

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, OCTOBER 1, 2002  
7:30 PM**

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 4                    **Marilyn Bridges, Office & Professional Employees International Union, re the future of public insurance. (Information package included as a separate enclosure)**

**MINUTES**

- 5-10                Minutes from the Committee of the Whole meeting held on Tuesday, August 27, 2002.

**BUSINESS ARISING FROM THE MINUTES**

***DEVELOPMENT SERVICES***

**BUILDING INSPECTION**

- 11-13              Section 700 Filings.

**PLANNING**

- 14-17              Agricultural Land Reserve Regulation Amendment - Implications for All Electoral Areas except Electoral Area 'B'

***COMMUNITY SERVICES***

***CORPORATE SERVICES***

**ADMINISTRATION**

- 18-34              Police Financing Discussion Paper.
- 35-67              Treaty Related Measures - Legislative Working Group.

**FIRE PROTECTION**

68-70 Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324

**ENVIRONMENTAL SERVICES**

**SOLID WASTE**

71-75 -Landfill Gas Collection System Expansion - FCM Conditional Grant.

76-79 Household Yard & Garden Waste Collection.

**UTILITIES**

80-83 French Creek Sewerage Facilities LSA Amendment Bylaw No. 813.27.

84-88 Pacific Shores Sewer LSA Amendment Bylaw No. 1021.03 and Northern Community Sewer LSA Amendment Bylaw No. 889.22.

89-91 Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.05.

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Arena Committee.**

Report of the Joint Arena/District 69 Directors Committee meeting held September 17, 2002. (Verbal Report - G. Holme)

**District 69 Recreation Commission.**

92-104 Minutes from the meeting of the District 69 Recreation Commission held September 12, 2002. (for information)

*That the following recommendations stated in the Revised 2003 Recreation Fees and Charges report be accepted:*

- 1. That the revised Recreation Fees and Charges Policy be approved.*
- 2. That the Fees and Charges Policy be applied with respect to the 2003 Provisional Budget process to include seniors' admission rate categories with a phased in increase and other adjustments as outlined in Schedule 1 of the report.*

**District 69 Recreation Commission.**

From the meeting of the District 69 Recreation Commission held July 11, 2002.

*That the non-resident pool surcharge be removed from the Ravensong Aquatic Centre.*

*That Electoral Area 'E' be approached to contribute a fair and reasonable amount to the Ravensong Aquatic Centre.*

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

105-106 Minutes from the meeting of the Lantzville Parks and Open Space Advisory Committee held June 3, 2002. (for information)

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

107-109 Minutes from the meeting of the Electoral Area 'G' Parks and Open Space Advisory Committee held July 17, 2002. (for information)

**Electoral Area 'A' Parks, Recreation and Greenspace Advisory Committee.**

110-112 Minutes from the meeting of the Electoral Area 'A' Parks, Recreation and Greenspace Advisory Committee held September 19, 2002. (for information)

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

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

**ADJOURNMENT**

**IN CAMERA**



# OFFICE & PROFESSIONAL EMPLOYEES' INTERNATIONAL UNION, Local 378

2ND FLOOR, 4595 CANADA WAY, BURNABY, B.C. V5G 4L3 BUS. (604) 299-0378 FAX (604) 299-0211  
WEB SITE: [www.opciu.ca](http://www.opciu.ca)

PLEASE REFER TO OUR FILE NO. ICBC/CAMP/01-0001

July 18, 2002

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

REGIONAL DISTRICT OF NANAIMO			
JUL 22 2002			
CHAIR		GMCS	
CAO		GMDS	
GMCMS		GMES	
<i>Inda- about contact them to arrange</i>			
<i>Oct. 1 - Cow</i>			

Dear Mayor and Council:

I write on behalf of our members who work for our Insurance Corporation of British Columbia and live within your City. We would very much appreciate the opportunity to make Delegation to your City Council on the future of public insurance and the implications to your City and to British Columbians overall.

We are hoping to enlist your Council's support for our initiative "Don't Wreck Public Auto Insurance". We will be asking your council to join other Councils across BC in endorsing the attached resolution and communicating your support of our initiative to the Provincial Government and your local MLA.

Should your process require completion of applications in order to make Delegation, please contact Elaine Stephens of our office at (604) 299-0378 or by email at [estephens@opciu.ca](mailto:estephens@opciu.ca).

Yours truly,

Jerri New  
President

/es  
uswa2952

(information package included as separate enclosure.)

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, AUGUST 27, 2002, AT 7:30 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

Director J. Stanhope	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Alternate	
Director T. Beech	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
D. Trudeau	Manager of Liquid Waste
S. DePol	Engineering Technologist
G. Garbutt	Senior Planner
N. Tonn	Recording Secretary

**DELEGATIONS**

**Richard Johnston, Malaspina University-College, re Bio-Solids Project.**

Mr. Johnston presented an overview of the University College's size, financial status and past accomplishments within the Regional District and noted that the Malaspina Woodlot is run independently and is not subsidized in any way.

Paul Lucas, Woodlot Manager, also provided a short history of the Malaspina Woodlot and the biosolids forest fertilization project of 1992. Mr. Lucas also distributed information to the Directors with respect to the current biosolids project.

**LATE DELEGATIONS**

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

CARRIED

**PAGE**  
**5**

**Linda Westby, re Bio-Solids Project.**

Ms. Westby requested that the Board cancel its present contract with Malaspina College-University citing concerns about fish habitat and residential drinking water and the use of biosolids as a Class B compost for forest fertilization. Photographs were distributed to Committee members for their perusal.

**Carl Westby, re Bio-Solids Project.**

Mr. Westby spoke in opposition to the biosolids forest fertilization project and the contract between the RDN and Malaspina University-College to provide the project with biosolids from the NWPCC. Mr. Westby raised concerns with the safety level of the biosolid storage area at the Malaspina Woodlot.

**Donna Goodall, re Bio-Solids Project.**

Ms. Goodall noted that residents in the Lantzville/Pleasant Valley area were not notified prior to the commencement of the Malaspina Woodlot biosolids forest fertilization project and raised her concerns with respect to potential health hazards of the project.

**Arthur Lightburn, Northwest Nanoose Residents Association, re RDN Consultation Process.**

Mr. Lightburn responded to the August 15, 2002 memorandum from the General Manager of Community Services regarding the public consultation process and suggested inaccuracies in the staff report and flaws in the RDN Multiplex consultation process.

**MINUTES**

MOVED Director Krall, SECONDED Director Holme, that the minutes of the Committee of the Whole meeting held on Tuesday, July 23, 2002 be adopted.

**COMMUNICATIONS/CORRESPONDENCE**

CARRIED

**Rob Roycroft, City of Parksville, re Port Theatre Funding.**

MOVED Director Krall, SECONDED Director McNabb, that the correspondence received from the City of Parksville with respect to the funding request for the Port Theatre, be received.

CARRIED

**DEVELOPMENT SERVICES**

**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.

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

- (a) The east part of Section 12, Range 2, Cranberry District, as shown on Plan 2030, except parts 13.3 acres and 29.89 acres coloured green on said plan, and except parts covered by Harewood and Overton Lakes, 2724 Extension Road, Electoral Area 'C', owned by Duart Rapton.

CARRIED

**PLANNING**

**Agricultural Land Reserve Regulation Amendments.**

MOVED Director Krall, SECONDED Director Holdom, that the staff report on 'Agricultural Land Reserve Regulation Amendment - Implications For the RDN' be received for information and that the staff clarify the key issues arising from the earlier presentation by the Land Reserve Commission.

**COMMUNITY SERVICES**

CARRIED

**OTHER**

**RDN Public Consultation Process.**

MOVED Director Holme, SECONDED Director Westbrook, that the submission from the Northwest Nanoose Residents Association be received and that provision be made for a review of the Public Consultation/Communication Framework Policy in 2003.

**CORPORATE SERVICES**

CARRIED

**ADMINISTRATION**

**Revised Voting Structure.**

MOVED Director Holme, SECONDED Director Macdonald, that the report on the revised voting structure based on the 2001 Census Figures, be received for information.

**Vancouver Island Regional Library Weighted Vote Formula.**

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that the Regional District of Nanaimo advise the VIREL that it supports the new Weighted Vote formula in which each member jurisdiction receives 1 weighted vote plus 1 additional vote for each ¼ percent of total VIREL tax contributions after the first ¼ percent. Where the formula results in a fraction of a vote, normal rounding will apply.

**Port Theatre Funding Request Bylaws No. 1318, 1319, 1320, 1321 and 1322.**

CARRIED

MOVED Director Holdom, SECONDED Director Hamilton,:

1. That the Regional District of Nanaimo proceed to referendum on November 16, 2002, to obtain the assent of electors in Electoral Areas A, B, C, D and E to establish individual Port Theatre Contribution Local Service Areas and that the referendum questions be as follows:
  - i. Are you in favour of the "Electoral Area 'A' Port Theatre Contribution Local Service Area Bylaw No. 1318, 2002" which, if enacted, would establish an annual contribution of \$13,900 to contribute towards the operation of the Port Theatre?
  - ii. Are you in favour of the "Electoral Area 'B' Port Theatre Contribution Local Service Area Bylaw No. 1319, 2002" which, if enacted, would establish an annual contribution of \$13,915 to contribute towards the operation of the Port Theatre?
  - iii. Are you in favour of the "Electoral Area 'C' Port Theatre Contribution Local Service Area Bylaw No. 1320, 2002" which, if enacted, would establish an annual contribution of \$13,820 to contribute towards the operation of the Port Theatre?
  - iv. Are you in favour of the "Electoral Area 'D' Port Theatre Contribution Local Service Area Bylaw No. 1321, 2002" which, if enacted, would establish an annual contribution of \$12,440 to contribute towards the operation of the Port Theatre?

- v. Are you in favour of the "Electoral Area 'E' Port Theatre Contribution Local Service Area Bylaw No. 1322, 2002" which, if enacted, would establish an annual contribution of \$19,950 to contribute towards the operation of the Port Theatre?
2. That the "Electoral Area A Port Theatre Contribution Local Service Area Bylaw No. 1318, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
3. That the "Electoral Area B Port Theatre Contribution Local Service Area Bylaw No. 1319, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
4. That the "Electoral Area C Port Theatre Contribution Local Service Area Bylaw No. 1320, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
5. That the "Electoral Area D Port Theatre Contribution Local Service Area Bylaw No. 1321, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
6. That the "Electoral Area E Port Theatre Contribution Local Service Area Bylaw No. 1322, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

**FINANCE**

CARRIED

**Audit Services Contract.**

MOVED Director McNabb, SECONDED Director McLean,:

1. That the Board appoint the firm of Bestwick & Partners and authorize the Chairperson and General Manager of Corporate Services to enter into a five-year agreement for the provision of external financial audit services commencing with the year 2002 audit.
2. That a letter of appreciation be sent to the firm of McGorman MacLean for their past services.

**Fees and Charges Amendment Bylaw No. 944.03.**

CARRIED

MOVED Director Macdonald, SECONDED Director Holdom,:

1. That "Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.03, 2002" be introduced for three readings.
2. That "Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.03, 2002" having received three readings be adopted.

CARRIED



**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**GNPCC Biosolids Composting.**

MOVED Director Holdom, SECONDED Director Krall, that the Board receive the report on the GNPCC biosolids composting contract and tendering process.

CARRIED

MOVED Director Haime, SECONDED Director McLean, that this item be addressed in Camera.

**Driftwood Water System Contract Award.**

CARRIED

MOVED Director Holme, SECONDED Director Westbrook, that the Regional District of Nanaimo award Driftwood Water System Phase I to Chet Construction for the tendered amount of \$171,469.25.

**Pump and Haul Amendment Bylaw No. 975.25.**

CARRIED

MOVED Director McLean, SECONDED Director Holme,:

1. That the application for Pump and Haul for the property legally described as Lot 58, DL 78, Plan 14275, Nanoose Land District be approved.
2. That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.25, 2002" as amended, be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**SOLID WASTE**

**Landfill Refuse Compactor Tender Award.**

MOVED Director Holme, SECONDED Director McLean, that the RDN enter into lease through the MFA Leasing program, to finance the acquisition of a CAT 826 landfill refuse compactor from Finning.

CARRIED

**UTILITIES**

**Request to Impose a Development and Construction Moratorium in the Chartwell Subdivision.**

MOVED Director Westbrook, SECONDED Director Holme,:

1. That the Board direct staff to include \$15,000 in the 2003 French Creek Bulk Water budget to participate in a hydrogeological study for the Englishman River and French Creek watersheds, subject to participation in the study by Qualicum Beach, Parksville and Breakwater Enterprises.
2. That the Board direct staff to include \$3,000 in the 2003 French Creek Bulk Water budget to establish a scope, project plan and cost for a drinking water protection plan for the Arrowsmith watersheds.
3. That the Board direct staff to include \$10,000 in the 2003 French Creek Water Local Service Area budget to investigate the opportunities and costs of acquiring supplemental water supply for the FCWLSA users.
4. That the Board support watering restrictions, including restrictions on lawn sprinkling, as a means to conserve and protect the water supply source in order to meet priority in-home and fire protection requirements.

5. That the Board direct staff to include in the 2003 budget, provisions for increasing water conservation awareness and education and water use patrols for residential and commercial users throughout the RDN regional water systems, to bring forward recommendations regarding water conservation rate structures for the RDN water local service areas and to prepare for the Board's consideration a Water Use Restriction Bylaw that includes penalty mechanisms for non-compliance with RDN water-use restrictions.
6. That a decision on seeking authority to impose a development moratorium be based on the outcome of recommendations 1 to 4.

**IN CAMERA**

CARRIED

MOVED Director Holme, SECONDED Director McLean, that pursuant to Section 242.2(1)(j) of the *Local Government Act* the Committee proceed to an In Camera meeting to consider information which is prohibited from disclosure under Section 16(1)(c) of the *Freedom of Information and Protection of Privacy Act*.

**ADJOURNMENT**

CARRIED

MOVED Director Holme, SECONDED Director Quittenton, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:50 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO

SEP 23 2002

CHAIR	GMCrS	
CAG	GMDS	
GMCS	GMES	
Committee of the Whole ✓		

MEMORANDUM

TO: Stan Schopp  
Manager, Building Inspection Services

DATE: September 19, 2002

FROM: Allan Dick  
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw Meeting Date - October 1, 2002

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'

- 1. Owners Name: Boat Harbour Marine Ltd.  
Legal Description: Parcel E (DD 6975N) of Sections 9 and 10, Range 5, Cedar District, Except those parts in Plans 10233, 10772, 15372, 21911 and 27211  
Street Address: 2250 Kendall Road

Summary of Infraction:

- January 16, 2002 engineer certification required for post and beam SFD
- February 7, 2002 - RDN contacted by engineer regarding requirements
- March 5, 2002 - engineer in contact with RDN
- July 16, 2002 - Engineer indicates he has not been retained by owner.
- July 17, 2002 - owner contacted; stated he will be removing SFD from site and will apply for demolition permit
- August 26, 2002 - no application for demolition received; file incomplete
- August 27, 2002 - owner contacted; indicated he will be in the first week of September to apply for permit to complete
- September 18, 2002 - Senior Inspector left message on answering machine for owner to contact RDN regarding completion of project

**Electoral Area 'B'**

1. Owners Name: **Sharon Shackelton and Robert Markle**  
Legal Description: **Lot 30, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District**  
Street Address: **1595 Hess Road**

**Summary of Infraction:**

July 2002 - owner living in SFD without occupancy permit  
July 9, 2002 - letter sent; permit expired  
July 29, 2002 - second letter sent; permit expired for SFD  
August 1, 2002 - voice mailed received; no further contact  
September 11, 2002 - Senior Inspector left message on machine to contact RDN building department  
September 17, 2002 - owner contacted Senior Inspector and committed to apply for permit to complete SFD  
September 18, 2002 - application for permit to complete received. Several health and safety deficiencies; building continues to be occupied

2. Owners Name: **George Koza**  
Legal Description: **Lot 8, Section 6, Plan 31743, Gabriola Island, Nanaimo Land District**  
Street Address: **1637 Peterson Road**

**Summary of Infraction:**

April 16, 2002 - letter sent certified mail; permit expired for SFD  
April 23, 2002 - verification certified mail received  
April 30, 2002 - application for permit to complete received  
June 10, 2002 - notified owner permit ready for pick up  
June 18, 2002 - notified owner permit ready for pick up  
September 10, 2002 - numerous calls to owner over summer months; no response  
September 17, 2002 - Senior Inspector attended property to inform owner of need to pick up permit; no one appeared to be on site.

**Electoral Area 'G'**


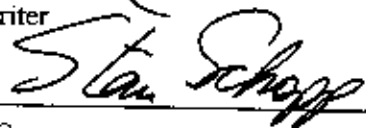
1. Owners Name: **Ronald and Corrine Ryvers**  
Legal Description: **Lot 1, District Lot 29, Plan VIS4487, Nanoose District together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown of Form 1.**  
Street Address: **857 Wright Road**

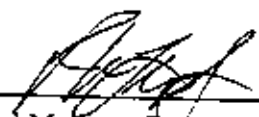
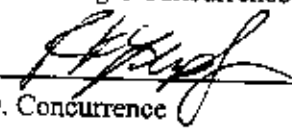
**Summary of Infraction:**

August 30, 2002 - received complaint regarding illegal suite in the SFD and a cabin, also occupied, located near the beach  
September 5, 2002 - building inspector posted notice requesting owner contact the RDN regarding the suite (reinstalled) and the cabin built without a valid building permit.  
September 9, 2002 - letter sent via certified mail; permit required  
September 19, 2002 - no response from owner.  
Note: previous building bylaw contraventions (illegal suite) had been rectified June 26, 2002 and the discharge fee received for the cancellation of the contravention notice

**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  
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence  
  
\_\_\_\_\_  
A/C.A.O. Concurrence

COMMENTS:  
*devsvs/reports/2001/3810-20-section700September.doc*



REGIONAL DISTRICT OF NANAIMO			
SEP 23 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
Committee of the Whole			<input checked="" type="checkbox"/>

# MEMORANDUM

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** September 23, 2002

**FROM:** Geoff Garbutt  
Senior Planner

**FILE:** 6635 00 LRC

**SUBJECT:** Agricultural Land Reserve Regulation Amendment – Implications For RDN  
All Electoral Areas except Electoral Area 'B'

## PURPOSE

To provide clarification to the Board on key land use issues in the new *Agricultural Land Reserve Use, Subdivision and Procedure Regulations* governing land in the Agricultural Land Reserve (ALR).

## BACKGROUND

Since 2001, the Land Reserve Commission (LRC) has been considering amending the regulations that govern the use of land located in the ALR. Following the election of the new provincial government, the Core Review and Deregulation Task force directed the LRC to implement three strategic shifts to improve the land reserve system in British Columbia. The first two shifts focused on Commission restructuring and collaborative governance. The final shift focused on amending legislation to make the ALR more responsive to community needs as well as streamlining and deregulating the requirements and procedures for management of ALR lands. In order to accomplish this task, the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* has been drafted and comes into force on November 1, 2002.

RDN staff met with LRC representatives to discuss proposed amendments to the ALR regulations. Out of these discussions, staff prepared a report for the Board highlighting key issue areas related to the amended regulations. The Land Reserve Commission met with the Board of the Regional District on August 27, 2002 to provide an overview of the changes to the *ALR Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and to receive feedback from the Board with respect to the proposed regulations. During this meeting, the Board identified three key issues with the new regulations and directed staff to obtain further clarification and report back to the Board. These issue areas include: permitted "farm uses" under Part 2 Section 2 and permitted "non-farm uses" that local governments may prohibit under Part 2 Section 3; expanded permitted uses in the ALR (particularly kennels); and regulating industrial composting facilities in the ALR.

## ALTERNATIVES

1. Receive the staff report for information.
2. Provide direction to staff to further investigate or clarify specific issues with the LRC.

## LAND USE IMPLICATIONS

### *Permitted Farm Uses*

The new ALR Regulations distinguish between 'activities designated as farm use' and 'permitted uses for land in an agricultural land reserve.' The uses defined as farm uses cannot be prohibited by a local government except in the case of a farm bylaw under Section 917 of the Local Government Act. In the Regulations, the uses listed under Part 2 Section 2 cannot be prohibited by the Regional District of Nanaimo (RDN), but they can however be regulated by local government bylaws. The regulation of these farm uses cannot be so restrictive that it would be considered prohibitive under the Right to Farm Legislation. Uses listed in Part 2 Section 3 are to allow for specific permitted uses that have previously been permitted as 'special uses' and can be described as quasi-agricultural uses. Under Section 3 of the regulations, certain specific uses are permitted by the Commission without approval; but they may be prohibited and/or regulated by local government based on land use policies for an area, neighbourhood characteristics, or off site impacts.

### *Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 Implications*

In the electoral areas regulated by Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, ALR land is generally located with the rural and resource management zones. The expanded farm uses in Section 2 of the ALR regulations will allow the new farm uses on ALR lands. However, given the limitations of the existing zoning definitions and regulations, other uses identified in Section 3 of the new ALR regulations will not be permitted. Key uses that are not permitted in rural and resource zones of Bylaw No. 500 but are now recognized by the LRC, are pet kennels, retailing of Class 'A' compost, processing of off-site timber, and operation of up to 10 Agri-tourism accommodation units on an assessed farm. In order to permit additional expanded uses allowed under the new ALR regulations, definitions and zoning regulations for new rural and resource management zones would need to be considered.

### *Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 Implications*

In Electoral Area 'F', all land located in the ALR is zoned A-1 and further, Bylaw No. 1285 is structured in such a way that all uses determined to be "farm uses" by the LRC are recognized as permitted uses within the A-1 zone. As is the case with land regulated by Bylaw No. 500, all of the uses permitted under Section 2 will be allowed in the A-1 zone. After discussions with LRC staff and the RDN solicitor, it has been confirmed that given the definitions and regulations included in the existing zoning the expanded uses in Section 3 of the of the new regulations will not be permitted under Bylaw No. 1285. Input received from the public during the OCP and Zoning Bylaw process called for a flexible approach to zoning particularly with respect to land located with in the ALR; however, a number of uses including retailing of Class 'A' compost, additional dwelling units, tourist accommodations and kennels that have been viewed as controversial by the community, will continue to be prohibited. In order to permit additional expanded uses allowed under the new ALR regulations, definitions and zoning regulations for the A-1 zone would need to be considered.

### *Composting facilities in the ALR*

Offsite impacts associated with industrial composting facilities have been frequently identified as an issue by RDN residents. Many residents have contacted the RDN with respect to the operation of these types of industrial businesses particularly where non-farm products (i.e. products that originate off the

farm) are used to produce soil amendment materials and where composted products are being retailed from properties located on ALR lands. Key issues for these residents include potential leaching of materials, groundwater impacts, traffic and odour. The Board raised this issue during their August 27 meeting with the LRC and requested that staff clarify if the practice of retailing farm compost would be allowed under the new regulations for lands located in the RDN.

Staff has discussed this issue with LRC staff and the RDN solicitor and have confirmed that farms may bring in non-farm products to produce compost and apply those soil amendments to their farm. Composting of material is considered a 'farm use' and is recognized in the new regulations and protected under the Right to Farm legislation. Staff has confirmed however, that retailing of compost produced on lands in the ALR is not permitted due to the restrictions contained in the existing zoning definitions and regulations for ALR lands subject to both Bylaw Nos. 500 and 1285.

Under the LRC regulations, the production of and application of compost is a permitted farm use under Section 2; however, it is important to note that all compost produced must be used on the farm (Section 2(m)). In addition, under Section 2, the production, storage and application of soil amendments must be handled and applied in compliance with the *Agricultural Waste Management Regulations (AWMR)* [Section 2 (K)]. The intent of these waste management regulations is to recognize the need for farms to produce and apply soil amendment material but the production, storage and application of these materials must be done in an environmentally sensitive manner.

Under the *AWMR*, there are a number of important requirements, in addition to zoning, that regulate composting operations within the ALR. Key requirements include:

- Agricultural waste can only be stored on a farm if it is produced or used on the farm. Waste stored on a farm must be stored in a storage facility or as field storage and stored in a manner that prevents the escape of waste that causes pollution;
- Agricultural waste may be composted on a farm if the material being composted consists only of agricultural waste produced on that farm or produced elsewhere but being composted for use on that farm only. The compost must be produced in a manner that does not cause pollution;
- Solid agricultural waste may be stored on a field for longer than 2 weeks provided it is not stored for longer than 9 months and is located 30 metres from any watercourse or source of water for domestic purposes and is stored in a manner that prevents escape of any waste that causes pollution;
- In areas of the Province that receive a total average precipitation greater than 600 mm, including Vancouver Island, the solid agricultural waste must be covered from October 1 to April 1 inclusive to prevent any pollution; and
- Pollution is defined as "the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

## VOTING

All Directors – one vote, except Electoral Area 'B'



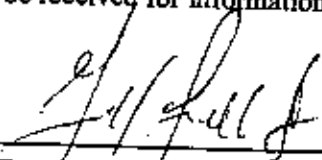
## SUMMARY/CONCLUSIONS

The new *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* has been drafted and will be brought into force on November 1, 2002. The LRC representatives met with the Board of the RDN on August 27, 2002 to provide an overview of the changes to the *Agricultural Land Reserve Act and Regulation* and to receive feedback from the Board with respect to the proposed regulations. The Board identified three key issues and directed staff to obtain further clarification. These issue areas include permitted "farm uses" under Part 2 Section 2 and permitted non-farm uses that local governments may prohibit under Part 2 Section 3, expanded permitted uses in the ALR particularly kennels, and regulating industrial composting facilities in the ALR.

With the adoption of the new ALR regulations, all uses allowed under Section 2 of the new ALR regulations, identified as 'farm uses' will be allowed under all zones that allow agriculture or farm as a permitted use. Given the restrictions of the existing zoning definitions and regulations, both for Electoral Area 'F' and the balance of the Regional District regulated by Bylaw No. 500, the expanded uses identified in Section 3 of the new ALR regulations (kennels, expanded tourist accommodation units) will not be permitted without an amendment to zoning. With respect to industrial composting facilities on ALR land, staff has confirmed that under the new regulations, farms will continue to be allowed to produce and apply compost to their property however, the regulations when combined with the existing zoning in the RDN will not allow for the retail sale of compost materials. Further, the production, storage and application of compost and soil amendments must be undertaken in accordance with the *Agricultural Waste Management Regulations*. Given the existing zoning definitions and regulations contained in the RDN Land Use Bylaws the impact of the new ALR regulations will be minimal and staff is of the opinion that no amendments to these bylaws are required as result of the adoption of these regulations.

## RECOMMENDATION

That the staff report on 'Agricultural Land Reserve Regulation Amendment - Implications for the RDN' be received for information.

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

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

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

  
\_\_\_\_\_  
A CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

SEP 25 2002

CHAIR		GMCS	
CAO		GMCS	
GMCS		GMES	
<i>Comm. of the Whole</i>			<input checked="" type="checkbox"/>

MEMORANDUM

TO: K. Daniels  
Chief Administrative Officer

DATE:

September 24, 2002

FROM: C. Mason  
General Manager, Corporate Services

FILE:

SUBJECT: Police Financing Discussion Paper

PURPOSE:

To circulate the Discussion Paper on the Restructuring of Police Financing for consideration by the Board.

BACKGROUND:

On September 11, 2002 the Minister of Public Safety and Solicitor General circulated a discussion paper to members of the UBCM outlining its issues of concern with respect to police financing and proposed two options to respond to these concerns. The Discussion Paper was presented at a workshop held at the UBCM Conference in Whistler and comments on the proposed financing options were encouraged.

Of primary concern to the Province is the current inequity in the contributions by local taxpayers towards police costs. While municipalities over 5,000 are required to pay for local policing costs (70% for municipalities between 5,000 and 15,000 and 90% for municipalities exceeding 15,000), municipalities under 5,000 do not make any contributions towards policing costs. Taxpayers in electoral areas contribute in the form of the provincial rural property tax; however, according to the Province only a small portion of this amount is in support of police costs, the remainder of the contribution is primarily directed towards rural road infrastructure.

The breakdown of the total cost to deliver provincial and municipal police services in BC in 2001/2002 is estimated at \$806 million, with contributions as follows:

- Municipal Governments - \$551 million
- Provincial Government - \$153 million
- Federal Government - \$101 million

According to the Discussion Paper, the \$153 million contribution from the Province is for RCMP services to 83 municipalities under 5,000, unincorporated areas and Indian Reserves. Of this \$153 million, \$39 million represents service to unincorporated areas and \$15 million represents service to municipalities under 5,000. The Province is proposing to recover the full cost of these services (\$54 million) through a tax requisition to electoral areas and municipalities under 5,000.

Two financing options have been proposed to members of the UBCM. The first option proposes that a new Provincial Police Services Tax be levied to unincorporated areas and municipalities under 5,000 based on the same rate across the Province. The second option proposes that regional districts be

responsible for raising revenues within their boundaries based upon the actual cost of policing in each regional district. This second option is slightly more expensive than the first option, as it will require regional districts to pay a commission to the Surveyor of Taxes for the collection of police taxes. It appears that the Province advocates the second option, however, as it would enable regional districts to have increased input into local policing and regional districts could increase service levels if they were willing to raise additional funds within their jurisdiction.

#### ALTERNATIVES:

1. Following the local government elections, establish a Select Committee to develop a response to the Minister of Public Safety and Solicitor General for consideration by the Board.
2. Receive the report for information.

#### FINANCIAL IMPLICATIONS:

At this time, it is not known what the actual impact will be for taxpayers of the Regional District of Nanaimo. Initial projections by the Province seem to indicate an increase to South Coast taxpayers of approximately \$120 in gross taxes for unincorporated areas under option 1 and an increase of approximately \$70 in gross taxes under option 2 (not including the 5.25% commission paid to the Surveyor of Taxes), though the financial impact varies for each region.

It is also not clear whether the Province will be increasing the requisition to municipalities over 5,000 to recover the full 100% of local police service costs, or whether there are other variables to consider. The Discussion Paper does not identify under option 2 whether regional districts will become responsible for collecting taxes from all municipalities within their boundaries, or just municipalities under 5,000.

#### CONCLUSIONS:

The Minister of Public Safety and Solicitor General has circulated a Discussion Paper on Police Financing to obtain feedback from local government on options it is proposing to change the police financing structure. This proposal is part of a larger initiative by the Ministry to reform police service delivery through regional integration and greater community involvement. Many questions have been raised as a result of the circulation of the Discussion Paper and the Ministry is encouraging comments. It is recommended that the Board establish a Select Committee of Electoral Area Directors to consider the proposals put forward by the Minister and to prepare a response for consideration.

#### RECOMMENDATION:

That the report on Police Financing be received for information and following the local government elections, the Board establish a Select Committee to consider the proposals put forward by the Minister of Public Safety and Solicitor General and prepare a response for consideration by the Board.

*Burgpyne for Carol Mason*  
Report Writer

*[Signature]*  
C.A.O. Concurrence



September 11, 2002

**Re: Discussion Paper on the Restructuring of Police Financing**

To: Members of the UBCM

My ministry is working to ensure that essential police services are not only maintained but also enhanced. Toward that end, we are developing a plan to reform policing through service integration, greater community involvement, and enhanced efficiencies.

As part of that larger plan, we're examining the way police services are funded. Currently, the province pays for policing in communities with less than 5,000 residents and unincorporated areas, while other communities pay up to one hundred per cent of their policing costs. It's an inequitable system, and one that prevents many small communities and rural areas from having meaningful input into the development and delivery of local police services.

I'm committed to working with local governments to develop a funding system that works for everyone. My ministry has prepared a comprehensive discussion paper, outlining the issues and presenting options to address funding concerns. Please find that paper enclosed. Additional copies can be accessed on our website, at <http://www.pssg.gov.bc.ca/legislation/>

The way we fund police services is a critical public safety issue across the province, and I invite representatives from every municipality and regional district, regardless of size, to attend the UBCM workshop about policing costs on September 23, 2002, just prior to the Whistler Convention. The workshop is designed to answer questions about police financing and give you the chance to comment about restructuring policing costs.

If you are unable to attend the workshop, I welcome your written comments on the discussion paper. You can mail or e-mail them to me at the addresses listed below.

I look forward to meeting you at Whistler.

Sincerely yours,

R.T. (Rich) Coleman  
Minister of Public Safety and Solicitor General

**RESTRUCTURING POLICE FINANCING  
IN MUNICIPALITIES UNDER 5,000 POPULATION  
AND UNINCORPORATED AREAS**

**DISCUSSION PAPER**

**Ministry of Public Safety and Solicitor General**

**September 2002**

## PURPOSE

This document has been prepared to guide the discussion between the province and the UBCM on options for refinancing police costs in unincorporated areas and municipalities under 5000 population. The province is looking forward to receiving input on police finance options at a workshop to be held on Monday, September 23, 2002 prior to the UBCM Convention at Whistler.

## INTRODUCTION

It has become clear in recent years that the current arrangements for policing in small municipalities and rural areas are not meeting local needs. Both municipal and provincial governments share concerns like:

- *Inequity*: There are substantial differences in the amount local taxpayers contribute towards their police costs. In 2001, property taxpayers in communities over 5,000 population contributed an estimated \$164 per capita for their municipal police services, while taxpayers in municipalities under 5,000 contributed nothing. Taxpayers in unincorporated areas paid a provincial rural property tax of which only a small portion could be deemed to support police costs.
- *5,000 population threshold*: When municipalities exceed 5,000 population they become responsible for 70% of the costs for their police services; and when they exceed 15,000, they are responsible for 90% of the costs. Municipalities with independent police forces pay 100% of the cost. This creates a sudden, sharp increase in costs for small municipalities when they pass specific thresholds.

In addition, local governments have expressed frustration over a lack of input into the policing priorities in their communities and an inability to obtain the level of policing services they want.

Generating a greater local contribution to the cost of police services in municipalities under 5,000 and unincorporated areas would reduce inequities in police financing, remove or lessen the impact of the 5,000 population threshold, and lessen barriers to municipal incorporation or restructure. Opportunities for local governments to increase their influence over police services could also be created.

Since the mid-1970s, several government task forces and joint committees have studied the structure of police financing and how to reduce its inequities. The last study began in 1992 when a joint UBCM/Provincial Police Costs Committee was appointed to develop recommendations. A discussion paper titled "Financing Local Police Services in British Columbia" was released in 1994.<sup>1</sup> The government members of the committee recommended equalizing police costs by charging those who were currently paying little

<sup>1</sup> This paper can be found on the Ministry's Web site at [www.pssg.gov.bc.ca/police\\_services](http://www.pssg.gov.bc.ca/police_services).

or nothing, and directing the revenues to policing projects that would benefit all British Columbians. No consensus was reached and the joint UBCM/Provincial Police Costs Committee has not met since 1996.

At the UBCM convention in September 2001, Solicitor General Rich Coleman announced that the Ministry of Public Safety and Solicitor General was developing a new financing formula for police services in rural areas and municipalities under 5,000.

Following the UBCM convention, over 60 municipalities sent letters to the Solicitor General enquiring about the new police financing arrangements. In January 2002, the Solicitor General wrote to these municipalities informing them that the Ministries of Public Safety and Solicitor General, Finance, and Community, Aboriginal and Women's Services, are developing options for charging municipalities under 5,000 and unincorporated areas for their local police services. The letter indicated that the options being developed would increase fairness for taxpayers throughout the province, and that municipalities reaching the 5,000 mark would no longer experience a sudden, dramatic increase to their policing costs.

A new funding formula for small municipalities and rural areas will form part of our five-year plan to reform police services in British Columbia through service integration, greater community involvement and enhanced efficiencies and, where appropriate, amalgamation.

### **Cost and Financing of Local Police Services<sup>2</sup> in British Columbia**

The total cost to deliver provincial and municipal police services in British Columbia in 2001/2002 is estimated at \$806 million,<sup>3</sup> paid for by contributions from:

- the provincial government (\$153 million)
- municipal governments (\$551 million)
- the federal government (\$101 million)

The \$153 million cost to the province is for RCMP services to 83 municipalities under 5,000 population, unincorporated areas and Indian Reserves. As well, a portion supports the provincial police infrastructure. The provincial cost breaks down as follows:

- \$39 million for service to unincorporated areas
- \$15 million for service to municipalities under 5000
- \$9 million for policing Indian Reserves
- \$90 million for provincial police infrastructure and specialised functions

<sup>2</sup> Local police services include general duty and investigative units, but exclude highway/freeway patrol and specialized functions serving all jurisdictions.

<sup>3</sup> This excludes the cost of the federal force.

Municipalities over 5,000 population are responsible for providing police services to the area within their municipal boundaries. In 2001, they paid \$551 million for police services, as follows:

- 59 municipalities with RCMP contracts paid an estimated \$305 million for their share of local police services.<sup>4</sup>
- 12 municipalities with their own independent police forces paid an estimated \$246 million for local police services.

Appendix A explains the method used to calculate the cost of local police services in municipalities under 5,000 and unincorporated areas. Appendix B provides a summary of municipal, provincial and federal contributions to local police costs in 2001.

### **Funding Sources for Police Costs**

**Provincial cost for unincorporated areas:** (\$39 million) The province relies on money from general taxes, including the provincial rural area tax. That tax only applies in unincorporated areas and is often justified by provincial services such as local roads, policing and emergency services, which by comparison are usually the responsibility of local taxpayers within municipalities.

**Provincial cost for municipalities under 5,000:** (\$15 million) The province has only one funding source, the general fund. Residents of municipalities under 5,000 do not contribute directly to their local police costs.

**Municipalities over 5,000:** To pay for their share of police service costs, municipalities over 5,000 rely on municipal property taxation. They also have access to traffic fine revenue sharing grants in which a portion of revenue from traffic fines levied within municipalities is available to municipalities based on their relative police costs.

The province also provides local government grants based partly on ability to pay. Small Community Protection Grants take the value of the local assessment base into account, while Regional District Basic Grants provide funding to regional districts with smaller populations.

### **Input into Policing**

Residents of unincorporated areas and municipalities under 5,000 can affect the level and nature of their police services only by making requests of the provincial government or by approaching the RCMP directly. There is no mechanism allowing them to change police service levels if they wish. When municipalities cross the 5,000 population threshold and sign an RCMP municipal agreement, they have a much greater opportunity to influence their police service levels. In the case of the twelve

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<sup>4</sup> Those between 5,000 and 15,000 population receive a 30% federal contribution while those over 15,000 receive a 10% contribution. They all pay 100% of costs for accommodation and civilian staff.



independent police forces, municipal police boards are responsible for overseeing service levels in their community.

## **OPTIONS**

The Ministries of Public Safety and Solicitor General, Finance, and Community, Aboriginal and Women's Services have identified two options to generate a greater local contribution for local police services in municipalities under 5,000 and unincorporated areas:

- Option 1: Levy a new provincial "police services tax" in these areas to pay for local police services
- Option 2: Require regional districts to raise revenues to pay for local police services

Both options share the following characteristics:

- **Full recovery of local response to call costs:** Both options assume full cost recovery (\$54 million) for local police services provided by the Provincial Police Force in municipalities under 5,000 and unincorporated areas.
- **No credit for the rural property tax:** While the rural property tax has been described as supporting rural police and road costs, revenues from this tax cover less than half the cost to the province of maintaining rural roads.<sup>5</sup> Therefore, both options assume full recovery of provincial police costs for rural areas.
- **No change in the Provincial Police Services Agreement:** The RCMP would continue to provide police services to unincorporated areas and municipalities under 5,000 according to the terms of the existing Provincial Police Services Agreement.
- **Greater equity in contribution:** Contributions made by taxpayers in rural areas and municipalities under 5,000 would be closer to those made by taxpayers in municipalities over 5,000.

The options differ in their cost allocation mechanism, degree of input into policing decision (governance), ability to change police service levels beyond base level, and their financial impact on affected areas.

Appendix C presents a summary of the options.

### **OPTION 1:**

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<sup>5</sup> The average cost of the current rural property tax per person in unincorporated areas is approximately the same as the average cost per person of maintaining municipal roads in municipalities with less than 5,000 population.

**Levy a new provincial "police services tax" in the municipalities under 5,000 and unincorporated areas to pay for local police services.**

**1. Tax Mechanism**

The provincial government would directly levy a new "police services tax" on property in municipalities under 5,000 and the rural areas. The province would establish different tax rates for each property class, but those rates would apply province-wide in the rural areas and municipalities under 5,000.

**2. Police Cost Allocation**

Police costs would be allocated as though all the rural areas and municipalities under 5,000 in the province comprised a single unit.

**3. Tax Collection**

The Surveyor of Taxes would collect the tax for the province from rural property owners. Municipalities under 5,000 would collect the tax on behalf of the province. In both cases, the levy would appear as a separate line on property tax notices, described with wording such as "provincial police services tax".

**4. Governance Model**

In conjunction with the RCMP, the province would continue to make decisions on policing. Rural areas and municipalities under 5,000 could influence their local police services through discussions with the province and the RCMP, as is the current practice.

Individual jurisdictions could not request and pay for enhanced services. The RCMP, in consultation with the province and affected residents, would continue to determine appropriate police service levels.

**5. Financial Impact**

Police costs would be recovered from all property classes based on assessed values. Because home values in urban areas and the lower mainland tend to be higher than elsewhere in B.C., this option would impose higher taxes on residential taxpayers in those areas.

Gross property taxes on average value homes in most municipalities and unincorporated areas<sup>6</sup> would increase by between \$44 and \$126 per year. Residential taxpayers in most municipalities would experience increases in total property taxes of between 5% and 8%. However, increases could be much higher in some lower mainland areas.<sup>7</sup> If this option is chosen, government would consider mitigation of unduly high impacts.

Appendix D illustrates the impacts of both options for a sample of jurisdictions.

Advantages:

- Amounts to be collected in municipalities and the rural area are based on ability to pay, as measured by their share of the overall tax base. Areas with unusually high local police costs share those costs with all other areas, and areas with weak tax bases benefit from stronger tax bases in other parts of the province.
- The impact on residential taxpayers is more even than under option 2, with the exception of taxpayers in a few areas with very high valued homes.

Disadvantages:

- Jurisdictions will continue to have limited input into local policing decisions.
- There is no formal process allowing residents of municipalities under 5,000 and rural areas to request a change in police service levels.
- Impacts on home owners in a few areas (mainly in the GVRD) would be quite high, due to the value of homes there compared to elsewhere in the province.

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<sup>6</sup> 80% of all affected jurisdictions fall within this range.

<sup>7</sup> Without mitigation, increases for average valued homes could be as high as \$500 per year.

## **OPTION 2:**

**Use a Regional District model to allocate costs and raise the revenues required for municipalities under 5,000 and unincorporated areas .**

### **1. Tax Mechanism**

Regional Districts (not the provincial government) would be responsible for raising revenues to pay for police services to the rural areas and municipalities under 5,000. Police services would become a required regional district service and all rural areas (electoral areas) and municipalities under 5,000 would be required to participate in the service. Although the province would still be responsible for headquarters costs, regional districts would be invoiced for the local police services provided within their boundaries.<sup>9</sup> Regional districts would raise the funds required to pay for local police services through direct property taxation.

### **2. Police Cost Allocation**

Regional districts would be responsible for the actual cost of local police services delivered to unincorporated areas and municipalities under 5,000 in their jurisdiction. Regional districts would allocate these costs to participating areas according to their share of the hospital base assessment in the service area, in keeping with usual regional district practice.

### **3. Tax Collection**

The Surveyor of Taxes would collect taxes in unincorporated areas on behalf of regional districts. The Surveyor of Taxes adds a 5.25% commission to taxes it collects on behalf of regional districts.

Regional districts would requisition participating municipalities for their share of costs and they would, in turn, raise the required contribution from their taxpayers.

### **4. Governance Model**

Regional district boards could identify any matters concerning policing in the district, and make recommendations to the RCMP and the provincial government. Regional Districts could also choose other approaches to enhance accountability such as establishing local and/or regional committees on policing.

Regional districts would also have the ability to request an increase in police service levels beyond the base level. Upon approval of the request by the RCMP and the Minister of Public Safety and Solicitor General, the province would invoice the regional

<sup>9</sup> There is one region in the province (Stikine) that is not incorporated as a regional district. In this area the province would have to continue its responsibility for local policing and apply a tax, as described for the first option, to generate a local contribution to costs.

district for the additional police services, and the regional district would raise the funds to pay for it.

## 5. Financial Impact on residential taxpayers

This option allocates actual costs to regional districts. Those areas with higher police costs would pay more than areas with lower costs. Similarly, regional districts would rely on the strength of their own tax base to recover these costs.

Annual gross property taxes on average value homes in most municipalities and unincorporated areas<sup>9</sup> would increase by between \$42 and \$153 per year, or 4% to 12%. However, increases would be higher in some areas.<sup>10</sup> Proposals for mitigation of unduly high impacts are under consideration.

Appendix D illustrates the impacts of both options for a sample of jurisdictions.

### Advantages:

- Regional Districts would have increased input into local policing and would be able to request a change in police service levels beyond base levels.
- This option supports both the provincial government and RCMP's plans for a regionally integrated police service supported by regional governance.

### Disadvantages:

- This option does not allocate costs to regional districts based on their ability to pay, but rather on the cost of policing within each regional district. It does result in high costs for some areas of the province that are experiencing economic hardship. However, some form of mitigation could be considered.
- The impact of this option on residential taxpayers is more variable than the first option although it does avoid the high costs for a few high valued areas that would occur under option one.
- Rural area taxpayers would pay the Surveyor of Taxes' commission on new taxes (this would not apply inside municipalities). The commission is not reflected in the calculation of tax increases above.

## Mitigation Mechanisms

<sup>9</sup> 80% of all affected jurisdictions fall within this range.

<sup>10</sup> Increases to gross property taxes on average valued home in the 8 municipalities with the largest increases would range from 12% to 18%. Without mitigation, increases for average valued homes in some rural areas could be up to \$318 per year.

Government has identified three potential mechanisms to mitigate the impacts of the new police financing requirements on taxpayers and local governments. They are:

- **Adjustment period:** Government is looking at a possible phase-in period to ease the change for local governments.
- **Home Owner Grant:** Under both options some residential property taxpayers will be able to apply unused portions of their Home Owner Grant to offset some or all taxes for police services.<sup>11</sup>
- **Traffic Fine Revenue Sharing:** The province has made a New Era commitment to share 75% of traffic fines with local governments that contribute to policing costs. The total fine revenue to be distributed is estimated to be equivalent to 7% of police costs estimated under Option 1 or 2 above.

### **Next Steps**

Once local government has had a chance to review the options and provide the province with feedback in the panel discussion at UBCM, the Solicitor General, with his Cabinet colleagues will decide which option to adopt. The required legislative amendments enabling the changes can then be put to the Legislative Assembly.

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<sup>11</sup> The provincial government's Home Owner Grant is a reduction of indebtedness for the current year's property taxes. About twenty percent of eligible homeowners in rural areas, typically those in modest homes and in small towns and rural areas, have some unused grant room remaining.

## APPENDIX A

### **Calculation of Local Police Costs in Municipalities under 5,000 Population and Unincorporated Areas**

The following criteria were used to calculate the cost of local police services in municipalities under 5,000 population and unincorporated areas during 2001:

- Small municipalities and rural areas would be charged only for the cost of their local (response to call) police services provided by the RCMP Provincial Force.
- Local police services are delivered by general duty and investigative units; they do not include highway/freeway patrol and any specialized police function serving all jurisdictions in the province and centrally located in district offices or "E" Division Headquarters (e.g., Unsolved Homicide Task Force).
- The number of RCMP Provincial Force members assigned to general duty and general investigative units in 2001 was 681.
- The cost for each of these 681 police officers is based on the average per member cost in the 31 municipalities between 5,000 and 15,000 that have RCMP Municipal Police Unit Agreements. In 2001, the estimated average per member cost in these municipalities was \$92,591. Therefore the total cost of local (response to call) policing is \$63,054,471 (i.e. \$92,591 x 681 members).
- The 681 police members provide local police services to 730,958 persons living in small communities, unincorporated areas and Indian reserves. Since the 59,428 persons living on reserves do not pay provincial taxes, it is not possible to charge them for their police services.
- Therefore, the \$63,054,471 cost of policing these areas was reduced by the proportion of police services delivered to reserves. Since 15% of Criminal offences reported in the Provincial Force areas occurred on reserves, the cost of policing non-reserve areas was calculated to be \$54,073,425.
- These calculations were made for each regional district in the province.
- In addition to deducting the cost of policing for reserves, downward adjustments were made in the GVRD to take into account the cost of policing large parks where there were a large number of reported offences and no resident population. A portion of the cost of policing UBC was also deducted.
- Of the \$54 million net cost, about 27% or about \$15 million is the cost of policing municipalities under 5000, and 73% or \$39 million is the cost of policing the non-reserve unincorporated areas. This split is based on population.

## APPENDIX B

### Estimated Contribution to Policing By Municipal, Provincial and Federal Governments in 2001

TYPE OF FORCE	POPULATION POLICED IN 2001	TOTAL POLICE COSTS PAID BY:			
		MUN GOV'T	PROV GOV'T	FED GOV'T	TOTAL
12 INDEPENDENT MUNICIPAL FORCES	1,156,065	\$ 246,343,840	0	0	\$ 246,343,840
28 RCMP MUNICIPAL FORCES Over 15,000 Population	1,900,001	\$ 268,252,836	0	\$ 22,500,400	\$ 290,753,236
31 RCMP MUNICIPAL FORCES <sup>1</sup> 5,000 to 15,000 Population	305,756	\$ 36,885,044	\$ 300,000	\$ 11,765,035	\$ 48,950,079
RCMP PROVINCIAL FORCE	730,858				
83 Muns under 5,000 Population	181,254	0	\$ 153,500,000	\$ 65,772,441	\$ 219,272,441
First Nations Reserve Population	59,428	0			
Unincorporated Areas	490,276	Partial			
First Nations Administered Police Services	3,154	0	\$ 583,040	\$ 642,460	\$ 1,225,500
<b>TOTAL</b>	<b>4,095,934</b>	<b>\$ 551,492,521</b>	<b>\$ 154,393,040</b>	<b>\$ 100,680,336</b>	<b>\$ 806,565,897</b>

#### FOOTNOTE

<sup>1</sup> The Municipality of Lake Country received a Local Government Restructure Grant for Policing (LGRGP) totalling \$300,000 in February 2001 from the provincial government. Since this amount was paid in the calendar year 2001, it has been deducted from the total costs reported in the 5,000 to 15,000 population category.

#### DATA QUALIFIERS

- All expenditures figures shown above for federal and provincial governments represent estimated costs paid in fiscal year 2001/2002. The expenditure figures for municipalities with independent and RCMP municipal forces represent estimated costs paid by them in calendar year 2001.
- Expenditure figures for the 59 municipalities with RCMP municipal forces include both the contract costs, and those costs paid by the municipality which are over and above the contract costs, e.g., support staff salaries and benefits, and accommodation costs. These figures exclude bylaw enforcement and victim services program costs where municipalities have this in their policing budget. The federal government contributions to policing include their share of municipal and provincial policing costs. These figures represent only their share of the contract costs, and exclude costs born by the federal government which are over and above the contract costs. These figures also exclude the costs to the federal government for Federal Force members operating in B.C.
- Canada Census occurred in 1996. The population figures for 2001 are estimates based on 1996 Census data. The 1996 census population determines which category (5,000 to 15,000 or over 15,000 population) a municipality policed by the RCMP is in. The final 2001 Census results will not be available until early 2003.
- The unincorporated areas of the province make no direct contribution towards their policing services. However, part of the rural property tax levy could be considered as partially offsetting their police costs.
- In 2001/2002 under RCMP Policing Agreements, municipalities over 15,000 population were paying 80% of their contract policing costs, and municipalities between 5,000 and 15,000 were paying 70% of their contract costs. In the same year, the province was paying 70% of provincial policing costs.



## APPENDIX C

### Summary of Options 1 and 2

	Option 1	Option 2
Tax mechanism	New provincial "police services" tax on property in municipalities under 5,000 and rural areas	Regional district responsible for raising revenues for police services within their boundaries
Police Cost Allocation	Based on the cost of policing in the entire rural area and municipalities under 5,000 treated as a whole. Costs to be recovered from individual taxpayers according to the value and class of their property.	Based on the actual cost of policing in each regional district. Within each regional district, based on jurisdiction's ability to pay (as measured by their share of the hospital base assessment in the regional service area)
Tax Collection	By the Surveyor of Taxes on behalf of the province in rural areas; by municipalities on behalf of the province from municipal property owners. Separate line item would appear on property tax notices	Regional districts would requisition municipalities. The Surveyor of Taxes would collect tax in the rural areas on behalf of regional districts
Governance model	Province and RCMP would continue to make decisions on local policing. Input from residents of affected areas would be limited.	Residents of affected areas would have input into local policing through regional districts.
Changing police service levels	Police service levels would continue to be determined by province and RCMP in consultation with residents of affected areas	Could be requested by regional districts, which, upon approval by RCMP and Min. of Sol. Gen. would then raise the necessary funds.
Impact on residential taxpayers	More evenly distributed across the province, except for taxpayers with very high valued homes who would pay more (e.g., in the rural area of the GVRD).	More variable. Some areas currently experiencing economic hardship would incur high costs.

## APPENDIX D

### Financial Impact of Options 1 and 2 for Selected Jurisdictions

	Region	Jurisdiction	\$ Increase in Gross Taxes for Average Single Family Dwelling		Percentage Increase in Gross Taxes <sup>1</sup>	
			Option 1	Option 2	Option 1	Option 2
1	South Coast	Resource based municipality	\$93	\$100	6.3%	6.7%
2	South Coast	Resource based municipality	\$77	\$78	6.1%	6.2%
3	South Coast	Unincorporated urban fringe	\$120	\$70	na	na
4	Central Interior	Resource based municipality	\$75	\$143	5.9%	11.3%
5	South Interior	Unincorporated urban fringe	\$135	\$119	na	na
6	South Interior	Tourism and farming based municipality	\$126	\$166	8.1%	10.7%
7	Lower mainland	Agricultural municipality	\$69	\$110	5.0%	7.9%
8	North Coast	Resource based municipality	\$26	\$64	4.7%	11.7%
9	North Coast	Resource based municipality	\$37	\$112	4.7%	14.3%
10	Central Interior	Resource based municipality	\$44	\$33	4.3%	3.2%
11	Central Interior	Resource based municipality	\$76	\$145	5.0%	9.6%
12	North Interior	Resource based municipality	\$20	\$9	2.8%	1.4%
13	North Interior	Unincorporated area	\$70	\$49	na	na
14	Lower Mainland	Unincorporated urban fringe	\$500	\$318	na	na

<sup>1</sup> Percentage increase in total gross property taxes payable. Gross property taxes include school taxes, regional district taxes; regional hospital district taxes, municipal taxes and taxes levied by BC Assessment and the Municipal Finance Authority. Because taxes for regional service vary by location within unincorporated areas to a large degree, percentage increases for unincorporated areas have not been calculated.

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**TO:** Board of Directors **DATE:** September 24, 2002

**FROM:** K. Daniels **FILE:**  
Chief Administrative Officer

**SUBJECT:** Legislative Working Group for the Treaty Related Measure - Final Report

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**PURPOSE**

To introduce the final report (as attached) of the Legislative Working Group for the Treaty Related Measure for the Board's review.

**BACKGROUND**

The Board supported the involvement of the Regional District of Nanaimo staff in a technical evaluation of the *Local Government Act* to determine if there were any legislative impediments for the Snuneymuxw First Nations (SFN) to participate on the Board in a manner as a municipality would. This support was predicated on the Board's identification of First Nations' issues being a focus in our strategic plan (Appendix 1) over the last three years and the clear identification of the Board's position on SFN involvement on the Board. The Position Paper on Treaty (Appendix 2), approved over two years ago, clearly established the criteria that was acceptable to the Board including a statement that the SFN must be an equal partner on the Board as a municipal member.

**ALTERNATIVES**

1. To receive the report for information.
2. To comment on the contents of the report as appropriate.

**REPORT HIGHLIGHTS**

As reported to the Board during the course of the work on the review, there were very few legislative impediments identified by the working group for the SFN to participate on the Board in a manner of that of a municipality. The one impediment that was identified was the fact that the *Local Government Act* only recognizes Municipalities and Electoral Areas as members of a Regional Board. Chapter 8 of the report puts forward an approach for discussion on how to overcome this stumbling block and at the same time recognize that the SFN are not a municipality and yet meet the Board's criteria that they should have the same responsibilities and commitments of a municipality.

**CONCLUSION/SUMMARY:**

While the report identifies few legislative impediments, it does recognize that there are a number of issues that should be addressed at the political level to meet the Board's requirements identified in the Position Paper. These issues would have been outside the scope of the Working Group to finalize a position, so the Working Group is recommending they be discussed at the Local Government Sidetable.

**RECOMMENDATION**

That the Legislative Working Group report be received for information.

*Bungoyne for K. Daniels*  
\_\_\_\_\_  
K. Daniels, C.A.O.

COMMENTS:

**Strategic Priority 5: RDN RESTRUCTURING/RENEWAL**

**the ISSUE**

- anticipated downloading of provincial services will likely result in an increased RDN role in subdivision approval, septic system monitoring and approvals, storm water management and stream protection, habitat/ecosystem monitoring and enforcement, and possibly even ALR control
- the future structure of the Region will likely be influenced by additional municipal incorporations, potential changes in the Islands Trust and by ongoing treaty negotiations
- the results of the Regional Services Review, economic development planning and extension of leisure services beyond District 69 could have an impact on structure
- the impending changes to the Municipal Act may impact the fundamental role of regional districts from a service organization to more of a governance role.

**desired  
OUTCOMES  
(by 2002)**

- *adequate financial compensation for any downloaded provincial services*
- *increased confidence on the part of area residents that the RDN is responsive and cost-effective*
- *equitable inclusion of Treaty Lands and aboriginal representatives into regional plans and governance structures*
- *public understanding and support for any desired expansion of services (e.g. economic development, parks/trails, etc.)*

**potential  
STRATEGIES**

- public awareness campaign to help RDN residents understand the financial impacts of provincial downloading
- strong participative role in regional district legislation review
- completion of regional services review
- involvement in Treaty process when appropriate to achieve desired outcome.

## **Regional District of Nanaimo**

### **Position on Treaty Negotiations: Governance Issues**

#### **Governance Principles**

The Regional District of Nanaimo believes in the following principles with respect to governance as it relates to Nanaimo First Nations self-government:

1. The Regional District shall be recognized in the treaty process as an independent, responsible and accountable order of government, not as a secondary level or third party interest.
2. The treaty settlement negotiated with Nanaimo First Nations must recognize and respect the authority and jurisdiction of the Regional District and its member municipalities existing within their treaty settlement lands.
3. The treaty settlement must respect the values, heritage, culture and traditions of both Aboriginal and non-Aboriginal peoples.
4. Standards and regulations that apply to treaty settlement lands should meet or exceed established standards set by federal, provincial and local governments for issues including but not limited to: environmental protection, building codes, noise and licensing.
5. Regional District of Nanaimo residents living within treaty settlement lands must have democratic representation – not 'taxation without representation'.
6. The treaty settlement should contain mechanisms to ensure that all persons living on treaty settlement lands and who are paying taxes or levies to Nanaimo First Nations have access and a voice in the First Nation governance system.
7. The model of aboriginal self-government proposed in the Nanaimo First Nations Treaty must provide for consultation and participation in Regional District of Nanaimo issues to ensure the effective and equitable delivery of services and programs.
8. The treaty should include an effective dispute resolution mechanism that is accessible to the local governments, particularly relating to inter-jurisdictional issues such as: planning, land use, natural resources, growth management, stewardship and transportation.
9. Aboriginal self-government should uphold the principle of democracy and accountability.
10. The treaty must include mechanisms to ensure that the costs of providing programs and services to Nanaimo First Nations populations living outside the treaty settlement lands does not become the responsibility of the local government.

11. The treaty must identify programs and services which, because of their regional significance (such as, air quality, liquid waste management plan, solid waste management plan, etc.), must be provided by Nanaimo First Nations, either directly or through contract with the Regional District, Member Municipalities or other agencies.

### **Fiscal Principles**

The Regional District of Nanaimo believes in the following principles with respect to fiscal matters it relates to Nanaimo First Nations self-government:

12. The treaty must recognize the limited fiscal capacity of all levels of government and not impose any cost to Regional District taxpayers.
13. All existing and future service agreements must be respected to ensure that the Regional District receives financial contributions from all users of Regional District programs, services and infrastructure.
14. There must be no demand placed on Regional District of Nanaimo tax revenues or revenue sources resulting from treaty settlements, particularly on the ability of the Regional District to derive tax revenue from sources such as property taxes, service fees, utility charges and grants-in-lieu from Crown Lands. Any revenue loss to the Regional District arising from a treaty settlement must be fully compensated.
15. The *Municipal Act*, through legislative reform, must enable Regional Districts to develop flexible taxation and cost recovery mechanisms when dealing with Aboriginal governments post treaty.

### **Proposed Governance Model**

The Regional District of Nanaimo believes that the most effective model to enable the Nanaimo First Nations to participate in local government issues and decision-making is to provide representation on the Regional District Board. This can be achieved by recognizing the Nanaimo First Nations aboriginal self-government as an independent member on the Regional Board with representation similar to that of a municipality. It is also the Regional District's position that legislation must be developed in this regard and must be attached to the treaty settlement document to address the following concerns:

#### ***Representation within the Regional District Structure.***

It is the Regional District's position that the Nanaimo First Nations operate under the same rules as a municipality on the Regional Board. It is expected that either the Chief or a Band Council member would be appointed annually by the Band Council to sit as a "Director" on the Regional Board. This would coincide with the timing of municipal appointments to the Board annually at the December Board Inaugural meeting. The legislation should also specify a timeframe, which determines how frequently elections will be held for the Nanaimo First Nations Band Council members and the process for conducting elections. The regulations set out in the *Municipal Act* should provide the framework by which Nanaimo First Nations undertakes elections.

The Regional District further recommends that Nanaimo First Nations representation on the Regional Board be determined by **population** in the same manner that the number of Electoral Area and Municipal representatives are determined.

***Voting Rights on the Regional Board.***

Voting rights of the Nanaimo First Nations Board representative should follow the *Municipal Act* legislation. This will mean that, with respect to administrative and operational matters on functions and services, Nanaimo First Nations may only vote on items for which they participate in. Voting, including weighted votes, would be permitted in accordance with the rules set out under Section 791 of the *Municipal Act*.

***Consultation Requirements on Local Government Issues.***

The *Municipal Act* currently requires a variety of referral processes between the Regional District and Member Municipalities on land use and other issues. It is the position of the Regional District that the Nanaimo First Nations, as an independent level of government, be required to follow the same rules of referral and consultation as the Regional District and its Member Municipalities when dealing with matters of local significance.

***Servicing Agreements.***

It is the Regional District's position that if the Nanaimo First Nations wishes to receive local government services for its residents such as fire protection, animal control, recreation or transit services, it would have the option of entering into a service agreement with a local government offering this service.

Alternatively, the Nanaimo First Nations could also become a full participant in a function through an amendment to the establishing bylaw, which provides for the service. It is the Regional District's position that Nanaimo First Nations would be subject to the same rules as a municipality in determining service delivery. If the Nanaimo First Nations participates in services as a full participant named in the bylaw, it will have the same rights as those of other participants in the function and will be governed by the *Municipal Act* in this regard.



**LEGISLATIVE WORKING GROUP  
TREATY RELATED MEASURE**

**SNUNEYMUXW TREATY**

**FINAL REPORT**

**SEPTEMBER 2002**

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3. Map - Regional District of Nanaimo Boundaries
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12. Part 25 - *Local Government Act* (Regional Growth Strategies)

## **ADDITIONAL RESOURCES**

13. TRM Agreement
14. RGMP Summary
15. RDN Interest Paper
16. Peter Adams Report
17. Sechelt Legislation

## 1.0 Introduction

The provincial and federal governments funded a Treaty Related Measure for governance-related activities in March of 2001 to do three things:

- (i) Develop a process which will bring the Snuneymuxw First Nation (SFN) in as a participant in the Regional District of Nanaimo (RDN);
- (ii) Develop a land-use and servicing model for the RDN and SFN; and
- (iii) Strengthen the general understanding of the regional growth management process by having an SFN member work with the senior planner of the RDN on the regional growth management plan update.

This report is concerned with the first task.

A legislative review working group was struck to:

- (i) Discuss and review the legislation pertaining to membership on a Regional Board;
- (ii) Identify any legislative obstacles for participating on the Board by the SFN working from the assumption that such participation will mirror that of a municipality wherever possible;
- (iii) Recommend structural or legislative changes that will reasonably accommodate issues identified; and
- (iv) Discuss SFN's role and responsibilities in the review of the Regional Growth Strategy update planned for 2001.

The working group was a technical group comprised of:

- Snuneymuxw First Nation:
  - Mike Rodger, Senior Negotiator
  - Angel Bob, Assistant Negotiator
  - Doug White, Governance Coordinator
  - Kathleen Johnnie, Lands and Resources Coordinator
- Kelly Daniels, Administrator, Regional District of Nanaimo
- Alison MacNeil, Senior Policy Analyst, Union of BC Municipalities (UBCM)
- Wayne d'Easum, Administrator, Central Okanagan Regional District (CORD)
- Alixe Knighton, Director, Ministry of Community, Aboriginal and Women's Services
- Ray Young, Lidstone, Young, Anderson, Barristers and Solicitors

Post-treaty the SFN will be a self-governing First Nation with a greater scope of powers within its jurisdiction than a local government. For the purpose of this exercise, however, the working group considered only the narrow scope of the SFN as a member of the RDN for the purpose of local service delivery and land use planning.

Membership will formalize the relationship between the SFN as a government within the region, and the RDN as the regional local government with authority for land use planning in unincorporated areas (excluding reserve or treaty settlement land). The Islands Trust is the land use planning authority for Gabriola Island. Although the working group received a verbal presentation about the Islands Trust (no paper available), the Trust has not been a member of the working group. It is, however, a party to the side-table negotiations underway.

The working group recognized that for the purpose of Board business the most efficient way for the SFN to function on the Board was as if it were a municipality (versus an electoral area), so continued with an examination of the requirements and obligations of a municipal member on a regional district board.

### **1.1 The Local Government Context**

The constitution gives provinces the power to create local governments. In BC there are municipal and regional district governments. Regional Boards govern regional districts and are made up of appointed representatives from member municipalities and directly elected representatives from unincorporated areas.

The SFN, while functioning at present under the *Indian Act*, upon completion of the treaty under negotiation will become a self-governing nation governed by its treaty, subject to provincial law only where agreed.

### **1.2 The Process**

The working group met several times in 2001-2002. The meetings often followed the format of receiving a presentation on an area of the legislation, then discussing the area fully and identifying issues that arose from that discussion. The areas of discussion were:

- (i) general administration of the RDN
- (ii) general administration of the SFN
- (iii) RDN services and financing
- (iv) Municipal Finance Authority
- (v) regional district planning

Where there were paper or powerpoint presentations made, the presentation material appears as an appendix to this report.

### **1.3 Structure of the Report**

An interim report was provided to the federal and provincial negotiators on March 13, 2002.

The more substantial of these subjects are discussed in greater detail later in this report. Where appropriate, each section may identify recommendations for further action at either the governance side-table negotiations or at Agreement in Principle (AIP) negotiations.

As a result of this report, the working group hopes the SFN and the RDN will gain a good general understanding of how the other functions, and in particular, the SFN understands the obligations, restraints and advantages of membership on the regional district board.

The report is a technical report that represents the deliberations and findings of the working group and does not necessarily express the position of the organizations the members represent. Further, the Regional District of Nanaimo's involvement with this TRM in no way should suggest that the RDN has jurisdiction over local government matters or decision-making within the City of Nanaimo's boundary, nor do they represent the City in discussions related to the Snuneymuxw First Nation's Treaty process.

## **2.0 Political Framework**

### **2.1 Snuneymuxw First Nation**

The SFN gave a presentation to the working group, a copy of which is attached as Appendix 1. The SFN has governed itself since time immemorial. This includes the governance of its members, lands, resources, waters, and relations with other nations. The SFN firmly adheres to the principle of inherent right-based power to self-governance.

SFN governance is comprised of a complex legal, social, and cultural environment. The SFN has approximately 1400 members. Of these, 700 live on reserve, while the rest live elsewhere in British Columbia and North America.

The SFN has a core Traditional Territory of approximately 98,000 hectares located primarily in the Nanaimo River watershed and including islands on the coast off of Nanaimo. A further 100,000 hectares of land comprises territory shared with other First Nations. Of this Traditional Territory, the SFN has 266 hectares of Indian Reserve land. It is comprised of four Indian Reserves on Vancouver Island and two on Gabriola Island.

As a nation, the SFN possesses aboriginal and treaty rights that are recognized and affirmed by section 35 of the Constitution Act, 1982. On December 24<sup>th</sup>, 1854, the SFN entered into a treaty with the British Crown through the colonial government of Vancouver's Island. This treaty was a direct outcome of the policy created by the Royal Proclamation of 1763.

The Constitution Act, 1867, through section 91(24), grants the federal government of Canada jurisdiction over "Indians, and lands reserved for Indians." The federal government has implemented this power through the enactment of the Indian Act, and the creation of the department of Indian Affairs. The Indian Act confers certain powers on the band council, the minister, and the Governor in Council that together establish a system of government.

Post-treaty the SFN will have law making powers in a range of areas including the administration of justice, social services, health services, education, culture and language, and land use planning among other items.

The SFN adopted a new leadership selection process in 2001 through the creation of the SFN Electoral Code that was ratified through a membership referendum in the summer of 2001. It was first used in the February 2002 Chief and Council elections. The new system, among other improvements:

- (a) allows off-reserve members to participate in the elections;
- (b) increases the terms of office from two years to four years;
- (c) strengthens the relationship between Chief and Council and the SFN membership; and,
- (d) sets the number of Councillors at 10.

The SFN Electoral Code also empowers the SFN Chief and Council to make regulations in relation to the Code. SFN Chief and Council Procedure Regulations are being drafted.

The SFN Chief and Council hold regular Council meetings every two weeks, and hold committee meetings on an as needed basis. The SFN has comprehensive internal membership consultation processes in place to address important decisions of the nation. This includes General Assemblies, and regular special community meetings.

Consultation processes with the Elders and Youth of the Nation are undertaken in respect to major initiatives of the Nation. Members that live away from reserve communities are also consulted on a regular basis. Ratification of major legislation or initiatives includes all members that are 18 years of age or older, and is conducted by referendum.

## 2.2 The Regional District System and the RDN

The RDN gave a presentation to the working group, a copy of which is attached as Appendix 2. Regional districts were created in 1965 to provide, on a regional basis, services that would benefit from economies of scale, or that were more reasonably provided to a greater area than a municipality. Regional districts were also created to provide local government to people living outside municipal boundaries. There are 27 regional districts covering most of BC and varying greatly in geographic size and population. When incorporated, regional districts have letters patent which include the name, boundaries, constituent municipalities, constituent electoral areas, and the boundaries of the electoral areas.

Regional districts in British Columbia are created by provincial constitutional authority and governed by the *Local Government Act* and other related legislation (such as the *Waste Management Act*). They are generally made up of member municipalities and electoral (unincorporated) areas, which together act as a federated regional government. Regional districts are required to provide few services, but may provide many. An example of this is the regional growth strategy legislation (Part 25 of the *Local Government Act*), which permits regional districts to do land use planning on a regional basis, but does not require it. The RDN has taken advantage of this legislation by being one of the first in BC to implement a regional growth management plan.

Regional districts in BC typically provide services like recreation, sewer and water, etc. but not those within the jurisdiction of other levels of government.

A board comprised of electoral area directors who are directly elected in the unincorporated areas and directors appointed by each member municipality council govern the regional district. The number of municipal directors depends on the population of each municipality. Local government elections in BC happen every three years.

Services are established with the intent that those who benefit from the service should pay for it. Consequently, those paying for the service must also approve its establishment or amendment. Regional districts cannot tax. They raise their revenue by requisitioning funds from member municipalities for the services they participate in,



and by requisitioning funds from the provincial Surveyor of Taxes, the taxing authority in unincorporated areas, on behalf of electoral areas.

The RDN serves a population of 125,000. It is comprised of 8 electoral areas, each of which is represented by a director on the Board, and the cities of Nanaimo, Parksville and the Town of Qualicum Beach. Parksville and Qualicum Beach each have one municipal director on the Board, while Nanaimo, with a population of over 70,000, has 6. See map attached as Appendix 3.

Regional districts function according to their procedure bylaws, which set out everything from when regular meetings will be held to how notice for special meetings is provided, and the committee structure. Further details on procedural matters in the RDN can be found in the RDN procedure bylaw. (Appendix 4)

To provide a service, the RDN must pass a service establishment bylaw. The bylaw sets out what will be provided, to whom or to what properties, how the costs will be recovered, and a maximum requisition (funding) limit. With a few exceptions the public through a petition, counter petition, or a referendum must approve the bylaw.

The establishment bylaw may include provisions for regulating the service, for varying cost-apportionment, or a custom-designed dispute resolution process for that service. Two services, which every member is required to participate in, are general administration and planning.

The RDN Board also acts as the Regional Hospital District Board for the purpose of raising property taxes to contribute toward hospital capital funding and equipment purchases. Under provincial law the Regional Hospital District is required to contribute 40% of all capital projects and equipment purchases over \$100,000, and 100% of equipment purchases under \$100,000.

Planning for the Gulf Islands is within the jurisdiction of the Islands Trust, not the RDN. This means that while regulatory and service bylaws of the RDN apply on Gabriola Island, the regional growth strategy and other land use plans of the RDN do not.

### **3.0 Parameters for SFN on RDN Board**

#### **3.1 What the Committee Looked At**

The Regional District of Nanaimo gave a presentation to the committee (Appendix 5) on how the Regional Board functions within the *Local Government Act*. The Committee reviewed Part 24 - Division 3 of the *Local Government Act* and discussed all the relevant aspects of SFN membership on the Regional District of Nanaimo Board.

#### **3.2 Key Considerations**

##### **(a) How Members are Chosen/Appointed**

While the voters in their respective areas elect Electoral Area Directors directly to the Board, municipalities appoint their representatives to the Board from their Councils. For the purposes of representation on the Regional District Board it was assumed that the SFN would act as a municipality and appoint a representative to the Board from their Band Council. The *Local Government Act* does not prescribe how this appointment is made so the SFN would be free to choose its representative in any fashion.

Local Government elections are held every three years with the next election scheduled to be held on November 16, 2002. SFN elections are governed by the SFN Electoral Code, which mandates staggered 4-year terms every two years. The appointment to the Board from newly elected First Nations Council on a cycle not consistent with the rest of the Board was not seen as an impediment to participation on the Board.

##### **(b) How the Number of Members is Determined**

The number of members from each jurisdiction is determined by dividing the population in the area by the voting units established by the Minister. For every 5 units the jurisdiction gets one representative on the Board.

In the case of the RDN the voting unit is 2500. The population of the SFN on reserve is approximately 700 members, making the factor .28 members. Because the factor is always rounded up to a whole number, the SFN would have one representative on the Board.

##### **(c) Weighted Votes**

One of the more complicated features of membership on a regional district board is the concept of weighted votes. While for the majority of decisions made at the board table the vote structure is a simple "one person one vote", there are those situations in the *Local Government Act* that call for a weighted vote. These votes are required primarily for financial matters or when service participants vote on the management and operation of a service. The number of votes any member receives is determined by the number of units the calculation in section (b) results in. In the case of the SFN the result was .28, which is rounded up, giving the one SFN member on the Board one vote.

**(d) Who Gets to Vote and When**

Not all Board members vote on every issue. Often only the participants in a service vote on a matter related to that service. In circumstances where a service is provided to only one area and therefore only one Director would be voting, the Act requires all Directors vote. This could become an issue for the SFN, if the First Nation were the only participant in a service and the rest of the Board voted against the SFN.

Local planning issues are generally only voted on by the Electoral Area Directors.

Because the Islands Trust, not the RDN, has jurisdiction over planning matters on Gabriola Island the director for Electoral Area B (Gabriola Island) does not vote in any planning matters, including the Regional Growth Plan.

**3.3 Conclusions**

After review of all the pertinent sections that established the parameters for membership and voting by the SFN on the Board no necessary legislative changes were identified to allow full membership and participation by the SFN on the Regional Board.

The period between signing the Agreement in Principle and the Final Agreement provides an opportunity for the SFN and the RDN to develop the relationship and to establish specific arrangements for participating in services and processes. During that period, for example, participation by the SFN could be encouraged, and the appointed member, while presumably not a voting member until the Final Agreement takes effect, would have an opportunity to observe the decision-making process and other operational considerations.



## **4.0 Services and Service Delivery**

### **4.1 What the Committee Looked at**

The RDN gave a presentation on Services and Service Delivery in the RDN, which is attached as Appendix 6.

The Committee looked at the *Local Government Act*, Part 24, Divisions 4 - Services and Powers, 4.5 - Dispute Resolution in Relation to Services, and Division 4.2 - Cost Recovery for Services. The latter two Divisions were also reviewed in more detail in Chapters 6 and 8 of this report but had relevance to service delivery as well.

### **4.2 Key Considerations**

#### **(a) Establishing, Reviewing and Withdrawing From Services**

Assent of the electors is required to establish the majority of services provided by the RDN. This is accomplished through a petition, counter-petition or through a referendum. Municipal councils, however, can give consent to a service on behalf of their electors.

The details of the service to be provided are outlined in an Establishing Bylaw and a Regulatory Bylaw. These bylaws describe in some detail the service being offered, the area to be served, the financial implications of the service and the general way the service will be regulated or offered.

Legislative changes in 2001 allow for review of, and in some cases, withdrawal from, services (section 813.04(1)). This section recognizes that disputes among participants are inevitable and it lays out a process either to renegotiate the partnership or if that is unsuccessful to withdraw under certain conditions. However, it is not possible to withdraw from general administration, regulatory services such as building inspection, or mandatory functions such as waste management.

#### **(b) Dispute Resolution**

Chapter 7 of this report addresses dispute resolution generally. However, in relation to service disputes, Division 4.5 of the *Local Government Act* lays out the default dispute resolution process. Or, participants to a service can agree on an alternate dispute resolution process and incorporate it into the establishing bylaw. With these understandings the SFN were comfortable that reasonable avenues are available to resolve differences.

#### **(c) Opting Into Existing Services**

Any member of the Board may opt in to an existing service by the Board amending the Establishing Bylaw. The amendment would need to include the new participant in the service as well as address any other necessary amendments such as cost apportionment, voting, etc. Elector consent is not

required to amend an existing establishing bylaw. A Board may at its option make amendments without elector consent, however, the Minister has the authority to order elector consent if it is felt to be warranted.

**(d) Cost Apportionment**

Costs are apportioned among the participants typically by usage, population, or by calculating the amount of service provided, or a combination of these methods. The cost apportionment for each service is identified in the establishing bylaw but can be amended with the concurrence of all participants.

**(e) Mandatory Service Participation**

All members of the Regional District of Nanaimo are participants in certain statutory services. The SFN, as a member of the Board, would also participate in them. These services include:

- General Administration
- Regional Planning
- Solid Waste
- Regional Hospital District

It was understood by the working group that the treaty may provide for the financial participation in services by the SFN by methods that differ from other municipal members but it was agreed that participation is critical. A contribution from the SFN would mean redistribution of the total burden among all participants.

There are additional services that are not statutorily required, but the RDN considers participation in them by the SFN to be essential:

- Vancouver Island Regional Library Services (see Appendix 7 for a fuller explanation)
- E-911
- Regional Parks
- Southern Community Recreation
- Port Theatre

The costs of these services are outlined in the financial chapter of this report.

**(f) Voluntary Service Participation**

The RDN manages over 70 functions. Once membership of SFN at the Board table is defined in the AIP, discussions could take place to determine the potential for future participation in other services. A list of these services is attached as Appendix 8.

### 4.3 Conclusions

One legislative issue arose from section 805.1 of the *Local Government Act*, which requires a municipality to cover the regional district's requisition by taxing its citizens. The SFN do not want to be held to taxation as a method of cost recovery. This section is already under consideration for legislative change. If the section is not changed, an exemption from this section may need to be provided for the SFN. This would not be necessary if the relationship between the SFN and RDN is established contractually.

No impediments to the participation of the SFN as a full member on the Regional District of Nanaimo Board were identified in the review of services and service delivery. It was understood that the SFN would participate in the services outlined in section 5.2(e). It was further understood that how the SFN would pay for these services may be determined through other processes such as treaty negotiations.



## **5.0 Regional District Finances**

### **5.1 What the Committee Looked At**

The RDN gave a presentation to the working group, a copy of which is attached as Appendix 9.

Financial activities for Regional Districts are outlined in the *Local Government Act* under:

- Division 4.2 - Recovery for Services,
- Division 4.3 - Requisition and Tax Collection,
- Division 4.4 - Tax Rates and Exemptions, and
- Division 5 - Financial Operations

The general principle for allocating costs to a regional district service is defined in Division 4.3, Section 803.1 as: "All costs incurred by a regional district in relation to a service, including administration attributable to the service, are part of the costs of that service". A regional district must separately account for the revenues and expenses incurred in providing a service. Additionally, surpluses or deficits incurred in providing a service must be carried forward and be included in the next year's budget. The act specifies how this is to be done in Division 5 - Financial Operations, Section 819(7), which states:

"The annual budget or a provisional budget must:

- (i) set out the anticipated expenditure for each service,
- (ii) show separately revenues obtained from requisitions and other sources, and
- (iii) show appropriated surpluses of previous years."

And finally, Section 814(3), Division 5, states: "a deficit incurred in providing a service must be carried forward as an expenditure against that service in the next year."

What this means in practice is that each service provided by a Regional District is treated as a separate "fund" or "business". Those who receive the benefit of that business bear all of the costs. This functional financial accounting model reflects the principle of user pay cost recovery.

### **5.2 Key Considerations**

#### **(a) Cost Recovery**

For most services, there are typically three steps involved in achieving cost recovery. The first step occurs when a Regional Board adopts a service establishing bylaw. As outlined earlier in this report, affected property owners must first agree that they are willing to pay for a service. The service establishing bylaw states who the participants will be - that is, the boundary may include all or only a part of an area or multiple areas.

The second step occurs within the bylaw, which must include a statement of how the costs will be recovered from the affected taxpayers. Division 4.2, Section

803(1) of the *Local Government Act* lists the methods available to recover the costs of providing a service from property owners. Included in the list are:

- (i) assessment based property taxes,
- (ii) parcel or frontage taxes,
- (iii) fees and charges set by other bylaws,
- (iv) revenues from agreements, enterprises, gifts, grants or otherwise, and
- (v) revenues raised by other authorized means under the *Local Government Act* or any other Act.

Any combination of the above methods is permitted, but at a minimum the service establishing bylaw must state which of the taxation methods will be used. If the establishing bylaw is silent on the method of cost recovery, assessment based tax is assumed to be the default cost recovery method.

Finally, an establishing bylaw must set out the method for apportioning costs – that is, the participants in the service must agree on a formula that attributes some portion of the taxes to be collected to their area.

**(b) Cost Apportionment**

Division 4.2, Section 804 of the *Local Government Act* describes in great detail how costs may be apportioned among service participants. The basic rules are:

- (i) Section 804(1) - the method described in the bylaw must be followed.
- (ii) Section 804(2) - if the bylaw is silent, apportionment is based on the assessed value of land and improvements in the service area.

Section 804(2) has a number of clarifying subsections dealing with electoral area administration, feasibility studies, approving officer services, regional growth strategies, referendums and community commissions. For these kinds of activities there may be no bylaw requirement, however, the benefit of the activity may be primarily for one or more portions of the regional district. In the sub-sections to Section 804(2), the Board is authorized to provide (usually by resolution) that the costs can be recovered from the area or areas that benefit from the activity.

For example, a feasibility study recommends that a new service be established for vicious dog control in one or more areas of the regional district, but if the service is not established for one reason or another the Board can direct that the costs of the study be recovered in a subsequent year from the areas that benefited from the study.

Cost apportionment formulas are not prescribed within the *Local Government Act*, but are free to be negotiated among the participants to suit their circumstances. The following list suggests some example of apportionment methods that have been used:

- (i) property assessments
- (ii) population
- (iii) distance (i.e. transit)
- (iv) service hours



- (v) usage (i.e. attendance at public recreation centers)
- (vi) water/sewer flows
- (vii) separate formulas for operating versus capital

**(c) Agreements**

Regional districts may also enter into agreements under Division 2 – General Corporate Powers, Section 176 of the *Local Government Act*. Agreements may be entered into with private operators and with other public authorities for the undertaking, provision and operation of a service. The regional board cannot delegate the ability to establish regulations under an agreement, however, the enforcement of regulatory bylaws may be done by another body by agreement. The connection between agreements and establishing bylaws is that the establishing bylaw gives a regional district the authority to raise taxes to cover the costs of its obligations under an agreement. The agreement provisions permit alternative service delivery methods to be utilized by the local government.

**(d) Regional District of Nanaimo - Sample Services and Costs**

At present the following services include all member jurisdictions:

Service Name	Authority	Cost Recovery / Apportionment	Amount Recovered by Tax Requisition	2002 Tax Rate Per Thousand
General Administration	<i>Local Govt Act</i> Section 800(2)(a) - No bylaw required	By property taxes apportioned under Section 804(2)(b) - Assessed values (land and improvements) – all members share proportionately	\$630,000	.052
Regional Development (Growth Management Planning)	<i>Local Govt Act</i> Part 25, Division 1 – no bylaw required under Section 800(2)(a)	By property taxes apportioned under Section 804(2)(b) - Assessed values (land and improvements) – all members share proportionately	\$210,000	.017
Solid Waste Management – operates Regional Landfill (Cedar Rd.) and Transfer Station (Church Rd, Parksville)	Regional District Bylaw No. 792	By property taxes apportioned on the basis of 50% population and 50% assessments	\$436,450	.041
Vancouver Island Regional Library	Library Act	By property taxes apportioned on the basis of 50% population and 50% assessment	\$1,218,690	Varies by area – average is .300
Hospital District – capital equipment and debt for capital construction (40% local share for major projects)	Hospital District Act	By property taxes on the basis of assessment	\$4,605,000	.3774

The following services are provided to a sub-set of member jurisdictions:

Service Name	Authority	Cost Recovery /Apportionment	Amount Recovered by Tax Requisition	2002 Tax Rate Per Thousand
Animal Control – Electoral Areas A,B,C,D– pick up and impoundment of dogs at large and vicious dogs (no licensing)	Regional District of Nanaimo Bylaw No. 1066	Property taxes on the basis of assessment	\$55,000	.30
Southern Community Recreation – Electoral Areas A,B,C,D	Regional District of Nanaimo Bylaw No. 1059	Property taxes on the basis of surveyed usage of recreation and sportsfield facilities	\$651,045	Varies by usage – low usage .052
Garbage Collection and Recycling – residential properties only in Parksville, Qualicum Beach (recycling only), Lantzville Improvement District (recycling only), all Electoral Areas	Regional District of Nanaimo Bylaw No. 1009	All by user fees – presently \$90 per year for weekly service including recycling		N/A
Transit – City of Nanaimo, Electoral Area D and a portion of Electoral Area A	Regional District of Nanaimo Bylaw No. 1230	Property taxes apportioned on the basis of percentage of kilometers and hours of service in the area	\$2,161,135	.135
Southern Community Wastewater Treatment – City of Nanaimo, Electoral Areas A and D	Regional District of Nanaimo Bylaw No.888	Benefiting areas charged on the basis of flow Septage fees paid by Electoral Areas (currently .16 cents per gallon)	\$4,176,085 (City of Nanaimo taxpayers only)	N/A in Electoral Areas
Regional Parks – Electoral Areas and municipalities by agreement	Regional Park Act	Operating costs on per capita basis for all members Capital costs Electoral Areas only – 50% population/50% assessment	\$200,000 \$200,000	Varies by area – average .042
Emergency 911 – fire dispatch costs only for Electoral Areas A,B,C and D	Regional District of Nanaimo Bylaw No. 887	Property taxes on the basis of assessments	\$49,000	.027
Emergency Planning – all Electoral Areas	Regional District of Nanaimo Bylaw No.953	Property taxes on the basis of assessments	\$35,120	.009

Estimation of Potential Costs for SFN

<b>Gross Assessments - \$100,000,000 Population - 700</b>	<b>Allocated Cost</b>
<b>Mandatory Services</b>	
Administration	\$ 5,125
Regional Development	1,710
Solid Waste Management	3,020
Regional Hospital District	37,450
<b>Total for Mandatory Services</b>	<b>\$47,305</b>
<b>Essential Services</b>	
Vancouver Island Regional Library	26,340
Emergency 911	7,980
Regional Parks	1,145
Southern Community Recreation	7,690
Port Theater	2,900
<b>Total for Essential Services</b>	<b>\$46,055</b>
<b>Other Services</b>	
Transit (1% service allocation)	21,610
Building Inspection	6,120
Animal Control A,B,C,D	2,830
<b>Total for Other Services</b>	<b>\$30,560</b>

**Assumptions:**

- (i) Assessment base is assumed to be residential for these calculations. The costs will be somewhat higher when actual class values are known.
- (ii) Southern Community Recreation – assumes .15% participation (compared to .4% for Electoral Area C)
- (iii) Regional Parks – assumes participation in operating costs only (i.e. municipalities do not participate in capital acquisitions)

**5.3 Conclusions**

The working group identified that the Regional District raises local taxes for certain capital costs, but does not fund or participate in operational decisions for the Provincially appointed Health Authority. In addition, with respect to the Regional Hospital District, the question arose of federal health transfers to the province on behalf of aboriginal people on reserve and whether those transfers offset the cost of the Hospital District to the SFN. While resolution of that question was beyond the scope of the working group it was understood that as a member of the regional district the SFN's contribution would be redistributed among all participants. It was decided that discussions about the SFN's participation in this service should be referred to the side-table on governance.



## **6.0 Planning**

The RDN gave a verbal presentation to the working group. (no material available). In addition, Part 26 of the *Local Government Act* was reviewed by the working group (Appendix 10). Land use planning was also the subject of another component of this treaty-related measure, and is covered in greater detail in a separate report.

### **6.1 The Snuneymuxw Land Use Planning Context**

Lands reserved for Indians are under the jurisdiction of Indian and Northern Affairs Canada (INAC). INAC requires a Physical Development Plan (PDP) for any development on reserve. The PDP may be comprehensive in nature and include policy development similar to the Official Community Planning process under the *Local Government Act*, or a PDP may be site specific to facilitate development on a single parcel of property within a reserve. A PDP is required for any change or alteration to reserve lands.

For the SFN, once the treaty takes effect, the First Nations will no longer be under the authority of the Indian Act and the requirement for land use planning will be one that is imposed by the SFN on itself. SFN has identified the need to be a full participant in community planning, land-use planning and development initiatives that impact them, their resources, their health and their culture. This includes planning on a regional basis.

Community planning is traditional in the Salish culture since major decisions require the advice and guidance of all members. The SFN have a PDP in place, which will be updated and will become the Snuneymuxw Community Plan (SCP). This plan will be completed by March 31, 2003. The SCP will address community needs, cultural needs and economic opportunities from the immediate to the long-term. The SCP will be a living document to allow for changes in social and economic needs.

In addition to planning on reserve and prospective treaty settlement lands (TSL), the Snuneymuxw have been participating in various "smart growth" initiatives to identify contemporary best management practices and planning techniques and re-invigorating and affirming relevant traditional knowledge, practices and techniques associated with community planning. Participation in the regional district illustrates the Snuneymuxw commitment to the area and the current processes. Participation will also give the SFN a voice in community and land-use planning decisions that could affect the Snuneymuxw. The SFN will reciprocate by considering the concerns of the RDN in their process.

### **6.2 The Regional District of Nanaimo Context**

Land use planning in the RDN falls under the jurisdiction of the *Local Government Act* (Part 26), which the working group reviewed. Not only is the RDN required to develop Official Community Plans for specific areas within the RDN, but it has also taken advantage of the permissive legislation to develop a Regional Growth Management Plan for the area. The Plan was developed in 1997 and is under review in 2002, consistent with the 5 year review required under the legislation.

The full participation of the SFN in the Regional Growth Management Plan (RGMP) is seen as critical to the successful harmonization of land use interests throughout the district. The SFN also recognizes the importance of participation in the Plan in protecting their land-use interests as well as for fostering a positive working relationship between neighbouring jurisdictions.

The RGMP establishes the broad uses of resource lands and open space, rural residential lands, industrial areas, urban areas (as defined by an urban containment boundary) and village centres. Municipality signatories to the Plan must have a context statement adopted within two years of signing the Plan that illustrates how their Official Community Plan will work towards the goals and objectives of the Plan. They are also obliged to abide by the Plan.

It is anticipated that the Agreement in Principle (AIP) will identify the requirement for participation in the RGMP and the period between AIP and the final Treaty will be used to come to agreement on changes to the RGMP that would be acceptable to all jurisdictions. The dispute resolution process in the growth strategies legislation will be used if necessary.

### **6.3 SFN Participation on the Board**

Post-treaty the SFN will be self-governing and will determine its own land use planning processes on TSL. However, when the SFN operates as a member of the Regional Board it is anticipated that they will do so as if they were a municipality. This means that to participate in the Regional Growth Management Plan process the SFN will need to function under the *Local Government Act*. The local planning process that it undertakes on TSL will need to dovetail with the RGMP. How they dovetail will be explained through a contractual arrangement consistent with the *Local Government Act*.

### **6.4 Conclusions**

The SFN have a land use planning heritage and culture that allows for consultation with community members and neighbouring jurisdictions beyond that required in the *Local Government Act*. As a result, no legislative impediments were identified that would prohibit SFN participation on the regional board. The SFN will complete their Official Community Plan in the spring of 2003 with consideration of SFN involvement in the RGMP. The period between AIP and final treaty will be used to negotiate full participation and consent to the growth strategy.

## **7.0 Dispute Resolution**

Under the *Local Government Act*, when a service is established participants have the opportunity to design a dispute resolution process and include it in the service establishing bylaw. For those cases where a custom process is not designed, a default method for service review and withdrawal is legislated in Division 4.5 of Part 24 (Appendix 11). In addition, Part 25 (Appendix 12) contains a legislated dispute resolution process for regional growth strategies.

### **7.1 Conclusion**

Staff participating in the working group from the SFN and the RDN are comfortable with the choices under the *Local Government Act*, that allow for dispute resolution.

## 8.0 Creating Membership on the Board

Both the SFN and the RDN are interested in a formal relationship under which the SFN becomes a member of the RDN Board. Given this, the legislative working group considered the legislative framework applicable to RDN membership to see if there were any legislative impediments to the SFN membership. Because the Local Government Act restricts membership on regional district boards to municipalities and electoral areas, if another type of government is to become a member of the RDN Board some form of legislation needs to provide an exception.

There is more than one way to give effect to the relationship between the SFN and RDN. Examples exist in the Nisga'a Final Agreement, and in the legislation that created the Sechelt Indian Government District as a member of the Sunshine Coast Regional District.

The Nisga'a Final Agreement identifies Nisga'a Lands as part of Electoral Area A within the regional district. Furthermore, it recognizes and facilitates the relationship between the Nisga'a and the Regional District of Kitimat-Stikine. Although it does not prescribe the relationship, the treaty stipulates that the parties may enter into agreements respecting services and common areas of responsibilities. Given the remote location of the Nisga'a territory, and the fact that the regional district provides virtually no direct service in the area, no other relationship is necessary. However, given the urban nature of the Nanaimo area and the fact that SFN lands are adjacent to or within the boundaries of other local governments, a more structured relationship is necessary.

In the case of the Sechelt First Nation, provincial legislation created a municipal government called the Sechelt Indian Government District (the SIGD). The Chief and Council make up the Council of the SIGD and appoint a member to the Board. However, under this legislation, the SIGD is, to all intents and purposes, a local government under the jurisdiction of the Province. The Sechelt model is unsuitable for the SFN-RDN relationship because the SFN does not wish to become a municipality subject to provincial jurisdiction.

What is needed then is a new model, which would allow for participation of SFN on the RDN Board without the need for SFN to become a municipality subject to provincial jurisdiction. The SFN Final Agreement could be brought into effect by the federal and provincial governments each passing an enabling statute, with the Final Agreement attached as a schedule. This is also called settlement legislation. The settlement legislation could be used in two ways to establish the relationship. The treaty would recognize the relationship between the RDN and the SFN, which would ensure that it is supported by the federal government, while the provincial statute would provide the exception to the Local Government Act that permits the RDN to have a member that is not a municipality or an electoral area.

In addition to this fundamental interest in SFN membership on the RDN Board is the interest of both parties in certainty and stability in relation to that membership. For the RDN, that means the SFN would operate on the Board in the same manner as a municipal member. For the SFN, that means ensuring that any changes the province might make to legislation affecting local governments will not have a negative effect on the SFN in its relationship on the Board.

To satisfy these two objectives, the RDN and SFN could negotiate a contractual arrangement that defines the nature of the relationship and requires participation of the SFN as if it were a municipality. This would satisfy the RDN's objective of ensuring the SFN operate under the same rules as other municipalities while protecting the SFN's interest in not becoming a municipality subject to provincial legislation (i.e., SFN will not be subject to provincial legislation except as it agrees to be). The agreement can also customize participation, if desired.

In addition, the contract can outline a routine review process and this review process can specifically provide for a review of the agreement if the province were to contemplate changes to local government legislation. This would satisfy the SFN's objective of ensuring provincial legislative change will not negatively affect the relationship and could have an additional benefit of providing a catalyst for the SFN and RDN to discuss proposed changes with the province.

While this approach may legally work it will only be effective if the key interests of both parties can be addressed first. The key consideration for the SFN Council and the RDN Board is, whether a relationship set out by contract/agreement would be acceptable to both parties given the interests previously expressed. These are that all members of the board need to operate under the same rules, as has been expressed by the RDN Board and the need to respond to any changes to the relationship that may be imposed on the Board by the Province, as expressed by the SFN.





## **9.0 Agreement in Principle and Final Agreement References**

### **9.1 Membership**

The option for membership considered in chapter 8 suggests the relationship between the Snuneymuxw First Nation and the Regional District of Nanaimo be set out in an agreement outside the treaty. However, certain principles about the relationship may be set out in the Agreement-in-Principle negotiated between Canada, British Columbia and the Snuneymuxw First Nation.

Establishing the relationship outside the treaty will allow it to remain relevant and flexible over time because amendments can be made without reference to the cumbersome tri-partite treaty amendment process. A specific agreement could address issues of common interest that are within the legislative capacity of local government.

The Snuneymuxw First Nation will be a unique participant in the RDN because it will have some powers like those of a local government but will also have additional powers such as wildlife management, fisheries management, education and aspects of community justice.

Outlining the broad principles of the relationship in the AIP will demonstrate the parties' commitment to a level of harmonization within the regional context. These intergovernmental principles may include:

- 1) Prior to the Governance Agreement, the SFN and the RDN will negotiate and seek terms for full Snuneymuxw Government membership in the RDN on a basis similar to that of a municipality.***
- 2) Prior to the Governance Agreement, the Parties (federal and provincial governments and SFN) will acknowledge and reach agreement on the cost implications of SFN membership in the RDN.***
- 3) Prior to the Governance Agreement, the Parties will negotiate funding arrangements to accommodate SFN membership in the RDN.***
- 4) Settlement legislation will give effect to SFN participation on the Regional Board.***

### **9.2 Land Use Planning**

Existing Snuneymuxw reserves fall under the jurisdiction of the federal government and are subject to the *Indian Act*. Post treaty the Snuneymuxw First Nation will be a self-governing First Nation and will have jurisdiction over treaty settlement lands. The relationship between the Snuneymuxw First Nation lands and other lands that are within the Snuneymuxw territory but fall under another land use jurisdiction (for example, land use planning jurisdiction of the RDN) becomes a critical aspect of the relationship between local governments and the Snuneymuxw First Nation.

The following principles included in the Agreement in Principle will guide the relationship between the Snuneymuxw First Nation and the Regional District of Nanaimo with respect to land-use and regional growth planning:

- 1) The SFN will have jurisdiction over land use planning on treaty settlement land and will exercise this jurisdiction in a manner consistent with the agreed upon RDN Growth Strategy.
- 2) The Agreement in Principle and Final Agreement will recognize that the RDN and SFN will agree to a growth strategy.
- 3) The SFN will prepare an Official Community Plan that provides a statement of objectives and policies to guide decisions on planning and land use management.
- 4) The SFN will develop the SFN Official Community Plan using a process that ensures broad Snuneymuxw community input and provides reasonable opportunities for meaningful input from neighbouring jurisdictions and neighbouring residents.
- 5) The SFN Official Community Plan will include a 'Regional Context Statement' that identifies the relationship between the SFN Official Community Plan and the content of the RDN Growth Strategy.
- 6) The SFN will work with the RDN collaboratively to resolve inconsistency between the SFN Official Community Plan and the RDN Growth Strategy.



## **10.0 Conclusions/Recommendations**

### **Conclusion**

The process undertaken through this Treaty Related Measure has given confidence and understanding to both the Regional District of Nanaimo and the Snuneymuxw First Nation working group members. It has become the basis for what can be a strong and harmonious working relationship in the future. No major legislative impediments have been identified that could not be overcome through the recommendations listed below.

### **Recommendations:**

1. That the period between the Agreement in Principle and Final Agreements be used to develop the relationship of the SFN as a member of the Board.
2. That the SFN participate, as a minimum, in the services listed in section 4.2(e).
3. That discussions about the SFN's participation in the Regional Hospital District be referred to the side-table on governance and the Treaty table with the observations noted in the conclusion.
4. That the issue of settlement legislation and a contract/agreement to establish the governance relationship be referred to the Local Government Sidetable for discussion.
5. That the intergovernmental relationship principles and the planning principles be referred to the Local Government side-table for discussion of eventual inclusion in the AIP.



REGIONAL DISTRICT OF NANAIMO		
SEP 25 2002		
CHAIR	GMCrs	
CAO	GMDS	
GMCms	GMES	
Comm. of the Whole <input checked="" type="checkbox"/>		

**MEMORANDUM**

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

**DATE:** September 25, 2002

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

**FILE:**

**SUBJECT:** Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324

**PURPOSE:**

To introduce for three readings and adoption "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2002", which authorizes the expenditure of reserve funds for the acquisition of a firefighting vehicle.

**BACKGROUND:**

At its meeting held August 14<sup>th</sup>, 2001 the Board authorized the Errington Fire Department to enter into negotiations with the Province of BC Coastal Fire Center to acquire one of their used firefighting vehicles. The transaction involved the fire department purchasing two new smaller vehicles, converting them to the forest service's standards and trading them for the fire service's existing tanker/foam equipped vehicle. The Board approved a total transaction cost of \$130,000, to be financed through a combination of operating surpluses, proceeds from selling an existing vehicle and \$23,700 from reserve funds.

The department has completed the acquisition at a total cost of \$105,857. The reserve funds required to complete the transaction have been reduced from \$23,700 to \$7,572. Bylaw No. 1324 authorizes the withdrawal of those funds in accordance with the *Local Government Act*.

**ALTERNATIVES:**

Approve and adopt Bylaw No. 1324, to authorize the release of the reserve funds.

Do not approve the bylaw.

**FINANCIAL IMPLICATIONS:**

Without the release of the reserve funds the department will incur an operating deficit in 2002. This bylaw follows up the Board's earlier resolution authorizing the transaction to proceed.


**SUMMARY/CONCLUSIONS:**

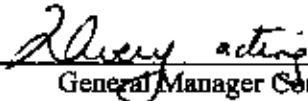
The Errington Fire Department has completed a transaction to acquire a tanker/foam equipped firefighting vehicle from the Province of BC Coastal Fire Center. The transaction was completed for less than the authorized maximum budget – at \$105,857 versus \$130,000. The department had estimated that it would need to draw on \$23,700 from its vehicle replacement reserve however, the amount required is now reduced to \$7,572. Staff have prepared Bylaw No. 1324 in the amount of \$7,572 in accordance with the requirements of the *Local Government Act*.

**RECOMMENDATION:**

That "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2002" be introduced for first three readings.

That "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2002" having received three readings be adopted.

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

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

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

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1324**

**A BYLAW TO AUTHORIZE AN EXPENDITURE  
OF FUNDS FROM THE ERRINGTON  
FIRE PROTECTION RESERVE FUND**

WHEREAS the Errington Fire Protection Function Reserve Fund was established under Bylaw No. 745, 1988;

AND WHEREAS it is necessary to expend reserve fund monies for the purpose of purchasing a fire truck;

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

1. That the amount of Seven Thousand Five Hundred and Seventy Two Dollars (\$7,572) is hereby appropriated from the Errington Fire Protection Function Reserve Fund to be expended for a fire truck.
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 the "Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324, 2002".

Introduced and read three times this 8th day of October, 2002.

Adopted this 8th day of October, 2002.

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CHAIRPERSON

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GENERAL MANAGER CORPORATE SERVICES

**PAGE**  
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REGIONAL DISTRICT OF NANAIMO			
SEP 23 2002			
CHAIR		GMCrs	
CAG		GMDS	
GMCrs		GMES	
Committee of the Whole			✓

**MEMORANDUM**

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

**DATE:** September 20, 2002

**FROM:** Carey McIver  
Manager of Solid Waste

**FILE:** 5360-40

**SUBJECT:** Landfill Gas Collection System Expansion – FCM Conditional Grant

**PURPOSE**

To obtain Board approval to accept a conditional grant from the Federation of Canadian Municipalities (FCM) Green Municipal Funds to expand the gas collection system at the Regional Landfill.

**BACKGROUND**

In April 2002 the Board received a report on the results of the landfill gas (LFG) utilization study undertaken by Conestoga-Rovers and Associates (CRA) and co-funded by the FCM Green Municipal Funds. This report investigated whether the gas generated at the Regional Landfill could be transformed from an environmental liability to a "green" energy asset. The study identified several potential options and consequently the Board directed staff to proceed with the investigation and identification of a beneficial LFG utilization option in 2003.

In May 2002 the FCM invited the RDN to attend a multi-sector landfill gas forum in Ottawa. A key focus of the FCM is to assist municipalities as they move toward reducing greenhouse gas (GHG) emissions. Although LFG utilization would significantly reduce these emissions, to date projects have been undertaken primarily at large landfills. However, given that there are hundreds of medium to small landfills across the country, the FCM was interested in identifying the financial barriers to moving these projects forward and discussing ways in which FCM could assist in overcoming those barriers.

The main barrier identified was the cost of constructing the LFG collection and flare systems. Many local governments would proceed with landfill collection projects if they knew that they could finance a portion of the costs through the sale of their emission reductions. However, given the uncertainties surrounding the emerging carbon market as well as high transaction costs, most local governments have hesitated to proceed with these projects.

To overcome this barrier the FCM proposes to support two pilot projects wherein they would finance 50% of the cost of an LFG collection system with conditional grants. The grants would be conditional on the local government temporarily transferring verified emissions reductions (VERs) to the FCM, who in turn would sell these VERs to recover the grant plus interest. Once the grant was paid the VERs would revert back to the local government. The FCM has selected the RDN for one of these pilot projects. The other project is in the Fraser-Fort George Regional District.

The attached letter from the FCM outlines their offer of a conditional grant in the amount of up to 50 percent of the eligible costs to expand the LFG collection system at the Regional Landfill. Based on current cost projections this grant is estimated to be \$505,000 (\$325,000 in 2003 and \$180,000 in 2004). Based on current gas volume estimates and pricing forecasts the VERs will revert to the RDN in approximately five years.

The 2002 annual budget for solid waste includes funds in reserves for the future expansion of the collection system. However, since the CRA study was not completed until December 2001, the detailed design, cost and schedule for expanding the system have not yet been determined.

The CRA report outlined three potential LFG collection options: These design options were based on the need to collect LFG for (1) the sole purpose of LFG migration and odour control which is the status quo, (2) utilization, and (3) optimized/aggressive collection for the purpose of maximizing the utilization potential of LFG as an energy source. Under Option 1, the collection efficiency (rate of LFG collected/rate generated by the landfill) would be less than 50 percent, while Options 2 and 3 would provide for collection efficiencies of 70 and 80 percent respectively.

The FCM grant offer is based on Option 3, optimized/aggressive collection. The proposed system under this option will consist of an expanded vertical well collection system in the closed portions of the landfill and horizontal trenches in the active landfill zone. The LFG will be drawn under vacuum pressure to a blower/flare system located at the base of the landfill. The blower/flare system will consist of a candlestick flare, variable phase blower assembly, gas analyzer (flow, methane, carbon dioxide and oxygen) and a programmable logic controller unit. The project will be constructed over two years (2003-04) and will have design collection efficiency in 2004 of 70 percent, which will be augmented to higher levels as system experience permits.

## ALTERNATIVES

1. Accept a conditional grant of \$505,000 from the Federation of Canadian Municipalities (FCM) Green Municipal Funds to expand the gas collection system at the Regional Landfill.
2. Do not accept the grant.

## FINANCIAL IMPLICATIONS

Under Alternative 1 the total cost to expand the LFG collection system over two years would be \$1,010,000 including engineering, construction, legal, monitoring and verification costs. With the FCM grant the cost to the RDN would be \$505,000, which is less than the \$650,000 identified in the 2002 capital plan to complete a status quo expansion required to maintain acceptable levels of odour and migration control.

Also, under this alternative the FCM will guarantee the value of the verified emissions reductions. This means that if the collection system does not produce the projected quantity of gas on which the sale of the VERs was based, the FCM will make up the difference to the contracted buyer. After five years the VERs will revert back to the RDN at which time the RDN will be free to sell them on a mature carbon market.



Under Alternative 2, the RDN would have to construct a status quo system with lower design collection efficiency or attempt to sell the VERs associated with an aggressive collection system on the emerging carbon market. However, the RDN would have to assume all the costs and risks associated with the transaction, which could be substantial, given our lack of experience and expertise.

### **PUBLIC RELATIONS IMPLICATIONS**

Locally, expanding the LFG collection system will provide improvements in odour control to the neighbourhood adjacent to the landfill. Nationally, this project has a high level of innovation; performance improvement and replication potential and consequently FCM expect that there will be considerable interest from across Canada.

### **ENVIRONMENTAL IMPLICATIONS**


LFG is a harmful greenhouse gas (GHG) when released into the atmosphere. Collection and combustion, however, prevents a number of adverse effects, such as gas migration, foul odours and the potential for explosion. It also reduces the factors contributing to climate change and offsets the use of non-renewable sources of fuel. Beneficial utilization of the LFG generated at the Regional Landfill could provide a green energy source that could offset the use of natural gas or provide up to 1.5 MW of electricity while at the same time significantly reducing GHG emissions.

### **SUMMARY/CONCLUSIONS**


The Federation of Canadian Municipalities is offering the RDN a conditional grant in the amount of up to 50 percent of the eligible costs to expand the LFG collection system at the Regional Landfill. This expansion would be designed for aggressive energy utilization and greenhouse gas reduction. Based on current cost projections this grant is estimated to be \$505,000. This grant is conditional on the RDN temporarily transferring all gas rights at the Regional Landfill to the FCM. Once in possession of the gas rights the FCM intends to create Verified Emission Reductions (VERs) and to sell these VERs on the emerging carbon market to recover the grant plus interest. Based on current gas volume estimates and pricing forecasts the VERs will revert back to the RDN in approximately five years. If the RDN does not accept the grant then the system will be expanded to maintain acceptable levels of odour and migration control but not aggressive energy utilization or greenhouse gas reduction.

### **RECOMMENDATION**

That the Board accepts a conditional grant of \$505,000 from the Federation of Canadian Municipalities (FCM) Green Municipal Funds to expand the gas collection system at the Regional Landfill and proceed with the project agreement with FCM.

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

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

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS



GREEN MUNICIPAL INVESTMENT FUND  
FONDS D'INVESTISSEMENT MUNICIPAL VERT

24, rue Clarence Street Tel 613.241.5221 x355  
Ottawa, Ontario Fax 613 244.1515  
K1N 5P3 http://www.fcm.ca

September 18, 2002

Ms. Carey McIver  
Manager, Solid Waste  
Environmental Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, British Columbia  
V9T 6N2

**Project Title:** Gas Capture and Flare - Cedar Road Landfill Site  
**Application Number:** IF 1464

Dear Ms. McIver:

The Federation of Canadian Municipalities (FCM) has completed its analysis of the project applications submitted to the Green Municipal Enabling and Investment Funds.

The basic objective of the Green Municipal Funds is to implement innovative environmental technology and management approaches in municipal operations. To score well, a proposal must demonstrate high levels of innovation, performance improvement and replication potential.

The Green Municipal Funds' Council and FCM's National Board of Directors as meeting the objectives of the Funds deemed your proposal. Therefore, it is our pleasure to confirm that the above-mentioned project has been approved for a conditional grant in the amount up to 50 per cent of the eligible project costs. Based on information currently available to FCM the amount of the conditional grant is estimated to be \$505,000. This grant is conditional on the Regional District of Nanaimo temporarily transferring all gas rights from the Cedar Road Landfill Site to FCM. Once in possession of the gas rights FCM intends to create Verified Emission Reductions (VERs) and to sell these VERs to recover the grant herein offered, plus interest, after which the VERs will revert to the Regional District. Based on current gas volume estimates and pricing forecasts the VERs will likely revert in approximately five years.

The Development Manager assigned to assist you with every aspect of your project is Doug Salloum at (613) 295-7251 or dsalloum@fcm.ca. You will receive shortly the draft of the agreement between your organization and FCM. Prior to the preparation of the draft agreement and the finalization of the grant amount, FCM will need to confirm the eligible project costs (including legal and monitoring and verification costs) and the gas volume forecasts.

.../2

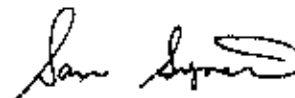
- 2 -

FCM is responsible for implementing a communication program in support of the Green Municipal Funds. The communication program includes a national announcement of the projects and studies approved. The program also includes coordination of local municipal announcements that would follow the national news release. Under separate cover, we will let you know the timing of the national announcement so that you may plan your own local announcement. We will provide you with a news release template to assist you in the development of your news release.

In addition we enclose the Guide to Green Municipal Infrastructure to assist you with the implementation of this project and any future proposals to the Green Municipal Funds.

We would like to thank you for your interest in the Green Municipal Funds. Please accept our sincerest congratulations on the quality of your proposal. We look forward to working with you to develop this highly innovative project.

Sincerely,



Sam Synard  
Chair  
Green Municipal Funds' Council

SS/ md:ds,pg  
Enclosure

**PAGE**  
**25**



REGIONAL DISTRICT OF NANAIMO	
SEP 23 2002	
CHAIR	GMCrS
CAO	GMDS
CMs	GMES
Comm. of the whole	

MEMORANDUM

TO: Carey McIver  
Manager of Solid Waste

DATE

September 12, 2002

FROM: Alan Stanley  
Solid Waste Program Coordinator

FILE

5370-07

SUBJECT: Household Yard and Garden Waste Collection

PURPOSE

To provide a status report and obtain Board direction on the development and implementation of a curbside yard waste collection program to service urban areas throughout the RDN.

BACKGROUND

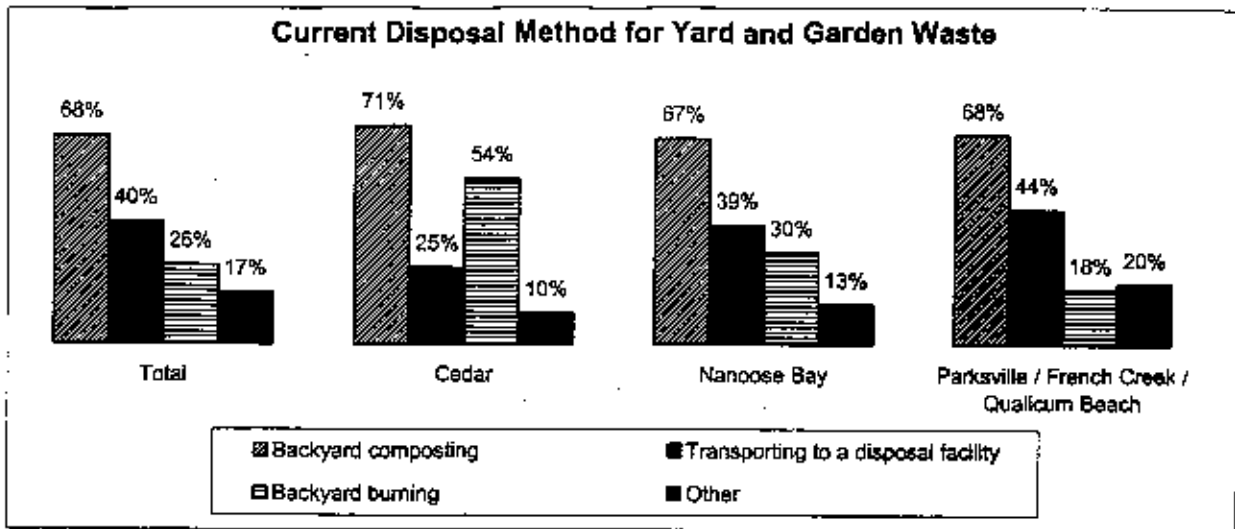
In October 2001, the Board directed staff to conduct customer surveys in the urban areas of the RDN to determine customer willingness to receive yard and garden waste collection at an annual cost of \$30 per household. For the purposes of this report, urban areas are defined as those areas within the RDN garbage and recycling collection service area that receive weekly garbage collection. Typically, these are the areas in the district with higher population densities.

In July 2002, Marktrend Research conducted a telephone survey on behalf of the RDN. A total of 400 interviews were conducted with residents using sample sizes as follows:

AREA	SAMPLE SIZE
Parksville/French Creek/Qualicum Beach	200
Cedar	100
Nanoose Bay	100

Current Disposal Method for Yard and Garden Waste

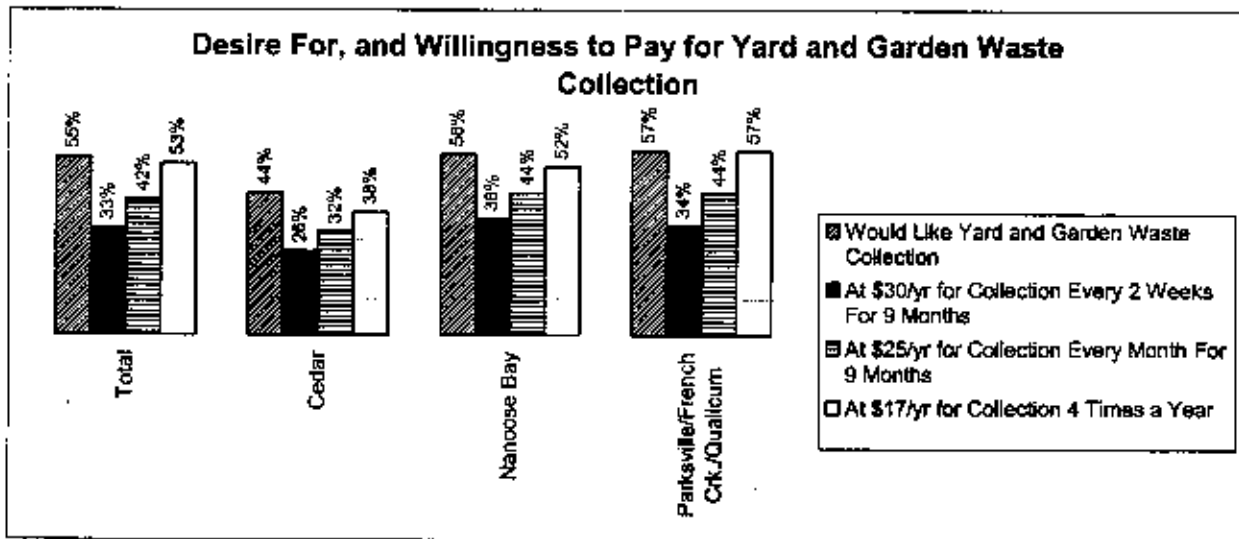
As illustrated on the graph below, currently at least two-thirds of residents in each of the three regions surveyed: Cedar, Nanoose Bay and Parksville/French Creek/Qualicum Beach have backyard composters for their yard and garden waste. Four in ten residents of Nanoose Bay and Parksville/Qualicum Beach also transport their yard and garden waste to a disposal facility while only one-quarter of Cedar residents do the same. Cedar residents, on the other hand, are significantly more likely to burn their yard waste openly. Parksville/French Creek/Qualicum Beach residents are the least likely to have open backyard burning of yard waste. Almost one in five residents dispose of their yard waste in some other manner, such as using a lawn cutting service.



***Desire For, and Willingness to Pay For Yard and Garden Waste Collection***

In the surveyed areas, one-half of District residents would like to see a yard and garden waste collection service, although support for this is lowest in Cedar at just over four in ten residents. There is less willingness to pay for such a service. At the highest cost option of \$30 per year for collection every two weeks for 9 months, only one-third of residents are prepared to pay for this. When the collection period is dropped to monthly for 9 months at a cost of \$25 per year, willingness to pay increases to 42%. When the collection period is dropped to four times a year at cost of \$17 per year, willingness to pay increases to 53%.

The highest level of support for yard and garden waste collection is for the lowest level of service and the support is limited.



### ***Other Methods for Handling Yard and Garden Waste***

The lowest cost option to deal with organic waste is backyard composting and 68% of residents are already handling their waste in this fashion.

Another solution to the yard waste problem is waste minimization or elimination. Yards and gardens are designed and built based largely on aesthetic considerations, which are often heavily influenced by current landscape fashion. A landscaping plan that relies on low water use plants, slow growing shrubs, flowering bushes and native plants will produce very little yard waste. Reduced water usage in the summer, fewer polluting emissions from powered yard care machines and decreased use of pesticides and herbicides are some of the benefits of Zero Waste Landscaping.

Restrictions on burning, problems with handling waste and watering restrictions are already influencing landscape design in the region as evidenced by the availability of slow growing, drought resistant and native plant species in local nurseries and the widespread adoption of backyard composting.

### ***Organics Diversion***

One of the primary benefits of a yard and garden waste collection program is that such a program could be a precursor to a full residential organics diversion program, which would include food waste such as bones and skin and soiled paper products. A significant portion of our current garbage stream is made up of organic material that cannot be composted in a backyard composter, but would be valuable feedstock for a commercial composting operation. At present, the volume of food waste does not justify an additional collection vehicle, thus, most of the research to date has indicated that to economically separate and collect food waste, yard and garden waste must be included.

Recent technological development in collection vehicles has allowed separated, multiple-stream compaction within a single vehicle. Food waste could be collected in the same vehicle that collects garbage but brought to a compost facility rather than a disposal facility. Options for food waste diversion will continue to be investigated.

### **ALTERNATIVES**

1. Implement a curbside yard and garden waste collection program in urban areas of the RDN.
2. Do not implement a curbside yard and garden waste collection program in urban areas of the RDN at this time.

### **FINANCIAL IMPLICATIONS**

Annual costs per resident range from \$17 to \$30 for Alternative 1.

There are no costs for Alternative 2.

### **ENVIRONMENTAL IMPLICATIONS**

A curbside yard and garden waste collection program would eliminate the need for backyard burning in the areas that the program would service. Reduction of vehicle exhaust emissions generated by individual trips to disposal facilities would also be reduced.

The biggest environmental improvement in terms of yard and garden waste management would result from large-scale adoption of Zero Waste Landscaping. If done correctly, all of the benefits gained from a collection program would occur in addition to reduced pressure on stressed water systems, reduced yard care machine emissions and reduced use of pesticides and herbicides.

**SUMMARY/CONCLUSIONS**

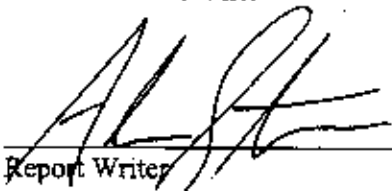
In October 2001, the Board directed staff to conduct customer surveys in the urban areas of the RDN to determine customer willingness to receive yard and garden waste collection at an annual cost of \$30 per household. In July 2002, Marktrend Research conducted a telephone survey on behalf of the RDN. A total of 400 interviews were conducted.

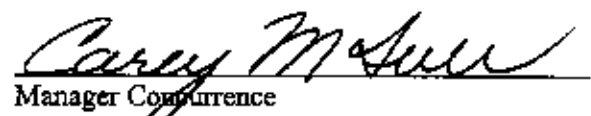
68% of RDN residents are composting yard and garden.

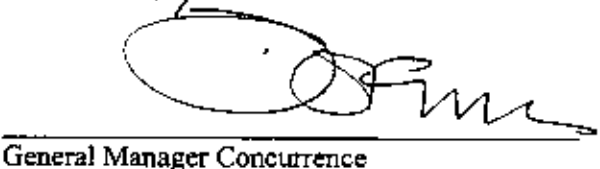
There is little support (33%) for a bi-weekly yard and garden waste collection program at \$30 per year and somewhat greater support (53%) for a 4 times per year collection program for an annual cost of \$17. Staff suggest that this level of support does not justify the implementation of a yard and garden waste collection program at this time.

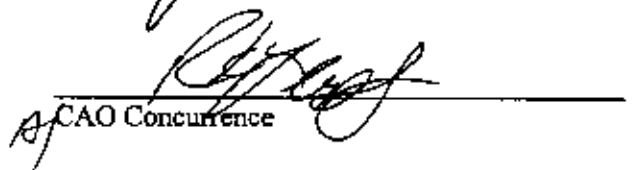
**RECOMMENDATION**

That the Board does not implement a curbside yard and garden waste collection program in urban areas of the RDN at this time.

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

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

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

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
SEP 25 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	
Comm. of the whole ✓			
DATE:		September 10, 2002	
FILE:		5500-20-FC-01	

MEMORANDUM

**TO:** Wayne Moorman, P.Eng.  
Manager of Engineering and Utilities

**FROM:** Natalie Cielanga, AScT  
Engineering Technologist

**SUBJECT:** Utilities  
French Creek Sewer Local Service Area  
Inclusion into Local Service Area

September 10, 2002

FILE:

5500-20-FC-01

PURPOSE

To consider the request to include Lot 29, Plan 13406, DL 29, Nanoose Land District into the French Creek Sewer Local Service Area (FCSLSA). (See attached map.)

BACKGROUND

The owner of the above noted property has requested to be included in the French Creek Sewer Local Service Area. The property is designated as 'Urban Area' in the Regional Growth Management Plan and 'Neighbourhood Residential' in the French Creek Official Community Plan (OCP). In addition, the property is located within the community sewer service area recognized in the French Creek OCP.

The policies in Section 6.4 of the French Creek OCP encourage the extension of sewer services to unserved neighborhoods in urban areas and supports the provision of community sewer services to those lands located within the community sewer service area. Both the RGMP and the French Creek OCP support the extension of sewer service to the subject parcel. From a land use planning perspective, Development Services has no objection to the boundary amendment required for this application.

ALTERNATIVES

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

FINANCIAL IMPLICATIONS

There are no financial implications to the RDN. If accepted into the FCSLSA, all costs associated with the connection would be at the expense of the applicant. The subject property will pay a Capital Charge of \$5,436.00 for contribution to the downstream sanitary sewer capacity when being brought into the local service area.



**INTERDEPARTMENTAL IMPLICATIONS**

Development Services has no opposition to the boundary amendment. The subject property is within the area designated for community sewers in the Regional Growth Management Plan.


**SUMMARY/CONCLUSIONS**

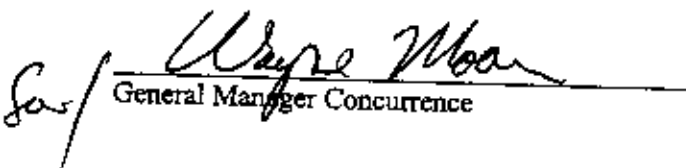
A petition has been received to amend the boundaries of the French Creek Sewer Local Service Area. The property being considered for inclusion is within the Urban Containment Boundary of the Regional Growth Management Plan and is identified for connection to community water and sewer systems. The property is also within the benefiting area of the French Creek Pollution Control Center. All costs associated with connection to the RDN sewer system will be at the expense of the property owner.

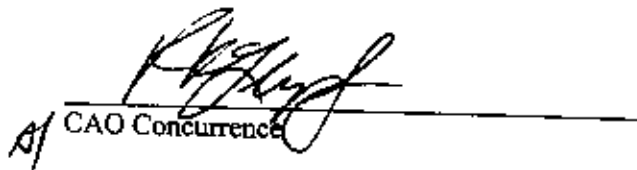
**RECOMMENDATION**

1. That "French Creek Sewer Local Service Area Bylaw No. 813.27, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

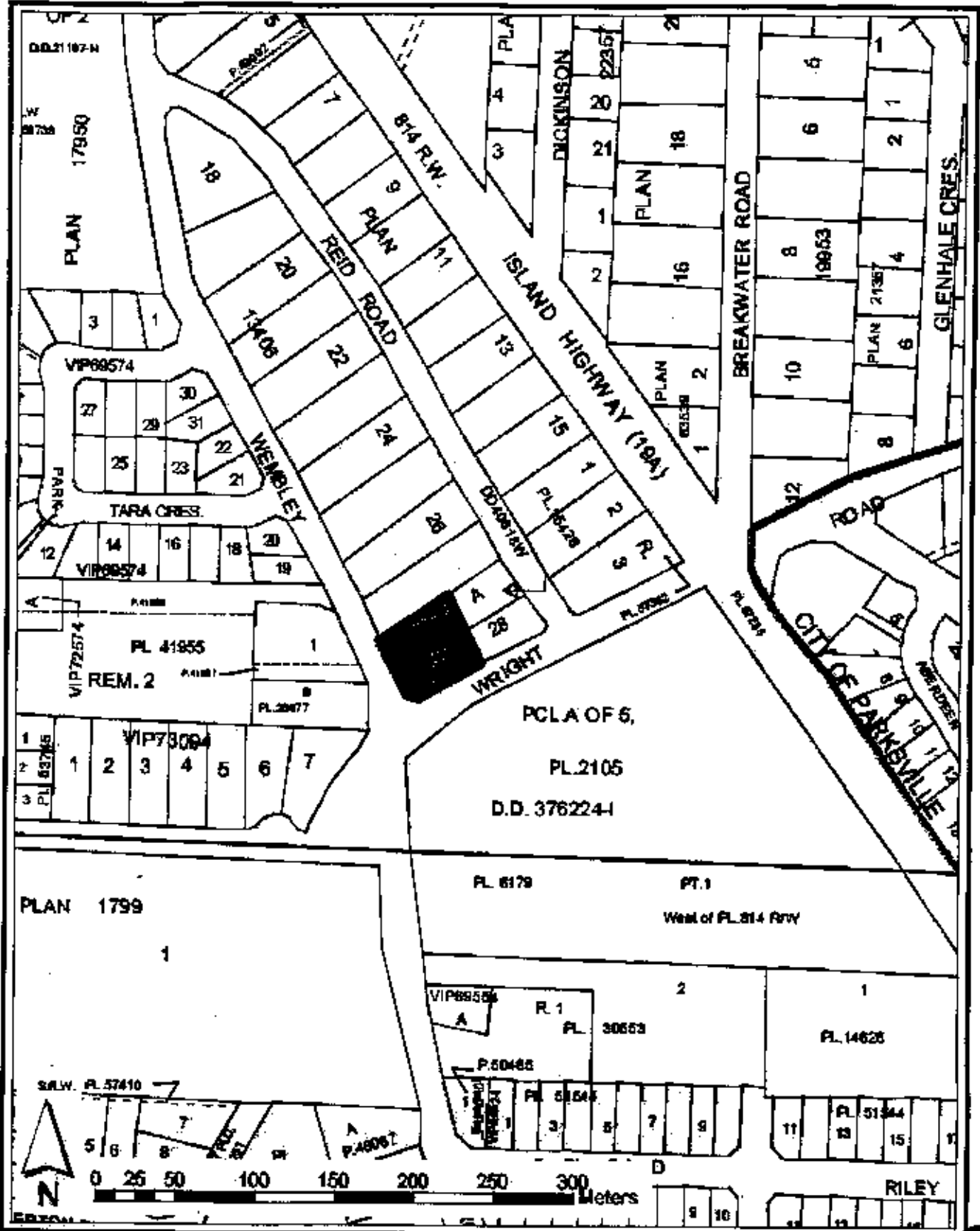
  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 813.27

A BYLAW TO AMEND THE FRENCH CREEK  
SEWERAGE FACILITIES LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 813

WHEREAS "French Creek Sewerage Facilities Local Service Establishment Bylaw No. 813, 1990"; as amended, establishes the French Creek Sewerage Facilities Local Service Area;

AND WHEREAS the Board has been petitioned to expand the local service area;

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

1. The boundaries of the French Creek Sewerage Facilities Local Service Area, established by Bylaw No. 813, as amended, are hereby further amended to include the property shown outlined on Schedule 'B-1' attached hereto and forming part of this bylaw.
2. The amended boundary of the French Creek Sewerage Facilities Local Service Area shall be as shown outlined on Schedule 'A' attached hereto and forming part of this bylaw.
3. Schedule 'A' of Bylaw No. 813.26 is hereby repealed.
4. This bylaw may be cited as "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.27, 2002".

Introduced and read three times this 8th day of October, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

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



REGIONAL DISTRICT OF NANAIMO			
SEP 25 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
COUNCIL OF THE DISTRICT			
		DATE:	

MEMORANDUM

TO: Wayne Moorman, P.Eng. Manager of Engineering and Utilities

DATE:

September 10, 2002

FROM: Natalie Cielanga, AScT Engineering Technologist

FILE:

5500-20-PS-01

SUBJECT: Utilities Pacific Shores Sewer Local Service Area Inclusion into Local Service Area

PURPOSE

To consider the request to include Lot 4, Plan 10012, DL 22, Nanoose Land District into the Pacific Shores Sewer Local Service Area (PSSLSA). (See attached map.)

BACKGROUND

The owner of the above noted property has requested inclusion into the Pacific Shores Sewer Local Service Area. The property is designated 'Rural Residential' in the Regional Growth Management Plan (RGMP) and 'Rural Residential' in the Nanoose Bay Official Community Plan (OCP). The property is located within the Watercourse Protection Development Permit Area and there are two recognized streams on the property. The property is not located within the community sewer service area recognized in the Nanoose Bay OCP, however a major trunk sewer line extends past this parcel in the marine foreshore.

The RGMP infrastructure policies allow for the extension of sewer services to lands located outside an urban containment boundary where there are environmental and public health concerns as do the infrastructure policies in the Nanoose OCP. The OCP requires that sewer services be extended outside the community sewer service area only to address environmental and/or public health concerns and not to facilitate new development. With a Ministry of Health recommendation to connect to community sewer and the registration of a restrictive covenant restricting future development, the extension criteria outlined in the OCP will be satisfied.

To date, there have been two other properties in the vicinity of this property and outside urban containment that have connected to the sanitary sewer under the environmental and/or public health criteria. A further property (lot 1, plan 10012 owned by Wayne Diedrichsen, Sanway Investments) was denied inclusion into the Pacific Shores Sewer service area by the Board because the criteria for consideration of including the property, including a restrictive covenant, were not met.

The Northern Community Sewer Local Service Area bylaw requires amendment as well as the Pacific Shores Sewer Local Service Area bylaw in order to service this property with sewer. The previous report for inclusion of Lot 29, Plan 13406, DL 29, Nanoose Land District into the French Creek Sewer Local Service Area also requires amendment to the Northern Community Sewer Local Service Area bylaw. Both property amendments are included in Bylaw 889.22 under the recommendations of this report.

**ALTERNATIVES**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications to the RDN. If accepted into the PSSLSA, all costs associated with the connection would be at the expense of the applicant.

**INTERDEPARTMENTAL IMPLICATIONS**

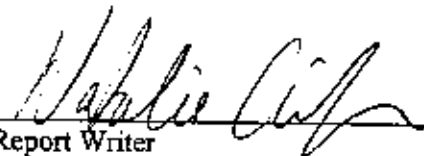
Although this parcel is located outside the community sewer service area, the environmental/public health concerns when combined with the location of the existing sewer line and the covenant restricting future development address the intent of the community sewer servicing policies in the Nanoose OCP. Given these factors, Development Services has no objection to the boundary amendment required for this application.

**SUMMARY/CONCLUSIONS**

A petition has been received to amend the boundaries of the Pacific Shores Sewer Local Service Area. The property being considered for inclusion is not within the Urban Containment Boundary of the Regional Growth Management Plan but has a recommendation from the Ministry of Health to connect to community sewer. The property owner has signed a covenant restricting subdivision of the property. All costs associated with connection to the RDN sewer system will be at the expense of the property owner.

**RECOMMENDATION**

1. That "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.22, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Pacific Shores Sewer Local Service Area Bylaw No. 1021.03, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

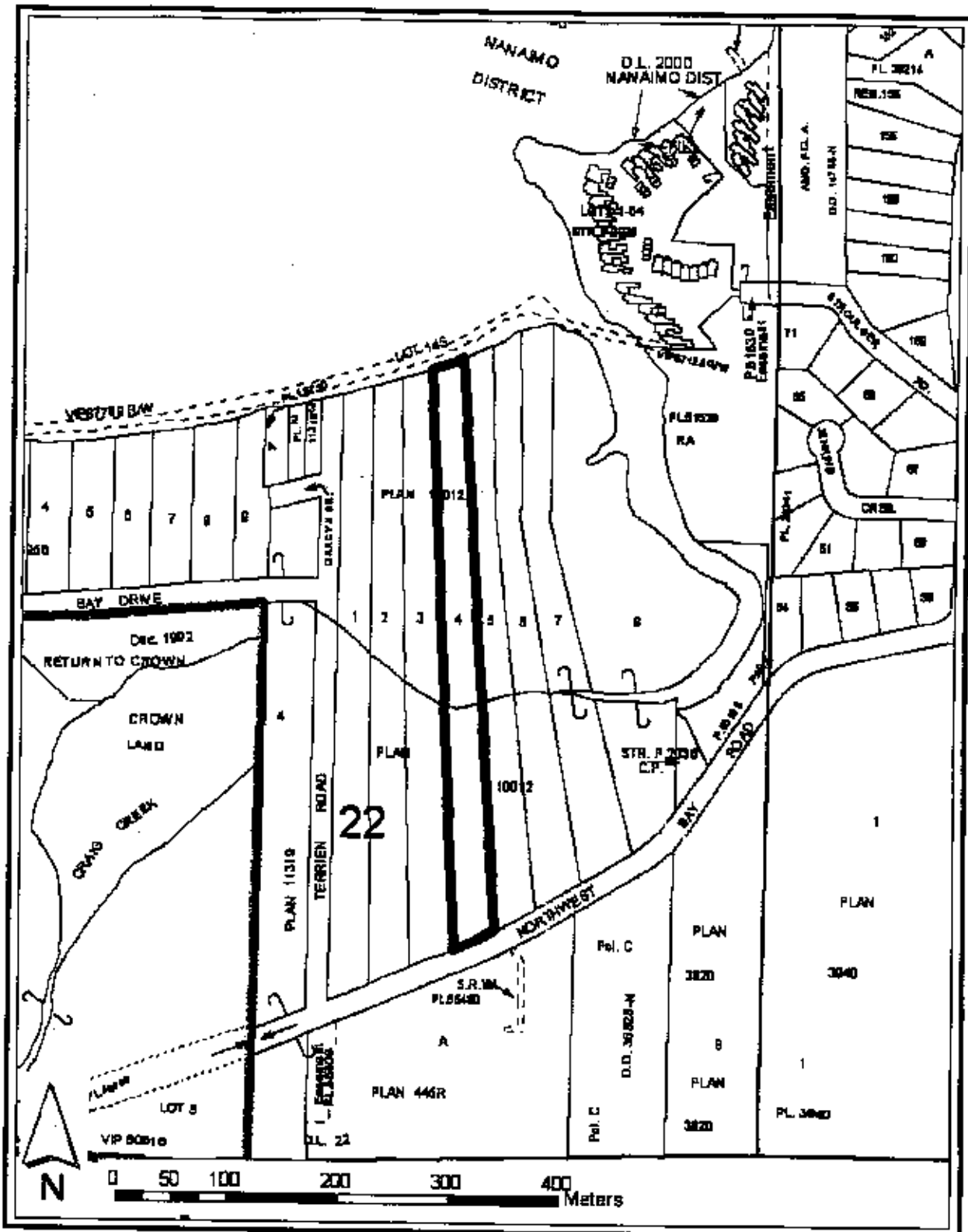
  
Report Writer

  
Manager Concurrence

Sac /   
General Manager Concurrence

  
CAO Concurrence

COMMENTS:



BC38 Map Sheet No. 92F.039.2.2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.22

A BYLAW TO AMEND RDN  
NORTHERN COMMUNITY SEWER  
LOCAL SERVICE AREA BYLAW

WHEREAS the Board has enacted the "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993" as amended which establishes the Northern Community Sewer Local Service Area;

AND WHEREAS the Board wishes to amend Schedules 'D' and 'E' of Bylaw No. 889.21 to amend the boundaries of the non-benefiting area;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

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

1. This bylaw may be cited as "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.22, 2002".
2. Schedules 'D' and 'E' attached to and forming a part of Bylaw No. 889.21 are hereby deleted and replaced with Schedules 'D' and 'E' attached to and forming part of this bylaw.

Introduced and read three times this 8th day of October, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

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

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1021.03

A BYLAW TO AMEND THE PACIFIC SHORES  
SEWERAGE FACILITIES LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 1021

WHEREAS "Pacific Shores Sewer Local Service Area Establishment Bylaw No. 1021, 1996" established the Pacific Shores Sewer Local Service Area;

AND WHEREAS the Board has been petitioned to expand the local service area;

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

1. The boundaries of the Pacific Shores Sewer Local Service Area, established by Bylaw No. 1021, are hereby amended to include the property shown outlined on Schedule 'B' attached hereto and forming part of this bylaw.
2. The amended boundary of the Pacific Shores Sewer Local Service Area shall be as shown outlined on Schedule 'A' attached hereto and forming part of this bylaw.
3. Schedule 'A' of Bylaw No. 1021.02 is hereby repealed.
4. This bylaw may be cited as "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.03, 2002".

Introduced and read three times this 8th day of October, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

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





REGIONAL DISTRICT OF NANAIMO			
SEP 16 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>Call</i>			

MEMORANDUM

TO: Wayne Moorman  
 Manager of Engineering & Utilities

FROM: Natalie Cielanga, AScT  
 Engineering Technologist

SUBJECT: Utilities  
 Rural Streetlighting Local Service Area  
 Boundary Amendment

DATE: September 5, 2002

FILE: 5500-21-RG

PURPOSE

To consider a request to include the following properties in the Rural Streetlighting Local Service Area (RSLSA) (see attached map):

- Lot A, Plan 17074, DL 88, Nanoose LD
- Lot 2, Plan VIP72915, DL 88, Nanoose LD
- Lot 1, Plan VIP72915, DL 88, Nanoose LD
- Lot 3, Plan VIP72915, DL 88, Nanoose LD

BACKGROUND

When the above noted properties were subdivided, the developer constructed the subdivision including streetlights but did not request inclusion in the RSLSA. In order to tax the properties for the operation of the streetlights, these properties need to be included in the RSLSA. The current property owners have signed petitions to be included in the RSLSA.

ALTERNATIVES

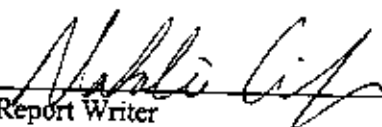
1. Do not amend the boundaries of the Rural Streetlighting Local Service Area Bylaw 791.
2. Amend the boundaries of the Rural Streetlighting Local Service Area Bylaw 791.

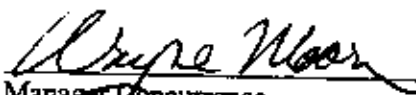
FINANCIAL IMPLICATIONS

The operating costs of the streetlights are charged to the benefiting properties through taxation. The property owners have agreed to the taxation for the benefit of streetlighting.

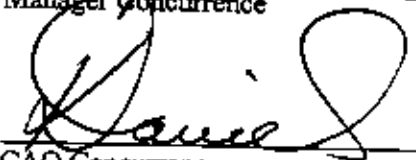
RECOMMENDATION

1. That "Rural Streetlighting Service Area Bylaw 791.05, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

  
 Report Writer

  
 Manager Concurrence

  
 General Manager Concurrence

  
 CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 791.05

A BYLAW TO AMEND THE RURAL  
STREETLIGHTING LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 791

WHEREAS Regional District of Nanaimo Bylaw No. 791 established the Rural Streetlighting Local Service;

AND WHEREAS the Board wishes to amend the Local Service Area boundaries in accordance with Section 802(1)(b) of the *Local Government Act*;

AND WHEREAS the consent of the Directors of Electoral Areas E and G have been obtained;

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

1. The boundaries of the Rural Streetlighting Local Service Area are hereby revised to include the properties outlined on Schedule 'A' attached hereto and forming part of this bylaw.
2. The amended boundaries of the Rural Streetlighting Local Service Area shall be as shown outlined on Schedules 'B-1' and 'B-2' attached hereto and forming part of this bylaw.
3. Bylaw No. 791.04 is hereby repealed.
4. This bylaw may be cited as "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.05, 2002".

Introduced and read three times this 8th day of October, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

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

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**Minutes of the District 69 Recreation Commission Regular Meeting  
Held on Thursday, September 12, 2002, at 8:30am  
District 69 Arena, Parksville, BC**

**Attendance:**

Frank Van Eynde – Chair  
Jack Pipes

Craig Young  
Fred Demmon

Barb Terry  
Scott Tanner – arrived 9:40 am

**Staff:**

Tom Osborne

Neil Connelly

Marilynn Newsted

**Absent:**

Reg Nosworthy

Richard Quittenton

---

Chair Van Eynde called the meeting to order at 8:35am.

**Minutes**

MOVED Commissioner Demmon, SECONDED Commissioner Young, that the minutes of the District 69 Recreation Commission Regular Meeting held on July 11, 2002, be approved.

CARRIED

**Correspondence**

- 4.0 Commissioners received late correspondence from Arrowsmith Mountain Bike Club and Arrowview Elementary School Parent Advisory Council.

MOVED Commissioner Terry, SECONDED Commissioner Young, that the correspondence from the Arrowsmith Mountain Bike Club be referred to the Grants In Aid Committee for review.

CARRIED

MOVED Commissioner Terry, SECONDED Commissioner Young, that the correspondence from the Participaddle Society, the Parksville Royals Baseball Club and the Arrowview Elementary School Parent Advisory Council be received.

CARRIED

**Reports**

- 5.1 Mr. Osborne reviewed the Revised 2003 Recreation Fees and Charges report. He stated that staff had met with seniors' representatives, as directed by the Committee of the Whole, to discuss the seniors rate issue. Mr. Osborne stated the revised Recreation Fees and Charges report presented reflected those discussions.

MOVED Commissioner Pipes, SECONDED Commissioner Demmon, that the following recommendations stated in the Revised 2003 Recreation Fees and Charges report be accepted:

1. That the revised Recreation Fees and Charges Policy be approved.

2. That the Fees and Charges Policy be applied with respect to the 2003 Provisional Budget process to include seniors' admission rate categories with a phased in increase and other adjustments as outlined in Schedule 1 of the report. CARRIED
- 5.3 Mr. Osborne reviewed the staff report from the District 69 Arena. He stated one highlight of the summer was the success of the Heath Dennison Hockey Camp. Mr. Osborne reported that staff and customers were very pleased with the content and presentation of the camp.
- Mr. Osborne stated that arena staff have been very busy with the Arena Multiplex project. He stated staff had met with Leo Mariotto, Project Architect, and Lyle Percevault, Project Manager, on Tuesday, September 10, 2002, to review the multiplex performance specifications and the draft design of the Arena Multiplex. He stated there will be a joint meeting with the Arena Committee and the District 69 Directors on Tuesday, October 17, 2002.
- Commissioner Demmon stated that the City of Parksville appreciated the time Mr. Osborne, Mr. Connelly and staff have spent reviewing the Arena Multiplex project.
- 5.4 Mr. Osborne reviewed the staff report from the Recreation Coordinating function. He noted the lower than normal registration numbers in two areas, Camp Bigfoot and Outdoor Camp. He stated staff felt a change to the Summer Fun Express program may have had an impact on the Outdoor Camp numbers. Mr. Osborne also noted that staff had been very busy with field scheduling and booking. He stated the workload is under review with possible changes coming in the 2004 season.
- Mr. Osborne reported that Damon Johnson had been hired to fill the second Youth Recreation Leader position. He noted the two youth leader system would be reviewed at year-end.
- 5.5 Mr. Osborne reviewed the staff report for Community and Regional Parks (District 69). He reported that two new regional parks were opened this summer, Home Lake Regional Park and Descanso Bay Regional Park on Gabriola Island. The Regional District will assume responsibility for the campground at Descanso Bay on October 15, 2002.
- MOVED Commissioner Terry, SECONDED Commissioner Young, that the staff reports be received. CARRIED

#### New Business

- 8.0 Mr. Osborne reported staff have prepared the 2003 Provisional Budget for corporate review and will present the budgets to the Commission at the October meeting.
- 8.2 Notice of Motion regarding District 69 Grants withdrawn by Commissioner Young.

#### Commissioner Roundtable

- 9.0 Commissioner Pipes reported on continuing work on beach accesses in Area 'H'.

Commissioner Tanner reported Christalon Community Park would be opening in Qualicum Beach on Saturday, September 14, 2002. He also reminded the Commission of BC Rivers Day on September 29, 2002, from 11:00 am to 4:00 pm at Little Qualicum River.

Commissioner Young congratulated Jeff Ainge, staff and volunteers for the very impressive effort made by all at the bridge site on McBey Creek.

**Commissioner Information**

- 10.0 Mr. Osborne reminded Commission of the Terry Fox Run, Sunday, September 15, 2002, at 10:00 am, at Rath Trevor Provincial Park and the McBey Creek Bridge opening, Saturday, October 19, 2002. Time is to be announced at a later date.

**Adjournment**

MOVED Commissioner Terry, that the meeting be adjourned at 9:49 am.

**Next Meeting**

The next meeting will be held at 8:30 am, Thursday, October 10, 2002, at the District 69 Arena meeting room.


 REGIONAL DISTRICT  
OF NANAIMO

SEP - 4 2002

## MEMORANDUM

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

*See Comm.*

TO: Tom Osborne  
Manager of Recreation and Parks

DATE: August 30, 2002

FROM: Dan Porteous  
Recreation Program Supervisor

FILE: 1810-01-REC

SUBJECT: Revised 2003 Recreation Fees and Charges

**Purpose:**

To provide updated information and revised recommendations regarding the Fees and Charges Policy for consideration by the Regional District of Nanaimo Board to be applied to the 2003 budget process.

**Background:**

At a Committee of the Whole meeting on July 23, 2002, the Committee reviewed the Recreation Fees and Charges report and related recommendations from the District 69 Recreation Commission minutes. The main focus of discussion pertained to part of a recommendation regarding the proposed removal of the seniors' facility admission rate categories at the arena and the pool endorsed by the District 69 Recreation Commission at their meeting on July 11, 2002.

A delegation by the Parkville Golden Oldies Sports Association (PGOSA) and the Parkville Panthers Hockey Association presented information to the Committee expressing concerns over the proposed removal of the seniors' admission rate categories and the anticipated fee increases that would impact seniors throughout the District.

After hearing the delegation the Committee passed the following resolutions, which were endorsed by the Board at their August 13, 2002 regular meeting:

*MOVED Director Westbroek, SECONDED Director Holme, that the recommendations stated in the Recreation and Parks 2003 Fees and Charges report be referred back to staff to investigate a phasing in option in consultation with the Parkville Golden Oldies Sports Association.*

*MOVED Director Qulltenton, SECONDED Director Holme, that all recommendations brought forward from the District 69 Recreation Commission meeting of July 11, 2002, be referred back to staff.*

Staff subsequently met with representatives of the Parkville Golden Oldies Sports Association and the Parkville Panthers Hockey Association to address the issues related to the seniors' admission rate categories. The representatives were clear that they did not want these categories to be removed from the Fees and Charges Policy; however, they were agreeable to smaller, annual rate increases, as well as a plan to align seniors' admission rates at the arena with the mid-island seniors' average rates through a phase-in period with incremental increases over the next three years.

There was also a discussion regarding the seniors' age range. Currently the Department identifies a senior as 55 years or older. PGOSA, representing over a thousand seniors in District 69 uses this same age range for their club, as does the BC Seniors Games. Therefore, it was agreed by both parties that the

Revised 2003 Recreation Fees and Charges

August 30, 2002

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55+ range would continue to apply as it matches with key organizations involved in active recreational pursuits for seniors.

The key points from the meeting to be considered for the 2003 Provisional Budget process include changes in the following areas: maintaining seniors' admission rate categories at both facilities; increasing the seniors' and adult admission rates at the arena for both single admissions and economy passes; phasing in seniors' and adult admission rates at the arena to reflect the mid-island average over a three year period; and ensuring that the proposed 2% cost of living budget increase will apply to seniors' admission rate categories at the pool as of January of 2003.

The Fees and Charges Policy has now been amended to reflect the reinstatement of the seniors' admission rate categories at the both facilities, while still including updates to a variety of procedures and old information that was out of date. A variety of fees and charges rate adjustments have also been amended for consideration as outlined in Schedule I for the 2003 Provisional Budget process, including the phasing-in of seniors' admission rates at the arena to align with the mid-island average over a three year period beginning in September of 2003.

The alternative to this approach would be to maintain the seniors' admission rate categories; but instead of phasing in seniors' rates to align with the mid-island average over a three year period, seniors' rates would be maintained at current levels and only the annual cost of living adjustment would apply, as has been the practice in previous years, proposed at 2% for 2003. Representatives of the PGOSA and Panthers did express an understanding of the need for additional revenues especially at the arena and that if the current admission rates were maintained then there would be other financial implications to be considered with respect to operational issues.

#### Alternatives:

1. Approve the amended Fees and Charges Policy and apply proposed changes to Recreation Fees and Charges for the 2003 Provisional Budget process to include continued accommodation of seniors' admission rate categories with a phased approach to reach the mid-island average for seniors' admission rates at the arena; as well as other applicable rate adjustments as outlined in Schedule I for each of the Department functions.
2. Not amend the Fees and Charges Policy, which would include: no phased-in increases to seniors' admission rate categories and adjusting budgets accordingly to reflect only a 2% cost of living increase to fees and charges as applicable.

#### Financial Implications:

1. Financial implications for the three Department functions regarding alternative one include:

##### District 69 Arena

Due to the 13% increase being implemented from January 2002 to September 2003, proposed 2% cost of living fee increases and other related fees and charges would not take affect until September 2003 when the prime and non-prime rates can be implemented at the new arena.

Maintaining the seniors' admission rate categories would have minimal impact on the budget. Seniors' admission rates will rise from \$1.95 to \$2.20 and seniors' economy admission rates will rise from \$18.20 to \$19.80 in September 2003. Adult admission rates will rise from \$3.65 to \$4.00 for single passes and from \$32.85 to \$36.00 for economy passes. The additional revenues would be

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cover a portion of additional expenditures anticipated in 2003, i.e. wages, capital, and operational costs of a new arena.

The table below shows the phase-in period to align both seniors' and adult admission rates to the mid-island average. The mid-island average over the next three years was based on a comparative 2% cost of living increase and is only a for projection purposes. This process will be evaluated annually at budget time to adjust rates more accurately with the intent of reaching the mid-island average within the three-year timeframe.

Table I

Phase Concept	2002		2003		2004		2005	
	RDN	MIA	RDN	MIA	RDN	MIA	RDN	MIA
<i>Senior and Adults to Mid-Island Average (MIA)</i>								
Senior Single Admission	\$1.95	\$2.33	\$2.20	\$2.38	\$2.34	\$2.42	\$2.47	\$2.47
Senior Economy Passes	\$18.20	N/A	\$19.80	N/A	\$21.06	N/A	\$22.23	N/A
Adult Single Admission	\$3.65	\$3.91	\$4.00	\$3.98	\$4.07	\$4.06	\$4.14	\$4.14
Adult Economy Passes	\$32.85	N/A	\$36.00	N/A	\$36.63	N/A	\$37.26	N/A

A 43% cost recovery rate would be maintained at the arena.

#### Ravensong Aquatic Centre

A 2% increase to children, youth and seniors' rates beginning in January 2003 would provide for increased revenues that would help offset increased costs. The adult rates would not be increased, as these rates are already relatively high in comparison to other mid-island facilities.

Family rates have also been discussed including comparisons with other facilities. As noted in the minutes, the Committee has recommended that the family rate be reduced from \$8.40 to \$8.25. This could be seen as an incentive for promoting family opportunities while reducing the impact of other increased rates without impacting the overall recovery rate.

A 44% cost recovery rate would be maintained at the pool.

#### Recreation Coordinating Function

As noted in the last report there are no significant financial implications in this area especially with regard to seniors' programming. Most of the direct costs for recreation programs provided are recovered through the general program fee recovery policy. Therefore, any increases in costs to programs are offset by revenue obtained through program fees and charges. A 2% increase to specific recreation programs could provide additional revenues to help offset increasing annual operational costs.

- Recovery rates of 43% at the District 69 Arena and 44% at the Ravensong Aquatic Centre would be maintained and fees and charges would be adjusted accordingly throughout each of the three functions to reflect a 2% cost of living increase as applicable. Without additional fee increases, as in the seniors' admission rate categories at the arena, any savings would likely come from reductions in operation costs, primarily repairs and maintenance, which in turn could have costly implications to facility infrastructure.

**Citizen implications:**

After discussions with representatives of the seniors' user groups it became very apparent that customer retention and relationships with these user groups could be jeopardized if the removal of seniors' rate categories was implemented. The proposed changes could result in a number of seniors no longer participating in leisure pursuits at either of the two recreation facilities. Throughout discussions both parties agreed that a key goal is to continue to provide healthy, affordable opportunities for all citizens regardless of age. Although the inclusion of seniors' categories provides an incentive to participating the representatives agreed that phasing seniors' admission rates to reflect the mid-island average would not significantly hinder the participation rates and a move to accomplish this goal over three years would be acceptable.

**Summary:**

At its July 23, 2002 meeting, the Committee of the Whole referred the Fees and Charges report back to staff to further explore the issue with seniors' representatives and consider a phasing in approach.

Staff met with representatives and discussed the issue. The seniors were opposed to the concept of removing the rate categories; however, understood the need to increase revenues over time and were not disagreeable to increases as long as these increases were not significant.

Based on the Committee's direction and discussions with seniors' representatives, staff have compiled a report that reflects changes for consideration in the 2003 budget process that provides for a revised amended Fees and Charges Policy, the application of the policy as it pertains to various admission and rental rates for facilities and recovery rates for programs, and the inclusion of seniors' admission rate categories.

**Recommendations:**

1. That the revised Recreation Fees and Charges Policy be approved.
2. That the Fees and Charges Policy be applied with respect to the 2003 Provisional Budget process to include seniors' admission rate categories with a phased-in increase, and other adjustments as outlined in Schedule I.

*for* J. M. Farlane  
Report Writer Supervisor

A. Connolly  
General Manager Concurrence

*for* J. M. Farlane  
Manager Concurrence  
D. Davis  
CAO Concurrence

COMMENTS:

## SCHEDULE I

Recreation Parks Fees and Charges adjustments to be applied in the 2003 Provisional Budget process:

- a) continue to include seniors' admission rate categories at both facilities (arena and pool);
- b) phase-in seniors' admission rate increases at the arena to align with the mid-island average over the next three years as per Table I of the report;
- c) maintain the 43% recovery rate at the arena while maintaining the current level of admission and rental rates as of September 2002 through to September 2003 at which time the seniors' and adult single admission rates will be raised to \$2.20 and \$4.00 respectively, and economy passes for seniors and adults will be set at \$19.80 and \$36.00 respectively; prime and non-prime rates will be implemented; and a 2% increase to admission rates will be applied, excluding seniors' and adult rates;
- d) maintain the 44% recovery rate at the pool while implementing, in January 2003, a 2% increase to fees and charges for children, youth and seniors' admission rates and facility rentals; no increase to adult admission rates; and reducing the current family rate at the pool from \$8.40 to \$8.25;
- e) maintain current program recovery rates for the Recreation Coordinating Function to include 125% for adult, 100% for preschool, youth, community cooperative, and child, 75% for summer camps and family, and 50% for leadership development programs, along with a 15% administration fee for all programs, and a guideline of 75%-25% split with small companies.

# REGIONAL DISTRICT OF NANAIMO

## POLICY

SUBJECT:	<i>Recreation Fees and Charges</i>	POLICY NO:	C2.1
		CROSS REF.:	
EFFECTIVE DATE:		APPROVED BY:	
REVISION DATE:		PAGE:	1 of 5

### ***PURPOSE***

To establish criteria and rate schedules to be applied to recreation facilities and programs.

### ***POLICY***

This policy pertains to three functions of the Department that are supported within District 69 only including Recreation Coordinating, the District 69 Arena and the Ravensong Aquatic Centre. The policy does not include the Gabriola Island Recreation and Parks function or the Regional and Community Parks functions.

### ***Program Fees***

Fees for recreation programs in District 69 shall be established based upon the following criteria:

1. All recreation program fees will be based upon a recovery of direct program costs.
2. Philosophically, program fees will reflect the ability of various user groups to pay for services; therefore, children and youth may pay less than adults. The Recreation Commission through their Mission Statement is also committed to supporting programs that offer opportunities for families and to the community to develop new volunteers and leaders.
3. Special fees may exist for new programs to support first time participation and/or start up costs, to be called Seed Programs.

### ***Administration of Program Fees***

1. The Manager of Recreation and Parks will call an annual meeting to involve members of the District 69 Recreation Commission's Fees and Charges Committee and staff to review and recommend the following information for consideration by the Commission and Regional Board for the coming calendar year:
  - a) program fees
  - b) recovery rates for programs
  - c) revisions to the list of direct program costs
  - d) annual administrative fee
  - e) percentage split for Term Instructors operating as companies

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August 30, 2002

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2. Recovery rates for recreation programs in District 69 shall be presented as follows:

<i>Program Category</i>		<i>Yearly Rate</i>
Pre-School Programs	up to 5 years	(to be recommended by Recreation Commission as part of the budget process)
Children's Programs	5-12 years	
Youth Programs	11-18 years	
Adult Programs	19 years plus	
Summer Camps		
Family Programs		
Volunteer and Leader Development		
Community Co-operative		

3. Direct program costs shall include the following:

- employing Term Instructor(s), supervisory staff or leaders including preparation time;
- program equipment, supplies and materials;
- facility rental;
- transportation and/or mileage (as per the RDN vehicle mileage rate); and,
- administration fee (includes RDN administration fee, photocopying, promotion) included as part of the percentage split when agreements made with Term Instructors or businesses.

4. Program staff may use the following three methods to establish program fees:

- Where the program is operated solely by the Recreation and Parks Department, the Programmers will calculate fees based upon a percentage recovery of direct program costs as outlined in sections 2 and 3 above.
- When a company hired as a Term Instructor by the Department operates the program and program registrations are not expected to exceed \$5,000 in the calendar year, the Programmer may negotiate a revenue-sharing arrangement based on a percentage ratio guideline of revenue generated. The ratio will be determined annually applicable to section 1 under Administration of Program Fees in this Policy. All direct program costs will be borne by the Company as part of their revenue share.
- When the program is operated by a business, hired as a Term Instructor by the Department and program registrations are expected to exceed \$5,000 in the calendar year, the Programmer will either obtain a minimum of three quotations or tender a proposal for the program to obtain the best package available for the Department and the community.

Note: As the Regional District will recover all direct program costs through the method of costing a program as outlined in b) and c) above, the Programmer and Company will be free to develop program fees through the quotation/tender process that are in keeping with both the Commission's service objectives and the Company's business and cost recovery objectives.

5. The Manager of Recreation and Parks and the Recreation Program Supervisor may, from time-to-time, establish one-time only fees or make a short-term relaxation of program fees.

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August 30, 2002

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### ***Definition of Terms***

Volunteer and Leader Development Programs are programs that are aimed at training new volunteers and leaders in the community. Examples of this type of program include Leaders In Training, Outdoor Leadership, and Coaching Development courses.

Community Co-operative Programs are programs offered jointly by the Department in cooperation or partnership with other community based, non-profit oriented organizations. An example of this type of program is the therapeutic swim program, which is co-sponsored with the District Health Unit.

Term Instructors are individuals or companies that are hired to provide program instructional services for the Department. Term Instructors are categorized into two methods of payment, either as individuals through Payroll or as a company through Accounts Payable. Payroll Term Instructors are paid by an hourly rate, flat fee or percentage ratio based on the same guideline as Companies, and their costs are calculated as part of the direct program costs outlined in #3 above for hourly and flat fee rates. Companies are paid a percentage split of revenues or a flat fee. For procedural purposes this policy divides the Term Instructors (Companies) into two types:

- (a) the small Company with whom we plan to do not more than \$5,000 worth of program business in a calendar year.
- (b) the large Company with whom we plan to do more than \$5,000 worth of program business in a calendar year.

An example of a situation where we might work with a small contractor would be the Department's individual adult lifestyle courses. An example of a situation where we might work with a large contractor would be the Department's Summer Soccer Camp.

### **Rentals and Admissions for District 69 Arena and Ravensong Aquatic Centre**

Rental and admission fees for the District 69 Arena and Ravensong Aquatic Centre shall be calculated based upon a percentage recovery of operating costs for each. A recovery rate shall be established for each facility during the annual budget process.

Philosophically, admission fees and rentals will reflect the ability of various user groups to pay for services; therefore, children, youth and seniors may pay less than adults. In addition, recreational users will be charged less than commercial users.

Special fees, to be called Seed Programs, may exist for new programs to support first time participation and/or start up costs.

### **Administration**

1. The Manager of Recreation and Parks shall call an annual meeting to involve members of the Fees and Charges Committee of the District 69 Recreation Commission and staff for the following purposes for the coming calendar year:
  - (a) To review and make recommendations to the Commission regarding facility rental fees and admissions charges;
  - (b) To recommend to the Commission recovery rate goals for the District 69 Arena and the Ravensong Aquatic Centre; and,
  - (c) To review rates from similar facilities in the mid-Island region.

2. Rental rates and admission fees shall be presented on an annual basis under the following categories for consideration by the Fees and Charges Committee:

(a) **Rental Rates**

**District 69 Arena**

Minor Hockey/Figure Skating  
 Public/Private School Groups  
 Youth Groups  
 Hockey Schools - Summer  
 Hockey Schools - Winter  
 Adult Hockey  
 Summer Ice Bookings  
 Summer Dry Floor Bookings  
 Ice In per Day - Commercial/Special Events  
 Ice Out per Day - Local Recreation  
 Ice Out per Day - Commercial  
 Set Up Day - Local Recreation  
 Set Up Day - Commercial  
 Charge Out Rate for Programs - Fully Sponsored  
 Charge Out rate for Programs - Co-Sponsored

**Ravensong Aquatic Centre**

*Sections Available:*

Main Pool	Per Lane
Whirlpool - Leisure Pool	Whole Pool

*Categories:*

Children's Groups  
 Youth Groups  
 Adult Groups  
 Public/Private School Groups  
 Swim Clubs  
 Commercial Groups  
 Birthday Party Rental/Program  
 Charge Out Rate for Programs

**(b) Admission Fees****District 69 Arena**

Public Skating	- Children 14 Years and Under
Public Skating	- Children - Book of 10 Admissions
Public Skating	- Youth 15 Years to 18 Years
Public Skating	- Adult - 19 Years Plus
Public Skating	- Adult - Books of 10 Admissions
Family Skating	- Seniors - 55 Years and Over
Family Skating	- Seniors - Book of 10 Admissions
Family Skating Sessions	
Family Skating	- Book of 10 Admissions
Family Skating Sessions with Skates	
Family Skating with Skates	- Book of 10 Admissions
Parent and Tot Skating Sessions	
Scrub Hockey	- Adults
Scrub Hockey	- Book of 10 Admissions
Scrub Hockey	- Youth
Dead Ice Admission	
Skate Sharpening	
Skate Rentals	- Adult and Youth
Skate Rentals	- Children
Skate Rentals	- School District 69

**Ravensong Aquatic Centre**

Adult Admission	- 19 Years Plus
Adult Admission	- Book of 10 Admissions
Senior Admission	- 55 Years and Over
Senior Admission	- Book of 10 Admissions
Youth Admission	- 15 Years to 18 Years
Youth Admission	- Book of 10 Admissions
Child Admission	- 14 Years and Under
Child Admission	- Book of 10 Admissions
Family Admission	- (2 related adults + any number of related children)
Family Admission	- Book of 10 Admissions

3. The Program Committee will be presented annually Recovery rates, admission fees, and rental rates by to the District 69 Recreation Commission for consideration with the provisional budget. The information will be presented to the Regional Board for approval as part of the annual budget approval process.

The Fees and Charges Committee will present recovery rates, admission fees, and rental rates annually to the District 69 Recreation Commission for consideration with the provisional budget. The information will be presented to the Regional Board for approval as part of the annual budget approval process.



LANTZVILLE IMPROVEMENT DISTRICT / REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE LANTZVILLE PARKS &  
OPEN SPACE ADVISORY COMMITTEE MEETING

June 3, 2002

1. CALL TO ORDER

Acting Chairperson, Dean Harvey, called the meeting to order at 7:00 p.m.

**Committee Present:** Peter Law, Brenda McConachie, Anne Thomas, Barb Samarin, Dean Harvey, Denise Haime

**Committee Absent:** Susan Crayston

**Staff Present:** Jeff Ainge, RDN Parks Coordinator, Jane Ayers, LID Administrator

2. INTRODUCTIONS

3. APPROVAL OF AGENDA

**Motion 02:15**

THAT the Parks and Open Space Advisory Committee approve the agenda as circulated.

LAW/CARRIED

4. APPROVAL OF MINUTES OF May 6, 2002 MEETING

**Motion 02:16**

THAT the Parks and Open Space Advisory Committee approve the Minutes of the May 6, 2002 Regular Meeting as amended to include Anne Thomas as a member "adopting" beach accesses in item 5(a) of New Business.

LAW/CARRIED

5. CURRENT BUSINESS

As Peter Law had to leave early, Acting Chairperson suggested that item 5(b) Winds Park of Current Business be moved up to the first item.

a. Winds Park

The Committee discussed the possibility of Lot 8 on Sywash Ridge Road as the location for the Winds Park. The asking price for this property is more than is available from LID reserves and the RDN. Also, the Lantzville Improvement District Comprehensive Parks and Open Space Master Plan places a high priority on a neighbourhood park and a medium priority on a nature observation and interpretation area in the vicinity of the Doumont Property. There may be a development near Southwind that will provide park dedication to fill the "high priority" park. This would leave resources for land around the Doumont Marsh. Peter Law will approach Mr.

Doumont on an informal basis regarding the opportunity to create, over time, public access over his property. LID staff will provide Peter with a map showing the properties around the Doumont Marsh and the power lines.

**b. Summer Student Program**

The Committee reviewed the schedule of projects for the summer student.

**c. Meeting With Richard Crossley, Area Manager, Ministry of Transportation**

The Committee discussed the timing of improvements to the beach accesses. The LID Trustees had recommended waiting for the results of the restructure referendum before proceeding with Works on Crown Land applications to the Ministry of Transportation. (These will not be necessary if Lantzville becomes a municipality.) However, to expedite improvements for at least one access, Brenda McConachie and Peter Law will provide a site plan to support the application for improvements at the Sebastian Road beach access.

**6. REPORTS**

**Lantzville Improvement District:**

In response to a memo from MaryLou Karakochuk, the Committee endorsed suggesting a donation for the booking of Huddleston Park.

**Regional District of Nanaimo:**

Jeff Ainge described current RDN projects at Horne Lake, Trails Study in Area A and the District 69 Arena.

**7. ROUND TABLE**

**8. NEXT MEETING**

The next meeting of the Lantzville Parks & Open Space Advisory Committee is scheduled for **MONDAY, JULY 8, 2002 at 7:00 P.M.**

**9. ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

**Minutes**  
**Electoral Area 'G' Parks and Open Space Advisory Committee**  
**Wednesday July 17<sup>th</sup>, 2002**  
**Meeting Room, District 69 Arena, Parksville**

**Attendance:** Brian Coath, Mabel Klee, Bill Reed, Joe Stanhope (Area 'G' Director), Craig Young

**Apologies:** Jacqui Thomson

**Staff:** Jonathan Lobb (Parks Technician)

**Delegations:** None

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**Meeting was called to order at 7:10 p.m. with Brian Coath in the Chair.**

This is the first meeting of the newly formed Committee with a revised Terms of Reference. The Committee decided at this time to defer nominations and elections of officers to the next meeting.

**REPORTS**

**Staff update (verbal)**

Jonathan Lobb updated the committee about the following development and maintenance issues in Area G community parks:

- The Area 'G' mowing contract for 2002 was awarded to Master Lawn Maintenance and this year Dalmatian Drive Community Park has been added to the roster.
- Dalmatian Drive Community Park development has been completed and the park is looking markedly improved from years past, thanks in large part to the labour assistance received from the community.
- The San Paniel boardwalk is now completed, again, thanks nearly in whole, to the donations and tireless efforts of volunteers in that community.
- Staff have submitted a report to the Regional Board requesting permission to apply to Ministry of Transportation for a Permit To Construct Works within the 1.5 acre Admiral Tryon Boulevard public beach access.
- With assistance from Ministry of Transportation, staff have installed two concrete barricades at the southernmost entrance to Columbia Beach Community Park on Columbia Drive. This was in response to continuing use of that location by cyclists, causing a conflict with vehicular traffic exiting the island highway to Columbia Drive.
- There has been considerable root damage caused to trees along the southern boundary of Columbia Drive Community Park due to excavations made by Breakwater Enterprises during their recent installation of a water line along the highway right of way. Staff have been in contact with BC Hydro (who first alerted the RDN of the problem) who are attempting to work with Breakwater Enterprises and Ministry of Transportation in order to remediate the damage. The resulting tree death will be a concern for BC Hydro, who manage their transmission lines at that location, and for motorists along that portion of highway should the trees fall. Staff have sent a permission letter to BC Hydro consulting arborist, Ken Patenaude, so that he may remove any trees necessary within the community park property.
- Neden Park area residents have to date, not submitted any more development plans for expansion of the playground that was constructed there last year. It was previously anticipated that there would be ongoing playground development at that site during 2002.

- A crash gate has been installed at a Community Park bordering French Creek, off of Lee Road, after staff had received a number of calls about people playing paintball in the park. At a site visit, there were duck-blind type emplacements found; evidence of apparent war games occurring in the park. However, the players were not having fires, leaving garbage or damaging trees, but were accessing the park with vehicles and disturbing park neighbours late into the night. There have been no further complaints following the gate installation.
- Staff announced that volunteers are needed to emblazon the Parksville-Qualicum Links symbol along portions of the Parksville-Qualicum Links of the District 69 Trail System. Ministry of Transportation has suggested this road marking that will allow trail users to find the routes more clearly.
- The Regional District's Home Lake Regional Park held its official opening on July 14<sup>th</sup> of this year, attended by Director Quittenton (Area H) and about 50 members of the public.

### INFORMATION FOR THE COMMITTEE

Included with the agenda package for this meeting were duplicates of the Electoral Area G Community Parks inventory (parks G-1 thru G-32), map copies of all Ministry of Transportation road allowances along the coast in Electoral Area G, a copy of the recently amended Terms of Reference for this committee, and a copy of the staff report on the proposed permit application and development upgrades for the Admiral Tryon Boulevard, currently managed by the Ministry of Transportation.

### DISCUSSION ITEMS

**Brian Coath** raised the issue of a lack of water resources within Dalmatian Drive Community Park. Following discussion and suggestions for maintenance of the newly developed park, **Jonathan Lobb** stated that funds would not be budgeted for the installation of a requested well or water service within the park. **Jonathan** stated that the group involved with the development of the park, as well as the local community was given a clear understanding that native and low maintenance species only were approved for planting at the site and that beyond initial purchase, and ongoing mowing of the grass, plant maintenance expense had not been approved by the Recreation and Parks Department, or this committee. Suggestions were made to purchase hose and store the hose at an adjacent neighbours house for use in the park (using water from a private service connection). RDN funds could be made available for the purchase of hose, but no staff time could be afforded to organise this at this time.

**Director Stanhope** requested that a letter be sent to Vern Huntley and others involved in the construction of the San Paniel boardwalk, thanking them for both their financial and labour contributions to the development project (which is now completed). Staff agreed to do this.

**Bill Reed** highlighted the need for the committee to have a member that represented interests and views in the San Paniel community of Area 'G'. **Joe Stanhope** stated that he would be in contact with members of Shorewood/San Paniel Owners and Residents Association for this purpose.

The French Creek estuary area was discussed. There is ongoing residential development along the coast that some members feel is cutting off a commonly used walking trail. Staff stated that this was an issue that would have to be dealt with by the appropriate agency (i.e. Department of Fisheries and Oceans, Ministry of Sustainable Resource Management, or Ministry of Water, Land and Air Protection) and that RDN Recreation and Parks staff could not be involved as we have no tenure over the land in question. **Craig Young** suggested the matter be put over until the next meeting when hopefully all members would be present to determine if the committee could have a role in maintaining public use of this trail.

## BUSINESS ARISING FROM MINUTES (February 7, 2002)

Staff had submitted a report to the Regional Board on July 2, 2002, requesting permission to apply to the Ministry of Transportation for a permit to develop a beach access on Admiral Tryon Boulevard as community park.

A call for committee members was made to residents of Electoral Area 'G'. Only five applied and have been appointed to sit on this committee. Including the Electoral Area Director, the committee's membership is now six. There is currently a lack of representation from the San Paniel community and some members of the committee from last year did not, unfortunately, re-apply for membership this year.

## COMMITTEE ROUND TABLE

There was discussion of the issue of RDN management of Ministry of Transportation road allowances along the coast in Area 'G'. The general consensus was that the RDN developing or managing these beach accesses was a good use of resources. J. Lobb briefed the committee on the recent development of five new beach accesses in Electoral Area 'H'. Bill Reed stated that a set of criteria would need to be developed to determine which of these properties warranted development. Factors such as other nearby water access, immediately adjacent properties, number of expected users, and cost of development were discussed. It was suggested that as a first step, an inventory of these properties should be conducted that a committee can work from.

MOVED C. Young, SECONDED M. Klee that the Regional District conduct or develop a beach access inventory for Electoral Area 'G'. CARRIED

*J. Lobb stated that due to current staff resource level, this inventory could not be conducted until, at the very earliest, summer 2003, when perhaps it could be added to the work plan for a yet to be confirmed Summer Parks Worker position. This fact was acknowledged by the committee.*

The liquidation of Community Parks was discussed. Particularly the issue of there being several small, and nearly un-developable parks within Area 'G'. The committee felt that the community may be better served by some of these properties being sold to generate funds to develop other, larger Community Parks. Director Stanhope explained that any funds generated by the sale of existing Community Parks would not be available for park development projects; that it would instead be added to the existing reserve for acquisition of Community Parkland only.

MOVED M. Klee, SECONDED B. Reed that Brian Coath replace Allan Lamb as signing authority on this committee's bank account. CARRIED

## NEXT MEETING DATE

Tentatively set for September 5<sup>th</sup>, 2002 at 7:00p.m pending the anticipated appointment of a new committee member from San Paniel. If a new member is not yet appointed by that date, then the meeting will be held on October 3<sup>rd</sup>, 2002 at 7:00p.m. Meeting location in either case is to be at the District 69 Arena meeting room.

## ADJOURNMENT

Meeting was adjourned at 9:45 p.m.

## Minutes

Electoral Area 'A' Parks, Recreation and Greenspace Advisory Committee  
Thursday, September 19, 2002  
Cedar Heritage Centre, 1644 MacMillan Road, Cedar

**Attendance:** Lynnette Aldcroft  
Margaret Johnson  
Kerri-Lynne Wilson  
Judy Burgess  
Gay Cunningham  
Frank Garnish (Chair)  
Laurence Elliott (Director, EA 'A')

**Apologies:** Dave Williamson

**Guest:** Susan Jones

**Staff:** Jeff Ainge (Parks Coordinator)

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Meeting was called to order at 7:05 pm with Frank Garnish in the chair.

### Delegations and Presentations:

#### Friends of the Morden Mine – Susan Jones

Susan Jones, Judy Burgess and Sheila Gourlay have been discussing the formation of a "Friends of Morden Mine" Society that would deal only with the preservation of the mine site (not the trail). They have about a dozen people that have shown interest. The Chair suggested a representative of the Society, when formed, apply to sit on this Committee and that in the meantime Susan apply for membership when the Committee reconstitutes with its revised terms-of-reference.

MOVED: L. Elliott, SECONDED: L. Aldcroft to accept report.

CARRIED

### Minutes:

MOVED K-L. Wilson, SECONDED L. Aldcroft that the minutes of the Electoral Area 'A' Parks, Recreation and Greenspaces Advisory Committee held on May 16, 2002 be approved. CARRIED

### Business Arising from Minutes:

#### a) Report on Gould Property Discussions – F. Garnish

Frank Garnish made enquiries about the property at the end of Gould Road. Is there a possibility that they may be interested in selling the west side of the property for parkland along the river? Could we acquire the whole parcel at a good price and sell off some of it? L. Elliott and F. Garnish to pursue that line of thought.

### Unfinished Business and Updates of Ongoing Items:

#### a) Roman Catholic Church Property – Chair

The Church property on the other side of the junior high school has been purchased by the Memorial Gardens (Cemetery).

b) **Thelma Griffith Park – Staff**

The Province is not offering it to the RDN at the moment because of a freeze on land grants. There is also an encroachment issue with a neighbour overlapping the boundary of the park that needs to be resolved. Given the history of the property being granted as park in 1971 Director Elliott, Chair Garnish, Neil Connelly and the Province need to get together to ensure this property is not lost to the community. Director Elliott offered to set up a meeting with MLA Mike Hunter and the Chair suggested they bring along some locals with long memories who were witness to the transfer in 1967.

c) **Membership – Chair**

Members will need to reapply to be members of the "new" Committee in the New Year. We will be dissolving the "Electoral District 'A' Parks, Recreation and Greenspace Advisory Committee" and reconstituting the Committee as the "Electoral Area 'A' Parks and Open Space Advisory Committee". There is currently space for one new member on the Committee.

**Reports:**

a) **Director Elliott**

- Director Elliott has been receiving calls from concerned citizens on Thatcher Road near the parkland at Nanaimo River about partying and parking. Parking regulations are the jurisdiction of the Ministry of Transportation. A Park Management Plan is slated to be done in the coming year.
- Concerns about speeding boats and jet-skis on Quennell Lake. There is an 8-km/hr speed limit except by Zuider Zee. RDN has applied to the Coast Guard for a speed limit signage template and signs are in the works. The RDN *does not* police the lake but is able to put up signs.
- A Therapeutic Riding Center is hoping to be established in the Nanaimo area. They've been looking at a couple of properties in Cedar, which would be an asset to our community.

b) **Staff report – Jeff Ainge**

- Staff reported on the productive summer for Parks. Lots of projects were completed including Horne Lake and Descanso Bay (Gabriola Island) Regional Parks; construction of the Trans Canada Trail bridge over Haslam Creek; the installation of a bridge over McBey Creek on the Arrowsmith Trail; the building of beach accesses in Area 'H' and the Area 'A' Trails Study.
- Area 'A' Trail Study had two open houses over the summer, neither of which was terribly well attended. One of the main conclusions of the report is lack of public land. RRL Consultants are a little behind on the production of the report but once done it will need to be endorsed by the Committee at the October meeting.

c) **CSCES Report – Lynette Aldcroft**

- CSCES is trying to decide on how best to use the \$40,000 community school coordinator funds (hire one person full time, or two people part time?).
- Floating some ideas such as a Coffee House one Friday a month; recruiting retirees to help teens make the transition to the "real world"; and a book exchange.
- Next meeting October 7<sup>th</sup>. All welcome.

d) **Cedar Heritage Center - Chair**

- A few work parties were held over the summer and lots of landscaping and painting were done. Frank would like to thank the volunteers who helped. The opening on June 8<sup>th</sup> was a big success!

e) **Morden Colliery Trail – Judy Burgess**

- The next trail work party is October 19. We'll be focusing on the Wheatsheaf portion of the trail, especially the entrance.

- Crow and Gate meetings are popular. The next one will be October 4<sup>th</sup> at 6:30pm at the Crow and Gate. Gay Cunningham will be the official note taker at these meetings.

**Next Meeting Date:**

The next meeting will be held at the Cedar Heritage Centre, 1644 MacMillan Road, Cedar at 7:30 pm on Thursday, October 17, 2002.

**Adjournment:**

MOVED L. Elliott that the meeting adjourn at 9:30pm.

CARRIED