

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JANUARY 25, 2005
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**
- 12-21 Minutes of the Inaugural Board meeting held on December 14, 2004 and the Special Board meeting held January 11, 2005.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
6. **UNFINISHED BUSINESS**
7. **STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
- 7.1 **ELECTORAL AREA PLANNING STANDING COMMITTEE**
- 22-24 Minutes of the Electoral Area Planning Committee meeting held January 11, 2005. (for information)

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60459 – Windley Contracting Ltd., on behalf of Jill Maibach (Maibach Industries) – 2093 South Wellington Road - Area A. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60459 submitted by Windley Contracting, on behalf of Maibach Industries Ltd., to allow for the construction of a 557 m² warehouse within the Electoral Area 'A' Official Community Plan South Wellington Development Permit Area No. 1 for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4.

Development Permit Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60461, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1, District Lot 126, Nanoose District, Plan VIP76030 Except That Part in Strata Plan VIS5531 (Phases 1, 2, 3, 4, 5, 6 and 7) be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the Local Government Act with respect to the proposed variance.

Development Permit Application No. 60462 – Anderson Greenplan Ltd. for Tycor Ventures Ltd. – 3702 Alberni Highway – Area F. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Amendment Application No. 60462 submitted by Jack Anderson for Tycor Ventures Ltd. for the property legally described as Lot 2, District Lot 39, Newcastle District, Plan VIP54354 located at 3702 Alberni Highway in Electoral Area 'F' be approved, subject to the conditions outlined in Schedules No. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification requirements pursuant to the Local Government Act with respect to the proposed variance.

Development Permit Application No. 60463 – Bev & Gord Voigt on behalf of 642703 BC Ltd. – off Kay Road and the Island Highway – Area E. (Electoral Area Directors except EA 'B' – One Vote)

That the request, submitted by Bev and Gerd Voigt, on behalf of 642703 Ltd., for a 2 lot subdivision and the dedication of a new road for property designated within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas, as shown on the plan of subdivision of The Remainder of District Lot 44, Nanoose District, be approved subject to Schedules No. 1, 2 and 3 and to the notification procedures subject to the Local Government Act with respect to the proposed variances to Bylaw No. 500, 1987.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90501 – Peloso – 650 Meadow Drive – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Variance Permit Application No. 90501, submitted by the property owners Albert Joseph Peloso and Whiliam (Willie) Cherie Peloso for the property legally described as Lot 20, District Lot 49, Nanoose District, Plan VIP76162 to relax the maximum height requirements from 8.0 metres to 8.0 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

25-33 Minutes of the regular Committee of the Whole meeting held January 11, 2005.
(for information)

COMMUNITY SERVICES

RECREATION & PARKS

Electoral Area 'A' Recreation Services Study – Project Advisory Committee.
(All Directors – One Vote)

That the Terms of Reference for the Recreation Services study for Electoral Area 'A' be amended to include a Project Advisory Committee as provided for in Appendix I.

REGIONAL GROWTH MANAGEMENT

State of Sustainability Project – Selection of Sustainability Indicators.

(All Directors – One Vote)

That the Board concurs in principle with the RGMAC position as stated on pages 2 and 3 of the corresponding staff report and congratulates the RGMAS on the difficult progressive work on Region Sustainability accomplished to date.

(All Directors – One Vote)

That the Board approve Tier 1 indicators listed in Attachment 1 of the corresponding staff report.

(All Directors except EA 'B' – Weighted Vote)

That the Board obtain information about trends in available data on groundwater wells in the region from a groundwater specialist and that the Board approve an additional \$6,000.00 in the budget to hire a professional groundwater specialist to collect and interpret data from selected groundwater monitoring wells.

(All Directors except EA 'B' – Weighted Vote)

That the RGMAC review the scope of the survey related to institutional leadership given the "minimum initial cost of \$20,000.00 for a representative survey" and provide a recommendation to the Board in due course.

DEVELOPMENT SERVICES

EMERGENCY SERVICES

Emergency Measures Bylaw No. 1416. (All Directors -- One Vote)

- 34-38
1. *That this report be received for information.*
 2. *That "Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005" be introduced and given three readings.*

PLANNING

Board of Variance Policy – Planning Services Fees and Charges Amendment Bylaw No. 1259.01 and Board of Variance Amendment Bylaw No. 1260.01.

(All Directors – One Vote)

1. *That the staff report on a Board of Variance policy be received for information.*
2. *That the Board of Variance policy attached to the staff report as Schedule 1 be approved.*

(All Directors – One Vote)

3. *That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005" be given three readings.*

(All Directors -- 2/3)

4. *That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005" be adopted.*

(All Directors One Vote)

5. *That "Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005" be given three readings.*

(All Directors -- 2/3)

6. *That "Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005" be adopted.*

Moved-on Buildings in the Regional District of Nanaimo. (All Directors – One Vote)

That staff be directed to prepare an amendment to Bylaw No. 1250 for consideration by the Board, that includes the amended regulations as outlined in the staff report and that the regulations be further amended to reflect an appraised value of 100% of average assessed value of the developed properties within 100 metres.

ENVIRONMENTAL SERVICES

UTILITIES

Water and Sewer Connection Fee Amendments – Bylaw No.'s 524.14, 619.10, 700.11, 726.11, 727.11, 764.14, 815.09, 886.08, 1097.06, 1334.02, 1172.04, 1383.01, 765.12, 1241.04, 422.14, 1237.04.

(All Directors 2/3)

1. That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005" be introduced for three readings.
2. That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005" having received three readings, be adopted.
3. That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005" be introduced for three readings.
4. That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005" having received three readings, be adopted.
5. That "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005" be introduced for three readings.
6. That "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005" having received three readings, be adopted.
7. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" be introduced for three readings.
8. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" having received three readings, be adopted.
9. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" be introduced for three readings.
10. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" having received three readings, be adopted.
11. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" be introduced for three readings.

12. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" having received three readings, be adopted.
13. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" be introduced for three readings.
14. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" having received three readings, be adopted.
15. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" be introduced for three readings.
16. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" having received three readings, be adopted.
17. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" be introduced for three readings.
18. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" having received three readings, be adopted.
19. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" be introduced for three readings.
20. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" having received three readings, be adopted.
21. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" be introduced for three readings.
22. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" having received three readings, be adopted.
23. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" be introduced for three readings.
24. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" having received three readings, be adopted.
25. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" be introduced for three readings.

26. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" having received three readings, be adopted.
27. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" be introduced for three readings.
28. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" having received three readings, be adopted.
29. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" be introduced for three readings.
30. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" having received three readings, be adopted.
31. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" be introduced for three readings.
32. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" having received three readings, be adopted.

Water Local Service Areas – Water Restriction Bylaw Amendments – Bylaws No. 1345.01, 1343.01, 1346.01, 1350.01, 1344.01, 1349.01, 1348.01, 1347.01, 1342.01, 1341.01, 1340.01, 1384.01.

(All Directors – 2/3)

1. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" be introduced for three readings.
2. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" having received three readings be adopted.
3. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" be introduced for three readings.
4. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" having received three readings be adopted.
5. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" be introduced for three readings.
6. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" having received three readings be adopted.
7. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" be introduced for three readings.
8. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" having received three readings be adopted.

9. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" be introduced for three readings.
10. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" having received three readings be adopted.
11. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" be introduced for three readings.
12. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" having received three readings be adopted.
13. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" be introduced for three readings.
14. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" having received three readings be adopted.
15. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" be introduced for three readings.
16. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" having received three readings be adopted.
17. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" be introduced for three readings.
18. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" having received three readings be adopted.
19. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" be introduced for three readings.
20. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" having received three readings be adopted.
21. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" be introduced for three readings.
22. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" having received three readings be adopted.
23. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" be introduced for three readings.
24. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" having received three readings be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 8, 2004 be received for information.

Regional Parks Plan Review Select Committee. (All Directors – One Vote)

That the minutes of the Regional Parks Plan Review Select Committee meetings held November 17 and December 15, 2004 be received for information.

District 69 Recreation Commission. (All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held December 16, 2004 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meeting held December 14, 2004 be received for information.

Regional Growth Monitoring Advisory Committee/State of Sustainability Project. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held December 8, 2004 be received for information.

Transit Business Plan Update Select Committee.

(All Directors – One Vote)

That the minutes of the Transit Business Plan Update Select Committee meeting held December 16, 2004 be received for information.

(City of Nanaimo, Electoral Areas 'A' and 'D' – Weighted Vote)

That the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street between Wentworth and Fitzwilliam as outlined in the staff report

That staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo.

Regional Growth Monitoring Advisory Committee/State of Sustainability Project. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held December 8, 2004 be received for information.

Selection Committee.

Board of Variance Appointment. (Verbal)

Electoral Area 'H' Parks & Open Space Advisory Committee Appointments. (Verbal)

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Park Proposal for the Mount Arrowsmith Massif. (All Directors -- One Vote)

That staff prepare a report on a proposal to partner with the ACC/FMCBC to approach the BC Government to seek the creation of a wilderness area park for Crown Land Block 1380 (the Arrowsmith Massif) and further that the report include consultation with the Alberni Clayoquot Regional District.

NEW BUSINESS

Electoral Area 'E' By-election. (All Directors – One Vote)

That staff review the policy in place with respect to the division of costs between all Electoral Areas when a by-election is held and report back to the Committee.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.4 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Arrowsmith Water Service Management Committee. (All Directors – One Vote)

39-43 Minutes from the Arrowsmith Water Service Management Committee meeting held November 10, 2004. (for information)

8. ADMINISTRATOR'S REPORTS

44-49 Capital Charge Revision - French Creek Sewer Local Service Area Capital Charge Amendment Bylaw No. 1330.01 and Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331.01. (All Directors – 2/3)

BYLAWS

For Adoption.

Bylaw No. 813.29 - French Creek Sewer Local Service Area Bylaw – 978 Lee Road - Area G. (All Directors – One Vote)

Bylaw No. 889.27 - Northern Community Sewer Local Service Area Bylaw – 978 Lee Road – Area G. (All Directors – One Vote)

Bylaw No. 813.30 - French Creek Sewer Local Service Area Bylaw – 1371 Lundine Lane – Area G. (All Directors – One Vote)

Bylaw No. 889.29 - Northern Community Sewer Local Services Area Bylaw – 1371 Lundine Lane – Area G. (All Directors – One Vote)

- 50-53 Building Regulation and Fees Bylaw No. 1250 - Moved on Buildings. (All Directors – 2/3)
- 54-57 2005 Parcel Tax Rolls. (All Directors – One Vote)
- 58-75 Regional District Undertaking Financing on Behalf of City of Parksville. (All Directors – Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1) (c), (e) and (k) of the Community Charter the Board proceed to an In Camera meeting to consider items relating to labour relations, the acquisition of land and negotiations respecting the provision of municipal services.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE INAUGURAL MEETING OF THE BOARD OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, DECEMBER 14, 2004, AT 7:35 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Director I. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

CALL TO ORDER

The Administrator called the meeting to order and confirmed receipt of notification from the City of Parksville, the Town of Qualicum Beach, the City of Nanaimo and the District of Lantzville advising of their Council appointments to the Board for the year 2005.

The General Manager of Corporate Services conducted the inauguration proceedings of the municipal Directors.

ELECTION OF BOARD CHAIRPERSON

The Administrator called for nominations for the position of Chairperson for the year 2005.

Director Cantelon nominated Director Stanhope.

There being no further nominations, the Administrator declared Director Stanhope Chairperson for 2005.

ELECTION OF DEPUTY CHAIRPERSON

The Administrator called for nominations for the position of Deputy Chairperson for the year 2005.

Director Krall nominated Director McNabb.

There being no further nominations, the Administrator declared Director McNabb Deputy Chairperson for the year 2005.

The Chairperson welcomed Alternate Directors Jepson and Dempsey to the meeting.

MOVED Director Cantelon SECONDED Director McNabb, that this meeting recess and reconvene as the Nanaimo Regional Hospital District Board.

CARRIED

TIME: 7:37 PM

The meeting reconvened at 7:45 PM.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Board meeting held on Tuesday, November 23, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Jane Williams, School District 69 (Qualicum), re RDN Sports Fields.

MOVED Director Krall, SECONDED Director McNabb, that the correspondence from School District 69 (Qualicum) with respect to Regional District sports fields, be received.

CARRIED

UNFINISHED BUSINESS

For Adoption.

Bylaw No. 500.301 -- Land Use & Subdivision Amendment Bylaw -- With Respect to DP Application No. 60443 -- Fern Road Consulting Ltd., on behalf of Gary & Mary Ann Tennant -- 1125 Spider Lake Road -- Area II.

MOVED Director Bartram, SECONDED Director Kreiberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.305, 2004" be adopted.

CARRIED

Bylaw No. 500.307 -- Land Use & Subdivision Amendment Bylaw -- With Respect to Zoning Amendment Application No. ZA0414 -- Department of National Defense Lands.

MOVED Director Bibby, SECONDED Director Biggemann, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004", be given third reading.

CARRIED

MOVED Director Bibby, SECONDED Director Biggemann, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004", be adopted.

CARRIED

Bylaw No. 975.38.

MOVED Director Lund, SECONDED Director Sherry, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.38, 2004" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60455 – Robbins-MacQueen – 312 Kinkade Road - Area G.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Permit Application No. 60455 submitted by Heather Robbins-MacQueen for a development permit to allow for the construction of two additions to an existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas pursuant to "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" for the property legally described as Parcel A, (DD 3874921), of Lot 6, District Lot 9, Newcastle District, Plan 14909 be approved, subject to the requirements outlined in Schedules No. 1 and 2.

CARRIED

OTHER

Consideration of an Offer for Park Land Dedication – Fern Road Consulting Ltd., on behalf of Carvalho – Lee Road – Area G.

MOVED Director Hamilton, SECONDED Kreiberg, that the Approving Officer be advised that the RDN supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to Section 8.1 of the *Bare Land Strata Regulations*; however, if the Approving Officer waives the requirement for access to water, the RDN would accept the offer by the applicant to dedicate park land with a minimum width of 6.0 metres in the amount and location as shown on Schedule No. 1 and that the RDN's position is a minimum standard for acceptance.

CARRIED

Update on Draft Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director Bibby,:

1. That the Draft Nanoose Bay Official Community Plan be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference be amended to allow for a Public Information meeting on the Draft Nanoose Bay Official Community Plan.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held November 18, 2004 be received for information.

CARRIED

Electoral Area 'A' Parks & Greenspaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks & Greenspaces Advisory Committee meeting held November 18, 2004 be received for information.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director McNabb, SECONDED Director Kreiberg, that the minutes of the Regional Parks Plan Review Select Committee meeting held November 17, 2004 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held November 3, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Cantelon, that the minutes of the Intergovernmental Advisory Committee meeting held November 25, 2004 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Biggemann, that the minutes of the Transit Business Plan Update Select Committee meeting held November 18, 2004 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

District of Lantzville Development Services Contract Agreements.

MOVED Director Dempsey, SECONDED Director Holdom, that the 2005 Service Agreements between the Regional District of Nanaimo and the District of Lantzville for Planning and Land Use Management, Animal Control, Building Inspection, Bylaw Enforcement, House Numbering, Noise Regulations, Nuisance Control and Unightly Premises Services be approved.

CARRIED

Gabriola Recreation Society Agreement Renewal.

MOVED Director Lund, SECONDED Director Hamilton, that the agreement with the Gabriola Recreation Society be renewed for a three-year term from January 1, 2005 until December 31, 2007.

CARRIED

Security Issuing Bylaws on Behalf of the City of Parksville (Civic Centre) – Bylaws 1406, 1407, 1408 and 1409.

MOVED Director Longmuir, SECONDED Director Westbrook, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1406, 2004" receive first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

MOVED Director Longmuir, SECONDED Director Dempsey, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1407, 2004" receive first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

MOVED Director Longmuir, SECONDED Director Holdom, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1408, 2004" receive first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

MOVED Director Longmuir, SECONDED Director Westbrook, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1409, 2004" receive first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Primary Liquor License Amendment – Arrowsmith Golf & Country Club – 2250 Fowler Road – Area H.

Chris Jiggins spoke in support of the application.

MOVED Director Bartram, SECONDED Director Westbrook, that the Board consider any written submissions or comments from the public.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the Board pass the resolution attached to the staff report as Schedule 1.

CARRIED

Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1410.

MOVED Director Bartram, SECONDED Director Biggemann, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1410, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1410, 2004" having received three readings be adopted.

CARRIED

Bow Horn Bay Volunteer Fire Department – Fire Hydrant Servicing Agreements.

MOVED Director Bartram, SECONDED Director Sherry, that the Chairperson and General Manager, Corporate Services, be authorized to execute a fire hydrant servicing agreement with the Qualicum Bay-Horne Lake Waterworks District in the form presented.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Chairperson and General Manager, Corporate Services, be authorized to execute a fire hydrant servicing agreement with the Bowser Waterworks District in the form presented.

CARRIED

Bow Horn Bay Volunteer Fire Department – Fire Protection Service Agreement with Qualicum First Nations.

MOVED Director Bartram, SECONDED Director Holdom, that the Chairperson and General Manager, Corporate Services, be authorized to execute a fire protection service agreement with the Qualicum Band of Indians on behalf of the Bow Horn Bay Fire Department as presented.

CARRIED

Amalgamation of the Nanoose Peninsula Water Local Service Area.

MOVED Director Bibby, SECONDED Director Biggemann, that the report on the amalgamation of the Nanoose Peninsula Water Local Service Area be received for information.

CARRIED

Nanoose Bay Transit Service Expansion.

MOVED Director Krall, SECONDED Director Bibby, that staff proceed to consult with Area E residents in January 2005 to provide for the Board's consideration of a new service in conjunction with the adoption of the final budget.

CARRIED

NEW BUSINESS

Provincial Sewage System Regulation.

MOVED Director Bartram, SECONDED Director Bibby, that staff prepare a report on options for the RDN given the Provincial implementation of the new Sewage System Regulation on May 31, 2005.

CARRIED

Chartwell Area.

Director Westbrook advised that the SLP's had been finalized to have the Chartwell area turned over to the Town of Qualicum Beach on January 1, 2005.

IN CAMERA

MOVED Director Sherry, SECONDED Director Cantelon, that pursuant to Section 90(1)(e) & (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to the acquisition of land and legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:05 PM

The meeting reconvened at 8:35 PM.

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Electoral Area 'A' Parks & Greenspace Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that Judy Burgess, Gay Cunningham, Frank Garnish and Kerri-Lynne Wilson be appointed to the Electoral Area 'A' Parks & Greenspace Advisory Committee for a term ending December 31, 2006.

CARRIED

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

MOVED Director Lund, SECONDED Director Sherry, that Jacqueline Cecil-Sears, Michael McCrac and Don McLaughlin be appointed to the Electoral Area 'B' Parks & Open Space Advisory Committee for a term ending December 31, 2006.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Krall, that Gabrielle Carlidge and Paula Young be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for a term ending December 31, 2006.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Bartram, that Bruce Cownden be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2006.

CARRIED

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director Bartram, that Deborah Bromley-Anvelt, Sas Selfjord and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2005.

CARRIED

ADJOURNMENT

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

TIME: 8:37 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, JANUARY 11, 2005, AT 7:00 PM
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Alternate	
Director H. Webster	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnic	General Manager of Environmental Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Tyndall to the meeting.

COMMUNICATIONS/CORRESPONDENCE

Shirley Hine, City of Parksville, re 2005 Council Voting Representative – District 69 Recreation Commission.

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from the City of Parksville advising of the appointment of Councillor Chris Burger to the District 69 Recreation Commission be received.

CARRIED

Shirley Hine, City of Parksville, re 2005 Council Voting Representative – Arrowsmith Water Service Management Committee.

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from the City of Parksville advising of the appointment of Councillor Marc Lefebvre to the Arrowsmith Water Service Management Committee be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1391.

MOVED Director Westbrook, SECONDED Director Sherry, that “Regional District of Nanaimo Barclay Crescent Sewer Service Establishing Bylaw No. 1391, 2004” be adopted.

CARRIED

Bylaw No. 1392.

MOVED Director Hamilton, SECONDED Director Sherry, that “Regional District of Nanaimo (Barclay Crescent Sewer Service) Loan Authorization Bylaw No. 1392, 2004” be adopted.

CARRIED

ADMINISTRATOR’S REPORTS

Board Appointments to Standing, Select and Advisory Committees.

The Chairperson confirmed the following appointments to the Scheduled Standing Committees for the year 2004:

Arrowsmith Water Service Management Committee – J. Stanhope, H. Webster, Alternate.

Deep Bay Harbour Authority – D. Bartram.

District 69 Recreation Commission – D. Bartram, L. Biggemann, Alternate.

Island Corridor Foundation – J. Stanhope.

Mt. Arrowsmith Biosphere Foundation – L. Biggemann.

Municipal Finance Authority – J. Stanhope, D. Haime, Alternate.

Municipal Insurance Association (MIA) – L. McNabb.

North Island 911 Corporation – J. Stanhope, T. Westbrook, Alternate.

RDN Emergency Planning Committee – L. Biggemann, H. Kreiberg, Alternate.

Regional Library Board – H. Kreiberg, J. Stanhope, Alternate.

Treaty Advisory Committee – E. Hamilton, H. Kreiberg, Alternate.

Vancouver Island Biosphere Centre – L. Biggemann.

VI Health Authority Project Building Committee – L. Sherry, J. Stanhope, Alternate.

VI Health Authority Joint Capital Planning Committee – T. Krall, E. Hamilton, Alternate.

MOVED Director Krall, SECONDED Director Bartram, that the Board appointments to the Standing, Select and Advisory Committees be approved.

CARRIED

Electoral Area 'E' By-Election.

MOVED Director Webster, SECONDED Director Biggemann, that Maureen Pearse, Manager of Administrative Services, be appointed as the Chief Election Officer and Linda Burgoyne, Administrative Assistant, be appointed as the Deputy Chief Election Officer for the purpose of conducting the Electoral Area 'E' By-Election to be held on March 19, 2005.

CARRIED

Regional District Participation in the Nature Trust's Acquisition of Block 602 – Englishman River.

MOVED Director McNabb, SECONDED Director Bartram, that the Regional Board authorize the acquisition by the Regional District of:

- (a) A beneficial 350,000/1,356,000th share in Block 602, Nanoose District, except the part included in Plan VIP76721 in consideration of a Regional District contribution of \$350,000;
- (b) A leasehold interest in Lot 1, Block 602, Plan VIP76721 for regional park and trail for a term of 25 years with a right of renewal for 25 years;
- (c) A Statutory Right-of-Way over Block 602 for regional park and trail purposes;
- (d) Statutory Rights-of-Way over Block 602 and Lot 1 for water utility purposes associated with the bulk water service;

and authorize the execution of the associated lease and right-of-way documents.

CARRIED

PRESENTATION

Senior Certificate in Local Government Administration to Bob Lapham, General Manager, Development Services.

The Chairperson presented Bob Lapham with his Senior Certificate in Local Government Administration and congratulated him on his achievement.

ADJOURNMENT

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

CARRIED

TIME: 7:10 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 11, 2005, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Alternate	
Director H. Webster	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
J. Jewelllyn	Manager of Community Planning
N. Tonn	Recording Secretary

DELEGATIONS

Bill Katerenchuk, re DP Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.

Mr. Katerenchuk provided information with respect to Development Permit Application No. 60461 and made himself available for any questions from the Committee members.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director D. Haime, that Ms. B. Voigt be permitted to address the Committee as a late delegation.

CARRIED

Bev Voigt, re DP Application No. 60463 – Bev & Gerd Voigt on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

Ms. Voigt made herself available for any questions from the Committee members.

MINUTES

MOVED Director Stanhope, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held December 14, 2004 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60459 – Windley Contracting Ltd., on behalf of Jill Maibach (Maibach Industries) – 2093 South Wellington Road - Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit Application No. 60459 submitted by Windley Contracting, on behalf of Maibach Industries Ltd., to allow for the construction of a 557 m² warehouse within the Electoral Area 'A' Official Community Plan South Wellington Development Permit Area No. 1 for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4.

CARRIED

Development Permit Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.

MOVED Director Stanhope, SECONDED Director Webster, that Development Permit Application No. 60461, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1, District Lot 126, Nanoose District, Plan VIP76030 Except That Part in Strata Plan VIS5531 (Phases 1, 2, 3, 4, 5, 6 and 7) be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.

CARRIED

Development Permit Application No. 60462 – Anderson Greenplan Ltd. for Tycor Ventures Ltd. – 3702 Alberni Highway – Area F.

MOVED Director Biggemann, SECONDED Director Bartram, that Development Permit Amendment Application No. 60462 submitted by Jack Anderson for Tycor Ventures Ltd. for the property legally described as Lot 2, District Lot 39, Newcastle District, Plan VIP54354 located at 3702 Alberni Highway in Electoral Area 'F' be approved, subject to the conditions outlined in Schedules No. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.

CARRIED

Development Permit Application No. 60463 – Bev & Gord Voigt on behalf of 642703 BC Ltd. – off Kay Road and the Island Highway – Area E.

MOVED Director Webster, SECONDED Director Stanhope, that the request, submitted by Bev and Gerd Voigt, on behalf of 642703 Ltd., for a 2 lot subdivision and the dedication of a new road for property designated within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas, as shown on the plan of subdivision of The Remainder of District Lot 44, Nanoose District, be approved subject to Schedules No. 1, 2 and 3 and to the notification procedures subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90501 – Peloso – 650 Meadow Drive – Area G.

MOVED Director Stanhope, SECONDED Bartram, that Development Variance Permit Application No. 90501, submitted by the property owners Albert Joseph Peloso and William (Willie) Cheric Peloso for the property legally described as Lot 20, District Lot 49, Nanoose District, Plan VIP76162 to relax the maximum height requirements from 8.0 metres to 8.0 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

NEW BUSINESS

Nanoose OCP Public Information Meeting.

It was noted that a Public Information meeting with respect to the Nanoose Official Community Plan will be held at 7:00 pm, Tuesday, January 18, 2005 at Nanoose Place. All Directors are invited to attend.

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director D. Haimc, that this meeting terminate.

CARRIED

TIME: 6:50 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JANUARY 11, 2005, AT 7:12 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Alternate	
Director H. Webster	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

Don Cameron, re Park Proposal for the Mount Arrowsmith Massif.

Mr. Cameron provided a visual presentation with respect to the Alpine Club of Canada and the Federation of Mountain Clubs of BC's proposal to obtain Mount Arrowsmith Massif (Block 1380) as a Regional District park.

LATE DELEGATION

MOVED Director Bartram, SECONDED Director Cantelon, that Mr. Ron Nichol be permitted to address the Committee as a late delegation.

CARRIED

Ron Nichol, re Moved-on Buildings in the Regional District of Nanaimo.

Mr. Nichol spoke in favour of proposed changes to RDN Building Regulation and Fees Bylaw No. 1250 which would accommodate the acceptance of moved-on buildings in the RDN. He also noted that the area compatibility requirements would be more favourable when the appraised value of the moved on house is 100% of the averaged assessed value of surrounding properties.

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Committee of the Whole meeting held November 9, 2004 and the special Committee of the Whole meetings held November 16 and 30, 2004, be adopted.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Electoral Area 'A' Recreation Services Study -- Project Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the Terms of Reference for the Recreation Services study for Electoral Area 'A' be amended to include a Project Advisory Committee as provided for in Appendix 1.

CARRIED

REGIONAL GROWTH MANAGEMENT

State of Sustainability Project – Selection of Sustainability Indicators.

MOVED Director Holdom, SECONDED Director Bartram, that the Board concurs in principle with the RGMAC position as stated on pages 2 and 3 of the corresponding staff report and congratulates the RGMAS on the difficult progressive work on Region Sustainability accomplished to date.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the Board approve Tier 1 indicators listed in Attachment 1 of the corresponding staff report.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the Board obtain information about trends in available data on groundwater wells in the region from a groundwater specialist and that the Board approve an additional \$6,000.00 in the budget to hire a professional groundwater specialist to collect and interpret data from selected groundwater monitoring wells.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the RGMAC review the scope of the survey related to institutional leadership given the "minimum initial cost of \$20,000.00 for a representative survey" and provide a recommendation to the Board in due course.

CARRIED

DEVELOPMENT SERVICES

EMERGENCY SERVICES

Emergency Measures Bylaw No. 1416.

MOVED Director Krall, SECONDED Director Biggemann,:

1. That this report be received for information.
2. That "Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005" be introduced and given three readings.

CARRIED

PLANNING

Board of Variance Policy – Planning Services Fees and Charges Amendment Bylaw No. 1259.01 and Board of Variance Amendment Bylaw No. 1260.01.

MOVED Director Westbrook, SECONDED Director Bartram.:

1. That the staff report on a Board of Variance policy be received for information.
2. That the Board of Variance policy attached to the staff report as Schedule 1 be approved.
3. That “Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005” be given three readings.
4. That “Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005” be adopted.
5. That “Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005” be given three readings.
6. That “Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005” be adopted.

CARRIED

Moved-on Buildings in the Regional District of Nanaimo.

MOVED Director Cantelon, SECONDED Director Westbrook, that staff be directed to prepare an amendment to Bylaw No. 1250 for consideration by the Board, that includes the amended regulations as outlined in the staff report and that the regulations be further amended to reflect an appraised value of 100% of average assessed value of the developed properties within 100 metres.

CARRIED

ENVIRONMENTAL SERVICES

UTILITIES

Water and Sewer Connection Fee Amendments – Bylaw No.’s 524.14, 619.10, 700.11, 726.11, 727.11, 764.14, 815.09, 886.08, 1097.06, 1334.02, 1172.04, 1383.01, 765.12, 1241.04, 422.14, 1237.04.

MOVED Director Sherry, SECONDED Director McNabb.:

1. That “Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005” be introduced for three readings.
2. That “Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005” having received three readings, be adopted.
3. That “Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005” be introduced for three readings.
4. That “Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005” having received three readings, be adopted.
5. That “Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005” be introduced for three readings.

6. That "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005" having received three readings, be adopted.
7. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" be introduced for three readings.
8. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" having received three readings, be adopted.
9. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" be introduced for three readings.
10. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" having received three readings, be adopted.
11. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" be introduced for three readings.
12. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" having received three readings, be adopted.
13. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" be introduced for three readings.
14. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" having received three readings, be adopted.
15. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" be introduced for three readings.
16. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" having received three readings, be adopted.
17. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" be introduced for three readings.
18. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" having received three readings, be adopted.
19. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" be introduced for three readings.
20. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" having received three readings, be adopted.
21. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" be introduced for three readings.
22. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" having received three readings, be adopted.
23. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" be introduced for three readings.

24. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" having received three readings, be adopted.
25. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" be introduced for three readings.
26. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" having received three readings, be adopted.
27. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" be introduced for three readings.
28. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" having received three readings, be adopted.
29. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" be introduced for three readings.
30. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" having received three readings, be adopted.
31. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" be introduced for three readings.
32. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" having received three readings, be adopted.

CARRIED

Water Local Service Areas – Water Restriction Bylaw Amendments – Bylaws No. 1345.01, 1343.01, 1346.01, 1350.01, 1344.01, 1349.01, 1348.01, 1347.01, 1342.01, 1341.01, 1340.01, 1384.01.

MOVED Director Sherry, SECONDED Director Biggemann,:

1. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" be introduced for three readings.
2. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" having received three readings be adopted.
3. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" be introduced for three readings.
4. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" having received three readings be adopted.
5. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" be introduced for three readings.
6. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" having received three readings be adopted.
7. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" be introduced for three readings.

8. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" having received three readings be adopted.
9. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" be introduced for three readings.
10. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" having received three readings be adopted.
11. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" be introduced for three readings.
12. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" having received three readings be adopted.
13. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" be introduced for three readings.
14. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" having received three readings be adopted.
15. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" be introduced for three readings.
16. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" having received three readings be adopted.
17. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" be introduced for three readings.
18. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" having received three readings be adopted.
19. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" be introduced for three readings.
20. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" having received three readings be adopted.
21. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" be introduced for three readings.
22. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" having received three readings be adopted.
23. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" be introduced for three readings.
24. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" having received three readings be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Lund, SECONDED Director McNabb, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 8, 2004 be received for information.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes of the Regional Parks Plan Review Select Committee meetings held November 17 and December 15, 2004 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Longmuir, that the minutes of the District 69 Recreation Commission meeting held December 16, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Cantelon, that the minutes of the Intergovernmental Advisory Committee meeting held December 14, 2004 be received for information.

CARRIED

Director Westbrook requested that staff initiate discussion at the next Intergovernmental Advisory Committee meeting with respect to the inclusion of water shed areas during the fringe area management implementation agreement review to allow for a broader base of urban containment and report back to the Committee of the Whole.

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held December 8, 2004 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meeting held December 16, 2004 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street between Wentworth and Fitzwilliam as outlined in the staff report

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held December 8, 2004 be received for information.

CARRIED

Vancouver Island Regional Library Board.

Director Krall welcomed Director Kreiberg as the RDN Board's new representative to the VI Regional Library Board.

Deep Bay Harbour Authority.

Director Bartram noted that he has been appointed the new Chairperson to the Deep Bay Harbour Authority Board.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Park Proposal for the Mount Arrowsmith Massif.

MOVED Director Westbrook, SECONDED Director Biggemann, that staff prepare a report on a proposal to partner with the ACC/FMCBC to approach the BC Government to seek the creation of a wilderness area park for Crown Land Block 1380 (the Arrowsmith Massif) and further that the report include consultation with the Alberni Clayoquot Regional District.

CARRIED

NEW BUSINESS

Transit Business Plan Update Select Committee.

Director Bartram requested that the Transit Business Plan Update Select Committee review the large increase in the Electoral Area 'H' transit budget and bring forward suggestions as to how this increase may be addressed.

Electoral Area 'E' By-election.

MOVED Director Bartram, SECONDED Director Cantelon, that staff review the policy in place with respect to the division of costs between all Electoral Areas when a by-election is held and report back to the Committee.

CARRIED

Transit Evaluation.

Director Webster noted that Electoral Area 'E' will be holding an open house on January 27, 2005 to obtain resident feedback on community bus expansion in Nanoose Bay.

IN CAMERA

MOVED Director Sherry, SECONDED Director Tyndall, that pursuant to Section 90(1) (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:12 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1416

A BYLAW TO ESTABLISH THE OPERATION AND ADMINISTRATION OF THE REGIONAL DISTRICT OF NANAIMO EMERGENCY PROGRAM EXTENDED SERVICE

A. **WHEREAS** the Board of the Regional District of Nanaimo has adopted "Regional District of Nanaimo Emergency Program Extended Service Establishing Bylaw No. 952, 1995", which established an extended service for emergency programs under the *Emergency Program Act* within the Electoral Areas (the "Plan Area");

B. **AND WHEREAS** the Board of the Regional District of Nanaimo wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters;

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

1. Citation

This bylaw may be cited as the "Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005.

2. Interpretation

- a) This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996 Chapter 111 and all Regulations made thereunder;
- b) "*Act*" means the "*Emergency Program Act*";
- c) "*Board*" means the Board of Directors of the Regional District of Nanaimo;
- d) "*Board Chairperson*" means that member of the Regional District of Nanaimo Board from time to time, elected Chair under the *Local Government Act* and includes the Vice Chair;
- e) "*Committee Chairperson*" means the electoral area director appointed to the Emergency Planning Standing Committee, or their alternate;
- f) "*Declaration of a state of local emergency*" means a declaration of the Board or the Board Chairperson that an emergency exists or is imminent in the Regional District of Nanaimo;
- g) "*Disaster*" means a calamity that:
 - i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;
- h) "*Emergency*" means a present or imminent event that:
 - i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - ii) requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people to limit damage to property;

- i) **"The Emergency Executive Committee"** means the committee established under section 3(a) of this bylaw to oversee emergency preparedness, response and recovery measures;
- j) **"Emergency Planning Standing Committee"** means the Electoral Area Director or Alternate Electoral Area Director as appointed by the Board, Emergency Coordinator or alternate and senior representatives of related emergency management organizations that make recommendations to the Board with respect to the emergency planning and preparedness program;
- k) **"Plan Area"** means those lands that lie within Regional District of Nanaimo Electoral Areas;
- l) **"Plan Area Emergency Coordinator"** means the person appointed by the Board having responsibility for emergency management within the Plan Area;
- m) **"Regional District of Nanaimo Electoral Areas"** means all of the lands within the Electoral Area boundaries.

3. Administration

- a) An Emergency Executive Committee is hereby established as the emergency management organization for the Regional District of Nanaimo Electoral Areas and shall consist of the following:
 - i) Board Chairperson;
 - ii) Emergency Planning Standing Committee Chair or alternate person appointed by the Emergency Planning Standing Committee;
 - iii) Regional District of Nanaimo Chief Administrative Officer or alternate person designated by the Chief Administrative Office;
 - iv) Emergency Coordinator or alternate appointed under section 3(d) of this Agreement;
 - v) Heads of selected functional Regional District of Nanaimo departments or their alternates as appointed by the Board; and
 - vi) Other members that the Board may from time to time determine necessary or advisable.
- b) The Emergency Executive Committee is authorized to prepare and present to the Board, for review and approval, plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:
 - i) a periodic review and updating of plans and procedures for that review;
 - ii) a program of emergency response exercise;
 - iii) a training program;
 - iv) procedures by which physical and financial emergency resources or assistance may be obtained;
 - v) procedures by which emergency plans are to be implemented;
 - vi) warning procedures to those persons who may be harmed or suffer loss in an emergency or disaster;
 - vii) procedures to coordinate the provision of food, clothing, shelter, transportation and medical assistance or service to victims of emergencies and disasters, whether that provision is made from within or outside of the Regional District of Nanaimo; and

- viii) procedures to establish the priorities for restoring essential services provided by the Regional District of Nanaimo, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.
- e) Subject to the approval of the Board, the Emergency Executive Committee may:
 - i) make and amend its terms of reference, policies and procedures;
 - ii) enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery; and
 - iii) enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services.
- d) An Emergency Coordinator and an alternate shall be appointed by the Board to facilitate emergency preparedness, response and recovery measures.
- e) The Emergency Coordinator or alternate is authorized to;
 - i) organize and act as the coordinator of the Emergency Planning Standing Committee;
 - ii) advise the Emergency Executive Committee on all matters relating to the Plan;
 - iii) publish, and maintain the Plan and to coordinate the development and involvement of emergency response organizations in the Plan;
 - iv) establish and maintain in accordance with the Plan, an organization capable of implementing the Plan;
 - v) perform such activities as are required to assist the Provincial Emergency program in the areas of training, research and analysis in relation to emergency and disaster activities where this is not inconsistent with board bylaws or policy;
 - vi) perform such other duties as may be assigned by the Board;
 - vii) make recommendations to the Board for grants-in-aid to any emergency response organizations requiring assistance; and
 - viii) is authorized to use any land or equipment or chattels belonging to the Board to further the Plan.

4. Powers, Duties and Responsibilities of the Regional District of Nanaimo

- a) The Board, the Board Chairperson, the Chief Administrative Officer, or the Emergency Coordinator, may, whether or not a state of local emergency has been declared, cause the Plan to be implemented where the Board, the Board Chairperson or the Chief Administrative Officer is of the opinion that an emergency exists or appears imminent or a disaster has occurred or threatens in the Plan Area.
- b) The Board, in accordance with section 8 of the *Act*, by Bylaw or resolution, or the Board Chairperson may, by order, declare a state of local emergency in accordance with Section 12 of the *Act* where:

- i) the Board or the Board Chairperson considers that an emergency exists or is imminent in the Plan Area; and
 - ii) the Board Chairperson has complied with section 12(3) of the Act by using best efforts to obtain the consent of other members of the Regional Board.
- c) Upon a 'declaration of a state of local emergency' being made, the Board or the Board Chairperson must, in accordance with section 12(4) of the Act:
- i) Forward a copy of the declaration to the Minister, and
 - ii) Cause the details of the declaration to be published by a means of communication that the Board or Board Chairperson considers most likely to make the contents of the declaration known to the majority of the population of the affected area,
- d) After a declaration of a state of emergency is made under the Act in respect of all or any part of the Plan Area, and for the duration of the state of emergency in accordance with section 13(1) of the Act, the Board may do any or all acts considered necessary and implement procedures that the Board or Board Chairperson and the Emergency Executive Committee considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster;
- e) The Board delegates to the Board Chairperson the power and duty and function of the Board as a local authority under section 13(1) of the Act and, in the absence or incapacity of the Board Chairperson (or Vice Chair), to the Emergency Planning Standing Committee Chair;
- f) Under the Act in the case of a declaration of local authority the powers of the Board as a local authority include the following:
- i) Acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - ii) Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
 - iii) Control or prohibit travel to or from any part of the Regional District of Nanaimo Electoral Areas;
 - iv) Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the Regional District of Nanaimo Electoral Areas;
 - v) Cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the Regional District of Nanaimo Electoral Areas that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
 - vi) Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the Board or Board Chairperson to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

- vii) Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Board or Board Chairperson to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - viii) Construct works considered by the Board or Board Chairperson to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
 - ix) Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the Regional District of Nanaimo Electoral Areas for the duration of the local state of emergency; and
 - x) Authorize the Emergency Coordinator or any member of the Emergency Executive Committee to exercise, in any part of the Regional District of Nanaimo Electoral Areas affected by a declaration of a local state of emergency, those specific powers enabled in Section 4 and assumed by the Board or Board Chairperson.
- g) In accordance with section 14 of the *Act* the Board or Board Chairperson must, when of the opinion that an emergency no longer exists in the Regional District of Nanaimo Electoral Areas to which a declaration of local state of emergency was made:
- i) Cancel the declaration of a state of local emergency in relation to that part;
 - A) By bylaw or resolution, if cancellation is effected by the Board, or
 - B) By order, if the cancellation is effected by the Board Chairperson; and
 - ii) Promptly notify the Minister responsible for the *Act* of the cancellation of the declaration of a state of local emergency.
5. In the case of a conflict between the *Act* and this bylaw, the *Act* prevails.

6. Liability

The liability of persons acting under the authority of the *Act* pursuant to this bylaw is governed by section 18 of the *Act*.

7. Repeal

"Regional District of Nanaimo Emergency Programs Regulatory Bylaw No. 953, 1995". is hereby repealed.

Introduced and read three times this _____ day of _____ 2005.

Adopted this _____ day of _____, 2005.

Chair

General Manager, Corporate Services



**MINUTES OF THE MEETING OF THE
ARROWSMITH WATER SERVICE (AWS) MANAGEMENT COMMITTEE
HELD ON WEDNESDAY, NOVEMBER 10, 2004 AT 1:30 PM
AT THE PARKSVILLE CIVIC AND TECHNOLOGY CENTRE**

Present:	Director Joe Stanhope Kelly Daniels John Finnie Pauline Bibby (Alternate) Councillor Marc Lefebvre Gary O'Rourke Fred Manson Councillor Scott Tanner Councillor Anton Kruyt (Alternate) Mark Brown Bob Weir	Regional District of Nanaimo Regional District of Nanaimo Regional District of Nanaimo Regional District of Nanaimo City of Parksville City of Parksville City of Parksville Town of Qualicum Beach Town of Qualicum Beach Town of Qualicum Beach Town of Qualicum Beach
Also in Attendance:	Antonic Koers Wayne Moorman Linda Burgoyne	Koers & Associates Regional District of Nanaimo Recording Secretary, RDN

1. Call to Order.

J. Stanhope called the meeting to order at 1:30 pm.

2. Minutes.

MOVED M. Lefebvre, SECONDED S. Tanner that the minutes from the meeting of the Arrowsmith Water Services Management Committee held September 15, 2004 be adopted.

CARRIED

3. AWS Capital Plan Alternatives.

J. Finnie noted that the original report from Koers & Associates dated October 16, 2003 concerning "Bulk Water Transmission to French Creek and Qualicum Beach – Financial Comparison of Original Proposal and Low Cost Option" had not been formally received by this Committee, therefore he was bringing the report forward so that the recommendations could be received. As well a staff report was included regarding the current status and identifying several changes that have occurred which require this Committee's consideration.

J. Finnie advised that a revised capital plan had been anticipated by the end of the year, but due to the recent changes other options may need to be considered. It is hoped that the capital plan will be completed early in the new year.

Discussion occurred regarding the Town of Qualicum Beach's position, their well supply issues and the Chartwell incorporation, and their inability to proceed with the options at this time.

J. Finnie advised that the Koers report is a technical direction that AWS can consider. If the Town of Qualicum Beach cannot proceed then the Committee needs to consider other options.

A. Koers commented about changes to the system since this report was written and that he understands that the need for additional water has shifted from French Creek to Nanoose. This opens up additional options if the Town of Qualicum Beach cannot supply the north end of Parksville with water.

B. Weir noted that K. Daniels & M. Brown have long pushed to establish an ultimate capital plan.

M. Brown commented that this is a longer term solution and that this Management Committee still needs to do a Capital Plan.

Discussion ensued regarding the options in A. Koer's report and in the staff report.

MOVED M. Lefebvre, SECONDED S. Tanner that the report be received and that the Committee proceed to review and update the report given the changes that have occurred within the system since the report was written, and that staff come back to this Committee with other options.

CARRIED

F. Manson suggested that a meeting of the Engineering staff and the Administrators be scheduled to set up a terms of reference regarding these changes for Koers & Associates. A meeting was scheduled for Monday, November 15th at 1:00 pm to discuss.

3. Arrowsmith Dam Property Insurance Policy and Boiler & Machinery Policy.

In correspondence from Koers & Associates dated October 4, 2004, A. Koers advised that if there was a total loss of the dam due to a natural disaster, total replacement costs are currently estimated at \$5.8 Million compared to the original construction costs of \$3.7 Million.

MOVED M. Lefebvre, SECONDED S. Tanner, that the information concerning the Arrowsmith Dam Property Insurance Policy and the Boiler & Machinery Policy be received.

CARRIED

4. Operational Update/Status of Reservoir.

G. O'Rourke advised that October 31st was the end of the operating year and at this time the reservoir is close to empty.

G. O'Rourke noted that a new transducer is required for recording reservoir water depth information.

MOVED S. Tanner, SECONDED M. Lefebvre, that the Operational Update and Status of the Reservoir be received.

CARRIED

5. EBA Hydrogeological Report.

J. Finnie advised that staff are working with EBA concerning maps, conclusions and recommendations and that a final draft should be ready for the next meeting.

MOVED S. Tanner, SECONDED M. Lefebvre, that the EBA Hydrogeological report update be received.

CARRIED

6. Proposed 2005 Budget.

Discussion regarding the proposed budget for 2005 for the Arrowsmith Water Service. It was noted that the cost sharing for capital planning is to be based on an equal basis between the partners, rather than on the cost sharing basis used for the construction of the dam and for maintenance.

M. Brown advised that he would like to see the budget include breakdowns on capital and maintenance items.

K. Daniels advised that further to recent discussions concerning public education, he would like to see a line item for \$10,000 added to the budget for a watershed initiative for the protection of Englishman River. This could be a joint initiative to increase public awareness between the RDN, the Town of Qualicum Beach and the City of Parksville. Staff to report on what can be done for this amount.

G. O'Rourke advised that they have stayed within the budget for this year and that it would remain the same next year.

B. Weir advised that the AWS is responsible for road reconstruction past the dam for Weyerhaeuser and that the company needs to access this area next year. They have brought in an outside consultant who proposes the cost to be approximately \$200,000 to build the road. The consultant, Glen Beaton, has proposed some solutions to keep the costs down from the original estimate of \$600,000 - \$800,000. The original road was flooded when the dam was built and the AWS is responsible for the replacement of the road when the company needs it. B.Weir will continue to update this Committee with the details of the project.

MOVED M. Lefebvre, SECONDED S. Tanner that the proposed budget be approved as amended.

CARRIED

7. Power Generation Update.

B. Weir advised that he had met with consultants regarding a potential micro-hydro project on the Arrowsmith Dam. He recommends that grant monies be pursued. BC Hydro has a proposal process which would require that the AWS develop a proposal application to submit to them.

Discussion ensued regarding the approach to take with regard to hiring a consultant.

MOVED S. Tanner, SECONDED M. Lefebvre that \$5,000 be carried forward from this year's budget to be used to pay for a consultant to look at the Arrowsmith Dam system and evaluate the opportunities and costs of a micro-hydro project and, as well, to look for available grant funding for the project.

CARRIED

MOVED M. Lefebvre, SECONDED S. Tanner that the Committee move into an In Camera meeting.

The meeting adjourned at 3:00 pm.

8. **ADDENDUM – No items**

9. **OTHER.**

10. **NEXT MEETING**

The next meeting of the Arrowsmith Water Service Management Committee will be held Wednesday, December 15, 2004 at 1:30 pm at the City of Parksville offices.

11. **ADJOURNMENT**

MOVED S. Tanner, SECONDED M. Lefebvre, that this meeting terminate.

TIME: 3:16 PM

J. Stanhope, Chairperson

TABLE 1
ARROWSMITH WATER SERVICE
YEAR 2005 PROVISIONAL OPERATING BUDGET (\$)

	2000 Provisional	2001 Provisional	2002 Provisional	2003 Provisional	2004 Provisional	2005 Provisional	Variance 2004-2005
REVENUE							
Parkville Requisition	113,058	95,890	101,641	101,641	113,074	113,334	260
RDN Requisition	53,920	41,732	43,748	43,748	48,839	49,057	218
Qualicum Requisition	41,523	30,379	31,612	31,612	35,372	35,582	210
TOTAL REVENUE	208,500	168,000	177,000	177,000	197,285	197,973	688
EXPENDITURES							
Operating							
Administration							
Labour	3,500	3,500	3,500	3,500	3,605	3,605	0
General	1,000	1,000	1,000	1,000	1,030	1,030	0
Licences and Insurance	11,000	11,000	20,000	20,000	22,600	30,000	7,400
Legal and Audit	10,000	10,000	10,000	10,000	10,300	3,000	-7,300
Total Administration	25,500	25,500	34,500	34,500	37,535	37,635	100
Operations and Maintenance							
Equipment	5,000	5,000	5,000	5,000	5,150	5,150	0
Labour	20,000	20,000	20,000	20,000	20,600	20,600	0
Telephone	12,000						
Road Maintenance	10,000	10,000	10,000	10,300	10,300	10,300	0
Consulting	10,000	10,000	10,000	10,000	20,300	20,300	0
Contract	25,000	25,000	25,000	25,000	25,750	25,750	0
Materials and Supplies	5,000	5,000	5,000	5,000	5,150	5,150	0
Total Operations & Maintenance	87,000	75,000	75,000	75,000	87,250	87,250	0
Transfer to Reserves	30,000	30,000	30,000	30,000	30,000	30,000	0
Total Operating	142,500	130,500	139,500	139,500	154,785	154,885	100
Capital							
Dam Completion	66,000						
Capital Planning		37,500	37,500	37,500	27,500	18,088	-9,412
Block 602 Management Plan					10,000	10,000	0
Power Generation Study					5,000	5,000	0
Watershed Protection Initiative						10,000	10,000
Total Capital	66,000	37,500	37,500	37,500	42,500	43,088	588
TOTAL EXPENDITURES (no Grant)	208,500	168,000	177,000	177,000	197,285	197,973	688
Capital Planning Grant		37,500	10,000				
TOTAL EXPENDITURES (w/lt Grant)¹	0	205,500	187,000				



REGIONAL DISTRICT OF NANAIMO	
JAN - 6 2005	
CHAIR	GMCMS
CAO	GMOS
	GMDS
	GMES
<i>Call</i>	

MEMORANDUM

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

DATE: January 4, 2005

FROM: Wayne Moorman, P.Eng.
Manager of Engineering Services

FILE: 5500-20-FC-01

SUBJECT: Capital Charge Revision for French Creek Sewer Local Service Area and Northern Community Sewer Local Service Area

PURPOSE

To introduce for adoption French Creek Sewer Local Service Area Capital Charge Amendment Bylaw No. 1330.01, 2005 and Northern Community Sewer Local Service Area Capital Charge Amendment Bylaw No. 1331.01, 2005.

BACKGROUND

The RDN adopted "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330, 2003" and "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003" in April 2003. These capital charges ensure properties being added to a local service area pay a contribution towards the capital value of the existing "sewage collection and conveyance" system (Bylaw 1330) and "major facilities" (Bylaw 1331) for treatment plant, coastal interceptor sewers, pumping stations, force mains and ocean outfall.

The current bylaws were set at \$540 and \$1,964 respectively per unit based on the greater of :

- i. the number of registered lots, or
- ii. the equivalent number of single family residential units or lots permitted under the zoning for the property.

The capital charges prescribed in these bylaws increase by 3% compounded annually each January 1st.

It has now been determined that we may wish to add a criteria for determining capital charges payable. Some property owners do not want to subdivide their property to its maximum potential, but still wish to be included in the sewer local service areas. They are prepared to register a covenant on the property to restrict further subdivision and thus not pay the capital charges based on the equivalent number of single family residential units or lots permitted under the zoning for the property.

The current wording of the bylaws is not conducive to property owners joining our sewer local service areas unless they are prepared to maximize subdivision of their property. In some instances property owners do not want to subdivide at all and others wish only to subdivide to fewer lots but still be on a sewer system. The current bylaws force property owners to pay the larger capital charge.

ALTERNATIVES

- 1. Proceed with the bylaw amendments as attached.
- 2. Do not amend the bylaws.

FINANCIAL IMPLICATIONS

Alternative 1

Capital charges will still be imposed for properties being included in the local service areas, but for those property owners willing to enter into a Section 219 Land Title Act restrictive covenant granted to the Regional District of Nanaimo they will pay less than what they would pay under the current wording. In the case of a property owner wishing to remove the covenant in the future, to increase subdivision potential, the owner of the property would then be required to pay the difference between what he did pay and what he would pay for an equivalent number of single family residential units or lots permitted under the zoning for the property.

Alternative 2

Capital charges would be imposed under the current bylaws and property owners wishing to join the local service areas but not wishing to subdivide or subdivide to a lesser number of lots than permitted under current zoning would be charged a higher capital charge based on the subdivision potential of the property.

SUMMARY

Capital charges are established by Bylaws 1330 and 1331 and are based on the greater of:

- i. the number of registered lots, or
- ii. the equivalent number of single family residential units or lots permitted under the zoning for the property.

Some property owners have requested that they be included in the sewer local service areas but do not wish to subdivide to the maximum potential permitted under the current zoning and existing bylaw.

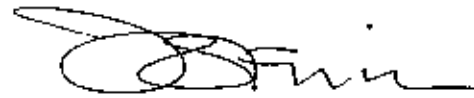
Staff has considered reducing the bylaw charges by imposition of a Section 219 Land Title Act restrictive covenant granted to the Regional District of Nanaimo on the property to reflect the actual number of lots being developed. Staff supports this "restrictive covenant" and thus supports the amending bylaws.

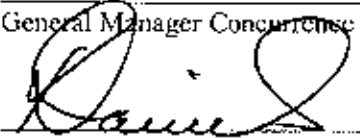
RECOMMENDATIONS

1. That "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330.01, 2005" be introduced for first three readings.
2. That "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330.01, 2005" having received three readings be adopted.
3. That "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331.01, 2005" be introduced for first three readings.
4. That "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331.01, 2005" having received three readings be adopted.



Report Writer



General Manager Concurrence


CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1330.01

**A BYLAW TO AMEND THE CALCULATION OF
CAPITAL CHARGES FOR THE FRENCH CREEK
SEWERAGE FACILITIES LOCAL SERVICE AREA**

WHEREAS by "French Creek Sewerage Facilities Local Service Area Establishment Bylaw No. 813, 1990" the Regional District established a service for the provision of sewerage facilities;

AND WHEREAS by "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330, 2003" the Regional District imposed capital charges on each parcel added to the local service area under a boundary expansion;

AND WHEREAS the Regional District intends that the calculation method of capital charges be amended to include consideration of parcels whose development is restricted by covenant;

NOW THEREFORE, the Board of the Regional District of Nanaimo enacts as follows:

1. Schedule 'A' attached to Regional District of Nanaimo "French Creek Sewer Local Service Area Capital Charge Bylaw No. 1330, 2003" is hereby repealed and replaced with Schedule 'A' attached to this bylaw.
2. This bylaw may be cited for all purposes as "French Creek Sewer Local Service Area Capital Charge Amendment Bylaw No. 1330.01, 2005".

Introduced and read three times this 22nd day of February, 2005.

Adopted this 22nd day of February, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

SCHEDULE 'A'

1. Capital charges payable - \$573.00 per unit/lot based on:
 - (a) the greater of:
 - (i) the number of registered lots, or
 - (ii) the equivalent number of single family residential units or lots permitted under the zoning for the property; or
 - (b) the maximum number of units or lots permitted in a Section 219 *Land Title Act* restrictive covenant granted to the Regional District.
2. The capital charges prescribed in this bylaw shall increase by 3% compounded each January 1st, commencing January 1, 2006.
3. Where the restrictive covenant referred to in paragraph 1(b) is subsequently discharged, the owner of the parcel may pay the difference between the calculation based on paragraph 1(b) and the calculation based on 1(a), as calculated at the time of discharge of the covenant.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1331.01

**A BYLAW TO AMEND CAPITAL CHARGES
FOR THE SEWER LOCAL SERVICE SUB-AREAS
WITHIN THE NORTHERN COMMUNITY SEWER
LOCAL SERVICE AREA**

WHEREAS by "Northern Community Sewer Local Service Area Establishment Bylaw No. 889, 1993" the Regional District established a service to construct and operate major facilities for the conveyance, treatment and disposal of sewage (ie, French Creek Water Pollution Control Centre, lift stations, force mains, interceptors, outfalls);

AND WHEREAS by "Northern Community Sewer Local Service Area Development Charge Bylaw No. 934, 1994" the Board imposed development cost charges on new developments within the local service area for the purpose of providing funds to assist the Regional District to pay the capital costs of providing, constructing, altering or expanding major sewerage facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS by "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003" the Regional District imposed capital charges on each parcel added to the local service area under a boundary expansion;

AND WHEREAS the Regional District intends the calculation method of capital charges be amended to include consideration of parcels whose development is restricted by covenant;

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

1. Schedule 'A' attached to "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331, 2003" is hereby repealed and replaced with Schedule 'A' attached to this bylaw.
2. This bylaw may be cited for all purposes as "Northern Community Sewer Local Service Area Capital Charge Amendment Bylaw No. 1331.01, 2005".

Introduced and read three times this 22nd day of February, 2005.

Adopted this 22nd day of February, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

SCHEDULE 'A'

1. Capital charges payable - \$2,084.00 per unit/lot based on:
 - (a) the greater of:
 - (i) the number of registered lots, or
 - (ii) the equivalent number of single family residential units or lots permitted under the zoning for the property; or
 - (b) the maximum number of units or lots permitted in a Section 219 *Land Title Act* restrictive covenant granted to the Regional District.
2. The capital charges prescribed in this bylaw shall increase by 3% compounded each January 1st, commencing January 1, 2006.
3. Where the restrictive covenant referred to in paragraph 1(b) is subsequently discharged, the owner of the parcel may pay the difference between the calculation based on paragraph 1(b) and the calculation based on 1(a), as calculated at the time of discharge of the covenant.

REGIONAL DISTRICT OF NANAIMO	
JAN 18 2005	
CHAIR	GMCMS
	GMCPS
CEO	GMDS
	GMES
<i>Red</i>	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 18, 2005

FROM: Jason Llewellyn
Manager of Community Planning

FILE NO: 6970-20-MOBU

SUBJECT: Moved-on Buildings in the Regional District of Nanaimo

PURPOSE

To introduce an amendment Bylaw to Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001 regarding the regulation of "moved on buildings."

BACKGROUND

At the January 11th, 2005 Committee of the Whole Meeting, a motion was passed to direct staff to prepare an amendment to Bylaw No. 1250 for consideration by the Board. This bylaw is to include the following:

- Applicant must provide plans showing building siting, landscaping, paving, and other site improvements proposed.
- The proposed developed lot as shown on the above noted plans must appraise at a value greater than 100% of the average assessed value of the developed properties within 100 metres.
- Security in the amount of 5% of the appraised value of the property, plus the cost of landscaping, shall be provided to ensure the site is developed according to the plans provided, and according to the Building Permit issued.
- The proposed dwelling shall have a minimum floor area of 100 square metres.
- The applicant must demonstrate that the building, and the manner in which it is placed on the new lot, is in adequate compliance to the Building Code, through the use of a professional engineer (no bylaw amendment is necessary to allow this, as this authority already exists in Bylaw 1250).

The amendment bylaw requested for Board consideration is attached to this report as appendix "A". It is recommended that "Regional District of Nanaimo Building Regulations and Fees Bylaw Amendment Bylaw No. 1250.01, 2005" be given three readings and adopted.

ALTERNATIVES

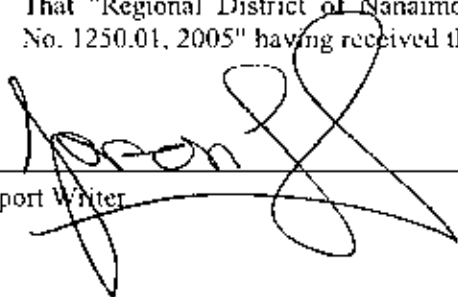
1. To adopt Regional District of Nanaimo Building Regulations and Fees Bylaw Amendment Bylaw No. 1250.01, 2005.
2. To not approve the amendment bylaw and maintain the status quo with respect to moved-on buildings in the RDN.

VOTING


All Directors – one vote each.

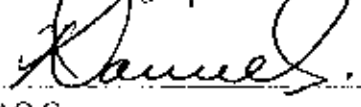
RECOMMENDATIONS

1. That "Regional District of Nanaimo Building Regulations and Fees Bylaw Amendment Bylaw No. 1250.01, 2005" be given three readings.
2. That "Regional District of Nanaimo Building Regulations and Fees Bylaw Amendment Bylaw No. 1250.01, 2005" having received three readings, be adopted.



Report Writer



General Manager Concurrence


CAO Concurrence

COMMENTS:

APPENDIX 'A'

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1250.01

**A Bylaw to Amend Regional District of Nanaimo
Building Regulations and Fees Bylaw No. 1250, 2001**

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

A. **Section 18** of "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001," is hereby amended by replacing the existing Section 18, in its entirety, with the following:

- (1) No person shall move or cause to be moved any building into the Regional District, or from one parcel to another in the Regional District without first obtaining a Permit to carry out such move and to site the building on the parcel to which it is to be moved.
- (2) Within a residential zone of the applicable land use regulation, no building intended for residential purposes shall be moved onto a parcel within the Regional District from any source, location or parcel unless:
 - (a) the building and parcel, as shown on the plans identified in Section 18 (3), must appraise (as determined by an accredited appraiser {A.A.C.I.}) at a value equal to or greater than 100% of the average assessed value (as determined by the BC Assessment Authority) of the developed properties within 100 metres;
 - (b) the parcel to which the building is being moved must be landscaped to a minimum distance of 15 metres from the building location in a manner that allows for the safe, nuisance free function of the property, free of dust and noxious plants or weeds; and
 - (c) the floor area of the building is 100 m² or greater;

except that these provisions do not apply to a certified factory built house that meets or exceeds the CAN/CSA Z240 MII Series M86 Standard and the CSA A-277 – M1990.

- (3) The following conditions apply to all moved on buildings in respect of which an application has been made.
 - (a) The application for a Permit to move shall be accompanied by:
 - i) detailed plans and specifications of the proposed relocation and rehabilitation of the building;
 - ii) detailed plans and specifications of the building siting, and parcel landscaping, paving, and other site improvements proposed on the parcel;
 - iii) a report from an accredited appraiser (A.A.C.I) showing that the appraised value of the building and property shall be equal to or greater than 100% of the average assessed value (as determined by the BC Assessment Authority) of the developed properties within 100 metres; and

- iv) security in the form of a standby irrevocable letter of credit without an expiry date, or a certified cheque, for the amount equal to 5% of the appraised value identified in Section 18 (3) (a) iii plus an additional \$5,000 to ensure the landscaping identified in Section 18 (3) (a) ii is completed;
- (b) The security shall be drawn upon by the Regional District in an amount sufficient to complete the work specified in the plans submitted, and used to complete the work, if the work is not completed in its entirety within 24 months from the date of issuance of the Permit to locate, or the building has been occupied.
- (c) The balance of any remaining security may be returned when the building has been relocated and rehabilitated, and the parcel has been improved in accordance with the plans identified in Section 18 (3) (a) i. and ii., and an Occupancy Permit in respect of the work has been issued.

B. This Bylaw may be cited as "Regional District of Nanaimo Building Regulations and Fees Bylaw Amendment Bylaw No. 1250. 01, 2005."

Introduced and read three times this _____ day of _____, 2005.

Adopted this _____ day of _____, 2005.

Chair

General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO	
JAN 19 2005	
CHAIR	GMCMS
	GMCOS
CAO	GMDS
	GMS
[Signature]	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: January 18, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Year 2005 Parcel Tax Rolls

PURPOSE:

To introduce for three readings and adoption "Regional District of Nanaimo Year 2005 Assessment Roll Preparation Bylaw No. 1419, 2005".

BACKGROUND:

Section 806.1(2) of the Local Government Act requires a bylaw to be adopted, to provide for the preparation of assessment rolls for the purpose of levying parcel taxes. The Surveyor of Taxes produces and sends to the Regional District parcel tax rolls which may be amended as outlined below:

- i) there is an error or omission respecting a name or address on the parcel tax roll
- ii) there is an error or omission respecting the inclusion of a parcel
- iii) an exemption has been improperly allowed or disallowed

A request to amend the parcel tax roll may be made only in relation to a person's own property. Most amendments are related to correcting property owners' names and addresses due to recent property sales and are received and acted upon directly by staff - this is permitted by the Local Government Act. The attached Notice regarding the parcel tax roll review timelines will be advertised once weekly, commencing the second week of February, will be published on our web site and will be posted at all of our public locations.

When a parcel tax is to be imposed for the first time, a parcel tax review panel must be arranged to consider any complaints respecting the parcel tax roll and the panel must authenticate the final roll. In 2005 a parcel tax will be imposed for the first time on approximately 158 properties in the Englishman River Community Water Service and potentially on 15 properties in the Melrose Terrace Water Service. Property owners in those service areas must be advised directly by letter of the review panel date at least 14 days in advance. The review panel consists of 3 persons appointed by the Board. Staff recommend that the review panel meet on Wednesday, February 23rd commencing at 7:00 pm - a location yet to be determined.

The Local Government Act requires the authenticated roll to be returned to the Surveyor of Taxes on or before February 28th each year - however, in 2004 the roll was received late from the Surveyors office and they advised staff that the return date would be March 7th. Since the Surveyor's office controls the time the roll is received by our offices, the dates outlined in this report may be amended slightly to ensure sufficient notice to property owners. Staff will communicate any changes in dates to the panel members directly.

"Regional District of Nanaimo Year 2005 Assessment Roll Preparation Bylaw No. 1419, 2005" introduced with this report identifies eighteen service areas where the Regional District levies parcel taxes as part of the annual revenues of the service.

ALTERNATIVES:

There are no alternatives to this process.

FINANCIAL IMPLICATIONS:

Advertising costs are provided in the 2005 budget for this purpose.

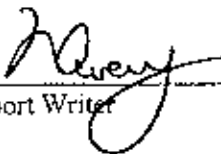
SUMMARY/CONCLUSIONS:

For properties which are assessed parcel taxes, the *Local Government Act* prescribes two actions which must be taken annually by a local government. The first requirement is a bylaw authorizing the preparation of rolls for applying parcel taxes. Bylaw 1419, 2005 is presented for approval and adoption for that purpose.

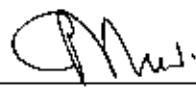
Secondly, a newspaper notice must be published advising property owners within the service areas that the rolls may be reviewed and that they may provide amendment information in accordance with the *Act*. In 2005 a parcel tax review panel will also be struck for the purposes of reviewing the parcel tax roll for two newly established services – the Englishman River Community Water and Melrose Terrace Water Services. The attached Notice will be used to comply with the notification requirements of the *Act*.

RECOMMENDATION:

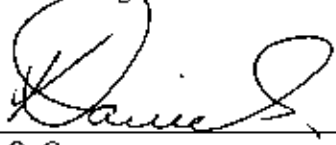
1. That "Regional District of Nanaimo Year 2005 Assessment Roll Preparation Bylaw No. 1419, 2005", be introduced for first three readings.
2. That "Regional District of Nanaimo Year 2005 Assessment Roll Preparation Bylaw No. 1419, 2005", having received three readings be adopted.
3. That the Board appoint the Chairperson, the Manager of Financial Services and the Manager of Administrative Services to preside as the parcel tax review panel.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1419

**A BYLAW TO PROVIDE FOR THE
PREPARATION OF PARCEL TAX
ROLLS FOR THE YEAR 2005**

WHEREAS the Board of the Regional District of Nanaimo must, pursuant to Section 806.1(2)(a) of the *Local Government Act*, provide for the preparation of an assessment roll for the purpose of imposing a parcel tax under Section 806.1(2);

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

1. Assessment rolls for the purpose of levying a parcel tax for the Year 2005 are to be prepared for the following services:

Arbutus Park Estates Water Local Service Area	Establishing Bylaw No. 930, 1994
Decourcey Water Local Service Area	Establishing Bylaw No. 1096, 1998
Driftwood Water Supply Service Area	Establishing Bylaw No. 1255, 2001
Englishman River Community Water Service	Establishing Bylaw No. 1354, 2003
Fairwinds Sewerage Facilities Local Service Area	Conversion Bylaw No. 947, 1994
Fairwinds Water Supply Specified Area	Establishing Bylaw No. 753, 1988
French Creek Sewerage Facilities Local Service Area	Establishing Bylaw No. 813, 1990
French Creek Bulk Water Supply Local Service Area	Establishing Bylaw No. 1050, 1996
French Creek Water Local Service Area	Conversion Bylaw No. 874, 1992
Madrona Point Water Local Service Area	Conversion Bylaw No. 788, 1989
Morningstar Water Local Service Area	Establishing Bylaw No. 1125, 1998
Melrose Terrace Community Water Service	Establishing Bylaw No. 1398, 2005
Nanoose Bay Bulk Water Supply Local Service Area	Establishing Bylaw No. 1049, 1996
Nanoose Water Supply Specified Area	Establishing Bylaw No. 482, 1980
Pacific Shores Sewer Local Service Area	Establishing Bylaw No. 1021, 1996
San Pareil Water Local Service Area	Establishing Bylaw No. 1170, 1999
Surfside Sewer Local Service Area	Establishing Bylaw No. 1124, 1998
Surfside Properties Water Supply Specified Area	Establishing Bylaw No. 694, 1985
West Bay Estates Water Local Service Area	Establishing Bylaw No. 929, 1994

2. The bylaws referred to in (1) above include any subsequent amendments.
3. Parcel taxes for the foregoing services shall be levied on the basis of a single amount for each parcel.
4. This bylaw may be cited as "Regional District of Nanaimo Year 2005 Assessment Roll Preparation Bylaw No. 1419, 2005".

Introduced and read three times this 25th day of January, 2005.

Adopted this 25th day of January, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



NOTICE 2005 Parcel Tax Assessment Rolls

For Property Owners within the following service areas:

Water Local Service Areas:	Arbutus Park Estates Decourcey (Pylades Drive - Cedar) Driftwood Englishman River Community French Creek Madrona Point Melrose Terrace Morningstar Nanoose Bay San Pareil Surfside Wall Beach West Bay Estates
Sewer Service Areas:	Fairwinds French Creek Pacific Shores Surfside
Bulk Water Service Areas:	French Creek Nanoose Bay

Assessment rolls for the purpose of levying Year 2005 parcel taxes have been prepared and shall be authenticated on (TBA), 2005. The purpose of the assessment roll review is to ensure that all properties are accounted for and names and addresses are accurate.

Property owners may request that the roll be amended with respect to their property only for the following reasons:

- (1) there is an error or omission respecting a name or address on the assessment roll
- (2) there is an error or omission respecting the inclusion of a parcel
- (3) an exemption has been improperly allowed or disallowed

Requests for amendments to the roll must be received in writing by (TBA), 2005 at 4:30 p.m.

By Mail To:	Manager, Financial Services Regional District of Nanaimo 6300 Hammond Bay Road Nanaimo, BC V9T 6N2	(390-4111/1-877-607-4111)
By Fax To:	Manager, Financial Services Regional District of Nanaimo	(250) 390-4163
In Person To:	Regional District of Nanaimo Administration Office 6300 Hammond Bay Road, Nanaimo, BC	or
Oceanside Place Wembley Mall Parksville, BC	or	Ravensong Aquatic Center 737 Jones Street Qualicum Beach, BC

Assessment rolls may be inspected at the Regional District of Nanaimo Administrative Office, 6300 Hammond Bay Road, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., commencing (TBA), 2005.



REGIONAL DISTRICT OF NANAIMO	
JAN 19 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMDS
	GMES
Sider	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: January 12, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Regional District Undertaking Financing on Behalf of City of Parksville

PURPOSE

To reintroduce for adoption the following security issuing bylaws :

Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1406
 Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1407
 Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1408
 Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1409

BACKGROUND

At its meeting held December 14th, the Board approved the above noted bylaws. The bylaws were forwarded to the Province for approval who has returned them, asking that they be revised to match more recent bylaw formats introduced as administrative changes during the fall for the purposes of the Community Charter.

There are no substantive changes in the content of the bylaws. Regional District security issuing bylaws adopted for the purpose of municipal financing also no longer require Provincial approval. These are the only revisions to the bylaws. Staff recommend that the revised bylaws be reintroduced and adopted.

FINANCIAL IMPLICATIONS

There are no financial implications to these revisions.

SUMMARY/CONCLUSIONS


Four bylaws are presented with this report which will complete the borrowing requirements in connection with the City of Parksville's Civic Center. The bylaws have been prepared in accordance with the *Local Government Act*.

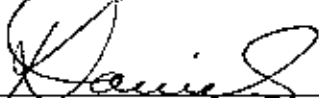
RECOMMENDATION

1. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1406, 2005" receive first three readings.

2. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1406, 2005" having received three readings be adopted.
3. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1407, 2005" receive first three readings.
4. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1407, 2005" having received three readings be adopted.
5. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1408, 2005" receive first three readings.
6. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1408, 2005" having received three readings be adopted.
7. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1409, 2005" receive first three readings and adoption.
8. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1409, 2005" having received three readings be adopted.


Report Writer


General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1406

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY") ON BEHALF OF THE CITY OF PARKSVILLE

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaws:

<u>Municipality</u>	<u>L/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of this Issue</u>
Parksville	1361	Civic Center	\$6,000,000	\$1,815,000	\$4,185,000	20yrs	\$250,000

Total Financing under Section 824:

\$_____ 250,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

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

1. The Regional Board hereby consents to financing the debt of the City of Parksville in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Two Hundred and Fifty Thousand Dollars (\$250,000.00) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$250,000 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal, shall at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chairperson and the Manager of Financial Services of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of City of Parksville Loan Authorization Bylaw 1361 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

11. This bylaw may be cited as Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1406, 2005".

Introduced and read three times this 25th day of January, 2005.

Adopted this 25th day of January, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ Dollars (\$_____) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the ____ day of _____, 20__, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____, British Columbia, this ____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1406 cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1406, 2005". This Agreement is sealed with the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager, Financial Services

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated this ____ day of _____, 20__.

Inspector of Municipalities of British Columbia

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1407

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY") ON BEHALF OF THE CITY OF PARKSVILLE

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the Local Government Act, the works to be financed pursuant to the following loan authorization bylaws;

<u>Municipality</u>	<u>I/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of this Issue</u>
Parksville	1362	Civic Center	\$6,000,000	\$2,065,000	\$3,935,000	20yrs	\$500,000
Total Financing under Section 824:							\$500,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority;

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

1. The Regional Board hereby consents to financing the debt of the City of Parksville in the amount of Five Hundred Thousand Dollars (\$500,000.00) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Five Hundred Thousand Dollars (\$500,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$500,000 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal, shall at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chairperson and the Manager of Financial Services of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of City of Parksville Loan Authorization Bylaw 1362 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

11. This bylaw may be cited as "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1407, 2005".

Introduced and read three times this 25th day of January, 2005.

Adopted this 25th day of January, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ Dollars (\$_____) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the _____ day of _____, 20___, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____, British Columbia, this _____ of _____, 20___.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1407 cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1407, 2005". This Agreement is sealed with the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager, Financial Services

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated this _____ day of _____, 20___.

Inspector of Municipalities of British Columbia

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1408

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY") ON BEHALF OF THE CITY OF PARKSVILLE

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaws:

<u>Municipality</u>	<u>L/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of this Issue</u>
Parksville	1363	Civic Center	\$6,000,000	\$2,565,000	\$3,435,000	20yrs	\$1,000,000
Total Financing under Section 824:							\$ <u>1,000,000</u>

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

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

1. The Regional Board hereby consents to financing the debt of the City of Parksville in the amount of One Million Dollars (\$1,000,000.00) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding One Million Dollars (\$1,000,000.00) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$1,000,000.00 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the Manager of Financial Services of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of City of Parksville Loan Authorization Bylaw 1363 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

11. This bylaw may be cited as "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1408, 2005".

Introduced and read three times this 25th day of January, 2005.

Adopted this 25th day of January, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

C A N A D A
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ Dollars (\$_____) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the ____ day of _____, 20__, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____, British Columbia, this ____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1408 cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1408, 2005". This Agreement is sealed with the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager, Financial Services

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated this ____ day of _____, 20__.

Inspector of Municipalities of British Columbia

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1409

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY") ON BEHALF OF THE CITY OF PARKSVILLE

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaws:

<u>Municipality</u>	<u>I/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of this Issue</u>
Parksville	1364	Civic Center	\$6,000,000	\$3,565,000	\$2,435,000	20yrs	\$1,000,000

Total Financing under Section 824: \$ 1,000,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

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

1. The Regional Board hereby consents to financing the debt of the City of Parksville in the amount of One Million Dollars (\$1,000,000.00) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding One Million Dollars (\$1,000,000.00) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$1,000,000.00 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal, shall at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chairperson and the Manager of Financial Services of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of City of Parksville Loan Authorization Bylaw 1364 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

11. This bylaw may be cited as "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1409, 2005".

Introduced and read three times this 25th day of January, 2005.

Adopted this 25th day of January, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

C A N A D A
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ Dollars (\$ _____) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the _____ day of _____, 20____, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____, British Columbia, this _____ of _____, 20____.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1409 cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1409, 2005". This Agreement is sealed with the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager, Financial Services

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated this _____ day of _____, 20____.

Inspector of Municipalities of British Columbia