

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, JUNE 24, 2003**

**\*\*\* 7:00 PM \*\*\***

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 5-11 Minutes of the regular Committee of the Whole meeting held on Tuesday, May 27, 2003.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATION/CORRESPONDENCE**

- 12-16 **Mary Smith, City of Nanaimo**, re 2006 BC Seniors Games - Letter of Endorsement.
- 17-39 **Alan Andison, Environmental Appeal Board**, re RDN et al v. August 19, 2002 Issuance of a Sewage Permit for Lot 11, Plan 1964, Nanoose District (Church & Valley Road Subdivision).
- 40-55 **David Emerson, BC Ferry Authority**, re Nominations for Directors of BC Ferry Authority.

***COMMUNITY SERVICES***

**RECREATION AND PARKS**

- 56-58 Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355.
- 59-71 Official Regional Park Plan Designation Amendment Bylaw No. 921.02.
- 72-78 Development Permit Applications for Electoral Area 'B' – Ministry of Transportation Access to Water Sites.
- 79-82 Development Permit Applications for Electoral Area 'H' – Ministry of Transportation Access to Water Sites.

## ***CORPORATE SERVICES***

### **ADMINISTRATION**

83-87 Vancouver Island Health Authority Memorandum of Understanding.

### **FINANCE**

88-122 2002 Financial Information.

123-125 Annual Report of Directors' and Committee Members' Remuneration & Expenses.

### **SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS**

126-127 Status Reports. (for information)

## ***DEVELOPMENT SERVICES***

### **BUILDING INSPECTION**

128-129 Section 700 Filings.

## ***ENVIRONMENTAL SERVICES***

### **LIQUID WASTE**

130-141 Ministry of Health Amendment to the Sewage Disposal Regulation.

142-148 Pump & Haul LSA Amendment Bylaw No. 975.29.

### **UTILITIES**

149-162 Outdoor Water Use Restrictions – Bylaws No. 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350 – Ticket Information Utilization Bylaw No. 873.01.

163-165 Policy on Water Bill Reduction Due to Leaks in Service Lines.

166-172 French Creek Water LSA Advisory Committee – Terms of Reference.

## **COMMISSION, ADVISORY & SELECT COMMITTEE**

### **Restructure Committee – Remainder of Electoral Area 'D'.**

173-183 Minutes from the Restructure Committee for the Remainder of Electoral Area 'D' meetings held March 24, April 14 and May 5, 2003. (for information)

*That two public meetings be held, one in each Electoral Area, and that a newsletter be sent out to the residents of Electoral Areas C and D for the purpose of obtaining the residents opinions on the option of either combining Electoral Areas C and D, or of retaining separate Electoral Areas, and that funds from the Public Consultation budget be used for this purpose.*

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

184-185 Minutes from the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held May 15, 2003. (for information)

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

186-189 Minutes from the Electoral Area 'G' Parks & Open Space Advisory Committee meeting held March 13, 2003. (for information)

**District 69 Recreation Commission.**

190-237 Minutes from the District 69 Recreation Commission meeting held June 12, 2003. (for information)

*That the fees and charges for Oceanside Place for September 2003 to August 2004, be approved in Appendix A.*

*That the Regional District enter into a five-year Lease Agreement with the City of Parksville for the lands on which the District 69 Arena is located for a term from June 1, 2003 to May 31, 2008.*

*That the Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial events and trade shows at Oceanside Place, for a three-year term commencing on September 1, 2003 and ending on August 31, 2006, be approved.*

*That the Regional District support a Bid Committee application for the 2005 or 2006 BC Seniors Games in District 69 pending formal support being provided by the City of Parksville, Town of Qualicum Beach and the District 69 School Board.*

**Transit Business Plan Update Select Committee.**

238-267 Minutes from the Transit Business Plan Update Select Committee meeting held June 12, 2003. (for information)

*That the Transit Business Plan Update 2003-5 Final Report be approved as a guiding document for Transit service delivery, planning and budgeting.*

*That a letter be forwarded to School District 68 and School District 69 requesting that consideration be given to the integration of transportation services with Regional Transit where feasible.*

***Verbal Reports As Available:***

Municipal Finance Authority

Deep Bay Harbour Authority

Regional Library Board

Treaty Advisory Committee

North Island 911 Corporation  
Municipal Insurance Association  
Mt. Arrowsmith Biosphere Foundation  
Vancouver Island Generation Project Committee  
Vancouver Island Health Authority – Project Building Committee  
Vancouver Island Health Authority – Joint Capital Planning Committee  
Vancouver Island Regional Transportation Advisory Committee

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

Vancouver Island Generation Project – P. Bibby (Verbal).

Hogweed - J. Stanhope (Verbal).

**BOARD INFORMATION** (Separate enclosure on blue paper)

**ADJOURNMENT**

**IN CAMERA**

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, MAY 27, 2003, AT 7:30 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

Director E. Hamilton Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
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. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director R. Cantelon Alternate	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director G. Korpan Alternate	City of Nanaimo
Director J. Manhas	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
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection and Enforcement
M. Burton	Recording Secretary

The Chief Administration Officer called the meeting to order and requested nominations for Chairperson of this meeting, due to the absence of the Chairperson and the Deputy Chairperson.

**Nomination of Chairperson.**

MOVED Director Bartram, SECONDED Director Haime, that the Committee appoint Director Hamilton to Chair the meeting.

CARRIED

**MINUTES**

MOVED Director Sherry, SECONDED Director Bartram, that the minutes of the special and regular Committee of the Whole meetings held April 22, 2003, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**George Abbott, Minister of Community, Aboriginal & Women's Services, re Board of Variance Appointments.**

MOVED Director Cantelon, SECONDED Director Bibby, that the correspondence re Board of Variance appointments from Minister George Abbott be received.

CARRIED

**COMMUNITY SERVICES**

**Intergovernmental Advisory Committee – District of Lantzville Representation.**

MOVED Director Holdom, SECONDED Director Bartram, that the Regional District of Nanaimo Board invite the District of Lantzville Council to appoint a representative to the Intergovernmental Advisory Committee to represent the District.

CARRIED

**Descanso Bay Wharf Service Bylaw No. 1352.**

MOVED Director Lund, SECONDED Director Westbrook, that the report on the facility proposal for a new wharf function and for emergency medical evacuations for Gabriola Island be received.

CARRIED

MOVED Director Lund, SECONDED Director Sherry, that "Descanso Bay Wharf Service Bylaw No. 1352, 2003", be given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings and proceed to counter petition pursuant to section 801.3 of the *Local Government Act*.

CARRIED

MOVED Director Lund, SECONDED Director Holdom, that the Counter Petition deadline of July 25, 2003 be established for "Descanso Bay Wharf Service Bylaw No. 1352, 2003".

CARRIED

**RECREATION AND PARKS**

**Terms of Reference for the Descanso Bay Regional Park and Nanaimo River Regional Park Management Plans.**

MOVED Director Sherry, SECONDED Director Kreiberg, that the Terms of Reference for the Descanso Bay Regional Park and Nanaimo River Regional Park Management Plans be approved.

CARRIED

**TRANSIT**

**Pets on Board Program – Conventional Transit.**

MOVED Director Westbrook, SECONDED Director Holdom, that the Master Joint Operating Agreement with BC Transit be amended to allow for Pets-On-Board Program.

CARRIED

MOVED Director Westbrook, SECONDED Director Sherry, that once the agreement was amended the proposed Pets-on-Board Program run for a trial period of six months.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

**Application for a Temporary Change to a Liquor Licence – Cassidy Inn – Area A.**

MOVED Director Kreiberg, SECONDED Director Sherry, that the Board has no objection to the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for June 22, 2003.

CARRIED

**FINANCE**

**Nanoose Bay Bulk Water Supply Security Issuing Bylaw No. 1239.**

MOVED Director Bibby, SECONDED Director Cantclon, that "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001" be forwarded to the Municipal Finance Authority to complete the borrowing for the Northwest Bay Road transmission line.

CARRIED

**FIRE DEPARTMENTS**

**Firefighting Vehicle Upgrades for the Nanoose Bay Fire Protection Society.**

MOVED Director Bibby, SECONDED Director Sherry,:

1. That the Regional District of Nanaimo advise the Nanoose Bay Fire Protection Society that the adjustments to its budget for the purposes of upgrades to trucks #12 and #13 are approved.
2. That "Regional District of Nanaimo Financial Plan (2003 to 2008) Amendment Bylaw 1337.01, 2003" be introduced for first three readings.
3. That "Regional District of Nanaimo Financial Plan (2003 to 2008) Amendment Bylaw 1337.01, 2003" having received three readings be adopted.
4. That "Nanoose Fire Protection Function Reserve Fund Expenditure Bylaw No. 1351, 2003" be introduced for first three readings.
5. That "Nanoose Fire Protection Function Reserve Fund Expenditure Bylaw No. 1351, 2003" having received three readings be adopted.

CARRIED

**Coombs Hilliers Fire Protection.**

Director Westbrook requested that discussions be held to determine if the properties surrounding Cameron Lake Resort can be included in the Coombs Hilliers Fire Protection Local Service Area. Director Biggemann noted that discussions were already underway.

**DEVELOPMENT SERVICES**

**Nanaimo Airport Master Plan – Implications for Regional District of Nanaimo – Area A.**

MOVED Director Cantelon, SECONDED Director Manhas,:

1. That the staff report on 'Nanaimo Airport Master Plan – Implications for the Regional District of Nanaimo' be received for information.
2. That the Chair of the Board select a Committee to work with Nanaimo Airport Commission to consider issues related to future land use at the Nanaimo Airport and direct staff to prepare amendments to the OCP policy and zoning for the airport lands that will harmonize proposed airport land use and development with the Electoral Area 'A' Official Community Plan and Regional Growth Management policies.

CARRIED

**BUILDING INSPECTION**

**Section 700 Filings.**

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

The Chairperson noted that the filing for 1765 Claudet Road has been withdrawn.

Mr. Pieter Van Western advised the Board that he is continuing to work towards rectifying the building deficiencies.

MOVED Director Cantelon, SECONDED Director Kreiberg, that a notice be filed against the title of Lot 1, Section 1, Range 6, Plan VIP68894, Cedar Land District, 3460 Whiting Way, Electoral Area 'A', owned by Pieter Van Western, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action may be pursued.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**Licence Agreement with City of Nanaimo for a Portion of Regional District of Nanaimo Land at Chase River Pumping Station for Trail Network.**

MOVED Director Sherry, SECONDED Director Haine, that the Licence Agreement that permits the City of Nanaimo to use the Regional District of Nanaimo lands at 1174 Island Highway South for extension of the Chase River Park trail network be approved and executed.

CARRIED

**Pump and Haul LSA Amendment Bylaw No. 975.28.**

MOVED Director Sherry, SECONDED Director Bartram, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.28, 2003" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED



## UTILITIES

### Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.07.

MOVED Director Westbrook, SECONDED Director Sherry, that 'Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.07, 2003' be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

### Electoral Area 'A' (MacMillan Road School Site) Sewer LSA Rates & Regulations Amendment Bylaw No. 1237.02.

MOVED Director, Sherry, SECONDED Director Kreiberg,:

1. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.02, 2003" be introduced for three readings.
2. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.02, 2003" having received three readings, be adopted.

CARRIED

### Morningstar Streetlighting LSA Boundary Amendment Bylaw No. 869.04.

MOVED Director Westbrook, SECONDED Director Klee, that 'Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.04, 2003' be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

## COMMISSION, ADVISORY & SELECT COMMITTEE

### Electoral Area 'A' Parks & Open Space Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Korpan, that the minutes of the Electoral Area 'A' Parks & Open Space Advisory Committee meeting held April 17, 2003, be received for information.

CARRIED

### Grants-in-Aid Committee.

MOVED Director Haime, SECONDED Director Longnuir, that the minutes of the Grants-in-Aid Committee meeting held May 15, 2003 be received for information.

CARRIED

MOVED Director Haime, SECONDED Director Sherry, that the following grants be awarded:

#### School District 68:

Cedar School & Community Enhancement Society	\$	260
1 <sup>st</sup> Lantzville Scouts		2,250
Nanaimo Search & Rescue Society		1,300

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the following grants be awarded:

**School District 69:**

District 69 Historical Society	\$	2,500
Forward House Community Society		1,000
Oceanside Community Policing Offices		900
Parksville Special Olympics		200
Vancouver Island Palaeontology Museum Society		1,100

CARRIED

**Lantzville Parks & Open Space Advisory Committee.**

MOVED Director Haime, SECONDED Director Westbrook, that the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held March 3 and April 7, 2003, be received for information.

CARRIED

**Nanoose Bay Parks & Open Space Advisory Committee.**

MOVED Director Bibby, SECONDED Director Cantelon, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held May 8, 2003, be received for information.

CARRIED

MOVED Director Bibby, SECONDED Director Westbrook, that the Guidelines for Regional District Role in Ministry of Transportation Water Accesses in Area 'E' be accepted.

CARRIED

**Regional Waste Advisory Committee.**

MOVED Director Sherry, SECONDED Director Longmuir, that the minutes from the Regional Waste Advisory Committee meetings (previously named Regional Environmental Advisory Committee) held April 24 and May 15, 2003 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Holdom, SECONDED Director Sherry, that the minutes of the Transit Business Plan Update Select Committee meeting held May 15, 2003, be received for information.

CARRIED

**Verbal Reports.**

**Regional Waste Advisory Committee.**

Director Sherry gave a verbal account of his attendance at the Kyoto conference in Regina, and challenged the City of Parksville and the Town of Qualicum Beach to become members in the FCM Partners for Climate Protection Program.

**Vancouver Island Regional Library Board.**

Director Bibby gave an overview of the March meeting to the Committee Members.

**Mt. Arrowsmith Biosphere Foundation.**

Director Bibby gave a verbal report addressing the role of the Mt. Arrowsmith Biosphere Foundation, and referred to the development of their five-year plan.

**NEW BUSINESS**

Director Haimé requested clarification of comments made by Mayor Korpan at the May 26, 2003 City of Nanaimo Council meeting. Director Haimé requested a public apology from Director Korpan at the next Council meeting, as well as a published written apology for those comments. Director Haimé also requested staff offer clarification on the policy for covering legal fees.

**Haslam Creek Suspension Bridge.**

MOVED Director Korpan, SECONDED Director Bibby, that the Board congratulate Regional District Staff on the successful completion of the Haslam Creek Suspension Bridge.

CARRIED

**Electoral Area 'A'.**

Director Krieger thanked the Board and Staff for their support during his term in office as Alternate Director for Electoral Area 'A'.

**ADJOURNMENT**

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

CARRIED

TIME: 8:23 PM

\_\_\_\_\_  
CHAIRPERSON

# CITY OF NANAIMO

THE HARBOUR CITY



REGIONAL DISTRICT  
OF NANAIMO

JUN - 5 2003

CHAIR	<input checked="" type="checkbox"/>	GMCrS	
CAO	<input checked="" type="checkbox"/>	GMOS	
GMCmS		GMES	
CoW Communication			<input checked="" type="checkbox"/>

2003-Jun-02

File:J6-27

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

Dear Joe;

The City of Nanaimo has received an invitation to bid to host the 2006 BC Seniors Games. The Seniors Games provides BC seniors age 55 and over an opportunity to participate in an organized sport, recreation, and cultural event that promotes fitness, individual achievement and community pride. It involves up to 2500 participants from across the province, who compete in 20 events over a three-day period in late August or early September.

Nanaimo hosted the 2002 BC Summer Games, which were a spectacular success and an amazing example of what Nanaimo community pride and achievement are all about. In addition to those Games creating a record breaking financial legacy they also provided a tremendous financial boost to our local economy and left a wonderful legacy of volunteerism and friendship throughout the community. With your support we can submit the winning bid for the BC Seniors Games and recreate that magic.

In order for the Nanaimo bid to be successful it must demonstrate community support and that's where you can help by writing a letter endorsing the 2006 Games coming to Nanaimo. Please address your comments to the **BC Seniors Game Society** but send the letter to me at 500 Bowen Road, Nanaimo, BC, V9R 1Z7, or fax it to me at (250)753-7277. I will include it in the bid package. The bid application deadline is July 16, 2003 so I must receive your letter no later than June 27.

Some information about the BC Seniors Games is attached. If you have any questions please call me at (250) 755-7518. Thank you for your commitment to our community.

Yours truly,

Mary Smith  
City South Recreation Supervisor  
Department of Parks, Recreation & Culture

attachment  
MS/cab  
g:mary/lets/seniors games - 2006.doc

# BC Seniors Games

## INTRODUCTION

### *Purpose*

It is the purpose of the BC Seniors Games Society to annually stage a provincial competition that will provide an opportunity for all BC Seniors age 55 and over to compete in an organized sport, recreation, and cultural event that promotes fitness, individual achievement and community pride.

### *Structure*

#### *BC Seniors Games Society*

The BC Seniors Games are led by the BC Seniors Games Society, a volunteer non-profit Board which has representation from the 12 Zones in the province, as well as an elected Executive. The BC Seniors Games Society has a partnership agreement with the BC Games Society. As part of this agreement, the BC Games Society provides event management support to the local Host Community as well as providing a staff member to act as a liaison to the BC Seniors Society. The BC Seniors Games Society Board operates independently from the BC Games Society.

#### *Host Society*

Once the Games have been awarded to a community, an Organizing Committee must be formed and registered as a separate non-profit Society, and register for GST. The Host Community will establish this Society and operate on the basis of an Agreement for Financial Assistance between the BC Seniors Games Society and the Host Society. The Host Society will elect a volunteer Board of Directors (15) plus an Executive. A recommended organizational structure is included in this document as Appendix I. The Host Community will employ an Operations Manager. The remuneration for this position and other employees will come from the budget of the Host Community.

#### *Number of Participants and Events*

The BC Seniors Games involves approximately 2,500 registered participants and registered non-participants from across BC. These athletes will compete in 20 plus events over three days of competition, usually held in late August or early September. Close to 4,000 gold, silver, and bronze medals could be awarded in total.

Participants in the BC Seniors Games are responsible for their own travel to and from the Games. They are also responsible for their own accommodation expenses (hotels, motels, and campgrounds) and some meal expenses while at the Games.

#### *Financial Support*

The Ministry of Community, Aboriginal and Women's Services has traditionally funded the BC Seniors Games Society who provides support to the local Host Community. The selected Host Community, local fund raising initiatives, and Corporate Partners through the BC Games Society and BC Seniors Games Society also contribute funding towards the BC Seniors Games. Recent budgets for BC Seniors Games have been around \$230,000.00

The financial operation of the Games will be the responsibility of the Host Society President and/or the Director of Administration. The Administration Director in the Host Community will provide a monthly financial statement on the operation of the Games to the BC Seniors Games Society. An independent audited financial statement will be completed after the conclusion of the Games.

### ***Economic Impact***

The BC Games Society, in conjunction with the BC Seniors Games Society, contracted the Economic Planning Group to conduct an economic impact study of the 1998 BC Seniors Games held in Port Alberni August 26 to 29. The results of the study indicated the 1998 BC Seniors Games had a direct economic impact of \$958,000 on the City of Port Alberni. The breakdown of spending by the various groups is as follows: Participants - \$438,000; Port Alberni Host Society - \$270,000; Spectators - \$151,000; Volunteers - \$82,000; BC Seniors Games Society and the BC Games Society - \$17,000.

### ***Insurance***

The BC Seniors Games will provide comprehensive general insurance coverage for the competitors and volunteers. The Host Community will provide insurance for the physical property and inventory that they acquire/lease leading up to and including the Games.

### ***Host Communities***

The BC Seniors Games have been or will be hosted by the following Communities:

1988	Vernon	1997	New Westminster
1989	Trail	1998	Port Alberni
1990	Comox Valley	1999	Elk Valley (Fernie, Sparwood, Elkford)
1991	Coquitlam	2000	Kelowna
1992	Dawson Creek	2001	Surrey
1993	Cranbrook	2002	Prince George
1994	Prince Rupert	2003	Chilliwack
1995	Oliver/Osoyoos	2004	Penticton
1996	Kamloops		

## SPORTS

The Host Community will feature at least 20 Sports/Events

### CORE SPORTS / OPTIONAL SPORTS

Core Sports are those, which have had significant representation at the BC Seniors Games. These 16 sports / events will be held annually as part of the BC Seniors Games.

A list of Optional Sports has been compiled by the Society. Each year the Host Community will choose at least four (4) events from the optional list to make up the 20 events of the BC Seniors Games. Adding to the Optional list of sports can only be done by the BC Seniors Games Society, once approved by its Board of Directors.

CORE SPORTS		OPTIONAL SPORTS <sup>1</sup>
1. Athletics (Track & Field)		• Archery
2. Badminton		• Bocce
3. Bridge		• Chess
4. Carpet Bowling		• Curling (ice)
5. Cribbage		• Ice Hockey (Men's 55+) <sup>1</sup>
6. Cycling		• Lawn Bowling
7. Darts		• One Act Plays
8. Five Pin Bowling		• Soccer (Men's 55+) <sup>1</sup>
9. Floor Curling		• Volleyball
10. Golf		• Whist
11. Horseshoes		
12. Sto-pitch		
13. Snooker		
14. Swimming		
15. Table Tennis		
16. Tennis		

All 20 events will be medal events.

### Minimum Facility Requirements for Sports / Events in the BC Seniors Games

CORE SPORTS	MINIMUM FACILITY REQUIREMENTS	FORMAT	PARTICIPANTS Estimated
Athletics (Track & Field)	6 or 8 lane certified 400m track (rubberized surface preferred), long jump & high jump pits, discus throw area with a caged shot put area and a secured javelin area	19 events 5 - field 14 - track	220
Badminton	12 courts	Modified / Round Robin	110
Duplicate Bridge	20 tables in one room	Duplicate - min. 24 boards	60
Social Bridge	20 tables in one room	18 rounds	30
Carpet Bowling	12 carpers	Modified / Round Robin	85
Cribbage	20 tables	Round Robin	75
Cycling	Time trial - 16 km start/finish same place Road Race - 60 - 70 km Hill Climb - 2-3 km / grade 6%-9%	Time Trial Road Race Hill Climb	65
Darts	18 boards	Modified Round Robin	80
Five Pin Bowling	8 lanes (12 lanes preferred)	Match Play (810)	120

<sup>1</sup> Consideration is being given to host Men's 55+ Ice Hockey and Men's 55+ Soccer.

		games maximum)	
Floor Curling	6 rinks	Modified / Round Robin	95
Golf	2 x 18 hole courses par 3 course NOT acceptable	36 hole stroke play	215
Horseshoes	12 pitches	Round Robin	65
Slo-pitch	6 diamonds	3 divisions Round Robin	400
Snooker	4 - 6 x 12 tables / 2 - 5 x 10 tables	Round Robin	50
Swimming	minimum 25m pool (prefer indoor) 6 lanes	38 events	145
Table Tennis	18 tables required	Modified / Round Robin	115
Tennis	18 courts	Modified / Round Robin	135
<b>OPTIONAL SPORTS</b>	<b>MINIMUM FACILITY REQUIREMENT</b>	<b>FORMAT</b>	<b>PARTICIPANTS Estimated</b>
Archery	flat sport field 100m x 85 m	Full Canadian 900 Round	6
Bocce	2 courts	Modified / Round Robin	50
Chess	8 tables	Round Robin / Swiss System	12
Ice Curling	4 rinks	all teams guaranteed; minimum of 4 Games	65
Ice Hockey (Men's 55+)	1 regulation ice hockey rink	Round Robin	80
Lawn Bowling	6 greens	Round Robin	70
One Act Plays	a stage area approx. 27 x 34 and seating for 200 people	plays 20 - 40 min. in length	40
Soccer (Men's 55+)	2 regulation size soccer fields	Round Robin	50
Volleyball	1 court per 4 teams	Modified / Round Robin	27
Whist	20 Tables	Round Robin	30

All facilities should be fully accessible





Province of  
British Columbia

# Environmental Appeal Board

Fourth Floor, 747 Fort Street  
Victoria, British Columbia  
Telephone: (250) 397-3464  
Facsimile: (250) 356-9923

Mailing Address:  
PO Box 9425 Stn Prov Govt  
Victoria BC V8W 9V1

June 17, 2003  
VIA FACSIMILE

FILE: 2002-HEA-024/025/027/028

Regional District of Nanaimo  
Attention: Dennis Trudeau  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

Robert Hill  
Breakwater Enterprises Ltd.  
Box 855  
Parksville BC V9P 2G9

French Creek Residents Association  
Attention: Thomas McArthur, President  
1596 Marine Circle  
Parksville BC V9P 1Y7

Glenn Gibson EHO  
Central Vancouver Island Health Region  
PO Box 1210  
Parksville BC V9P2H2

Arrowsmith Watersheds Coalition Society  
Attention: Michael C. Jessen, Chair  
1266 Jukes Place  
Parksville BC V9P 1W5


Combined Forest Holdings Ltd.  
c/o Dave Anderson  
Anderson Consulting  
1538 Sunrise Drive  
Parksville BC V9P 1X7

Pat Corneille  
Combined Forest Holdings Ltd.  
907 Glenhale Crescent  
Parksville BC V9P 1Z7

**Re: Health Act Appeals - Regional District of Nanaimo et al v. August 19, 2002  
issuance of a Sewage Permit for Lot 11 Plan 1964 Nanoose District (Church  
& Valley Road subdivision) (Permit Holder: Combined Forest Holdings Ltd.)**

Attached is the decision of the Environmental Appeal Board with respect to the above-captioned appeal.

Yours truly,

  
Alan Anderson  
Chair

Att.

cc Minister of Health Services

PAGE  
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Province of  
British Columbia

# Environmental Appeal Board

Fourth Floor, 747 Fort Street  
Victoria, British Columbia  
Telephone: (250) 387-3484  
Facsimile: (250) 356-9923

Mailing Address:  
PO Box 9425 Stn Prov Govt  
Victoria BC V8W 9V1

**APPEAL NOS. 2002-HEA-024(a), 025(b), 027(b), 028(b)**

In the matter of an appeal under section 8(4) of the *Health Act*, R.S.B.C. 1996, c. 179.

<b>BETWEEN:</b>	Robert Hill, dba Breakwater Enterprises Arrowsmith Watersheds Coalition Society French Creek Residents Association Regional District of Nanaimo	<b>APPELLANTS</b>																					
<b>AND:</b>	Environmental Health Officer	<b>RESPONDENT</b>																					
<b>AND:</b>	Combined Forest Holdings Ltd.	<b>THIRD PARTY</b>																					
<b>BEFORE:</b>	A Panel of the Environmental Appeal Board Alan Andison, Panel Chair																						
<b>DATE:</b>	January 8-9, 2003																						
<b>PLACE:</b>	Parksville, B.C.																						
<b>APPEARING:</b>	<table border="0"> <tr> <td>For the Appellants:</td> <td>Robert Hill (Breakwater Enterprises)</td> <td>Robert Hill</td> </tr> <tr> <td></td> <td>Arrowsmith Watersheds Coalition</td> <td>Michael Jessen</td> </tr> <tr> <td></td> <td>French Creek Residents Association</td> <td>Thomas McArthur</td> </tr> <tr> <td></td> <td>Regional District of Nanaimo</td> <td>Dennis Trudeau</td> </tr> <tr> <td>For the Respondent:</td> <td></td> <td>Glenn Gibson</td> </tr> <tr> <td>For the Third Party:</td> <td></td> <td>Pat Corneille</td> </tr> <tr> <td></td> <td></td> <td>Dave Anderson</td> </tr> </table>		For the Appellants:	Robert Hill (Breakwater Enterprises)	Robert Hill		Arrowsmith Watersheds Coalition	Michael Jessen		French Creek Residents Association	Thomas McArthur		Regional District of Nanaimo	Dennis Trudeau	For the Respondent:		Glenn Gibson	For the Third Party:		Pat Corneille			Dave Anderson
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**APPEALS**

Robert Hill, doing business as Breakwater Enterprises ("Breakwater"), the Arrowsmith Watersheds Coalition Society (the "Watersheds Coalition"), the French Creek Residents Association (the "Residents Association"), and the Regional District of Nanaimo (the "Regional District") filed separate appeals against the August 19, 2002 decision of Glenn Gibson, Land Development Environmental Health Officer, Central Vancouver Island Health Region, Vancouver Island Health Authority (the "EHO"), to issue a permit to construct a sewage disposal system for a parcel of land legally described as Lot 11, Plan 1964, District Lot 156, Nanoose District (the "Property"). Combined Forest Holdings Ltd. ("CFH") owns the Property.

The Environmental Appeal Board has the authority to hear these appeals under section 11 of the *Environment Management Act*, R.S.B.C. 1996, c. 118, and section 8(4) of the *Health Act*. The Board, or a panel of it, after hearing all the evidence, may decide to confirm, vary, or rescind the decision of the EHO.

The Appellant Breakwater operates a public water utility for the community of French Creek. It obtains some of its water supply from an aquifer located beneath the Property and is concerned that the sewage system will contaminate the aquifer. Breakwater requests that the permit be rescinded.

The Residents Association is comprised of people living in the French Creek area. Approximately 3500 of these residents receive their drinking water from Breakwater. It also seeks an order rescinding the permit.

The Watersheds Coalition is a non-profit society that has, as one of its interests, the protection of water quality in the Arrowsmith watersheds. Some of its members and directors are customers of Breakwater. The coalition seeks an order that the permit be rescinded or amended.

The Regional District is a local government with residents that live and/or conduct business in the vicinity of the proposed discharge (Electoral Areas F and G), some with private domestic wells that would be impacted by any contamination to the ground water and/or aquifer. The Regional District seeks an order rescinding the permit.

In a preliminary application to the Board, the EHO challenged the standing of the Watersheds Coalition, the Residents Association and the Regional District to file an appeal against the permit. In a decision dated November 18, 2002 (Appeal Nos. 2002-HEA-025(a), 027(a), and 028(a)), the Board confirmed their standing to appeal.

## **BACKGROUND**

### The Property and Proposed Development

The Property is located between Parksville and French Creek on Vancouver Island, British Columbia: Parksville lies to the east of the Property and French Creek lies to the west. The Property is approximately rectangular in shape, and fronts Valley Road to the north and Church Road to the west. The elevation and other salient features of the Property are as follows:

Area: 1.5 hectares

Slope: The land slopes down to the north

Zoning: C-3 Commercial

Other features: The E & N Railway right-of-way is located to the north of Valley Road. Beyond the right-of-way (further north) is Springhill Road and north of that is the Breakwater compound. Various mixed commercial and retail areas, including a restaurant, a nursery, and a gas station, are located in the vicinity of the Property. There are also residential areas and mobile homes to the south of the Property.

As noted above, CFH owns the Property. Sometime prior to March of 2002, CFH applied to the Ministry of Transportation<sup>1</sup> for approval of a subdivision. It sought to

<sup>1</sup> Subdivision approval in relation to this Property is under the jurisdiction of the Ministry of Transportation.

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subdivide the Property into a bare land strata consisting of six building lots as follows (rotating clockwise):

- Lot 1: 2495 sq. m., south-west corner;
- Lot 2: 2411 sq. m., above Lot 1 at the corner of Valley Road and Church Road;
- Lot 3: 1821 sq. m., immediately to the right of Lot 2;
- Lot 4: 2228 sq. m., north-east corner;
- Lot 5: 1825 sq. m., directly below Lot 4 and above Lot 6; and,
- Lot 6: 2216 sq. m., south-east corner.

As part of the subdivision review and approval process, provision for on-site sewage disposal had to be addressed - there are no community sewers to service the Property and the evidence before the Panel is that there is no immediate plan for one. Accordingly, CFH proposed a shared septic area (1839 sq. m.), between Lots 1 and 6.

#### The Application to Construct a Sewage Disposal System

The EHO received the subdivision referral from the Ministry of Transportation on March 20, 2002. On March 22, there was a request for on-site sewage disposal.

On March 28, 2002, the EHO and Dave Anderson (Anderson Consulting Services), the engineer hired by CFH, conducted an on-site inspection of the Property. The EHO testified that five holes were inspected, each to a depth of 96 inches. He observed a layer of silty loam followed by Quadra Sand and, at a depth of 24 to 42 inches, a compacted silt layer was visible.

On June 24, 2002, Mr. Anderson submitted an application for a sewage disposal permit to the Central Vancouver Island Health Region, on behalf of CFH. The proposed system consists of six 1000-gallon septic tanks (one for each lot), all connected to a 1000-gallon pump tank followed by a 600-gallon dosing tank, with pressure distribution to a single disposal field containing 800 feet of drainage pipe. The disposal field is shown on the plan in the "shared septic area." This area is divided in half with one half for the disposal field and the other half, equal in capacity to the disposal field, "reserved" for future use should it be required. The application includes engineer drawings of the proposed system, prepared by Qualicum Engineering Services, Limited ("Qualicum Engineering").

The application also states that the sewage disposal system will consist of a series of "deep trenches." PVC drainage pipe, 2.5 centimetres (1 inch) in diameter, will be laid in 1.2 metre (4 feet) deep trenches located in the disposal field. The trenches will be filled with a layer of coarse sand, followed by a layer of drain rock. The drainage pipe will be laid in the top portion of the drain rock and covered by clean fill. The application also states that the depth of the native soil exceeds 1.2 metres (4 feet), and the depth to the water table exceeds 1.2 metres (4 feet). It states the average slowest percolation rate from each test hole is 1 minute per 2.5 centimetres (1 inch).

The evidence before the Panel is that the design of the system was based in part on the information provided in an October 4, 2001 report titled *Hydrogeological and Vulnerability Assessment - Church Road and Inland Island Highway Area*, by EBA Engineering Consultants Ltd. ("EBA").

Although the Property is zoned C-3 Commercial, the standards established by the Vancouver Island Health Authority for the approval of this type of strata subdivision require the sewage disposal system to be designed to accommodate sewage flows from six, four-bedroom houses. Applying Appendix 1, Schedule 2 of the *Sewage Disposal Regulation*, B.C. Reg. 411/85 (the "Regulation"), the system was designed to accommodate a total daily flow of 10,224 litres per day (6 x 1,704 litres/day).

The application also states that the proposed disposal field is:

- over 230 feet (70.1 metres) from the domestic water well serving the Property;
- over 100 feet (30.5 metres) from neighboring water wells;
- over 100 feet (30.5 metres) from a stream or lake;
- over 50 feet (15.24 metres) from a breakout point; and,
- over 10 feet (3 metres) from domestic water lines.

#### The Aquifer

The Church Road/Springhill Road aquifer area, sometimes referred to as aquifer 216 or as the Breakwater aquifer, is located beneath the Property. The evidence before the Panel is that the aquifer is located between French Creek and Englishman River, covering an area of approximately 30 square kilometers. The Ministry of Water, Land and Air Protection has ranked and classified the aquifer as IB(14), which indicates that it is highly developed and moderately vulnerable to surface contamination.

This aquifer supplies water to the Breakwater water utility through a series of wells. Breakwater has four of ten operating wells located within its Church Road Compound, approximately 500 metres north-northeast (down-gradient) of the proposed septic area. The depth of soil to the aquifer and the composition of the soil in this area are issues to be addressed in these appeals.

#### Investigations, Reports and Permit

After receiving the application, on June 27, 2002, the EHO and Murray Sexton, P. Eng. with the Vancouver Island Health Authority, attended the Property as part of a routine inspection. At that time it was determined that more test holes were needed on the eastern side of the field.

As a result of this site visit, the EHO asked CFH to provide additional information. Specifically, he asked for a plan showing all wells within 100 metres and/or all neighbouring properties, and the well log for the Property's well. He also asked for three more holes to be excavated "to prove the soil profile consistency in the eastern half of the field." CFH complied with these requests. In a letter dated July 19, 2002, the neighboring wells were identified as being in excess of 225 feet, 500 feet, and 800

feet from the Property. A well log of the wells on the Property was also provided. On July 12, 2002, three holes were dug. According to the EHO, these holes showed a consistent soil profile in the eastern half of the field.

CFH also advised the EHO that it would accept responsibility for the operation and maintenance of the sewage disposal system once installed.

Due to the proximity of the proposed system to Breakwater's groundwater supply wells, Mr. Sexton asked Breakwater to provide "capture zone" information for its wells. EBA was retained to complete a capture zone analysis for the four wells located within the Church Road Compound, as they are the closest downgradient wells to the proposed sewage disposal system.

In a report dated July 16, 2002, Mr. Gallo, B.Sc., project hydrogeologist, and Dr. Giles Wendling, Ph.D, P. Eng, senior hydrogeologist, both of EBA, provide the following conclusions and recommendations:

- The groundwater in the aquifer beneath the proposed sewage injection site flows towards the north-northeast towards the Breakwater's Church Road Compound production wells at a gradient of approximately 2.6%.
- The surficial deposits can vary in the area and the vertical component of groundwater flow (e.g., infiltration) in the vicinity of the proposed sewage injection Property is unknown.
- EBA recommends that the onus be placed upon the developer to verify site stratigraphy at the sewage injection site and to ensure that the degradation of any liquid waste effluent discharged to the ground will fully occur before it reaches the aquifer. This assessment, if conducted, should be done by a qualified hydrogeologist.

On August 19, 2002, the EHO issued the permit. The EHO included the following conditions to the permit:

Build to Engineer sealed design attached with trenches from 48" to 60"+.  
Course sand must be approved source C-33. Covenant on title reserving the sewage disposal areas is required. Prior to any of this system installation a water system approval is required. Post in accordance to the regulation.  
Sealed and signed as-built drawings needed for final.

The EHO did not receive the July 2002 report by EBA until after he had issued the permit.

### The Appeals

Four appeals were filed against the permit between September 4 and September 19th, 2002. All of the Appellants have similar concerns and request similar remedies from the Board. In general, all Appellants are concerned that the system will not adequately protect the aquifer and the groundwater, thereby posing a threat to public health and the environment. The specific grounds for appeal and relief sought by the Appellants, as well as the response by the EHO and CFH, are as follows:

### *Breakwater*

Breakwater opposes the permit on the grounds that the Property is immediately above the aquifer and there is potential for the waste effluent discharge to contaminate its wells which service approximately 1500 homes in French Creek. It is concerned that the EHO had insufficient information upon which to make his decision. It argues that relevant information is missing from the permit such as a site plan, cross sections of groundwater "at shallow and at depth," a description of "sensitive receptors" (e.g., shallow and deep water wells), calculations of estimated horizontal and vertical groundwater flow with travel time estimates, a comparison of estimated travel time to sensitive receptors to the degradation of pathogens, nitrate and phosphorous, and a study by a qualified hydrogeologist.

Breakwater requests that the permit be rescinded until further studies, conducted by a qualified hydrogeologist, are undertaken to obtain detailed information about the groundwater conditions at the Property to guarantee that its wells will not be contaminated.

### *Watersheds Coalition*

The Watersheds Coalition appeals on a number of grounds. The first relates to the geology of the Property. It states that the soils above, and the geological formations containing, the aquifer are not adequate to protect it from contamination.

The next ground relates to the system design. It argues that the design requires excavation through the till layer which, depending on its permeability, may increase the vulnerability of the aquifer and that the zoning of the Property may result in potentially harmful chemicals being introduced into the groundwater from surface water migrating through the proposed field, or from sewage injected into the soil through the trench system directly.

Finally, it argues that the permit application is misleading, is missing important information, and that the regulations and policies were not adhered to in relation to things such as the type of premises that will occupy the site, the seasonal high water table, and percolation rates among other things.

The Watersheds Coalition seeks an order that the permit be rescinded or amended to require that the development adopt pump and haul disposal methods until there is a community sewer established. Alternatively, it requests that the permit be amended to include the requirements of a complete soils investigation, which could include up to three cored holes for each of the proposed six lots, a total of four observation wells to be measured and chemically analyzed on an annual basis, and the posting of a \$10 million bond by the developer that must be maintained by the strata until the development connects to a community sewer or adopts pump and haul methods.

### *Residents Association*

The Residents Association argues that the EHO's decision to issue the permit exposes 10,000 to 20,000 people, including residents, guests and tourists, to the danger of contaminated water. It states that the aquifer will not likely be protected by the trench injection system given that both Breakwater and Parksville have wells 800 to 1000 metres from the trench injection system, the percolation rate of 1-inch per

minute means that it will only take 22 to 30 days for sewage to reach well areas, and that Quadra Sands are directly connected to the aquifer and, therefore, should be considered a drinking water source.

The Residents Association concurs with the contents of Breakwater's notice of appeal, and is concerned that allowing a system to be located over a drinking water aquifer will "set a precedent for the industrial area." It seeks an order rescinding the permit.

*Regional District*

The Regional District appeals on the grounds that the EHO should have required additional information on the site stratigraphy and the ability of the soils to renovate sewage prior to reaching the groundwater wells before issuing the permit, as recommended in EBA's July 2002 report. Further, it argues that the EHO should have considered the cumulative impact of the system on the area. The Regional District also points out that the City of Parksville supports its position in this appeal.

The Regional District seeks an order reversing the issuance of the permit.

*The Permit Holder - CFH*

CFH argues that the initial application included engineer design drawings and surveyed locations of test/percolation holes. It states that all conditions required by the *Regulation* and the policies of the Central Vancouver Island Health Unit, and other policies respecting subdivisions and sewage disposal, were met prior to the issuance of the permit. CFH asks the Board to confirm the issuance of the permit.

*The Respondent - EHO*

The EHO states that the permit was issued in accordance with the *Regulation* and the policy for deep trenches (section 6.3) and large flow systems contained in the *BC Policy for On-Site Sewage Disposal*. The EHO also submits that the permit should be confirmed.

**ISSUES**

The specific issues before the Panel are:

1. Whether the proposed system, as designed, will protect the aquifer. The sub-issues are as follows:
  - (a) Is there sufficient soil and/or a confining layer above the aquifer?
  - (b) Will the deep trenches pose a threat to the aquifer?
  - (c) Are there adequate setbacks to sensitive receptors (wells and drinking water sources)?
  - (d) Will the commercial/industrial businesses that occupy the land create an unacceptable risk to the public health?
2. Whether the application was incomplete and included insufficient information for the EHO to properly assess the proposed system.



- 3. Whether the EHO properly exercised his duty to ensure the safety of public health and the environment when issuing the permit.
- 4. Whether the Board should add a condition to the permit requiring CFH to conduct, at its own expense, a complete study of site stratigraphy and the complex hydrogeological conditions at the site and/or other conditions.

**RELEVANT LEGISLATION and POLICY**

A permit to construct a sewage disposal system is required by the *Regulation*. The Board has found on numerous occasions that, under the *Health Act* and the *Regulation*, the ultimate purpose or question for the EHO, and now the Board, is whether the system, as designed, will protect the public health.

Relevant sections of the *Regulation* are as follows:

**Permits to construct systems**

- 3 (1) No person shall construct, install, alter or repair a sewage disposal system or cause it to be constructed, installed, altered or repaired unless he holds a permit issued under this section or section 3.01.

**Standards for systems**

- 6 Subject to section 7, no sewage disposal system constructed after the date of this regulation which involves the use of a septic tank or a package treatment plant is permitted unless the system conforms with the standards of construction, capacity, design, installation, location, absorption, operation and use set out
  - (a) for conventional septic tank systems, in Schedule 2

**SCHEDULE 2 - CONVENTIONAL SEPTIC TANK SYSTEMS**

- 1 Septic tank systems are limited to lots where an impervious layer of soil or bedrock, or the ground water table, is greater than 1.2 m [4 ft.] below the ground before it has been artificially disturbed by placement of fill, excavation or otherwise.

- 12 A septic tank shall be located not less than
  - (a) 15.24 m [50 ft.] from a source of domestic water,
  - (b) 1 m [3 ft.] from a parcel boundary,
  - (c) 1 m [3 ft.] from a building, and
  - (d) 3 m [10 ft.] from a domestic water pipeline.

14 The liquid capacity of a septic tank or series of septic tanks for other than single family dwellings shall be based on a minimum sewage flow in accordance with Appendix I but shall not be less than 2 273 L [500 imperial gal.].

...

18 An absorption field shall be located not less than

- (a) 3 m [10 ft.] from a building,
- (b) 3 m [10 ft.] from a parcel boundary,
- (c) 3 m [10 ft.] from an interceptor drain,
- (d) 30.5 m [100 ft.] from a source of domestic water,
- (e) 30 m [100 ft.] from the high water mark, and
- (f) 3 m [10 ft.] from a domestic water pipeline.

All measurements shall be from the nearest trench wall.

**POLICY**

Prior to issuing the permit, the EHO considered and applied the Central Vancouver Island Health Region's *On-Site Sewage Disposal Standards for Subdivision Assessment*. The relevant portion for the purposes of this appeal states:

**J. COMMUNITY SEWAGE DISPOSAL SYSTEMS**

**SERVICING SUBDIVISIONS - GROUND DISPOSAL**

These requirements are for proposed community sewage disposal systems servicing more than one lot, or servicing more than one dwelling in a strata plan, and under the jurisdiction of the Ministry of Health (less than 5,000 imperial gallons or 22.7 m per day)

The following design criteria and operational requirements, prior to consideration to a subdivision Preliminary Layout Approval (PLA), are:

- Absorption field and reserve area sites must have minimum native mineral soil depth of 48 inches.
- Sewage disposal systems must be of conventional design, either for septic tank systems or package treatment plant systems, as specified in Schedules 2 or 3 of the Sewage Disposal Regulations.
- In addition to the absorption field area, a 100% reserve area must also be provided.
- A restrictive covenant area is required for the primary absorption field and reserve sites. Additional area may be required to address hydrogeological concerns and setback concerns.

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Prior to final subdivision approval and registration, ownership and operation of the system must be confirmed, a permit to construct a sewage disposal system issued, the system installed, and an authorization to backfill and put into use issued.

## DISCUSSION

### 1. Whether the proposed system will protect the aquifer.

There is no dispute that an aquifer lies beneath the Property or that it supplies drinking water to people in and around the area. The question for the Board is whether the proposed system, as designed, will adequately protect the ground water, the aquifer and therefore the public health.

Collectively, the Appellants argue that the aquifer and groundwater will be vulnerable to contamination due to a number of factors:

- Inadequate soils and the lack of a confining layer above the aquifer;
- Improper design (deep trenches);
- Inadequate setbacks to sensitive receptors (wells and drinking water sources); and
- Allowing commercial/industrial businesses to occupy the land (C-3 Commercial zoning)

The Appellants submit that the proposed system creates a "health hazard."

#### a. Is there sufficient soil and/or a confining layer between the Property and the aquifer?

Conventional sewage disposal systems, such as the proposed system, rely primarily upon soil to treat the effluent. To ensure the proper degradation of organic nutrients and removal of bacteria and viruses from the discharged effluent, the expert witnesses agree that sufficient unsaturated and percable soil, and an adequate vertical separation between the discharge area and an impervious/limiting layer of soil or the ground water table, is required.

It is also clear that the vulnerability of an aquifer is, in part, a function of the presence or absence of a confining or "capping" low permeability till material layer above the aquifer, and the thickness of that layer.

Therefore, the nature and depth of the soil under the Property and the presence or absence of a confining layer above the aquifer are questions of critical importance to be resolved in these appeals.

As noted above, the design for the disposal system was partly based on the information provided in an October 4, 2001 report by EBA titled *Hydrogeological and Vulnerability Assessment - Church Road and Inland Island Highway Area*. In this report, EBA, among other things,

- assessed the lateral extent and thickness of the impermeable material protecting the aquifer,
- estimated the travel time of liquids migrating from ground surface to identified sensitive receptors, and
- attempted to estimate the potential sustainable capacity of the aquifer.

In its report, EBA states:

Within the study boundary [the Regional District of Nanaimo located between the Inland Island Highway and Highway 4 near Church Road], the aquifer is capped by a low permeability till layer except along the boundary of the northeast quadrant (in the Springhill Road area). It states that the thickness of the till layer protecting the aquifer typically ranges between 4 m and 10 m on the western half of the study area. On the eastern half, the capping till layer is greater than 20 m in some areas. Along the northern boundary of the study area, the aquifer material daylights at surface and water is encountered at depth typically ranging between 1 m and 5 m. (p. 4)

EBA concluded that "most of the study area indicates the presence of till offering a significant protective cover with resulting long estimated travel times to the aquifer" (p. 5). In those areas, the risk of contamination of the aquifer "is low to moderate" and travel time from the surface to the aquifer is in the timeframe of years.

The Appellants' argue that this report only covered the general area - not the Property specifically. They submit that there is no conclusive evidence that a confining layer exists beneath the Property and that this uncertainty is not acceptable.

Given the uncertainty, the Appellants argue that the conditions on the Property must be further investigated before any sewage disposal system is permitted in the area. This is supported by a July 16, 2002 report by EBA. In that report, EBA states:

The surficial deposits can vary in the area and the vertical component of groundwater flow (e.g. infiltration) in the vicinity of the proposed sewage injection property is unknown.

EBA went on to recommend that the developer verify the site stratigraphy first to ensure the degradation of any liquid waste effluent discharged to the ground will fully occur before reaching the aquifer.

Dr. Gilles Wendling, an expert witness in hydrogeology, on behalf of Breakwater, testified that the CFH septic system is within the footprint of the capture zone for the Breakwater wells. He also stated that more information about the site is required before determining whether the system is safe.

The Appellants also relied on a February 6, 1992 report on the "groundwater conditions near Breakwater" by Michael Wei, a geological engineer for the then Ministry of Environment, Lands and Parks, Water Management Division. This report was prepared in order to assess a waste disposal application to discharge land clearing debris and some untreated sawmill waste adjacent to an existing gravel pit north of

the E & N Railway. In his recommendations, Mr. Wei outlined the conditions around some of the Breakwater wells as follows:

As the disposal sites are situated in the recharge area of a developed aquifer where no confining layer exists, the aquifer is susceptible to contamination from surface sources and therefore disposal of any wastes in this area is not recommended. Once an aquifer is contaminated, it is very costly (in the order of hundreds of thousands of dollars or more) to remediate. (p. 3)

The Watersheds Coalition submitted that the geological formations below the Property are primarily made up of porous sands, gravels and tills above bedrock and that these formations are within the aquifer. The Coalition also submitted that the aquifer is susceptible to contamination.

The Watersheds Coalition argued that the EHO could not have adequately assessed the site conditions since relevant information was missing from the application including:

- the depth to the water table; and
- the location of the percolation test holes and observation test holes.

In addition, the Watersheds Coalition, the Regional District and the Residents Association submit that the average slowest percolation rate of 1-minute per 2.5 centimetres may not be sufficient to treat the effluent prior to reaching groundwater or the aquifer. The Watersheds Coalition submits that "some jurisdictions will not allow septic fields in soils this permeable." The Regional District also noted that the Ministry of Water, Land and Air Protection requires a percolation rate of 2 minutes per 2.5 centimetres under the *Waste Management Act Municipal Sewage Regulation*, B.C. Reg. 109/2002. Section 12 of that regulation states:

**Discharges to ground**

12 A person must not introduce effluent to ground unless

- (a) the effluent quality standards for discharges to ground as set out in Schedule 4 or 5 are met,

Schedule 4, Appendix 1, paragraph 8 states:

- 8. Percolation rates less than 2 minutes per 25 mm [2.5 cm] are too fast for adequate renovation and drainfields will not be permitted, unless hydrogeological studies show that local groundwater quality can be met at the property boundary. For discharges of less than 37 m<sup>3</sup>/d only, use of AMERICAN SOCIETY OF TESTING MATERIALS C33 sand mounding or AMERICAN SOCIETY OF TESTING MATERIALS C33 sand-filled trenches to reduce percolation is permitted if Class B or A effluent is discharged by pressure distribution.

The Residents Association submitted that in Washington State, investigations have shown that viable viruses can move 50 feet in one hour in wet gravel conditions. Applying the percolation rate given on the application form, the Residents Association

estimate that the effluent will reach the Breakwater and Parksville wells in 22 to 30 days.

The Appellants emphasized that the Breakwater wells are downgradient of the effluent discharge. They submit that the EHO did not fully understand the Property when he issued the permit and that the Property should have first been reviewed by a competent hydrogeologist before the permit was issued. Given all of the concerns identified above, the Appellants' argue that neither the EHO, nor the Board, can be satisfied that the aquifer will be protected.

The EHO advised that he has attended the Property on at least six occasions and is, accordingly, familiar with the site.

The EHO submits that information obtained from observation holes in 1996, 1997, and 2002 support the conclusion that there is *at least* four feet of protective soil under the proposed trenches. He testified that his March 2002 inspection of five holes took place during the wet weather season. Those holes were dug to 96 inches. At that time, he observed a layer of silty loam followed by Quadra Sand. At a depth of 24 to 42 inches, a compacted silt layer was visible. No water was found. Based on his observations, the EHO submits that there is more than four feet of soil below the trench. He further testified that the soil was unsaturated at a depth of eight feet during the wet weather season.

In addition, the EHO referred to the results of exploratory drilling which took place on October 22, 2002. Robert Roenicke, P. Eng. (of Qualicum Engineering), monitored the drilling and summarized the data collected from the hole<sup>2</sup> as follows:

- 0-4 feet: compact brown silty stoney sand - poor permeability;
- 4-12 feet: dry brown sand - good permeability;
- 12-14 feet: moist to wet brown sand;
- 14-25 feet: compact silty sand and gravel with cemented silt layers at about 17 feet; and,
- 25-40 feet: almost dry light-brown sand.

Mr. Roenicke also states:

Assuming percolation rates of one inch per minute through the sand deposits and a conservative hydraulic conductivity of 0.0000001 m/s through through [sic] the compact capping material, we estimated the travel time for a liquid to travel from the proposed drain field to water level within the aquifer, approximately 100 feet deep, to be almost 0.9 years.

The EHO submitted that there is good evidence to support the conclusion that the aquifer is confined in and around the Property. He stated that consultations with Mr. Sexton, as well as EBA's October 2001 hydrogeological report, support a finding that

<sup>2</sup> This hole is to be sealed with bentonite clay to ensure it does not act as a conduit to the aquifer.

there is significant protective cover in the form of a till layer in the area. Further, the October 22, 2002 drilling results reported by Mr. Roenicke indicate that this protective layer also exists beneath the Property.

Mr. Roenicke was called as an expert witness on behalf of CFH. He explained that the drilling results confirmed the presence of a hardpan layer within the first 4 feet of soil. He stated that water was found between 12-14 feet, indicating the presence of a perched water table. He also stated that the drilling confirmed the presence of an impermeable layer at approximately 17 feet, which is above the Quadra Sands (25-40 feet). Mr. Roenicke testified that, in his opinion, the thick till layer is adequate to protect the aquifer from contamination.

Even if there were no confining layer as indicated in the 2002 exploratory well, the EHO stated that he was satisfied that the system would protect the aquifer because of the amount of soil separating the trench from the aquifer.

The EHO submitted that the drilling in October 2002 went to a depth of 40 feet and the results indicated that there is at least 40 feet of soil above the aquifer.

The EHO also stated that the Property and proposed system meet all of the *Subdivision Standards* set out in the Central Vancouver Island's Health Region's policy. Specifically, the absorption field and reserve area have native soil to a depth of 48 inches; the disposal systems is of conventional design; there is a 100% reserve area; a restrictive covenant area is provided for the primary absorption field and reserve sites; the requirements for large flow systems are met; the system will be owned and operated by a strata corporation; and the required distances to wells is met.

Accordingly, the EHO testified that there are no special circumstances to justify a departure from the minimum regulatory requirements and policy standards. He acknowledged that the site conditions are complex, but stated that the proposed system is "highly efficient" and is capable of handling the demands placed upon it. In particular, the EHO testified that:

- the septic tanks are capable of dealing with 1000 gallons each of sewage, whereas the standard for a septic tank dealing with the sewage from 6, 4 bedroom houses must be 750 gallons; and,
- there is an 800-foot field, which provides extra area and time for the sewage to move through the system. The true flow rate for the system will be much less because sewage systems for industrial/commercial businesses are generally used by small groups of employees as opposed to a private full-time residence with laundry, showers, baths and dishwashers.

Given the high level of treatment, the distance to a perched water table and the aquifer, as well as the size of the field, the EHO submitted that the system will attenuate the effluent in a superior manner and the risk that the effluent will reach the capture zone of the wells is low.

The EHO advised that the percolation test holes were 24 - 30 inches deep. With a percolation rate of 1-minute per 2.5 centimetres. He testified that the system is "overdesigned" for a 1-minute percolation rate.

Given the above, the EHO was of the view that contamination of the aquifer from the proposed system is not a risk.

CFH argued that the recharge area for the aquifer is more than 30.5 metres [100 feet] from the sewage disposal area and the risk of contamination is low.

*Panel's Findings*

Breakwater has four wells in the "capture zone" and currently services approximately 1500 homes in the French Creek area. The proposed sewage injection system was designed to accommodate a maximum flow of 10,230 litres per day [10.224 m<sup>3</sup>] from the six lots. Given that there are significant consequences if the aquifer is contaminated by untreated effluent, the Panel agrees with all of the parties that the presence of a confining layer and the presence of adequate soils are critical issues to be decided.

The Panel has carefully reviewed EBA's 2001 reports. It has also carefully considered the evidence of Dr. Wendling, Mr. Roenicke and the EHO regarding the presence or absence of a confining layer. Although EBA's 2001 study covers a larger area than this particular Property, its conclusions about the presence of a till layer is consistent with the findings of the 2002 drilling on the Property itself. Under cross-examination, even Dr. Wendling agreed that an impermeable till layer appears to be present.

The Panel finds that, on a balance of probabilities, there is a confining layer beneath the proposed system that will protect the aquifer from any discharged effluent.

Further, Dr. Wendling pointed out that there is a chance that the confining layer is discontinuous. He also noted that the existence of a low permeability layer is not indicative of the path of the sewage nor can it guarantee that the sewage will not seep into the aquifer.

However, the Panel is satisfied that there is at least 4 feet of natural permeable soils in the location of the proposed system. Dr. Wendling, does not dispute this. In fact, there is no question that there is a great deal of soil between the bottom of the trench and the ground water table or confining/limiting layer. The depth is in excess of the 4-foot regulatory requirement.

Although the parties expressed concern with the percolation rate, the Panel finds that the rate should not be a problem in this case given the design of the system and the other characteristics of the site.

Further, given the amount of soil available, the size of the absorption field, the pressure distribution, the depth to a perched water table, the presence of an impermeable till layer above the aquifer and the addition of C-33 sand, among the other factors mentioned above, the Panel finds that any deficiency in the depth of the percolation holes in this particular case, will not impact on the functioning or effectiveness of the system in relation to protection of the aquifer.



b. Will the deep trench system pose a threat to the aquifer?

Breakwater argued that the study of the deep trench pressure system by Dr. Wendling, indicates that there is a potential for the waste effluent to contaminate its wells.

The Watersheds is concerned that the deep trenches will allow surface water and harmful chemicals to travel through the confining layer and migrate into the ground water and/or the aquifer.

It submits that deep trench systems are unsafe and pump and haul methods ought to be used instead. However, the EHO testified that pump and haul methods are not an option given the by-laws that operate in the area.

The relevant sections in the B.C. Ministry of Health's *On-Site Sewage Disposal Policy* are:

## CHAPTER 6. ALTERNATIVE SYSTEMS

### 6.3 Deep Trenches

When an applicant proposes to use a deep trench, the following conditions should be considered;

- a band of porous soil is located between the 1.2 to 2.4 meters (4 to 8 feet) depth;
- the water table is located at least 2 feet below the bottom of the trench;
- once installed the system will not contaminate shallow wells or shallow groundwater aquifers;
- the setback from a downslope breakout point shall be in accordance with general site requirements for setbacks (see Section 4.4); and
- all other site specific information deemed necessary by the Environmental Health Officer to process the application for a permit has been provided.

The EHO advised that the trench design meets sections 6.3 of the Policy: the soil is 4 to 8 feet deep and at least 4 feet below the trench; no shallow wells or aquifer exists; all setbacks to breakout points are met (i.e., 50 feet); and the EHO has obtained all of the information he believes necessary to process the application.

The Panel finds that the Property meets the requirements of section 6.3. Further, there is no evidence that there will be penetration of the till layer that protects the aquifer. The trenches will be excavated within a layer of soil that protects the aquifer. A separate impermeable layer also exists at approximately 17 feet and will not be penetrated by the trenches.

The Panel finds that there is a confining layer above the aquifer and, in any event, there is sufficient soil between the trench, the ground water and the aquifer to ensure these sources of water are protected.

Therefore, the Panel finds that the deep trenches will not pose a threat to the aquifer or the ground water.

c. Are there adequate setbacks to sensitive receptors (wells and drinking water sources)

Schedule 2 of the *Regulation* sets out the required setbacks to a source of domestic water. Section 18(d) requires a minimum of 100 feet (30.5 m) between an absorption field and a source of domestic water. Section 12(a) requires a minimum of 50 feet (15.24 m) between a septic tank and a source of domestic water.

The Residents Association states that the Quadra Sands present at the site make direct connection with the aquifer. Accordingly, it argues that the Quadra Sands constitute a source of domestic water. According to the plot plan, they argue that six septic tanks and one pressure tank will be discharging into the Quadra Sands, in contravention of the 50-foot setback required by section 12(a) of the *Regulation*.

The EHO submitted that the well log completed by CFH shows that the neighboring wells are a distance of between 225 and 800 feet from the Property. Further, the Breakwater well that is closest to the Property is 1500 feet away from the absorption field. The EHO submits that these distances clearly comply with the regulatory requirements and policies.

The Panel finds that the requirements under the *Regulation* have been met. The Panel accepts the evidence provided by the EHO pertaining to the distances from the surrounding wells to the Property, which all exceed the regulatory requirements.

The Panel rejects the argument that the Quadra Sands are a source of domestic water. The fact that Quadra Sands connect with the aquifer, does not justify a finding or conclusion that those sands are "a source of domestic water."

The Quadra Sands are located below the impermeable layer. Therefore, the effluent from the system could not penetrate to the Quadra Sands (or the aquifer).

Therefore, the Panel finds that the proposed sewage system meets the requirements for setback distances to sources of domestic water.

d. Will the commercial/industrial businesses that occupy the land create an unacceptable risk to the public health

Presently, the exact nature of the premises that will occupy the six lots is unknown. What is known is that the zoning is C-3 Commercial.

Because of the unknown nature of the premises that will occupy the site, the Appellants are concerned that the quality of effluent discharged into the ground is also unknown. They are concerned that the businesses that ultimately occupy the Property may introduce harmful chemicals and toxins into the waste stream, either through the septic systems directly or indirectly through spills on the Property, and

that these chemicals and toxins will move through the layers of soil into the groundwater.

The Appellants note that C-3 zoning allows 23 uses. The *Electoral Area "F" Zoning Bylaw No. 1285, 2002* states:

### **C-3 - COMMERCIAL 3**

#### **4.10.1 Permitted Principal Uses**

- |                                      |                             |                          |
|--------------------------------------|-----------------------------|--------------------------|
| a) Artisan Studio                    | i) Food Processing          | q) Outdoor Sales         |
| b) Auction Sales                     | j) Pub                      | r) Product Assembly      |
| c) Building Supply and Lumber Outlet | k) Gasoline Service Station | s) Personal Service      |
| d) Care Services                     | l) Kennel                   | t) Recreational Facility |
| e) Commercial Cardlock               | m) Mini Storage             | u) Restaurant            |
| f) Dwelling Unit                     | n) Nursery                  | v) Retail Store          |
| g) Equipment Rentals                 | o) Office                   | w) Service and Repair    |
| h) Funeral Home                      | p) Outdoor Market           |                          |

#### **4.10.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales.

Dr. Wendling testified that complex metals released from industrial activities are capable of faster travel through the subsurface and aquifer than domestic waste. Further, Dr. Wendling stated that organics degrade more quickly than metals and therefore metals can travel longer distances within the soils.

The EHO argued that issues relating to industrial waste are not relevant to the questions before the Panel. If industrial-level toxins are disposed of on the Property, the Ministry of Water, Land and Air Protection would properly have jurisdiction over those activities.

The EHO testified that the proposed system is sufficient to deal with the waste that is *permitted* to be disposed of on the Property. He also testified that if the building use is changed, an amended permit will be required to reflect that use.

In the present case, the system is not designed to treat chemicals and commercial waste and the permit does not permit such discharges. The Panel agrees with the EHO that the question for the Panel is whether the effluent that is permitted to be discharged from the proposed system will create a risk to the public health.

Furthermore, the issue of the improper disposal of toxic substances can result in the revocation of a permit or other enforcement action. The issue of the

improper disposal of toxic substances will become an issue if and when those toxic substances are disposed of. It is not in the jurisdiction of the EHO to consider that hypothetical possibility at the time that a permit for a domestic sewage disposal permit is issued. Moreover, in the Panel's view, it would be improper to refuse a permit on the basis of potential wrongdoing by an, as yet, undetermined and unknown tenant.

As the Board stated in *Abbeyfield of Denman Society v. Environmental Health Officer* (Environmental Appeal Board, Appeal No. 99-HEA-05, January 16, 2001) (unreported):

...the only relevant factors to take into account in this case are those associated with whether the proposed system ... poses a threat to the public health. As such, zoning recommendations are an irrelevant factor when considering whether the public health will be safeguarded by this system.

Therefore, in this case, the Panel finds that the zoning of the Property as C-3 Commercial is not a relevant factor to the determination of whether the proposed system will protect the aquifer or the public health.

Accordingly, this ground of appeal fails. The Panel finds that, based on all of the evidence, the proposed system will protect the aquifer.

**2. Whether the application was incomplete and included insufficient information for the EHO to properly assess the proposed system.**

The Watersheds Coalition argued that the permit application is misleading, missing important information and fails to address important matters including the following:

- a) It is not clear where the water system is located to service the Property. Therefore, the measurements to domestic water supply are uncertain.
- b) There is an abandoned well on the Property which should be on the permit application drawing.
- c) The agent's signature is not dated.
- d) The EHO did not date the application.
- e) No potential or proposed buildings are shown on the plans.
- f) The 600-gallon dosing/pressure tank may not fit in the indicated 10-foot space between the field and the parcel boundary and provide 3 feet from the tank to the boundary.
- g) Neither the application, nor the permit showed the zoning.
- h) The direction and percentage of ground slope is not shown on the application.

The Panel is satisfied that the EHO and Permit Holder addressed setback and zoning issues during the course of the hearing. As noted above, all setbacks are within the requirements of the Act and the Regulation. Zoning questions are beyond the jurisdiction of this Board, and may be the subject of further appeals should amended permits be required. Finally, any technical errors in the permit application have been

corrected as a result of these proceedings. Accordingly, this ground of appeal is dismissed.

**3. Whether the EHO properly exercised his duty to ensure the safety of public health when issuing the permit.**

The Appellants submit that the EHO failed to properly exercise his duty to safeguard the public health when he issued the permit. The Regional District argues that the EHO failed to consider the cumulative impact of the sewage system on the area. The Residents Association argues that "No economically feasible in-ground sewage treatment system could treat sewage to ensure safe drinking water." Similarly, the Watersheds Coalition advocates a precautionary approach because the quality of the effluent is uncertain. Finally, Breakwater submits that the EHO's decision was flawed because it failed to take into account the recommendations contained in EBA's July, 2002 report.

Section 3(3) of the *Regulation*, provides that no permit shall be issued until site investigations required by Schedule 1 have been carried out to the satisfaction of the EHO. Further, having regard to that Schedule, the EHO must be satisfied that the construction, installation, and ultimate use of the system will not contravene the Act or *Regulation*.

Although it is clear that the EHO must be satisfied that the requirements are met prior to the issuance of a permit for sewage disposal, the *Regulation* does not require absolute certainty that there is no risk posed to public health or the environment. In *B.C. (Ministry of Health) v. B.C. (Environmental Appeal Board)*, [1996] B.C.J. No. 1531 (Q.L.), the Court stated:

If the petitioner's argument is that the Board must be absolutely certain that a sewage disposal system functions without any risk of harm, this would be an impossible standard to achieve.

Hence, the EHO must be reasonably certain that the system poses minimal risk to the public health and the environment.

In the present case, the EHO made multiple site visits, conferred with engineering experts, and asked for and obtained additional information from the applicant before approving an engineer-designed system. The EHO also testified that he considered the *Subdivision Standards* and that the site and the system complied with all of the standards. The Panel finds that the system itself is "over-engineered" for the stated purposes.

Further, the Panel has had the benefit of reviewing EBA's July 2002 report, the drilling results, EBA's reports in response to the drilling, and has heard the testimony of Dr. Wendling and Mr. Roenicke. There is nothing in the July 2002 report, or any of the subsequent reports that contradict or nullify the EHO's assessment of the Property.

The Panel finds that, on a balance of probabilities, the evidence supports the conclusion reached by the EHO that the system will protect the public health. The EHO has evaluated the risks in accordance with the Board's decision in *Gair v. Environmental Health Officer* (Appeal No. 2000-HEA-030, May 9, 2001), (unreported):

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...in exercising the EHO's discretion under the *Regulation*, 'what is called for is a balancing of probabilities and a scale of protection reasonably related to the nature of the threat.' (see *Christina Lake Devt. Ltd. v. B.C. (Ministry of Health, Director)* (1996), 19 B.C.L.R. (3d) 47 (B.C.C.A.) at para. 40).

The Panel finds also that CFH has met all additional requirements of the EHO. The initial conditions outlined in the March 22, 2002 letter were met, and these included creating a reserve covenant, submitting engineered drawings, and assigning responsibility for interim maintenance of the sewage system to the developer. CFH also satisfied additional concerns that were outlined in the July 2, 2002 letter, including the creation of a plan outlining neighboring wells, the formation of a well log, the description of a plan surrounding the water supply, and the digging of additional holes to prove that the soil profile is consistent. Furthermore, the EHO included conditions in the permit that were intended to ensure that the system is built to specification and the standards are met.

The Panel finds that the EHO fulfilled his statutory duty to protect the public health when he issued the permit.

**4. Whether the Board should add a condition to the permit requiring CFH to conduct, at its own expense, a complete study of site stratigraphy and the complex hydrogeological conditions at the site and/or other conditions.**

The Appellants argue that more investigation of the conditions at the Property is needed. They submit that there are too many unanswered questions, such as the presence or absence of a continuous confining layer and the composition of the layers of soil above the aquifer. The Appellants also contend that it is unknown how the sewage will travel beneath the ground.

The Watersheds Coalition requests that the permit be amended to require a complete soils investigation, which could include up to three cored holes for each of the proposed six lots, a total of four observation wells to be measured and chemically analyzed on an annual basis, and the posting of a \$10 million bond by the developer that must be maintained by the strata until the development connects to a community sewer or adopts pump and haul methods.

According to the Regional District, the Ministry of Water, Land and Air Protection requires a study to be conducted where the percolation rate is less than 2 inches per minute in order to confirm renovation of effluent at the Property boundary for the larger systems under its jurisdiction.

CFH contends that its engineer, Mr. Roenicke, has analyzed the system and the area and has stated that it would take approximately 0.9 years for effluent to travel from the drain field to the aquifer. Hence, CFH submits that the standards have been met and the requirement of any extra investigation would be unfair. CFH also argues that the government should conduct a study of the local conditions if a study is deemed necessary at all.

The EHO argues that his knowledge of the system and the area is based on professional opinion and that this ought to be sufficient. The system in question is no different than systems designed for similar uses. Furthermore, the standards for

system design and specifications have been met. Although the EHO agrees that more information about the aquifer would be useful, the EHO argues that it is not the responsibility of CFH to undertake such a study.

The Panel finds that additional study at the expense of CFH is unwarranted. The Appellants have not provided sufficient evidence to show that the design of the system, as approved in the permit, will not be sufficient to protect the public health. Accordingly, the Panel is not prepared to require further studies from the Appellant or the Respondent.

#### DECISION

In making its decision, the Panel has carefully considered the submissions of the parties, whether or not they have been specifically reiterated here.

The Panel finds that the system complies with the requirements of the *Health Act* and the *Regulation* and will protect the public health and the environment.

Accordingly, the decision to issue the permit is confirmed. The appeals are dismissed. The Panel orders that the Permit be amended to show that it is effective for one year from the date of this decision.



Alan Andison, Panel Chair  
Environmental Appeal Board

June 17, 2003

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# B.C. Ferry Authority

OFFICE OF THE CHAIR

1112 Fort Street  
Victoria, BC V8V 4V2  
Tel (250) 978-1294  
Fax (250) 380-3958

June 2, 2003

Mr. Derek Appleton  
Chair  
Alberni-Clayoquot Regional District  
3008 - 5<sup>th</sup> Avenue  
Port Alberni, BC V9Y 2E3

Mr. Joseph Stanhope  
Chair  
Nanaimo Regional District  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Mr. Jim Abram  
Chair  
Comox-Strathcona Regional District  
Box 278  
Quathiaski Cove, BC V0P 1Z0

Mr. Colin Palmier  
Chair  
Powell River Regional District  
5776 Marine Avenue  
Powell River, BC V8A 2M4

Dear Sirs:

Re: Nominations for Directors of B.C. Ferry Authority

On behalf of the newly established B.C. Ferry Authority, I am writing to request the participation of your regional district in identifying qualified individuals to join the B.C. Ferry Authority Board of Directors beginning April 1, 2004.

It is expected that Directors appointed to B.C. Ferry Authority will serve in a dual capacity, being members also of the Board of Directors of the operating company, British Columbia Ferry Services Inc.

Under the Coastal Ferry Act, the provincial government has designated the coastal regional districts of Alberni-Clayoquot, Comox-Strathcona, Powell River and Nanaimo as one Appointment Area for purposes of nominating qualified individuals to the Board of B.C. Ferry Authority. The Regional District Boards in your Appointment Area will be asked to develop and jointly submit a list of nominees by September 30, 2003.

The representation on the Board of B.C. Ferry Authority of individuals nominated by the Appointment Areas is intended to provide the Authority with individuals that are knowledgeable about the challenges and concerns of the region served by marine transportation services, in addition to other skills, aptitudes and attributes they may possess that serve to strengthen the overall decision making of the Board. However, all of the directors will owe a fiduciary duty to the Authority itself, and will not be appointed in order to be delegates to the Authority of a particular region, stakeholder or constituent group.

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You will find attached a package containing information on the nomination and appointment process, as well as the skills and experience that we will be seeking to ensure the effective governance of the organization.

We are planning on holding an information session for members of the Boards and the Administrators of the Regional Districts in your Appointment Area and will be contacting you shortly in this regard.

In the interim, should you have any questions, please contact our Acting Corporate Secretary, Shirley Thompson in Victoria by telephone at (250) 978-1391 or by email at Shirley.Thompson@bcferries.com.

Sincerely,

David Emerson  
Chair  
B.C. Ferry Authority and British Columbia Ferry Services Inc.

Attachments:

Backgrounder  
Nomination Form  
Skills and Experience Profile

c: Betty Harrison  
Chair, Governance Committee  
B.C. Ferry Authority and British Columbia Ferry Services Inc.

David L. Hahn  
President & CEO  
British Columbia Ferry Services Inc.

Shirley Thompson  
Acting Corporate Secretary  
British Columbia Ferry Services Inc.

## Appointment Area Nominations Backgrounder

### What is the B.C. Ferry Authority?

The B.C. Ferry Authority is a no-share-capital corporation created by statute. It is the owner of the single issued voting share of British Columbia Ferry Services Inc., a company incorporated under the *Company Act (British Columbia)* and the successor organization to what was the crown corporation operating as British Columbia Ferry Corporation.

The purpose of the Authority is defined in section 2(2) of the *Coastal Ferry Act (British Columbia)* as follows:

*"The purpose of the Authority is to do any or all of hold, administer and sell a voting share in British Columbia Ferry Corporation after British Columbia Ferry Corporation is converted into a company.*

The Authority governs British Columbia Ferry Services Inc. and appoints its Board of Directors.

### How is the Board of Directors structured?

The first directors of B.C. Ferry Authority are the individuals who were directors of British Columbia Ferry Corporation on March 31, 2003. This is a transition Board and the term of office of the first directors is one year, expiring March 31, 2004. The transition Board will appoint the subsequent Board of B.C. Ferry Authority.

The first directors of B.C. Ferry Authority are also directors of the operating company, British Columbia Ferry Services Inc.

The next Board of B.C. Ferry Authority will take office April 1, 2004 and will include nine directors. Its composition, as set out in the Coastal Ferry Act, will be as follows.

- The Authority will appoint:
  - 4 nominees from the 13 coastal regional districts (grouped into four appointment areas established by the Lieutenant Governor in Council);
  - 1 nominee from the British Columbia Ferry & Marine Workers' Union, which is the trade union representing the employees of British Columbia Ferry Services Inc.; and

- 2 members "at large".
- The province will appoint 2 members.

While not a requirement, it is anticipated that the next directors of the Authority will also be the directors of the operating company, British Columbia Ferry Services Inc.

### **Who is qualified to be a Board member?**

B.C. Ferry Authority Board members must meet the basic requirements established in *Coastal Ferry Act*. Specifically, this means an individual who

- Is not an employee or an officer, other than the Chief Executive Officer, of the operating company, British Columbia Ferry Services Inc;
- Does not hold elected public office of any type;
- Is not an employee, steward, officer, director, elected-official or member of any union representing employees of British Columbia Ferry Services; and
- Is not an employee of
  - A municipality, regional district, trust council or greater board, as those terms are defined in the Local Government Act, within the appointment area, as defined by the Lieutenant Governor in Council, or
  - The city of Vancouver.

### **What are the Appointment Areas?**

Four appointment areas have been established by Regulation.

1. **Northern Coastal and North Island Area**
  - Skeena Queen Charlotte Regional District
  - Kitimat-Stikine Regional District
  - Central Coast Regional District
  - Mount Waddington Regional District
2. **Central Vancouver Island and Northern Georgia Strait Area**
  - Alberni-Clayoquot Regional District
  - Comox-Strathcona Regional District
  - Powell River Regional District (Northern Sunshine Coast)
  - Nanaimo Regional District
3. **Southern Mainland Area**
  - Sunshine Coast Regional District
  - Squamish-Lillooett Regional District
  - Greater Vancouver Regional District
4. **Southern Vancouver Island Area**
  - Cowichan Valley Regional District
  - Capital Regional District

## **How will nominees be identified?**

The four Appointment Areas will each be asked to submit three to five nominations of qualified individuals by September 30, 2003 to serve on the Board of Directors B.C. Ferry Authority, commencing April 1, 2004.

Each Appointment Area will determine their own processes for identifying their nominees to the Board. However, to be considered for appointment, each nominee must have been recommended by one or more of the Regional District Boards of the Appointment Area. The full list of nominees submitted by an Appointment Area to the B.C. Ferry Authority must be signed by the Chair of each of the Regional Districts in that Appointment Area.

There are a variety of ways in which suitable nominees can be identified, ranging from informal to formal. For example, potential nominees may be identified by the Regional Districts through:

- Direct canvas of business, stakeholder, community and professional organizations
- Unsolicited expressions of interest
- Direct solicitation through advertising

## **What assistance will be provided to the Appointment Areas to identify nominees?**

The Authority will make available staff resources to advise nominating entities of the vacancy, skills and experience profile and the qualifications that are necessary or desirable and to facilitate integration between any nomination processes that are underway. Should the Appointment Area wish to advertise for nominees, the Authority will make available a template print advertisement and will provide financial support to fund the placement of up to three advertisements in local newspapers.

## **How will Board members be selected?**

The objective of the selection process is two fold. Firstly, it is to ensure that the Board of the B.C. Ferry Authority meets the composition requirements as set out in the Coastal Ferry Act. Secondly, it is to ensure that collectively, the Board contains the skills and experience necessary to enhance the sound performance of the Authority and the effective interaction and operation of the Board as set out in the Skills and Experience Profile (attached).

The representation on the Board of members nominated by the appointment areas is intended to provide the Authority with directors that are knowledgeable about the challenges and concerns of the region served by marine transportation services, in addition to other skills, aptitudes and attributes they may possess that serve to strengthen the overall decision making of the Board. However, all of the nine

directors owe a fiduciary duty to the Authority itself, and are not appointed in order to be delegates to the Authority of a particular region, union, stakeholder or constituent group.

### **What information will be required to support each nomination?**

Each appointment area will be required to submit a list of three to five nominees. For each nominee, a completed Nomination Form (attached) must be signed by the nominee and submitted to the B.C. Ferry Authority. Nominations must have been recommended by one or more of the Regional District Boards of the Appointment Area. The full list of nominees submitted by an Appointment Area to the B.C. Ferry Authority must be signed by the Chair of each of the Regional Districts in that Appointment Area.

Once nominees have been short listed by the B.C. Ferry Authority for appointment to the Board, a due diligence process will be conducted that will include a review of the candidate's probity/integrity and identification of any conflicts of interest or other significant matters which would preclude the candidate from successfully fulfilling the duties of a director. As part of this due diligence process, short listed candidates will be required to undergo a police record search which will include a local indices and criminal record check.

All parties are obligated to respect the privacy interests of any individual who may be identified as a potential nominee. Information about potential nominees is confidential and may not be disclosed for purposes outside the nomination process.

### **What is the deadline for submitting nominations?**

Nominations must be received by the Authority by September 30, 2003.

### **When will a decision be made?**

The B.C. Ferry Authority will advise the Appointment Areas by no later than December 31, 2003, of those nominees selected for appointment to the Board and will specify the duration of each appointment as being one, two or three years.

### **What will be the obligations of members appointed to the Board?**

Every director will uphold the objects of the Authority and comply with its by-laws. At the time of appointment, every director will be required to sign an acknowledgement that the director has read and is bound by the Authority's conflict of interest guidelines. As well, each director will sign a form consenting to act as director, in which the qualifications for being a director as specified in the Coastal Ferry Act are confirmed by the individual as being satisfied.

### **How often will the Board of Directors Meet?**

The directors will meet together at such time and place as necessary for the dispatch of business, subject always to the general by-laws of the Authority. It is envisaged that, at a minimum, the directors will meet quarterly.

The Authority will also hold an annual meeting of the directors in British Columbia, open to the public.

### **What will be the remuneration for Directors?**

Directors are currently entitled to an annual honorarium of \$15,000, while the Chair is entitled to an annual honorarium of \$30,000.

The Chair and Directors also are entitled to a fee of \$750 for each Board meeting attended (\$375 for half-days). If the Chair or Director attend meetings of both the B.C. Ferry Authority and British Columbia Ferry Services Inc. on the same day, they may receive only one meeting fee per day.

The Chair and Directors are also reimbursed for reasonable travel-related expenses incurred on B.C. Ferry Authority business.

# **Regional District Involvement in the Establishment of the Board of Directors of the B.C. Ferry Authority**

Betty Harrison, Chair  
Governance Committee  
B.C. Ferry Authority

David Hahn, President & CEO  
British Columbia Ferry Services Inc.



- Introductions
- Purpose of Meeting
- Requirements of the Act
- Skills Profile for Directors
- Timetable
- Administrative and Financial Support



- Brief Regional Districts on the formation of the new Board of Directors
- Review the process requirements defined by the Coastal Ferry Act
- Review the skills profile for new Directors
- Timetable and process for Regional District Nominations

- B.C. Ferry Authority owns the one (1) voting share of British Columbia Ferry Services Inc.
- B.C. Ferry Authority governs British Columbia Ferry Services Inc. and appoints its Board of Directors
- While not required, it is anticipated that the Directors of the Authority will also be the Directors of British Columbia Ferry Services Inc.

- Coastal Ferry Act mandates Authority Board with regional representation:
  - Coastal and Vancouver Island Regional Districts
    - 4 members (from nominees)
  - British Columbia Ferry and Marine Workers' Union
    - 1 member (from nominees)
  - Province
    - 2 members (from nominees)
  - "At Large" members selected by the Board
    - 2 members

### Northern Coastal & North Island

- Skeena-Queen Charlotte
- Kitimat-Stikine
- Central Coast
- Mount Waddington

### Central Vancouver Island & Northern Georgia Strait

- Powell River
- Comox-Strathcona
- Nanaimo
- Alberni-Clayoquot

### Southern Mainland

- Sunshine Coast
- Squamish-Lillooet
- Greater Vancouver

### Southern Vancouver Island

- Cowichan Valley
- Capital

- 1. Leadership**
- 2. Business**
- 3. Board Experience**
- 4. Accounting and Finance**
- 5. Legal**
- 6. Transportation**
- 7. Marketing**
- 8. Tourism**
- 9. Labour Management**
- 10. Regulatory**
- 11. Community and Aboriginal Relations**

June	Regional District Briefings
July/August	Advertising in local media
August 30	Regional Districts identify candidates
September 30	Appointment Areas forward nominees list to BC Ferries
October	Board of Directors reviews nominees
December	Appointments announced
April 1, 2004	New Board assumes duties

- Regional District Administrators coordinate process in their appointment areas
- Gary Leitch and Cynthia Lukaitis of BC Ferries provide ongoing BC Ferries support
- [Gary.Leitch@bcferries.com](mailto:Gary.Leitch@bcferries.com) or 1-888-978-1461, or cell 250-920-8798
- [Cynthia.Lukaitis@bcferries.com](mailto:Cynthia.Lukaitis@bcferries.com) or 250-978-1442
- Support Requirements
  - Public advertising for nominees
  - Travel & related expenses



REGIONAL DISTRICT OF NANAIMO		
JUN 13 2003		
CHAIR		GMCrs
CAO		GMDS
GMCms		GMES
		<i>Call</i>

## MEMORANDUM

**TO:** Kelly Daniels  
Chief Administrative Officer

**DATE:** June 13, 2002

**FROM:** Neil Connelly  
General Manager, Community Services

**FILE:** 6140-20-AREA G

**SUBJECT:** Parks Acquisition Reserve Fund Expenditure Bylaw – Area 'G'

### PURPOSE

To consider Parks Acquisition Reserve Fund Expenditure Bylaw No. 1355 as part of the Board resolution to assist in the purchase of Block 602 in partnership with the Nature Trust.

### BACKGROUND

The Regional Board, at its June 10<sup>th</sup> Regular Meeting, approved the purchase of Block 602 in partnership with the Nature Trust with a payment of \$300,000 over three years from the Regional Parks Acquisition Program and \$50,000 from the Electoral Area 'G' Community Parks Acquisition Reserve Fund. The Area 'G' Parks and Open Spaces Advisory Committee supported the utilization of the funds for the initiative at their June 12, 2003 meeting. In order to provide for the community park funds to be available for the transaction, a bylaw to authorize an expenditure of funds from the reserve account is required. Bylaw No. 1355 is attached. It provides for fifty thousand dollars (\$50,000) to be utilized from the Area 'G' Parks Reserve Fund.

### ALTERNATIVES

1. That the "Electoral Area 'G' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003 be introduced, be given three readings and adopted.
2. That the Bylaw not proceed at this time.

### FINANCIAL IMPLICATIONS

The Area 'G' Park Reserve account totals \$561,596. It has accumulated through developer contributions of cash-in-lieu of parkland dedications at the time of subdivision.

### SUMMARY/CONCLUSIONS

The Board, in June 2003, approved an approach to assist with the acquisition of Block 602 in Area 'G' with funding to be derived from the Regional Parks Acquisition Program and the area 'G' Community Parks Acquisition Reserve fund. This report provides for fifty thousand dollars (\$50,000) to be utilized from the latter account to assist in finalizing the Agreement with the Nature Trust of BC.

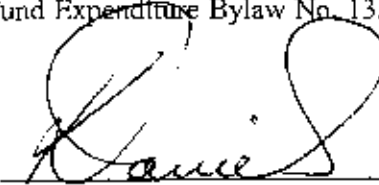


**RECOMMENDATIONS**

1. That "Electoral Area 'G' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003" be introduced and given three readings.
2. That "Electoral Area 'G' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003", having received three readings, be adopted.



Report Writer



CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1355**

**A BYLAW TO AUTHORIZE AN  
EXPENDITURE OF FUNDS FROM THE  
PARK LAND ACQUISITION  
RESERVE FUND**

WHEREAS the Park Land Acquisition Reserve Fund was established under Bylaw No. 750;

AND WHEREAS it is deemed desirable to expend a portion of the Reserve Fund monies to assist with the purchase of Block 602;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated from the Park Land Acquisition Reserve Fund to be expended to assist with the purchase of the lands and improvements legally described as:  
  
Block 602, Nanoose Land District
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as "Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2003.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO

JUN 13 2003

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

*Colin*

TO: Kelly Daniels  
Chief Administrative Officer

DATE:

June 13, 2003

FROM: Neil Connelly  
General Manager, Community Services

FILE:

SUBJECT: Park System Plan Amendment

PURPOSE

To provide for amendments to the Parks System Plan to recognize recent regional park acquisition initiatives and to include the acquisition program update.

BACKGROUND

In November 1995, the Board adopted Bylaw No. 921, which for purposes of the *Park Regional Act* approved the Parks System Plan as the "Official Regional Park Plan of the Regional District of Nanaimo." The Plan had been developed after two years of study and public consultation and formal approval by the then Minister of Environment, Lands and Parks. Plan implementation has been advanced with the Board's approval of a seven-year regional park acquisition program in 1998 and with a program update which was approved in February 2003.

With the recent acquisition of the Little Qualicum River Estuary as a Conservation Area under the Regional Parks Program and the pending transaction by the Nature's Trust regarding the acquisition of Block 602 and land in Block 564 along the Englishman River corridor as a regional park, it has been identified that the three properties need to be included in the Parks System Plan. This ensures, in accordance with the *Act*, that the parks, which are to be managed under the Regional Parks function and budget, are referenced specifically in the Parks Systems Plan.

A new Section 10 is also included to provide an update to the acquisition program for the 2003 to 2005 period as set out by the Board in February. It recognizes a switch from a park acquisition focus to one that will provide for greater attention to development opportunities within existing parks. At the same time it provides for new acquisition opportunities to be assessed on their own merits, taking into consideration proposed funding arrangements, partnerships, the diversity of park features and the geographic distribution of parks within the system.

As an amendment to the Parks System Plan, the Bylaw will also require the approval of the Minister of Water, Land and Air Protection. Proposed legislation has been introduced that, when approved in the Fall, will repeal the *Park Regional Act* and no longer require Ministerial approval of Park Plan changes.

ALTERNATIVES

1. That Bylaw No. 921.02 be given three readings and be forwarded to the Minister of Water, Air and Land Protection for approval.

2. That amendments to the Parks Plan to recognize recent regional park acquisition initiatives and program updates not be undertaken.

### FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the Parks Plan amendment, outside of the acquisition and future operating and management costs specific to each park.

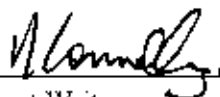
### SUMMARY

Recent regional park acquisition and policy initiatives have generated the need to undertake amendments to the 1995 Parks System Plan. The Bylaw provides for the recognition of the Little Qualicum River Estuary and the proposed Englishman River regional park and includes the 2003 acquisition program update as a new section of the Plan.

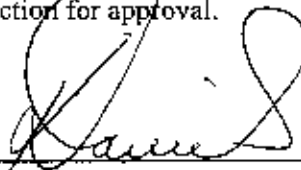
In accordance with the *Park Regional Act*, Plan amendments also need to be approved by the province.

### RECOMMENDATION

That the Official Regional Park Plan Designation Amendment Bylaw No. 921.02 be given three readings and forwarded to the Minister of Water, Air and Land Protection for approval.



Report Writer



CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 921.02**

**A BYLAW TO AMEND THE  
OFFICIAL REGIONAL PARK PLAN  
DESIGNATION BYLAW NO. 921, 1994**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule A, The Regional District of Nanaimo Park System Plan, attached to and forming part of Bylaw 921 is amended by adding the Englishman River Regional Park and the Little Qualicum River Estuary Conservation Area to Section 9, Regional Parks and by including a new Section 10, *Parks Acquisition Program Update 2003-2005*.
2. This bylaw may be cited as the "Official Regional Park Plan Designation Amendment Bylaw No. 921.02, 2003."

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2003.

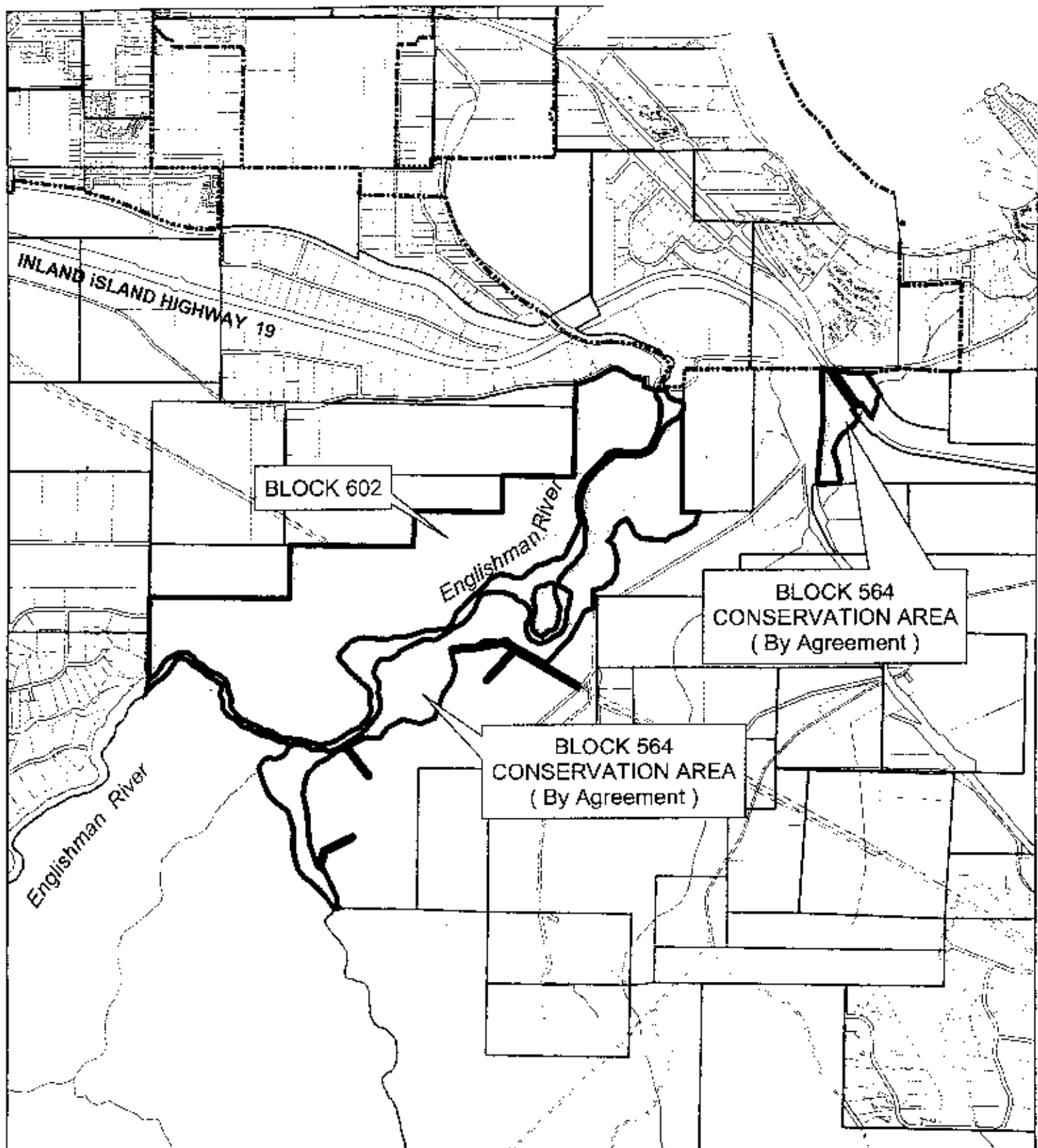
Received approval by the Minister of Water, Land and Air Protection this \_\_\_\_ day of \_\_\_\_\_, 2003.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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BLOCK 602

BLOCK 564  
CONSERVATION AREA  
( By Agreement )

BLOCK 564  
CONSERVATION AREA  
( By Agreement )



ENGLISHMAN RIVER  
REGIONAL PARK



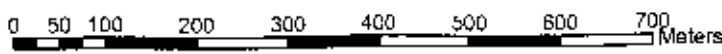
MARSHALL STEVENSON  
WILDLIFE SANCTUARY

ISLAND HIGHWAY 19A

Little Qualicum River



LITTLE QUALICUM RIVER ESTUARY  
REGIONAL CONSERVATION AREA



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## SECTION 10: Regional Parks Acquisition Program Update 2003 - 2005

### BACKGROUND

In October 1998 the Board approved a Regional Parks Acquisition Program in principle for the 1999 - 2005 period. It was undertaken following the provision of an expanded budget in March 1998 with an emphasis on trail development for Regional Parks. There was also the recognition of the need for an acquisition program to move the Regional Parks function forward in future years. The Regional Parks System Plan has been a key resource in the planning for park acquisition work that has been undertaken to date. It, along with a description of the 1999 acquisition strategy, Regional Park and Trail Program developments since 1999, and an acquisition program update are outlined below.

#### a) Regional Parks System Plan

The Regional Parks System Plan was approved by the Board and by the province in 1995 as the Official Regional Park Plan for the region under the *Park (Regional) Act*. Through a process of consultation with the public, major landowners and interest groups it identified a number of sites and concepts that were recognized as significant to the region's parks, outdoor recreation and open space mosaic. Until 1999, however, a program had not been implemented that would provide for the acquisition of any of these sites as future parkland.

#### b) Regional Parks Acquisition Program 1999 - 2005

##### i) Sites

The seven-year acquisition program provided for the Regional Parks Program to actively work to acquire seven sites as Regional Parks. They were Gainsburg Swamp, Hamilton Marsh, French Creek, Lantzville Foothills, Nanaimo River, Sandwell / Lock Bay and Morden Colliery. Nanoose Islands and Mount Arrowsmith were also listed as an additional two sites where the Regional District could play a partnership role with the community in assisting with the acquisition and/or management.

The sites at that time were selected based on recommendations from the Regional Parks System Plan and opportunities that were evident based on discussions with Board Directors, electoral area community members and with landowners. As part of the review process as many as twenty other regionally significant sites were considered but not included in the acquisition program. The sites that were chosen provided for each of the eight electoral areas to have a significant regional park within the system by 2005.

##### ii) Funding

The acquisition program emphasized that funds from the Regional Parks function would largely be used as seed funds to put the Regional District in a leadership role to achieve the acquisition of the nine regularly significant sites as part of the regional park system. A number of other funding and ownership partnerships were to be developed and other creative financing strategies explored to support the program as noted below:

Surplus Funds Currently on Hand - Regional Parks	\$130,000
Annual Contribution 1999	\$200,000
Annual Contribution 2000	\$200,000
Annual Contribution 2001	\$200,000
Annual Contribution 2002	\$200,000
Annual Contribution 2003	\$200,000
Annual Contribution 2004	\$200,000
Annual Contribution 2005	\$200,000
Total Funds Reserved for Regional Park Acquisition	\$1,530,000



Other Sources of Funding:

Development Cost Charges 1999 - 2005	\$150,000
Surplus from Operating Program	\$100,000
Interest From Reserve Funds	\$75,000
Donations/ Fundraised Funds	\$145,000
Total Funds Available for Regional Parkland Acquisition	\$2,000,000

The acquisition program was set up on the basis that over the seven-year period there would be a minimal operational and development program in Regional Parks. Instead operational funds would be available for use in regional trail system development. Once the nine sites were acquired by 2005 the program's resources would be reallocated to Regional Park development and operation.

c) **Regional Parks and Trails 1999 – 2003**

Over the last four years, the Regional Parks Program has been guided by both the 1995 Regional Parks System Plan as well as the 1999 parks acquisition strategy. Major advances have been made in both regional trail development and in park acquisitions. The Regional Parks and Trails map illustrates the extent and scope of the system.

i) Trails

Trail development under the Regional Parks Program has occurred in five of the eight electoral areas. They are the Morden Colliery Trail, the TransCanada Trail, the Top Bridge Trail, the Fern Road Trail, The Parksville Qualicum Links, the historic Arrowsmith Trail, the Big Qualicum Trail and the Lighthouse Country Trail. Linking trail concepts that will ultimately make up the Regional Trail System are outlined on the map. They include sections of the Regional Trail System that have yet to be developed in electoral areas 'B', 'D' and 'E'.

Significant bridge projects that link sections of trail have also been undertaken over the last several years. They cross Thatcher Creek, Haslam Creek, McBey Creek and French Creek at Barclay Crescent. Future proposed bridge crossing points are also noted on the map.

ii) Parks

There are six regional parks in the system. Each electoral area except for Areas 'C' and 'G' have a Regional Park, although the Area 'E' Beachcomber Regional Park represents more of a community park asset. The parks are outlined on the map with notes below on the arrangements for the four most recent acquisitions:

- Home Lake Regional Park - acquired as a park dedication as a result of the rezoning and strata subdivision of cabin properties around the lake.
- Little Qualicum Regional Park - acquired as parkland dedication as a result of the Little Qualicum River Estates subdivision.
- Descanso Bay Regional Park - acquired from the Nanaimo Credit Union in 2002 for \$500,000 in conjunction with an area 'B' community parkland referendum to raise an additional \$500,000.
- Nanaimo River Regional Park - acquired in 2001 through a 99-year lease with The Land Conservancy (TLC).

iii) Park Acquisition Funding

In 1999 and 2000 funding for Regional parks acquisition increased from \$100,000 to \$200,000. For the years 2001 and 2002 it was reduced to \$100,000 by the Board and in the 2003 Provisional Budget, \$150,000 has been allocated. The acquisition of Home Lake and Descanso Bay Parks with their

campground operations has placed more pressure on the operational side of the total regional parks budget. In addition, trail bridge and development projects have had operational cost implications as well as ongoing issues associated with park maintenance and development to address insurance liability issues, as the parks become better known to the public.

iv) Regional Parks Service Agreement

The March 2001 agreement between the RDN and the City of Nanaimo, City of Parksville and Town of Qualicum Beach provides for the municipalities to contribute to the cost of the operation and maintenance of Regional Parks. Annual funding payments are set in accordance with the share of population between the municipalities and the electoral areas. It recognizes that municipal residents have access to Regional Park services.

No municipal funding is provided for the acquisition of new Regional Parks. The agreement provides for the Regional District to consult with the municipalities in the planning and coordination of future Regional Parks and Trails acquisition and development.

d) **Acquisition Program Update**

Several adjustments may be considered to update the 1999 acquisition strategy to make it useful as a guiding document until 2005. They take into account developments that have occurred since 1999 and possible opportunities that may be available over the next couple of years. Renewal of the acquisition program after that time for a subsequent five or ten-year period would benefit from a review and updating of the 1995 Regional Parks System Plan. Broader public discussion could occur as part of that process in setting a longer-term direction for the Regional Parks and Trail System.

There are a number of issues that could be considered as part of a Regional Parks System Plan review. They include the park focus or philosophy relative to outdoor recreation, public access and natural area protection and conservation; funding for acquisitions and operations given increasing operational demands on park operations, planning and capital improvements for campgrounds and trail bridge projects, and further definition of the relationship between community and Regional Parks and the municipalities and electoral areas in park activities.

In recognition of the interest to have a Regional Park in each of the electoral areas and to advance opportunities to work with landowners and interest groups in acquiring sites, the following priorities could form part of an updated acquisition strategy. They are described in greater detail in Appendix 1.

The first level of priority would provide for property acquisitions and/or partnerships with landowners to allow for Regional Parks to be established in electoral areas 'C' and 'G'. In addition, area 'E' would be in this category given that Beachcomber Regional Park has characteristics that are in line with a community level park.

The Regional Parks System Plan references potential sites in each of the three electoral areas. In area 'G' they include land along the watercourse corridors of the Englishman River, French Creek and the Little Qualicum River. Mount Benson and Westwood Ridge in area 'C' has been identified as a site of public interest. It or some other park opportunity associated with TransCanada Trail development in conjunction with a forestry company or the province on Crown land could be the catalyst for the establishment of a Regional Park in area 'C'. The Plan refers to several sites of potential Regional Park interest in Nanoose Bay. They include the Notch and Wallis Point that is accessed through the Department of National Defense lands. The Nanoose Islands have not been 'carried' from the 1999 acquisition program as The Land Conservancy has completed their purchase of South Winchelsea Island and further acquisitions involve more of a provincial or national level of interest.

A second level of priority has been given to sites that are carried forward from the 1999 acquisition program. They include Gainsburg Swamp, Mount Arrowsmith, and the Lantzville Foothills. They all involve Crown land in one form or another and would require that special arrangements be undertaken with the province to secure some form of Regional District tenure or license of use. Also within this category is Hamilton Marsh. It is privately owned by Weyerhaeuser but has a history of public use that has been authorized by the company. In previous discussions, they have indicated an interest in working with the Regional District but have emphasized their concerns with any reduction in their land base without the provision of alternative lands for forestry use.

The Sandwell Provincial Park / Lock Bay site on Gabriola Island has been dropped from the acquisition update given the initiative to acquire the Descanso Bay Regional Park. Likewise the reference in 1999 to the Morden Colliery Trail best fits under the trail component of the Regional Parks Program and a new Regional Park in area 'A' is less a priority with the establishment of the Nanaimo River Regional Park.

In establishing level 1 and 2 priorities for Regional Park acquisitions, it is recognized that other opportunities may arise for new Regional Parks. They may be the result of major parkland dedications arising from new developments or from attractive partnership arrangements that allow for limited Regional District funding to be used as part of a larger project in conjunction with other public agencies or not-for-profit organizations.

The province has also raised the issue of its interest to remove itself from the responsibility of managing smaller provincial parks that have more of a local or regional level of significance. The Parks System Plan identified eight smaller day use provincial parks that could be included in that category. They are Spider Lake ('H'), Arbutus Grove ('E'), Gabriola Sands, Sandwell, Dumbeg ('B'), Morden Colliery, Hemer and Roberts Memorial ('A'). The role, if any, the Regional could play under the Regional Parks Program for these provincial parks is a matter for further discussion should the province take action in that direction.

Lastly, the province's latest position on Little Mountain and Morison Creek is that they are prepared to offer it to the Regional District for a two-year Licence of Occupation only, unless the RDN is willing to pay market value for the land and timber. The area has not been included in the Acquisition Program Update given the province's position but it is still an area of public interest that dates back to the province's 1995 announcement that it would be provided to the RDN as a Regional Park.

## FINANCIAL IMPLICATIONS

The funds available for an updated acquisition program are the \$150,000 that have been allocated in the 2003 Provisional Budget for land purchase and/or partnerships that add new Regional Parks to the system. In addition, \$273,000 in surplus funds has been carried forward into the 2003 budget. Certain expenditure commitments have also been made based on previous park acquisitions. For illustration purposes a budget scenario for acquisitions in the next three years is outlined below:

### Regional Park Acquisition Funding/Budget 2003 - 2005

Surplus funds	\$273,580
Annual contribution 2003	<u>\$150,000</u>
	\$423,580
Descanso Bay Regional Park payment (1 <sup>st</sup> of 5 annual payments)	- \$80,000

Nanaimo River Regional Park payment (last payment)	- \$50,000
Potential payments for new acquisitions in 2003	- <u>\$70,000</u> \$223,580
Annual contribution 2004	\$150,000
Annual contribution 2005	<u>\$150,000</u> \$523,580
Descanso Bay payments	- <u>\$160,000</u> \$363,580
Less any other new park acquisition commitments In 2003, 2004 or 2005	- <u>?</u>

The possibilities for funding sources other than the tax requisition can also be explored. The 1999 acquisition strategy referred to the Board's potential consideration of a development cost charge (DCC) program for Regional Parks. It could generate funding through a specified charge per dwelling unit for single-family residential subdivisions and for multi-family residential developments. Provincial approval of a DCC bylaw would be required. Previous research has indicated that although the Regional District would appear to have the authority to implement such a bylaw, there are no other jurisdictions in the province that have a Regional Parks DCC Program.

Other opportunities may exist for the Regional District to combine its funding with other agencies or partners to acquire land for Regional Park purposes. The challenge in matching funding with the priority for the establishment of Regional Parks in areas 'G', 'C' and 'E', along with the other potential opportunities listed in areas 'D', 'F' and 'H' arises with the fact that any one park project could absorb all or a large part of the funding resource for a period of years. Efforts have been made in the past to provide for funding from a variety of sources through partnerships and by spreading Regional District payments over five years.

#### SUMMARY

An update to the 1999 - 2005 Regional Parks Acquisition Program has been developed based on the expressions of public interest on various sites and concepts outlined in the Regional Parks System Plan and from the developments and park acquisitions that have taken place since 1999. The update provides for priority attention to be given to park acquisition opportunities in electoral area 'G' and 'C' given that they do not have a Regional Park and to Area 'E' given that its Regional Park is limited in size and scope. Other sites identified in the 1999 program for areas 'H', 'F', and 'D' have also been retained in the acquisition strategy. It is recognized that all acquisitions will require partnerships or shared funding or agreement approaches to achieve given the funding resources that are available. Future directions beyond 2005 for the Regional Parks and Trails Program may be established as part of a process to review and consult with the public on the 1995 Regional Parks System Plan.

**Regional Parks Acquisition Program Update (2003 - 2005)**

**ATTACHMENT 1**

Priority for Regional Park acquisitions will be given to the electoral areas that do not currently have a Regional Park or in the case of area 'E' have a Regional Park with limited size and scope.

Page 1 of 3

AREA	AREA OF INTEREST	OWNERSHIP	NOTES ON STRATEGY FOR ACQUISITION	POTENTIAL DEVELOPMENT AND USES
G	Little Qualicum River estuary	Private	Ducks Unlimited Canada and The Land Conservancy have expressed an interest. Pacific Estuary Conservation Program funding.	<ul style="list-style-type: none"> <li>Management by the Canadian Wildlife Service as part of their adjacent Wildlife Sanctuary.</li> <li>MUC interest for research and education</li> <li>Limited public access given the conservation values</li> </ul>
	French Creek corridor	Mixture of current RDN ownership, adjacent Town of Qualicum Beach land and private land	Purchase of portion of private land along the river (Sorenson) and possible partnership agreement with the Town	<ul style="list-style-type: none"> <li>Trails along the creek corridor with a crossing at the Barclay Crescent bridge.</li> <li>Conservation values</li> </ul>
C	Englishman River corridor	Private, TimberWest and Texada	Nature Trust of BC is pursuing Blk 602 with various partners and fishery interests.	<ul style="list-style-type: none"> <li>Trail linkages</li> <li>River corridor protection</li> </ul>
	Mount Benson Westwood Ridge	Private Weyerhaeuser TimberWest Crown	Fundraising, potential partnership arrangements. Trail access agreements with the forestry company.	<ul style="list-style-type: none"> <li>Trails</li> <li>Viewpoints</li> <li>Natural area protection</li> </ul>
	Nanaimo River Corridor	Private Crown	Potential for a park in conjunction with a TCT bridge-crossing project.	<ul style="list-style-type: none"> <li>River Corridor protection</li> <li>Potential staging area for trail activities</li> </ul>
E	Notch Hill	Private Fairwinds	Partnership with the province or other agencies. Portion of property listed in the province's protected area strategy.	<ul style="list-style-type: none"> <li>Conservation</li> <li>Trails</li> <li>Viewpoints</li> <li>Nature study</li> </ul>
	Wallis Point	Department of National Defense	Partnership with Canadian Wildlife Service, other agencies.	<ul style="list-style-type: none"> <li>Trails</li> <li>Conservation</li> <li>Viewpoints</li> </ul>

**PAGE**  
1/9

Sites identified in the 1999 acquisition strategy that continue to have potential to be included in the Regional Park System. Each of the three sites includes Crown land and would require negotiation with the province.

AREA	AREA OF INTEREST	OWNERSHIP	NOTES ON STRATEGY FOR ACQUISITION	POTENTIAL DEVELOPMENT AND USES
H	Gainsburg Swamp	Crown Forest	Partnership with Provincial forests to develop regionally significant trails and protect swamp area - property to continue under tenure of Provincial Forests with permit to manage swamp area as a Regional Park.	<ul style="list-style-type: none"> <li>▪ Northern terminus for D669 Trail System, conservation of wetland area</li> <li>▪ Nature appreciation</li> <li>▪ Bird watching</li> </ul>
F / C	Mount Arrowsmith Massif with a link to the historic Arrowsmith Trail	Mixture of Crown forest lands, Port Alberni Regional District Parkland and TimberWest (trail) and Weyerhaeuser (trail) lands	This site may most likely be a Provincially significant site. RDN's role as a partner in the protection of the site with ownership and management role to be developed as partnership unfolds	<ul style="list-style-type: none"> <li>▪ Outdoor recreation</li> <li>▪ Trails</li> <li>▪ Tourism</li> <li>▪ Conservation values</li> </ul>
D	Lantzville Foothills	Crown lands, Crown forest and Provincial Park	Proposed to purchase / lease 4 Crown lots (20 acres), develop recreational use agreement through woodlot with Ministry of Forests and acquire Arbutus Grove Provincial Park to secure access to the Lantzville Foothills area for regional based recreational use. Will likely involve agreement with BC Hydro for access through utility corridor to connect Crown lands to Arbutus Grove Park.	<ul style="list-style-type: none"> <li>▪ Recreational trails</li> <li>▪ Conservation values</li> </ul>

This site would require negotiation with Weyerhaeuser and, given their interest in the protection of their land base, could require provincial Crown land involvement.

AREA	SITE PROPOSED	OWNERSHIP	NOTES ON STRATEGY FOR ACQUISITION	POTENTIAL DEVELOPMENT AND USES
H	Hamilton Marsh	Private ownership Weyerhaeuser	Partnership with Trust agencies and possible community fundraising Crown land offset	<ul style="list-style-type: none"> <li>Exceptional wetland for wildlife conservation values, regional node District 69 Trail system, local school district uses site for educational programs</li> </ul>

REGIONAL DISTRICT OF NANAIMO			
JUN 16 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

**MEMORANDUM**

**TO:** Tom Osborne  
Manager of Recreation and Parks

**DATE:** June 13, 2003

**FROM:** Jonathan Lobb  
Parks Technician

**File:** MoT EA B

**SUBJECT:** Development Permit Applications for Electoral Area 'B' Ministry of  
Transportation Access to Water Sites

**Purpose:**

To obtain Regional Board approval to make application to the Ministry of Transportation (MOT) for Development Permits for two accesses to water sites in Electoral Area 'B'.

**Background:**

Despite the recent acquisition of Descanso Bay Regional Park, as well as a number of waterfront Community Parks that have been developed in recent years, there is continued community demand for improved and increased public access to water on Gabriola Island. The most efficient way of accommodating this demand is by seeking development permits from the Ministry of Transportation for some of the approximately 100 public right of ways that they manage.

In 2000 the Regional District conducted an access inventory of the majority of the beach accesses on Gabriola Island that are managed by the Ministry of Transportation. This inventory identified which sites were poor candidates for upgrades, and which were good choices for consideration for future application and development. Factors such as slope, existing trails, ease/cost of development, and any use or trespass by immediate neighbours were identified. From this inventory, and from requests received from the public by staff and the Electoral Area Director, the sites described below were further investigated and assessed for consideration. Neighbours on either side of the sites, where development could significantly impact the use or enjoyment of their private land, were contacted, and the Regional District's intentions were conveyed. In some instances, the suggestion of developing the site was met with protest; the landowners claiming that increased use of the site would translate into loss of security or privacy for the residents; that they were already under stress from the behaviour of visitors to the beach access, and had suffered loss or destruction of property due to trespass and theft by site visitors. Landowners next to the two sites recommended for development had no objections to the proposed work. One of them was very keen to see the work done and offered to help and two others were more apathetic to the proposed development.



Following is a description of the conditions encountered at each site. The four sites not being recommended for development are described first, followed by the two being recommended for development.

- 27 - Canso Road. This site is steep, treed and difficult to travel through for the most part. The upper (southern portion) of the site is currently encroached on by the adjacent landowner to the east. This encroachment is considerable, with the development of a lawn, well-manicured flower beds, lawn furniture, and a low fence. In speaking with this landowner staff learned that there has been somewhat of a conflict with a single area resident over this trespass issue. The beach access neighbour assured staff that residents in the area were aware of the beach access site as a public water access location, and she had even encouraged them to use her private land in order to access the beach. She has built some rough stone steps for their own purpose and have allowed public use of this route to access the beach. Development of this site by the Regional District would be costly due to the terrain, and would potentially complicate liability issues if people were injured while accessing the beach due to the existence of an already developed adjacent route over private land. This site is not recommended for permit application.
- 43 - Shaw Road. This site has a privately built fence across the entrance, discouraging public use. There is an acreage property on either side. There is a trail beyond the fence that leads to a steep bank down to the beach that is not safe to travel, particularly by more infirm users. The landowners on either side are strongly opposed to development of the site and one had threatened to tear down any public access sign that the Regional District posted when the potential development options were explained. There are few residents in the immediate area and it does not appear to currently be a well used access. Both residents stated that shellfish harvesters regularly access the beach in the vicinity through private land, and there were also reports received by residents that their property had been damaged by persons using the beach. Due to the likelihood for ongoing neighbour issues, and the fact that there would be little apparent use of the site once developed, this site is not recommended for permit application.
- 53 - Murray Road. This site is easily accessible by vehicle, and is a commonly used boat launch across from the Degnen Bay Marina. Plentiful, large driftwood logs on the beach negate the need for bench installation, and due to it's popularity with residents, a sign is not required. Potential overuse of a visible, installed garbage can by boaters would not be desirable and would increase maintenance costs. This site is well used by the public and would not overly benefit by development. This site is not recommended for permit application.
- 54 - Maple Lane. This very steep site is home to a large diameter water pipeline installed by the Gabriola Fire Department. There is a trail traversing the bank but it also leaves the right-of-way about half way down, and briefly trespasses onto private property. The existing trail is located in the only possible route down the bank. It is steep and dangerous, with an exposed bluff edge revealing a drop of about 4 metres onto rock. A contractor quote for a stair case installation down the bank was in excess of \$4000. This site is not recommended for permit application.

The following two sites are being recommended for development.

- 26 - Descanso Bay Road. Access at this site is steep, with an approximately 2 metre drop from the end of the road to the beach. There is space for parking 2-3 cars. Neighbours on both sides were spoken to and had no objections to potential increased use of the site. The house to the east is currently for sale. There was previously a set of stairs at this site, constructed by community volunteers, but they were recently washed away by winter tides. Original design or potentially high maintenance costs for the stairs must be considered. It may be possible to construct a short flight of concrete steps to the beach. There are two RDN Community Parks on Gabriola that have removable steps that are taken up off the bank during the winter, but this work is conducted by volunteers and volunteer support may not be an option for this site. The beach is located in a small bay, and while attractive, does not allow access very far up or down the beach, even at low tide. There is however, a lack of passable public beach access in this portion of the island. This site is recommended for permit application.
- 87 - The Strand. This sight is ideal for further development. The site has paved parking space for in excess of 15 cars. It is not so well used by the public now as there are a lot of elderly residents in the area that cannot make the walk down to the beach. There is an ideal location among the trees at the top of the bank for the installation of a bench. This would require some minor pruning and clearing work but the resulting view of the Strait is beautiful. The landowner to the east is in full favour of development, and currently invites elderly visitors onto his property to sit on a bench that he has built for this purpose. He has even been so considerate of public users that he constructed a privacy screen so visitors wouldn't feel that they were imposing. The lot to the west is treed and undeveloped; the owner lives in Hawaii. The steep path down to the beach is already adequate and easy for most visitors to traverse, and the beach is excellent. Installation of a garbage can would assist the eastern neighbour in his ongoing efforts to keep the site clean. This site is recommended for permit application.

Development work at sites approved by the Regional Board for permit application would consist of the following, and would be carried out by a local contractor:

- Concrete bench set on concrete pad;
- Concrete garbage can;
- Installation of signage denoting the Regional District as the managing agency, and posting regulations for the access.
- Improvements to existing trails where applicable, or development of new trails where required, to provide safe access to the beach from the road. In one case, this may require the installation of a short flight of steps.

**Alternatives:**

1. To direct staff to make the necessary permit applications to Ministry of Transportation with the intent of developing two beach accesses in Electoral Area 'B'.
2. To provide alternative direction to staff regarding the named beach accesses.

**Financial Implications:**

There is \$8000 budgeted in the Electoral Area 'B' Community Parks budget (2003) for general park development. A portion of this is likely to be spent on trail and parking area development work at the new community park adjacent to Descanso Bay Regional Park. There is also a forecasted surplus of \$67,500 in the Area 'B' Community Parks budget. It is estimated that the total cost of the proposed beach access development work for two in 2003 would not exceed \$3500.

**Intergovernmental Implications:**

An "Application for Permission to Construct Works Within Highway Right-of-Way" will have to be submitted to MoT prior to any development work being conducted. The Province's turnaround time on these applications is normally two to three weeks. The MoT retains all tenure over the property during and after the application and development work is conducted, and retains the right to order any amenities removed with reasonable notice. The Ministry seems to be strongly in favour of the Regional District taking some management responsibility for these properties, as MoT does not have a mandate to provide nature appreciation, or recreation services to the public.

There are no environmental concerns at any of the sites that would require the involvement of either Department of Fisheries and Oceans or the Ministry of Sustainable Resource Management, or the Ministry of Water, Land and Air Protection.

**Citizen Implications:**

The most pressing negative concern perceived by the public with regards to these sites being developed, is the belief by adjacent property owners that the sites may become unfavourably busy, and lead to an increase in vandalism at the site, or pose a threat to the overall peace and quiet of the neighbouring homes. This appears to be a wholly unfounded concern. In managing a number of these sites over the past five years, staff have not received any complaints from adjacent residents that stems from the public use of these sites. Both sites recommended for development in 2003 are already actively used by the public for beach access. Development by the Regional District will make these sites more enjoyable to use, as well as being much safer and cleaner.

Community members in Electoral Area 'B' have repeatedly expressed the need for both improved and increased public access to water. Staff have spoken to relevant site neighbours on either side of the recommended beach access locations to notify them of the Regional District's intent, and the community's desire to have them better developed for public use. There have been no objections from these neighbours.

**Summary:**

Permission is being sought to apply to MoT for development permits for two beach access locations in Electoral Area 'B'. This development is for the purpose of improving recreational beach access for residents of Area 'B'. There is an estimated cost of \$3500 to develop the two sites, and a minor ongoing maintenance cost (regular garbage collection and any required vandalism repair).

**Recommendation:**

That the Regional District apply to the Ministry of Transportation for permits to develop two beach accesses in Electoral Area 'B' at Descanso Bay Road and The Strand.

*J. Lobb / for me*

Report Writer

*T. Osborne / for me*

Manager Concurrence

*A. Lomax*

General Manager Concurrence

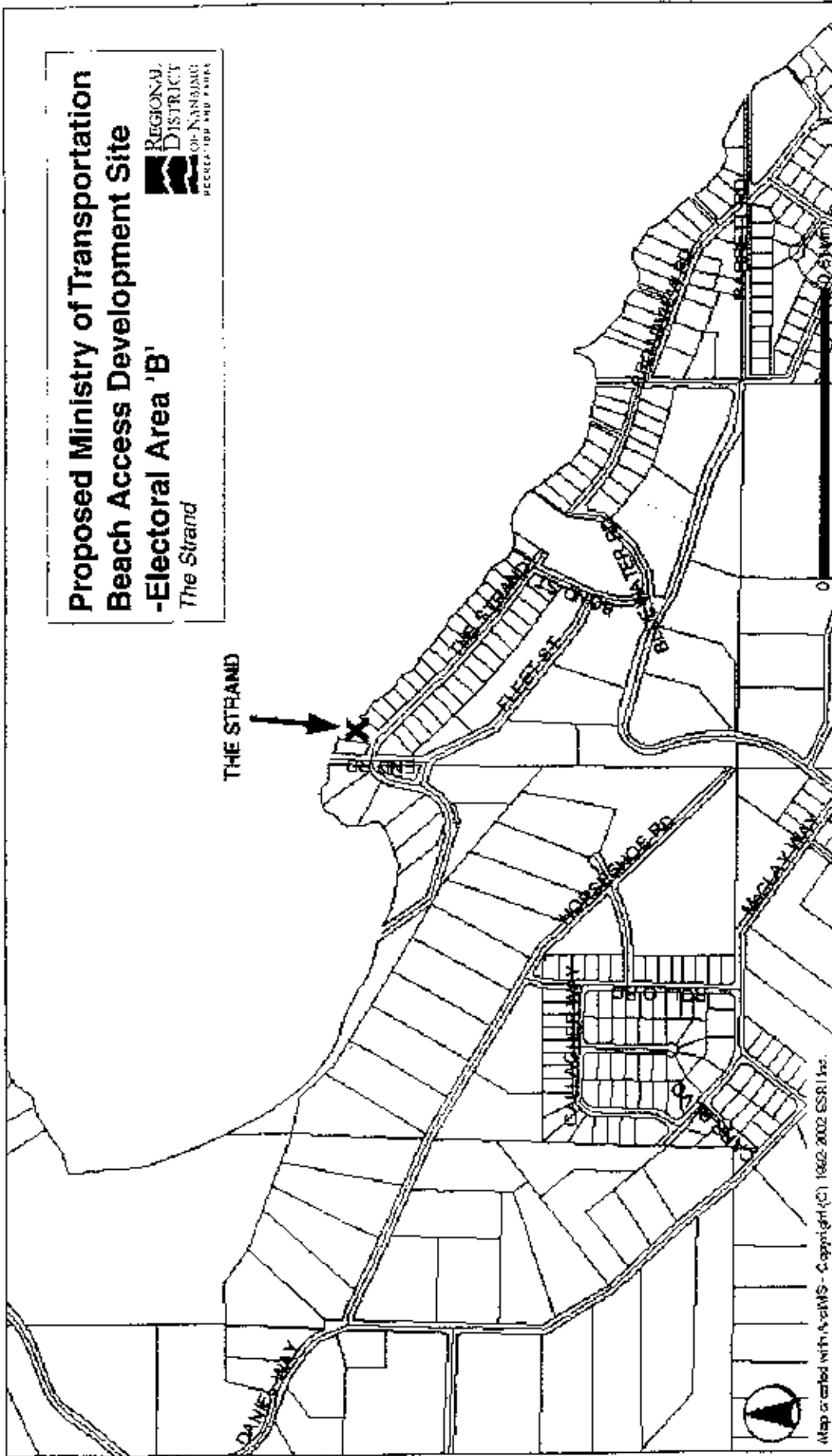
*[Signature]*

C.A.O Concurrence

COMMENTS:



**Proposed Ministry of Transportation  
Beach Access Development Site  
-Electoral Area 'B'  
The Strand**



Map created with ArcGIS - Copyright (C) 1992, 2002 ESRI Inc.



REGIONAL DISTRICT OF NANAIMO	
JUN - 5 2003	
CHAIR	GMC'S
CAO	GMDS
GMCms	GMES
	<i>Col</i>

**MEMORANDUM**

**TO:** Tom Osborne  
Manager of Recreation and Parks

**DATE:** June 5, 2003

**FROM:** Jonathan Lobb  
Parks Technician

**FILE:** MoT EA H

**SUBJECT:** Development Permit Applications for Electoral Area 'H'  
Ministry of Transportation Access to Water Sites

**PURPOSE**

To obtain Regional Board approval to make application to the Ministry of Transportation (MoT) for Development Permits for three accesses to water sites in Electoral Area 'H'.

**BACKGROUND**

In the summer of 2002 with approval by MoT, the Regional District developed five MoT Access to Water Sites (also known as road end Right-of-Ways) along the waterfront in Electoral Area 'H'. Work on these sites included identification signage and placing of benches and garbage cans. Following various requests from Electoral Area 'H' residents to continue with this type of development at other MoT sites, Director Bartram requested Park staff to investigate options for developing other sites during summer 2003. The Access to Water Sites inventory for Area H, which was completed in 2000, was utilized as a resource. Staff visited six sites of interest to assess the site's suitability for upgrades and spoke to several neighbours and users at each site. In addition to these on-site visits, a letter and map was mailed to each of the four residents (two on either side) of the six sites visited, apprising them of the Regional District's intentions for development consideration. Following the site visits and subsequent communication from several area residents, staff have determined that upgrades are desirable at three locations (*see attached map*):

- Shoreline Drive
- Buccaneer Beach Road
- Crane Road

Development work at these sites would consist of the following and would be carried out by a local contractor:

- Concrete bench set on concrete pad;
- Concrete garbage can;
- Installation of signage denoting the Regional District as the managing agency, and posting regulations for the access.

- Improvements to existing trails where applicable, or development of new trails where required, to provide safe access to the beach from the road. In one case, this may require the installation of a short flight of steps.

## ALTERNATIVES

1. To direct staff to make the necessary permit applications to Ministry of Transportation with the intent of developing three beach accesses in Electoral Area 'H' at Shoreline Drive, Buccaneer Beach Road and Crane Road.
2. To provide alternative direction to staff regarding the named beach accesses.

## FINANCIAL IMPLICATIONS

There is \$2,000 allocated for MoT beach access development in the 2003 Electoral Area 'H' Community Parks Budget in addition to \$29,390 prior year surplus. In 2002 the development of five beach access sites in Electoral Area 'H' cost approximately \$7,800. This included all materials and labour for the developments. It is estimated that the total cost of the desired beach access development work for the three sites under construction in 2003 would not exceed \$5,000 in total.

## INTERGOVERNMENTAL IMPLICATIONS

An "Application for Permission to Construct Works Within Highway Right-of-Way" will have to be submitted to the MoT prior to any development work being conducted. The Province's turnaround time on these applications is normally two to three weeks. The MoT retains all tenure over the property during and after the application and development work is conducted, and retains the right to order any amenities removed with reasonable notice. The Ministry seems to be strongly in favour of the Regional District taking some management responsibility for these properties, as it does not have a mandate to upgrade and make the road-end right-of-ways accessible to the public.

No environmental concerns have been identified at any of the sites that would require the involvement of any of the Department of Fisheries and Oceans, the Ministry of Sustainable Resource Management, or the Ministry of Water, Land and Air Protection.

## CITIZEN IMPLICATIONS

The most pressing negative concern perceived by the public with regards to these sites being developed, is the belief by some adjacent property owners that the sites may become unfavourably busy, and lead to an increase in vandalism at the site, or pose a threat to the overall peace and quiet of the neighbouring homes. This appears to be a generally unfounded concern. In managing a number of these sites over the past five years, staff have not received a complaint from adjacent residents that stems from the public use of these sites. All three sites considered for development in 2003, and most of those developed by the Regional District in the past were already actively used by the public to access the waterfront. Development by the Regional District will make these sites more enjoyable for use by residents, as well as being much safer and cleaner for all users.

Community members in Electoral Area 'H' have repeatedly expressed the need for both improved and increased public access to the waterfront. Staff mailed letters to two neighbours on either side of the named beach access locations to notify them of the desire of both the Regional District and the



community to have these accesses better developed for public use. The letter also generated responses from several volunteers interested in assisting the Regional District with the development of the beach access on Shoreline Drive.

### SUMMARY

In the summer of 2002 once the work was approved by MoT, the Regional District developed five MoT Access to Water Sites along the waterfront in Electoral Area 'H'. Work on these sites included identification signage and placement of benches and garbage cans. Following various requests from Area 'H' residents to continue with this type of development at other MoT sites, Director Bartram requested Park staff to investigate options for developing other sites in Electoral Area 'H' during summer 2003.

In order to undertake any upgrades, the Regional District is required to apply to the MoT for development permits for three beach access locations in Electoral Area 'H' at Shoreline Drive, Buccaneer Beach Road and Crane Road. This development is for the purpose of improving recreational beach access for residents of Area 'H'. Seven similar beach access sites are currently managed by the Regional District within Electoral Area 'H'. It is estimated that it will cost \$5,000 to develop the three sites and there is sufficient funding for this initiative from the Electoral Area 'H' Community Park Budget.

### RECOMMENDATION

That the Regional District apply to the Ministry of Transportation for permits to develop three beach accesses in Electoral Area 'H' at Shoreline Drive, Buccaneer Beach Road and Crane Road.

*for* Mr. Bartram  
Report Writer

Merrill  
General Manager Concurrence

*for* Mr. Bartram  
Manager Concurrence

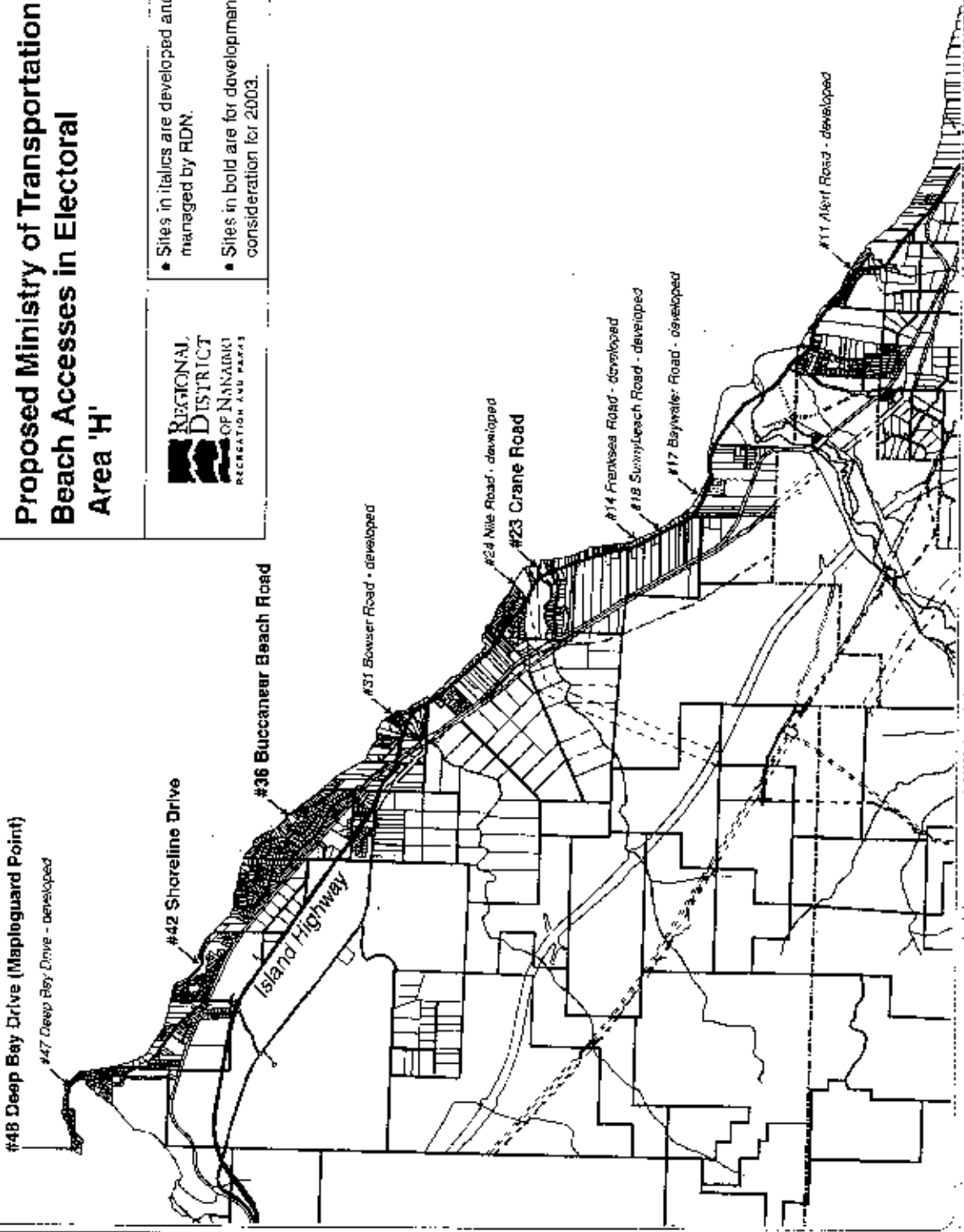
Daniel  
C.A.O Concurrence

COMMENTS:

# Proposed Ministry of Transportation Beach Accesses in Electoral Area 'H'



- Sites in italics are developed and managed by RIDN.
- Sites in bold are for development consideration for 2003.





REGIONAL DISTRICT OF NANAIMO			
JUN 16 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	
C. Daniels			
			DATE

**MEMORANDUM**

**TO:** Board of Directors

**FROM:** Kelly Daniels  
Administrator

**SUBJECT:** Vancouver Island Health Authority - Memorandum of Understanding

June 11, 2003

**Purpose:**

To present for the Board's consideration a memorandum of understanding with the Vancouver Island Health Authority (VIHA).

**Background:**

Communication, effective input on the annual budget, and the coordination of information between the various hospital Boards within the VIHA have been problems for a number of years. The hospital district's have been working together to create a memorandum of understanding with the VIHA to address these issues.

The original memorandum included commitments around the 40% cost sharing funding for hospital districts. The six hospital districts, however, were not able to come to an agreement on funding. There was general concurrence that the process issues agreed to in the memorandum were important enough to proceed prior to next year's budget.

The memorandum of understanding proposes the establishment of a Regional Capital Planning Group which will meet twice yearly in March and October to review long range capital plans and discuss funding requirements and priorities. There is also proposed to be established three Health Service Delivery Area Joint Planning groups, in the south, the central and the north Island areas to "review, rank and recommend the next year's capital projects and equipment priorities for each area".

**Alternatives:**

- (1) To approve the memorandum of understanding between the VIHA and the six hospital districts.
- (2) To require that funding criteria be included in any memorandum of understanding.

**Financial Implications:**

- (1) The process outlined in the memorandum should result in more thorough information to the Board at budget time and more input by the hospital district on priorities at the local level.

- (2) The initial memorandum committed each hospital district to fund the 40% share of capital projects within their area but did not require any contribution on projects that are of an Island wide significance. In this instance Nanaimo and Capital Region residents would be funding major capital projects that would be of benefit to all Vancouver Island residents. This situation was not agreeable to the Nanaimo Hospital District and hence the clause was removed with the intention that the Nanaimo Regional Hospital District would develop an options paper to further explore the funding issue.

**Intergovernmental Implications:**

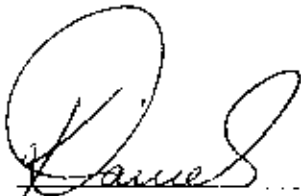
The importance of having a process agreement with the VHIA was considered by all Regional Hospital Districts as being vital to our budgeting process and to the degree of comfort that all Board's must have when making such large financial decisions. While any agreement among the hospital districts on funding regionally significant projects is also important it became obvious that agreement would not be reached on this contentious issue prior to the commencement of the next budget cycle

**Summary:**

The memorandum of understanding that is being presented represents an agreement around the process that will be followed when considering capital and equipment requirements for the upcoming year. While it does not address the issue of funding fairness in relation to capital projects it does represent a clearer opportunity for earlier input on health capital and equipment funding by the hospital districts.

**Recommendation:**

That the Memorandum of Understanding between the Vancouver Island Health Authority and the six regional hospital districts be approved.



.....  
K. Daniels, CAO

**MEMORANDUM OF UNDERSTANDING**

(April 2003)

THIS UNDERSTANDING made as at the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

BETWEEN:

**VANCOUVER ISLAND HEALTH AUTHORITY**  
(hereafter called "VIHA")

OF THE FIRST PART

AND:

**ALBERNI-CLAYOQUOT REGIONAL HOSPITAL DISTRICT,  
CAPITAL REGIONAL HOSPITAL DISTRICT,  
COMOX-STRATHCONA REGIONAL HOSPITAL DISTRICT,  
COWICHAN VALLEY REGIONAL HOSPITAL DISTRICT,  
MOUNT WADDINGTON REGIONAL HOSPITAL DISTRICT, and  
NANAIMO REGIONAL HOSPITAL DISTRICT,**

(hereafter called the "VI-RHDs")

OF THE SECOND PART

WHEREAS:

- A) VIHA is responsible for health service delivery on Vancouver Island and the islands. To manage this process, VIHA has been divided into three health service delivery areas (HSDA's): Vancouver Island South, Vancouver Island Central and Vancouver Island North.
- B) VI-RHDs are responsible for providing the local share of capital projects and equipment as defined in the Hospital District Act.
- C) All parties recognize the benefits of coordinating their activities through formal and informal processes within the bounds of their respective legislative and regulatory obligations.

THEREFORE:

VIHA and VI-RHDs agree to the following:

1. The establishment of a Regional Capital Planning Group comprised of representatives of the Boards (or their designates) and senior staff of VIHA and the VI-RHDs which will meet twice yearly (March and October) and shall have the following purposes:

- a) receive general information from VIHA on its strategic direction and its Three Year Capital Plan (**October**),
  - b) receive general information from Regional Hospital Districts on their opportunities and constraints on health facility capital taxation (**October**),
  - c) receive information from VIHA on their total funding, the method of distributing capital improvement project and minor equipment funding to their component Health Service Delivery Areas, preliminary information on major projects and major equipment and identification of regional referral projects and/or equipment acquisitions (**October**), allowing VI-RHDs to grant approval-in-principle and incorporate proposed expenditures in their provisional budgets before December 15, and
  - d) review for the purpose of recommendation to each Board member, the consolidated VIHA Regional Capital Plan (sum of the three HSDA plans) for capital projects and equipment acquisitions (**March**). The VIHA Regional Capital Plan will include projects and equipment acquisitions requiring cost-shared funding in the following fiscal year (i.e. current RHD fiscal year) and those likely to be presented for funding in the two subsequent fiscal years.
2. The establishment of three Health Service Delivery Area Joint Capital Planning Groups for Vancouver Island South, Vancouver Island Central and Vancouver Island North.

Each of these Health Service Area Delivery Joint Capital Planning Groups will be comprised of senior staff from VIHA and the affiliated VI-RHDs.

The main purpose of these Groups is to:

- a) review, rank and recommend next year's (and Three Year) capital projects (capital improvements and majors) and capital equipment acquisitions (minor and major) to the VIHA/VI-RHDs Regional Capital Planning Group. It is recognized that the final decision regarding cost sharing rests with the RHD and VIHA.

Each Health Service Delivery Area Joint Capital Planning Group determines the structure and process that works best for them.

3. That the Regional Capital Planning Group and the three Health Service Delivery Area Joint Planning Groups will complete their business on or about **January 31** each year enabling the Regional Hospital Districts to approve their current year budgets no later than **March 31**.

4. That any media release for capital expenditures for which Regional Hospital District funding is supplied be jointly produced and released by VIHA (or an HSDA) and the participating VI-RHD (VI-RHDs).
5. That the parties agree to work together in full co-operation to best meet the needs for the required quantity and quality of health facilities for Vancouver Island residents.

The following parties have executed this Agreement this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Alberni-Clayoquot Regional Hospital District

\_\_\_\_\_  
Capital Regional Hospital District

\_\_\_\_\_  
Comox-Strathcona Regional Hospital District

\_\_\_\_\_  
Cowichan Valley Regional Hospital District

\_\_\_\_\_  
Mount Waddington Regional Hospital District

\_\_\_\_\_  
Nanaimo Regional Hospital District



REGIONAL DISTRICT OF NANAIMO	
JUN 13 2003	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
	<i>Call</i>

**MEMORANDUM**

**TO:** C. Mason  
General Manager, Corporate Services

**DATE:** June 5, 2003

**FROM:** N. Avery  
Manager, Financial Services

**FILE:**

**SUBJECT:** 2002 Financial Information Report

**PURPOSE:**

To present the 2002 Financial Information Report required pursuant to the Financial Information Act.

**BACKGROUND:**

In addition to annual audited financial statements, local governments in British Columbia must produce each year on or before June 30th certain additional financial information in booklet form. The Financial Information Act requires the following :

- A management report outlining the roles and responsibilities of the Board, the auditors and management staff
- Consolidated balance sheet, income statement and notes to the audited financial statements
- A schedule of long term debt
- A schedule of sinking fund balances for long term debt
- A schedule of Director's remuneration and expenses
- A schedule of Employee remuneration and expenses (over \$75,000)
- A schedule of Supplier Payments for goods and Services (over \$25,000)

The Financial Information Report must be received and approved by the Board and be forwarded to the Ministry of Community, Aboriginal and Women's Services.

The attached booklet contains the statutory information necessary to comply with the Act.

**ALTERNATIVES:**

There are no alternatives to this requirement.

**FINANCIAL IMPLICATIONS:**

The booklet is available for purchase at a cost of \$5.00.



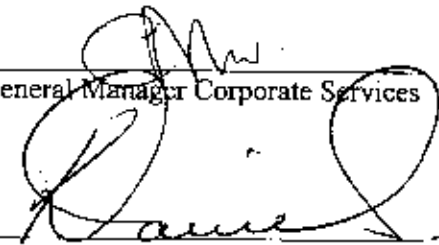

**SUMMARY/CONCLUSIONS:**

Local governments in British Columbia must produce each year, on or before June 30<sup>th</sup>, a booklet containing certain statutory financial information. The information includes extracts from the audited financial statements, schedules of Director and employee remuneration, schedules of long term debt and supplier payments for goods and services. The report must be received and approved by the Board and be forwarded to the Ministry of Community, Aboriginal and Women's Services. The 2002 report is submitted herein.

**RECOMMENDATION:**

1. That the 2002 Financial Information Act report be received and approved.

  
Report Writer

  
General Manager Corporate Services  
  
C.A.O. Concurrency

**COMMENTS:**



REGIONAL DISTRICT OF NANAIMO

2002 FINANCIAL INFORMATION REPORT

PAGE

90

REGIONAL DISTRICT OF NANAIMO  
2003 FINANCIAL INFORMATION

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3	Map of the Regional District of Nanaimo
4	2003 Board of Directors
5	Organizational Chart
6	Auditor's Report
7-20	Consolidated Financial Statements (extracts)
21-24	Schedule of Outstanding Long Term Debt
25	Schedule of Sinking Fund Balances
26	Schedule of Board of Directors Remuneration and Expenses
27	Schedule of Employee Remuneration
28-30	Schedule of Payments for Goods and Services
31	Schedule of Grants and Contributions



## 2002 MANAGEMENT REPORT

The Regional District of Nanaimo (RDN) is one of the fastest growing regions in British Columbia, Canada with a population of more than 131,000 people and some of Vancouver Island's most liveable communities. Located on Vancouver Island, its boundaries stretch from Cassidy, just south of the Nanaimo airport, to Deep Bay in the north, and inland to Mount Arrowsmith. It also includes Gabriola and adjacent islands.

The RDN is one of 27 regional governments in B.C. It is a government body incorporated under the Local Government Act of British Columbia.

The RDN provides and coordinates a range of services in both urban and rural areas, depending on local needs. Regional districts are B.C.'s way of ensuring that all residents have access to commonly needed services, regardless of where they live.

Created in 1967, the RDN is a partnership of the three municipalities of Nanaimo, Parksville, and Qualicum Beach and eight unincorporated electoral areas. It is governed by a Board of 16 Directors. The Board meets monthly to govern RDN affairs and to establish local bylaws and public policy.

The RDN provides those services that are best delivered on a cooperative, region-wide basis. It has a special mandate to ensure access to basic services for residents in unincorporated areas. Residents pay only for those services provided to the electoral area or municipality in which they live.

The RDN's responsibilities and services include regional and community planning, transit, liquid and solid waste treatment, recreation and parks, building inspection and bylaw enforcement, water and sewer utilities, general administration and emergency planning.

### Highlights of 2002 Finance Performance

The firm of Bestwick & Partners has been engaged to perform annual audits of the accounting records of the Regional District of Nanaimo. Their objective is to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, actual transactions, assessing the accounting principles used and management estimates, as well as evaluating the overall financial statement presentation. Their audit report is appended to the extracts of the financial statements included in this booklet.

The Manager, Financial Services of the Regional District of Nanaimo is responsible for implementing appropriate procedures and policies to safeguard the assets of the Regional District and to ensure that transactions are recorded in an accurate and timely manner.

The consolidated statements included in this booklet have been prepared in accordance with the Public Sector Accounting and Auditing Board (PSAAB) recommendations for statement presentation. The presentation consolidates transactions and commitments from the General Revenue Fund, the Capital and Loan Fund, and the Reserve Fund. The objective of the statements is to fairly present the financial position of the Regional District.

The financial statements have in management's opinion, been properly prepared within the framework of the accounting policies summarized in Note 1 to the financial statements and present, in all significant respects, the financial position of the Regional District of Nanaimo as at December 31<sup>st</sup>, 2002.

The following comments are provided to assist readers in understanding highlights of the financial performance for the year ended December 31<sup>st</sup>, 2002.

### Statement of Financial Position

The Statement of Financial Position or balance sheet records the status of assets and liabilities as at December 31<sup>st</sup>. The Regional District had a net liability position at December 31, 2002 of \$5,100,327 (2001: \$1,707,339). This balance represents the commitment of future revenues to pay for current operating transactions which are recorded as Unfunded Liabilities within the statements. Note 9 to the statements explains that this amount is an estimate of our statutory obligations for closing and maintaining a currently operating landfill for a period of 25 years after the site is decommissioned to a backup facility, and full waste export is implemented. It is the intention that closure costs will be met by reserves built up from annual operating budgets. The ongoing requirements for maintenance and monitoring costs would be met through annual property tax levies and commercial disposal fees.

Outstanding long-term debt decreased from \$21,775,000 in 2001 to \$19,945,251 in 2002 despite new debt being issued in the amount of \$100,000 for the purchase of community parkland in Electoral Area B. This transaction involved the pooling of resources from both the Regional Parks and Community Parks functions. Together an investment of \$1,000,000 was made to purchase land owned by the Coastal Community Credit Union on Gabriola Island, resulting in a new Regional campground at Descanso Bay and other land dedicated for local community purposes. In addition to the cash investment from the Regional District, the Coastal Community Credit Union donated land with a value of \$824,000 to assist the Regional District in completing this significant park acquisition.

Reserve Funds were utilized in a number of ways in 2002 including, to secure a land buffer around the Nanaimo Wastewater Treatment Plant (\$1,416,170), to purchase fire trucks (Nanosee and Errington fire departments), computer servers and to cover a portion of the costs of construction of an addition to the Administration which houses a new Board chambers. Refer for details to Pages 30 and 31 of the financial statements.

### Statement of Financial Activities

The Statement of Financial Activities provides a summary of the types of services that funds are expended on. In general terms the Regional District is largely a provider of hard services including solid and liquid waste disposal facilities, water and sewer collection and distribution systems, transit buses, recreation facilities and fire protection assets.

This statement also includes estimates for the future expenditures related to using landfill capacity, as if those dollars had been spent today. The line item "Environmental Services" includes \$4,041,834 for these accounting adjustments. This amount will be raised in a planned fashion as described above.

### General Revenue Fund - Schedule of Revenues and Expenditures

The General Revenue Fund is the primary budgeting and operating fund.

Revenues overall were slightly better than budget due to building permit fees, landfill disposal fees and to a lesser extent, transit operating revenues. Expenditures overall were less than budgeted. Both of these results contributed to an increase in the year end surplus, from \$5,890,061 to \$6,946,026.

### Schedule of Reserve Fund Balances

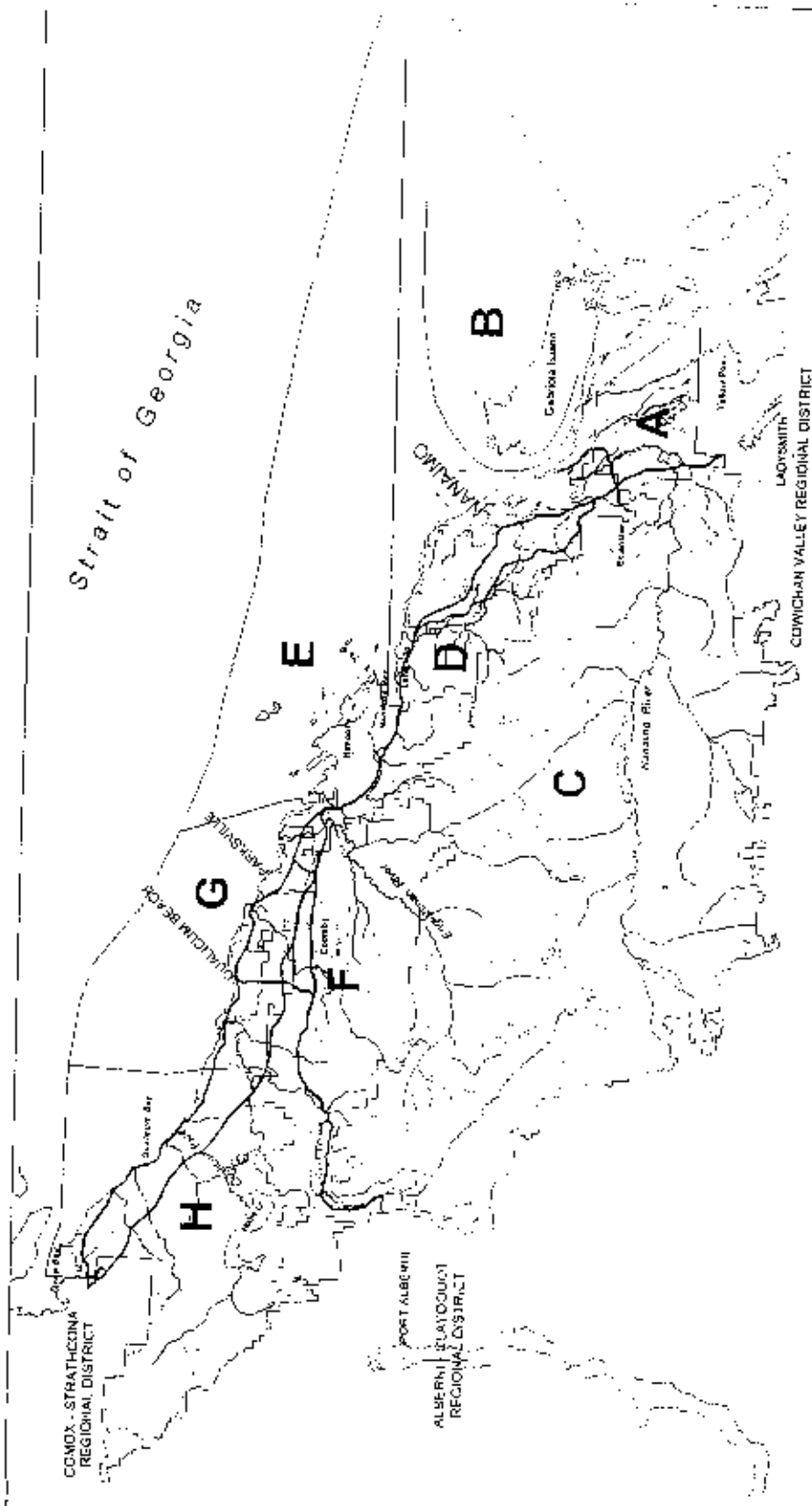
This schedule shows the activity, which was recorded in each of the separate reserve funds established by the Board. Referring to the far right hand column on Page, highlights of total activity include :

	<u>2002</u>	<u>2001</u>
Contributions to reserve funds	\$ 546,275	\$ 537,139
Interest earned	473,144	688,486
Total funds applied to approved expenditures	2,168,584	395,810

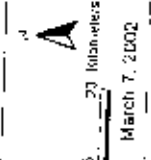
Mr. Joseph Stanhope  
Chairperson

N. Avery, C.G.A.  
Manager Financial Services

PAGE  
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**Regional District of Nanaimo  
ELECTORAL AREAS 'A' - 'H'**



**REGIONAL DISTRICT OF NANAIMO**  
 DEVELOPMENT SERVICES  
 630 Nanaimo Bay Rd  
 Nanaimo, BC V9T 8J2  
 Tel: 250-330-6870 Fax: 250-330-1511  
 email: [devserv@rdn.bc.ca](mailto:devserv@rdn.bc.ca)

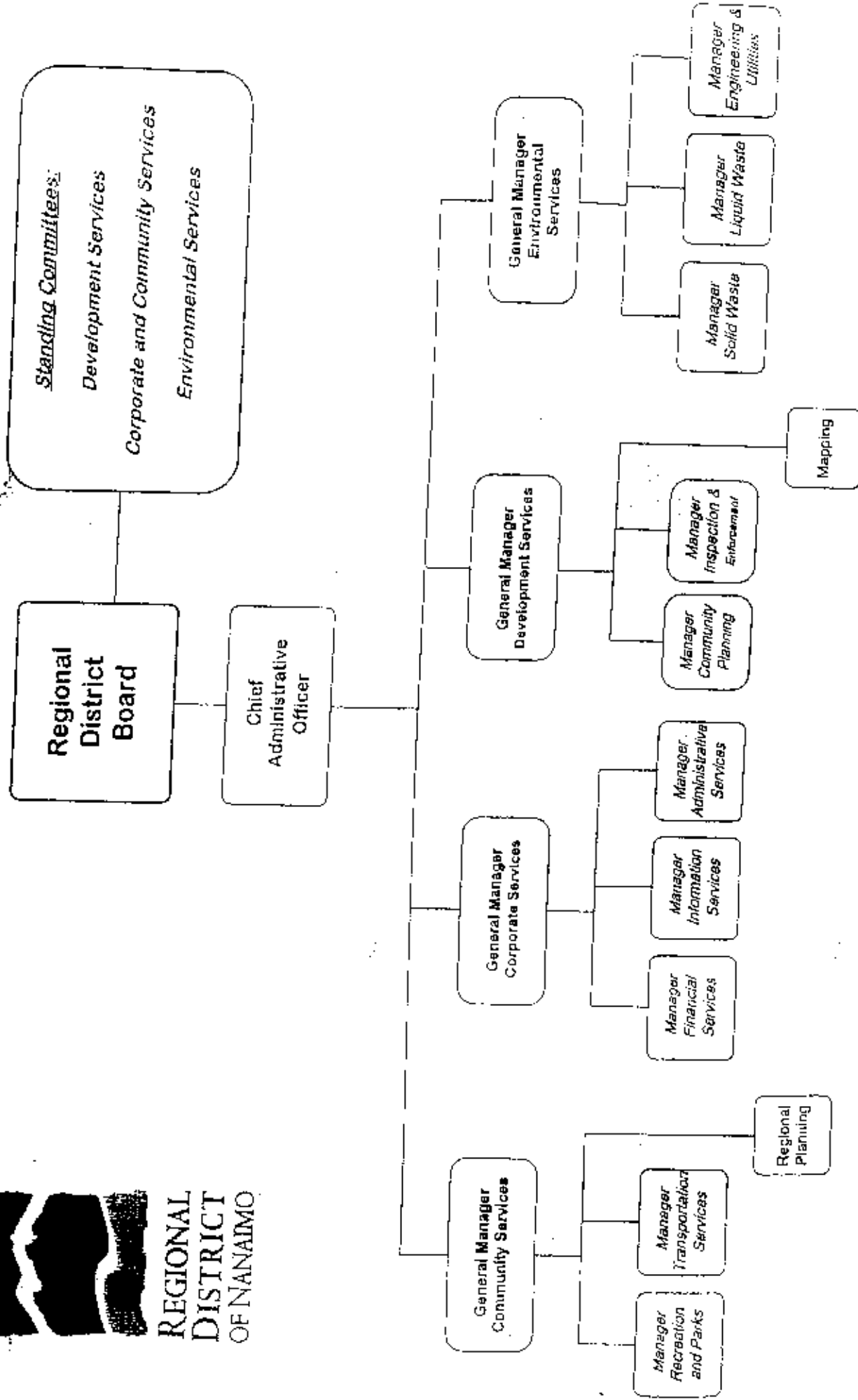
REGIONAL DISTRICT OF NANAIMO

2003 BOARD OF DIRECTORS

Electoral Area A	Henrik Kreiberg	
Electoral Area B	Gail Lund	
Electoral Area C	Elaine Hamilton	
Electoral Area D	Denise Haime	
Electoral Area E	Pauline Bibby	
Electoral Area F	Lucien Biggeman	
Electoral Area G	Joseph Stanhope	Chairperson
Electoral Area H	David Bartram	
City of Nanaimo	Mayor Gary Korpan	
	Larry McNabb	Deputy Chairperson
	Loyd Sherry	
	Thomas Krall	
	William Holdom	
	Ron Cantelon	
City of Parksville	Mayor Randy Longmuir	
Town of Quailcum Beach	Mayor Teunis Westbroek	



**REGIONAL  
DISTRICT  
OF NANAIMO**



## Management Organization Chart

November 2000

v1.00.mymorg.leab





96 WALLACE STREET, PO BOX 514 NANAIMO, BC V9R 5L5  
TEL: (250) 753-8251 • TOLL FREE 1-877-540-3330 • FAX: (250) 754-3599 • [www.bestwick.com](http://www.bestwick.com)

## AUDITORS' REPORT

To the Members of the Board  
Regional District of Nanaimo

We have audited the consolidated statement of financial position of the Regional District of Nanaimo as at December 31, 2002 and the consolidated statements of financial activities and changes in financial position for the year then ended. These financial statements are the responsibility of the management of the Regional District. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these consolidated financial statements present fairly, in all material respects, the financial position of the Regional District as at December 31, 2002 and the results of its operations and the changes in its financial position for the year then ended in accordance with Canadian generally accepted accounting principles for British Columbia municipalities. As required by the Local Government Act (British Columbia), we report that, in our opinion, these principles have been applied on a basis consistent with that of the preceding year.

Our audit was made for the purpose of forming an opinion on the consolidated financial statements taken as a whole. The supplementary information, including schedules presented on pages 14 through 40, is presented for purposes of additional analysis. Such supplementary information has been subjected to the auditing procedures applied in the audit of the consolidated financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the consolidated financial statements taken as a whole.

The comparative figures were audited by another accountant.

*Bestwick & Partners*

Nanaimo, B.C.

February 20, 2003

CHARTERED ACCOUNTANTS

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REGIONAL DISTRICT OF NANAIMO  
CONSOLIDATED STATEMENT OF FINANCIAL POSITION  
AS AT DECEMBER 31, 2002

	<u>2002</u>	<u>2001</u>
<b>Financial Assets</b>		
Cash and short-term deposits (Note 2, Pg. 5)	\$ 11,306,294	\$ 18,622,467
Accounts receivable (Note 3)	2,605,445	2,576,874
Investments (Note 4)	16,607,045	9,007,840
Other assets (Note 5)	253,438	146,013
	<u>30,772,222</u>	<u>30,353,194</u>
<b>Financial Liabilities</b>		
Short-term loans (Note 6)	810,940	16,460
Accounts payable (Note 7)	1,943,430	2,100,614
Other liabilities (Note 8)	1,499,941	1,375,502
Unfunded Liabilities (Note 9)	6,758,073	2,793,514
Deferred revenue (Note 10)	4,914,914	3,999,443
Long-term debt (Notes 11, 12, Pg. 40)	38,075,049	40,594,974
Less: Municipal Debt (Note 11)	<u>(18,129,798)</u>	<u>(18,819,974)</u>
	<u>35,872,549</u>	<u>32,060,533</u>
<b>Net Financial Assets (Liabilities)</b>	<u>(5,100,327)</u>	<u>(1,707,339)</u>
<b>Capital Assets (Liabilities)</b>		
Capital assets (Pg. 36)	<u>95,187,943</u>	<u>88,974,133</u>
	<u>95,187,943</u>	<u>88,974,133</u>
<b>Net Position</b>	<u>\$ 90,087,616</u>	<u>\$ 87,266,794</u>
<b>Regional District Equity Position</b>		
Revenue Fund	\$ 6,946,026	\$ 5,890,061
Reserves	15,243,205	16,080,848
Capital Fund	224,706	915,693
Fund Balances (Note 14)	<u>22,413,937</u>	<u>22,886,602</u>
Equity in Capital Assets (Pg. 34)	<u>74,431,752</u>	<u>67,173,706</u>
Unfunded liabilities (Note 9)	<u>(6,758,073)</u>	<u>(2,793,514)</u>
<b>Regional District Equity Position</b>	<u>\$ 90,087,616</u>	<u>\$ 87,266,794</u>

REGIONAL DISTRICT OF NANAIMO  
CONSOLIDATED STATEMENT OF FINANCIAL ACTIVITIES  
FOR THE YEAR ENDED DECEMBER 31, 2002

	<u>Budget</u>	<u>2002</u>	<u>2001</u>
<b>Revenues</b>			
Property taxes	\$ 20,469,604	\$ 20,469,527	\$ 19,633,380
Grants in lieu of taxes	80,265	168,781	159,781
Operating grants	3,971,551	3,806,706	3,387,063
Operating revenues	12,339,811	13,295,094	11,865,502
Developer contributions	164,000	142,732	27,027
Other	158,620	1,258,717	298,181
Interest on investments	789,483	764,590	1,004,212
Debt recoveries from member municipalities	2,787,665	2,788,807	2,863,867
MFA debt surplus refunds	-	27,846	303,018
	<u>40,760,999</u>	<u>42,722,800</u>	<u>39,542,031</u>
<b>Expenditures</b>			
General government services	4,010,701	1,708,467	1,083,744
Planning and development	2,284,937	1,985,004	2,204,213
Environmental services	18,277,669	17,902,591	12,197,204
Utility services	3,498,451	2,779,292	2,683,634
Transportation services	8,639,938	9,245,025	8,340,966
Protective services	1,607,898	1,756,303	1,909,694
Parks, recreation and culture	5,365,938	7,957,517	5,105,337
Debt payments for member municipalities	2,787,665	2,788,807	2,863,867
	<u>46,473,197</u>	<u>46,123,006</u>	<u>36,388,659</u>
<b>Net Revenues (Expenditures)</b>	<u>(5,712,198)</u>	<u>(3,400,206)</u>	<u>3,153,372</u>
<b>Add:</b>			
<b>Financing activities</b>			
Short-term and long-term debt issued	502,000	898,250	2,356,358
Trade payable repayments	-	(8,967)	(8,837)
Debt actuarial adjustments	(445,794)	(449,938)	(462,785)
Debt principal repayments	(1,476,375)	(1,476,363)	(1,419,172)
	<u>(1,420,169)</u>	<u>(1,037,018)</u>	<u>465,564</u>
<b>Increase (Decrease) in long-term financing</b>			
<b>Unfunded expenditures:</b>			
Employee benefits	-	(77,275)	77,275
Landfill closure and post closure costs	-	4,041,834	289,075
	<u>-</u>	<u>3,964,559</u>	<u>366,350</u>
<b>Change in Fund Balances</b>	<u>\$ (7,132,367)</u>	<u>(472,665)</u>	<u>3,985,286</u>
<b>Fund Balances, beginning (Pg 3)</b>		22,886,602	18,901,316
<b>Fund Balances, ending (Pg 3)</b>		<u>\$ 22,413,937</u>	<u>\$ 22,886,602</u>

REGIONAL DISTRICT OF NANAIMO  
CONSOLIDATED STATEMENT OF CHANGES IN FINANCIAL POSITION  
FOR THE YEAR ENDED DECEMBER 31, 2002

	<u>2002</u>	<u>2001</u>
<b>Operations</b>		
Net operating revenue	\$ (3,400,206)	\$ 3,153,372
Decrease (increase) in accounts receivable	(28,571)	(508,791)
Decrease (increase) in long term investments	(7,599,205)	(7,007,840)
Decrease (increase) in other assets	(107,425)	(13,772)
Increase (decrease) in accounts payable	(157,184)	(194,305)
Increase in deferred revenues	915,471	904,705
Increase in other liabilities	124,439	111,465
Increase in unfunded liabilities	<u>3,964,559</u>	<u>366,350</u>
Net increase (decrease) in cash from operations	<u>(6,288,122)</u>	<u>(3,188,816)</u>
<b>Financing</b>		
Short and long-term debt issued	898,250	2,347,390
Debt actuarial adjustments	(449,938)	(462,785)
Repayment of short and long-term debt	<u>(1,476,363)</u>	<u>(1,419,172)</u>
Net increase (decrease) in cash from financing	<u>(1,028,051)</u>	<u>465,433</u>
<b>Net change in cash and cash equivalents</b>	<b>\$ (7,316,173)</b>	<b>\$ (2,723,383)</b>
Cash and short-term deposits, Beginning	<u>18,622,467</u>	<u>21,345,850</u>
Cash and short-term deposits Ending (Note 2, Page 3)	<u>\$ 11,306,294</u>	<u>\$ 18,622,467</u>

APPROVED:

*[Signature]*

REGIONAL DISTRICT OF NANAIMO  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2002

The Regional District was incorporated in 1967 under the provisions of the British Columbia Municipal Act. Its principal activities are the provision of district wide local government services to the residents of eight unincorporated electoral areas and three municipalities within its boundaries. These services include administration and bylaw enforcement, planning and development services, building inspection, fire protection and emergency disaster planning, public transportation, parks and recreation, water and sewer collection, wastewater disposal, solid waste collection and disposal and street lighting.

The financial operations of the Regional District is divided into three funds; capital fund, general revenue fund and reserve fund. For accounting purposes each fund is treated as a separate entity.

**1. SIGNIFICANT ACCOUNTING POLICIES**

(a) Basis of presentation

The Regional District follows accounting principles generally accepted for British Columbia municipalities.

Consolidated financial statements have been prepared in accordance with the recommendations of the Public Sector Accounting and Auditing Board (PSAAB). The consolidated financial statements include all funds belonging to the one economic entity of the Regional District and include unfunded liabilities and expenses. Inter-fund transfers have been eliminated.

(b) Short-term investments

Short-term investments are carried at cost which approximates market value.

(c) Long-term investments

Long-term investments are carried at face value as it is the intention of the Regional District to hold these instruments to maturity. Any premium or discount has been amortized on a straight line basis using the earlier of the date of maturity or call date.

(d) Inventories

Inventories are valued at cost.

(e) Capital assets

Capital assets are stated at cost and include assets financed from operations budgets, long-term debt and lease obligations. Capital asset purchases are included in the expenditures by function in the consolidated statement of financial activity (Page 4). Depreciation is not charged on capital assets in accordance with generally accepted accounting principles for municipalities in British Columbia.

REGIONAL DISTRICT OF NANAIMO  
 NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
 FOR THE YEAR ENDED DECEMBER 31, 2002

1. **SIGNIFICANT ACCOUNTING POLICIES** (Continued)

(f) Debt charges

Interest is charged against current revenue in the periods in which payment is made. In addition debt interest of \$269,804 (2001, \$280,819) was accrued in accordance with Public Sector Accounting recommendations published by the CICA.

Long-term debt denominated in a foreign currency is recorded in the accounts at par value with the Canadian dollar.

Gains and losses resulting from changes in exchange rates are recorded when they are realized.

(g) Financial Instruments

Financial instruments consist of cash and short-term deposits, accounts receivable, investments, short-term loans, accounts payable, other liabilities, unfunded liabilities and long-term debt. Unless otherwise noted, it is management's opinion that the Regional District is not exposed to significant interest, currency or credit risk arising from these financial instruments.

2. **CASH AND SHORT-TERM DEPOSITS**

In 2002, all cash and short-term deposits were held by the General Revenue Fund. Interest income has been allocated to the Reserve Fund and the Capital Fund based on the relative equity in each Fund.

3. **ACCOUNTS RECEIVABLE**

	<u>2002</u>	<u>2001</u>
Province of British Columbia	\$ 558,708	\$ 750,997
Government of Canada	155,604	161,784
Regional and local governments	403,904	307,449
Accrued investment interest	276,967	436,276
Developer DCC instalment payments	138,872	-
Solid Waste commercial accounts	619,922	500,769
Utility services customers	179,065	177,375
Other trade receivables	<u>272,403</u>	<u>242,224</u>
	<u>\$2,605,445</u>	<u>\$ 2,576,874</u>

4. **INVESTMENTS**

CIBC fixed floater instrument with a face value of \$1,000,000, coupon rate 7.4%. Initial maturity January 31, 2006 extendible to 2011 at a rate equivalent to the 90 day Bankers Acceptance rate plus 100 basis points.

REGIONAL DISTRICT OF NANAIMO  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED DECEMBER 31, 2002

4. INVESTMENTS (Continued)

TD Bank fixed floater instrument with a face value of \$2,800,000, coupon rate 6.0%. Initial maturity July 26, 2006 extendible to 2011 at a rate equivalent to the 90 day Bankers Acceptance rate plus 100 basis points.

HSBC Bank Series A bond with a face value of \$1,931,000. Interest is payable semi-annually at 5.6% maturing June 14, 2012.

Bank of Nova Scotia subordinate debenture with a face value of \$4,240,000. Interest is payable semi-annually at 8.1%, maturing March 24, 2003.

Royal Bank bond with a face value of \$1,906,000, coupon rate 6%. Interest is payable monthly. Initial maturity is October 12, 2004 extendible to 2009 at a rate equivalent to the 90 day Bankers Acceptance rate plus 100 basis points.

Canada Trustco Mortgage Co. bond with a face value of \$2,398,000. Interest is paid semi-annually at 5.5%, maturing April 1, 2003.

Export Development Corporation bond with a face value of \$2,000,000 and coupon rates of 3.75% to 7.6%. Interest is payable semi-annually with an initial maturity date of November 27, 2003 extendible at the issuers call to 2009.

Investment	Unamortized Purchase price	Accrued interest	Accounting Value	Market Value at December 31, 2002
CIBC 7.4% floater bond	\$ 1,067,136	\$ 31,019	\$ 1,098,155	\$ 1,124,419
TD 6.0% floater bond	2,884,210	72,723	2,956,933	3,040,163
HSBC Bank 5.6% bond	1,974,026	5,036	1,979,062	2,035,869
BNS 8.1% bond	4,287,693	92,211	4,379,904	4,379,275
RB 6.0% floater bond	1,981,620	5,841	1,987,461	1,995,133
CT Mort Co 5.5% bond	2,412,360	32,882	2,466,229	2,445,270
EDC 3.75% step-up extendible bond	2,000,000	6,986	2,006,986	1,996,986
	<u>\$ 16,607,045</u>	<u>\$ 246,698</u>	<u>\$ 16,853,743</u>	<u>\$ 17,017,115</u>

5. OTHER ASSETS

	2002	2001
Inventories	\$ 18,396	\$ 24,724
Prepaid expenses	186,417	121,289
Security deposits	<u>48,625</u>	-
	<u>\$ 253,438</u>	<u>\$ 146,013</u>

REGIONAL DISTRICT OF NANAIMO

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2002

6. SHORT-TERM DEBT

Demand loan of \$10,940, payable at \$460 per month to plus interest at Royal Bank prime rate for radio system improvements for the Handydart custom transit service. The loan will be repaid in full in 2004.

No interest loan with the Coastal Community Credit Union in the amount of \$800,000, payable at \$200,000 per year to May, 2007. The proceeds were used to purchase land for a community park on Gabriola Island in 2002. The loan is secured by the land.

7. ACCOUNTS PAYABLE

	<u>2002</u>	<u>2001</u>
Payable to Provincial Government	\$ 382,412	\$ 353,745
Payable to other local governments	268,811	140,455
Trade and other payables	<u>1,292,207</u>	<u>1,606,414</u>
	<u>\$1,943,430</u>	<u>\$ 2,100,614</u>

8. OTHER LIABILITIES

	<u>2002</u>	<u>2001</u>
Wages and benefits payable	\$1,379,869	\$ 1,244,374
Permit deposits	<u>120,072</u>	<u>131,128</u>
	<u>\$1,499,941</u>	<u>\$ 1,375,502</u>

9. UNFUNDED LIABILITIES

Unfunded liabilities are future expenditures which have not yet been recorded in the accounting records because budget funds have not been appropriated for those purposes. The expenses are related either to contractual obligations, as in the case of employee retirement benefits or are the result of certain current operations which are governed by Provincial statute. The Regional District has a number of options available to fund these future costs including increasing annual budget appropriations on an as needed basis, borrowing or setting aside reserves.

Employee retirement benefits are calculated as the value of a prescribed amount of unused sick leave and vacation leave for employees aged 55 or older. Employee retirement benefits are being funded by an accounting charge on wages paid within current annual budget appropriations.

	<u>2002</u>	<u>2001</u>
Total Estimated Liability	\$ 427,290	\$ 430,632
Funded By Current Appropriations	<u>456,885</u>	<u>353,357</u>
Unfunded Balance	\$ <u>Nil</u>	\$ <u>77,275</u>



REGIONAL DISTRICT OF NANAIMO

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2002

Landfill closure and post closure costs represent liabilities incurred as landfill capacity is filled. Closure costs are the costs to apply a permanent cover to the face of the landfill. Post closure costs include landfill gas monitoring, leachate collection system operation and general site maintenance.

*Landfill Closure costs:*

Landfill closure costs are recognized based on the remaining unused capacity of the landfill site. At December 31, 2002 there were approximately 7.3 hectares of open landfill area estimated to be 80% filled. The landfill capacity is 2,446,245 cubic meters with 237,435 cubic meters of that amount remaining unfilled. As currently engineered the landfill will be filled in about 5 years. Closure costs are estimated at \$4,015,000 of which \$274,579 has been set aside in reserves, with the remainder forecast to be set aside from annual operating budgets over the next five years. The estimate for 2002 is higher than 2001 due to uncertainty with establishing the capacity of the landfill in prior years.

*Post Closure costs:*

The Regional District has a statutory obligation to maintain and monitor the landfill site for 25 years after the site is closed. In 2001 post closure costs were estimated at \$230,000 annually. More recent experience in 2002 suggests costs of \$375,000 annually, in consideration of the size of the landfill gas collection system which will be significantly expanded in 2002. Total post closure costs are estimated to be \$4,141,136. Post closure costs will be met by annual budget appropriations in the years in which they are incurred.

	<u>2002</u>	<u>2001</u>
Landfill Closure Costs	\$3,031,051	\$ 500,000
Post Closure Maintenance Costs	<u>3,727,022</u>	<u>2,216,239</u>
Unfunded Liability	<u>\$6,758,073</u>	<u>\$ 2,716,239</u>
Reserves On Hand	\$ <u>274,579</u>	\$ <u>14,579</u>

10. DEFERRED REVENUE

	<u>2002</u>	<u>2001</u>
General Revenue Fund	\$ 57,233	\$ 67,271
Development Cost Charges	<u>4,857,681</u>	<u>3,932,172</u>
	\$ <u>4,914,914</u>	\$ <u>3,999,443</u>

Development Cost Charges are amounts collected and due from new developments for the purposes of future expansion of wastewater treatment facilities and a bulk water system.

General Fund deferred revenues are made up of recreation program prepayments, recreation facility deposits, outstanding complimentary recreation program awards, transit receipts and third party transit capital contributions.

REGIONAL DISTRICT OF NANAJMO  
 NOTES TO CONSOLIDATED FINANCIAL STATEMENTS  
 FOR THE YEAR ENDED DECEMBER 31, 2002

11. DEBT CHARGES RECOVERABLE - MEMBER MUNICIPALITIES

Pursuant to the Local Government Act, the Regional District acts as the agency through which its member municipalities borrow funds from the Municipal Finance Authority. The annual cost of servicing this municipal debt is recovered entirely from the borrowing municipality, however, the Regional District is contingently liable for municipal debt in the event of default.

	<u>2002</u>	<u>2001</u>
Town of Qualicum Beach	\$ 5,691	\$ 51,425
City of Parksville	5,516,856	5,126,250
City of Nanaimo	<u>12,607,251</u>	<u>13,642,299</u>
	<u>\$18,129,798</u>	<u>\$ 18,819,974</u>

12. LONG-TERM DEBT

Debt proceeds issued in U.S. currency is recorded at par with Canadian dollars. This debt is payable in Canadian dollars at a fixed exchange rate of 35%. Had it been converted at December 31, 2002, an additional liability of \$89,370 would exist.

	<u>Member Municipalities</u>	<u>R.D.N.</u>	<u>2002</u>	<u>2001</u>
U.S. currency	\$ <u>255,342</u>	\$ <u>---</u>	\$ <u>255,342</u>	\$ <u>320,677</u>

Payments of principal on issued debt of the Regional District, not including municipal debt, for the next five years are:

	<u>2002</u>	<u>2001</u>
2002	\$ -	\$ 1,472,356
2003	1,490,706	1,492,884
2004	1,471,033	1,473,211
2005	1,315,843	1,314,633
2006	1,073,895	1,070,871
2007	<u>1,073,895</u>	<u>---</u>
	<u>\$ 6,425,372</u>	<u>\$ 6,823,955</u>

13. COMMITMENTS

The Regional District has entered into a 99 year lease agreement for parkland property at a total cost of \$350,000 with \$200,000 paid in 2000 and the remainder to be paid at \$50,000 per year over the following three years.

REGIONAL DISTRICT OF NANAIMO  
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2002

**COMMITMENTS** (continued)

Operating Leases

The District is renting vehicles and equipment under five year operating leases, which expire on various dates. In 2002 the annual lease payments were \$284,196.

**14. EQUITY**

	<u>2002</u>	<u>2001</u>
Appropriated financial equity		
General revenue fund reserve accounts		
Landfill expansion	\$ 200,000	\$ 200,000
Landfill closure	274,579	14,579
Insurance deductible-fire departments	21,251	21,251
MIA liability insurance deductible	107,754	107,754
D69 Parks donations	<u>8,868</u>	<u>6,851</u>
Statutory reserve funds	812,452	350,435
	<u>\$14,630,753</u>	\$ 15,730,413
	<u>\$15,243,205</u>	\$ 16,080,848
Unappropriated financial equity		
General revenue fund	\$ 6,946,026	\$ 5,890,061
Capital fund	<u>224,706</u>	<u>915,693</u>
	\$ <u>7,170,732</u>	\$ <u>6,805,754</u>
Total financial equity	\$ <u>22,413,937</u>	\$ <u>22,886,602</u>

Change in financial equity

	<u>Revenue Fund</u>	<u>Capital Fund</u>	<u>Reserve Fund/Accounts</u>	<u>2002 Total</u>	<u>2001 Total</u>
Balance beginning	\$ 5,890,061	\$ 915,693	\$ 16,080,848	\$ 22,886,602	\$ 18,901,316
Balance ending	<u>6,946,026</u>	<u>224,706</u>	<u>15,243,205</u>	<u>22,413,937</u>	<u>22,886,602</u>
Change in Financial Equity	\$ <u>1,055,965</u>	\$ <u>(690,987)</u>	\$ <u>(837,643)</u>	\$ <u>(472,665)</u>	\$ <u>3,985,286</u>

Unappropriated financial equity represents the net operating equity of the District. The appropriated financial equity represents reserves to be used to fund specified future expenditures authorized by the Board. It includes both statutory reserves created by bylaw

## NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2002

under the authority of the Local Government Act and reserve accounts, for which the Board is not restricted by external parties in providing for the use of funds.

**15. MUNICIPAL FINANCE AUTHORITY RESERVE DEPOSITS**

The Regional District secures its long term borrowing through the Municipal Finance Authority. As a condition of these borrowings a portion of the debenture proceeds are withheld by the Municipal Finance Authority as a debt reserve fund. As at December 31, 2002 the Regional District had a debt reserve fund balance of \$3,988,708 (2001- \$4,184,159).

**16. THE NORTH ISLAND 9-1-1 CORPORATION**

A 9-1-1 emergency dispatch service is provided by the North Island 9-1-1 Corporation, which is owned by the Regional Districts of Comox-Strathcona, Mount Waddington, Alberni Clayoquot, Nanaimo and Powell River. The shares in the corporation are owned as follows:

Alberni Clayoquot	3 shares
Comox Strathcona	10 shares
Mount Waddington	1 share
Nanaimo	5 shares
Powell River	2 shares

The Regional District's investment in shares of the North Island 911 Corporation is recorded at cost.

**17. PENSION LIABILITY**

The Regional District of Nanaimo and its employees contribute to the Municipal Pension Plan (the plan), a jointly trusted pension plan governed by the *BC Public Sector Pension Plans Act*. The pension plan is a multi-employer contributory defined benefit pension plan with about 125,000 active contributors, including approximately 26,000 contributors from over 180 local governments. Joint trusteeship was established effective April 5, 2001. The board of trustees, representing plan members and employers, is fully responsible for the management of the pension plan, including investment of the assets and administration of the plan. The British Columbia Pension Corporation provides benefit administration services and the British Columbia Investment Management Corporation provides investment management services for the pension plan.

Every three years an actuarial valuation is performed to assess the financial position of the plan and the adequacy of plan funding. The most recent valuation as at December 31, 2000 indicates a surplus of \$436 million, an improved position of 9% surplus of covered payroll from a 14% unfunded liability of covered payroll as at the previous valuation of December 1997. The Joint Trust Agreement specifies how surplus assets can be used. The actuary does not attribute portions of the surplus to individual employers. Each employer expenses contributions to the plan in the year in which payments are made.

**18. CONTINGENT LIABILITIES**

As at December 31, 2002, there existed outstanding claims against the District. These claims have been referred to legal counsel and to the District's liability insurers. It is not possible to determine the District's potential liability, if any, with respect to these matters.

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REGIONAL DISTRICT OF NANAIMO  
GENERAL REVENUE FUND  
SCHEDULE OF REVENUE AND EXPENDITURES  
AS AT DECEMBER 31, 2002

REVENUES	Corporate Services (Schedule A)	Development Services (Schedule B)	Community Services (Schedule C)	Environment Services (Schedule D)	Actual 2002	Budget 2002	Actual 2001
Tax requisition							
Grants	\$ 3,622,817	\$ 1,151,985	\$ 6,455,047	\$ 9,238,678	\$ 20,469,527	\$ 20,469,604	\$ 19,633,380
Grants in Lieu	23,446	170,154	3,578,748	36,358	3,806,706	3,971,551	3,387,063
Interest	43,903	4,544	37,904	82,430	168,781	80,265	159,781
Permit fees & other	257,898	-	-	-	257,898	233,000	315,177
Operating revenues	-	705,630	66,778	-	772,408	479,050	628,756
Disposal fees	-	161,150	4,086,019	2,879,736	7,126,905	5,923,891	6,610,101
Other	-	-	-	5,856,894	5,856,894	5,400,000	5,091,004
	4,667,475	-	-	290,078	4,667,553	4,931,330	4,806,772
	<u>9,615,539</u>	<u>2,193,463</u>	<u>14,223,496</u>	<u>18,294,174</u>	<u>43,326,672</u>	<u>42,488,691</u>	<u>40,632,034</u>
<b>EXPENDITURES</b>							
General administration							
Professional fees	537,035	302,488	1,695,895	1,008,133	3,543,561	3,601,430	3,341,235
Community grants	146,070	213,763	147,838	457,318	964,989	1,421,485	1,249,442
Legislative	55,898	-	86,551	-	142,449	163,937	137,850
Recreation program costs	228,266	-	-	-	228,868	246,595	190,946
Equipment operating	-	-	176,138	-	176,138	213,471	159,510
Building operating	69,815	5,389	47,973	-	123,177	139,172	152,055
Vehicle operating	115,437	37,024	398,501	292,805	843,767	1,020,232	766,557
Other operating	78,134	17,577	2,023,789	774,348	2,893,798	2,974,446	2,781,317
Wages & Benefits	16,842	106,489	391,566	6,453,306	6,968,203	6,574,584	6,628,665
Capital purchases	1,395,966	1,313,795	7,798,113	3,423,660	13,931,537	13,636,786	12,724,372
	409,143	17,270	394,804	1,032,600	1,853,817	4,741,851	1,750,962
	<u>3,053,181</u>	<u>2,013,795</u>	<u>13,161,148</u>	<u>13,442,170</u>	<u>31,670,294</u>	<u>34,733,979</u>	<u>29,882,912</u>
<b>OPERATING SURPLUS</b>							
	<u>5,562,358</u>	<u>179,668</u>	<u>1,062,348</u>	<u>4,852,004</u>	<u>11,656,378</u>	<u>7,754,712</u>	<u>10,749,122</u>
Debt retirement:							
- interest							
- principal	1,736,022	-	339,381	1,788,531	3,863,934	3,878,910	3,957,772
- foreign exchange	1,026,451	-	137,532	1,337,016	2,500,999	2,501,015	2,412,916
Contingency	31,846	-	-	-	31,846	30,700	30,677
Reserves- contributions to /from:							
Transfers-to/from other govts	151,125	-	-	660,149	811,275	1,290,946	559,139
	2,399,072	-	993,287	-	3,392,359	3,409,513	2,862,745
	<u>5,344,517</u>	<u>-</u>	<u>1,470,200</u>	<u>3,785,696</u>	<u>10,600,413</u>	<u>11,111,984</u>	<u>9,843,249</u>
<b>CURRENT YEAR SURPLUS (DEFICIT)</b>							
	217,841	179,668	(407,852)	1,066,308	1,055,965	(3,356,372)	905,873
Prior year's surplus	977,956	811,302	1,088,614	3,012,189	5,890,061	5,689,921	4,984,168
<b>TOTAL SURPLUS</b>							
	<u>\$ 1,195,797</u>	<u>\$ 990,970</u>	<u>\$ 680,762</u>	<u>\$ 4,078,497</u>	<u>\$ 6,946,026</u>	<u>\$ 2,533,549</u>	<u>\$ 5,890,061</u>

REGIONAL DISTRICT OF NAINAIMO  
 SCHEDULE OF RESERVE FUND BALANCES  
 AS AT DECEMBER 31, 2002

ASSETS:	Feasibility	Cocubus Fire	Errington Fire	Extension Fire	Nanoose Fire	Dashiwood Fire	Landfill Acquisition	Parks Acquisition	Extension Recreation	Admin Computer	Admin Building	ASSETS	
												Balance	Change
QUE FROM REVENUE FUND (Pg. 14)	\$ 23,754	\$ 146,884	\$ 17,543	\$ 79,833	\$ 322,511	\$ 53,069	\$ 7,100,591	\$ 995,824	\$ 36,305	\$ 235,945	\$ 490,083		
MT ARROWSMITH JOINT VENTURE	23,754	146,884	17,543	79,833	322,511	53,069	7,100,591	995,824	36,305	235,945	490,083		
LIABILITIES AND FUND BALANCE:													
FUND ACTIVITY													
Balance, beginning	40,885	129,502	24,491	64,406	301,423	24,728	6,880,509	503,553	36,312	247,042	150,083		
Acc:													
Contribution by developers & others													
Contribution from Revenue Fund	(5,000)	11,224		8,165	101,225	27,162		62,039					
MFA surplus		4,098	623	5,078									
Interest earned				2,184	8,739	1,179	220,082	29,833	1,142	7,411	34,289		
Less:													
Feasibility costs													
Parks Purchase													
Contribution to Capital Fund (Pg. 35)													
Transfers to Other Agencies			(7,571)		(88,876)								
FUND BALANCE Ending (Note 14)	\$ 23,754	\$ 146,884	\$ 17,543	\$ 79,833	\$ 322,511	\$ 53,069	\$ 7,100,591	\$ 995,824	\$ 36,305	\$ 235,945	\$ 490,083		

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REGIONAL DISTRICT OF NANAIMO  
LONG-TERM DEBT  
DECEMBER 31, 2002

SUMMARY OF LONG TERM DEBT BY FUNCTION

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
REGIONAL DISTRICT					
RAVENSONG AQUATIC CENTER	3,783,831	3,631,011	3,476,549	3,302,064	3,125,155
COMMUNITY PARKS					100,000
SOLID WASTE MANAGEMENT	2,133,631	1,999,585	1,858,836	1,711,050	1,555,875
WASTEWATER TREATMENT					
- Southern Community (Nanaimo)	4,268,898	3,740,926	3,215,080	2,720,520	2,191,234
- Northern Community (French Creek)	12,006,833	11,282,887	10,522,741	9,691,869	8,861,403
FIRE PROTECTION	55,013	32,235	20,844	17,072	-
WATER SYSTEMS	2,468,186	2,296,401	2,116,027	4,328,604	4,111,584
SEWER COLLECTORS	44,819	31,814	18,159	3,821	-
<b>TOTAL REGIONAL DISTRICT</b>	<u>24,751,211</u>	<u>23,014,859</u>	<u>21,222,236</u>	<u>21,775,000</u>	<u>19,945,251</u>
<b>MEMBER MUNICIPALITIES</b>	<u>20,190,052</u>	<u>15,660,494</u>	<u>19,601,821</u>	<u>18,819,974</u>	<u>18,129,798</u>
<b>TOTAL LONG TERM DEBT (Pg. 3)</b>	<u>\$ 44,951,263</u>	<u>\$ 38,675,353</u>	<u>\$ 40,824,057</u>	<u>\$ 40,594,974</u>	<u>\$ 38,075,049</u>



REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF LONG-TERM DEBT  
 DECEMBER 31, 2012

FUNCTION	ISSUER	FUNDS	S/L No.	MATURITY DATE	INT RATE	ORIGINAL VALUE	2011 DEBT O/S	2012 DEBT O/S
<b>RAVENSONG AQUATIC CENTER</b>								
	MFA 51	CDN	900	Dec 01, 2005	7.900	\$ 101,355	\$ 48,546	\$ 35,749
	MFA61	CDN	900A	Dec 01, 2015	8.000	1,098,635	3,255,518	3,089,406
<b>TOTAL RAVENSONG AQUATIC CENTER</b>						<u>4,200,000</u>	<u>3,302,064</u>	<u>3,125,155</u>
<b>COMMUNITY PARKS ELECTORAL AREA 3</b>								
	MFA 78	CDN	129B	Dec 03, 2022	5.25	100,000	-	100,000
<b>TOTAL COMMUNITY PARKS</b>						<u>100,000</u>	<u>-</u>	<u>100,000</u>
<b>SOLID WASTE MANAGEMENT</b>								
	MFA 49	CDN	819	Oct 24, 2010	11.20	3,000,000	1,711,050	1,555,875
<b>TOTAL SOLID WASTE MANAGEMENT</b>						<u>3,000,000</u>	<u>1,711,050</u>	<u>1,555,875</u>
<b>SOUTHERN COMMUNITY WASTEWATER</b>								
	MFA32	CDN	599	Oct 27, 2002	5.550	30,000	2,294	-
	MFA33	CDN	815	Jun 15, 2003	12.350	250,000	57,546	30,446
	MFA34	CDN	832	Nov 22, 2003	7.250	200,000	29,841	15,285
	MFA35	CDN	665	May 15, 2004	11.625	98,000	21,415	14,622
	MFA41	CDN	729	Jun 30, 2007	6.900	600,000	325,829	277,926
	MFA45	CDN	755	Oct 27, 2008	5.550	500,000	232,157	203,644
	MFA48	CDN	811	May 15, 2010	5.620	1,282,000	731,189	664,877
	CMHC9525TP6	CDN	217	Jun 01, 2005	7.875	2,266,640	668,307	520,062
	CMHC9525TP9	CDN	274	Nov 01, 2006	8.000	563,607	187,730	130,595
	CMHC9525TP7	CDN	20	Sep 01, 2004	7.000	2,766,753	484,212	303,777
<b>TOTAL SOUTHERN COMMUNITY WASTEWATER</b>						<u>9,257,000</u>	<u>2,720,520</u>	<u>2,197,234</u>
<b>NORTHERN COMMUNITY WASTEWATER</b>								
	MFA34	CDN	830	Nov 22, 2003	7.250	300,000	44,761	22,926
	MFA61	CDN	962	Dec 01, 2010	8.000	10,615,000	7,268,980	6,609,756
	MFA69	CDN	1101	Sep 24, 2013	5.500	2,785,000	2,376,128	2,228,721
<b>TOTAL NORTHERN COMMUNITY WASTEWATER</b>						<u>\$13,700,000</u>	<u>\$ 9,591,569</u>	<u>\$ 8,861,403</u>

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REGIONAL DISTRICT OF NANAIMO  
SCHEDULE OF LONG-TERM DEBT  
DECEMBER 31, 2002

FUNCTION	ISSUER	FUNDS	B/L No.	MATURITY DATE	INT RATE	ORIGINAL VALUE	2001 DEBT C/S	2002 DEBT C/S
<b>FIRE PROTECTION - EXTENSION</b>								
	MFA36	CDN	691	Dec 12, 2005	5.500	50,000	17,672	-
<b>TOTAL FIRE PROTECTION</b>						<u>50,000</u>	<u>17,672</u>	-
<b>WATER - MADRONA</b>								
	MFA34	CDN	623	Nov 22, 2003	7.250	55,000	8,489	4,348
	MFA41	CDN	730	Jun 30, 2007	6.900	370,000	150,686	128,541
						<u>425,000</u>	<u>159,185</u>	<u>132,889</u>
<b>WATER - WEST BAY ESTATES</b>								
	MFA32	CDN	601	Oct 27, 2002	5.550	140,000	10,699	-
	MFA35	CDN	643	May 15, 2004	11.625	14,000	3,059	2,089
						<u>154,000</u>	<u>13,758</u>	<u>2,089</u>
<b>WATER - NANOOSE</b>								
	MFA32	CDN	600	Oct 27, 2002	5.550	60,000	4,585	-
	MFA47	CDN	766	Nov 09, 2009	5.930	500,000	259,312	232,157
	MFA48	CDN	612	May 15, 2010	5.920	325,000	165,354	168,553
	MFA49	CDN	624	Oct 24, 2010	11.200	140,000	79,849	72,608
						<u>1,025,000</u>	<u>528,110</u>	<u>473,318</u>
<b>WATER - SAN PAREIL</b>								
	MFA74	CDN	1221	Jun 01, 2016	5.900	193,979	193,979	184,989
						<u>193,979</u>	<u>193,979</u>	<u>184,989</u>
<b>BULK WATER - FRENCH CREEK</b>								
	MFA69	CDN	1127	Sep 24, 2018	5.500	503,655	455,637	438,004
						<u>503,655</u>	<u>455,637</u>	<u>438,004</u>
<b>BULK WATER - NANOOSE</b>								
	MFA69	CDN	1127	Sep 24, 2018	5.500	864,095	781,712	751,461
	MFA74	CDN	1226	Jun 01, 2021	5.900	2,195,223	2,195,223	2,128,834
						<u>3,059,318</u>	<u>2,976,935</u>	<u>2,880,295</u>
<b>TOTAL WATER UTILITIES</b>						<u>5,382,842</u>	<u>4,328,604</u>	<u>4,111,584</u>
<b>SEWER - FRENCH CREEK</b>								
	MFA21	CDN	568	Jun 30, 2002	6.500	50,000	3,621	-
<b>TOTAL SEWER UTILITIES</b>						<u>50,000</u>	<u>3,621</u>	-
<b>TOTAL LONG TERM DEBT - REG. DIST.</b>						<u>10,000</u>	<u>1,821</u>	-
						<u>\$34,729,842</u>	<u>\$21,775,000</u>	<u>\$19,945,251</u>

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REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF LONG-TERM DEBT  
 DECEMBER 31, 2002

FUNCTION	ISSUER	FUNDS	BYLAW NUMBER	MATURITY DATE	INTEREST RATE	ORIGINAL VALUE	2001 DEBT O/S	2002 DEBT O/S
CITY OF PARKSVILLE	MFA26	US	505	Dec 01, 2005	8.000	1,278,864	120,677	255,342
	MFA32	CDN	596	Oct 27, 2002	5.550	386,246	75,370	-
	MFA32	CDN	598	Oct 27, 2007	5.550	467,000	168,182	143,456
	MFA33	CDN	607	Jun 15, 2003	12.350	265,000	60,999	32,273
	MFA33	CDN	614	Jun 15, 2008	12.375	487,000	293,249	284,517
	MFA68	CDN	1109	Mar 24, 2018	5.500	1,200,000	1,085,592	1,043,581
	MFA69	CDN	1129	Sep 24, 2018	5.500	1,970,000	1,782,181	1,713,212
	MFA74	CDN	1227	Jun 01, 2021	5.900	290,000	290,000	281,230
	MFA75	CDN	1238	Dec 01, 2021	5.890	1,060,000	1,050,000	1,018,245
	MFA78	CDN	1283	Dec 03, 2022	5.250	785,000	-	765,000
	TOTAL CITY OF PARKSVILLE						8,769,110	5,126,250
TOWN OF QUALICUM BEACH	MFA31	CDN	586	Jun 30, 2002	10.125	502,000	44,477	-
	MFA40	CDN	709	Oct 23, 2006	8.750	20,000	6,946	5,691
TOTAL TOWN OF QUALICUM BEACH						502,000	51,423	5,691
CITY OF NANAIMO	MFA35	CDN	654	May 15, 2004	11.625	1,740,000	380,228	259,615
	MFA39	CDN	762	Jun 2, 2006	9.375	3,290,000	1,142,974	936,124
	MFA53	CDN	848	May 13, 2012	9.625	1,438,475	958,784	891,296
	MFA54	CDN	871	Jan 12, 2008	8.300	1,000,480	557,743	489,241
	MFA50	CDN	807	Nov 19, 2008	8.000	1,282,747	720,671	632,158
	MFA69	CDN	945	Nov 10, 2009	9.170	1,150,320	718,282	641,272
	MFA61	CDN	980	Dec 1, 2010	8.000	354,209	242,556	220,559
	MFA64	CDN	980	Dec 1, 2010	8.000	60,265	41,268	37,526
	MFA06	CDN	1344	Sep 25, 2011	7.250	304,105	226,233	208,246
	MFA72	CDN	1393	Nov 5, 2002	5.500	360,000	79,191	-
	MFA73	CDN	1397	Jun 1, 2020	5.450	4,500,000	4,383,908	4,221,012
MFA73	CDN	1775	Dec 1, 2020	5.350	4,100,000	3,975,005	3,845,811	
MFA73	CDN	1229	Dec 1, 2015	5.350	247,347	236,458	224,391	
TOTAL CITY OF NANAIMO						19,038,554	13,642,299	12,607,251
TOTAL LONG TERM DEBT - MEMBER MUNICIPALITIES						\$ 29,209,664	\$ 18,819,974	\$ 18,129,798
TOTAL LONG TERM DEBT						\$ 53,939,506	\$ 40,594,974	\$ 38,075,049

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Regional District of Nanaimo  
 Schedule of Sinking Fund Balances  
 As At December 31, 2002

Issue Number	Bylaw	Maturity	Principal Requested	Sinking Balance	Fund
22	286	complete	\$ 17,378	\$ 17,406	
22	316	complete	425,206	425,951	
22	246	complete	1,797,914	1,801,064	
22	171	complete	918,239	918,848	
22	283	complete	1,013,529	1,015,305	
23	326	complete	20,600	31,724	
28	460	complete	381,118	343,429	
31	486	complete	50,000	47,378	
32	460	complete	30,000	28,569	
32	421	complete	60,000	57,138	
32	484	complete	140,000	133,322	
33	594	Jun 15/2003	250,000	236,445	
34	362	Nov 22/2003	56,890	56,009	
34	594	Nov 22/2003	200,000	196,902	
34	610	Nov 22/2003	300,000	295,354	
35	484	May 15/2004	14,000	12,865	
35	270	May 15/2004	98,000	90,059	
37	610	complete	115,000	115,000	
38	638	Dec 12/2005	60,000	60,000	
41	705	June 20/2007	800,000	676,917	
41	713	June 20/2007	370,000	313,074	
45	705	Oct 27/2008	500,000	362,861	
47	768	Nov 09/2009	500,000	336,324	
48	705	May 15/2010	1,282,000	885,920	
48	768	May 15/2010	325,000	224,590	
49	781	Oct 24/2010	3,000,000	1,844,182	
49	768	Oct 24/2010	140,000	86,061	
61	900	Dec 01/2005	101,365	69,234	
61	900A	Dec 01/2016	4,098,635	1,018,721	
61	925	Dec 01/2015	10,615,000	4,061,845	
69	925	Sept 24/2018	2,785,000	556,279	
69	1052	Sept 24/2018	503,655	65,551	
69	1051	Sept 24/2018	864,095	112,634	
74	1171	June 01/2021	193,979	8,989	
74	1051	June 01/2021	2,195,223	56,389	
78	1299	Dec 03/2022	100,000	-	
			<u>\$ 34,321,924</u>	<u>\$ 16,573,439</u>	

**REGIONAL DISTRICT OF NANAIMO  
REPORT OF DIRECTORS AND COMMITTEE MEMBERS REMUNERATION & EXPENSES FOR 2002**

Area 2002 Board C (Board/Chair)	Name	Taxable Payroll	Remuneration		Total 2002	Out of Po Expenses 2002	Total 2002
			Exempt Allowance	Remuneration			
Nanaimo Board A	Holnie, G.	\$ 14,427.35	\$ 7,213.67	\$ 7,213.67	\$ 21,641.02	\$ 4,732.83	\$ 26,373.85
	Elliott, L.	\$ 7,576.68	\$ 3,788.34	\$ 3,788.34	\$ 11,365.02	\$ 1,161.85	\$ 12,526.87
	Sperling, B.	\$ 6,806.68	\$ 3,403.34	\$ 3,403.34	\$ 10,210.02	\$ 1,717.71	\$ 11,927.73
	Harrison, E.	\$ 9,020.01	\$ 4,510.01	\$ 4,510.01	\$ 13,530.02	\$ 2,656.33	\$ 16,186.35
	Haine, D.	\$ 7,500.01	\$ 3,750.01	\$ 3,750.01	\$ 11,250.02	\$ 2,030.42	\$ 13,280.44
	Bobby, P.	\$ 7,326.88	\$ 3,663.34	\$ 3,663.34	\$ 10,990.02	\$ 267.08	\$ 11,257.10
	McClearn, J.	\$ 8,393.35	\$ 4,195.67	\$ 4,195.67	\$ 12,589.02	\$ 5,816.42	\$ 18,405.44
	Ziggemann, L.	\$ 7,846.68	\$ 3,923.34	\$ 3,923.34	\$ 11,770.02	\$ 6,983.07	\$ 18,753.09
	Stanhope, J.	\$ 5,293.26	\$ 2,646.63	\$ 2,646.63	\$ 7,939.88	\$ 4,848.84	\$ 12,788.72
	Quintenton, R.	\$ 5,479.92	\$ 2,739.96	\$ 2,739.96	\$ 8,219.88	\$ 365.59	\$ 8,585.47
	Bartram, D.	\$ 5,893.25	\$ 2,946.63	\$ 2,946.63	\$ 8,839.88	\$ 26.18	\$ 8,866.06
	Korpan, G.	\$ 5,373.25	\$ 2,686.63	\$ 2,686.63	\$ 8,059.88	\$ 236.92	\$ 8,296.80
	Sherry, L.	\$ 5,333.25	\$ 2,666.63	\$ 2,666.63	\$ 7,999.88	\$ 272.72	\$ 8,272.60
	McNabb, L.	\$ 5,973.25	\$ 2,986.63	\$ 2,986.63	\$ 8,959.88	\$ 105.74	\$ 9,065.62
	Kralj, T.	\$ 5,733.25	\$ 2,866.63	\$ 2,866.63	\$ 8,599.88	\$ 705.23	\$ 9,305.11
	Uladom, D.	\$ 5,733.25	\$ 2,866.63	\$ 2,866.63	\$ 8,599.88	\$ 891.37	\$ 9,491.25
	Rispin, D.	\$ 11,331.01	\$ 5,665.09	\$ 5,665.09	\$ 16,996.10	\$ 333,173.02	\$ 203,138.22
	Macdonald, J.	\$ 150.00	\$ 75.00	\$ 75.00	\$ 225.00	\$ -	\$ 225.00
Westbrook, T.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Qualicum Beach Board Alternates	Kroberg, H.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Grand, P.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Howatson, J.A.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Young, M.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Jelison, R.	\$ 40.00	\$ 20.00	\$ 20.00	\$ 60.00	\$ -	\$ 60.00
	English, J.	\$ 100.00	\$ 50.00	\$ 50.00	\$ 150.00	\$ -	\$ 150.00
	P-Jelen, J.	\$ 170.00	\$ 85.00	\$ 85.00	\$ 255.00	\$ 81.97	\$ 336.97
	Klee, M.	\$ 400.00	\$ 200.00	\$ 200.00	\$ 600.00	\$ 79.91	\$ 679.91
	Pipos, J.	\$ 150.00	\$ 75.00	\$ 75.00	\$ 300.00	\$ 933.83	\$ 1,233.83
	Cartelton, R.	\$ 300.00	\$ 150.00	\$ 150.00	\$ 450.00	\$ -	\$ 450.00
	Beoch, T.	\$ 50.00	\$ 25.00	\$ 25.00	\$ 75.00	\$ -	\$ 75.00
Lance, S.	\$ 310.00	\$ 155.00	\$ 155.00	\$ 465.00	\$ 233.66	\$ 708.66	
Jemmon, F.	\$ 1,610.00	\$ 805.00	\$ 805.00	\$ 2,415.00	\$ 1,329.37	\$ 3,744.37	
Kuy, A.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Committees	Lees, D.	\$ -	\$ -	\$ -	\$ -	\$ 169.16	\$ 169.16
	Little, John	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Gell, D.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Collins, J.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Loomis, R.	\$ -	\$ -	\$ -	\$ -	\$ 100.12	\$ 100.12
	Van Eynde, F.	\$ -	\$ -	\$ -	\$ -	\$ 166.21	\$ 166.21
	Young, C.	\$ -	\$ -	\$ -	\$ -	\$ 514.03	\$ 514.03
	Sprulle, H.	\$ -	\$ -	\$ -	\$ -	\$ 39.92	\$ 39.92
TOTAL	\$ 114,920.11	\$ 57,460.09	\$ 57,460.09	\$ 172,380.20	\$ 989.44	\$ 207,872.03	

REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF EARNINGS, TRAVEL AND OTHER EXPENSES  
 FOR THE YEAR ENDED DECEMBER 31, 2002

EMPLOYEE NAME		EARNINGS		EXPENSES	
DANIELS	KELLY D	\$ 107,850.75	\$	5,860.98	Chief Administrative Officer
CONNELLY	NEIL M	\$ 90,465.55	\$	5,118.21	Gen Mgr Community Services
FINNIE	JOHN O	\$ 90,465.55	\$	2,824.77	Gen Mgr Environmental Services
LAPHAM	ROBERT K	\$ 89,665.45	\$	6,758.07	Gen Mgr Development Services
MASON	CAROL L	\$ 89,660.20	\$	2,356.04	Gen Mgr Corporate Services
<b>TOTAL OVER \$75,000</b>		<b>\$ 468,107.50</b>	<b>\$</b>	<b>22,918.07</b>	
<b>TOTAL UNDER \$75,000</b>		<b>\$ 11,372,395.35</b>	<b>\$</b>	<b>210,286.75</b>	
<b>TOTAL</b>		<b>\$ 11,840,502.85</b>	<b>\$</b>	<b>233,204.82</b>	

The employer portion of Canada Pension Plan and Employment Insurance premiums is as follows:

Canada Pension Plan	\$ 402,489.83
Employment Insurance	\$ 276,476.60
	<u>\$ 678,966.43</u>

There were no severance agreements related to excluded employees in the year.

REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF PAYMENTS FOR SUPPLIES AND SERVICES  
 FOR THE YEAR ENDED DECEMBER 31, 2002  
 SORTED BY NAME

A 1 SEPTIC TANK SERVICE		31,628.54
A C TAXI LTD	\$	44,718.70
ACTION TANK & PUMP SERVICE	\$	31,680.04
AON REED STENHOUSE INC	\$	71,994.00
ARCHIE JOHNSTONE PLUMBING & HEATING LTD	\$	68,499.55
ART'S PLUMBING & HEATING	\$	29,707.08
ASSOCIATED ENGINEERING (BC)LTD	\$	476,138.80
B C S P C A	\$	70,835.00
BC BUILDINGS CORPORATION	\$	117,763.66
BC HYDRO	\$	664,795.82
BENWELL-ATKINS LTD	\$	71,412.48
BREAKWATER ENTERPRISES LTD	\$	38,444.26
BRENNTAG CANADA INC	\$	56,131.85
BRITCO STRUCTURES	\$	38,311.35
C4 ENGINEERING LTD	\$	37,167.59
CANADA POST CORPORATION	\$	44,904.17
CANADIAN BRAKE SUPPLY LTD	\$	49,548.15
CANADIAN UNION OF PUBLIC EMPLOYEES	\$	182,692.42
CANADIAN WASTE SERVICES INC	\$	117,289.95
CANON BUSINESS SOLUTIONS CANADA INC	\$	26,029.47
CEDAR SCHOOL & COMMUNITY ENHANCEMENT SOCIETY	\$	38,000.00
CENTRA GAS BRITISH COLUMBIA INC	\$	98,359.41
CHET CONSTRUCTION LTD	\$	189,175.96
CHRIS WILSON REFRIGERATION & COMMERCIAL APPLIAI	\$	29,365.83
CIBA SPECIALTY CHEMICALS CANADA INC	\$	62,042.42
CONESTOGA-ROVERS & ASSOCIATES	\$	125,387.52
COOMBS HILLIERS VOL FIRE DEPARTMENT	\$	47,768.36
COWICHAN VALLEY REGIONAL DISTRICT	\$	88,357.97
DASHWOOD VOL FIRE DEPT	\$	115,425.71
DAYTON & KNIGHT LTD	\$	43,030.48
DELL COMPUTER CORPORATION	\$	136,695.35
DUNCAN ELECTRIC MOTOR LTD	\$	52,931.83
E S R I CANADA LIMITED	\$	64,745.45
EAST ISLE POWER LTD	\$	27,023.62
FPCOR WATER SERVICES INC	\$	32,784.80
ERRINGTON VOL FIRE DEPT	\$	120,445.75
EVANSDALE FARMS LTD	\$	309,193.36
FINNING INTERNATIONAL INC	\$	251,248.21
FOUR STAR WATERWORKS LTD	\$	39,292.70
FOURNIER EXCAVATING LTD	\$	147,511.99
FYFFE'S WELL DRILLING LTD	\$	41,494.19

REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF PAYMENTS FOR SUPPLIES AND SERVICES  
 FOR THE YEAR ENDED DECEMBER 31, 2002  
 SORTED BY NAME

GABRIOLA RECREATION SOCIETY	\$	52,000.00	
GARTNER LEE	\$	27,937.25	
GENERAL CHEMICAL PERFORMANCE PRODUCTS	\$	119,609.98	
GRAND & TOY	\$	76,192.66	
GREATER VANCOUVER SEWERAGE & DRAINAGE DISTRICT	\$	1,309,202.84	Waste export contract
HAZELWOOD CONSTRUCTION SERVICES INC	\$	215,542.64	
HUB EXCAVATING LTD	\$	109,370.75	
I T T FLYGT	\$	34,314.00	
INSURANCE CORPORATION OF BC	\$	120,020.00	
ISLAND PUBLISHERS LTD	\$	25,483.21	
J MILNER TRUCKING LTD	\$	40,045.54	
JOE CUNNINGHAM FORD LTD	\$	140,960.13	
K&L TIRE	\$	57,982.43	
KOERS & ASSOCIATES ENGINEERING LTD	\$	98,351.98	
L & E EXCAVATING LTD	\$	48,789.96	
LANDFILL BIRD CONTROL (CHAD FROSTAD)	\$	63,572.98	
LONG LAKE AUTO PARTS LTD	\$	54,652.50	
MALASPINA UNIVERSITY COLLEGE	\$	58,245.82	
MARITIME LIFE ASSURANCE COMPANY	\$	38,322.48	
MEDICAL SERVICES PLAN OF BC	\$	171,312.40	
MINISTER OF FINANCE	\$	102,755.97	
MONTROYAL CONTRACTING LTD	\$	99,094.27	
MORROW ENVIRONMENTAL CONSULTANTS INC	\$	71,071.96	
MUNICIPAL INSURANCE ASSOCIATION OF BC	\$	138,558.33	
MUNICIPAL PENSION PLAN	\$	1,240,706.61	
NANAIMO & DISTRICT HARBOURFRONT CENTER	\$	69,103.00	
NANAIMO ANIMAL SHELTER LIMITED	\$	44,370.24	
NANAIMO CITY OF	\$	886,811.77	
NANAIMO DAILY NEWS/HARBOUR CITY STAR	\$	40,815.85	
NEALE STANISZKIS DOLL ADAMS ARCHITECTS	\$	112,619.82	
NEO GRAPHIC COMMUNICATIONS	\$	31,518.40	
NEW FLYER PARTS	\$	78,979.72	
PACIFIC BLUE CROSS	\$	351,964.34	
PARKSVILLE CITY OF	\$	283,718.11	
PETRO-CANADA	\$	836,525.61	
PROFIRE EMERGENCY EQUIPMENT	\$	94,345.24	
QUALICUM BEACH TOWN OF	\$	241,542.19	
QUALICUM EXCAVATING LTD	\$	32,759.15	
QUALICUM FARMS LTD	\$	161,589.05	
R & G EQUIPMENT RENTALS LTD	\$	53,863.59	
RASCAL TRUCKING LTD	\$	60,572.70	
RE/MAX DAVE HAMMOND REALTY	\$	39,964.50	
REC GENERAL FOR CANADA	\$	3,509,259.36	Payroll withholdings
RETHINK (WEST) INC	\$	60,091.67	
ROBINSON D CONTRACTING LTD	\$	223,131.04	
ROYAL BANK VISA	\$	25,436.70	



REGIONAL DISTRICT OF NANAIMO  
 SCHEDULE OF PAYMENTS FOR SUPPLIES AND SERVICES  
 FOR THE YEAR ENDED DECEMBER 31, 2002  
 SORTED BY NAME

SALISH DISPOSAL INC	\$	996,051.48	
SCHOOL DISTRICT NO 69 (QUALICUM)	\$	30,184.42	
SHORELINE EQUIPMENT	\$	38,219.49	
SOFTWARE HOUSE INT'L	\$	29,123.00	
SOUTHWESTERN FLOWTECH & ENVIRONMENTAL LTD	\$	41,384.12	
SPERLING HANSEN ASSOCIATES	\$	117,162.70	
STAPLES MCDANNOLD STEWART	\$	1,973,852.54	
SUN LIFE ASSURANCE CO OF CANADA	\$	179,360.24	Employee Benefits
SURESPAN CONSTRUCTION LTD	\$	104,291.46	
SUSSEX CONSULTANTS LTD	\$	54,111.46	
TELUS COMMUNICATIONS (BC) INC	\$	209,455.04	
TRADEWIND ELECTRIC LTD	\$	57,514.93	
TREE ISLAND INDUSTRIES LTD	\$	77,600.13	
TRINEX INTERNET SOLUTIONS	\$	31,609.71	
UNITED PETROLEUM PRODUCTS INC	\$	25,261.69	
V ROBERTS & ASSOCIATES LTD	\$	25,656.66	
WESTCOAST LANDFILL DIVERSION INC	\$	68,127.24	
WESTLAND INSURANCE GROUP LTD	\$	33,691.00	Fleet vehicle insurance
WINDLEY CONTRACTING LTD	\$	355,761.05	
WOODGROVE CHEVROLET OLDSMOBILE LTD	\$	97,020.50	
TOTALS OVER \$25,000	\$	20,628,491.39	
TOTALS UNDER \$25,000	\$	20,770,915.70	
TOTAL ALL	\$	<u>41,632,611.91</u>	

Regional District of Nanaimo  
 Schedule of Grants and Contributions  
 For the Year Ended December 31, 2002

Cedar Community Association	\$ 3,000.00
Nanaimo Search and Rescue	1,128.65
Arrowsmith Community Justice Society	500.00
Arrowsmith Search and Rescue	240.00
BCSPCA - Parksville	500.00
Mid Vancouver Island Habitat Enhancement Society	415.00
Navy League of Canada	2,100.00
North Island Wildlife Society	1,000.00
Oceanside Community Arts Council	500.00
Oceanside Radio Communications Association	950.00
Parksville & District Association for Community Living	1,000.00
Parksville Meeting Place Society	750.00
Caregivers Support Program	350.00
D69 Volunteers Association	750.00
Oceanside Community Kitchens	500.00
Project Literacy - Parksville	500.00
Vicious Vacant Productions	750.00
Arrowsmith Mountainbike Society	7,710.00
Deep Bay Yacht Club	2,700.00
Erik Goetzinger MBX Society	3,200.00
Errington Therapeutic Riding Association	1,500.00
Family Resource Association	500.00
Kid Fest	1,500.00
Arrowsmith Cricket Club	690.00
Arrowsmith Elementary School PAC	6,660.00
Balfenas Secondary School - Dry Grad	1,250.00
Balfenas Tennis Club	2,000.00
Errington War Memorial Society	4,100.00
Lighthouse Recreation Commission	1,250.00
Mid Island Wheelchair Sports Club	8,112.00
Nanoose Bay Activities & Recreation Society	3,600.00
Parksville Royals	4,400.00
Parksville Seniors Athletic Group	3,700.00
Participaddle Society	1,710.00
Qualicum Beach Skateboard Committee	5,400.00
Vancouver Island Adrenalin Games	1,500.00
Beacon Christian School	2,500.00
Coombs Halloween Candy Walk	1,000.00
Coombs-Hilliers Recreation & Community Organization	6,500.00
D69 Minor Softball Association	2,000.00
Oceanside Junior Cheer & Stunt Squad	2,000.00
Snowhounds Ski & Snowboard Club	1,500.00
PQ Breakdancing Kids	1,200.00

\$ 93,115.65



REGIONAL DISTRICT OF NANAIMO		
JUN 13 2003		
CHAIR		GMCrS
CAO		GMDS
GMCrS		GMES

MEMORANDUM

TO: Carol Mason  
General Manager of Corporate Services  
DATE: June 4, 2003

FROM: N. Avery  
Manager of Financial Services  
FILE:

SUBJECT: Annual Report of Directors' and Committee Members' Remuneration and Expenses

PURPOSE

To present a schedule listing the remuneration and expenses paid on behalf of elected members and committee members in 2002.

BACKGROUND

Section 329.1 of the Local Government Act requires, that at least once a year report, listing the amount of remuneration and expenses paid to a Board or committee member be prepared and considered by the Board. The attached report has been prepared from the 2002 audited records of the District. Copies of the listing are to be made available to the public from the date of consideration for a period of one year. A charge may be made to the public for a copy of the report.

Remuneration rates are established by an independent committee, following Board policy, for the three year period between elections. Current remuneration rates were by recommended and established in 2001. Remuneration includes an annual base remuneration for regular Board and Standing Committee meetings, plus per diems for additional select committees, advisory committees and public hearings or information meetings attended. The District's remuneration bylaw provides that one third of remuneration amounts paid to Board members or their alternates is a tax-exempt allowance for the purposes of carrying out their duties as an elected member. The District also reimburses members for mileage, ferry fares, business meals, communications equipment costs, internet service costs and attendance at the annual UBCM, AVICC and FCM conventions.

The basic annual remuneration rates for 2002 are as follows:

Member	Basic Remuneration	Allowance	Total
Municipal Director	\$7,940		\$7,940
Electoral Area Director	\$7,940	\$2,290	\$10,230
Chairperson	\$7,940	\$10,976	\$18,916
Other Public/Advisory Committee Meetings	\$60 per meeting attended		\$60 per meeting attended

The amount expended for Board remuneration and expenses was about 1.2% lower overall than in 2001 (200 -\$205,633, 2002-\$203,138).

**ALTERNATIVES**

There are no alternatives to this provision of the Act.

**FINANCIAL IMPLICATIONS**

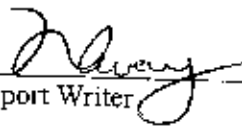
There are no financial implications.


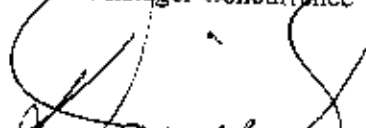
**SUMMARY/CONCLUSIONS**

The attached remuneration and expense report is submitted in compliance with Section 329.1 of the *Local Government Act*.

**RECOMMENDATION**

That the 2002 report on remuneration and expenses for Board and committee members be received.

  
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Report Writer

  
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General Manager Concurrence  
  
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C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO  
 REPORT OF DIRECTORS AND COMMITTEE MEMBERS REMUNERATION & EXPENSES FOR 2002

Area	Name	Remuneration		Exempt Allowance	Taxable Payroll	Total 2002	Total 2001	Out of Pocket Expenses Reimbursed		Total 2002	Total 2001	
		2002	2001					2002	2001			
2002 Board E (Board/Chair)	Holme, G.	\$ 14,427.35	\$ 21,641.02	\$ 7,213.67	\$ 14,427.35	\$ 21,641.02	\$ 20,824.90	\$ 4,732.83	\$ 7,662.31	\$ 26,373.85	\$ 28,507.21	
	Elliott, L.	\$ 7,576.68	\$ 11,365.02	\$ 3,788.34	\$ 7,576.68	\$ 11,365.02	\$ 10,991.98	\$ 1,161.85	\$ 748.60	\$ 12,526.87	\$ 11,741.58	
	Sperring, B.	\$ 6,806.68	\$ 10,210.02	\$ 3,403.34	\$ 6,806.68	\$ 10,210.02	\$ 9,956.98	\$ 1,717.71	\$ 2,324.89	\$ 11,927.73	\$ 12,281.67	
	Hanniton, E.	\$ 9,020.01	\$ 13,530.02	\$ 4,510.01	\$ 9,020.01	\$ 13,530.02	\$ 11,896.98	\$ 2,656.33	\$ 2,540.23	\$ 16,106.35	\$ 14,437.21	
	Haine, D.	\$ 7,500.01	\$ 11,250.02	\$ 3,750.01	\$ 7,500.01	\$ 11,250.02	\$ 10,376.98	\$ 2,030.42	\$ 549.90	\$ 13,280.44	\$ 10,925.80	
	Bbby, P.	-	-	-	-	-	-	\$ 267.08	-	-	\$ 267.08	-
	McLeser, J.	\$ 7,326.68	\$ 10,990.02	\$ 3,663.94	\$ 7,326.68	\$ 10,990.02	\$ 11,156.98	\$ 5,816.42	\$ 5,020.90	\$ 16,836.44	\$ 15,177.88	
	Biggemanni, L.	-	-	-	-	-	-	\$ 354.72	-	\$ 354.72	-	-
	Stanhope, J.	\$ 8,393.35	\$ 12,590.02	\$ 4,196.67	\$ 8,393.35	\$ 12,590.02	\$ 12,916.98	\$ 6,983.07	\$ 7,569.30	\$ 19,573.09	\$ 20,485.28	
	Quillenton, R.	\$ 7,846.68	\$ 11,770.02	\$ 3,923.34	\$ 7,846.68	\$ 11,770.02	\$ 10,976.98	\$ 4,848.84	\$ 7,717.18	\$ 15,618.86	\$ 18,694.15	
	Bartani, D.	-	-	-	-	-	-	\$ 365.59	-	\$ 365.59	-	-
	Korpan, G.	\$ 5,293.25	\$ 7,939.88	\$ 2,646.63	\$ 5,293.25	\$ 7,939.88	\$ 7,822.88	\$ 26.18	\$ 185.93	\$ 7,966.06	\$ 8,008.81	
	Sherry, L.	\$ 5,479.92	\$ 8,219.88	\$ 2,739.96	\$ 5,479.92	\$ 8,219.88	\$ 10,262.88	\$ 236.92	\$ 1,939.44	\$ 8,456.80	\$ 12,202.32	
	McKabb, L.	\$ 5,693.25	\$ 8,839.88	\$ 2,946.63	\$ 5,693.25	\$ 8,839.88	\$ 8,752.88	\$ 272.72	\$ 274.20	\$ 8,112.00	\$ 9,027.08	
	Krali, T.	\$ 5,373.25	\$ 8,059.88	\$ 2,686.63	\$ 5,373.25	\$ 8,059.88	\$ 7,622.88	\$ 105.74	-	\$ 8,166.62	\$ 7,822.88	
	Nanaimo	\$ 5,333.25	\$ 7,999.88	\$ 2,666.63	\$ 5,333.25	\$ 7,999.88	\$ 7,942.88	-	\$ 830.38	\$ 7,999.88	\$ 9,773.26	
Nanaimo	\$ 5,333.25	\$ 7,999.88	\$ 2,666.63	\$ 5,333.25	\$ 7,999.88	\$ 7,822.88	-	\$ 706.23	\$ 8,505.11	\$ 9,216.89		
Nanaimo	\$ 5,473.25	\$ 8,959.88	\$ 2,986.63	\$ 5,473.25	\$ 8,959.88	\$ 8,182.88	-	\$ 891.37	\$ 9,491.25	\$ 9,506.29		
Parksville	\$ 5,733.25	\$ 8,599.88	\$ 2,866.63	\$ 5,733.25	\$ 8,599.88	\$ 8,002.88	-	\$ 891.37	\$ 9,491.25	\$ 9,506.29		
Qualicum Beach	\$ 113,310.11	\$ 169,965.20	\$ 55,655.09	\$ 113,310.11	\$ 169,965.20	\$ 165,711.80	-	\$ 333,173.02	\$ 39,921.28	\$ 203,138.22	\$ 205,633.08	
Board Alternates												
A	Kreicorg, H.	\$ 150.00	\$ 225.00	\$ 75.00	\$ 150.00	\$ 225.00	\$ 150.00	-	\$ 23.60	\$ 225.00	\$ 173.60	
A	Grand, P.	-	-	-	-	-	\$ 75.00	-	-	-	\$ 75.00	
B	Howarson, J.A.	-	-	-	-	-	-	-	-	-	-	
C	Young, M.	-	-	-	-	-	-	-	-	-	-	
D	Jepson, R.	\$ 40.00	\$ 50.00	\$ 20.00	\$ 40.00	\$ 50.00	\$ 510.00	-	\$ 53.76	\$ 60.00	\$ 563.76	
E	English, J.	-	-	-	-	-	\$ 375.00	-	-	-	\$ 375.00	
F	Pullen, J.	-	-	-	-	-	-	-	-	-	-	
G	Klea, M.	\$ 100.00	\$ 150.00	\$ 50.00	\$ 100.00	\$ 150.00	\$ 150.00	\$ 81.97	\$ 69.20	\$ 231.97	\$ 209.20	
H	Pipes, J.	\$ 170.00	\$ 265.00	\$ 85.00	\$ 170.00	\$ 265.00	\$ 300.00	\$ 79.91	\$ 132.80	\$ 334.91	\$ 432.80	
Nanaimo	\$ 140.00	\$ 210.00	\$ 70.00	\$ 140.00	\$ 210.00	\$ 360.00	\$ 933.83	\$ 423.70	\$ 1,143.83	\$ 783.70		
Nanaimo	\$ 200.00	\$ 300.00	\$ 100.00	\$ 200.00	\$ 300.00	\$ 900.00	-	\$ 7.41	\$ 300.00	\$ 907.41		
Nanaimo	\$ 150.00	\$ 225.00	\$ 75.00	\$ 150.00	\$ 225.00	\$ 450.00	-	\$ 7.41	\$ 450.00	\$ 450.00		
Parksville	\$ 300.00	\$ 450.00	\$ 150.00	\$ 300.00	\$ 450.00	\$ 450.00	-	-	\$ 450.00	\$ 457.41		
Qualicum Beach	\$ 50.00	\$ 75.00	\$ 25.00	\$ 50.00	\$ 75.00	\$ 300.00	-	-	\$ 75.00	\$ 300.00		
	\$ 310.00	\$ 465.00	\$ 155.00	\$ 310.00	\$ 465.00	\$ 375.00	-	-	\$ 698.66	\$ 567.00		
	\$ 1,610.00	\$ 2,415.00	\$ 805.00	\$ 1,610.00	\$ 2,415.00	\$ 4,395.00	-	\$ 233.66	\$ 182.00	\$ 3,744.37	\$ 5,294.88	
	\$ 113,310.11	\$ 169,965.20	\$ 55,655.09	\$ 113,310.11	\$ 169,965.20	\$ 165,711.80	-	\$ 1,329.37	\$ 899.88	\$ 3,744.37	\$ 5,294.88	
Other Committees												
B. of Variance	Lees, D.	-	-	\$ -	-	-	-	\$ 159.16	\$ 265.44	\$ 169.16	\$ 265.44	
B. of Variance	Little, John	-	-	\$ -	-	-	-	-	\$ 144.40	-	\$ 144.40	
GMP Perf Review	Gell, D.	-	-	\$ -	-	-	-	-	\$ 127.88	-	\$ 127.88	
Board Remuneration	Collins, J.	-	-	\$ -	-	-	-	-	-	-	-	
Board Remuneration	Loomis, R.	-	-	\$ -	-	-	-	\$ 100.12	-	\$ 100.12	-	
Perf Review/D59 Rec/Nan Parks	Van Eynde, F.	-	-	\$ -	-	-	-	\$ 166.21	-	\$ 166.21	-	
EA Parks Open Space Advisory	Young, C.	-	-	\$ -	-	-	-	\$ 514.03	\$ 177.68	\$ 514.03	\$ 177.68	
Grants in Aid	Sproule, H.	-	-	\$ -	-	-	-	\$ 39.62	\$ 72.70	\$ 39.62	\$ 72.70	
		-	-	\$ -	-	-	-	\$ 889.44	\$ 788.00	\$ 989.44	\$ 788.00	
<b>TOTAL</b>		\$ 114,920.11	\$ 172,380.20	\$ 57,460.09	\$ 114,920.11	\$ 170,106.80		\$ 35,491.93	\$ 41,609.16	\$ 207,872.03	\$ 211,715.96	

BoardRemunerationReport2002.xls

EA Parks Open Space Advisory  
 Grants in Aid

SPECIAL OCCASIONS - 2003  
STATUS REPORT

SPECIAL OCCASION LICENSES APPROVED:

Electoral Area	Name of Organization	Name of Event	Date of Event	Director Approval	Days Requested	Approval Date	Total Approved
A							
B							
C	Nanaimo Motocross Association	Canadian National Motocross Championships	June 20, 21, 22	✓	3	June 17	3
D							
E							
F	Errington War Memorial Hall Association	Hi Neighbour Day	August 16	✓	1	May 1	3
	VI Association for Injured Motorcyclists	Pig-n-Fin	August 15,16	✓	2	May 1	
	Coombs Hilliers Recreation Community Association	6th Annual Bull-a-Rama	June 7,8		2		
	Coombs Hilliers Recreation Community Association	27th Annual Coombs Rodeo	July 25,26,27		3		
G							
H							

**SPECIAL EVENT PERMITS - 2003  
STATUS REPORT**

**SPECIAL EVENT PERMIT APPLICATIONS:**

Electoral Area	Name of Organization	Name of Event	Date of Event	Health Approval	Fire Dept Approval	RCMP Approval	Security Deposit	Director Approval	Approval Date	Permit Issued
A										
B										
C	Nanaimo Motocross Association	Canadian National Motocross Championships	June 20, 21, 22	✓	n/a	✓	n/a	✓	June 17	June 7
E										
F	VI Association for Injured Motorcyclists Coombs Hilliers Recreation Community Association Coombs Hilliers Recreation Community Association Coombs Hilliers Recreation Community Association Arrowsmith Mountain Bike Club Arrowsmith Agricultural Association	Pig-n-Pin 6th Annual Bull-a-Rama 27th Annual Coombs Rodeo 25th Annual Bluegrass Festival Hammerfest 10 Annual Coombs Fair	August 15, 16, 17 June 7, 8 July 26, 27 August 1, 2, 3 April 27, May 4 August 9, 10	✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓	n/a n/a n/a n/a n/a n/a	✓ ✓ ✓ ✓ ✓ ✓	May 1 May 1 April 24 June 17	May 1 April 24 June 17
G										
H										

<b>REGIONAL DISTRICT OF NANAIMO</b>			
JUN 16 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		DATE:	June 16, 2003
		FILE:	3810-20

**MEMORANDUM**

**TO:** Stan Schopp  
Manager, Building Inspector Services

**FROM:** Allan Dick  
Senior Building Inspector

**SUBJECT:** Local Government Act - Section 700 - Contravention of Bylaw  
Meeting Date - June 24, 2003

**PURPOSE**

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

**BACKGROUND**

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

**SUMMARY OF INDIVIDUAL INFRACTIONS**

**Electoral Area 'A'**

- Owners Name: Ryan and Emma Andrew  
 Legal Description: Lot 3, Section 19, Range 2, Cedar District  
 Street Address: 1370 Kurtis Crescent

**Summary of Infraction:**  
 Oct 15, 2002 - Permit issued for temporary Living Facility.  
 Jul 22, 2002 - Permit issued to construct SFD.  
 May 30, 2003 - Letter sent for occupying Sfd without occupancy permit.  
 June 9, 2003 - 2nd letter sent.  
 June 9, 2003 - Final inspection done. Many outstanding items incomplete.  
 June 10, 2003 - Senior inspector left message for clients to contact RTDN.  
 June 11, 2003 - 2nd attempt to contact owners - left message.  
 June 11, 2003 - File forwarded for 700 filing.
- Owners Name: Donald Randle  
 Legal Description: Lot A, Plan 35426  
 Street Address: 2170 Bramley Road

**Summary of Infraction:**  
 May 6, 2003 - Stop work order for accessory building built without permit  
 May 7, 2003 - Letter sent; stop work; permit required.  
 June 3, 2003 - Letter returned unclaimed June 2, 2003.  
 June 10, 2003 - No response from owner - forward to Senior Inspector.  
 June 13, 2003 - Letter of May 7 hand delivered to owner



3. Owners Name: Ken Vanderberg  
Legal Description: Lot 7, Block 11, Section 12, Range 2, Cranberry District, Plan 716  
Street Address: 2139 Bramley Road

**Summary of Infraction:**

May 14, 2003 - Senior Inspector met with Ken Vanderberg re: client's brother living in accessory building. Options were discussed and RDN position explained. File diary dated for 2 weeks.  
June 9, 2003 Owner contacted and he indicated that they were currently resolving issues with Bylaw Officer for unsightly premises. Unwilling to remove brother from accessory building owner informed RDN would be going forward with 700 filing. See notes in file.

**Electoral Area 'B'**

1. Owners Name: John Bishop  
Legal Description: Lot 3, Section 4, Gabriola Island, Nanaimo District, Plan 16716  
Street Address: 1802 Stalker Road

**Summary of Infraction:**

March 11, 2003 - Complaint received for illegal structures and a trailer being occupied.  
March 14, 2003 - Building Inspector attended site to post Building Permit Required Notice.  
March 17, 2003 - 1st letter sent by certified mail.  
April 10, 2003 - 2nd letter sent.  
April 14, 2003 - Mrs. Bishop (mother) contacted Senior Inspector. Said she would have son contact RDN.  
June 9, 2003 - Senior Inspector left message for client to contact RDN (758-2854 mother's home).  
June 9, 2003 - Clients mother contacted RDN. Son to contact RDN.  
June 11, 2003 - Client contacted RDN. Status called for June 16, 2003.

2. Owners Name: Lee-Anne Stark Warren Jacques  
Legal Description: Lot 1, Plan VIP 51655, Section 18 and 23, Nanaimo Land District  
Street Address: 695 Horseshoe Way

**Summary of Infraction:**

Sept 22, 1998 - Permit issued for detached deck.  
Dec 2, 1998 - Inspection sheet left to apply to Islands Trust for set back relaxation. BOV at Islands Trust applied for and denied after considerable time.  
May 6, 2003 - Warren Jacques attended Gabriola Office to discuss file with Islands Trust and RDN building inspector.  
June 11, 2003 - Senior inspector attempted to contact owners to inform them of RDN intention to file 700 notice on title while awaiting resolution of Islands Trust bylaw infraction by way of DVP or BOV (deck in side yard setback and covenant area) no answer-no answering machine.  
Jun 11, 2003 File forwarded to manager for 700 filing.

**RECOMMENDATION**

That a notice be filed against the titles 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.

Report Writer

General Manager Concurrence

Manager Concurrence

C.A.O. Concurrence

COMMENTS:

**PAGE**  
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REGIONAL DISTRICT OF NANAIMO			
JUN 16 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: John Finnie, P. Eng.  
General Manager of Environmental Services

DATE: June 10, 2003

FROM: Dennis Trudeau  
Manager of Liquid Waste

FILE: 0135-20-MoH

SUBJECT: Liquid Waste  
Proposed Ministry of Health Sewage Regulation

PURPOSE

To report on the proposed amendment to the Ministry of Health Sewage Regulation.

BACKGROUND

The Ministry of Health Planning (MOHP) has been attempting to amend their Sewage Disposal Regulation. They have completed 6 years of work on a number of drafts and have consulted with various stakeholders.

The latest draft amendment (Appendix 1) reflects the current provincial government priorities; deregulation, industry accountability, outcome-based policy, and fiscal restraint. MOHP expects that the amendments will reduce regulatory burden on both the industry and the health authorities.

The amended regulation will require the certification of practitioners and the development of standards by a standing committee. It is expected that the committee will deal with standards such as tile field setbacks, depth of discharge to groundwater, tile field sizing, percolation rates, etc. The MOHP states that the amendment uses an outcome-based approach which will "provide a framework that allows for:

- clear and specific system performance standards;
- technically sound industry standards for site evaluation, design, installation and operation;
- operation and maintenance requirements;
- education and on going training or certification of service providers;
- effective enforcement mechanisms."

Regional District staff has had concerns with the current state of the approval process and monitoring of on-site sewage systems by the MOHP. These concerns include inadequate record keeping for permits, failed system identification, and septic field approvals in sensitive areas. The RDN has identified numerous areas in the district with on-site sewage disposal failures. Addressing these problems is proving difficult since community sewer servicing is typically the only technical solution, and this can be expensive or not currently viable.

The draft regulation appears to address staff concerns regarding record keeping on septic systems. The draft will require a trained professional or certified practitioner to submit to the health authority a registration form that will be used to ensure the regulation is met or whether additional requirements are

needed. Once the system has been constructed the professional or certified practitioner will submit a certification that the system was installed in accordance with the regulation and the regulation submission. The certification will also be used to record any details on maintenance of the system. The registration is expected to become a document that reflects the health of the system and will become important during real-estate transactions. MOHP will maintain all files for the systems.

MOHP has indicated in the draft regulation that the registration of the sewage system will not be subject to the Environmental Appeal Board process. While the appeal process was onerous it did provide local government and the public one avenue to address concerns they may have about the impacts of proposed disposal systems.

The amendment provides for the inspection of the system to ensure that the regulation is being met or to determine if a health hazard exists. This does not change from the existing regulation and the amount or level of inspection will be dependent upon the government's allocation of resources to this function. Staff are concerned that on-site sewage disposal systems will be considered a low environmental risk and their administration funded as such.

The draft regulation allows more stringent standards or requirements to be specified to prevent health hazards. This will allow MOHP to address concerns such as protection of shellfish resources or drinking water sources. Previously the MOHP was unable to depart from standards set in the regulation. This section would address staff concerns regarding the approvals of systems in sensitive areas if the more stringent standards or requirements are precautionary in nature.

It is not clear in the document what standards will be used for ground disposal of effluent. The effluent quality standards are well identified but the conditions that are acceptable for ground disposal are left up to the certified practitioner or professional. An Advisory Committee will be established to develop best management standards which may eventually address these concerns. This potentially will mean that many lots that could not support a septic system under the existing regulation may now be developable. It may also result in criteria that is more protective of health and the environment than the existing regulation.

It appears from staff's review of the document that the tools exist to protect health and the environment. How the regulation is implemented and managed by MOHP will determine how well the regulation works in the future.

#### DEVELOPMENT IMPLICATIONS

The proposed registration based system for on-site sewage disposal relies on a performance standard rather than a regulatory standard for the installation and operation of in ground sewage disposal systems. Therefore this approach may not recognize traditional regulatory practices such as lot line setbacks, restrictions on the placement of fill, soil depth or other site features unless they are taken into account by the certified professional overseeing the construction and inspection of new systems. While these practices may ultimately be recognized as best practices, the performance based legislation will not mandate this type of methodology. Staff has some concerns that this approach may result in less emphasis on the life of new sewage disposal systems and more emphasis on the ability of the system to operate at the time of construction. In addition, as the approval process will be performance based, the subdivision approving authority may not be able to, or may choose not to establish criteria or standards for lot development at the time of subdivision approval. This may result in the requirement for a higher standard of assurance from property owners to obtain building permits or as part of future real estate

transactions. Building inspection staff will have to monitor the potential implications of the proposed changes before considering a change in procedures or requirements.

### ALTERNATIVES

1. That the report on the Ministry of Health's draft Sewage Regulation be received for information.
2. That the report on the Ministry of Health's draft Sewage Regulation be received and that staff be directed to send a letter to the Ministry of Health that states that any new standards created under the new regulation be done in a manner that provides maximum long-term protection of the regions drinking water resources and other sensitive environments, and further that staff monitor the impacts of new legislation with respect to implications on the subdivision approval process and building inspection.

### FINANCIAL IMPLICATIONS

There are no financial implications.

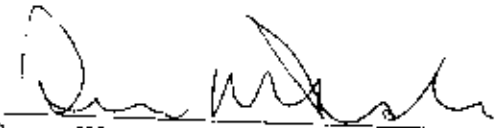
### SUMMARY/CONCLUSIONS

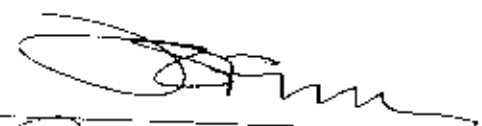
The Ministry of Health Planning completed a new draft of the Sewage Disposal Regulation. The latest draft amendment reflects the current provincial government priorities; deregulation, industry accountability, outcome-based policy, and fiscal restraint. MOHP expects that the amendments will reduce regulatory burden on both the industry and the health authorities.

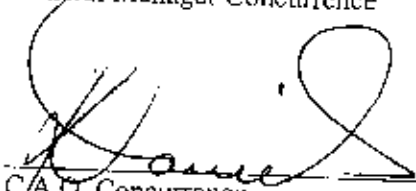
While staff have some reservations about the proposed changes it does appear that the basic tools are there for the MOHP to be able to protect health and the environment. The success of the new regulation will depend on how it is implemented and managed by MOHP.

### RECOMMENDATION

1. That the report on the Ministry of Health's draft Sewage Regulation be received and that staff be directed to send a letter to the Ministry of Health that states that any new standards created under the new regulation be done in a manner that provides maximum long-term protection of the regions drinking water resources and other sensitive environments.
2. That staff monitor the impacts of new legislation with respect to implications on the subdivision approval process and building inspection.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
C.A.O. Concurrence

COMMENTS:

*DRAFT 7.0*  
*April 11, 2003*

**Health Act**

**SEWAGE REGULATIONS**

**Draft for Discussion**

Ministry of Health Planning  
Health Protection Planning  
Population Health and Wellness

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## SEWAGE REGULATION

## 1. Definitions

(1) In this Regulation;

"Act" means the *Health Act*;

"body of surface water" means a natural watercourse of fresh water or a source of fresh water, other than ground water, whether the natural watercourse of fresh water or the source of fresh water contains water continuously or intermittently, and includes:

- (a) a lake, river, creek, spring, ravine, stream, swamp, gulch, brook,
- (b) a ditch into which a natural watercourse of fresh water or a source of fresh water has been collected, and
- (c) a stream, other than ground water that is designated as a stream under the *Water Act*, but does not include water within a culvert that is constructed in a manner as to prevent the water course from contamination by sewage effluent;
- (d)

"building" includes a structure or premises constructed or located on a parcel;

"certified practitioner" means a person who holds a certificate in site system design and installation and:

- (a) is registered in British Columbia with the British Columbia On Site Sewage Association, acting under that association's Code of Ethics and subject to disciplinary action by that association, and
- (b) who, through suitable education, experience, accreditation and knowledge may be qualified to provide advice within their area of expertise.

"distribution area" means an area used to receive effluent from a Type 1, Type 2 or Type 3 treatment method, sized according to a basal area, and constructed to distribute the effluent uniformly;

"domestic sewage or sewage" means:

- (a) human excreta, or
- (b) water carried waste matter produced from drinking, eating, food preparation, washing, bathing, cleaning and laundering, except water carried waste matter produced from laundering at a self-service laundromat;

"effluent" means discharged treated sewage that flows into a distribution area, lagoon, or seepage pit from a sewage treatment method;

"failed or failing system" means a sewage system that is no longer capable of containing or treating sewage as originally designed, repaired, or replaced in accordance with this regulation or that may cause a health hazard;

"health authority" means a health authority as defined under the *Health Authorities Act*;

"high strength waste" - means waste that exceeds 250 milligrams per litre of Total Suspended Solids or a 5-day Biochemical Oxygen Demand of 250 or 40 milligrams per litre of fat/oil/grease;

"holding tank" means a watertight container for holding domestic sewage until the domestic sewage is pumped out and removed for disposal to an approved disposal facility;

"large flow" means an estimated minimum daily sewage flow that is more than 9100 litres (L);

"marine waters" means waters under tidal influence;

"officer" means a medical health officer public health inspector or a public health engineer appointed under the *Health Act*;

"parcel" means a lot, block or other area in which land is held or into which land is subdivided but does not include a parcel wholly covered in water;

"privy" means small building having a bench with a hole or holes through which human waste is excreted into a waterproof vault or an excavated pit;

"professional" means a person registered and in good standing with the Association of Professional Engineers and Geoscientists of British Columbia or the Applied Science Technologists and Technicians of British Columbia or the Registered Professional Biologists who, through suitable education, experience, accreditation and knowledge may be qualified to provide advice within their area of expertise, and includes a geoscientist.

"registration document" means a document that meets the health authority standards;

"septic tank" means a watertight, container for receiving, treating and settling domestic sewage;

"sewage system" or "system" means a combination of one or more treatment methods and a distribution area seepage pit or a lagoon.

"treatment methods" are:

- (i) Type 1 method treatment means the principle sewage treatment utilised in the sewage system is a septic tank with no other additional treatment;
- (ii) Type 2 method treatment means the principle sewage treatment utilised in the sewage system is, a treatment method that discharges effluent that continually meets or exceeds National Sanitation Foundation/American National Standards Institute Standard 40 class 1 or class II, as certified by National Sanitation Foundation or a qualified professional; and
- (iii) Type 3 method means the principle sewage treatment utilised in the sewage system is, a treatment method that discharges effluent that continually meets or exceeds 10 milligrams per litre of Total Suspended Solids and a 5-day Biochemical Oxygen Demand of 10 milligrams per litre and less than 400 Coliform Forming Units as certified by a qualified professional.

## 2. Application

(1) This Regulation applies only to:

- (a) domestic sewage discharged to a sewage system, privy or holding tank which serves only one single family residence or only one duplex;
- (b) domestic sewage discharged to a sewage system or systems that serve a building or buildings on a parcel with an estimated minimum daily sewage flow of less than 22,730 L;



- (c) domestic sewage discharged to one or more sewage systems, privies or holding tanks that serve one or more parcels or one or more strata plans under the *Condominium Act*, or a shared interest under the *Real Estate Act* if the estimated minimum daily sewage flow that discharges into the one or more sewage systems, privies or holding tanks totals less than 22,730 L.
  - (d) For the purposes of subsections b and c, the estimated minimum daily sewage flow must be calculated by the certified practitioner or professional and:
    - (i) certified by the certified practitioner or professional that the estimated daily sewage flow is less than 22,700 L.
- (2) No sewage system, privy or holding tank can be installed or operated to serve more than one parcel or more than one strata lot in a strata plan or a shared interest under the *Real Estate Act* unless the municipality or regional district enacts a bylaw that ensures the installation, use, operation, maintenance, repair and replacement of the sewage system, privy or holding tank conforms to the Act and this Regulation.

[ The purpose of this section is to define where this regulation applies and under what circumstances. This section outlines how the minimum daily flow rate is calculated for this regulation to apply.]

### 3. Sewage from buildings

- (1) The owner and occupier of every parcel on which a building is constructed or located after the date of the coming into force of this regulation must ensure that all domestic sewage originating from it is:
  - (a) discharged into a public sewer, or
  - (b) where a public sewer is not within reasonable distance from the boundary of the parcel, or if within reasonable distance, the local government authority having responsibility does not permit connection to it, a sewage disposal system installed in accordance with the Act and this regulation.
- (2) The owner and occupier of a building or parcel and the professional or certified practitioner who registers a system must ensure at all times that the domestic sewage and effluent from a building or parcel does not:
  - (a) discharge into a body of surface water,
  - (b) discharge into marine waters,
  - (c) reach the surface of land,
  - (d) discharge into a failed or failing sewage system, or
  - (e) create a health hazard.
- (3) An officer may order an owner, occupier, professional or certified practitioner who contravenes the duty set out in subsection (2) to:
  - (a) connect the building to a public sewer,
  - (b) install a sewage disposal system which complies with this regulation, or

- (c) take such other remedial action as is set out in the order.
- (4) The officer making an order under subsection (3) must proceed in accordance with section 63 of the *Health Act*.
- (5) If a person named in an order issued under section 3(3) fails to comply with the order to the satisfaction of the officer within the time stated in the order, the person named in the order must immediately, upon the expiration of the time stated in the order,
  - (a) stop the operation of the system, and
  - (b) ensure that no one uses the system.

[This section requires sewage discharge to enter a sewer or a system outlined in this regulation. This section empowers an officer to make orders under this regulation.]

#### 4. Registration

A person must not commence or carry on installation, alteration, or use of a sewage system until the sewage system has been registered with a health authority in a manner and form that is acceptable to the officer.

[Systems must be registered and must meet the officers requirements. The officer must ensure that the registration (the form) meets the requirements of the regulation]

#### 5. Systems

- (1) Type 1 and Type 2 systems must meet the following conditions for registration:
  - (a) the plans and specification be prepared by a certified practitioner or prepared by and affixed with the seal of a professional;
  - (b) plans and specifications submitted for registration must meet the requirements of this regulation and any conditions required by an officer for the system design installation or on-going maintenance;
  - (c) a registration fee of \$250 must be paid at the time of registration, and
- (3) On completion of the installation of the system, the professional or certified practitioner must file with the health authority a letter of certification declaring that the system:
  - (a) was installed in accordance with the registration document; and
  - (b) if operated and maintained as proposed, it will not result in a health hazard.
- (4) Type 3, large flow and high strength waste systems must meet the following conditions for registration:
  - (a) the plans and specifications be prepared by and affixed with the seal of a professional,
  - (b) the plans and specifications submitted for registration must:
    - (i) meet the requirements of this regulation;
    - (ii) meet any conditions required by an officer for the system design, installation and on-going maintenance; and

- (iii) submit any reports required by an officer.
- (e) a registration fee of \$250 must be paid at the time of registration;
- (5) On completion of the installation, the professional must file a letter of certification to the health authority declaring that the system:
  - (a) was installed in accordance with the registration document,
  - (b) if operated and maintained as proposed, it will not result in a health hazard;
- (6) If a letter of certification is not filed with the health authority within one year from, the registration will be struck off.

[ This section outlines the requirements of due diligence on a certified practitioner or professional submitting plans, additionally it requires all plans to be submitted by persons who have training (see definition of certified practitioner/professional) in the design, installation and maintenance of the a system. This section requires certification (affidavit) that the system was installed in accordance with the designs submitted in the registration. There is no action required by an officer in this section other than to collect the appropriate fee]

## 6. Advisory Committee

An advisory committee shall be established by the Minister called the Advisory Committee on Sewage Regulation for the purpose of developing best practice standards to assist the minister in implementing the regulation and:

- (a) A member of the Advisory Committee on Sewage Regulation is appointed under section (6) for a term of 3 years.
- (b) A person appointed under section (6) may be paid reasonable and necessary travelling and out of pocket expenses incurred by the person in carrying out duties.

[ This section requires the ministry to develop a committee that will develop best management practices for the industry. These BMPs will replace our current regulatory standards and schedules. The committee will be made up of stakeholder experts on on-site systems who will be familiar with the latest research and technologies available for system design. The BMPs will be flexible documents and will allow for implementation of new innovations. Additionally, the BMPs will become the base line measurement for appropriate conduct of professionals and practitioners and could be held as appropriate standards for their due diligence under the regulation. ]

## 7. Officer's directions regarding standards and requirements

In place of a standard or requirement specified in this regulation, the certified practitioner or professional must comply with an equivalent and more stringent standard or requirement that the officer specifies in writing for a particular system if the officer is satisfied that the standard or requirement is necessary to prevent a health hazard.

[ This section outlines officer discretion to address actual or potential health hazards that may occur if specific conditions are not included with the system registration. Additionally, this section will allow for specifying conditions on the registration that are related to specific health authority concerns, for example protection of shellfish harvest areas or surface water used as a drinking water source. ]

## 8. Notice of registration

- (1) The certified practitioner or professional who has submitted a registration to the officer must immediately post the details of that registration in a form acceptable to the officer, in a conspicuous location for 30 days.
- (2) At a minimum, the notice of registration must specify the location of the system, type of system and contact information of a person who can provide information about the system.

[ This section provides information to concerned parties who will be able to contact the certified practitioner or professional for information on the system. The registration is not subject to the Environmental Appeal Board process.]

## 9. Maintenance

The owner, occupier, professional and certified practitioner must keep the sewage system maintained at all times so that its construction and function remains in accordance with the letter of certification of that system and any order made by the officer.

[ This section requires that the professional/certified practitioner provide maintenance instruction in the certification of the system. Additionally, defines the responsibility of the owner, professional/certified practitioner with respect to the maintenance of the system.]

## 10. Inspection

An officer may enter on or into any property and conduct an inspection pursuant to section 61 of the *Health Act* to determine if a sewage system meets this regulation, and compliance with section 3(2).

[This section outlines inspection powers for the officer. These powers are consistent with the *Health Act* and allow for entry to property, and health hazard abatement]

## 11. Continuing registration

The registration of a sewage system continues until one of the following events occurs:

- (a) a new system is registered;
- (b) the officer determines that a sewage system is a failed or failing system;
- (c) an order is issued; or
- (d) and offence is committed.

[ This section ensures that the registration is perpetual and continuous. This will ensure continuity of care and expression of owner, professional/certified practitioner due diligence]

## 12. Registration suspended

- (1) If the officer makes a finding that the owner, professional or certified practitioner has contravened the plans and specifications submitted for registration, the officer may order the suspension of the registration pursuant to Section 63 of the *Health Act*.
- (2) The officer must reinstate the registration when the order is complied with.

[Defines the officer's power to suspend a registration. The intent of this section is to identify systems that do not comply with the regulation and will allow for a system of informing interested parties that the system on a parcel does not currently meet the regulation. (useful in property transfer or for lending institutions)]

## 13. Offence

- (1) A person who designs, installs, or maintain a system in contravention of sections 2(2), 3(1), (2), 4, 5 and 7 of the regulation, and
- (2) A person who fails to comply with an order under sections 3(3) and 9,  
commits an offence.

[ This section defines what is an offence. Offences can be handled in two ways, offences will be ticketable offences under the offences act, and/or as an offence under the health act.]



**REGIONAL DISTRICT  
OF NANAIMO**  
JUN 16 2003

CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

**MEMORANDUM**

**TO:** Dennis Trudeau  
Manager of Liquid Waste

**FROM:** Chris Brown  
Engineering Technologist

**SUBJECT:** Liquid Waste  
Northern and Southern Communities  
Pump and Haul Bylaw Amendment

**DATE:** June 10, 2003

**FILE:** 4520-20-54

**PURPOSE**

To consider an amendment to Bylaw 975 which established the Regional District of Nanaimo Pump and Haul program.

**BACKGROUND**

The pump and haul service was established to provide a solution for those properties unable to obtain a permit for an on site septic disposal system. In order to apply for a permit under this bylaw the following conditions must be met: the applicant must have been formally rejected by the Ministry of Health for an on site system; the parcel must be greater than 700 m<sup>2</sup>; the parcel is for existing uses and the disposal system has failed, or the parcel is currently vacant and will only be used for the construction of a single family residence; the parcel cannot be further subdivided or stratified according to existing zoning or a restrictive covenant; a community sewer system is not available; including the parcel will not facilitate development of any additional units on the property; and the development conforms to zoning bylaws.

A person wishing to incorporate a property into the Pump and Haul Service Area must first apply to the Regional District of Nanaimo to amend the Pump and Haul Bylaw No. 975. A restrictive covenant shall be registered against the title of the land in question in accordance with section 219 of the Land Title Act. The restrictive covenant shall require that the owner of the lot maintain a contract with a pump out company with a copy of the current contract always deposited with the Regional District of Nanaimo; the owner of the lot connect to sewers when they become available and the owner shall not subdivide or construct any additional units on the property.

A request has been received to include the following property into the Pump and Haul function:

1. Lot 23 Plan 14212 District Lot 78 Nanoose District  
3037 Park Place, Nanoose, BC  
Douglas & Elinor Motta  
Electoral Area E

Mr. & Mrs. Motta have petitioned the RDN to include the above-mentioned property into the Regional District of Nanaimo Pump and Haul Local Service Area, Bylaw No. 975. A letter received from the Environmental Health officer at the Central Vancouver Island Health Region indicates the above property had a failed sewage disposal system and an application for a new sewage disposal permit could not be

**PAGE**  
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approved. The property is greater than 700 m<sup>2</sup> and conforms to the existing zoning bylaws. On May 30, 2003 a permit was issued to construct a 2000-gallon sewage-holding tank that conformed to the policies of the Vancouver Island Health Authority and the bylaws of the Regional District of Nanaimo.

A restrictive covenant will be registered on the property requiring that a continuous contract with a pump out company be on file with the Regional District of Nanaimo, that the owner will connect to sewers when they become available and that the owner shall not subdivide or construct any additional units on the property.

### ALTERNATIVES

1. Do not accept the application.
2. Accept the application.

### FINANCIAL IMPLICATIONS

The applicants pay an application fee and an annual user fee. The Pump and Haul program is a user pay service. Currently the applicants have access to the RDN's pollution control facilities, but since they are not included in the Pump and Haul Bylaw, they are subject to a rate of \$0.16/gallon. Including them into the bylaw would reduce their rate to \$0.01/gallon.

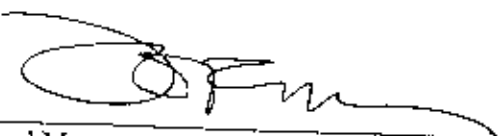
### SUMMARY/CONCLUSION


The applications meet all requirements for inclusion into the Pump and Haul function, specifically the parcel size is greater than 700m<sup>2</sup>, a community sewer is not available, a sewage disposal permit could not be obtained under the Provincial Sewage Disposal Regulation and the property conforms to zoning bylaws. An appropriate restrictive covenant has been prepared for the property and has been approved by Planning and Environmental Services staff.

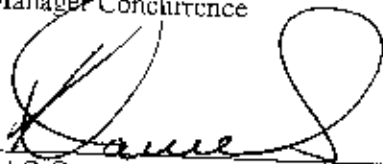
### RECOMMENDATION

1. That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.29, 2003" for the inclusion of 3037 Park Place, Nanoose Bay (Motta) be read three times and forwarded to the Inspector of Municipalities for approval.

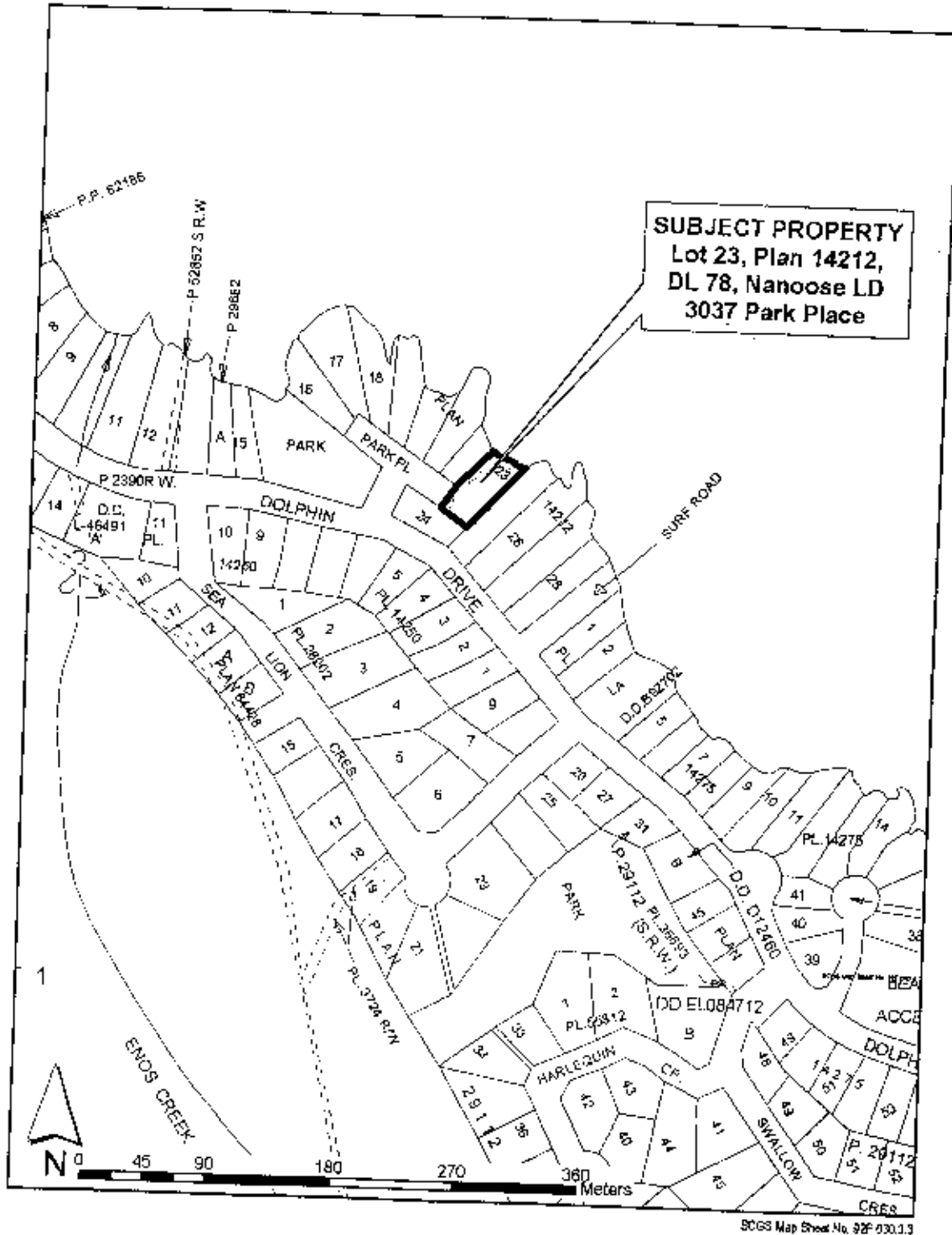
  
Report Writer

  
General Manager Concurrence

  
Manager Concurrence

  
CAO Concurrence

### COMMENTS





REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.29

A BYLAW TO AMEND THE REGIONAL  
DISTRICT OF NANAIMO PUMP AND  
HAUL LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 975

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', 'D', 'E', 'F', and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Council of the City of Nanaimo has consented, by resolution, to the adoption of Bylaw No. 975.29;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following property:

Lot 23, District Lot 78, Nanoose Land District, Plan 14212 (Electoral Area E)

NOW THEREFORE the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 975.28 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.29, 2003".

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, 2003.

Received the approval of the Inspector of Municipalities this \_\_\_ day of \_\_\_\_\_, 2003.

Adopted this \_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Schedule 'A' to accompany "Regional  
District of Nanaimo Pump and Haul Local  
Service Area Amendment Bylaw  
No. 975.29. 2003"

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## **BYLAW NO. 975.29**

### **SCHEDULE 'A'**

#### **Electoral Area 'B'**

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 24, Section 5, Plan 19972, Nanaimo Land District.
5. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
6. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
9. Lot 7, Section 18, Plan 17698, Nanaimo Land District.

#### **Electoral Area 'D'**

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.

**Electoral Area 'E'**

1. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.
2. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
3. Lot 2, District Lot 117, Plan 18343, Nanoose Land District.
4. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
5. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
6. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
7. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
8. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
9. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
10. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
11. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
12. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.

**Electoral Area 'F'**

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.
4. Strata Lot 179, Block 526, Strata Plan VIS4673, Cameron Land District.
5. Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.
6. Strata Lot 181, Block 526, Strata Plan VIS4673, Cameron Land District.
7. Strata Lot 182, Block 526, Strata Plan VIS4673, Cameron Land District.
8. Strata Lot 183, Block 526, Strata Plan VIS4673, Cameron Land District.

**Electoral Area 'H'**

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 2, District Lot 9, Plan 2160, Newcastle Land District.

**City of Nanaimo**

1. Lot 43, Section 8, Plan 24916, Wellington Land District.



REGIONAL DISTRICT OF NANAIMO	
JUN - 9 2003	
CHAIR	GMCrs
CAO	GMDS
GMCrs	GMES

MEMORANDUM

**TO:** Wayne Moorman, P.Eng.  
Manager of Engineering & Utilities

**FROM:** Natalie Cielanga, AScT  
Engineering Technologist

**SUBJECT:** RDN Water Bylaws  
Outdoor Water Use Restrictions

DATE:

June 4, 2003

FILE:

5500-22-10

**PURPOSE**

To present for Board approval, water use restriction bylaws to regulate outside water use in RDN Water Local Service Areas.

**BACKGROUND**

The Regional District of Nanaimo implements voluntary watering restrictions every summer in all of the RDN water systems. Watering restrictions provide the following benefits:

- maintain adequate flow for priority fire protection and domestic purposes;
- maintain adequate pressure for indoor use during peak hours;
- remind water users that water is not an infinite resource;
- protects the water resource.

Voluntary watering restrictions have been relatively successful over the years for most RDN water systems. When customers were found to be watering outside of the restricted times, staff would remind them of the schedule and the reasons why it is important; this was usually enough encouragement for them to follow the schedule. Unfortunately public education is not always enough to ensure compliance anymore. Some customers have been challenging our watering restriction schedules and our ability to enforce it.

Our water is not an unlimited resource. The priority uses for water are indoor use and fire protection. If properly managed, our water supplies are adequate for this purpose and can also provide adequate supply for reasonable outdoor use. Staff are concerned that our ability to ensure enough water is available for all customers may become compromised by increasing water demand for landscape irrigation or other outdoor purposes.

The watering schedule that the RDN has imposed over the last few years has been every other day watering in Stage 1, twice per week watering in Stage 2 and no automatic sprinklers in Stage 3. We have not experienced difficulty in compliance with Stage 1 restrictions, but when we have had to increase the restrictions to Stage 2, non-compliance has increased.

Similar water use restrictions are common throughout B.C. A properly installed lawn can live and even stay green if watered only once per week and established shrubs and trees that are appropriate for our climate can survive on this schedule as well.

RDN currently does not have the authority to enforce the water use restrictions. Many BC water purveyors have adopted bylaws to allow them to enforce their watering schedule. Water purveyors such as the Capital Regional District have used fines to enforce their watering schedule. Other water purveyors consider the potential threat of receiving a fine is enough to prevent their customers from abusing the schedule.

To provide the RDN with the authority to enforce watering restrictions, amendments need to be made to the Municipal Ticketing Bylaw as well as adopting water use restriction bylaws for each water service area.

#### Proposed Water Use Restrictions

A copy of a proposed typical bylaw is attached. The proposed watering restrictions are a staged approach. Stage 1 is every other day lawn watering (even numbered houses water on even days and odd numbered houses water on odd days). Stage 1 restrictions would apply automatically to all RDN water service areas between May 15 and September 30. The hours are restricted to early morning hours and late evening hours to avoid the high demand times for indoor water use and the hottest part of the day when large amounts of water would be lost through evaporation if watering occurred then. Stage 2, 3, and 4 restrictions would be implemented as needed and may be different for the various water service areas. Stage 2 is twice per week lawn watering, Stage 3 is once per week lawn watering and Stage 4 is no outside watering. Restrictions on water use for driveway and parking lot washing, vehicle and boat washing and filling of swimming pools and ponds are also specified as conditions of the Stage 3 & 4 restrictions. The higher stages would be implemented if the ability of the water supply to keep up with priority use was threatened (based on operations staff recommendations, system demand, aquifer levels and pumping hours).

The City of Nanaimo and the City of Parksville also use a staged approach to watering restrictions with similar day and time restrictions. They have the ability to enforce their watering schedule in their bylaws. Qualicum Beach has time restrictions for watering lawns and gardens but allows daily watering.

The bylaws outline the process for notification of watering restrictions in section 4. The notice will be advertised in the local newspaper and on our web site. The initial notice will be sent to our customers in the mail.

The fines that are proposed as part of the bylaws are \$50 for a first offence, \$150 for a second offence and \$300 for a third offence and are scheduled to come into effect after September 30, 2003. The Bylaw Enforcement Officers will present the ticket to the property owner or resident upon notification from the Utilities department of an infraction.

#### **ALTERNATIVES**

1. Do not adopt water use bylaws.
2. Adopt the recommended water use bylaws that provide for progressive water use restrictions.

#### **CITIZENS/PUBLIC RELATIONS IMPLICATIONS**

Some customers will not support implementing bylaws that provide the RDN with the ability to enforce water use restrictions. Conversely, at times staff is contacted by other customers concerned about their neighbours abusing the watering schedule and are supportive of the enforcement approach.

The penalty provisions of the bylaws come into effect after September 30. Staff will use the interim grace period to make residents aware of the new bylaw requirements and the associated penalty provisions.

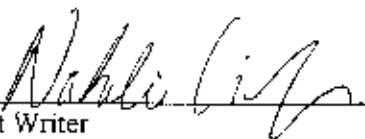
## SUMMARY

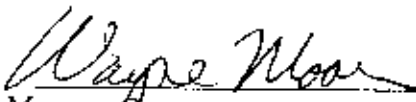
The RDN has imposed voluntary watering restrictions during the summer months in all our water systems. Unfortunately, some water users are not diligent in following the watering schedule. The proposed watering schedules are a staged approach that allows for more restrictive schedules as needed. Other jurisdictions such as the City of Parksville and the City of Nanaimo have similar schedules and the ability to enforce their watering restrictions through their bylaws. The recommended water use restriction bylaws will allow the RDN to enforce water use restrictions.


## RECOMMENDATION


1. **That** 'Regional District of Nanaimo San Pareil Water Use Restrictions Bylaw No. 1340, 2003' be introduced for first three readings,
2. **That** 'Regional District of Nanaimo San Pareil Water Use Restrictions Bylaw No. 1340, 2003' having received three readings be adopted.
3. **That** 'Regional District of Nanaimo Driftwood Water Use Restrictions Bylaw No. 1341, 2003' be introduced for first three readings,
4. **That** 'Regional District of Nanaimo Driftwood Water Use Restrictions Bylaw No. 1341, 2003' having received three readings be adopted.
5. **That** 'Regional District of Nanaimo Decourcey Water Use Restrictions Bylaw No. 1342, 2003' be introduced for first three readings,
6. **That** 'Regional District of Nanaimo Decourcey Water Use Restrictions Bylaw No. 1342, 2003' having received three readings be adopted.
7. **That** 'Regional District of Nanaimo French Creek Water Use Restrictions Bylaw No. 1343, 2003' be introduced for first three readings,
8. **That** 'Regional District of Nanaimo French Creek Water Use Restrictions Bylaw No. 1343, 2003' having received three readings be adopted.
9. **That** 'Regional District of Nanaimo Madrona Water Use Restrictions Bylaw No. 1344, 2003' be introduced for first three readings,
10. **That** 'Regional District of Nanaimo Madrona Water Use Restrictions Bylaw No. 1344, 2003' having received three readings be adopted.
11. **That** 'Regional District of Nanaimo Nanoose Water Use Restrictions Bylaw No. 1345, 2003' be introduced for first three readings,
12. **That** 'Regional District of Nanaimo Nanoose Water Use Restrictions Bylaw No. 1345, 2003' having received three readings be adopted.
13. **That** 'Regional District of Nanaimo Surfside Water Use Restrictions Bylaw No. 1346, 2003' be introduced for first three readings,
14. **That** 'Regional District of Nanaimo Surfside Water Use Restrictions Bylaw No. 1346, 2003' having received three readings be adopted.

15. **That** 'Regional District of Nanaimo Wall Beach Water Use Restrictions Bylaw No. 1347, 2003' be introduced for first three readings,
16. **That** 'Regional District of Nanaimo Wall Beach Water Use Restrictions Bylaw No. 1347, 2003' having received three readings be adopted.
17. **That** 'Regional District of Nanaimo West Bay Water Use Restrictions Bylaw No. 1348, 2003' be introduced for first three readings,
18. **That** 'Regional District of Nanaimo West Bay Water Use Restrictions Bylaw No. 1348, 2003' having received three readings be adopted.
19. **That** 'Regional District of Nanaimo Fairwinds Water Use Restrictions Bylaw No. 1349, 2003' be introduced for first three readings,
20. **That** 'Regional District of Nanaimo Fairwinds Water Use Restrictions Bylaw No. 1349, 2003' having received three readings be adopted.
21. **That** 'Regional District of Nanaimo Arbutus Park Water Use Restrictions Bylaw No. 1350, 2003' be introduced for first three readings,
22. **That** 'Regional District of Nanaimo Arbutus Park Water Use Restrictions Bylaw No. 1350, 2003' having received three readings be adopted.
23. **That** 'Regional District of Nanaimo Ticket Information Utilization Bylaw No. 873.01, 2003' be introduced for first three readings,
24. **That** 'Regional District of Nanaimo Ticket Information Utilization Bylaw No. 873.01, 2003' having received three readings be adopted.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1340

A BYLAW TO RESTRICT WATER USE  
IN SAN PAREIL WATER LOCAL SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1170, the Regional District has established, within Electoral Area G of the Regional District, the San Pareil Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

**"Appliance"** means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

**"Board"** means the Board of the Regional District of Nanaimo.

**"Boulevard"** means that portion of any highway other than the paved, improved or main traveled roadway, driveway or sidewalk and includes any landscaped median.

**"Bylaw Enforcement Officer"** means a person appointed by or contracted by the Regional District of Nanaimo to enforce this bylaw.

**"Exempted Person"** means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

**"Fill"** means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

**"General Manager"** means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

**"Manager of Engineering"** means the Manager of Engineering of the Regional District of Nanaimo Environmental Services Department or alternate.

**"Micro-irrigation or Drip-irrigation System"** means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq. metre (25 psi) to deliver water to the root zone of the plant material being irrigated, and includes spray emitter systems (Micro-Sprays), point source emitters and linear tape systems as defined in the BC Trickle manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper or soaker hoses.

**"Newspaper"** has the same meaning as in the *Local Government Act*.

**"Notice"** means the Notice given under Section 4 of this bylaw.

**"Occupier"** has the same meaning as in the *Local Government Act*.

**"Owner"** has the same meaning as in the *Local Government Act*.

**"Permit"** means a permit issued under Section 10(a) of this bylaw.

**"Public Sector Entity"** means federal and provincial government agencies, municipalities, school districts, universities, colleges and other schools.

**"RDN"** means the Regional District of Nanaimo.

**"Restricted Hours"** means those time periods during which watering is permitted in Schedule 'A' of the bylaw.

**"Sprinkler"** means a hose connected or other sprinkler system but excludes a micro-irrigation or drip-irrigation system.

**"Stage"** means the Stages 1, 2, 3 and 4 of water use restrictions prescribed by Schedule 'A' of this bylaw.

**"Vehicle"** means a device, except boats and seaplanes in, on or by which a person or thing is or may be transported or drawn, except a device designed to be moved by human power.

**"Water"** means water supplied by the RDN directly or indirectly to an Owner or Occupier.

**"Water System"** means a water supply system operated by the RDN within the San Pareil water local service area established under RDN Bylaw No. 1170.

**"Water Use Restrictions"** means the restriction prescribed by Schedule 'A' of this bylaw.

**"Water Days"** means those days during which watering is permitted in Schedule 'A' of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN Bylaw Enforcement Officer has the authority to enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.
- d) No person shall waste Water by using more Water than is required to provide a service, produce a product or complete a task, including but not limited to allowing a tap or hose to run Water unnecessarily and over-watering plants or lawns.

3. **Determining Restrictions**

- a) Stage 1 restrictions will automatically be in effect from the 15<sup>th</sup> day of May through to the 30<sup>th</sup> day of September in any year.
- b) Except for the application of Stage 1 restrictions pursuant to Section 3(a) of this bylaw, on the first business day of each month or more often, the Manager of Engineering shall determine the applicable Stage.
- c) The setting of restrictions beyond Stage 1, as set out in Schedule 'A', will be determined by the RDN and established by decree from the General Manager.

4. **Notice**

The Manager of Engineering shall give notice or cause notice to be given to persons within the service area of the applicable Stage and when it takes effect. Such notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Effective Date of Restrictions**

Except as provided under Section 3(a), the applicable Stage as determined under Section 3 and the water use restrictions prescribed under Schedule 'A' for that Stage shall take effect on the date of commencement stated in the notice given under Section 4.

6. **Stages**

In making its determination under Section 3, the Manager of Engineering shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

7. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Stage are prescribed in Schedule 'A' to this bylaw.

8. **Schedules**

Schedules 'A', 'B' and 'C' of this bylaw form part of and are enforceable in the same manner as this bylaw.

9. **Penalty.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the Offence Act. Penalties will be effective after September 30, 2003.

10. **Permits, Exemption and Special Cases**

- a) The RDN may issue permits in the special cases and manner prescribed in Schedule 'B'.
- b) Exemptions and special cases to the regulations in this bylaw are prescribed in Schedule 'C'.
- c) Exempted Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

11. **Effective Date**

This bylaw shall take effect upon the date of its adoption.

12. **Citation**

This bylaw may be cited for all purposes as the "San Parcil Water Uses Restrictions Bylaw No. 1340, 2003".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2003.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

### SCHEDULE 'A'

1. STAGE 1 – (May 15 to September 30) EVERY OTHER DAY WATERING

From May 15 until September 30 of any year, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even number address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. STAGE 2 – TWICE PER WEEK WATERING

If the Manager of Engineering gives notice that a reduction in Water use is necessary requiring Stage 2 restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. STAGE 3 – ONCE PER WEEK WATERING

If the Manager of Engineering gives notice that a reduction in Water use is necessary requiring Stage 3 restrictions, no person shall:

- (a) Use a sprinkler to water a lawn or garden growing on a property with:
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (b) Wash sidewalks or driveways at any time using a hose.

- (c) Wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) Operate or cause the operation of decorative fountains which do not use re-circulated Water.

4. STAGE 4 – COMPLETE LAWN WATERING BAN

If the Manager of Engineering gives notice that a reduction in Water use is necessary requiring Stage 4 restrictions, no person shall:

- (a) Water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) Use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) Operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) Water trees, shrubs, flowers or vegetables except by:
  - i. Hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 4:00 am to 9:00 am and 7:00 pm to 10:00 pm.
- (e) Wash a Vehicle or Boat.
- (f) Fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## SCHEDULE 'B'

### PERMITS

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, provided a permit pursuant to Section 1 has been issued for the premises at which the new lawn has been installed.
3. After expiration of a permit issued under Section 1, a person may apply for and may obtain subsequent permits under Section 1.
4. Permits will not be issued or be valid during Stage 2, Stage 3 or Stage 4 restrictions.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) Water flowers, shrubs, trees or vegetables on days other than and including their assigned Stage 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) Water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Stage 1, 2, 3 or 4 Water Use Restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Stages 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Stage 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) Wash exterior building surfaces including windows, parking lots, driveways or sidewalks prior to the application of a product such as paint, preservative, stucco or preparation of a surface prior to paving or repainting of bricks.

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 873.01

A BYLAW TO AMEND "REGIONAL DISTRICT OF NANAIMO  
TICKETING INFORMATION UTILIZATION BYLAW NO. 873, 1994"

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Effective September 30, 2003, Schedules '5' to '11' of Bylaw No. 873 are hereby repealed and Schedules '5' to '11' attached hereto and forming part of this bylaw, are substituted therefore.
2. Effective September 30, 2003, add Schedules '20' to '23', attached hereto and forming part of this bylaw.
3. This bylaw may be cited as "Regional District of Nanaimo Ticketing Information Utilization Amending Bylaw No. 873.01, 2003.

Introduced and read three times this \_\_\_\_ th day of \_\_\_\_\_, 2003.

Adopted this \_\_\_\_ th day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CLAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

**PAGE**

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Schedule '5' to accompany "Regional District  
of Nanaimo Ticket Information Utilization  
Amendment Bylaw No. 873.01, 2003"

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

**REGIONAL DISTRICT OF NANAIMO  
TICKET UTILIZATION AMENDMENT BYLAW NO. 873.01, 2003**

**SCHEDULE 5**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>San Paniel Water Uses Restrictions Bylaw No. 1340, 2003</b>	<b>Section No. of Bylaw 1340</b>	<b>Amount of Fine</b>
1. Use water unlawfully.	9	\$50.00, \$150.00 or \$300.00

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REGIONAL DISTRICT OF NANAIMO	
JUN 17 2003	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
DATE:	
FILE:	

MEMORANDUM

TO: Wayne Moorman, P.Eng.  
 Manager of Engineering & Utilities

FROM: Natalie Cielanga, ASCT  
 Engineering Technologist

SUBJECT: RDN Water Service Areas  
 Water Billing  
 Policy on Bill Reduction

DATE: June five, 2003

FILE: 1830-02

PURPOSE

To formalize an RDN policy on water bill reductions due to water leaks in service lines.

BACKGROUND

RDN policies provide consistency and general direction for staff. The RDN does not currently have a written policy on reductions for high water bills due to leaks, although requests for bill reductions are received regularly and dealt with on an individual basis. Providing a policy will help staff manage the requests efficiently and consistently.

Other water purveyors have policies around bill reductions for water leaks. The City of Parksville and the City of Nanaimo will estimate the consumption of water for customers when breakage occurs on private property. The Lantzville Improvement District has recently revised their policy to only provide an adjustment when the main line to the house has a leak and not for irrigation system, pool or hot tub leaks.

Staff are proposing that the RDN adopt a policy to allow for bill adjustments once in a five year period on leaks to the main service line from the meter to the house. The rationale for this is that the main service line is an essential part of the plumbing to provide basic water needs to a property and leaks on this line may easily go unnoticed, whereas leaks within a house have clear signals associated with them such as the noise of a leaking toilet or puddles forming around a leaky joint. Also, irrigation systems, pools or other outdoor water apparatuses are not essential and have the responsibility of maintenance and checking associated with them.

ALTERNATIVES

1. Do not provide any bill adjustments due to leaks.
2. Provide bill adjustments for all leaks that may occur in an individual water service/distribution system, including leaks in the service line and household appliances.
3. Provide bill adjustments for leaks on a case-by-case basis, based on individual circumstances. Staff, or the Board upon a staff recommendation, would make decisions on the adjustment.
4. Provide for bill adjustments for leaks only on the main service line from the meter to the house and only once every five years. For accounts that qualify for leaks under this provision, RDN would then bill the larger of the average billing for the property over the previous three years or the average for the water system.

## FINANCIAL IMPLICATIONS

In 2002, over \$7,000 was credited to our water customers for leaks. Allowing for adjustments due to water leaks has an impact on the water revenues.

## CITIZENS/PUBLIC RELATIONS IMPLICATIONS

Alternative 1 may impose financial burdens on property owners to pay for high water use that they may not be aware of using but, nonetheless, should be responsible for.

Alternative 2 would result in the entire service area (other residents) subsidizing water waste.

Alternative 3 would result in case-by-case decisions by staff or the Board and may affect consistency in application of policy.

Alternative 4 imposes a level of responsibility on the homeowner and will recover a reasonable revenue based on a defined calculation. The policy will require property owners to be more diligent in monitoring and maintaining their own water system and appliances.

## CONCLUSIONS

Alternative 1 provides no flexibility and imposes all costs on the homeowner.

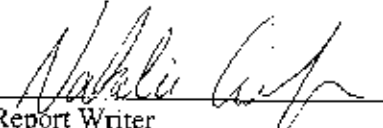
Alternative 2 does not require the homeowner to be vigilant; leaks may not be repaired expeditiously thus wasting water. The cost of the wasted water would be paid for by all the property owners within the water local service area.

Alternative 3 requires staff to individually evaluate each leak incident. This raises concerns about inconsistencies in decisions. Homeowners may try to influence the decisions.

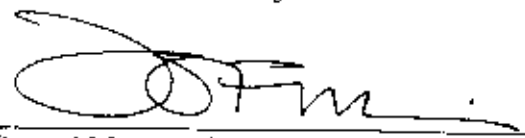
Alternative 4 is a reasonable and fair resolution to resolving water leaks. This alternative enables us to consider leaks in the main service from the street to the home once every five years and requires the homeowner to be vigilant of leaks in irrigation lines, within the home and in appliances.

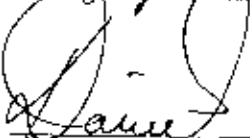
## RECOMMENDATION

1. That an Adjustment for Water Leak Policy providing for one adjustment in billing every five years on the main service line from the meter to the residence or building, be approved.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:

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# REGIONAL DISTRICT OF NANAIMO

## POLICY

SUBJECT: <i>Adjustment for Water Leak Policy</i>	POLICY NO:
	CROSS REF.:
EFFECTIVE DATE:	APPROVED BY: Board
REVISION DATE:	PAGE

### PURPOSE

To describe the conditions under which a water bill adjustment will be made for a water leak.

### POLICY

Water accounts to a property may be adjusted for an in-ground leak once in a five year period if:

- The property owner advises the RDN in writing that an in-ground leak has been identified and repaired within 14 days of the water billing or from the date the leak was discovered.
- The property owner has provided the RDN with detailed receipts showing proof of repairs
- RDN Utilities personnel have verified that repair work has been undertaken and completed.
- The leak is associated with the main service line from the meter connection to the residence or commercial building. Leaks in attachments to the water system, such as irrigation systems, hot tubs and swimming pools are the responsibility of the property owner and do not qualify for adjustments. Charges relating to leaks from appliances within the building (i.e. toilets, sinks, etc.) do not qualify for adjustment.

For those accounts that qualify for an adjustment, the Manager of Engineering and Utilities, in estimating the account, shall take the larger of the average billing at the property over the past three years (for the billing period in question) or the average for the water system.



REGIONAL DISTRICT OF NANAIMO	
JUN - 9 2003	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES

MEMORANDUM

TO: John Finnie, P.Eng.  
General Manager Environmental Services

FROM: Wayne Moorman, P.Eng.  
Manager of Engineering and Utilities

SUBJECT: French Creek Water Local Service Area  
Advisory Committee

DATE: June 4, 2003

FILE: 5500-22-FC-01

PURPOSE

To approve the Terms of Reference for the French Creek Water Local Service Area Advisory Committee (FCWLSAAC).

BACKGROUND

In March 2003 a delegation from the French Creek Residents' Association (FCRA) to the RDN Committee of the Whole meeting requested the creation of a Water Board to manage and control the operation of the French Creek water system. Staff obtained legal opinion on this request and subsequently presented a report to the Board on May 13, 2003 that outlined a number of alternatives to provide for resident input to the service area functions.

At the May 13 Board meeting, the Board directed that the FCRA be advised that the RDN does not support the creation of a Water Board (or equivalent committee or commission) for the FCWLSA with authority to create and manage the budget, and determine the efficiency and proficiency of RDN staff assigned to the operation of the Chartwell/Sandpiper water system.

As an alternative, however, the Board supported the formation of a Board-appointed FCWLSA advisory committee to be comprised of residents from the Chartwell and Sandpiper subdivisions, that this committee be recognized as the liaison between RDN and the FCWLSA residents, that the membership of the Advisory Committee include representation from the FCRA and the Chartwell Residents Association and that these associations be invited to submit names for consideration by the Board. The Board directed staff to advertise for membership on the committee for Board review and to prepare terms of reference for the committee's mandate and responsibilities.

Accordingly, staff has prepared Terms of Reference for the French Creek Water Local Service Area Advisory Committee and an application form for membership on the committee.

ALTERNATIVES

1. Approve the Terms of Reference for the Advisory Committee as prepared.
2. Amend the Terms of Reference for the Advisory Committee and approve the amended terms.

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Wale

## FINANCIAL IMPLICATIONS

There is currently no budget for the activities of this committee. Staff will evaluate any associated requirements this fall during the 2004 budget process.

## CITIZENS/PUBLIC RELATIONS IMPLICATIONS

The formation of the Advisory Committee will provide opportunity for appointed residents from the Chartwell and Sandpiper subdivisions to act in an advisory capacity and as a liaison between the FCWLSA residents and RDN staff. The committee will provide input and recommendations to RDN staff and the Board on operation and maintenance of the French Creek water system with respect to water quality, quantity, and pressure, watering restrictions and water conservation, water system layout and design, infrastructure replacement and budget implications, capital planning, annual budget preparation and user rates and parcel tax levies.

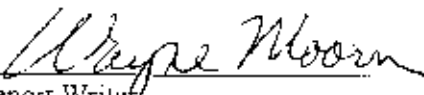
## SUMMARY/CONCLUSIONS


In March 2003 a delegation from the FCRA requested the RDN establish a Water Board for the FCWLSA. A staff report on the matter that included legal opinion on the formation of a Water Board was presented to the RDN Board in May 2003. The Board did not support the formation of a Water Board as requested but did support the formation of a Board-appointed FCWLSA Advisory Committee consisting of residents of the Chartwell and Sandpiper subdivisions, and directed staff to prepare terms of reference for the committee's mandate and responsibilities.

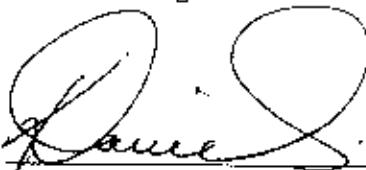
A Terms of Reference for the committee and an application for appointment to the committee are attached to this report.

## RECOMMENDATION

1. That the Board approve the Terms of Reference for the French Creek Water Local Service Area Advisory Committee.
2. That the Board direct staff to advertise for applications for membership on the committee for Board review and selection.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:

# French Creek Water Local Service Area Advisory Committee

## Terms of Reference

### PURPOSE

The primary role of the French Creek Water Local Service Area (FCWLSA) Advisory Committee will be to act in an advisory capacity on behalf of the residents of the Chartwell and Sandpiper subdivisions and as a liaison between the FCWLSA residents and RDN staff. The committee will provide input and recommendations to RDN staff and the Board on operation and maintenance of the French Creek water system with respect to water quality, quantity, and pressure, watering restrictions and water conservation, water system layout and design, infrastructure replacement and budget implications, capital planning, annual budget preparation and user rates and parcel tax levies.

### COMMITTEE ROLES AND RESPONSIBILITIES

Committee members must be committed to working together and with RDN staff in a positive, collaborative manner to consider progressive, proactive initiatives and strategies to address drinking water supply issues for the FCWLSA.

The FCWLSA Advisory Committee will:

- Review and become familiar with the French Creek water system, legislative requirements, budget implications and other matters pertaining to the management and operation of the system;
- Provide recommendations to staff and the Board regarding programs and policies relating to operation of the French Creek water system;
- Assist with liaising between the residents and the RDN, provide feedback to the RDN and increase awareness of water supply and distribution issues amongst the residents;
- Provide advice and feedback on consultation activities with the area residents;
- Provide input and feedback on technical reports and other documents pertaining to the operation of the water system;
- Provide input and feedback on the preparation of the annual budget;

Advice from the Committee may be subject to approval of the RDN Board.

### COMMITTEE MEMBERSHIP

The committee will consist of the local Electoral Area Director and up to 7 public representatives who must be residents within the FCWLSA. The Board will appoint committee members following submission and review of applications for *Board Appointments to the FCWLSA Advisory Committee*. The Chartwell Residents' Association (CRA) and the French Creek Residents' Association (FCRA) may also nominate residents for membership via the application process.



Board appointments will consider applicants' backgrounds and relevant experience. The Board will strive for a balanced, representative membership from the Chartwell and Sandpiper subdivisions and to accommodate appointments from CRA and FCRA. The actual number of appointments to the committee will be at the Board's discretion.

RDN staff (the Manager of Engineering & Utilities and/or other RDN staff as required) will attend meetings in an advisory capacity. A meeting recorder will also be present at the meetings.

#### **TERM OF COMMITTEE**

Committee members will be appointed by the RDN Board to two or three year terms. If a member resigns from the committee, their position will be filled through the application process.

#### **MEETINGS**

The Committee will meet 4 times per year or more often depending on need, priorities, or at the Committee's discretion. Agendas will be prepared and distributed prior to the meeting date.

Members are expected to attend all committee meetings. Members who are unable to fulfill this commitment, within reason, may have their membership revoked at the discretion of the Board.

Committee meetings will be open to FCWLSA residents, however non-committee members will not have speaking or voting privileges. Delegations that wish to address the committee must seek approval from the committee through a written request. Acceptance of a delegate's request to speak to the committee will be at the discretion of the committee.

#### **DECISION MAKING**

Committee decisions and recommendations will be made by consensus whenever possible. If necessary, votes may be taken and minority reports may be submitted to the Board in addition to the majority opinion.

#### **CHAIRPERSON**

The chair will be the RDN Board Member (Area G Director) in order to provide a direct link between the advisory committee and the Board.



# BOARD APPOINTMENTS

## French Creek Water Local Service Area Advisory Committee

*Application for Consideration by the Regional District of Nanaimo Board  
for Appointment to the French Creek Water Local Service Area Advisory Committee*

### PLEASE PRINT

Please indicate which subdivision of the FCWLSA you reside in:

- Chartwell
- Sandpiper

Are you a member of the:

- Chartwell Residents Association
- French Creek Residents Association

### Candidate's Personal Information

Name \_\_\_\_\_ Civic Address \_\_\_\_\_

Mailing Address (if different than above) \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone No. Home \_\_\_\_\_ Work \_\_\_\_\_

Occupation \_\_\_\_\_ Employer \_\_\_\_\_

History of Community Involvement (attach additional pages as required): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you belong to any community affiliations (please identify): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Seeking Appointment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Supplementary Information Requested**

What do you see as your primary role as a committee member and how will you contribute to the function and responsibilities of the committee?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What skills, experience and knowledge do you have that would help you fulfill the responsibilities of committee membership?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any additional information you care to provide in support of your application?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, hereby signify that I am willing to accept an appointment to the French Creek Water Local Service Area Advisory Committee.

I am prepared to serve on the Committee for a:

- two (2) year term
- three (3) year term

Date	Candidate's Signature

The purpose of this form is to provide information which will assist in knowing each candidate better. The person whose name is being put forward as a candidate must sign this application in order to signify that he or she would be willing to accept the appointment should it be made.

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In order to be considered, this application must be returned to the Administration Office of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2 (Fax (250) 390-4163) prior to 4:30 pm on \_\_\_\_\_, 2003.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE MEETING OF THE RESTRUCTURE COMMITTEE -  
REMAINDER OF ELECTORAL AREA 'D' HELD ON MONDAY,  
MARCH 24, 2003, AT 10:00 AM IN THE REGIONAL  
DISTRICT OF NANAIMO CONFERENCE ROOM

**Present:**

Director J. Stanhope	Chairperson
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
L. Lapi	Electoral Area C
C. Pinker	Electoral Area C
B. Jepsen	Electoral Area D
C. Tellier	Electoral Area D

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	Gen. Mgr. of Corporate Services
D. Trimmer	Ministry of Community, Aboriginal and Women's Services

**Purpose of Committee.**

The committee clarified that its role is to report back to the Board with a recommendation of how the Regional District should respond to the Province with respect to the option for either combining Electoral Areas C and D or of retaining the Electoral Areas as separate jurisdictions.

**Review of Letter from George Abbott, Minister of Community, Aboriginal and Women's Services.**

Derek Trimmer gave an overview of the letter from George Abbott regarding the implications of the incorporation of Lantzville and answered questions from Committee members.

He noted that the Province had an interest in retaining the principles of representation by population and keeping the same number of directors on the Board. Because local government elections have just been held and it is in the middle of a three year cycle, the Province is not proposing to amend boundaries at this time. At the next local government elections in November 2005, the Province is looking to blend Electoral Areas C and D, as both areas combined will still be the smallest Electoral Area in the Regional District.

Questions were raised by committee members regarding the implications for taxes and bylaws, such as fire protection. Mr. Trimmer responded that everything would remain status quo, and the rural property tax would remain the same. The committee requested staff to provide more detailed information for the next committee meeting on the implications of blending the two Electoral Areas.

**ADJOURNMENT**

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

TIME: 11:05 AM

CARRIED

\_\_\_\_\_  
CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE MEETING OF THE RESTRUCTURE COMMITTEE -  
REMAINDER OF ELECTORAL AREA 'D' HELD ON MONDAY,  
APRIL 14, 2003, AT 10:00 AM IN THE REGIONAL  
DISTRICT OF NANAIMO CONFERENCE ROOM

**Present:**

Director J. Stanhope	Chairperson
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
I. Lapi	Electoral Area C
C. Pinker	Electoral Area C
B. Jepson	Electoral Area D
C. Tellier	Electoral Area D

**Also in Attendance:**

C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager, Financial Services

**Presentation – Cost Implications of Combining Remnant of Electoral Area 'D' with Electoral Area 'C'.**

The General Manager of Corporate Services and Manager of Financial Services presented information to the Committee with respect to cost implications related to the combining of the remainder of Electoral Area D with Electoral Area C. The Committee was advised that the Letters Patent has now been completed and has identified that Electoral Area D will combine with Electoral Area C on the date of the November 2005 local government elections.

The Committee requested more information regarding the changes to the voting structure as a result of Lantzville's incorporation. They also requested that Derek Trimmer be invited to attend the next meeting of the committee to be held on May 5, 2003 to clarify the contents of the Letters Patent.

**ADJOURNMENT**

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

TIME: 11:30 AM

CARRIED

\_\_\_\_\_  
CHAIRPERSON

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE MEETING OF THE RESTRUCTURE COMMITTEE -  
REMAINDER OF ELECTORAL AREA 'D' HELD ON MONDAY,  
MAY 5, 2003, AT 10:00 AM IN THE REGIONAL  
DISTRICT OF NANAIMO CONFERENCE ROOM

Present:

Director J. Stanhope	Chairperson
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
L. Lapi	Electoral Area C
C. Pinker	Electoral Area C
B. Jepson	Electoral Area D
C. Tellier	Electoral Area D

Also in Attendance:

C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager, Financial Services

ADMINISTRATION

**Redefining of Electoral Area 'C' Boundaries.**

The Committee reviewed the information report circulated outlining the implications of redefining the boundaries of Electoral Area C. It was requested that the report include a summary of the advantages/disadvantages of blending the two Electoral Areas.

MOVED Director Haime, SECONDED Director Hamilton, that two public meetings be held, one in each Electoral Area, and that a newsletter be sent out to the residents of Electoral Areas C and D for the purpose of obtaining the residents opinions on the option of either combining Electoral Areas C and D, or of retaining separate Electoral Areas, and that funds from the Public Consultation budget be used for this purpose.

ADJOURNMENT

MOVED C. Pinker, SECONDED Director Hamilton, that this meeting terminate.

TIME: 11:20 AM

CARRIED

\_\_\_\_\_  
CHAIRPERSON

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TO: K. Daniels  
Chief Administrative Officer

DATE: May 2, 2003

FROM: C. Mason  
General Manager, Corporate Services

FILE:

SUBJECT: **Redefinition of Electoral Area 'C' Boundaries**

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**PURPOSE:**

To discuss the implications of adding the remainder of Electoral Area 'D' to Electoral Area 'C'.

**BACKGROUND:**

The District of Lantzville will incorporate as a municipality on June 25, 2003. At that time, the remainder of Electoral Area 'D' will become an independent Electoral Area 'D' until the next local government elections. In November 2005, the Province has established in Supplementary Letters Patent that the Regional District's Electoral Area boundaries will be redefined and the remaining portion of Electoral Area 'D' will join with Electoral Area 'C' to become the newly defined Electoral Area 'C'.

In the Letters Patent, three structures will exist for the purposes of continuation of services in Electoral Areas 'C' and 'D'. They are as follows:

- a) **'Mountain/Pleasant Valley' Service Area within 'C'**. Where all of Electoral Area 'D' participated in a function immediately prior to the redefinition of boundaries and Electoral Area 'C' **did not** participate in that function, that portion of Electoral Area 'D' will continue participating as a portion of Electoral Area 'C'.
- b) **'Extension' Service Area within 'C'**. Where all of Electoral Area 'C' participated in a function immediately prior to the redefinition of boundaries and Electoral Area 'D' **did not** participate in that function, that portion of Electoral Area 'C' will continue participating as a portion of Electoral Area 'C'.
- c) **All Electoral Area 'C'**. Where all of Electoral Area 'C' participated in a function immediately prior to the redefinition of boundaries and all of Electoral Area 'D' also participated in that function, they will continue to function as the newly defined Electoral Area 'C'.

**'Mountain/Pleasant Valley' Service Area within 'C'**

The functions which will apply under the first scenario include:

District 68 Transit / HandyDART  
Community Parks  
Noise Control  
Building Inspection

**'Extension' Service Area within 'C'.**

The functions which will apply under the second scenario include:

- Port Theatre
- Noise Control
- Community Parks
- Building Inspection

**All Electoral Area 'C'.**

The functions which will apply under the third scenario include:

- |                              |                        |                     |
|------------------------------|------------------------|---------------------|
| Administration               | Regional Development   | Unsanitary Premises |
| Grants in Aid                | Hazardous Properties   | D68 E911            |
| Planning/House Numbering     | Solid Waste Mgmt       | Electoral Areas     |
| Vanc Island Regional Library | Southern Community Rec | Animal Control      |
| Regional Parks               | Emergency Planning     |                     |

Where the functions are blended under the newly defined Electoral Area 'C', depending upon the tax requisition formula in place, some requisition changes will occur. The impact of these changes are discussed under financial implications and are shown in the attached appendix.

**Voting Structure:**

The existence of the remainder of Electoral Area 'D' and the creation of the municipality of Lantzville will change the composition and voting structure of the Regional Board. Currently, there are 16 Board members (8 municipal & 8 electoral directors) and a total of 56 votes on weighted vote issues. As shown in the table below, for the period from July 2003 to November 2005, the Board will be comprised of 17 Board members and a total of 57 votes on weighted vote issues.

<i>Jurisdiction: (Voting Unit. 2,500 population)</i>	<i>Population Estimate 2003*</i>	<i>Number of Directors 2003</i>	<i>2003 Voting Strength*</i>	<i>Population Estimate 2005*</i>	<i>Number of Directors</i>	<i>2005 Voting Strength*</i>
Nanaimo	73,000	6	30	73,000	6	30
Parksville	10,323	1	5	10,323	1	5
Qual Beach	6,928	1	3	6,928	1	3
Lantzville	3,600*	1	2	3,600	1	2
A	6,634	1	3	6,634	1	3
B	3,515	1	2	3,515	1	2
C	1,167	1	1	2,430*	1	1
D	1,263*	1	1	--	--	--
E	4,820	1	2	4,820	1	2
F	5,546	1	3	5,546	1	3
G	7,041	1	3	7,041	1	3
H	3,179	1	2	3,179	1	2
<b>Totals:</b>	127,016	17	57	127,016	16	56

In November 2005, the remainder of Electoral Area 'D' will combine with Electoral Area 'C'. This will result in the Board being again reduced to 16 members and a total of 56 votes, based on the 2001 census information which is updated every 5 years.

The Ministry of Community, Aboriginal and Women's Services has advised the Regional District of its intention to combine the remainder of Electoral Area D with Electoral Area C. It has prepared Supplementary Letters Patent that will amend these boundaries in conjunction with the November 2005 local government elections. While the Province has already taken steps to proceed with this boundary amendment, in his correspondence to the Regional District, Minister George Abbott requested the Board's views on this matter. The Board may wish to concur or express no position with respect to the direction of the Province and the timing of the proposed boundary change, or suggest an alternative proposal. Prior to responding to the Minister's request, the Remainder of Electoral Area 'D' Restructure Advisory Committee is proposing to consult with residents of Electoral Areas C and D to obtain their views on the amalgamation of the two Electoral Areas.

#### **ALTERNATIVES:**

1. Proceed to public consultation with the residents of Electoral Areas C and D to obtain their views on the amalgamation of Electoral Areas C and D prior to responding to the Minister of Community, Aboriginal and Women's Services correspondence with a position.
2. Advise the Minister of Community, Aboriginal and Women's Services that the Board supports the Supplementary Letters Patent which will add the remainder of Electoral Area 'D' to Electoral Area 'C' in conjunction with the next local government elections.
3. Advise the Minister of Community, Aboriginal and Women's Services that the Board has no comment with respect to the boundary amendments or timing of the proposed changes included in the Regional District of Nanaimo Supplementary Letters Patent.

#### **FINANCIAL IMPLICATIONS:**

In order to determine the tax impact of combining Electoral Area 'D' with Electoral Area 'C', we have assumed that services remain at the same tax requisition level as set for 2003.

Under this assumption, for the period in which the remainder of Electoral Area 'D' remains as a separate Electoral Area, there will be no change to the tax rate for regional functions in which property owners currently participate in those Electoral Areas. The exception to this is the Conventional Transit function, where cost sharing is based on service kilometres and service hours. As the remainder of Electoral Area 'D' will not receive any conventional transit service, this area will not contribute towards this function. It will still participate in custom transit services.

At the point at which the remainder of Electoral Area 'D' combines with Electoral Area 'C', some variations may occur. For functions in which Electoral Area 'D' participates and Electoral Area 'C' does not, there will be no change to the tax requisition for existing Electoral Area 'C' taxpayers (based on 2003 tax levels). The same applies with respect to functions existing in Electoral Area 'C' but not existing in Electoral Area 'D' (such as the Port Theatre function).

In functions where both Electoral Areas participate as 'regional' members (such as in Administration and Emergency Planning), there will be no change to the tax rate where the functions are based on

assessment. However, where participation is based on a 50/50 split by population & assessment, the newly defined Electoral Area 'C' will experience a change in its contribution to the regional function. In particular, residents in the remainder of Electoral Area 'D' will pay less and residents of Electoral Area 'C' will pay more (the attached appendix shows the impact to these functions).

On an overall basis for 2005 and assuming no change to 2003 property tax levels, it is expected that Electoral Area 'C' residents will see an approximate increase of \$5.06 per \$100,000 of assessment, while Electoral Area 'D' residents will see a decrease of \$82.28 per \$100,000 of assessment.

#### CITIZEN IMPLICATIONS:

While the Province has indicated that given the population criteria it makes sense to blend the two Electoral Areas, residents of these Areas may prefer the alternative of retaining two separate Electoral Areas in order to retain their own identities. The Committee is proposing to proceed to public consultation so that it can obtain the opinions of residents on the amalgamation, prior to providing a recommendation to the Board.

#### CONCLUSIONS:


The Regional Board established a Select Committee to review the implications of combining the boundaries of Electoral Area 'D' with Electoral Area 'C' and to provide recommendations to the Board on providing a response to the Minister of Community, Aboriginal and Women's Services. In reviewing the regional functions for which both Electoral Areas participate, it appears that Electoral Area 'C' will pay slightly more for some regional functions when the remainder of Electoral Area 'D' is added to their boundaries, although this impact may not be significant. It is difficult to predict the overall financial impact for either Electoral Area, as a variety of other factors will likely have a more significant impact on tax requisition levels.

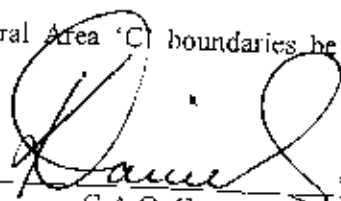
Should the Board have concerns regarding functions that have a negative financial impact on the taxpayers in Electoral Area 'C', it has the ability over the next two years to consider reviewing those functions and amending the requisition formula for some functions.

With respect to the voting structure, given that the current voting structure formula is based on one vote for each 2500 population, it is difficult to support Electoral Area 'D' remaining as a separate Electoral Area. The Province has indicated that it is not supportive of Electoral Area 'D' remaining as a separate Electoral Area.

#### RECOMMENDATION:

That the report on the implications of redefining the Electoral Area 'C' boundaries be received for information.

  
Report Writer

  
C.A.O. Concurrence

**Regional District of Nanaimo  
Electoral Area C/D Tax Rate Scenario  
No change in Tax requisitions  
for existing functions where possible  
Area C/D Combined for Regional  
Separate for Local Services  
(after 2005)**

	Electoral Area C Annual	Electoral Area D Annual	Redefined Electoral Area C (Regional Common)	Defined Area C (Extension)	Defined Area C(D) (Pleasant Valley/Mountain District)	EA C + Defined Area C	EA C + Defined Area C(D)	Area C Change	Area D Change
Administration	0.043	0.043	0.043			0.043	0.043	0.000	0.000
Grants In Aid	0.003	0.003	0.003			0.003	0.003	0.000	0.000
Regional Development	0.017	0.017	0.017			0.017	0.017	(0.000)	(0.000)
Hazardous Properties	0.001	0.001	0.001			0.001	0.001	(0.000)	(0.000)
Uninsightly Premises	0.004	0.004	0.004			0.004	0.004	(0.000)	(0.000)
Electrical Areas	0.028	0.020	0.027			0.027	0.027	0.001	0.007
068 Emergency 911	0.023	0.025	0.023			0.023	0.023	0.000	0.000
Noise Control	0.008	0.010	0.008	0.008	0.035	0.008	0.008	0.000	0.025
Planning	0.192	0.192	0.210			0.210	0.210	0.018	0.018
Public Nuisance	0.052	0.052	0.054			0.054	0.054	0.008	0.008
Animal Control Area A.R.C.D.	0.005	0.006	0.006			0.006	0.006	0.001	0.001
Solid Waste Management	0.029	0.029	0.035			0.035	0.035	0.006	0.006
Regional Parks	0.020	0.033	0.022			0.022	0.022	0.002	0.000
Community Parks	0.018	0.020	0.035			0.035	0.035	0.007	0.011
Southern Community Recreation	0.054	0.022	0.042	0.019	0.022	0.019	0.022	0.000	(0.025)
Port Theatre Contribution	0.030	0.154		0.030		0.042	0.042	(0.012)	0.000
068 Transit	0.192	0.331	0.008	0.000		0.000	0.000	0.000	0.000
Emergency Planning	0.154	0.154	0.008	0.000		0.000	0.000	0.000	0.000
Vancouver Is. Regional Library	0.154	0.154	0.008	0.000		0.000	0.000	0.000	0.000
REGIONAL DISTRICT GENERAL SERVICE	0.753	1.627	0.751	0.057	0.057	0.211	0.211	0.001	0.001
GENERAL SERVICES PER \$ 100,000	\$75.34	\$162.68	\$75.10	\$5.70	\$5.70	\$80.40	\$80.40	\$5.06	\$62.20

Assumes Lantzville continues to participate  
Assumes requisition is \$4,500

Assumes requisition of \$2,800  
Assumes additional 1% for combined Area C/D  
Defined Area C(D) will not participate  
Transit service (may be Custom only)



REGIONAL DISTRICT OF NANAIMO			
MAR - 3 2003			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	
CAO	<input checked="" type="checkbox"/>	GMDS	
GMCms		GMES	
<i>David Case</i>			
Ref: 93804			

FEB 27 2003

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

Dear *Joe* Mr. 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.

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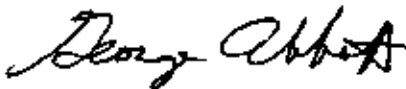
Joe Stanhope, Chair  
Page 2

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](mailto:derek.trimmer@gems8.gov.bc.ca).)

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

Sincerely,



George Abbott  
Minister

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

## Minutes

### Electoral Area 'A' Parks and Green Spaces Advisory Committee

Thursday May 15, 2003

Cedar Heritage Center, 1644 MacMillan Road, Cedar.

**Attendance:** Lynnette Aldcroft  
Judy Burgess  
Margaret Johnson  
Gay Cunningham  
Joe Materi  
Henrik Kriebberg (Area 'A' Alternate Director)

**Apologies:** Frank Garnish, Kern-Lynne Wilson

**Staff:** Jeff Ainge

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Meeting was called to order at 7:40 pm

#### AGENDA

MOVED H. Kriebberg, SECONDED M. Johnson that the agenda be adopted

CARRIED

#### DELEGATIONS AND PRESENTATIONS

- Dave Williamson asked the Committee to write a letter of support to Snuneymuxw Chief John Wesley and Council regarding opening San Salvador land to the public until treaty negotiations are resolved (which could be several years). He would like us to express a partnership with the band and Area "A" to gain access to the land. Mike Hunter is willing to take this matter up with Judith Reid and the BCTFA. John Wesley has already spoken to Mike Hunter about this. We could also indicate to Chief Wesley that the Committee would be willing to write letters of support to anyone else that Band Council feels is necessary.

MOVED H. Kriebberg, SECONDED G. Cunningham that J. Burgess be instructed to write a letter to the Snuneymuxw Band Chief and Council expressing interest on behalf of Area "A" committee in restoring public access to San Salvador property.

CARRIED

#### APPROVAL OF MINUTES

MOVED H. Kriebberg SECONDED M. Johnson that the minutes of the April 17th meeting of the Electoral Area 'A' Parks, Recreation and Greenspaces Advisory Committee be approved.

CARRIED

#### BUSINESS ARISING FROM MINUTES

- Involving this Committee in vetting ideas pertaining to the Cedar Heritage Centre was deferred until Frank Garnish was available.
- Morden Colliery Trail brochure. Staff think it is a good idea and would be happy to supply a summer student to help with its preparation. A sub-committee consisting of Judy Burgess, K.L. Wilson, Joe Materi and Gay Cunningham was formed to work with staff on the brochure.
- Concerns about parking area limitations at Morden Road minesite and trailhead were raised. The Planning Department has been asked to provide information on the zoning and subdivision potential of adjacent land, particularly a parcel currently on the market.
- Staff provided a brief review of the roles of the Regional and Community Parks functions. Community parks are paid for out of an electoral area's budget; these tend to be smaller local parks of local or neighbourhood interest. Regional parks have the three municipalities and all eight electoral areas paying into the operating costs of the park. They tend to be larger parcels containing features of regional significance (such as the Nanaimo River Regional Park). The committee can make acquisition



suggestions to their Electoral Area Director or to the RDN General Manager of Community Services. The discussion and negotiation for purchase of land is done at *in camera* meetings.

### UNFINISHED BUSINESS

- After several meetings to review the Area 'A' Trail Study Report, the most recent meeting held Monday, May 12 the Committee is in agreement to pursue three of the potential opportunities. They are the Quennell Lake loop, the York Lake Lane loop, and the South Wellington loop. The York Lake loop could include a bird viewing platform and boardwalk along an undeveloped road allowance, in partnership with the Nanaimo Field Naturalists. It is a prudent idea to start with a relatively easy project like York Lake, and build on our successes. Staff will assist with mapping and technical advice.

### REPORTS

- RDN Board – Alternate Director, Henrik Kreiberg.  
Nothing new to report.
- RDN Staff – Jeff Ainge.
  - A 5-year maintenance contract has been awarded to Happy Trails Park Maintenance to operate the Home Lake Regional Park and campground.
  - Over 150 people turned out for the Haslam Creek bridge official opening on May 10.
  - Staff will be developing a management plan for Nanaimo River Regional Park later in the year. There will be public input and the Area "A" committee will be asked for input as well, possible as early as the next Committee meeting. There will be 2 open houses as well.
  - Staff met with School District 68 staff and community members to discuss development options for a skatepark in Cedar utilising school district land.
  - Staff continue to work on park bylaws, non-motorized vehicle signs for trails, and nature interpretive signs for the MCT.
- CSCES – Lynnette Aldcroft.
  - CSCES has hired 2 summer students through HRDC. One will run a cybercamp. The other student will run a playground program. CSCES received \$9,000 from BC Summer Games Legacy Fund for the playground.
- MCT - Judy Burgess
  - The next Volunteer Work Party is set for June 8<sup>th</sup> 9:30 am – 12:00 pm. Meet at Wheatsheaf parking lot. The next MCT sub-committee meeting is at the Crow and Gate, June 2<sup>nd</sup> 7:00pm.
- Nanaimo Field Naturalists -- Joe Materi.
  - If York Lake looks like a good trail, he may contact the Nanaimo Field Naturalists formally to be a partner in some fashion.

### NEW BUSINESS

- On May 26<sup>th</sup> there will be a meeting of concerned citizens regarding the Morden Colliery Minesite. 7:30 pm at Heritage Center. Perhaps a "Friends of Morden Mine" society will be formed.

### MOTION TO ADJOURN

MOVED G. Cunningham that the meeting adjourn at 9:20 pm.

CARRIED

### NEXT MEETING

CEDAR HERITAGE CENTER, THURSDAY, JUNE 19th, 7:30 pm

## Minutes

Electoral Area 'G' Parks and Open Space Advisory Committee  
Wednesday March 13, 2003  
Meeting Room, District 69 Arena, Parksville

**Attendance:** Brian Coath, Chairperson  
Mabel Klee  
Jacqueline Thomson  
Bruce Cownden  
Craig Young

**Public:** Mike Jessen  
Lyle Hollingworth

**Apologies:** Joe Stanhope (Area 'G' Director)  
Bill Reed

**Staff:** Neil Connelly, GM Community Services  
Jonathan Lobb, Parks Technician

**Delegations:** Sonny Strom  
Donna Reed

**Late Delegations:** Richard Dean, French Creek Residents' Association

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The meeting was called to order at 7:03 p.m. with Brian Coath as Chairperson.

MOVED Mabel Klee, SECONDED Craig Young, to approve the agenda as presented. **CARRIED**

### DELEGATIONS

Richard Dean read a letter to the Committee concerning the proposed adjustment of a Community Park boundary (G-13) off Hawthorne Rise.

#### Background on Little Qualicum Hall Community Park

The Regional District of Nanaimo has provided funding for the installation of play equipment and the development of trails within the park. Development and maintenance in the past few years has included trail building and surfacing, the installation of a concrete basketball half-court, culverted access at the parks south boundary on Ganske Road, site clearing and hazard tree removal at the planned playground site, installation of a chain-link perimeter fence, mowing of the field area, installation of a concrete picnic table and pad, and ongoing building maintenance at the Little Qualicum Hall. This work has been conducted largely through volunteer manpower and heavy equipment time, and donated funds and materials. The recent controversy over the trail's location has consumed a large amount of staff time and has halted trail construction in the park. Two delegates were invited to attend the Committee meeting in an attempt to amend the situation.

Sonny Strom stated his opposition to the proposed location of a walking trail in Little Qualicum Hall Community Park (G-27). The proposed trail is adjacent to the western boundary of his private lot, and he is concerned about the potential interaction between park users and his dog.

**PAGE**

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Donna Reed also spoke on the above issue, stating the need for the trail to be as far east as possible to allow for the installation of play equipment. Trails around the remainder of the park are immediately adjacent to private property lines as per development plans created several years ago. The previous landowner at Sonny Strom's residence was in agreement with the originally proposed trail location.

*Sonny Strom and Donna Reed left the meeting at 7:35 pm.*

### APPROVAL OF MINUTES

MOVED Craig Young, SECONDED Jacqui Thomson, that the minutes of the EA 'G' Parks and Open Space Committee meetings held on January 16, 2003 and March 5, 2003, be approved. CARRIED

### BUSINESS ARISING FROM MINUTES

#### Community Park G-13 Proposed Boundary Adjustment

Neil Connelly provided clarification of the Regional Board's request of this Committee. The Committee is not being asked for further input into the issue of the proposed boundary adjustment of Community Park G-13. The Regional Board is also not requesting that this Committee meet again with the developer (Todsens Design and Construction Ltd) or its agent with regard to this proposed park boundary adjustment. The Regional Board, at their March 11<sup>th</sup> meeting, deferred the matter for two weeks. This will provide time for a Public Information Meeting to be held at which the Regional District will both provide and receive information regarding the proposed boundary adjustment. This PIM will be held on March 24, 2003, at 7:00 pm, at Oceanside Middle School. The Regional Board will then receive any comments submitted at the PIM at the March 25<sup>th</sup> Committee of the Whole meeting.

MOVED Bruce Cownden, SECONDED Jacqui Thomson, to reconsider the motion (below) made by this Committee at the March 5, 2003 meeting. CARRIED

*Mar. 5, 2003 Motion of the Electoral Area G Parks and Open Space Advisory Committee:*

MOVED Craig Young, SECONDED Mabel Klee, that the Electoral Area 'G' Parks and Open Space Advisory Committee recommend approval of the Park Land Exchange subject to:

- a) written confirmation from the developer of the offered:
  - i) addition of a 3.0 metre wide strip from lots 13 and 14;
  - ii) commitment from the developer to provide park improvements of \$7500.00 in kind under the supervision of the Recreation and Parks Department;
- b) solution of the engineering and liability issues regarding Alexander Brook at the proposed White Pine Way in consultation with the Regional District of Nanaimo;
- c) written confirmation that full park access is to be provided as part of the initial parcel development (access from both White Pine Way and the future Everett Drive/Meadow Way are required).

*Mike Jessen left the meeting at 8:15.*

Community Park Acquisition

Neil Connelly explained that the Community Park acquisition funds available for Electoral Area 'G' are not legally separated for use by the four different communities within Area 'G'. The funds could all be spent on a single property in any location in Area 'G'. There was roundtable discussion about acquisition opportunities for Community Parkland. Neil stated that the OCP process is the proper forum, designed to propose, or identify acquisition desires.

MOVED Craig Young, SECONDED Bruce Cownden, that all the Residents' Associations in Area 'G' be requested to provide comments on parkland acquisition to the Committee. CARRIED

Terms of Reference

MOVED Craig Young, SECONDED Bruce Cownden, that the Area 'G' Parks and Open Space Advisory Committee recommend to the Regional Board that the Terms of Reference as they pertain to the composition of this Committee be amended so that the "President or his/her designate" from the residents' associations within Area 'G' are included in the Committee.

The Terms of Reference would then read:

"The Electoral Area 'G' Parks and Open Space Advisory Committee will be appointed by the Regional Board with representation as follows:

- RDN Area 'G' Director, or designate;
- French Creek Residents' Association President, or designate;
- Chartwell Residents' Association President, or designate;
- Shorewood San Paniel Owners' & Residents' Association President, or designate;
- Two additional representatives from the French Creek area;
- One representative from North Qualicum/Dashwood;
- One representative from the rural area of Electoral Area 'G' including South Parksville, Allsbrook and South Qualicum; and,
- The appointed member representing Electoral Area 'G' on the District 69 Recreation Commission.

The Committee would consist of a maximum of nine members. Depending upon community interest, the Committee may operate without all positions being occupied. A quorum shall consist of five members."

*Discussion:* Neil Connelly stated that in making the above noted changes to the Terms of Reference, the Regional Board would be deprived of the ability to freely select Committee members from among the applicants and would instead be obligated to select Residents' Associations' Presidents for three of the Committee's nine positions.

This matter was deferred until the next meeting of this Committee.

### **COMMUNICATION & CORRESPONDENCE**

A copy of the staff report (Monthly update for District 69 Recreation Commission - *Community and Regional Parks*) previously forwarded to the District 69 Recreation Commission was included in the agenda package for the committee.

### **NEXT MEETING DATE**

This Committee will meet again on Thursday, **June 12, 2003** at **7:00 p.m.**, at the **District 69 Arena** in Parksville. Agenda packages will be distributed on or around the beginning of June.

### **ADJOURNMENT**

Meeting was adjourned at 9:09 pm.

**Minutes of the District 69 Recreation Commission Regular Meeting  
Held on Thursday, June 12, 2003, at 1:00 pm  
At the Civic Centre, Qualicum Beach**

**Attendance:**

Frank Van Eynde	Craig Young	Fred Demmon
Jack Wilson	Reg Nosworthy	Patty Brio
Lou Biggemann (RDN Board Alternate)	Eve Flynn	
Staff:		
Tom Osborne	Neil Connelly	Cathy MacKenzie
Mike Chestnut	Dan Porteous	
Marilynn Newsted, Recording Secretary		

**Delegation:**  
Dave Dakers, General Manager Skyreach Place – RG Properties

**Absent:**  
Director Dave Bartram, Electoral Area 'H'

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Chair Van Eynde called the meeting to order at 1:00 pm.

**DELEGATIONS**

- 2 Dave Dakers, General Manager Skyreach Place, and the Vancouver Island representative with RG Properties, provided background information on RG Properties' experience in the provision of commercial entertainment events, trade shows and adult hockey leagues. He also presented an overview of the Management Services Agreement for Oceanside Place for the Commission members.

**MINUTES**

- 3.1 MOVED Commissioner Demmon, SECONDED Commissioner Nosworthy, that the Minutes of the District 69 Recreation Commission Regular Meeting held on May 8, 2003, be approved.  
CARRIED

It was noted in the Minutes of May 8, 2003, that the name Arrowview Community Enhancement Society (ACES) was in error, the name should be Arrowsmith Community Enhancement Society (ACES).

- 3.2 MOVED Commissioner Young, SECONDED Commissioner Demmon, that the Minutes of the District 69 Recreation Commission Recreation Fees and Charges Committee Meeting held on May 28, 2003, be approved.  
CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

- 4.1 **MOVED** Commissioner Demmon, **SECONDED** Commissioner Young that the correspondence from the Canadian Federation of University Women, Catherine Kahn; Qualicum Beach Lawn Bowling Club, Sylvia Taylor; and H.L. Bouey, regarding the naming of the arena multiplex; City of Parksville, regarding the naming of two ice rinks at Oceanside Place; and Errington Therapeutic Riding Association, Marilyn Hooper, be received. CARRIED

**FUNCTION REPORTS**

- 5.1 Mr. Osborne presented the staff reports from the Ravensong Aquatic Centre, District 69 Arena, Recreation Coordinating and the Regional Parks and Trail and Community Parks (EA 'E-H'). Mr. Osborne reported that the contract for the upgrade and addition of a Steam/Dry Sauna Room at the Ravensong Aquatic Centre had been awarded to CJP Architecture. Project completion is expected to be in Autumn 2003.

Mr. Osborne reported that the District 69 Arena staff are doing a commendable job in preparing the facility before passing it over to the Parksville Curling Club. Mr. Osborne stated the following contracts had been awarded for Oceanside Place as follows:

Concession	Joan Hasell
Vending Services	Pepsi Cola Bottling Group
Bulk Vending	Best Way Vending Ltd.
Advertising Sales	Matt Woodz Enterprises
Janitorial Supplier	Acme Supplies Ltd.
Naming Rights	No submissions received.

Mr. Osborne reported that a design change to include a sound booth on the upper level and to allow improved access from the lower level seating to upper level seating than had been originally provided, had been made to the construction of Oceanside Place. He stated in order to accommodate the sound booth on the upper level, future additional seating capacity in Rink No. 1 changed from 200 persons to 180 persons. And in order to accommodate the change to the lower level seating area to allow access to the upper level, current seating capacity changed from 800 persons to 780 persons.

Mr. Osborne stated discussions are in progress with BC Hydro for a *Power Smart Program* at Oceanside Place.

Mr. Osborne announced that the Regional District had acquired through partnerships, three new parks - Block 602, Englishmen River (North), Block 564, Englishmen River (South) and the Little Qualicum River Estuary Regional Conservation Area.

**MOVED** Commissioner Flynn, **SECONDED** Commissioner Wilson, that the staff reports be received. CARRIED

**NEW BUSINESS**

- 8.1 Mr. Osborne reviewed the Recreation Fees and Charges Committee and the Oceanside Place Rental Rate Reports.

MOVED Commissioner Young, SECONDED Commissioner Demmon, that the fees and charges for Oceanside Place for September 2003 to August 2004, be approved as outlined in Appendix A, of the Recreation Fees and Charges Committee Minutes of May 28, 2003. CARRIED

- 8.2 MOVED Commissioner Demmon, SECONDED Commissioner Nosworthy, that the Regional District enter into a five-year Lease Agreement with the City of Parksville for the lands on which the District 69 Arena is located for a term from June 1, 2003 to May 31, 2008. CARRIED

- 8.3 MOVED Commissioner Demmon, SECONDED Commissioner Biggemann, that the Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial events and trade shows at Oceanside Place, for a three-year term commencing on September 1, 2003 and ending on August 31, 2006, be approved. CARRIED

- 8.4 MOVED Commissioner Young, SECONDED Commissioner Biro, that the Regional District support a Bid Committee application for the 2005 or 2006 BC Seniors Games in District 69 pending formal support being provided by the City of Parksville, Town of Qualicum Beach and the District 69 School Board. CARRIED

MOVED Commissioner Young, SECONDED Commissioner Nosworthy, that the District 69 Recreation Commission strike a BC Seniors Games Bid Application Committee to liaise with other groups in the District in the preparation of the 2005 or 2006 BC Seniors Games bid application. CARRIED

Mr. Osborne called for volunteers to sit on the BC Seniors Games Bid Application Committee.

Commissioners Biro and Van Fynde volunteered to sit on the BC Seniors Games Committee. Commissioner Flynn agreed to sit as an alternate member.

- 8.5 MOVED Commissioner Young, SECONDED Commissioner Flynn, that staff be requested to prepare reports for the 2004 Provisional Budget on the implications of the following:

- a) removal of the Non-Resident rate at the Ravensong Aquatic Centre;
- b) alteration of the rate structure for single users and families to provide a common rate for Oceanside Place and Ravensong Aquatic Centre;
- c) to actively market District 69 Recreation programs, including swimming and skating, to the tourist sector through the various local Chambers of Commerce, the Oceanside Tourism Association and any other appropriate local bodies. CARRIED



8.6 Naming of Oceanside Place Rink 1, Rink 2, Leisure Ice and Multipurpose Room.

MOVED Commissioner Demmon, SECONDED Commissioner Nosworthy that Commission adjourn to an In Camera session.

CARRIED

Meeting adjourned for In Camera session at 2:40pm.

MOVED Commissioner Biggemann, SECONDED Commissioner Demmon, that Commission conclude the In Camera session.

CARRIED

Meeting reconvened at 2:51 pm.

**COMMISSIONER ROUNDTABLE**

Commissioner Nosworthy reported he had attended the first ACES (Arrowsmith Community Enhancement Society) meeting. He announced there would be a Community Picnic at French Creek School June 20, at 7:00pm.

Commissioner Young reported the Parkville Bicycle Committee had toured the City of Parkville for possible cycling routes. He noted the Committee's request that consideration be made when planning regional trails that they will connect with trails established in the City and vice versa.

Commissioner Biro stated there would be a Canada Day Weekend in Area 'H', with fireworks and an oyster-shucking contest on Sunday, June 29. There will also be Canada Day celebrations in Deep Bay, a Salmon Derby and Barbecue June 26, a Fish For the Max event July 27 and a Dock Derby July 27. Commissioner Biro stated Wind Warriors Sailing will provide sailing lessons at Deep Bay in July and that Gord Verge will be providing summer tennis lessons at the Bowser tennis courts.

**ADJOURNMENT**

MOVED Commissioner Biro that the meeting be adjourned at 3:05 pm.

**NEXT MEETING**

The next meeting will be held at 1:00 pm, Thursday, September 11, 2003, at the Qualicum Beach Civic Centre, in the Lions Room.

Rates Proposed by the District 69 Recreation Commission  
Recreation Fees and Charges Committee, May 28, 2003

OCEANSIDE PLACE FEES AND CHARGES (SEPTEMBER 2003 - AUGUST 2004)

All rates per hour unless otherwise specified.

Tournament Rates	Winter Rates (September 1- March 31)	Shoulder Season (April 1 - August 31)	Dry Floor	Other Amenities
Adult Tournament \$98.07	Adult Prime \$120.00 Adult Non-Prime \$98.07	Adult Prime \$102.00 Adult Non-Prime \$83.35	Adult Prime \$55.00 Adult Non-Prime \$45.00	Leisure Sheet Ice In Prime \$35.00 Ice In Non-Prime \$30.00
Senior Tournament \$90.95	Senior Prime \$120.00 Senior Non-Prime \$90.95	Senior Prime \$102.00 Senior Non-Prime \$80.25	Senior Prime \$55.00 Senior Non-Prime \$40.00	Ice In in conjunction with full sheet \$15.00 Ice Out Prime \$25.00 Ice Out Non-Prime \$20.00
Minor Tournament \$55.70	Minor Prime \$65.00 Minor Non-Prime \$55.70	Minor Prime \$55.25 Minor Non-Prime \$47.35	Minor Prime \$40.00 Minor Non-Prime \$35.00	Ice Out in conjunction with full sheet \$15.00
	Commercial Hockey/ Skating Schools \$120.00	Commercial Hockey/ Skating Schools \$88.26	Commercial Hockey/Skating Schools \$60.00	<b>Multipurpose Room</b>
	School Rentals Prime \$65.00 School Rentals Non-Prime \$55.70	School Rentals Prime \$55.25 School Rentals Non-Prime \$47.35	School Rentals Prime \$40.00 School Rentals Non-Prime \$35.00	Full Room \$30.00 Half Room \$15.00 Commercial Full Room \$35.00 Commercial Half Room \$20.00
	Commercial Ice Events Prime \$190.00 vs. 15% of gross or Flat \$1900 for a maximum 12 hrs then applicable rates after 12 hrs	Commercial Ice Events Prime \$175.00 or \$1750 vs. 15% of gross or \$1750 for a maximum 12 hrs then applicable rates after 12 hrs	Commercial Events Prime \$175.00 or \$1,750 for a day rate Commercial Events Non-Prime \$100.00 Commercial Set up \$50.00	Departmental Full Room \$20.00 Departmental Half Room \$10.00 Full Room in Conjunction with Ice/Floor Rental \$20.00 Half Room in Conjunction with Ice/Floor Rental \$10.00 Block Bookings (35 hours or more) includes limited free use of the multipurpose and meeting rooms. Room use will require and be subject to booking procedures.
	Commercial Ice Events Non-Prime \$150.00	Commercial Ice Events Non-Prime \$100.00	Commercial Events Non-Prime \$100.00 Commercial Set up \$50.00	<b>Meeting Room</b> Meeting Room \$5.00 All regular ice user groups will have 3 hrs per month of free access to the meeting room Free use will require and be subject to booking procedures Meeting Room in conjunction with Ice/Floor Rental \$5.00
	Commercial Events Prime \$175.00 or \$1,750 for a day rate	Commercial Ice Events Non-Prime \$100.00	Commercial Events Prime \$175.00 or \$1,750 for a day rate Commercial Events Non-Prime \$100.00 Commercial Set up \$50.00	
	Commercial Events Non-Prime \$100.00	Commercial Ice Events Non-Prime \$100.00	Commercial Events Non-Prime \$100.00 Commercial Set up \$50.00	

**PAGE**  
Commercial events requiring the portable floor will be subject to staff costs for installation, removal and cleaning.  
Non profit events (e.g. charity hockey game) will be charged applicable hourly rates as defined by demographic of group and time of day.  
Non profit is defined as an event hosted by a District 69 organization that sees all income less direct expenses going to a recognized District 69 charitable organization

**TO:** Tom Osborne,  
Manager of Recreation and Parks

**DATE:** May 23, 2003

**FROM:** Mike Chestnut  
Arena Supervisor

**FILE:** 5330-20-TWIN

**SUBJECT:** Oceanside Place Rental Rates

**PURPOSE**

To provide information and proposed rental rates and rate categories for Oceanside Place.

**BACKGROUND**

In the Fall of 2002 the Regional District of Nanaimo Board adopted a resolution to change the Arena rental rates to be based on prime and non-prime rates. These rates would be differentiated by the hour of the day during which a booking takes place. This new rate structure comes into effect on September 1, 2003.

The new rate structure also amended the age categories to Adult (19 years of age and over) and Minor (18 years of and under). This shift in the rate structure eliminated the Youth and Senior categories with Youth defaulting to the Minor rate and Seniors to the Adult rate. The removal of the Senior rate category included the Commission's consideration that seniors are one of the only primary age groups that has a discounted rate when accessing the facility during non-prime times.

In February and March of 2003, the District 69 Recreation Commission received a series of delegations from the Parksville Golden Oldies Sports Association (PGOSA) and the Parksville Panthers requesting to meet with the Recreation Fees and Charges Committee to discuss the reinstatement of an arena rental rate for seniors.

At the April 10, 2003 District 69 Recreation Commission Meeting the following resolution was approved:

*That a Fees and Charges Committee be appointed and shall have four (4) members and one (1) alternate appointed from the District 69 Recreation Commission by the District 69 Recreation Commission and that the Committee meet with the Parksville Panthers in regard to the senior arena rental rate.*

Along with addressing the senior arena rental rates, there is a requirement for the Department to set new rates that are to be implemented at Oceanside Place.

Outlined in Appendix I, are the new rental rates issue, which include the tournament rates, the leisure ice surface, the multipurpose room, meeting room and shoulder season ice times. Other rates outlined include fees for commercial events, however these commercial rates may not be implemented as it is anticipated that the Regional District will enter into a Management Services Agreement for such events with RG Facilities. New rate categories are also required for dry floor surfaces (when the ice is removed or when the portable floor is in place).

The proposed rates in Appendix I reflect market values based on neighbouring jurisdictions and required fee levels to accomplish revenue targets as per the adopted Annual Budget. They have also been developed within the framework and parameters for fees and charges as set out in the updated policy approved by the Regional Board in the Fall of 2002 in conjunction with the 2003 Provisional Budget approval.

Of note is the nominal charge for the use of the meeting room at the new facility. Currently the District 69 Arena meeting room is provided free of charge to the entire community on a first come first serve basis. It is proposed that major regular ice rental users would be entitled to three hours use of the meeting room per month at no charge and all other use be at a \$5.00 per hour charge for both the general public and facility users.

The Senior rate category still warrants discussion with the PGOSA and the Parksville Panthers as per the approved Commission resolution. The rates outlined in the Appendix include a proposed Seniors category with rates in the midpoint range between the current Seniors rate and the proposed Adult rates.

#### **FINANCIAL IMPLICATIONS:**

The rate structure proposed is the base for achieving the revenue expectations outlined in the 2003 Annual Budget and the five-year Operational Budget for the Arena facility. Depending on discussions and agreement on senior rental rates with PGOSA and the Parksville Panthers, there may be a slight decline in the revenue targets than that originally calculated for the ice time booked by PGOSA and Parksville Panthers. However should a lower rate be set, this may also in turn increase the amount of ice time booked by the two organizations.

#### **ALTERNATIVES:**

1. Approve the rate structure as outlined in Appendix I upon discussing and confirming the agreed upon Senior ice rentals rate with the Parksville Panthers and the Parksville Golden Oldies Sports Association (PGOSA).
2. Propose alternative rates and categories for the Arena facility.

#### **CITIZEN IMPLICATIONS:**

Any time rates increase there is the potential to create an access barrier to some participants. However with the expanded scheduling for public admission sessions, which are traditionally heavily subsidized, persons with limited resources will have several additional opportunities for facility access.

#### **SUMMARY:**

The decision to proceed with a prime / non-prime hourly rental rate structure in September 2003 received approval from the District 69 Recreation Commission and the Regional District of Nanaimo Board. The 2003 Budget was also prepared and approved based on the updated Fees and Charges Policy. Updated rates and additional rate categories are required by the Department to administer rentals for the various seasons, user profiles and amenities at Oceanside Place for the September 2003 to August 2004 season.

**RECOMMENDATION:**

That the fees and charges for Oceanside Place for September 2003 - August 2004 be approved as outlined in Appendix I.

*H. A. Parkane*  
Report Writer

*W. M. Kelly*  
General Manager

*H. A. Parkane*  
Manager

*D. J. Quinn*  
Chief Administrative Officer

**COMMENTS:**

## Appendix I

### Oceanside Place Fees and Charges (September 2003 -- August 2004)

*All rates per hour unless specifies differently.*

#### Tournament rates

Adult Tournament Prime	\$98.07
Adult Tournament Non-Prime	\$98.07
Senior Tournament Prime	\$88.65
Senior Tournament Non-Prime	\$88.65
Minor Tournament Prime	\$55.70
Minor Tournament Non-Prime	\$55.70

#### Winter Rates (September 1- March 31)

Adult Prime	\$120.00
Adult Non-Prime	\$98.07
Senior Prime	\$108.00
Senior Non-Prime	\$88.65
Minor Prime	\$65.00
Minor Non-Prime	\$55.70
Hockey/Skating Schools Prime	\$120.00
Hockey/Skating Schools Non-Prime	\$98.07
School Rentals Prime	\$65.00
School Rentals Non-Prime	\$55.70
Commercial Ice Events Prime	\$190 vs. 15% of gross or Flat \$1900 for a maximum 12 hrs then applicable rates after 12 hrs
Commercial Ice Events Non-Prime	\$150.00
Commercial Events Prime	\$175.00 or \$1,750 for a day rate
Commercial Events Non-Prime	\$100.00

*Commercial events requiring the portable floor will be subject to staff costs for installation, removal and cleaning.*

*Non Profit events (e.g. charity hockey game) will be charged applicable hourly rates as defined by demographic of group and time of day.*

*Non Profit is defined as an event hosted by a District 69 organization that sees all profit less direct expenses going to a recognized District 69 charitable organization.*

**Shoulder Season (April 1 – August 31)**

Adult Prime	\$102.00
Adult Non-Prime	\$83.35
Senior Prime	\$91.80
Senior Non-Prime	\$75.35
Minor Prime	\$55.25
Minor Non-Prime	\$47.35
Hockey/Skating Schools Prime	\$108.00
Hockey/Skating Schools Non-Prime	\$88.26
School Rentals Prime	\$55.25
School Rentals Non-Prime	\$47.35
Commercial Ice Events Prime	\$175.00 or \$1750 vs. 15% of gross or \$1750 for a maximum 12 hrs then applicable rates after 12 hrs
Commercial Ice Events Non-Prime	\$100.00
<b>Dry Floor</b>	
Adult Prime	\$55.00
Adult Non-Prime	\$45.00
Senior Prime	\$45.00
Senior Non-Prime	\$40.00
Minor Prime	\$40.00
Minor Non-Prime	\$35.00
Hockey/Skating Schools Prime	\$60.00
Hockey/Skating Schools Non-Prime	\$50.00
School Rentals Prime	\$40.00
School Rentals Non-Prime	\$35.00
Commercial Events Prime	\$175.00 or \$1,750 for a day rate
Commercial Events Non-Prime	\$100.00
Commercial Set up	\$50.00

**Other Amenities****Leisure Sheet**

Ice In Prime	\$35.00
Ice In Non-prime	\$30.00
Ice In in conjunction with full sheet	\$15.00
Ice Out Prime	\$25.00
Ice Out Non-Prime	\$20.00
Ice Out in conjunction with full sheet	\$15.00

**Multipurpose Room**

Full Room	\$30.00
Half Room	\$15.00
Commercial Full Room	\$35.00
Commercial Half Room	\$20.00
Departmental Full Room	\$20.00
Departmental Half Room	\$10.00
Full Room in Conjunction with Ice/Floor Rental	\$20.00
Half Room in Conjunction with Ice/Floor Rental	\$10.00

Block Bookings (35 hours or more) includes limited free use of the multipurpose and meeting rooms. Room use will require and be subject to booking procedures.

**Meeting Room**

Meeting Room	\$5.00
All regular ice user groups will have 3 hrs per month of free access to the meeting room	
Free use will require and be subject to booking procedures	
Meeting Room in conjunction with Ice/Floor Rental	\$5.00

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REGIONAL DISTRICT  
OF NANAIMO

MAY 27 2003



CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

**TO:** Neil Connelly  
General Manager of Community Services

**DATE:** May 26, 2003

**FROM:** Tom Osborne  
Manager of Recreation and Parks

**FILE:** 0870-20-D69L

**SUBJECT:** District 69 Arena Lease Agreement

**PURPOSE**

To review and consider the Lease Agreement for the District 69 Arena Lands with the City of Parksville.

**BACKGROUND**

A Lease Agreement between the City of Parksville and the Regional District has been in place since 1977 to provide for the lands on which the District 69 Arena is located in the Parksville Community Park. The Agreement was revised in 1980 and then extended to 1987, 1992 and 1997 for a period of five years, with the latest lease period having ended on June 30, 2002.

*The Local Government Act* limits the Regional District to entering into a Lease Agreement for a maximum period of five years, as does a covenant on the Community Park lands, unless receiving electoral consent.

On June 22, 2002 a referendum was held to seek electoral consent to fund and build the Arena Multiplex at Wembley Mall in Parksville. This was approved. Prior to the referendum the Parksville Curling Club Society provided the Regional District with a Letter of Intent to manage the operations of the District 69 Arena as a curling facility with no taxation subsidy from the Regional District. On December 17, 2002, the Society and the Regional District signed a Memorandum of Understanding (MOU), which provides for the Society to take over the operation of the District 69 Arena for use as a curling facility and to sign a Lease with the Regional District upon completion of the Arena Multiplex.

With the expiry of the most recent Lease Agreement with the City of Parksville occurring on June 30, 2002, it is necessary for the Regional District to sign a new lease with the City of Parksville for a further period of five years. In the interim, the Holding Over section of the Agreement has provided for a month-to-month tenancy by the Regional District. The new lease has been reviewed by the Regional District's solicitor and is largely consistent with the Agreement that has been in place for the last five-year period. Section 7.6 provides for the renewal of the Agreement and Section 7.5 provides for it to be held over from month to month with the concurrence of the two parties in the absence of, or delay of, a Lease Agreement renewal.

A new Section 7.4 refers to the arrangements, which would be made in the future in a situation where the Lease Agreement is not to be renewed. It provides for the City and RDN to negotiate towards an agreement of the disposition of the Regional District's improvements. This is a standard type clause for leases and provides greater certainty on the process to be followed, should it be required in the future, than has been included in past Agreements.

Another new item is Section 5.5, which provides for the Regional District to sublet the facility to the Parksville Curling Club Society. This is consistent with the arrangements that are in place with the Society.

At the Regular Meeting on May 8, 2003 of the District 69 Recreation Commission Meeting, a *draft* Lease Agreement was reviewed. The appointee to the Recreation Commission from the City of Parksville requested that RDN staff amend the wording under Section 5.15, which contains the standard of maintenance for the Premises, given the initial wording was too general and referred only to a maintenance standard having regard to activities carried on within the facility. This section has now been amended and agreed upon by City of Parksville staff.

#### **ALTERNATIVES**

1. That the Regional District of Nanaimo enter into a five-year Lease Agreement with the City of Parksville for the lands on which the District 69 Arena is located for a term from June 1, 2003 to May 31, 2008.
2. To provide alternative direction for staff.

#### **FINANCIAL IMPLICATIONS**

Costs associated with the preparation and finalization of the arena Lease Agreement are provided for in the District 69 Arena budget.

#### **INTERGOVERNMENTAL IMPLICATIONS**

The Agreement has been updated in conjunction with City of Parksville staff and City Council is scheduled to consider their approval of the Lease renewal concurrent with the Regional Board's consideration in June.

#### **SUMMARY**

The most recent Lease Agreement with the City of Parksville for the lands on which the District 69 Arena is situated ended on June 30, 2002. With the approval of the Arena Multiplex at Wembley Mall through referendum on June 22, 2002, ice-skating sports and activities will be located to the new facility in the Fall of 2003. The Parksville Curling Club Society has signed a Memorandum of Understanding with the Regional District to operate the District 69 Arena as a curling facility and has agreed to sign a Lease for the building upon completion of the Arena Multiplex, scheduled to open in September 2003. A five-year Lease Agreement between the City of Parksville and the Regional District is now required to allow for the District 69 Arena to continue to operate and provide public recreation opportunities to residents in District 69.

**RECOMMENDATION**

That the Regional District enter into a five-year Lease Agreement with the City of Parkville for the lands on which the District 69 Arena is located for a term from June 1, 2003 to May 31, 2008.

*J. M. Parkane*  
for Report Writer

*A. Connelly*  
General Manager Concurrence

*D. [Signature]*  
C.A.O. Concurrence

COMMENTS:

**LEASE**

THIS LEASE made the \_\_\_ day of \_\_\_\_\_ 2003.

**UNDER THE LAND TRANSFER FORM ACT, PART 2  
AND THE LOCAL GOVERNMENT ACT**

BETWEEN:

**CITY OF PARKSVILLE**

100 E. Jensen Avenue  
P.O. Box 1390  
Parksville, BC V9P 2H3

(the "Landlord")

OF THE FIRST PART

AND:

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

(the "Tenant")

OF THE SECOND PART

**WHEREAS:**

- A. On the 1st day of July, 1977, an Agreement was entered into between the City of Parksville and the Regional District of Nanaimo providing for the lease of a specified area of land within the Parksville Community Park for the erection of the District 69 Ice Arena;
- B. On the 15th day of April, 1980, a Memorandum of Agreement was entered into between the parties providing for a revised description of the specified area of land within the Parksville Community Park for the location of the District 69 Ice Arena;
- C. On the 1st day of July, 1987, an Agreement was entered into between the parties for a lease of the specified area of land within the Parksville Community Park for the location of the District 69 Ice Arena, a recreational facility operated by the Tenant, for a five year term;
- D. On the 15th day of June, 1992, an Agreement was entered into between the parties for a specified area of land within the Parksville Community Park for the District 69 Ice Arena, a recreational facility operated by the Tenant, for a period of five years;

- E. On the 1st day of July, 1997, an Agreement was entered into between the parties for a specified area of land within the Parksville Community Park for the District 69 Ice Arena, a recreational facility operated by the Tenant, for a period of five years;
- F. The Parties wish to enter into an agreement for the lease of the same lands and premises for a further term of five years to permit the Tenant to continue to operate the District 69 Ice Arena;
- G. The Tenant has requested and the Landlord has agreed to grant a lease in the following terms.

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the rents and agreements to be paid and performed by the Tenant,

**1.0 Premises**

The Landlord leases to the Tenant the land described in Schedule "A" annexed to this Lease (the "Premises").

**2.0 Term**

For the term of five years commencing on the 1st day of June 2003, and ending on the 31<sup>st</sup> day of May, 2008.

**3.0 Use**

The Tenant may use the Premises only for the purpose of providing and operating recreation programs and facilities and for other related community uses.

**4.0 Rent**

The Tenant shall pay to the Landlord an annual rent of five (\$5.00) dollars due and payable on the first day of each year of the term.

**5.0 Tenant's Covenants**

The Tenant covenants with the Landlord:

**Rent**

- 5.1 to pay all rents reserved under this Lease;

**Taxes**

- 5.2 to pay all taxes, rates, duties and assessments whatsoever, whether municipal, provincial, federal, or otherwise, including GST, charged upon the Tenant or the Landlord as a result of the Tenant's occupation of or use of the Premises unless exempted by municipal bylaw;

**Utilities**

- 5.3 to pay as they become due all user fees and rates for utility services including, without limitation, all charges for all gas, oil, telephone and electric light and power used on the Premises;

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### **Construction**

5.4 that it will not construct any buildings or structures on the Premises without the Landlord's approval, which may be withheld at the sole discretion of the Landlord and that it will not construct or renovate any buildings or structures on the Premises unless, prior to any construction or renovation, it obtains

- (a) a development permit from the Landlord, if required under the Official Community Plan and Zoning Bylaw of the City of Parksville;
- (b) a building permit, where required by the bylaws of the City of Parksville regulating building construction, authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it; and
- (c) such inspections as are required under the bylaws of the City of Parksville regulating building construction,

and all work shall be carried out at the cost of the Tenant;

### **Assign or Sublet**

5.5 that it will sublet the Premises only to The Parksville Curling Club Society (Reg. No. 28480), and only for the purposes of operating a curling, recreation and community use facility, and will not otherwise sublease the Premises or assign this Lease without the prior written consent of the Landlord, which consent may be withheld in the sole discretion of the Landlord;

### **Nuisance**

5.6 that it will not carry on or do or allow to be carried on or done on the Premises anything that may be or become a nuisance to the Landlord or the public;

### **Regulations**

5.7 that it will

- (a) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Landlord or the Tenant; and
- (b) indemnify the Landlord from all lawsuits, damages, losses, costs or expenses that the Landlord may incur by reason of non-compliance by the Tenant with legal requirements or by reason of any defect in the Premises or any injury to any person or to any personal property contained on the Premises unless the damages, losses, costs, expenses or injuries are the result of the negligence of the Landlord;

### **Insurance**

5.8 that it will take out and maintain during the Term, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises by the Tenant in the amount of not less than Five Million (\$5,000,000.00) Dollars per single occurrence or such greater amount as the Landlord may reasonably designate, from time to time, naming the Landlord as an insured party thereto and shall provide the Landlord with a certified copy of such policy or policies;

- 5.9 that
- (a) it will take out and maintain during the Term a policy of insurance in the name of the Tenant insuring the ice arena and all fixtures and improvements to the full insurable replacement value thereof against risk of loss or damage caused by or resulting from fire, lightning, tempest, or earthquake and any additional peril against which the Landlord normally insures, and
  - (b) the Tenant shall provide the Landlord with a certified copy of the policy.
- 5.10 that all policies of insurance shall contain a waiver of subrogation clause in favour of the Landlord and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord thirty (30) days prior written notice;
- 5.11 that if the Tenant does not provide or maintain in force the insurance required by this Lease, the Landlord may take out the necessary insurance and pay the premium for periods of one year at a time, and the Tenant shall pay to the Landlord as additional rent the amount of the premium immediately on demand;

#### **Damage or Destruction**

- 5.12 that if the ice arena or other building or structure is destroyed or damaged by fire, tempest or other event and, in the opinion of the Tenant acting reasonably, either:
- (a) the estimated cost of repairing such destruction or damage is unreasonably high; or
  - (b) the time reasonably anticipated as being necessary for the repair of such destruction or damage is too long;
- then the Tenant may, at its option, and upon written notice to the Landlord delivered within ninety (90) days after the occurrence of the destruction or the damage, terminate this lease, such termination to take effect sixty (60) days after the exercise of the option to terminate. On such termination all proceeds of insurance payable in respect of such destruction or damage shall be paid to the Tenant;

#### **Indemnification**

- 5.13 that it will indemnify the Landlord from and against all lawsuits, damages, losses, costs or expenses which the Landlord may incur by reason of the use of the Premises by the Tenant or the carrying on upon the Premises of any activity in relation to the Tenant's or any subtenants use of the Premises and in respect of any loss, damage or injury sustained by the Tenant, or by any person while on the Premises for the purpose of doing business with the Tenant or otherwise dealing with the Tenant, except insofar as any damage, loss, injury, cost or expense is caused or contributed to by the negligence of the Landlord or its officers, employees or agents and this indemnity shall survive the expiry or sooner determination of this Lease;

#### **Builders Liens**

- 5.14 that it will indemnify the Landlord from and against all claims for liens for wages or materials or for damage to persons or property caused during the making of or in connection with any excavation, construction, repairs, alterations, installations and additions which the Tenant may make or cause to be made on, in or to the Premises; and will allow the Landlord to post and will

keep posted on the Premises any notice that the Landlord may desire to post under the provisions of the *Builders Lien Act*;

### **Maintenance**

- 5.15 to maintain the Premises, at all times to a high standard of maintenance consistent with maintenance standards of a local government recreation facility, such maintenance to include, without limitation, the provision of grounds maintenance and upkeep of parking areas, exterior painting and regular maintenance of all equipment, furnishings and fittings;

### **6.0 Landlord's Covenants**

The Landlord covenants with the Tenant for quiet enjoyment.

### **7.0 Miscellaneous Covenants**

And it is hereby mutually agreed:

### **Re-entry**

- 7.1 that if the Tenant shall default in the payment of rent, or the payment of any other sum payable hereunder, or fail to perform any covenant hereunder and if such default shall continue for thirty (30) days after the giving of written notice by the Landlord to the Tenant, then the Landlord may re-enter the Premises and the rights of the Tenant with respect to the Premises shall lapse and be absolutely forfeited;

### **Forfeiture**

- 7.2 that the Landlord, by waiving or neglecting to enforce the right to forfeiture of this Lease or the right of re-entry upon breach of any covenant, condition or agreement in it, does not waive the Landlord's rights upon any subsequent breach of the same or any other covenant, condition or agreement in this Lease;

### **Fixtures**

- 7.3 that the ice arena is owned by the Tenant and if the Tenant elects not to rebuild the ice arena under section 5.12, or if this Lease is otherwise terminated, the ice arena or the remains of it, and the proceeds of any fire insurance or sale are the property of the Tenant, as an asset of the recreation local service provided by the Tenant for and within the City of Parksville (the Landlord), the Town of Qualicum Beach and Electoral Areas 'E', 'F', 'G' and 'H' of the Regional District of Nanaimo or any amended or successor local service providing community recreation services within the Regional District of Nanaimo, in accordance with the *Local Government Act* and in spite of any law to the contrary;
- 7.4 if the Landlord and the Tenant do not enter into a new lease to become effective immediately following the expiration of the Term, the Landlord and the Tenant will negotiate in good faith towards an agreement on the disposition of the Tenant's Improvements (including the arena, parking lots, fencing, signage and other improvements made by the Tenant), either by way of removal of those improvements from the Premises by the Tenant, or the transfer of those improvements to the Landlord, on terms that are mutually acceptable to the parties. If the parties are unable to agree upon a transfer value within six (6) months after expiration of the Term, that dispute will be submitted to binding arbitration and the arbitrator may order removal or transfer



for value (or a combination of removal and transfer) taking into account such factors as depreciated building value.

#### **Holding Over**

7.5 that if the Tenant holds over following the Term and the Landlord accepts rent, this Lease becomes a tenancy from month to month subject to those conditions in this Lease applicable to a tenancy from month to month;

#### **Renewal**

7.6 that upon the expiration of the Term the parties may agree to enter into a new lease of the Premises containing agreed terms and conditions.

#### **Time**

7.7 that time shall be of the essence of this Lease;

#### **Notices**

7.8 that any notice required to be given under this Lease shall be deemed to be sufficiently given:

- (a) if delivered, at the time of delivery, and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid, registered mail addressed as follows:

If to the Landlord:

City of Parksville  
100 E. Jensen Avenue  
P.O. Box 1390  
Parksville, BC V9P 2H3

If to the Tenant:

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of the mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lockout or other labour dispute then the notice may only be given by actual delivery of it;

#### **Net Lease**

7.9 that this Lease shall be a complete carefree net lease to the Landlord as applicable to the Premises and the Landlord shall not be responsible during the Term for any cost, charges, expenses or outlays of any nature whatsoever in respect of the Premises or its contents except those mentioned in this Lease;

**Binding Effect**

7.10 that this Lease shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees;

**Amendment**

7.11 that the parties hereto may by agreement amend the terms of this Lease, such amendment to be evidenced in writing and executed by both parties;

**Law Applicable**

7.12 that this Lease shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia;

**Interpretation**

7.13 that when the singular or neuter are used in this Lease they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;

7.14 all provisions of this Lease are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;

7.15 that the headings to the clauses in this Lease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Lease or provision of it.

IN WITNESS the parties have signed and sealed this Lease on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

CITY OF PARKSVILLE by its authorized )  
signatories )  
)  
)  
\_\_\_\_\_)  
Mayor )  
)  
)  
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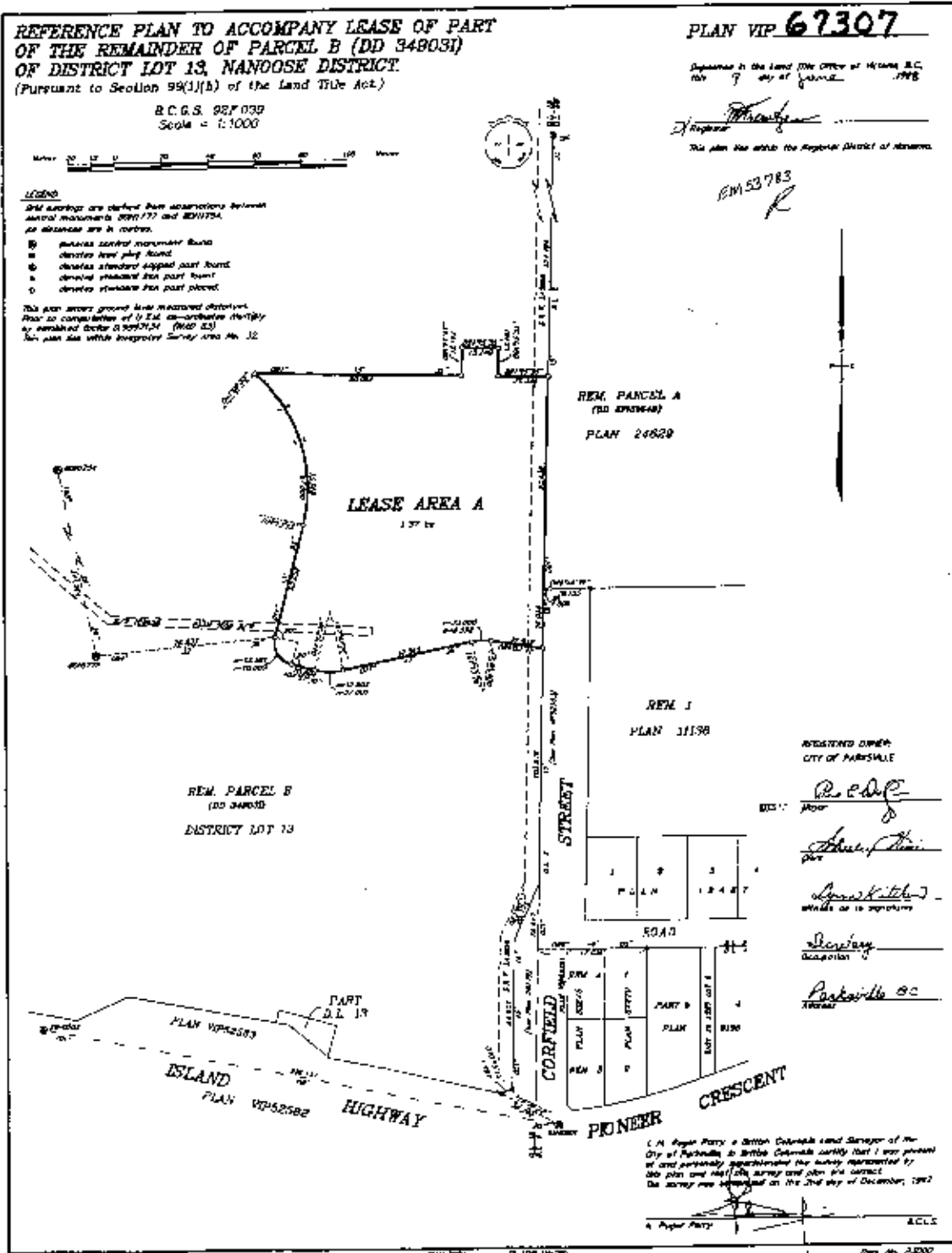
REGIONAL DISTRICT OF NANAIMO by its )  
authorized signatories )  
)  
)  
\_\_\_\_\_)  
Chief Administrative Officer )  
)  
)  
\_\_\_\_\_)  
General Manager, Corporate Services )

SCHEDULE "A"

PID:

That Part of the remainder of Parcel "B" (DD 34903-1), District Lot 13, Nanoose District as shown outlined on the reference plan annexed hereto as Schedule "B" and prepared by N. Roger Parry, B.C.L.S., dated the 2nd day of December, 1997 and marked "Lease Area A".

**SCHEDULE "B"**



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REGIONAL DISTRICT OF NANAIMO	
JUN - 2 2003	
CHAIR	GMCrS
CAO	GMDS
GMCMS	GMES
<i>Connelly</i>	

**MEMORANDUM**

**TO:** Neil Connelly  
General Manger of Community Services

**DATE:** May 28, 2003

**FROM:** Tom Osborne  
Manager of Recreation and Parks

**FILE:** 5330-20-TWIN

**SUBJECT:** Management Services Agreement for Oceanside Place

**PURPOSE**

To provide information and a recommendation on entering into a Management Services Agreement with RG Facilities (Parksville) Ltd. for the purpose of providing trade shows and commercial entertainment events at the Oceanside Place that is scheduled to be in operation in the Fall of 2003.

**BACKGROUND**

As part of the Partnering Agreement with RG Properties that was approved by way of referendum for the Oceanside Place in June 2002, under Section 8.0 the Regional District has the option into entering a Management Services Agreement with RG Facilities (Parksville) Ltd., a subsidiary company of RG Properties Ltd. Under the Management Services Agreement, RG Facilities (Parksville) Ltd. would get exclusive rights to promoting and providing commercial entertainment events and trade shows and, if agreed upon by the Regional District, the ability to offer Adult Hockey Services.

In recent months, RDN Recreation and Parks staff have been working with RG Properties on the preparation of the Management Services Agreement (Appendix 1) for consideration.

RG Properties Ltd. has extensive experience and the knowledge in the provision and promotion of commercial entertainment events and trade shows through the facilities, which they operate. These include the stadium complex *Sky Reach Place* in Kelowna, *Planet Ice* facilities in Coquitlam and Maple Ridge, and the *Great Pacific Forum* in Delta. They will soon be operating a second stadium facility upon the completion of the Victoria Arena, which is currently under construction. Of these facilities, *Sky Reach Place* and the Victoria Arena are their two facilities, which provide significant entertainment and trade show events. RG Properties Ltd. continues to express an interest in providing these type of services in the Oceanside area and feel they are in a good position to attract and promote commerial entertainment events.

In the past, the RDN Recreation and Parks Department has provided the opportunity for commercial event promoters to book the District 69 Arena for their events for a set commercial fee. Events commonly held at the Arena include circuses and home and garden shows.

The second component of the Agreement is the option for the RDN to allow RG Facilities (Parksville) Ltd. to offer Adult Hockey Services similar to those they presently operate at their ice arenas in the Lower Mainland. At present, the Oceanside market for adult hockey leagues is well served by non-profit leagues and this portion of the Agreement will not be pursued at this time.

Terms of the Agreement specify that RG Facilities (Parksville) Ltd. Ltd. has to meet specified performance standards, which include a minimum of five trade shows annually. The RDN is to receive

**PAGE**  
2/3

50% of the net profits of the events or a minimum of \$20,000 annually. RG Facilities (Parksville) Ltd. will be accountable for any net losses for events. They have the ability to recoup these losses for up to a year following which they were encumbered. Failure to meet the standards specified in the Agreement allows the RDN to provide notice to terminate the contract.

The term of the Contract would be for three years commencing September 1, 2003 and ending on August 31, 2006. The Contract allows for both parties to enter into discussion for a new Agreement upon expiration of the original term.

#### **ALTERNATIVES**

1. The Regional District of Nanaimo sign the Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial events and trade shows at Oceanside Place for a three-year term commencing on September 1, 2003 and ending on August 31, 2006.
2. The Regional District of Nanaimo not sign the Management Services Agreement and have the Department arrange for bookings of commercial entertainment events and trade shows at Oceanside Place.

#### **FINANCIAL IMPLICATIONS**

1. It is anticipated that the first event under the Management Services Agreement will not take place at Oceanside Place until 2004. The 2003 Annual Budget does not account for this Agreement being in place and therefore is not impacted by this Agreement. The five-year Operating Budget includes \$20,000 annually from anticipated revenues from the Agreement.
2. In 2001, commercial events at the District 69 Arena accounted for approximately \$3,500 in revenues and in 2002 just over \$5,000 was generated. The 2003 Annual Budget anticipates \$4,000 will be generated primarily through the Annual Home and Garden Show. Should the direct bookings of commercial entertainment events be allowed at the facility and not be promoted by RG Facilities (Parksville) Ltd., it is anticipated that between \$8,000 and \$10,000 could be raised in revenue.

#### **RESOURCE IMPLICATIONS**

1. RG Facilities (Parksville) Ltd. is in the business of marketing and promoting commercial entertainment events and trade shows. With the addition of RG Properties Ltd. Victoria Arena facility, RG Facilities (Parksville) Ltd. are in a good position to attract events to the Oceanside area that may not normally come to a smaller venue and market area.
2. At present, no additional Regional District staff resources have been allocated to promote, attract and implement significant entertainment and trade show events.

#### **CITIZEN IMPLICATIONS**

In the past, the promoter for the Annual Home and Garden Show has booked the District 69 Arena for this event, which is well attended both locally and regionally. Should the Agreement be implemented, promoters for these types of events would be required to work through RG Facilities (Parksville) Ltd. given they would have exclusive rights for commercial events at the Multiplex.

To ensure the Agreement is viable, the Regional District has included in the lease with the Parksville Curling Club Society that they not have the ability to book commercial entertainment or ticketed events.

the District 69 Arena to prevent event conflicts and price competition with Oceanside Place. The Agreement with RG Facilities (Parksville) Ltd. provides for the provision of entertainment events such as concerts, sports contests, performances, circuses, displays, exhibits, conventions, trade shows, meetings, and social gatherings, the admission to which requires purchase of a ticket or payment of an admission fee but does not include any community use activities.

Community activities that could be booked directly with the Regional District and the Parksville Curling Club would include activities and events such as public skating, organized minor sports under the control of local non-profit organizations, rental of time to community groups for non-profit community activities, non-profit community special events, recreational programs or activities operated by and under the authority of the RDN Recreation and Parks Department. The RDN would also maintain the right to book junior hockey.

### SUMMARY/CONCLUSION

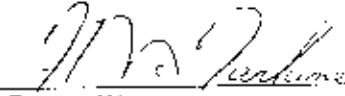
As part of the Partnering Agreement with RG Properties Ltd. that was approved in June 2002 as part of the referendum for Oceanside Place, the Regional District has the option into entering into a Management Services Agreement with RG Facilities (Parksville) Ltd., a subsidiary company of RG Properties.

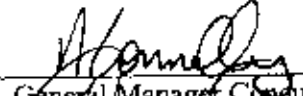
RG Properties Ltd. has extensive experience and knowledge of provision and promotion of commercial entertainment events and trade shows through the facilities they operate, among which include the stadium complex *Sky Reach Place* in Kelowna. They will soon be operating a second stadium facility upon completion of the Victoria Arena, which is currently under construction.

The terms of the three-year Agreement specify that RG Facilities (Parksville) Ltd. has to meet specified performance standards, which include a minimum of five trade shows annually. The Regional District of Nanaimo is to receive 50% of event net profits to a minimum of \$20,000 annually. Event net losses will be to the account of RG Facilities (Parksville) Ltd.. Upon failure to meet the standards specified in the Agreement, the Regional District can provide notice to terminate the Contract.

### RECOMMENDATION

That the Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial events and trade shows at Oceanside Place for a three-year term commencing on September 1, 2003 and ending on August 31, 2006, be approved.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence

Comments:

**MANAGEMENT SERVICES AGREEMENT**

THIS AGREEMENT made the \_\_\_\_ day of \_\_\_\_\_, 2003.

BETWEEN

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

(the "Regional District")

OF THE FIRST PART

AND:

**RG FACILITIES (PARKSVILLE) LTD.**

2088-1177 West Hastings Street  
Vancouver, B.C. V6G 2K3

("RG Facilities")

OF THE SECOND PART

**WHEREAS:**

- A. The Regional District is the owner the RDN Multiplex (as defined herein);
- B. Under the terms of a Partnering Agreement dated May 21, 2002, between the Regional District, RG Properties Ltd. and Parksville Properties Corp., it was contemplated that the Regional District may enter into an agreement with RG Facilities for the provision of certain management services related to the RDN Multiplex;
- C. The Regional District and RG Facilities now wish to enter into an agreement for the provision of certain management services related to the RDN Multiplex.

**NOW THEREFORE** in consideration of good and valuable consideration, the receipt and sufficiency of which the parties both acknowledge, and in consideration of the exchange of the promises, covenants and agreements set out in this Agreement, the parties agree as follows:



## 1.0 DEFINITIONS AND INTERPRETATION

### 1.1 In this Agreement,

**"Allowable Expenses"** means costs that are in common with all venues including but not limited to artist fees, royalties, insurance costs, advertising and promotional costs, equipment, material and labour costs, ticket printing and sales and distribution costs, set up and take down costs (including costs of any RDN employee providing services to RG Facilities the cost of which is to be borne by RG Facilities), security costs, cleaning, utilities, power, waste and insurance costs incurred by RG Facilities in connection with the presentation of Commercial Entertainment Events at the RDN Multiplex, and, where RG Facilities presents a Commercial Entertainment Event at the RDN Multiplex and one or more other venues, includes a reasonable and fair proportion of other costs including travel costs of performers and crew that are in common with all venues. In addition, RG Facilities may claim as an allowable expense its reasonable travel, meals, hotels and/or per diems and a mutually agreeable management expense, provided that such management expense must be agreed to by the parties in advance of the booking of each event.

**"Business Day"** means a day excluding Saturday, Sundays and statutory holidays.

**"Commercial Entertainment Events"** means concerts, sports contests, performances, trade shows and displays, exhibits, conventions, circuses and other similar entertainment activities of a commercial nature, the admission to which requires purchase of a ticket or payment of an admission fee.

**"Community Use Activity"** means community, leisure and recreational programs and activities operated by or with the approval of the Regional District,

**"Force Majeure"** means any act reasonably beyond the control of the party seeking to invoke the benefit of Force Majeure under this Agreement, including but without restricting the generality of thereof, severe weather conditions, lightning, earthquakes, fires, floods and storms, strikes, lockouts and industrial disturbances, any acts, rules, regulations, orders or directives of any government or agency thereof (other than the Regional District if the Regional District is the party seeking the benefit of Force Majeure), civil disturbances, explosions, transportation embargoes, or failure or delays in transportation, breakdown or mechanical or operational failure of any technical facilities, excessive electrical power fluctuation, excessive water pressure fluctuations, the order of any court, or any other causes either herein enumerated or otherwise not reasonably within the control of such party; provided that financial incapacity, insolvency and general economic conditions shall not in any event constitute or be deemed to constitute an event of Force Majeure.

**"Event Season"** means the period from September 1 until August 31 of the following year.

**"Gross Revenue"** means all money or other consideration received by RG Facilities in respect of Commercial Entertainment Events presented at the RDN Multiplex, including without limitation, revenue or financial contributions from event sponsors, event advertising revenues, revenue from ticket sales, revenue from sales of food, beverages or other merchandise, and rental charges or admission fees.

**"Net Revenue"** means Gross Revenue less Allowable Expenses.

**"Portable Floor"** means the homosote portable ice cover system at the RDN Multiplex.

**"RDN Land"** means Lot 1, District Lot 74, Nanoose District, Plan VIP74693.

**"RDN Multiplex"** means the arena facility that is to be constructed upon the RDN Land.

**"Ticket Manifest"** means a summary statement of all tickets sold for an Entertainment Event and that indicates the price paid for each ticket sold.

## 2.0 TRADE SHOW AND CONCERT SERVICES

2.1 Subject to the terms of this Agreement, during the Term, RG Facilities will have the exclusive right at the RDN Multiplex for the presentation, promotion and use of the RDN Multiplex for Commercial Entertainment Events including:

- (a) the marketing and promotion of the RDN Multiplex to the promoters and organizers of Commercial Entertainment Events, as a suitable venue for such events;
- (b) the booking of Commercial Entertainment Events at the RDN Multiplex; and
- (c) event management for Commercial Entertainment Events booked at the RDN Multiplex under this Agreement.

2.2 RG Facilities will use all reasonable commercial efforts to market and promote the use of the RDN Multiplex as a venue for Commercial Entertainment Events.

2.3 Subject to the terms of this Agreement, the Regional District will supply the use of the RDN Multiplex to RG Facilities for the presentation of Commercial Entertainment Events without fee, cost or charge except as expressly provided in this Agreement.

## 3.0 BOOKING OF COMMERCIAL ENTERTAINMENT EVENTS

- 3.1 Subject to the restrictions stated herein, RG Facilities may use the RDN Multiplex for up to eight (8) Commercial Entertainment Events per Event Season.
- 3.2 Prior to June 1st of each year, RG Facilities will provide the Regional District with an advance schedule (the "**Advance Schedule**") of the Commercial Entertainment Events that RG Facilities wishes to present at the RDN Multiplex during the next Event Season, including the proposed date and a description of each proposed Commercial Entertainment Event. In the case of the first year of this Agreement, RG Facilities will provide the Advance Schedule for the first Event Season within one (1) month after the commencement of this Agreement.
- 3.3 Within seven (7) Business Days of receiving the Advance Schedule, the Regional District will confirm in writing whether the RDN Multiplex will be made available for any or all of the proposed Commercial Entertainment Events. The Regional District may refuse to confirm the booking of any of the proposed Commercial Entertainment Events where:
  - (a) the proposed Commercial Entertainment Event conflicts with a previously scheduled Community Use Activity; or
  - (b) the proposed Commercial Entertainment Event is not of a quality that the Regional District considers is suitable for a Regional District facility.
- 3.4 If by the written confirmation from the Regional District pursuant to section 3.3, fewer than eight (8) Commercial Entertainment Events have been confirmed for an Event Season, RG Facilities may upon the provision of two (2) months' notice or upon shorter notice at the discretion of the RDN, request the booking of additional Commercial Entertainment Events during an Event Season, and subject to the limitations stated in section 3.3 the Regional District will within two (2) Business Days advise RG Facilities in writing whether or not the requested booking is approved. Nothing in this section shall entitle RG Facilities to book more than eight (8) Commercial Entertainment Events during any calendar year.
- 3.5 Where RG Facilities has booked eight (8) Commercial Entertainment Events from an Event Season year, RG Facilities may request that additional Commercial Entertainment Events be booked at the RDN Multiplex provided that:
  - (a) two months' notice of the proposed booking is provided to the Regional District;
  - (b) the Regional District may in its sole discretion determine whether to permit the additional booking;
  - (c) all other provisions of this Agreement shall apply to the proposed booking if approved by the Regional District.

3.6 When requesting the use of the RDN Multiplex for a Commercial Entertainment Event under this Part, RG Facilities must specify the time required for event set up and take down.

3.7 Despite the requirement for two (2) months' notice stated in sections 3.4 and 3.5, RG Facilities may request the booking of a Commercial Entertainment Event at any time, but if less than two (2) months' notice of the proposed booking is given, the Regional District may, in its sole discretion, refuse the booking and shall be under no obligation to seek to accommodate the booking by adjusting the RDN Multiplex schedule.

#### **4.0 EVENT PROMOTION**

4.1 RG Facilities will provide all necessary services for the promotion of Commercial Entertainment Events that are to be presented at the RDN Multiplex, including, without limitation:

- (a) media releases;
- (b) newspaper, television and radio advertising;
- (c) posters and handbills;
- (d) a web page that advertises and promotes Commercial Entertainment Events at the RDN Multiplex.

4.2 RG Facilities may provide the services described in section 4.1 through the use of its agents or contractors from time to time.

4.3 RG Facilities will provide as required a business office at the Wembley Mall, at which customer inquiries concerning Commercial Entertainment Events may be answered.

4.4 The Regional District will provide a web link from its web site to the RG Facilities web page that is to be maintained pursuant to section 4.1 of this Agreement.

4.5 The Regional District will provide reasonable promotional space for Commercial Entertainment Events that are booked at the RDN Multiplex in the "Active Living Guide" published by the Regional District from time to time.

#### **5.0 ADVANCE TICKET SALES**

5.1 RG Facilities will provide as necessary a ticket office at Wembley Mall, and will provide all services as necessary for the printing, distribution and advance ticket sales for Commercial Entertainment Events booked at the RDN Multiplex.

#### **6.0 SET UP AND TAKE DOWN**

- 6.1 The Regional District will provide RG Facilities with access to the RDN Multiplex at the times required in accordance with the Advance Schedule and other bookings approved by the Regional District under Part 4.0 of this Agreement. The Regional District will ensure that the RDN Multiplex is clean before the start of event set up, and that the ice surface is ready for use, if required.
- 6.2 The Regional District will supply one Regional District Arena Facility Operator who will be in attendance during set up and take down activities. The Regional District will charge RG Facilities for the Arena Facility Operator's services at the applicable hourly labour rates under the Operator's Collective Agreement, plus a reasonable allowance for benefits and overhead, provided that RG Facilities may request that the RDN provide additional staff to assist with event set up and take down in which case RG Facilities will reimburse the Regional District in the same manner as for the Facility Operator. RG Facilities will provide all other staff necessary for event set up and take down.
- 6.3 RG Facilities will have access to the use of the Portable Floor during Commercial Entertainment Events.
- 6.4 RG Facilities will be responsible to apply for and obtain electrical permits for event power connections. All electrical hookups will be performed by a certified electrician to be supplied by RG Facilities.
- 6.5 RG Facilities will provide all other equipment and supplies necessary for the purpose of the set up, presentation and take down of each Commercial Entertainment Event.
- 6.6 With respect to each Commercial Entertainment Event, RG Facilities will use the same standard of care adhered to in other facilities owned or operated by RG Properties Ltd., or its related companies, so as to ensure that:
- (a) all equipment and supplies (other than equipment that is the property of the Regional District) are removed from the RDN Multiplex;
  - (b) the Portable Flooring is cleaned, removed from the ice surface and returned to its proper storage area; and
  - (c) the RDN Multiplex is cleaned and returned to the Regional District in the same condition as at the commencement of event set up time, with the exception of normal wear and tear;

within the time allowed for event take down under the Advance Schedule or other bookings as approved by the Regional District under Part 4.0 of this Agreement.

## **7.0 EVENT CANCELLATION**

- 7.1 RG Facilities will be responsible for the release of appropriate media releases, advertisements and notices in the event of the cancellation of any Commercial Entertainment Event.
- 7.2 In the event of cancellation of a Commercial Entertainment Event, RG Facilities will ensure that all requests for ticket refunds are processed within a reasonable time.

## **8.0 EVENT REQUIREMENTS**

- 8.1 RG Facilities will provide all necessary security personnel for Commercial Entertainment Events at the RDN Multiplex. Security services will be provided by competent and professional personnel, and the level of security provided will be commensurate with the nature of each Commercial Entertainment Event, all to a standard that is generally accepted in the industry.
- 8.2 RG Facilities will provide all other staff and personnel necessary for the safe and effective presentation of each Commercial Entertainment Event.
- 8.3 During each Commercial Entertainment Event, the Regional District's concession contractor will have the exclusive right to sell food and beverage items that are customary to the concession operator's business at the RDN Multiplex.
- 8.4 RG Facilities may offer for sale to the public during Commercial Entertainment Events, food and beverage items that are not customary to the business of the Regional District's concession operator, as well as other items of merchandise, provided the Regional District consents to the sale of these additional food and beverage items and merchandise items, such consent not to be unreasonably withheld.
- 8.5 If RG Facilities fails to fulfill its obligations under this Agreement to clean or maintain the RDN Multiplex, the Regional District may provide RG Facilities with notice and, subject to the dispute resolution provisions of this Agreement, RG Facilities must thereafter either fulfill its obligation at its sole cost within a reasonable time, or request that the Regional District undertake the required cleaning or maintenance, in which case, RG Facilities will reimburse the Regional District for any costs incurred in cleaning or maintaining the RDN Multiplex, where such costs are the result of the failure or RG Facilities to fulfill its obligations under this Agreement. Any such costs incurred will be treated as a show cost.
- 8.6 At the commencement of the term, RG Facilities will provide the Regional District with a damage deposit in the amount of FIVE THOUSAND (\$5,000.00) DOLLARS. In the event that the Regional District incurs additional maintenance or cleaning costs under section 8.5, or in the event of damage to the RDN

Multiplex as described in section 8.7, the Regional District may, at its option, apply the damage deposit towards the additional maintenance or cleaning costs incurred under section 8.5, or towards the costs of repairing damage to the RDN Multiplex under section 8.7. At the commencement of each subsequent year of the term, RG Facilities will provide the Regional District with a damage deposit for the year commencing, equivalent to the amount of \$5,000.00 less any amount unused by the Regional District from the previous year's damage deposit, which unused amount will be held by the Regional District as part of the damage deposit for the year commencing.

- 8.7 In the event that the RDN Multiplex, or any part thereof, including without limitation, the Portable Floor and ice surface, is damaged during a Commercial Entertainment Event, reasonable wear and tear excepted, then subject to the dispute resolution provisions of this Agreement, RG Facilities will, upon notice from the Regional District, either repair the damage within a reasonable period of time or request that the Regional District undertake the required repairs, in which case, RG Facilities will reimburse the Regional District for any costs incurred in repairing such damage. Any such costs, with the exception of excessive damage to the Portable Floor due to negligence during set-up and takedown only, incurred will be treated as a show cost.
- 8.8 RG Facilities will reimburse the Regional District for a reasonable proportion of the electrical, utility and solid waste disposal costs incurred by the Regional District in relation to each Commercial Entertainment Event, provided that such reasonable proportion must be fairly attributable to the operations of RG Facilities or its contractors, agents or facility users, and not to any operation or activity that is exclusively under the control of the Regional District.
- 8.9 RG Facilities will be responsible to ensure that every Commercial Entertainment Event is in accordance with all applicable laws respecting health and safety. Without limiting the foregoing, RG Facilities will ensure that the occupant load of the RDN Multiplex does not exceed that permitted under the British Columbia Building Code.
- 8.10 RG Facilities will be responsible to collect, remit and pay any and all applicable taxes, including Goods and Services Tax payable under the *Excise Tax Act* (Canada), and the Social Service Tax payable under the *Social Service Tax Act* (British Columbia) whether in relation to the services provided under this Agreement or Commercial Entertainment Events held at the RDN Multiplex. RG Facilities will be responsible for all royalty payments and performance rights charges, including to the Society of Composers, Authors and Music Publishers of Canada, respecting each Commercial Entertainment Event held at the RDN Multiplex.
- 9.0 **REVENUE SHARING**

- 9.1 During each year of the Term, RG Facilities will remit to the Regional District one-half (1/2) of all Net Revenue earned in respect of all Commercial Entertainment Events presented at the RDN Multiplex during that year.
- 9.2 RG Facilities will remit the Regional District's share of Commercial Entertainment Event revenue earned, on a quarterly basis, within thirty (30) days of each period ending March 31, June 30, September 30 and December 31, together with a statement that is in accordance with generally accepted accounting principles and that includes:
- (a) a list of the Commercial Entertainment Events held during that quarter, and
  - (b) a summary of Gross Revenue, Allowable Expenses and Net Revenue for each Commercial Entertainment Activity.
- 9.3 Any net losses for a Commercial Entertainment Event will be for the account of RG Facilities, provided that RG Facilities may deduct the amount of any net losses from a Commercial Entertainment Event against the Net Revenue earned for other Commercial Entertainment Events held at the RDN Multiplex within one (1) year of the date the loss was incurred.
- 9.4 During the Term of this Agreement, RG Facilities shall keep and maintain accurate financial and accounting records, in a form that is in accordance with generally accepted accounting principles, of all expenses incurred and revenue collected in respect of Commercial Entertainment Events held at the RDN Multiplex.
- 9.5 The books, accounts, financial records and other records of RG Facilities with respect to the matters referred to in section 9.4, including the Ticket Manifest of RG Facilities for all Commercial Entertainment Events, shall be open for audit and inspection by the Regional District and its auditors upon 24 hours' notice to RG Facilities during regular business hours, and the Regional District may take copies and extracts therefrom.

## 10.0 PERFORMANCE STANDARDS

- 10.1 On a best efforts basis, RG Facilities will market and promote the use of the RDN Multiplex during the Term such that the following performance criteria will be met commencing January, 2004:
- (a) a minimum of five (5) Commercial Entertainment Events will be presented at the RDN Multiplex during each year of the Term; and
  - (b) the Regional District's share of revenue as calculated under Article 9.0 shall not be less than TWENTY THOUSAND (\$20,000.00) DOLLARS for each year of the Term.



If these performance criteria are not met for any one (1) complete calendar year after the first anniversary of the Term, the Regional District may, at its option, terminate this Agreement.

## 11.0 ADULT HOCKEY

During any year of the Term, at the request of the Regional District, RG Facilities will undertake to prepare a proposal for the organization, branding and marketing of an adult hockey league as a "Planet Ice" league (the "**Adult Hockey Services**"). The Adult Hockey Services proposal will include the following:

- (a) all participating teams may participate in Planet Ice sponsored tournaments and other related events;
- (b) the RDN Multiplex will be included as a destination for the final championship tournament held each year;
- (c) RG Facilities will promote the use of the RDN Multiplex among regular tournament organizers who utilize RG Properties Ltd.'s other Planet Ice facilities;
- (d) individual players within the adult hockey league will have access to Planet Ice league accident insurance coverage;
- (e) Adult Hockey Services will be provided to the Regional District at its sole option;
- (f) RG Facilities will book ice time required in connection with RG Facilities' Adult Hockey Services through the Regional District facility booking office, and will pay the Regional District for that ice time at the adult commercial rates that the Regional District may from time to time establish.

## 12.0 EARLY TERMINATION

### 12.1 Bankruptcy or Insolvency of RG Facilities

If:

- (a) the interest of RG Facilities in this Agreement is at any time seized or taken in execution or attachment by any creditor of any member of RG Facilities;
- (b) there is filed by or against RG Facilities in any Court a petition in bankruptcy or insolvency or for reorganization of RG Facilities or for appointment of a liquidator of the property of RG Facilities, or RG Facilities otherwise becomes bankrupt or insolvent;

- (c) RG Facilities makes an assignment or petitions for or enters into an arrangement for the benefit of creditors;
- (d) RG Facilities becomes a party to proceedings under which it seeks protection from its creditors, whether under the *Companies Creditors Arrangement Act* or any similar law of Canada or any Province of Canada;
- (e) being an incorporated company, proceedings are begun to wind up or dissolve RG Facilities,

and such occurrence is not remedied within a period of 60 days after the Regional District gives RG Facilities notice of same, this Agreement shall, at the option of the Regional District, be terminated.

## 12.2 Failure to Perform

- (a) If RG Facilities fails to perform its obligations under this Agreement and to remedy the failure within thirty (30) days of notice to do so given by the Regional District, Force Majeure excepted, the Regional District shall be entitled to terminate this Agreement.
- (b) If during any year of this Agreement, RG Facilities does not perform its obligations in accordance with the standards set out in Part 10.0 of this Agreement, the Regional District may terminate this Agreement on thirty (30) days' notice to RG Facilities;
- (c) If the Regional District fails to perform any of its obligations under this Agreement and to remedy the failure within thirty (30) days of notice to do so given by RG Facilities, Force Majeure, RG Facilities shall be entitled to terminate this Agreement.

## 13.0 DISPUTE RESOLUTION

13.1 The parties will each appoint a person as that party's representative for the purpose of coordinating all matters and obligations of the parties as required by this Agreement. Each party will advise the other parties in writing of the name, telephone number and fax number of its representative and each party may change its representative from time to time by notice in writing to the other party.

13.2 If any dispute arises between the parties with respect to this Agreement, then, within seven (7) days of written notice from one party to the others, or such time as agreed to by all parties, the representatives of the parties will participate in good faith discussions in order to resolve and settle the dispute. In the event that such representatives are unable to resolve the dispute within fourteen (14) days of the first written notice, or such other time period agreed to by both parties, each party will appoint a senior representative that has not been previously involved in the manner in dispute, to attempt to resolve the dispute. If the senior

representatives of the parties are unable to resolve the dispute within fourteen (14) days of their appointment, they will agree upon the selection of a qualified independent mediation practitioner versed in the resolution of commercial disputes in order to assist the parties in the resolution of the disputes, and who will attempt to so assist the parties for a period of thirty (30) days from the date of his or her appointment. Each party will bear their own costs of the formal mediation process.

13.3 If the matter is not settled through the process and within the time frame provided under section 13.2, or if the parties are unable to agree upon the selection of a mediator under section 13.2, then unless the parties mutually agree to extend the time frame for dispute resolution provided under section 13.2, the matter will be referred to a single arbitrator, pursuant to the *Commercial Arbitration Act* of British Columbia. The single arbitrator will be selected by agreement of the parties or failing agreement of the parties a person shall be selected as follows:

(a) within fourteen (14) days of written notice from one party to the others of the intention to arbitrate, each party shall appoint an arms-length representative ("**Appointment Agents**") who will, pursuant to this Agreement be given the authority to meet and agree upon the selection and appointment of a single arbitrator.

(b) If within the fourteen (14) days, any party fails or refuses to appoint its Appointment Agent, or if the Appointment Agents fail to appoint a single arbitrator within ten (10) days thereafter, then a single arbitrator will be appointed pursuant to the provisions of the *Commercial Arbitration Act* of British Columbia.

13.4 A single arbitrator will be an experienced professional versed in the matters in dispute. The costs of the arbitration will be awarded by the arbitrator in accordance with the provisions of the *Commercial Arbitration Act*.

#### 14.0 OTHER TERMS AND CONDITIONS

14.1 This Agreement shall be for a term of three (3) years commencing on the 1st day of September, 2003 and ending on the 31st day of August, 2006 (the "**Term**").

14.2 Despite section 14.1, RG Facilities may not present any Commercial Entertainment Events at the RDN Multiplex until an occupancy permit has been issued by the Building Inspector for the City of Parksville.

14.3 Prior to the end of the Term, the parties agree that they will in good faith enter into discussions concerning the possibility of entering into a new agreement for an additional Term, on such terms and conditions as the parties may then determine to be mutually agreeable, provided always that nothing in this provision shall be interpreted as imposing any obligation or liability upon the Regional District or RG Facilities beyond the end of the Term.

- 14.4 During the Term, RG Facilities will obtain and maintain in force commercial general liability insurance, including for personal injury, bodily injury and death resulting therefrom, and property damage, in the amount of not less than \$2,000,000.00 per occurrence in respect of Commercial Entertainment Events presented at the RDN Multiplex, and will include the Regional District as an additional insured on such policy of insurance. As requested by the Regional District from time to time, RG Facilities shall provide the Regional District with a copy of all policies of insurance required under this Agreement, or if requested by the Regional District, a certificate of insurance signed by an authorized representative of the insurer as evidence of such coverage, accompanied by evidence satisfactory to the Regional District that the premiums in respect of that policy or policies have been paid.
- 14.5 During the Term, the Regional District will obtain and maintain in force liability insurance in respect of personal injury, bodily injury and death resulting therefrom, and property damage in the amount of not less than \$2,000,000.00 per occurrence in respect of the Regional District's operation of the RDN Multiplex. It is understood and agreed that the policy required to be maintained by RG Facilities pursuant to section 14.4 shall be primary in relation to any personal injury, bodily injury and death resulting therefrom and property damage occurring during or as a result of Commercial Entertainment Events at the RDN Multiplex.
- 14.6 RG Facilities shall indemnify and save harmless the Regional District, its servants, agents, successors and assigns from any and all manner of actions, causes of action, suits, damages, loss, costs, claims and demands of any kind which arise out of and to the extent of:
- (a) the negligence or wrongful acts or omissions of RG Facilities or its directors, officers, employees, agents, contractors, licensees and invitees; or
  - (b) any breach, violation or non-performance of any covenant, condition or agreement in this Management Services Agreement that is required to be fulfilled, kept, observed and performed by RG Facilities.
- 14.7 The Regional District shall indemnify and save harmless the RG Facilities, its servants, agents, successors and assigns from any and all manner of actions, causes of action, suits, damages, loss, costs, claims and demands of any kind which arise out of and to the extent of:
- (a) the negligence or wrongful acts or omissions of the Regional District or officers, employees, agents, contractors, licensees and invitees; or
  - (b) any breach, violation or non-performance of any covenant, condition or agreement in this Management Services Agreement that is required to be fulfilled, kept, observed and performed by the Regional District.

14.8 Nothing in this Agreement shall be construed as affecting the right of the Regional District to establish user and admission fees in respect of Regional District programs operated within the RDN Multiplex.

14.9 Nothing in this Agreement shall be construed as limiting the right of the Regional District to use the RDN Multiplex for Community Use Activities, or to make the RDN Multiplex available to community, charitable or non-profit groups, for the purpose of entertainment activities held for charitable or non-commercial fundraising purposes, and in respect of such events, the Regional District or its licensed community, charitable or non-profit groups may charge admission or sell tickets without any fee, compensation or revenue share to RG Facilities.

**15.0 CONFIDENTIALITY AND FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

15.1 The Regional District is a public body under the terms of, and is subject to, the provisions of the *Freedom of Information and Protection of Privacy Act*. The parties agree that the information RG Facilities is obliged to provide the Regional District with access to under Part 9.0 of this Agreement is commercial and financial information of RG Facilities that will be supplied to the Regional District on a confidential basis, and that the disclosure of that information by the Regional District to third parties would harm significantly the competitive position of, and would result in undue financial loss or gain to, RG Facilities.

15.2 Subject to any order made under the *Freedom of Information and Protection of Privacy Act* obliging the Regional District to disclose information, the content of any information contained in all books, accounts, financial records and other records of RG Facilities that are audited and/or inspected by the Regional District or the Regional District's auditors pursuant to Part 9.0, and information provided by RG Facilities to the Regional District pursuant to Part 9.0, shall be and remain confidential and shall not be released and disclosed to any third party whatsoever, without the prior written consent of RG Facilities.

**16.0 MISCELLANEOUS**

16.1 Time shall be of the essence of this Agreement and the transactions contemplated in this Agreement notwithstanding the extension of any of the dates under this Agreement.

16.2 Any notice required or permitted to be given under this Agreement shall be sufficiently given if delivered personally or if sent by prepaid registered mail as follows:

(a) to the Regional District at:

6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

(b) to RG Facilities at:

2088 - 1177 West Hastings Street  
Vancouver, B.C. V6E 2K3  
Attention: Mr. Graham Lee

provided that any party shall be entitled to designate another address by giving notice of it to the other party in accordance with the terms of this Agreement. Any notice so mailed shall be deemed to have been received, except during a period of interruption of normal postal service, on the fourth Business Day following the date of mailing in the Regional District.

- 16.3 Each of the parties shall, at the expense of the other party, execute and deliver all such further documents and do such further acts and things as the other party may reasonably request from time to time to give full effect to this Agreement.
- 16.4 The Regional District may not assign its rights under this Agreement except with the prior written consent of RG Facilities, such consent not to be unreasonably withheld. RG Facilities may not assign its rights under this Agreement without the consent of the Regional District, such consent not to be unreasonably withheld, it being understood and acknowledged that the Regional District must have complete confidence in the ability of RG Facilities to perform RG Facilities' obligations under this Agreement.
- 16.5 Wherever this Agreement provides for a certification of a responsible officer of a party, that certificate shall state that the officer has made reasonable, and prudent inquiries to determine the accuracy of the matter certified and that certificate shall be deemed to constitute a representation and warranty or a covenant as the case may be, by the party whose officer signed the certificate.
- 16.6 This Agreement shall enure to the benefit of and be binding upon the parties, their respective heirs, executors, administrators, and other legal representatives and, to the extent permitted in this Agreement, their respective successors and assigns.
- 16.7 Words importing the singular number include the plural and vice versa, and words importing the masculine gender include the feminine and neuter genders.
- 16.8 The headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement.
- 16.9 This Agreement constitutes the entire agreement between the parties with respect to the subject matter of the Agreement and contains all of the representations, warranties, covenants and agreements of the respective parties, and may not be amended or modified except by an instrument in writing

executed by all parties. Except as provided herein, this Agreement supersedes all other prior agreements, memoranda, and negotiations between the parties.

**IN WITNESS WHEREOF** the parties hereto have executed and deliver this Agreement.

**REGIONAL DISTRICT OF NANAIMO** by its )  
authorized signatories )

\_\_\_\_\_)  
Chief Administrative Officer )

\_\_\_\_\_)  
General Manager, Corporate Services )

**RG FACILITIES LTD.** by its authorized )  
signatory: )

\_\_\_\_\_)  
Graham Lee )

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**TO:** Tom Osborne  
Manager of Recreation and Parks

**DATE:** June 6, 2003

**FROM:** Cathy MacKenzie  
Community Development Programmer

**FILE:** 7710-01

**SUBJECT:** BC Seniors Games Bid 2005/2006

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**PURPOSE**

To provide information regarding the BC Seniors Games Bid Application for 2005 or 2006 for consideration by the District 69 Recreation Commission and the Regional Board.

**BACKGROUND**

At the meeting of the District 69 Recreation Commission on May 8, 2003, John Gayton, Zone Director for the BC Seniors Games Society, provided the Commission an overview of the BC Seniors Games outlining requirements, expectations, benefits and community interest to submit a Bid Application to host the Games in 2005 or 2006. The BC Seniors Games is an annual four-day event encompassing a variety of sports for older adults. A Host Society is formed to coordinate the Games at a local level in conjunction with the BC Games and the BC Seniors Games Societies. The Games are traditionally held from Wednesday to Saturday near the end of August or the first week of September. Bid applicants can bid for one of the two years (2005/2006) or both. The Bid Committee will consider the year for the Games when completing the Bid Application. For further details refer to the attached BC Seniors Games Society 2005 and 2006 Bid package. This information was also presented to the City of Parkville, the Town of Qualicum Beach and District 69 School Board of.

The Commission resolved that a BC Senior Games 2005/2006 Committee be struck, to include representation from the City of Parkville, the Town of Qualicum Beach and the Regional District of Nanaimo, to review budget requirements and prepare an inventory of sites required to host the Zone 2 BC Senior Games in 2005 or 2006.

Members of the Committee, comprised of Cathy MacKenzie (Staff - RDN Recreation and Parks); Barry Johnson (Councillor - City of Parkville); Brian Hackwood, (Staff - City of Parkville); Twyla Johnson and George Mitchell (Town of Qualicum Beach Staff), met to discuss various issues with respect to the Bid Application. Although the Games would be a large undertaking requiring the combined efforts and support of local governments, the school district, the community, sports groups and volunteers, the Committee concluded that, based on the resources available in District 69, it would be feasible to host the Games; thereby, initiating support for the Bid Application.



Prior to the Bid Application deadline of July 16, 2003, the Application must indicate formal resolutions representing local government support including minimum financial contributions, in-kind services and facilities that would be provided. To date, the School District passed a motion at the May 27 Regular Board Meeting giving support in principle for hosting the Seniors' Games in 2005 or 2006; the staff of the Town of Qualicum Beach have prepared a report to be presented to Council on June 9<sup>th</sup>, recommending that Council support the Bid Application through a financial contribution of \$10,000-\$15,000 as well as appointing staff and a Councillor to a BC Seniors Game Bid Package Committee subject to an equivalent motion by the City of Parksville and the Regional District; and the City of Parksville has prepared a report to be presented to Council on June 16<sup>th</sup>, recommending that Council support the Bid Application.

Once the commitment from local government has been formalized, coordination with other potential support organizations needs to be established to ensure the Bid Application is complete and comprehensive. Clive Jones of the Qualicum Beach Recreation Commission has expressed interest to coordinate the Bid Application process and will be assisted with the project through a joint BC Seniors Games Bid Package Committee consisting of representation from the City of Parksville, the Town of Qualicum Beach and the Regional District. Representatives have already been appointed to the initial Committee to carry on with the process, although each of the organizations may wish to appoint other representatives as deemed necessary.

As the Regional District of Nanaimo is one of the key local government organizations necessary to support the Bid Application, a formal resolution of support needs to be considered.

#### **ALTERNATIVES**

1. Support the BC Seniors Games bid for 2005 or 2006 including financial support and in-kind services.
2. Do not provide support of the BC Seniors Games bid for 2005 or 2006.

#### **FINANCIAL IMPLICATIONS**

##### ***General Costs***

Recent budgets for the BC Seniors Games have ranged between \$230,000-\$240,000. Most of the costs are funded through support from the BC Seniors Game Society, registration fees, local fundraising initiatives and corporate partners through the BC Games Society. The Host Society will be responsible for securing these funds and monitoring the budget. Local government contributions are approximately 12-14% of the total cost of the Games.

##### ***Intergovernmental***

As part of the Bid Application, a minimum commitment of \$30,000 financial support would need to be committed from local municipal government along with in-kind services and staff support to assist the Host Society in its management of the Games. In District 69 this financial support could be shared through the municipalities of Parksville and Qualicum Beach, and the Regional District of Nanaimo, each contributing a minimum of \$10,000. The Regional District funding would need to be allocated through the District 69 Recreation Coordinating Function during the budget process for 2005 or 2006.

##### ***Facility Costs***

The cost of providing facilities for the Games would be borne by each of the host organizations involved. During the Games regular activities would need to be cancelled or postponed; therefore, revenues at these facilities would be affected. For example, the Ravensong Aquatic Centre would be closed to admissions

over a period of two days resulting in approximately \$1,000 loss of revenue. Additional revenue loss is expected due to either fewer summer lesson sets available or decrease of facility rental from swim clubs, depending on the dates selected for the Games.

A similar situation would occur at Occanside Place as it may be used to house Men's Hockey as an optional sport. The loss of revenue would also be approximately \$1,000 for the period of the hockey tournament. Loss of revenue would be less in September than in August as the daytime demand for ice is greater in the summer months. A commitment from all facility hosts would need to be provided prior to the completion of the Bid Application with all parties understanding the cost/benefit of the Games.

#### ***Staff Support***

As part of the in-kind services, RDN Recreation and Parks staff and staff from the municipalities of Parksville and Qualicum Beach would need to be available to assist the Host Society in various capacities. The Committee discussed a recommendation to increase the local government financial support to \$15,000 each. The additional \$5,000 could be budgeted by each of the three organizations to be used for additional staff support during the final phase of the Games preparation and during the Games. The Society would be responsible for hiring its own Coordinator to manage the Games. Regular staff resources from local government would act in a resource capacity and assist the Society in its role to host the Games.

The expectation of the School Board's commitment to the Games would result in in-kind services of facility access, transportation and some staff resource assistance as well. Financial implications would need to be considered by the School District prior to completion of the Bid.

#### ***Economic Benefit***

The community and tourism industry could significantly benefit economically from the Games. The economic impact from the Games in Port Alberni in 1998 was estimated at \$958,000. Also any excess revenue will remain with the Host Society as a legacy fund and the Board of Directors of the Host Society will make recommendations to local government as to how the funding should be spent.

#### **FACILITY IMPLICATIONS**

An important component of the Bid Application is the availability and access to a variety of quality facilities that are required to host the Games. Considering the growth of the District in recent years, the upgrades to existing and the building of new facilities, the possibility of hosting the games within facilities in this area is favorable. A wide variety of facilities exist throughout the District and could be available (see attached list of potential sites – Appendix 1).

Organizations will need to commit facility time during the Games, which may result in administrative and operational challenges in addition to the minimal financial impacts already outlined. For example, the Ravensong Aquatic Centre would be the venue for swimming for this core sport. The facility would be unavailable for public swims and lessons during the day for approximately twelve hours over two days. Also, depending on the scheduling, the annual maintenance shutdown would need to be re-scheduled to accommodate the Games, likely diminishing summer lesson sets (if the Games are held in September) or diminishing swim club activities (if the Games are held in August). Another concern is whether or not the facility can accommodate the anticipated numbers for events and spectators. Special requirements will need to be considered within the pool to provide for safe and comfortable seating arrangements. Another key consideration is the track and field component for the Games. Although it may be feasible, yet challenging, to host most of the activities of the Game throughout District 69, there is a concern with respect to the track and field component, which is one of the larger of the events. Currently District 69

does not have a proper track that can accommodate the required number of and legal size lanes to host the Games; therefore, the Committee would look to neighboring communities like Port Alberni to host the track and field activities. This would be a very important part of the Bid Application that needs to be established to ensure success of the Application. A similar situation occurred in 1994 when District 69 was considering a proposal to host the 1998 BC Summer Games. One of the key barriers at that time was the lack of a proper track for the track and field events and to date the tracks available in the District 69 area will not accommodate the requirements of the Games.

A similar situation exists with five pin bowling event. The Games require eight lanes; however, local lanes in Parksville only have six; therefore, consideration needs to also be given to an out of District host such as Port Alberni.

Given the location and distance of sports facilities in and around District 69, the Host Society will face other challenges such as transportation. Transportation will be required to move athletes between venues in Parksville, Qualicum Beach and potentially locations such as Bradley Centre and Lighthouse Recreation Centre, as well as to the out-of-district events if hosted in another community like Port Alberni. The School Board would play a key role in providing transportation services with their buses.

The opening and closing ceremonies also require an outdoor area that can accommodate 2,500 athletes plus an additional 2,500 volunteers and spectators. This could possibly be located at Springwood Park or in the Parksville Community Park.

#### **CITIZEN IMPLICATIONS**

The Games could provide significant benefits to the community of District 69 and surrounding communities like Port Alberni and Nanaimo. The District has a very active community of seniors who would be keen in participating in such an event as athletes, spectators and volunteers. An event of this magnitude would raise the community profile, increase tourism and provide an opportunity for the District to showcase itself.

An organizing committee would be required to elect a Board of Directors (15) plus an executive. Each directorate would require volunteers and be responsible for a function of the Games. Approximately 2,500 community volunteers would be required in total.

#### **SUMMARY/CONCLUSIONS**

The District 69 Recreation Commission was presented with information pertaining to the potential of hosting the BC Summer Games in 2005 or 2006. Based on a Commission recommendation a Committee met to explore budget requirements and potential facility sites necessary to support the Bid Application and it was concluded that hosting the BC Seniors Games in the Oceanside community is a feasible undertaking.

Local government financial support and in-kind services of staff and facility support are necessary to complete the Bid Application. The Regional District of Nanaimo in partnership with the City of Parksville and the Town of Qualicum Beach would provide \$15,000 each in financial support, \$10,000 to the Host Society and \$5,000 each for additional staff support as necessary, within their respective budgets. The School District would also provide transportation services.

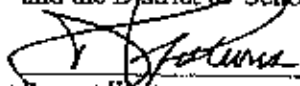
If the Bid Application were successful the Games would result in significant economic impact for local businesses and the tourism industry. Not only would the community benefit economically, but the planning and implementation of the Games would also bring the community together in a significant project that would build community pride and spirit, and raise the community profile throughout Vancouver Island and British Columbia.

To ensure success of the Bid Application all local government organizations need to commit financial and in-kind support. It will also be necessary to work with the facility owners to ensure general availability and access issues are dealt with prior to the Bid Application.

With the support of the RDN and the other three contributing local governing bodies the Bid Application would be well underway. Mr. Clive Jones from the Qualicum Beach Recreation Commission would coordinate the Bid Application. Mr. Jones, with the support from a Committee of municipal and regional staff, would then seek commitment from other community agencies and detail information such as the use of out of area venues, District facility access, transportation, volunteer recruitment and the roles and responsibilities of local government staff, required to complete the Bid Application due July 16, 2003.


**RECOMMENDATION**

That the Regional District support a Bid Committee application for the 2005 or 2006 BC Seniors Games in District 69 pending formal support being provided by the City of Parksville, Town of Qualicum Beach, and the District 69 School Board.

  
per Report Writer

  
General Manager Concurrence

  
Manager Concurrence

  
CAO Concurrence

COMMENTS:

## APPENDIX I

### INVENTORY OF POTENTIAL SITES FOR THE BC SUMMER GAMES (2005 and/or 2006)

The following list of facilities has been compiled to match the requirements outlined in the BC Seniors Games 2005 and 2006 Bid Package. These are only suggested sites to date and the Bid Committee will be responsible to confirm facility availability and access when completing the Bid Application.

#### Regional District of Nanaimo:

- Ravensong Aquatic Centre - Swimming
- Oceanside Place - Men's Hockey
- District 69 Arena - Ice Curling

#### City of Parksville:

- Springwood Park
  - Tennis
  - Slo-pitch
  - Opening/Closing Ceremonies
- Community Park
  - Slo-Pitch
  - Tennis
- Community Centre

#### Town of Qualicum Beach:

- Community Park - Slo-Pitch
- Civic Centre
- Curling Hall - Ice Curling
- Tennis Courts - Tennis

#### School District 69:

- Ballenas Secondary School - Soccer
- Qualicum Beach Middle School - Soccer

#### Other District Facilities:

- Bradley Centre - Floor Curling
- Lighthouse Recreation Centre - Floor Curling
- Qualicum Beach Seniors' Centre
- Qualicum Beach Legion

#### Other Facilities to Consider:

- Gymnasiums / Halls - badminton, table tennis, volleyball, snooker, carpet bowling
- Private tennis courts (resorts) - tennis
- Local golf courses (2 required) - golf

#### Out of District Facilities:

- Port Alberni
  - Track and Field
  - Five Pin Bowling

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE  
MEETING HELD ON THURSDAY, JUNE 12, 2003, AT 12:00 NOON  
IN THE RDN MEETING ROOM

**Present:**

Director T. Krall	Chairperson
Director J. Stanhope	Electoral Area 'G'
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Westbrook	Town of Qualicum Beach
Director D. Haime	Electoral Area 'D'

**Also in Attendance:**

N. Connelly	General Manager, Community Services
M. Donnelly	Manager, Transportation Services
B. Clemens	City of Nanaimo

**MINUTES**

MOVED Director Cantelon, SECONDED Director Westbrook, that the minutes of the Transit Business Plan Update Select Committee meeting held May 15, 2003, be approved. CARRIED

**ADMINISTRATION**

**Qualicum Beach Transit Service Pilot Project**

MOVED Director Haime, SECONDED Director Westbrook, that the Qualicum Beach Transit Service Pilot Project report be received for information and that the issues associated with the pilot project be examined further by staff in conjunction with the planning and completion of a report on the Community Bus proposal. CARRIED

**Transit Business Plan Update 2003-05 Final Report**

MOVED Director Westbrook, SECONDED Director Cantelon, that the Transit Business Plan Update 2003-05 Final Report be approved as a guiding document for Transit service delivery, planning and budgeting. CARRIED

**Planned Transit Service Changes for June 29<sup>th</sup> (Verbal Update)**

A verbal update on the preparations underway for the introduction of the service changes planned for June 29<sup>th</sup> was presented by Mike Donnelly.

MOVED Director Cantelon, SECONDED Director Stanhope, that the verbal report on transit route and schedule changes be received for information.

CARRIED

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**CORRESPONDENCE**

MOVED Director Stanhope, SECONDED Director Cartelon, that the correspondence from Mr. Gregory Slocombe, BC Transit Chair, and Mr. Steve New, Vice President of Municipal Systems, be received.

CARRIED

**NEW BUSINESS**

**Integration of School District 68/69 and Regional Transit Busing.**

A discussion was held regarding the possible integration of school busing and regional transit services.

MOVED Director Stanhope, SECONDED Director Cantelon, that a letter be forwarded to School District 68 and School District 69 requesting that consideration be given to the integration of transportation services with Regional Transit where feasible.

CARRIED

**ADJOURNMENT**

The meeting was adjourned at 12:50 pm.

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T. Krall  
Chair



REGIONAL DISTRICT OF NANAIMO			
JUN 16 2003			
CHAIR		GMCRs	
CAO		GMDS	
GMCMs		GMES	
		<i>Call</i>	<input checked="" type="checkbox"/>

**MEMORANDUM**

**TO:** Neil Connolly  
General Manager - Community Services

**DATE:** June 3, 2003

**FROM:** Mike Donnelly  
Manager of Transportation Services

**FILE:** 8620-30

**SUBJECT:** Transit Business Plan Update 2003-05  
Final Report

**PURPOSE**

To bring forward the Transit Business Plan Update 2003-05 Final Report for consideration of approval.

**BACKGROUND**

The Transit Business Plan (TBP) was developed in 1998 to provide for the development of the Conventional and Custom transit services within the region. Based on extensive stakeholder input the document detailed service plans, developed performance indicators, outlined fee structures and provided concepts for future service provision.

The plan was reviewed and updated in 2001 to reflect the changes that had occurred to that date and to include proposed service changes to the plan. Those proposed service changes included service models for the expansion of service into the greater Cedar area and for service on Gabriola Island.

The TPB Update carried out this year has focused on the service elements of the plan that had been accomplished to date, service changes for 2003 and alternative service provision proposals for District 69, the updating of the key performance indicators and the possible service impacts from 2003 to 2005 as the provincial cost sharing funding remains frozen. The public was consulted as part of the update with meetings in the Town of Qualicum Beach, City of Parksville and the City of Nanaimo. This work has been overseen by the Transit Business Plan Update Select Committee.

The outcomes associated with this process have been compiled in a final report, which is attached.

**ALTERNATIVES**

1. To approve the Transit Business Plan Update 2003-05 Final Report as a guiding document.
2. To not approve the report and provide staff direction for changes and or additions to the Report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications with respect to this report. It will serve as a guiding document for annual budget processes and transit service activities.

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## CITIZEN IMPLICATIONS

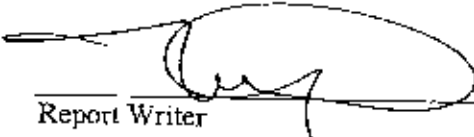
The public was invited to attend the TBP open house sessions held in Qualicum Beach on April 23<sup>rd</sup>, Parksville on April 29<sup>th</sup> and Nanaimo on April 30<sup>th</sup>. These sessions outlined key TBP concepts including service provision, key performance indicators and future development and challenges for the transit system. All sessions were reasonably well attended. Other public feedback was obtained through the RDN web site, e-mail, and through telephone conversations.

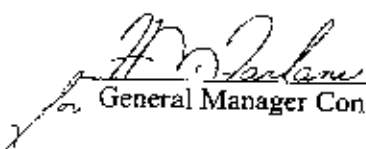
## SUMMARY/CONCLUSIONS


The Transit Business Plan Update for 2003-05 has been completed. The update process of review included key topics related to past service improvements, planned future service changes and the development of key performance indicators. This work was carried out under the context of frozen funding from the Province and BC Transit that will be in place up to 2005.

## RECOMMENDATION

That the Transit Business Plan Update 2003-05 Final Report be approved as a guiding document for transit service delivery, planning and budgeting.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
A/\_\_\_\_\_  
C.A.O. Concurrence

COMMENTS:



**TRANSIT BUSINESS PLAN**

**UPDATE 2003-05**

**JULY 2003**

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## 1.0 Introduction

The Transit Business Plan was originally 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.

This update process reviewed the planned accomplishments, updated key performance indicators, and looked to the future with respect to funding challenges and possible service impacts resulting from those challenges. As well, the service adjustments for June 2003 were presented. This report provides a summary of the information and decisions that were made as part of this process by the Transit Business Plan Update Select Committee of the Regional Board.

The Transit Business Plan Update, in conjunction with the 1998 Transit Business Plan, is intended to guide the annual budgeting process, action plans and activities of Regional Transit for the 2003-2005 period. The Provincial government has indicated that status quo funding levels will be in place subject to further review for 2005-06 and beyond. At that time a new sustainable funding and governance model may be established. In the interim, this Update has been developed within the context of constrained financial resource availability and the need for effective cost management. It reviews key components of the 1998 Transit Business Plan, outlines Key Performance Indicators, highlights some service adjustments for the Nanaimo area system in 2003 and proposes an alternative service delivery approach for the Parksville-Qualicum Beach area in 2004.

## 2.0 Objectives

In general, the objectives as laid out in the original Transit Business Plan will continue to guide the Business Plan Update. These objectives are summarized below.

### Community Objectives

- The Transit System should be developed to support the goals outlined in the Regional District's Growth Management Plan and in municipal Official Community Plans. It should complement and strengthen the transit supportive land use patterns that are outlined in these plans.
- There needs to be a broader view of Transit's role in the community. While provision of bus service is certainly its primary function, Transit should also be involved in other strategies to reduce automobile use.
- There should be improved integration between the Transit System and other modes of travel. This includes better integration between the accessible conventional and custom transit systems as well as with school buses, bikes, ferries, and other modes. A greater range of transit service types and inter-modal linkages should be encouraged to best serve different markets.

### **Passenger Service Objectives**

- Reduce automobile dependence and encourage 'choice' riders to use transit by providing service quality that is competitive with the private automobile through the following initiatives:
  - Reduce the need for transferring by providing more direct service between major activity centres;
  - Provide more frequent service on existing corridors in order to reduce waiting and transfer times;
  - Examine the potential for new service types for travel within and between major town centres. This could include express service, local shuttle service, and rail-based service using the E&N corridor in the longer range;
  - Improve for passenger convenience and reduce emphasis on cash-based fares by making pass rates more attractive and more competitive with driving costs;
  - Make using transit easier, safer, and more comfortable by improving passenger facilities including bus shelters, lighting, information signs, and transit exchanges.

### **Financial and Passenger Performance Objectives**

- Use Key Performance Indicators to set specific targets for transit system performance. These targets will ensure that efficient use is made of resources in order to maximize customer service and minimize subsidization. The Key Performance Indicators will measure both financial performance and ridership performance.

## **3.0 Review of Implementation**

This section reviews service changes, which have been implemented since the Transit Business Plan Update in 2001, and compares this with the service changes proposed in the plan.

### **Implementation in 2000/01**

- Routing adjustments in Parksville-Qualicum Beach and some express trips between Parksville and Woodgrove were introduced. Increased frequencies on the Parksville-Woodgrove connector service were included in the plan but not implemented.

### **Implementation in 2001/02**

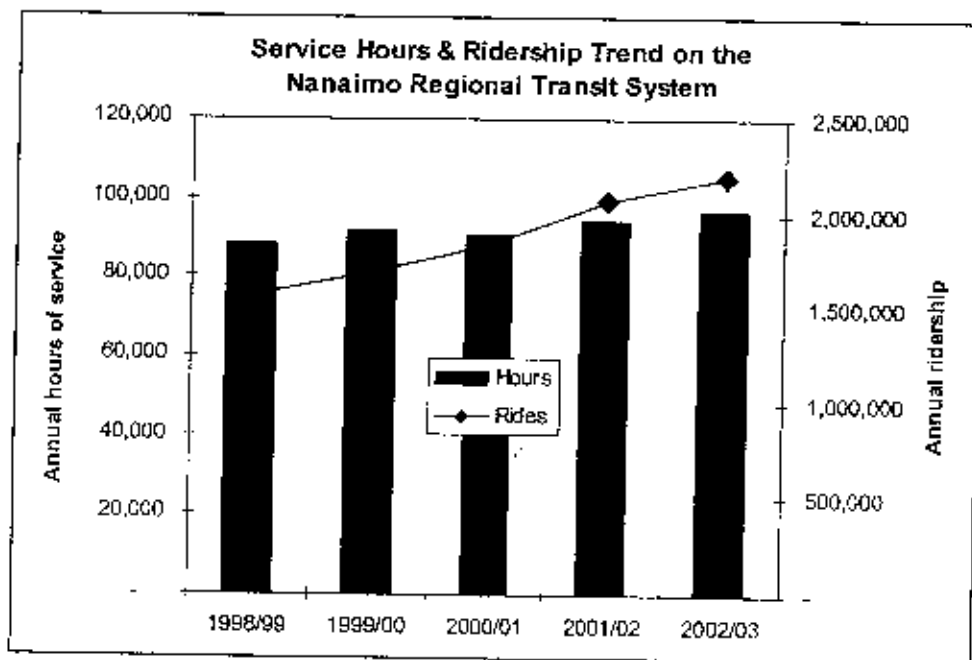
- The #9 Harbour City Express route was introduced in 2001, connecting major shopping centres along the Island Highway with downtown Nanaimo. Service to the south end was restructured to connect with this new route at South Parkway Plaza.
- Sunday service was extended by 2 hours to improve transit options for people who work on Sundays.
- Additional hours for schedule maintenance were introduced.

### **Implementation in 2002/03**

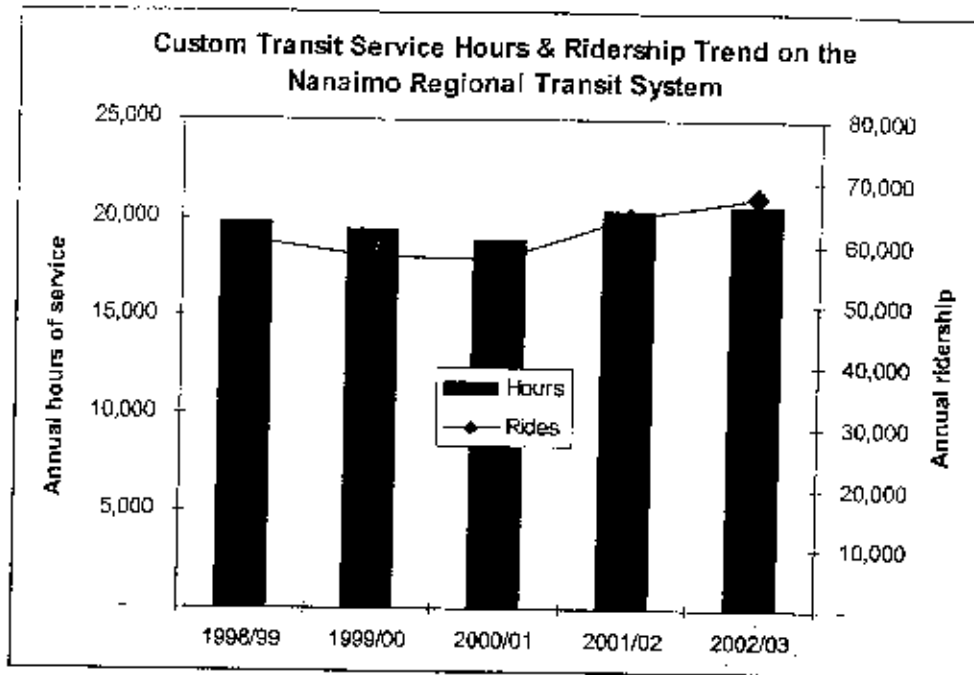
- Minor service reductions amounting to 1.5% of service were made in 2002 to meet budget targets. Specific low-performing trips were targeted.

Most of the immediate service enhancements outlined in the Transit Business Plan were implemented in 1998/99. However, as outlined in the table below, implementation of the medium range service enhancements has been more limited.

Service Description	Hours	Vehicles	Implementation to date
Improved service to Harewood & Malaspina University-College (MUC)	7,000	2	Some adjustments to Bowen Road route to improve MUC service. Improved Harewood service not implemented.
Holiday service	765	-	Not implemented.
Improved Hammond Bay /Departure Bay service	3,600	2	Not implemented.
Early AM service	4,800	-	Not implemented.
Town centre express service	8,800	4	Harbour City Express introduced in 2001. This is more limited than proposed, and primarily midday.
Improved service coverage	4,800	2	Has been studied in Gabriola Island, Cedar/Cassidy but not implemented.
Schedule maintenance	3,600	1	Some schedule maintenance introduced in 2001.
Increased Parksville to Qualicum Beach service	4,800	1	Implemented in 1998.
Increased Woodgrove to Parksville service (hourly)	4,100	1	Some additional Woodgrove trips, including express trips, introduced in 2000, but frequency is roughly every 2 hours.
Increased Parksville-QB para transit service	2,400	1	Not implemented.



The annual conventional transit service hours for the Nanaimo Regional Transit System increased from 88,434 in 1998/99 to 96,858 in 2002/03. This represents a 9.5% increase versus the 35% increase originally proposed in the Transit Business Plan. Over the same period, ridership has increased 40% to 2.2 million riders.



The annual custom transit service hours for the Nanaimo Regional Transit System increased from 19,751 in 1998/99 to 20,733 in 2002/03, a 5% increase. The Transit Business Plan had proposed a 34% increase in service over the same period. Custom transit ridership increased by just fewer than 12% during this period.

## 4.0 Update Of Key Transit Market Information

This section updates key transit market information based on recent surveys and other data sources. There have been some significant changes to the transit market in Nanaimo since the Transit Business Plan was originally developed, including a general slowing of population growth in the region, and an increase in the student share of transit ridership.

### Two-week passenger counts:

Two-week passenger counts are taken once or twice each year in Nanaimo. Some of the key trends from recent passenger counts include the following:

- There has been a steady increase in average weekday ridership, with a 29% increase from 6,761 in 1999 to 8,741 in 2002. Ridership is up for all time periods with the strongest percentage increase during the AM peak and midday periods.
- Among passenger groups, students have seen the greatest ridership increase (+40%), followed by adults (+29%). Ridership among seniors increased from 1999 to 2001, but dropped in the most recent passenger count in 2002.
- The #1 Rutherford and #4 Bowen Road routes experienced ridership growth above the system average and remain the most used routes. MUC students have contributed to ridership growth on the #4 Bowen Road route in particular. Growth on the #6 Harewood, #11 Cedar, #15 College Express, and #21 Woodgrove Connector routes was also well above the system average.

### Average Weekday Ridership by Passenger Group

	Mar-99	Mar-00	Mar-01	Feb-02
Adults	3,081	3,231	3,611	3,980
Students	2,168	2,161	2,507	3,046
Seniors	610	683	744	622
BC Bus	902	936	1,027	1,093
<b>Total</b>	<b>6,761</b>	<b>7,011</b>	<b>7,889</b>	<b>8,741</b>

#### Percent

	Mar-99	Mar-00	Mar-01	Feb-02
Adults	45.6%	46.1%	45.8%	45.5%
Students	32.1%	30.8%	31.8%	34.8%
Seniors	9.0%	9.7%	9.4%	7.1%
BC Bus	13.3%	13.4%	13.0%	12.5%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

### Average Weekday Ridership by Time Period

	Mar-99	Mar-00	Mar-01	Feb-02
AM Peak	1,263	1,324	1,420	1,708
Midday	2,621	2,823	3,116	3,605
PM Peak	2,077	2,101	2,359	2,423
Evening	800	763	994	1,005
<b>Total</b>	<b>6,761</b>	<b>7,011</b>	<b>7,889</b>	<b>8,741</b>

#### Percent

	Mar-99	Mar-00	Mar-01	Feb-02
AM Peak	18.7%	18.9%	18.0%	19.5%
Midday	38.8%	40.3%	39.5%	41.2%
PM Peak	30.7%	30.0%	29.9%	27.7%
Evening	11.8%	10.9%	12.6%	11.5%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

#### Census data:

According to the 2001 Census, 2.3% of Nanaimo residents travelled to work on transit, which is close to the average for Tier 1 communities. Transit use was greater among female commuters (2.7%) than among male commuters (1.9%). Although the transit mode share is down slightly from the 2.4% reported in the 1996 Census, the total number Nanaimo residents travelling to work by transit increased nearly 14%, from 845 in 1996 to 960 in 2001.



**Population trends:**

The Transit Business Plan was based on gradually moderating population growth in the RDN, decreasing from a 20% increase between 1991 and 1996 to a 14% increase between 1996 and 2001. In fact, population growth in the region (and in the province as a whole) slowed much more abruptly than what was forecast. The RDN's population increased by only 4.3% between 1996 and 2001, rather than the 14% that was forecast. Relative growth for different age groups have followed a similar pattern to what was originally forecast – with the 75+ group growing the fastest – but overall rates of growth have been slower. The share of the population aged 75 and over increased from 5.8% in 1996 to 7.7% in 2001.

In the short term, this slowdown in population growth will not have a major impact on transit use. Much of the forecast growth in transit ridership was based on increasing the market penetration for transit and encouraging commuters who currently travel by automobile to take the bus. If this slow rate of population growth continues over the longer term, however, it will begin to impact on the demand for transit.

**5.0 Transit Outlook 2003-2005**

**5.1 Conceptual Service Options**

This section brings forward service adjustment options for 2003 to 2005 that may be required in order to meet planning and budgetary goals. Included in this section are the planned changes for 2003 being put in place to ensure budget goals are met and to achieve service planning objectives related to changing service demands.

**5.1.1 Nanaimo Transit Service Adjustment Scenarios for 2003/04 – 2004/05  
Conventional Service**

**Annualized savings of service efficiencies implemented in late 2002** – Service efficiencies carried out in August 2002 have been annualized to reflect full year impact. As a result of the later implementation date more daily service hour reductions were required to meet initial 2002/03 targets. When annualized through 12 months this results in an additional savings of 1,000 hours.

<b>Summary Information: Annualized Savings of service efficiencies implemented in late 2002</b>			
Service hour savings:	1,000	Reduction of in-service vehicles:	0
Total Savings 2003/04:	\$47,100	Ridership Impact:	(N/A)
Total Savings 2004/05:	\$47,100	Ridership Impact:	(N/A)

**Seasonal/Holiday Service** - During the Christmas period, commuter and student ridership decreases. To contain costs, meet market demands and provide a more efficient use of resources, it is proposed that service levels be adjusted to a special Holiday service level during the Christmas break and also on Easter Monday. The special Holiday service will operate a weekday schedule until 9:00 am so as to ensure important morning commuter trips are not changed. After 9:00 am, all trips will operate on a Saturday Schedule.

Summary Information: Seasonal Holiday Service			
Service hour savings:	200	Reduction of in-service vehicles:	0
Total Savings 2003/04:	\$19,100	Ridership Impact:	none
Total Savings 2004/05:	\$19,100	Ridership Impact:	none

**Low Ridership Trips** - Ridership counts carried out in Spring 2002 together with recent checks from operating staff have shown nine trips or trip sections that average less than two passengers per trip. Two Saturday trips and one Sunday and Holiday trip fall into this category. To improve system efficiency it is proposed that these trips be eliminated. The trips include:

- (a) Saturdays - 21 Woodgrove Connector at 7:32 pm and 44 Malaspina College at 8:15 am.
- (b) Sundays - 8 South Side at 9:34 am.

Summary Information: Low Ridership Trips			
Service hour savings:	140	Reduction of in-service vehicles:	0
Total Savings 2003/04:	\$11,700	Ridership Impact:	none
Total Savings 2004/05:	\$11,700	Ridership Impact:	none

\* based on Aug 1, 2001 implementation

**Combined Routings - Evening Service, 3 Hospital and 4/44 Bowen Road/Malaspina College** - During weekday evenings the 3 Hospital and 4/44 Bowen Road/Malaspina College provide 60 minute service linking Downtown, Malaspina College, Nanaimo Regional Hospital and Country Club Exchange. Route coverage is common north of Bowen Road at Meredith. To provide cost savings it is proposed that the 3 Hospital and 4/44 Bowen Road/Malaspina College routes be combined during evenings into a 3-4 Night Route. The 3-4 Night route would operate from 7pm until last trip. Trips would travel from Downtown via Bowen Road/Malaspina College to Country Club Exchange. Returning to downtown via the 3 Hospital route. A reduced saving modification to this cost saving proposal is to implement the final two trips at 10pm and 11pm.

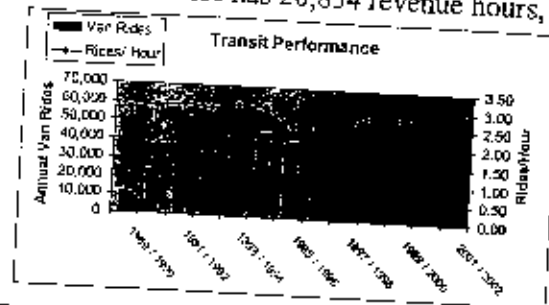
Summary Information: Evening Service, 3 Hospital and 4/44 Bowen Road/Malaspina College			
Service hour savings:	1,500	Reduction of in-service vehicles:	1
Total Savings 2003/04*:	\$47,300	Ridership Impact:	(4,000-6,700)
Total Savings 2004/05:	\$70,900	Ridership Impact:	(6,000-10,000)

based on Aug 1, 2003 implementation

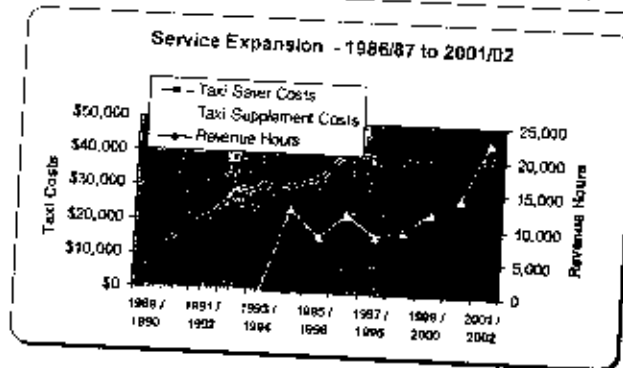
**Community Bus Concept - Lantzville and Dover Connector Community Bus** - both the 10 Lantzville and 2 Dover Connector buses serve as feeder buses to Woodgrove Exchange. The two routes are operationally interlined with limited ridership. Rides per hour productivity is well below system average. Both routes have clear potential for a Community Bus style of service. Cost savings achieved through the introduction of this style of service would save approximately 2,000 hours of service and \$83,500 in savings.

### 5.1.2 Nanaimo Service Adjustments Scenarios for 2003/04 – 2004/05 Custom Service

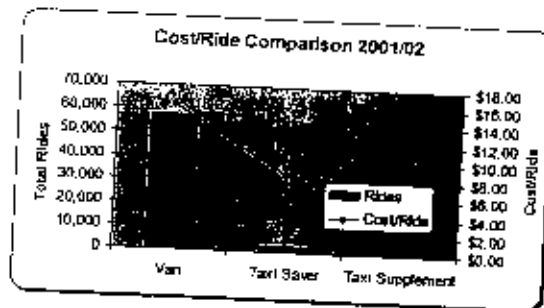
**handyDART Service** – In 2003/03 the handyDART service has 20,854 revenue hours, \$20,000 of taxi supplement and a \$30,000 Taxi Saver Program. Service productivity is at 3.0 rides per hour showing a significant increase from the previous year average of 2.8. The table at the right shows that ridership and productivity have remained stable over the last several years.



Service hours have remained fairly static since 1996, with a slight increase in 2002/03 of about 500 hours. Taxi supplement costs peaked at \$45,000 last year. To achieve the budget target for 2004/05 requires a reduction of 775 revenue hours. This would reduce the service to the same level experienced prior to this year.



A reduction in service hours is preferred over reducing taxi programs as the latter contributes to scheduling flexibility and productivity improvements. The relative cost per ride is shown in the accompanying graph.



Summary Information:	handyDART
Revenue Hours	
Service hour savings:	775
Total Savings 2003/04:	\$24,000
Total Savings 2004/05:	\$24,000

Reduction of in-service vehicles: 0  
Ridership Impact: (2,325)  
Ridership Impact: (2,325)

### 5.1.3 Parksville Qualicum Beach Transit Service Adjustment Scenarios for 2003/04 – 2004/05 Community Bus Proposal

**Definition** -- Community Buses tend to serve more community based destinations than traditional routes and generally operate on a fixed route and schedule. They are usually marketed toward a specific group – commonly seniors and persons with disabilities. Though routes may serve some of the same destinations as existing fixed route services (i.e. a shopping mall), they are generally routed to the origins and destinations of their targeted market. For example, a community bus for seniors would include local senior housing, medical centres, nursing homes, and recreation complexes.

Routing is generally focused on local and non-work trips, though there are some community buses that are "collectors" for commuters. These commuter routes operate during peak rush-hour periods and connect commuters to a line-haul service (such as an express bus). Vehicles are usually fully accessible min-buses (similar to handyDART vehicles). Except for the commuter service, operating hours tend to be outside the traditional peak period, usually weekdays only from 9 or 10 AM to 5 PM. Though there are fixed stops, generally passengers can flag the bus anywhere along the route, and deviations are commonly allowed within a reasonable distance.

Routes are frequently designed to use few of the system's resources, so they often run on a one-way loop - allowing the system to use just one bus and one driver over the entire service period. The obvious disadvantage to this is that riders may have to go far out of their way for half the trip. Alternatives to the loop route can be a linear route, or even a section of deviations.

Ridership may be low when compared to conventional transit. However most systems report that in the short-term, Community Bus can result in significant savings over full transit. In many areas, community buses are implemented on a trial basis. Once ridership numbers are known and passenger demand becomes evident, conventional transit may take over. However, most Community Buses are permanent, and provide efficient coverage to areas not serviced by conventional transit. If a specialty market exists in an area, Community Buses can meet demand for ridership in ways that conventional transit cannot.

**Parkville and Qualicum Beach Service Plan** - Present transit service within Parkville and Qualicum Beach operates two full size conventional buses every 60 minutes connecting at Downtown Parkville with the Woodgrove Mall Connector every second trip. One mini-bus provides handyDART service within the region.

To achieve service efficiencies, improve productivity and meet overall transportation needs of Parkville and Qualicum Beach it is proposed that the present conventional and handyDART services be blended together. Conventional connector service would continue to operate between Woodgrove Centre and Wembley Mall. Highlights of the proposed service include:

- All day local service, currently provided by 2 conventional buses and one handyDART van, is replaced by 2 small "Community Buses" using fully accessible neighbourhood friendly "Polar" Minibuses with space for 21 passengers plus two wheelchairs.
- All day Woodgrove Connector service is restructured to link Wembley Mall and Woodgrove Centre every 90 minutes and provide timed connections at Wembley Mall to Community Buses.
- Community Buses provide 90-minute conventional fixed route service on existing local routes through Parkville, French Creek and Qualicum Beach neighbourhoods.
- To service handyDART clients, additional time is incorporated within the Community Bus operating schedule to allow trip diversions for door-to-door service.
- Transit coverage is now available to all neighbourhoods (subject to operating constraints).
- Commuter service with conventional buses (2 trips AM and 2 trips PM) is maintained.

- Present Woodgrove Connector service to Nanoose and Northwest Bay Road remains unchanged.
- Wembley Mall provides an improved transfer and terminus facility for passengers.
- Fleet Plan would include the replacement of one conventional bus with one handyDART mini-bus. Fleet makeup would include 2 mini-buses (for local Community Bus service) and 2 conventional buses (one for Woodgrove Connector service and one for commuter trips only).

**Client Market Impact** - As outlined above, the present four commuter trips will remain unchanged. These trips will continue to use big buses with no transfers required. Conventional passengers during midday will now have a fixed route schedule provided by a smaller neighbourhood friendly bus. Service will be every 90 minutes making time connections at Wembley Mall with the Woodgrove Connector. Conventional mid-day passengers will also experience diversions off route to accommodate handyDART clients.

Clients currently using handyDART in Parksville and Qualicum Beach will see the greatest change. Trips and schedules may require adjustment, however, the new "Community Bus" style of service will provide more travel options to most clients.

Summary Information: Community Bus - Parksville and Qualicum Beach	
Service Hours	22,000
Total Savings 2002/04	\$66,800
Total Savings 2004/05	\$100,200
Reduction in service vehicles	0
Ridership impact	none
Ridership impact	none

• based on Aug 1, 2003 implementation. Savings based on operating cost efficiencies gained from lower overall costs for custom/para transit services.

## 5.2 Nanaimo Area Transit Service Changes for 2003

In February, in response to 2002 budget issues and cost increase pressures for 2003, the Department outlined the need for the Board to consider Transit service reduction for both March 30<sup>th</sup> and potentially in June as well, to provide for a balanced 2003 budget. A cautious approach to describing the scope of the service reductions and their budgetary impact was undertaken by the Department, given the extent of the deficit and new costs. A full set of route and frequency of service adjustments were identified based on areas of low ridership, performance and impact to the public. With the Board's approval of the Annual Budget and with the specific planning and implementation of the recent service reductions, attention has shifted to the possible service adjustments for June. The scope of the March service reductions and their budgetary impact has now been projected to be largely sufficient to match with the 2003 budget allocations. However, some additional seasonal service reductions have been identified to generate operational savings. It is also recognized that some service adjustments are required to expand the Take 5 service connection between downtown and Malaspina University-College (MUC), as directed by the Board, as well as to make other route changes to improve operating efficiencies and to expand potential ridership and revenues over the balance of the year.

This section details a number of service changes that are being proposed in order to enhance service efficiency, further reduce operating costs and to focus service in areas of greater ridership. The changes are grouped into two categories, service reductions and service modifications. The service reductions are part of continuing efforts to ensure every opportunity is taken to reduce operating costs where possible. The service modifications increase efficiency and provide for improved service in key areas.

### **Further Service Reductions for 2003**

The additional service reductions planned for 2003 are proposed for the summer period (July and August) and the Christmas Holiday period. These two periods have been chosen as they traditionally see changed ridership demands and therefore would have limited revenue loss impacts compared to other service periods during the year. These seasonal reductions in service reflect the change in ridership patterns during those periods. The reductions will also generate operational savings, which will assist in budgetary performance for 2003.

#### **Summer Period**

Malaspina University-College operates at approximately 30% of full capacity during July and August reducing the demand on peak period trips to the facility from other areas. This service reduction would see the peak period service in the mornings and afternoons removed from the #44 Malaspina College run resulting in half hour service during those periods. This level of service would be adequate to address the ridership demands during those peak periods. There would also be a reduction in the number of #15 College Express from 7 per day to 4.

The #2 Hammond Bay route would also move to half hour service during peak periods as well on the Country Club to Woodgrove Mall runs via Hammond Bay. Peak period service connecting the Country Club exchange and downtown Nanaimo would remain in place. This change would be required due to the reduction in the #44 Malaspina College run which is linked through our operational schedule to the #2 Hammond Bay.

This would result in a service hour reduction of 900 hours.

#### **Christmas Holiday Period (December 22 - 31)**

Ridership during the holiday period normally drops due to the number of people on vacation and school holidays. In order to reduce operating costs during that period it is proposed that the level of service during weekdays will be at a Saturday service level. This would mean that all routes would not have additional service during the morning and afternoon peak periods. Service would either be every half hour or hourly depending on the route throughout the day.

This would result in a service hour reduction of 324 hours.

#### **Service Modifications**

The main service corridor between the Country Club Exchange, Malaspina University College and downtown Nanaimo is streamlined under this proposal as well as providing increased frequency of service into the downtown via Fitzwilliam Street (Take 5 corridor). The service modifications do not change the revenue hours of service in the system approved in the annual budget.

The proposal is being brought forward as part of the Transit Business Plan (TBP) Review to be reviewed by the TBP Committee under the Alternate Service Proposals portion of the review. With the approval of the Committee, the proposal would then go forward to the Committee of the Whole and on to the Board. Public input sessions for the TBP are planned for late April, which would include information on these proposed changes. The public will also have the opportunity to comment via the Transit web site. Key stakeholders involved in the development of the original TBP will also be invited to attend the Public Open House to provide their input. An updated report including the public's input on these changes would be brought to the Board in May. It is important to gain approval from the Board for the change in

May in order to provide the necessary time to develop final schedule changes, information to the public and a re-printed *Riders Guide*.

The two primary route modifications occur with the #44 Malaspina College and the #4 Bowen Road, both of which use the Bowen Road corridor. Supporting changes are to be made to the #1 Rutherford, #3 Hospital, #5 Fairview and #5 Fairview/#6 Harewood Combination routes. These changes are illustrated in the attached maps, which show both existing and proposed routing.

#### #44 Malaspina College & #4 Bowen Road

Currently both routes use Bowen Road as their main corridor with the #44 serving the University College and then downtown and the #4 serving Country Club to downtown via Bowen Road. The proposal would see the elimination of the #4 Bowen Road route with the majority of those revenue hours being allocated to the #44 MUC. This would allow for the strengthening of the link between the downtown exchange to the Country Club exchange via MUC and would reduce the need for additional overload buses during peak periods. Ridership normally using the #4 Bowen Road route from Country Club or along the Bowen Road corridor would have the option of using either the #44 MUC, #3 Hospital, #2 Hammond Bay or the #1 Rutherford routes to get to their destinations with a minor increase in travel time.

This change would provide for half hour service between the Country Club exchange and downtown Nanaimo via MUC between 7:16 am and 6:29 pm and hourly service until 10:32 pm from Monday to Friday. Routing for the #44 MUC into the downtown would utilize the same routing as the current Take 5 Express route.

The following route modifications would be required to accommodate the proposed primary changes. They have been detailed below with reference plans attached for information.

#### #3 Hospital

Elimination of the #4 Bowen Road route removes service from the section of Bowen Road and Comox Avenue from Wakesiah Avenue to Wallace Street. To ensure adequate service is provided in this area the #3 Hospital route would be modified (see attached plan) to route from Waddington Road to Bush Street and Pryde Avenue to Bowen Road. From that point it would route downtown via Bowen Road and Comox Avenue to Wallace and on to regular routing.

This would provide needed coverage on Bowen Road and Comox Avenue and has the added benefit of providing half hour service along this corridor that is currently served hourly. This would improve access to the Bowen Park Seniors Centre and increase service to the residents along this corridor.

#### #1 Rutherford

The modified routing of the #3 Hospital route reduces service along Townsite Road from Waddington Road to the Island Highway. To minimize this inconvenience to the ridership and to provide additional service in the Millstone Avenue area, the new routing would see the northbound #1 Rutherford follow Vancouver Avenue, Townsite Avenue to Millstone Avenue and then to St. George Street and back to regular routing at Princess Royal Avenue.

The remaining section of Townsite Avenue that would no longer have service is not affected in a significant way. There are two bus stops along this section at this time within close proximity to either Waddington Road or Millstone Avenue allowing access to either route.

This re-routing would support the modifications to the #3 Hospital and would provide a higher level of service to people living in the Millstone Avenue area.

### #5 Fairview and #5/6 Fairview/Harewood Combinations

With the introduction of the #44 MUC into the downtown using Fitzwilliam Street instead of Albert Street, service into the downtown core becomes too centralized in one area. To achieve a balance these routes would be modified to use the Albert Street corridor into the downtown area.

This change would provide balance of service into and out of the downtown core and would provide additional trip frequency along Albert Street.

### **Additional Service Change**

With the elimination of the #4 Bowen Road route and after the above-noted changes, there are available resources under the current service levels to provide for additional service on the #15 MUC Express. This route is consistently heavily loaded and riders would benefit from the planned 7 additional trips (2 in the morning and 5 in the afternoon) from Monday to Friday.

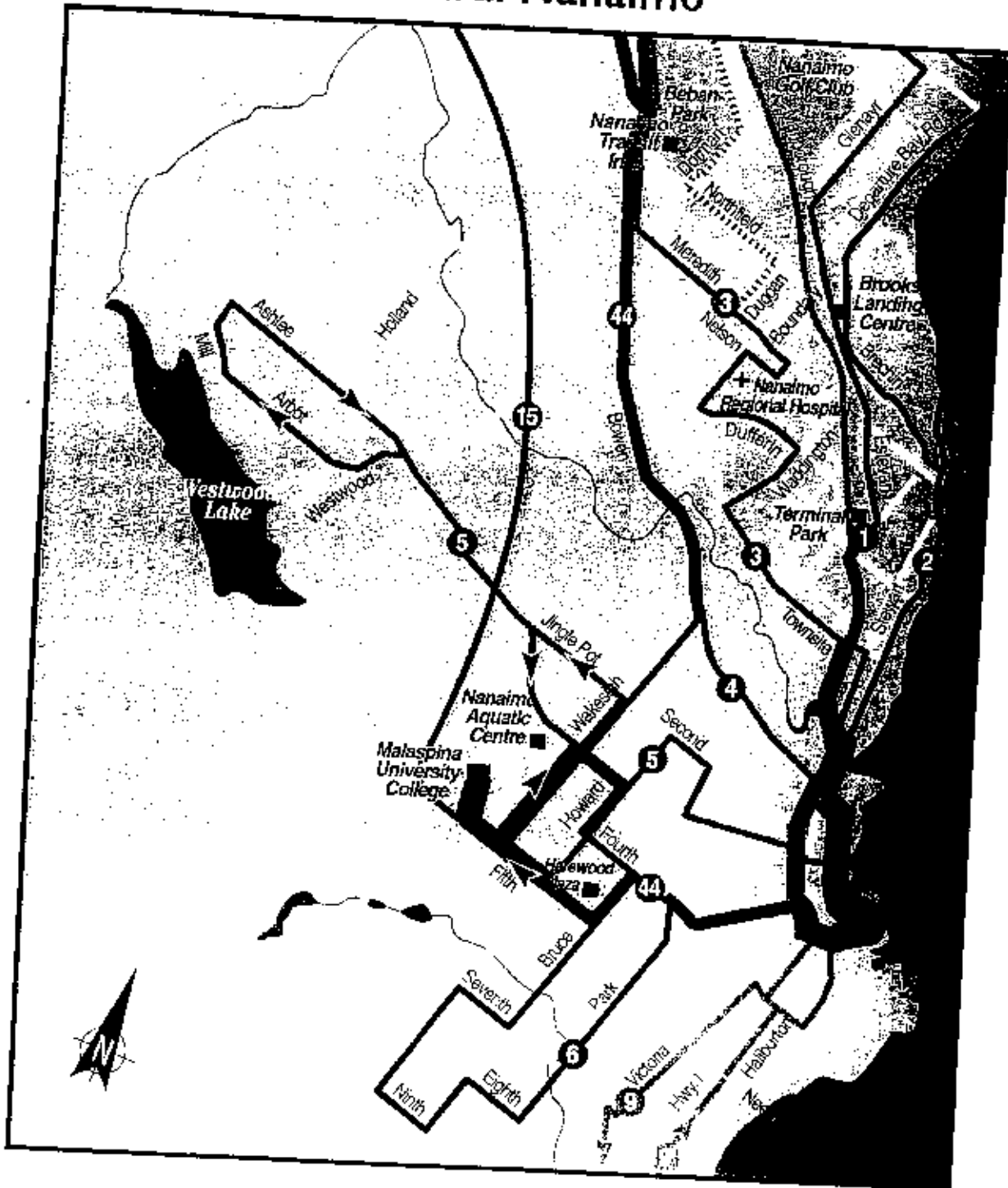
The service would benefit Malaspina University-College students primarily but would allow for faster trips between north and south Nanaimo for other users connecting on to other routes. This additional service would begin in September.

The proposed service reductions would generate net operational savings of \$25,000 for 2003. The service modifications are achieved through a reallocation of existing resources.

The proposed service reductions reflect the change in ridership patterns during those periods. As a result there will be limited impact on ridership. In terms of the service modifications, existing ridership will benefit from the proposed changes with more frequent service from the Country Club exchange to the MUC and on to downtown. The improved linkage to the downtown will provide more frequent service in both the Fitzwilliam Street and Albert Street corridors. Trips between the MUC and downtown using the #44 Malaspina College route will be as direct as the current Take 5 Express.

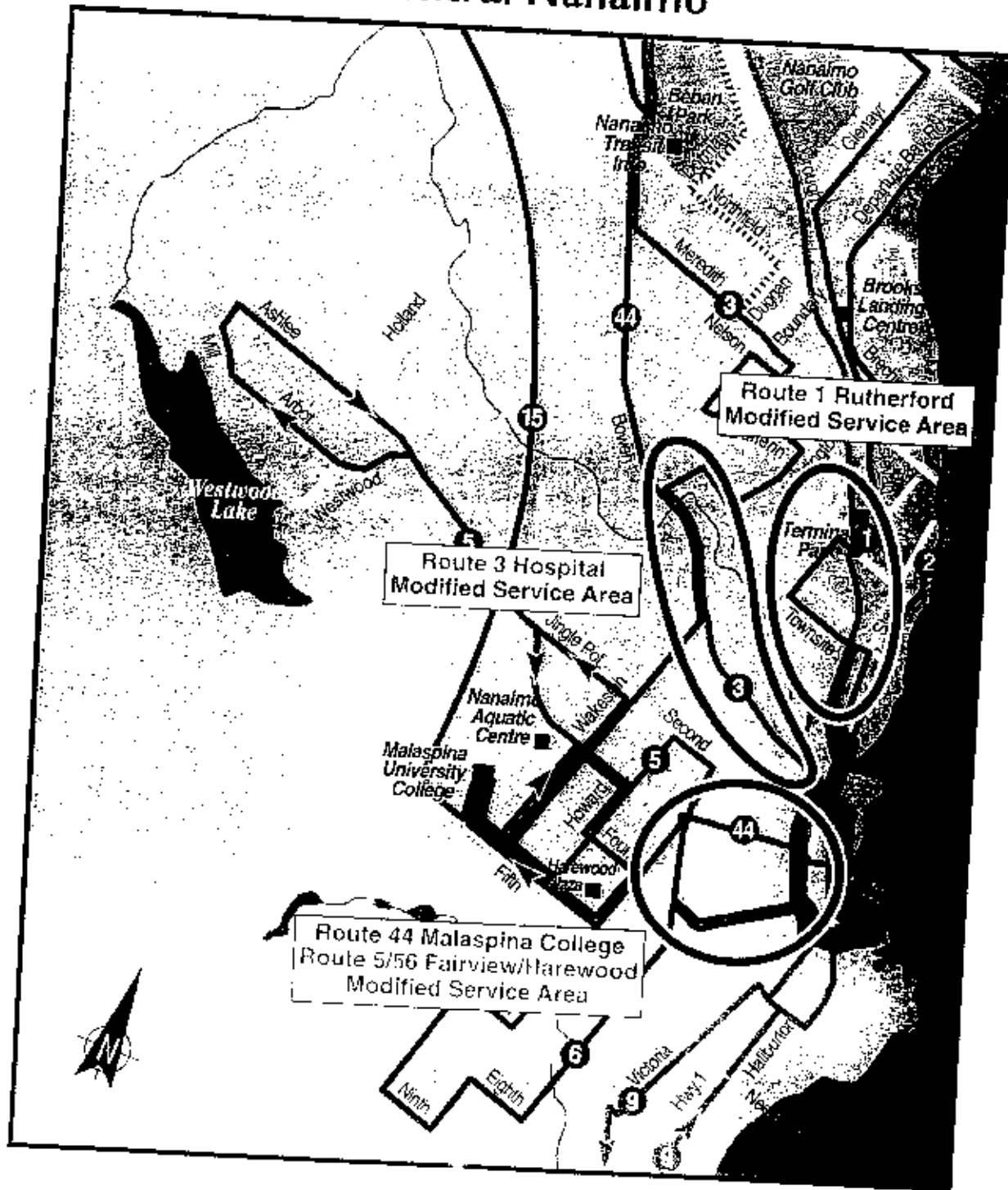


Existing Service  
Central Nanaimo



Proposed June 2003 Service Changes

Central Nanaimo



## 6.0 Public Consultations Summary

To gain the public's input a number of initiatives were developed including three public meetings, mail outs to approximately 50 stakeholder groups (see attached list), and web site information. Meeting dates were advertised in local papers in each area prior to the meetings as well as information handouts on board the buses in District 69. The responses and attendance figures are provided below.

<b>Public Meeting Attendance</b>	• Qualicum Beach	21
	• Parksville	19
	• Nanaimo	22
<b>Public Meeting Input Forms Completed</b>		12
<b>Emails and Letters Received</b>		8
<b>Web site visits</b>		141

In general, discussions in the Parksville and Qualicum Beach areas centred on the Community Bus concept. Residents understood the goal of providing greater access to the system but cautioned that it should not be achieved through a significantly reduced frequency of trips. It was also important that routing remain largely intact where possible to ensure the existing ridership is not inconvenienced while recognizing routing may change in the future based on actual ridership demand. These communities acknowledge the concept may work well but have asked that more public consultation take place prior to finalizing plans to allow further input.

In Nanaimo the discussions centered on the service adjustments planned for the end of June and the seasonal service reductions. There was general concurrence that the planned changes in Nanaimo would improve service and that the seasonal service adjustments were reasonable. As well a number of residents from Electoral Area 'A' Cedar, attended the public meeting held at Beban Park to advocate for better service and new service to the balance of the electoral area.

The public consultation process for the TBP was initiated to ensure residents in the region had every opportunity to bring forward their input. The process has generated a number of responses with a range of comments being noted.

TRANSIT BUSINESS PLAN UP-DATE  
PUBLIC CONSULTATION RESULTS

APRIL / MAY 2003

Following are the comments received through public meetings; letters and e-mails that have been reviewed by the Department. All comments have been sorted indicating if action can be taken within the year, or for future consideration by 2005 and onwards or if there is no foreseeable planned action. General comments have been listed separately.

*Open House - Parksville/Qualicum Beach  
Conventional Transit Service - Comments*

**Action**

1. Keep up level of service, no reductions
2. Have #21 arrive in Woodgrove in time for all connections including #9
3. Ability to make transfer to express bus to Nanaimo
4. More highway locations for pick up between Qualicum/Parksville
5. Make sure the schedule is made to meet the express buses without a wait
6. Shelter at Overweitea on inbound route
7. Advertisements for Parksville in the Nanaimo Paper

**Future Consideration**

1. Later Weekend Service
2. Sunday Service
3. Have buses alternate between express and regular routing so there is a choice to get to Parksville or Nanaimo faster
4. Friday & Saturday evening home from the movie buses.
5. Add hourly to Woodgrove
6. Have buses route to South West section of Corfield Road to service the new developments. Approximately 100 new homes
7. Likes the idea of service being broadened by altering route as ridership dictates
8. Smaller Vehicles
9. Split the routes, one bus for Qualicum, one bus for Parksville & have them connect at Wembley Mall
10. Direct route to downtown Nanaimo and Return
11. Access to direct route based on a call in system
12. Instead of zone fares, have in town circuit fare plus direct route zone fare i.e. \$1.75 to shop locally, \$3.50 to go to Nanaimo
13. Don't have large empty noisy buses going by homes every hour starting at 6:30am
14. Canyon Crescent route should be eliminated, go Arbutus, West Crescent instead
15. Please include areas such as Pebble Beach complex on Johnstone Road and the Occanside area of Eaglecrest as there is a high concentration of seniors that are not being serviced
16. Area around Butler/Corfield & Hamilton has a rapidly growing population and should be included in routing
17. Express bus stop signage for Parksville
18. Service to P/Q from Malaspina in Nanaimo in the evening
19. Want direct connections, not buses going through every subdivision

### **No Foreseeable Action**

1. Have all Runs following the same route (last route now goes express)
2. Direct Nanaimo hospital run without transfers and return
3. Leave the exchange at City Centre, not Wembley Mall
4. Leave service alone
5. Parksville Medical centre and Legion should be serviced

### **General Comments**

1. Likes proposal presented in Qualicum
2. Same or more frequent service
3. Bus needs to hold up at scheduled stops until the scheduled time
4. Makes sense to combine handyDART and conventional service
5. Not convinced that a conventional/conventional combo will work. Fear it will result in loss of regular riders
6. 90 minute service in QB/PV is inadequate
7. Shelters at key points
8. What about bike racks for combo service
9. Roll out to seniors before going live
10. Buddy Seniors
11. Volunteer drivers to vanpool thru senior centers
12. Concerned about frequency between Parksville & Qualicum
13. More shelters and benches
14. No student ID in Parksville
15. School busing

*Open House - Parksville/Qualicum Beach  
HandyDART - Comments*

### **Future Consideration**

HandyDART run to Hospital more often (and return)

### **No Foreseeable Action**

Have conventional run on Sundays

*Open House - Nanaimo  
Conventional Transit Service - Comments*

**Action**

1. Service leaving Woodgrove at around 5:45 for those finishing work at 5:30, Monday through Saturday
2. #9 it is confusing on which one to catch at City Centre Exchange
3. #6 Harwood and #15 College Express to Woodgrove connections
4. Put Leap Card info in *Riders Guide*

**Future Consideration**

1. Holiday Service for workers
2. Reinstate #9 to full service
3. Like the idea of feeder buses connecting to main routes
4. Need more small collector buses bringing people from neighbourhoods into closest malls for transfer to the Rapid Transit buses. Collector buses must meet the Rapid buses without too much of a wait
5. Increase Southside District "A" service. The handicapped users should be a priority. Also better service to accommodate medical, school sports, cultural and shopping desires of Southside
6. Better service to Departure Bay Ferry Terminal
7. Ability to phone in for a feeder bus to take you to the main bus route
8. Start holiday service
9. Increase Cedar service
10. #9 connector increases with feeder buses
11. Holiday Service
12. Have #2 route along Wassell, left on Country Club; Left on Bay Street the way it used to be. More residents along this route. Eliminates two buses on Departure Bay.

**No Foreseeable Action**

1. Duke Point Ferry Terminal needs to be serviced
2. Service Townsite & Terminal to Beban Pool
3. Re-route buses off of Montrose Avenue

**General Comments**

1. No more cuts in service
2. Don't like the fact the #12 has been chopped so much, practically useless now
3. Applaud all Drivers for helpfulness during these changes
4. I'm happy with service, all sounds good
5. Combine school buses and city bus service
6. Bring in a Special Interest Pass other than BC Pass
7. Advertise a lot, buses, shelters
8. Do more talking at Senior Centers
9. Dennis Dart horrible to ride on
10. Like the bike racks
11. Like the Low Floors

### Future Consideration

1. HandyDART is getting to difficult to book. Wheelchair clients are not able to get to exercise programs on a regular basis and doctors' offices on short notice. Need to increase service or combine with conventional.
2. Bring handyDART out to Yellowpoint.

## 7.0 Key Performance Indicators

Key performance indicators (KPI's) were first introduced in 1998 as part of the Transit Business Plan development. They have provided targets for performance associated with the implementation of the Transit Business Plan (TBP) and have been useful in gauging the impact of the service changes since that time.

Since 1998 some of the targets have been reached while others have yet to be achieved. In order to ensure the appropriate targets are in place and that they reflect the direction Regional Transit will be taking in the next two years (2003-2005) a review is necessary.

KPI's measure system performance and allow for comparisons to other systems within the province and across the country. This can be accomplished utilizing the KPI structure provided by BC Transit. While the comparisons are important, and it is recognized BC Transit's reporting structure is helpful in accomplishing this, there have been concerns expressed that the KPI measurements do not reflect the RDN's actual budgetary costs and revenue. As a result, by not taking into account all system costs they do not provide a fully accurate measurement of regional Transit performance. A KPI grouping that would reflect local budget and performance is therefore required.

The main KPI's used nationally are those currently being reported out by BC Transit for the RDN system. They are:

- Total Cost per Revenue Hour
- Operating Cost per Revenue Hour
- Cost per Ride
- Cost Recovery
- Rides per Revenue Hour

The current KPI's used to develop the departmental Business Plans are noted below. The cost recovery measurement reflects the need to maintain a balance between the contributions the ridership makes in using the system compared to the funding provided through local taxation. Rides per revenue hour are measured to gauge system ridership growth in response to service

improvements. Cost per ride, handyDART focuses on the efficient use of the system capacity rather than on the cost recovery in recognition of the higher level of subsidy for this service.

### **Transit**

Cost Recovery  
Rides per Revenue Hour

### **handyDART**

Cost per Ride  
Rides per Revenue Hour

### **Additional KPI**

At the April 15, 2003 Transit Business Plan Update Select Committee Meeting there was a resolution requesting that staff review and report on a KPI that describes ridership relative to total bus ridership capacity for routes and for the system. This concept was reviewed to determine how to achieve this measurement given our current method of tracking ridership.

Ridership is counted twice annually, once in the spring and once in the fall. These counts provide a snapshot of ridership at that specific time. Each Operator counts the ridership based on total activity for an entire run and records that information. This provides the Department with averaged hourly ridership data on each route in four key time periods. Those periods are the morning and afternoon peak periods, and the midday and evening periods.

In order to accurately measure ridership capacity usage on a route a detailed count would be necessary that is currently beyond the scope of the Operators to perform. Operators would need to track not only all passengers boarding the bus but also those leaving the bus and the time and location for each of those movements. Currently this is not operationally possible.

A trial system is currently in place in the system that utilizes Geo Positioning systems and on board monitors that will eventually be able to carry out counts in the detail required to develop the capacity model. However the information that would be provided from such an exercise would not be consistent with the broad indicators required for a KPI but rather would lend itself to the detailed analysis used for planning purposes.

### **KPI Comparisons**

Included below are comparatives to systems throughout the Province and across Canada as calculated by BC Transit. These will be used with the BC Transit developed KPI numbers in order that a consistent approach is used when comparing our service performance to systems across the province and the country.

A new parallel RDN system of KPI's has been developed that accurately defines service delivery objectives with respect to RDN budgeting and planning. Using RDN generated KPI's will allow for more effective tracking of system performance by linking budgeting and performance more directly.



### Comparison of KPIs with other communities

#### Conventional Transit

	Rides per hour	Cost recovery	Operating cost per ride
<b>Municipal Systems (2002/03)</b>			
Nanaimo Region	23.1	42.5%	\$2.55
Central Fraser Valley	20.4	27.9%	\$3.18
Kamloops	27.6	34.9%	\$2.56
Kelowna Region	26.0	33.1%	\$2.61
Prince George	16.9	23.5%	\$3.94
Whistler	45.1	44.2%	\$1.41
Tier 1 Average	26.6	35.1%	\$2.45
<b>Industry Leaders (2001)</b>			
Lethbridge	33.9		\$1.79
Peterborough	32.0		\$2.07
Kingston	23.5		\$2.38
Sherbrooke	33.2		\$2.08
St. John's	28.1		\$2.62
CUTA Average (50-150)	24.4		\$2.63

#### Custom Transit

	Rides per hour	Cost recovery	Cost per ride
<b>Municipal Systems (2002/03)</b>			
Nanaimo Region	3.1	13.1%	\$14.15
Central Fraser Valley	3.5	11.2%	\$10.93
Kamloops	4.5	12.6%	\$10.51
Kelowna Region	3.9	9.9%	\$10.15
Prince George	4.0	12.2%	\$9.53
Tier 1 Average	3.7	11.6%	\$10.90

**Key Performance Indicators for 2003 to 2005**

Cost recovery, Rides per revenue hour and Cost per ride were chosen as KPI's as they link key elements of performance with respect to operating costs, ridership and available hours of service. Other measurements including total cost per revenue hour, operating cost per revenue hour for planning and monitoring purposes, however they do not describe system performance as completely.

The tables below show the current status of the KPI's in the system compared to those KPI's set out in 1998 as part of the Transit Business Plan. Both BC Transit calculations and newly developed RDN versions of the KPI's are shown. Current comparisons to other systems are attached to this report for information.

These comparisons have been reviewed and performance numbers chosen that will provide the new targets for the system to 2005.

	1998 TBP Target	RDN Current	RDN 2005
District 68	35.0%	40.3%	41.1%
District 69	25.0%	23.5%	24.0%

<b>BCT Current</b>
42.5%

	1998 TBP Target	RDN Current	RDN 2005
District 68	25	24.5	26
District 69	18	14.7	15.6

<b>BCT Current</b>
23

	1998 TBP Target	RDN Current	RDN 2005
District 68	\$12.00	\$21.34	\$18.37
District 69	\$12.00	\$18.38	\$20.00

<b>BCT Current</b>
\$14.15

	1998 TBP Target	RDN Current	RDN 2005
District 68	3.5	3.1	3.4
District 69	3.2	2.9	2.9

<b>BCT Current</b>
3.1

### **Transit Cost Recovery**

The new targets reflect continued modest ridership growth over the next two years.

### **Transit Rides Per Revenue Hour**

The overall system rides per hour targets set in 1998 have nearly been met in District 68. Ridership growth, well strong in District 69 has not met the targets set in 1998. Initiatives are planned to increase the performance in 2003. Further work will be required to meet the new targets by 2005.

### **HandyDART Cost per Ride**

New RDN KPI's reflect the actual costs, which will see a decrease in District 68 by 2005 but will increase in District 69 due to ridership demand and vehicle capacity limits.

### **HandyDART Rides per Revenue Hour**

The new targets in District 68 for rides per revenue hour reflect planned improvements to dispatching efficiency. Given improvements being made in 2003 on this target a 3.4 average by 2005 will be achievable with additional improvements to operational efficiencies. District 69 will remain stable due to vehicle capacity limits.