
(g) if the terms and conditions of the Controlled Waste permit are not met, or the Declaration By Waste Carrier form is not complete, Capital Regional District staff may refuse to allow Disposal;
(h) the Controlled Waste is not Marketable;
(i) the Disposal is conducted so as to minimize health and safety risks associated with the Disposal of the Controlled Waste; and
(j) the amount of Controlled Waste does not exceed the operational capacity of the Disposal Site including, without limitation, the Disposal is consistent with the provisions of the Solid Waste Management Plan or Operating Plan as amended from time to time.

2.13 Despite subsection 2.12(a)(ii) and 2.12(e), in cases of an emergency or hardship the Manager may permit the Disposal of Controlled Waste before the 30 day application period expires and

without a minimum of twenty-four (24) hours' notice and outside regular appointment hours.

2.14 No person shall dispose of Mandatory Recyclable Material at the Active Face.

2.15 No person shall Dispose of Mandatory Recyclable Material at the Disposal Site other than at a Designated Location in the Public Drop Off Area provided that it is:

(a) a Small Load; and
(b) Source-separated.

2.16 A person may Dispose of Voluntary Recyclable Material at the Active Face as Refuse or at the Disposal Site at a Designated Location in the Public Drop Off Area provided that it is:

(a) a Small Load; and
(b) Source-separated.

(Bylaw 3917)

2.17 A person may Dispose of Weeds at the Active Face provided they are:

(a) Source-separated; or
(b) if not Source-separated, as refuse.

2.18 A person may Dispose of Weeds at a Designated Location in the Public Drop Off Area provided they are in:

(a) a Small Load and Source-separated; or
(b) if not Source-separated, as refuse.

2.19 No person shall Dispose of an Extended Producer Responsibility Product at the Active Face.

2.20 No person shall Dispose of an Extended Producer Responsibility Product other than those listed in Schedule "G" and other than at a Designated Location in the Public Drop Off Area provided that it: *(Bylaw 3917)*

(a) is a Small Load; and
(b) is Source-separated.

2.21 No Commercial Hauler shall Dispose of Household Hazardous Waste at the Disposal Site.

2.22 No person shall dispose of Household Hazardous Waste at the Active Face.

2.23 No person shall Dispose of Household Hazardous Waste at the Disposal Site except at a Designated Location in the Public Drop Off Area and provided that it is:

(a) a Small Load; and
(b) Source-separated.

2.24 A person may Dispose of Refuse at the Active Face or in Small Loads at a Designated Location in the Public Drop Off Area.

2.25 No person shall Deposit Contaminated Demolition Waste at the Disposal Site.

2.26 No person shall Deposit Uncontaminated Demolition Waste at the Disposal Site other than:

(a) as a Controlled Waste in accordance section 2.12 and provided that it is a Commercial Load; or,
(b) at the Public Drop Off Area and provided it is a Small Load and Source-separated.

2.27 Effective January 1, 2015, no person shall deposit Kitchen Scraps at the Disposal Site except at the Kitchen Scraps Transfer Station and provided that they are Source-separated.

(Bylaw 3917)

2.28 No person shall deposit Solid Waste at the Disposal Site that is not Source- separated when this Bylaw requires that it be Source-separated.

(Bylaw 3917)

2.29 No person shall Deposit Vermiculite Insulation at the Disposal Site other than as a Controlled Waste in accordance with Section 2.12.

(Bylaw 4100)

SECTION 3 - FEES

3.1 Every person depositing Solid Waste at the Disposal Site shall pay to the Capital Regional District the applicable fees in the amounts, and in accordance with the terms and conditions set out in Schedules “C", and "E".

3.2 Where a fee is not paid within the time specified in Schedule “C” for its payment, the person liable to pay such fee shall:

(a) pay interest on the fee at the rate set out in Schedule “C” from the date the fee was due to the date of payment; and
(b) not Dispose of any Solid Waste on or at the Disposal Site until such fee with interest owing has been paid in full.

SECTION 4 - VIOLATIONS & PENALTIES

4.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than $2,000, the costs of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act* (British Columbia). Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

4.2 The penalties imposed under Section 4.1 shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law, or regulation.

SECTION 5 - SEVERANCE

5.1 If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court in competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

5.2 Schedules “A,” “B,” “C,” “D”,"E", “F” and “G” are attached to and form part of this Bylaw.

SECTION 6 - REPEAL

6.1 Hartland Tipping Fee and Regulation Bylaw No. 5, 2003 is hereby repealed except insofar as it repeals any other bylaw.

SECTION 7 - TITLE

7.1 This Bylaw may be cited as "Hartland Landfill Tipping Fee and Regulation Bylaw No. 6, 2013, Amendment Bylaw No. 4, 2023".

READ A FIRST TIME THIS	13th	DAY OF	March	2013
READ A SECOND TIME THIS	13th	DAY OF	March	2013
READ A THIRD TIME THIS	13th	DAY OF	March	2013
ADOPTED THIS	10th	DAY OF	April	2013

Original signed by Alastair Bryson
CHAIR

Original signed by Sonia Santarossa
CORPORATE OFFICER

SCHEDULE "A"

DISPOSAL SITE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

DISPOSAL SITE means the Hartland Landfill site, more particularly described as:

PID: 023-851-457
Lot 1, Sections 54, 55 and 65, Highland District, Plan VIP64898

SCHEDULE "B"

SITE REGULATIONS

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

PURPOSE:

To ensure a safe and orderly environment for the staff and public at the Disposal Site.

POLICY:

These Site Regulations shall be observed by a person while on the Disposal Site.

REGULATIONS:

1. **VEHICLES**

1.1 Capital Regional District staff may refuse to allow a Vehicle to enter the Disposal Site or require a Vehicle to leave the Disposal Site if:

(a) the Vehicle's Load exceeds the permitted weight limits set out in the regulations passed pursuant to the *Motor Vehicle Act*, or the *Commercial Transport Act*; or
(b) the Vehicle is noisy due to improper or poor muffling and braking systems; or
(c) the Load is poorly secured so as to be noisy or dangerous.
(d) the Vehicle is in unsafe conditions due to excessive tire wear, broken mirrors, or inadequate door restraint system.
(e) the Vehicle is owned, leased, operated, licensed, utilized, or otherwise associated with a person that is restricted from accessing, has been refused entry to, or has been prohibited re-entry to, the Disposal Site, whether under this bylaw or the *Trespass Act,* RSBC 2018 c 3.

(Bylaw 4497)

2. **LOADS**

2.1 All Loads of Solid Waste entering the Disposal Site shall be covered and secured. A cover shall be a tarpaulin or other overlay that is used to confine the load to the vehicle.

2.2 Despite Section 2.1, the following items are permitted at the disposal site without covers:

(a) stumps - chained on flat bed or within confines of truck box;
(b) Bulky Wastes strapped on flat beds or within confines of truck box.

2.3 A person must ensure that all Loads are ready for Disposal, including being Source-separated, before the Disposal Site closes for the day; otherwise they will not be permitted to Dispose of the Load. *(Bylaw 3917)*

3. DISPOSAL SITE

3.1 No person while driving a Vehicle at the Disposal Site shall drive their Vehicle on any part of the Disposal Site other than on the roads and paved areas designated by the Capital Regional District.

3.2 No person while driving a Vehicle on the Disposal Site shall exceed the speed limits posted at the Disposal Site; or fail to obey posted signs.

3.3 No person delivering Solid Waste to the Disposal Site shall Dispose of Solid Waste except in such a place and in such a manner as directed by the Capital Regional District staff or the landfill contractor.

3.4 All Solid Waste Disposed of at the Disposal Site shall become the property of the Capital Regional District.

3.5 No person shall remove Solid Waste from the Disposal Site except with written approval of the Manager.

3.6 No person shall loiter at the Disposal Site. Vehicles must proceed directly to the Designated Location and then leave the Disposal Site as soon as possible after Disposal.

3.7 No person shall use the wheel wash facility unless their Vehicle was used to attend the active face. No person shall wash out the interior of truck boxes or wash the exterior of a Vehicle other than the wheels and wheel wells at the Wheel Wash Facility.

3.8 No person shall act with conduct that is disorderly or offensive including but not limited to excessive and loud use of offensive language or drunkenness.

3.9 No person shall enter the Disposal Site where the Vehicle Load exceeds the permitted weight limits set out in the regulations passed pursuant to the *Motor Vehicle Act*, or the *Commercial Transport Act*.

3.10 No person shall obstruct, intimidate, interfere, or harass Capital Regional District staff or officers who are performing their duties.

(Bylaw 4497)

3.11 Clean wood, treated wood, salvageable wood, carpet and underlay and asphalt shingles must be source separated prior to arriving to Hartland landfill.

(Bylaw 4497)

3.12 No person shall record audio and/or video or take photographs at the Disposal Site without the permission of the manager.

(Bylaw 4497)

4. SAFETY

4.1 Any person entering the Disposal Site does so at their own risk. The Capital Regional District accepts no responsibility or liability for damage or injury to person or to property.

4.2 Children are not permitted at the Disposal Site except when they are either inside a Vehicle or attending an event or education program supervised by CRD staff.

4.3 Pets or livestock are not permitted at the Disposal Site except when they are inside a Vehicle.

4.4 Smoking is not permitted at the Disposal Site.

4.5 All visitors to the Disposal Site must check in at the site office and complete the appropriate waiver forms.

4.6 Any person delivering Solid Waste to the Disposal Site shall Dispose of the waste in a manner that conforms with WorkSafe BC Board regulations.

4.7 No person shall use electronic devices as defined in the *Motor Vehicle Act* while driving a Vehicle at the Disposal Site except in a manner permitted by the *Motor Vehicle Act*.

4.8 No person shall attend the Active Face without personal protective equipment as required by WorkSafe BC Board regulations including but not limited to steel toed boots and a high visibility vest.

5. GENERAL

5.1 Every person who contravenes these regulations, fails to obey orders or directions given by Capital Regional District staff or fails to comply with the posted notices and signs on the Disposal Site may be refused or prohibited re-entry onto the Disposal Site.

5.2 Where a person has unpaid fines or amounts owing to the Capital Regional District resulting from violation of this bylaw, and any such amounts are outstanding for more than 45 days from the date of conviction or deemed conviction, Capital Regional District staff may refuse access or prohibit re-entry to the Disposal Site until such amounts are paid. Where the person operates a waste disposal, hauling, or other commercial waste generating business or is associated with such a business, this refusal may be extended to those entities or vehicles owned, leased, or operated by those entities, which in the opinion of Capital Regional District staff, are affiliated, associated, controlled, owned-by in part or in whole, conducting business on behalf of, or otherwise related to that person, corporately or by degree of co-sanguinity or family relationship, despite those persons not having unpaid fine amounts, amounts owing, or separate legal personality.

(Bylaw 4497)

5.3 The Manager is authorized to enforce all site rules, regulations, and bylaws at Hartland Landfill. They may also prohibit or restrict a person(s) who contravenes this Bylaw from attending the Hartland Landfill.

(Bylaw 4497)

5.4 A person is entitled to a 25% reduction in monetary penalty resulting from violation of this bylaw if fines or fees are paid within 30 days from issue.

(Bylaw 4497)

~~SCHEDULE "C"~~
~~TIPPING FEES~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~
SCHEDULE "C"

TIPPING FEES

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

(Bylaw 4497)

FEES

1. The fees for depositing solid waste at the Disposal Site are:

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Asbestos Containing Material	As directed by CRD staff	$157		$20
Asphalt Roofing Shingles (effective July 1, 2024)	Public Drop Off Area	$110	$10 bin fee	
Asphalt Roofing Shingles (effective July 1, 2024)	As directed by CRD staff	$110		$10
Bicycle tires and tubes	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Bulky Waste	Active Face	$254		$10
Carpet and Underlay (effective July 1, 2024)	Public Drop off Area	$110	$10 bin fee	
Carpet and Underlay (effective July 1, 2024)	As directed by CRD staff	$110		$10
Clean Renovation and Demolition Waste (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Clean Renovation and Demolition Waste (effective January 1, 2024)	As directed by CRD staff	$150		$10
Clean Wood Waste (effective January 1, 2024)	Public Drop off Area	$80	$10 bin fee	
Clean Wood Waste (effective January 1, 2024)	As directed by CRD staff	$80		$10
Controlled Waste	As directed by CRD staff	As listed in Schedule "E"		$20

Cooking oil and grease	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule “G” (excluding tires on rims)	Public Drop Off Area	No fee		No fee
Extended Producer Responsibility Product listed in Schedule “G” tires on rims	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Hauler Incentive Rates (effective January 1, 2024)		$125		
Hauler Incentive Rates (effective January 1, 2025)		$135		
Household Hazardous Waste	Public Drop Off Area	No fee		No fee
International Low Risk Waste	As directed by CRD staff	$135		
Kitchen Scraps until December 31, 2021	Kitchen Scraps Transfer Station	$120		
Kitchen Scraps effective January 1, 2022	Kitchen Scraps Transfer Station	$140		
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Public Drop Off Area	$300	$10 bin fee	
Unsorted Renovation and Demolition Waste (effective July 1, 2024)	Active Face	$300		$20

Waste Type	Disposal Site Designated Location	Tipping Fee (per tonne)	Other Fees	Minimum Tipping Fee
Mattresses and boxsprings	Public Drop Off Area	$110	$10 bin fee	
Propane tanks and fire extinguishers	Public Drop Off Area	No fee		No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by non-commercial hauler)	Public Drop Off Area	No fee	$6 recycling area entry fee	No fee
Recyclable Material excluding Scrap Metal, mattresses and boxsprings, Yard and Garden Material and Clean Wood Waste (by Commercial Hauler)	Public Drop Off Area	No fee	$26 recycling area entry fee	No fee
Refuse (effective January 1, 2024)	Active Face	$150		$10
Refuse (effective January 1, 2024)	Public Drop Off Area	$150	$10 bin fee	
Salvaged Wood Waste	As directed by CRD staff	No Fee		No fee
Scrap Metal	Public Drop Off Area	No fee	No fee	
Stumps and Branches	As directed by CRD staff	$110		$10
Treated Wood and Wood Products (effective July 1, 2024)	As directed by CRD staff	$110	$10 bin fee	
Waste Asbestos which originates outside the CRD	As directed by CRD staff	$500		$20
Weeds (Source separated)	Active Face	$59		$10
Weeds (not Source –separated in Refuse)	Active Face	$150		$10
Weeds (not Source –separated in Refuse)	Public Drop Off Area	$150	$10 bin fee	
Weeds (Source separated)	Public Drop Off Area	$59		$10
Yard and Garden Materials	As directed by CRD staff	$59		$10
Uncovered or unsecured loads	All fees applicable to the Load are doubled			

GENERAL

2. Per tonne fees are based on weight as measured on the scale, based on the difference in weight between the loaded weight and the weight of the empty Vehicle.

3. Where a dollar amount per tonne is indicated, it is to be interpreted as allowing a proportionate fee for a portion of a tonne in 10 kg increments.

4. All fees shall be rounded up or down to the nearest quarter of a dollar.

5. In the event that the weigh scales provided at the Disposal Site are not operational, or in the event of traffic congestion, or at the discretion of the Manger, weights shall be as estimated based on volume by the Manager or Capital Regional District staff.

6. If a person disposes a Load containing Source-separated Recyclable Materials, Extended Producer Responsibility Products, Yard and Garden Material, Household Hazardous Waste, or other Refuse at the Public Drop Off Area and chooses not to weigh out after disposal of each class of material, they are subject to pay a tipping fee for Refuse for the entire Load.

7. All fees payable under this Bylaw shall be paid to the Capital Regional District in cash, by cheque, debit, or credit card at the time the disposal is made.

8. Notwithstanding Section 7, any person disposing Solid Waste, except Recyclable Materials, at the Disposal Site on a regular basis may apply to the Capital Regional District for credit, and, if the treasurer is satisfied of the credit worthiness of the person, he or she may grant credit to the person, in which case payment of the fee imposed under Section 1 shall be made and the credit extended on the following conditions.

   (a) the person receiving credit shall pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month for which an invoice has been submitted. The Capital Regional District will invoice monthly for Solid Waste disposed during the preceding month. The invoice amount will be based on the total quantity of Solid Waste delivered during the month and the posted disposal rates in effect at the time of delivery;

   (b) late payment(s) will be subject to an interest penalty fee of 1.5% per month;

   (c) the Capital Regional District reserves the right to cancel, upon five (5) days' notice, the credit offered herein for late payment, non-payment, or other justified cause as judged solely by the treasurer;

   (d) if the person receiving credit fails to pay to the Capital Regional District all fees in full within thirty (30) days of the last day of the month in which an invoice has been issued, the Capital Regional District may withhold monies equivalent to those fees, plus interest, that are owed by the Capital Regional District to the person receiving credit under a separate contract, agreement, or offer between the Capital Regional District and the person receiving credit; and

   (e) the Capital Regional District reserves the right to refuse access to the Disposal Site to a person receiving credit until outstanding fees are paid.

~~SCHEDULE "D"~~

~~(Bylaw 4100)~~

~~PROHIBITED WASTE~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~

~~Prohibited Waste~~
~~Aggregate~~
~~Asbestos Containing Material, except as permitted in this bylaw~~
~~Asphalt and Rubble~~
~~Biomedical Waste~~
~~Clean Soil~~
~~Concrete~~
~~Contaminated Demolition Waste~~
~~Gypsum Board or Wallboard, except as permitted in this bylaw~~
~~Ignitable Waste~~
~~Kitchen Scraps, except as permitted in this Bylaw~~
~~Liquids, except as permitted in this Bylaw~~
~~Motor vehicle bodies and farm implements~~
~~Radioactive Waste~~
~~Reactive wastes~~
~~Sharps, except as permitted in this Bylaw~~
~~Specified Risk Material~~
~~Vermiculite Insulation, except as permitted in this Bylaw~~
~~Waste that is on fire or smouldering~~
~~Waste containing PCBs, except as permitted in this bylaw~~

SCHEDULE "D"

(Bylaw 4497)

PROHIBITED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Prohibited Waste
Aggregate
Asphalt Roofing Shingles, except as permitted in this Bylaw
Asbestos Containing Material, except as permitted in this bylaw
Asphalt and Rubble
Biomedical Waste
Carpet and Underlay, except as permitted in this Bylaw
Clean Soil
Concrete
Contaminated Demolition Waste
Gypsum Board or Wallboard, except as permitted in this bylaw
Ignitable Waste

Kitchen Scraps, except as permitted in this Bylaw
Liquids, except as permitted in this Bylaw
Motor vehicle bodies and farm implements
Radioactive Waste
Reactive wastes
Sharps, except as permitted in this Bylaw
Specified Risk Material
Vermiculite Insulation, except as permitted in this Bylaw
Waste that is on fire or smouldering
Waste containing PCBs, except as permitted in this bylaw
Wood Waste, except as permitted in this Bylaw

SCHEDULE "E"

CONTROLLED WASTE

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

(Bylaw 4497)

The fees for disposing of Controlled Waste in the Disposal Site are:

Controlled Waste	Disposal Fee
Animal Fecal Waste	$157 per tonne
Catch Basin Waste	$157 per tonne
Commercial Load of Uncontaminated Demolition Waste	$110 per tonne
Condemned or Spoiled Foods	$157 per tonne
Contaminated Gypsum Board or Wallboard	$311 per tonne
Contaminated Gypsum Board or Wallboard originating outside the CRD effective January 1, 2017	$500 per tonne
Contaminated Soil	$157 per tonne
Dead Animal	$254 per tonne
Fibre Optic Cable	$157 per tonne
Food Processing Wastes	$157 per tonne
Health Hazard Waste	$157 per tonne
International High Risk Cruise Ship Waste	$500 per tonne
Knotweed	$59 per tonne
Miscellaneous Controlled Waste	$157 per tonne
Pumpings from septage treatment facilities containing residual sludge	$157 per tonne
Pumpings from sewage treatment plants, pump stations and sewer lines	$157per tonne
Screenings from sewage treatment plants, septage treatment facilities and pump stations	$157 per tonne
Sharps	$254 per tonne
Slurries which may contain non-hazardous solids, soil, sand, gravel, fibres, fats, oils and grease or mineral oil and grease	$157 per tonne
Soot and Ash	$157 per tonne
Spent charcoal from water purification plants and odour filters	$157 per tonne
Surface Coating Waste	$157 per tonne
Vehicle Washing Facility Waste	$157 per tonne
Vermiculite Insulation	$157 per tonne
Waste Sludge from sewage treatment plants containing no more than 80% total moisture	$121 per tonne

~~**SCHEDULE "F"**~~

~~*(Bylaw 3917)*~~

~~**RECYCLABLE MATERIALS**~~
~~**RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION**~~
~~**AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)**~~

~~**CAPITAL REGIONAL DISTRICT**~~
~~**BYLAW NO. 3881**~~
SCHEDULE "F"

(Bylaw 4497)

RECYCLABLE MATERIALS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION
AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Mandatory Recyclable Material
EPR Products
Clean Wood Waste (Effective January 1, 2024)
Asphalt Roofing Shingles (Effective July 1, 2024)
Carpet and Underlay (Effective July 1, 2024)
Treated Wood and Wood Products (Effective July 1, 2024)
Salvaged Wood Waste (Effective July 1, 2024)
Non-EPR Corrugated Cardboard
Propane Tanks and fire extinguishers
White Goods
Non-EPR Mixed Paper
Scrap Metal
Yard and Garden Material
Voluntary Recyclable Material
Books (textbooks, novels, soft and hardcover books)
Non-EPR Film plastic
Non-EPR Glass containers
Large rigid plastics
Mattresses and boxsprings
Rigid plastic containers
Non-EPR Polystyrene
Non-EPR Polycoated containers
Bicycle tubes and tires

~~SCHEDULE "G"~~

~~(Bylaw 3917)~~

~~EXTENDED PRODUCER RESPONSIBILITY PRODUCTS~~
~~RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION~~
~~AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)~~

~~CAPITAL REGIONAL DISTRICT~~
~~BYLAW NO. 3881~~
~~SCHEDULE "G"~~

(Bylaw 4497)

EXTENDED PRODUCER RESPONSIBILITY PRODUCTS
RECEIVED AT HARTLAND LANDFILL AT A DESIGNATED LOCATION
AT THE PUBLIC DROP OFF AREA (SMALL SOURCE SEPARATED LOADS)

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3881

Product Category	Materials Accepted at Hartland
Beverage container	• ready-to-serve beverage containers made of aluminium, glass, paper, plastic and/or steel
Solvent and flammable liquids, Gasoline, Pesticide, Lubricating oil, oil filter, Paint product, Lead acid battery, antifreeze	• flammables, • gasoline and pesticides • lubricating oil and empty oil containers • used oil filters • paint • lead acid batteries • antifreeze
Electronic and electrical	• display products and accessories (TV, monitor, remote) • desktop computers and accessories (CPU, keyboard, mouse, cable) • portable computers and accessories (laptop, netbook, tablet) • printing, scanning and multifunction devices (printer, fax machine, scanner) • audio products and accessories (radio, record player/stereo, walkie talkie, MP3, earphones) • video products and accessories (camera, video console, VCR/DVD/PVR) • video gaming systems and accessories (game console, controller, joystick, cable) • non-cellular telephones and answering machines • aftermarket vehicle audio and video systems (speaker, vehicle display, GPS) • electronic musical instruments (guitar, drum set, keyboard) • IT and Telecom devices (router, Ethernet switch, telecom bridge, cash register

	• medical monitoring and control devices (thermometer, blood pressure device, stethoscope, microscope) • small appliances and power tools (kitchen countertop, personal care, floor cleaning, weight measurement, garment care, air treatment, time measurement, sports and leisure, power tools, sewing and textile, exercise machines) • residential lights (fluorescent tubes and bulbs (CFLs), halogen and incandescent lamps, light emitting diode (LED) lamps, light ballasts (that may contain PCB), High Intensity Discharge (HID) and other mercury containing lamps) • residential light fixtures and products (bike lights, ceiling fixtures, chandeliers, flashlights, floor lamps, light strings, outdoor fixtures, recessed/pot lights) • batteries for use in electronic and electrical products listed in this section including primary and rechargeable batteries
Tire	• automotive tires (unrimmed)
Printed Paper and Packaging from Residential Premises but not from **Industrial Commercial Institutional** operations	• Cardboard storage box • Cardboard storage • Cardboard moving boxes • Paper gift boxes • Paper bag • Paper lunch bag • Paper pinata • Paper gift bag • Paper party hat • Paper party décor • Newspapers • Newspaper Inserts • Magazines • Catalogues • Telephone Directories • Other Printed Media • Residential Printed Paper • Miscellaneous Printed Paper • Old Corrugated Cardboard • Paper cup (hot) (Polycoated liner) • Paper Cup (hot) (biodegradable liner) • Paper Cup (cold) (waxed) • Paper Cup (cold) (2-sided Polycoated) • Polycoated Milk Cartons • Aseptic Containers • Multi-laminated Paper Packaging • Old Boxboard (OBB) • Wet Strength Boxboard • Moulded Pulp • Kraft Papers • Polycoated Boxboard • High-density polyethylene Films • Low-density polyethylene / Linear Low-density polyethylene Films

	• Polystyrene Clamshells Expanded polystyrene • Polystyrene Trays/Plates Expanded polystyrene • Polystyrene Meat Trays Expanded polystyrene • Polystyrene Hot Drink Cups Expanded polystyrene • Polystyrene Cushion Packaging Expanded polystyrene • Polyethylene terephthalate Bottles (non-beverage) • Polyethylene terephthalate Jars • Polyethylene terephthalate Clamshells • Polyethylene terephthalate Trays • Polyethylene terephthalate Tubs & Lids • Polyethylene terephthalate Cold Drink Cups • High-density polyethylene Bottles (non-beverage) • High-density polyethylene Jars • High-density polyethylene Pails • High-density polyethylene Trays • High-density polyethylene Tubs & Lids • High-density polyethylene Planter Pots • Polyvinyl chloride Bottles • Polyvinyl chloride Jars • Polyvinyl chloride Trays • Polyvinyl chloride Tubs & Lids • Low-density polyethylene Bottles (non-Beverage) • Low-density polyethylene Jars • Low-density polyethylene Tubs & Jars • Polypropylene Bottles (non-beverage) • Polypropylene Jars • Polypropylene Clamshells • Polypropylene Trays • Polypropylene Tubs & Lids • Polypropylene Cold Drink Cups • Polypropylene Planter Pots • Polystyrene Bottles (non-beverage) • Polystyrene Clamshells (rigid) • Polystyrene Trays (rigid) • Polystyrene Tubs & Lids (rigid) • Polystyrene Tubs & Lids (high impact) • Polystyrene Cold Drink Cups (rigid) • Polystyrene Planter Pots • Other1 Plastic Bottles (non-beverage) • Other Plastic Jars • Other Plastic Clamshells • Other Plastic Trays • Other Plastic Tubs & Lids • Other Plastic Cold Drink • Other Plastic Planter Pots

[1] 'Other' plastic packaging is typically: manufactured from a combination of recycled resins; manufactured with a barrier layer; or, lacking a resin code mark.

	• Steel Cans (non-beverage) • Steel Aerosol Cans • Spiral Would Cans (steel ends) • Aluminum Cans (non-beverage) • Aluminum Aerosol Cans • Aluminum Foil and Foil Containers • Bimetal Containers/Aerosols • Clear Glass Bottles and Jars (non-beverage) • Coloured Glass Bottles and Jars (non-beverage)

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EEP 23-46

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 15, 2023

SUBJECT **Bylaw No. 4575 – Regional Coordination of Biodiversity and Environmental Stewardship**

ISSUE SUMMARY

To initiate the conversion of the invasive species program under the Climate Action Service to a separate service focused on regional biodiversity and protection of ecological assets.

BACKGROUND

The Capital Regional District (CRD) Board identified a strategic initiative to "explore options for a regional approach to biodiversity and the protection of ecological assets" in its 2023-2026 Strategic Priorities. Protecting and enhancing regional biodiversity and ecological assets will help build climate resiliency, improve watershed and harbour health, support food security and enhance the livability, sustainability and resilience of the region through environmental stewardship.

Staff propose converting the existing invasive species program into a new Biodiversity and Environmental Stewardship Service that integrates coordination of biodiversity, protection and stewardship of ecological assets and invasive species management. This proposed service supports the following Board priorities: (1) regional action around protection of biodiversity and ecological assets (i.e., invasive species, urban forests, terrestrial ecosystems, waterways and wetlands, and intertidal/near shore marine habitats); (2) engagement with First Nations partners on collaborative stewardship of key ecological and cultural features in support of meaningful reconciliation and restoration; and (3) to enhance regional collaboration and action in building climate resiliency.

Staff have drafted a new establishment bylaw (Appendix A) and a proposed cost apportionment (Appendix B) for consideration.

Initially the service will regionalize the invasive species program, including support to the Electoral Areas, at the current level of support and formalize local government requisition for the part-time invasive species coordinator. Currently, the invasive species program is funded through an allocation model from Regional Parks, Watershed Protection and Environmental Protection divisions. Additional staff capacity and operational funds will be considered in future budget cycles.

ALTERNATIVES

Alternative 1
The Environmental Services Committee recommends to the CRD Board:

1. That Bylaw No. 4575, "Biodiversity and Environmental Stewardship Coordination Establishing Bylaw No. 1, 2023", be introduced and read a first, second and third time;
2. That participating area approval be obtained by regional alternative approval process; and
3. That Bylaw No. 4575 be forwarded to the Inspector of Municipalities for approval.

Alternative 2
That the report be referred back to staff for more information to be considered in the 2025 budget process.

IMPLICATIONS

Environmental and Climate Implications

Healthy environments form the foundation for healthy communities and biodiversity is a key metric of healthy and resilient environments. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services released the Global Assessment Report on Biodiversity and Ecosystem Services in 2019, which found that biodiversity is being altered at an unprecedented rate. Five direct drivers of biodiversity loss were identified:

1) Land/Sea-Use Change
2) Invasive Alien Species
3) Climate Change
4) Overexploitation of Resources
5) Pollution

The existing CRD program is a good basis for the new service; invasive species management is an integral component of environmental stewardship that restores, protects and enhances healthy ecosystems.

Social Implications

Enhanced knowledge and awareness relating to biodiversity will inform the ways citizens across the region relate to the environment. Our goal is to prompt more environmentally conscious actions, such as ecosystem restoration and protection, watershed protection, planting of trees and native species and removal of invasive species to enhance and protect biodiversity and ecological assets in the region.

Intergovernmental Implications

A regional approach to biodiversity and protection of ecological assets requires coordination across multiple levels of government, First Nations, environmental organizations, landowners, and residents of the region. Currently, staff collaborate and coordinate with many of these partners through CRD-facilitated, multi-stakeholder initiatives around watershed and harbour stewardship, invasive plants, and Canada geese. The CRD is well-positioned to take on a role in the regional enhancement and protection of biodiversity and ecological assets.

Financial Implications

Currently the invasive species program is funded through an allocation model across three divisions: Regional Parks, Watershed Protection and Environmental Protection. The proposed new service would shift funding to a regional requisition at the current budget (approximately $100,000). This new regional service would be cost-shared based on population (50%) and converted assessment (50%). The proposed cost apportionment for the participating partners for 2024 is in Appendix B.

Legal Implications

A regional district may operate any service it deems desirable provided that, on establishment of the service by way of service establishing bylaw, it received participating area approval. There are three options to obtain participating area approval for Bylaw No. 4575: regional alternative approval process; municipal consent on behalf with alternative approval process (AAP) in the electoral areas; and referendum/elector assent.

A regional district's bylaw-making powers are subject to certain levels of provincial approval, such as for bylaws relating to public health or, in this case, bylaws that may relate to regulation of the natural environment. As this bylaw is for coordination, engagement and public education, and not for regulation, no additional Ministry of Environment & Climate Change Strategy approval is required. The draft bylaw contains a provision for clarity, stating it is not for regulation, to avoid confusion on the Inspector of Municipalities' review.

As a regional biodiversity and environmental stewardship service is most effective if all municipalities and electoral areas participate, a regional AAP is advised. This would put the responsibility of objecting to the service on the electors who, if 10% were not in favour, could determine not to proceed. An alternative is the municipal consent process, which would permit any municipality or electoral area to effectively veto the creation of the service if they were not in favour of its establishment. Given an AAP is already required in the Electoral Areas, it is recommended a regional AAP be pursued.

CONCLUSION

The Capital Regional District (CRD) Board identified the preservation of regional biodiversity and protection of natural assets as a strategic priority and directed staff to explore options for a regional approach to the issue. Converting the current invasive species program to a service under a new establishing bylaw will support the Board's direction, expand the service more broadly towards environmental stewardship and allow for service level amendments based on future Board direction. Staff have prepared a service establishment bylaw to pursue a regional approach to biodiversity and the protection of ecological assets and to coordinate partnerships between land use agencies under various jurisdictions, including First Nations, federal and provincial agencies, local and regional governments, environmental stewardship groups and residents. Increased environmental stewardship and action on biodiversity and protection of ecological assets can improve watershed health, build climate resiliency and create more sustainable and livable communities.

RECOMMENDATION

The Environmental Services Committee recommends to the CRD Board:

1. That Bylaw No. 4575, "Biodiversity and Environmental Stewardship Coordination Establishing Bylaw No. 1, 2023", be introduced and read a first, second and third time;
2. That participating area approval be obtained by regional alternative approval process; and
3. That Bylaw No. 4575 be forwarded to the Inspector of Municipalities for approval.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4575, "Biodiversity and Environmental Stewardship Coordination Establishing Bylaw No. 1, 2023"
Appendix B: Participants Cost Apportionment – Regional Biodiversity and Environmental Stewardship Service

APPENDIX A

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4575

****

A BYLAW TO ESTABLISH A SERVICE FOR REGIONAL COORDINATION OF BIODIVERSITY AND ENVIRONMENTAL STEWARDSHIP

****

WHEREAS:

A. The Board of the Capital Regional District wishes to establish a regional Biodiversity and Environmental Stewardship service (the "Service") to pursue a regional approach to biodiversity and the protection of ecological assets with public authorities and groups across the capital region under s.332 of the *Local Government Act*.

B. Participating area approval is required and assent of the electors has been obtained by regional alternative approval process, pursuant to ss.342(4) and 345 of the *Local Government Act*; and,

C. The approval of the Inspector of Municipalities has been obtained under s.342 of the *Local Government Act*.

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

1. Service

1.1 The Service being established and to be operated is a service for the purpose of coordinating a regional approach to biodiversity, protection of ecological assets and environmental stewardship ("the Service"), including:

a. Conducting research and obtaining biodiversity and ecological asset inventory and data, monitoring, mapping and managing their key stressors and problem species (i.e. invasive plants and animals);
b. Coordinating, communicating and establishing collaborative partnerships with municipalities, First Nations, large landowners, other government agencies, and stewardship groups to protect, restore and enhance key biodiverse habitats and ecological assets, and to minimize and manage the impacts of stressors and problem species (i.e., coordinating training on managing invasive species, provision of educational resources, and establishment of a shared treatment and monitoring contract); and
c. Facilitating the development and implementation of an environmental stewardship strategy and public outreach and education program to increase public awareness of, and engagement in, the protection of biodiversity and ecological assets and managing invasive species.

1.2 For clarity, this bylaw does not establish a service to regulate the natural environment under the *Community Charter*.

2. Service Area Boundaries

The boundaries of the service area are coterminous with the boundaries of the Capital Regional District (the "Service Area").

3. Participating Areas

All municipalities and electoral areas within the Capital Regional District are the participating areas for this service (the "Participating Area").

4. Cost Recovery

As provided in Section 378 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

a. property value taxes imposed in accordance with Division 3 of 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 by the *Local Government Act* or another *Act*;

d. revenues received by way of agreement, enterprises, gift, grant or otherwise.

5. Cost Apportionment

a. The annual costs for the service, net of grants and other revenues, shall be apportioned among the participating areas, as follows:

   i. Fifty (50) per cent of the costs shall be recovered on the basis of the population of the participating areas; and

   ii. Fifty (50) per cent on the converted value of land and improvements in the participating areas.

b. Population, for the purpose of this section, is the population estimate as determined annually by the Regional Planning department of the Capital Regional District.

6. Maximum Requisition

The maximum amount that may be requisitioned under Section 339(1)(e) for the Service will be the greater of:

a. Five hundred thousand dollars ($500,000); or

b. An amount equal to the amount that could be raised by a property value tax rate of $0.0028 per one thousand dollars ($1,000.00), which when applied to the net taxable value of the land and improvements within the Service Area, will yield the maximum amount that may be requisitioned for the Service.

7. Citation

This Bylaw may be cited as Bylaw No. 4575, “Biodiversity and Environmental Stewardship Coordination Establishing Bylaw No. 1, 2023”.

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 REGIONAL ALTERNATIVE APPROVAL PROCESS THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

APPENDIX B

PARTICIPANTS COST APPORTIONMENT

REGIONAL BIODIVERSITY AND ENVIRONMENTAL STEWARDSHIP SERVICE

November 2023

50/50 Converted Assessment/Population

	Basis of Apportionment			
	50%	50%		
	Regional Planning Population (2022)	Converted Assessments (2023 Revised)	Percent of Total	2024 Requisition
Municipalities				
Central Saanich	18,689	923,380,888	4.35%	4,234
Colwood	20,766	809,693,136	4.32%	4,204
Esquimalt	19,155	671,867,225	3.81%	3,704
Highlands	2,599	136,960,528	0.63%	609
Langford	49,345	2,121,412,137	10.74%	10,446
Metchosin	5,142	226,870,368	1.13%	1,102
North Saanich	12,671	918,708,349	3.65%	3,549
Oak Bay	19,211	1,279,769,880	5.26%	5,119
Saanich	125,853	5,461,179,077	27.52%	26,760
Sidney	12,569	754,068,357	3.25%	3,156
Sooke	15,991	593,243,986	3.26%	3,167
Victoria	96,390	4,946,222,123	22.89%	22,264
View Royal	12,606	498,912,282	2.64%	2,569
	410,987	19,342,288,336	93.45%	90,882
Electoral Areas				
Juan de Fuca	5,651	367,942,462	1.53%	1,486
Salt Spring Island	11,828	723,420,921	3.09%	3,002
Southern Gulf Islands	5,388	550,734,297	1.93%	1,880
	22,867	1,642,097,680	6.55%	6,368
Total	433,854	20,984,386,016	100.00%	97,250

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REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 04, 2023

SUBJECT **Code of Conduct – Next Steps**

ISSUE SUMMARY

To provide the Board with resources to assist in the continued development of a Board Code of Conduct and obtain direction on key elements that will guide staff in developing the Code.

BACKGROUND

On February 8, 2023, the CRD Board endorsed the following motion:

1. That the CRD Board endorse development of a code of conduct to establish shared expectations of responsible conduct and behavior of CRD Directors; and

2. That staff be directed to report back to governance Committee with resources and examples to facilitate development of the code of conduct.

This motion was made in response to new legislative requirements that came into effect in June of 2022 which require local governments to consider adopting or revising an existing code of conduct within six months of the first Board or council meeting post-election.

To assist in the development of a code of conduct, the UBCM Working Group on Responsible Conduct (WGRC) has developed a series of guides and useful materials. Attached at Appendix A is an annotated Model Code of Conduct that can be used as a baseline code of conduct for consideration.

During the committee discussion on the previous report, staff heard that Directors were interested in learning about the approach taken by local member municipalities and having a comparative analysis of what other jurisdictions have done. Staff have undertaken a local review, and reviewed the approach taken by other mid-sized and large local governments in the province, and have summarized the results in Appendix B. Note that not all CRD member municipalities have updated their codes of conduct and some are still under development.

To date, the CRD Board has functioned without a code of conduct for Board Directors. In the past when minor concerns over conduct have arisen, they have been addressed by the Board Chair with support from the Corporate Officer and CAO. There is a good probability that enforcement provisions within a code of conduct will not need to be utilized, however, there are benefits in setting out a clear framework with standards for conduct which has a process to address potential breaches. Doing so will increase accountability for Director conduct and ensure certainty on the process by which Directors will be held to those standards.

ALTERNATIVES

Alternative 1
The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Code of Conduct bylaw that includes the following elements:
    a. Standards of conduct will be applicable to Board Directors, Alternate Directors, and elected members of CRD Committees and Commissions;
    b. Allows for complaints to be made by Directors, Alternate Directors, and elected members on CRD Committees and Commissions;
    c. Includes a clear process for filing complaints;
    d. Allows for complaints to be referred to and adjudicated by a third-party investigator;
    e. Has a preliminary screening mechanism, an informal and formal resolution process;
    f. Allows for the imposition of remedies and sanctions;
    g. Includes guidelines for confidentiality in investigations and provides for the public release of investigative reports;
    h. Provides for the discretionary reimbursement of legal expenses.

Alternative 2
The Governance Committee recommends to the Capital Regional District Board:
That the report be referred back to staff for additional information, as directed.

IMPLICATIONS

Format of the Code

Codes of conduct can take the form of a bylaw or a policy. There are pros and cons to both approaches and both formats have been utilized in the codes of conduct included in the appendices. Saanich, Langford and Esquimalt all have enacted their codes of conduct in a policy. Sidney, Nanaimo, Surrey and Vancouver have codes of conduct in a bylaw. City of Victoria Council has indicated its intention to proceed by way of bylaw, though the development of its code is still underway.

The benefit of a policy is that it allows more flexibility if the Board wishes to enacted changes in the future. However, the perceived flexibility may also be a drawback, leading Directors to interpret provisions more as guidelines. A bylaw has a more robust process required for adoption and can only be amended through the adoption of an amending bylaw. Codes of conduct with more extensive and formal sanctions, including enforcement provisions and powers to appoint a third-party investigator, tend to be bylaws rather than policies, and for that reason, staff recommend adopting a code in the form of a bylaw.

Inclusion of Value Statements

The *Principles for Codes of Conduct Regulation* sets out foundational principles that must be considered when establishing standards of conduct:

- members must carry out their duties with integrity;
- members are accountable for the decisions that they make, and the actions that they take in the course of their duties;
- members must be respectful of others;
- members must demonstrate leadership and collaboration.

The value statement is a high-level expression of the foundational principles set out in the code. The WGRC Model Code of Conduct at Appendix A includes examples of how the foundational principles can be defined and how they can be expanded upon to form the basis for establishing the standards of conduct.

Standards of Conduct
The example codes in the appendices demonstrate a range of options that are typically included as standards of conduct. These include:

- Compliance with applicable laws;
- Interactions with staff;
- Respect for procedural requirements;
- Communication and advocacy;
- Use of social media;
- Collection and handling of confidential information;
- Conflict of interest;
- Receipt of Gifts;
- Use of public resources.

While there are a wide range of potential provisions, there is benefit in ensuring the code is clear, direct and concise and not overly long and detailed. Staff recommend that the code not include provisions that would duplicate or overlap with existing CRD policies that are applicable to Directors. For example, the CRD's Respectful Workplace Policy applies to both Directors and staff and includes a dispute resolution mechanism for the handling of complaints which would allow a staff member to make a complaint against a Director, and vice versa.

A key distinction in approach taken to standards of conduct is whether the code will simply require adherence with the provisions of the *Community Charter* and the *Local Government Act* that govern the conduct of elected officials (for example, conflict of interest; the receipt of gifts; reporting of related party transactions; financial disclosure statements) or, whether the code will expand on those requirements to include a more detailed description of the offending conduct. When assessing the spectrum of options, Esquimalt's code does not expand on legislated provisions; Langford and Comox Valley minimally expand on the requirements; Nanaimo and Sidney include more detail, particularly with respect to guideline on how to declare a conflict of interest; Surrey's code is very extensive; and, City of Vancouver has detailed provisions on receipt of gifts. Staff recommend CRD's approach fall somewhere in the middle and take an approach similar to Sidney, to provide enough detail to allow Directors or the public to easily understand the standard of behavior without having to refer to the source legislation.

Scope of Application
The Board has discretion to determine how broadly it wishes the code of conduct to apply. The CRD has an extensive governance system that includes the three CRD Boards; standing, select and advisory committees; and over 78 committees and commissions. Membership on these bodies varies from elected CRD Directors; Alternate Directors who are elected officials; Alternate Directors who are not elected officials (for Electoral Areas); elected officials from other jurisdictions (i.e. Municipal Councilors who sit on delegated bodies like Regional Water Supply Commission or Recreation Commissions); Elected Local Community Commissioners; and non-elected volunteer committee and commission members appointed by the Board (for some advisory committees and most local area committees and commissions).

A clear distinction can be made between elected and non-elected individuals. Elected officials have statutory responsibilities that they must comply with, for example to avoid a conflict of interest or to maintain confidentiality of *in camera* information, which do not apply by legislation to non-elected individuals. In addition, it is not within the Board's discretion to terminate an elected official's appointment, which is otherwise a potential option to resolve undesirable conduct by a non-elected appointed committee or commission member.

While it may be desirable to have one code of conduct for all individuals responsible for CRD governance, including non-elected committee and commission members may cast too wide a net, particularly if those individuals were included in the complaint and formal dispute resolution process. This would expand the class of potential complainants and subjects to several hundred individuals. Currently when members of the public are appointed to CRD governance bodies, they are asked to sign a confidentiality and non-disclosure agreement and are provided an orientation on acceptable conduct. With introduction of the code, staff could revise these agreements to include a more robust list of standards of conduct that mirror the provisions of the code of conduct.

Alternate EA Directors are unique in that they are appointed directly by the elected EA Director and can be terminated at will by the Director. Though they are not elected, Alternate EA Directors act in the place of a Director, swear an oath of office, and receive remuneration for their services making their position akin to an elected official.

To ensure there is a consistent standard of conduct at the CRD Boards, standing committee and delegated commissions, staff recommend that Directors and Alternate Directors (both muncipal and EA) be included in the .code's scope of application. This approach would be consistent with the definition of "Members" in the CRD Board Procedure Bylaw which includes municipal and electoral area directors and alternates when acting in the place of the director. Staff further recommend that elected Local Community Commissioners be included in the scope as well as elected officials that are members of delegated commissions.

In terms of the context for application, staff recommend that the code include a statement that clarifies it will apply to actions taken in the member's capacity as a CRD representative, but not apply to personal activities except in so far as it would bring the CRD into disrepute.

Enforcement Process
Codes are intended to be self-enforcing and to encourage voluntary compliance. The goal is not to penalize breaches but rather to ensure they do not happen in the first place due to mutual respect for shared expectations of behavior. Enforcement provisions in a code typically include the following provisions:

Complaint – Informal Resolution – Formal review – Investigation – Resolution – Release of Findings

Complaints
There are a wide range of approaches to defining the eligible class of complainants under a code of conduct. The default is that those subject to the code are permitted to file a complaint. Some jurisdictions also allow complaints from staff, volunteers, committee members, or any member of the public.

Allowing complaints from members of the public has the advantage of providing a way to address breaches that other Directors may not be aware of. It also potentially reduces any insider bias that might discourage Directors from filing a complaint against their colleagues. That said,

broadening the class of complainants also has drawbacks. It may increase the number of complaints, particularly with a 24-member Board, and it has the potential to be used for political purposes. A code can include non-obstruction provisions and confidentially clauses that will ensure an investigation is carried out in a fair and confidential way, however, those provisions do not apply to members of the public which could disadvantage the subject of the complaint. Additionally, members of the public have other avenues they can pursue if they are concerned about a Director's conduct, including making a complaint to the B.C. Office of the Ombudsperson or expressing their views through voting. For these reasons, staff recommend that the CRD code of conduct restrict the class of complainants to those individuals subject to the Code.

Informal and Formal Dispute Resolution Provisions
The majority of codes of conduct reviewed by staff include provisions that allow for early and informal resolution of complaints either by staff or a third-party investigator, that advance to a formal investigation process if it cannot be resolved within a specified timeframe. Many codes also include provisions to summarily dismiss frivolous or vexatious complaints without merit. Staff recommend following this approach for CRD's code of conduct. Breaches may be committed accidently or as a result or a momentary lapse of judgement and not all infractions will be serious enough in nature to merit a full investigation and report. Taking this approach will ensure resources are not wasted on trivial or insignificant breaches.

Note that codes of conduct are not meant to address behavior that is criminal in nature (i.e. fraud) or that would be best dealt with through the courts (i.e. disgorging financial gain obtained from not declaring a pecuniary conflict of interest).

Adjudication of Complaints
There are two main approaches taken to adjudication of complaints: ad hoc appointment of a third-party investigator or retaining an Integrity Commissioner. Both approaches have the benefit of not involving staff in the investigation and adjudication of the complaints, which is key to avoiding any perception of bias and to preserve the relationship between staff and elected officials.

City of Vancouver and Surrey are two jurisdictions that have a standing integrity commissioner. Under this model, a commissioner serves in a standing role to administer the code of conduct. In some cases, the commissioner will provide pro-active, code-related training. Integrity commissioners are usually appointed for a term by the Board or Council and fully manage all code-related administration including receiving complaints and early screening, through to investigation and reporting out on findings.

Appointment of a third-party investigator is a more common approach and the preference of staff for CRD's code of conduct. Rather than this being a standing position, an investigator would be retained on receipt of a complaint. Under this model, the CAO or Corporate officer would be designated to receive complaints, then have the power to retain an investigator. The advantages of this approach are that it's more cost-effective than having a commissioner on retainer, particularly when it's uncertain whether any complaints will come forward. A potential drawback is that it requires the involvement of staff in choosing and retaining an investigator which could give rise to a perception of bias or create conflict with the subject of a complaint. To mitigate this risk, the Board could endorse a pre-approved list of potential investigators that may be called upon if a complaint is filed.

Resolution Provisions
One of the main benefits of a code of conduct is that it allows for the imposition of sanctions against elected officials that are otherwise not available in legislation. The process set out in most newer codes of conduct provides that at the conclusion of an investigation, the investigator will report out to the Board or council on their findings and recommend a potential resolution. Sanctions should not be pre-determined, rather the sanction imposed should be proportionate to the nature and degree of the breach. It will be a decision of the Board or council whether it wishes to impose a recommended sanction, which should be done by resolution. Potential sanctions (with some exceptions) do not need to be listed in the code of conduct, however listing them increases transparency and may help to refine the scope of possible options. Possible sanctions may include:

- Issuing a formal warning or written reprimand;
- Impose a requirement for training;
- Requesting a written apology;
- Restricting benefits or revoking appointments;
- Imposing a reducing on compensation;

The codes attached as appendices demonstrate the full range of potential options. It must be noted that there are legal requirements and limits to the types of sanctions that can be imposed. A sanction imposed under a code of conduct cannot prohibit an elected official from fulling their statutory obligations, like attending Board meetings or communicating with constituents. If the Board wished to impose a reduction on compensation, that must be done by bylaw. Subjects of a complaint also have a right to procedural fairness before sanctions are imposed, which includes advance notice prior to the meeting where sanctions will be discussed, and the right to be heard prior to a decision being made.

Transparency and Release of Findings
The trend in newer codes of conduct is to allow for the public release of investigation reports, after the Board has received the report in closed session and determined any applicable remedies. Release of reports is an important feature of transparency to the public and should be included in the CRD code of conduct. Note however that not all information considered in an investigation should be released to the public and there are some limitations under the *Freedom of Information and Protection of Privacy Act* on what can be disclosed, for example, the substance of *in camera* deliberations or personal information of third parties should not be made public. It may be advisable to only release a summary of the findings and any remedies imposed.

Reimbursement of Legal Fees
Most codes of conduct allow the subject of a complaint to request reimbursement of any legal fees they incur in the investigation process. Including such a provision would allow the Board to make a decision based on the circumstances of each individual case. Some codes of conduct include a cap on the amount that may be reimbursed (Sidney and Comox Valley), while others only allow reimbursement in cases where the complaint is unsubstantiated (Langford).

Many codes of conduct reference indemnification under section 740 of the *Local Government Act* or their own indemnification bylaws as a possible means to recover legal fees. Note that this is not an available option as it only applies to costs of “defending an action or prosecution” neither of which is applicable to a code of conduct investigation, which is an administrative process not a legal proceeding.

CONCLUSION

To advance next steps in drafting a CRD code of conduct, Board input is required on which provisions it would like to include in its code. Staff have undertaken a survey of the approaches taken by other jurisdictions and provide an analysis of pros and cons of the possible provisions. With additional direction from the Board, staff will have sufficient information to progress with a draft code of conduct that will be brought back to Governance Committee and the Board for further review and discussion.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That staff report back with a draft Code of Conduct bylaw that includes the following elements:
    a. Standards of conduct will be applicable to Board Directors, Alternate Directors, and elected members of CRD Committees and Commissions;
    b. Allows for complaints to be made by Directors, Alternate Directors, and elected members on CRD Committees and Commissions;
    c. Includes a clear process for filing complaints;
    d. Allows for complaints to be referred to and adjudicated by a third-party investigator;
    e. Has a preliminary screening mechanism, an informal and formal resolution process;
    f. Allows for the imposition of remedies and sanctions;
    g. Includes guidelines for confidentiality in investigations and provides for the public release of investigative reports;
    h. Provides for the discretionary reimbursement of legal expenses.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: UCBM Model Code of Conduct
Appendix B: Code of Conduct Comparison Tables (CRD & BC Local Governments)
Appendix C: Esquimalt Policy: Council Code of Conduct
Appendix D: Langford Policy: Council Code of Conduct Policy
Appendix E: Saanich Policy: Code of Conduct
Appendix F: Sidney Bylaw: Council Code of Conduct Bylaw No. 2249, 2023
Appendix G: Comox Valley Regional District Policy: Board Code of Conduct
Appendix H: Nanaimo Bylaw: City of Nanaimo Bylaw No. 7348
Appendix I: Surrey Bylaw: Council Code of Conduct Bylaw 2020, No. 20020
Appendix J: Vancouver Bylaw: Code of Conduct No. 12886

MODEL CODE OF CONDUCT

Getting Started on a Code of Conduct for Your Council / Board

Produced by the Working Group on Responsible Conduct

Updated in October 2022

UBCM Union of BC Municipalities

BRITISH COLUMBIA

LGMA

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The *Working Group on Responsible Conduct* is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

INTRODUCTION & EXPLANATORY NOTES

What is a code of conduct?

- A code of conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a code of conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.

- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct refers to how government elected officials conduct themselves with their elected colleagues, with staff, and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration.

- A code of conduct is one tool that can be used by a local government council or board to promote or further responsible conduct. See the Forging the Path to Responsible Conduct in Your Local Government guide for complementary tools.

What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model code of conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own code of conduct.

- This model code of conduct may also be useful for councils or boards who already have a code of conduct in place but are required to consider updating their code following the 2022 general local elections.

- The Working Group on Responsible Conduct has also developed a "Companion Guide" to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board's conversation in developing a code of conduct.

- The general standards of conduct set out in this model code of conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration. Local governments are required to reflect on these principles when considering whether to establish or update a code of conduct.

- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model code of conduct by:

    - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
    - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided;
    - Including additional provisions in the code of conduct to support compliance or to cover informal resolution processes, formal enforcement processes such as complaints investigation and final resolution, and sanctions; and/or

- Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

What are some considerations in developing and using a code of conduct?

- In developing a code of conduct, council or board members should consider not just the content of the code of conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no 'right' way to develop and use a code of conduct, councils or boards should consider the following to maximize the effectiveness of their code of conduct:

  - *Don't overlook the importance of the process when developing and adopting a code of conduct:* How a code of conduct is developed and adopted matters; providing opportunities for council or board members to discuss not just the "what" but also the "why" of a code of conduct will help ensure its effectiveness.

    To start with, understanding the context for developing and adopting a code of conduct is important – is the council or board being proactive or have there been particular incidents of concern; does the council or board need to consider its collective "blind spots", such as identifying and airing subconscious assumptions or systemic barriers? Discussing the language and content of the code of conduct and how it can best be customized to meet the needs of the council or board and individual members is also important. Discussing shared expectations as a part of the orientation process for newly elected officials or including the code of conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a code of conduct is adopted in a meaningful way.

  - *Make the code of conduct meaningful:* Finding ways to integrate the code of conduct into the council or board's ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the code of conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.

  - *Make sure the code of conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their code of conduct. Where existing laws or policies deal with topics they choose to include in their code of conduct (i.e., privacy legislation; Human Resources policies; etc.), they must ensure that their code of conduct is consistent with those laws and policies.

  - *Offer ongoing advice, education, and support:* A council or board will also want to consider how members can best be supported in working with their code of conduct. This could include, for example, general education around the purpose of codes of conduct, opportunities for members to receive specific advice on how the code of conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the code of conduct guided the discussion.

  - *Revisit it regularly*: Council or board members should approach their code of conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and

effective tool. At a minimum, councils and boards are required to consider updating their code of conduct following a general local election; however, it is encouraged that councils and board review it more often than once per term.

MODEL CODE OF CONDUCT [1]

A. INTRODUCTION

As local elected representatives ("members"), we recognize that responsible conduct is essential to providing good governance for the [*city / municipality / regional district / district*] of [*name of local government*].

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This code of conduct applies to the members of [*city / municipality / regional district / district*] of [*name of local government*]. It is each member's individual responsibility to uphold both the letter and the spirit of this code of conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This code of conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

[1] Some sections of this code of conduct include additional information in a shaded box. This information is for guidance and context only and is not intended to be included in a local government's code of conduct.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

Information about the Foundational Principles:

The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every code of conduct.

A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model code of conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.

These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.

1. ***Integrity*** – means conducting oneself honestly and ethically.

2. ***Respect*** – means valuing the perspectives, wishes, and rights of others.

3. ***Accountability*** – means an obligation and willingness to accept responsibility or to account for one's actions.

4. ***Leadership and Collaboration*** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

D. OPTIONAL: VALUE STATEMENTS

Information about including Value Statements:

A council or board may wish to customize their code of conduct to include 'value statements'. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their code of conduct.

A council or board may find the "Companion Guide" to this code of conduct useful as they consider how 'value statements' may be incorporated into their own code of conduct.

E. STANDARDS OF CONDUCT

Information about the Standards of Conduct:

The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their code of conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.

A council or board may find the "Companion Guide" to this code of conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.

***Integrity*:** Integrity is demonstrated by the following conduct:

- Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Members will act in the best interest of the public and community.
- Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
- Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
- Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect: Respect is demonstrated through the following conduct:

- Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- Members will acknowledge that people's beliefs, values, ideas, and contributions add diverse perspectives.
- Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.

- Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.

- Members will honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully.

- Members will recognize and value the distinct roles and responsibilities of local government staff.

- Members will call for and expect respect from the community towards elected officials and staff.

- Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be transparent about how elected officials carry out their duties and how council conducts business.

- Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.

- Members will correct any mistakes or errors in a timely and transparent manner.

- Members will accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.

- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.

- Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will demonstrate behaviour that builds public confidence and trust in local government.

- Members will provide considered direction on municipal policies and support colleagues and staff to do the same.

- Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary

- Members will create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.

- Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.

- Members will foster positive working relationships between elected officials, staff, and the public.

- Members will commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.

- Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

F. ENCOURAGED: ENFORCEMENT MECHANISMS

Information about including Enforcement Mechanisms:

A council or board may want to include enforcement mechanisms to support compliance of their code of conduct. These mechanisms may include informal resolution, administratively fair and formal complaint processes, third-party investigators, and sanctions. Local governments are always first encouraged to focus on continuous improvement to foster responsible conduct, maintain good governance, and resolve conduct issues informally. A council or board may want to consult the "Companion Guide" and the "Forging the Path to Responsible Conduct in Your Local Government" guide for tips and resources that support the development of practical enforcement mechanisms.

G. OPTIONAL: ADDITIONAL POLICIES

Information about including Additional Policies:

A council or board may choose to include additional policies as part of their code of conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.

A council or board may want to consult the "Companion Guide" for tips and resources for including additional policies.

Policies About Communications

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

Policies About Personal Interaction

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g., respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

Policies About How Information is Handled

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

Policies About Other Matters

- *Creation, use, and retention of the local government's intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses, or benefits to members in relation to their duties as members.*

TABLE 1: Code of Conduct Comparison Table - CRD Municipalities

Code of Conduct Criteria	CRD Municipalities			
	Esquimalt	**Langford**	**Saanich**	**Sidney**
Bylaw/Policy	Policy: "Council Code of Conduct" (Appendix C)	Policy: "Council Code of Conduct Policy" (Appendix D)	Policy: "Code of Conduct" (Appendix E)	Bylaw: "Council Code of Conduct Bylaw No. 2249, 2023" (Appendix F)
Complainant	Council Member, Advisory Body Member, or Staff.	Council Members	Council Members and Staff.	Council Members and Staff.
Code applies to…	Members of Council and Advisory bodies	Council Members	Council Members Staff	Mayor and Council
Report of Findings	Confidential, unless it is determined by Council resolution to be a public matter.	Public. Council shall rise and report on the resolution at the next available Council meeting.	Confidential. The Mayor and the CAO or designates shall consider whether the Report or an executive summary of the Report should be presented to Council.	Public. Within 30 days of Council's final decision about an investigation, it must, subject to the Town's obligations under FIPPA, release publicly the investigation report or a summary and release a summary of Council's decision.
Investigator	< 30 days **CAO and Mayor** will try to resolve. After 30 days if issue not resolved, a **third party investigator** will be agreed to by both parties	**Mayor and CAO** may attempt to facilitate and seek a mutually beneficial resolution between parties but may identify multiple independent **third-party investigators**	< 30 days **CAO and Mayor** will try to resolve. After 30 days if issue not resolved, a **third party investigator** will be appointed.	**Third party investigator** selected by CAO, CO or Solicitor.
Preliminary Assessment	Yes, within 30 days.	Yes, within 30 days.	Yes, no timeline identified.	Yes, by the Towns solicitor. No timeline identified.

Note: Table is provided for convenience only and does not include every local government that has an adopted policy or bylaw.

TABLE 1: Code of Conduct Comparison Table - CRD Municipalities

Appendix B

Code of Conduct Criteria	CRD Municipalities			
	Esquimalt	**Langford**	**Saanich**	**Sidney**
Election Period Moratorium	Yes Will not be received in the period from the first day of the nomination period to the general voting day. Complaint is closed if Member is not re-elected.	No	No	Yes Complaints accepted and held in abeyance when submitted from the first day of the nomination period to the general voting day. At that time, complaints shall only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be rejected.
Penalties	Yes "Accountability"	Yes "Remedies"	Not specifically listed, policy includes two templates for Letters of Apologies	Yes "Remedies"
Obstruction Clause	Yes	Yes	No	Yes
Legal Fees	Yes, shall **indemnify** Council Members, Staff, or Advisory Body Members to reimburse reasonable costs.	Yes, shall reimburse reasonable legal fees when there is no breach found.	Yes, may reimburse for Council (**indemnify**) and Staff.	Yes, Council may reimburse if Council Member has not previously been found to breach the Code, and does exceed $10,000.

Note: Table is provided for convenience only and does not include every local government that has an adopted policy or bylaw.

TABLE 2: Code of Conduct Comparison Table - Other BC Local Governments

Code of Conduct Criteria	Other Local Governments			
	Comox Valley RD	**City of Nanaimo**	**Surrey**	**Vancouver**
Bylaw/Policy	Policy: "Board Code of Conduct" (Appendix G)	Bylaw: "City of Nanaimo Bylaw No. 7348" (Appendix H)	Bylaw: "Council Code of Conduct Bylaw 2020, No. 20020" (Appendix I)	Bylaw: "Code of Conduct No. 12886" (Appendix J)
Complainant	Any Board Member or Staff.	Council Member, Committee Member, or Staff	Any person who has witnessed or experienced conduct by a Council Member.	Any person may submit a complaint to the Integrity Commissioner.
Code applies to…	All elected and appointed CVRD Directors, Alternate Directors and the Chief Administrative Officer	Council Members and Committee Members	Council Members	Council Members and Advisory Board Members
Report of Findings	Public. When the Board deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public.	Public	Confidential, provided within 10 working days of the closed meeting.	Public, Council deliberates and votes on the investigation report in a public meeting and the investigation report must be made available to the public.
Investigator	**CAO and the Chair** shall review the material information provided. Where appropriate, may engage the **[Ethics] Commissioner** or appoint another third party to assist in resolving the complaint or at their discretion.	**Ethics Commissioner**	**Ethics Commissioner** (formal resolution) **Advisor** is City Manager or designate (informal resolution)	**Integrity Commissioner**
Preliminary Assessment	Yes, by the Ethics Commissioner	Yes. On receipt of a Complaint, the Commissioner must conduct a preliminary assessment.	No. Mutual resolution (i.e. informal) is recommended as a first step if possible. Commissioner will have 10 working days to help resolve the matter informally and if not will begin investigation.	Yes, no timeline identified.

Note: Table is provided for convenience only and does not include every local government that has an adopted policy or bylaw.

TABLE 2: Code of Conduct Comparison Table - Other BC Local Governments

Appendix B

Code of Conduct Criteria	Other Local Governments			
	Comox Valley RD	**City of Nanaimo**	**Surrey**	**Vancouver**
Election Period Moratorium	Yes Any formal complaint against a Board member received after August 1 in a general election year shall be held in abeyance until the new Board has been sworn in following the election. If the respondent is not re-elected in that election, the CAO must notify the complainant and respondent in writing that the complaint is closed on this basis.	Yes The Commissioner must reject a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.	No	Yes The Integrity Commissioner must reject a complaint received regarding a Council member seeking re-election in the period from the last day of the nomination period to the general voting day. In the period 90 days prior to general voting day, may suspend any investigation underway until the day after the general voting day.
Penalties	Yes "Remedies"	Yes "Remedies"	Yes "Council Determination of Measures"	Yes "Remedies"
Obstruction Clause	Yes	Yes	Yes	Yes (also applies to staff as part of investigation)
Legal Fees	Yes, Council may reimburse when first formal complaint in 4-year term and do not exceed $10,000.	Yes, Council may reimburse	Yes, for Council Member (and staff when complainant)	Yes, Council may reimburse

Note: Table is provided for convenience only and does not include every local government that has an adopted policy or bylaw.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

TITLE: Council Code of Conduct	NO. ADMIN – 80

1. POLICY:

The purpose of this Policy is to identify standards for responsible conduct by Elected Officials, establish the complaint submission and dispute resolution processes, and provide options for sanctions for any breaches of the Code of Conduct for those situations not provided for in other enactments such as, but not limited to, the *Community Charter* and *Local Government Act.*

To fulfill obligations and discharge the duties of Elected Officials, Council members are required to conduct themselves to the highest ethical standards by being active participants in ensuring that these foundational principles, and the standards of conduct detailed in this policy, are followed in all dealings with every person, including those with other Council members, Staff, and the public.

2. SCOPE:

This Code of Conduct applies to all Council members of the Township of Esquimalt and all Members of the Township's Advisory Bodies. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other Council members, Staff, and the public.

Elected Officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by Council members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the Township of Esquimalt, the common law and any other legal obligations which apply to Council members individually or as a collective Council.

3. DEFINITIONS:

In this Policy:

Acting Mayor means the acting Mayor, as established under Council Procedure Bylaw, 2022, No. 3081, as amended or replaced from time to time.

Advisory Body means a Township committee, commission, board, or other advisory body established by Council.

Advisory Body Member means a Council appointed member of an Advisory Body.

Chair means the chair of an Advisory Body.

Complaint means a formal allegation that a member has breached this Code of Conduct.

Complainant means a person who has submitted a complaint under this Policy.

Council means the Municipal Council of the Township of Esquimalt.

Elected Officials means those individuals elected to the office of Mayor or Councillor for the Township.

Investigator means the third-party appointed to investigate and report on the findings through the complaint resolution process established under this Policy.

Member means a member of Council or an Advisory Body.

Personal Information means recorded information about an identifiable individual other than contact information as defined in the *Freedom of Information and Protection of Privacy Act*.

Respondent means a Council or Advisory Body Member whose conduct is the subject of a complaint.

Staff means an employee of the Township of Esquimalt.

Township means the Corporation of the Township of Esquimalt.

4. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT:

4.1 There are four foundational principles established under this Code of Conduct:

1. Integrity means conducting oneself honestly and ethically.
2. Respect means valuing the perspectives, wishes, and rights of others.
3. Accountability means an obligation and willingness to accept responsibility or to account for one's actions.
4. Leadership and Collaboration means an ability to lead, listen to, and positively influence others: it also means coming together to create or meet a common goal through collective efforts.

5. STANDARDS OF CONDUCT:

5.1 Integrity is demonstrated by Members through:

- Being open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Behaving in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Acting in the best interest of the public and the community.
- Ensuring actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by Council.
- Employing the same ethical principles during both meetings that are open and closed to the public.
- Expressing sincerity when correcting or apologizing for an errors or mistakes made while carrying out official duties.

5.2 Respect is demonstrated by Members through:

- Treating Elected Officials, Staff, and the public with dignity, understanding, and respect.
- Acknowledging that people's beliefs, values, ideas, and contributions add diverse perspectives.
- Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- Refraining from any form of discriminatory conduct against another Member(s), Staff, or the public.
- Honouring the offices of local government and fulfilling the obligations of Mayor/Chair and Councillor dutifully.
- Recognizing and valuing the distinct roles and responsibilities of Township Staff.
- Calling for and expecting respect from the community towards Elected Officials and Staff.
- Ensuring that public statements and social media posts that concern other Members, Staff, and the public are respectful.

5.3 Accountability is demonstrated by Members through:

- Being transparent about how Elected Officials carry out their duties, and how Council conducts business.
- Ensuring any information and decision-making processes are accessible to the public while protecting confidentiality and Personal Information where necessary.
- Correcting any mistakes or errors in a timely and transparent manner.
- Accepting and upholding that Council is collectively accountable for Township decisions, and that individual Members are responsible and accountable for their behaviour and individual decisions.
- Listening and considering the opinions and need of the community in all decision-making and allowing for public discourse and feedback.
- Acting in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

5.4 Leadership and Collaboration is demonstrated by Members through:

- Demonstrating behaviour that builds public confidence and trust in local government.
- Providing considered direction on municipal policies and supporting Members and Staff to do the same.
- Educating colleagues and Staff in the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary.
- Creating space for open expression by others, taking responsibility for one's own actions and reactions, and accepting the decisions of the majority.
- Advocating for shared decision-making and actively working with other Elected Officials, Staff, Advisory Body Members, and other stakeholders to achieve common goals.
- Fostering positive working relationships between Elected Officials, Staff, Advisory Body Members, and the public.
- Committing to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.
- Positively influencing others and adhering to the foundational principles of responsible conduct in all Township dealings.

6. COMPLAINT PROCEDURES:

6.1 Complaints in good faith concerning a breach of the Code of Conduct may be submitted by a Council Member, Advisory Body Member, or Staff.

6.2 Complaints must be submitted in writing to both the Mayor and the Chief Administrative Officer within 90 days of the last alleged breach. Either the Mayor or the Chief Administrative Officer may authorize an extension to this timeframe if, in their opinion, the circumstances warrant an extension.

6.3 If the Mayor is the subject of, or implicated in the complaint, the complaint shall be addressed to the Acting Mayor and the Chief Administrative Officer, unless that individual is also the subject of, or implicated in the complaint.

In the event that the Chief Administrative Officer is the subject of, is in conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director of Human Resources and Community Relations unless that individual is the subject of or implicated in the complaint.

In the event that each of the Mayor, Acting Mayor, Chief Administrative Officer and Director of Human Resources and Community Relations are the subject of or implicated in the complaint, the Mayor and the Chief Administrative Officer shall appoint a Council Member and a Staff member to serve as designates for the purposes of the complaint.

6.4 Upon receipt of a complaint submitted under section 6.1, the Mayor and the Chief Administrative Officer or one or both of their designates if section 6.3 applies shall review the Policy and the complaint and shall attempt to resolve the matter informally. The role of the Mayor and CAO, or designates, is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed, and options for resolution canvassed.

6.5 Complaints regarding a Council Member seeking re-election will not be received in the period from the first day of the nomination period to the general voting day.

6.6 Where a complaint is made against a Member who, during the course of the investigation, ceases to hold office, the Mayor and Chief Administrative Officer, or designates, shall close the complaint and notify the Complainant(s) and the Respondent(s) of this decision.

6.7 Where a complaint is made against a Council Member and the complaint procedure overlaps with a municipal election and the Member is not re-elected in that election, the CAO must notify the Complainant(s) and the Respondent(s) in writing that the investigation has stopped on this basis and that the complaint is closed.

6.8 Any individual covered by this Code of Conduct who makes an allegation or complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to, in the case of Council members, sanctions described in section 8.1, in the case of Advisory Body Members, termination of the respective appointment(s), and in the case of Staff, the CAO may consider appropriate measures in respect of the complaint.

7.0 RESOLUTION PROCESS

7.1 General

7.1.1 Members must abide by the requirements of the Code of Conduct and agree to resolve disputes in good faith.

7.1.2 Members and Staff shall not obstruct the investigation process.

7.1.3 No Members or Staff will tamper with or destroy documents or electronic records related to any matter under investigation or refuse to respond when questioned regarding an investigation.

7.1.4 Throughout the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to maintain the confidentiality of all aspects of the investigation process.

7.1.5 In the 90 days prior to General Voting Day, Council may, by majority vote, suspend any investigation underway.

7.2 Informal Complaint Resolution Process

7.2.1 Members are encouraged to use the Informal Complaint Process specified in 7.2.2 as a first step in resolving a complaint.

7.2.2 Any member who has identified or witnessed conduct by another Member that they reasonably believe, in good faith, is in contravention of this Code of Conduct may address the prohibited conduct by requesting the Mayor and CAO to assist in informal discussion of the alleged complaint with the other Member(s) in a mediated attempt to resolve the issue. If the Mayor or CAO is the subject of, or implicated in a complaint, the appropriate designates under section 6.3 will be asked to assist.

7.2.3 A Member who is unsatisfied with the outcome of the Informal Complaint Process may escalate the complaint to the Formal Complaint Process.

7.2.4 Despite subsection 7.2.1, a Member may refer a complaint directly to the Formal Complaint Process without undertaking the Informal Complaint Process.

7.3 Formal Complaint Resolution Process

7.3.1 Complaints of breaches under the Code of Conduct may be submitted, in writing, to both the Mayor and the CAO within 90 days of the last alleged breach. If the Mayor or CAO is the subject of, or implicated in a complaint, the complaint shall be submitted to the appropriate designates specified in 6.3. The Mayor or the CAO, or their designates, are authorized to extend this 90 day deadline if circumstances are deemed to warrant an extension.

7.3.2 Within 30 days of receipt of a complaint, the Mayor and CAO, or their designates, will attempt to resolve the matter informally. If the matter is not resolved after 30 days, an independent Third-Party Investigator shall be agreed to by the parties. The investigator will possess the necessary professional skills, knowledge, and experience to investigate the complaint and be acceptable to all parties.

7.3.3 If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third-Party Investigator.

7.3.4 If the Complainant(s) or the Respondent(s) refuse to participate in a formal investigation, the investigation may continue without the individuals' participation. The Third-Party Investigator will make their determination based on the information they are provided. Not participating in the process as outlined in sections 7.1, 7.2 and 7.3 may also be considered grounds for a complaint under this Policy.

7.4 Third-Party Investigator

7.4.1 The appointed Third-Party Investigator shall conduct an independent and impartial investigation that is fair, timely, and confidential.

7.4.2 Within 30 days of appointment, the third-party investigator shall provide a preliminary assessment of the complaint and determine whether to continue investigating or make written recommendation regarding the dismissal of the complaint on the grounds that it is either unfounded, beyond the jurisdiction of the Township, or unlikely to succeed and the Complainant(s), Respondent(s), and Council shall be so advised with reasons provided therefore.

7.4.3 Notwithstanding subsection 7.4.2, the Third-Party Investigator may request further information from the Complainant(s) before determining whether or not there are sufficient grounds for determining whether a breach of this Policy occurred.

7.4.4 Investigation updates will be provided to all involved parties at least every 30 days.

7.4.5 Within 90 days of the appointment the Third-Party Investigator shall conclude the investigation and provide a written, confidential report of the findings of the investigation to the Mayor and CAO, or their designates, including their findings as to whether there has been a breach of this Policy. If the Third-Party Investigator determines that concluding the investigation and providing the report within 90 days is not practicable, in which case the Third-Party Investigator must notify the Complainant(s) and Respondent(s) of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant(s) and Respondents(s).

7.4.6 An investigation report must only disclose such matters as in the investigator's opinion are necessary for the purpose of the investigation report.

7.5 Council Deliberation

7.5.1 The CAO, or designate, shall include the report received under subsection 7.4.5 to the next closed meeting of Council and shall not discuss the contents of the report with any Members prior to the closed meeting.

7.5.2 After receiving the confidential report, Council members must not discuss the contents of the report with anyone, except for their legal counsel, prior to the closed Council meeting at which the report is to be discussed.

7.5.3 Members who are subject to the complaint and investigation must be afforded procedural fairness, including an opportunity to respond to the conclusions of the investigation before Council makes the decision on culpability or remedies.

7.5.5 If Council determines that any member(s) has not complied with this Code of Conduct, any of the remedies outlined in section 8.1 may be imposed by a majority vote of Council.

7.5.6 Any recommendations arising from the investigator's report and any actions taken in response will remain confidential, unless it is determined by Council resolution to be a public matter.

8.0 ACCOUNTABILITY MEASURES

8.1 If any Member(s) are found to be in contravention of this Code of Conduct, Council may choose by 2/3 majority to impose any of the following sanctions, providing they do not prevent the Member(s) from fulfilling their legislated duties of elected office:

a) Written declaration from the Member(s)in contravention of the Code of Conduct promising immediate and ongoing compliance with the Code of Conduct;
b) A letter of reprimand to the Member(s) in contravention of the Code of Conduct;
c) Request that a letter of apology be issued from the Member(s) found to be in contravention to the affected individual;
d) Publication of a letter of reprimand or request for apology, and the Member's response;
e) Recommend that the Member(s) in contravention of the Code of Conduct attend counselling or training;
f) Suspension or removal of the appointment of the Member(s) as Acting Mayor, including the loss of related remuneration if applicable;
g) Suspension or removal from some or all internal and external Committees and Bodies to which Council or the Mayor has the right to appoint Members, including the loss of related remuneration if applicable;
h) Restricting the Council member(s) from attending events as a representative of Council;
i) Imposing further limits on Township-funded travel and expenses beyond those set out in Township policies;
j) Limiting access to certain municipal facilities or portions thereof;
k) Restricting how and when documents are provided to the Member(s); and
l) Any other sanctions deemed reasonable and appropriate by Council.

9.0 REPRISALS AND OBSTRUCTION

9.1 Members or Staff must not threaten or undertake any active reprisal against any Complainant(s) or against a person who provides information in the context of an investigation.

9.2 Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to the appropriate disciplinary action, which may include, and is not limited to, the sanctions outlined in section 8.4 of this Policy, or in the case of Staff, the CAO may consider appropriate measures in respect of the complaint.

10. REIMBURSEMENT

10.1 Council members, Staff, or Advisory Body Members who retain legal counsel to represent them in proceedings under this Policy may request in writing that the Township indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act* and the Officers, Employees and Members of Council Indemnification Authorization Bylaw, 1988, No. 1878.

11. REVIEW

11.1 This Code of Conduct shall be brought forward for review at the beginning of each year and at any other time at the direction of Council to ensure that it remains current and continues to accurately reflect the standards of responsible conduct expected of Members.

City of Langford
www.cityoflangford.ca

Policy Name: Council Code of Conduct Policy ☒ New ☐ Amendment	DEPARTMENT: Administration SP Governance/Corporate Policy and Planning/Policies and Procedures POLICY NO: POL-0169-ADMIN

Purpose

1. The Council Code of Conduct Policy (the Policy) establishes a minimum set of standards and expectations with respect to the conduct, decorum, and behaviour of Council members.

Application

2. The Policy applies to all Council members.

Statutory provisions

3. Council members shall act and comport themselves in accordance with the law including, but not limited to:
   a. *Local Government Act;*
   b. *Community Charter;*
   c. *Freedom of Information and Protection of Privacy Act; and*
   d. *Human Rights Code of British Columbia*;

Guiding principles

4. Council members must carry out their duties with integrity, demonstrating honesty and high ethical standards that promotes public confidence in local government.
5. Council members must be accountable, accepting responsibility for their behaviours, words, actions, and decisions.
6. Council members must be respectful of others, conducting themselves with politeness and care shown toward others by demonstrating due regard, deference, and consideration for different perspectives.
7. Council members must demonstrate leadership and collaboration by actively listening and encouraging people to come together to meet and work around a common goal or objective, or to resolve conflict through collective means and efforts.
8. Council members must strive to represent all City businesses and residents equally and without bias, acting in the best interest of the City.

General conduct

9. Council members shall not contravene any City bylaw or policy.
10. Council members shall not deliberately mislead staff, other Council members, or the public about any issue of City concern.

Conduct at meetings

11. Council members must act with decorum at Council and Committee meetings and in accordance with the Council Procedure Bylaw.
12. Council members shall not interrupt other speakers or disturb the conduct of a meeting, except to make a point of order.

Conflict of interest

13. Council members shall comply with the conflict of interest provisions as set out in the *Community Charter*.
14. Council members must be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business.

Gifts

15. Council members must comply with the provisions regarding gifts as set out in the *Community Charter.*
16. Council members must not accept a fee, gift, or personal benefit that is connected with the performance of the duties of office, unless of they are of nominal values, are received as a matter of protocol or common business hospitality, or otherwise authorized by law.

Information management

17. Council members must collect, use, and disclose information acquired in the course of their duties, in accordance with the *Freedom of Information and Protection of Privacy Act*.
18. Council members must keep the following confidential:
    a. Third-party personal information;
    b. Information that constitutes the proprietary information of a third party, individual, or group;
    c. Information that might reasonably be regarded as having been disclosed to a Council member in confidence; and
    d. Information from in-camera Council or Committee meetings, including specific detail on whether an individual voted for or against an issue, unless Council has authorized the release of such information.
19. Council members shall not send emails or messages pertaining to City businesses from personal accounts or devices.

Use of public resources

20. Council members must not make unauthorized use of City resources.
21. Council members must not use City resources for election campaign purposes.
22. Council members must ensure that any City property in their care is properly secured and protected at all times.

Communication with the public

23. When interacting with the public, Council members shall accurately communicate Council decisions, even if they disagree with the majority decision, and by so doing, affirm the respect for and integrity in Council decision-making process.
24. Council members who disagreed with the majority decision shall refrain from making disparaging comments about other Council members or about Council's decisions.
25. When presenting their individual opinions and positions, members shall make it clear that they do not represent Council or the City.

Interactions with staff

26. Council members shall direct questions to the Chief Administrative Officer (CAO) or the Director of the appropriate department and refrain from directing staff.
27. Council members shall not instruct the City's contractors or service providers regarding City business.
28. Council members must treat staff professionally and with respect and must not publicly attack or disparage staff.
29. Comments about staff performance shall be made to the CAO through private correspondence or conversation.

30. Council members shall not attempt to influence human resources decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate staff.

Informal complaint procedure

31. Council members are encouraged to follow the informal complaint procedure under section 32 as the first means of remedying conduct that is believed to violate this Policy; however, Council members are not required to complete the informal complaint procedure prior to pursuing the formal complaint procedures.
32. A Council member who reasonably believes, in good faith, that another Council member's conduct is in violation of this Policy may:
    a. Advise the Council member that the conduct violates this Policy and encourage the Council member to stop;
    b. Request the Mayor (or Acting Mayor if the issue pertains to the Mayor) to assist in informal discussion with the Council member to resolve the issue.

Formal complaint procedure

33. A Council member who reasonably believes, in good faith, that another Council member's conduct is in violation of this Policy may submit a written complaint to the Mayor and CAO within six months of the alleged breach, or in the event that the Mayor or the CAO is implicated in the complaint, the Acting Mayor or the Director of Corporate Services, respectively.
34. Upon receipt of a complaint under section 33, the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) may attempt to facilitate and seek a mutually beneficial resolution between the parties.
35. Upon receipt of a complaint under section 33 and if a resolution has not been achieved pursuant to section 34, the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) shall identify multiple independent third-party investigators.
36. The complainant(s) and respondent(s) shall review the skills, background, and qualifications of the independent third-party investigators under section 35 and agree to appoint an investigator.
37. If the complainant(s) and respondent(s) cannot agree on the choice of an investigator, the complainants(s) and respondent(s) shall agree on a nominee who will appoint an investigator.
38. If the complainant(s) or respondent(s) refuses to participate in a formal complaint process, the process may continue without that individual's participation.
39. Council members shall not comment on the allegations until Council resolve to make information on the investigation public.

Third-party investigator

40. The third-party investigator appointed under sections 36 or 37 shall conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential, and accords with the principles of due process and natural justice.
41. The third-party investigator shall provide an initial update of the investigation within 30 days of his or her appointment to the Mayor (or Acting Mayor) and the CAO (or Director of Corporate Services) and to the complainant(s) and respondent(s).
42. Within 90 days of the appointment and as expeditiously as possible, the third-party investigator shall conclude the investigation and provide a written, confidential report of the findings of the investigation to the CAO (or Director of Corporate Services), including findings as to whether there has been a breach of this Policy.
43. The confidential report under section 42 shall include recommendations on the appropriate resolution of the complaint, which may include dismissal of the complaint or remedies under section 48.

44. Within 30 days after the conclusion of the investigation process, the third-party investigator shall destroy all notes that were taken or documents that were provided throughout the process of the investigation.

Council deliberation

45. The CAO (or Director of Corporate Services) shall include the report received under section 42 to an agenda of the earliest closed Council meeting that can be practicably scheduled and shall not discuss the contents of the report with any Council members prior to the closed Council meeting.
46. After receiving the confidential report, Council members must not discuss the contents of the confidential report with anyone, except for their legal counsel, prior to the closed Council meeting at which the confidential report will be discussed.
47. Council members who are subject to the complaint and investigation must be afforded procedural fairness, including an opportunity to respond to the conclusions of the investigation before Council makes the decision on culpability or remedies.

Remedies

48. Upon a finding by a third-party investigator that a Council member has breached this Policy, Council may resolve to:
    a. Issue a letter of reprimand addressed to the Council member;
    b. Issue a motion of censure;
    c. Request that the Council member issue a letter of apology to the affected individuals or that the letter of apology be made public;
    d. Require the Council member to attend remedial education and training;
    e. Rescind the Council member's appointment as the Acting Mayor;
    f. Remove the Council member from internal and external Council committees and bodies to which Council has the right to appoint Council members;
    g. Refer the issue to a prosecutor or police; and
    h. Impose any other sanction Council deems reasonable and appropriate, provided that the sanction does not prevent the Council member from fulfilling the legislated duties of a Council member and the sanction is not contrary to legislation.
49. Council shall rise and report on the resolution made under section 48 at the next available Council meeting.

Legal counsel

50. Throughout the complaint process under the Policy, the complainant(s) and respondent(s) may have legal counsel present to assist.
51. Council shall reimburse reasonable legal fees of the respondent(s) where there is a finding that there has not been a breach of the Policy.

No reprisal or retaliation

52. Council members shall not retaliate against any complainant, witness, respondent, or employee responsible for implementing and carrying out the objectives or requirements of this Policy.
53. Any Council members who are found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which may include remedies under section 48.

Adopted by Council Meeting Date: February 6, 2023	CERTIFIED CORRECT Administrator Date: February 6, 2023

Marie Watmough
Corporate Officer

COUNCIL POLICY

NAME:	**CODE OF CONDUCT**	
ISSUED:	November, 2016	**INDEX REFERENCE:**
AMENDED:	May 27, 2019 June 1, 2020	**COUNCIL REFERENCE: 16/CNCL**

PURPOSE:

To set minimum expectations for the behaviour of Council officials in carrying out their functions.

SCOPE:

All Council officials and the Chief Administrative Officer.

DEFINITIONS:

Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

Confidential Information: Confidential Information includes information that could reasonably harm the interests of individuals or organizations, including the District of Saanich, if disclosed to persons who are not authorized to access the information, as well as information to which section 117 of the *Community Charter* applies.

Council official: the Mayor and members of Council

Personal Information: has the same meaning as in the *Freedom of Information and Protection of Privacy Act*

Staff: an employee or contract employee of the District of Saanich, and includes staff that supports Advisory Bodies.

Municipal Officer: a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section.

INTERPRETATION:

(a) In this policy, a reference to a person who holds an office includes a reference to the persons appointed as deputy or appointed to act for that person from time to time.

(b) This Code of Conduct applies to the use of social media by Council officials in relation to District related matters.

POLICY STATEMENTS:

1. Key Principles

1.1. ***Integrity*:** Council officials are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council officials are expected to:

- make decisions that benefit the community;
- act lawfully and within the authorities of the *Community Charter*, *Local Government Act* and other applicable enactments; and
- be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

1.2. ***Accountability*:** Council officials are obligated to answer for the responsibility that has been entrusted to them. They are responsible for decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; proper records must be kept.

1.3. ***Leadership*:** Council officials must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government. Council officials will provide leadership to District staff through the Chief Administrative Officer.

1.4. ***Respect*:** Council officials must conduct public business efficiently and with decorum. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognition of the different roles others play in local government decision making.

1.5. ***Openness*:** Council officials have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

2. General Conduct

2.1. Council officials must adhere to the key principles and provisions of the Code of Conduct.

2.2. Council officials must act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments and exercise a reasonable degree of care and diligence in carrying out their functions.

2.3. Council officials have an obligation to consider issues and exercise powers, duties and functions in a manner that avoids arbitrary and unreasonable decisions.

2.4. Council officials must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials must avoid conduct that:

- contravenes this policy;
- contravenes the law, including the *BC Human Rights Code*, and other enactments, and District Bylaws; and
- is an abuse of power or otherwise amounts to improper discrimination, intimidation, harassment or verbal abuse of others.

3. Collection and Handling of Information

3.1. Council officials must:

- Collect and use personal information in accordance with *Freedom of Information and Protection of Privacy Act* legislation and the Protection of Privacy Policy and guidelines as established in Saanich;
- Protect information that is specifically marked confidential, that is Personal Information and other material identified or understood to be confidential in nature;
- Refrain from discussing or disclosing any Confidential Information with or to Staff, or with persons outside the organization except as authorized;
- Refrain from discussing or disclosing any Personal Information with or to other Council Officials, Staff, or with persons outside the organization except in a manner consistent with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act.*

- Take reasonable care to prevent the examination of confidential material or access to Personal Information by unauthorized individuals;

- Not use Confidential Information except for the purpose for which it is intended to be used;

- Only release information in accordance with established District policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act* (British Columbia);

- Not disclose decisions, resolutions or report contents forming part of the agenda for or from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and

- Not disclose details on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

3.2. Except in the normal course of duties, Council officials must not in any way change or alter District records or documents.

3.3. When dealing with Personal Information, Council officials must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information includes information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

4. Conflict of Interest

4.1. Council officials are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

4.2. Council officials must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the *Community Charter*.

5. Interactions of Council officials with Staff and Advisory Body Members

5.1. Council is the governing body of the District of Saanich. It has the responsibility to govern the District in accordance with the *Community Charter* and other legislation.

5.2. The Mayor is the head and chief executive officer of the District and has a statutory responsibility to provide leadership to the Council and to provide general direction to municipal officers respecting the municipal policies, programs and other directions of the council as set out in the *Community Charter.*

5.3. Council officials are to contact staff including Municipal Officers, according to the procedures authorized by Council and the District Chief Administrative Officer regarding the interaction of Council officials and staff. As a general principle, the District adopts the one employee model where Council's point of contact with staff is the Chief Administrative Officer.

5.4. Council officials are to direct inquiries regarding departmental issues or questions to the District's Chief Administrative Officer or the Department Head (Director) of the appropriate department and refrain from contacting other staff without first discussing the issue with the Department Head.

5.5. Advice to Council from staff will be vetted, approved and signed by the Chief Administrative Officer.

5.6. Council officials will invite the Chief Administrative Officer to be present at any meeting between a Council official and a member of staff where such attendance is requested by the staff member.

5.7. Council officials are not to issue instructions to any of the District's contractors, tenderers, consultants or other service providers.

5.8. Council officials must not make public statements attacking or disparaging staff or Advisory Body Members and shall show respect for the professional capacities of staff. Council officials must not involve staff in matters for political purposes.

5.9. Council officials must not publish or report information or make statements attacking or reflecting negatively on staff or Advisory Body Members except to the Chief Administrative Officer as appropriate to bring a complaint to the attention of the Chief Administrative Officer for follow up.

5.10. Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council officials, and to the Chief Administrative Officer.

5.11. Council officials must treat members of the public, other Council officials, Advisory Body Members and staff appropriately, and without bullying, abuse or intimidation in order to preserve a workplace free from harassment.

6. Council Officials Use of Social Media

6.1. It is not the role of individual Council officials to report directly on District related business. Council officials will use caution in reporting decision-making by way of their social media profiles and websites ensuring that any material they publish is accurate, precise and communicates the intent of Council

6.2. Council officials will include an "in my opinion", or similar disclaimer, either within the banner of their individual social media site(s) or separately when making follow up posts to the District's social media postings and when creating original posts pertaining to District related business.

(Sample Disclaimer – “Opinions expressed are my own and do not reflect the view or opinions of the District of Saanich”)

6.3. Council officials will refrain from using or permitting use of their social media accounts for purposes that include generating or recirculating:

- defamatory remarks, obscenities, profane language or sexual content;
- negative statements disparaging other members of council;
- negative statements disparaging staff or calling into question the professional capabilities of staff;
- content that endorses, promotes, or perpetuates discrimination or mistreatment on the basis of race, religion or belief, age, gender, marital status, national origin, physical or mental disability or sexual orientation;
- statements that indicate an actual attitudinal bias in relation to a matter that is to be the subject of a statutory or other public hearing;
- promotion of illegal activity;
- information that may compromise the safety or security of the public or public systems.

6.4. Council officials must regularly monitor their social media accounts and immediately take measures to remove messages or postings by others that violate this Code of Conduct.

7. Interactions with the Public and the Media

7.1. Council officials will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.

7.2. When discussing the fact that he/she did not support a decision, or voted against the decision, or that another Council official did not support a decision or voted against a decision, a Council official will refrain from making disparaging comments about other Council officials or about Council's processes and decisions.

8. Gifts and Personal Benefits

The receipt and reporting of gifts and personal benefits is dealt with under sections 105 and 106 of the *Community Charter*. Ultimately, the interpretation of those sections is a matter for the courts. However, the general language used in those sections creates some level of uncertainty and this Code of Conduct is intended to provide some guidance to Council officials.

8.1. What are Gifts and Personal Benefits?

8.1.1. Gifts and personal benefits are items or services of value that are received by Council officials for personal use. These would include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment, invitations to social functions, etc.

8.1.2. The following are not to be considered gifts or personal benefits:

- Compensation authorized by law (see section 105(2)(b) of the *Community Charter*).
- Reimbursement for out of pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event or in connection with an authorized travel.
- A lawful contribution made to a Council official who is a candidate for election conducted under the *Local Government Act*.

8.2. What Gifts and Personal Benefits may be Accepted?

8.2.1. Section 105(1) of the *Community Charter* prohibits Council officials from directly or indirectly accepting a fee, gift or personal benefit connected with the official's performance of the duties of office.

8.2.2. In accordance with section 105(2), a Council official may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.

8.2.3. Gifts and personal benefits received in accordance with section 105(2)(a) of the *Community Charter* as referenced in section 8.2.2 must be reported and disclosed in accordance with section 106 to the Corporate Officer.

8.2.4. Where a gift or personal benefit that may be accepted under the *Community Charter* has a value in excess of $100.00, the Council official who receives the gift will do so on behalf of the District and turn over the gift to the District, except as otherwise permitted by Council.

8.2.5. Council officials must not accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest, and to assist in avoiding that situation, Council officials will not accept gifts or personal benefits from business or commercial enterprises having a value that exceeds $50.00 or, where the total value of such gifts and benefits, received directly or indirectly from one source in any twelve (12) month period, would exceed $250.00.

8.3. How Must Gifts and Personal Benefits be Reported?

8.3.1. Council officials must disclose to the Corporate Officer gifts and personal benefits in accordance with section 106 of the *Community Charter*.

8.3.2. If a Council official receives a gift or personal benefit that they do not wish to accept, regardless of value, they may immediately relinquish the gift or personal benefit to the District, in which case a disclosure form would not be required. If the gift or personal benefit is not immediately relinquished to the District, then the Council official must file a disclosure form.

8.3.3. The content of the disclosure must comply with section 106(2) of the *Community Charter* and must be filed "as soon as reasonably practicable".

8.3.4. It is the responsibility of Council officials to be familiar with the provisions in the *Community Charter* relating to acceptance and disclosure of gifts and to ensure that they comply with these requirements as contemplated by the statute.

8.4. How are Gifts and Personal Benefits Valued?

8.4.1. For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e., how much it would cost to replace the item?

8.5. Procedure for Dealing with Relinquished Gifts and Personal Benefits

8.5.1. Where a gift or personal benefit is relinquished to the District, the Corporate Officer will record the receipt of the item, nature of the gift or personal benefit, source (including the addresses of at least two individuals who are directors, in the case of a corporation), when the gift was received, and the circumstances under which it was given and accepted.

9. Breaches, Complaint Handling and Disciplinary Action

General

9.1. This section, Breaches, Complaint Handling and Disciplinary Action, is for internal use only. Council officials and staff within the District of Saanich can use this section to lodge a complaint against a member of Council in relation to their own interactions with that Council official.

9.2. Council officials are to abide by the requirements of the *Community Charter* and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith, recognizing that interpersonal rancour does not facilitate good governance.

Council Officials

9.3. Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint (as per the Breach Template (Template1)) addressed to the Mayor and the Chief Administrative Officer within six (6) months of the last alleged breach

In the event that the Mayor is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed

to the current Acting Mayor unless that individual is the subject of, or implicated in the complaint.

In the event that the Chief Administrative Officer is the subject of, is in a conflict of interest related to the complaint or is implicated in the complaint, the complaint shall be addressed to the Director of Corporate Services unless that individual is the subject of or implicated in the complaint.

9.4. Upon receipt of a complaint under section 9.3, the Mayor or designated Councillor, and the Chief Administrative Officer or designate (Director, Corporate Services) shall review the Policy and the details of the alleged breach.

The role of the Mayor and CAO (or designates) is to be the keeper of the process, not to adjudicate the complaint. Their role is to facilitate and seek a mutually beneficial resolution between the parties. Information from both parties should be obtained, reviewed and options for resolution canvassed. There is no ability for the Mayor / CAO or designates to give advice about the processing or quality of resolution of the complaint.

9.5. If the situation is not able to be resolved through the informal process within thirty (30) days, the Mayor and the Chief Administrative Officer or designates will work to appoint an independent third party. Numerous third party investigators will be identified. The Complainant(s) and Respondent(s) will be provided with the resumes of the identified parties. The Complainant(s) and Respondent(s) have the ability to agree or disagree that the proposed parties have the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator").

The Complainant(s) and Respondent(s) will notify the Mayor and CAO or designated if they have a conflict of interest with any of the proposed Third Party Investigators.

The Third Party Investigators will then be contacted and the individual with the next available opening in their schedule will be appointed to the matter.

9.6. If the parties cannot agree on the choice of investigator, a nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator.

9.7. If the Complainant(s) or Respondent(s) refuse to participate in a formal investigation, the investigation may continue without that individuals' participation. The Third Party Investigator will make their determination based on the information they are provided.

Not participating in the processes as outlined in sections 9.3 and 9.5 may also be considered grounds for a complaint under the policy.

9.8. Throughout both the informal or formal investigation, either party can have legal counsel present to assist them. This legal counsel will be required to follow any rules of in-camera or procedural bylaw process that are applicable.

9.9. As confidentiality is key, information provided to the Respondent(s) will be limited to the Breach Template completed by the Complainant.

9.10. The Third Party Investigator:

9.10.1. May conduct a preliminary assessment of the complaint, at the conclusion of which the investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

9.10.2. Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;

9.10.3. Provide an investigation update within ninety (90) days of his or her appointment to the Mayor and the Chief Administrative Officer or designates, as applicable, and to the Complainant and the Respondent;

9.10.4. Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor and the Chief Administrative Officer or designates, as applicable;

9.10.5. Provide recommendations regarding if a copy of or selected sections of the final Report should be provided to the Complainant and the Respondent; and

9.10.6. Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:

- dismissal of the complaint; or
- public censure of the Council Official or Officials for misbehaviour or a breach of this Code of Conduct; [1]

- a recommendation that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
- counselling of a Council Official or Officials; and/or
- such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

9.11. The Mayor and the Chief Administrative Officer or designates shall consider whether the Report or an executive summary of the Report should be presented to Council.

9.12. The Director of Corporate Services will receive and retain all reports prepared related to the complaint.

9.13. At the conclusion of the process the Third Party Investigator will destroy all notes that were taken or documents that were provided throughout the process of the investigation.

9.14. Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at open meetings of Council pending the conclusion of the Report and any decision of Council on the Report.

9.15. Council Officials who retain legal counsel to represent them in proceedings under this section may request in writing that the District indemnify them for their reasonable costs of representation, in accordance with section 740 of the *Local Government Act*.

9.16. Staff who retain legal counsel to represent themselves in proceedings under this section may request, in writing, reimbursement of reasonable costs from the District.

1. There is no defined or prescribed process related to public censure. The common law rules of natural justice would apply, meaning the right to a fair hearing, which includes the right to know the case against oneself, the right to be heard, the right to have an impartial adjudicator, and sometimes (but not always) the right to be represented by legal counsel.

10. Attachments

10.1. Attached to this document are two templates that could be utilized as part of the information resolution process:

- Proactive Apology by Council Member (Template 2)
- Apology by Council Member if held by Council to have violated the Code of Conduct (Template 3)

10.2. Please note: British Columbia's Apology Act provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability. "Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault." The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter. Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

TEMPLATE 1 – Complaint

DATE OF COMPLAINT: _____

NAME OF COUNCIL OFFICIAL MAKING THE COMPLAINT: _____

NAME OF COUNCIL OFFICIAL WHO THE COMPLAINT IS AGAINST: _____

DATE OF THE BREACH: _____

SECTIONS OF THE COUNCIL CODE OF CONDUCT THAT HAVE BEEN BREACHED:

_____

_____

_____

DETAILED DESCRIPTION OF INCIDENT AND HOW THE CODE OF CONDUCT WAS BREACHED

_____

_____

_____

_____

_____

_____

HAVE YOU APPROACHED THE OTHER COUNCIL OFFICIAL TO LET THEM KNOW ABOUT YOUR CONCERNS?
Y____ N____

WHAT IS THE RESOLUTION THAT YOU ARE SEEKING?

_____

_____

_____

TEMPLATE 2 – Proactive Apology by Council Member

[DATE]
PERSONAL AND CONFIDENTIAL
[Name of Recipient]
[Title]
District of Saanich
[Address]
[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

As you know, on ***[date]***, I ***[briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it]***.

On ***[date]***, you confronted me about my behaviour/conduct and expressed ***[describe briefly the conduct complained of and how it affected the offended person]***.
I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]***.

Having reflected on **[*your complaint / our conversation*]**, I take full responsibility for my ***[actions / conduct]*** and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of ***[identify the section(s) of the Code of Conduct breached].***

Going forward, I commit to being more careful in my [***words / actions]*** and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

[name]
[title]

TEMPLATE 3 - If held by Council to have violated the Code of Conduct

[DATE]
PERSONAL AND CONFIDENTIAL
[Name of Recipient]
[Title]
District of Saanich
[Address]
[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

As you know, on ***[date]***, I ***[briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it]***.

On ***[date]***, you confronted me about my behaviour/conduct and expressed ***[describe briefly the conduct complained of and how it affected the offended person]***.
In light of Council having concluded that my conduct constituted a violation of the District's Council Code of Conduct, I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]***

Having reflected on **[*the decision of Council*]**, I take full responsibility for my ***[actions / conduct]*** and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of ***[identify the section(s) of the Code of Conduct breached].***

Going forward, I commit to being more careful in my [***words / actions]*** and to making better efforts to respect and abide by my obligations set out in the Code of Conduct. Please accept my heartfelt apology.

Sincerely,

[name]
[title]

TOWN OF SIDNEY

BYLAW NO. 2249

A BYLAW TO REGULATE THE CONDUCT FOR ELECTED OFFFICALS.

The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

Title

This bylaw may be cited as **"Town of Sidney Council Code of Conduct Bylaw No. 2249, 2023".**

PART 1 – COUNCIL CONDUCT

Purpose and Interpretation

(1) This Bylaw sets out the rules Council Members must follow in fulfilling their duties and responsibilities as elected officials.

(2) The residents of the Town of Sidney are entitled to have a fair, ethical and accountable municipal Council that acts in the public interest, conducting its business with integrity and in a fair, honest and open manner.

(3) The public expects that Council Members will adhere to the highest standards of professional conduct. Honesty, integrity, respect, transparency, leadership, collaboration, and accountability are the core ethical values reflected in this Code. Council Members are expected to perform their functions of office faithfully and to the best of their knowledge and ability, in accordance with these core ethical values.

(4) The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter.*

(5) The intention of Council in enacting this Code is not to stifle Council Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Council Members to undertake those functions in a manner that accords with sound ethical principles.

Definitions

(6) In this Bylaw:

"**Council Member**" means the Mayor and Councillors for the Town of Sidney;

"**FIPPA**" means the *Freedom of Information and Protection of Privacy Act* (British Columbia); and

"**Staff**" means an officer or employee of the Town of Sidney, but does not include contractors.

Application

(7) This Code applies to all Council Members, inclusive of their actions in their capacity as members of various boards, committees, and other discretionary appointments.

(8) For clarity, the provisions of this Code apply without limitation to a Council Member's use of personal and professional social media accounts.

Comply with all Laws

(9) Council Members shall comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:

(a) the *Local Government Act*;

(b) the *Community Charter*;

(c) FIPPA;

(d) the *Financial Disclosure Act*; and

(e) all bylaws and policies of the Town.

General Conduct

(10) Council Members shall not engage with others, including residents, Staff, committee members or other Council Members, in a manner that is abusive, bullying, intimidating or derogatory.

(11) Council Members shall not use their office to attempt to gain personal benefits for themselves, their family members or their friends.

Respect for Process

(12) Council Members shall perform their duties in accordance with the policies, procedures and rules of order established by Council from time to time.

Interactions with Staff

(13) Council Members shall direct questions and inquiries regarding departmental issues to the Chief Administrative Officer ("CAO") and shall refrain from contacting Staff directly, unless the communication is minor and for the purpose of seeking administrative clarity.

(14) Council Members shall not interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions, nor shall they impair the ability of municipal officers or Staff to implement Council policy decisions in accordance with section 153 of the *Community Charter.*

(15) Council Members shall not request or require that Staff undertake personal or private work for or on behalf of a Council Member.

(16) Council Members shall not request or require that Staff engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities.

Interactions with the Public and Media

(17) In an effort to promote respect and integrity for Council decision-making, Council Members will accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.

(18) Council Members shall refrain from making any disparaging comments about other Council Members.

Advocacy

(19) Council Members shall represent the official policies or positions of Council to the best of their ability when designated as a delegate for this purpose. When presenting their individual opinions and positions, Council Members shall explicitly state that it is their own personal view and that they do not represent Council or the Town in those views.

Conduct of Meetings

(20) Council Members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council Members shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.

Handling of Confidential Information

(21) Council Members shall keep information and records prohibited from release under section 117 of the *Community Charter* in strict confidence.

(22) Without limiting the generality of section (21), Council Members shall not disclose:

(a) information or records concerning the property, personnel, legal affairs, or other information of the Town distributed for the purposes of, or considered in, a closed Council meeting;

(b) resolutions or Staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public; or

(c) details on Council's closed meeting deliberations or how individual Council Members voted on a question in a closed meeting.

(23) Council Members shall not use confidential information to advance, directly or indirectly, their own personal, financial or other private interests.

Conflict of Interest

(24) Council Members shall not participate in discussion of a matter, or vote on a question in respect of that matter, if the Council Member has a conflict of interest.

(25) In respect of each matter before Council, Council Members shall:

(a) assess whether they have a conflict of interest; and

(b) determine whether it is necessary to seek independent legal advice at their own cost, except where the CAO approves the cost, with respect to any situation that may result in a conflict of interest.

(26) If a Council Member believes that they have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:

(a) prior to the matter's consideration, notify the Mayor or Chair of the meeting that they have a conflict of interest, stating in general terms why they consider that to be the case;

(b) leave any meeting if the matter is discussed and not return until the discussion has ended or voting has been concluded;

(c) refrain from discussing the matter with any other Council Member publicly or privately; and

(d) refrain from attempting in any way to influence the voting on any question in respect of the matter.

Gifts

(27) Council Members shall not accept a gift or personal benefit, except in accordance with section 105 of the *Community Charter.*

(28) Council Members shall disclose a gift or personal benefit, received in accordance with section 105 of the *Community Charter,* as per section 106 of the *Community Charter.*

Use of Public Resources

(29) Council Members shall not use Town public resources such as Staff time, equipment, technology, supplies, facilities or other property for private gain, personal purposes, or election-related purposes.

(30) Council Members shall not undertake municipal election campaign related activities at the Town Office or on other premises owned by the Town during regular working hours, unless such activities are organized by the Town.

PART 2 – INVESTIGATION, COMPLIANCE AND ENFORCEMENT

Implementation

(31) As an expression of the standards of conduct for Council Members expected by the Town, this Code is intended to be self-enforcing. This Code therefore becomes most effective when Council Members are thoroughly familiar with it and embrace its provisions. For this reason, this Code shall be provided as information to all candidates for Council.

Staff Requests

(32) If a Staff member believes that they have observed a Council Member engaging in conduct that would breach this Bylaw, and they wish to file a complaint, they must approach the CAO on a confidential basis and inform the CAO of the alleged breach.

(33) Upon receipt of the confidential information in section (32), the CAO may:

(a) determine that no breach has occurred and inform the Staff member of that determination;

(b) attempt to address the alleged breach with the Council Member and, if the circumstances warrant, the Staff member; or

(c) request that the Staff member file a complaint in accordance with sections (42) and (43).

Council Requests

(34) If a Council Member believes that they have observed another Council Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Council Member, if possible.

(35) If the Council Member is unable to resolve the issue pursuant to section (34), they must bring the matter to the attention of the CAO.

(36) The CAO or, if the CAO refers the matter to the Solicitor, the Solicitor may:

(a) with the agreement of the parties, engage a Mediator of their choosing to assist in the resolution of the matter;

(b) determine that no breach has occurred and inform the Council Member of that determination; or

(c) request that the Council Member file a complaint in accordance with sections (42) and (43).

Mediation

(37) The Mediator must attempt to resolve the matter and in doing so may employ whatever methods they consider appropriate, including culturally appropriate and transformative or restorative justice approaches.

(38) The parties can decline to participate in the mediation at any time.

(39) The Mediator will assess the suitability of the matter for settlement or resolution on an on-going basis and may decline to assist at any point.

(40) If the parties reach a mediated resolution, the Mediator must notify the CAO or Solicitor in writing of the terms of the resolution, upon receipt of which the CAO or Solicitor shall close the matter.

(41) If the parties cannot reach a mediated resolution within 60 days of the commencement of mediation, the Mediator must refer the complaint back to the CAO or Solicitor to make a determination under section (36)(b) or (c). The Mediator may request that the CAO or Solicitor extend the mediation by periods of 30 days, if the circumstances warrant.

Complaint Procedure

(42) Subject to compliance with sections (32) to (41), a Council Member or Staff member may submit a complaint to the CAO. Alternatively, if the complainant is the CAO or the complaint involves the CAO, then complaints may be submitted to the Corporate Officer.

(43) A complaint must be in writing, must be submitted within 60 days of: the alleged breach, the notification to the CAO under section (33), or the failure to resolve the matter by mediation under section (41), as applicable, and must include, with sufficient detail:

(a) the name of the complainant;

(b) the name of the respondent Council Member(s);

(c) the conduct that the complainant alleges was in breach of the Code;

(d) the date of the alleged conduct;

(e) the parts of the Code the alleged conduct breached;

(f) the basis for the complainant's knowledge of the conduct; and

(g) if a complaint is submitted by a Council Member, whether the Council Member attempted to resolve the complaint informally under section (34).

(44) A complaint may be accepted notwithstanding that it does not comply with all of the requirements of section (43), if the CAO or the Corporate Officer determines that there has been substantial compliance or if the circumstances otherwise warrant acceptance.

(45) A complaint submitted outside the time limits set out in section (36) must be rejected, except that the CAO or Corporate Officer may grant an extension of no more than 30 further days if the circumstances of the complaint are sufficiently serious.

(46) In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Council has taken office. At that time, complaints shall only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be rejected.

Preliminary Assessment

(47) On receipt of a complaint, the CAO or Corporate Officer shall conduct a preliminary assessment of the complaint or forward the complaint to the Town's Solicitor to conduct a preliminary assessment. If the CAO, Corporate Officer, or Solicitor determines that any of the following circumstances apply, then they must notify the complainant and respondent Council Member in writing that the complaint will be closed, stating the reasons for the closure:

(a) the complaint is not with respect to a breach of this Bylaw;

(b) the complaint is frivolous, vexatious, or not made in good faith;

(c) the complaint would be more appropriately addressed through another process;

(d) the complaint was not in compliance with sections (35) and (36), and the respondent Council Member will be prejudiced by the complainant's failure to comply;

(e) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;

(h) the complaint was submitted by a Council Member, and the Council Member ought to have first attempted to resolve the complaint informally under section (32); or

(f) there are no possible grounds on which to conclude that a violation of this Bylaw has occurred.

Referral to Third-Party Investigator

(48) If the CAO, Corporate Officer or Solicitor determines, after conducting a preliminary assessment, that the complaint should be accepted for investigation, they shall refer the complaint to a neutral and independent third-party Investigator of their choosing to conduct an investigation and notify the complainant and respondent Council Member of the referral.

(49) The Investigator shall, at all times during an investigation, have all of the same powers to dismiss a complaint on a preliminary basis as set out in section (40).

(50) An Investigator, once retained, may only be dismissed for cause.

Criminal Conduct

(51) If, at any stage in the complaint procedure, the CAO, Corporate Officer, Solicitor or Investigator determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code,* or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council, the complainant, and the respondent Council Member.

(52) For certainty, a complaint must be suspended while the respondent is on a mandatory leave of absence under section 109.3(1) of the *Community Charter*, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the *Community Charter*.

Formal Resolution

(53) Once retained, the Investigator shall deliver the complaint to the respondent Council Member, along with a request that the respondent Council Member provide a written response to the complaint, together with any submissions that the respondent Council Member chooses to make, within 10 days, subject to the Investigator's discretion to reasonably extend the timeline.

(54) The Investigator may, at their discretion, deliver the respondent Council Member's written response and submissions to the complainant and request a reply in writing within 10 days, subject to the Investigator's discretion to reasonably extend the timeline.

(55) The Investigator may:

(a) speak to anyone relevant to the complaint;

(b) request disclosure of documents relevant to the complaint; and

(c) access any record in the custody or control of the Town, within the meaning of FIPPA, with the exception of records subject to solicitor-client privilege.

(56) The Investigator has discretion to conduct the investigation as they see fit, but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

Adjudication and Reporting

(57) The Investigator must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under section (41), unless the Investigator determines that doing so is not practicable, in which case the Investigator must notify the complainant and respondent Council Member of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Council Member.

(58) If, after reviewing all the material information, the Investigator determines that a Council Member did not violate this Bylaw, then the Investigator shall:

(a) prepare a written investigation report providing reasons for their determination, which shall include a determination of whether the complaint was submitted frivolously, vexatiously or in bad faith; and

(b) deliver a copy of the investigation report to the complainant, respondent Council Member, and Council.

(59) If, after reviewing all the material information, the Investigator determines that a Council Member did violate this Bylaw, then the Investigator shall:

(a) prepare a written investigation report providing reasons for their determination, which must include:

i. a summary of the factual findings of the Investigator;

ii. an application of the Bylaw, and any other applicable law, to the facts;

iii. a recommendation of the appropriate sanction, subject to subsection (iv); and

iv. if applicable, a determination of whether the respondent Council Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith, in which case the Investigator may recommend that no sanction be imposed;

(b) deliver a copy of the investigation report to the respondent Council Member; and

(c) 48 hours after the delivery of the investigation report to the respondent Council Member, deliver a copy of the investigation report to Council.

Final Determination by Council

(60) Council must, within 45 days of the Investigator's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw;

(61) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Council Member must be provided with an opportunity, either in person or in writing, to comment to Council on the Investigator's determinations and recommendations.

(62) Investigation reports may, subject to section 90 of the *Community Charter,* be considered in a closed meeting.

(63) Within 30 days of Council's final decision about an investigation, it must, subject to the Town's obligations under FIPPA:

(a) advise the complainant of the outcome of the complaint;

(b) to the extent possible, release publicly the investigation report or a summary thereof; and

(c) release a summary of Council's decision.

Remedies

(64) Remedies that may be imposed by Council for a violation of this Bylaw include the following:

(a) a letter of reprimand from Council, addressed to the respondent Council Member;

(b) a recommendation from the Council that the respondent Council Member issue a letter of apology;

(c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Council Member's response, if any;

(d) directions to the CAO regarding the method of providing documents that contain confidential information to the respondent Council Member;

(e) a recommendation that the respondent Council Member attend specific training or counselling;

(f) limitations on access to certain Town facilities;

(g) prohibition from representing the Town at events and/or attending conferences;

(h) suspension or removal of the respondent Council Member from the Acting Mayor rotation;

(i) public censure of the respondent Council Member; or

(j) any other sanction recommended by the Investigator, so long as that sanction is within the authority of Council.

(65) Council must consider the following factors when determining whether to impose a sanction on a Council Member:

(a) the degree and nature of the conduct;

(b) whether the contravention was a single or repeated act;

(c) whether the Council Member knowingly contravened the Code;

(d) whether the Council Member took steps to mitigate or remedy the contravention;

(e) the Council Member's history of other contraventions; and

(f) if applicable, the Investigator's finding that the respondent Council Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

Confidentiality of Investigation

(66) The CAO, Corporate Officer, Solicitor and Investigator must make all reasonable efforts to process and investigate complaints in a confidential manner.

(67) The Investigator and every person acting under the Investigator's instructions must preserve confidentiality with respect to all matters that come into the Investigator's knowledge in the course of any investigation or complaint, except as otherwise required by law.

Obstruction

(68) No Council Member or Staff member will obstruct the Investigator, Solicitor, CAO or Corporate Officer in relation to the administration of this Bylaw or the investigation of a complaint. Without limitation, the following shall constitute obstruction:

(a) uttering of threats against any person involved in the complaint;

(b) destruction of relevant records or documents; and

(c) refusal to cooperate with the Investigator.

(69) A person who is found to have obstructed the Investigator, CAO, Solicitor or Corporate Officer will be subject to appropriate disciplinary action, which may include, but is not limited to:

(a) in the case of Council Members, sanctions and remedies as described in this Bylaw;

(b) in the case of Staff, disciplinary action or termination of employment for just cause, as applicable; or

(c) in the case of any complainant, prohibition from filing complaints under this Code for a specified period of time.

Reimbursement of Costs

(70) A Council Member may make a request to Council for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate, after considering all of the circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

(a) the Council Member's has not previously been found to have breached the Code; and

(b) the amount claimed does not exceed $10,000.

Frivolous and Vexatious Complaints

(71) A person covered by this Bylaw who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise

made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to:

(a) in the case of Council Members, sanctions and remedies as described in this Bylaw;

(b) in the case of Staff, disciplinary action or termination of employment for just cause, as applicable; or

(c) in the case of any complainant, prohibition from filing complaints under this Code for a specified period of time.

Read a first time the	day of , 2023.
Read a second time the	day of , 2023.
Read a third time the	day of , 2023.
Adopted the	day of , 2023.

_____	_____
MAYOR	CORPORATE OFFICER

Comox Valley REGIONAL DISTRICT

Board Policy

Policy Title: Board Code of Conduct	**Policy Number:** P78
Policy Category: Administration	
Approval Date: August 25, 2020	**Policy Owner:** Corporate Services
Approved by: CVRD Board	**File Reference:** 0340-50

PREAMBLE

1. As local elected representatives the Board recognizes that responsible conduct is essential to providing good governance for the Comox Valley Regional District.

2. Board members are required to conduct themselves to the highest ethical standards by being an active participant in ensuring that the foundational principles, and the standards of conduct set out below, are followed in all dealings with every person, including those with other members, staff, and the public.

PRINCIPLES

3. The Board recognizes that responsible conduct is based on the foundational principles of integrity, accountability, leadership, responsibility, respect, openness and collaboration.
   - Integrity – Board members must carry out their responsibilities to the highest standard of integrity and are expected to:
     - make decisions that benefit the community;
     - act lawfully and within the authorities of the Comox Valley Regional District;
     - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests.

   - Accountability – Board members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions they make.

   - Leadership – Board members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in the Regional District.

   - Responsibility – Board members must act responsibly, within the law and within the authorities of the *Local Government Act*. They must follow the letter and spirit of policies and procedures, and exercise all conferred power strictly for the purpose for which the powers have been conferred.

   - Respect – Board members must conduct public business efficiently, with decorum and with proper attention to the Comox Valley Regional District's diversity. They must treat each other and others with respect at all times. This means not using derogatory

language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making;

- Openness – Board members have a duty to be as open as possible about their decisions and actions while respecting the need to keep confidential matters confidential; and

- Collaboration – The social fabric of communities and the health and wellbeing of citizens depend on solid and sustainable community partnerships. Board members shall seek to collaborate whenever possible and appropriate and shall utilize this principle to guide their work and conduct.

PURPOSE

4. The purpose of this Policy is to:
    i. establish standards for the ethical conduct of elected officials relating to their roles and obligations as representatives of the Comox Valley Regional District; and
    ii. provide clarity to the public as to the behaviour they can expect from CVRD elected officials.

SCOPE

5. All elected and appointed CVRD Directors, Alternate Directors and the Chief Administrative Officer.

DEFINITIONS

Board members: all Directors and Alternate Directors of the Comox Valley Regional District

CAO: Means the Chief Administrative Officer for the Comox Valley Regional District.

Commissioner: Means the person appointed as the Ethics Commissioner by the Board to fulfill the duties and responsibilities assigned to that position as set out in this Policy or an ad hoc Commissioner appointed by the CAO to administer this Policy in respect of an individual complaint.

POLICY

General Conduct

6. All Board members must adhere to the key principles and provisions of the Code of Conduct.

7. Board members must act lawfully and within the authorities of the Local Government Act and Community Charter, and exercise a reasonable degree of care and diligence in carrying

out their functions.

8. Board members have an obligation to consider issues consistently and fairly.

9. Board members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Board members must avoid conduct that:
   (1) Contravenes the law, including the BC Human Rights Code, the Local Government Act, the Community Charter, CVRD Bylaws, associated regulations, and CVRD Policies;
   (2) Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
   (3) Prejudices the provision of a service or services to the community.

10. Board members are obliged to question any request to act or make a decision that they think may be unethical or unlawful.

Conflict of Interest

11. Board members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.

12. Board members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their duties in accordance with statutory requirements of the Community Charter.

Meetings

13. Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

14. Board members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the issues and the facts.

15. The diverse perspectives of each director, as they reflect the interests of their own communities, will be respected.

16. When making decisions, Board members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.

17. Strong disagreements and conflicts will be seen as a natural part of board and committee work. Such disagreements will not be taken personally, nor made personal.

18. Board members can expect courteous behaviour from each other. Directors shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the Board.

19. Board members, when speaking publicly and at board and committee meetings, will avoid inflammatory language. They are expected to speak in an objective manner.

Policy Role of the Board

20. Members shall respect and adhere to the Board-CAO structure of government as practiced at the Comox Valley Regional District. In this structure, the Board determines the policies of the CVRD with the advice, information and analysis provided by the public, committees, and CVRD staff. Members, therefore, shall not interfere with the administrative functions of the CVRD or with the professional duties of staff; nor shall they impair the ability of staff to implement Board policy decisions.

Use of Public Resources

21. Members shall not use public resources, which are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

Communication and Media Relations

22. The Regional District Board Chair is the spokesperson for the Regional District on Board matters.

23. Board members will accurately communicate the decisions of the Board, even if they disagree with the majority decision of the Board. Board members will refrain from making disparaging comments about other Directors, the Board's decision itself or individual staff and by doing so will affirm the respect for and integrity of the decision making process of the Regional District Board.

Gifts and Personal Benefits

24. Board members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the CVRD, save for appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member.

Informal Complaint Procedure

25. If disputes arise under this Policy, Board members shall endeavour to resolve them promptly and in good faith.

26. Any Board member or member of staff who considers that they have been subjected to or has identified or witnessed behavior or an activity by a Board member that they believe, in good faith, is in contravention of this Policy may address the prohibited conduct by:
    (1) advising the Board member that the conduct violates this Policy and request that the contravention cease immediately; or
    (2) requesting the CAO and Board Chair to assist in discussion of the alleged complaint with the Board member in an attempt to resolve the matter.

27. Where appropriate, the informal complaint process described in section 26 is encouraged as the first means of remedying conduct that may be violation this Policy, however, it is not a prerequisite to pursuing a formal complaint.

Formal Complaint Procedure

28. Any Board member or member of staff who considers that they have been subjected to or has identified or witnessed behavior or an activity by a Board member that they believe, in good faith, is in contravention of this Policy may file a formal complaint and seek resolution in accordance with the following procedure:
    (1) All complaints must be delivered in writing to the CAO, be dated and signed and contain the particulars of the complaint, including the date on which the conduct that is the subject of the complaint occurred and the part or parts of this Policy that the complainant alleges has or have been breached;
    (2) The CAO must not accept multiple complaints concerning the same matter. In the event that the CAO receives multiple complaints concerning the same matter, the CAO must proceed with the first complaint accepted, but may expand the complaint and/or add complainants for the purpose of seeking resolution of the complaint and where required, the conduct of the preliminary assessment and formal investigation by the Commissioner.
    (3) Upon receipt of a complaint the CAO shall inform the respondent, share a copy of the complaint and request a written response within 10 days to assist in the initial review of the complaint.
    (4) The CAO and the Chair shall review the material information provided and meet with the complainant and the respondent to seek resolution of the complaint. Where appropriate, the CAO or the Chair may engage the Commissioner or appoint another third party to assist in resolving the complaint or at their discretion.
    (5) If the complaint cannot be resolved, the Commissioner shall conduct a preliminary assessment;

(6) As part of the preliminary assessment of the matter the Commissioner may request further information from the complainant and respondent.

(7) Based on the preliminary assessment the Commissioner must determine whether the complaint should be pursued further through a formal investigation. The following are some of the potential reasons why a complaint may not be pursued:
   (a) the allegations are not within jurisdiction of the Policy;
   (b) the complaint is deemed to be frivolous or vexatious or not made in good faith;
   (c) the complaint would be more appropriately addressed through another process;
   (d) there is insufficient evidence or information for concluding that a violation of this Policy has occurred;
   (e) an extensive delay or unreasonable delay (i.e. more than six months) has occurred;

(8) If a complaint is not rejected or closed the Commissioner must proceed with a formal investigation.

(9) The Commissioner must notify the complainant, the respondent and the Chair and CAO in writing of the findings of the preliminary assessment and set out the reasons therefore.

(10) If a formal investigation is determined appropriate, the Commissioner shall take all such steps as may be considered appropriate, including:
   (a) speaking to anyone relevant to the complaint;
   (b) seeking legal advice;
   (c) requesting disclosure of documents relevant to the complaint; or
   (d) accessing any record in the possession or control of the CVRD, except a record that is subject to privilege.

(11) All proceedings of the investigation shall be confidential and comply with the rules of procedural fairness and natural justice required in the circumstances.

(12) Within 30 days of making a decision to proceed with a formal investigation, the Commissioner shall provide the complainant, respondent and the Board a written report containing the results of the investigation and a determination of whether a contravention occurred. The report may also include considerations respecting the imposition of a sanction if contravention has been found;

(13) A Board member who is the subject of an investigation shall be afforded an opportunity to respond to the allegations at the time of receipt by the Board of the Commissioner's report and is entitled to be represented by legal counsel;

(14) The Commissioner's report provided to the Board may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, however, when the Board deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public.

(15) The Commissioner must ensure that the investigation report as drafted complies with the CVRD's obligations regarding disclosure of personal information

set out in the Freedom of Information and Protection of Privacy Act, or ensure that appropriate redactions are applied prior to release to the public.

29. For clarity, if the CAO or the Commissioner, at any stage in the complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code,* the CAO or Commissioner must immediately refer the matter to the appropriate authorities and suspend the complaint process until any resulting police investigation and charge have been finally disposed of.

30. In the event that Board Chair or CAO is a direct party to a complaint under this Policy, they shall remove themselves from any role other than that of complainant or responder. In cases involving the CAO, all references to CAO contained within this Policy shall be deemed to be the Deputy CAO. In the case of a complaint against the Chair, all references to Chair contained within this Policy shall be deemed to be the Vice-Chair.

31. Nothing in this Policy precludes the complainant from taking measures that the complainant is entitled to take under law, including but not limited to filing a human rights complaint, a grievance or other applicable process under a collective agreement, a complaint with WorkSafe BC, or other proceedings, as applicable.

Election Period

32. Any formal complaint against a Board member received after August 1 in a general election year shall be held in abeyance until the new Board has been sworn in following the election. If the respondent is not re-elected in that election, the CAO must notify the complainant and respondent in writing that the complaint is closed on this basis.

Remedies

33. The Board shall decide on which appropriate measures, if any, are warranted by a contravention of this Policy. In determining the appropriate measure, the Board shall consider the following factors:
    (a) the degree and nature of the conduct;
    (b) whether the contravention was a single or repeated act;
    (c) whether the Board member was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;
    (d) the nature of the work relationship of the complainant and the respondent, and whether the Board member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;
    (e) the impact of the contravention on the complainant;
    (f) the Board member's acknowledgment of wrongdoing; and
    (g) the Board member's history of other contraventions.

34. After considering the prescribed factors and upon the finding that the Board member has breached this Policy, the Board may impose sanctions including the following:
    (a) letter of reprimand addressed to the Member;
    (b) motion of censure;
    (c) a request that the Member issue a letter of apology;
    (d) publication of a letter of reprimand or request for apology and the elected official's response;
    (e) recommendation to attend training;
    (f) suspension or removal from some or all internal and external Board committees and bodies to which the Board has the right to appoint members;
    (g) restricting the Member from attending events as a representative of the Board;
    (h) imposing further limits on Board-related travel or expenses beyond those set out in CVRD bylaws or policies;
    (i) requiring the return of regional district property provided for convenience;
    (j) limiting access to certain regional district facilities;
    (k) restricting how documents are provided to the member;
    (l) referral to a prosecutor or police; and
    (m) any other sanction the Board deems reasonable and appropriate in the circumstances, provided that the sanction does not prevent a Board member from fulfilling the legislated duties of an elected official and the sanction is not contrary to provincial legislation.

35. For clarity, failure or refusal to comply with a Board imposed sanction(s) shall be considered a contravention of this Policy.

Reprisals and Obstruction

36. No Board Member or staff will threaten or undertake any active reprisal against a complainant or against a person who provides information in the context of an investigation under this policy.

37. No Board Member or staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Policy or refuse to respond to the Commissioner when questioned regarding an investigation.

38. Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above, or in the case of staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

Reimbursement of Costs

39. For clarity, actions by Board Members as outlined in Bylaw No. 237 being "Comox Valley Regional District Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 237", as replaced or amended from time to time, do not apply to this policy.

40. A Board Member may make a request to the Board for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Policy. If appropriate after considering all circumstances, the Board may resolve to reimburse legal fees reasonably incurred by a Board Member, provided that all of the following are met:
    (a) the Commissioner ultimately does not determine that the Board member acted with dishonesty, gross negligence, or malicious or willful misconduct;
    (b) it is the Board member's first formal complaint process within a given four-year term of office; and
    (c) such legal costs do not exceed $10,000.

Vexatious Allegations and Complaints

41. Any individual covered by this Policy who makes an allegation or complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:
    (a) in the case of Board Members, sanctions and remedies described in Section 34.
    (b) in the case of staff, the termination of employment for just cause, as applicable.

ROLES AND RESPONSIBILITIES

Implementation and Review

42. The Board Code of Conduct is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when Members are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Conduct shall be reviewed on an annual basis at the inaugural meeting or at another duly convened meeting at the discretion of the Board Chair. The Code of Conduct shall also be reviewed in detail at orientation sessions for new and returning directors following each general local election.

REVISION HISTORY

Approval Date	Approved By	Description of Change

January 24, 2023	Board	Inclusion of complaints and enforcement process

CITY OF NANAIMO

BYLAW NO. 7348

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

(a) make decisions that benefit the community;
(b) act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
(c) be free from undue influence and not act to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council and Committee Members wish to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the City's guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I – GENERAL

1.1 Title

This Bylaw may be cited as "Code of Conduct Bylaw 2022 No. 7348".

1.2 Definitions

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the City of Nanaimo.
"Bully and Harass"	Includes, without limitation, any unwelcome or objectionable conduct or comment by a Council or Committee Member that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Committee Member, Volunteer, Municipal Officer, or Staff, calling someone derogatory names, hazing

	or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumours.
"Committee Member"	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the *Community Charter* – Division 4 – Committees, Commissions and Other Bodies or the *Local Government Act.*
"Complaint"	Means a formal allegation that a Member has breached this Bylaw in accordance with the complaint procedure set out in Part 4 of this Bylaw.
"Complainant"	Means a person who has submitted a complaint under Part 4 of this Bylaw.
"Confidential Information"	Means information or records held in confidence by the City, including to which Section 117 of the *Community Charter* applies. For clarity, this includes all information and records from closed meetings of Council until publicly released.
"Conflict of Interest"	Refers to pecuniary and non-pecuniary conflicts of interest governed by the *Community Charter,* S.B.C., 2003, c. 36 and the common law.
"Council Member"	Means the Mayor and Councillors for the City of Nanaimo.
"Commissioner"	Means the person appointed as the Ethics Commissioner by Council to fulfill the duties and responsibilities assigned to that position as set out in this Bylaw or an *ad hoc* Commissioner appointed by the CAO to administer this Bylaw in respect of an individual complaint.
"Gifts and Personal Benefits"	Means an item or service of value that is received by Council and Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
"Member"	Means a Council Member or a Committee Member.
"Municipal Officer"	Means a member of Staff designated as an officer under Section 146 of the *Community Charter.*
"Personal Information"	As defined in the *Freedom of Information & Protection of Privacy Act.*
"Respondent"	Means a Council or Committee Member whose conduct is the subject of a complaint.
"Staff"	Means an employee of the City.
"Volunteer"	Means a person serving the City who is not a Council Member, Committee Member.

1.3 Purpose and Interpretation:

1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsiblities as elected or appointed officials, and the powers and procedures of the Commissioner in exercising oversight over Council Members.

1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 36.

1.3.3 For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members.

1.4 Application:

(a) This Bylaw applies to Council Members and Committee Members.
(b) This Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in City governance.
(c) This Bylaw does not apply to Staff.
(d) In the event of a conflict between this Bylaw and another City bylaw or Council policy governing Member conduct, this Bylaw prevails.
(e) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

PART 2 – STANDARDS AND VALUES

2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

(a) Integrity: being honest and demonstrating strong ethical principles.

Members are expected to act with **i**ntegrity by:

i. Behaving in a manner that promotes public confidence in the City, including actively avoiding any Conflicts of Interest, improper use of office or unethical conduct.
ii. Being truthful, honest and open in all dealings.
iii. Upholding the public interest and making decisions in the best interests of the community.
iv. Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.

v. Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C.* and *B.C. Human Rights Code.*

(b) Accountability: an obligation and willingness to accept responsibility or to account for one's actions.

Members are expected to act with accountability by:

i. Being transparent in how they individually and collectively conduct business and carry out their duties.
ii. Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
iii. Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
iv. Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.

(c) Respect: having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Members are expected to act with respect by:

i. Treating every person, including other Members, Staff and the public with dignity.
ii. Showing consideration for colleagues and Staff.
iii. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
iv. Valuing the role of diverse perspectives and debate in decision-making.
v. Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
vi. Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.

(d) Leadership and Collaboration**:** an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Members are expected to demonstrate leadership and collaboration by:

i. Demonstrating behaviour that builds and inspires public trust and confidence in local government.
ii. Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
iii. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
iv. Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.
v. Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

2.1.1 Interpretation

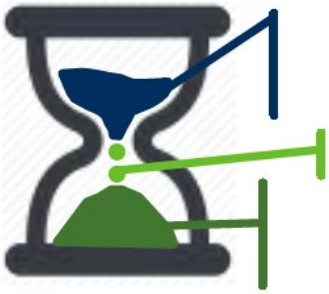
The standards and values above are to inform the interpretation of the substantive provisions of this Bylaw and are not to be standalone bases for Complaints.

2.2 Roles and Responsibilities

(a) Council is the governing body of the City. It has the responsibility to govern the City in accordance with Part 5 of the *Community Charter* and other applicable legislation.

(b) The Mayor is the head and chief executive officer of the City and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting City policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter.*

(c) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner. The CAO is Council's one employee.



Council – making decisions, direction setting and public interest

CAO – interface

Staff – implement directions, provide information and share knowledge

PART 3 – CONDUCT OF ELECTED OFFICIALS

3.1 General Conduct

3.1.1 A Member shall not:

(a) contravene this Bylaw, as amended or replaced from time to time;
(b) contravene any other City bylaw or policy, as amended or replaced from time to time;

(c) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act;*
(d) Bully or Harass a Member, Staff, or Volunteer;
(e) defame a Member, Staff, or Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.3 A Council Member shall not:

(a) breach their oath sworn upon taking office as a Council Member; or
(b) abuse their office.

3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding departmental issues or questions to the CAO, General Manager, or department Director of the appropriate department and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.

3.2.2 Members must not interfere with, hinder or obstruct Staff, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 Members must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 If a Council Member has information about Staff or a Volunteer that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

3.2.5 Members must not publish statements attacking Members, Staff, or Volunteers.

3.2.6 Information obtained by any Council Member, which is likely to be used in a Council or political debate, must be provided to all other Council Members, and to the CAO.

3.3 Interactions with the Public and Media

3.3.1 Members must not communicate on behalf of the City unless authorized to do so by Council resolution or by virtue of a position or role the Member has been authorized to undertake by Council.

3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:

(a) ensure that their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
(b) ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, or Volunteer.

3.3.3 Members are not to issue instructions to any of the City's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.

3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

3.4 Public Meetings

3.4.1 A Member must act with decorum at Council and Committee meetings in accordance with the Council Procedure Bylaw 2018 No. 7272, as amended or replaced from time to time.

3.5 Collection and Handling of Information

3.5.1 A Member must:

(a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the City;
(b) comply with section 117 of the *Community Charter,* including by protecting, and not disclosing publicly, Confidential Information;
(c) only access information held by the City for City business, and not for personal purposes; and
(d) not alter City records unless expressly authorized to do so.

3.6 Use of Social Media

3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and official social media accounts.

3.6.2 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings made by others on their behalf that violate the terms of this Code of Conduct Bylaw.

3.7 Conflict of Interest

3.7.1 A Member shall not participate in discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.

3.7.2 In respect of each matter before Council, a Council Member shall:
(a) assess whether they have a Conflict of Interest, if necessary, with the advice of the Commissioner; and
(b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

(a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
(b) refrain from discussing the matter with any other Member publicly or privately; and
(c) leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

3.8 Use of Influence

3.8.1 A Member must not attempt to influence a decision of Council, a Committee, Municipal Officer, or Staff if the Member has a pecuniary Conflict of Interest in relation to that decision.

3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.

3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff.

3.9 Gifts and Personal Benefits

3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.

3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter.*

3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

4.1 Council Members

4.1.1 Confidential Requests

(a) If a Council Member, Committee Member, or Staff believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the Commissioner on a confidential basis, without the need to file a Complaint, to request that the Commissioner inform the Council Member of the alleged breach. Upon receipt of the confidential request, the Commissioner may attempt to address the conduct with the Council Member.

(b) The Commissioner must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents to disclosure.

4.1.2 Complaint Procedure:

(a) Any Council Member, Committee Member, or Staff may submit a Complaint to the Commissioner.

(b) A Complaint must be in writing and describe with sufficient detail:

i. the name of the Complainant;
ii. the name of the Respondent;
iii. the conduct that the Complainant alleges to have breached the Code;
iv. the date of the alleged conduct;
v. the part or parts of this Bylaw that the Complainant alleges has or have been breached; and
vi. the basis for the Complainant's knowledge about the conduct.

(c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.

(d) The Commissioner may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (b) if, in the Commissioner's opinion, the circumstances warrant.

(e) The Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Commissioner receives multiple Complaints concerning the same matter, the Commissioner must proceed with the first Complaint accepted, but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.

(f) The Commissioner must reject a Complaint received more than 90 days after the Complainant knew or reasonably ought to have known of the alleged breach of this Bylaw. The Commissioner is authorized to extend this 90 day deadline up to a further 90 days if circumstances warrant an extension.

(g) The Commissioner must reject a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.

(h) In the 90 days prior to general voting day, the Commissioner may suspend any investigation underway.

4.1.3 Dismissal or Suspension of Complaint

(a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:

i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act;*
ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Commissioner may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the Commissioner thinks appropriate.

(b) If the Commissioner, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* (Canada), the Commissioner must immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.

(c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Commissioner may close the Complaint and notify the Complainant and Respondent of this decision.

4.1.4 Preliminary Assessment

(a) On receipt of a Complaint, the Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Commissioner is of the opinion that:

i. the statement is not with respect to a breach of this Bylaw;
ii. the Complaint is frivolous, vexatious, or not made in good faith;
iii. the investigation is, or might be, hampered, or the Council Member might be prejudiced by the Complainant's failure to provide a Complaint in compliance with Section 4.1.2(b), or otherwise cooperate with the investigation;
iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
v. there are no grounds or insufficient grounds for concluding that a violation of this Bylaw has occurred,

the Commissioner must notify the Complainant and the Respondent in writing that the Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

(b) Notwithstanding Section 4.1.4 (a), the Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this Bylaw may have occurred.

4.1.5 Informal Resolution:

(a) When the Commissioner has decided to proceed with a Complaint, the Commissioner must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Commissioner may either attempt to resolve the Complaint directly, or refer the Complaint to the CAO.

(b) When determining whether the Complaint may be resolved informally, the Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Commissioner for this purpose.

(c) Where the Commissioner refers the Complaint in accordance with Section 4.1.5(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint a third party to assist in resolving the Complaint at their discretion.

(d) The person assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may decline to assist at any point.

(e) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.

(f) If a Complaint is resolved informally, the person assisting in resolving the Complaint must notify the Commissioner in writing of the terms of the resolution, upon receipt of which, the Commissioner must close the Complaint.

(g) If a Complaint cannot be resolved informally, the person assisting in resolving the Complaint must refer the Complaint back to the Commissioner for a formal investigation.

4.1.6 Formal Resolution:

(a) If a Complaint is not rejected, closed, or resolved informally, the Commissioner must proceed with a formal investigation.

(b) The Commissioner must serve the Complaint on the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Commissioner's discretion to extend the timeline.

(c) The Commissioner may serve the Complainant with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Commissioner's discretion to extend the timeline.

(d) The Commissioner may:
   i. speak to anyone relevant to the Complaint;
   ii. request disclosure of documents relevant to the Complaint; or
   iii. access any record in the possession or control of the City, except a record that is subject to privilege.

(e) The Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.

(f) Notwithstanding 4.1.6(a), nothing prohibits the Commissioner from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.

(g) If the Commissioner summarily dismisses a Complaint at the Formal Resolution stage, the Commissioner shall report to the Complainant and Respondent in the manner set out in 4.1.4(a).

4.1.7 Adjudication and Reporting:

(a) The Commissioner must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Commissioner determines that doing so is not practicable, in which case the Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent.

(b) A notification issued pursuant to sections 4.1.3(a), 4.1.3(b), 4.1.4(a), or 4.1.7(a) is confidential and must not be disclosed except in the following circumstances:

   i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and
   ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.

(c) If after reviewing all material information, the Commissioner determines that the Respondent did not violate this Bylaw, then:

   i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw;
   ii. the Commissioner must deliver a copy of the investigation report or, where appropriate, a summary thereof, to the Complainant, Respondent and Council; and
   iii. in consultation with Staff, the Commissioner shall produce and make publicly available a summary of the investigation report, in compliance with the *Freedom of Information and Protection of Privacy Act*.

(d) If after reviewing all the material information, the Commissioner determines that a Council Member did violate this Bylaw, then:

i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;

ii. the investigation report must make recommendations as to the appropriate sanction for the breach;

iii. if the Commissioner determines that a Council Member did breach this Bylaw, but that the Council Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Commissioner will so state in the investigation report and may recommend that no sanction be imposed;

iv. the Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and

v. the Commissioner must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.

4.1.8 Report to be Public

(a) Where the Commissioner has determined that a Council Member did violate this Bylaw, after the Commissioner has delivered a copy of the investigation report to the Complainant and Council, the City must make the investigation report available to the public.

(b) The City will ensure that the investigation report complies with the City's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act,* and ensure that appropriate redactions are applied prior to release to the public.

4.1.9 Final Determination by Council

(a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7(d)(v), or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.

(b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.

(c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 4.1.8 (b).

(d) Notwithstanding section 4.1.9(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter.*

4.1.10 Remedies

Sanctions that may be imposed for a violation of this Bylaw include the following:

(a) a letter of reprimand from Council addressed to the Council Member;
(b) a request from Council that the Council Member issue a letter of apology;
(c) the publication of the letters contemplated in subsections (a) and (b), along with the Council Member's written response, if any;
(d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
(e) a recommendation that the Council Member attend specific training or counselling;
(f) limitations on access to certain City facilities;
(g) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
(h) prohibition from representing the City at events and/or attending conferences and seminars;
(i) suspension or removal of the appointment of a Council Member as the Acting Mayor;
(j) public censure of a Council Member;
(k) reduction in compensation in accordance with the Council Spending and Amenities Policy; and
(l) any other sanction recommended by the Commissioner, so long as that sanction is within the authority of Council.

4.1.11 Confidentiality of the Investigation

The Commissioner must make all reasonable efforts to investigate Complaints in confidence.

(a) The Commissioner and every person acting under the Commissioners' instructions must preserve confidentiality with respect to all matters that come into the Commissioner's knowledge in the course of any investigation or Complaint except as required by law.
(b) An investigation report must only disclose such matters as, in the Commissioner's opinion, are necessary for the purpose of the investigation report.
(c) At the conclusion of the process, the Commissioner will destroy all the notes that were taken throughout the process of the investigation.

4.1.12 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

4.2.1 Alleged breaches of this Bylaw by Committee Members shall be submitted simultaneously in writing addressed to the Mayor and CAO within 90 days of the last alleged breach.

4.2.2 A Complaint must comply with the standards set out at section 4.1.1.

4.2.3 The Mayor shall consider alleged breaches of this Code by Committee Members, direct that any enquiries they consider appropriate or desirable be undertaken, including a referral to the Commissioner, and recommend appropriate disciplinary action to Council.

(a) The Mayor may recommend that Council take any actions provided for in the Code that the Mayor considers reasonable in the circumstances.

(b) Where Council finds that a Committee Member has breached this Code, Council may decide by resolution to:

i) Require the Committee Member to apologize to any person adversely affected by the breach;
ii) Counsel the Committee Member;
iii) Terminate the Committee Member's appointment; or
iv) Implement such other measures as Council deems appropriate.

4.3 Reprisals and Obstruction

4.3.1 No Council Member, Committee Member, or Staff will obstruct the Commissioner in the carrying out of their duties or responsibilities.

4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the Commissioner in the context of an investigation.

4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Commissioner when questioned regarding an investigation.

4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

4.4 Reimbursement of Costs

4.4.1 For clarity, actions by Council Members as outlined in Indemnification Bylaw 2005 No. 7002, as replaced or amended from time to time, do not apply to this Bylaw.

4.4.2 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

(a) It is the Council Member's first formal complaint process; and
(b) The amount does not exceed $10,000.

4.5 Vexatious Allegations and Complaints

4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

(a) in the case of Council Members, sanctions and remedies described in Section 4.1.7.
(b) in the case of Committee Members, termination of the Committee Member's appointment.
(c) in the case of Staff, the termination of employment for just cause, as applicable.

PART 5 – ENACTMENT

Effective Date

This bylaw comes into force and effect on 2022-OCT-15.

PASSED FIRST READING: 2022-MAY-16
PASSED SECOND READING: 2022-MAY-16
PASSED THIRD READING: 2022-MAY-16
ADOPTED: 2022-MAY-30

L. E. KROG
MAYOR

K. ROBERTSON
DEPUTY CITY CLERK

SCHEDULE A

COMMITTEE MEMBER STATEMENT

As a City of Nanaimo Committee Member, I agree to uphold the Code of Ethics adopted by the City of Nanaimo and conduct myself by the following model of excellence. I will:

- Recognize the diversity of backgrounds, interests and views in our community;
- Help create an atmosphere of open and responsive government;
- Conduct public affairs with integrity, in a fair, honest and open manner;
- Respect one another and the unique role and contribution each of us has in making the City of Nanaimo a better place to work, live, and play;
- Strive to keep the decision making processes open, accessible, participatory, understandable, timely, just and fair;
- Avoid and discourage conduct which is not in the best interests of the City of Nanaimo;
- Avoid any real or perceived Conflict of Interest and declare at the earliest opportunity, any interest that is or may be in conflict with the business of the body of the City of Nanaimo in which I am participating;
- Respect and uphold confidentiality requirements; and
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understand the City of Nanaimo Code of Conduct Bylaw.

Signature: _____ Date: _____

Name (please print): _____ Committee: _____

CITY OF SURREY

Council Code of Conduct Bylaw, 2020, No. 20020

Council Code of Conduct Bylaw, 2020, No. 20020
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CITY OF SURREY

BYLAW NO. 20020

A bylaw to regulate the conduct of Council members

.....

WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

(a) make decisions that benefit the community;

(b) act lawfully and within the authorities of the Community Charter, Local Government Act and other applicable enactments; and

(c) be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council wishes to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council to conduct its business in accordance with the City's values of community, innovation, integrity, service and teamwork;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

NOW THEREFORE The Council of the City of Surrey ENACTS AS FOLLOWS:

Definitions

1. In this Bylaw

"Advisory Body" means a committee, task force, commission, board or other body established or appointed by Council or by the Mayor;

"Advisory Body Member" means a person sitting on an Advisory Board, and includes a Council Member appointed to the body;

"Bully and Harass" includes:

(a) any conduct that would be contrary to the City's Respectful Workplace Policy;

(b) any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code* if the conduct or comment was in respect of any of the following prohibited grounds:

(i) race,
(ii) conviction for an offence,
(iii) colour,
(iv) ancestry,
(v) physical disability,
(vi) place of origin,
(vii) mental disability,
(viii) political belief,
(ix) sex,
(x) religion,
(xi) age,
(xii) marital status,
(xiii) sexual orientation,
(xiv) family status;

(c) Sexual Harassment;

(d) any other unwelcome or objectionable conduct or comment by a Council Member toward another Council Member, an Advisory Board Member, Volunteer or Staff that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of an Advisory Board Member, Volunteer or Staff, calling someone derogatory names, hazing or initiation practices, vandalizing personal belongings or spreading malicious and untrue rumours;

"Campaign Period" means the period commencing the first of October immediately preceding a general election and ending on the day of the general election;

"Child" means a person toward whom a Responsible Adult has demonstrated a settled intention to treat as a child of his or her family and includes a child born within or outside marriage, an adopted child, step-child or grandchild;

"City" means the City of Surrey;

"City Business" means any City program, activity, policy, process, project or undertaking;

"City Manager" means the Municipal Officer position of the City manager;

"City Solicitor" means the Municipal Officer position of the City solicitor;

"City Record" includes anything on which information is recorded or stored by graphic, electronic, mechanical or other means in any format, but does not include a computer program or any other mechanism that produces records;

"City Record System" means a system used by the City of Surrey to manage City Records from creation through to disposal or long-term preservation;

"Commissioner" means the City of Surrey Ethics Commissioner;

"Confidential Information" means information or a record that is marked confidential by Council or Staff, that is Personal Information, that could reasonably harm the interests of individuals or organizations including the City if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

(a) decisions, resolutions or report contents forming part of the agenda for or from an *in-camera* meeting of Council until a Council decision has been made for the information to become public or otherwise released; and

(b) details on Council's in camera deliberations or specific detail on whether an individual Council Member voted for or against a matter;

"Corporate Officer" means the Municipal Officer position of City Clerk that has been designated the corporate officer under section 148 of the *Community Charter*;

"Council Member" means the Mayor or a Councillor;

"Family Member" means a Spouse, a Child, a Responsible Adult, and siblings;

"Lobbying" means any communication with a Council Member by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development decisions, business licence decisions, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution, or development approval, zoning bylaw amendment, or termination of a City policy, program, directive, guideline, or the outcome of a decision on any matter before Council, an Advisory Body, or Staff;

"Municipal Officer" means a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section;

"Personal Information" has the same meaning as in the *Freedom of Information and Protection of Privacy Act;*

"Responsible Adult" means a person who has demonstrated a settled intention to treat a Child as a member of his or her family whether or not that person is the biological parent of the Child;

"Sexual Harassment" is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation to a Council Member, Staff, Advisory Body Member, Volunteer or a member of the public or that might reasonably be perceived by Staff, an Advisory Body Member or Volunteer as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and examples of sexual harassment may include but are not limited to:

(a) unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations;

(b) verbal abuse and threats of a sexual nature;

(c) leering, staring or making sexual gestures;

(d) display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;

(e) unwanted physical contact such as touching, patting, pinching, hugging;

(f) intimidation, threat or actual physical assault of a sexual nature;

(g) sexual advances with actual or implied work-related consequences;

"Spouse" means a person to whom the person is married or with whom the person is living in a marriage-like relationship, and includes a former spouse;

"Staff" means a Municipal Officer or employee, a contractor, consultant or other service provider;

"Volunteer" means a person serving the City who is a not a Council Member, member of Staff or an Advisory Board Member;

"Workplace" includes, but is not limited to, work sites owned, operated or controlled by the City, including the municipal hall, operations centres, fire hall, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from the foregoing venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail or electronic messaging.

Interpretation

2. In this Bylaw, a reference to the Mayor, a chair, or Staff includes, in the absence of the Mayor, chair or Staff member, a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

3. Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to the use of social media by a Council Member.

PART 1 – CONDUCT OF ELECTED OFFICIALS

General Conduct

4. A Council Member shall not:

   (a) contravene this Bylaw, as amended or replaced;

   (b) contravene any other City bylaw or policy, as amended or replaced;

   (c) breach their oath sworn upon taking office as a Council Member;

   (d) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;

   (e) Bully or Harass another person;

   (f) defame another person;

   (g) abuse their office.

5. A Council Member shall treat other Council Members, Staff, Advisory Body Members, Volunteers, and the public with respect and dignity.

6. A Council Member shall align their conduct with the City's values of integrity, innovation, service, teamwork and community.

Interactions of Council Members with Staff, Volunteers and Advisory Body Members

7. A Council Member shall not issue instructions or directions to Staff regarding City Business except through the City Manager or the appropriate department manager.

8. Before, during or after a procurement process, a Council Member shall not issue instructions or directions to a contractor, tenderer, proponent, consultant or other service provider. Outside of a Council or committee meeting, a Council Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

9. A Council Member shall not interfere with, hinder or obstruct Staff, a Volunteer or an Advisory Board Member in the exercise or performance of their roles, responsibilities, powers, duties or functions.

10. If a Council Member has information about Staff, a Volunteer or an Advisory Board Member that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the City Manager. On receipt of such information, the City Manager shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

Conduct at Council and Advisory Board Meetings

11. A Council Member must act with decorum at Council and Advisory Body meetings in accordance with the *Council Procedure By-law*, No. 15300, as amended or replaced from time to time.

12. Council Members shall make every effort to participate diligently in the activities of Council and Advisory Bodies or other bodies to which they are appointed by the City or by virtue of being an elected official, including intergovernmental meetings. To "participate diligently" means that a Council Member shall not be absent from meetings of Council or Advisory Body meetings, or from those of other bodies to which they are appointed by virtue of their status as a Council Member, without reasonable justification (such as illness of the Council Member, family circumstance, regional government business) for more than four consecutive scheduled meetings, for a period of 60 consecutive days, or on a regular basis.

Improper Use of Influence

13. A Council Member shall only use the influence of their office in the good faith exercise of their official duties.

Election Activities

14. A Council Member shall not participate in any civic events requiring them to perform official ceremonial duties between the last day of the nomination period and the voting day, as defined in the *Local Government Act*, unless authorized by a resolution of Council.

15. A Council Member shall comply with the *Local Government Act* and the *Local Elections Campaign Financing Act* when undertaking election campaign activities and fundraising.

16. A Council Member shall not use the City's employees, property or resources for election campaign or fundraising activities at any point during a term of office, unless those resources are similarly available to all candidates and the fees associated with the use of the employees, property or resources has been paid for with election campaign funds. Without limiting the generality of the foregoing, this prohibition applies to:

    (a) data sets and Personal Information collected and maintained by the City;

    (b) office space; and

    (c) City websites or external websites paid for by the City.

17. A Council Member may include a link on his or her campaign website to the City's website or an external website paid for by the City.

18. During the Campaign Period, a Council Member shall not:

    (a) deliver City funded newsletters or conduct open houses funded by the City;

    (b) distribute mass e-mails from the Council Member's City e-mail address, unless the communication arises from an emergency and the communication is authorized by the City Manager;

    (c) update websites that are either City hosted or paid for by the City;

    (d) use social media and internet resources such as Twitter, Facebook or Instagram in the Council Member's personal name, unless those accounts include a disclaimer that they are not City-funded and do not reflect City policy; nor

    (e) request that City employees work on an election campaign during hours in which the employee receives compensation from the City, unless the work both unavoidably overlaps with the regular duties of the employee and is minor and infrequent, such as coordinating campaign schedules with the Council Member's calendar or redirecting citizens with campaign questions to campaign staff.

19. Council Members and their staff may take unpaid leave from the Council Member's office to work on an election campaign.

Conflicts of Interest

20. A Council Member shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.

21. A Council Member must disclose any conflict of interest in accordance with section 100 of the *Community Charter* and, if conflicted, must refrain from participating in a meeting in accordance with section 101 of the *Community Charter*.

22. In respect of each matter before Council, a Council Member shall:

(a) assess whether they have a conflict of interest, if necessary, with the advice of the Commissioner; and

(b) determine whether it is necessary to seek independent legal advice, at their own cost except where the City Manager approves the cost if concerned about the validity of an affected bylaw or resolution, with respect to any situation which may result in a conflict of interest.

23. If a Council Member believes they may have or may reasonably be perceived to have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:

(a) notify the Mayor or the Chair of the meeting that the Council Member has a conflict of interest prior to the matter being considered, and the Council Member shall restate the conflict of interest each time the matter arises before Council;

(b) refrain from discussing the matter with any other Council Member publicly or privately; and

(c) leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

Conduct Respecting Lobbyists

24. Lobbying is a permitted but regulated activity in the City.

25. A Council Member shall follow the City's rules respecting Lobbying.

26. A Council Member shall report any such violation or attempted violation of the City's rules respecting Lobbying to the Municipal Official responsible for Lobbying or to the Commissioner, unless the Council Member believes in good faith that the violation or attempted violation was inadvertent or insignificant.

Outside Activities and Business Relations

27. A Council Member who engages in another profession, business or occupation concurrently with holding office shall not allow such outside employment to affect the Council Member's integrity, independence or competence. Without restricting the scope of this duty, the following shall be a contravention of this part of the Code of Conduct:

(a) acting as an officer or director for a business that receives municipal funds in the form of grants or payments for goods or services;

(b) acting as an officer or director for a business that lobbies the City;

(c) allowing the prospect of future employment by a person other than the City to affect the Council Member's performance of his or her duties to the City;

(d) borrowing money from any person who regularly does business with the City, unless such person is an institution or company who shares are publicly traded and who is regularly in the business of lending money, such as a credit union;

(e) acting as a paid agent before Council or an Advisory Body;

(f) receiving compensation for referrals to a specific business;

(g) receiving compensation that is dependent on the business being awarded a contract with the City;

(h) subject to sections 40 through 43, providing advice for renumeration to any person who is involved in litigation or lobbying against the City, unless the Council Member first gives written notice of the relationship to the Commissioner.

28. A Council Member may obtain advice from the Commissioner on whether a new profession, business or occupation is compatible with their obligations under section 27 of this Bylaw. Provided that the Council Member made full and frank disclosure to the Commissioner at the time they sought advice, the Commissioner's opinion shall be the final determination of whether a Council Member has contravened section 27 of this Bylaw.

Council Members' Use of Municipal Assets and Services

29. A Council Member shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees or other resources for activities other than City Business unless the use or the permission is on the same terms and conditions that the land, facilities, equipment, supplies, services, property, employees or other resources are available to the general public. Accordingly, a Council Member shall not obtain personal gain from the use or sale of City-developed intellectual property, including all discoveries, inventions, know-how, improvements, developments, processes, technology, compositions, designs, techniques, methods, industrial designs, compositions, prototypes, models, literary work, research, drawings, software and trade secrets whether or not capable of patent, industrial design, copyright or trademark protection, or any other type of protection. Council Members acknowledge and do not dispute that all such property that a Council Member may prepare, use or encounter while holding office will be and remains the City's exclusive property.

30. A Council Member shall not request Staff to undertake personal or private work on behalf of the Council Member, nor shall a Council Member accept such work from Staff.

Employment of Council Family Members

31. A Council Member shall not attempt to influence personnel decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate an Advisory Board Member, a Volunteer or Staff. This prohibition includes giving references to any person applying for a position at the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.

32. A Council Member shall not attempt to obtain a benefit from the City for a Family Member.

Gifts

33. For the purpose of sections 33 through 39 of this Bylaw, a gift or benefit is an item or service of value that is received by a Council Member for their personal use, including, but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions.

34. A Council Member must comply with the restrictions on accepting gifts in section 105 of the *Community Charter* and must disclose any permitted gifts over $250 in accordance with section 106 of the *Community Charter*.

35. A gift or benefit provided to a Council Member's Family Member or staff in relation to City Business is deemed to be a gift or benefit to that Council Member.

36. If a Council Member is required to disclose to a Municipal Officer the nature of the gift or benefit, the Council Member shall also include a description of its source, including if the gift is from a corporation, the full names and addresses of at least two individuals who are directors of the corporation; when it was received; and the circumstances under which it was given and accepted.

37. The Municipal Officer shall provide a copy of this disclosure under section 36 to the Commissioner.

38. On receiving the disclosure statement, the Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Council Member. If the Commissioner makes that preliminary determination, the Commissioner shall call upon the Council Member to justify the receipt of the gift or benefit.

39. If the Commissioner considers the receipt was in contravention of this Bylaw or the *Community Charter*, the Commissioner may direct the Council Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift.

Collection and Handling of Information

40. A Council Member shall not release any Confidential Information unless the Council member is specifically authorized to release it by:

    (a) a resolution of Council to use or release the Confidential Information, and then only to the extent of the Council authorization;

    (b) authorized discussion of the Confidential Information at a meeting that is open to the public; or

    (c) lawful authorization under separate legal authority.

41. A Council Member must not discuss or disclose Personal Information of others to any person, except in a manner that complies with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.

42. A Council Member shall take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons. If a Council Member learns of unauthorized access to Confidential Information or Personal Information, the Council Member shall report this information to the City Manager as soon as possible.

43. A Council Member shall comply with the directions of the Corporate Officer respecting the use of the City Record System.

Council Members' Use of Social Media

44. A Council Member shall not publish Confidential Information on social media, unless authorized in accordance with the provisions of section 40 of this Bylaw.

45. A Council Member shall not publish information or an opinion on social media about City Business, unless the publication republishes the information that has been released by the City without alteration or the opinion includes a statement to the effect that the "opinion expressed is my own and does not necessarily reflect the view or opinions of the City of Surrey or other members of Surrey Council".

46. Without limiting any other obligation imposed by this Bylaw, a Council member shall not use or allow the use of their social media account for purposes that include content that:

(a) Bullies and Harasses another Council Member, an Advisory Board Member, a Volunteer, Staff or a member of the public;

(b) evidences bias or a reasonable apprehension of bias in relation to a matter that is the subject of a statutory or other public hearing;

(c) promotes or constitutes illegal activity;

(d) may compromise the safety or security of the public.

47. A Council Member shall take steps to remove from their social media account any publication by another person of content that violates this Bylaw.

Communication Protocol

48. Council may appoint the spokesperson on City Business. Once a spokesperson has been appointed, a Council Member that is not appointed as the spokesperson shall ensure that inquiries from the public and media on the City's position are directed to the spokesperson. A Council Member communicating their own opinion shall ensure that the communication clearly indicates that it is the Council Member's own position. Nothing in this section prevents Council from appointing multiple spokespersons or changing the appointed spokesperson. Where no spokesperson has been appointed, the Mayor shall act as the spokesperson.

Interactions with the Public and the Media

49. A Council Member shall accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.

50. When discussing the fact that they did not support a decision, or voted against the decision, or that another Council Member did not support a decision or voted against a decision, a Council Member shall refrain from making disparaging comments about other Council Members or about Council's processes and decisions.

51. Nothing in this Bylaw is intended to affect rights under the *Charter of Rights and Freedoms*.

Orientation and Training Attendance

52. After first being elected, a Council Member shall attend all sessions of orientation training on City Business that are identified as mandatory by the Commissioner unless doing so is not practically possible.

53. A Council Member shall attend any sessions of training on City Business that are identified as mandatory by Council, the City Manager, the City Solicitor, the Corporate Officer or the Commissioner, unless doing so is not practically possible.

PART 2 – PROCESS FOR COMPLAINTS

Individual Steps to Resolution

54. If a Council Member, an Advisory Board Member or Staff considers that they have been subjected to a contravention of this Bylaw by a Council Member and if they are comfortable discussing the matter directly with the Council Member, they may inform the Council Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately.

55. If the complainant is unable to discuss the matter directly with the Council Member, or if after discussion the contravention continues, the complainant may inform the City Manager of the allegation. The City Manager may then agree to act as an advisor to aid the complainant or appoint an advisor as the City Manager deems suitable.

56. The advisor acting under section 55 shall assist the complainant, including discussing the alleged contravention with the Council Member to resolve the complaint.

57. If the complainant is not satisfied with the outcome after the advisor has finished assisting the complainant under section 56, the complainant may proceed to Mutual Resolution by filing a written record of the allegation with the Commissioner within 10 days of being informed by the advisor of the outcome.

58. Nothing in this Bylaw precludes the complainant from making reasonable efforts in good faith to address the complaint internally and informally without resort to the Mutual Resolution or Formal Resolution procedures set out in this Bylaw.

59. Nothing in this Bylaw precludes the complainant from taking measures that the complainant is entitled to take under law, including but not limited to filing a human rights complaint, a grievance or other applicable process under a collective agreement, a complaint with WorkSafe BC, or other proceedings, as applicable.

60. Discussions regarding the complainant's concerns are confidential, advisory and informal in nature. The only exception to the Commissioner or an advisor maintaining confidentiality is if they deem the complaint to indicate a possible physical threat to any person. In that case, the advisor must immediately inform the City Solicitor of the complaint and inform the complainant of this requirement to do so. The City Solicitor must then promptly request the Commissioner to initiate an investigation and inform the complainant of this request and may take any additional steps deemed appropriate to deal with the possible physical threat.

Mutual Resolution

61. If the Individual Steps to Resolution process is unsuccessful in resolving the complaint, at the request of the complainant and with the agreement of the Council Member, a third party will be selected under section 62 to act as a mediator to assist the individuals in resolving the complaint through mediation. If the parties cannot agree to resolve the complaint through Mutual Resolution, then the complainant may elect to proceed to Formal Review.

62. The role of the mediator is to help the complainant and the Council Member come to an agreement, and not to advocate a position or impose a decision. The mediator will be selected by agreement of the complainant and the Council Member, with the Commissioner retaining the right to select a mediator if the complainant and the Council Member are unable to agree.

63. Both the complainant and the Council Member may be accompanied by a representative of their choice, including a lawyer or if the complainant is a member of a union, a union representative or a lawyer on behalf of the union, or both. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the complainant, the Council Member and the Commissioner. If the mediator has recommendations for the City to consider, the mediator will forward these recommendations to the Commissioner and the City Solicitor. The resolution and recommendations must be kept in confidence by the Commissioner, City Solicitor and the parties, unless the parties agree in writing to disclose the information.

64. If Mutual Resolution is not successful in resolving the complaint, the complainant may pursue other options by confirming in writing his or her election to the Commissioner within ten working days of receiving the mediator's report.

Other Processes

65. Failing Mutual Resolution, a breach of this Bylaw can be determined for the purposes of proceeding with a Council measure under section 74 by way of:

    (a) an admission by the Council Member;

    (b) an agreement with the Council Member;

    (c) a report from a standing or select committee invested with investigation powers under section 134 of the *Community Charter*;

    (d) a Formal Review.

Complaints

66. Any person who has witnessed or experienced conduct by a Council Member which they believe to be in contravention of this Bylaw, or another City policy governing conduct of a Council Member may submit a complaint to the Commissioner in accordance with sections 68 and 69 of this Bylaw.

67. If a Designated Management Employee, as defined in the City's Respectful Workplace Policy, receives a complaint under the Respectful Workplace Policy, the Designated Management Employee may elect to refer the complaint to the Commissioner for resolution pursuant to this Bylaw.

Formal Review

68. After the invocation of the procedures under sections 54 through 63 of this Bylaw, the complainant may elect to proceed with a formal complaint, which must be delivered in writing to the Commissioner in accordance with sections 64 and 69 of this Bylaw. This written complaint shall contain the particulars of the complaint, including the dates on which the conduct that is the subject of the complaint occurred.

69. The complainant must deliver the written complaint within six months of the date of the alleged contravention of this Bylaw, unless the parties have agreed in writing to postpone this deadline in order to pursue another resolution process.

70. Upon receipt of the written complaint, the Commissioner shall:

    (a) take whatever steps the Commissioner considers reasonable with the complainant and the Council Member to resolve the matter informally under sections 54 through 63 within ten working days, if they have not already done so; or

    (b) confirm in writing to the complainant and the Council Member that the City Manager or other advisor has terminated attempts to resolve the matter informally; and then

    (c) begin an investigation within ten working days of the request being filed.

71. In keeping with the principles of procedural fairness, the Commissioner shall:

    (a) confirm receipt of the written complaint to the complainant;

    (b) notify the Council Member of the allegation, provide the Council Member with a copy of this Bylaw and advise the complainant of this notification;

    (c) receive information from any witnesses who the Commissioner believes may have information relevant to the complaint, and this information may be received through written documentation, interviews, or informal hearings;

(d) keep both the complainant and the Council Member aware of any allegations made against them and ensure that they are given a reasonable opportunity to respond; and

(e) inform the complainant and the Council Member that they may be accompanied by a representative, including a lawyer, of their choice during the Formal Review process, including the closed meeting described in sections 84 and 85 of this Bylaw.

72. If the Council Member fails to respond, the Mayor at the request of the Commissioner may compel witnesses under section 134 of the *Community Charter*.

73. The Commissioner shall ensure all details, dates, conversations and meetings are documented. These working records created by the Commissioner are confidential. Once the investigation has been completed, the Commissioner shall prepare a written report and provide a copy of the report to the City Manager and Council. The report must, at a minimum, contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether a contravention occurred. The report may also provide recommendations with respect to the potential outcome.

Council Determination of Measures

74. Council shall decide on the appropriate measures, if any, are warranted by a contravention of this Bylaw and shall take such action as Council considers appropriate in the circumstances, after:

(a) reviewing the report of the Commissioner;

(b) considering the factors described in section 75 and the measures enumerated in section 76; and

(c) conducting a closed meeting in accordance with the process described in sections 84 and 85 of this Bylaw.

75. In determining the appropriate measure, Council shall consider the following factors:

(a) the degree and nature of the conduct;

(b) whether the contravention was a single or repeated act;

(c) whether the Council Member was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;

(d) the nature of the work relationship of the complainant and the respondent, and whether the Council Member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;

(e) the impact of the contravention on the complainant;

(f) the Council Member's acknowledgment of wrongdoing; and

(g) the Council Member's history of other contraventions.

76. Council may impose the following measures after considering the factors described in section 75, including, but not limited to:

(a) an apology from the Council Member in substantially the form set out in Schedule B;

(b) removal of the Council Member from appointments such as chairperson, committees, commissions or Advisory Boards;

(c) motion of censure;

(d) mandatory training on City Business, the *Community Charter*, or this Bylaw;

(e) referral to a prosecutor or police;

(f) any other action recommended by the Commissioner; and

(g) any other measure permitted by the *Community Charter*, the *Local Government Act*, the *Local Elections Campaign Financing Act and the Charter of Rights and Freedoms.*

77. The Council decision under section 74 will be in writing and provided to the complainant and Council Member within ten working days of the closed meeting conducted in accordance with sections 84 and 85 of this Bylaw.

Staff Responsibilities in the Complaint Process

78. If the Commissioner concludes that a contravention has occurred, the City Manager shall consider reasonable action to protect the complainant from any subsequent action or reprisal. The City Manager shall also consider reasonable action to protect the rights of the subject Council Member and to see that no reprisal takes place beyond the measure determined by Council.

79. If the Commissioner finds that the original complaint was initiated in bad faith, with willful misconduct or intent to harm, where the complainant is a Council Member, Council may consider appropriate measures in respect of the complainant and where the complainant is Staff, the City Manager may consider appropriate measures in respect of the complainant.

80. A copy of the Commissioner's report and the Council decision will be retained in a confidential file maintained by the City Manager, except when all or part of the decision is disclosed to the public in accordance with the *Freedom of Information and Protection of Privacy Act*.

81. The Commissioner may proceed with a Formal Review even if the complainant withdraws the complaint.

82. If approved by Council, the City Manager shall consider implementing administrative changes to City policies or procedures recommended by the Commissioner's report.

Fairness Procedures Applicable to Council Determination of Measures

83. Sections 84 and 85 only apply if the complaint is not resolved under sections 54 through 63 of this Bylaw and if Council is considering measures under section 74.

84. The Mayor, or the Corporate Officer if the Mayor is alleged to have contravened this Bylaw, will notify the affected Council Member in writing that Council will be considering their conduct at a closed meeting. The notice and form of resolution where a breach is believed to have been proved are set out in Schedule A. The notice must be delivered at least seven business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with section 74 of this Bylaw. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the affected Council Member may be represented by legal counsel, which may be reimbursed in accordance with section 89 of this Bylaw.

85. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:

    (a) Council will read the Commissioner's determination of whether a contravention of this Bylaw occurred;

    (b) the affected Council Member will be provided with reasonable notice in accordance with section 71(b) and given the opportunity to make submissions to Council, with legal counsel if the Council Member desires, which submissions, without limitation, may include explanations for the impugned behavior or suggestions on the measures that Council might impose as a result of the conduct;

    (c) after the affected Council Member has made the submissions to Council, the Council Member will leave the meeting room and those Council Members without a conflict of interest will consider the measures, if any, to impose in accordance with section 76 of this Bylaw; and

    (d) written notice of the decision will be given in accordance with section 77 of this Bylaw.

Mandatory Training

86. If the Commissioner recommends mandatory training for a Council Member, and if Council resolves to accept the recommendation pursuant to section 76(d) of this Bylaw, then the Council Member shall attend the training.

Obstruction

87. It is a contravention of this Bylaw to obstruct the Commissioner in the carrying out of their responsibilities, as for example, by the destruction of documents or the erasing of electronic communications relevant to a complaint.

Legal Fees

88. If a member of Staff is a complainant under this Bylaw, the City Manager may authorize the member of Staff to be reimbursed for legal fees reasonably incurred if the complaint was meritorious and a written request for reimbursement is filed with the City Manager within three months of any final disposition of a complaint under this Bylaw.

89. The City will pay the reasonably incurred legal fees of a Council Member who is subject to a complaint under this Bylaw, provided that:

(a) the Commissioner ultimately does not determine that the Council Member acted with dishonesty, gross negligence, or malicious or willful misconduct; or

(b) in any event, if Council so resolves after considering all the circumstances.

General

90. The Corporate Officer will cause

(a) this Bylaw to be visible and accessible on the City's website, and

(b) electronic copies of this Bylaw to be made available to all Staff and Council Members in easily accessible locations, including the City's intranet.

91. If any portion of this Bylaw is inconsistent with a binding collective agreement with the City or federal or provincial legislation, that portion and only that portion of this Bylaw will have no application to the extent of that inconsistency and all other portions of the Bylaw will continue in full force and effect.

Citation

92. This Bylaw may be cited as the "Council Code of Conduct Bylaw, 2020, No. 20020".

PASSED FIRST READING on the 6th day of April, 2020.

PASSED SECOND READING on the 6th day of April, 2020.

PASSED THIRD READING, as amended, on the 20th day of April, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of May, 2020.

_____MAYOR

_____CLERK

SCHEDULE A

NOTICE TO COUNCIL MEMBER OF COUNCIL CONSIDERATION OF
BREACH OF THE COUNCIL MEMBER CONDUCT BYLAW

CONFIDENTIAL

Date

Dear [*Insert Name of Subject Council Member*],

Please be advised that the City of Surrey Ethics Commissioner (the "Commissioner") believes that you may have breached **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**. I am placing this matter on the agenda of the Council closed meeting to be held on [*Insert date - must be at least seven business days from date this is delivered to member*].

The reason for the meeting is to consider the Commissioner's report and recommendations, and to consider a resolution in relation to this breach.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from the breach, including removing you from your appointment to committees or other appointments, censuring you, requiring an apology, requiring training, referral to a prosecutor or police, seeking damages, releasing a public statement, or following any other recommendation of the Ethics Commissioner.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting at the in-camera meeting to determine which sanction they wish to invoke, if any, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and any other documents that Council may have before it.

Following any submissions, you (or your legal counsel) make at the in camera meeting, Council will retreat and consider this matter. We will attempt to decide what measure or measures (if any) are appropriate under the bylaw.

Regarding any Council decisions, we will provide you with written reasons for our decision(s).
Sincerely,
(Mayor)
Encls

SCHEDULE A (Continued)
RESOLUTION (IN CAMERA)

CONFIDENTIAL

Whereas Council has concluded that [*Insert name*] has breached **COUNCIL CODE CONDUCT BYLAW, 2020, NO. 20020**. by [INSERT];

And Whereas [*Insert name*] has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular [*Insert name*] was notified at least seven business days in advance:

(a) that Council would be considering the matter of the breach of and was given a copy of this draft Resolution and any documents that may be considered by Council, including the report and recommendations of the City of Surrey Ethics Commissioner;

(b) that Council may consider, subject to continuing procedural fairness, sanctions including an in-camera motion of censure, removal from any appointment to committee or external entity, referral to law enforcement or a prosecutor, seeking damages, reduction or elimination of remuneration, or public notification of any sanctions;

Whereas [*Insert name*] was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas [*Insert Name*] was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by [*Insert Name*] and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate measures;

Whereas Council has provided united or separate written reasons so that [*Insert name*] understands the basis for the decision to address the concern that [Insert name] is alleged to have breached the bylaw;

Be it Resolved as follows:

1. That Council shall address what it has concluded to be a breach of **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**, by way of (as applicable):

   (a) A motion of censure;
   (b) Removal from [insert name] committee or [Insert outside appointment];

(c) Revocation of appointment to [insert external agency or entity];
(d) Referral to a crown prosecutor;
(e) Public notification of sanctions;
(f) Seeking damages;
(g) Referral to police for an investigation under the Criminal Code or [*Insert provincial statute*];
(h) Mandatory training;
(i) Requirement for apology.

2. That Council will consider pursuing all legal options available with respect to any potential future breaches of the bylaw on the part of [*Insert name*];

3. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act,* substantially with the content of the following: [*Insert wording*].

SCHEDULE B

[DATE]

PERSONAL AND CONFIDENTIAL

[Name of Recipient]
[Title]
City of Surrey
[Address]
[City, Province Postal Code]
Dear [title] [last name]:
Re: Apology [subject]

As you know, on ***[date]***, I ***[Briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it]***.
On ***[date]***, you confronted me about my behaviour/conduct and expressed ***[describe briefly the conduct complained of and how it affected the offended person]***.

I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]***.

Having reflected on [***your complaint / our conversation/ the decision of Council***], I take full responsibility for my ***[actions / conduct]*** and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of ***[identify the section(s) of the Code of Conduct breached].***

(ALTERNATIVELY, IF HELD BY COUNCIL TO HAVE BEEN A VIOLATION OF THE CODE OF CONDUCT REPLACE WITH THE BELOW:

In light of Council having concluded that my conduct constituted a violation of the City's Council Code of Conduct, I acknowledge that my conduct / actions made you feel ***[describe how it affected the offended person]*** and I admit that my ***[actions / conduct]*** were ***[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.])***

Going forward, I commit to being more careful in my [***words*** / ***actions]*** and to making better efforts to respect and abide by my obligations set out in the Code of Conduct.

Please accept my heartfelt apology.

Sincerely,

[name]
[title]

For Your Information: British Columbia's ***Apology Act*** provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability.

"Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault."

The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter.

Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

CITY OF VANCOUVER
BRITISH COLUMBIA

CODE OF CONDUCT BY-LAW NO. 12886

This By-law is printed under and by authority of the Council of the City of Vancouver

(Consolidated for convenience only to February 9, 2021)

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BY-LAW NO. 12886

The Code of Conduct for Council Members and Advisory Board Members

**[Consolidated for convenience only,
amended to include By-law No. 12886
effective February 9, 2021]**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts the following:

PART 1
GENERAL

Name

1.1 The name of this By-law, for citation is the "Code of Conduct By-Law".

Definitions

1.2 In this By-law:

"Advisory Board Member" means a person sitting on an advisory committee, task force, commission, board, or other Council-established body;

"city" means the City of Vancouver;

"complaint" means a formal allegation that a member has breached this By-law submitted to the Integrity Commissioner in accordance with the complaints procedure set out in Part 6 of this By-Law;

"complainant" means a person who has submitted a complaint to the Integrity Commissioner;

"confidential information" means information that is not publicly available and is treated as confidential by the city and includes information that may or must be considered by Council in a closed meeting pursuant to section 165.2 of the *Vancouver Charter* including:

a) decisions, resolutions or report contents forming part of the agenda for or from a closed meeting of Council until a Council decision has been made for the information to become public or otherwise released;

b) information about the acquisition, disposition or expropriation of land or improvements if disclosure could reasonably be expected to harm the interests of the city;

c) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages if disclosure could reasonably be expected to harm the interests of the city;

d) advice that is subject to any privilege at law; and

e) personal information that is prohibited from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*;

"Council" means the Council of the city;

"Council Member" means a member of Council, including the Mayor;

"Integrity Commissioner" means the person appointed by Council to fulfill the duties and responsibilities assigned to that position as set out in this By-law;

"gift or personal benefit" means an item or service of value that is received by a member for their personal use including money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discount/rebates on personal purchases, entertainment, participation in sport and recreation activities, and invitations to social functions;

"member" means a Council Member or an Advisory Board Member;

"personal information" means recorded information about an identifiable individual other than contact information as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*; and

"respondent" means a member whose conduct is the subject of a complaint.

Table of Contents

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

Purpose

1.4 This By-law sets out the rules members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Integrity Commissioner in exercising oversight over members.

Application

1.5 This By-law applies to Council Members and Advisory Board Members.

1.6 This By-law does not apply to city employees.

1.7 In the event of a conflict between this By-law and another city by-law or policy governing member conduct, this By-law prevails.

1.8 This By-law does not apply to conduct that may subject a member to disqualification under the *Vancouver Charter*, including sections 140(4), 143(4), and 145.3 to 145.911.

1.9 This By-law does not apply to a member's conduct in their personal life, except to the extent that such conduct reasonably undermines, or has the potential to reasonably undermine, public confidence in city governance.

Severability

1.10 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

PART 2
STANDARDS AND VALUES

2. A member must uphold the following standards and values:

a) competence: a member must act competently and diligently;

b) fairness: a member must consider all issues consistently and fairly, and in light of all relevant facts, opinions and analysis of which a member should be reasonably aware;

c) integrity: a member must avoid improper use of influence and avoid all conflicts of interest, both apparent and real;

d) leadership in the public interest: a member must act in the best interests of the city as a whole, and without regard to the member's personal interests;

e) respect: a member must treat members of the public, one another, and staff respectfully, without abuse, bullying or intimidation and ensure that the work environment is free from discrimination and harassment;

f) responsibility: a member must respect and comply with the Acts of the Parliament of Canada, the Legislature of British Columbia, including the *Vancouver Charter*, city by-laws, and applicable city policies, and avoid conduct that, reasonably, undermines, or has the potential to undermine, public confidence in city governance, except members may participate in peaceful civil disobedience; and

g) transparency: a member must to conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect confidential information.

PART 3
COMMUNICATIONS AND CONFIDENTIALITY

Public Communications by a Council Member

3.1 A Council Member must not communicate on behalf of the city unless authorized to do so by Council resolution or by virtue of a position or role the member has been authorized to undertake by Council.

3.2 A statement or communication made by a Council Member is presumed to be made on the Council Member's own behalf, not the city's behalf.

3.3 Where a Council Member is authorized to communicate on behalf of the city, the Council Member must take reasonable efforts to ensure that the communication is fair and accurate.

3.4 Without limiting the ability of a Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:

a) ensure that their communications accurately reflect the facts of Council decisions;

b) ensure that all communications relating to Council business are accurate and not issue any communication that the member knows, or ought to have known, to be false; and

c) ensure that all communications by, and on behalf of a member, including communications made via social media, are respectful and do not discriminate, harass, or defame any person, recognizing that free and open debate is guaranteed under the *Charter of Rights and Freedoms*.

Confidential Information

3.5 A member must:

a) not disclose or release any confidential information acquired by virtue of their office, except as authorized by Council, or required by law;

b) not use confidential information with the intention to cause harm or detriment to Council, the city or any other person or body;

c) protect confidential information from inadvertent disclosure;

d) use confidential information only for the purpose for which it is intended to be used;

e) take reasonable care to prevent the examination of confidential information by unauthorized individuals; and

f) not take advantage of, or obtain private benefit from, confidential information acquired by virtue of their office.

3.6 A member must access and use city information only in the normal course of their duties.

3.7 A member must retain records and other information in accordance with the procedures, standards, and guidelines established by the city, including the Records Management By-law No. 9067, as amended, and must assist the city in good faith in responding to all requests for information made pursuant to the *Freedom of Information and Protection of Privacy Act*.

3.8 A member must comply with the *Freedom of Information and Protection of Privacy Act* when dealing with personal information and take all reasonable and necessary measures to ensure that personal information is protected.

PART 4
CONFLICTS OF INTEREST

Conflicts of Interest

4.1 A Council Member must comply with the conflict of interest requirements set out in sections 145.2 to 145.911 of the *Vancouver Charter*.

Use of Municipal Assets and Services

4.2 A member may not direct the work of city employees, other than city employees assigned to assist a member, and should follow the processes established by the City Manager when communicating with city employees.

4.3 A member must respect that it is the role of city employees to provide neutral and objective information without undue influence and interference.

4.4 A member must not request or require city employees to undertake personal or private work on behalf of a member, or accept an offer to perform such work from a city employee.

4.5 A member must not use, or permit the use of, city land, facilities, equipment, supplies, services, employees or other resources for activities other than the business of the city, except in accordance with city policies permitting reasonable personal use.

4.6 A member must not instruct, or direct any of the city's contractors, tenders, consultants or other service providers regarding city business.

Use of Influence

4.7 A member must only use the influence of their office for the exercise of their duties.

4.8 A member must be independent and impartial, and must not provide preferential treatment to any person or organization expect as warranted by the ordinary and lawful discharge of their duties.

4.9 A member must not use the prospect of future employment by a person or entity, or other future economic opportunities, to detrimentally affect the performance of their duties.

4.10 A member must not use, or attempt to use, their office for the purpose of intimidating, improperly influencing, threatening, or coercing city employees.

Election Activities

4.11 A member must not use, or permit the use of, city land, facilities, equipment, supplies, services, employees or other resources for any election campaign or campaign-related activities, unless those resources are similarly available to all candidates and any associated fees have been paid for with election campaign funds.

4.12 A member must not compel city employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

Gift or Personal Benefit

4.13 A member must not accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless permitted by the exceptions listed in sections 4.14 and 4.15.

4.14 A Council Member may accept a gift or personal benefit if it is:

a) received as an incident of the protocol of social obligations that normally accompany the responsibilities of office;

b) compensation authorized by law; or

c) a lawful contribution made to a member who is a candidate for election conducted under the Vancouver Charter or Part 3 of the *Local Government Act*.

4.15 An Advisory Board Member may accept a gift or personal benefit if it:

a) has a value under $50; and

b) is received as an incident of protocol or as a city representative for an activity reasonably related to their role with the city.

4.16 If a Council Member accepts a gift or personal benefit pursuant to section 4.14(a), and if the total value of the gift or personal benefit exceeds $50, or the total value of the gift or personal benefit received from one source during the calendar year exceeds $100, the Council Member must within 30 days of receipt of the gift or personal benefit, or reaching the annual limit, file a disclosure statement with the City Clerk. The disclosure statement must set out:

a) the name of the Council Member;

b) the nature of the gift or personal benefit, by description, photograph, or both;

c) the date the gift or personal benefit was received;

d) the estimated value of the gift or personal benefit;

e) the source of the gift or personal benefit, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation;

f) the circumstances under which the gift or personal benefit was given; and

g) the final disposition of the gift or personal benefit.

4.17 If a member is unable, or elects not, to accept a gift or personal benefit, a member must as soon as practicable, either:

a) return the gift or personal benefit to the donor along with an explanation as to why the gift or personal benefit cannot, or will not, be accepted; or

b) turn the gift or personal benefit over to the City Clerk for disposition.

4.18 A gift or personal benefit turned over to the City Clerk is deemed property of the City. At the City Clerk's discretion, a gift or personal benefit may be disposed of as follows:

a) returned to the donor;

b) displayed in individual offices, general offices, or in the public areas of City Hall; or

c) disposed of by donation, sale or auction, with any proceeds credited to the city's general revenues or to the direct or indirect support of a charitable organization.

4.19 A gift or personal benefit provided to a member's spouse, child or parent, or the member's staff, that to the member's knowledge, is connected directly or indirectly to the performance of the member's duties is deemed to be a gift or personal benefit to that member.

PART 5
APPOINTMENT OF INTEGRITY COMMISSIONER

Appointment of an Integrity Commissioner

5.1 Council must appoint an Integrity Commissioner to undertake the duties and responsibilities set out in this By-law.

5.2 The appointment of an Integrity Commissioner must be for a set period of two (2) years. An Integrity Commissioner may be appointed for more than one term.

5.3 At the request of the Integrity Commissioner, Council may suspend the appointment for a mutually agreed period of time.

5.4 Council will not terminate an Integrity Commissioner except for cause.

5.5 The appointment of an Integrity Commissioner may only be made, suspended, or terminated by a 2/3 vote of all Council Members.

Interim of Ad Hoc Appointment

5.6 The City Manager may appoint an ad hoc Integrity Commissioner in the following circumstances:

a) if the City has not yet entered into a contract for the appointment of an Integrity Commissioner;

b) in the interim period between the expiry of the appointment of one Integrity Commissioner and the appointment of a new Integrity Commissioner; or

c) if the appointed Integrity Commissioner is unable or unwilling to act.

Duties and Responsibilities

5.7 The duties and responsibilities of the Integrity Commissioner are as follows:

a) provide advice and recommendations to a member on questions of compliance with this By-law where requested to do so by that member;

b) provide advice and recommendations to a Council Member, regarding their compliance or disclosure obligations under a provincial statute, such as the *Financial Disclosure Act*, or other such statute that imposes an express compliance or disclosure obligation on the Council Member due to their position as an elected official, where requested to do so by a Council Member;

c) prepare written materials and content for the city's website for distribution to, and use by, the public, to aid in their understanding of the role of the Integrity Commissioner and the ethical obligations and responsibilities of members under this By-law;

d) deliver educational programs regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of members under this By-law;

e) assist with informal resolution of confidential requests and complaints;

f) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved or investigated;

g) investigate and conduct inquiries as to violation of this By-law;

h) report to Council as to whether a member has breached this By-law;

i) make recommendations on an appropriate remedy if a member has breached this By-law;

j) submit an annual budget for approval by Council; and

k) publish an annual report that includes a summary of the work of the Integrity Commissioner and any advice or recommendations that the Integrity Commissioner has to improve the text or operation of this By-law.

5.8 The Integrity Commissioner must perform the duties and responsibilities of their office in an independent manner.

PART 6
COMPLAINT AND RESOLUTION PROCEDURES

Confidential Requests

6.1 If a person believes that they have been subject to conduct by a member in breach of this By-law, that person may approach the Integrity Commissioner on a confidential basis, without the need to file a complaint, to request that the Integrity Commissioner inform the member of the alleged breach. Upon receipt of the confidential request, the Integrity Commissioner may attempt to address the conduct with the member.

6.2 The Integrity Commissioner must protect the confidentiality of a person making a request under section 6.1, unless the person making the request consents to disclosure.

Complaint Procedure

6.3 Any person may submit a complaint to the Integrity Commissioner.

6.4 A complaint must be in writing and describe with sufficient detail:

a) the name of the complainant;

b) the name of the respondent;

c) the conduct that the complainant alleges to have breached this By-law;

d) the date of the alleged conduct;

e) the part or parts of this By-law that the complainant alleges has or have been breached; and

f) the basis for the complainant's knowledge about the conduct.

6.5 A complainant may specify in the complaint if they are willing to participate in an informal resolution of the complaint.

6.6 The Integrity Commissioner may prescribe a form for submitting a complaint.

6.7 Provided that a complaint has been submitted, the Integrity Commissioner may accept a complaint, notwithstanding that the form of the complaint does not comply with all of the requirements set out in section 6.4 if, in the Integrity Commissioner's opinion, the circumstances warrant.

6.8 The Integrity Commissioner must not accept multiple complaints concerning the same matter. In the event that the Integrity Commissioner receives multiple complaints concerning the same matter, the Commissioner must proceed with the first complaint accepted, but may expand the complaint and/or add complainants for the purpose of conducting the investigation and preparing the investigation report.

6.9 The Integrity Commissioner must reject a complaint received more than 180 days after the complainant knew or reasonably ought to have known of the alleged breach of this By-law.

6.10 The Integrity Commissioner must reject a complaint received regarding a Council member seeking re-election in the period from the last day of the nomination period to the general voting day.

6.11 In the period 90 days prior to general voting day, the Integrity Commissioner may suspend any investigation underway until the day after the general voting day.

Complaint Outside of Jurisdiction

6.12 The Integrity Commissioner has the authority to investigate a complaint alleging that a member is in breach of this By-law.

6.13 If a complaint is submitted that, on its face, is not made with respect to a breach of this By-law, or if a complaint would be more appropriately addressed through another process, including if the complaint is:

a) an allegation of a criminal nature consistent with the Criminal Code;

b) with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;

c) with respect to conduct that may subject a member to disqualification pursuant to sections 140(4), 143(4) and 145.3 to 145.911 of the *Vancouver Charter*;

d) with respect to non-compliance with a more specific Council policy or by-law with a separate complaint procedure; or

e) with respect to a matter that is subject to another outstanding process, such as a court proceeding or a Human Rights complaint,

the Integrity Commissioner must reject the complaint, or part of the complaint, and must notify the complainant in writing that the complaint is not within the jurisdiction of this By-law, or that the complaint would be more appropriately addressed

through another process, as the case may be, and set out any additional reasons and referrals the Integrity Commissioner considers appropriate.

6.14 Where a complaint is made against a Council Member and the complaint procedure overlaps with a municipal election and the Council Member is not re-elected in that election, the Integrity Commissioner must notify the complainant and the Council Member in writing that the Integrity Commissioner is closing the complaint on this basis and close the complaint.

Preliminary Assessment

6.15 On receipt of a complaint, the Integrity Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Integrity Commissioner of the opinion that:

a) the statement is not with respect to a breach of this By-law;

b) the complaint is frivolous, vexatious, or not made in good faith;

c) an investigation of the complaint would not be in the public interest;

d) the investigation is, or might be, hampered, or the member might be prejudiced by the complainant's failure to provide a complaint in compliance with section 6.4, or otherwise cooperate with the investigation;

e) the complainant wishes to withdraw the complaint, and it would be appropriate in the circumstances to allow the withdrawal; or

f) there are no grounds or insufficient grounds for concluding that a violation of this By-law has occurred,

the Integrity Commissioner must notify the complainant and the respondent in writing that the Integrity Commissioner is closing the complaint, set out the reasons therefore, and close the complaint.

6.16 Notwithstanding section 6.15, the Integrity Commissioner may request further information from the complainant before determining whether or not there are sufficient grounds for believing that a breach of this By-law may have occurred.

Informal Resolution

6.17 When the Integrity Commissioner has decided to proceed with a complaint, the Integrity Commissioner must determine whether the complaint requires a formal investigation, or whether the complaint may be resolved informally. In the latter case, the Integrity Commissioner may, at their discretion, either attempt to resolve the complaint directly, or refer the complaint to:

a) the Mayor, if the complaint is made by a member, unless the complaint is against the Mayor, in which case the complaint will be referred to the Deputy Mayor; or

b) the City Manager, if the complaint is made by a City employee or the public.

6.18 When determining whether the complaint may be resolved informally, the Integrity Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Integrity Commissioner for this purpose.

6.19 Where the Integrity Commissioner refers the complaint in accordance with section 6.17, the Mayor, the Deputy Mayor, or the City Manager, as the case may be, may agree to assist in resolving the complaint directly, or may appoint a third party to assist in resolving the complaint at their discretion.

6.20 The person assisting in the informal resolution of a complaint will assess the suitability of the complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.

6.21 The complainant, or the respondent, can decline to participate in an informal resolution at any time.

6.22 If a complaint is resolved informally, the person assisting in resolving the complaint must notify the Integrity Commissioner in writing of the terms of the resolution, upon receipt of which, the Integrity Commissioner must close the complaint.

6.23 If a complaint cannot be resolved informally, the person assisting in resolving the complaint must refer the complaint back to the Integrity Commissioner for a formal investigation.

Formal Resolution

6.24 If a complaint is not rejected, closed, or resolved informally, the Integrity Commissioner must proceed with a formal investigation.

6.25 The Integrity Commissioner must serve the complaint on the respondent with a request that the respondent provide a written response to the complaint together with any submissions the respondent chooses to make within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.

6.26 The Integrity Commissioner may serve the complainant with the respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Integrity Commissioner's discretion to extend the timeline.

6.27 The Integrity Commissioner may:

a) speak to anyone relevant to the complaint;

b) request disclosure of documents relevant to the complaint; or

c) access any record in the possession or control of the city, except a record that is subject to privilege.

6.28 The Integrity Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.

Adjudication and Reporting

6.29 The Integrity Commissioner must make a decision within 90 days of making a decision to proceed with a formal investigation, unless section 6.11 applies, or the Integrity Commissioner determines that doing so is not practicable, in which case the Integrity Commissioner must notify the complainant and respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the complainant and the respondent.

6.30 A notification issued pursuant to sections 6.13, 6.14, 6.15 or 6.29 is confidential and must not be disclosed except in the following circumstances:

a) the Integrity Commissioner may use information in the notice in an annual report in the form of context and statistics;

b) the Integrity Commissioner may prepare an anonymized bulletin based on the notice if the Integrity Commissioner believes that doing so would be of public benefit;

c) to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 6.44; and

d) the respondent may disclose the fact that the complaint has been closed, or that a finding has been made that the respondent did not breach this By-law.

6.31 If after reviewing all material information, the Integrity Commissioner determines that the respondent did not violate this By-law, then:

a) Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the member did not breach the By-Law;

b) the Integrity Commissioner must deliver a copy of the investigation report to the complainant, respondent and Council; and

c) the Integrity Commissioner must make the investigation report available to public forty eight (48) hours after delivery of the investigation report to the complaint, respondent and Council.

6.32 If after reviewing all material information the Integrity Commissioner determines that a member did violate this By-law then:

a) the Integrity Commissioner must prepare a written investigation report providing reasons for their determination that the member breached this By-law;

b) the investigation report will make recommendations as to the appropriate sanction for the breach;

c) if the Integrity Commissioner determines that a member did breach this By-law, but that the member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Integrity Commissioner will so state in the investigation report and may recommend that no sanction be imposed;

d) the Integrity Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the respondent; and

e) the Integrity Commissioner must deliver a copy of the investigation report to the complainant and Council forty eight (48) hours after delivery of the investigation report to the respondent; and

f) the Integrity Commissioner must make the investigation report available to public after delivery of the investigation report to the complainant and Council.

6.33 The Integrity Commissioner must ensure that the investigation report as drafted complies with the city's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*, or ensure that appropriate redactions are applied prior to release to the public.

Final Determination by Council

6.34 Council must, within 30 days of delivery of the investigation report pursuant to section 6.32 (e), or a longer period if approved by a vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this By-law, and will take such actions as Council considers appropriate in the circumstances.

6.35 Prior to Council making any decision regarding the findings and recommendations set out in the investigative report, the respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.

6.36 While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 6.33.

Remedies

6.37 Sanctions that may be imposed for violating this By-law include the following:

a) a letter of reprimand from Council addressed to the member;

b) a request from Council that the member issue a letter of apology;

c) the publication of a letter of reprimand and a request for apology by the Integrity Commissioner, and the member's written response;

d) a recommendation that the member attend specific training or counselling;

e) suspension or removal of the appointment of a Council Member as the Deputy Mayor;

f) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;

g) termination of the Advisory Board Member's appointment from the advisory committee, task force, commission, board, or other Council-established body to which the Advisory Board Member was appointed by Council; and

h) public censure of a member.

Confidentiality of the Investigation

6.38 The Integrity Commissioner must make all reasonable efforts to investigate complaints in confidence.

6.39 The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions must preserve confidentiality with respect to all matters that come into the Integrity Commissioner's knowledge in the course of any investigation or complaint except as required by law.

6.40 An investigation report must only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purpose of the investigation report.

Reprisals and Obstruction

6.41 No member or City employee will obstruct the Integrity Commissioner in the carrying out of the Integrity Commissioner's duties or responsibilities.

6.42 No member or City employee will threaten or undertake any active reprisal against a complainant or against a person who provides information to the Integrity Commissioner in the context of an investigation.

6.43 No member or City employee will tamper with or destroy documents or electronic records related to any matter under investigation under this By-law or refuse to respond to the Integrity Commissioner when questioned regarding an investigation.

Reimbursement of Costs

6.44 If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member in relation to a complaint in accordance with the provisions of the *Vancouver Charter*.

PART 7
ENACTMENT

Force and effect

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 9th day of February, 2021

Signed "Kennedy Stewart"
Mayor

Signed "Rosemary Hagiwara"
Acting City Clerk

Code of Conduct - Next Steps

Governance Committee

October 4, 2023

Drafting Provisions

- Format of the Code
- Value Statements
- Standards of Conduct
- Scope of Application
- Resolution Process
  - Complaints
  - Adjudication of Complaints
  - Tiered Approach
  - Remedies & Sanctions
  - Confidentiality and Release of Findings
- Reimbursement of Legal Expenses
- Additional Options

Format of the Code

Bylaw	Policy
Sidney	Esquimalt
Nanaimo	Langford
Surrey	Saanich
Vancouver	Comox Valley RD

Recommendation • Code of conduct be in the form of a bylaw

Value Statements

The *Principles for Codes of Conduct Regulation* sets out foundational principles that must be considered when establishing standards of conduct:

- members must carry out their duties with integrity
- members are accountable for the decisions that they make, and the actions that they take in the course of their duties
- members must be respectful of others
- members must demonstrate leadership and collaboration

Standards of Conduct

Examples:

- Compliance with applicable laws
- Interactions with staff
- Respect for procedural requirements
- Communication and advocacy
- Use of social media
- Collection and handling of confidential information
- Conflict of interest
- Receipt of Gifts
- Use of public resources

- Code should not overlap with existing policies or deal with any conduct that is criminal in nature

Code of Conduct

Scope of Application

Who will the code apply to?

The CRD has a governance system that includes the three CRD Boards; standing, select and advisory committees; and over 78 committees and commissions.

Recommendation

- Board Directors, Alternate Directors, and elected members of CRD Committees and Commissions
- Does not generally apply to conduct in an elected member's personal life
- Does not apply to staff

Code of Conduct

Resolution Process

Complaints – common provisions

- Made in confidence and kept confidential
- Must allege conduct that is a breach of the code
- May have a limitation date
- Can include a blackout period during elections
- Submitted to whom? Can be CAO, CO or third party

Recommendation

- Code includes a clear process for filing complaints

Code of Conduct

Resolution Process

Adjudication of Complaints

- Should not involve staff beyond the early stages
- Third-party adjudicator will reduce any perception of bias
- Integrity/Ethic Commissioner can play a proactive role in educating members on the code and assist in more timely resolution of complaints, but may increase costs

Recommendation

- Code should allow complaints to be referred to a third-party investigator
- Do not recommend appointment of a standing Integrity Commissioner
- Board may pre-approve a list of qualified adjudicators who may be engaged on an *ad hoc* basis

Code of Conduct

Resolution Process

Tiered Approach

- Preliminary screening will ensure resources are not wasted on complaints that are vexatious, insignificant, or without merit
- Informal resolution allows the parties to come to a mutual resolution without a formal investigation and report
- Formal resolution would include a full investigation and written investigation report with findings and potential recommendations on appropriate sanctions

Recommendation

- Code should have a preliminary screening mechanism, an informal and a formal resolution process

Code of Conduct

Resolution Process

Remedies and Sanctions

- The code may include a list of options
- Sanctions must be proportionate to the nature and degree of a breach
- May be recommended by the adjudicator but imposed by resolution of the Board
- Legal limitations to what may be imposed

Recommendation

- Code should allow for the imposition of remedies and sanctions

Code of Conduct

Resolution Process

Confidentiality and Release of Findings

- Ensure confidentiality during investigation
- The report on findings of an investigation should be received *in camera*
- Provision to release report on findings, subject to *FOIPPA*

Recommendation

- Code should include guidelines for confidentiality in investigations and provide for the public release of reports

Code of Conduct

Reimbursement of Legal Expenses

- Reimbursement can be a discretionary decision of the Board
- Can apply a cap on the amount that is reimbursable
- Can be made to apply only when an alleged breach is unsubstantiated
- Indemnity under the *LGA* or bylaw does not apply

Recommendation

- Code should provide for the discretionary reimbursement of legal expenses

Additional Options

- No obstruction or reprisal clause
- Blackout periods for receipt of complaints or release of reports during election periods
- Inclusion of a template apology letter
- Requirement for a signed statement of commitment
- Prescribe an oath of office consistent with the code provisions
- Others?

Making a difference...together

REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 06, 2023

SUBJECT **Bylaw No. 4548: Victoria Family Court Committee – Amendment of Commission Bylaw No. 4453**

ISSUE SUMMARY

The Victoria Family Court and Youth Justice Committee (the "Committee") has requested changes to its commission bylaw to remove references to municipal councilors or regional district board members being appointed as Regional District representatives.

BACKGROUND

In 2022, the Victoria Family Court and Youth Justice Committee was continued as a delegated commission of the Capital Regional District under Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022".

At its January 26, 2023 meeting, the Committee endorsed a motion of a committee member, as follows:

> *That the Victoria Family Court & Youth Justice Committee wishes for the Capital Regional District (CRD) Board to amend CRD Bylaw No. 4453 A Bylaw to continue the Victoria Family Court and Youth Justice Committee as a Delegated Commission which was adopted by the CRD Board in February 2022; by amending page 2, section 7, titled Capital Region Representatives to amend the wording of: municipal councillors, regional district Board members by deleting those references.*

The historical intent is for CRD to use its seven community spots for community members and not local government elected officials, except for the Juan de Fuca Electoral Area.

Bylaw 4453 was adopted after a CRD governance review of the Committee in 2021 and 2022. Since the adoption of the new bylaw, the Committee has been meeting regularly and is working to refine its mandate. In June of 2023, it organized a successful and well-attended reception to bring youth-and-family representatives together to connect on issues facing the community. Its grant program has been recommenced, and two grants – one to the Youth Empowerment Society (or YES!) in the amount of $5,300 for its summer youth outreach program, and another to Sanctuary Youth Society for $3,000 for its Wellness Wednesday program, which focuses on youth mental health and skills training – have been successfully issued. It continues to examine its contracted resources and mandate as it moves forward.

ALTERNATIVES

Alternative 1
The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4548, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2023", be introduced, and read a first,

second, and third time;
2. That Bylaw No. 4548 be adopted.

Alternative 2
That this report be referred back to staff for additional information.

IMPLICATIONS

Service Delivery Implications
Since the 1980s, the CRD membership spots have been used for the Juan de Fuca Electoral Area and for regular volunteers, such as family lawyers, public health professionals, and youth workers, to meet the *Provincial Court Act* requirement that Committee members have experience in health, probation, and welfare. Since 2022, only one CRD spot has been filled, with a dedicated volunteer responsible for the Capital Region Action Team on Sexually Exploited Youth (CRAT). Advertising of vacancies will be conducted in early 2024.

Intent of Modification
The committee member who brought the motion expressed concern that the Regional Board could allow a single municipality to have much larger representation than other municipalities. The amendment set out in Bylaw 4548 at Appendix A includes alternate language than was proposed in the January 2023 motion, but meets the intent that CRD cannot appoint local elected officials as its representatives on the committee, other than the Juan de Fuca Director.

CONCLUSION

Amending language is suggested to clarify member appointment requirements for the Victoria Family Court and Youth Justice Committee.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4548, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2023", be introduced, and read a first, second, and third time;
2. That Bylaw No. 4548 be adopted.

Submitted by:	Steven Carey, B.Sc, J.D., Senior Manager, Legal Services & Risk Management
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4548, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2023"
Appendix B: Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022", Redlined Unofficial Consolidation

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4548

****

A BYLAW TO AMEND THE MEMBERSHIP OF THE VICTORIA FAMILY COURT AND YOUTH JUSTICE COMMITTEE COMMISSION (BYLAW NO. 4453)

****

WHEREAS:

A. Under Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022", the Regional Board and the Victoria Family Court and Youth Justice Committee continued the operations and funding of the *Provincial Court Act* family court committee created for the capital region as a delegated commission of the Capital Regional District consistent with Bylaw No. 2560, "Family Court Committee Extended Service Establishment Bylaw No. 1, 1997";

B. The Board wishes to amend Bylaw No. 4453 to clarify who may be a Capital Regional District appointed member;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 4453, "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022" is hereby amended as follows:
   (a) By replacing section 7, Capital Region Representatives, in its entirety with the following:

   7. The Regional Board may appoint up to seven individuals as voting members of the Committee. Such appointments may be, but are not limited to, representatives of the Juan de Fuca Electoral Area (including the Electoral Area Director), community members, representatives of youth and family justice organizations, or First Nations' representatives. Municipal councillors and regional district Board members, other than the Juan de Fuca Electoral Area Director, are not eligible for appointment as Capital Region Representatives.

2. This bylaw may be cited for all purposes as "Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022, Amendment Bylaw No. 1, 2023".

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

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4453

****

A BYLAW TO CONTINUE THE VICTORIA FAMILY COURT AND YOUTH JUSTICE COMMITTEE AS A DELEGATED COMMISSION

****

WHEREAS:

A. Under Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1,* 1997, the Capital Regional District ("CRD") continued a service to operate, participate in and fund a *Provincial Court Act* family court committee created for the capital region, as well as to provide funding to approved youth justice initiative involved third parties;

B. Since the 1960s, the Victoria Family Court Committee, also known as the Victoria Family Court and Youth Justice Committee, has operated as an advisory body, first as a committee of the City of Victoria then of the Capital Regional District, and continues to operate for the coordination and grant-making benefit for regional youth and family justice initiatives;

C. The Board wishes to set out clearly the community mandate of the Committee in a commission bylaw and ensure it has legal status and delegated authority to continue its work;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

CREATION OF COMMISSION

1. A commission is hereby established, to be known as the "Victoria Family Court and Youth Justice Committee" (hereinafter the "Committee"), and shall be a continuation of the Victoria Family Court and Youth Justice Committee presently operated in the capital region.

DELEGATED AUTHORITY

2. The Committee is hereby delegated all of the administrative powers of the Regional Board with respect to the service set out in Bylaw No. 2560, *Family Court Committee Extended Service Establishment Bylaw No. 1,* 1997 (the "Bylaw No. 2560"), that is, the funding, participation, and operation of the Committee and the granting of funding to youth and family issues; and the Board's ability under s.263(1)(c) of the *Local Government Act* to provide assistance to youth and family groups as contemplated by Bylaw No. 2560, other than assistance to business.

COMPOSITION AND ELIGIBILITY

3. The Committee shall have the following number of voting members, up to a total of 23, each having one vote:
    (a) Up to seven individuals as Capital Regional District appointed representatives under section 7;
    (b) Thirteen municipal council representatives, who may each have an alternate, under section 8; and
    (c) Three school district representatives, representing School Districts 61, 62, and 63, under section 9.

4. Available openings for voting membership vacancies will be advertised by November of each year of a vacancy in a term in a form acceptable to the appointing organization.

5. A majority of members must have experience in education, health, probation, or welfare.

6. Members must represent the interests of their community or organization to the best of their ability.

Capital Region Representatives

7. The Regional Board may appoint up to seven individuals as voting members of the Committee. Such appointments may be, but are not limited to, representatives of the Juan de Fuca Electoral Area (including the Electoral Area Director), community members, representatives of youth and family justice organizations, or First Nations' representatives. Municipal councillors and regional district Board members, other than the Juan de Fuca Electoral Area Director, are not eligible for appointment as Capital Region Representatives.

~~The Regional Board may appoint up to seven individuals as voting members of the Committee. Such appointments may be, but are not limited to, representatives of the Juan de Fuca Electoral Area, community members, representatives of youth and family justice organizations, municipal councilors, regional district Board members, or First Nations' representatives.~~

Municipal Representatives

8. Each municipal participant may appoint a municipal council representative as a voting member, and may appoint as an alternate voting member a member of the public or a municipal councilor to act in the absence of the municipal council representative, for a total of 13 municipal council representatives.

School District Representatives

9. Each school district in areas served by the Committee may appoint a representative as a voting member, for a total of three school district representatives.

Resource Members

10. The Committee may resolve to have any number of non-voting resource members, including individuals, service providers, organization representatives, public authorities, First Nations, or other groups working in the capital region in family court and youth justice initiatives.

TERM OF OFFICE

11. A member's term of office is from the date of appointment in one year to December 31 in the second year of appointment.

12. No voting member may serve more than six consecutive years on the Committee. A former member may be reappointed after one year of absence. Despite the term limit in this section, in unique circumstances, an appointing agency may reappoint its voting member for an additional term.

OFFICERS

13. By the end of February in each year, the Committee shall hold an annual meeting for the purpose of appointing officers (the "Annual Meeting"). The Committee shall select from among its voting members a Chair, Vice-Chair, and Treasurer, with voting by show of hands, or, if a secret ballot is requested by one-third of members present, by secret ballot.

14. The Committee may create additional officer roles it considers advisable and staff them with voting or non-voting members from time-to-time.

15. In the event of a vacancy, the Committee may select a voting member to fill an officer role until the next Annual Meeting.

DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

16. A member's appointment ends on the end of term; resignation; death or incapacity; revocation of appointment; ceasing to be an employee, volunteer, elected official or officer of an appointing agency; or on the cessation of a municipal council voting member ceasing to be a municipal councilor.

MEMBER VACANCIES

17. In the event of a member vacancy before the end of term, the appointing organization may appoint an individual to complete the term. If not filled within a reasonable time, the Committee shall reported such vacancy to the Capital Regional District's Corporate Officer.

18. If a member is absent for more than two consecutive meetings with notice, the Committee shall contact the member to determine interest in continuing on the Committee. If absent for three consecutive meetings, the member may be removed by resolution of the Committee and the Committee shall alert the appointing organization, requesting appointment.

COMMISSION OBJECTIVES AND DUTIES

19. The Committee has the following objectives:
    (a) to identify, inform, educate, advocate for, and report on gaps in regional resources for youth justice and family court issues;
    (b) to act as a resource for the public and youth and family organizations; and
    (c) to encourage collaboration between and visibility of community services.

20. The Committee is hereby tasked with the following duties:
    (a) to meet at least four times per year to:
        i. consider and examine community resources for family and children's matters;
        ii. make recommendations to the court, the Attorney General, or others;
        iii. solicit and consider applications for receipt of grant-funding; and
        iv. connect family-and-justice-involved individuals, service providers, and government in a way that encourages collaboration and identifies service gaps;
    (b) if requested by the court, to act a resource or assist as directed; and
    (c) report annually to its member local governments and the Attorney General on its activities.

21. The Committee may, within its mandate:
    (a) take positions and advocate on policy initiatives, legislation, and services affecting families and youth justice in the region, in the name of the "Victoria Family Court and Youth Justice Committee"; and
    (b) undertake other activities consistent with the activities of a family court and youth justice committee, as permitted by law.

22. Subject to Capital Regional District bylaws, policies, and procedures, the Committee, in open meeting assembled or through supervised volunteers, may:
    (a) establish advisory groups to examine specific issues, who will report on their work;
    (b) contract for support services, volunteer coordination, communications, feasibility studies, and other services and goods related to its objectives and duties;
    (c) undertake necessary, incidental, or ancillary administrative tasks in order to effect its work.

23. If acting under referral or as otherwise directed under the *Provincial Court Act,* RSBC 1996, c 379, or *Youth Criminal Justice Act*, SC 2002, c 1, the Committee shall discharge its duties through one or more

registered volunteers assembled for that purpose by resolution of the Committee, unless otherwise directed by the court.

24. All volunteers shall be supervised by the Committee or its appointed volunteer coordinator, if any; shall register with the CRD's Risk and Insurance Department; and must, if working with vulnerable persons or persons under 18 years of age, provide a recent criminal record check to CRD.

CONDUCT OF MEETINGS AND QUORUM

25. A quorum shall be seven (7) voting members.

26. The Committee must follow Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012", when conducting a meeting (the "CRD Procedures Bylaw").

27. All meetings of the Committee must be held in a public facility and must be open to the public. Meetings may be in-camera, where authorized by law.

28. The Committee may meet by electronic means, where the requirements in the CRD Procedures Bylaw are met.

CONFLICT OF INTEREST

29. In discharging the Committee's grant function, any member who considers themselves in a pecuniary or non-pecuniary conflict of interest shall declare a conflict, which may include:
    (a) where their appointing agency is a direct recipient of a grant or assistance; or
    (b) where a member or their immediate family owes a fiduciary duty, as a director, senior manager, or employee of an organization receiving funding,

    and shall recuse themselves in accordance with the CRD Procedures Bylaw and the *Community Charter,* SBC 2003, c 26.

30. On a majority vote of the Committee, School District and non-voting members representing an organization with a direct pecuniary interest in a grant may be invited to present on their organization's application, but shall not be present for debate nor the vote on the matter.

BUDGET

31. Upon its establishment and by October 1 of each year, the Committee shall prepare an annual budget, which shall include estimates for administrative costs, operations, grants, and other expenditures, and shall submit such estimates to the CRD's Chief Financial Officer for Regional Board approval and inclusion in provisional and annual budgets.

RECORD KEEPING

32. The Committee shall comply with all public record keeping requirements under the *Community Charter*, *Local Government Act*, and other applicable legislation.

33. Records shall be stored at the CRD. Agendas shall be provided in advance of meetings in accordance with the CRD Procedures Bylaw and meeting minutes shall be provided after each meeting.

CITATION

34. This bylaw may be cited for all purposes as “Victoria Family Court and Youth Justice Committee Commission Bylaw No. 1, 2022".

READ A FIRST TIME THIS	9th	day of	February,	2022
READ A SECOND TIME THIS	9th	day of	February,	2022
READ A THIRD TIME THIS	9th	day of	February,	2022
ADOPTED THIS	9th	day of	February,	2022

CHAIR

CORPORATE OFFICER