

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, MARCH 11, 2003
7:30 PM**

(City of Nanaimo Council Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
- 3. BOARD MINUTES**
12-22 Minutes of the Board meeting held on Tuesday, February 11, 2003.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
23 **T. V. Boag, President, Parksville Curling Club**, re Memorandum of Understanding Between the Regional District of Nanaimo and the Parksville Curling Club.
24-25 **Steve New, B.C. Transit**, re Transit Fuel Costs Increasing.
26-27 **George Abbot, Minister of Community, Aboriginal and Women's Services**, re Incorporation of Lantzville.
28-29 **Peter Wightman, Ministry of Transportation**, re Rights-of-Way and Rest Area Commercialization.
- 6. UNFINISHED BUSINESS**
From the Board meeting held February 11, 2003.
30-33 **Transit Business Plan Update 2003-2005 – Terms of Reference.** (All Directors – One Vote)
That the Terms of Reference for the Transit Business Plan Update – 2003 to 2005 be approved.
That appointments to the Select Committee for the Transit Business Plan Update be made by the Board Chairperson.

34-36

Evaluation Report – Take 5 Express – Malaspina University College/Downtown Nanaimo. (City of Nanaimo, EA's 'A', 'D' – Weighted Vote)

That the Take 5 Express be expanded to Monday to Friday beginning in the Spring of 2003 as part of an overall service review and adjustment scheduled for 2003.

BYLAWS

For Adoption.

Bylaw No. 1170.03 – San Pareil Water Supply LSA Amendment Bylaw. (All Directors – One Vote)

Bylaw No. 791.06 – Rural Streetlighting LSA Boundary Amendment Bylaw. (All Directors – One Vote)

7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

37-41

Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 25, 2003. (for information)

COMMUNICATION/CORRESPONDENCE

Thomas McArthur, French Creek Residents Association, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from the French Creek Residents Association with respect to Fern Road Consulting Limited's request for land exchange, be received.

Dennis & Anita Lawrence, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from Dennis and Anita Lawrence with respect to the subdivision proposal for the land legally described as Remainder of Lot 1, DL 49, Nanoose District, Plan 19351, be received.

Hawthorne Rise Area Residents, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from the Hawthorne Rise Area Residents with respect to the parkland contained within the proposed development in the French Creek area, be received.

David & Ros Ross, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from David and Ros Ross with respect to the application for an exchange of land for property legally described as the Remainder of Lot 1, DL 49, Nanoose LD, Plan 19351, be received.

Gareth Rees, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from Gareth Rees with respect to the proposed changes to the boundary of the existing park located in the St. Evar subdivision, be received.

R.A. and Anna K. Bloxham, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the correspondence received from R.A. and Anna Bloxham with respect to the proposed park boundary changes requested by the developer for the land legally described as Lot 1, District Lot 49, Nanoose District, Plan 19351, be received.

UNFINISHED BUSINESS

DP Application No. 0301 – Juthans/Murphy – 5489 Deep Bay Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy, for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to:

1. *Vary the minimum setback for the front lot line*
 - a) *From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.*
 - b) *From 8.0 metres to 0.0 metres to accommodate the existing woodshed.*
2. *Vary the eastern interior lot line setback*
 - a) *From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.*
 - b) *From 2.0 metres to 0.0 metres to accommodate the existing woodshed.*
3. *Vary the minimum setback requirement from the natural boundary*
 - a) *From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.*
 - b) *From 15 metres to 4.5 metres to accommodate the existing retaining wall.*

- c) *From 15 metres to 9.6 metres to allow for the placement of a hot tub structure within the development permit area.*

be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the Local Government Act.

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0303 – Haylock Bros./Sims – Melrose Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the minutes from the Public Information Meeting be received.*
- 2. That Amendment Application No. 0303 submitted by Haylock Bros. to rezone a 15.2 ha portion of the property legally described as Lot 9, Section 12, Range 7, Cranberry District, Plan 27070 from Rural 1 (RUI) to Resource Management 1 (RM1) be given 1st and 2nd reading.*
- 3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2002" proceed to Public Hearing.*
- 4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2002" be delegated to Director Stanhope or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0305 – Thiessen & Marshall/Kyler – 1272 Seadog Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 0305, submitted by Ken Kyler on behalf of Thiessen and Marshall to permit the construction of a stormwater drain pipe within the Watercourse Protection Development Permit Area on the property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3..

DP Application No. 0306 – Yorke/Rowland – 1435 Private Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 0306, submitted by Yorke/Rowland to facilitate the construction of a single residential dwelling unit, retention wall and drainage rock pit, on the property legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785 be approved subject to the requirements outlined in Schedules No. 1, 2 and 3.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 0303 – Buchanan – 5012 Seaview Drive – Area H.
(Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 0303.

That Development Variance Permit Application No. 0303, submitted by Susan Buchanan, to facilitate the construction of a dwelling unit and vary the minimum permitted setbacks within a Residential 2 (RS2) zone from 8.0 metres to 5.36 metres for the front lot line, from 5.0 metres to 3.81 metres for an other lot line located along Seaview Drive, and from 18.0 metres from a stream centerline to 6.58 metres from a stream centerline for setbacks from a watercourse for the property legally described as Lot 22, District Lot 28, Newcastle District, Plan 22249, be approved subject to the notification requirements pursuant to the Local Government Act.

DVP Application No. 0304 – Melvyn– Seaview Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 0304.

That Development Variance Permit Application No. 0304, submitted by Fern Road Consulting, Agent, on behalf of Anthony Melvyn, to facilitate the development of a single dwelling unit and to legalize the existing rip rap retaining wall within a Residential 2 (RS2) zone by varying the minimum permitted setback to an interior side lot line from 2.0 metres to 0.0 metres, and to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres for the retaining wall and 10.5 metres for the dwelling unit, and to vary the maximum permitted height of a dwelling unit from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from the existing fill grade as set out in Schedule No. 1, for the property legally described as Lot 3, District Lot 28, Newcastle District, Plan 22249, be approved subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedule No. 1.

DVP Application No. 0305 – H & F Ventures Ltd. – 2980 Matthew Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 0305.

That Development Variance Permit Application No. 0305, submitted by Norman Evans, agent on behalf of H & F Ventures Ltd., to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Rural 5 (RU5) zone from 9.0 metres to 13.0 metres for the property legally described as Lot 12, Block 668, Nanoose Land District, Plan VIP62598, be approved as submitted subject to the notification procedures pursuant to the Local Government Act.

DVP Application No. 0306 – Balance – 2830 Benson View Road – Area D.
(Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 0306.

That Development Variance Permit Application No. 0306 by Stanley Neville Balance to vary the 'all lot lines' setback requirement from 8.0 metres to 4.0 metres for the west interior side lot line to allow for the construction of a two-car garage with loft for the property legally described as Lot 8, Sections 9 and 10, Range 4, Mountain District, Plan 36191 be approved, subject to Schedules No. 1, 2 and 3 and to the notification requirements pursuant to the Local Government Act.

FRONTAGE RELAXATION

Request for Cash in Lieu of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement – WR Hutchinson, BCLS on Behalf of A. Cochran & J. Radzuil – Greive Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

That the requests, submitted by WR Hutchinson, BCLS, on behalf of James Radzuil and Agnes Cochran, for cash in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 5, 6, 7 and 13, as shown on the plan of subdivision of Lot 7 & 8, Section 12, Range 2, Cedar District, Plan VIP53334, be approved.

OTHER

Request for Park Land Exchange – Fern Road Consulting Ltd. on Behalf of R & L Todsen & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the Electoral Area 'G' Parks and Open Space Advisory Committee be requested to provide further comments and recommendations on the revised park land exchange proposal as suggested by staff prior to the March 11, 2003 Board meeting.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

42-48 Minutes of the Committee of the Whole meeting held January 28, 2003. (for information)

COMMUNICATION/CORRESPONDENCE

Rich Coleman, Solicitor General, re Police Financing in Municipalities Under 5,000 Population and Unincorporated Areas. (All Directors – One Vote)

That the correspondence received from Solicitor General Rich Coleman with respect to an update on the restructuring of police financing in municipalities under 5,000 population and unincorporated areas, be received.

UNFINISHED BUSINESS

From the meeting of the Committee of the Whole held January 28, 2003.

Watershed & Drinking Water Protection Initiatives. (All Directors – One Vote)

1. *That the Board support completion of the previously approved hydrogeological study for the Englishman River and French Creek watersheds and proceed with establishing a project terms of reference and cost for a drinking water protection plan for the Arrowsmith watersheds.*

That the Board direct staff to work with the municipalities and electoral areas to further explore the establishment of a Development Permit Area over all or parts of the Regional District and prepare a report outlining the pros, cons and implications of this approach, and areas that should be considered for DPA designation.

That the Board direct staff to initiate the process to establish a regional function and service District 68 and District 69 areas for watershed protection initiatives.

That the Board direct that a Watershed and Drinking Water Protection Standing Committee be formed and terms of reference be written.

That the Board direct staff to develop a range of options and cost requirements for watershed and drinking water protection awareness and education in cooperation with the Province, Municipalities, Electoral Areas and Improvement Districts/District Water Boards.

That the Board await legislative direction from the province regarding new drinking water protection requirements and at that time broaden the function as required.

2. *That, as groundwater legislation is an important aspect of groundwater and drinking water protection, the Board advance the following resolution to AVICC:*

WHEREAS the provincial government has developed an Action Plan for Safe Drinking water in British Columbia that commits to the development of groundwater protection legislation;

AND WHEREAS groundwater protection, legislation and regulation is a priority for all areas of British Columbia, is of multi-jurisdictional interest and does not conform to political or local government boundaries;

THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island Coastal Communities express to the Province its support for new groundwater protection legislation and further that the province must provide the resources and initiative to implement its legislative responsibility and authority for the Province's groundwater resource.

COMMUNITY SERVICES

RECREATION AND PARKS

Purchase of Old Errington School – Area F. (All Directors – One Vote)

That the Regional District obtain an independent, comprehensive assessment of the old Errington School building, to identify the state of the building and all building deficiencies and the estimated cost of the work required to fix the identified deficiencies to a recognized standard, before making a decision to enter into an agreement with School District No. 69 to purchase the school.

REGIONAL GROWTH MANAGEMENT

Regional Growth Strategy Function – Electoral Area 'B' Participation. (All Directors – One Vote)

That Electoral Area 'B' be excluded from the Regional Growth Strategy function.

Regional Growth Management Plan Review – Completion Phase – Terms of Reference and Consultation Plan. (All Directors except EA 'B' – One Vote)

That the Terms of Reference and Consultation Plan for the Growth Management Plan Review Completion Phase be approved as amended to change the projected dates for referral of the RGS bylaw from "May 1st" to "October 1, 2003" and third reading of the RGS bylaw to "October 14, 2003", as an amendment to the original terms of reference approved for the project in January of 2001.

TRANSIT

2003 District 68 Transit Budget Issues. (Nanaimo, Electoral Areas 'A' & 'D' - Weighted Vote)

That the 2003 District 68 Transit budget issues be accommodated with a combination of Transit service adjustments for Murch as outlined in Schedule 'A', projected June service reductions and a tax requisition increase and offset to be finalized as part of the annual budget process.

CORPORATE SERVICES

DEVELOPMENT SERVICES

ENVIRONMENTAL SERVICES

LIQUID WASTE

BC Hydro Power Smart Partner Program. (All Directors – Weighted Vote)

That the Board support RDN participation in the BC Hydro Power Smart Partner Program and direct staff to execute the BC Hydro Power Smart Partner Program Agreement with BC Hydro.

Greater Nanaimo Pollution Control Center Headworks Upgrade – Tender Award. (All Directors – Weighted Vote)

That the Regional District of Nanaimo award supply of influent screens for the GNPCC Headworks upgrade for the tendered amount of \$308,736.00 to Waste Tech Inc.

Madrona/Wall Beach Sewer Pre-Design Study. (All Directors – Weighted Vote)

That the Board approve using existing feasibility study funds available to supplement the \$10,000 Infrastructure Planning Grant for a sewer pre-design study for the Madrona/Wall Beach area.

Northern Community Sewer LSA DCC Expenditure Amendment Bylaw No. 1328.

(Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G' and 'H' – Weighted Vote)

1. *That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1328.01, 2003", which will release \$250,000 to complete the Bay Avenue and trickling filter pump upgrades, be introduced and given three readings.*

(All Directors – 2/3)

2. *That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1328.01, 2003" be adopted.*

SOLID WASTE

Regional Landfill Surface and Groundwater Monitoring Program – Contract Extension. (All Directors – Weighted Vote)

That the Board extend the contract with Morrow Environmental Consultants for the regional landfill surface and groundwater monitoring program for an additional two year period.

COMMISSION, ADVISORY AND SELECT COMMITTEE

District 69 Recreation Commission. (Parksville, Qualicum Beach, EA's E, F, G, H - Weighted Vote)

That the minutes of the District 69 Recreation Commission meeting held February 13, 2003, be received for information.

Community Grants:

<i>Arrowsmith Cricket and Sports Association – score board (funds to be matched by the club)</i>	<i>\$ 500</i>
<i>Errington Therapeutic Riding Association – operating costs</i>	<i>\$ 2,500</i>
<i>Mid-Island Wildlife Watch Society – Brant Festival insurance</i>	<i>\$ 1,000</i>

Youth Grants

<i>Ballenas Dry Grad Committee – insurance and advertising</i>	\$ 800
<i>Fuzion Youth Centre – start up costs & initial operating cost</i>	\$ 2,500
<i>Nanoose Bay Elementary PAC – outdoor education trip (funds to be matched by PAC groups)</i>	\$ 1,000
<i>V.I. Adrenalin Games – equipment rentals</i>	\$ 1,500
<i>Vicious Vacant Productions - Jan and Feb 2003 event cost</i>	\$ 825

That the Regional District of Nanaimo Board initiate a facility-naming contest for the Arena Multiplex, establish a Facility Naming Sub-committee appointed by the District 69 Recreation Commission consisting of five Commissioners, and issue a Request for Proposal for selling the name rights for Rinks 1 and 2, Leisure Ice Sheet and the Multipurpose Room. In addition, contest entries may include a suggested logo with the suggested name.

That the revenue-sharing program for arena advertising in the Arena Multiplex includes a revenue split of 30% for a sales representative, 20% for Oceanside Minor Hockey, 20% for the Junior 'B' Generals, 10% for the Sandy Shores Skating Club and 20% for the Regional District, be approved.

Lantzville Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Lantzville Parks & Open Space Advisory Committee meeting held December 2, 2002, be received for information.

Nanoose Bay Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held October 21, 2002 and February 5, 2003, be received for information.

Electoral Area 'A' Parks & Green Spaces Advisory Committee. (All Directors – One Vote)

That the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meetings held January 16, 2003 and February 6, 2003, be received for information.

Electoral Area 'G' Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee meetings held October 3, 2002 and January 16, 2003, be received for information.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORT

49-50 Electoral Area 'A' By-Election. (All Directors – One Vote)

51-63 Animal Control Contracts. (All Directors – Weighted Vote)

2003 Annual Budget and 2003-2008 Financial Plan. (All Directors – Weighted Vote) (Report to be circulated)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 242.2(1)(e) & (j) of the Local Government Act the Committee proceed to an In Camera meeting to consider items pertaining to the acquisition of land and information that is prohibited from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, FEBRUARY 11, 2003, AT 7:30 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS**

Present:

Director McNabb Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann Alternate	Electoral Area F
Director M. Klee	Electoral Area G
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director G. Korpan	City of Nanaimo
Director R. Cantelon Alternate	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	Gen. Mgr. of Corporate Services
J. Finnie	Gen. Mgr. of Environmental Services
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
M. Pearse	Manager of Administrative Services

The Chairperson welcomed Alternate Directors Kreiberg, Klee and Manhas to the meeting.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the regular Board meeting held on January 14, 2003 and the Special Board meeting held on January 28, 2003 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Jim Abram, BC Citizens for Public Power, re BC Hydro.

MOVED Director Westbrook, SECONDED Director Cantelon, that the correspondence from BC Citizens for Public Power with respect to proposed Provincial legislation to break up BC Hydro, be received.

CARRIED

MOVED Director Westbrook, SECONDED Director Sherry, that, as noted in Mr. Abram's letter, the Board:

- o send a letter to local MLA's, with copies to the Premier, Cabinet, UBCM and local media, urging local MLA's to take a principled stand and vote against any legislation to break up BC Hydro before a full public consultation can take place.
- o reiterate the Board's support for the UBCM resolution calling for a halt to the transfer of one-third of the company's employees to Bermuda-based Accenture.

Director Holdom requested that the resolutions be dealt with seriatim.

The question was called on the first resolution.

The motion CARRIED.

MOVED Director Westbrook, SECONDED Director Holdom, that the second resolution be amended and that correspondence be sent to the Province indicating disappointment with the lack of public consultation in the transfer of employees to Accenture.

CARRIED

Hans Cunningham, UBCM, re Rural/Small Communities Police Costs.

MOVED Director Westbrook, SECONDED Director Cantelon, that the correspondence from the Union of BC Municipalities with respect to a provincial consideration to implement a new police cost formula in rural and small communities, be received.

CARRIED

Liza Hood, Weyerhaeuser, re DP Application No. 0303 – Askew – 1465 E. Island Highway – Area E.

MOVED Director Westbrook, SECONDED Director Cantelon, that the correspondence from Weyerhaeuser with respect to Development Permit application No. 0303, be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

Bylaw No. 1224.01.

MOVED Director Bartram, SECONDED Director Cantelon, that "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.01, 2002" be adopted.

CARRIED

Bylaw No. 500.280.

MOVED Director Hamilton, SECONDED Director Haime, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be adopted.

CARRIED

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Haime, that the minutes of the Electoral Area Planning Committee meeting held January 28, 2003 be received for information.

CARRIED

PLANNING**DEVELOPMENT PERMIT APPLICATIONS****DP Application No. 0301 – Juthans/Murphy – 5489 Deep Bay Drive – Area H.**

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to:

1. Vary the minimum setback for the front lot line
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard;
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed;
2. Vary the eastern interior lot line setback
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel;
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed;
3. Vary the minimum setback requirement from the natural boundary
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel;
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall;

be approved, subject to the siting provisions outlined in Schedules No. 1 and 2 excluding location of hot tub structure and subject to the notification requirements pursuant to the Local Government Act.

MOVED Director Hamilton, SECONDED Director Bartram, that the application be referred back to staff to allow for further consideration of the proposed siting of the hot tub structure and to allow for discussion with the property owner(s).

CARRIED

DP Application No. 0302 – Guy (Percora Holdings/Coast Distributors) – 6855 Mart Road – Area D.

MOVED Director Hamilton, SECONDED Director Haime, that Development Permit Application No. 0302 by Alex Guy on behalf of Percora Holdings – Coast Distributor Ltd. with variance to relax the minimum 'other lot lines' setback requirement from 5.0 metres to 0 metres for the property legally described as Lot 11, District Lot 44, Wellington District, (situated in Nanoose District), Plan 15245 to accommodate an addition to a warehouse, be approved subject to Schedules No. 1, 2, 3 and 4 and the notification requirements pursuant to the Local Government Act.

CARRIED

DP Application No. 0303 – Askew – 1465 E. Island Highway – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit No. 0303, submitted by Gord Bragg, Agent, on behalf of Robert Askew, Grant Armstrong and Danny Curran, to legalize the operations of Hub City RV Ltd. within an Industrial 1 (IN1) zone by varying the minimum permitted setbacks from specified 'other' lot lines from 5.0 metres to 0.0 metres to accommodate on-site parking areas, and to vary the signage requirements on the property legally described as Lot 3, District Lot 56, Nanoose District, Plan 11289, Except That Part Road Only, Plan 39893, be approved subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedule 1.

CARRIED

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DP Application No. 0304 – Stranaghan Enterprises Ltd. (Riverside Resort) – 3506 West Island Highway – Area G.

MOVED Director Hamilton, SECONDED Director Haime, that Development Permit Application No. 0304 submitted by Stranaghan Enterprises Ltd., to replace an 18-hole mini golf course within the Natural Hazardous Development Permit Area on the property legally described as Lot 1, District Lot 9, Newcastle District, Plan 11274, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and the notification requirements pursuant to the Local Government Act.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 0301 – Hilchey/Gauthier – 1348 Leask Road – Area A.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 0301 by Gauthier Development Limited on behalf of Hilchey, to legalize a retaining wall with guardrail and decking by varying the 'top of bank' setback requirement from 8.0 metres to 0.6 metres and varying both 'interior side lot line' setbacks from 2.0 metres to 0.0 metres, and further, to vary the setback from the sea and the rear property line to 0 metres to allow for the construction of a stairway from the top of the retaining wall to property line adjacent the sea, for the property legally described as Lot B, Section 19, Range 5, Cedar District, Plan 25757, be approved, subject to Schedules No. 1, 2, 3 and 4 and to the notification requirements pursuant to the Local Government Act.

CARRIED

DVP Application No. 0302 – Kardynal – 1881 – Sea Lion Crescent – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 0302, to relax the minimum interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory garage building, for the property legally described as Lot 10, District Lot 78, Nanoose District, Plan 28202, be approved subject to Schedule No. 1 and the notification requirements pursuant to the Local Government Act.

CARRIED

OTHER

Request for Relaxation of the Minimum Perimeter Frontage Requirement – Fern Road Consulting Ltd. on Behalf of Simon Bibby – 1843/1845 Swayne Road – Area F.

MOVED Director Hamilton, SECONDED Director Biggemann,:

That the Board reconsider its resolution of May 1996 and allow requests for the minimum 10% perimeter frontage requirements for the subdivision of parcels in Electoral Area 'F' to be considered only where the proposal is consistent with the minimum lot size requirements and permitted land uses provisions of Bylaw No. 1285, 2002 for all proposed lots;

That the request, submitted by Fern Road Consulting Ltd., on behalf of Simone Bibby, to relax the minimum lot frontage requirement for proposed Lot A, as shown on the plan of subdivision of East 5 Chains of Block 30, District Lot 140, Nanoose District, Plan 1918, be approved.

CARRIED

Director Klee left the meeting citing a possible conflict of interest with the next item.

Request for Acceptance of Park Land Cash in Lieu of Park Land – Sims Associates on Behalf of Beausoleil Enterprises Ltd. – 2100 & 2130 Errington Road – Area F.

MOVED Director Hamilton, SECONDED Director Biggemann, that the request, submitted by Sims Associates, BCLS, on behalf of Beausoleil Enterprises Ltd., pursuant to Section 941 of the Local Government Act, offering to dedicate park land in conjunction with the proposed subdivision of Lots 5 and 6, both of District Lot 98, Nanoose District, Plan 31789 be refused and the applicant be required to provide cash in-lieu-of park land dedication.

CARRIED

Director Klce rejoined the meeting.

Protection & Control of Foreshore Development Through Zoning Bylaws.

MOVED Director Hamilton, SECONDED Director Haime, that the staff report be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Haime, that a resolution be prepared for the Association of Vancouver Island and Coastal Communities regarding the issue of local government regulations on aquaculture as outlined in Attachment No. 2.

CARRIED

MOVED Director Hamilton, SECONDED Director Haime, that be staff be directed to report back with a public consultation process to address the issue of aquaculture in the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" and all Official Community Plans.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that staff investigate the current availability of scientific and mapping information related to the physical capability of the coastline for aquaculture operations which may be acquired from the Province.

CARRIED

Electoral Area 'H' Planning Project – OCP Public Process Design Document – Terms of Reference and Public Consultation Strategy.

MOVED Director Hamilton, SECONDED Director Bartram, that the staff report on the Electoral Area 'H' Planning Project be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that the Electoral Area 'H' Official Community Plan Public Process Design Document (Attachment No. 1) be endorsed by the Board.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Holdom, that the minutes of the Committee of the Whole meeting held January 28, 2003 be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE**Ron Creber, Land & Water British Columbia Inc., re Little Mountain and Morrison Creek.**

MOVED Director Sherry, SECONDED Director Cantelon, that the correspondence received from Land & Water British Columbia Inc. with respect to the option of a two year Licence of Occupation offered to the RDN by LWBC, be received.

CARRIED

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16

Gordon Smail, Land & Water British Columbia Inc., re Replacement Lease, Community Park, Nanoose Road

MOVED Director Sherry, SECONDED Director Cantelon, that the correspondence received from Land & Water British Columbia with respect to a short-term lease for park property on Nanoose Road, be received.

CARRIED

COMMUNITY SERVICES

RECREATION AND PARKS

District 69 Recreation Grants Program & Recreation Program Assistants Report.

MOVED Director Westbrook, SECONDED Director Longmuir,:

That the 2003 provisional budget be amended to reflect an additional \$20,000 for Community and Youth grants;

That the funding for the Recreation and Parks Grant Program be reapportioned to include an annual total of \$31,250 for Community Grants and \$31,250 for Youth Grants, and that the maximum funding limit, per application, be established as \$2,500;

That the two temporary, part-time Recreation Program Assistant positions involved in youth services be reclassified as one permanent full-time position.

CARRIED

Gabriola Island Parks & Open Space Advisory Committee Proposal.

MOVED Director Lund, SECONDED Director Sherry, that "Gabriola Island Parks and Recreation Commission Repeal Bylaw No. 1332, 2003" be introduced and given three readings.

CARRIED

MOVED Director Lund, SECONDED Director Sherry, that "Gabriola Island Parks and Recreation Commission Repeal Bylaw No. 1332, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Lund, SECONDED Director Holdom, that the Terms of Reference for the Gabriola Island (Electoral Area 'B') Parks and Open Space Advisory Committee be approved, and that the Regional District advertise for applications for appointment to the Committee.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Development Services 2003 Program.

MOVED Director Hamilton, SECONDED Director Westbrook, that the 2003 program for Regional Development Services be adjusted by reallocating the existing staff time and financial resources to provide for the Growth Management Plan Review Completion Project and the Sustainability/Regional Growth Strategy Monitoring Initiative.

CARRIED

Regional Growth Strategies Monitoring Program – State of Sustainability Project and Committee.

MOVED Director Westbrook, SECONDED Director Sherry, that the State of Sustainability Project and Committee Terms of Reference be approved.

CARRIED

TRANSIT

BC Transit Act Regulation Changes – Phase 1 – Funding & Services Strategies Review.

MOVED Director Cantelon, SECONDED Director Holdom, that the Regional District support BC Transit's proposal to amend the BC Transit Act Regulation to provide flexibility in the funding formula with BC Transit as described in Strategy 3 of the Phase 1 Funding and Service Strategy Review.

CARRIED

BC Transit Funding & Service Strategy Review – Phase 2 – Transit Funding & Governance Models.

MOVED Director Cantelon, SECONDED Director Holdom, that the Regional District of Nanaimo indicate to BC Transit that in response to the Phase 2 Funding & Service Strategies Review it supports, for further discussion, the funding and governance model represented by Option 3 "Dedicated Fuel Tax with a Community Transit Authority (CTA)".

CARRIED

Transit Business Plan Update 2003-2005 – Terms of Reference.

MOVED Director Cantelon, SECONDED Director Sherry,:

That the Terms of Reference for the Transit Business Plan Update – 2003 to 2005 be approved;

That appointments to the Select Committee for the Transit Business Plan Update be made by the Board Chairperson.

MOVED Director Westbrook, SECONDED Director Haime, that this item be deferred.

CARRIED

Evaluation Report – Take 5 Express – Malaspina University College/Downtown Nanaimo.

MOVED Director Holdom, SECONDED Director Cantelon, that the Take 5 Express be expanded to Monday to Friday beginning in the Spring of 2003 as part of an overall service review and adjustment scheduled for 2003.

MOVED Director Haime, SECONDED Director Korpan, that this item be deferred.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Public Consultation & Communication Committee – Terms of Reference.

MOVED Director Bibby, SECONDED Director Lund, that the Terms of Reference for a Public Consultation and Communication Committee be approved.

CARRIED

Rogers Wireless Inc. Communications Tower Proposal.

MOVED Director Westbrook, SECONDED Director Bibby, that the Board approve the location of the Rogers Wireless Inc. communications tower on the site proposed at 6300 Hammond Bay Road and authorize staff to execute the Statutory Right of Way Agreement for this purpose.

CARRIED

Legal Services Contract Extension.

MOVED Director Sherry, SECONDED Director Hamilton, that the Board extend its legal services agreements with Staples McDannold Stewart in the area of municipal law and Harris & Co. in the area of labour law for an additional two year term expiring February 2005.

CARRIED

Expanded Local Telephone Calling Area.

MOVED Director Bibby, SECONDED Director Sherry, that the Board of the Regional District of Nanaimo express its support for an expanded local calling area in the Regional District of Nanaimo and request Telus to undertake an analysis to establish the financial implications of implementing an expanded local calling area.

CARRIED

FINANCE

Update Banking Resolutions for Changes in Board Membership.

MOVED Director Cantelon, SECONDED Director Hamilton, that the banking resolution attached to the staff report be adopted.

CARRIED

San Pareil Water Supply LSA Amendment Bylaw No. 1170.03.

MOVED Director Klec, SECONDED Director Westbroek, that "San Pareil Water Supply Local Service Area Amendment Bylaw No. 1170.03, 2003" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

FIRE DEPARTMENTS

Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324.

MOVED Director Biggemann, SECONDED Director Sherry, that "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2003" be introduced for first three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director Sherry, that "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2003" having received three readings, be adopted.

CARRIED

License of Use (Coombs-Hilliers Firehall #2) -- Arrowsmith Search & Rescue Society.

MOVED Director Biggemann, SECONDED Director Hamilton, that the Chairperson and General Manager Corporate Services be authorized to execute the License of Use agreement with the Arrowsmith Search & Rescue Society, which provides for an initial five year term from January 1, 2003 to January 1, 2008 and four renewal terms of 5 years each.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

The Chairperson listed the filings and asked that if the property owners were in the audience and wished to address the Board, to come forward when their name was called.

MOVED Director Westbrook, SECONDED Director Haime, that a notice be filed against the title of the properties listed, pursuant to Section 700 of the Local Government Act and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 1, Section 16, Range 3, Mountain District, Plan VIP72060, 3409 Jingle Pot Road, Electoral Area 'D', owned by LDM Holdings Ltd.;
- (b) Lot 31A, Nanoose District, except part in Plans 8514, 20737, 21281, 21788, 22619, 27139, 29437, 35911, 41797 and VIP;62661, 7995 Superior Road, Electoral Area 'D', owned by L. and S. Doumont;
- (c) Lot 2, District Lots 128 and 129, Nanoose District, Plan 2142, 1435 Greig Road, Electoral Area 'G', owned by J. Reeves.

CARRIED

ENVIRONMENTAL SERVICES

Regional Environmental Advisory Committee – Terms of Reference.

MOVED Director Sherry, SECONDED Director Cantelon, that the Terms of Reference dated January 2003 for the Regional Environmental Advisory Committee be approved.

CARRIED

Climate Change Standing Committee – Terms of Reference.

MOVED Director Sherry, SECONDED Director Cantelon, that the Terms of Reference dated January 2003 for the Climate Change Standing Committee be approved.

CARRIED

LIQUID WASTE

Pump and Haul LSA Amendment Bylaw No. 975.27; 1655 Whalebone Drive – Gallagher – Area B; 3371 Blueback Drive – Andrews – Area E; 3480 Tye Crescent – Dance – Area E.

MOVED Director Bibby, SECONDED Director Cantelon, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.27, 2003" for the inclusion of 1655 Whalebone Drive, Gabriola Island (Gallagher), the inclusion of 3371 Blueback Drive, Nanoose (Andrews) and the exclusion of 3480 Tye Crescent, Nanoose (Dance) be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

SOLID WASTE

Illegal Dumping Prevention Program Surveillance & Evidence Gathering Contract.

MOVED Director Westbrook, SECONDED Director Holdom, that the Board extend the MUC surveillance and evidence-gathering contract for two additional years.

CARRIED

UTILITIES

Flood Hazard Management.

MOVED Director Sherry, SECONDED Director Cantelon,;

That the staff report be received for information;

That the Board direct staff to forward a letter to the Minister of Water, Land and Air Protection with a copy to UBCM expressing concerns about the potential impact of the proposed flood hazard management model on local government resources, advising that if responsibilities for flood hazard management are transferred to local government, the province must provide ongoing financial assistance to local government to support these responsibilities, and supporting the position outlined in the letter dated October 22, 2002 from the CVRD.

CARRIED

MOVED Director Cantelon, SECONDED Director Westbrook, that the following resolution be forwarded to AVICC:

WHEREAS the province is proposing a new service model for flood hazard management that considers transferring responsibilities for regulating floodplain development and flood proofing standards, and for the design, construction, operation and maintenance of dikes, to local government;

AND WHEREAS this model, if implemented, would impact the activities and resources of local government;

THEREFORE BE IT RESOLVED that the Board of the Regional District of Nanaimo express its concerns about the potential impact of the proposed flood hazard management model on local government resources and that if responsibilities for flood hazard management are transferred to local government, the province must provide ongoing financial assistance to local government to support these responsibilities.

CARRIED

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.06 – Columbia Drive – Area G.

MOVED Director Klee, SECONDED Director Westbrook, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.06, 2003" be introduced, read three times and then forwarded to the Inspector of Municipalities for approval.

CARRIED

Water Systems – Cross-Connection Control Program.

MOVED Director Sherry, SECONDED Director Holdom, that the Board receive the report on a cross-connection control program and the 2003 cross-connection control program workplan.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Community Water Supply.

MOVED Director Haime, SECONDED Director Hamilton,:

That staff bring forward a report providing cost impacts and options for a Drinking Water Protection Plan for the District 69 area once the studies have been completed by E.B.A. on the Arrowsmith aquifers and watersheds;

That staff be directed to prepare a report on the scope of work and cost of a study identifying watersheds in District 68 and areas in District 69 not included in the original E.B.A. study.

CARRIED

Biophysical and Economic Assessment Proposal of Mount Benson.

MOVED Director Cantelon, SECONDED Director Hamilton, that due to the considerable interest in Mount Benson, that staff bring forward a report to the Board regarding the lands available on Mount Benson and the cost of acquiring these lands.

CARRIED

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21

COMMISSIONS

Deep Bay Harbour Commission – Director Bartram.

Director Bartram reported to the Board on recent meetings of the Deep Bay Harbour Commission.

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Intergovernmental Advisory Committee.

MOVED Director Cantelon, SECONDED Director Westbrook, that the minutes of the Intergovernmental Advisory Committee meeting held January 9, 2003 be received for information.

CARRIED

ADMINISTRATOR'S REPORT

Contravention of Unsightly Premises Regulatory Bylaw No. 1073 – Littlewood – 2406 Nanoose Beach Road – Area E.

MOVED Director Westbrook, SECONDED Director Sherry, that should the property maintenance concerns not be rectified by February 11, 2003 pursuant to the "Unsightly Premises Regulatory Bylaw No. 1073, 1996" the Board directs the owners of the property legally described as Parcel 1 of Lot A, Plan 1460, District Lot 79, Nanoose Land District to remove from the premises, those items as set out in the resolution attached to the staff report within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owner's cost.

CARRIED

Award for the Purchase of the Fire Truck – Errington Fire Department.

MOVED Director Biggemann, SECONDED Director Sherry, that the award for the supply of a 2003 Freightliner chassis from Island Freightliner Truck Sales Ltd. in the amount of \$103,900 plus taxes for the Errington Fire Department, be approved.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Hamilton, that pursuant to Section 242.2 1(a) of the *Local Government Act* the Board proceed to an In Camera meeting to consider a personnel matter.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Cantelon, that this meeting be adjourned to allow for an In Camera meeting.

CARRIED

TIME: 8:15 PM

Parksville Curling Club

Box 1624
Parksville, B. C.
V9P 2H5

REGIONAL DISTRICT OF NANAIMO	
FEB 26 2003	February 26, 2003
CHAIR	GMC/S
CAO	GMDS
GMC/S	GMES
<i>Bed Cooper</i>	

Mr. J.R. Stanhope, Chairman
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B. C.
V9T 6N2

Dear Sir:

Re: Memorandum of Understanding between Regional District of Nanaimo
and the Parksville Curling Club, Item 2.1 (c) Preconditions

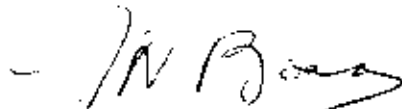
In accordance with the provisions of the above mentioned document please be advised the status
of the current Parksville Curling Club membership drive is as follows:

Re-confirmed members from the original membership list		
Corporate Members	22	
Active Non Curlers	23	45
Active Curlers	96	
New Curlers (signed during current campaign)	107	
Total Curlers	203	203
Total Membership to Date		248

During the present membership campaign there has been sufficient inquiries with positive intention
to estimate the number of curlers will reach 300 by September 1, 2003. This will represent
approximately 60% of the full participation level and is considered adequate for the first year.

Should further clarification be required please advise accordingly.

Yours truly,



T. V. Boag, President
Parksville Curling Club

cc: Tom Osborne, Mgr, Recreation & Parks, Dist. 69

February 27, 2003

REGIONAL DISTRICT OF NANAIMO			
MAR - 3 2003			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GMDS	<input checked="" type="checkbox"/>
GMCS	<input checked="" type="checkbox"/>	GMES	<input checked="" type="checkbox"/>
Board Copies			

W. Daniels
Mar 3/03

TO: Local Government Contacts and Transit Managers

FROM: Steve New, Vice President
Municipal Systems Program

SUBJECT: TRANSIT FUEL COSTS INCREASING

We are facing some very significant challenges because of rising fuel costs. Fuel accounts for about 8% (\$4.9 million) of the total \$61.1 million 2002/03 budget for the Municipal Systems Program. World oil prices and the recently announced provincial fuel tax rate increase of 3.5¢ per litre on March 1, 2003 contribute to these challenges.

BC Transit currently holds a futures contract with Petro-Canada for diesel fuel that expires at the end of March. About 92% of all fuel consumed for transit in the Municipal Systems Program is covered by the futures contract. The current contract was struck at a price of \$21.50 per barrel (\$US) on the New York Mercantile Exchange. This resulted in a very favourable price of 47.1¢ per litre (all taxes included) for diesel fuel on average across all transit systems in the Municipal Systems Program.

Impact on 2002/03 Annual Operating Agreements

The transit funding partners are protected from world oil price increases until the end of the futures contract on March 31st. The impact of the March 1st provincial fuel tax increase in this fiscal year is approximately \$30,000 and will have to be managed within the current budget.

Impact on 2003/04 Annual Operating Agreements

The 2003/04 preliminary AOA budgets included an 11% average increase in fuel price, assuming successful signing of a new futures contract for April 1, 2003. This increase of just over 5¢ per litre added an additional \$490,000 to the total budget. This increase was reflected in the Funding and Service Strategy letter reports that were prepared by BC Transit and transmitted to all partners in December.

The increase of 3.5¢ per litre in provincial fuel tax was not previously budgeted for and will be added to the upcoming AOA budgets. This represents an additional annual impact of \$370,000 across all transit systems in the Municipal Systems Program.

International events have led to increased uncertainty in world oil prices. Current oil prices are in the range of \$36 - \$40 a barrel and rule out signing a futures contract at this time. The original 11% fuel price increase that preliminary budgets were based on is no longer valid. In the short term, BC Transit will broker our collective fuel volumes to achieve prime commercial customer "rack" pricing. At today's rates, this may still amount to a price shock on April 1st of an additional 10¢ - 12¢ per litre above the original budget estimate. For AOA budget purposes we are assuming "rack" pricing for the first three months of the fiscal year. The estimated impact is an additional \$240,000 in 2003/04, based on a rack price of 65¢ per litre (all taxes included), with the expectation that fuel futures prices will stabilize by July.

In total, we face a conservative fuel cost increase of \$1.1 million (22%) next fiscal year. The impact in any one community ranges from \$1,500 for paratransit in 100 Mile House to \$185,000 for conventional transit in the Kelowna Region. We are assessing the futures market daily and will lock in at the appropriate time. There is significant risk to this budget assumption and it will be monitored very carefully in the coming weeks.

A re-assessment of the options in the December 2002 Funding and Service Strategy letter reports is required in order to finalize 2003/04 AOAs in light of these facts. BC Transit staff will work with you to accomplish this.

A handwritten signature in black ink, appearing to read "Stewart", with a long horizontal flourish extending to the right.



REGIONAL DISTRICT OF NANAIMO	
MAR - 3 2003	
CHAIR	GMCS
CAO	GMDS
CMCS	GMES
<i>David Carr</i>	
Ref: 93804	

FEB 27 2003

Joe Stanhope, Chair
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo BC V9T 6N2

Dear Mr. *Joe* Stanhope:

As a result of the incorporation of the new Lantzville municipality, a decision is needed about the remainder of Electoral Area D. I am writing to ask for the Board's views on this subject.

The following items are useful background for consideration of the Regional District's electoral area structure:

- the estimated population of the Lantzville municipality is 3,600;
- a population of about 1,260 is located in the remainder of Electoral Area D;
- the population of the smallest electoral area is 1,167 in Electoral Area C;
- the other electoral areas range in population from 3,179 to 7,041; and
- the voting unit for the Regional District of Nanaimo is 2,500.

The application of the principle of representation by population is achieved in regional districts in two ways. First, the number of votes assigned to directors is a function of population and the voting unit. This is a fundamental basis for regional district representation. Second, since each electoral area has one director, the extent of the variation among electoral area populations is important. Generally, the smaller the variation, the more closely the principle is followed.

In reviewing the Electoral Area D situation in this context, I believe there is a clear opportunity to apply these considerations. The remaining portion of Electoral Area C and Electoral Area D would be the two least populated electoral areas. Significantly, the remainder of Electoral Area D is located adjacent to Electoral Area C. As a result, the opportunity exists to combine them into one electoral area. If this change is implemented, the new electoral area would still have the least population.

.../2

Joe Stanhope, Chair


Page 2

I suggest that Electoral Areas C and D should be combined. If the Board agrees with this approach, there is the question of timing. It would be possible to implement the combined electoral area immediately upon the Lantzville incorporation date. However, this raises the question of whether or not there should be a by-election for the position of director of the new electoral area. Alternatively, and perhaps more practically, the combined electoral area could be implemented in conjunction with the next general local election.

Ministry staff is available to review the detailed consideration of this matter with your administration, if desired. Derek Trimmer, Director, Local Government Structure Branch, is the Ministry contact (phone: 250-387-4058; or e-mail: derek.trimmer@gems8.gov.bc.ca.)

I look forward to hearing the Board's views on this matter.

Sincerely,



George Abbott
Minister

pc: Honourable Judith Reid, MLA, Nanaimo-Parksville
Mike Hunter, MLA, Nanaimo

February 21, 2003

BY EMAIL

Distribution List

Dear Sir/Madam:

Re: Rights-of-Way and Rest Area Commercialization

I am writing to advise you of the Ministry of Transportation's program to make business opportunities available within rest areas, pullouts and other highway rights-of-way.

Motorists have been requesting improved roadside services. Numerous requests have been received from the public asking for opportunities to provide services within the rights-of-way. Transportation authorities acknowledge that rest areas are an integral part of the highway system and contribute not only to motorists' travel enjoyment, but also to safety by encouraging greater use of pullout facilities.

In May 2002, Bill 54, Miscellaneous Statutes Amendment Act (No. 2) enabled the commercialization of highway rights-of-way. Permitting commercialization will provide more amenities for drivers and encourage them to stop more frequently for rest breaks. The business opportunities offered will generate revenue and/or provide maintenance services to assist with the cost of providing rest area facilities for the public.

Late last year, in conjunction with a Rest Area Business Plan Study, a number of candidate rest area locations were identified as being suitable for small and large-scale commercial activities. Initial implementation is aimed at accommodating smaller vending and service concessions; however, the ministry is also pursuing large-scale opportunities, and is prepared to consider different approaches and ideas for all sites.

In March, the ministry will be placing Requests for Proposals (RFPs) in local newspapers and on the BC Bid Web site, with the intention of providing services this coming summer season. I believe this initiative can be very positive both for the ministry and for partners wishing to participate. In particular, there is good opportunity to promote area tourism through rest areas serving as gateway 'ambassadors' to communities in the vicinity.

Following is a list of candidate rest area locations in the central island area:

Site	Route	location
Nanoose Bay	Highway #19	9 km's north of Nanaimo
Taylor River	Highway #4	37 km's west of Port Alberni
Cassidy	Highway #1	14 km's south of Nanaimo

Other locations may be considered. Based on the interest expressed and successes of this first phase, more opportunities may be offered in 2004/05, and potentially larger commercial offerings explored.

For more information and clarification, please contact Dave Dick, Area Manager at (250)724-9295.

Yours truly,

Peter Wightman, P.Eng.
Operations Manager
e-mail: peter.wightman@gems8.gov.bc.ca
PW/dd



REGIONAL DISTRICT OF NANAIMO	
JAN 22 2003	
CHAIR	GM CrS
CAD	GM DS
GM CrS	GM ES

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: January 16 2003

FROM: Mike Donnelly
Manager of Transportation Services

FILE: 8620-30

SUBJECT: Transit Business Plan Update 2003 – 2005
Terms of Reference

PURPOSE

To bring forward the Transit Business Plan Update Terms of Reference for the Board's approval.

BACKGROUND

The Transit Business Plan for the Regional District of Nanaimo was developed in 1997-98 to provide guidance in the development of the system for both Transit and HandyDART. The Plan was developed with the assistance of BC Transit planning staff under the direction of the Transit Committee at that time. It was intended that the Plan should be updated from time-to-time during its lifespan to ensure that any new information on key markets or changes in service trends would be recognized and planned for. The last update and update of the Transit Business Plan took place in 2001.

Since the approval of the Plan in 1998 a number of initiatives have been brought forward that have greatly assisted in providing enhanced service to the public. Response to the changes in service has had a positive impact on the system with a resultant steady growth in ridership. The update will summarize those improvements and their impacts.

This update will work within the context of the funding cap for BC Transit. This funding cap is in place until 2005 and, as such, will impact short-term service delivery in the community. The focus of the update will be concentrated on the impact on the Plan during that period and the outcomes with respect to service adjustments that can be anticipated.

Terms of Reference for the update project are attached. They provide for a Select Committee of the Board to be established to guide the project over the next five months. The Committee will review working papers on a number of topics, establish service priorities and plan directions, assist with the design of the public consultation process and provide perspectives for the development of the final report. Membership on the Committee is proposed to include a selection of Directors from the areas of the region served by Transit, as determined by the Board Chairman.

The timeline includes planning, development and public input stages as part of the process. The Regional District Board will be provided with updates during the process and will be asked to approve the final Transit Business Plan Update in May. Once approved, proposed service changes will be put into place in June of 2003.

Key components of the public input process will include open house sessions, contact with major stakeholders providing the opportunity for input, information via the Transit web site and consultation and updates to municipal councils as required.

ALTERNATIVES

1. Approve the Transit Business Plan Update Terms of Reference.
2. Do not approve the Transit Business Plan Update Terms of Reference.
3. Approve the Transit Business Plan Update Terms of Reference with modifications.

FINANCIAL IMPLICATIONS

There are no direct financial implications with respect to the update. Any service delivery adjustments that come out of the update that are outside of those costs included in the 2003 Provisional Budget will be brought forward to the Board for approval.

CITIZEN IMPLICATIONS

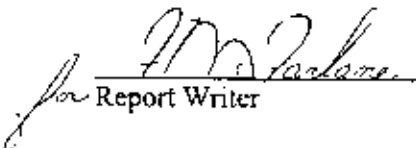
Past calls for public input on Transit issues have been supported by Transit users and non-users alike and we would anticipate a similar level of input in this process. Public meetings to discuss possible service adjustments will be important. They will provide public perspectives that can be taken into account in the final planning for service adjustments.

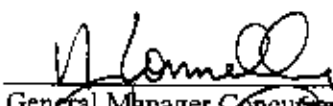
SUMMARY/CONCLUSIONS

The Terms of Reference for the Transit Business Plan Update are attached. The Terms of Reference outline the process by which an update of the Transit Business Plan will take place. They also provide for the formation of a Select Committee of the Board to guide the project. The Committee is proposed to include Board Director representation from the various Transit service areas with final membership appointments to be made by the Board Chairperson. With the approval of the Terms of Reference, staff will move forward on the update over the next five months.

RECOMMENDATIONS

1. That the Terms of Reference for the Transit Business Plan Update - 2003 to 2005 be approved.
2. That appointments to the Select Committee for the Transit Business Plan Update be made by the Board Chairman.


Report Writer


General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

TRANSIT BUSINESS PLAN UPDATE - 2003 TO 2005

TERMS OF REFERENCE

1.0 INTRODUCTION & BACKGROUND

The Transit Business Plan for the Regional District of Nanaimo was developed in 1998 establishing the basis on which Transit and HandyDART services would be provided in the region. The plan was updated in 2001 and some modifications were made to the document at that time. A number of improvements and actions included in that document have been carried out or have been met over the last two years.

The focus will be to review the plans accomplishments, update the key performance indicators and to bring forward suggested service areas that may be subject to adjustments. The review will essentially provide direction for 2003 service delivery adjustments and a general approach to service delivery until 2005 at which time BC Transit intends to have established a new funding formula and governance model.

2.0 OBJECTIVE

To update the Transit Business Plan for the period 2003 to 2005 at which time BC Transit intends to have new Transit funding and governance models in place.

3.0 PLAN APPROACH

The Transit Business Plan update will be focused on the period from 2003 to 2005. It will review the past performance of the Transit system, develop new Key Performance Indicators (KPI's) where necessary and will present scenarios for service adjustments.

The update will be developed as a series of working papers, each addressing a different component of the plan, which will then be incorporated into the Transit Business Plan. The public will be consulted as part of this update through meetings, invitations to participate to key stakeholders, information access and input opportunities provided on the Transit web site and updates to municipal councils.

4.0 PLAN PARTICIPANTS

BC Transit and Regional District Staff

Staff will coordinate the Business Plan Update process and prepare the Plan. BC Transit staff will conduct necessary background research, prepare working papers, and develop the plans. RDN staff will liaise with the Transit Committee and the RDN Board and coordinate the public involvement process. Both BC Transit and the RDN staff will be involved in the detailed planning and scheduling of the service proposals.

Transit Committee

A Board Select Committee, comprised of Directors representing the Transit service areas, will be established to provide direction for the Transit Business Plan update.

The Committee will meet approximately three times between February and May to review working papers on the history of Plan implementation to 2003, the Transit outlook for 2003 to 2005, updates to the key performance indicators, and service adjustment and delivery options. Plan preparation will be guided by the Committee who will also have a role in providing assistance and direction in the development of the public involvement component of the plan process.

Regional District Board

The Regional District Board will be provided with updates during the process and will be asked to approve the final Transit Business Plan Update in May.

5.0 PLAN OUTLINE & PROCESS

Review of the Transit Business Plan Implementation To Date

Implementation of the Transit Business Plan will be reviewed. This will compare the proposals outlined in the Business Plan with those Transit service improvements and supporting strategies, which have been implemented to date. The conceptual plans forwarded to the Board in 2002 for new service in both Gabriola Island and the greater Cedar area will be incorporated into the final document.

Transit Outlook 2003-2005

This activity will focus on the next two years of service delivery. The review will focus on the financial and subsequent service impacts due to the cap in funding.

Update Key Performance Indicators

This review will look at Key Performance Indicator measures for the Regional Transit System. The planned objectives will be reviewed and updated as required.

Develop Service Adjustment Scenarios

A listing of specific service adjustments will be developed. This list will be used in the event that further service adjustments are required as a result of the BC Transit funding cap. Public input on that list will be important in order to gain the users perspective in relation to any service changes.

Alternate Service Options

The provision of service utilizing alternate service delivery models will be discussed in this section. Primarily models that would provide appropriate service at reduced costs will be outlined and areas identified where implementation would benefit the community.

6.0 TIME LINE

February - March 2003	Working papers development and review.
March - April 2003	Public input and review.
May 2003	Board Approval of Transit Business Plan Update
June 2003	Implementation of service adjustments.



REGIONAL DISTRICT OF NANAIMO		
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210-01

MEMORANDUM

TO: Neil Connelly
General Manager - Community Services

DATE: January 15, 2003

FROM: Mike Donnelly
Manager of Transportation Services

FILE:

SUBJECT: Evaluation Report - Take 5 Express
Malaspina University-College / Downtown Nanaimo

PURPOSE

To evaluate and provide recommendations on the Fall / 2002 Malaspina University College to downtown Nanaimo Take 5 Express Transit route.

BACKGROUND

At the regular Board meeting of August 13, 2002 the following resolutions were passed.

That Nanaimo Regional Transit provide a shuttle between downtown Nanaimo and Malaspina University-College from August 16th to December 20th 2002.

That the marketing costs for the development of this shuttle will primarily be the responsibility of the Downtown Nanaimo Partnership.

These resolutions were in response to the Downtown Nanaimo Partnership's (DNP) promotion of a more direct Transit linkage to the downtown area from the Malaspina University-College campus. This linkage was seen to be an important component in creating a more livable and vibrant downtown core. The DNP suggested that the increased service should be through the Fitzwilliam Street corridor to achieve the best results. A strong link between the two centres is supported in the Transit Business Plan.

The Take 5 Express was brought into service on September 6, 2002 and has run every Friday between 10 am and 2 pm since that time. The Friday only service ended on December 20, 2002 and then was resumed again on January 10, 2003 and will continue until such time as further Board direction is given. The DNP provided the marketing funds for the Take 5 Express and are willing to continue with marketing support should the service continue.

The evaluation of the Take 5 Express was achieved through ridership counts for each day of service, three on-board surveys, review of the data by RDN and BC Transit staff and on-board interviews with users.

Ridership on the Take 5 Express has averaged at 22.5 rides per hour. This represents a slight increase over the Transit system average of 21.8 rides per hour. Results of questionnaires distributed on three different occasions tell us that users are primarily young students (19-25) who use Transit for most or all

of their transportation needs, utilize direct routes where possible and carry monthly passes. Further conclusions that can be drawn from the questionnaire suggest the following.

- Primary usage was by the student community.
- Users find the service convenient and direct.
- The additional service has not proven to be a significant attractor of additional ridership but rather tends to improve serve to the existing student market.

On-board discussions with users indicate that they see the service as useful in that it is more direct. Students expressed satisfaction with the more direct link between the downtown and Malaspina University College. Students also suggested timing improvements that would help improve the Take 5 Express service. Feedback regarding the existing routing for the Express suggested it was appropriate and did not require any modification.

As discussed in August and in the Fall during the 2003 Provisional Budget development process, arrangements were made to continue the service for the second semester pending the Board's consideration of the evaluation report in January 2003.

ALTERNATIVES

1. Discontinue the Take 5 Express as of April 18, 2003.
2. Continue the Friday only Take 5 Express as part of regular annual service.
3. Expand the Take 5 Express to Monday to Friday beginning in the Spring of 2003.

FINANCIAL IMPLICATIONS

1. The program cost currently runs at \$325 for every day of service. This allows for five hours of staff and equipment time at \$65 per hour. Stopping the service in April would result in a total annual cost (January to April) of \$4,875.
2. The budget impact for 2003 would equal \$16,900. This would allow for service every Friday throughout the year. Due to the service being provided only one day per week it is not possible integrate the runs into the system. There is a resulting inefficiency resulting from down time for operators and equipment. Service adjustments in the Transit system would be explored to mitigate this cost.
3. Expansion of the Take 5 Express to a full 5 days per week would allow for significant improvements in efficiency given that the runs could be scheduled into the overall system. Regional Transit currently operates at an average of 90% efficiency overall. The current method of providing the service on Fridays only is inefficient and as a result more costly. For a full week (Monday to Friday) of service the annual cost would be approximately \$31,600. Service adjustments in the Transit system would be required to mitigate this cost.

CITIZEN IMPLICATIONS

1. The Take 5 Express has proven to be popular with students at Malaspina University College. While initial indications do not show a significant increase in ridership there has been a marked movement

of riders from the other routes to the Take 5 on Fridays. Students have come accustomed to using the service on Fridays as it improves their travel time and provides for more options when making connections between downtown Nanaimo and MUC. The discontinuation of the service would be a setback for those students and would be seen as regressive with respect to our service provision between these two centres.

2. Continuation of the Take 5 Express on Fridays would be seen as a positive move. Students understand the funding difficulties associated with the service and, while making it clear weekly service would be better, they understand funding limitations.
3. The expansion of this program would work very well for students of MUC. The ridership numbers and comments both indicate that the route provides enhanced service for that group. While ridership did not grow significantly during September to December there is confidence that it will grow should the service be secured for either Fridays only or weekly service. This option would require service adjustments in the system to allow for necessary resources to provide this level of service. In order to accommodate this service, modifications to the regular #5 Fairview and #12 Dover Connector will be made. Those changes will focus on under performing runs in those areas that will not impact large numbers of riders.

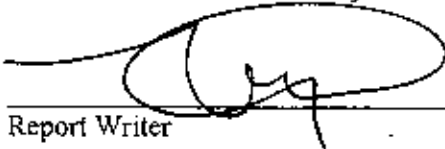
SUMMARY/CONCLUSIONS

The Take 5 Express between downtown Nanaimo and Malaspina University College has run every Friday from September 6th to December 20, 2002. Ridership per hour has averaged at slightly higher than the system average showing good use. On-board interviews and questionnaires were carried out to determine the effectiveness of the Take 5 Express with the resulting feedback showing that it is well used and appreciated by the student body of MUC. While there was not a significant growth of new users from MUC during that period it was felt that a fully operational link between the two centres would eventually grow ridership.

Malaspina University-College holds the highest concentration of committed and potential Transit users in the region. By providing more direct and frequent service between MUC and the downtown, a major Transit destination, ridership has a greater potential for growth. Full annual weekday service utilizing the frequency and routing of the Take 5 Express will work towards that goal.

RECOMMENDATION

That the Take 5 Express be expanded to Monday to Friday beginning in the Spring of 2003 as part of an overall service review and adjustment scheduled for 2003.


Report Writer


General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 25, 2003, AT 7:00 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann Alternate	Electoral Area F
Director M. Klee	Electoral Area G
Director D. Bartram Alternate	Electoral Area H
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

DELEGATIONS

Brian Coath, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

Mr. Coath, representing the Electoral Area 'G' Parks and Open Space Advisory Committee, advised that any considered modifications of the original dedicated park proposal by the applicant should be such that concerns raised at the public information meeting are thoroughly addressed.

Lyle Hollingworth, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

Mr. Hollingworth raised his concerns with respect to the proposed request for land exchange and provided a number of recommendations for the Board's consideration.

MOVED Director Haime, SECONDED Director Bartram, that the following late delegations be permitted to address the Committee.

CARRIED

Helen Sims, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsens & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

Ms. Sims provided a short history of the park as well as an update with respect to the applicant's proposal for land exchange in order to better facilitate the subdivision layout. It was also noted that the applicant will assist with the construction of a pathway through the park land.

Richard Dean, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

Mr. Dean noted the concerns that were raised by area residents during a neighbourhood canvas undertaken by the French Creek Residents Association which included retention of healthy trees, protection of native plants, park access and any proposal to trade any portion of the park for park access.

MINUTES

MOVED Director Haime, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held January 28, 2002 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Thomas McArthur, French Creek Residents Association, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from the French Creek Residents Association with respect to Fern Road Consulting Limited's request for land exchange, be received.

CARRIED

Dennis & Anita Lawrence, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from Dennis and Anita Lawrence with respect to the subdivision proposal for the land legally described as Remainder of Lot 1, DL 49, Nanoose District, Plan 19351, be received.

CARRIED

Hawthorne Rise Area Residents, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from the Hawthorne Rise Area Residents with respect to the parkland contained within the proposed development in the French Creek area, be received.

CARRIED

David & Ros Ross, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from David and Ros Ross with respect to the application for an exchange of land for property legally described as the Remainder of Lot 1, DL 49, Nanoose LD, Plan 19351, be received.

CARRIED

Gareth Rees, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from Gareth Rees with respect to the proposed changes to the boundary of the existing park located in the St. Evar subdivision, be received.

CARRIED

R.A. and Anna K. Bloxham, re Request for Land Exchange – Fern Road Consulting Ltd. on behalf of R & L Todsen & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence received from R.A. and Anna Bloxham with respect to the proposed park boundary changes requested by the developer for the land legally described as Lot 1, District Lot 49, Nanoose District, Plan 19351, be received.

CARRIED

UNFINISHED BUSINESS

DP Application No. 0301 – Juthans/Murphy – 5489 Deep Bay Drive – Area H.

MOVED Director Bartram, SECONDED Director Bibby, that Development Permit Application No. 0301, submitted by Sven Juthans and Colleen Murphy, for the property legally described as Lot 39, District Lot 1, Newcastle District, Plan 20442, requesting to:

1. Vary the minimum setback for the front lot line
 - a) From 8.0 metres to 3.3 metres to accommodate the existing garage and courtyard.
 - b) From 8.0 metres to 0.0 metres to accommodate the existing woodshed.
2. Vary the eastern interior lot line setback
 - a) From 2.0 metres to 1.2 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 2.0 metres to 0.0 metres to accommodate the existing woodshed.
3. Vary the minimum setback requirement from the natural boundary
 - a) From 15 metres to 6.9 metres to accommodate the existing workshop at the rear of the parcel.
 - b) From 15 metres to 4.5 metres to accommodate the existing retaining wall.
 - c) From 15 metres to 9.6 metres to allow for the placement of a hot tub structure within the development permit area.

be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0303 – Haylock Bros./Sims – Melrose Road – Area G.

MOVED Director Klee, SECONDED Director Haime,:

1. That the minutes from the Public Information Meeting be received.
2. That Amendment Application No. 0303 submitted by Haylock Bros. to rezone a 15.2 ha portion of the property legally described as Lot 9, Section 12, Range 7, Cranberry District, Plan 27070 from Rural 1 (RU1) to Resource Management 1 (RM1) be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2002" proceed to Public Hearing.

4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.290, 2002" be delegated to Director Stanhope or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0305 – Thiessen & Marshall/Kyler – 1272 Seadog Road – Area E.

MOVED Director Bibby, SECONDED Director Bartram, that Development Permit Application No. 0305, submitted by Ken Kyler on behalf of Thiessen and Marshall to permit the construction of a stormwater drain pipe within the Watercourse Protection Development Permit Area on the property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

CARRIED

DP Application No. 0306 – Yorke/Rowland – 1435 Private Road – Area G.

MOVED Director Klee, SECONDED Director Haime, that Development Permit Application No. 0306, submitted by Yorke/Rowland to facilitate the construction of a single residential dwelling unit, retention wall and drainage rock pit, on the property legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785 be approved subject to the requirements outlined in Schedules No. 1, 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 0303 – Buchanan – 5012 Seaview Drive – Area H.

MOVED Director Bartram, SECONDED Director Bibby, that Development Variance Permit Application No. 0303, submitted by Susan Buchanan, to facilitate the construction of a dwelling unit and vary the minimum permitted setbacks within a Residential 2 (RS2) zone from 8.0 metres to 5.36 metres for the front lot line, from 5.0 metres to 3.81 metres for an other lot line located along Seaview Drive, and from 18.0 metres from a stream centerline to 6.58 metres from a stream centerline for setbacks from a watercourse for the property legally described as Lot 22, District Lot 28, Newcastle District, Plan 22249, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0304 – Melvyn– Seaview Drive – Area H.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Variance Permit Application No. 0304, submitted by Fern Road Consulting, Agent, on behalf of Anthony Melvyn, to facilitate the development of a single dwelling unit and to legalize the existing rip rap retaining wall within a Residential 2 (RS2) zone by varying the minimum permitted setback to an interior side lot line from 2.0 metres to 0.0 metres, and to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres for the retaining wall and 10.5 metres for the dwelling unit, and to vary the maximum permitted height of a dwelling unit from 8.0 metres to that height required to accommodate an 8.0 metre dwelling unit, as measured from the existing fill grade as set out in Schedule No. 1, for the property legally described as Lot 3, District Lot 28, Newcastle District, Plan 22249, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

CARRIED

DVP Application No. 0305 – H & F Ventures Ltd. – 2980 Matthew Road – Area E.

MOVED Director Bibby, SECONDED Director Bartram, that Development Variance Permit Application No. 0305, submitted by Norman Evans, agent on behalf of H & F Ventures Ltd., to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Rural 5 (RU5) zone from 9.0 metres to 13.0 metres for the property legally described as Lot 12, Block 668, Nanoose Land District, Plan VIP62598, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 0306 – Balance – 2830 Benson View Road – Area D.

MOVED Director Haime, SECONDED Director Klee, that Development Variance Permit Application No. 0306 by Stanley Neville Balance to vary the 'all lot lines' setback requirement from 8.0 metres to 4.0 metres for the west interior side lot line to allow for the construction of a two-car garage with loft for the property legally described as Lot 8, Sections 9 and 10, Range 4, Mountain District, Plan 36191 be approved, subject to Schedules No. 1, 2 and 3 and to the notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Cash in Lieu of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement – WR Hutchinson, BCLS on Behalf of A. Cochran & J. Radzuil – Greive Road – Area A.

MOVED Director Kreiberg, SECONDED Director Haime, that the requests, submitted by WR Hutchinson, BCLS, on behalf of James Radzuil and Agnes Cochran, for cash in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 5, 6, 7 and 13, as shown on the plan of subdivision of Lot 7 & 8, Section 12, Range 2, Cedar District, Plan VIP53334, be approved.

CARRIED

OTHER

Request for Park Land Exchange – Fern Road Consulting Ltd. on Behalf of R & L Todsén & McTay Holdings Ltd. – Hawthorne Rise & White Pine Way – Area G.

MOVED Director Klee, SECONDED Director Haime, that the Electoral Area 'G' Parks and Open Space Advisory Committee be requested to provide further comments and recommendations on the revised park land exchange proposal as suggested by staff prior to the March 11, 2003 Board meeting.

CARRIED

ADJOURNMENT

MOVED Director Haime, SECONDED Director Biggemann, that this meeting terminate.

CARRIED

TIME: 7:28 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, FEBRUARY 25, 2003, AT 7:45 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director L. McNabb Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann Alternate	Electoral Area F
Director M. Klee	Electoral Area G
Director D. Bartram	Electoral Area H
Director R. Longmuir Alternate	City of Parksville
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director R. Cantelon Alternate	City of Nanaimo
Director J. Manhas Alternate	City of Nanaimo
Director D. Tyndall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

DELEGATIONS

Charles Thirkill, Nanaimo Field Naturalists, re Mt. Benson.

Mr. Thirkill provided a slide presentation showing the attributes of Mount Benson, and urged the Board to protect this area as a community resource.

MOVED Director Cantelon, SECONDED Director Sherry, that the following late delegations be permitted to address the Committee.

CARRIED

Chuck Rowe, Executive Director, Vancouver Island Health Authority, re Cost Sharing in Maternity Wing Renovations at Nanaimo Regional General Hospital.

Mr. Rowe provided information with respect to an alternate proposal for the maternity wing renovations which would propose a separate building for maternity at an additional cost of \$1.4 million dollars. The Vancouver Island Health Authority is requesting that the Board consider this change and approve cost sharing in the project.

MOVED Director Cantelon, SECONDED Director Sherry, that the delegation be received.

CARRIED

Jack Ferrero, re Transit.

Mr. Ferrero stressed the need for transit service in the Nanaimo and Cedar areas and urged the Board not to reduce transit service in an effort to balance the District 68 transit budget.

MOVED Director Cantelon, SECONDED Director Sherry, that the delegation be received.

CARRIED

PRESENTATION

Anne Currie & Gary Alexander, Environmental Assessment Office, re BC Hydro Vancouver Island Generation Project Review at Duke Point.

Ms. Currie and Mr. Alexander provided a verbal update on the BC Hydro Vancouver Island Generation project review being undertaken by the Environmental Assessment Office.

MOVED Director Haime, SECONDED Director Cantelon, that the presentation be received.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the Committee of the Whole meeting held on January 28, 2003, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Rich Coleman, Solicitor General, re Police Financing in Municipalities Under 5,000 Population and Unincorporated Areas.

MOVED Director Sherry, SECONDED Director Hamilton, that the correspondence received from Solicitor General Rich Coleman with respect to an update on the restructuring of police financing in municipalities under 5,000 population and unincorporated areas, be received.

CARRIED

UNFINISHED BUSINESS

From the meeting of the Committee of the Whole held January 28, 2003.

Watershed & Drinking Water Protection Initiatives.

MOVED Director Bartram, SECONDED Director Sherry, that the Board support completion of the previously approved hydrogeological study for the Englishman River and French Creek watersheds and proceed with establishing a project terms of reference and cost for a drinking water protection plan for the Arrowsmith watersheds.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that the Board direct staff to work with the municipalities and electoral areas to further explore the establishment of a Development Permit Area over all or parts of the Regional District and prepare a report outlining the pros, cons and implications of this approach, and areas that should be considered for DPA designation.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry,:

1. That the Board direct staff to initiate the process to establish a regional function and service District 68 and District 69 areas for watershed protection initiatives.
2. That the Board direct that a Watershed and Drinking Water Protection Standing Committee be formed and terms of reference be written.
3. That the Board direct staff to develop a range of options and cost requirements for watershed and drinking water protection awareness and education in cooperation with the Province, Municipalities, Electoral Areas and Improvement Districts/District Water Boards.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that the Board await legislative direction from the province regarding new drinking water protection requirements and at that time broaden the function as required.

CARRIED

MOVED Director Bartram, SECONDED Director Haime, that, as groundwater legislation is an important aspect of groundwater and drinking water protection, the Board advance the following resolution to AVICC:

WHEREAS the provincial government has developed an Action Plan for Safe Drinking water in British Columbia that commits to the development of groundwater protection legislation;

AND WHEREAS groundwater protection, legislation and regulation is a priority for all areas of British Columbia, is of multi-jurisdictional interest and does not conform to political or local government boundaries;

THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island Coastal Communities express to the Province its support for new groundwater protection legislation and further that the province must provide the resources and initiative to implement its legislative responsibility and authority for the Province's groundwater resource.

CARRIED

COMMUNITY SERVICES

RECREATION AND PARKS

Purchase of Old Errington School - Area F.

MOVED Director Biggemann, SECONDED Director Cantelon, that the Regional District obtain an independent, comprehensive assessment of the old Errington School building, to identify the state of the building and all building deficiencies and the estimated cost of the work required to fix the identified deficiencies to a recognized standard, before making a decision to enter into an agreement with School District No. 69 to purchase the school.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Growth Strategy Function – Electoral Area ‘B’ Participation.

MOVED Director Lund, SECONDED Director Hamilton, that Electoral Area ‘B’ be excluded from the Regional Growth Strategy function.

CARRIED

Regional Growth Management Plan Review – Completion Phase – Terms of Reference and Consultation Plan.

MOVED Director Haime, SECONDED Director Hamilton, that the Terms of Reference and Consultation Plan for the Growth Management Plan Review Completion Phase be approved as amended to change the projected dates for referral of the RGS bylaw from “May 1st” to “October 1, 2003” and third reading of the RGS bylaw to “October 14, 2003”, as an amendment to the original terms of reference approved for the project in January of 2001.

CARRIED

TRANSIT

2003 District 68 Transit Budget Issues.

MOVED Director Sherry, SECONDED Director Haime, that the 2003 District 68 Transit budget issues be accommodated with a combination of Transit service adjustments for March as outlined in Schedule ‘A’, projected June service reductions and a tax requisition increase and offset to be finalized as part of the annual budget process.

CARRIED

CORPORATE SERVICES

HOSPITAL

Cost Sharing in Maternity Wing Renovations at Nanaimo Regional General Hospital.

MOVED Director Holdom, SECONDED Director Cantelon, that the Regional Hospital District Board decline to cost share in a change to the design and location of the maternity ward in relation to the Phase II project at Nanaimo Regional General Hospital.

CARRIED

2003 Capital Requests from the Vancouver Island Health Authority.

MOVED Director Holdom, SECONDED Director Cantelon,:

1. That the 2003 Hospital District budget not be amended to provide for further equipment grants or cost sharing in capital equipment in 2003.
2. That a committee of the Board be delegated to examine the longer term implications of capital equipment funding for VIHA.

CARRIED

MOVED Director Holdom, SECONDED Director Cantelon, that given the basic principle that no taxation should occur without representation, the Board direct staff to investigate the most effective means by which the RDN may represent the interests of its residents on the agencies governing the NRGH and report back to the Board within one month.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

The Chairperson noted that the following filing has been resolved:

Lot 4, Block 471, Nanoose District, Plan 43434, 6696 Harwood Drive, Electoral Area 'D', owned by R. and L. Dolan.

ENVIRONMENTAL SERVICES

LIQUID WASTE

BC Hydro Power Smart Partner Program.

MOVED Director Sherry, SECONDED Director Cantelon, that the Board support RDN participation in the BC Hydro Power Smart Partner Program and direct staff to execute the BC Hydro Power Smart Partner Program Agreement with BC Hydro.

CARRIED

Greater Nanaimo Pollution Control Center Headworks Upgrade – Tender Award.

MOVED Director Sherry, SECONDED Director Cantelon, that the Regional District of Nanaimo award supply of influent screens for the GNPCC Headworks upgrade for the tendered amount of \$308,736.00 to Waste Tech Inc.

CARRIED

Madrona/Wall Beach Sewer Pre-Design Study.

MOVED Director Sherry, SECONDED Director Bibby, that the Board approve using existing feasibility study funds available to supplement the \$10,000 Infrastructure Planning Grant for a sewer pre-design study for the Madrona/Wall Beach area.

CARRIED

Director Lund left the meeting.

Northern Community Sewer LSA DCC Expenditure Amendment Bylaw No. 1328.

MOVED Director Sherry, SECONDED Director Cantelon, that "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1328.01, 2003", which will release \$250,000 to complete the Bay Avenue and trickling filter pump upgrades, be introduced and given three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Cantelon, that "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Amendment Bylaw No. 1328.01, 2003" be adopted.

CARRIED

SOLID WASTE

Regional Landfill Surface and Groundwater Monitoring Program – Contract Extension.

MOVED Director Sherry, SECONDED Director Hamilton, that the Board extend the contract with Morrow Environmental Consultants for the regional landfill surface and groundwater monitoring program for an additional two year period.

CARRIED

COMMISSION, ADVISORY AND SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Cantelon, SECONDED Director Bartram, that the minutes of the District 69 Recreation Commission meeting held February 13, 2003, be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, that the Board endorse the following:

Community Grants:

Arrowsmith Cricket and Sports Association – score board (funds to be matched by the club)	\$	500
Errington Therapeutic Riding Association – operating costs	\$	2,500
Mid-Island Wildlife Watch Society – Brant Festival insurance	\$	1,000

Youth Grants

Ballenas Dry Grad Committee – insurance and advertising	\$	800
Fuzion Youth Centre – start up costs & initial operating cost	\$	2,500
Nanoose Bay Elementary PAC – outdoor education trip (funds to be matched by PAC groups)	\$	1,000
V.I. Adrenalin Games – equipment rentals	\$	1,500
Vicious Vacant Productions – Jan and Feb 2003 event cost	\$	825

That the Regional District of Nanaimo Board initiate a facility-naming contest for the Arena Multiplex, establish a Facility Naming Sub-committee appointed by the District 69 Recreation Commission consisting of five Commissioners, and issue a Request for Proposal for selling the name rights for Rinks 1 and 2, Leisure Ice Sheet and the Multipurpose Room. In addition, contest entries may include a suggested logo with the suggested name.

That the revenue-sharing program for arena advertising in the Arena Multiplex includes a revenue split of 30% for a sales representative, 20% for Oceanside Minor Hockey, 20% for the Junior 'B' Generals, 10% for the Sandy Shores Skating Club and 20% for the Regional District, be approved.

CARRIED

Lantzville Parks & Open Space Advisory Committee.

MOVED Director Haime, SECONDED Director Sherry, that the minutes of the Lantzville Parks & Open Space Advisory Committee meeting held December 2, 2002, be received for information.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Tyndall, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held October 21, 2002 and February 5, 2003, be received for information.

CARRIED

Electoral Area 'A' Parks & Green Spaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meetings held January 16, 2003 and February 6, 2003, be received for information.

CARRIED

Electoral Area 'G' Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Tyndall, that the minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee meetings held October 3, 2002 and January 16, 2003, be received for information.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Hamilton, that this meeting terminate.

CARRIED

TIME: 9:25 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
MAR - 3 2003	
CHAIR	GMCrs
CAO	GMDS
GMCS	GMES

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: March 3, 2003

FROM: C. Mason
General Manager, Corporate Services

FILE:

SUBJECT: Electoral Area 'A' By-Election

PURPOSE:

To appoint a Chief Election Officer and Deputy Chief Election Officer and to advise the Board of the date to undertake a by-election in Electoral Area 'A'.

BACKGROUND:

Pursuant to s.37(1)(a) of the Local Government Act, the Regional District must initiate a by-election to fill the vacancy for the position of Electoral Area 'A' Director. A by-election must be held within 80 days of the appointment of the Chief Election Officer; May 31st has been identified as the preferred date for running this election.

ALTERNATIVES:

1. That Carol Mason, General Manager, Corporate Services, be appointed as the Chief Election Officer and Maureen Pearse, Manager of Administrative Services, be appointed as the Deputy Chief Election Officer for the purpose of the Electoral Area 'A' by-election.
2. That the Board contract externally for the services of Chief Election Officer and/or Deputy Chief Election Officer.

FINANCIAL IMPLICATIONS:

The cost of running a by-election in Electoral Area 'A' will be approximately \$10,000. The 2003 Electoral Areas annual budget will require an amendment to add this amount to undertake the by-election. Additional costs would be required if the Board wished to externally contract the services of Chief Election Officer.

SUMMARY:

With the passing away of Director Laurence Elliott on February 27, 2003, there is a requirement under the Local Government Act to hold a by-election to fill this office. Staff are recommending that the by-election be held on May 31, 2003.

RECOMMENDATION:

That, effective March 14, 2003, Carol Mason, General Manager, Corporate Services, be appointed as the Chief Election Officer and Maureen Pearse, Manager of Administrative Services, be appointed as the Deputy Chief Election Officer for the purpose of conducting the Electoral Area 'A' By-Election to be held on May 31, 2003.



Report Writer



C.A.O. Concurrence

COMMENTS:

Rpt re Electoral Area A By-Election (March 2003).doc



REGIONAL DISTRICT OF NANAIMO			
MAR - 5 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMEs	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: March 3, 2003

FROM: Stan Schopp
Manager of Inspection and Enforcement

FILE: 2320 20 2003

SUBJECT: Animal Control Contracts

PURPOSE

To consider renewal of the terms of agreement with Nanaimo Animal Shelter and District 69 SPCA to provide animal control services for the RDN.

BACKGROUND

The Regional District has been regulating control of dogs in Electoral Areas A, B, C, D, E, F, G and H since 1995. Electoral Area F has participated in a 'vicious dog only' portion of the service while the balance of Electoral Areas have a more full service arrangement that includes picking up confined or stray dogs. Electoral Areas E, G, and H also have established a dog licensing function that provides the added ability to impound unlicensed dogs and raise revenue to offset the cost of the service.

As this is a rather complex function involving specialized equipment, personnel training and an impound facility, the RDN has contracted work to two independent contractors. There are very few contractors in the area with the expertise and correct zoning and facilities to bid on the work. These particular contractors have performed the work over six years with a high degree of efficiency. In addition to requests for investigations with respect to vicious dogs, dogs at large, impounding and dog claiming, contractors answered several hundred complaints regarding barking dogs, of which 61 were referred to Bylaw Enforcement staff for follow up under our noise regulations. Parksville/Qualicum SPCA also sold the bulk of dog licenses in 2002 for a total of \$6993. The revenue from these licenses is used to reduce requisition costs for the service in Electoral Areas E, G and H.

ALTERNATIVES

1. To authorize new one-year animal control services contracts engaging the services of the Parksville-Quailicum SPCA and Nanaimo Animal Shelter Ltd. for the term from March 1, 2003 to February 28, 2004.
2. To direct staff to prepare a Request for Proposal and place the animal control contracts out to public tender.

FINANCIAL IMPLICATIONS

Both contractors have provided animal control services from 1997 to 2003 with no increase in cost to the RDN for 2002. Contractors are offering to extend the current agreement for an additional one year with an increase of 2% per annum in electoral areas A, B, C and D and approximately 2% per annum in Electoral Areas E, F, G and H according to hourly apportionments. The rental agreement for the City of Nanaimo Animal Shelter is an associated contract with the overall Nanaimo Animal Shelter Ltd. Service and is able to be renewed at the same rental charge of \$250 per month for the term of the agreement.

The year 2002 amounts for these contract services were \$44,922 for Electoral Areas A, B, C, and D and \$70,200 for Electoral Areas E, F, G, and H. Over the one year term of the contract the cost of the contract service would increase to \$45,821 for Electoral Areas A, B, C, and D and to \$71,604 for Electoral Areas E, F, G, and H.

The cost of the contract service for Electoral Area F is apportioned based on the hours of service and as part of the total amount will increase from \$6,435 to \$6,564.

Staff proposes to continue Animal Control Services in Electoral Area D until the end of December 2003 and include a bridging agreement for three months that may be utilized by the Town of Lantzville once incorporated. With this method the area will have an uninterrupted service.

SERVICE LEVEL IMPLICATIONS

Staff has reviewed the service statistics for each contractor and note that there is an increasing demand for service in relation to some aspects of the animal control bylaw. The District 69 SPCA has suggested that the level of service provided for in the contract, indicated as hours of service, may be insufficient to respond to a growing number of call and investigations. However, some of aspects of the investigation process may be able to be better managed by RDN staff, particularly in relation to the possibility of changes to the prosecution and ticketing process being considered by the Province. Therefore, staff recommend that the service be reviewed over the next year and discussed with participating Electoral Area Directors prior to proceeding with a longer- term contract.

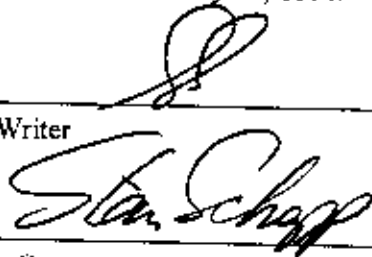
SUMMARY/CONCLUSIONS

The level of animal control services provided and delivery of that service by the contractors has been an excellent value to the RDN. Very few complaints have been received regarding the contractor's performance and staff recommends that the Board endorse the renewal of the contracts under the current conditions.

RECOMMENDATION

That the Chairperson and the General Manager of Corporate Services be authorized to sign the Animal Control Contract on behalf of the Regional District of Nanaimo to engage the services of Parksville-Qualicum SPCA and Nanaimo Animal Shelter Ltd. to provide animal control services for the term of March 1, 2003 to February 28, 2004.

Report Writer



Manager Concurrence

General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

**AGREEMENT
FOR ANIMAL CONTROL SERVICES
IN DISTRICT 68**

THIS AGREEMENT made this ____ day of _____, 2003.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(hereinafter called the "Regional District")

AND:

OF THE FIRST PART

NANAIMO ANIMAL SHELTER LIMITED
1260 Nanaimo Lakes Road
Nanaimo, BC V9R 3P4

(hereinafter called the "Contractor")

OF THE SECOND PART

WHEREAS the Regional District has agreed to engage the Contractor and the Contractor has agreed to be engaged by the Regional District in respect of the Contract as hereinafter described on the terms and conditions set out in this Agreement.

NOW THEREFORE the Regional District and the Contractor, in consideration of their mutual duties and responsibilities and in consideration of the payment to be made by the Regional District to the Contractor agree as follows:

1. CONTRACT TERM

The term of the Contract shall be twelve (12) months commencing March 1, 2003 and ending February 28, 2004 subject to earlier termination as herein provided. After February 28, 2004, the term of this Agreement shall be month to month unless the parties have otherwise agreed.

2. CONTRACTOR DUTIES - GENERAL

- (1) Operate and perform the duties and responsibilities of the Animal Control Officer on behalf of the Regional District of Nanaimo.
- (2) Pay all costs involved in the performance of the foregoing operation.
- (3) Maintain the operation of the animal control shelter.

PAGE

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- (4) Ensure that all impoundment facilities meet Veterinary Standards, including a suitable area for the impoundment of vicious dogs.
- (5) Provide for the euthanasia of animals by a veterinarian when deemed necessary.
- (6) Ensure that no animals will be released for research purposes whether alive or dead.
- (7) Arrange for veterinary care for those animals so requiring the same when impounded and will bear the costs of this if no owner can be found for the animal.
- (8) Provide all equipment necessary for the performance of its obligations under the Contract, including but not limited to motor vehicles, radio communication, and telephone communication.
- (9) Allow officers and employees of the Regional District, at all reasonable times, to access to all records, books and documents maintained by the Contractor under this Agreement.
- (10) Permit the use of its name and telephone number in all advertising of the Regional District relating to the enforcement of Animal Control Bylaw No. 1066.
- (11) Comply with all Bylaws of the Regional District, and of the municipal jurisdiction in which the Shelter is located (if applicable), and all relevant Federal and Provincial laws.
- (12) Permit the posting of a sign or signs to identify the shelter as an authorized Regional District animal shelter as it pertains to the Animal Control Bylaws.

3. CONTRACTOR DUTIES - BYLAW NO. 1066 (Electoral Areas A, B, C, & D)

- (1) Provide an animal control officer(s) to respond to complaints about the licensing and control of dogs in Electoral Areas A, B, C, and D as they relate to the enforcement of Bylaw No. 1066, for four and a half (4.5) hours per week per Electoral Area or eighteen (18) hours per week for all of the Electoral Areas.
- (2) Provide animal control officers to receive stray dogs which are turned in to the Shelter and to pick up confined stray dogs on a complaint-driven basis.
- (3) Provide portable radio communication for its employees while on patrol.
- (4) Diligently enforce the provisions of the Animal Control Bylaw No. 1066, including necessary court appearances.
- (5) Sell on behalf of the Regional District, licenses as required for Electoral Areas A, B, C and D and as authorized by Bylaw.

4. PAYMENTS, FEES AND OTHER CHARGES

- (1) Pay to the Regional District all sums charged, levied or received by the Contractor from the owners of animals pursuant to the provisions of the Bylaws, except for impound or maintenance fees.
- (2) Deposit to the Regional District of Nanaimo all fees collected on a monthly basis.
- (3) Deliver to the Regional District on or before the 15th day of every month a written statement on all matters dealt with up to and including the last day of the preceding month showing:
 - Moneys received on behalf of the Regional District.
 - The number of animals impounded.
 - The number of animals detained in the shelter, and the length of time impounded.
 - A copy of the listing of complaints received each month by Regional District Electoral Area.
- (4) Deliver to the Regional District on or before October 31st during the term of the agreement a statement of the Contractor's Revenue and Expenditures and a Statement of Animal Control activity for the period ending September 30th for the preceding six months.

5. INDEMNITY

- (1) Take out and maintain a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the performance of its covenants under this Agreement in an amount not less than \$2,000,000 per single occurrence and with the Regional District of Nanaimo named as an additional named insured, and provide a copy of such policy and any renewals thereof.
- (2) Indemnify and save harmless the Regional District from and against any and all actions, causes of actions, suits, demands, losses, costs or expenses of any nature or kind whatsoever which the Regional District may sustain, incur or be put to arising out of the neglect or otherwise of the Contractor in the performance of the covenants on its part to be performed pursuant to the terms of this Agreement.

6. AMENDMENT

The parties hereto may consent from time to time to amend the terms of the Agreement. Notice of a proposed change shall be made in writing to the other party ninety (90) days before the date upon which such amendment is to take effect, unless the notice period is waived by the consent of both the Regional District and the Contractor.

7. INDEPENDENT CONTRACTOR

- (1) Nothing herein shall constitute or be deemed or construed as constituting the

Contractor as a servant or employee of the Regional District but the Contractor shall at all times be and remain an independent contractor with the Regional District.

- (2) Nothing in the Contract will constitute a joint venture by the parties.

8. ASSIGNMENT AND SUBCONTRACTING

- (1) The Contractor will not, without the prior written consent of the Regional District, assign or subcontract this Agreement or any portion thereof.

9. OWNERSHIP OF DOCUMENTS, PROPERTY AND CONFIDENTIALITY

- (1) The Contractor shall keep proper records and books of accounts. The Regional District shall have access to the records and books of accounts at all reasonable times for such purposes as the interest of the Regional District shall require.
- (2) Any chattels owned by the Regional District and used by the Contractor pursuant to the terms of the Contract shall be maintained by the Contractor in the same condition as it was at the date of the Contract. Such chattels shall be returned to the Regional District in the state of good repair at the termination of the Contract. Similarly, any chattels missing for any reason shall be replaced forthwith with ownership in the Regional District.
- (3) The Contractor agrees to keep in strictest confidence all confidential information which the Contractors may acquire in connection with or as a result of divulge or disclose to any unauthorized third party of parties any information at any time without the prior written consent of the Regional District. The term 'confidential information' includes but is not limited to information emanating from the Regional District, its affiliates, agents, customers, either conceived or developed by the Contractor concerning research, development, patent, copyright, system and procedures.
- (4) On termination of this Agreement for any reason, the Contractor shall deliver to the Regional District all documents, notebooks, charts, files, and records relating to the provision of the Services including copies, summaries, notes in the possession or control of the Consultant.

10. DISCUSSIONS BETWEEN PARTIES

The parties hereto agree that any negotiations between the parties or amendments to the Contract will be made by the Contractor's named appointee and the Manager of Inspection and Enforcement.

11. DUTIES OF THE REGIONAL DISTRICT

- (1) Print and supply to the Contractor Violation Tickets in accordance with the Regional District of Nanaimo MII Bylaw (Municipal Ticketing authority) once this Bylaw is adopted.
- (2) Collect fines and conduct all prosecutions arising from violations of bylaws.
- (3) Advertise Animal Control related matters, as required.

**DISTRICT 69 ANIMAL CONTROL
AGREEMENT**

THIS AGREEMENT made this ____ day of _____, 2003

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(hereinafter called the "Regional District")

AND:

OF THE FIRST PART

PARKSVILLE-QUALICUM S.P.C.A.
Box 1407 - 1565 Alberni Highway
Parksville, BC V9P 2H3

(hereinafter called the "Contractor")

OF THE SECOND PART

WHEREAS The Regional District has agreed to engage the Contractor and the Contractor has agreed to be engaged by the Regional District in respect of the Contract as hereinafter described on the terms and conditions set out in this Agreement.

NOW THEREFORE the Regional District and the Contractor, in consideration of their mutual duties and responsibilities and in consideration of the payment to be made by the Regional District to the Contractor agree as follows:

1. CONTRACT TERM

The term of the Contract shall be twelve (12) months commencing March 1, 2003 and ending February 28, 2004 subject to earlier termination as herein provided. After February 28, 2004, the term of this Agreement shall be month to month unless the parties have otherwise agreed.

2. CONTRACTOR DUTIES - GENERAL

- (1) Operate and perform the duties and responsibilities of the Animal Control Officer on behalf of the Regional District of Nanaimo.
- (2) Pay all costs involved in the performance of the foregoing operation.
- (3) Maintain the operation of the animal control shelter.

- (4) Ensure that all impoundment facilities meet Veterinary Standards, including a suitable area for the impoundment of vicious dogs.
- (5) Provide for the euthanasia of animals by a veterinarian when deemed necessary.
- (6) Ensure that no animals will be released for research purposes whether alive or dead.
- (7) Arrange for veterinary care for those animals so requiring the same when impounded and will bear the costs of this if no owner can be found for the animal.
- (8) Provide all equipment necessary for the performance of its obligations under the Contract, including but not limited to motor vehicles, radio communication, and telephone communication.
- (9) Allow officers and employees of the Regional District, at all reasonable times, to access to all records, books and documents maintained by the Contractor under this Agreement.
- (10) Permit the use of its name and telephone number in all advertising of the Regional District relating to the enforcement of Animal Control Bylaw No. 939 and No. 941.
- (11) Comply with all Bylaws of the Regional District, and of the municipal jurisdiction in which the Shelter is located (if applicable), and all relevant Federal and Provincial laws.
- (12) Permit the posting of a sign or signs to identify the shelter as an authorized Regional District animal shelter as it pertains to the Animal Control Bylaws.

3. CONTRACTOR DUTIES - BYLAW NO. 941 (Electoral Area F)

- (1) Provide an animal control officer(s) to respond to complaints about vicious dogs in Electoral Area F as it relates to the enforcement of Bylaw No. 941, for a maximum of three (3) hours per week.
- (2) Employ an appropriate number of kennel and receptionist personnel to adequately respond to vicious dog complaints and enforcement issues related to Bylaw No. 941.
- (3) Diligently enforce the provisions of the Animal Control Bylaw No. 941, including necessary court appearances.
- (4) Ensure that all staff of the Contractor are thoroughly informed of policies and regulations of the Regional District pertaining to Animal Control Bylaw No. 941.

**4. CONTRACTOR DUTIES - BYLAW NO. 939
(Electoral Area E, G & H)**

- (1) Provide an animal control officer(s) to respond to complaints about the licensing and control of dogs in Electoral Areas E, G and H as they relate to the enforcement of

Bylaw No. 939, for nine (9) hours per week in Electoral Areas G and H and 5.25 hours per week in Electoral Area E.

- (2) Provide animal control officers to patrol Electoral Areas E, G and H of the Regional District of Nanaimo for a maximum of twenty-nine and one quarter hours per week for Electoral Areas E, G and H.
- (3) Provide portable radio communication for its employees while on patrol.
- (4) Diligently enforce the provisions of the Animal Control Bylaw No. 939, including necessary court appearances.
- (5) Sell on behalf of the Regional District, licenses as required for Electoral Areas E, G and H and as authorized by Bylaw.

5. PAYMENTS, FEES AND OTHER CHARGES

- (1) Pay to the Regional District all sums charged, levied or received by the Contractor from the owners of animals pursuant to the provisions of the Bylaws, except for impound or maintenance fees.
- (2) Deposit to the Regional District of Nanaimo all fees collected on a monthly basis.
- (3) Deliver to the Regional District on or before the 15th day of every month a written statement on all matters dealt with up to and including the last day of the preceding month showing:
 - Moneys received on behalf of the Regional District.
 - The number of animals impounded.
 - The number of animals detained in the shelter, and the length of time impounded.
 - A copy of the listing of complaints received each month by Regional District Electoral Area.
- (4) Deliver to the Regional District on or before October 31st during the term of the agreement a Statement of the Contractors Revenue and Expenditures and a Statement of Animal Control Activity for the preceding six month period ending September 30th.

6. INDEMNITY

- (1) Take out and maintain a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the performance of its covenants under this Agreement in an amount not less than \$2,000,000 per single occurrence and with the Regional District of Nanaimo named as an additional named insured, and provide a copy of such policy and any renewals thereof.

- (2) Indemnify and save harmless the Regional District from and against any and all actions, causes of actions, suits, demands, losses, costs or expenses of any nature or kind whatsoever which the Regional District may sustain, incur or be put to arising out of the neglect or otherwise of the Contractor in the performance of the covenants on its part to be performed pursuant to the terms of this Agreement.

7. AMENDMENT

The parties hereto may consent from time to time to amend the terms of the Agreement. Notice of a proposed change shall be made in writing to the other party ninety (90) days before the date upon which such amendment is to take effect, unless the notice period is waived by the consent of both the Regional District and the Contractor.

8. INDEPENDENT CONTRACTOR

- (1) Nothing herein shall constitute or be deemed or construed as constituting the Contractor as a servant or employee of the Regional District but the Contractor shall at all times be and remain an independent contractor with the Regional District.
- (2) Nothing in the Contract will constitute a joint venture by the parties.

9. ASSIGNMENT AND SUBCONTRACTING

- (1) The Contractor will not, without the prior written consent of the Regional District, assign or subcontract this Agreement or any portion thereof.

10. OWNERSHIP OF DOCUMENTS, PROPERTY AND CONFIDENTIALITY

- (1) The Contractor shall keep proper records and books of accounts. The Regional District shall have access to the records and books of accounts at all reasonable times for such purposes as the interest of the Regional District shall require.
- (2) Any chattels owned by the Regional District and used by the Contractor pursuant to the terms of the Contract shall be maintained by the Contractor in the same condition as it was at the date of the Contract. Such chattels shall be returned to the Regional District in the state of good repair at the termination of the Contract. Similarly, any chattels missing for any reason shall be replaced forthwith with ownership in the Regional District.
- (3) The Contractor agrees to keep in strictest confidence all confidential information which the Contractors may acquire in connection with or as a result of divulge or disclose to any unauthorized third party of parties any information at any time without the prior written consent of the Regional District. The term 'confidential information' includes but is not limited to information emanating from the Regional District, its affiliates, agents, customers, either conceived or developed by the Contractor concerning research, development, patent, copyright, system and procedures.

- (4) On termination of this Agreement for any reason, the Contractor shall deliver to the Regional District all documents, notebooks, charts, files, and records relating to the provision of the Services including copies, summaries, notes in the possession or control of the Consultant.
- (5) The Contractor will provide to the Regional District, prior to the commencement of the Term, evidence satisfactory to the Regional District that the Contractor has Paid and Satisfied any and all assessments payable under the Workers Compensation Act or any regulation there under with respect to the Services to be provided under this agreement.

11. DISCUSSIONS BETWEEN PARTIES

The parties hereto agree that any negotiations between the parties or amendments to the Contract will be made by the Contractor's named appointee and the Manager of Inspection and Enforcement.

12. DUTIES OF THE REGIONAL DISTRICT

- (1) Print and supply to the Contractor Dog License Forms, Metal License Tags and to provide Violation Tickets in accordance with the Regional District of Nanaimo MTT Bylaw (Municipal Ticketing authority).
- (2) Issue licenses at the Regional District Administration Office, 6300 Hammond Bay Road, Nanaimo, BC and grants the Contractor the right to issue licenses on behalf of the Regional District and issue receipts therefore.
- (3) Collect fines and to conduct all prosecutions arising from violations of bylaws.
- (4) Advertise Animal Control related matters, as required.
- (5) In consideration of the Contractor performing the duties and services on its part to be performed pursuant to the terms of this Agreement, the Contractor shall be paid for its services as follows:
 - (a) The Regional District of Nanaimo shall pay to the Contractor monthly, on the first day of each month of the Term the sum \$5,967.

13. TERMINATION

Notwithstanding any other portion of the Agreement:

- (1) Either party, upon (ninety) 90 days notice in writing to the other party, may terminate the Contract, unless the notice period is waived by the consent of both the Regional District and the Contractor.
- (2) In the event of a default of the Contractor in performing any of the covenants on its part to be performed pursuant to the terms of this Agreement and such default

