

REGIONAL DISTRICT OF NANAIMO
REGULAR BOARD MEETING
TUESDAY, NOVEMBER 27, 2007
(immediately following the Hospital Board meeting)

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
13 **Fred Taylor**, re Solid Waste Management Regulation Bylaw No. 1531.
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6. **UNFINISHED BUSINESS**
BYLAWS
For Adoption.
Bylaw No. 1513 – Cedar Sewer Commercial Properties Capital Financing Service Establishment. (All Directors – One Vote)
That “Cedar Sewer Commercial Properties Capital Financing Service Establishment Bylaw No. 1513, 2007” be adopted.
This bylaw is to establish a service for the repayment of debt to construct a sewer collector system.
Bylaw No. 1514 – Cedar Sewer Commercial Properties Capital Financing Loan Authorization. (All Directors – One Vote)
That “Cedar Sewer Commercial Properties Capital Financing Loan Authorization Bylaw No. 1514, 2007” be adopted.
This bylaw is to authorize borrowing for the purpose of constructing, acquiring and upgrading sewer collection facilities.

Bylaw No. 1517 – Cedar Sewer Large Residential Properties Capital Financing Service Establishment. (All Directors – One Vote)

That “Cedar Sewer Large Residential Properties Capital Financing Service Establishment Bylaw No. 1517, 2007” be adopted.

This bylaw is to establish a service for the repayment of debt to construct a sewer collector system.

Bylaw No. 1518 – Cedar Sewer Large Residential Properties Capital Financing Loan Authorization. (All Directors – One Vote)

That “Cedar Sewer Large Residential Properties Capital Financing Loan Authorization Bylaw No. 1518, 2007” be adopted.

This bylaw is to authorize borrowing for the purpose of constructing, acquiring and upgrading sewer collection facilities.

Bylaw No. 1519 – Cedar Sewer Sportsfield Capital Financing Service Establishment. (All Directors – One Vote)

That “Cedar Sewer Sportsfield Capital Financing Service Establishment Bylaw No. 1519, 2007” be adopted.

This bylaw is to establish a service for the repayment of debt to construct a sewer collector system

Bylaw No. 1520 – Cedar Sewer Sportsfield Capital Financing Loan Authorization. (All Directors – One Vote)

That “Cedar Sewer Sportsfield Capital Financing Loan Authorization Bylaw No. 1520, 2007” be adopted.

This bylaw is to authorize borrowing for the purpose of constructing, acquiring and upgrading sewer collection facilities.

Bylaw No. 1521 – Cedar Sewer Small Residential Capital Financing Service Establishment. (All Directors – One Vote)

That “Cedar Sewer Small Residential Capital Financing Service Establishment Bylaw No. 1521, 2007” be adopted.

This bylaw is to establish a service for the repayment of debt to construct a sewer collector system

Bylaw No. 1522 – Cedar Sewer Small Residential Capital Financing Loan Authorization. (All Directors – One Vote)

That “Cedar Sewer Small Residential Capital Financing Loan Authorization Bylaw No. 1522, 2007” be adopted.

This bylaw is to authorize borrowing for the purpose of constructing, acquiring and upgrading sewer collection facilities.

Bylaw No. 1532 – Cedar Sewer Rates and Regulations. (All Directors – One Vote)

That “Cedar Sewer Rates and Regulations Bylaw No. 1532, 2007” be adopted.

This bylaw is to regulate the provision, operation and administration of the Cedar Sewer Service and to provide for the imposition and collection of fees and charges.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

27-30 Minutes of the Electoral Area Planning Committee meeting held November 13, 2007. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0504 – Canuck Properties Ltd. – Northwest Bay Road & Powder Point Road – Area ‘E’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That the minutes of the Public Information Meeting held on June 29, 2005 and report of the Open House held May 28, 2007 be received.*
- 2. That Zoning Amendment Application No. ZA0504, as submitted by Canuck Properties Ltd. to rezone the property legally described as Lot A, District Lot 6, Nanoose District, VIP58653, located at the corner of Northwest Bay Road and Powder Point Road from Residential 4 Subdivision District ‘Q’ (RS4Q) to Comprehensive Development Zone 37 (CD37) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.*
- 3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” be given 1st and 2nd reading.*
- 4. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” proceed to Public Hearing.*
- 5. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” be delegated to Director Holme or his alternate.*

Zoning Amendment Application No. ZA0710 – Williamson & Associates on behalf of R. & L. Bevis – Kilpatrick Road – Area ‘C’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That Zoning Amendment Application No. ZA0710 as submitted by Williamson & Associates Professional Surveyors, on behalf of R & L Bevis to rezone Lot 1, Section 12, Range 4, Mountain District, Plan VIP63679, Subdivision District ‘D’ to Subdivision District ‘F’ be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007” be given 1st and 2nd reading.*
- 3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007” proceed to public hearing.*
- 4. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007” be delegated to Director Young or her alternate.*

Zoning Amendment Application No. ZA0711 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd. – 820 Horne lake Road – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That Zoning Amendment Application No. ZA0711 as submitted by Timberlake-Jones Engineering on behalf of 609188 BC Ltd. to rezone Lot 2, Block 347, Newcastle District, Plan 33670 from Industrial 5 Subdivision District ‘B’ (IN5B) to Rural 1 Subdivision District ‘D’ (RUID) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007” be given 1st and 2nd reading.*
- 3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007” proceed to public hearing.*
- 4. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007” be delegated to Director Bartram or his alternate.*
- 5. That staff be directed to prepare required amendments to “Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989” to include the parent parcel within a Building Inspection Service area.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60662 – L. Ogloff & J. Thevarge – Jamieson & Palm Pacific Roads – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60662.

That Development Permit Application No. 60662 submitted by L. Ogloff & J. Thevarge, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 40, Newcastle District, Plan 43604 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules 1 and 2 of the corresponding staff report.

Development Permit Application No. 60736 – R. & J. Vanderwel – 5091 Shoreline Drive – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60736.

That Development Permit with Variances Application No. 60736, to construct a dwelling unit within the Natural Hazards, Environmentally Sensitive Features, Fish Habitat Protection Development Permit Area pursuant to “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”, for the property legally described as Lot 10, District Lot 28, Newcastle District, Plan 24584 be approved subject to the conditions outlined in Schedules No. 1 to 5.

Development Permit Application No. 60738 – J. Wilson – 673 Imperial Drive – Area ‘G’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60738.

That Development Permit Application No. 60738 submitted by J. Wilson in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685 and designated within the Sensitive Lands Development Permit Area pursuant to the “French Creek Official Community Plan Bylaw No. 1115, 1998” be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

Development Permit Application No. 60739 – Hans Stussi on behalf of Novation Enterprises Ltd., & S. Grand – Island Highway No. 19A & Welch Road – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60739.

That Development Permit Application No. 60739 submitted by Hans Stussi, on behalf of Novation Enterprises Ltd. & S. Grand, in conjunction with the subdivision on the parcels legally described as Parcel D (DD 13419N) of District Lot 20, Except Part in Plan 10191, and Plan VIP54439 and Lot A, District Lot 20, Plan 25174, Both of Newcastle District, and designated within the Environmentally Sensitive Features and the Hazard Lands Development Permit

Areas pursuant to the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

Development Permit Application No. 60741 – Fern Road Consulting Ltd. on behalf of G. Redman – Clarke, Acton & Burbank Roads – Area 'F'. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Permit Application No. 60741.

That Development Permit Application No. 60741 submitted by Fern Road Consulting Ltd., on behalf of Gary Redman, in conjunction with the subdivision on the parcel legally described as Lot 8, District Lot 74, Newcastle District, Plan 2002, Except Part in Plans 39111 and 44957 and designated within the Fish Habitat Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90714 – Fern Road Consulting Ltd. on behalf of Mayne – Lot 33, Amelia Crescent – Area 'E'. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90714.

That Development Variance Permit Application No. 90714, to permit the construction of a residential dwelling with a maximum height of 9.0 m on the subject property legally described as Lot 33, District Lot 68, Nanoose District, Plan VIP30341 on Amelia Crescent, be approved subject to the conditions outlined in Schedules No. 1 to 3.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

31-36 Minutes of the Committee of the Whole meeting held November 13, 2007. (for information)

FINANCE & INFORMATION SERVICES

FINANCE

Contract Fire Services – Yellowpoint/Waterloo Service Area. (All Directors – Weighted Vote)

- 1. That the Cowichan Valley Regional District be advised that the Regional District of Nanaimo will terminate the fire service contract for the Yellowpoint/Waterloo area effective December 31, 2008 or earlier with the agreement of all parties and where operational conditions permit.*

(All Directors – One Vote)

2. *That correspondence be sent to the Cowichan Valley Regional District acknowledging our long relationship with respect to fire protection services and our appreciation for their considerable contribution to the safety of Regional District taxpayers.*
3. *That staff proceed to negotiate a transfer of assets located in the Cassidy firehall location from the Cowichan Valley Regional District.*
4. *That the Regional District of Nanaimo correspond with both the North Cedar and Cranberry Fire Protection Districts to arrange for a transfer of taxation and operational authority for fire protection in the Yellowpoint/Waterloo areas to their respective jurisdictions to be effective December 31, 2008 or earlier with the agreement of all parties and where operational conditions permit.*

Electoral Area ‘G’ Fire Protection – Service Contracts with Municipalities.
(All Directors – Weighted Vote)

1. *That fire services contracts covering the period January 1, 2007 to December 31, 2011 with the City of Parksville and the Town of Qualicum Beach be approved as presented.*
2. *That the Chairperson and the Senior Manager, Corporate Administration be authorized to execute the fire services contracts for the Regional District of Nanaimo.*

Nanoose Bay Fire Protection Service Regulatory Amendment Bylaw No. 1003.02. (All Directors – One Vote)

1. *That “Nanoose Bay Fire Protection Service Regulatory Bylaw No. 1003.02, 2007” be introduced and read three times.*

(All Directors – 2/3)

2. *That “Nanoose Bay Fire Protection Service Regulatory Bylaw No. 1003.02, 2007” having received three readings be adopted.*

Bow Horn Bay Fire Protection Service Area Boundary Amendment Bylaw No. 1385.02. (All Directors – One Vote)

That “Bow Horn Bay Fire Protection Service Area Boundary Amendment Bylaw No. 1385.02, 2007” be introduced for first three readings and be forwarded for adoption at the December Board meeting.

Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02.
(All Directors – One Vote)

1. That “Regional District of Nanaimo Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02, 2007” be introduced and read three times.

(All Directors – 2/3)

2. That “Regional District of Nanaimo Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02, 2007” be adopted.

Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02 and Cedar Service Area Amendment Bylaw No. 1445.02. (All Directors – One Vote)

1. That “Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.03, 2007” be rescinded at third reading.
2. That “Cedar Sewer Service Area Amendment Bylaw No. 1445.01, 2007” be rescinded at third reading.
3. That “Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02, 2007” be introduced for three readings and be forwarded to the Ministry of Community Services for approval.
4. That “Cedar Sewer Service Area Amendment Bylaw No. 1445.02, 2007” be introduced for three readings and be held for adoption with the remaining Cedar Sewer Service Area bylaws.

Quarterly Financial Update. (All Directors – One Vote)

That the summary report of financial results from operations to September 30, 2007 be received for information.

INFORMATION SERVICES

Property Software System. (All Directors – Weighted Vote)

1. That Municipal Software be approved for the supply of its City View property system.
2. That an overall budget of \$479,655 be approved for this project with the funds released from the Administration Computer Reserve fund.

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

District of Lantzville Development Services Contract Agreements. (All Directors – Weighted Vote)

That the 2008 Service Agreements between the Regional District of Nanaimo and the District of Lantzville for GIS and Mapping, Animal Control, Building Inspection, Bylaw Enforcement, House Numbering, Noise Regulation, Nuisance Control and Unsightly Premises services be approved.

Building Inspection Service Bylaw Amendment Bylaw No. 787.06. (All Directors – One Vote)

That “Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.06, 2007” be given three readings and forwarded to the Ministry of Community Services for approval.

ENVIRONMENTAL SERVICES

SOLID WASTE

Cedar Road LFG Inc. – Second Amending Agreement. (All Directors – Weighted Vote)

That the Board approve the Second Amending Agreement with Cedar Road LFG Inc. to:

- 1. Change the project completion date from November 30, 2007 to May 31, 2008 and the commercial operation date from December 31, 2007 to June 30, 2008;*
- 2. Extend the contract term from five years with an option to renew for another five years, to ten years with an option to renew for another ten years;*
- 3. Allow Cedar LFG to grant BC Hydro an option to purchase the facility at the end of the contract term under the condition that if BC Hydro exercises its option to acquire the facility, it will not sell, transfer, assign or convey the facility to any other person without the written consent of the RDN.*

Solid Waste Management Regulation Bylaw No. 1531. (All Directors – One Vote)

- 1. That “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007” be introduced and read three times.*

(All Directors – 2/3)

- 2. That “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007” having received three readings be adopted.*

UTILITIES

Runming Road (Lantzville West) Water System – Update. (All Directors – One Vote)

1. *That the Board receive the Runming Road Asset Condition Study 2007 by Koers & Associates report for information.*
2. *That that the Board abandon any further steps to acquire the Runming Road Water System at this time as requested by the Runming Road Water Society.*
3. *That the Board direct staff to write to the Ministry of Environment to express appreciation for the asset study grant and advising that the residents have elected not to pursue RDN acquisition of the Runming Road water utility at this time.*

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held September 12 and 19, 2007 and October 10 and 24, 2007 be received for information.

Electoral Area ‘G’ Parks and Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Electoral Area ‘G’ Parks and Open Space Advisory Committee meeting held September 13, 2007 be received for information.

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

That the minutes of the District 69 Recreation Commission meeting held October 18, 2007 be received for information.

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

That the following District 69 Recreation Community and Youth Recreation Grants be approved:

<i>Arrowsmith Mountain Bike Club – bikes for financially needy youth</i>	<i>2,500</i>
<i>District 69 Family Resource Association – youth bus retrofit</i>	<i>4,767</i>
<i>District 69 Minor Softball – uniforms and equipment</i>	<i>2,625</i>
<i>KSS Dry Grad</i>	<i>1,250</i>
<i>Oceanside Baseball – batting cage equipment</i>	<i>2,500</i>
<i>Parksville Curling Club – junior program equipment</i>	<i>2,000</i>
<i>Dashwood Recreation Commission – playground equipment</i>	<i>4,000</i>
<i>Errington Therapeutic Riding Association – insurance</i>	<i>1,000</i>
<i>Panters Hockey – goalie equipment</i>	<i>2,140</i>
<i>Rotary Club of Qualicum Beach – facility rental</i>	<i>2,875</i>

Electoral Area 'A' Recreation and Culture Commission. (All Directors – One Vote)

1. *That the minutes of the Electoral Area 'A' Recreation and Culture Commission meeting held November 7, 2007 be received for information.*
2. *That the correspondence received from the South Wellington and Area Community Association requesting funds for cultural and recreational activities, be deferred until an Electoral Area 'A' Recreation and Culture Grants in Aid criteria has been established.*

BOARD INFORMATION

Tree Farm Licenses – Private Land Removals. (All Directors – One Vote)

That the Board request the Auditor General to conduct an audit into the matter of the removal of Schedule 'A' lands from all tree farm licenses on Vancouver Island, which was done without public consultation or compensation.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Electoral Area 'E' Parks and Open Space Advisory Committee.

37-38 Minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held October 1, 2007. (for information)

8. ADMINISTRATOR'S REPORTS

39-64 Cedar Estates Off-site Service Agreement. (All Directors – Weighted Vote)

65-78 2008 Provisional Budget Overview. (All Directors – One Vote)

79-81 Low Income Spay/Neuter Initiative Program. (Electoral Areas 'A', 'B' and 'C' – Weighted Vote)

82-85 Wheels for Wellness. (Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', and 'H' – Weighted Vote)

86-89 Revised Voting Strength and Director Representation. (All Directors – One 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) (e) and (g) of the Community Charter the Board proceed to an In Camera meeting to consider items related to land and legal issues.

Burgoyne, Linda

From: Fred Taylor [fhjtaylor@telus.net]
Sent: Wednesday, November 21, 2007 11:08 AM
To: Burgoyne, Linda
Subject: delegation Nov 27,2007 RDN Board

request the opportunity to address the Board in regards to Bylaw 1531

Fred Taylor, 204 Emery Way, Nanaimo 250-754-6917

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, OCTOBER 23, 2007, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director S. Herle	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director B. Bestwick	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr. of Corporate Administration
N. Avery	Gen. Mgr., Finance & Information Services
T. Osborne	Gen. Mgr. of Recreation & Parks
D. Trudeau	Gen. Mgr. of Transportation Services
P. Thorkelsson	Gen. Mgr. of Development Services
J. Finnie	Gen. Mgr. of Environmental Services
N. Tonn	Recording Secretary

DELEGATIONS

Bruce Halliday, General Manager & Bill Scott, President, re Port Theatre Annual Update.

Mr. Scott introduced Mr. Halliday, Port Theatre General Manager, who provided a visual and verbal annual update to the Board.

LATE DELEGATIONS

MOVED Director Westbrook, SECONDED Director Bartram, that late delegations be permitted to address the Board.

CARRIED

Barbara Park and Josie Louie, Coast Salish Employment and Training Society, re Follow-up on Mayors' Invitation to the Gathering of Nations IV, November 21-23.

Ms. Park and Ms. Louie provided details on the "Gathering of Nations" to be held at the Oceanfront Resort in Cowichan Bay and noted that the topic of the conference will be Health for the Communities. Mayors have been invited to this conference to facilitate a dialogue between aboriginal and non-aboriginal leaders to review the Nations' official community plan and its' goal to promote healthy communities.

Helen Sims, Oceanside Development & Construction Association, re Sustainability.

Ms. Sims congratulated the RDN on receiving the Green City Award, and noted that the development community is in full support of sustainability. To attain the goal of sustainability, Ms. Sims asked the Board to allow more flexibility in development bylaws and that Board and staff work with developers in the review of existing bylaws.

Vaughan Roberts, Oceanside Development & Construction Association, re Sustainability.

Mr. Roberts reiterated Ms. Sims in the need for flexibility within RDN official community plans, with emphasis on the need for change in the areas of water, sewage, drainage and road construction.

MOVED Director Korpan, SECONDED Director Bartram, that staff contact various building associations for their input in the need for more flexibility in development bylaws to further enhance sustainability.

CARRIED

Robin Robinson, the Friends of French Creek Conservation Society, re Nodal Development in the French Creek Harbour Centre Area – Area 'G'.

Ms. Robinson provided photos of the French Creek wetlands during the summer season and during last winter's flooding, and requested that the French Creek Harbour Centre be removed from its OCP designation as a nodal centre in any future reviews due to the sensitive and hazardous nature of its lands.

John Moore, French Creek House & French Creek Estates, re Proposed OCP Nodal Community at French Creek Harbour Centre.

Mr. Moore reiterated on the sensitivity of the French Creek estuary and requested that staff define the true boundaries of the working estuary and the developable lands surrounding it in the OCP review. Mr. Moore asked the Board to leave the French Creek Harbour Centre designation as it is now and concentrate on public and private use of this area.

BOARD MINUTES

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the Board meeting held October 2, 2007 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

P. Perry, re Development Permit Application No. 60734 (Redman & Malcolm Roads – Area ‘F’).

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence from P. Perry with respect to Development Permit Application No. 60734 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

Public Hearing & Third Reading.

Report of the Public Hearing held October 3, 2007 with respect to Bylaw Amendment Bylaw No. 500.342, 2007 – Fern Road Consulting Ltd., on behalf of John & Susan Peyton – Spider Lake Road – Area H.

MOVED Director Bartram, SECONDED Director Holme, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on October 3, 2007 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007” be received.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.342, 2007” be given 3rd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the conditions as outlined in Schedule No. 1 be completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.342, 2007.

CARRIED

Report of the Public Hearing held October 4, 2007 with respect to Bylaw Amendment Bylaw No. 500.338, 2006 – Point Ellice Properties Ltd. – 2073 Main Road – Area A.

MOVED Director Burnett, SECONDED Director Biggemann, that the report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on October 4, 2007 as a result of public notification “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.338, 2006” be received.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.338, 2006” be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the requirements of the *Transportation Act*.

CARRIED

For Adoption.

Bylaw Amendment Bylaw No. 500.337, 2007 – Ben Mellin on behalf of Burrell – Spider Lake & Marshland Roads – Area H.

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.337, 2007” be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Bartram, SECONDED Director Holme, that the minutes of the Electoral Area Planning Committee meeting held October 9, 2007 be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60734 – Fern Road Consulting Ltd. on behalf of C. Redman and J. Prescott – Redman & Malcolm Road – Area F.

Ms. Perry Perry noted that she had no objection to the application but asked that the Board not permit an excessive volume of vehicle traffic access through her property.

Ms. Helen Sims reassured the Board that access to the two lot subdivision was on the south side of the proposed subdivision and would not have any affect on Ms. Perry’s property.

MOVED Director Biggemann, SECONDED Director Bartram, that Development Permit Application No. 60734 submitted by Fern Road Consulting Ltd., on behalf of C. Redman and J. Prescott, in conjunction with the subdivision on the parcel legally described as the Northwest ¼ of Parcel A (DD4504-N) of Lot 9, Cameron District, Except Part in Plans 16020 and VIP55971 and designated within the Watercourse Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

OTHER

Terms of Reference – Electoral Area ‘A’ Official Community Plan Land Inventory.

MOVED Director Burnett, SECONDED Director Bartram, that the proposed Terms of Reference attached as Schedule No. 1 be received and that staff be directed to proceed with the land inventory as proposed.

CARRIED

Proposed Board Policy – Expression of Parcel Area in Land Use Bylaws.

MOVED Director Burnett, SECONDED Director Holme, that the Board of the Regional District of Nanaimo adopt the Board Policy attached to the corresponding staff report, to establish the General Survey Inspection Rules for Plan Deposits as the method to determine the expression of parcel areas in relevant Regional District of Nanaimo bylaws.

CARRIED

MOVED Director Burnett, SECONDED Director Holme, that the Board of the Regional District of Nanaimo direct staff to proceed to include Interpretation Sections to adopt the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Rezoning/OCP Amendment Application No. AA00604 – 2610 Myles Lake Road – Area C.

MOVED Director Young, SECONDED Director Bartram, that the application be referred back to staff for a full report.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Korpan, SECONDED Director Manhas, that the minutes of the Committee of the Whole meeting held October 9, 2007 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

B. Grose, re Animal Control Bylaw Enforcement.

MOVED Director Korpan, SECONDED Director Young, that the correspondence received from Mr. Grose regarding animal control bylaw enforcement be received.

CARRIED

FINANCE & INFORMATION SERVICES

FINANCE

Permissive Tax Exemption Request – Island Corridor Foundation.

MOVED Director Westbroek, SECONDED Director Herle, that correspondence be sent to the Island Corridor Foundation, copied to the BC Assessment Authority, acknowledging their permissive tax exemption under the *Rural Tax Act* and emphasizing our expectation that they will be a willing partner in structuring future corridor access agreements.

CARRIED

Reserve Fund Establishment Bylaw Nos. 1533 to 1537 – Nanoose Bay Water Supply Service, Englishman River Community Water Service, Duke Point Sewer Local Service, Descanso Bay Emergency Wharf Service, Northern Community Sewer Local Service.

Bylaw No. 1533.

MOVED Director Holme, SECONDED Director Biggemann, that “Nanoose Bay Water Supply Service Reserve Fund Establishment Bylaw No. 1533, 2007” be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Nanoose Bay Water Supply Service Reserve Fund Establishment Bylaw No. 1533, 2007” be adopted.

CARRIED

Bylaw No. 1534.

MOVED Director Holme, SECONDED Director Biggemann, that “Englishman River Community Water Service Reserve Fund Establishment Bylaw No. 1534, 2007” be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Englishman River Community Water Service Reserve Fund Establishment Bylaw No. 1534, 2007” be adopted.

CARRIED

Bylaw No. 1535.

MOVED Director Holme, SECONDED Director Biggemann, that “Duke Point Sewer Local Service Reserve Fund Establishment Bylaw No. 1535, 2007” be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Duke Point Sewer Local Service Reserve Fund Establishment Bylaw No. 1535, 2007” be adopted.

CARRIED

Bylaw No. 1536.

MOVED Director Holme, SECONDED Director Biggemann, that “Descanso Bay Emergency Wharf Service Reserve Fund Establishment Bylaw No. 1536, 2007” be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Descanso Bay Emergency Wharf Service Reserve Fund Establishment Bylaw No. 1536, 2007” be adopted.

CARRIED

Bylaw No. 1537.

MOVED Director Holme, SECONDED Director Biggemann, that “Northern Community Sewer Local Service Reserve Fund Establishment Bylaw No. 1537, 2007” be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Northern Community Sewer Local Service Reserve Fund Establishment Bylaw No. 1537, 2007” be adopted.

CARRIED

Financing Bylaw Nos. 1538 and 1539 – Coombs-Hilliers Fire Protection Local Service and Melrose Terrace Community Water Supply Service.

MOVED Director Biggemann, SECONDED Director Holme, that “Regional District of Nanaimo (Coombs-Hilliers Fire Protection Local Service) Security Issuing Bylaw No. 1538, 2007” be introduced and read three times.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that “Regional District of Nanaimo (Coombs-Hilliers Fire Protection Local Service) Security Issuing Bylaw No. 1538, 2007” be adopted and forwarded to the Ministry of Community Services for a Certificate of Approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that “Regional District of Nanaimo (Melrose Terrace Community Water Supply Service) Security Issuing Bylaw No. 1539, 2007” be introduced and read three times.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that “Regional District of Nanaimo (Melrose Terrace Community Water Supply Service) Security Issuing Bylaw No. 1539, 2007” be adopted and forwarded to the Ministry of Community Services for a Certificate of Approval.

CARRIED

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

Animal Control Bylaw Enforcement.

MOVED Director Young, SECONDED Director Korpan, that the staff report be received for information and staff continue to monitor the enforcement of the current contract for animal control in District 68.

CARRIED

PLANNING

Proposed Boat Harbour Resort Compliance with Policy 6C of the Regional Growth Strategy.

MOVED Director Burnett, SECONDED Director Korpan, that this item be referred back to staff to have the applicant:

- Provide evidence that arrangements have been made for a long term renewable tenure to utilize Water Lot 1 for the Marina and access to the ocean for the boat ramp launch and other marine activities;
- Complete studies to identify conflicts with adjacent land uses and meet with adjacent landowners to resolve issues and submit resolutions to any conflicts;
- Submit an environmental study in compliance with RGS Goal 4, Environmental Protection Policy 4-C that addresses all environmental sensitive areas on the property.

CARRIED

MOVED Director Burnett, SECONDED Director Korpan, that staff address the additional concerns raised by the Committee regarding the proposal.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.07.

MOVED Director Korpan, SECONDED Director McNabb, that "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.07, 2007" be introduced for three readings.

CARRIED

MOVED Director Korpan, SECONDED Director McNabb, that "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.07, 2007" be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held August 29, 2007 be received for information.

CARRIED

Electoral Area 'A' Parks and Green Space Advisory Committee.

MOVED Director Burnett, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks and Greenspace Advisory Committee meeting held September 6, 2007 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Korpan, that staff contact MOE and MOT to investigate enhancements to the existing Ritten Road boat ramp.

CARRIED

MOVED Director Burnett, SECONDED Director Korpan, that staff contact MOE and MOT to investigate the development of access to Holden Lake from Bean Road.

CARRIED

Electoral Area 'F' Parks and Open Space Advisory Committee.

MOVED Director Biggemann, SECONDED Director McNabb, that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held September 17, 2007 be received for information.

CARRIED

MOVED Director Biggemann, SECONDED Director Burnett, that the Malcolm property be identified as the top priority project for Area 'F' and that staff proceed with research on access to the property.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Korpan, that the minutes of the District 69 Recreation Commission meeting held September 20, 2007 be received for information.

CARRIED

Grants-in-Aid Advisory Committee.

MOVED Director Young, SECONDED Director McNabb, that the minutes of the Grants-in-Aid Advisory Committee meeting held October 1, 2007 be received for information.

CARRIED

MOVED Director Young, SECONDED Director Bestwick, that the following School District 68 grants be awarded:

CatNAP (Cats Needing Aid & Protection)	\$	500
Cedar Community Policing	\$	427
Jonanco Hobby Workshop	\$	400
Nanaimo Search & Rescue	\$	462

CARRIED

MOVED Director Young, SECONDED Director Bartram, that the following School District 69 grants be awarded:

Arrowsmith Search & Rescue Society	\$	1,000
Errington & District Volunteer Fire Department	\$	2,500
Errington Preschool Parents Society	\$	400
Nanose Bay Catspan	\$	2,300
Royal Canadian Legion (Ladies Auxiliary)	\$	2,100

CARRIED

MOVED Director Westbroek, SECONDED Director Young, that staff review the existing grants-in-aid policy and criteria and propose changes which would allow applicants such as the Royal Canadian Air Cadets 893 Beaufort Squadron to receive grants when legal ownership of the building is in question.

CARRIED

District 69 Community Justice and Safety Support Services Select Committee.

MOVED Director Biggemann, SECONDED Director Bartram, that the minutes of the District 69 Community Justice and Safety Support Services Select Committee meeting held October 3, 2007 be received for information.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that commencing in 2008 the Committee be responsible for reviewing and recommending the community safety grant-in-aid awards for all District 69 electoral areas and municipalities, and that the RDN administer the release of all funds.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that the 2007 application for a community safety grant from the Citizens on Patrol Society, District 69 in the amount of \$1,320 to be applied in Electoral Areas 'E' 'F' and 'H' be approved.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that no requisition for Community Safety grants-in-aid be included in the 2008 budget for the Electoral Areas.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that the revised terms of reference for the District 69 Community Justice and Safety Support Services Select Committee be approved as presented.

CARRIED

East Wellington and Pleasant Valley Parks and Open Space Advisory Committee.

MOVED Director Young, SECONDED Director Korpan, that the minutes of the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee meeting held September 10, 2007 be received for information.

CARRIED

Transit Select Committee.

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the Transit Select Committee meeting held October 18, 2007 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that the Board approve in principal BC Transit's service expansion proposal for 2009 as presented in their letter dated August 31, 2007 and direct staff to confirm in writing to BC Transit that the Regional District of Nanaimo supports the expansion.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that staff be directed to implement a 5% fare increase effective December 31, 2007.

CARRIED

MOVED Director McNabb, SECONDED Director Brennan, that the Board approve the following project applications:

- i. Bus Shelter Upgrading.
- ii. Bus Wash and Fueling Facility.
- iii. Electronic Fare Box.
- iv. Malaspina Exchange.
- v. Biodiesel Pool Vehicles.
- vi. Priority Lighting.
- vii. Automated Vehicle Locator.
- viii. Prideaux Street Exchange Upgrade.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Local Agriculture, Local Farming and Processing of Food.

MOVED Director Korpan, SECONDED Director Young, that a letter be sent to the ministries provided by the delegation, expressing our concerns with the new BC meat inspection regulations and asking the Province to consider a meat inspection system that is proportionate to the size and scale of production and that allows for a more flexible and less financially onerous inspection regime so as to keep small-scale, community-based production viable while maintaining the medical safety of its residents.

CARRIED

NEW BUSINESS

John Howard Society.

MOVED Director Korpan, SECONDED Director Brennan, that staff arrange for an annual meeting with the John Howard Society to report on the use of the funds provided to the Society from Electoral Areas 'A', 'B' and 'C'.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Selection Committee Appointments.

Regional Liquid Waste Advisory Committee.

MOVED Director Bartram, SECONDED Director McNabb, that Michelle Jones be appointed to the Regional Liquid Waste Advisory Committee as a Business Community (north) representative.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that Douglas Anderson be appointed to the Regional Liquid Waste Advisory Committee as a General Public (south) representative.

CARRIED

Electoral Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Sperling, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held September 19, 2007 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Appointment of Bylaw Enforcement Officer.

MOVED Director McNabb, SECONDED Director Brennan, that John Merriman be appointed as a Bylaw Enforcement Officer pursuant to "Regional District of Nanaimo Bylaw Enforcement Officers Bylaw No. 857, 1992", for the purpose of enforcing Regional District of Nanaimo bylaws and regulations.

CARRIED

NEW BUSINESS

Wheels for Wellness Funding Request.

MOVED Director Bartram, SECONDED Director Herle, that staff be directed to prepare a report on funding options for Wheels for Wellness' funding request to add another vehicle to their fleet from the District 69 Grants in Aid function.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Young, that pursuant to Section 90(1)(g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items related to legal issues.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Young, that the meeting terminate.

CARRIED

TIME: 8:05 PM

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION



DEEP BAY
.....
WATERWORKS DISTRICT

District Office - 5031 Mountainview Road Deep Bay, B.C.
Mailing Address - RR 1, Site 150, C4 Bowser, B.C. V0R 1G0

.....
Phone/Fax: (250) 757-9312

October 21, 2007

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

Attention: Chairman Stanhope and Board of Directors

RE: Clean up of Watershed Area

Dear Directors;

On behalf of the Board of Trustees and the Residents of the Deep Bay Waterworks District may I extend our sincere appreciation for the wonderful clean up of garbage and yard waste debris that had accumulated on the old island highway that runs through our watershed area.

We would like to commend John Finnie and Jeff Ainge for the leadership they provided to see this clean up to a successful completion. It is our goal in the near future to restrict vehicle access to this area to prevent any further dumping in this fragile area.

It is very reassuring to know that our regional district government acknowledges and supports the volunteer work done by the Board of Trustees in protecting our pristine water quality. This action is a clear indication to the rural residents in our district boundaries that you are there for them and when we receive positive comments regarding the clean up our staff are quick to acknowledge that the work was done by the Regional District of Nanaimo.

Thank you again for the great clean up job!

Pearl Y. Myhres, Chair

Cc John Finnie
Jeff Ainge

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 13, 2007, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Heenan to the meeting.

MINUTES

MOVED Director Stanhope, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held October 9, 2007 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0504 – Canuck Properties Ltd. – Northwest Bay Road & Powder Point Road – Area ‘E’.

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the Public Information Meeting held on June 29, 2005 and report of the Open House held May 28, 2007 be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Zoning Amendment Application No. ZA0504, as submitted by Canuck Properties Ltd. to rezone the property legally described as Lot A, District Lot 6, Nanoose District, VIP58653, located at the corner of Northwest Bay Road and Powder Point Road from Residential 4 Subdivision District ‘Q’ (RS4Q) to Comprehensive Development Zone 37 (CD37) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” be given 1st and 2nd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007" proceed to Public Hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007" be delegated to Director Holme or his alternate.

CARRIED

Zoning Amendment Application No. ZA0710 – Williamson & Associates on behalf of R. & L. Bevis – Kilpatrick Road – Area 'C'.

MOVED Director Young, SECONDED Director Burnett, that Zoning Amendment Application No. ZA0710 as submitted by Williamson & Associates Professional Surveyors, on behalf of R & L Bevis to rezone Lot 1, Section 12, Range 4, Mountain District, Plan VIP63679, Subdivision District 'D' to Subdivision District 'F' be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be given 1st and 2nd reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" proceed to public hearing.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be delegated to Director Young or her alternate.

CARRIED

Zoning Amendment Application No. ZA0711 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd. – 820 Horne Lake Road – Area 'H'.

MOVED Director Heenan, SECONDED Director Stanhope, that Zoning Amendment Application No. ZA0711 as submitted by Timberlake-Jones Engineering on behalf of 609188 BC Ltd. to rezone Lot 2, Block 347, Newcastle District, Plan 33670 from Industrial 5 Subdivision District 'B' (IN5B) to Rural 1 Subdivision District 'D' (RUID) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be given 1st and 2nd reading.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" proceed to public hearing.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007" be delegated to Director Bartram or his alternate.

CARRIED

MOVED Director Heenan, SECONDED Director Stanhope, that staff be directed to prepare required amendments to “Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989” to include the parent parcel within a Building Inspection Service area.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60662 – I. Ogloff & J. Thevarge – Jamieson & Palm Pacific Roads – Area ‘H’.

Director Heenan noted that the word “years” is to be placed between the words “three” and “by” in Schedule 1, Section 3(b).

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit Application No. 60662 submitted by L. Ogloff & J. Thevarge, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 40, Newcastle District, Plan 43604 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60736 – R. & J. Vanderwel – 5091 Shoreline Drive – Area ‘H’.

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit with Variances Application No. 60736, to construct a dwelling unit within the Natural Hazards, Environmentally Sensitive Features, Fish Habitat Protection Development Permit Area pursuant to “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”, for the property legally described as Lot 10, District Lot 28, Newcastle District, Plan 24584 be approved subject to the conditions outlined in Schedules No. 1 to 5 and the notification requirements of the *Local Government Act*.

CARRIED

Development Permit Application No. 60738 – J. Wilson – 673 Imperial Drive – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60738 submitted by J. Wilson in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685 and designated within the Sensitive Lands Development Permit Area pursuant to the “French Creek Official Community Plan Bylaw No. 1115, 1998” be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60739 – Hans Stussi on behalf of Novation Enterprises Ltd. & S. Grand – Island Highway No. 19A & Welch Road – Area ‘H’.

MOVED Director Heenan, SECONDED Director Stanhope, that Development Permit Application No. 60739 submitted by Hans Stussi, on behalf of Novation Enterprises Ltd. & S. Grand, in conjunction with the subdivision on the parcels legally described as Parcel D (DD 13419N) of District Lot 20, Except Part in Plan 10191, and Plan VIP54439 and Lot A, District Lot 20, Plan 25174, Both of Newcastle District, and designated within the Environmentally Sensitive Features and the Hazard Lands Development Permit Areas pursuant to the “Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60741 – Fern Road Consulting Ltd. on behalf of G. Redman – Clarke, Acton & Burbank Roads – Area ‘F’.

MOVED Director Biggemann, SECONDED Director Burnett, that Development Permit Application No. 60741 submitted by Fern Road Consulting Ltd., on behalf of Gary Redman, in conjunction with the subdivision on the parcel legally described as Lot 8, District Lot 74, Newcastle District, Plan 2002, Except Part in Plans 39111 and 44957 and designated within the Fish Habitat Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, 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 VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90714 – Fern Road Consulting Ltd. on behalf of Mayne – Lot 33, Amelia Crescent – Area ‘E’.

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. 90714, to permit the construction of a residential dwelling with a maximum height of 9.0 m on the subject property legally described as Lot 33, District Lot 68, Nanoose District, Plan VIP30341 on Amelia Crescent, be approved subject to the conditions outlined in Schedules No. 1 to 3 and the notification requirements of the *Local Government Act*.

CARRIED

ADJOURNMENT

MOVED Director Burnett, SECONDED Director Young, that this meeting terminate.

CARRIED

TIME: 6:16 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, NOVEMBER 13, 2007 AT 7:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director D. Heenan	Electoral Area H
Director S. Herle	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haimé	District of Lantzville
Director L. McNabb	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
D. Trudeau	General Manager of Transportation Services
J. Finnie	General Manager of Environmental Services
N. Avery	Gen. Manager of Finance & Information Services
P. Thorkelsson	General Manager of Development Services
T. Osborne	General Manager of Recreation & Parks
C. McIver	Manager of Solid Waste
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Cameron and Heenan to the meeting.

MINUTES

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held October 9, 2007 be adopted.

CARRIED

FINANCE & INFORMATION SERVICES

FINANCE

Contract Fire Services – Yellowpoint/Waterloo Service Area.

MOVED Director Burnett, SECONDED Director Young, that the Cowichan Valley Regional District be advised that the Regional District of Nanaimo will terminate the fire service contract for the Yellowpoint/Waterloo area effective December 31, 2008 or earlier with the agreement of all parties and where operational conditions permit.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that correspondence be sent to the Cowichan Valley Regional District acknowledging our long relationship with respect to fire protection services and our appreciation for their considerable contribution to the safety of Regional District taxpayers.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that staff proceed to negotiate a transfer of assets located in the Cassidy firehall location from the Cowichan Valley Regional District.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Regional District of Nanaimo correspond with both the North Cedar and Cranberry Fire Protection Districts to arrange for a transfer of taxation and operational authority for fire protection in the Yellowpoint/Waterloo areas to their respective jurisdictions to be effective December 31, 2008 or earlier with the agreement of all parties and where operational conditions permit.

CARRIED

Electoral Area ‘G’ Fire Protection – Service Contracts with Municipalities.

MOVED Director Westbroek, SECONDED Director Herle, that fire services contracts covering the period January 1, 2007 to December 31, 2011 with the City of Parksville and the Town of Qualicum Beach be approved as presented.

CARRIED

MOVED Director Westbroek, SECONDED Director Herle, that the Chairperson and the Senior Manager, Corporate Administration be authorized to execute the fire services contracts for the Regional District of Nanaimo.

CARRIED

Nanoose Bay Fire Protection Service Regulatory Amendment Bylaw No. 1003.02.

MOVED Director Holme, SECONDED Director Young, that “Nanoose Bay Fire Protection Service Regulatory Bylaw No. 1003.02, 2007” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Young, that “Nanoose Bay Fire Protection Service Regulatory Bylaw No. 1003.02, 2007” having received three readings be adopted.

CARRIED

Bow Horn Bay Fire Protection Service Area Boundary Amendment Bylaw No. 1385.02.

MOVED Director Heenan, SECONDED Director Westbrook, that "Bow Horn Bay Fire Protection Service Area Boundary Amendment Bylaw No. 1385.02, 2007" be introduced for first three readings and be forwarded for adoption at the December Board meeting.

CARRIED

Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02.

MOVED Director Westbrook, SECONDED Director Holdom, that "Regional District of Nanaimo Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02, 2007" be introduced and read three times.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that "Regional District of Nanaimo Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.02, 2007" be adopted.

CARRIED

Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02 and Cedar Sewer Service Area Amendment Bylaw No. 1445.02.

MOVED Director Burnett, SECONDED Director Young, that "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.03, 2007" be rescinded at third reading.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Cedar Sewer Service Area Amendment Bylaw No. 1445.01, 2007" be rescinded at third reading.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02, 2007" be introduced for three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Cedar Sewer Service Area Amendment Bylaw No. 1445.02, 2007" be introduced for three readings and be held for adoption with the remaining Cedar Sewer Service Area bylaws.

CARRIED

Quarterly Financial Update.

MOVED Director Holme, SECONDED Director Manhas, that the summary report of financial results from operations to September 30, 2007 be received for information.

CARRIED

INFORMATION SERVICES

Property Software System.

MOVED Director Brennan, SECONDED Director Young, that Municipal Software be approved for the supply of its City View property system.

CARRIED

MOVED Director Brennan, SECONDED Director Young, that an overall budget of \$479,655 be approved for this project with the funds released from the Administration Computer Reserve fund.

CARRIED

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

District of Lantzville Development Services Contract Agreements.

MOVED Director Haime, SECONDED Director Manhas, that the 2008 Service Agreements between the Regional District of Nanaimo and the District of Lantzville for GIS and Mapping, Animal Control, Building Inspection, Bylaw Enforcement, House Numbering, Noise Regulation, Nuisance Control and Unsightly Premises services be approved.

CARRIED

Building Inspection Service Bylaw Amendment Bylaw No. 787.06.

MOVED Director Heenan, SECONDED Director Holme, that "Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.06, 2007" be given three readings and forwarded to the Ministry of Community Services for approval.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Cedar Road LFG Inc. – Second Amending Agreement.

MOVED Director Brennan, SECONDED Director McNabb, that the Board approve the Second Amending Agreement with Cedar Road LFG Inc. to:

1. Change the project completion date from November 30, 2007 to May 31, 2008 and the commercial operation date from December 31, 2007 to June 30, 2008;
2. Extend the contract term from five years with an option to renew for another five years, to ten years with an option to renew for another ten years;
3. Allow Cedar LFG to grant BC Hydro an option to purchase the facility at the end of the contract term under the condition that if BC Hydro exercises its option to acquire the facility, it will not sell, transfer, assign or convey the facility to any other person without the written consent of the RDN.

CARRIED

Solid Waste Management Regulation Bylaw No. 1531.

The Manager of Solid Waste provided a short visual overview of the staff report.

MOVED Director Westbroek, SECONDED Director McNabb, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007" be introduced and read three times.

CARRIED

MOVED Director Westbroek, SECONDED Director McNabb, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007" having received three readings be adopted.

CARRIED

UTILITIES

Rumming Road (Lantzville West) Water System – Update.

MOVED Director Holme, SECONDED Director McNabb, that the Board receive the Rumming Road Asset Condition Study 2007 by Koers & Associates report for information.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that the Board abandon any further steps to acquire the Rumming Road Water System at this time as requested by the Rumming Road Water Society.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that the Board direct staff to write to the Ministry of Environment to express appreciation for the asset study grant and advising that the residents have elected not to pursue RDN acquisition of the Rumming Road water utility at this time.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee.

MOVED Director Holdom, SECONDED Director Sperling, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held September 12 and 19, 2007 and October 10 and 24, 2007 be received for information.

CARRIED

Electoral Area ‘G’ Parks and Open Space Advisory Committee.

MOVED Director Westbrook, SECONDED Director Holme, that the minutes of the Electoral Area ‘G’ Parks and Open Space Advisory Committee meeting held September 13, 2007 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Westbrook, SECONDED Director Herle, that the minutes of the District 69 Recreation Commission meeting held October 18, 2007 be received for information.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Biggemann, that the following District 69 Recreation Community and Youth Recreation Grants be approved:

Arrowsmith Mountain Bike Club – bikes for financially need youth	\$	2,500
District 69 Family Resource Association – youth bus retrofit	\$	4,767
District 69 Minor Softball – uniforms and equipment	\$	2,625
KSS Dry Grad	\$	1,250
Oceanside Baseball – batting cage equipment	\$	2,500
Parksville Curling Club – junior program equipment	\$	2,000
Dashwood Recreation Commission – playground equipment	\$	4,000
Errington Therapeutic Riding Association – insurance	\$	1,000
Panters Hockey – goalie equipment	\$	2,140
Rotary Club of Qualicum Beach – facility rental	\$	2,875

CARRIED

Electoral Area 'A' Recreation and Culture Commission.

MOVED Director Burnett, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Recreation and Culture Commission meeting held November 7, 2007 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the correspondence received from the South Wellington and Area Community Association requesting funds for cultural and recreational activities, be deferred until an Electoral Area 'A' Recreation and Culture Grants in Aid criteria has been established.

CARRIED

BOARD INFORMATION

Tree Farm Licenses – Private Land Removals.

MOVED Director Brennan, SECONDED Director Young, that the Board request the Auditor General to conduct an audit into the matter of the removal of Schedule 'A' lands from all tree farm licenses on Vancouver Island, which was done without public consultation or compensation.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:40 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'E' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD OCTOBER 1, 2007**

Attendance: Gabrielle Cartlidge Floyd Harry
 Frank Van Eynde Kiwi Stanners

Staff: Wendy Marshall, Manager of Park Services

Regrets: George Holme Anette Thingsted
 Stephen Watson

CALL TO ORDER

1 Chair Stanners called the meeting to order at 7:00pm.

MINUTES

3 MOVED G. Cartlidge, SECONDED F. Van Eynde, that the Minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee Meeting held July 30, 2007, be approved. CARRIED

BUSINESS ARISING FROM THE MINUTES

4 Ms. Marshall reported an appeal of the denied sewer servicing request for 3312 Dolphin Drive will be presented to the Board.

REPORTS

8.1 Director's Report

Alternate Director Van Eynde reported a meeting to discuss water quality was held with the Fairwinds Ratepayers Association on July 31, 2007.

8.3 Monthly Update of Community Parks and Regional Parks and Trails Projects June to August 2007

Ms. Marshall noted the following highlights from the report:

- The Top Bridge Crossing Official Opening was held Sunday, September 30, at 11:00am.
- Both the Park Planner, Elaine McCulloch, and the Parks Technician, Andy Turner, have started work with the Department.

MOVED F. Van Eynde, SECONDED G. Cartlidge, that the Reports be received.

CARRIED

COMMITTEE ROUND TABLE

F. Van Eynde reported Mr. Ron Cantelon (MLA), Mr. Leonard Krog (MLA), Mr. James Lunny (MP) and all Area Directors were in attendance at the Official Opening of the Top Bridge Crossing in September.

F. Van Eynde suggested a meeting of all POSAC Chairs could be beneficial.

G. Cartlidge reported she was very impressed by the methodology and organization evident at the Top Bridge Crossing Opening and the October 17 Englishman River Regional Park Management Plan Open House, presented by Lanarc Consultants Ltd., at Oceanside Place.

F. Van Eynde suggested it could be beneficial for the Committee to build on the trail work being done by the Electoral Area 'G' POSAC.

G. Cartlidge presented the following excerpt from a community survey prepared in 1999, as a follow up to Mr. Van Eynde's trail work suggestion:

"More park space is desired by the community. The type of parks the community wants most are trail corridors that connect residential neighbourhoods, parks and areas where there is a variety of land uses. Waterfront parks are desired by the community to provide more public access to the waterfront. Much interest has also been expressed by the community about acquiring parkland on Notch Hill."

NEXT MEETING DATE

Monday, December 3, 2007
Nanoose Library Hall, 7:00pm

ADJOURNMENT

MOVED F. Van Eynde, SECONDED G. Cartlidge, that the meeting be adjourned.

CARRIED

Chair



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MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: November 17, 2007

FROM: N. Avery
General Manager, Finance & Information Services

FILE:

SUBJECT: Cedar Estates Off-site Service Agreement

PURPOSE:

To obtain Board approval of an agreement covering the construction of a sewer collector system in Electoral Area 'A' (Cedar urban center).

BACKGROUND:

The Board has approved a number of bylaws associated with the construction of a sewer collector line in the urban core of Cedar. Under the proposal, costs were allocated to properties which could be readily connected, on the basis of an equivalent population unit – for example a standard residential lot was assessed as 2.4 population equivalents. Using population equivalents, the developer's property was assessed \$1,000,000 of the overall project costs. With a project cost of close to \$3 million and, a developer assessment of \$1,000,000, the hoped for amount from other property owners was about \$2 million dollars. At the date of this report \$1,281,750 will be raised by 19 properties to participate in the construction. The developer has advised staff that they are proceeding to construct the line and hope that further property owners will subscribe for connections in the near future.

Staff have been working on an agreement with the developer to address how the Regional District funds will be paid. The developer is required to pay the first \$1,000,000 of project costs before drawing on the Regional District funds. Requests for Regional District funds will be certified by the project's professional engineer to assure the Regional District that construction costs are accurately reported. The Regional District will advance up to \$1,081,750 and will withhold the remaining \$200,000 until the project is completed. In effect the developer and the Regional District take turns providing cash flow to the project, with the bulk of the costs coming from the developer.

The agreement does not guarantee that the sewer line will be completed. The line is being constructed so that the developer's property is the last one to be connected. The developer will be required to provide security at 125% of the value of the project budget (excluding the amount contributed by the Regional District). If the project is abandoned before any contribution is made by the Regional District only those funds necessary to tie off the constructed portion would be drawn down as it would be unfair to complete a line which the developer is not going to be able to use for their own property. If the project is terminated after the Regional District has advanced funds then we would use funds to finish the project to a standard that would allow those able to connect, to do so at the cost for which they petitioned the Regional District.

While staff have attempted to quantify partial abandonment of the line, we are unable to offer an absolute guarantee that the cost to an individual property owner will not be higher than originally planned. Staff believe that the Regional District's interests would be largely covered both by the construction security and the fact that at least \$200,000 is not released until the end of the project.

The agreement also addresses the fact of fewer than hoped for initial subscriptions by establishing a mechanism to add further properties and to apply funds back to the developer to offset costs they will have contributed in advance.

ALTERNATIVES:

1. Approve the agreement as presented.
2. Amend the agreement and approve an amended agreement.

FINANCIAL IMPLICATIONS:

Alternative 1

Under this alternative the developer will fund the project in full with the exception of \$1,281,750 coming from properties which petitioned for connections at this date. The agreement has been reviewed by our solicitor and changes which have been made for clarification subsequent to that review have not substantially changed the rights and obligations of the parties. The developer group has advised staff that the agreement is acceptable to them.

Section 4. Role of the Developer

- The project construction will be overseen by engineers from the firm of McElhanney Consulting Services Ltd., who will certify progress certificates drawing on the Regional District's funds.
- The Developer is responsible for securing and registering in the name of the Regional District all necessary easements and rights of way.
- The Developer is responsible for securing written confirmation from property owners with easements or rights of way, that their properties have been restored to an acceptable level.
- The Developer is required to retain the services of qualified environmental consultants for the design and installation of the works.
- The Developer shall maintain the completed works for a period of 18 months and shall provide a letter of credit in the amount of 5% of the completed works as security for any defects.

Section 7. Cost and Payment

- The Developer shall pay all costs to design, construct and commission the works up to \$1,000,000 before the Regional District advances funds provided from property owners who have petitioned to be a part of the Cedar Sewer Service.

- The Regional District will advance funds to a maximum of \$1,081,750 and the remaining \$200,000 will be released upon certification of Substantial Completion and confirmation that all easements and right of way agreements are registered.

Section 9. Security

- The Developer must provide security in the amount of 125% of the value of the project (excluding the Regional District portion) before any funds from the Regional District are released.
- The value of the security shall be reduced in stages as it is built and the costs are certified. At Substantial Completion the security will be reduced to the value of outstanding holdbacks and once the lien period has expired the security will be reduced to the value required for the 18 month maintenance period.

Section 11. Construction of the Works

- Substantial Completion shall be on or before December 31, 2008.

Section 12. Changes to the Current Service Area

- The Regional District may in its sole discretion add properties outside of the urban core area where the properties meet the requirements of the Regional Growth Strategy ie., for health and environmental reasons.
- The Developer may solicit further properties within the urban core area to connect to the system. The properties must first be verified by the Regional District as complying with the Regional Growth Strategy, the Area 'A' Official Community Plan and any other relevant bylaws of the Regional District before they will be included in a boundary amendment.
- The amount to be charged to properties wishing or needing to be connected after the date of the initial bylaws adopted for this project will be outlined in a latecomer agreement to be established following this agreement. The latecomer charges will apply whether the properties are brought forward by the Developer or by the Regional District. The Developer has indicated that due to the dynamic nature of the project, the budget presented to property owners in the first set of petitions will be higher than anticipated and has requested an adjustment to the cost for subsequent properties. The Regional District must first agree to an adjusted cost and once agreed to, there will be no further adjustment to the cost for the purposes of the latecomer agreement. The Developer has verbally indicated that several property owners have been approached or have approached them and have indicated that they are prepared to pay a higher adjusted cost. Staff consider this request reasonable in consideration of the Developers' commitment to proceed without the original planned Regional District participation.

Section 13. Termination

- The agreement may be terminated by the Regional District upon seven days written notice in the event the project is abandoned. The Regional District shall have the sole right to use the security provided to secure or make functional that part of the Works constructed at the time the project is abandoned. The intent is to as much as possible; ensure that the cost to properties which have petitioned at the date of the agreement pay what was expected even if the line is only partially completed. If the costs to secure a partially completed project exceed the value of the security, the Developer shall pay those costs upon demand.
- The Developer must remedy any defects or deficiencies within 60 days of a demand from the Regional District and if not rectified, the security shall be forfeited to the Regional District to rectify the deficiencies. Again, if the costs to rectify any deficiency exceeds the value of the security the Developer shall pay those costs upon demand.
- The Developer has no right to make any claims for compensation if the agreement is terminated in accordance with this section and any remedies available to the Regional District under the agreement are in addition to those available under any other enactment covering agreements.

Section 14. Arbitration

- This section contains standard language providing for arbitration in the event of a dispute.

The remaining sections are consequential to the agreement and include who communications shall be addressed to, that waiving of provisions shall be in writing, a transfer of the agreement does not release the Developer from its obligations and the affect of strikes or lockouts.

Alternative 2


The funding arrangement outlined in this agreement is not without risk; however, staff believe that there are sufficient safeguards to ensure that the intent to construct a sewer system which will form the backbone for servicing the balance of the urban area in Electoral Area 'A' has been achieved. Staff recommend approving the agreement as presented.

SUMMARY/CONCLUSIONS:


This staff report presents the conclusion of considerable effort on the part of the developer of the Cedar Estates subdivision and staff to describe the funding arrangements to construct a sewer collector system in the urban core of Cedar in Electoral Area 'A'. Nineteen properties have signed petitions to contribute \$1,281,750 to this project and even though it is less than the developer hoped for, they are proceeding to construct the line. Staff have outlined above the sections of the agreement covering the role of the developer, payment of funds, project security, adding additional properties and termination if the project is not completed by the developer. Staff recommend approving the agreement as presented.

RECOMMENDATION:

That the Cedar Estates Offsite Works Agreement be approved as presented.



Report Writer



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO – DEVELOPER AGREEMENT
Cedar Estates Subdivision Off-Site Sewer Works

DRAFT Nov 21, 2007

This agreement made on the _____ day of _____ 2007

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
(the "Regional District")

AND:

700805 BC LTD.
200 – 7134 King George Highway
Surrey, BC V3W 5A3
(the "Developer")

It is the intent of the above parties to design, construct and commission sanitary sewer works (the "**Works**") to serve Cedar Sewer Service Area as defined under Regional District of Nanaimo Bylaw No. 1445 and subsequent amendments as at the date this agreement is executed, and more generally properties within the urban containment boundary of Electoral Area A within the Regional District of Nanaimo (collectively the "**Potential Service Area**").

1.0 Interpretation and Definitions

1.1 Interpretation

- (a) Unless otherwise specified, this Agreement shall be governed by the laws of the Province of British Columbia.
- (b) Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every regulation made under it and any subsequent enactment of like effect and, unless otherwise indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.
- (c) If any Section of this Agreement, or any part of a Section, is found to be illegal or unenforceable, that Section or part of a Section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.
- (d) Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.

- (e) This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- (f) Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- (g) All provisions of this Agreement and all rights and remedies, either at law or in equity, will survive the termination of this Agreement.
- (h) Time is of the essence of this Agreement.
- (i) Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then either party to the agreement, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that either party to the agreement has sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.

1.2 Definitions

Certificate for Payment Release means a statement of costs certified by the Engineer in relation to the Total Estimated Costs in generally the form shown on Schedule C and which is used to request draws from the Local Government Contribution

Costs to Date means those costs included in the project budget to be approved by the Regional District in accordance with Section 9.1.

Current Service Area means the properties listed on Schedule E to this Agreement.

Developer's Minimum Contribution means the amount of \$1,000,000 .

Engineer means the firm of McElhanney Consulting Services Ltd. or such other firm of professional engineers engaged by the Developer with the approval of the Regional District from time to time to provide services of the Engineer under this Agreement.

Local Government Act means the legislation governing the Regional District of Nanaimo.

Local Government Contribution means an amount equal to \$1,281,750 at the date this agreement is executed to be raised from the properties located in the Current Service Area and paid by the Regional District in accordance with this Agreement. The Local Government Contribution may be increased by amounts secured under Section 12 in relation to changes to the Current Service Area.

Maintenance Period means the time period referred to in Section 4.13 of this Agreement.

Maximum Connections means a value of 533 equivalent population units which may be connected to the Works described herein.

Population Equivalent means for residential properties 2.4 times the number of approved connections to the Works and for commercial properties means the gross size of the property in hectares times 50.

Potential Service Area means properties within the urban containment boundary of Electoral Area A as described in the Regional District's Regional Growth Strategy as at the date this agreement is signed and which are not part of the Current Service Area.

Total Estimated Cost means all costs of any kind associated with the design, construction, installation and commissioning of the Works, estimated at the date of this agreement to be \$2,668,200.

2.0 **The Works and Term**

2.1 The Works to be designed, constructed and commissioned under the terms of this agreement are described as follows:

- (a) The Works are intended to service up to the Maximum Connections from properties within the Potential Service Area.
- (b) The Works shall generally extend from the intersection of MacMillan Road and Holden Corso Road west to Cedar Road and then south along Cedar Road to the Morden Colliery Trail crossing.
- (c) The Works shall conform to the requirements of a servicing agreement registered against the title of lands owned by the Developer (Lot A, Section 14, Range 1, Cedar District, Plan VIP 57874, except parts in Plans VIP 59634, VIP 67433 and VIP 76260).
- (d) The Works shall be generally as shown on drawing 22101-3-1, Revision C, Sheets 1 through 11, prepared by McElhanney Consulting Services Ltd. (the "Engineer") and attached as Schedule "A".

2.2 The term of this Agreement commences on the Execution Date and terminates on December 31, 2008, or on such earlier date that the Works are transferred under a final agreement to the Regional District.

3.0 Funding and Cost of the Project

Funding for the cost of the Works shall be provided by both parties to this Agreement as follows:

- 3.1 The Developer's Minimum Contribution to the project before the Local Government Contribution is \$1,000,000.
- 3.2 The Local Government Contribution is \$1,281,750 unless additional connections are approved in accordance with Section 12.
- 3.3 The Regional District shall provide up to the Local Government Contribution, but shall not, under any circumstances, be required to contribute any funds in excess of the Local Government Contribution except in accordance with Section 12.
- 3.4 The Developer is responsible for all costs of the Works exceeding the Local Government Contribution.
- 3.5 On or before submission of the first Certificate for Payment Release from the Local Government Contribution the Developer shall provide the Regional District with a project budget in a form acceptable to the Regional District listing all projected costs and showing the amount of costs incurred by the Developer to that date. The Regional District reserves the right to accept or reject the budget and is under no obligation to release any portion of the Local Government Contribution until the form and amount of the budget is agreed to by the Regional District.

4.0 Role of the Developer

- 4.1 The Developer shall be responsible with its own forces to design, construct, install and commission the Works.
- 4.2 The Developer shall be responsible for securing all necessary permits, licenses, approvals and authorizations, easements and rights of way in advance of constructing the Works, including without limitation all easements and rights of way to be held by the Regional District under Section 4.6.
- 4.3 No later than one month from the commencement of construction of the Works, the Developer shall provide to the Regional District copies of correspondence from all approving agencies, including but not limited to, Ministry of Transportation, Department of Fisheries and Oceans and Ministry of Environment and their successors from time to time. The Developer shall meet or exceed any requirements of the Riparian Areas Regulations and any Regional District policies with respect to the Riparian Areas Regulation.
- 4.4 The Developer agrees to retain the firm of McElhanney Consulting Services Ltd.(the Engineer) to act as the Engineer providing all relevant consulting, construction supervision/inspection and payment certification services for the project and shall not replace McElhanney Consulting Services except with the consent of the Regional District.

- 4.5 The Developer shall provide the Regional District with immediate notice of any change in their terms of engagement with the Engineer that would affect the design, construction and commissioning of the Works and/or any obligations of the Developer under this Agreement.
- 4.6 The Developer shall secure agreement for all required Easements and Rights of Way in the Regional District's usual form in favour of the Regional District, in advance of construction and shall cause such Easements and Rights of Way to be registered in the Land Title Office in the name of the Regional District upon substantial completion of construction of the Works and prior to the release of the balance of the Local Government contribution under Section 7.3.
- 4.7 Prior to releasing the balance of the Local Government Contribution the Developer shall provide originals of signed agreements and an acknowledgment from each owner whose property is the subject of a Right of Way accepting the installation of a portion of the Works on their property and agreeing that the installation and restoration of the Owner's land is acceptable to the Owner.
- 4.8 Prior to releasing the balance of the Local Government Contribution the Developer shall restore the surface of any land or road surfaces as nearly as may reasonably be possible to the same condition as they were on the Execution Date, to the satisfaction of the Regional District.
- 4.9 The Developer shall retain the services of a qualified environmental consultant throughout the course of design and construction to provide advice and assistance in meeting the requirements of all enactments, guidelines and policies related to the Works. Evidence of compliance shall be provided to the Regional District at any time upon its request.
- 4.10 The Developer must not sublease, assign, mortgage or transfer this Agreement, or permit any person to carry out its obligations, without the prior written consent of the Regional District, which may be withheld in the discretion of the Regional District.
- 4.11 For the purpose of Section 4.10 a change in control (as that term is defined in Subsection 2(3) of the *Business Corporations Act* (Canada)) will be deemed to be a transfer of this Agreement.
- 4.12 If a charge or lien of any kind or nature is placed upon or obtained against any land of the Regional District by the Developer, a subcontractor or Consultant(s), and their respective servant(s), agent(s) or employee(s), the Developer shall forthwith cause the same to be discharged. If the Developer fails to remove the charge or lien, then the Regional District shall have the right to pay whatever monies may be necessary to fully discharge any and all such charge or lien and all of its costs may be deducted from moneys otherwise payable to the Developer, and the Developer shall pay to the Regional District upon demand, any additional costs that it may thereby incur.

- 4.13 The Developer shall maintain the Works for a period of 18 months from the day that the Works are transferred pursuant to a fully executed agreement with the Regional District. The Developer shall provide security for this obligation equal to 5% of the actual cost to construct the Works as certified on the final Certificate for Payment Release. Security is to be in the form of a Letter of Credit as attached hereto as Schedule D or cash. The Regional District may draw down all or part of the Security to carry out repairs or maintenance. At the end of the Maintenance Period the Regional District shall return to the Developer any amount by which the Security held by the Regional District exceeds the amounts expended or to be expended to correct any defect or deficiency in the Works.
- 4.14 The Developer shall not disclose any information that has been given to him or acquired by him on a confidential basis in the course of carrying out his services as provided for herein. No such information shall be used by the Developer on any other project or work without the written consent of the Regional District.

5.0 Role of the Regional District

- 5.1 The Regional District shall inspect and review the Works from time to time for compliance with its standards and requirements.
- 5.2 The Regional District's Manager of Engineering Services shall in the first instance be the interpreter of the requirements for constructing the Works and shall be the sole judge of the performance hereunder.
- 5.3 The Regional District through its Manager of Engineering Services shall render interpretations necessary for the proper execution or progress of the Work with reasonable promptness on written request of the Developer.
- 5.4 The Regional District agrees to release to the Developer funds that become due for work carried out by the Developer in conformance with Section 7.2 of this Agreement.
- 5.5 The Regional District shall assume ownership of the Works upon the execution of a transfer agreement in a form satisfactory to the Regional District. The Regional District shall prepare the transfer agreement and the cost shall be part of the Total Estimated Costs.
- 5.6 The Regional District shall not divulge any information that has been given to them or acquired by them on a confidential basis in the course of this Agreement except as required in accordance with the *Freedom of Information and Protection of Privacy Act* (British Columbia). No such information shall be used by the Regional District without the written consent of the Developer.

6.0 Role of The Engineer

- 6.1 The Engineer shall design the Works, provide site services during construction, prepare record drawings and oversee maintenance period responsibilities in conformance with Regional District bylaws, standards and requirements and other statutes as may apply from time to time.

- 6.2 The Engineer and the Regional District's Manager, Engineering Services shall administer this Agreement between the Regional District and the Developer.
- 6.3 The Engineer shall issue Certificates of Payment Release from time to time to the Regional District that certify the value of work that has been completed and the certificates shall be used to determine the value of payment to the Developer as outlined below.
- 6.4 The Regional District shall not accept the Works until the Engineer certifies that the completed Works conform to Regional District standards and requirements.

7.0 Cost and Payment

- 7.1 The Developer shall pay all costs related to the design, construction and commissioning of the Works to an amount equal to the Developer's Minimum Contribution in respect of the Total Estimated Costs before the Regional District shall be obliged to make any part of the Local Government Contribution.
- 7.2 Requests for a payment of any installment of the Local Government Contribution will be made by presenting a Certificate for Payment Release certified by the Engineer. Payment shall only be made for services provided and works completed. No payment shall be made for materials that have been purchased but are not installed unless acknowledged in writing by the Regional District's Manager of Engineering Services. Each Certificate for Payment Release shall be accompanied by a Statutory Declaration declaring that all contractors, subcontractors, consultants and suppliers have been properly paid.
- 7.3 The Regional District will provide funds from the Local Government Contribution up to a total of ONE MILLION, EIGHTY-ONE THOUSAND, SEVEN HUNDRED, FIFTY DOLLARS (\$1,081,750.00) in accordance with Section 7.4 of this Agreement. The balance of the Local Government Contribution TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS will be released upon substantial completion of the project and subject to completion of the requirements under Sections 4.6, 4.7 and 4.8.
- 7.4 Payments from the Local Government Contribution up to a maximum of ONE MILLION, EIGHTY-ONE THOUSAND, SEVEN HUNDRED, FIFTY DOLLARS (\$1,081,750.00) will be released within 10 business days of delivery of a Certificate for Payment Release.
- 7.5 The Regional District may in its discretion call any subcontractor, consultant, worker or supplier to confirm that accounts are current prior to release of any portion of the Local Government Contribution.
- 7.6 The Developer shall be responsible for managing all holdbacks required under the *Builders Lien Act* (British Columbia) in the manner stipulated in that Act.

8.0 Insurance and Indemnity

- 8.1 The Developer shall indemnify and save the Regional District, its servants, employees and agents harmless from and against all claims, actions, causes of action, losses, damages, costs, fines, liabilities and expenses, including fees of professional advisors and solicitors on a solicitor and own client basis, or expenses arising from the negligence of the Developer in performing the functions and responsibilities of the Developer under the terms of this Agreement or the Developer's breach of the terms of this Agreement.
- 8.2 The Developer shall release the Regional District from all claims, actions, causes of action, suits, debts and demands that the Developer now has or may at any time in the future have against the Regional District arising out of this Agreement including, without limitation, the rights of any person under a disposition or under a subsisting grant to or right made or acquired under the *Coal Act, Forest Act, Mineral Tenure Act, Petroleum and Natural Gas Act, Range Act, Wildlife Act or Water Act* (or any prior or subsequent enactment of the Province of British Columbia of like effect) and the Developer acknowledges that this Agreement and the Developer's rights under this Agreement are subject to those grants, rights and interests referred to herein whether or not the Developer has actual notice of them.
- 8.3 The Developer shall provide and keep in force during the Term of the Agreement, at its sole expense a policy of Comprehensive General Liability insurance protecting the Regional District as an additional insured in an amount of not less than \$2,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) or property damage, and claims for liability assumed under contract, arising from all accidents or occurrences arising from this project.
- 8.4 All insurance which the Developer is required to obtain in accordance with this Agreement shall be with insurers registered in and licensed to underwrite such insurance in the Province of British Columbia. All such insurance shall be primary and not require the sharing of any loss by any insurer that insures the Regional District and is endorsed to provide the Regional District with 30 days' advance written notice of cancellation or material change.
- 8.5 Such policy(s) of insurance as are required herein shall, without limitation, cover all liability arising out of completed operations, non-owned automobile liability, contingent employer's liability and liability assumed by the Developer in connection with and applicable to this Agreement.
- 8.6 The Developer shall take out and maintain automobile liability insurance on all licensed vehicles owned by or leased to the Developer, protecting against damages arising from bodily injury (including death) and from claims for property damage arising out of their use in the operations of the Developer, consultants and subcontractors, and their respective servant(s), agent(s) or employee(s) under this Agreement. Such insurance shall be for an adequate amount acceptable to the Regional District and shall in any event be not less than TWO MILLION (\$2,000,000.00) DOLLARS inclusive of any one accident.

9.0 Security

- 9.1 On or before submission of the first Certificate for Payment Release from the Local Government Contribution the Developer shall provide the Regional District with security to complete the Works in an amount to be calculated as shown on Schedule 'B'. The security shall be in the form of an Irrevocable Letter of Credit attached as Schedule 'D' to this Agreement.
- 9.2 The security provided for in Section 9.1 shall remain in force continuously but may be reduced to a lower value from time to time following the acceptance of a Certificate for Payment Release which meets all of the terms and conditions of Section 7.2. The reduced value of security shall be calculated firstly in accordance with Schedule B. The value of holdbacks shall be as certified by the Engineer. Any reduction in the security in accordance with this section shall be undertaken only once the Regional District in its sole discretion accepts the Certificate for Payment Release, which must meet all of the conditions of Section 7.2. The value of security shall not be reduced to less than the value of outstanding holdbacks at any time plus \$200,000 until substantial completion.
- 9.3 The security value in Section 9.2 shall be further reduced at substantial completion of the project to the value of outstanding lien holdbacks plus all deficiencies as certified by the Engineer.
- 9.4 The security value in Section 9.4 shall be further reduced, upon expiration of the lien period established under the *Builders Lien Act* and certification by the Developer that all lien accounts in respect of which a builders lien may be filed have been paid in full, to the amount required for maintenance as outlined in Section 4.13. The Regional District reserves the right to contact any sub contractor to the project to verify that holdbacks have been paid.
- 9.5 The Regional District may give notice of a defect or deficiency in the Works to the Developer, and if the Developer does not remedy such defect or deficiency within 60 days of such notice, the Regional District may draw down and use all or part of the Security to correct any defect or deficiency in the Works, or to cover the amount of any claim against the Regional District for which the Developer is to indemnify the Regional District.

10.0 Schedule for Completion of the Works

- 10.1 Substantial performance for the Works covered by this Agreement shall be on or before December 31, 2008.
- 10.2 Time is of the essence in completing the project and constructing the Works covered by this Agreement.

11.0 Construction of The Works

- 11.1 The Developer shall cause the Works to be constructed by a competent contractor with experience in the installation of sewage systems.
- 11.2 Construction shall conform to Regional District standards and good engineering practices.
- 11.3 All materials used in construction of the Works shall be new and of the best quality.
- 11.4 All gravity pipe work shall be installed in the upstream direction to ensure that grades are maintained throughout.

12.0 Changes to the Current Service Area

- 12.1 Additional properties up to the Maximum Connections within the Potential Service Area may be added to the Current Service Area and the Regional District may in its sole discretion expand the boundaries of the Current Service Area in accordance with the *Local Government Act*.
- 12.2 The Regional District in its sole discretion may approve an amendment to the boundaries of the Current Service Area to include additional properties within or outside of the Potential Sewer Area. Properties which are outside of the Potential Sewer Area may be added at the sole discretion of the Regional District in accordance with policies contained in the Regional District's Regional Growth Strategy.
- 12.3 The Developer shall be entitled to offer connections to the Works to properties outside the Current Service Area and within the Potential Service Area as long as the Maximum Connections are not fully subscribed.
- 12.4 The parties acknowledge and agree that the number of Population Equivalents in the Current Service Area is as shown on Schedule E.
- 12.5 The parties to this agreement acknowledge that the final project costs may be more than the original Total Estimated Costs. Where the final costs exceed the Total Estimated Costs the Developer may request the Regional District to assist with petitioning additional properties at a higher cost than properties which are subscribed at the date of this agreement. Once a revised cost is agreed to in accordance with this section there will be no further adjustment to the subscription cost and that cost shall be reflected in any latecomer agreement to be developed in accordance with this section. The

latecomer charges shall apply to properties whether brought forward by the Developer or the Regional District under this section.

12.6 Any change in cost for properties subscribed under this section shall first be verified and agreed to by the Regional District, which agreement shall not be unreasonably withheld.

12.7 Where the Developer requests the Regional District to undertake a petition to add additional properties under this section, the Regional District shall be entitled to first verify that the properties meet the requirements of the Regional Growth Strategy, the Electoral Area A Official Community Plan and any other applicable bylaws prior to undertaking the petition.

12.8 In consideration of the construction of the Works in advance of securing the Maximum Connections as contributors to this project and in consideration of the extension of services beyond the boundaries of the Developer's property, the Regional District will to the extent that it is legislatively able enter into a Latecomer Agreement with the Developer for a period ending December 31, 2012 which will require properties that are

added to the Current Service Area in accordance with this Section after the date of this agreement to pay latecomer charges.

12.9 The parties acknowledge that the value of the latecomer charge will be the amount or amounts agreed to in accordance with Section 12.5.

13.0 Termination

13.1 This Agreement may be terminated by the Regional District upon seven days written notice to the Developer in the event that the Project is abandoned. Should the Regional District give notice under this section any security provided by the Developer shall be forfeited to the Regional District and may be used in accordance with Sections 13.2 and 13.3.

13.2 Where notice under Section 13.1 has been delivered and the Regional District has not advanced funds under Section 7.3, the Regional District in its sole discretion shall be entitled to draw on the security provided in Section 9.1, to secure or make functional that portion of the constructed Works completed to the date the project is abandoned. If the cost to secure or make functional the abandoned Works exceeds the Security, the Developer shall pay to the Regional District the balance of such cost immediately upon demand.

13.3 In the event the project is abandoned and the Regional District has advanced all or a portion of the Local Government Contribution in accordance with Section 7.3, the Regional District shall be entitled to use all or a portion of the security provided under Section 9.1 to complete the Works to service properties identified on Schedule E which would be reasonable able to connect if the partially constructed Works can be made functional. To the extent possible the purpose of this section is to ensure that the cost to owners identified in Schedule E who can connect to a partially completed system reflect the costs for which they petitioned the Regional District. If the cost to secure or make functional the abandoned Works exceeds the Security, the Developer shall pay to the

Regional District the balance of such cost immediately upon demand. This section does not apply to properties which may be added in accordance with Section 12.

- 13.4 Should the Regional District give notice under Section 9.5 (defect or deficiency) any security provided by the Developer shall be forfeited to the Regional District and may be used in accordance with Section 13.5 and/or Section 13.7.
- 13.5 The Regional District may terminate this Agreement if the Developer has not remedied a defect or deficiency in the Works or remedied a breach of this Agreement within 60 days of delivery of notice of the defect, deficiency or breach to the Developer. If the Regional District terminates the Agreement under this section it shall be entitled to use the security in accordance with Sections 13.2 and 13.3. as if the project had been abandoned.
- 13.6 If the condition complained of reasonably requires more time to cure than 60 days, the Developer will be deemed to have complied with the remedying of it, if the Developer commences remedying or curing the condition within 60 days and diligently completes the same.
- 13.7 Notwithstanding Section 13.6, if the condition complained of is not rectified within a reasonable period the Regional District may in its discretion draw down and use all or part of any security provided by the Developer to correct the condition. If the cost to remedy the defect or deficiency the Developer exceeds the Security, the Developer shall pay to the Regional District the balance of such cost immediately upon demand.
- 13.8 If:
- (a) a receiver or receiver-manager is appointed to administer or carry on its business, and/or
 - (b) an order is made, a resolution passed or a petition filed for liquidation or winding up, and/or
 - (c) if this Agreement is taken in execution or attachment by any person;
- then this Agreement will at the Regional District's sole option and with or without entry, terminate, and all of the Developer's rights, interest and estate in the project will be absolutely forfeited to the Regional District. Further any security provided by the Developer shall be forfeited to the Regional District.
- 13.9 The Developer agrees that
- (a) it will make no claim for compensation, in damages or otherwise, upon the lawful termination of this Agreement and
 - (b) the remedies available to the Regional District under this Section are in addition to those available to the Regional District under any enactment.

14.0 **Arbitration**

- 14.1 All matters in dispute under this Agreement may, with the concurrence of both the Developer and the Regional District, be submitted for Arbitration to a single arbitrator to be agreed to by the Developer and the Regional District.
- 14.2 Failing agreement by the parties as to the arbitrator to be chosen such arbitrator shall be chosen by reference to a Judge of the Supreme Court of British Columbia.
- 14.3 The award of the arbitrator shall be final and binding upon the parties.
- 14.4 Anything herein to the contrary notwithstanding, an arbitrator or arbitrators shall not have any authority to alter or change any provision of this Agreement, or substitute any new provision in lieu thereof, or to make any award contrary to the terms and provisions of this Agreement, including, without limitation, increasing the amount of the Local Government Contribution.

15.0 Services to the Lands

- 15.1 The Developer agrees that following transfer of the Works to the Regional District, it has no claim or demand whatsoever in respect of the Works, connections to the Works or use of the Works other than the right to connect the Lands to the Works under Section 12 and its rights under the Latecomer Agreement referred to in Section 12.

16.0 Communication

- 16.1 Any notice required to be given by either party to the other must be in writing and will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to the Regional District

Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, BC V9T 6N2

Attention: General Manager, Environmental Services

to the Developer

700805 BC LTD.
200 – 7134 King George Highway
Surrey, BC V3W 5A3

Attention: Mr. Wayne Sawatzky

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 16.2 In order to expedite the delivery of any notice required to be given by either party to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this Section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in Section 16.1.
- 16.3 The delivery of all money payable to either party under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

17.0 MISCELLANEOUS

- 17.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.
- 17.2 No remedy conferred upon or reserved to the Regional District under this Agreement is exclusive of any other remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or under any enactment.
- 17.3 The grant of a sublease, assignment or transfer of this Agreement does not release the Developer from its obligation to observe and perform all the provisions of this Agreement on its part to be observed and performed unless the Regional District specifically releases the Developer from such obligation by the Regional District consenting to the sublease, assignment or transfer of this Agreement.
- 17.4 This Agreement extends to, is binding upon and enures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 17.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond the Developers' reasonable control, other than normal weather conditions, the Developer is delayed in performing any of its obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
- (a) the Developer gives notice to the Regional District within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
 - (b) the Developer diligently attempts to remove the delay.
- 17.6 The Developer agrees that

- (a) the Regional District is under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating, constructing or commissioning the Works other than that outlined in this Agreement and
- (b) nothing in this Agreement constitutes the Developer as the agent, joint venturer or partner of the Regional District or gives the Developer any authority or power to bind the Regional District in any way.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties attaching their signatures below. This Agreement is executed in the City of Nanaimo this ____ day of _____, 2007.

On Behalf of the REGIONAL DISTRICT)
 OF NANAIMO)
)
)
)
)
)
 _____)
 Chairperson)
)
)
 _____)
 Sr.Mgr., Corporate Administration)
)
)

On behalf of the DEVELOPER)
 in the presence of:)
)
)
)
 _____)
 Name)
)
)
 _____)
 Title)

 Name of witness

List of Schedules

Schedule 'A' – McElhanney Consulting Services Ltd. – Schedule of Project Drawings

Schedule 'B' – Calculation of Security Required

Schedule 'C' – Certificate for Payment Release

Schedule 'D' – Form of Letter of Credit

Schedule 'E' – Current Service Area

SCHEDULE A

McElhanney Consulting Services Ltd. – Schedule of Project Drawings

Sheet 1 of 11, Rev 0 – Site Plan
Sheet 2 of 11, Rev 0 – Sta 0+700 to 1+060
Sheet 3 of 11, Rev 4 – Sta 1+060 to 1+420
Sheet 4 of 11, Rev 0 – Sta 1+420 to 1+700
Sheet 5 of 11, Rev 0 – Sta 1+700 to 2+020
Sheet 6 of 11, Rev 0 – Sta 2+020 to 2+280
Sheet 7 of 11, Rev 0 – MacMillan Road Dosing Chamber
Sheet 8 of 11, Rev 0 – MacMillan Road Lift Station
Sheet 9 of 11, Rev 0 – Cedar Road Lift Station
Sheet 10 of 11, Rev 3 – York Lake Marsh Crossing Details
Sheet 11 of 11, Rev 3 – Inspection Chamber and SRW from SSMH 3 to SMH 4

SCHEDULE B**Calculation of Security - Section 9.0****(Final Project Value To be Determined)****Initial Security**

Total Estimated Costs	\$x,xxx,xxx
Less: Costs to Date	<u>(xxx,xxx)</u> x,xxx,xxx
Security Factor	<u>x 125%</u> \$x,xxx,xxx
Less: Local Government Contribution	<u>(1,281,750)</u>
Total security value	\$ x,xxx,xxx

Security Calculation following first Certificate for Payment Release

Total Estimated Costs	\$x,xxx,xxx
Less: Costs to Date	<u>(xxx,xxx)</u> x,xxx,xxx
Security Factor	<u>x 125%</u> \$x,xxx,xxx
Less: Local Government Contribution	<u>(1,281,750)</u> \$x,xxx,xxx
Add: Value of outstanding holdbacks	xxx,xxx
Add: Local Government holdback	<u>200,000</u>
Total security value	<u>\$x,xxx,xxx</u>

SCHEDULE C
Certificate for Payment Release
Sample Format

Certificate for Payment Release No. 0

SUMMARY OF COSTS TO DATE

1 Soft Costs	Budget	Costs to Date
1.1 Engineering Consulting Services	\$ 115,000.00	\$ 94,240.00
1.2 Engineering Design Services	\$ 65,000.00	\$ 55,700.00
1.3 Construction Engineering	\$ 75,000.00	
1.4 Geotechnical Engineering	\$ 25,000.00	\$ 18,960.00
1.5 Environmental Consulting	\$ 120,000.00	\$ 62,261.00
1.6 Planning Services	\$ 20,000.00	
1.7 Legal Survey	\$ 30,000.00	\$ -
1.8 Legal Services	\$ 30,000.00	\$ 6,400.00
1.9 Accounting Services	\$ 20,000.00	\$ 10,265.00
1.10 Project Management/Construction	\$ 90,000.00	\$ 46,700.00
1.11 Contract Negotiation	\$ 10,000.00	\$ 10,960.00
1.12 Right of Way Negotiation	\$ 40,000.00	\$ 30,096.00
1.13 Right of Way Acquisition	\$ 25,000.00	
1.14 Borrowing Charges	\$ 20,000.00	\$ 8,000.00
1.15 Insurance	\$ 20,000.00	\$ 3,400.00
1.16 Bonding	\$ 20,000.00	\$ -
1.17 Management	\$ 210,000.00	\$ 156,729.00
1.18 Administration and Office	\$ 40,000.00	\$ 20,051.00
1.19 Fees & Permits	<u>\$ 74,000.00</u>	<u>\$ 34,268.00</u>
Subtotal Soft Costs	\$ 1,049,000.00	\$ 558,030.00
<hr/>		
2 Construction Costs		
2.1 Marsh Crossing Contract	\$ 260,000.00	
ProgressCertificate No.1		\$ 181,413.00
ProgressCertificate No.2		\$ -
2.2 Off-Site Sewer Works Contract	<u>\$ 1,563,375.00</u>	
ProgressCertificate No.1		\$ -
ProgressCertificate No.2		\$ -
Subtotal Construction Costs	\$ 1,823,375.00	\$ 181,413.00

CALCULATION OF REGIONAL DISTRICT OF NANAIMO CONTRIBUTION

Project Costs to Date	\$ 739,443.00
Developer's Minimum Contribution	<u>\$ 1,000,000.00</u>
Project Costs to Date above Developer's Minimum Contribution	\$ (260,557.00)
Local Government Contribution *	\$ -
Local Government Contribution from Previous Certificates	<u>\$ -</u>
Local Government Contribution this Certificate	\$ -

Construction Costs Certified Correct

Date

* The Regional District of Nanaimo will provide funds from the Local Government Contribution up to a total of \$1,081,750.00 in accordance with the Cedar Estates Subdivision Off-Site Sewer Works Agreement. The remaining \$200,000.00 of the Local Government Contribution will be released in accordance with Section 4.

GST not included

SCHEDULE D

Form of Letter of Credit

[BANK LETTERHEAD]

Letter of Credit No. _____ Amount: _____

Applicant Name & Address: _____ Initial Expiry Date: _____

_____ Beneficiary: _____

For the account of _____
(Name of Customer)

up to an aggregate amount of _____ available on demand.

Pursuant to the request of our customer, we hereby establish and give you a Standby Irrevocable Letter of Credit in your favour in the above amount which may be drawn on by you at any time and from time to time, upon written demand for payment made upon us by you, which demand we shall honour without enquiring whether you have the right as between yourself and the said customer to make such demand, and without recognizing any claim of our said customer, or objection by it to payment by us.

This Letter of Credit relates to those Regional District of Nanaimo services and financial obligations set out in an Agreement between the customer and the Regional District of Nanaimo and briefly described as:

Cedar Estates Subdivision Offsite Sewer Works Agreement

The amount of this Letter of Credit may be reduced from time to time as advised by notice in writing to us by the Regional District of Nanaimo. Partial or full drawings may be made.

This Letter of Credit shall expire at 4:30 p.m. on _____. This Letter of Credit will continue in force for a period of 1 year, but shall be subject to the condition hereinafter set forth.

It is a condition of this letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing by registered mail, that we elect not to consider this Letter of Credit to be renewable for any additional period. This Letter of Credit is subject to the Uniform Custom and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce Publication No. 500 as amended or substituted from time to time.

DATED at _____, British Columbia, this _____ day of _____, 20____.

SCHEDULE E

List of Properties in the Current Service Area

Commercial Properties

Folio	Legal	Population Equivalents
768 3121.080	Lot A, Range 8, Plan VIP 71569	15.55
768 3089.002	Lot 1, Section 14, Range 1, Plan VIP 76260	149.0
768 3090.425	Lot A, Section 14, Range 1, Plan VIP 67433	41.45
768 4645.000	Lots 4 & 5, Blk 1, Plan 2045	5.5
768 3134.000	Lot 3, Section 17, Range 1, Plan 11369	5.1
768 3136.100	Lot A, Section 17, Range 1, Plan 46766	5.9
768 4646.000	Lot 6, Blk 1, Section 15, Range 8, Plan 2045	<u>3.6</u>
		<u>226.1</u>

Large Residential Properties

Folio	Legal	Population Equivalents
768 4655.000	Lot 1, Plan 2995, Section 15, Range 8	9.6
768 3128.030	Lot A, Plan 30449	<u>4.8</u>
		<u>14.4</u>

Sportsfield

Folio	Legal	Population Equivalents
768 3089.020	Lot A, Plan 37404	<u>10.8</u>

Small Residential Properties

Folio	Legal	Population Equivalents
768 3128.050	Lot B, PI 30449	2.4
768 3128.300	Lot 3, PI 19416	2.4
768 3091.100	Lot 1, PI 7636 Excl Pcl A (DD14382N)	2.4
768 3090.500	Lot 1, PI 19367	2.4
768 3180.000	Lot 5, PI 2049, Sec 16, Range 8	2.4
768 3131.010	Lot 1, PI 69370	2.4
768 3121.000	Lot 1, Blk 3, PI 2041	2.4
768 3121.085	Lot 3, PI 23666	2.4
768 3135.000	Lot 4, PI 11369	2.4
Total		<u>21.6</u>

Developer Property

A portion of Remainder Lot A, Plan VIP57874, Section 14, Range 1, Cedar Land District and Lot 6, Plan VIP59634, Section 14, Range 1, Cedar Land District

211.8

Total Population Equivalents in the Current Service Area

484.7



CAQ APPROVAL	
EAP	
CCW	
NOV 22 2007	
RHD	
BOARD	✓ NOV. 27th

MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: November 21, 2007

FROM: N. Avery
General Manager, Finance & Information Services

SUBJECT: 2008 Provisional Budget Overview

PURPOSE:

To provide background information on the proposed 2008 budget.

BACKGROUND:

One of the objectives of long term budgeting is to produce a plan which forms the basis of detailed work plans for subsequent years. The 2008 to 2013 financial plan which will be reviewed with the Board over the course the next few months reflects the most recent information available to refine the forecasts which were initiated in the fall of 2006 and which were adopted in March of this year.

The 2007 to 2012 financial plan forecasted an overall increase in 2008 tax revenues of 4.7%. The current proposed budget shows an overall increase in tax revenues of \$1,878,670 or 7.0% (Appendix A). Total property tax revenues for 2008 are forecast at \$28,762,552 (2007 - \$26,883,847). Of this amount, \$641,910 (34% of the year over year change) is new revenue to support the following changes in service levels:

Transportation Services	\$ 514,130	- includes service expansion
Regional Parks	30,760	- new revenues from municipal parcel taxes
General Administration	62,160	- to support building expansion
Emergency Planning	13,030	- to support purchase of generators for emergency reception centers
Community Parks	<u>21,830</u>	- Area C - to sustain capital/acquisition reserve
	<u>\$ 641,910</u>	

Other year over year changes include:

Other jurisdictions	\$ 72,827	- E911, Vancouver Island Regional Library and Southern Community Recreation
Existing services	551,722	- change for major services
	<u>612,211</u>	- change for local services (fire, water, sewer, street lighting, bylaw enforcement)
	<u>\$ 1,878,666</u>	

CHANGES FOR MEMBER JURISDICTIONS (Appendices B, C, and D):

The Regional District of Nanaimo's budget affects taxpayers differently depending on where they own property in the Regional District. Appendices B, C and D outline the requisitions and some of the projected tax rates for 2008.

Each member is shown with a reconciliation that outlines what has contributed to the year over year change. The details for Changed Service Levels, Other Jurisdictions and Existing Services are provided in a separate handout. For Electoral Area members, staff have calculated the estimated tax cost per \$100,000 of property value. It is challenging to illustrate the changes year over year given the rate of property value increases in recent years. In almost every Electoral Area staff estimate that a property valued at \$200,000 in 2007 and valued at \$250,000 in 2008 will see an increase for general services of, on average \$34 (2007 - \$30). Changes arising from local service tax requisitions – those for fire, water, sewer, etc. – will be unique to an individual property owner.

These schedules also include early projections of the percentage of new assessment growth in each area of the Regional District. The table below summarizes the requisition changes at this date compared to the new growth estimates:

	Percent Change in Requisition 2007 to 2008	Preliminary Estimate of New Assessment Growth
Nanaimo	7.5%	1.9%
Parksville	5.5%	2.2%
Qualicum Beach	2.8%	1.2%
Lantzville	5.8%	0.4%
Electoral Area A	3.7%	1.4%
Electoral Area B	2.8%	0.8%
Electoral Area C	5.8%	0.6%
Electoral Area E	4.6%	1.3%
Electoral Area F	4.4%	1.8%
Electoral Area G	4.6%	2.4%
Electoral Area H	3.2%	3.3%

BUDGET OVERVIEW

One of our objectives is to contain property tax increases for existing services within a range comparable to inflation. For major services such as General Administration, Community Planning, Emergency Planning, Regional Growth Strategy, Recreation Services, Liquid and Solid Waste Management the year over year change is 2.5% (2007 :3.3%) (Appendix E). Appendices F, G and H list each individual service requisition showing a comparison to our original forecast, as well as the final percentage change from 2007.

There are 85 individual services summarized in our budget documents. The following ratios illustrate the consistency of this provisional budget with the previous plan:

Number of Services	Same as forecast	Somewhat lower than forecast	Somewhat higher than forecast	Consistency with previous plan
18 major services	6	4	7 (3.75% higher)	72% (2007 -65%)
65 local services (excluding new services)	49	3	13 (4% higher)	80% (2007 - 64%)
83	55	7	20	75% (2007 - 65%)

Major Services – total tax revenues predicted were \$21.2 million – the current forecast is \$21.6 million or a change of \$400,000 (19%). Most of the change (\$329,000) results from the significant transit expansion which will be in effect beginning January 1, 2008. This 4,800 hour expansion will include more hours of service on Sundays and service on seven statutory holidays.

The Planning Services department will undertake several major policy reviews this year. These projects will be paid for using a portion of Gas Tax funds which have been transferred to the Regional District for Electoral Area priorities. The funds are intended to be used both to improve water, sewer and solid waste infrastructure as well as to enable communities to undertake sustainable community planning. A total of \$360,000 is targeted in 2008 for the following purposes:

- Bylaw 500 (Rural Zoning) review – to update and introduce green principles in accordance with the Board’s strategic plan for new developments
- Affordable Housing Strategy
- Area ‘A’ OCP Special Studies including groundwater resources
- Area ‘H’ Village planning

These initiatives will be complemented by a review of our Liquid Waste Management Plan, the overall Regional Growth Strategy, a Community Climate Change Plan and as resources are available, movement on our green building action plan.

Yet to be included in the provisional budget are some initiatives which may require referendums in 2008. The Board will receive and discuss an action plan arising from the work of the Drinking Water and Watershed Protection committee in early 2008. At a more local level, studies continue to consider alternatives for water treatment on the Nanoose Peninsula, the further development of the bulk water infrastructure and residents will be consulted with regard to restricting open burning.

Local Services – total revenues predicted were \$2.43 million – current forecast is \$2.69 million. This category includes fire protection, street lighting, noise control and community parks budgets. Fire department requisitions are in some cases considerably higher than originally forecast. A number of departments are experiencing pressures of recruitment and retention as the pool of volunteers gradually ages. The current robust economy also affects volunteer fire departments, particularly with respect to responding to emergencies during the daytime. Of special note is the first year budget for the Meadowood Fire Service which was established earlier in 2007. About 475 properties in Electoral Area ‘F’ north of Qualicum Beach will raise funds to build and equip a new firehall within a large community park. Design planning for the firehall is actively underway and the two vehicles intended to be located at the hall have been ordered. Staff and the Dashwood Fire department, which will be the operational entity for the firehall, are optimistic that fire protection services can be made formally available by mid 2008.

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Staff offer the following comments on other major services:

Southern and Northern Community Liquid Waste Management –the requisitions will increase by 3.0% and 4.0% respectively. These two services have the largest portions of our capital program and these increases assist in keeping pace with capital renewal. In 2008 the total capital spending for these two treatment plants will exceed \$9.7 million. Of this amount \$3.65 million will be funded by a combination of Gas Tax and Federation of Canadian Municipalities Green Municipal grant funds, \$4.0 million will be funded from Development Cost Charges and the remainder will be funded from reserves and the current year operating budget.

Solid Waste Management – the Solid Waste service has not had a tax requisition increase since 2003 and is again projecting no increase for 2008. Taxes in the amount of \$402,000 provide support to planning initiatives on reducing waste delivered to the landfill and transfer station as well as longer term options for solid waste disposal. The facilities and capital budget in 2008 is approximately \$12.5 million. Capital projects in 2008 are valued at \$4.2 million and include an expansion and upgrade to the Church Road Transfer station facility. This project, forecast at about \$3 million dollars will be partially funded by Gas Tax funds of \$1.5 million.

Transportation Services – the Southern and Northern Community Transit Service requisitions are forecast to increase by 8% and 6% respectively above the original forecast (13.5% and 7.4% respectively compared to 2007). These changes were approved by the Board in October. The significance of this expansion was mentioned earlier in this report.

The Federal Gas Tax program also targeted specific funds for transportation initiatives and staff have submitted a substantial list which we are very hopeful will receive some or all of the funds set aside for the Regional District of Nanaimo. A total of \$3.1 million will, if authorized, be used to implement the following initiatives:

Bus shelter upgrades	
Shop facility expansion	- to accommodate washing and fuelling of double decker buses
Electronic fare boxes	- to take advantage of new passes and reduce the need for drivers to monitor pass usage
Biodiesel crew transportation vehicles	- up to two small fuel efficient vehicles to move drivers between exchanges for shift changeovers
Priority Lighting	- will enable highway intersection lights to be activated as a bus approaches to extend green lights or make red lights shorter so that transit vehicles move more quickly through traffic
Automated Vehicle Locator	- equipment to allow staff to locate vehicles through a computer interface to rapidly address breakdowns, route efficiency and eventually provide real time bus arrival information to customers
Malaspina Bus Exchange	- to significantly improve facilities at Malaspina College to accommodate growing student population and encourage them to use a safe and easily accessible terminal

The Transit department is also making good progress in introducing a U-pass program at Malaspina College and anticipates a 2008 student referendum leading to implementation in September 2009. This would result in all college students paying for a transit pass as part of their student fees – similar programs exist at the University of Victoria and in Metro Vancouver. These types of programs generate new and more predictable revenues however, more importantly, they improve the ridership volumes and overall efficiency of the transportation network in the region.

Finally, the budget includes significant improvements to the current transit office and bus parking facilities which will be funded by a combination of reserves and BC Transit cost sharing. Discussions are underway to confirm the timing for this project which we hope to construct in tandem with an expansion of the Administration Building on the same site beginning late in 2008. The transit parking improvements will allow up to 83 busses to be parked on site (up from 38 conventional and 10 Handydart vehicles) improving this location for a considerable period into the future.

Regional Parks – the operations budget requisition is increased by \$71,565 and capital/acquisition funding will increase by \$30,740. The operations budget will continue to increase in tandem with on the ground management of our growing parks inventory. In 2008 attention will be focussed on management plans for Mount Benson, Horne Lake and Little Qualicum River Estuary parks and an operating agreement Horne Lake campground. Staff are also completing projects funded by Phase I of the Provincial Community Tourism program.

The capital/acquisition fund requisition change reflects an agreed to phase in of a \$10 parcel tax. Two major bridge projects are forecast pending Provincial cost sharing – Nash and Ridgewell Creek bridges located in Electoral Area ‘H’ are budgeted at a total of \$375,000 to be offset in part by Provincial funding of \$250,000.

Other projects

Last but not least we will undertake a major interdepartmental software implementation in 2008/2009. The Board has approved engaging Municipal Software to provide a database system which will integrate our property records and management systems. The value of the contract is in the order of \$400,000. The new software system will integrate the processing of building permits, all forms of development applications, collection of development cost charges and mapping information. This project is funded from reserves with contributions from the Planning and Building Inspection departments.

Resource Implications – to help achieve the business plan objectives for 2008 and beyond there is included in these budget projections the following staff resources:

Financial Services 1 FTE	Budget/Financial Analyst	To support capital project management, capital asset accounting and budget coordination
Development Services .5 FTE	Clerical support	Board of Variance administrative support (replaces contract position)
Development Services 1.5 Temporary FTE	Senior Planner/Planner	Technical support to complete studies funded by Community Works program for Electoral Areas
Liquid Waste Management 1.0 FTE	Environmental Technician	To support facility projects and asset management planning
Solid Waste Management 1.5 FTE	Transfer Station Supervisor Part time Labourer/Attendants	Full time supervisor and formalize casual staff resources to ensure public safety at the transfer station site
Utilities .5 FTE	Utilities Technician	Field support due to growth in number of local services
Recreation Services 2.0 FTE	Aquatic Facility Maintenance Worker 1.0 FTE Recreation Senior Program Secretary 1.0 FTE	Change from casual to full time Administrative support for increased front line staff
Parks Services 1.0 FTE	Parks Technician – funded by both Regional and Community Parks	Increase staff to respond to more development/maintenance projects and to reduce liability exposures
Transportation Services 6.0 FTE	Transit/ HandyDart drivers - 4.0 FTE Dispatcher 1.0 FTE Chief Mechanic 1.0 FTE	Service expansion – extra Sunday service and statutory holidays

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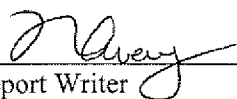
SUMMARY/CONCLUSIONS:

This report and appendices outline the changes affecting each individual jurisdiction as well as describing some of the major initiatives planned in 2008. The 2008 proposed budget is largely consistent with the forecasts developed in late 2006, early 2007. Significant exceptions include new revenues for Transportation Services for a service expansion. Increased service levels for Emergency Planning, Community Parks, Transportation Services, Regional Parks and General Administration add approximately 2.9% to the overall tax revenues of the Regional District while existing services will increase by about 2.5%, in line with inflation.


This is the introduction of the 2008 budget and forms the basis of further review before an updated financial plan is adopted in March 2008.

RECOMMENDATION:

That the 2008 provisional budget be received for information.



Report Writer



CAO concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

GENERAL REVENUE FUND 2008 BUDGET

	CORPORATE SERVICES			DEVELOPMENT SERVICES			ENVIRONMENTAL SERVICES			RECREATION & PARKS SERVICES			TRANSPORTATION SERVICES			TOTAL REVENUE FUND		
	BUDGET 2007	BUDGET 2008	% VAR	BUDGET 2007	BUDGET 2008	% VAR	BUDGET 2007	BUDGET 2008	% VAR	BUDGET 2007	BUDGET 2008	% VAR	BUDGET 2007	BUDGET 2008	% VAR	BUDGET 2007	BUDGET 2008	% VAR
REVENUES																		
TAX REQUISITION	\$4,449,641	\$4,882,354	10%	\$1,707,020	\$1,818,000	7%	\$10,604,107	\$11,133,443	5%	\$6,067,519	\$6,358,895	5%	\$4,055,560	\$4,569,860	13%	\$26,883,847	\$28,762,552	7%
GRANTS/OPERATING/OTHER	7,110,300	8,311,965	17%	1,250,590	1,676,845	34%	18,938,493	23,302,345	23%	\$1,733,775	\$2,058,835	19%	\$7,686,715	\$12,542,150	63%	36,719,873	47,892,140	30%
RETAINED EARNINGS	687,902	655,370	-26%	1,843,945	1,705,080	-8%	6,623,599	4,966,025	-25%	\$1,626,980	\$1,057,228	-35%	\$924,020	\$1,120,060	21%	11,906,446	8,503,763	-20%
TOTAL REVENUES	12,447,843	13,849,689	11%	4,801,555	5,199,925	8%	36,166,199	39,401,813	9%	9,428,274	9,474,958	0%	12,666,295	18,232,070	44%	75,510,166	86,158,455	14%
EXPENSES																		
OFFICE OPERATING	\$ 866,386	\$ 956,815	10%	\$ 747,185	\$ 733,548	-2%	\$ 1,515,175	\$ 1,526,509	1%	\$474,507	\$523,852	10%	\$1,878,955	\$2,101,895	12%	\$ 5,482,208	\$ 5,842,620	7%
COMMUNITY GRANTS	27,605	86,000	212%	0	0		0	0		85,365	72,200	-15%	0	0		112,970	158,200	40%
LEGISLATIVE	259,515	279,670	8%	0	0		0	0		0	0		0	0		259,515	279,670	8%
PROFESSIONAL FEES	338,770	296,360	-13%	365,765	613,181	68%	1,266,130	990,637	-22%	203,050	196,000	-3%	\$86,500	\$182,500	111%	2,260,215	2,278,658	1%
BUILDING OPS & MAINT	239,480	188,735	-21%	60,400	59,400	-2%	321,292	299,062	-7%	522,246	581,406	11%	\$180,150	\$263,610	46%	1,323,568	1,392,213	5%
VEHICLE OPS & MAINT	60,970	45,110	-26%	33,935	36,448	7%	1,223,474	1,407,485	15%	110,574	117,499	6%	\$2,900,335	\$3,098,245	7%	4,329,288	4,704,787	9%
OTHER EQUIPMENT OPS & MAINT	104,721	101,926	-3%	9,980	8,380	-16%	0	0		74,225	75,475	2%	\$3,000	\$5,450	82%	191,926	191,231	0%
OTHER OPERATING	165,120	170,935	4%	223,085	204,835	-8%	8,202,698	7,643,965	-7%	571,554	441,455	-23%	\$298,270	\$355,950	19%	9,460,727	8,817,140	-7%
WAGES & BENEFITS	2,016,688	2,255,950	12%	1,975,060	2,267,858	15%	4,991,546	5,416,189	9%	2,887,615	3,153,945	9%	\$6,656,952	\$7,396,098	11%	18,527,861	20,489,840	11%
RECREATION PROGRAMS	0	0		0	0		0	0		105,820	118,690	12%	\$0	\$0		105,820	118,690	12%
CAPITAL EXPENDITURES	440,090	257,380	-42%	68,345	40,500	-41%	9,614,281	15,311,016	59%	604,605	552,005	-9%	\$110,065	\$4,195,910	3712%	10,837,388	20,356,811	88%
DEBT FINANCING-INTEREST	2,238,865	2,917,395	30%	0	0		1,359,380	1,363,190	0%	628,440	611,020	-3%	\$0	\$0		4,226,785	4,891,605	16%
DEBT FINANCING-PRINCIPAL	1,475,545	1,935,090	31%	0	0		913,440	941,520	3%	685,750	843,670	23%	\$0	\$0		3,074,735	3,720,280	21%
DEBT FINANCING-EXCHANGE	0	0		0	0		0	0		0	0		\$0	\$0		0	0	
CONTINGENCY	0	0		0	0		0	0		102,050	157,830	55%	\$0	\$0		102,050	157,830	55%
TRANSFER TO RESERVE FUND	756,790	688,615	-9%	13,405	33,905	153%	4,083,310	2,582,948	-37%	682,287	300,100	-56%	\$10,460	\$12,555	20%	5,546,252	3,618,123	-35%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0		0	0		\$0	\$0		0	0	
TFR TO OTHER GOVT/AGENCIES	3,021,247	3,236,715	7%	3,000	6,500	117%	0	0		1,167,595	1,175,595	1%	\$0	\$0		4,191,842	4,418,310	5%
TOTAL EXPENDITURES	12,011,892	13,416,697	12%	3,500,160	4,004,335	14%	33,490,726	37,482,521	12%	8,905,683	8,920,742	0%	\$12,124,687	17,612,213	45%	70,033,148	81,436,508	16%
OPERATING SURPLUS (DEFICIT)	\$ 435,951	\$ 432,992		\$1,301,395	\$1,195,590		\$ 2,675,473	\$ 1,919,292		\$ 522,591	\$ 554,216		\$ 841,608	\$ 619,857		\$ 5,477,018	\$ 4,721,947	

**2008 BUDGET
SUMMARY OF REQUISITIONS BY MEMBER**



	2005	2006	2007	2008	Change from 2007	Preliminary New Growth Projections	Changed Service Levels	Other Jurisdictions	Existing Service Levels
City Of Nanaimo Regional Parks Parcel Tax	7,962,044	8,594,741 \$10.00	8,969,315 \$10.00	9,643,367 \$10.00	674,052 7.5%	1.9%	\$ 492,311	\$ -	\$ 181,741
City Of Parksville Regional Parks/Community Justice Parcel Tax	3,068,355	3,224,485	3,391,456 \$7.10	3,577,460 \$7.38	186,004 5.5%	2.2%	\$ 62,359	\$ 3,825	\$ 119,820
Town of Qualicum Beach Regional Parks/Community Justice Parcel Tax	1,967,274	1,997,496	2,057,414 \$7.10	2,114,446 \$7.38	57,032 2.8%	1.2%	\$ (14,797)	\$ 3,382	\$ 68,447
District of Lantzville Regional Parks Parcel Tax	392,546	414,170	429,162 \$4.79	453,975 \$12.29	24,813 5.8%	0.4%	\$ 14,835	7,311	\$ 2,667

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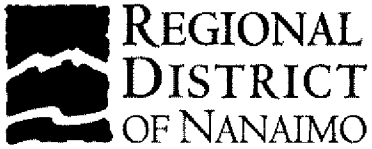
**2008 BUDGET
SUMMARY OF REQUISITIONS BY MEMBER**



	2005	2006	2007	2008	Change from 2007	Preliminary New Growth Projections	Changed Service Levels	Other Jurisdictions	Existing Service Levels
Electoral Area A	870,993	986,197	1,039,738	1,077,976	38,238 3.7%	1.4%	\$ 8,785	\$ 10,873	\$ 18,580
Tax cost per \$100,000	\$147.44	\$121.97	\$107.37	\$101.21					
Regional Parks Parcel Tax		\$10.00	\$12.29	\$12.29					
	\$147.44	\$131.97	\$119.66	\$113.50	-5.1%				
Electoral Area B	580,008	646,187	682,891	702,174	19,283 2.8%	0.8%	\$ 4,776	\$ 5,972	\$ 8,535
Tax cost per \$100,000	\$78.61	\$66.89	\$58.13	\$54.77					
Regional Parks Parcel Tax		\$10.00	\$12.29	\$12.29					
	\$78.61	\$76.89	\$70.42	\$67.06	-5%				
Electoral Area C	332,018	604,912	636,347	686,679	50,332 5.8%	0.6%	\$ 26,996	\$ 8,279	\$ 15,057
Tax cost per \$100,000	\$71.44	\$66.89	\$72.10	\$69.83					
Regional Parks Parcel Tax		\$10.00	\$12.29	\$12.29					
	\$71.44	\$76.89	\$84.39	\$82.12					
			\$7.50	-\$2.27					
		East Wellington/Pleasant Valley will be \$87.36			-3%				

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**2008 BUDGET
SUMMARY OF REQUISITIONS BY MEMBER**



	2005	2006	2007	2008	Change from 2007	Preliminary New Growth Projections	Changed Service Levels	Other Jurisdictions	Existing Service Levels
Electoral Area E	1,259,563	1,385,246	1,443,648	1,509,881	66,233 4.6%	1.3%	\$ 17,844	\$ 10,244	\$ 38,145
Tax cost per \$100,000	\$115.98	\$99.60	\$87.51	\$83.30					
Regional Parks/Community Justice Parcel Tax		\$10.00	\$16.89	\$14.67					
	\$115.98	\$109.60	\$104.40	\$97.97					
			-\$5.20	-\$6.43	-6%				
Electoral Area F	986,921	1,012,631	1,058,789	1,105,800	47,011 4.4%	1.8%	\$ 3,866	\$ 7,496	\$ 35,649
Tax cost per \$100,000	\$144.60	\$127.22	\$112.34	\$106.51					
Regional Parks/Community Justice Parcel Tax		\$10.00	\$16.89	\$14.67					
	\$144.60	\$137.22	\$129.23	\$121.18					
			-\$7.99	-\$8.05	-6%				
Electoral Area G	1,399,633	1,495,153	1,538,464	1,609,621	71,157 4.6%	2.4%	\$ 21,089	\$ 9,438	\$ 40,630
Tax cost per \$100,000	\$157.10	\$136.36	\$115.57	\$110.75					
Regional Parks/Community Justice Parcel Tax		\$10.00	\$16.89	\$14.67					
	\$157.10	\$146.36	\$132.46	\$125.42					
			-\$13.90	-\$7.04	-5%				
Electoral Area H	838,774	912,529	1,012,725	1,045,029	32,304 3.2%	3.3%	\$ 3,846	\$ 6,007	\$ 22,451
Tax cost per \$100,000	\$142.00	\$122.44	\$107.74	\$101.91					
Regional Parks/Community Justice Parcel Tax		\$10.00	\$16.89	\$14.67					
	\$142.00	\$132.44	\$124.63	\$116.58					
			-\$7.81	-\$8.05	-6.5%				

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2008 BUDGET
ANALYSIS OF CHANGES IN GENERAL ASSESSMENT BASED PROPERTY TAX REVENUES

	%	
	Change	
Assessment Based Property Taxes 2007		22,259,949
Changed service levels		
Administration		62,160
Community Parks		21,830
Transportation Services		514,130
Regional Parks		30,760
Emergency Planning		13,030
	2.9	641,910
Changes for Other Jurisdictions		
Vancouver Island Regional Library		39,896
Southern Community Recreation		15,101
D68 E911		1,925
D69 E911		15,905
	0.3	72,827
Changes within existing service levels		
Other increases/decreases		551,722
	2.5	551,722
General Assessment Based Taxes/Change	5.7	23,526,408

Support building expansion
Area C for additional park initiatives
Service expansion
Phased in municipal parcel tax
Support new capital program - emergency generators

2008 BUDGET
SUMMARY OF TAX REVENUES

APPENDIX F



CORPORATE SERVICES

Corporate Administration
Electoral Areas
General Grants In Aid
D68 Restorative Justice
D69 Community Justice

	2005	2006	2007	2008 Forecast	2008 Proposed	Change from Forecast	Change from 2007
Corporate Administration	547,125	555,335	571,995	589,155	634,155	45,000	10.9%
Electoral Areas	178,650	163,650	166,105	167,765	167,765	0	1.0%
General Grants In Aid	42,500	59,850	51,500	51,500	45,500	(6,000)	-11.7%
D68 Restorative Justice			5,000	5,000	5,000	0	0.0%
D69 Community Justice			110,000	55,000	55,000	0	-50.0%
	788,275	778,835	904,600	868,420	907,420	39,000	

DEVELOPMENT SERVICES

Planning - Electoral Areas
Regional Growth Strategy
Emergency Planning
House Numbering
Building Inspection

Planning - Electoral Areas	879,550	932,325	988,265	1,066,445	1,057,445	(9,000)	7.0%
Regional Growth Strategy	259,965	300,965	325,965	351,230	351,235	5	7.8%
Emergency Planning	99,000	115,980	125,360	136,930	138,390	1,460	10.4%
House Numbering	21,500	21,500	21,500	21,500	21,500	0	0.0%
Building Inspection	70,000	71,400	75,740	80,285	83,315	3,030	10.0%

Bylaw Enforcement

Animal Control - Area A ,B,C,D
Animal Control Area E,G,H
Animal Control Area F
Hazardous Properties
Unightly Premises
Noise Control

Animal Control - Area A ,B,C,D	55,000	56,100	56,100	50,786	50,785	(1)	-9.5%
Animal Control Area E,G,H	67,685	69,035	69,035	70,420	70,415	(5)	2.0%
Animal Control Area F	11,220	12,170	12,415	12,665	12,665	0	2.0%
Hazardous Properties	3,250	3,745	3,745	3,820	3,820	0	2.0%
Unightly Premises	13,180	7,640	7,140	6,940	6,940	0	-2.8%
Noise Control	25,975	26,820	21,755	21,440	21,450	10	-1.4%

	1,523,825	1,617,680	1,707,020	1,822,461	1,817,960	(4,501)	
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ENVIRONMENTAL SERVICES

Southern Wastewater Treatment
Northern Wastewater Treatment
Solid Waste Facilities

Southern Wastewater Treatment	4,044,260	4,145,365	4,249,000	4,376,470	4,376,470	0	3.0%
Northern Wastewater Treatment	3,329,450	3,445,980	3,532,130	3,638,095	3,674,095	36,000	4.0%
Solid Waste Facilities	402,305	402,305	402,305	402,305	402,305	0	0.0%
	7,776,015	7,993,650	8,183,435	8,416,870	8,452,870	36,000	

RECREATION & PARKS

Ravensong Aquatic Center
Oceanside Place
Recreation Coordinating - Recreation
- Sportsfields Agreement
Gabriola Island Recreation Commission
Area A Recreation
Port Theater
Regional Parks- operating
Regional Parks - capital
Community Parks

Ravensong Aquatic Center	1,198,490	1,222,460	1,246,910	1,284,320	1,309,255	24,935	5.0%
Oceanside Place	1,244,370	1,197,370	1,227,305	1,267,809	1,264,125	(3,684)	3.0%
Recreation Coordinating - Recreation - Sportsfields Agreement	696,330	717,220	788,940	820,500	796,830	(23,670)	1.0%
Gabriola Island Recreation Commission	203,035	207,095	211,240	215,465	215,465	0	2.0%
Area A Recreation	69,795	69,795	69,795	71,190	71,890	700	3.0%
Port Theater		75,000	75,000	75,000	76,500	1,500	2.0%
Regional Parks- operating	41,635	65,160	65,160	65,160	65,160	0	0.0%
Regional Parks - capital	352,000	422,995	487,570	559,135	559,140	5	14.7%
Community Parks	208,000	515,870	620,440	651,199	651,180	(19)	5.0%
	352,325	453,320	502,525	560,855	561,615	760	11.8%
	4,365,980	4,946,285	5,294,885	5,570,633	5,571,160	527	

TRANSPORTATION SERVICES

Southern Community Transit
D69 Transit
Descanso Bay Emergency Wharf

Southern Community Transit	3,179,200	3,341,695	3,542,200	3,719,310	4,019,120	299,810	13.5%
D69 Transit	430,000	511,075	505,000	512,575	542,210	29,635	7.4%
Descanso Bay Emergency Wharf	8,360	8,360	8,360	8,530	8,530	0	2.0%
	3,622,895	3,861,130	4,055,560	4,240,415	4,569,860	329,445	

GENERAL SERVICES PROPERTY TAX REVENUES

	18,076,990	19,197,580	20,145,500	20,918,799	21,319,270	400,471	5.8%
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LOCAL SERVICE AREA TAXES

Duke Point Sewage Treatment
Fire Service Areas
Streetlighting Service Areas
Stormwater Management
Utility Services

Duke Point Sewage Treatment	37,595	94,750	99,960	109,960	109,955	(5)	10.0%
Fire Service Areas	1,466,460	1,573,645	1,671,810	1,788,410	2,043,990	255,580	22.3%
Streetlighting Service Areas	53,130	58,219	59,410	60,640	60,640	0	2.1%
Stormwater Management	2,500	5,000	4,500	4,500	4,500	0	0.0%
Utility Services	1,826,615	2,104,073	2,256,802	2,528,110	2,505,478	(22,632)	11.0%
	3,386,300	3,835,687	4,092,482	4,491,620	4,724,563	232,943	15.4%

TAXATION FOR REGIONAL DISTRICT SERVICES

	21,463,290	23,033,267	24,237,982	25,410,419	26,043,833	633,414	7.5%
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TAXATION FOR OTHER JURISDICTIONS

SD 68 Emergency 911
SD69 Emergency 911
Southern Community Recreation
Vancouver Island Regional Library

SD 68 Emergency 911	61,145	74,080	75,960	77,875	77,875	0	2.5%
SD69 Emergency 911	345,855	434,930	467,440	501,250	483,345	(17,905)	3.4%
Southern Community Recreation	658,860	746,765	772,635	787,736	787,735	(1)	2.0%
Vancouver Island Regional Library	1,231,760	1,279,150	1,329,830	1,372,386	1,369,725	(2,661)	3.0%
	2,297,620	2,534,925	2,645,865	2,739,247	2,718,680	(20,567)	2.8%

TOTAL PROPERTY TAX REVENUES

	23,760,910	25,568,192	26,883,847	28,149,666	28,762,513	612,847	7.0%
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**2008 BUDGET
SUMMARY OF TAX REVENUES**

APPENDIX G



	2005	2006	2007	2008 Forecast	2008 Proposed	Change from Forecast	Change from 2007
DETAILS OF GENERAL SERVICES							
PORT THEATER CONTRIBUTION							
Electoral Area A	13,900	13,900	13,900	13,900	13,900	0	0.0%
Electoral Area B	13,915	13,915	13,915	13,915	13,915	0	0.0%
Electoral Area C	13,820	13,820	13,820	13,820	13,820	0	0.0%
Electoral Area C(defined)		3,575	3,575	3,575	3,575	0	0.0%
Electoral Area E		19,950	19,950	19,950	19,950	0	0.0%
	41,635	65,160	65,160	65,160	65,160	0	
COMMUNITY PARKS							
Electoral Area A	75,000	75,000	76,500	79,560	79,560	0	4.0%
Electoral Area B	90,000	115,600	120,240	127,050	125,050	(2,000)	4.0%
Electoral Area C	10,200	11,720	13,475	20,795	25,000	4,205	85.5%
Electoral Area C(Defined D)	4,500	23,000	28,710	43,220	43,215	(5)	50.5%
Electoral Area E	50,000	50,000	48,000	54,440	53,000	(1,440)	10.4%
Electoral Area F	22,650	43,000	50,500	58,815	58,815	0	16.5%
Electoral Area G	41,975	55,000	62,000	70,780	70,780	0	14.2%
Electoral Area H	58,000	80,000	103,100	106,195	106,195	0	3.0%
	352,325	453,320	502,525	560,855	561,615	760	
LOCAL SERVICES TAX REVENUES							
FIRE DEPARTMENTS							
Nanaimo River Fire		10,450	9,000	10,080	2,000	(8,080)	-77.8%
Coombs-Hilliers Fire Volunteer	175,440	192,985	212,285	233,515	244,125	10,610	15.0%
Errington Fire Volunteer	205,355	209,480	215,765	222,240	222,240	0	3.0%
Nanoose Bay Fire Volunteer	260,650	275,350	291,950	297,790	351,400	53,610	20.4%
Dashwood Fire Volunteer	155,290	162,900	179,415	183,900	221,400	37,500	23.4%
Meadowood Fire	0	0	0	0	149,900	149,900	#DIV/0!
Extension Fire Volunteer	85,480	105,000	108,150	116,805	116,800	(5)	8.0%
Bow Horn Bay	142,870	150,540	155,405	161,050	165,345	4,295	6.4%
Yellow Point Fire Contract	95,375	115,120	127,160	129,705	135,455	5,750	6.5%
Wellington Fire Contract	42,000	42,840	43,700	44,575	44,575	0	2.0%
Parksville (Local) Fire Contract	55,000	55,000	75,000	76,820	78,820	2,000	5.1%
French Creek Fire Contract	249,000	253,980	253,980	311,930	311,930	0	22.8%
	1,466,460	1,573,645	1,671,810	1,788,410	2,043,990	255,580	
STREETLIGHTING							
Rural Areas Streetlighting	9,860	9,860	11,555	13,255	13,255	0	14.7%
Fairwinds Streetlighting	11,445	12,675	12,930	12,250	12,250	0	-5.3%
French Creek Village Streetlighting	5,790	5,964	4,965	5,015	5,015	0	1.0%
Highway Intersections Streetlighting (French Creek)	2,000	2,040	2,675	1,540	1,540	0	-42.4%
Morningstar Streetlighting	10,520	10,730	10,945	11,165	11,165	0	2.0%
Sandpiper Streetlighting	9,005	9,275	9,550	9,740	9,740	0	2.0%
Hwy # 4 (Area F)	2,650	2,675	1,790	2,675	2,675	0	49.4%
Englishman River Community	1,860	5,000	5,000	5,000	5,000	0	0.0%
	53,130	58,219	59,410	60,640	60,640	0	
NOISE CONTROL							
Noise Control Area A	6,255	6,255	5,755	5,255	5,255	0	-8.7%
Noise Control Area B	3,500	4,140	4,140	4,180	4,180	0	1.0%
Noise Control Area C	3,500	8,000	4,820	4,820	4,830	10	0.2%
Noise Control Area E	4,220	4,220	3,400	3,470	3,470	0	2.1%
Noise Control Area G	4,000	4,205	3,640	3,715	3,715	0	2.1%
	25,975	26,820	21,755	21,440	21,450	10	
UTILITIES							
Englishman River Community Stormwater	2,500	5,000	4,500	4,500	4,500	0	0.0%

**2008 BUDGET
SUMMARY OF TAX REVENUES**

APPENDIX H



	2005	2006	2007	2008 Forecast	2008 Proposed	Change from Forecast	Change from 2007
UTILITY SERVICES							
WATER UTILITIES							
Nanoose Peninsula	0	569,150	569,150	592,985	592,985	0	4.2%
Madrona	78,530	0	0			0	
Fairwinds	100,630	0	0			0	
Arbutus Park Estates	56,140	0	0			0	
West Bay Estates	43,420	0	0			0	
Nanoose	265,275	18,850	83,710	83,710	83,710	0	0.0%
Driftwood	16,850	7,850	7,695	7,990	7,990	0	3.8%
Surfside	17,160	17,510	9,635	10,020	10,020	0	4.0%
French Creek	41,500	46,895	48,085	51,450	54,450	3,000	13.2%
Englishman River Community	62,365	45,610	39,500	40,290	40,290	0	2.0%
San Pareil Water	73,440	75,269	94,032	97,980	97,980	0	4.2%
Meirose Place		18,585	16,520	16,520	16,520	0	0.0%
Decoursey Water	4,460	4,594	4,200	5,285	5,285	0	25.8%
Nanoose Bulk Water	422,050	453,705	487,730	529,190	529,185	(5)	8.5%
French Creek Bulk Water	88,520	128,355	173,275	233,920	233,920	0	35.0%
	1,270,340	1,386,373	1,533,532	1,669,340	1,672,335	2,995	
SEWAGE COLLECTION UTILITIES							
French Creek	278,540	302,730	323,190	340,100	340,100	0	5.2%
Fairwinds	239,625	307,395	333,230	354,895	354,765	(130)	6.5%
Surfside Sewer	11,845	13,080	14,125	15,255	15,255	0	8.0%
Pacific Shores	26,265	28,375	29,225	30,100	30,100	0	3.0%
Barclay Crescent		66,120	23,500	118,420	92,923	(25,497)	295.4%
	556,275	717,700	723,270	858,770	833,143	(25,627)	
TOTAL PARCEL TAX REVENUES	1,826,615	2,104,073	2,256,802	2,528,110	2,505,478	(22,632)	11.0%



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
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RHD	
BOARD	✓ NOV 27th

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: November 16, 2007

FROM: Tom Armet
Manager, Building and Bylaw Services

FILE:

SUBJECT: Funding Request for Low-Income Spay/Neuter Initiative Program, SPCA

PURPOSE

To consider a request for funding from the Nanaimo and District Branch SPCA for the Low-Income Spay/Neuter Initiative Program (SNIP).

BACKGROUND

At the Board meeting held April 24, 2007, the Nanaimo and District Branch SPCA sought support for funding in the amount of \$10,000. The Board endorsed the following resolution:

That staff be directed to bring forward a report on the funding request for the low income spay/neuter program for the Board's consideration.

The goal of the Spay/Neuter Initiative Program is to reduce the numbers of unwanted cats in the central Vancouver Island area and provide low-income residents with the ability to have their cats spayed or neutered at no cost to them. Funding for the program is used to pay veterinary costs on behalf of qualified low-income pet owners.

Briefly, SNIP has been successful in reducing the number of abandoned cats being turned into the SPCA shelter. The program relies on annual funding from the City of Nanaimo and private donations. Many of the cats turned in are abandoned in the rural areas of the Regional District and, as a result, the SPCA is turning to the Regional District of Nanaimo (RDN) for financial assistance. The Nanaimo and District Branch SPCA report does not provide information on the percentage of residents in the surrounding electoral areas that may be eligible for the program or the number of cats that are being abandoned in these electoral areas.

Staff considered the following two potential funding sources in the evaluation of this request:

1. Grant-in-aid Criteria Evaluation

Grant requests exceeding \$5,000 are evaluated firstly against the general grant criteria and secondly in relation to the overall objectives of programs and services provided by the Regional District. The following is an evaluation of this request in relation to the policy criteria:

Program Criteria	Evaluation of Request Conclusion
The request promotes volunteer participation and citizen involvement.	Promotes community awareness but no actual volunteer participation.
Activities/programs are accessible to a large portion of the community's residents.	Only to those in need of financial assistance with the cost of spay/neutering their cats.
The request is for start-up costs for a new organization or program.	No, the funding is for operational purposes (payment of veterinary fees).
The request is for capital costs for equipment or improvements to organization owned facilities.	No
The request is related to the objectives of current programs and services provided by the Regional District.	No, there is no direct programming associated with the control of cats in the Regional District.

2. Animal Control Function

To provide funding for this program under the existing animal control functions in Electoral Areas 'A', 'B', and 'C' would necessitate an increase in the tax requisition and consent of the Area Directors. At this time, funding of the initiative is not fully supported by all the District 68 Directors.

ALTERNATIVES

1. Decline to provide financial support to the request from the Nanaimo and District Branch SPCA.
2. Support the funding request on a one-time basis, and amend the animal control budget to raise an additional \$5,000 from Electoral Areas 'A', 'B', and 'C'.
3. Support the funding request on a one-time basis, and amend the animal control budget to raise an additional \$10,000 from Electoral Areas 'A', 'B', and 'C'.

FINANCIAL IMPLICATIONS

Alternative 1

The grants-in-aid policy specifically excludes the funding of operational expenses. On the basis of the above evaluation, funding for the SNIP program does not meet our current policy and would be declined for further consideration.

Alternatives 2 & 3

Should the Board wish to approve financial support through the animal control functions in Electoral Areas 'A', 'B', and 'C' on a one-time or annual basis, the cost of raising \$5,000 would be approximately \$.16 cents per \$100,000 assessed value or \$.32 cents per \$100,000 to fund the program at the \$10,000 level. Full consent of the District 68 Directors is necessary.

Although the regulation of cats is not currently envisioned in the existing animal control functions, support of the SNIP program could play a role in reducing the abandoned cat population in Electoral Areas 'A', 'B', and 'C'.

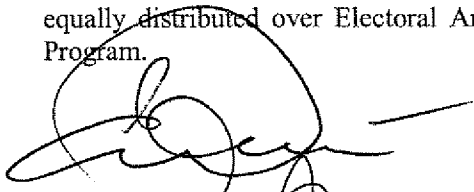
CONCLUSIONS

The focus of the Low-Income Spay/Neuter Initiative Program is to provide a means for low income residents to have their cats spayed/neutered at no cost, thus reducing the number of abandoned cats. The Nanaimo and District Branch SPCA is seeking funding in the amount of \$10,000 for the program. This request has been evaluated and does not meet the general criteria for grant-in-aid, as the intent is to fund operational expenses. Should the Board wish to consider funding on a one-time or annual basis through the existing Electoral Areas 'A', 'B', and 'C' animal control functions, the cost would be raised through tax requisitions as previously outlined.

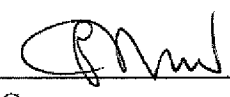
The SPCA report indicates there are eligible low income residents in the rural areas and that cats are being abandoned in those areas. The report does not provide information to confirm this assessment and it is staff's opinion that the issue of abandoned cats is likely more of an issue in urban rather than rural areas. As the animal control function has joint participants from Electoral Areas 'A', 'B', and 'C', in order for the SPCA's request to be approved, it should have the support of the Area Directors. In discussions, there is not unanimous support to fund this request. A partial contribution of \$5,000 is an alternative the Directors may wish to consider to recognize that cats are being abandoned in the rural areas.

RECOMMENDATION

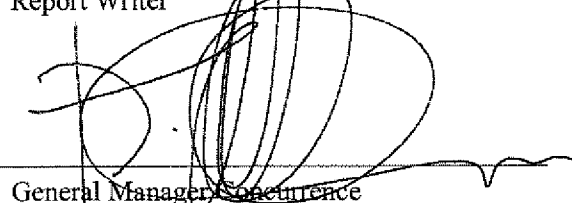
That staff be directed to include a one-time funding amount of \$5,000 in the 2008 Animal Control Budget equally distributed over Electoral Areas 'A', 'B', and 'C' for the Low-Income Spay/Neuter Initiative Program.



Report Writer



CAO Concurrence



General Manager Concurrence

COMMENTS:

devsvs/reports/2007/no Low-Income Spay/Neuter Initiative Program (SNIP) SPCA Funding Request Board Report



RDN REPORT		
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MEMORANDUM

TO: C. Mason
Chief Administrative Officer

FROM: D. Trudeau
General Manager, Transportation Services

SUBJECT: Funding Request – *Wheels for Wellness Society*

DATE: November 7, 2007

FILE: 8600-06

PURPOSE

To consider a request for funding from the Wheels for Wellness Society.

BACKGROUND

At the Board meeting held October 23, 2007, the Board gave staff direction by way of the following motion:

“that staff be directed to prepare a report on funding options for Wheels for Wellness’ funding request to add another vehicle to their fleet from the District 69 Grants-in-Aid function.”

The Wheels for Wellness Society provides non-emergency medical transportation on Vancouver Island. Wheels for Wellness has thirteen (13) vehicles that are operated by volunteer drivers to provide door-to-door services throughout Vancouver Island. They are funded under a 3-year contract valued at \$380,000 annually, through the Vancouver Island Health Authority (VIHA) and additional funding through other sources provides the balance of their \$415,000 budget. This does not cover the overall costs of the \$500,000 to \$600,000 that it costs to run the service and clients are solicited for donations to help with the shortfall.

Until April of this year their service was limited to individuals that were 75 km or further away from their non-emergency medical appointment. That condition eliminated the ability of anyone living in the Regional District of Nanaimo (RDN) being able to access this service. Since that time they have been able to relax their rules and have started picking up individuals within District 69 for their medical appointments. They state that their numbers for those serviced in the RDN are approximately 100 per month and increasing. While the RDN does have a Custom Transit service that offers a similar service there are requests that cannot be accommodated. Examples are requests that are for trips to hospitals that are outside the regional boundaries or from an electoral area that does not support the transit function. In addition, some trips cannot be met because there is no capacity in the system at the time of the request. To address capacity issues the Board has approved a Custom Transit expansion in 2008.

Staff from the Wheels for Wellness Society has met with the Transportation Services Committee and various Board directors and have requested some assistance in providing this service within the Regional District of Nanaimo. In an e-mail dated October 25, 2007 (*Appendix 1*) they have clarified their funding request. They indicate that they need a 2008 Pontiac Montana van valued at \$22,989 (including taxes).

They have stated that the van would be used in Bowser, Dashwood, Qualicum Bay, Qualicum Beach, Parksville, Errington, Coombs and Nanoose Bay.

This report deals with the evaluation of the request with respect to a grant-in-aid, which exceeds \$5,000. The Regional District raises a pool of \$42,500 annually and the funds are segregated between District 68 and District 69. This single request would require considerable new resources.

Based on the request from the Wheels for Wellness Society and if the District 69 directors are interested in funding a vehicle for this organization, they could direct that the 2009 District 69 Grants-in-Aid budget be amended to include an amount for a vehicle. If ongoing funding or grants to cover operating costs are desired, a separate function will need to be established.

GRANT IN AID CRITERIA EVALUATION

Grant requests exceeding \$5,000 are evaluated firstly against the general grant criteria and secondly in relation to the overall objectives of programs and services provided by the Regional District. The following table is a snapshot evaluation of this request in relation to the policy criteria.

Policy Criteria	
The request promotes volunteer participation and citizen involvement.	The request would support volunteer participation.
Activities/programs are accessible to a large portion of the community's residents.	The Wheels for Wellness program is accessible to anyone who requires driving assistance for a medical appointment.
The request is for start-up costs for a new organization or program.	Request is to provide a vehicle to be used in a new area of service.
The request is for capital costs for equipment or improvements to organization owned facilities.	Request is for capital costs of a vehicle.
The request is related to the objectives of current programs and services provided by the Regional District.	Wheels for Wellness program provides rides for residents that do not have transportation or cannot access conventional transit offered by the RDN.

To emphasize, the grant-in-aid policy specifically excludes funding for operating expenses.

When this issue was brought before the Board there was some concern about the RDN contributing to a service that some felt should be funded by VIHA. As mentioned earlier, VIHA has contributed \$380,000 to this volunteer service. The service is complemented by the RDN's handyDART system, which is funded by the City of Parksville, Town of Qualicum Beach and by Electoral Areas 'G' and 'E' via the transit function. If the Board wished to take advantage of the existing transit function to contribute to the Wheels for Wellness Society it would not represent all those that would benefit; specifically Electoral Areas 'F' and 'H'.

The request could be addressed through a separate one time Grant-in-Aid that all participants pay into based upon property value.

ALTERNATIVES

1. Do not provide financial support to the request from the Wheels for Wellness Society.
2. Support the Wheels for Wellness Society on a one time basis and amend the 2008 Grants-in-Aid budget to raise \$22,989 from District 69.

FINANCIAL IMPLICATIONS

Alternative 1

There is no financial impact with this alternative.

Alternative 2

Should the Board wish to provide funding, staff estimates that raising \$22,998 in District 69 would cost 27 cents per \$100,000 of property value. It costs approximately 13 cents per \$100,000 of property value to raise \$10,000 within District 69.

SUMMARY/CONCLUSIONS

The Wheels for Wellness Society has made a request for funding for a van to be used to provide transport for medical appointments for people residing in District 69.

When this issue was brought before the Board there was some concern about the RDN contributing to a service that some felt should be funded by VIHA. As mentioned earlier, VIHA has contributed \$380,000 to this volunteer service. The service is complemented by the RDN's handyDART system, which is funded by the City of Parksville, Town of Qualicum Beach and by Electoral Areas 'G' and 'E' via the transit function. If the Board wished to take advantage of the existing transit function to contribute to the Wheels for Wellness Society it would not represent all those that would benefit; specifically Electoral Areas 'F' and 'H'.

The request could be addressed through a separate one time Grant-in-Aid that all participants pay into based upon property value.

RECOMMENDATION

That the Wheels for Wellness Society funding request for a van be approved on a one time basis and 2008 Grants-in-Aid budget be amended to raise \$22,989 from District 69.



Report Writer



CAO Concurrence

COMMENTS:

APPENDIX 1

-----Original Message-----

From: Info [mailto:info@wheelsforwellness.com]

Sent: October 25, 2007 9:24 PM

To: Trudeau, Dennis

Subject: Wheels for Wellness Van

Hi Dennis

Re: Our Telecon 23 Oct 07

We are requesting a 2008 Pontiac Montana Van with standard equipment.

We are able to purchase this van for \$22,989 taxes included-RDN decaling would be extra.

This van will be maintained as a commercial vehicle and will carry \$5,000,000 liability as do our entire fleet.

We also have a \$5,000,000 General Liability Policy.

All drivers will meet Professional driving standards as do the rest of our staff.

If you so desire we are able to report monthly as to the usage to allow for decision making at RDN.

This van would be our second van for the service area including:

Bowser, Dashwood, Qualicum Bay, Qualicum Beach, Parksville, Errington, Coombs, Nanoose Bay in short anything north of Nanaimo that falls within the boundaries of the RDN.

We would not operate in the boundaries of any community Eg: Parksville to Parksville, as we do not want to get into subsidized competition with the present commercial operators.

Our services would be specifically for non emergency medical appointments.

If you wish I would make myself available to come back to an RDN meeting to answer any questions on subjects I may have omitted.

Yours truly

Don Buchner CAVR
Executive Director
Wheels for Wellness Society
(250) 338-0196



ADMINISTRATIVE	
CAO APPROVAL	
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COW	
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RHD	
BOARD	✓ NOV 27th

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: November 22, 2007

FROM: Maureen Pearse
Senior Manager, Corporate Administration

FILE:

SUBJECT: Revised Voting Strength & Director Representation – 2006 Census Figures

PURPOSE

To advise the Board of revisions to the voting strength and director representation for the Regional District of Nanaimo based on the recently certified 2006 Canada Census figures for the participating municipalities and electoral areas.

BACKGROUND

On November 20, 2007, the Province advised that as a result of the new population figures, the Board voting strength and number of directors will be amended effective December 1, 2007. These population figures determine voting rights in accordance with Section 783 of the *Local Government Act* and the District's letters patent. As a result of these changes the revised number of directors and voting strength for each area is as follows:

<i>Jurisdiction: (Voting Unit: 2,500 population)</i>	<i>Population 2001 Census</i>	<i>Population 2006 Census</i>	<i>2001 Number of Directors</i>	<i>Revised Number of Directors</i>	<i>2001 Voting Strength</i>	<i>Revised Voting Strength</i>
Nanaimo	73,000	78,692	6	7	30	32
Parksville	10,323	10,993	1	1	5	5
Lantzville	3,538	3,661	1	1	2	2
Qualicum Beach	6,928	8,502	1	1	3	4
<i>Electoral Areas:</i>						
A	6,634	7,030	1	1	3	3
B	3,515	4,050	1	1	2	2
C	1,167	2,787	1	1	1	2
E	4,820	5,653	1	1	2	3
F	5,546	6,680	1	1	3	3
G	7,041	7,023	1	1	3	3
H	3,179	3,560	1	1	2	2
Totals:	127,016	138,631	16	17	56	61

Census figures include the following:

- population figures include people residing on Indian Reserves; and
- population figures include boundary extensions to December 31, 2006

The main change includes the increase of 1 representative to the Board from the City of Nanaimo and an increase to the voting strength by 2 for the City of Nanaimo, and by one each for the Town of Qualicum Beach and Electoral Areas C and E on weighted vote issues.

With the increase in director representation on the Board due to these latest census figures and with the possibility of a further increase in representation on the Board with First Nations representatives, the Board may wish to consider amending the voting strength to keep the number on the Board at its current size. To provide some historical information: upon incorporation of the RDN in August of 1967, the voting strength was 3,000. In February of 1973, the voting strength was amended to 2,000. In February of 1975, the voting strength was amended to 1,500 and finally in November of 1982, the voting strength was amended to 2,500 where it has remained to this day.

In order to maintain the Board at its current size of 16 Directors, if the voting strength for the RDN was based on the figure of 3,000, the representation from each jurisdiction would look like this:

<i>Jurisdiction:</i>	<i>Number of Directors 2001</i>	<i>Number of Directors 2006</i>	<i>2001 Voting Strength (2,500)</i>	<i>2006 Voting Strength (2,500)</i>	<i>2006 Voting Strength (3,000)</i>
Nanaimo	6	7	30	32	27
Parksville	1	1	5	5	4
Lantzville	1	1	2	2	2
Qualicum Beach	1	1	3	4	3
<i>Electoral Areas:</i>					
A	1	1	3	3	3
B	1	1	2	2	2
C	1	1	1	2	1
E	1	1	2	3	2
F	1	1	3	3	3
G	1	1	3	3	3
H	1	1	2	2	2
<i>Totals:</i>	16	17	56	61	52

The small change would have the City of Nanaimo retain their majority vote on weighted matters and would retain the number of members on the Board to 16.

ALTERNATIVES

1. That the Board request the Ministry of Community Services to amend the voting strength to 3,000 for the Regional District of Nanaimo.

2. That the report regarding the revised voting strength and director representation based on the 2006 census figures be received for information.

FINANCIAL IMPLICATIONS


1. There are no financial implications for alternative #1.
2. An adjustment would be required to the budget in the amount of approximately \$10,500 to provide for remuneration and travel costs associated with an additional municipal member. There may also be costs incurred if adjustments need to be made to the lay out in the Board Chambers to accommodate an additional Board member.

SUMMARY

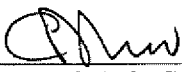
As a result of the 2006 population census figures, the voting structure and director representation for the Regional Board has been revised. The new structure takes effect on December 1, 2007. The Board may wish to consider a request to the Province to amend the voting strength to 3,000 to maintain the current size of the Board.

RECOMMENDATION

That the report regarding the revised voting strength and director representation based on the 2006 census figures be received for information and that the City of Nanaimo be requested to provide the name of their additional Board representative.



Report Writer



C.A.O. Concurrence

Regional District of Nanaimo

(incorporated August 24, 1967)

Voting Unit: 2,500 population

	Population 2006 Census	Number of Directors (voting strength/5)	Voting Strength (population/ voting unit)
Cities:			
Nanaimo	78,692	7	32
Parksville	10,993	1	5
District: Lantzville	3,661	1	2
Town: Qualicum Beach	8,502 ²	1	4
Electoral Areas:			
A	7,030 ¹	1	3
B	4,050	1	2
C	2,787 ¹	1	2
E	5,653	1	3
F	6,680	1	3
G	7,023 ²	1	3
H	3,560 ¹	1	2
Totals:	<u>138,631</u>	<u>17</u>	<u>61</u>

Populations certified by the Minister of Community Services under section 783 of the Local Government Act as per the definition of population in the Schedule to the Community Charter.

Effective December 1, 2007.

These population figures are to be used only in the determination of voting strength and Director representation.

1. Population includes people residing on Indian Reserves.

2. Includes boundary extensions to December 31, 2006.